

1 An ordinance recommended by the Board of Public Service to vacate above surface, surface and
2 sub-service rights for vehicle, equestrian and pedestrian travel in 1. A 30 foot portion of Wise
3 between Kingshighway and Brother Thornton Way (vac.) abutting 4946 and 4947 Wise (aka Lot 13
4 in City Block 3996 and Lot 59 in City Block 5592). 2. A 30 foot portion of the 15 foot wide
5 east/west alley in City Block 5592 abutting 4947 Wise etc. 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 part of Wise Avenue, 50 feet wide, adjacent to located City
13 Block 3996 as established by Boulevard & Park Subdivision, a subdivision
14 according to the plat thereof as recorded in Plat Book 18, Page 134 of the St. Louis
15 City Records, City of St. Louis, Missouri, being more particularly described as
16 follows:

17
18 Beginning at the southeast corner of that part of Wise Avenue, 50 feet
19 wide, as vacated by City Ordinance No. 69941, said point also being
20 located on the south right-of-way line of said Wise Avenue; thence
21 along the east line of said vacation, North 07 degrees 22 minutes 43
22 seconds East, 50.00 feet to the north right-of-way line of said Wise
23 Avenue; thence along said right-of-way line, South 83 degrees 01
24 minutes 47 seconds East, 30.00 feet; thence departing said right-of-
25 way line, South 07 degrees 22 minutes 43 seconds West, 50.00 feet to
26 the south right-of-way line of Wise Avenue; thence along said right-
27 of-way line, North 83 degrees 01 minutes 47 seconds West, 30.00
28 feet to the Point of Beginning and containing 1,500 square feet or
29 0.034 acres more or less.

30
31 A tract of land being part of a 15 feet wide Alley, located in City Block 5592, as
32 established by Boulevard & Park Subdivision according to the plat thereof as
33 recorded in Plat Book 18, Page 134 of the St. Louis City Records, City of St. Louis,
34 Missouri being more particularly described as follows:

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1
2 Beginning at the northeastern corner of Lot 59 of above said
3 subdivision, said point also being located on the south right-of-way
4 line of above said 15 feet wide Alley; thence along said right-of-way
5 line, North 83 degrees 01 minutes 47 seconds West, 30.00 feet to the
6 east line of that part of said Alley as vacated by City Ordinance NO.
7 66811, thence along said east line, North 07 degrees 22 minutes 43
8 seconds East, 15.00 feet to the north right-of-way line of said 15 feet
9 wide Alley; thence along said right-of-way line, South 83 degrees 01
10 minutes 47 seconds East, 30.00 feet; thence departing said right-of-
11 way line, South 07 degrees 22 minutes 43 seconds West, 15.00 feet to
12 the Point of Beginning and containing 450 square feet or 0.010 acres
13 more or less.

14
15 are, upon the conditions hereinafter set out, vacated.

16 **SECTION TWO:** Saint Louis University High School will use vacated area to consolidate
17 property.

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

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

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

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

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

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

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

- 20 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
21 Water facilities, if any.
- 22 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
23 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
24 be returned.

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1 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments
2 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as
3 specified in Sections Two and Eight of the Ordinance.

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