

**BOARD BILL NO. 394 INTRODUCED BY: ALDERMAN STEPHEN CONWAY**

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for  
2 vehicle, equestrian and pedestrian travel in Botanical from Grand westwardly 264.24' ± 1.13' to a  
3 point 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 A tract of land being part of Botanical Avenue, 60 feet wide between Block 7 and  
11 block 8 of Tyler Place and in City Block 2110 and 2111 of the City of St. Louis,  
12 Missouri, and said part of Botanical Avenue being more particularly described as  
13 follows:

14  
15 Commencing at the intersection of the westerly line of Grand Blvd.,  
16 100 feet wide, as widened by deed recorded in Book 8642 Pages 233-  
17 34 of the City of St. Louis Records, with the southerly line of  
18 Botanical Avenue, 60 feet wide; thence along said southerly line,  
19 north 83 degrees 40 minutes 10 seconds west 263.11 feet; thence  
20 north 06 degrees 34 minutes 48 seconds east 60.00 feet to a point in  
21 the northerly line of Botanical Avenue 60.00 feet wide; thence along  
22 said northerly line south 83 degrees 40 minutes 10 seconds east  
23 265.37 feet to a point in the westerly line of Grand Boulevard 100  
24 feet wide (as widened) thence south 08 degrees 43 minutes 50  
25 seconds west 60.05 feet to the point of beginning, according to  
26 Survey No.0306-0439V executed by Topos Surveying &  
27 Engineering Corp. in April 2004. Bearings based on astronomic  
28 observations and converted to Grid North, Missouri East Zone.

29  
30 are, upon the conditions hereinafter set out, vacated.  
31

32 **SECTION TWO:** Petitioners are Grand City 3, LLC and Southwestern Bell Telephone  
33 (d/b/a AT&T of Missouri). Vacated area will be used to expand existing parking and landscaping.

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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 street, 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 street 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. If this affidavit is not submitted  
20 within the prescribed time the ordinance will be null and void.