

BOARD BILL # 263

INTRODUCED BY: ALDERMAN JOSEPH RODDY

1 An ordinance recommended by the Board of Public Service vacating a portion of air rights for a
2 15 foot section of Taylor, south of Children's Place, adjacent to City Blocks 3970 and 4781-S in the
3 City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in
4 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such
5 vacation.

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

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

9
10 A parcel of land being a part of Taylor Avenue, variable width, adjoining Blocks
11 3970 and 4781-S of the City of St. Louis, Missouri, being more particularly
12 described as follows:

13
14 Commencing at the easterly most southeast corner of Lot "A1" of
15 City Block 4781S Audubon Place Consolidation Plat as recorded in
16 Plat Book 061022015 Page 0035 of the Office of the Recorder of
17 Deeds in the City of Saint Louis, Missouri; thence North 11 degrees
18 15 minutes 47 seconds East, along the East line of said Lot "A1", also
19 being the West line of Taylor Avenue, 40.40 feet to a point of
20 curvature; thence Northeasterly 63.06 feet along the previously
21 described line, being the arc of a tangent circle to the left, having a
22 radius of 447.50 feet, a chord bearing of North 06 degrees 37 minutes
23 08 seconds East and a chord length of 63.00 feet to the Point of
24 Beginning' thence continuing Northeasterly 19.79 feet along the
25 previously described line, being the arc of a tangent circle to the left,
26 having a radius of 447.50 feet, a chord bearing of North 01 degree 18
27 minutes 54 seconds East and a chord length of 19.79 feet; thence
28 South 47 degrees 57 minutes 45 seconds East, along a non-tangent
29 line, 79.64 feet to a point on the East line of said Taylor Avenue, also
30 being the West line of Lot "A" of the subdivision Plat of City Block
31 3970 as recorded in Plat Book 07172014 Page 0018; thence
32 Southwesterly 18.50 feet along said East line of Taylor Avenue,
33 being the arc of a non-tangent circle to the right, having a radius of
34 509.60 feet, a chord bearing of South 06 degrees 13 minutes 17

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1 seconds West, and a chord length of 18.50 feet; thence North 47
2 degrees 57 minutes 45 seconds West, 77.50 feet to the Point of
3 Beginning.
4

5 Said previously described parcel being bounded by a lower elevation
6 of 115.50 and an upper elevation of 140.50 City of Saint Louis
7 Datum (add 413.69 feet to obtain U.S.G.S. Datum elevations)
8

9 are, upon the conditions hereinafter set out, vacated.

10 **SECTION TWO:** Petitioner is The Washington University. Vacation will be used for
11 elevated, enclosed pedestrian walkway.

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

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

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

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

27 3. Materials proposed in the plans and specifications to be used in constructing the said
28 buildings, structures and other facilities shall be such as are customarily used in projects of

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1 this type involving construction over highway rights-of-way.

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

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

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

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

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

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

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

23 7. All buildings, structures and related facilities located over the public right-of-way shall
24 comply with all regulations imposed by the City of St. Louis to protect against fire and other

1 hazards which would impair the use and safety of the public right-of-way.

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

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

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

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