

BOARD BILL # 262

INTRODUCED BY: ALDERMAN JOSEPH RODDY

1 An ordinance recommended by the Board of Public Service vacating a portion of air rights for an
2 irregular portion of Children's Place, west of Taylor, adjacent to City Block 4781-S in the City of St.
3 Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity
4 with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

6 **SECTION ONE:** Subject to the terms and conditions hereinafter set forth the "air rights" or
7 "air space" above that portion of Children's Place, which is described as follows:

8
9 A parcel of land being a part of Children's Place, 60 feet wide, adjoining Blocks
10 4781-N and 4781-S of the City of St. Louis, Missouri, being more particularly
11 described as follows:

12
13 Commencing at the Northerly most northeast corner of Lot "A1" of
14 City Block 4781S Audubon Place Consolidation Plat as recorded in
15 Plat Book 06102015 Page 0035 of the Office of the Recorder of
16 Deeds in the City of Saint Louis, Missouri; thence South 78 degrees
17 09 minutes 59 seconds West, along the Northerly line of said Lot
18 "A1", also being the Southerly line of said Children's Place, 163.33
19 feet to a point of curvature: thence Southwesterly 3.74 feet along the
20 last described line, being the arc of a tangent circle to the right,
21 having a radius of 100.00 feet, a chord bearing of South 79 degrees
22 14 minutes 20 second West, and a chord length of 3.74 feet to the
23 Point of Beginning; thence continuing Northwesterly 37.69 feet along
24 the previously described line, being the arc of a tangent circle to the
25 right, having a radius of 100.00 feet, a chord bearing of North 88
26 degrees 53 minutes 37 seconds West and a chord length of 37.46 feet
27 to a Point of Tangency; thence North 74 degrees 59 minutes 35
28 seconds West, along said South line of Children's Place, tangent to
29 the previously described course 61.08 feet; thence North 15 degrees
30 00 minutes 25 seconds East, 5.00 feet to a point on a line 5.00 feet
31 North of and parallel with said South line of Children's Place; thence
32 North 74 degrees 59 minutes 35 seconds West, 10.00 feet; thence
33 South 15 degrees 00 minutes 25 seconds West, 5.00 feet to a point on
34 said South line of Children's Place; thence North 74 degrees 59
35 minutes 35 seconds West along said South line 145.53 feet; thence

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1 South 89 degrees 21 minutes 50 seconds East, 36.26 feet to a point on
2 a line 9.00 feet North of and parallel with said South line of
3 Children's Place; thence South 74 degrees 59 minutes 35 seconds
4 East along the last described line, 217.85 feet to the Point of
5 Beginning.

6
7 Said previously described parcel being bounded by a lower elevation
8 of 112.50 and an upper elevation of 132.00 City of Saint Louis
9 Datum (add 413.69 feet to obtain U.S.G.S. Datum elevations)

10
11 are, upon the conditions hereinafter set out, vacated.

12 **SECTION TWO:** Petitioners are Barnes-Jewish Hospital and The Washington University.

13 Vacation will be used for elevated, enclosed pedestrian walkway.

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

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

23 1. The proposed plans and specifications of such buildings, structures and related facilities
24 are such that said buildings, structures and related facilities will be located within the
25 boundaries of the areas vacated by Section One.

26 2. The proposed manner of construction pursuant to the proposed plans and specifications
27 of such buildings, structures and related facilities shall be such as to not unduly interfere
28 with traffic on the public right-of-way.

29 3. Materials proposed in the plans and specifications to be used in constructing the said

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1 buildings, structures and other facilities shall be such as are customarily used in projects of
2 this type involving construction over highway rights-of-way.

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

6 1. They shall indemnify and hold harmless the City of St. Louis against any liability, loss or
7 damage arising out of, or in connection with the construction, maintenance and occupancy
8 of the buildings, structures and related facilities above the public right-of-way.

9 2. All construction of an repair and maintenance to the exterior portions of the buildings,
10 structures and related facilities above the public right-of-way shall be performed only at
11 such times any by such methods as Board of Public Service shall permit, except in the case
12 of a emergency.

13 3. No advertising signs, displays or devices shall be placed above the public right-of-way
14 unless approved by the Board of Public Service.

15 4. No hazardous or unreasonably objectionable smoke, fumes, vapor or odor shall be
16 permitted to descend to the grade line of the public right-of-way.

17 5. All buildings, structures and related facilities over the public right-of-way shall be
18 properly maintained so as to safeguard adequately said buildings, structures and related
19 facilities against fire and other hazards which would impair the use and safety of the public
20 right-of-way.

21 6. The City of St. Louis or its authorized agent shall have the reasonable right to enter into
22 and inspect all buildings, structures and related facilities maintained over the public right-
23 of-way.

24 7. All buildings, structures and related facilities located over the public right-of-way shall

1 comply with all regulations imposed by the City of St. Louis to protect against fire and other
2 hazards which would impair the use and safety of the public right-of-way.

3 8. In the use of the air space over the public right-of-way, all necessary and appropriate
4 safeguards to protect the public right-of-way shall be provided.

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

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

14 **SECTION SIX:** An affidavit stating that all conditions of this Ordinance have been
15 accepted must be submitted to the Board of Public Service for acceptance Three Hundred
16 Sixty Five (365) days from the date of the signing of this Ordinance. If this affidavit is not
17 submitted within the prescribed time the Ordinance will be null and void.