

ORDINANCE #69076
Board Bill No. 182

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) Motard Ave. from Hickory to Rutger. 2) A portion of the 15 foot wide east/west alley in City Block 2181-S beginning at Motard and extending westwardly 503.78 feet to a point 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.

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 parcel of ground in City Blocks 2179-B and 2181-S, in the City of St. Louis, Missouri, more particularly described as follows:

Beginning at the point of intersection of the western line of Motard Avenue, 40 feet wide with the northern line of Rutger Street, 60 feet wide; thence north 00 degrees 10 minutes 49 seconds east 134.00 feet, along the western line of said Motard Avenue, to the point of intersection of the southern line of an alley, 15 feet wide; thence north 89 degrees 45 minutes 56 seconds west 503.78 feet, along the southern line of said alley, to a point; thence north 00 degrees 10 minutes 49 seconds east 15.00 feet, to a point, in northern line of said alley; thence south 89 degrees 45 minutes 56 seconds east 503.78 feet, along the northern line of said alley, to the western line of said Motard Avenue, to a point; thence north 00 degrees 10 minutes 49 seconds east 134.00 feet, along the western line of said Motard Avenue, to the point of intersection of the southern line of Hickory Street, 60 feet wide, to a point; thence south 89 degrees 46 minutes 07 seconds east 40.00 feet, to the pint of intersection of the southern line of said Hickory Street and the eastern line of said Motard Avenue; thence south 00 degrees 10 minutes 49 seconds west 283.00 feet, along the eastern line of said Motard Avenue, to the point of intersection of the northern line of said Rutger Street; thence north 89 degrees 45 minutes 56 seconds west 40.00 feet, the western line of said Motard Avenue, to the point of beginning and containing, 18,887 square feet, as prepared by Pitzman's Company.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioner Saint Louis University will use vacated areas to consolidate property.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley and street, 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 alley and street 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.

Approved: January 24, 2012