

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 17th Street from
3 Washington Ave. to St. Charles Street in the City of St. Louis, Missouri, as hereinafter described, in
4 accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter
5 and imposing certain conditions on such vacation.

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

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

9
10 A tract of land being 17th Street, 50 feet wide, between the North line of St. Charles,
11 38 feet 6 inches wide and the South line of Washington Avenue, 80 feet wide,
12 bounded East by City Block 831 and West by City Block 830 of the City of St.
13 Louis, Missouri, and being more particularly described as follows:

14
15 Beginning at the intersection of said South line of Washington
16 Avenue, 80 feet wide, with the West line of said 17th Street, 50 feet
17 wide, also being the Northeast corner of said City Block 830; thence
18 Eastwardly along the prolongation of the Southerly line of said
19 Washington Avenue, South 86 degrees 07 minutes 03 seconds East,
20 50.00 feet to the East line of 17th Street, also being the Northwest
21 corner of said City Block 831; thence along the East line of 17th
22 Street, South 03 degrees 53 minutes 23 seconds West, 150.00 feet to
23 the North line of said St. Charles Street, also being the Southeast
24 corner of said City Block 831; thence Westwardly along the
25 prolongation of said St. Charles, North 86 degrees 07 minutes 03
26 seconds West, 50.00 feet to the West line of said 17th Street, also
27 being the Southeast corner of City Block 830; thence Northwardly
28 along the West line of said 17th Street, North 03 degrees 53 minutes
29 23 seconds East, 150.00 feet to the Point of Beginning, according to
30 Survey Number 20622, executed by James Surveying Company,
31 during the month of February, 2016 and containing 7,500 square feet,
32 more or less.

33
34 are, upon the conditions hereinafter set out, vacated.

35 **SECTION TWO:** Monogram Building LLC will use vacated area to improve safety and

1 security.

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

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

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

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

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

24 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within

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1 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must
2 have curbing cobblestones returned to the Department of Streets in good condition.

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

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

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

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