

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for  
2 vehicle, equestrian and pedestrian travel in Hickory Street from Grand Avenue westwardly 248.52  
3 feet to the centerline of Motard Avenue and the eastern 30 feet of Motard Avenue from Hickory  
4 Street north 148.33 feet to a section of Motard Avenue in the City of St. Louis, Missouri, as  
5 hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of  
6 Article XXI of the Charter and imposing certain conditions on such vacation.

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

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

10 A parcel of ground in City Blocks 2180 and 2179-B, in the City of St. Louis,  
11 Missouri, more particularly described as follows:

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13  
14 Beginning at the western line of Grand Avenue, 80 feet wide with the  
15 Northern line of Hickory Street, 60 feet wide; thence South 00  
16 degrees 19 minutes 56 seconds West 60.00 feet, along the Western  
17 line of said Grand Avenue, to the Southern line of said Hickory  
18 Street, to a point; thence North 89 degrees 53 minutes 58 seconds  
19 West 248.52 feet, along the Southern line of said Hickory Street, to a  
20 point being the centerline of the Motard Avenue, 60 feet wide; thence  
21 North 00 degrees 10 minutes 49 seconds East 208.90 feet, along the  
22 centerline of said Motard Avenue, to a point being in the Northern  
23 line of said Motard Avenue also being in the Southern line of former  
24 Motard Avenue, 60 feet wide vacated by Ordinance 42405 and  
25 37589; thence South 89 degrees 45 minutes 56 seconds East 30.00  
26 feet, along the Northern line of said Motard Avenue also being in the  
27 Southern line of said former Motard Avenue, to the Northeastern  
28 corner of said Motard Avenue also being in the Southeastern corner  
29 of said former Motard Avenue, to a point; thence South 00 degrees  
30 10 minutes 49 seconds West 148.83 feet, along the Eastern line of  
31 said Motard Avenue, to the Northern line of said Hickory Street, to a  
32 point; thence South 89 degrees 53 minutes 58 seconds East 218.68  
33 feet, along the Northern line of said Hickory Street to the Western  
34 line of said Grand Avenue and to the Point of Beginning and

1 containing 19,382 square feet as prepared by Pitzman's Company.

2  
3 are, upon the conditions hereinafter set out, vacated.

4 **SECTION TWO:** Saint Louis University will use vacated area to consolidate property for  
5 future development.

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

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

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

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

24 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities  
25 of a utility, governmental service entity or franchise holder by agreement in writing with such

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1 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the  
2 undertaking of such removal.

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

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

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

20 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director  
21 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing  
22 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit  
23 will be forwarded to the Board of Public Service for acceptance. Once the Board of Public Service  
24 has accepted the affidavit, the Director of Streets will give notice to have the affidavit and mylar

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1 recorded. If the affidavit is not recorded within the prescribed time, the ordinance will be null and  
2 void.

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