

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for  
2 vehicle, equestrian and pedestrian travel in 1) Virginia Ave. from Caroline St. northwardly 320 feet  
3 to a point being the northern right-of-way line of Rutger St. and the portion of Virginia Ave.  
4 previously vacated by Ord. 68689. 2) Virginia Ave. from Caroline St. southwardly 124 feet to a  
5 point beginning the northern right-of-way line of east/west alley in City Blocks 2157-N and 2166 in  
6 the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in  
7 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such  
8 vacation.

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

10 SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel,  
11 between the rights-of-way of:

12  
13 A parcel of ground in City Block 2158, 2159, 2164 and 2165, in the City of St.  
14 Louis, Missouri, more particularly described as follows:

15  
16 Beginning at the eastern line of Virginia Avenue, 50 feet wide, with  
17 the northern line of Caroline Street, 55 feet wide; thence north 74  
18 degrees 43 minutes 00 seconds west 50.00 feet, to the western line of  
19 said Virginia Avenue, to a point; thence north 15 degrees 00 minutes  
20 00 seconds east 320.00 feet, along the western line of said Virginia  
21 Avenue produced, to the northern line of Rutger Street, 55 feet wide,  
22 also being to the southern line of former Virginia Avenue, 50 feet  
23 wide, vacated by Ordinance 68689, to a point; thence south 74  
24 degrees 43 minutes 00 seconds east 50.00 feet, along the northern  
25 line of said Rutger Street, also being to the southern line of said  
26 former Virginia Avenue, to the eastern line of said Virginia Avenue  
27 produced, to a point; thence south 15 degrees 00 minutes 00 seconds  
28 west 320.00 feet, along the eastern line of said Virginia Avenue  
29 produced, to the northern line of said Caroline Street, and to the point  
30 of beginning and containing 16,000 square feet as prepared by  
31 Pitzman's Company.

32  
33 A parcel of ground in City Block 2157-N and 2166, in the City of St. Louis,

1 Missouri, more particularly described as follows:  
2

3 Beginning at the eastern line of Virginia Avenue, 50 feet wide, with  
4 the southern line of Caroline Street, 55 feet wide; thence south 15  
5 degrees 00 minutes 00 seconds west 124.00 feet, along the eastern  
6 line of said Virginia Avenue, to the northern line of an east/west  
7 alley, 15 feet wide, to a point; thence north 74 degrees 43 minutes 00  
8 seconds west 50.00 feet, to the western line of said Virginia Avenue,  
9 to a point; thence north 15 degrees 00 minutes 00 seconds east  
10 124.00 feet, along the western line of said Virginia Avenue, to the  
11 southern line of said Caroline Street, to a point; thence south 74  
12 degrees 43 minutes 00 seconds east 50.00 feet, to the eastern line of  
13 said Virginia Avenue, and to the point of beginning and containing  
14 6,191 square feet as prepared by Pitzman's Company.  
15

16 are, upon the conditions hereinafter set out, vacated.

17 **SECTION TWO:** Saint Louis University will use vacated area to expand its campus. It is  
18 the University's intent to maintain vehicular and pedestrian access through Rutger Street to ensure  
19 access to the Center for Advanced Dental Education. The Water Division will require easements for  
20 the mains and appurtenances to allow for uninhibited access for maintenance and repair. No  
21 construction of any kind can occur on or over these easements without the prior review and approval  
22 of the Water Commissioner. If these conditions are not met, then the applicant would be responsible  
23 for the cost related to capping out and abandoning the water main and appurtenances.

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

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

31 **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders

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1 shall have the right and access to go upon the land and occupation hereof within the rights-of-way  
2 for purposes associated with the maintenance, construction or planning of existing or future  
3 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably  
4 required.

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

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

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

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

- 24 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of

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

8 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director  
9 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing  
10 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit  
11 will be forwarded to the Board of Public Service for acceptance. Once the Board of Public Service  
12 has accepted the affidavit, the Director of Streets will give notice to have the affidavit and mylar  
13 recorded. If the affidavit is not recorded within the prescribed time, the ordinance will be null and  
14 void.

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