

1 An ordinance recommended by the Board of Public Service vacating a 15 foot wide airstrip above
2 18th Street north of Gratiot Street adjoining City Blocks 452 and 456 as hereinafter described and
3 authorizing construction of apportion of a structure in the vacated area under certain terms and
4 conditions.

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

6 SECTION ONE: Subject to the terms and conditions hereinafter set forth the “air rights” or
7 “air space” above that portion of 18th Street which is described as follows:

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9 A 15 feet wide strip of land being part of the right-of-way of 18th Street situated
10 between City Block 456 and City Block 452 in St. Louis City, Missouri, and being
11 more particularly described as follows:

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13 Commencing for reference at a point being the northeast corner of
14 City block 456, thence along the west line of said 18th Street, south 13
15 degrees 08 minutes 35 seconds west, a distance of 184.51 feet to the
16 point of beginning of the strip of land described herein; thence south
17 79 degrees 32 minutes 58 seconds east, a distance of 83.09 feet to a
18 the west line of said City Block 452; thence along said west line,
19 south 13 degrees 08 minutes 35 seconds west, a distance of 15.02 feet
20 to a point; thence north 79 degrees 32 minutes 58 seconds west, a
21 distance of 83.09 feet to a point in the said west line of 18th Street ;
22 thence along said west line north 13 degrees 08 minutes 35 seconds
23 east, a distance of 15.02 feet to the point of beginning. The above
24 description encompasses an area beginning at elevation 473 feet
25 (USGS DATUM) to a ceiling of 507 feet.

26
27 shall be and is hereby vacated. Any right, title or interest owned or claimed by the
28 City

29
30 of St. Louis therein is hereby relinquished, except as herein provided.

31 SECTION TWO: Union Electric Co. (d/b/a AmerenUE) will use vacated airspace to
32 construct a pedestrian bridge. The bridge will be a minimum of 16’ 6” above 18th Street.

33 SECTION THREE: An appropriate application shall be filed with the Building Division

1 and there shall be submitted detailed plans for the erection, construction and use of the buildings,
2 structures and related facilities which are to be constructed over the areas described in Section One.

3
4 **SECTION FOUR:** Notwithstanding any provisions of the Revised Code of St. Louis or
5 the Ordinances of the City of St. Louis to the contrary, the Board of Public Service and the
6 Building Division are hereby authorized and directed to issue building permits for the erection,
7 construction and use of buildings, structures and related facilities, as well as any future additions,
8 alterations or improvements thereto and renewals and rebuildings thereof, in the areas vacated
9 pursuant to the provisions of Section One hereof when the Building Division shall find that:

10 **1.** The proposed plans and specifications of such buildings, structures and related
11 facilities are such that said buildings, structures and related facilities will be located within the
12 boundaries of the areas vacated by Section One.

13 **2.** The proposed manner of construction pursuant to the proposed plans and
14 specifications of such buildings, structures and related facilities shall be such as to not unduly
15 interfere with traffic on the public right-of-way.

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

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

22 **1.** They shall indemnify and hold harmless the City of St. Louis against any liability,

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1 loss of damage arising out of, or in connection with the construction, maintenance and
2 occupancy of the buildings, structures and related facilities above the public right-of-way.

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

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

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

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

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

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

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

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

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

11 **SECTION SIX:** An affidavit stating that all of the conditions be submitted to the Director of
12 Streets for review of compliance with conditions 365 days (1 year) from the date of the signing and
13 approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit will
14 be forwarded to the Board of Public Service for acceptance. Once the Board of Public Service has
15 accepted the affidavit, the Director of Streets will give notice to have the affidavit and mylar
16 recorded. If the affidavit is not recorded within the prescribed time, the ordinance will be null and
17 void.