

ORDINANCE #65568
Board Bill No. 145

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on Laclede Avenue from Compton Avenue to Grand Blvd. in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

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

A tract of land being Laclede Avenue, 60 feet wide, located between the east line of Grand Avenue, 80 feet wide, and the west line of Compton Avenue, variable width, and in Blocks 1950, 1956 and 2226 of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the point of intersection of the western prolongation of the northern line of Forest Park Avenue, with the southern prolongation of the eastern line of Grand Avenue, 80 feet wide, said point being the most western corner of a triangular dedication strip dedicated by the Mill Creek Valley Subdivision, Tract 31, a subdivision according to the plat thereof recorded in Plat Book 30, pages 6 and 7 of the records of the Recorder of Deeds Office in the City of St. Louis, Missouri; thence along the eastern line of Grand Avenue north 15 degrees 16 minutes 43 seconds east 365.27 feet to the true point of beginning of the tract of land herein described; thence continuing along the eastern line of Grand Avenue the following courses and distances; north 15 degrees 16 minutes 43 seconds east 49.58 feet and north 15 degrees 44 minutes 20 seconds east 50.59 feet to a point of curvature; thence leaving the eastern line of Grand Avenue southeasterly along a curve to the left whose radius point bears south 74 degrees 15 minutes 40 seconds east 20.00 feet an arc length of 31.73 feet to a point on the northern line of Laclede Avenue, 60 feet wide; thence along last said northern line south 75 degrees 08 minutes 48 seconds east 1993.76 feet to a point of curvature, northeasterly along a curve to the left whose radius point bears north 14 degrees 51 minutes 12 seconds east 20.00 feet an arc length of 30.71 feet to a point on the western line of Compton Avenue, variable width; thence along last said western line the following courses and distances; south 16 degrees 51 minutes 52 seconds west 58.65 feet, and south 14 degrees 47 minutes 39 seconds west 40.67 feet to a point of curvature; thence leaving the western line of Compton Avenue northwesterly along a curve to the left whose radius point bears north 75 degrees 12 minutes 21 seconds west 20.00 feet an arc length of 31.40 feet to a point on the southern line of Laclede Avenue; thence along last said southern line north 75 degrees 08 minutes 48 seconds west 1992.88 feet to a point of curvature, southwesterly along a curve to the left whose radius point bears south 14 degrees 51 minutes 12 seconds west 20.00 feet an arc length of 31.27 feet to the point of beginning and containing 122,309 square feet or 2.808 acres more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Saint Louis University will consolidate the vacated area for campus expansion and a recreational area. The following utility companies have requested easements:

Metromedia Fiber Network has buried telecommunications facilities along the south side of Laclede.

Metropolitan Sewer District has a public sewer.

Southwestern Bell Telephone, Laclede Gas and Ameren have facilities.

St. Louis City Street Lighting has facilities which may be purchased by Saint Louis University.

St. Louis City Water Division, Department of Public Utilities is requesting specific conditions based on the proposed development of a recreational area by Saint Louis University. This proposed development includes the installation of a gravel underlayment in the existing roadway and the installation of a poligrass turf overlayment on the gravel subbase. These conditions are as follows:

1. The Water Division will require easements for all of our facilities in the area of the proposed vacation allowing

for uninhibited access to Water Division facilities for the purposes of maintenance and repair of those facilities. No construction of any kind can occur on these easements without the prior review and approval of the Water Commissioner.

2. The Water Division requires that the applicant accept all liabilities, risks and costs in the event there is a water main leak or the Water Division finds it necessary to access our facilities in the event of repairs or maintenance to those facilities. The Water Division will take reasonable care in removing the poligrass and gravel prior to excavating to expose our facilities. In the event of a water main break, the flushing or use of fire hydrants, excavation or any other work related to accessing Water Division facilities, the Water Division will make all repairs necessary to place our facilities back in service and restore the site to the conditions equal that which existed prior to granting of the vacation. The applicant will be responsible for the labor, materials and all related costs in restoring any materials placed on the existing right-of-way surface after the granting of this vacation.
3. Prior to the installation of the gravel and poligrass overlayment, the Water Division will replace at our cost the portion of thirty-six (36) inch steel water main that runs north/south across the Laclede Avenue right-of-way in vacated Ranken Avenue and vacated Channing Avenue (north).
4. It is recommended that all precautions necessary be taken to protect the twenty (20) inch water main in Laclede. It is understood Saint Louis University chooses not to pursue any modifications of the twenty (20) inch water main at this time.
5. With the proposed use of the vacated Laclede Avenue for recreational purposes, and the design of the poligrass overlayment being placed directly on Water Division valve box frame and covers, the Water Division will require that the City and the Water Division to be held harmless for potential injuries and other damages related to all Water Division facilities that will remain within the vacated right-of-way, excepting there from any negligence and/or willful misconduct of the City or the Water Division.

It is the City's understanding that Saint Louis University has agreed to the Water Division's conditions as stated above.

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

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

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

SECTION SIX: The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

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

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and

benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance 365 days (1 year) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Approved: July 12, 2002