

**BOARD BILL #264**

**INTRODUCED BY: ALDERMAN JOSEPH RODDY**

1 An ordinance recommended by the Board of Public Service to conditionally vacate above surface,  
2 surface and sub-surface rights for vehicle, equestrian and pedestrian travel in a 5' x 10' section of  
3 sidewalk on Children's Place, west of Taylor, adjacent to City Block 4781-S in the City of St. Louis,  
4 Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with  
5 Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

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

9  
10 A parcel of land being a part of Children's Place, 60 feet wide, adjoining Blocks  
11 4781-N and 4781-S of the City of St. Louis, Missouri, being more particularly  
12 described as follows:

13  
14 Commencing at the Northerly most northeast corner of Lot "A1" of  
15 City Block 4781S Audubon Place Consolidation Plat as recorded in  
16 Plat Book 06102015 Page 0035 of the Office of the Recorder of  
17 Deeds in the City of Saint Louis, Missouri; thence South 78 degrees  
18 09 minutes 59 seconds West, along the Northerly line of said Lot  
19 "A1", also being the Southerly line of said Children's Place, 163.33  
20 feet to a point of curvature: thence Southwesterly 41.43 feet along the  
21 last described line, being the arc of a tangent circle to the right,  
22 having a radius of 100.00 feet, a chord bearing of South 89 degrees  
23 57 minutes 54 seconds West and a chord length of 41.13 feet; thence  
24 North 74 degrees 59 minutes 35 seconds West along the last  
25 described line, 61.08 feet to the Point of Beginning; thence  
26 continuing North 74 degrees 59 minutes 35 seconds West along the  
27 previously described line, 10.00 feet; thence North 15 degrees 00  
28 minutes 25 seconds West, 5.00 feet to a point on a line 5.00 feet  
29 North of and parallel with said South line of Children's Place; thence  
30 South 74 degrees 59 minutes 35 seconds East, 10.00 feet; thence  
31 South 15 degrees 00 minutes 25 seconds West, 5.00 feet to the Point  
32 of Beginning.

33  
34 are, upon the conditions hereinafter set out, vacated.

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1           **SECTION TWO:** Petitioner is The Washington University. Vacation will be used for  
2 elevated, enclosed pedestrian walkway.

3           **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by  
4 the foregoing conditionally vacated sidewalk, 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 sidewalk 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 affected 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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