

ORDINANCE #66032
Board Bill No. 84

An ordinance recommended by the Board of Public Service vacating a portion of air rights over 1) Children's Place \approx 13 feet x 60 feet adjacent to City Block 4781 N and City Block 4781 S, 2) an irregular portion over Children's Place west of Euclid Avenue adjacent to City Block 3887 and 3) Euclid Avenue north of Children's Place \approx 13 feet x 62 feet adjacent to City Block 3887 and 4781 N as hereinafter described and authorizing construction of a portion of a structure in the vacated area under certain terms and conditions.

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

SECTION ONE: Subject to the terms and conditions hereinafter set forth the "air rights" or "air space" above that portion of Euclid Avenue which is described as follows:

Air rights above a parcel of ground between elevation 114.00 and elevation 131.00 being a portion of Children's Place, 60 feet wide, adjoining Block 3887, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the point of intersection of the northern line of Children's Place, 60 feet wide, with the western line of Euclid Avenue, 60 feet wide; thence north 83 degrees 01 minutes 21 seconds west 237.70 feet, along the northern line of said Children's Place, to the point of beginning of the parcel herein described; thence south 7 degrees 33 minutes 28 seconds west 6.34 feet; south 54 degrees 13 minutes 05 seconds west 8.56 feet and north 67 degrees 03 minutes 43 seconds west 44.18 feet, to the northern line of said Children's Place; thence south 83 degrees 01 minutes 21 seconds east 48.83 feet, along the northern line of said Children's Place, to the point of beginning and containing 316 square feet. Top of concrete walk at the southern line of above described parcel is at elevation 95.64.

Air rights above a parcel of ground between elevation 116.00 and elevation 133.00, being a portion of Euclid Avenue, 60 feet wide, adjoining Blocks 3887 and 4781 N, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the point of intersection of the eastern line of Euclid Avenue, 60 feet wide, with the northern line Children's Place, 60 feet wide; thence north 8 degrees 56 minutes 09 seconds east 143.03 feet, along the eastern line of said Euclid Avenue, to the point of beginning of the parcel herein described; thence north 65 degrees 36 minutes 40 seconds west 62.25 feet, to the western line of said Euclid Avenue; thence north 8 degrees 56 minutes 09 seconds east 12.97 feet, along the western line of said Euclid Avenue; thence south 65 degrees 36 minutes 40 seconds east 62.25 feet, to the eastern line of said Euclid Avenue; thence south 8 degrees 56 minutes 09 seconds west 12.97 feet, along the eastern line of said Euclid Avenue, to the point of beginning, and containing 778 square feet. Top of asphalt paving at the centerline of Euclid Avenue and centerline of above described parcel is at elevation 93.48.

Air rights above a parcel of ground between elevation 113.00 and elevation 129.00 being a portion of Children's Place, 60 feet wide, adjoining Block 4781 S and 4781 N, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the point of intersection of the northern line of Children's Place, 60 feet wide, with the eastern line of Euclid Avenue, 60 feet wide; thence south 75.00 degrees 00 minutes 51 seconds east 15.77 feet, along the northern line of said Children's Place, to the point of beginning of the parcel herein described; thence south 75 degrees 00 minutes 51 seconds east 13.00 feet, along the northern line of said Children's Place; thence south 16 degrees 12 minutes 59 seconds west 60.01 feet, to the southern line of said Children's Place; thence north 75 degrees 00 minutes 51 seconds west 13.00 feet, along the southern line of said Children's Place; thence north 16 degrees 12 minutes 59 seconds east 60.01 feet, to the northern line of said Children's Place and the point of beginning and containing 780 square feet. Top of asphalt paving at the centerline of Children's Place and centerline of above described parcel is at elevation 96.68.

shall be and is hereby vacated. Any right, title or interest owned or claimed by the City of St. Louis therein is hereby relinquished, except as herein provided.

SECTION TWO: Vacated area will be used to enhance Washington University School of Medicine's Campus.

SECTION THREE: An appropriate application shall be filed with the Building Division and there shall be submitted detailed plans for the erection, construction and use of the buildings, structures and related facilities which are to be constructed over the areas described in Section One.

SECTION FOUR: Notwithstanding any provisions of the Revised Code of St. Louis or the Ordinances of the City of St. Louis to the contrary, the Board of Public Service and the Building Division are hereby authorized and directed to issue building permits for the erection, construction and use of buildings, structures and related facilities, as well as any future additions, alterations or improvements thereto and renewals and rebuildings thereof, in the areas vacated pursuant to the provisions of Section One hereof when the Building Division shall find that:

1. The proposed plans and specifications of such buildings, structures and related facilities are such that said buildings, structures and related facilities will be located within the boundaries of the areas vacated by Section One.
2. The proposed manner of construction pursuant to the proposed plans and specifications of such buildings, structures and related facilities shall be such as to not unduly interfere with traffic on the public right-of-way.
3. Materials proposed in the plans and specifications to be used in constructing the said buildings, structures and other facilities shall be such as are customarily used in projects of this type involving construction over highway rights-of-way.

SECTION FIVE: The present owners and any successors and assigns of the ownership of the real property abutting the areas described in Section One shall be bound by the following terms and conditions:

1. They shall indemnify and hold harmless the City of St. Louis against any liability, loss of damage arising out of, or in connection with the construction, maintenance and occupancy of the buildings, structures and related facilities above the public right-of-way.
2. All construction of and repair and maintenance to the exterior portions of the buildings, structures and related facilities above the public right-of-way shall be performed only at such times and by such methods as Board of Public Service shall permit, except in the case of an emergency.
3. No advertising signs, displays or devices shall be placed above the public right-of-way unless approved by the Board of Public Service.
4. No hazardous or unreasonably objectionable smoke, fumes, vapor or odor shall be permitted to descend to the grade line of the public right-of-way.
5. All buildings, structures and related facilities over the public right-of-way shall be properly maintained so as to safeguard adequately said buildings, structures and related facilities against fire and other hazards.
6. The City of St. Louis or its authorized agent shall have the reasonable right to enter into and inspect all buildings, structures and related facilities maintained over the public right-of-way.
7. All buildings, structures and related facilities located over the public right-of-way shall comply with all regulations imposed by the City of St. Louis to protect against fire and other hazards which would impair the use and safety of the public right of way.
8. In the use of the air space over the public right-of-way, all necessary and appropriate safeguards to protect the public right-of-way shall be provided.

9. All construction in, and use of, the air space over the public right-of-way shall be in compliance with the rules, regulations and requirements established by the Department of Streets of the City of St. Louis.

10. Upon completion of the construction of the buildings, structures and related facilities contemplated hereby, the present owners or its successors and assigns shall furnish the City of St. Louis evidence of fire and extended coverage insurance and public liability insurance during the time the air space over the public right-of-way shall be occupied by the aforementioned buildings, structures or related facilities and such policies of insurance shall be in such reasonable amounts as set by Board of Public Service and shall contain a provision waiving subrogation against the City of St. Louis.

SECTION SIX: An affidavit stating that all of conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance 365 days (one year) from the date of the signing of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Approved: October 22, 2003