

**BOARD BILL NO. 130 INTRODUCED BY: ALDERWOMAN MARLENE DAVIS**

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for  
2 vehicle, equestrian and pedestrian travel in Vista Ave. from Carr Lane to Grand in the City of St.  
3 Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity  
4 with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

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

8  
9 A strip of land adjoining Block 1278-A & 1278-B, of the City of St. Louis, Missouri,  
10 more particularly described as follows:

11  
12 Beginning at the point of intersection of the eastern line of Grand  
13 Boulevard, 100 feet wide, with the southern line of Vista Avenue, 60  
14 feet wide; thence north 15 degrees 40 minutes 30 seconds east 60.00  
15 feet, along the eastern line of said Grand Boulevard, to northern line  
16 of said Vista Avenue; thence south 74 degrees 43 minutes 00  
17 seconds east 258.00 feet, along the northern line of said Vista  
18 Avenue, to the western line of Carr Lane Avenue, 40 feet wide;  
19 thence south 15 degrees 40 minutes 30 seconds west 60.00 feet, along  
20 the western line of said Carr Lane Avenue, to the southern line of  
21 said Vista Avenue; thence north 74 degrees 43 minutes 00 seconds  
22 west 258.00 feet, along the southern line of said Vista Avenue, to the  
23 point of beginning and containing 15,480 square feet.

24  
25 are, upon the conditions hereinafter set out, vacated.

26  
27 **SECTION TWO:** Vacated area will be used to consolidate property for St. Louis  
28 University.

29 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by  
30 the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public  
31 including present and future uses of utilities, governmental service entities and franchise holders,

1 except such rights as are specifically abandoned or released herein.

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

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

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

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

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

23 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty  
24 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to

Date: May 24, 2007

Page 2 of 3

Board Bill # 130

Sponsor: Alderwoman Marlene Davis

1 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this  
2 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if  
3 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be  
4 deposited by these agencies with the Comptroller of the City of St. Louis.

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

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