

**BOARD BILL # 80**

**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 1) Cairns Pl. from  
 3 Clayton Ave. southwardly  $\cong 177' \pm 17'$  to terminus. 2) 15 foot wide east/west alley in City Block  
 4 4591-W from Cairns Pl. eastwardly 115 ft. to a point and bounded by Oakview Place, Berthold  
 5 Ave., Hampton Ave., Clayton Ave. and Oakland Ave. in the City of St. Louis, Missouri, as  
 6 hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of  
 7 Article XXI of the Charter and imposing certain conditions on such vacation.

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

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

11  
 12 A tract of land being Cairns Place, 50 feet wide and part of a 15 feet wide alley,  
 13 located in City Block 4591-W of the City of St. Louis, Missouri being more  
 14 particularly described as follows:

15  
 16 Beginning at the intersection of the southeastern right-of-way line of  
 17 Clayton Avenue, variable width, with the western right-of-way line  
 18 of above said Cairns Place; thence continuing on the direct  
 19 northeastern prolongation of said southeastern right-of-way line north  
 20 62 degrees 13 minutes 30 seconds east, 61.27 feet to its intersection  
 21 with the eastern right-of-way line of said Cairns Place, said point also  
 22 being the northwest corner of a tract of land as conveyed to TPH  
 23 Holdings, LLC by instrument recorded in Book 12312012, page 134  
 24 of the City of St. Louis Records; thence along said eastern right-of-  
 25 way line, south 07 degrees 32 minutes 00 seconds west, 62.08 feet its  
 26 intersection with the northern right-of-way line of a 15 feet wide  
 27 alley; thence along said northern right-of-way line, south 82 degrees  
 28 32 minutes 15 seconds east, 115.09 feet thence departing last said  
 29 right-of-way line, south 07 degrees 27 minutes 45 seconds west,  
 30 15.00 feet to the southern right-of-way line of said 15 feet wide alley;  
 31 thence along said southern right-of-way line, north 82 degrees 32  
 32 minutes 15 seconds west, 115.11 feet to the western right-of-way line  
 33 of said Cairns Place; thence along said western right-of-way line,  
 34 south 07 degrees 32 minutes 00 seconds west, 117.60 feet to the  
 35 southeast corner of said Cairns Place; thence along the southern

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1 right-of-way line of said Cairns Place, north 82 degrees 30 minutes  
2 00 seconds west 50.00 feet to the southwest corner of said Cairns  
3 Place; thence along the western right-of-way line of said Cairns  
4 Place, north 07 degrees 32 minutes 00 seconds east, 159.30 feet to the  
5 Point of Beginning and containing 10,576 square feet or 0.242 acres  
6 more or less.

7  
8 are, upon the conditions hereinafter set out, vacated.

9 **SECTION TWO:** TPH Holdings, LLC will use vacated area to consolidate property for  
10 retail development.

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

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

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

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

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1 conditions thereof shall be filed in writing with the Board of Public Service by each of the above  
2 agencies as needed and approved by such Board prior to construction.

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

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

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

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

24 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director

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1 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing  
2 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit  
3 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted  
4 within the prescribed time the ordinance will be null and void.

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