

**ORDINANCE #66151**  
**Board Bill No. 365**

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in a 10 foot wide public walk located in City Block 4583 beginning at Olive and continuing northwardly 152.395 feet to the 20 foot wide east/west alley in City Block 4583 as bounded by Washington, Whittier, Olive and Boyle 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 lying in the City of St. Louis, Missouri and being all of a 10 foot wide public walk in City Block 4583 and being more particularly described as follows:

Commencing at the intersection of the westerly right-of-way line of Whittier Street, 60 feet wide and the northerly right-of-way line of Olive Street 60 feet wide, said intersection also being the southeasterly corner of said City Block 4583; thence along said northerly right-of-way line, north 60 degrees 52 minutes 04 seconds west, a distance of 382.76 feet to the southwesterly corner of a tract of land conveyed to Slayden H. Harris, as recorded in Deed Book M253, Page 1681 of the Land Records of said City of St. Louis, also being the TRUE POINT OF BEGINNING for the tract herein described; thence continuing said northerly right-of-way line, north 60 degrees 52 minutes 04 seconds west, a distance of 10.00 feet to the southeasterly corner of a tract of land conveyed to L.R.A., as recorded in Deed Book M980, Page 958 of said Land Records; thence leaving said northerly right-of-way line and along the easterly line of said L.R.A. tract, north 29 degrees 38 minutes 23 seconds east, a distance of 152.39 feet to the northeasterly corner of said L.R.A. tract, also being on the southerly right-of-way line of a 20 foot alley; thence along said southerly right-of-way line, south 60 degrees 55 minutes 00 seconds east, a distance of 10.00 feet to the northwesterly corner of aforementioned Harris tract; thence leaving said southerly right-of-way line and along the westerly line of said Harris tract, south 29 degrees 38 minutes 23 seconds west, a distance of 152.40 feet to the POINT OF BEINNING. Containing 1,524 square feet (0.03 acres) according to a survey by J.R. Grimes Consulting Engineers, Inc.

are, upon the conditions hereinafter set out, vacated.

**SECTION TWO:** Gaslight Square Developers, LLC. will use vacated area consolidate property for residential development of Gaslight Square.

**SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated public walkway, 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 public walkway 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, 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 be submitted to the Board of Public Service for acceptance three hundred sixty- five(365) days 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: February 9, 2004**