

ORDINANCE #68453
Board Bill No. 42
Floor Substitute

An ordinance recommended by the Board of Public Service to conditionally vacate above surface, surface and sub-surface rights for vehicle, equestrian and pedestrian travel in 1) Children's Place (fka Audubon Avenue) beginning at Euclid and extending westwardly \approx 550 feet and 2) Euclid Ave. from the north right-of-way line of Children's Place southwardly \approx 786 feet to the north right-of-way line of Barnes-Jewish Hospital Plaza (except areas utilized by Metro, see Ordinance 62241) 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 above surface, surface and sub-surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

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

Beginning at the northeast corner of City Block 3888, said point being at the intersection of the western right-of-way of South Euclid with the southern right-of-way of Children's Place, thence along the southern right-of-way line of Children's Place, also being the northern line of City Block 3888, north 83 degrees 01 minutes 22 seconds west a distance of 550.82 feet to a point; thence leaving said right-of-way line north 06 degrees 58 minutes 38 seconds east a distance of 60.00 feet to a point in the northern right-of-way line of Children's Place, said point also being in the southern line of City Block 3887; thence along the northern right-of-way line of Children's Place, south 83 degrees 01 minutes 22 seconds east a distance of 612.89 feet to a point, said point being in the eastern right-of-way line of South Euclid Avenue and the western line of City Block 4781N; thence along the eastern right-of-way line of South Euclid Avenue south 08 degrees 55 minutes 45 seconds east a distance of 442.01 feet to a point, said point being the northeast corner of a strip of Euclid Avenue vacated by Ordinance No. 65791; thence along said vacated strip north 81 degrees 04 minutes 08 seconds west a distance of 24.00 feet to a point; thence south 08 degrees 55 minutes 52 seconds west a distance of 273.95 feet to a point; thence south 81 degrees 04 minutes 08 seconds east a distance of 24.00 feet to a point, said point being in the eastern right-of-way of Euclid Avenue; thence along said right-of-way line south 08 degrees 55 minutes 45 seconds west a distance of 70.13 feet to a point; thence leaving said right-of-way line north 83 degrees 01 minutes 21 seconds west a distance of 60.03 feet to a point being the intersection of the northern right-of-way line of Barnes-Jewish Hospital Plaza (105' W) and the Western right-of-way line of South Euclid Avenue; thence north 08 degrees 55 minutes 45 seconds east along the western right-of-way line of South Euclid Avenue a distance of 726.06 feet to the point of beginning, and containing 73,696 square feet, more or less.

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

are, upon the conditions hereinafter set out, vacated.

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

No construction of any kind can occur on or over the water mains, appurtenances and service connections without the prior review and approval of the Water Commissioner.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated streets, 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 streets 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 owner(s) shall not place any improvement upon, over or in the area(s) vacated without: 1) lawful permit from the Building Division or Authorized City agency as governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental service entities and franchise holders, present or future. The written consent with the terms and conditions thereof shall be filed in writing with the Board of Public Service by each of the above agencies as needed and approved by such Board prior to construction.

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. Owner(s) must have curbing cobblestones returned to the Department of Streets in good condition.

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

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

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

SECTION ELEVEN: This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the Mayor.

Approved: October 13, 2009