

BOARD BILL NO. 196 INTRODUCED BY: ALDERMAN JOSEPH RODDY

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in a 50' portion of the 15 foot wide east/west alley in City
3 Block 3904 abutting 4389 Duncan and 4388-98 Forest Park, same being bounded by Forest Park
4 Ave., Boyle Ave., Duncan Ave. and Newstead Ave. (vacated) in the City of St. Louis, Missouri, as
5 hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of
6 Article XXI of the Charter and imposing certain 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
11 A tract of land being part of an alley (15'W) between Forest Park Avenue (60'W)
12 and Duncan Avenue (60'W) in City Block 3904 in the City of St. Louis, Missouri
13 and being more particularly described as follows:

14
15 Beginning at the northwest corner of a tract of land conveyed to
16 Washington University by deed recorded in Daily Number
17 08/22/2006 #120 of the City of St. Louis Records, said point also
18 being in the southern right-of-way line of an alley (15'W); thence
19 leaving said southern right-of-way line north 14 degrees 30 minutes
20 28 seconds east a distance of 14.87 feet to a point, said point being in
21 the northern right-of-way line of said alley; thence along said
22 northern right-of-way line south 75 degrees 15 minutes 50 seconds
23 east a distance of 50.00 feet to a point; thence leaving said northern
24 right-of-way line south 14 degrees 30 minutes 28 seconds west a
25 distance of 14.89 feet to a point in the southern right-of-way line of
26 said alley; thence north 75 degrees 14 minutes 46 seconds west along
27 said northern right-of-way line a distance of 50.00 feet to the point of
28 beginning and containing 744 square feet, more or less.

29
30 are, upon the conditions hereinafter set out, vacated.

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32 **SECTION TWO:** Washington University will use vacated area to consolidate property.

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

Date: June 29, 2007

Page 1 of 3

Board Bill #196

Sponsor: Alderman Joseph Roddy

1 the foregoing conditionally vacated alley, 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 alley 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 29, 2007

Page 2 of 3

Board Bill #196

Sponsor: Alderman Joseph Roddy

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 affected 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 365 days (1 year) from the date of the signing
17 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
18 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
19 within the prescribed time the ordinance will be null and void.