

St. Louis City Ordinance 65043

FLOOR SUBSTITUTE
BOARD BILL NO. [00] 113

INTRODUCED BY ALDERMAN LEWIS REED

An ordinance recommended by the Board of Public Service vacating a 20.89 foot wide portion of air space over Market Street between Beaumont and Ewing same adjoining City Blocks 987 and 1720, being 19 feet above Market Street and 20 feet in height as hereinafter described and authorizing construction of a portion of a structure in the vacated area under certain terms and conditions.

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

SECTION ONE: Subject to the terms and conditions hereinafter set forth the "air rights" or "air space" above that portion of Market Street which is described as follows:

Air rights above a parcel of ground between elevation 548.00 and elevation 568.00 (USGS B.M. No. CSL-13 "Standard Aluminum Disk"), being a portion of Market Street, 100 foot width, adjoining Blocks 987 and 1720, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the northwest corner of said Lot 2, said point being on the eastern line of Ewing Avenue, 60 feet wide; thence south 14 degrees 50 minutes 29 seconds west along said eastern line of Ewing Avenue a distance of 429.00 feet to a point of curvature; thence along said curve to the left having a radius of 20.00 feet an arc of 37.17 feet the chord bearing being south 38 degrees 30 minutes 45 seconds east a distance of 32.09 feet to a point of tangency; thence leaving said avenue north 88 degrees 08 minutes 02 seconds east along the north line of Market Street, 100 feet wide, a distance of 283.36 feet to the point of

beginning of said area of air rights vacation; thence along said north line north 88 degrees 08 minutes 02 seconds east a distance of 20.89 feet to a point; thence leaving said north line south 14 degrees 52 minutes 43 seconds west a distance of 104.46 feet to a point in the south line of said street; thence along said south line south 88 degrees 08 minutes 02 seconds west a distance of 20.89 feet to a point; thence leaving said south line north 14 degrees 52 minutes 43 seconds east a distance of 104.46 feet to the point of beginning.

shall be and is hereby vacated. Any right, title or interest owned or claimed by the City of St. Louis therein is hereby relinquished except as herein provided.

SECTION TWO: A.G. Edwards will use vacated area to construct a pedestrian sky walk.

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

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

1. The proposed plans and specifications of such buildings, structures and related facilities are such that said buildings, structures and related facilities will be located within the boundaries of the areas vacated by Section One.
2. The proposed manner of construction pursuant to the proposed plans and specifications of such buildings,

structures and related facilities shall be such as to not unduly interfere with traffic on the public right-of-way.

3. Materials proposed in the plans and specifications to be used in constructing the said buildings, structures and other facilities shall be such as are customarily used in projects of this type involving construction over highway rights-of-way.

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

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

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

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

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

5. All buildings, structures and related facilities over the public right-of-way shall be properly maintained so as to safeguard adequately said buildings, structures and related facilities against fire and other hazards.

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

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

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

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

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

SECTION SIX: An affidavit stating that all of conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance 365 days (one year) from the date of the signing of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
06/30/00	06/30/00	STR		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE

07/14/00			07/21/00	07/21/00
ORDINANCE	VETOED	VETO OVR	SIGNED BY MAYOR	
65043			08/10/00	