

**ORDINANCE #66148**  
**Board Bill No. 351**

An ordinance recommended by the Port Authority Commission and Board of Public Service of the City of St. Louis to authorize and direct the Mayor and the Comptroller to enter into an amendment of the Lease Agreement dated January 1, 1989, between the City of St. Louis and Continental Cement Company LLC, to amend the Lease Agreement by increasing the leased area, the easement and mooring privileges, in substantially the form attached thereto and incorporated by reference herein as Exhibit 1; and containing an emergency clause.

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

**SECTION ONE.** The Mayor and the Comptroller are authorized and directed to enter into an amendment of the Lease Agreement dated January 1, 1989, between the City of St. Louis and Continental Cement Company LLC, to increase the leased area, the easement and mooring privileges, in substantially the following form:

**AMENDMENT TO LEASE**

THIS AMENDMENT TO LEASE ("Amendment") is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between the City of St. Louis, a Municipal Corporation of the State of Missouri (hereinafter called "Lessor"), through the Mayor and Comptroller, and Continental Cement Company LLC ("CCCLLC"), a Missouri Limited Liability Company (hereinafter called "Lessee").

**WITNESSETH:**

**WHEREAS**, on January 1, 1989, Lessor and Continental Cement Company, Inc. entered into a certain lease for wharf land and mooring rights and easement (hereinafter referred to as the "Lessee"), which Continental Cement Company, Inc., a Delaware Corporation, subsequently assigned to Lessee (Continental Cement Company, LLC) pursuant to that certain Estoppel and Consent Agreement dated May 7, 1996, for certain premises located along the riverfront of the City of St. Louis, State of Missouri; and

**WHEREAS**, the parties hereto desire to amend the leased area, easement and mooring privileges as more particularly described herein.

**NOW, THEREFORE**, in consideration of the premises and the mutual agreements contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree to amend the Lease as follows:

1. The second paragraph of paragraph 1 of the Lease containing the legal description of the Leased Area, add another paragraph containing the legal description as follows:

"A 33 feet wide strip of land, adjacent to but not adjoining City Block 236, bounded on the north by the eastern prolongation of the south line of Brooklyn Street, 80 feet wide, bounded on the west by a line a perpendicular distance of 25 feet east of the east face of the Saint Louis Floodwall, and bounded on the south by the line parallel to and a perpendicular distance of 300 feet south of the south line of said Brooklyn Street, located in the City of St. Louis, Missouri and being more particularly described as follows:

Commencing at the point of intersection of the west line of wharf (as established by Ordinance #5403) with said projected south line of Brooklyn Street, said point also being the former northeast corner of said City Block 236;

Thence along said projected south line of Brooklyn Street north 76 degrees 30 minutes 49 seconds east 204.66 feet to an iron pipe that is 25 feet easterly of the east face of City Floodwall, said iron pipe being the True Point of Beginning of the tract of land herein described;

Thence along a line perpendicular distance of 25 feet east of the east face of said Saint Louis Floodwall south 11 degrees 36 minutes 53 seconds east 300.16 feet to an iron pipe in a line perpendicular distance of 300 feet south of the projected south line of said Brooklyn Street;

Thence north 76 degrees 30 minutes 49 seconds east 33.02 feet;

Thence along a line at the top of the riverbank north 11 degrees 36 minutes 53 seconds west 300.16 feet to an iron pipe in said projected south line of Brooklyn Street;

Thence along said projected south line of Brooklyn Street south 76 degrees 30 minutes 49 seconds west 33.02 feet to the point of beginning and containing 9,900 square feet or 0.227 acres, more or less, according to a survey performed by the City of St. Louis in March 2003 subject to restrictions and easements of record (EXHIBIT A)".

2. The third paragraph of paragraph 1 of the Lease containing the legal description of the Mooring Privileges, add another paragraph containing the legal description as follows:

"The Mooring Privileges granted to Lessee are on the Mississippi River and adjacent to proposed Lease of Unimproved Wharf Property east of City Block 236. Beginning at the projected south line of Brooklyn Street extending eastwardly to the Mississippi River and proceeding southerly three hundred feet (300') (EXHIBIT A)".

3. The fourth paragraph of paragraph 1 of the Lease containing the legal description of the Easement, add another paragraph containing the legal description as follows:

"A tract of land, adjoining City Block 236, bounded on the north by the eastern prolongation of the south line of Brooklyn Street, 80 feet wide, bounded on the west by the west line of the wharf (as established by Ordinance #5403), bounded on the east by a line a perpendicular distance of 25 feet west of the west face of the St. Louis Floodwall and the adjoining Metropolitan Sewer District above ground structures, and bounded on the south by the line parallel to and a perpendicular distance of 300 feet south of the south line of said Brooklyn Street, located in the City of St. Louis, Missouri and being more particularly described as follows:

Beginning at the point of intersection of said west line of wharf with said projected south line of Brooklyn Street, said point also being the former northeast corner of said City Block 236;

Thence along said west line of wharf south 13 degrees 26 minutes 25 seconds east 300.00 feet;

Thence along a line parallel to the south line of Brooklyn Street north 76 degrees 30 minutes 49 seconds east 143.14 feet to a point that is 25 feet westerly of the west face of City Floodwall;

Thence along a line parallel to the west face of City Floodwall north 11 degrees 36 minutes 53 seconds west 230.80 feet to a point that is 25 feet southerly of the southwest fence corner of the Brooklyn Street Metropolitan Sewer District pump station;

Thence along a line parallel to the south line of Brooklyn Street south 76 degrees 30 minutes 49 seconds west 20.80 feet;

Thence north 11 degrees 36 minutes 53 seconds west 69.36 feet to a point in the projected south line of Brooklyn Street;

Thence along said projected south line of Brooklyn Street south 76 degrees 30 minutes 49 seconds west 131.90 feet to the point of beginning and containing 42,930 square feet or 0.986 acres, more or less, according to a survey performed by the City of St. Louis in September 2003. Subject to restrictions and easements of record.

This Additional Easement granted hereby is for the purposes of maintaining above-ground facilities consisting of three (3) pipelines each of a diameter not to exceed 20 inches together with appurtenances thereto such as electrical conduits, water, other pipes and structural supports, each structural support shall not exceed 20 feet in width. The overhead pipelines shall be designed at a height not to interfere with Lessee, Terminal Railroad and its Sublessee, Bulk Service of Tyler Street, L.L.C., use of the easement area at the time of the construction of the pipelines. Said easement area to be within an area of approximately 300 feet of the south line of Brooklyn Street, West of the Leased Area (described above) added by Amendment, bounded by the West line of the Wharf (City Block 236), such Area currently leased to Terminal Railroad and subleased to Bulk Service of Tyler Street, L.L.C. Said pipelines to be located upon Bulk Service of Tyler Street, L.L.C.'s consent not to be unreasonably withheld. Said Area added by Amendment of easement area is cross-hatched delineated on the attached EXHIBIT A".

4. The second paragraph of paragraph 3 of the Lease containing the rental, add another paragraph to include the additional Property and Mooring Privileges rental at the current rate subject to and in accordance with Appendix "A".

5. Add to paragraph 4 of the Lease after "cement" in line three "aggregate and the cement related products".

6. Except as provided herein, this Amendment shall not in any way whatsoever modify, alter, amend or in any other way change any of the terms, provisions and conditions contained in the Lease.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date first above written.

LESSOR:

LESSEE:

CITY OF ST. LOUIS, MISSOURI

CONTINENTAL CEMENT COMPANY LLC

By \_\_\_\_\_  
Mayor

By \_\_\_\_\_

By \_\_\_\_\_  
Comptroller

**SECTION TWO: EMERGENCY CLAUSE.**

The passage of this Ordinance being deemed necessary for the immediate perseverance of the public health and safety, is hereby declared to be an emergency measure and shall become effective immediately upon its passage and approval by the Mayor.

See attached Exhibit A (Wharf Lease, Mooring Privileges & Easement for Continental Cement)

**Approved: February 9, 2004**

ORDINANCE NO. 66148 - EXHIBIT A (Wharf Lease, Mooring Privileges & Easement for Continental Cement)

66148

WHARF LEASE,  
MOORING  
PRIVILEGES &  
EASEMENT  
FOR CONTINENTAL  
CEMENT

P.O.B.  
EASEMENT  
CITY  
BLOCK  
236

LEGEND

- A S13°26'25"E~300.00'
- B N76°30'49"E~143.14'
- C N11°36'53"W~230.80'
- D S76°30'49"W~20.80'
- E N11°36'53"W~69.36'
- F S76°30'49"W~204.66'

- G S11°36'53"E~300.16'
- H N76°30'49"E~33.02'
- I N11°36'53"W~300.16'
- J S76°30'49"W~33.02'

 ADDED BY AMENDMENT  
EASEMENT AREA

 ADDED BY AMENDMENT  
LEASE AREA

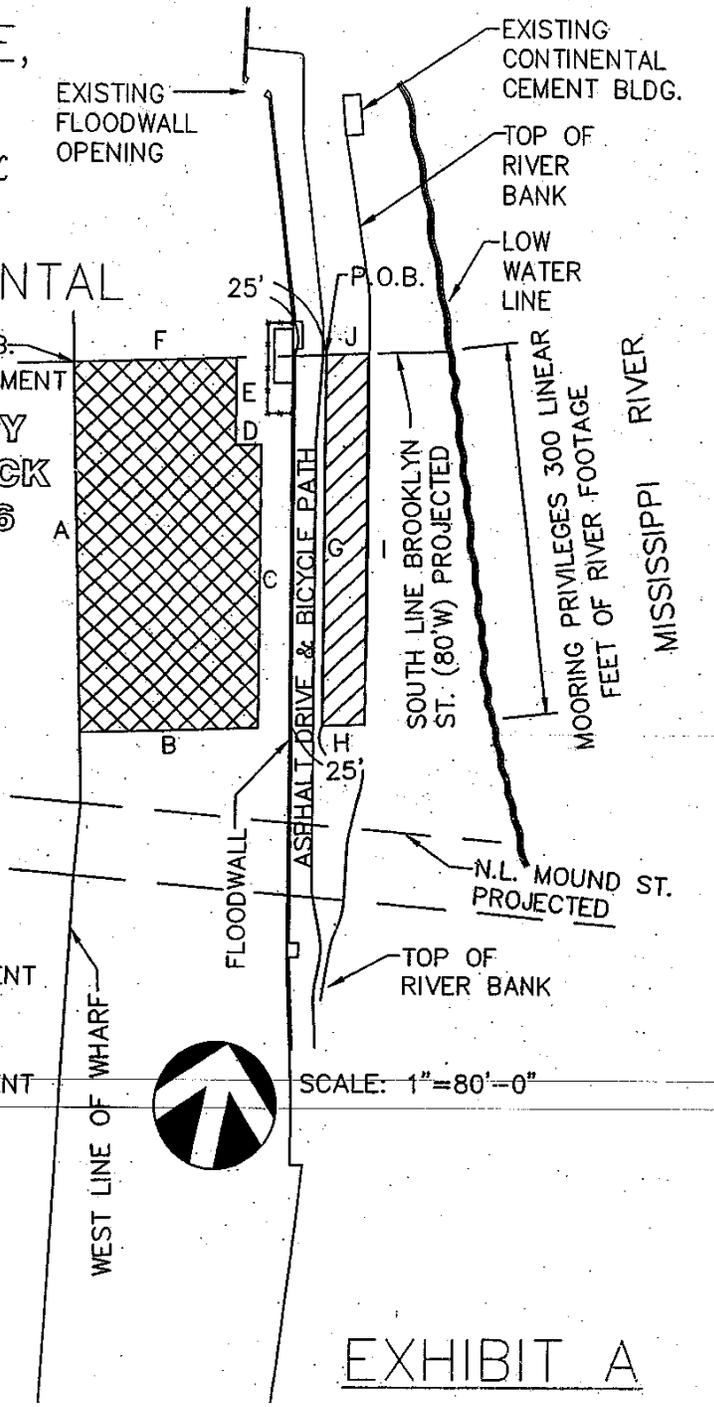


EXHIBIT A