

**BOARD BILL NO. 151 INTRODUCED BY: ALDERMAN WILLIAM WATERHOUSE**

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for  
2 vehicle, equestrian and pedestrian travel in Wilson from Esther to Sulphur and adjoining City Block  
3 5473 in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter  
4 authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain  
5 conditions on such 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 Wilson Ave. (40' wide) adjacent to Lots 10 thru 17 in Block 3 of Clifton Dale  
11 subdivision in U.S. Survey 2037, City block 5473, St. Louis City, Missouri, and  
12 described as follows:

13  
14 Beginning at the northeast corner of Lot 17 of Block 3 of Clifton  
15 Dale Subdivision, said point also being the southeast corner of a  
16 portion of Wilson Ave. (40' wide); thence north 15 degrees 06  
17 minutes 15 seconds east 40.00 feet to a point being the northern right-  
18 of-way line of Wilson Ave.; thence north 75 degrees 44 minutes 47  
19 seconds west 244.10 feet to a point along said northern line; thence  
20 south 15 degrees 11 minutes 03 seconds west 40.01 feet to a point  
21 being the northwest corner of Lot 10 of Block 3 of Clifton Dale  
22 Subdivision; thence south 75 degrees 44 minutes 47 seconds east  
23 244.10 feet along said south line to the point of beginning.

24  
25 are, upon the conditions hereinafter set out, vacated.  
26

27 **SECTION TWO:** Drury Development corp. will use the vacated area to construct a new  
28 hotel. Wilson Ave. will be relocated northwardly. A separate application to construct Wilson must  
29 be submitted to the Board of public Service. Once constructed, a dedication plat must be submitted  
30 to the Board of Public Service for approval, after which time, the dedication mylar may be recorded.

31 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by

1 the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public  
2 including present and future uses of utilities, governmental service entities and franchise holders,  
3 except such rights as are specifically abandoned or released herein.

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

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

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

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

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

Date: June 30, 2006

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Sponsor: Alderman William Waterhouse

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

7           1)     CITY WATER DIVISION to cover the full expenses of removal and/or relocation of  
8           Water facilities, if any.

9           2)     CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of  
10           removal, relocation and/or purchase of all lighting facilities, if any. All street signs must  
11           be returned.

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

15           **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director  
16 of Streets for review of compliance with conditions 2 years from the date of the signing and approval  
17 of this ordinance. Once the Director of Streets has verified compliance, the affidavit will be  
18 forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted within the  
19 prescribed time the ordinance will be null and void.