

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in an irregular portion of Children's Place west of Taylor in
3 the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in
4 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such
5 vacation.

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

7 **SECTION ONE:** The public surface rights of vehicle, equestrian and pedestrian travel,
8 between the rights-of-way of:

9
10 A tract of land being part of Children's Place (60'W) between City Block 4781-S and
11 City Block 4781-N, City of St. Louis, Missouri and being more particularly
12 described as follows:

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14 Commencing at the Southeast corner of a tract conveyed to St. Louis
15 College of Pharmacy by deed recorded on December 21, 1973, Daily
16 Number 61 of the City of St. Louis record, said point being on the
17 North line of Children's Place (60'W); thence South 75 degrees 02
18 minutes 23 seconds East along said North right of way line a distance
19 of 133.09 feet to the point of beginning of the tract to be described:
20 thence continuing South 75 degrees 02 minutes 23 seconds East
21 along the Northern right of way line of Children's Place, a distance of
22 67.04 feet to a point; thence North 15 degrees 01 minutes 53 seconds
23 East along the Northern right of way line of Children's Place a
24 distance of 23.96 feet to a point; thence along a curve to the right
25 having a radius of 20.00 feet an arc distance of 12.66 feet the chord
26 bearing and distance being South 27 degrees 34 minutes 08 seconds
27 East 12.45 feet to a point in the West right of way line of Taylor
28 Avenue (60'W); thence along a curve to the right having a radius of
29 447.50 feet an arc distance of 86.59 feet the chord bearing and
30 distance being South 03 degrees 53 minutes 39 seconds East 86.46
31 feet to a point; thence leaving said Western right of way line of
32 Taylor Avenue, North 36 degrees 03 minutes 55 seconds West along
33 the Southern right of way line of Children's Place, a distance of 11.13
34 feet to a point; thence continuing along the Southern right of way
35 line of Children's Place, North 75 degrees 00 minutes 08 seconds

1 West a distance of 232.04 feet to a point; thence leaving said right of
2 way line along a curve to the left having a radius of 100.00 feet an arc
3 distance of 41.43 feet the chord bearing and distance being South 89
4 degrees 58 minutes 27 seconds East 41.13 feet to a point; thence
5 North 78 degrees 09 minutes 26 seconds East a distance of 109.27
6 feet to the point of beginning and containing 9,393 square feet, more
7 or less.

8
9 are, upon the conditions hereinafter set out, vacated.
10

11 **SECTION TWO:** Washington University used vacated area to realign Children's Place at
12 Taylor for the purpose of improving vehicular circulation. Additional right-of-way was constructed
13 per Board of Public Service Permit #109119. The dedication of same was recorded October 3, 2005.

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

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

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

26 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)
27 vacated without: 1) lawful permit from the Building Division or Authorized City agency as
28 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental

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1 service entities and franchise holders, present or future. The written consent with the terms and
2 conditions thereof shall be filed in writing with the Board of Public Service by each of the above
3 agencies as needed and approved by such Board prior to construction.

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

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

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

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

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

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