

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in the westernmost 15 foot wide north/south alley in City
3 Block 6217 as bounded by Murdoch, Tamm, Nottingham and Childress in the City of St. Louis,
4 Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with
5 Section 14 of Article XXI of the Charter and imposing certain 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 A parcel of ground in Block 6217, of the City of St. Louis, Missouri, more
11 particularly described as follows:

12
13 Commencing at the intersection of the southern right-of-way line of
14 Murdoch Avenue, 60 feet wide and the western right-of-way line of
15 Tamm Avenue, 50 feet wide; thence north 82 degrees 42 minutes 40
16 seconds west 266.50 feet, along the southern line of said Murdoch
17 Avenue to eastern line of a north/south alley 15 feet wide, and the
18 point of Beginning; thence south 7 degrees 17 minutes 20 seconds
19 west 164.58 feet, along the eastern line of said north/south alley, to
20 the northern line of an east/west alley 15 feet wide, to a point; thence
21 north 76 degrees 01 minutes 15 seconds west 15.10 feet, along the
22 northern line of said east/west alley to the western line of said
23 north/south alley produced to a point; thence north 7 degrees
24 17minutes 20 seconds east 162.82 feet, along the western line of said
25 north/south alley, to the south line of said Murdoch Avenue, to a
26 point; thence south 82 degrees 42 minutes 40 seconds east 15.00
27 feet, along the south line of said Murdoch Avenue; to the point of
28 beginning and containing 2,455 square feet as prepared by Pitzmans
29 Company.

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

32
33 **SECTION TWO:** Petitioner is the Archbishop of St. Louis. The vacated area will be used
34 to consolidate property for St. Gabriel’s Church and School.

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

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

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

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

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

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

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1 have curbing cobblestones returned to the Department of Streets in good condition.

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

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

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

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

16 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
17 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing
18 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
19 will be forwarded to the Board of Public Service for acceptance. Once the Board of Public Service
20 has accepted the affidavit, the Director of Streets will give notice to have the affidavit and mylar
21 recorded. If the affidavit is not recorded within the prescribed time, the ordinance will be null and
22 void.

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