

**BOARD BILL NO. 135 INTRODUCED BY: ALDERWOMAN MARLENE DAVIS**

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 an irregular width  
3 portion of Enright from Grand westwardly approximately 170.45 feet to a point and adjacent to City  
4 Blocks 2288-NB and 2289 in the City of St. Louis, Missouri, as hereinafter described, in accordance  
5 with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing  
6 certain conditions on such vacation.

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

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

10  
11 A tract of land being part of City Block 2289 and part of Enright Avenue between  
12 City Block 2288-N.B. and City Block 2289 in St. Louis City, Missouri and being  
13 more particularly described as follows:

14  
15 Beginning at a point at the intersection of the west right-of-way line  
16 of Grand (80'W) Ave. and the south right-of-way line of Enright  
17 (60'W) Ave.; thence continuing along the south right-of-way line of  
18 said Enright Ave. north 60 degrees 53 minutes 02 seconds west a  
19 distance of 170.45' feet to a cut cross at the northeast corner of  
20 property conveyed to Five Star Realty, Inc. property recorded in deed  
21 book 07221966 page 82 of the City of St. Louis records; thence  
22 leaving the south right-of-way line of Enright Ave. North 29 degrees  
23 42 minutes 32 seconds East a distance 60.00 feet to a set iron rod on  
24 the north right-of-way line of said Enright Ave.; thence continuing  
25 along the north right-of-way line said Enright Ave. South 60 degrees  
26 53 minutes 00 seconds East a distance 41.08 feet to a set iron rod;  
27 thence continuing along said north right-of-way line along a curve to  
28 the left having a radius of 200.00 feet and a arc length of 108.38 feet  
29 to a set iron rod; thence continuing along said north right-of-way line  
30 North 88 degrees 03 minutes 58 seconds East a distance of 21.67'  
31 feet to a cut cross being the northwest intersection of said Enright  
32 (60'W) Ave. and Grand (80'W) Ave.; thence leaving said north right-  
33 of-way line of Enright Ave. and continuing south along the west  
34 right-of-way line of Grand Ave. South 23 degrees 54 minutes 58

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1 seconds West a distance of 79.82 feet to set R/R spike; thence South  
2 29 degrees 42 minutes 32 seconds West a distance of 20.34 feet to a  
3 cut cross, said cross also being the Point of Beginning with said of  
4 the herein described tract and containing 11,811 square feet, or 0.27  
5 acres, and being subject to deeds, easements, and restrictions of  
6 record.

7  
8 are, upon the conditions hereinafter set out, vacated.  
9

10 **SECTION TWO:** Vacation petitioned by Grand Center Inc. and Veterans Administration  
11 Medical Center (aka USA Veterans Hospital). Area will be consolidated for a parking garage  
12 development. Petitioners must submit signal modifications, signage and striping plans to the Street  
13 Department, Traffic Division for approval prior to the affidavit being approved and recorded.

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 2 years from the date of the signing and approval  
3 of this ordinance. Once the Director of Streets has verified compliance, the affidavit will be  
4 forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted within the  
5 prescribed time the ordinance will be null and void.