



***CITY COUNCIL AGENDA SUBMISSION  
October 13, 2020***

**RESOLUTION 2020-197 A RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY SLOPE AND CONSTRUCTION LICENSE AGREEMENT WITH ST LOUIS COUNTY FOR ROAD IMPROVEMENTS ALONG DIELMAN ROAD.**

**Description:**

The Council is asked to approve Resolution 2020-197 authorizing the execution of a temporary slope and construction license agreement with St. Louis County. The temporary construction easement is needed for St. Louis County's road improvement project for Dielman Road from Olive to Paige.

**Recommended Action:**

**MOTION TO APPROVE RESOLUTION 2020-197 A RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY SLOPE AND CONSTRUCTION LICENSE AGREEMENT WITH ST LOUIS COUNTY FOR ROAD IMPROVEMENTS ALONG DIELMAN ROAD.**

**Attachments:**

Resolution 2020-197  
Agreement

**Funding Request:**

None

**Submitted by:**

*Barbara Sondag*

**City Manager**

## **RESOLUTION #2020-197**

### **A RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY SLOPE AND CONSTRUCTION LICENSE AGREEMENT WITH ST LOUIS COUNTY FOR ROAD IMPROVEMENTS ALONG DIELMAN ROAD.**

**WHEREAS**, St. Louis County was successful in obtaining a Surface Transportation Project grant for road improvements on Dielman Road from Olive to Paige; and

**WHEREAS**, St. Louis County is in need of a Temporary Slope and Construction from the City of Olivette to complete the necessary improvements; and

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLIVETTE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

#### **Section One:**

The City Council of Olivette authorizes the Mayor to execute a Temporary Slope and Construction License Agreement with St. Louis County for Road Improvements along Dielman Road (Exhibit A).

#### **Section Two:**

This Ordinance shall be in full force and effect on October 13, 2020 after its passage and approval as provided by law.

PASSED THIS 13th DAY OF OCTOBER, 2020.

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Mayor Ruth Springer

ATTEST:

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Denise Mandle, Acting City Clerk

## EXHIBIT A

**Sam Page**  
County Executive

**Saint Louis**  
**COUNTY**  
**TRANSPORTATION**  
**PUBLIC WORKS**

**Deanna Venker, P.E.**  
Director

**Stephanie Leon Streeter, P.E.**  
Deputy Director

August 24, 2020

Honorable Ruth Springer  
Mayor, City of Olivette  
1140 Dielman Road  
St. Louis, Missouri 63132

**RE: Acquisition of Right-of-Way**  
Dielman Road ARS Infrastructure  
St. Louis County Project No. AR-1554  
Federal Project No. STP-5627 (602)

Dear Mayor Springer:

St. Louis County Department of Transportation and Public Works is pleased to inform you of a road improvement project planned for your area. Engineering drawings which indicate the extent to which your property will be affected are enclosed.

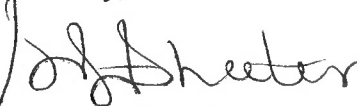
We do want to inform you that you have the right to receive compensation for the land in question, as determined by an appraisal for rights taken from your property. A *Right-of-Way Acquisition* leaflet is furnished with this letter. The purpose of this *leaflet* is to explain the process which must be followed to acquire the necessary property rights.

Due to the benefits to be derived from the project, we are hopeful we can reach an agreement with you to donate 22 feet of Temporary Slope and Construction License (TSCL) as required for the road improvement project. If you are agreeable to the exchange as proposed, we would appreciate you acknowledging this agreement and waiver of compensation by signing below.

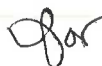
We look forward to the continuation of our road improvement program and are grateful for the opportunity to serve you.

Should you have further questions, please feel free to contact John Eddington, Right-of- Way Manager at (314) 615-8589.

Sincerely,



Deanna Venker, P.E.  
Director



DV:JJE:mtb

Enclosures:  
Accepted by Property Owner(s):

Honorable Ruth Springer  
Mayor, City of Olivette

Date

Dielman Road ARS Infrastructure  
St. Louis County Project No. AR-1554  
Federal Project No. STP-5627 (602)  
Parcel No. 5

TEMPORARY SLOPE AND CONSTRUCTION LICENSE

**THIS ACQUISITION IS AUTHORIZED BY ST. LOUIS COUNTY ORDINANCE NO. 27,741, 2020  
DATED, March 25, 2020**

THIS INDENTURE, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between the City of Olivette, A Municipal Corporation of the County of St. Louis and State of Missouri, Grantor, and ST. LOUIS COUNTY, MISSOURI, 41 South Central, Clayton, Missouri 63105, Grantee.

WITNESSETH, that the said Grantor(s), for and in consideration of the sum of one dollar and other valuable considerations paid by the said Grantee, the receipt of which is hereby acknowledged, do by these presents, grant unto the said Grantee a permanent easement to improve, construct, repair and maintain roadway improvements, utilities, sewers and sidewalks in and upon the following described premises situated in the County of St. Louis and State of Missouri, and more particularly described as follows:

TEMPORARY SLOPE AND CONSTRUCTION LICENSE

A Temporary Slope and Construction License for the purpose of making cuts, fills, and sloping embankments, constructing drives, sidewalks, temporary roadways and overhead utilities, etc., if any, providing working room and implementing any and all other construction items over the following described property to wit:

**See Attachment "A" Page 3**

Together with the following grant by the Grantors to the Grantee

The last described license is for temporary purposes only and shall therefore terminate upon completion of the contemplated improvement of Dielman Road ARS Infrastructure, AR-1554 by the Grantee.

TO HAVE AND TO HOLD THE SAME, together with all rights, immunities, privileges, and appurtenances thereto belonging unto the said Grantee, until such time as Dielman Road ARS Infrastructure, AR-1554 may be completed and accepted by ST. LOUIS COUNTY, MISSOURI, or its assigns. Upon the granting or denial of acceptance by ST. LOUIS COUNTY or its assigns, this license shall terminate. Grantor(s) covenant(s) that no installation will be placed on the above described land as will interfere with the proper construction of the aforementioned project until this license is terminated.

Dielman Road ARS Infrastructure  
St. Louis County Project No. AR-154  
Federal Project No. STP-5627 (602)  
Parcel No. 5

IN WITNESS WHEREOF, the said Grantor(s) has executed these presents the day and year first above written.

Honorable Ruth Springer  
Mayor, City of Olivette

**ATTEST:**

By: \_\_\_\_\_ Date \_\_\_\_\_

Title: \_\_\_\_\_

**State of Missouri,**

} SS.

**County of St. Louis**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me appeared the Honorable Ruth Springer to me personally known, who being by me duly sworn, did say that she is the Mayor of the City of Olivette, a corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is a corporate seal of said municipal corporation and that said instrument was signed and sealed in behalf of said corporation pursuant to Ordinance No. \_\_\_\_\_.

**IN TESTIMONY WHEREOF**, I have herewith set my hand and affixed my notarial seal the day and year above written.

Notary Public

My term expires \_\_\_\_\_

Dielman Road ARS Infrastructure  
St. Louis County Project No. AR-154  
Federal Project No. STP-5627 (602)  
Parcel No. 5

Exhibit "A"

PROJECT: Dielman Road  
PROJECT NUMBER: AR-1554  
PARCEL NUMBER: 5  
OWNER: City Of Olivette

December 24, 2019

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### LEGAL DESCRIPTION FOR PARCEL 5

#### TEMPORARY SLOPE AND CONSTRUCTION LICENSE

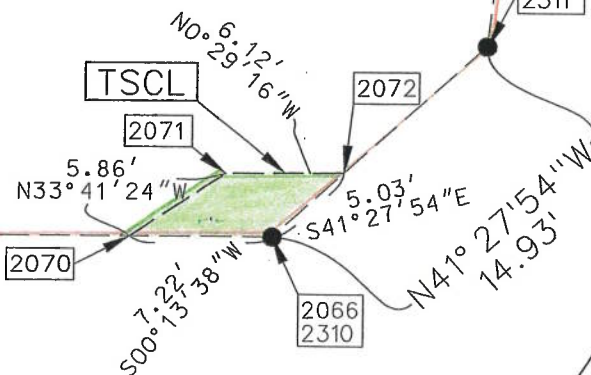
A part of a tract of land located in the Park of "Indian Meadows Park", a subdivision according to the plat thereof recorded in Plat Book 117 Page 39 of the Saint Louis County Records; and being situated in Section 31, Township 46 North, Range 6 East, Saint Louis County, Missouri and being more particularly described as follows:

Commencing at the intersection of the south line of the Park of said "Indian Meadows Park" and the west line of Dielman Road (50' Wide), being also the northeast corner of Lot 359 of "Indian Meadows Plat No. 4", a subdivision according to the plat thereof recorded in Plat Book 93 Page 19 of the Saint Louis County Records; thence continuing along said west line, North 00 degrees 13 minutes 38 seconds East 70.21 feet to the Actual Point of Beginning; thence departing said west line, North 33 degrees 41 minutes 24 seconds West 5.86 feet to a point; thence North 00 degrees 29 minutes 16 seconds West 6.12 feet to a point on the south line of property conveyed to Saint Louis County, by document recorded in Deed Book 6417 Page 54 of the Saint Louis County Records; thence continuing along said south line, South 41 degrees 27 minutes 54 seconds East 5.03 feet to a point on the aforesaid west line of Dielman Road; thence continuing along said west line, South 00 degrees 13 minutes 38 seconds West 7.22 feet to the actual point of beginning according to calculations based on plans prepared for Saint Louis County Project No. AR-1554 and containing 22 square feet more or less.



SCALE:  
1" = 10'

5



2327  
FOUND IRON PIPE  
ADOPTED

DETAIL "A"

NF  
CITY OF OLIVETTE  
9615 HURON DRIVE  
DB 6667 PG 2430  
LOC# 16L411534  
COMMITMENT# 19-249810-KEE  
TOTAL AREA= 552341 SF (STLCO GIS)  
TSCL= 22 SF  
REMAINING AREA= 552341 SF

5

SEE DETAIL "A"

(UIP) FOUND CONCRETE MONUMENT  
ADOPTED FOR SOUTH LINE  
OF NAPOLEON

FOUND CONCRETE MONUMENT  
ADOPTED FOR WEST LINE  
OF DIELMAN NORTH

SET CUT CROSS

FOUND IRON PIPE  
N83°08'27"W 5.00'

2065

2309

CHARTER VAULT

77.43'

TSCL

(UIP) SIGN

(UIP) CONC. WALK 2066 2310

SET IRON ROD W/CAP  
2067 2311

25.36'

(UIP)

N06°50'35"

(UIP) SIGN

5.51'

DONES

(ATG)

S07°23'09"W

2069

(UIP) (TBR)

38+00

39.

EX. ROW

S83°09'25"E

NAPOLEON DRIVE

359

CHAMBERS  
AN ROAD  
PG 2564  
230201  
0.31 ACRES

INGS

ALK RELOCATION AND  
RAMP UPDATES NOT  
CAL DUE TO ROW  
RNS