

**BOARD BILL NO. 42 INTRODUCED BY: ALDERMAN JOSEPH RODDY**

1 An ordinance recommended by the Board of Public Service to conditionally vacate above surface,  
2 surface and sub-surface rights for vehicle, equestrian and pedestrian travel in 1) Children’s Place  
3 (fka Audubon Avenue) beginning at Euclid and extending westwardly  $\cong$  550 feet and 2) Euclid Ave.  
4 from the north right-of-way line of Children’s Place southwardly  $\cong$  786 feet to the north right-of-way  
5 line of Barnes-Jewish Hospital Plaza (except areas utilized by Metro, see Ordinance 62241) in the  
6 City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in  
7 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such  
8 vacation.

9 BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

10 **SECTION ONE:** The above surface, surface and sub-surface rights of vehicle, equestrian  
11 and pedestrian travel, between the rights-of-way of:

12  
13 A tract of land being part of Children’s Place (60’ wide) and South Euclid Avenue  
14 (60’ wide) located between City Blocks 3887, 3888, 4781N and 4781S in the City of  
15 St. Louis, Missouri and being more particularly described as follows:  
16

17 Beginning at the northeast corner of City Block 3888, said point  
18 being at the intersection of the western right-of-way of South Euclid  
19 with the southern right-of-way of Children’s Place, thence along the  
20 southern right-of-way line of Children’s Place, also being the  
21 northern line of City Block 3888, north 83 degrees 01 minutes 22  
22 seconds west a distance of 550.82 feet to a point; thence leaving said  
23 right-of-way line north 06 degrees 58 minutes 38 seconds east a  
24 distance of 60.00 feet to a point in the northern right-of-way line of  
25 Children’s Place, said point also being in the southern line of City  
26 Block 3887; thence along the northern right-of-way line of Children’s  
27 Place, south 83 degrees 01 minutes 22 seconds east a distance of  
28 612.89 feet to a point, said point being in the eastern right-of-way line  
29 of South Euclid Avenue and the western line of City Block 4781N;  
30 thence along the eastern right-of-way line of South Euclid Avenue  
31 south 08 degrees 55 minutes 45 seconds east a distance of 442.01 feet  
32 to a point, said point being the northeast corner of a strip of Euclid  
33 Avenue vacated by Ordinance No. 65791; thence along said vacated

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1 strip north 81 degrees 04 minutes 08 seconds west a distance of 24.00  
2 feet to a point; thence south 08 degrees 55 minutes 52 seconds west a  
3 distance of 273.95 feet to a point; thence south 81 degrees 04 minutes  
4 08 seconds east a distance of 24.00 feet to a point, said point being in  
5 the eastern right-of-way of Euclid Avenue; thence along said right-  
6 of-way line south 08 degrees 55 minutes 45 seconds west a distance  
7 of 70.13 feet to a point; thence leaving said right-of-way line north 83  
8 degrees 01 minutes 21 seconds west a distance of 60.03 feet to a  
9 point being the intersection of the northern right-of-way line of  
10 Barnes-Jewish Hospital Plaza (105'W) and the Western right-of-way  
11 line of South Euclid Avenue; thence north 08 degrees 55 minutes 45  
12 seconds east along the western right-of-way line of South Euclid  
13 Avenue a distance of 726.06 feet to the point of beginning, and  
14 containing 73,696 square feet, more or less.

15  
16 Subject to easements, restrictions, reservations and covenants of  
17 record, if any.

18  
19 are, upon the conditions hereinafter set out, vacated.

20 **SECTION TWO:** Petitioners are The Washington University in St. Louis, Bi-State  
21 Development Agency, Barnes-Jewish Hospital and St. Louis Children's Hospital. Vacated area will  
22 be used to consolidate property (except areas utilized buy Metro, see Ordinance 62241). The Water  
23 Division has numerous facilities within the area of the proposed conditional vacation. The Water  
24 Division will require easements for these facilities and their appurtenances and service connections  
25 which allows for uninhibited vehicular access to the facilities for the purposes of maintenance &  
26 repair, access to and ability to operate fire hydrants for the purposes of flushing and fire protection  
27 and for reading of and either repair or replacement of meters. Water released from fire hydrants due  
28 to flushing and/or maintenance of the fire hydrant shall be readily handled by the existing or any  
29 new surface water drainage and related sewers. Any enhanced landscaping or pavement, beyond  
30 traditional asphalt or concrete paving, that is damaged due to maintenance of Water Division  
31 facilities shall be repaired by the petitioner at their own expense.

32 No construction of any kind can occur on or over the water mains, appurtenances and service

1 connections without the prior review and approval of the Water Commissioner.

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

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

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

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

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

24 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within

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1 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must  
2 have curbing cobblestones returned to the Department of Streets in good condition.

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

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

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

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