

St. Louis City Ordinance 64451

FLOOR SUBSTITUTE

BOARD BILL NO. [98] 112

INTRODUCED BY ALDERMAN Alfred Wessels, Jr.

An Ordinance authorizing and directing the Mayor and the Comptroller of the City of Saint Louis to execute, upon receipt of and in consideration of the sum of One Thousand Dollars (\$1,000.00), and other good and valuable consideration, a permanent Easement to Southwestern Bell Telephone Company, to construct, operate, and maintain underground telecommunication systems and lines, and all appurtenances hereto, which Easement pertains to property in City Block 5299-N, and containing an emergency clause.

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

SECTION ONE. The Mayor and Comptroller of the City of Saint Louis are hereby authorized and directed to execute upon receipt of and in consideration of the sum of One Thousand Dollars (\$1,000.00), and a permanent, irrevocable Easement, which shall give, grant, extend and confer upon Southwestern Bell Telephone Company, its agents, successors, and assigns, the exclusive right to construct, operate, and maintain underground telecommunication systems and lines, and all appurtenances hereto, which Easement pertains to property in City Block 5299-N, and which Easement Agreement is attached hereto as Exhibit A.

SECTION TWO. The passage of this ordinance being deemed necessary for the preservation of the public peace, health, and safety, it is hereby deemed to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of Saint Louis, and shall become effective upon its passage and approval by the Mayor.

EXHIBIT A

EASEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS: That the City of Saint Louis, a municipal corporation of the State of Missouri, its successors and assigns whether one or more and whether an individual, individuals, a corporation, or other legal entity (hereinafter **Grantor**), for and in consideration of One Dollar (\$1.00) and other valuable consideration to it in hand paid by Southwestern Bell Telephone Company (hereinafter **Grantee**), the receipt and sufficiency of which is hereby acknowledged, does hereby give, grant, extend, and confer onto Grantee, its associated and allied companies, its and their

respective successors, assigns, and licensees, the perpetual right and easement to construct, operate, maintain, inspect, replace, and remove such underground telecommunication systems and lines, and all appurtenances hereto, as may be required by Grantee from time to time, upon, over, and under a strip of land 10 feet by 10 feet, which strip is depicted on the drawing attached as Exhibit A, situated on land owned by Grantor in Block 5299-N of the City of Saint Louis, Missouri, which land is further described in the attached Exhibit B, incorporated herein by this reference.

To have and to hold same, with all rights and appurtenances to the same belonging, unto Grantee, its successors, assigns and licensees, until the use of the easement is relinquished or abandoned, including the right of ingress and egress to and from the above described easement by reasonable routes across Grantor's property, the right to trim and clear trees, overhanging branches, roots, brush, and other obstructions in the easement, the right to place on the surface of the easement manholes, cable risers, connector terminals, repeaters, testing terminals and route markers, and the right to install temporary or permanent gates in fences crossing the easement. Grantee, its successors, assigns, and licensees, shall repair and restore the property and pay for damage to crops and other property following construction and maintenance work. Further, Grantors reserve the right to use and enjoy their interests in the easement area insofar as the exercise thereof does not endanger or interfere with the construction, operation, and maintenance of said systems and lines; and included in this reservation is the right of ordinary cultivation of crops.

IN WITNESS WHEREOF, the said City of Saint Louis has caused these presents to be signed by its Comptroller and Mayor this _____ day of _____, 1998.

BY:

Clarence Harmon, Mayor

ATTEST:

City Register

BY:

Darlene Green, Comptroller

Approved as to form:

City Counselor

STATE OF MISSOURI)

) ss. On this _____ day of _____, 1998,
CITY OF ST. LOUIS) before me appeared Clarence Harmon, Mayor, and
Darlene Green, Comptroller, to me personally known, who being by me duly
sworn, did say that they executed the foregoing instrument in behalf of the
City of Saint Louis, a municipal corporation, by authority of Article XV,
Section 2 of the Saint Louis City Charter, and that they acknowledged said
instrument to be the free act and deed of said Corporation, pursuant to
Ordinance _____.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
notarial seal at my office in the City of St. Louis, aforesaid, the day and year
first above written.

EXHIBIT B TO EASEMENT

Lots 1, 2, 3, 43, and 44 in Block 1 of MORGAN PLACE and in Block 5299-N
of the City of Saint Louis (excepting therefrom that part of said Lots 43 and 44
taken for widening of Morganford Road under condemnation proceedings in
the Saint Louis Circuit Court, Cause No. 3570-D), being described as follows:

Beginning at the northwest corner of said Lot 1; thence southwardly along the
eastern line of Gravois Avenue, 170 feet to the southwest corner of said Lot 3;
thence eastwardly along the southern line of said Lots 3 and 43 being also the
northern line of an alley 69 feet 7-1/2 inches to an angle point in the southern
line of said Lot 43; thence eastwardly along the southern line of said Lot 43, 40
feet 4-1/4 inches to the western line of Morganford Road (as widened) 69 feet
10-3/4 inches to an angle point; thence eastwardly along the northern line of the
widening strip for Morganford Road 7 feet 7-1/8 inches to the western line of
Morganford Road; thence northwardly along the western line of Morganford
Road 103 feet 10-3/8 inches to the northeast corner of said Lot 1; thence
westwardly along the northern line of said Lot 1, 35 feet 5-1/4 inches to the

point of beginning, accordingly to a survey executed by Fowler, Placht, and Polk, on January 7, 1969.

Known as and numbered 5000-14 Gravois; Parcel ID 5299-05-00500

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
07/10/98	07/10/98	PU		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
07/17/98			07/24/98	07/24/98
ORDINANCE	VETOED		VETO OVR	
64451				