

ORDINANCE 70902

BOARD BILL NO. 178 INTRODUCED BY: ALDERMAN OGILVIE

1 An ordinance authorizing and directing the Mayor and the Comptroller of the City of
2 Saint Louis to execute a permanent, irrevocable Easement, which shall give, grant, extend and
3 confer on the City of Saint Louis, its agents, successors, and assigns, the exclusive right to
4 build and maintain a span of sidewalk improvements along the east side of Sulphur Ave. from
5 the intersection of Sulphur Ave. and Manchester Ave. to the driveway to the north; and
6 containing a severability clause.

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

10 **Whereas**, Cee-Kay Supply, Inc. (“Cee-Kay Supply” and “Grantor”) is a privately-
11 owned, independent entity; and

12 **Whereas**, the Grantor is the fee simple owner of property and improvements along the
13 eastern side of Sulphur Ave. subject to a dedicated public Right-of-Way (R.O.W.) for the
14 sidewalk improvements aforementioned more specifically shown in the attached Easement
15 Deed; and

16 **Whereas**, the City desires to construct sidewalk improvements within and appurtenant
17 to the City of Saint Louis R.O.W. that may extend beyond the existing permitted use and
18 scope of the R.O.W. which requires a permanent easement to make said improvements.

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2 **BE IT ORDAINED BY THE CITY OF SAINT LOUIS AS FOLLOWS:**

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4 **SECTION ONE:** The Mayor and Comptroller of the City of Saint Louis are hereby
5 authorized and directed to execute a permanent, irrevocable Easement, attached hereto as
6 “Easement Deed” which shall give, grant, extend and confer on the City of Saint Louis, its
7 agents, successors, and assigns, the exclusive right to build and maintain a span of sidewalk
8 improvements along the east side of Sulphur Ave. from the intersection of Sulphur Ave. and
9 Manchester Ave. to the driveway to the north constructed within, upon, or appurtenant to the
10 existing City of Saint Louis R.O.W.

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12 **SECTION TWO:** The Mayor and Comptroller of the City of Saint Louis or their
13 designated representatives are hereby authorized and directed to take any and all actions as
14 may be necessary and appropriate in order to carry out the matters herein authorized, with no
15 such further action of the Board of Aldermen necessary to authorize such action by the Mayor
16 and the Comptroller of their designated representatives.

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18 **SECTION THREE:** The Mayor and Comptroller of the City of Saint Louis or their
19 designated representatives, with the advice and concurrence of the City Counselor, are hereby
20 further authorized and directed to make any changes to the documents, agreements and

1 instruments approved and authorized by this Ordinance as may be consistent with the intent of
2 this Ordinance and necessary and appropriate in order to execute the matters herein
3 authorized, with no such further action of the Board of Aldermen necessary to authorize such
4 changes by the Mayor and the Comptroller or their designated representatives.

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6 **SECTION FOUR:** It is hereby declared to be the intention of the Board of Aldermen
7 that each and every part, section and subsection hereof, and that the Board of Aldermen
8 intends to adopt each said part, section and subsection separately and independently of any
9 other part, section and subsection. In the event that any part, section or subsection shall be
10 determined to be or to have been unlawful or unconstitutional, the remaining parts, sections
11 and subsections shall remain in full effect, unless the court making such filing shall determine
12 that the valid portions standing alone are incomplete and are incapable of being executed in
13 accordance with legislative intent.

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EASEMENT DEED

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(See attached)

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