

St. Louis City Ordinance 63655

FLOOR SUBSTITUTE

BOARD BILL NO. [95] 292

INTRODUCED BY ALDERMAN FRED WESSELS

AN ORDINANCE recommended by the Board of Public Service authorizing the Mayor and the Comptroller of the City of St. Louis (herein called "City") to convey title to the St. Louis County Water Company (herein called "Company"), its successors and assigns, the City's interest in the water system located in west St. Louis County, Missouri, serving two (2) residences and the St. Louis County Emergency Preparedness Center, and containing an emergency clause.

WHEREAS, the City of St. Louis Water Division, (herein called "Water Division") now owns and operates as part of its water distribution system and provides services to customers attached to an eight inch (8') water main in West St. Louis County as hereinafter described; and

WHEREAS, it has been determined that it would be in the best interest of the City to discontinue operating said Main as part of its distribution system and to cease providing water service to customers attached thereto, including two residences and the St. Louis County Emergency Preparedness Center, and

WHEREAS, the Company is willing to accept said Main and to provide water service to all water customers now attached thereto, subject to terms and conditions hereinafter set forth.

NOW THEREFORE, 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 Water Division, are hereby authorized to do all things necessary to convey title to St. Louis County Water Company, its successors and assigns, the portion of the City's water system as described in Exhibit A of the ordinance, located in St. Louis County, Missouri.

SECTION TWO. This being an Ordinance relating to a public work and improvement and to provide for the preservation of the public health, 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.

EXHIBIT A
EASEMENT AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 1996, by and between the City of St. Louis, Missouri, a municipal corporation of the state of Missouri, (herein called "City"), and the St. Louis County Water Company, a corporation duly registered by the State of Missouri (herein called the "Company").

For and in consideration of the premises and the mutual covenants contained herein, and in consideration of the faithful performance by the parties of the mutual covenants and agreements hereinafter set forth, and in consideration of other good and valuable consideration,, the sufficiency of which is hereby acknowledged, City of St. Louis and St. Louis County Water Company do hereby covenant, promise, and agree as follows:

A track of land being part of U. S. Survey 121, Township 45 North, Range 4 East of the 5th Principle Meridian, St. Louis County, Missouri. Said tract further described as follows:

Beginning at an Old Stone being the intersection of Olive Street Road North Right of Way line (60' wide) and the line dividing U S Survey No. 121 and U S Survey No. 157; thence N. 45 Degrees 08' 46" E. a distance of 567.04' to a point being the point of beginning; thence N. 40 Degrees 35' 07" W. a distance of 973.54' to a point which is on the Northeast boundary of the property conveyed herein; thence S. 46 Degrees 45' 21" W. along said property line a distance of 10.00' to a point; thence S. 40 Degrees 35' 07" E. a distance of 973.54' to a point being the Olive Street Road North Right of Way line; thence N. 45 Degrees 08' 46" E. along said Olive Street Road North Right of Way line a distance of 10.00' to a point being the point of beginning and containing 0.22 acres, more or less.

The St. Louis County Water Company, its successors and assigns, shall have the right to use and control a line of water pipe for the circulation and distribution of water for public or private use through the above described property and for all proper purposes connected with the installation, use, maintenance and replacement of the line of water main, and with the attachment thereto of all necessary appurtenances and the service lines of its customers.

The City, its successors and assigns, agree not to obstruct or interfere with the maintenance of such pipe line or any appurtenances and any connections to the pipeline by erecting or causing or allowing to be erected, any building or structure on said easement.

Said easement is accepted by the Company with the understanding and on condition that whenever it shall make any excavations in the above described property, it shall restore the same as nearly as practicable to its former condition.

In the event that the easement provided for herein shall be abandoned by St. Louis County Water Company, or if the Company ceases to use and maintain the Subject Property for the purpose of this Easement, or the Company shall fail to comply with any term or provision of this Easement Agreement, then the easement granted by this instrument shall cease to exist and all such rights shall revert to the City of St. Louis.

IN WITNESS WHEREOF, City of St. Louis and St. Louis County Water Company have caused these presents to be executed and delivered as of the date first above written.

THE CITY OF ST. LOUIS ST. LOUIS COUNTY WATER COMPANY

BY: _____ BY: _____
MAYOR

COMPTROLLER

Approved as to form:

CITY COUNSELOR

Attest:

REGISTER

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND

01/19/96	01/19/96	PU		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
02/02/96			02/16/96	02/23/96
ORDINANCE	VETOED		VETO OVR	
63655				