

St. Louis City Ordinance 63882

FLOOR SUBSTITUTE

BOARD BILL NO. [96] 198

INTRODUCED BY ALDERMAN FRED WESSELS , Marge Vining

AN ORDINANCE to repeal Ordinance Number 63655 and enact an Ordinance recommended by the Board of Public Service authorizing the Mayor and the Comptroller of the City of St. Louis (herein called the "City") to convey title to the St. Louis County Water Company (herein called the "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 grant an easement to the St. Louis County Water Company for the property as described in EXHIBIT 1 of this Ordinance, 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 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 (2) residences and the St. Louis 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, and

WHEREAS, the City is willing to grant an easement as described in EXHIBIT 1 to the Company.

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 the abandoned water main, located under property located in St. Louis County, as described in Exhibit 1 of the Ordinance, to the St. Louis County Water Company for One Dollar (\$1.00) and other good and valuable considerations.

SECTION TWO. 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 execute and deliver to St. Louis County Water Company, its successors and assigns, an easement, as described in EXHIBIT 1 of the Ordinance, located in St. Louis County, Missouri.

SECTION THREE. 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 1

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").

The City being the owner of a tract of land being part of U. S. Survey 121, Township 45 North, Range 4 East in St. Louis County, Missouri, having acquired said tract of land by deed recorded in Book 974 Page 17 of the St. Louis County Records, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the St. Louis County Water Company, a Missouri corporation with offices located at 535 North New Ballas Road, St. Louis, Missouri 63141, the receipt of which is hereby acknowledged, and for other good and valuable considerations does by these presents grant, sell, convey, and confirm unto the Company, its successors and assigns, the right and easement to lay, repair, replace and forever maintain its water pipes, hydrants, valves and appurtenant facilities in an easement ten feet (10') wide on and across the above described tract of land. Said ten feet (10') wide easement being 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.

Said easement is shown hatchured on the attached easement plat, marked "Exhibit A" which is initialed by the undersigned and made a part of this easement. ("Exhibit A" also illustrates the right, granted by Ordinance No. 63794, to use additional space adjacent to the above described easement.)

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 normal use or maintenance of such pipeline or lines, and any proper connections to the pipeline. The City also agrees not erect or cause to be erected any building or structure on said easement, nor place fill in excess of five (5') feet on the pipeline or remove overburden (cover) such that the pipeline does not have (3') feet of remaining cover.

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 the Company totally, completely and continually abandons and fails to use its water line or lines within the easement, for a period of twenty four (24) consecutive months, the Company will agree, upon the City's written request, to execute the necessary instrument to release its rights conveyed by this instrument.

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	VOTE
09/20/96	09/20/96	PU			
2ND READING	FLOOR AMEND	FLOOR SUB	VOTE	PERFECTN	PASSAGE
11/01/96				11/08/96	11/08/96
ORDINANCE	VETOED		VETO OVR		EFFECTIVE
63882					