

1 **BOARD BILL #69 INTRODUCED BY ALDERMAN JOHN COATAR**
2 AN ORDINANCE, RECOMMENDED BY THE BOARD OF PUBLIC SERVICE,
3 AUTHORIZING THE MAYOR AND THE COMPTROLLER OF THE CITY OF ST.
4 LOUIS TO EXECUTE A PERPETUAL STREETScape EASEMENT, WHICH
5 SHALL GIVE, GRANT, EXTEND AND CONFER ON THE CITY, ITS AGENTS,
6 SUCCESSORS, AND ASSIGNS, THE RIGHT TO CONSTRUCT, MAINTAIN AND
7 REPAIR STREETScape IMPROVEMENTS; APPROVING A PERPETUAL
8 STREETScape EASEMENT AGREEMENT; AUTHORIZING CERTAIN ACTIONS
9 BY CITY OFFICIALS; AND CONTAINING A SEVERABILITY CLAUSE.

10 **WHEREAS**, the City of St. Louis, Missouri (the “City” and “Grantee”), is a body
11 corporate and a political subdivision of the State of Missouri, duly created, organized and
12 existing under and by virtue of its charter, the Constitution and laws of the State of
13 Missouri; and

14 **WHEREAS**, the Missouri Development Finance Board (“MDFB” and “Grantor”) is a body corporate and politic, duly created, organized and existing pursuant to the laws
15 of the State of Missouri; and

17 **WHEREAS**, Grantor is the fee simple owner of property and improvements
18 along certain portions of Washington Avenue subject to a dedicated public right-of-way
19 (“ROW”) more particularly described in Exhibit A, attached hereto and incorporated
20 herein by reference ; and

21 **WHEREAS**, the City desires to make certain streetscape improvements within and
22 appurtenant to the ROW that may expand beyond the existing permitted use and scope of

1 the ROW which requires a perpetual easement and license from the Grantor to make said
2 improvements.

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

4 **SECTION ONE.** The Mayor and the Comptroller of the City of St. Louis are
5 hereby authorized to execute a Perpetual nonexclusive Streetscape Easement, in
6 substantially the form attached hereto as Exhibit “A” and to record same in the land
7 records of the City of St. Louis which shall give, grant, extend and confer to the City, its
8 agents, successors and assigns, the right to construct, maintain and repair improvements
9 including light poles, electrical conduits and tree planters constructed within, upon,
10 beneath, below or appurtenant to an existing right-of-way along Washington Avenue.

11 **SECTION TWO.** The Mayor and Comptroller of the City or their designated
12 representatives are hereby authorized and directed to take any and all actions as may be
13 necessary and appropriate in order to carry out the matters herein authorized, with no
14 such further action of the Board of Aldermen necessary to authorize such action by the
15 Mayor and the Comptroller or their designated representatives.

16 **SECTION THREE.** The Mayor and the Comptroller of the City or their
17 designated representatives, with the advice and concurrence of the City Counselor, are
18 hereby further authorized and directed to make any changes to the documents,
19 agreements and instruments approved and authorized by this Ordinance as may be
20 consistent with the intent of this Ordinance and necessary and appropriate in order to
21 carry out the matters herein authorized, with no such further action of the Board of
22 Aldermen necessary to authorize such changes by the Mayor and the Comptroller or their
23 designated representatives.

1 **SECTION FOUR.** It is hereby declared to be the intention of the Board of
2 Aldermen that each and every part, section and subsection of this Ordinance shall be
3 separate and severable from each and every other part, section and subsection hereof, and
4 that the Board of Aldermen intends to adopt each said part, section and subsection
5 separately and independently of any other part, section and subsection. In the event that
6 any part, section or subsection of this Ordinance shall be determined to be or to have
7 been unlawful or unconstitutional, the remaining parts, sections and subsections shall be
8 and remain in full force and effect, unless the court making such finding shall determine
9 that the valid portions standing alone are incomplete and are incapable of being executed
10 in accord with the legislative intent.

EXHIBIT A

EASEMENT

[Attached hereto]