

**ORDINANCE #65869**  
**Board Bill No. 418**  
**Floor Substitute**

An ordinance relating to the construction, establishment, operation and maintenance of the Cross County MetroLink Segment I Extension by the Bi-State Development Agency of the Missouri-Illinois Metropolitan District ("Bi-State") and recommended by the Board of Public Service (1) authorizing and directing the Mayor and the Comptroller to execute easement agreements providing for the grant and conveyance of permanent easements and a temporary construction easement to Bi-State under, over or across portions of the Forest Park Parkway, alley ways adjacent to the Forest Park Parkway, Des Peres Avenue and property, alley ways and rights-of-way owned by or under the control of the City of St. Louis, Missouri; and (2) providing for the closure of a portion of Des Peres Avenue. Legal descriptions contained herein or attached hereto to govern.

**WHEREAS**, the City of St. Louis, Missouri is desirous of improving regional passenger transportation for the benefit of the City of St. Louis, Missouri and its citizens through the construction, establishment, operation and maintenance of the Cross County MetroLink Segment I Extension; and

**WHEREAS**, Bi-State is authorized by Sections 70.370 et seq. of the Missouri Revised Statutes, to acquire, construct, operate and maintain passenger transportation facilities, including the Cross County MetroLink Segment I Extension; and

**WHEREAS**, the corporate, political and governmental authorities of the City of St. Louis, Missouri have determined that it is necessary and desirable in connection with the construction, establishment, operation and maintenance of the Cross County MetroLink Segment I Extension that the City of St. Louis, Missouri (1) grant and convey permanent and temporary construction easements under, over or across certain streets and alley ways located in the City of St. Louis, Missouri to Bi-State; and (2) close of a portion of Des Peres Avenue.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS, MISSOURI, AS FOLLOWS:**

**SECTION ONE.** The Mayor and the Comptroller, acting on behalf of the City of St. Louis, Missouri, are hereby authorized and directed to execute and deliver to Bi-State an instrument, in furtherance of and for the purpose of the construction, establishment, operation and maintenance of the Cross County MetroLink Segment I Extension, which shall read in words and figures as follows:

**EASEMENT FOR STREET RIGHT-OF-WAY PURPOSES**

A. The City of St. Louis, a municipal corporation of the State of Missouri, (party of the first part) acting by and through the Mayor and the Comptroller, and under the authority of Ordinance No. \_\_\_\_\_, approved on the \_\_\_\_ day of \_\_\_\_\_, 2003, does hereby grant and convey to Bi-State (party of the second part) a non-exclusive, permanent easement under, over, across or attached to the following public rights-of-way in furtherance of and for the purpose of the construction, establishment, operation and maintenance of the Cross County MetroLink Segment I Extension, and described as follows:

PARCEL NO. 1  
(FOREST PARK PARKWAY)  
(Bi-State Parcel ID Numbers: 1N095.00E-X01 and 1N104.00E-X02)

Tract 1 (Bi-State Parcel ID Number 1N095.00E-X01)

A tract of land being part of Forest Park Parkway in Block 3873 of the City of St. Louis, Missouri; said tract being shown generally on the plat attached hereto as **Exhibit A (Sheet 1)** and incorporated herein by reference and more particularly described as follows:

BEGINNING at the intersection of the northern line of said Forest Park Parkway, as established by Ordinance 49121, with the eastern line of DeBaliviere Avenue, 100 feet wide; thence South 83°02'48" East, 539.00 feet along the northern line of said Forest Park Parkway; thence leaving the northern line of said Forest Park Parkway South 06°57'12" West, 3.00 feet; thence North 83°02'48" West, 539.01 feet to the eastern line of said DeBaliviere Avenue; thence North 07°13'34" East, 3.00 feet along the eastern line of said DeBaliviere Avenue to the Point of Beginning.

Said tract of land containing 1,617 square feet or 0.037 acres.

Tract 2 (Bi-State Parcel ID Number 1N104.00E-X02)

A tract of land being part of Forest Park Parkway, Des Peres Avenue and Skinker Boulevard and extending from the western line of DeBaliviere Avenue westwardly to the western line of the City of St. Louis as established in 1876, being in the City of St. Louis, Missouri; said tract being shown generally on the plat attached hereto as **Exhibit A (Sheets 1 through 3)** and incorporated herein by reference and more particularly described as follows:

BEGINNING at the intersection of the northern line of said Forest Park Parkway, width varies, as established by Ordinances 41336 and 49705, said northern line being the southern line of Bi-State Development Agency property (former Wabash Railroad Company Right of Way) with the western line of DeBaliviere Avenue, 100 feet wide, adjoining Block 5522 of the City of St. Louis; thence South 07°13'34" West, 16.17 feet along the western line of said DeBaliviere Avenue; thence leaving the western line of said DeBaliviere Avenue North 86°08'11" West, 401.77 feet; thence westwardly 149.05 feet along a curve to the right, having a radius of 3,229.99 feet, a central angle of 02°38'38" and a chord of North 85°04'30" West to a point in the southern said Forest Park Parkway, width varies, said point being in the northern prolongation of the eastern line of Lot 32 of the Subdivision of the Catlin Tract, an unrecorded subdivision in Block 5539E of the City of St. Louis; thence North 07°13'34" East, 28.73 feet along said Forest Park Parkway, width varies, to the southern line of said Forest Park Parkway, 90 feet wide; thence North 83°01'41" West, 3,761.70 feet along the southern line of said Forest Park Parkway to the eastern line of Skinker Boulevard, 100 feet wide; thence South 07°14'18" West, 42.01 feet along the eastern line of said Skinker Boulevard; thence leaving the eastern line of said Skinker Boulevard South 56°41'05" West, 101.34 feet to a point in a line 23 feet east of and parallel with the western line of said Skinker Boulevard; thence South 07°14'18" West, 166.74 feet along said line 23 feet east of and parallel with the western line of said Skinker Boulevard; thence leaving said line North 82°45'42" West, 23.00 feet to the western line of said Skinker Boulevard; thence North 07°14'18" East, 290.83 feet along the western line of said Skinker Boulevard and its northern prolongation; thence North 78°21'14" West, 95.72 feet; thence North 81°41'54" West, 210.82 feet; thence North 06°57'59" East, 2.12 feet; thence North 83°02'01" West, 264.05 feet to a point in the western line of said City of St. Louis; thence North 07°14'45" East, 43.33 feet along the western line of said City of St. Louis to the northern line of said Forest Park Parkway being also the southern line of Block 7 of Parkview Subdivision, a subdivision recorded in Plat Book 17, Page 42 of the City of St. Louis Recorder's Office; thence leaving said western line of said City of St. Louis South 83°02'01" East, 570.28 feet along the northern line of said Forest Park Parkway to its intersection with the western line of said Skinker Boulevard; thence leaving said intersection North 88°21'12" East, 101.21 feet to the intersection of the eastern line of said Skinker Boulevard with the northern line of said Forest Park Parkway, said intersection being also on the southern line of an Alley, 10 feet wide, in Block 5415 of the City of St. Louis; thence South 83°01'41" East, 261.71 feet along the northern line of said Forest Park Parkway; thence leaving the northern line of said Forest Park Parkway South 06°58'19" West, 59.80 feet; thence South 77°56'11" East, 57.22 feet; thence South 81°04'41" East, 282.61 feet; thence South 06°58'19" West, 2.17 feet to a point in a line 13.33 feet north of and parallel with the southern line of said Forest Park Parkway; thence South 83°01'41" East, 2,828.08 feet along said line 13.33 feet north of and parallel with the southern line of said Forest Park Parkway; thence leaving said line North 06°58'19" East, 6.34 feet to a point in a line 19.67 feet north of and parallel with the southern line of said Forest Park Parkway; thence South 83°01'41" East, 33.67 feet along said line 19.67 feet north of and parallel with the southern line of said Forest Park Parkway; thence leaving said line South 06°58'19" West, 4.67 feet to a point in a line 15.00 feet north of and parallel with the southern line of said Forest Park Parkway; thence South 83°01'41" East, 245.83 feet along said line 15.00 feet north of and parallel with the southern line of said Forest Park Parkway ; thence leaving said line South 85°04'09" East, 174.11 feet; thence South 88°54'07" East, 142.15 feet; thence North 70°00'46" West, 30.64 feet to a point of curve; thence northwestwardly 172.35 feet along said curve to the right, having a radius of 994.50 feet, a central angle of 09°55'47" to a point of tangency; thence North 60°04'59" West, 44.35 feet to a point in a curve on the northern line of said Forest Park Parkway, width varies, being on the southern line of an east and west Alley, 10 feet wide, in Block 5 of Washington Heights First Addition, a subdivision recorded in Plat Book 18, Page 57 of the City of St. Louis Recorder's Office and being in Block 5522 of the City of St. Louis; thence eastwardly 19.18 feet along the northern line of said Forest Park Parkway, width varies and along said curve to the left, having a radius of 585.00 feet, a central angle of 01°52'44" and a chord of North 79°53'10" East to an angle point in the northern line of said Forest Park Parkway; thence North 29°53'44" East, 15.00 feet along the northern line of said Forest Park Parkway; thence eastwardly 222.13 feet along the northern line of said Forest Park Parkway along a curve to the left, having a radius of 1,652.00 feet a central angle of 07°42'15" and a chord of South 63°57'24" East to an offset therein; thence South 83°01'41" East, 23.45 feet along said offset; thence eastwardly 268.41 feet along the northern line of said Forest Park Parkway along a curve to the left that is concentric with the preceding curve, having a radius of 1,646.00 feet a central angle of 09°20'35" to the Point of Beginning.

Said tract of land containing 152,573 square feet.

PARCEL NO. 2  
(15 FOOT ALLEY WAY)  
(Bi-State Parcel ID Number: 1N101.02E-X02)

A tract of land being part of an Alley, 15 feet wide, in Block 5522 of the City of St. Louis, Missouri; said tract being shown generally on the plat attached hereto as **Exhibit B** and incorporated herein by reference and more particularly described as follows:

COMMENCING at the eastern most corner of Parcel E as described in Ordinance 31000, said corner being the intersection of the southwestern right-of-way line of Bi-State Development Agency property with the northern right-of-wayline of Forest Park Parkway, width varies; thence South 29°53'44" West, 15.00 feet along the southeastern line of said Parcel E to a point in a curve; thence continuing along the southeastern line of said Parcel E 10.76 feet along said curve to the right, having a radius of 585.00 feet, a central angle of 01°03'16", and a chord bearing of South 79°28'26" West to the eastern most corner of said Alley and the POINT OF BEGINNING of the tract of land herein described; thence continuing along the southeastern line of said Alley 6.96 feet along said curve to the right, having a radius of 585.00, a central angle of 00°40'54" to a point; thence leaving the southeastern line of said Alley northwestwardly 78.16 feet along a curve to the right, having a radius of 1,300.54 feet, a central angle of 03°26'36", and a chord bearing of North 56°10'58" West to a point; thence northwestwardly 39.38 feet along a curve to the right, having a radius of 1,884.50 feet, a central angle of 01°11'50", and a chord bearing of North 54°08'18" West to the northeastern line of said Alley; thence southeastwardly 30.67 feet along the northeastern line of said Alley along a curve to the left, having a radius of 2,374.00 feet, a central angle of 00°44'25", and a chord bearing of South 56°18'24" East to point of compound curve; thence southeastwardly 91.95 feet along the northeastern line of said Alley along a curve to the left having a radius of 1,674.00 feet, and a central angle of 03°08'50" to the Point of Beginning.

Said tract of land containing 286 square feet or 0.007 acres.

PARCEL NO. 3  
(LOCATOR NUMBER 55220002000)  
(Bi-State Parcel ID Number: 1N101.03E-X02)

A tract of land being part of Parcel E as described in Ordinance 31000 and being in Block 5522 of the City of St. Louis, Missouri; said tract being shown generally on the plat attached hereto as **Exhibit C** and incorporated herein by reference and more particularly described as follows:

BEGINNING at the eastern most corner of said Parcel E, said corner being the intersection of the southwestern right-of-way line of Bi-State Development Agency property with the northern right-of-way line of Forest Park Parkway, width varies; thence South 29°53'44" West, 15.00 feet along the southeastern line of said Parcel E to a point in a curve; thence continuing along the southeastern line of said Parcel E 10.76 feet along a curve to the right having a radius of 585.00 feet, a central angle of 01°03'16", and a chord bearing of South 79°28'26" West to a point in a curve on the southwestern line of said Parcel E said southwestern line being 22 feet southwest of and parallel with the northeastern line of said Parcel E; thence northwestwardly 91.95 feet along the southwestern line of said Parcel E along a curve to the right having a radius of 1,674.00 feet, and a central angle of 03°08'50" to a point of compound curve; thence continuing along the southwestern line of said Parcel E northwestwardly 30.67 feet along a curve to the right having a radius of 2,374.00 feet, and a central angle of 00°44'25" to a point; thence leaving the southwestern line of said Parcel E northwestwardly 251.06 feet along a curve to the right having a radius of 1,884.50 feet, a central angle of 07°37'59" and a chord bearing of North 49°43'23" West to a point; thence northwestwardly 118.40 feet along a curve to the right having a radius of 3,754.49 feet, a central angle of 01°48'25", and a chord bearing of North 44°31'51" West, to a point in a curve on the northeastern line of said Parcel E; thence southeastwardly 397.33 feet along the northeastern line of said Parcel E along a curve to the left having a radius of 2,352.00 feet, and a central angle of 09°40'45" to a point of compound curve; thence southeastwardly 98.83 feet along a curve to the left having a radius of 1,652.00 feet, and a central angle of 03°25'40" to the Point of Beginning. Said tract of land containing 7,183 square feet or 0.165 acres.

PARCEL NO. 4  
(DES PERES AVENUE)  
(Bi-State Parcel ID Number: 1N126.00E-X02)

A tract of land being part of Des Peres Avenue, 60 feet wide, that intersects with Forest Park Parkway (formerly Rock Island Highway), adjoining Blocks 5539E and 5539W of the City of St. Louis, Missouri; said parcel being shown generally on the plat attached hereto as **Exhibit D** and incorporated herein by reference and more particularly described as follows:

BEGINNING at the northwest corner of Lot 51 of the Subdivision of the Catlin Tract (an unrecorded subdivision) in said Block 5539E, said corner being on the eastern line of said Des Peres Avenue; thence North 83°01'41" West, 60.00 feet to the western line of said Des Peres Avenue; thence North 07°14'07" East, 30.50 feet along the western line of said Des Peres Avenue to the southern line of said Forest Park Parkway; thence South 83°01'41" East, 60.00 feet along the southern line of said Forest Park Parkway to the eastern line of said Des Peres Avenue; thence South 07°14'07" West, 30.50 feet along the eastern line of said Des Peres Avenue to the Point of Beginning.

Said tract of land containing 1,830 square feet or 0.042 acres.

PARCEL NO. 5  
(DEBALIVIERE AVENUE BRIDGE)

An easement over that portion of the DeBaliviere Avenue Bridge shown generally on the plan sheet attached hereto as **Exhibit E** and incorporated herein by reference. It is understood that Bi-State will build certain Cross County MetroLink Segment I Extension station improvements, which improvements will abut and be adjacent to the DeBaliviere Avenue Bridge. Bi-State agrees that any such station improvements that abut or are adjacent to the DeBaliviere Avenue Bridge will be self-supporting and will allow the City to reconstruct and make future improvements to the DeBaliviere Avenue Bridge. At such time as the City reconstructs or makes improvements to the DeBaliviere Avenue Bridge, the City agrees that it shall follow Bi-State standard operating protocol as contained in the Policy & Procedure for Work Performed on MetroLink R.O.W., a copy of which has been provided to the City.

- B. The City of St. Louis, a municipal corporation of the State of Missouri, (party of the first part) acting by and through the Mayor and the Comptroller, and under the authority of Ordinance No. \_\_\_\_\_, approved on the \_\_\_\_ day of \_\_\_\_\_, 2003, does hereby grant and convey to Bi-State (party of the second part) non-exclusive, temporary construction easements under, over or across the public property described below in furtherance of and for the purpose of the construction, establishment, operation and maintenance of the Cross County MetroLink Segment I Extension. Said temporary construction easements shall commence on the effective date of this ordinance and shall terminate when construction of the Cross County MetroLink Segment I Extension is completed and said extension has opened for revenue service. The public property encumbered by said temporary construction easement is described as follows:

PARCEL NO. 1  
(LOCATOR NUMBER 55220002100)  
(Bi-State Parcel ID Number: 1N101.01T-X02)

A tract of land being part of Lot 1, Block 5 of Washington Heights First Addition in Block 5522 of the City of St. Louis, Missouri; said parcel being shown generally on the plat attached hereto as **Exhibit F** and incorporated herein by reference and more particularly described as follows:

BEGINNING at a point in the southern line of said Lot 1, distant South 83°01'41" East, 40.00 feet from its southwestern corner; thence North 07°15'04" East, 108.04 feet along a line parallel with the western line of said Lot 1 to its intersection with the northeastern line of said Lot 1; thence southeastwardly 143.41 feet along the northeastern line of said Lot 1 along a curve to the left, having a radius of 2,389.00 feet, a central angle of 03°26'22" and a chord bearing of South 54°57'25" East to a point of compound curve; thence continuing southeastwardly 28.19 feet along said curve to the left, having a radius of 1,689.00 feet, and a central angle of 00°57'23" to the eastern line of said Lot 1;

thence South 13°27'56" West, 18.93 feet along the eastern line of said Lot 1 to the southern line of said Lot 1; thence westwardly 104.41 feet along the southern line of said Lot 1 along a curve to the right, having a radius of 575.00 feet, and a central angle of 10°24'15" to a point of tangency; thence North 83°01'41" West, 46.43 feet along the southern line of

said Lot 1 to the Point of Beginning.

Said tract of land containing 9,832 square feet or 0.226 acres.

PARCEL NO. 2  
(FOREST PARK PARKWAY AND ADJACENT STREETS,  
ALLEYS AND RIGHTS-OF-WAY)

The following streets, alley ways and rights-of-way owned or controlled by the City of St. Louis, Missouri:

- a. Forest Park Parkway from a point 2000 feet east of the east right-of-way line of DeBaliviere Avenue west to the City limits of the City of St. Louis, Missouri;
- b. DeBaliviere Avenue from a point 200 feet north of the north right-of-way line of the Forest Park Parkway to a point 200 feet south of the south right-of-way line of the Forest Park Parkway;
- c. Des Peres Avenue from a point 100 feet north of the north right-of-way line of the Forest Park Parkway to a point 200 feet south of the south right-of-way line of the Forest Park Parkway;
- d. Skinker Boulevard from a point 150 feet north of the north right-of-way line of the Forest Park Parkway to a point 500 feet south of the south right-of-way line of the Forest Park Parkway;
- e. The ten (10) foot wide east-west alley way lying north of and adjacent to the Forest Park Parkway and extending from the west right-of-way line of DeBaliviere Avenue west to the east right-of-way line of Skinker Boulevard (access through said alley way shall be maintained at all times); and
- f. The fifteen (15) foot wide alley way lying south of and adjacent to the MetroLink alignment west of DeBaliviere Avenue and extending from the north right-of-way line of the Forest Park Parkway to the south right-of-way line of Pershing Avenue.

During the term of the temporary construction easements granted over and across DeBaliviere Avenue, Des Peres Avenue (north of the Forest Park Parkway) and Skinker Boulevard, Bi-State and Bi-State's employees, agents, contractors and subcontractors agree that they shall be required to keep said streets, alley ways and rights-of-way open to vehicular and pedestrian traffic at all times.

Bi-State agrees to coordinate continued use of the alley which currently runs across Parcel 1N101.01T-X02 (near the intersection of DeBaliviere Avenue and Forest Park Parkway) during the construction of the MetroLink project so as to allow traffic to circulate from the east-west alley north of the Forest Park Parkway, north across Parcel 1N101.01T-X02, continuing across the northwest-southeast alley adjacent to MetroLink to a point where it connects to Pershing Avenue. During the term of the temporary construction easements granted herein, both City of St. Louis service vehicles and private personal vehicles will be allowed to utilize those existing alleys to connect the east-west alley to Pershing Avenue except for the period when the existing northwest-southeast alley must be closed in order to facilitate construction of a MetroLink retaining wall.

During the period when that circulation route is closed, City of St. Louis service vehicles will be allowed to access the east-west alley from Des Peres Avenue on the west, drive the full length of the east-west alley to the west line of Parcel 1N101.01T-X02, and access the westbound lanes of the Forest Park Parkway to return to Des Peres Avenue. During such periods, residents along the east-west alley will be required to enter and exit the said alley from Des Peres Avenue.

Prior to completion of the MetroLink construction, Bi-State will construct a new alley way across Parcel 1N101.01T-X02 and along the current route of the northwest-southeast alley so as to connect the east-west alley to Pershing Avenue. Said alley will consist of a fifteen (15) foot wide portland cement concrete pavement constructed in accordance with the Standard Specifications, Bid Items and Standard Details for Construction (April 2001) issued by the Board of Public Service and lying within a fifty (50) foot wide north-south strip of property along the west line of Parcel 1N101.01T-X02 and a short section of the northwest-southeast alley.

- C. These easements are subject to the general conditions that:
1. Any persons or legal entity intending to construct any facilities within, under, over or upon the above described real property shall first submit detailed plans and specifications to the City's Board of Public Service for its approval, which approval shall not be unreasonably withheld. Prior to such approval, such detailed plans and specifications shall be provided to Bi-State for an opportunity to review and comment on such plans and specifications.
  2. If the City intends to construct any facilities within, under, over or upon the above described real property, the City shall give ample notice to Bi-State and an opportunity to review and comment on the detailed plans and specifications.
  3. No other use of the easements other than herein contained shall be made by Bi-State.
  4. Bi-State shall repair any and all damage done to the property of the City during the construction, occupancy or use of the easements by Bi-State.
  5. Bi-State shall be responsible for all claims and damages as a result of the easements and any construction or maintenance of the easements or facilities within, under, over or upon the easements and Bi-State agrees to indemnify and save harmless the City and its officers and employees from and against any and all loss of or damage to property or injuries or death of any person or persons in any way resulting from or arising out of the acts or omissions of officers, employees or contractors of Bi-State arising out of the use and occupancy of the easements; Bi-State agrees to defend the City and its officers and employees in any action or proceeding brought thereon.
  6. In the event that an easement provided herein shall be abandoned, then the property rights granted by this instrument shall cease to exist and all such rights, at the option of the City, shall revert to the City of St. Louis, Missouri.
  7. The owners of the properties adjacent to the rights-of-way that are the subject of the easements granted herein by this Ordinance shall not place any improvements upon, over, or in the lands that are the subject of the easements granted herein by this Ordinance without a lawful permit from the City of St. Louis, Missouri, and the written consent of Bi-State.
  8. The City of St. Louis, Missouri, utilities and governmental service entities shall have the right and access, with reasonable notice to Bi-State, to go upon the rights-of-way that are the subject of the easements granted herein by this Ordinance for purposes associated with the maintenance, construction or planning of existing or future facilities and/or improvements to the subject rights-of-way, so long as such access and purposes are carried out without disruption or disturbance to the construction, establishment, operation and maintenance of the Cross County MetroLink Segment I Extension.
  9. Within the geographic limits provided herein, Bi-State will be permitted to close the Forest Park Parkway within the city limits of the City of St. Louis for all construction, reconstruction, staging, and material and equipment storage necessary to the construction of the Cross County MetroLink Segment I Extension and related facilities. Bi-State agrees at the completion of such construction to restore both the eastbound and westbound right-of-way lanes of the Forest Park Parkway, as well as all medians and median landscaping to the same condition of such improvements as they existed prior to such closure.
  10. Bi-State agrees that it will install landscaping in the northeast and northwest quadrant of the intersection of the Forest Park Parkway and Skinker Boulevard. The cost of all such landscaping improvements and the irrigation of such areas will be borne by Bi-State. Bi-State also agrees that it will maintain the landscaped areas set forth in this Paragraph. The parties hereto understand and agree that the landscaped areas set forth in this Paragraph are included in the permanent easements granted by the City to Bi-State and that such areas will be under the sole control and use of Bi-State.
  11. Bi-State agrees that it will install a decorative fence to replace the existing fence lying along the north right-of-way line of the Forest Park Parkway between DeBaliviere Avenue and Skinker Boulevard. Said fence separates

the Forest Park Parkway from the alley way lying to the north of and adjacent to the Forest Park Parkway. The City shall have the right to reasonable review and approval of the design features of the decorative fencing, such approval by the City not to be unreasonably withheld. The cost to design and install the decorative fence will be shared between Bi-State and the City of St. Louis and shall not exceed the total sum of \$274,000. The City shall contribute the sum of \$100,000 toward the total cost of designing and installing the decorative fence. The City agrees that it will maintain the decorative fence after it is installed.

- 12. The easements may not be assigned, sold or otherwise encumbered without the express written consent of the City.
- 13. Prior to commencement of construction, Bi-State shall establish appropriate detours and traffic mitigation measures acceptable to the City.

The foregoing Instrument was executed by the City of St. Louis, Missouri this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Comptroller

Approved as to form only:

\_\_\_\_\_  
Register

\_\_\_\_\_  
City Counselor

The foregoing Instrument was approved and accepted by Bi-State this \_\_\_\_ day of \_\_\_\_\_, 2003.

Bi-State Development Agency of the  
Missouri-Illinois Metropolitan District

By: \_\_\_\_\_

**SECTION TWO.** The public surface rights of vehicle, equestrian and pedestrian travel over a portion of the following public right-of-way commonly known as Des Peres Avenue shown generally on the plat attached hereto as Exhibit D and incorporated herein by reference, beginning from the south line of Forest Park Parkway to a point 30.50 feet south of the south line of Forest Park Parkway over a width of 60 feet or the full width of Des Peres Avenue is hereby closed.

**SECTION THREE.** The City of St. Louis, Missouri shall, and the Mayor, the Board of Aldermen and other appropriate officers, agents and employees of the City of St. Louis, Missouri are hereby authorized and directed to take such further actions and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**SECTION FOUR.** If Bi-State, through its Board of Commissioners, does not approve and accept the grant and conveyance of these easements and ownership rights within ninety (90) days after approval of the Ordinance, the Ordinance and the easements and ownership rights conveyed herein shall become null and void and of no force and effect.

**SECTION FIVE.** Be it further ordained that all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION SIX.** This being an ordinance for the preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and shall become effective immediately upon its passage and approval by the Mayor.

\_\_\_\_\_  
Clerk, Board of Aldermen

\_\_\_\_\_  
President, Board of Aldermen

Approved:      Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Truly Engrossed and Enrolled

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Chairman

**Cross County MetroLink Segment 1 Extension**  
Plans for easements along the Forest Park Parkway and Des Peres alleyways  
On file in the Register's Office.

**Approved: April 30, 2003**