

ORDINANCE 67168 INTRODUCED BY: ALDERMAN FREEMAN BOSLEY, SR.

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in the 15 foot wide “L” shaped alley in City Block 3545 as
3 bounded by Mary, Warne and Carter in the City of St. Louis, Missouri, as hereinafter described, in
4 accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter
5 and imposing certain conditions on such vacation.

6 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

7 **SECTION ONE:** The public surface rights of vehicle, equestrian and pedestrian travel,
8 between the rights-of-way of:

9
10 A tract of land being an alley, 15 feet wide, located in City Block 3545, City of St.
11 Louis, Missouri, and being more particularly described as follows:

12
13 Commencing at the west corner of City Block 3545, said point also
14 being the intersection of the north right-of-way line of Carter Avenue
15 (60 feet wide) and the east right-of-way line of Mary Avenue (50 feet
16 wide); thence along said east right-of-way of Mary Avenue, north 55
17 degrees 44 minutes 40 seconds east, 142.02 feet to the Actual Point
18 of Beginning; thence continuing north 55 degrees 44 minutes 49
19 seconds east, 17.09 feet to southwest corner of Lot 30 of Block 1 of
20 “Benjamin O’Fallon Subdivision”; thence along the south line of said
21 Lot 30, south 62 degrees 52 minutes 55 seconds east, 104.30 feet;
22 thence south 88 degrees 46 minutes 39 seconds east, 25.21 feet to a
23 point on the east line of Lot 31 of said Block 1; thence north 31
24 degrees 21 minutes 35 seconds east, 255.01 feet to said east right-of-
25 way line of Mary Avenue; thence along said east right-of-way, north
26 55 degrees 44 minutes 49 seconds east, 36.33 feet to a point on the
27 west line of Lot 6 of said Block 1; thence south 31 degrees 21
28 minutes 35 seconds west, 314.02 feet to the prolongation of the north
29 line of Lot 24 of said Block 1; thence north 62 degrees 52 minutes 55
30 seconds west, 147.72 feet to the POINT OF BEGINNING.

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32 are, upon the conditions hereinafter set out, vacated.
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34 **SECTION TWO:** The petitioners are Andre Hennings, Richard Littlejohn, St. Vincent

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1 DePaul Society and Land Reutilization Authority of the City of St. Louis. Vacated area will be used
2 to consolidate property for construction/development of Bosley Senior Living.

3 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by
4 the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public
5 including present and future uses of utilities, governmental service entities and franchise holders,
6 except such rights as are specifically abandoned or released herein.

7 **SECTION FOUR:** The owners of the land may, at their election and expense remove the
8 surface pavement of said so vacated alley provided however, all utilities within the rights-of-way
9 shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

10 **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders
11 shall have the right and access to go upon the land and occupation hereof within the rights-of-way
12 for purposes associated with the maintenance, construction or planning of existing or future
13 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably
14 required.

15 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)
16 vacated without: 1) lawful permit from the Building Division or Authorized City agency as
17 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental
18 service entities and franchise holders, present or future. The written consent with the terms and
19 conditions thereof shall be filed in writing with the Board of Public Service by each of the above
20 agencies as needed and approved by such Board prior to construction.

21 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities
22 of a utility, governmental service entity or franchise holder by agreement in writing with such
23 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the
24 undertaking of such removal.

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1 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within
2 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must
3 have curbing cobblestones returned to the Department of Streets in good condition.

4 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty
5 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to
6 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this
7 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if
8 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be
9 deposited by these agencies with the Comptroller of the City of St. Louis.

- 10 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
11 Water facilities, if any.
- 12 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
13 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
14 be returned.
- 15 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments
16 of the City's alley(s), sidewalk(s) and street(s) as effected by the vacated area(s) as
17 specified in Sections Two and Eight of the Ordinance.

18 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
19 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing
20 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
21 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
22 within the prescribed time the ordinance will be null and void.

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