

ORDINANCE #67081
Board Bill No. 154

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on Clemens from Rosedale to Skinker and Rosedale from Enright to Skinker 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 part of Clemens Avenue, 60 feet wide, and part of Rosedale Avenue, 60 feet wide, adjoining Blocks 4850 E, 4851 E, 4854 and 4855 of the City of St. Louis, Missouri, and being more particularly described as follows:

Beginning at the intersection of the north line of Enright Avenue, 60 feet wide, with the southwest line of Rosedale Avenue, 60 feet wide; thence along said southwest and west lines of Rosedale Avenue along a curve to the right whose radius point bears north 37 degrees 39 minutes 24 seconds east 430.00 feet from the last mentioned point, a distance of 397.99 feet and north 00 degrees 41 minutes 13 seconds east 48.07 feet to the south line of Clemens Avenue, 60 feet wide; thence along said south line north 83 degrees 00 minutes 21 seconds west 165.24 feet to the east line of Skinker Boulevard, 80 feet wide; thence along said east line and crossing Clemens Avenue along a curve to the right whose radius point bears south 76 degrees 01 minute 02 seconds east 1,564.00 feet from the last mentioned point, a distance of 60.61 feet to the north line of aforementioned Clemens Avenue; thence along said north line south 83 degrees 00 minutes 21 seconds east 150.07 feet to the aforementioned west line of Rosedale Avenue; thence along said west line north 00 degrees 41 minutes 13 seconds east 315.55 feet and along a curve to the left whose radius point bears north 89 degrees 18 minutes 47 seconds west 15.00 feet from the last mentioned point, a distance of 39.90 feet to the aforementioned east line of Skinker Boulevard; thence along said east line along a curve to the right whose radius point bears south 61 degrees 43 minutes 17 seconds east 1,564.00 feet from the last mentioned point, a distance of 86.80 feet to the intersection with the direct westwardly prolongation of a northern line of property described in the deed to the Washington University recorded in Book 12152003 Page 0134 of the City of St. Louis Records; thence along said direct westwardly prolongation of said northern line south 89 degrees 29 minutes 58 seconds east 45.98 feet to the east line of aforementioned Rosedale Avenue; thence along said east and northeast lines of Rosedale Avenue south 00 degrees 41 minutes 13 seconds west 506.85 feet and along a curve to the left whose radius point bears south 89 degrees 18 minutes 47 seconds east 370.00 feet from the last mentioned point, a distance of 354.24 feet to the south line of said property of the Washington University; thence departing said northeast line of Rosedale Avenue and crossing Rosedale Avenue south 48 degrees 44 minutes 04 seconds west 61.33 feet to the point of beginning and containing 62,870 square feet according to a survey by EFK Moen, L.L.C. during March and April 2005.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Washington University will use the vacated streets for land consolidation.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated streets, 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 streets 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 owner(s) shall not place any improvement upon, over or in the area(s) vacated without: 1) lawful permit from the Building Division or Authorized City agency as governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental service entities and franchise holders, present or future. The written consent with the terms and conditions thereof shall be filed in writing with the Board of Public Service by each of the above agencies as needed and approved by such Board prior to construction.

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. Owner(s) must have curbing cobblestones returned to the Department of Streets in good condition.

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

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

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

Approved: May 2, 2006