

*St. Louis City Ordinance 65098*

FLOOR SUBSTITUTE  
BOARD BILL NO. 154 [00]

INTRODUCED BY ALDERMAN JOSEPH D. RODDY

An Ordinance authorizing and directing the Mayor and the Comptroller of the City of Saint Louis to execute a Termination of Warranty Deed Covenant and Restrictions for certain property owned by BJC Health Systems located in City Block 3903, numbered 4455 Duncan Avenue, and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF SAINT LOUIS AS  
FOLLOWS:**

SECTION ONE. The Mayor and the Comptroller are hereby authorized and directed to execute and deliver a Termination of Warranty Deed Covenant and Restrictions (attached hereto as Exhibit A), to remise and release any covenants and restrictions within the Warranty Deed for such property as recorded in Book 579 at page 512 in the Office of the Recorder of Deeds for the City of St. Louis ( as further described in Exhibit B attached hereto), unto BJC Health Systems, 4444 Forest Park Avenue, Suite 500, St. Louis, Missouri 63108.

SECTION TWO. Emergency clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage.

Exhibit A

**TERMINATION OF WARRANTY DEED COVENANTS AND  
RESTRICTIONS**

This Termination of Warranty Deed Covenants and Restrictions (**ATermination Agreement@**) made and entered into as of the \_\_\_ day of \_\_\_\_\_, 2000 by and between **WASHINGTON UNIVERSITY MEDICAL CENTER REDEVELOPMENT CORPORATION**, a Missouri Urban Redevelopment corporation ("**WUMCRC**"), the **CITY OF ST. LOUIS, MISSOURI** (the "**City**") and **4455 DUNCAN, L.L.C.**, a Missouri limited liability company (successor to 4455 Duncan Partnership) (the "**Company**").

**WHEREAS**, in conjunction with the conveyance of the property more particularly described on Exhibit A attached hereto by Warranty Deed dated as of December 31, 1986 recorded in Book 579M at page 512 in the office of the Recorder of Deeds for the City of St. Louis ("**Deed**", pursuant to which WUMCRC conveyed to 4455 Duncan Partnership ("**Partnership**") the property described on Exhibit A attached hereto (the "**Property**"), the Partnership and WUMCRC agreed to certain covenants and restrictions to run with the land for a period of twenty-five (25) years more particularly described in the Deed ("**Covenants and Restrictions**"); and

**WHEREAS**, the Company is now the owner of the Property and has agreed to sell it to BJC Health System ("**BJC**") and WUMCRC has agreed to terminate the Covenants and Restrictions contained within the Deed.

**NOW, THEREFORE**, in consideration of the provisions hereof, the parties agree as follows:

WUMCRC, the City and the Company hereby terminate the Covenants and Restrictions contained within the Deed.

This Agreement may be executed in counterparts, each of which when read together shall constitute one original document. This Agreement shall be governed by Missouri law.

IN WITNESS WHEREOF, the undersigned have executed this Termination Agreement as of the date and year first above written.

**WASHINGTON UNIVERSITY MEDICAL CENTER REDEVELOPMENT CORPORATION**, a Missouri Urban Redevelopment corporation

By:

Name:

Title:

STATE OF MISSOURI )

) SS.

CITY OF ST. LOUIS )

On this \_\_\_\_ day of \_\_\_\_\_, 2000, before me appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn did say that \_\_\_\_\_ is the \_\_\_\_\_ of **Washington University Medical Center Redevelopment Corporation.**, a Missouri Urban Redevelopment corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors, and \_\_\_\_ acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the \_\_\_\_\_ and State aforesaid, the day and year first above written.

Notary Public

My Commission Expires: \_\_\_\_\_

**THE CITY OF ST. LOUIS, MISSOURI**

By:

Name:

Title:

STATE OF MISSOURI )

) SS.

CITY OF ST. LOUIS )

On this \_\_\_\_ day of \_\_\_\_\_, 2000, before me appeared \_\_\_\_\_, to me personally known, who, being by me duly

sworn did say that \_\_\_\_\_ is the \_\_\_\_\_ of **The City of St. Louis, Missouri**, a municipality, and that said instrument was signed in behalf of said municipality by authority of its \_\_\_\_\_, and \_\_\_\_\_ acknowledged said instrument to be the free act and deed of said municipality.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the \_\_\_\_\_ and State aforesaid, the day and year first above written.

Notary Public

My Commission Expires: \_\_\_\_\_

**4455 DUNCAN, L.L.C.**, a Missouri limited liability company

By:

Name:

Title:

By:

Name:

Title:

STATE OF MISSOURI )

) SS:

CITY OF ST. LOUIS )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_ to me personally known to be the identical person whose name is subscribed to the instrument, who being duly sworn did say that he is the \_\_\_\_\_ of **4455 Duncan, L.L.C.**, a Missouri limited liability company, and that said instrument was signed on behalf of the said limited liability company by authority of its members, and the aforesaid \_\_\_\_\_ acknowledged

the execution of said instrument to be the voluntary act and deed of said limited liability company, by it and by him voluntarily executed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the \_\_\_\_\_ and State aforesaid, the day and year first above written.

Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF MISSOURI )

) SS:

CITY OF ST. LOUIS )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared

\_\_\_\_\_ to me personally known to be the identical person whose name is subscribed to the instrument, who being duly sworn did say that he is the \_\_\_\_\_ of **4455 Duncan, L.L.C.**, a Missouri limited liability company, and that said instrument was signed on behalf of the said limited liability company by authority of its members, and the aforesaid \_\_\_\_\_ acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company, by it and by him voluntarily executed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the \_\_\_\_\_ and State aforesaid, the day and year first above written.

Notary Public

My Commission Expires: \_\_\_\_\_

**Exhibit B**

Legal Description of Parcel 1

Part of BLOCK 3903 in the City of St. Louis, Missouri, and further described to-wit: Commencing at the intersection of the East line of Taylor Avenue (60 foot wide) and the North line of Duncan Avenue (60 foot wide); thence Easterly along the said North line a distance of 389.17 feet to the point of beginning of the tract herein described;

thence on a deflection angle of 90 degrees 28 minutes 30 seconds left a distance of 170.40 feet to the South line of a 20 foot wide alley now vacated per Ordinance No. 56957; thence on a deflection angle of 90 degrees 28 minutes 30 seconds right along said South line a distance of 62.58 feet; thence on a deflection angle of 89 degrees 31 minutes 30 seconds right a distance of 56.42 feet; thence Southwardly along a curve to the right which chord is on a deflection angle of 28 degrees 03 minutes 50 seconds left, 129.74 feet, an arc distance of 132.10 feet to the North line of Duncan Avenue; thence Westerly along said North line a distance of 123.62 feet to the point of beginning bounded East by the Western line of property now or formerly owned by Blue Cross Forest Park Redevelopment Corporation

| <b>Legislative History</b> |                    |                  |                        |                   |
|----------------------------|--------------------|------------------|------------------------|-------------------|
| <b>1ST READING</b>         | <b>REF TO COMM</b> | <b>COMMITTEE</b> | <b>COMM SUB</b>        | <b>COMM AMEND</b> |
| 09/08/00                   | 09/08/00           | W&M              |                        |                   |
| <b>2ND READING</b>         | <b>FLOOR AMEND</b> | <b>FLOOR SUB</b> | <b>PERFECTN</b>        | <b>PASSAGE</b>    |
| 12/08/00                   |                    |                  | 12/15/00               | 12/15/00          |
| <b>ORDINANCE</b>           | <b>VETOED</b>      | <b>VETO OVR</b>  | <b>SIGNED BY MAYOR</b> |                   |
| 65098                      |                    |                  | 12/19/00               |                   |