ORDINANCE #67083
Board Bill No. 367

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in A portion of East Road beginning at the north right-of-way line of Wise and extending southwardly ? 274.3 feet to appoint and a portion of Wise from the west right-of-way line of East Road westwardly ? 90.15 feet in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section l4 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 Wise Avenue and East Avenue adjoining Blocks 3996, 3999 and 4000 of the City of St. Louis, Missouri, and being more particularly described as follows:

> Beginning at a point on the eastern line of East Avenue, 40 feet wide said point also being the southwest corner of readjusted Lot 1 of "CONSOLIDATION PLAT OF A TRACT OF LAND BEING ADJUSTED LOT 1 OF THE BOUNDARY ADJUSTMENT PLAT OF ALL OF LOTS A AND B OF THE RESUBDIVISION OF LOTS 19, 20 AND 21 OF GRATIOT PLACE AND PART OF BLOCK 3996 OF THE CITY OF ST. LOUIS", as recorded in Plat Book 08302005 Page 176 of the City of St. Louis records; thence crossing East Avenue north 83 degrees 31 minutes 51 seconds west 40.00 feet, to a point on the western line of said East Avenue, thence along last said western line north 06 degrees 28 minutes 09 seconds east 224.13 feet to a point on the southern line of Wise Avenue 50 feet wide; thence along last said southern line north 8e degrees 05 minutes 46 seconds west 90.30 feet; thence departing last said southern line and crossing said Wise Avenue, north 06 degrees 54 minutes 14 seconds east 50.00 feet to a point on the northern line of said Wise Avenue; thence along last said northern line south 83 degrees 05 minutes 46 seconds east 89.92 feet to a point on the western line of East Avenue as vacated by Ordinance No. 66811 of the City of St. Louis; thence crossing said East Avenue as vacated south 83 degrees 31 minutes 51 seconds east 40.00 feet to a point on the eastern line of said East Avenue; thence along last said eastern line south 06 degrees 28 minutes 09 seconds west 274.13 feet to the Point of Beginning and containing 15,470 square feet or 0.355 acres more or less according to calculations performed by Stock and Associates, Inc. on October 13, 2005.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Vacated areas will be used to expand St. Louis University High School's campus.

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