

1 An ordinance recommended by the Board of Public Service to vacate above surface, surface and
2 sub-surface rights for vehicle, equestrian and pedestrian travel in Dillon from Carroll northwardly
3 140 feet to a point previously vacated in City Block 1250 and 1251 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 tract of land being part of Dillon Street between City Blocks 1250 and 1251 of the
11 City of St. Louis extending Northwardly to the Southern line of Lot 4 of Carroll-
12 Dillon Boundary Adjustment Plat as recorded in Plat Book 07162008 Page 0142 of
13 the City of St. Louis Land Records being more particularly described as follows:
14

15 Beginning at a point being the Southeast corner of Lot 1 of said
16 Carroll-Dillon Boundary Adjustment Plat being on the Northern right
17 of way line of Carroll Street (60'W) and the Western right of way
18 line of Dillon Street (60'); thence along the Western right of way line
19 of Dillon Street, North 08 degrees 55 minutes 52 seconds East a
20 distance of 140.00 feet to a point being the Southwest corner of Lot
21 4; thence along the Southern line of said Lot 4, South 81 degrees 06
22 minutes 13 seconds East a distance of 60.00 feet to a point on the
23 Eastern right of way line of Dillon Street' thence along the said line
24 South 08 degrees 55 minutes 52 seconds West a distance of 140.00
25 feet to a point on the Northern right of way line of Carroll Street;
26 thence North 81 degrees 06 minutes 13 seconds West a distance of
27 60.00 feet to the point of beginning containing 8,400 square feet or
28 0.19 acres more or less.

29
30 are, upon the conditions hereinafter set out, vacated.
31

32 **SECTION TWO:** Petitioners are AT Still University of Health Sciences and CH Powers
33 Plant LLC. Vacated area will be used to consolidate property for parking. The Water Division has a

1 6" water main with appurtenances in Dillon in the area of the proposed vacation and as shown on the
2 accompanying drawings. The Water Division will require an easement for our existing facilities
3 allowing for uninhibited access for the purposes of maintenance and repair, uninhibited use of the
4 fire hydrant both by the Water Division and by the Fire Department and access to the meter vaults
5 for the existing service connections off of the water main within the proposed vacated area. Nor
6 construction of any kind can occur on or above the water main and appurtenances without the prior
7 review and approval of the Water Commissioner.

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

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

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

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

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1 agencies as needed and approved by such Board prior to construction.

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

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

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

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

23 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
24 of Streets for review of compliance with conditions one year (365 days) from the date of the signing

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1 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
2 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
3 within the prescribed time the ordinance will be null and void.

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