

**BOARD BILL 19 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 Josephine Baker Blvd. from Locust to Washington in the  
3 City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in  
4 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such  
5 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 A parcel of ground in City Blocks 1043 and 1056, in the City of St. Louis, Missouri,  
11 described as follows:

12  
13 Beginning at the point of intersection of the southern right-of-way  
14 line of Washington Avenue, 80 feet wide with the western right-of-  
15 way line for Josephine Baker Boulevard, 60 feet wide; thence south  
16 74 degrees 48 minutes 25 seconds east 60.00 feet to the point of  
17 intersection of the eastern right-of way line for Josephine Baker  
18 Boulevard and the southern right-of-way line of Washington Avenue;  
19 thence south 15 degrees 11 minutes 35 seconds west 274.58 feet,  
20 along the eastern right-of-way line of Josephine Baker Boulevard to  
21 the point of intersection of the northern right-if-way line of Locust  
22 Street, 60 feet wide; thence north 74 degrees 48 minutes 25 seconds  
23 west 60.00 feet to the point of intersection western right-of-way line  
24 of Josephine Baker Boulevard, with the northern right-of-way line of  
25 Locust Street; Thence north 15 degrees 11 minutes 35 seconds east  
26 274.58 feet, along the western right-of-way line of Josephine Baker  
27 Boulevard, to the point of beginning and containing 16,475 square  
28 feet more or less, as prepared by Pitzman Company of surveyors and  
29 engineers.

30  
31 are, upon the conditions hereinafter set out, vacated.  
32

33 **SECTION TWO:** St. Louis University will use vacated area to extend parking facility.

34 The Water Division has 12” and 36” water mains with appurtenances in Josephine Baker Blvd. in

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1 the area of the proposed vacation. The Water Division will require easements allowing for  
2 uninhibited access to the mains by the Water Division for the purposes of maintenance and repair.  
3 No construction of any kind can occur on or over this easement without the prior review and  
4 approval by the Water Commissioner.

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

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

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

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

23 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities  
24 of a utility, governmental service entity or franchise holder by agreement in writing with such

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1 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the  
2 undertaking of such removal.

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

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

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

20 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director  
21 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing  
22 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit  
23 will be forwarded to the Board of Public Service for acceptance. Once the Board of Public Service  
24 has accepted the affidavit, the Director of Streets will give notice to have the affidavit and mylar

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1 recorded. If the affidavit is not recorded within the prescribed time, the ordinance will be null and  
2 void.