

ORDINANCE #66379
Board Bill No. 94
Committee Substitute

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in three irregular portions of sidewalk on the south side of Parkview Place abutting City Block 3887, same bounded by Parkview Place, Euclid Ave., Children's Place and Kingshighway in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation; and containing an emergency clause.

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

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being part of a Parkview Place (60' wide), said tract of land located in City Block 3887, City of St. Louis, Missouri, and being more particularly described as follows:

Commencing at a point, said point being the northwest corner of "St. Louis Children's Hospital Condominium" as recorded in Plat Book 58, Page 36-47 of the St. Louis City's Recorder's Office; thence along the south right-of-way line of said Parkview Place, South 82 degrees 00 minutes 00 seconds East a distance of 76.34 feet to the point of beginning; thence departing said south right-of-way line of Parkview Place, North 07 degrees 57 minutes 32 seconds East a distance of 4.86 feet to a point; thence South 82 degrees 02 minutes 28 seconds East a distance of 55.50 feet to a point; thence South 07 degrees 57 minutes 32 seconds West a distance of 4.90 feet to a point in said south right-of-way line of Parkview Place; thence along said south right-of-way line of Parkview Place, North 82 degrees 00 minutes 00 seconds West a distance of 55.50 feet to a point, being the point of beginning. Said tract of land containing 271 sq. ft. of land, more less,

A tract of land being part of a Parkview Place (60' wide), said tract of land located in City Block 3887, City of St. Louis, Missouri, and being more particularly described as follows:

Commencing at a point, said point being the northwest corner of "St. Louis Children's Hospital Condominium" as recorded in Plat Book 58, Page 36-47 of the St. Louis city's Recorder's Office; thence along the south right-of-way line of said Parkview Place, South 82 degrees 00 minutes 00 seconds East a distance of 179.84 feet to the point of beginning; thence departing said south right-of-way line of Parkview Place, North 07 degrees 57 minutes 32 seconds East a distance of 1.52 feet to a point; thence south 82 degrees 02 minutes 28 seconds East a distance of 38.25 feet to a point; thence south 07 degrees 57 minutes 34 seconds West a distance of 1.55 feet to a point in the south right-of-way line of said Parkveiw Place; thence along said south right-of-way line of Parkview Place, North 82 degrees 00 minutes 00 seconds West a distance of 38.25 feet to a point, being the point of beginning. Said tract of land containing 59 square feet of land, more or less,

A tract of land being part of a Parkview Place (60' wide), said tract of land located in City Block 3887, City of St. Louis, Missouri, and being more particularly described as follows:

Beginning at a point, said point being the northeast corner of "St. Louis Children's Hospital Condominium" as recorded in Plat Book 58, Page 36-47 of the St. Louis City's Recorder's Office; thence along the south right-of-way line of said Parkview Place, North 82 degrees 00 minutes 00 seconds West a distance of 12.63 feet to a point; thence departing said south right-of-way line of Parkview Place, North 52 degrees 57 minutes 32 seconds East a distance of 12.01 feet to a point; thence, South 82 degrees 02 minutes 28 seconds East a distance of 4.15 feet to a point; thence South 08 degrees 00 minutes 00 seconds West a distance of 8.50 feet to a point, being the point of beginning.

Said tract of land containing 71 square feet of land, more or less are, upon the conditions hereinafter set out, vacated.

SECTION TWO: St. Louis Children's Hospital and Washington University will use vacated area to place steel bracing which will give the adjoining building more stability in the event of disaster.

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

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

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

SECTION SIX: The owners shall not place any improvement upon, permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

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

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions be submitted to the Board of Public Service for acceptance one year (365 days) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

SECTION ELEVEN. This ordinance being necessary for the preservation of the health, safety and welfare shall take effect and be in full force immediately upon approval by the Mayor of the City of St. Louis.

Approved: July 31, 2004