

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 a portion of the 15 foot  
3 wide east/west alley in City Block 1043 beginning at Josephine Baker (vacated) and extending  
4 145.16 feet eastwardly to a point and bounded by Washington, Leonard, Locust and Josephine Baker  
5 (vacated) in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter  
6 authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain  
7 conditions on such vacation.

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

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

11  
12 A portion of a west-east alley, 15 feet wide, located north of Lots 6 through 8 and  
13 south of Lots 9 through 11 in Block 8 of the Subdivision of Section 16 in Block 1043  
14 of the City of St. Louis, Missouri, being more particularly described as follows:

15  
16 Beginning at the northwest corner of said Lot 8 being also the  
17 intersection of the south line of said 15 feet wide alley with the east  
18 line of former Josephine Baker (Channing) Boulevard, 60 feet wide,  
19 vacated per Ordinance No. 68060 of the City of St. Louis; thence  
20 along the east line of said former Josephine Baker Boulevard north  
21 14 degrees 57 minutes 15 seconds east a distance of 15.00 feet to the  
22 southwest corner of Lot 9 in block 8 of the Subdivision of Section 16  
23 in Block 1043 of the City of St. Louis being also the north line of  
24 said 15 feet wide alley; thence along said north line south 75 degrees  
25 14 minutes 42 seconds east a distance of 145.16 feet to its  
26 intersection with the northern prolongation of the east line of Parcel 1  
27 of a tract of land conveyed to Saint Louis University by deed  
28 recorded in Book 1783M, Page 0680 of the City of St. Louis  
29 Records; thence along said northern prolongation south 14 degrees  
30 57 minutes 15 seconds west a distance of 15.00 feet to the northeast  
31 corner of said Parcel 1 and to the south line of said 15 feet wide alley  
32 and to a point distant north 75 degrees 14 minutes 42 seconds west  
33 5.00 feet from the northeast corner of said Lot 6; thence along the  
34 south line of said alley, north 75 degrees 14 minutes 42 seconds west

Date: September 16, 2011

Page 1 of 4

Board Bill No. 137

Sponsor: Alderwoman Marlene Davis

1 a distance of 145.16 feet to the point of beginning, containing 2,179  
2 square feet more or less.

3  
4 are, upon the conditions hereinafter set out, vacated.  
5

6 **SECTION TWO:** Saint Louis University will use vacated area to consolidate property and  
7 improve security. Saint Louis University will permit the City of St. Louis Traffic Division access to  
8 alley as needed for repairs to its facilities.

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

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

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

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

Date: September 16, 2011

Page 2 of 4

Board Bill No. 137

Sponsor: Alderwoman Marlene Davis

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

5           **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within  
6 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must  
7 have curbing cobblestones returned to the Department of Streets in good condition.

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

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

22           **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director  
23 of Streets for review of compliance with conditions one year (365 days) from the date of the signing  
24 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit

Date: September 16, 2011

Page 3 of 4

Board Bill No. 137

Sponsor: Alderwoman Marlene Davis

- 1 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
- 2 within the prescribed time the ordinance will be null and void.

Date: September 16, 2011

Page 4 of 4

Board Bill No. 137

Sponsor: Alderwoman Marlene Davis