

**BOARD BILL NO. 163 INTRODUCED BY: ALDERWOMAN PHYLLIS YOUNG**

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for  
2 vehicle, equestrian and pedestrian travel in 1) Devolsey from Gravois to Cushing. 2) A portion of  
3 Cushing beginning 13.21' west of Devolsey and extending eastwardly 120.00' to a point 76.79' east  
4 of Devolsey in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter  
5 authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain  
6 conditions on such vacation.

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

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

10 A strip of land adjoining Blocks 1397, 1398 & 1399 of the City of St. Louis,  
11 Missouri; more particularly described as follows:  
12

13  
14 Beginning at the point of intersection of the southern line of Gravois  
15 Avenue, 100 feet wide, with the western line of Devolsey Street, 30  
16 feet wide; thence north 73 degrees 50 minutes 00 seconds east 30.00  
17 feet, along the southern line of said Gravois Avenue, to eastern line  
18 of said Devolsey Street, to a point; thence south 15 degrees 59  
19 minutes 45 seconds east 122.72 feet, along the eastern line of said  
20 Devolsey Street, to the northern line of Cushing Street, 40 feet wide,  
21 to a point; thence north 73 degrees 50 minutes 00 seconds east 76.79  
22 feet, along the northern line of said Cushing Street, to a point; thence  
23 south 16 degrees 10 minutes 00 seconds east 40.00 feet, to the  
24 southern line of said Cushing Street, to a point; thence south 73  
25 degrees 50 minutes 00 seconds west 120.00 feet, along the southern  
26 line of said Cushing Street, to the eastern line of north/south alley, 20  
27 feet wide, to a point; thence north 16 degrees 10 minutes 00 seconds  
28 west 40.00 feet, to the northern line of said Cushing Street, to a point;  
29 thence north 73 degrees 50 minutes 00 seconds east 13.21 feet, along  
30 the northern line of Cushing Street, to the western line of said  
31 Devolsey Street, to a point; thence north 15 degrees 59 minutes 45  
32 seconds west 122.72 feet, along the western line of said Devolsey  
33 Street, to the southern line of said Gravois Avenue, to the point of  
34 beginning and containing 8,481 square feet.

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2 are, upon the conditions hereinafter set out, vacated.  
3

4 **SECTION TWO:** The petitioners are Charl's, L.L.C. and 2200 Gravois, L.L.C. Vacated  
5 areas will be used to enhance security and expand parking for abutting properties. The Water  
6 Division has a 6" main with appurtenances in Devolsey and a 6" main with appurtenances on  
7 Cushing in the area of the proposed vacation. The Water Division will require an easement for the  
8 water mains and appurtenances which allows the Water Division uninhibited access to these  
9 facilities for maintenance and repair. No construction of any kind can occur on or over this  
10 easement without the prior review and approval of the Water Commissioner.

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

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

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

23 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)  
24 vacated without: 1) lawful permit from the Building Division or Authorized City agency as  
25 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental

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 one year (365 days) from the date of the signing  
3 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit  
4 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted  
5 within the prescribed time the ordinance will be null and void.