

St. Louis City Ordinance 63097

FLOOR SUBSTITUTE

BOARD BILL NO. [93] 251

INTRODUCED BY ALDERMAN Robert Ruggeri

An Ordinance recommended by the Board of Public Service authorizing and directing the Mayor and the Comptroller to execute and deliver two (2) easement agreements over property owned by the City and located in St. Louis County as hereinafter described and under certain terms and conditions, and containing an emergency clause.

WHEREAS, the City is the owner of a strip of real property located in the County in which are located water mains bringing water from the Howard Bend Plant located on the Missouri River to the residents of the City; and,

WHEREAS, the County is desirous of improving traffic conditions and stormwater runoff and has required the dedication of two (2) easements, as a condition for such improvements; and,

WHEREAS, it is deemed to be in the public interest to permit the use of the surface of said City owned property to provide for these improvements, as well as afford additional protection of the water mains.

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

Section One. The Mayor and the Comptroller, acting on behalf of the City of St. Louis, are hereby authorized and directed to execute and deliver to St. Louis County an instrument which will read in words and figures as follows:

EASEMENT FOR STREET RIGHT OF WAY PURPOSES

A. The City of St. Louis, a municipal corporation of the State of Missouri, (party of the first part) acting by and through its Mayor and Comptroller, and under the authority of Ordinance No. _____, approved on the _____ day of _____, 19____, does hereby dedicate to St. Louis County, Missouri, (party of the second part) the public use for street and public utility purposes, including the right to construct, reconstruct, repair and maintain street right of way improvements and public utility facilities, an easement over land owned by said City and located in St. Louis County and described as follows:

December 3, 1993

PARCEL NO. 1
(RIGHT OF WAY)

A part of a tract of land in U.S. Survey 1962, Township 46 North, Range 5 East, in St. Louis County, Missouri, and more particularly described as follows:

BEGINNING at the intersection of the north line of property conveyed to the City of St. Louis, Missouri, water conduit right of way, by instrument recorded in Deed Book 681, page 207, of the St. Louis County Records, with the southwest line of Schulte Road (55 feet wide); THENCE along said southwest line South 27 degrees 32 minutes 50 seconds East, a distance of 197.55 feet to a point on the south line of said City of St. Louis, Missouri, property; THENCE along said south line North 57 degrees 57 minutes 30 seconds West, a distance of 19.76 feet to a point; THENCE North 27 degrees 32 minutes 50 seconds West, a distance of 197.55 feet to the aforementioned north line of said City of St. Louis, Missouri, property; THENCE along said north line South 57 degrees 57 minutes 30 seconds East, a distance of 19.76 feet to the POINT OF BEGINNING and containing 1,976 square feet, more or less.

Together with the following grant by the party of the first part to the party of the second part.

A Permanent Drainage Easement for the construction, repair and maintenance of Drainage and Sanitary Sewer Structures, in and upon the following described property, to wit:

A part of a tract of land in U.S. Survey 1962, Township 46 North, Range 5 East, in St. Louis County, Missouri, and more particularly described as follows:

BEGINNING at the intersection of the north line of property conveyed to the City of St. Louis, Missouri, water conduit right of way, by instrument recorded in Deed Book 681, page 207, of the St. Louis County Records, with the southwest line of Schulte Road (55 feet wide); THENCE along said north line North 57 degrees 57 minutes 30 seconds West, a distance of 19.76 feet to a point; THENCE South 27 degrees 32 minutes 50 seconds East, a distance of 36.00 feet to a POINT OF BEGINNING; THENCE South 27 degrees 32 minutes 50 seconds East, a distance of 10.00 feet to a point; THENCE South 62 degrees 27 minutes 10 seconds West, a distance of 25.00 feet to a point; THENCE North 27 degrees 32 minutes 50 seconds West, a distance of 10.00 feet to a point; THENCE North 62 degrees 27 minutes 10 seconds East, a

distance of 25.00 feet to the POINT OF BEGINNING and containing 250 square feet, more or less.

Together with the following grant by the party of the first part to the party of the second part.

A Temporary Slope and Construction License for the purpose of making cuts, fills, and sloping embankment, constructing drives, sidewalks, temporary roadways, etc., if any, providing working room and implementing any and all other construction items over the following described property, to wit:

A part of a tract of land in U.S. Survey 1962, Township 46 North, Range 5 East, in St. Louis County, Missouri, and more particularly described as follows:

BEGINNING at the intersection of the north line of property conveyed to the City of St. Louis, Missouri, water conduit right of way, by instrument recorded in Deed Book 681, page 207, of the St. Louis County Records, with the southwest line of Schulte Road (55 feet wide); THENCE along said north line North 57 degrees 57 minutes 30 seconds West, a distance of 19.76 feet to a POINT OF BEGINNING; THENCE South 27 degrees 32 minutes 50 seconds East, a distance of 197.55 feet to a point on the south line of said City of St. Louis water conduit right of way; THENCE along said south line North 57 degrees 57 minutes 30 seconds West, a distance of 9.88 feet to a point; THENCE North 27 degrees 32 minutes 50 seconds West, a distance of 133.03 feet to a point; THENCE South 62 degrees 27 minutes 10 seconds West, a distance of 25.00 feet to a point; THENCE North 27 degrees 32 minutes 50 seconds West, a distance of 30.00 feet to a point; THENCE North 62 degrees 27 minutes 10 seconds East, a distance of 25.00 feet to a point; THENCE North 27 degrees 32 minutes 50 seconds West, a distance of 34.52 feet to the aforementioned north line of said City of St. Louis, Missouri, property; THENCE along said north line South 57 degrees 57 minutes 30 seconds East, a distance of 9.88 feet to the POINT OF BEGINNING and containing 1,738 square feet, more or less.

The last described license is for temporary purposes only and shall therefore terminate upon completion of the contemplated improvement of Schulte Road by the party of the second part.

PARCEL NO. 13
(RIGHT OF WAY)

A part of a tract of land in U.S. Survey 1962, Township 46 North, Range 5 East, in St. Louis County, Missouri, and more particularly described as follows:

BEGINNING at the intersection of the north line of property conveyed to the City of St. Louis, Missouri, by instrument recorded in Deed Book 681, page 207, of the St. Louis County Records, with the northeast line of Schulte Road (55 feet wide); THENCE along said north line South 57 degrees 57 minutes 30 seconds East, a distance of 19.76 feet to a point; THENCE South 27 degrees 32 minutes 50 seconds East, a distance of 197.55 feet to the aforementioned south line of said City of St. Louis, Missouri property; THENCE along said south line North 57 degrees 57 minutes 30 seconds West, a distance of 19.76 feet to a point; THENCE along said northeast line North 27 degrees 32 minutes 50 seconds West, a distance of 197.55 feet to the POINT OF BEGINNING, said point lying on the north line of said City of St. Louis, Missouri, property and containing 1,976 square feet, more or less.

Together with the following grant by the party of the first part to the party of the second part.

A Temporary Slope and Construction License for the purpose of making cuts, fills, and sloping embankment, constructing drives, sidewalks, temporary roadways, etc., if any, providing working room and implementing any and all other construction items over the following described property, to wit:

A part of a tract of land in U.S. Survey 1962, Township 46 North, Range 5 East, in St. Louis County, Missouri, and more particularly described as follows:

BEGINNING at the intersection of the north line of property conveyed to the City of St. Louis, Missouri, by instrument recorded in Deed Book 681, page 207, of the St. Louis County Records, with the northeast line of Schulte Road (55 feet wide); THENCE along said north line South 57 degrees 57 minutes 30 seconds East, a distance of 19.76 feet to the POINT OF BEGINNING; THENCE continuing along said north line South 57 degrees 57 minutes 30 seconds East, a distance of 9.88 feet to a point; THENCE leaving said north line South 27 degrees 32 minutes 50 seconds East, a distance of 197.55 feet to the south line of said City of St. Louis, Missouri, property; THENCE along said south line North 57 degrees 57 minutes 30 seconds West, a distance of 9.88 feet to a point; THENCE North 27 degrees 32 minutes 50 seconds West, a distance of 197.55 feet to the POINT OF BEGINNING, said point lying on the north line of said City of St. Louis, Missouri, property and containing 988 square feet, more or less.

The last described license is for temporary purposes only and shall therefore terminate upon completion of the contemplated improvement of Schulte Road by the party of the second part.

B. This dedication is subject to the general conditions that:

1. Any persons or legal entity intending to construct any facilities within, over, or upon the above described real property shall first submit detailed plans and specifications to the City's Board of Public Service for its approval, which approval shall not unreasonably be withheld.

2. If the City intends to construct or reconstruct any facilities within or upon the above described real property, the City shall give the County ample notice and an opportunity to review and comment on the detailed plans and specifications therefore.

3. The County shall have the right, subject to condition 1, above, to construct initial street improvements and utility lines within, over and above the above described real property.

C. This dedication is further conditioned on the following conditions:

1. No use other than construction and widening of Schulte Road, per the approved plans on file in the Office of the Board of Public Service, shall be made of the Street Easement Way.

2. All road construction and road widening shall be at elevations sufficient to provide at least two and one half feet (2 1/2') of cover over the water conduits.

3. The lightest possible static (non vibrating) grading and compaction equipment shall be used over the water conduits.

4. The County shall not do any act which would cause the temporary interruption of water transmission by the City without permission from the Water Commissioner of the City.

5. The County shall repair any and all damage done to the property of the City, including all water mains of the City, during the construction of the roadway.

6. After acceptance of Schulte Road by St. Louis County for maintenance, the St. Louis County Department of Highways shall repair its damages done to the property of the City, including all water mains of the City, during any subsequent repair or maintenance of the roadway.

7. The County shall not change the ground elevation or existing drainage pattern without making provision for adequate catch basins and sewers, and all excess material not used in fill during construction shall be removed.

8. The surface of the ground disturbed along the roadways adjacent to the pavement shall be left smooth and neat and not require fine grading for mowing. After grading, disturbed areas shall be seeded and fertilized as required.

9. All fill material used on the Water Division Right of Way shall be clean earth or granular limestone only. No rubble or debris shall be used.

10. After acceptance by St. Louis County for maintenance, the St. Louis County Department of Highways shall be responsible for the continuing maintenance of the roadways constructed within the above described easement.

11. The City reserves the right to use the Street Easement Way for future open cut crossings by City water mains in the ground area below the roadway pavement.

12. The City reserves the right to repair and maintain the present water mains located in the above described Street Easement Way.

13. The County shall give the Water Division at least forty eight (48) hours notice before work begins in order that the Water Division may have a representative present to ensure pipelines and appurtenances are not damaged.

14. If any conduit now or in the future shall be left with less than two and one half feet (2 1/2') or more than ten feet (10') of cover from finished grade, that conduit shall be reinforced concrete encased according to Water Division drawings and specifications, at the expense of the persons or agency that causes the change in cover to take place.

15. Any manholes or appurtenances affected by the pavement construction shall be set to proper grade by the County. The City reserves the right of approval for the method of raising frames and covers to grade. Future adjustments to manholes or appurtenances caused by a change in elevation of the pavement in the Street Easement Way shall be done by and cost borne by the persons or agency making such change.

D. In the event that the easement provided for herein shall be abandoned, then the property rights granted by this instrument shall cease to exist and all such rights shall revert to the City of St. Louis.

E. The terms and conditions set forth in this instrument shall be binding on the respective heirs, successors in interest and assigns of the undersigned Parties to this instrument.

The foregoing Instrument was executed by the City of St. Louis this _____ day of _____, 1993.

Mayor

Comptroller

ATTEST:

Register

Approved as to form only:

City Counselor

The foregoing Instrument was accepted by St. Louis County this _____ day of _____, 1993.

County Executive

ATTEST:

Administrative Director

Approved as to form only:

County Counselor

Section Two. If the St. Louis County Council does not accept the dedication of these easements within thirty (30) days after the completion thereof by the County, the Ordinance shall become null and void, and of no force or effect.

Section Three: This being an Ordinance to provide for a public work and improvement, it is hereby declared to be an emergency measure as defined by Article IV, Section 20 of the City Charter, and shall become effective immediately upon its passage and approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
12/03/93	12/02/93	PU		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
01/14/94			01/21/94	01/28/94
ORDINANCE	VETOED		VETO OVR	
63097				