

BOARD BILL NO. 396 INTRODUCED BY: ALDERMAN BILL WATERHOUSE

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in an excess irregular strip of Ellendale adjacent to 7113 St.
3 James Square from St. James Square northeastwardly 148.46 feet to a point 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 tract of land in the westerly part of Lot 1 in Block 11 of Greenwood, and in Block
11 5097 of the City of St. Louis, Missouri, and said tract being more particularly
12 described as follows:

13
14 Beginning at the intersection of the northwesterly line of Ellendale
15 Avenue, 60 feet wide, with the northeasterly line of St. James Square,
16 50 feet wide; thence along said northeasterly line, north 41 degrees
17 08 minutes 30 seconds west 28.74 feet to the southeasterly line of Lot
18 2 in said Block 11 of Greendale; thence along said southeasterly line,
19 north 50 degrees 00 minutes 30 seconds east 147.10 feet to the
20 northeasterly line of said Lot 1; thence along said northeasterly line,
21 south 43 degrees 11 minutes 25 seconds east 7.60 feet to the
22 northwesterly line of said Ellendale Avenue; thence along said
23 northwesterly line, south 41 degrees 49 minutes 10 seconds west
24 148.46 feet to the point of beginning, according to Survey No.
25 183935-B executed by James Engineering & surveying Co., Inc., in
26 August, 2005. Bearings based on solar observations and converted to
27 Grid North, Missouri East Zone.

28
29 are, upon the conditions hereinafter set out, vacated.

30
31 **SECTION TWO:** Linda and William Paeper will use the vacated excess sidewalk to
32 expand property for landscaping.

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

Date: February 3, 2006

Page 1 of 3

Board Bill # 396

Sponsor: Alderman Bill Waterhouse

1 the foregoing conditionally vacated sidewalk, 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 sidewalk 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

Page 2 of 3

Board Bill #

Sponsor: Alderman Bill Waterhouse

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 effected 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.