

ORDINANCE #65873
Board Bill No. 10

An Ordinance recommended by the Board of Public Service and authorizing and directing the Mayor of the City of St. Louis and the Comptroller of the City of St. Louis to enter into a "Perpetual Easement & License Relating to Public Light Fixtures", in substantially the form attached hereto as Exhibit A.

Whereas, the Land Clearance for Redevelopment Authority of the City of St. Louis (LCRA) is, by virtue of Resolution No. 99- LCRA-6569 and Ordinance No. 65099, performing or causing to perform, through its Contractor, certain work for the replacement and improvement of particular streets, sidewalks, lighting and other existing improvements in the Washington Avenue Loft District ("Project Area") located in the City of St. Louis, which such project is formally known as the Washington Avenue Loft District Streetscape Project, Federal Project No. STP-5400 (689); and

Whereas, The City of St. Louis requires a perpetual easement and license from the Owner of the property located at 1501-09 Washington Avenue in order to attach, anchor and otherwise affix certain street light poles and fixtures to the building and improvements located on said property and to thereafter forever maintain, repair, improve and/or remove same.

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

SECTION ONE. The Mayor and Comptroller of the City of St. Louis are hereby directed to execute, enter into and have notarized the "Perpetual Easement and License Relating to Public Light Fixtures", in substantially the form attached hereto as Exhibit A and to record same in the land records of the City of St. Louis.

PERPETUAL EASEMENT & LICENSE RELATING TO PUBLIC LIGHT FIXTURES

THIS PERPETUAL EASEMENT, is granted and conveyed this ___ day of _____, 2003 by **IBC Investors, LLC**, a Missouri limited liability company 1501-09 Washington Ave., St. Louis, MO., 63103 ("Grantor") to **The Land Clearance for Redevelopment Authority of the City of St. Louis** (sometimes hereinafter referred to as "LCRA") and the **City of St. Louis Missouri**, (City) a constitutionally chartered city of the State of Missouri c/o the City of St. Louis Street Department – Traffic & Lighting Division, 1900 Hampton Ave., St. Louis, MO., 63103 (LCRA and City shall collectively be referred to as "Grantee").

Whereas, LCRA is, by virtue of Resolution No. 99-LCRA-6569 and Ordinance No. 65099, performing or causing to perform, through its Contractor, Kozeny-Wagner, Inc., and Contractor's subcontractors, certain work for the replacement and improvement of particular streets, sidewalks, lighting and other existing improvements in the Washington Avenue Loft District ("Project Area") located in the City of St. Louis, formally known as the Washington Avenue Loft District Streetscape, Federal Project No. STP-5400 (689), hereinafter, the "Project"; and

Whereas, Grantor is the holder of title in fee simple of the land or parcels and improvements thereon located in the Project Area, the **legal description of which is attached as Exhibit A**; and the address of which is 1501-09 Washington Ave, (Property) and which includes certain easement rights of access, maintenance and use of related and appurtenant subterranean or sub street-level vaults or structures which are portions of *GRANTOR'S* basement extending underneath the sidewalk ("Vault"); and

Whereas, the eastern boundary of the Property abuts and adjoins the western line of 15th Street, a public right-of-way, being separated therefrom by a public sidewalk under which exists the aforesaid Vault; and

Whereas, *GRANTOR* and *GRANTEE* desire the installation and maintenance of certain light fixtures to illuminate both the public sidewalk and 15th Street between Washington Ave. and Lucas Street. *GRANTOR* acknowledges such public lighting constitutes a direct benefit, economic and otherwise, accruing to the Property. However, the location and dimensions of the Vault in relation to the sidewalk and 15th Street, as such will be improved by the Project, necessitate that the light fixtures be anchored and affixed to the aforesaid Vault wall.

NOW, THEREFORE, GRANTOR, in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does, by these presents, *GRANT, BARGAIN, SELL, CONVEY AND CONFIRM* unto *GRANTEE*, and their successors, assigns, licensees, contractors and subcontractors a perpetual easement to construct, anchor and affix to the aforesaid Vault wall and thereafter to maintain, operate, repair, replace and improve light fixtures of a type, size and design chosen by *GRANTEE* in its sole, unrestricted discretion for the illumination of the sidewalk and 15th street between Washington Ave. and Lucas Street. *TO HAVE AND TO HOLD* the same, with all rights and appurtenances to the same belonging, unto *GRANTEE*, its successors,

State of Missouri)
)
City of St. Louis)

On this ____ day of _____, 2003, before me, a Notary Public of the State of Missouri, personally appeared Darlene Green, to me personally known, who, being by me duly sworn, acknowledged herself to be the Comptroller of the City of St. Louis, Missouri, a constitutionally chartered city and political subdivision of the State of Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of said City, and that the foregoing instrument was signed and sealed on behalf of said City and said individual acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

In Witness Whereof, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Notary Signature

Print Name of Notary

Approved: June 3, 2003