

ORDINANCE 70876

BOARD BILL NO. 99

INTRODUCED BY ALDERMAN SCOTT OGILVIE

1 An ordinance recommended by the Board of Public Service authorizing the Mayor and
2 Comptroller of the City of St. Louis to execute an easement agreement, which shall give,
3 grant, extend and confer in perpetuity on the city, its agents, successors and assigns, the right
4 to install, construct, maintain, repair, and upgrade a water main for the purpose of delivering
5 water; approving an easement agreement for a perpetual easement; authorizing certain actions
6 by city officials, and containing a severability clause.

7 **WHEREAS**, the City of St. Louis, Missouri (the “City and “Grantee”) is a body
8 corporate and a political subdivision of the State of Missouri, duly created, organized and
9 existing under and by virtue of its Charter, the Constitution and the laws of the State of
10 Missouri; and

11 **WHEREAS**, the City is seeking to improve water services by installing a new water
12 main in an area around McCausland Avenue, Manchester Avenue and Noonan Avenue,
13 hereafter referred to as “Project Area” and more particularly described in Exhibit I attached
14 hereto and incorporated by reference;

15 **WHEREAS**, The Gathering United Methodist Church, Inc. (“The Gathering” and
16 “Grantor”), a nonprofit corporation registered with the State of Missouri, is the fee simple
17 owner of property and improvements at 6900-6998 Noonan, St. Louis, Missouri 63143, more
18 particularly described in Exhibit A, attached hereto and incorporated by reference;

1 **WHEREAS**, Waltrust Properties, Inc. (“Waltrust” and “Grantor”), a Delaware
2 corporation registered with the State of Missouri, is the fee simple owner of property and
3 improvements at 2310 McCausland, St. Louis, Missouri 63143, more particularly described in
4 Exhibit B, attached hereto and incorporated by reference;

5 **WHEREAS**, Casa Properties, Inc. (“Casa Properties” and “Grantor”), a corporation
6 registered with the State of Missouri, is the fee simple owner of property and improvements at
7 2310 McCausland, St. Louis, Missouri 63143, more particularly described in Exhibit C,
8 attached hereto and incorporated by reference;

9 **WHEREAS**, the City desires to construct, install, and maintain a water main and
10 make future upgrades and repairs as needed on the above-referenced properties and the
11 project requires a perpetual easement from the Grantors.

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

13 **SECTION ONE.** The Mayor and the Comptroller of the City of St. Louis are hereby
14 authorized to execute an Easement Agreement, in substantially the forms attached hereto as
15 Exhibit “A”, Exhibit “B” and Exhibit “C” and to record same in the land records of the City
16 of St. Louis which shall give, grant, extend and confer to the City, its agents, successors and
17 assigns, the right to construct, install, maintain and repair a water main line and conduits for
18 the purpose of providing water as set out in Exhibit “A”, Exhibit “B”, and Exhibit “C” and to
19 the Project Area described in Exhibit I.

20 **SECTION TWO.** The Mayor and Comptroller of the City or their designated
21 representatives are hereby authorized and directed to take any and all actions as may be
22 necessary and appropriate in order to carry out the matters herein authorized, with no further

1 action of the Board of Aldermen necessary to authorize such action by the Mayor and
2 Comptroller or their designated representatives.

3 **SECTION THREE.** The Mayor and Comptroller of the City or their designated
4 representatives, with the advice and the concurrence of the City Counselor, are hereby further
5 authorized and directed to make any changes to the documents, agreements and instruments
6 approved and authorized by this Ordinance as may be consistent with the intent of this
7 Ordinance and necessary and appropriate in order to carry out the matters herein authorized,
8 with no further action by the Board of Aldermen necessary to authorize such changes by the
9 Mayor and Comptroller or their designated representatives.

10 **SECTION FOUR.** It is hereby declared to be the intention of the Board of Aldermen
11 that each and every part, section and subsection of this Ordinance shall be separate and
12 severable from each and every other part, section and subsection hereof, and that the Board of
13 Aldermen intends to adopt each said part, section and subsection separately and independently
14 of any other part, section and subsection. In the event that any part, section or subsection of
15 this Ordinance shall be determined to be or have been unlawful or unconstitutional, the
16 remaining parts, sections and subsections shall be and remain in full force and effect, unless
17 the court making such findings shall determine that the valid portions standing alone are
18 incomplete and are incapable of being executed in accord with the legislative intent.

19 **SECTION FIVE. Emergency Clause.** This being an ordinance necessary for the
20 immediate preservation of the public safety, it is hereby declared to be an emergency measure
21 and shall become effective immediately upon its approval by the Mayor.