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2 **BOARD BILL #128**

**INTRODUCED BY
ALDERWOMAN PHILLIS YOUNG**

3
4 **AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR**
5 **AND COMPTROLLER FO THE CITY OF ST. LOUIS TO EXECUTE**
6 **A PARTIAL RELEASE OF EASEMENT BY AND BETWEEN THE**
7 **CITY OF ST. LOUIS AND THE BI-STATE DEVELOPMENT**
8 **AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN**
9 **DISTRICT, PERTAINING TO A PARCEL LOCATED IN CITY**
10 **BLOCK 220:**

11
12 **BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

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14 **SECTION ONE. Authorization to Partially Terminate Easement.** The Mayor
15 and Comptroller are hereby authorized and directed to partially terminate an easement from
16 the Bi-State Development Agency which currently encumbers certain real estate owned by
17 the Bi-State Development Agency in City Block 220 in the City of St. Louis.

18 **SECTION TWO: Authorization to Execute Partial Release of Easement.** The
19 Mayor and Comptroller are authorized to execute a Partial Release of Easement,
20 substantially in the form attached hereto as Exhibit A (the "Partial Release of Easement").
21 The Mayor and Comptroller are hereby authorized and directed to execute and deliver the
22 Partial Release of Easement, in such form and with such changes, modifications or
23 completion thereof, not inconsistent with the provisions of this Ordinance, as the Mayor and
24 Comptroller shall approve and the signatures of the Mayor and Comptroller shall be
25 conclusive as to the approval of such changes, modifications or completions.

26 **SECTION THREE. Further Authority.** The Mayor and the Comptroller
27 and other appropriate City officials are hereby authorized and directed to take such
28 further actions and execute and deliver such other documents, certificates and

1 instruments as may be necessary or desirable to carry out the grant of the easement
2 and the intent of this Ordinance.

3 **SECTION FOUR. Severability.** The sections of this Ordinance shall be
4 severable. In the event that any section of this Ordinance is found by a court of
5 competent jurisdiction to be unconstitutional, the remaining sections of this
6 Ordinance shall remain valid, unless the Court finds the valid sections of this
7 Ordinance are so essentially and inseparably connected with, and do depend upon,
8 the void section, that it cannot be presumed that the Board of Aldermen would have
9 enacted the valid sections without the void ones; or unless the court finds the valid
10 sections, standing alone, are incomplete and incapable of being executed in
11 accordance with the legislative intent.

12 385522

EXHIBIT A

Form of Partial Release of Easement

-----Space Above This Line For Recorder's Use Only-----

PARTIAL RELEASE OF EASEMENT

_____, 2008

GRANTOR: **City of St. Louis**, a municipal corporation
1200 Market Street
St. Louis, Missouri 63103
Attention: _____

GRANTEE: **The Bi-State Development Agency of the Missouri-Illinois
Metropolitan District**, a body politic and corporate and organized
and existing pursuant to a compact between the States of Missouri
and Illinois, as amended
707 N. First Street
St. Louis, Missouri 63102
Attention: Manager, Real Estate Acquisition

LEGAL DESCRIPTION: See Exhibit A attached hereto

BOOK AND PAGE NUMBER: NA

When Recorded Mail To:

Polsinelli Shalton Flanigan Suelthaus PC

100 South Fourth Street, Suite 1100

St. Louis, MO 63102-1825

Attention: William Kuehling

PARTIAL RELEASE OF EASEMENT

THIS PARTIAL RELEASE OF EASEMENT (“**Release**”), is made as of this ____ day of _____, 2008, by and between The City of St. Louis, a municipal corporation (“**City of St. Louis**”) and The Bi-State Development Agency of the Missouri-Illinois Metropolitan District, a body politic and corporate organized and existing pursuant to a compact between the States of Missouri and Illinois, as amended (“**Metro**”).

WITNESSETH

WHEREAS, Metro owns three tracts of real estate located in the City of St. Louis, Missouri, more particularly described on Exhibit A as Tract 1, Tract 2 and Tract 3 attached hereto and incorporated herein by this reference (collectively referred to as the “**Property**”);

WHEREAS, Metro granted the City of St. Louis an easement over the Property and certain additional real estate located adjacent to the Property pursuant to the terms and conditions of that certain unrecorded easement agreement by and between Metro, as grantor, and the City of St. Louis, as grantee, dated as of September 16, 2004 (the “**Easement Agreement**”); and

WHEREAS, the City of St. Louis desires to release the Property from the Easement Agreement so that Metro shall henceforth be the owner of the Property unencumbered, unrestricted and unaffected by the Easement Agreement.

NOW THEREFORE, for and in consideration of the premises, and the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties do hereby agree as follows:

1. **Partial Release.** The City of St. Louis does hereby CANCEL and TERMINATE the Easement Agreement regarding the Property and does hereby RELEASE, TERMINATE, RELINQUISH, SURRENDER and QUIT CLAIM unto Metro all rights reserved or granted to the City of St. Louis in the Easement Area regarding the Property.

2. **Further Force and Effect.** The Easement Agreement, except as amended by this Release shall remain in full force and effect and shall continue to encumber all of the real estate described in the Easement Agreement, except for the Property.

3. **Counterparts.** This Release may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, The City of St. Louis and Metro have executed this release as authorized this ____ day of _____, 2008.

THE CITY OF ST. LOUIS

Approved as to form:

By: _____
Francis G. Slay, Mayor

Stephen J. Kovac
Deputy City Counselor

By: _____
Darlene Green, Comptroller

Attest:

Parrie L. May, City Register

STATE OF MISSOURI)
) SS.
CITY OF ST. LOUIS)

On this ____ day of _____, 2008, before me appeared Francis G. Slay, to me personally known, who, being duly sworn by me, did say that he is the Mayor of the City of St. Louis, and that he is authorized to execute this Release on behalf of the City of St. Louis under the authority of Ordinance _____ acknowledged said instrument to be the free act and deed of the City of St. Louis.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal in the City and State aforesaid, the day and year first above written.

NOTARY PUBLIC
Printed Name: _____

My commission expires:

STATE OF MISSOURI)
) SS.
CITY OF ST. LOUIS)

On this ____ day of _____, 2008, before me appeared Darlene Green, to me personally known, who, being duly sworn by me, did say that she is the Comptroller of the City of St. Louis, and that she is authorized to execute this Release on behalf of the City of St. Louis under the authority of Ordinance _____ acknowledged said instrument to be the free act and deed of the City of St. Louis.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal in the City and State aforesaid, the day and year first above written.

NOTARY PUBLIC
Printed Name:_____

My commission expires:

**THE BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI-ILLINOIS
METROPOLITAN DISTRICT**

By: _____
Printed Name: _____
Title: _____

STATE OF MISSOURI)
) SS.
CITY OF ST. LOUIS)

On this ____ day of _____, 2008, before me appeared _____, to me personally known, who, being duly sworn by me, did say that s/he is the _____ of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District, a body politic and corporate organized and existing pursuant to a Compact between the States of Missouri and Illinois, as amended, and that the foregoing instrument was signed on behalf of said entity, by authority of its Board of Commissioners; and further acknowledged said instrument to be the free act and deed of said entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal in the City and State aforesaid, the day and year first above written.

NOTARY PUBLIC
Printed Name: _____

My commission expires:

EXHIBIT A TO PARTIAL RELEASE OF EASEMENT

LEGAL DESCRIPTION OF PROPERTY

Tract 1

RELEASE OF PERMANENT EASEMENT NORTH OF BELMONT STREET

A tract of land situated in the of City of St. Louis and the State of Missouri, being part of City Block 220, also being part of a tract of land conveyed to the Bi-State Development Agency as described Deed Book 883 page 748 of the land records of said City of St. Louis, and part of 15th Street, 80 feet, and being more particularly described as follows:

COMMENCING at a found Railroad Spike at the intersection of the South right-of-way line of Spruce Street, 50 feet wide and the West right-of-way line of 15th Street, 80 feet wide, said point also being the Northeast corner of Lot 39 of Reily's Addition to St. Louis; thence North 17 degrees 16 minutes 03 seconds East a distance of 50.04 feet to a found cross cut in concrete on the intersection of the North right-of way line of said Spruce and the West right-of-way line of said 15th Street, thence continuing along said West right-of-way line of 15th Street, North 17 degrees 16 minutes 03 seconds East a distance of 150.68 feet to the intersection of said West right-of-way line of 15th Street and the South right-of-way line of a 25 foot wide East-West alley in said City Block 220 also known as Belmont Street; thence along said South right-of-way line of Belmont Street, North 75 degrees 08 minutes 31 seconds West a distance of 56.33 feet; thence leaving said South right-of-way line, North 14 degrees 51 minutes 29 seconds East a distance of 25.00 feet to the North right-of-way line of said Belmont Street and the TRUE POINT OF BEGINNING of the tract herein described; thence North 14 degrees 51 minutes 29 seconds East a distance of 15.00 feet; thence South 75 degrees 08 minutes 31 seconds East a distance of 82.34 feet; thence South 14 degrees 51 minutes 29 seconds West a distance of 15.00 feet to said North right-of-way line of Belmont Street; thence along said North right-of-way line, North 75 degrees 08 minutes 31 seconds West a distance of 82.34 feet to the point of beginning.

Containing 0.028 Acres (1,235 Square Feet), according to a survey by Grimes Consulting, Inc., Dated April 2008.

Tract 2

RELEASE OF PERMANENT EASEMENT EAST OF 15TH STREET

A tract of land situated in the of City of St. Louis and the State of Missouri, being part of City Block 217, also being part of a tract of land conveyed to the Bi-State Development Agency as described Deed Book 884 page 953 of the land records of said City of St. Louis, and part of a 25 foot wide alley in said City Block 217 known as Belmont Street as vacated by City ordinance No. 25627, and being more particularly described as follows:

COMMENCING at a found Railroad Spike at the intersection of the South right-of-way line of Spruce Street, 50 feet wide and the West right-of-way line of 15th Street, 80 feet wide, said point also being the Northeast corner of Lot 39 of Reily's Addition to St. Louis; thence North 17 degrees 16 minutes 03 seconds East a distance of 50.04 feet to a found cross cut in concrete marking the intersection of the North right-of way line of said Spruce Street and the West right-of-way line of said 15th Street, thence South 75 degrees 08 minutes 31 seconds East a distance of 80.07 feet to a found cross cut in concrete marking the intersection of said North right-of way line of Spruce Street and the East right-of-way line of said 15th Street, said intersection being the TRUE POINT OF BEGINNING for the herein described tract; thence along said East right-of-way line of 15th Street, North 17 degrees 16 minutes 03 seconds East a distance of 158.93 feet; thence leaving said East right-of-way line, South 42 degrees 05 minutes 58 seconds East a distance of 10.80 feet; thence South 34 degrees 40 minutes 21 seconds East a distance of 18.70 feet; thence South 00 degrees 19 minutes 15 seconds East a distance of 13.63 feet; thence 89.25 feet along the arc of a curve to the right, with a radius of 125.00 feet, through a central angle of 40 degrees 54 minutes 38 seconds, with a chord that bears South 06 degrees 27 minutes 57 seconds East a distance of 87.37 feet; thence South 13 degrees 59 minutes 22 seconds West a distance of 46.20 feet to said North right-of-way line of Spruce Street; thence along said North right-of-way line, North 75 degrees 09 minutes 50 seconds West a distance of 66.00 feet to the point of beginning.

Containing 0.178 Acres (7,750 Square Feet.), according to a survey by Grimes Consulting, Inc., Dated April 2008.

Tract 3

RELEASE OF OVERHEAD EASEMENT NORTH OF BELMONT STREET

A tract of land situated in the of City of St. Louis and the State of Missouri, being part of 15th Street, 80 feet, lying East of City Block 220, and being more particularly described as follows:

COMMENCING at a found Railroad Spike at the intersection of the South right-of-way line of Spruce Street, 50 feet wide and the West right-of-way line of 15th Street, 80 feet wide, said point also being the Northeast corner of Lot 39 of Reily's Addition to St. Louis; thence North 17 degrees 16 minutes 03 seconds East a distance of 50.04 feet to a found cross cut in concrete on the intersection of the North right-of-way line of said Spruce and the West right-of-way line of said 15th Street, thence continuing along said West right-of-way line of 15th Street, North 17 degrees 16 minutes 03 seconds East a distance of 150.68 feet to the intersection of said West right-of-way line of 15th Street and the South right-of-way line of a 25 foot wide East-West alley in said City Block 220 also known as Belmont Street; thence North 17 degrees 16 minutes 03 seconds East a distance of 25.02 feet to the intersection of said West right-of-way line of 15th Street and the North right-of-way line said Belmont Street; thence South 75 degrees 08 minutes 31 seconds East a distance of 24.95 feet to the TRUE POINT OF BEGINNING of the tract herein described; thence North 14 degrees 51 minutes 29 seconds East a distance of 15.00 feet; thence South 75 degrees 08 minutes 31 seconds East a distance of 5.59 feet; thence South 42 degrees 05 minutes 58 seconds East a distance of 27.51 feet; thence North 75 degrees 08 minutes 31 seconds West a distance of 28.65 feet to the point of beginning.

Containing 0.006 Acres (260 Square Feet), according to a survey by Grimes Consulting, Inc., Dated April 2008.