

## *St. Louis City Ordinance 64435*

FLOOR SUBSTITUTE

BOARD BILL NO. [98] 90

INTRODUCED BY ALDERMAN ROBERT RUGGERI

An Ordinance recommended and approved by the Airport Commission, the Board of Public Service, and the Board of Estimate and Apportionment authorizing and establishing a multi-year public work and improvement program (the "Project") at Lambert - St. Louis International Airport (the "Airport"), providing for the acquisition of certain real and personal property rights including easements for noise mitigation purposes, said acquisitions being in fee simple title or lesser estate and/or easements relative to certain parcels owned by the Ferguson-Florissant School District and any other parties of interest and commonly known as the Berkeley Campus that are more particularly described in SECTION ONE of this Ordinance together with all improvements and fixtures thereon and appurtenances thereto, such authorization including but not limited to avigation easements, the utilization of "Functional Replacement" for acquisition of the land and improvements acquired hereunder, relocation assistance and related cost or services, legal services and related costs, engineering, architectural, and other technical advice and assistance, surveying costs, mapping, appraisal and escrow services, title work, inspection services and related cost, and other real estate services, the removal of structures, obstructions, utilities and trees, demolition cost, the grading and seeding of disturbed areas and related work, ground maintenance, construction management, security, and other necessary and related work or costs for the development, implementation, administration or monitoring of the Project at a total estimated cost of Thirty Five Million Dollars (\$35,000,000); authorizing an initial appropriation of Four Million Dollars (\$4,000,000) from the Passenger Facility Charge Fund Account established under authority of Ordinance No. 62501, Section 6, approved February 10, 1992 to be expended for payment of work or costs authorized herein and providing for the receipt of supplemental appropriations, when authorized by ordinance, into this Ordinance as funds become available to continue the Project; authorizing the City Counselor to acquire said property rights including easements by purchase, lease, or condemnation; authorizing the City Counselor with the approval of the Board of Estimate and Apportionment to enter into and execute on behalf of the City of St. Louis (the "City"): a) an agreement and contract for sale of real estate (the "Agreement and Contract of Sale") between the City and the Ferguson-Florissant School District or any other parties of interest

pertaining to the acquisition of said property rights, which contract terms may provide for the "Functional Replacement" of said real or personal property rights in accordance with the Uniform Relocation Assistance And Real Property Acquisition Policies Acts, as amended or revised, 42 U.S.C.A. 4601, et seq (1995), the Uniform Relocation Assistance and Real Property Acquisition For Federal And Federally Assisted Programs, as amended or revised, 49 C.F.R. 24 et seq (1997), and the Land Acquisition and Relocation Assistance for Airport Projects, FAA Order No. 5100.37A, 4, Functional Replacement (April 4, 1994) as amended or revised, b) any attendant or related agreements or documents either referenced or contemplated in the Agreement and Contract of Sale or deemed necessary to effectuate the terms set forth therein, or deemed necessary to preserve and protect the City's interest or the participation of federal funds in the Project, and c) any agreements for legal services or related costs necessary for the implementation and administration of the Project, such agreements shall contain such terms, covenants, and conditions that are in the best interest of the City, the City's residents, and the traveling public; authorizing the Director of Airports with the approval of the City Counselor and the Board of Estimate and Apportionment to let contracts providing for mapping, appraisal and escrow services, title work, inspection services and related cost, and other real estate services for the implementation and administration of the Project; authorizing the Airport Commission to let contracts, purchase materials and equipment, employ labor, pay salaries, wages, fees, retain consultants and otherwise provide for ground maintenance, including the trimming or removing of trees or shrubbery, grading and seeding and other maintenance of the real property; authorizing the Board of Public Service with the advice, consent and approval of the Director of Airports to let contracts for all other approved work or services, purchase materials and equipment, employ labor, pay salaries, wages, fees, retain consultants and otherwise provide for the Project and the cost authorized herein; providing that any contract or agreement let hereunder, shall be subject to the Charter of City and any Missouri State laws or regulations applicable thereto; authorizing and directing the Comptroller of the City to draw warrants from time to time on the Treasurer of the City for payment of expenses authorized herein upon submission of properly certified vouchers in conformance with procedures established by the Comptroller; authorizing the Director of Airports to make such applications and provide such data and to take whatever action necessary to seek federal funds or reimbursements under the Airport Improvement Program, the Passenger Facility Charge Program or any other programs for projects or programs herein authorized where such costs or expenditures are deemed eligible and monies made available for those cost or expenditures under Federal law or contract; directing that all contracts let under authority of

this Ordinance be in compliance with all applicable minority and women or disadvantaged business enterprise requirements and in compliance with all applicable Federal, State, and local laws, ordinances, regulations, court decisions and executive orders relating to equal employment opportunity; and containing a severability clause and an emergency clause.

WHEREAS, the City of St. Louis (the "City") is the owner and operator of Lambert- St. Louis International Airport (the "Airport") and is committed to mitigating the impact of noise on communities near the Airport with federally approved programs including the acquisition of certain real and personal property;

WHEREAS, the City sought and has obtained Federal Aviation Administration (the "FAA") approval of the City's Updated FAR Part 150 Noise Study;

WHEREAS, the City desires to acquire from the Ferguson-Florissant School District and any other party of interest certain school property know as the Berkeley Campus, more fully described in SECTION ONE of this Ordinance, under its noise mitigation program;

WHEREAS, the Ferguson-Florissant School District has formally requested that the City utilize "Functional Replacement" for the acquisition of its Berkeley Campus, as such term is defined by and in accordance with the Uniform Relocation Assistance And Real Property Acquisition Policies Acts, as amended or revised, 42 U.S.C.A. 4601, et seq (the "Uniform Act") (1995), Uniform Relocation Assistance And Real Property Acquisition For Federal And Federally Assisted Programs, as amended or revised, 49 C.F.R. 24 et seq (1997), and Land Acquisition and Relocation Assistance for Airport Projects, FAA Order No. 5100.37A, 4, Function Replacement (April 4, 1994), as amended or revised;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. There is hereby authorized and established a multi-year public work and improvement program (the "Project") at Lambert - St. Louis International Airport (the "Airport"), recommended and approved by the Airport Commission, the Board of Public Service, and the Board of Estimate and Apportionment, providing for the acquisition of certain real and personal property rights including easements for noise mitigation purposes, said acquisitions being in fee simple title or lesser estate and/or easements relative to certain parcels owned by the Ferguson-Florissant School District and any other parties of interest and commonly known as the Berkeley Campus that are

more particularly described in SECTION ONE, paragraph A. of this Ordinance together with all improvements and fixtures thereon and appurtenances thereto, such authorization including but not limited to avigation easements, the utilization of "Functional Replacement" for the acquisition of the lands and improvements acquired hereunder, relocation assistance and related cost or services, legal services and related costs, engineering, architectural, and other technical advice and assistance, surveying costs, mapping, appraisal and escrow services, title work, inspection services and related cost, and other real estate services, the removal of structures, obstructions, utilities and trees, demolition cost, the grading and seeding of disturbed areas and related work, ground maintenance, construction management, security, and other necessary and related work or costs for the development, implementation, administration or monitoring of the Project at a total estimated cost of Thirty Five Million Dollars (\$35,000,000).

A. The property or parcels that are eligible for this Project are located within the geographical boundaries of St. Louis County, Missouri and are more fully described (but not limited to) in Exhibit "A" which is attached hereto and incorporated herein.

SECTION TWO. There is hereby authorized an initial appropriation of Four Million Dollars (\$4,000,000) from the Passenger Facility Charge Fund Account established under authority of Ordinance No. 62501, Section 6, approved February 10, 1992 to be expended for payment of work or costs authorized herein and providing for the receipt of supplemental appropriations, when authorized by ordinance, into this Ordinance as funds become available to continue the Project.

SECTION THREE. The City Counselor of the City of St. Louis (the "City") is hereby authorized to acquire said property rights including easements by purchase, lease, or condemnation.

SECTION FOUR. The City Counselor and the Board of Estimate and Apportionment is hereby authorized to enter into and execute on behalf of the City the following:

a. an agreement and contract for sale of real estate (the "Agreement and Contract of Sale") between the City and the Ferguson-Florissant School District or any other parties of interest pertaining to the acquisition of said real or personal property rights. The Agreement and Contract of Sale may (but need not) provide for the "Functional Replacement" of said property rights as such term is defined by and in accordance with the Uniform Relocation Assistance

And Real Property Acquisition Policies Acts, as amended or revised, 42 U.S.C.A. § 4601, et seq (1995), the Uniform Relocation Assistance and Real Property Acquisition For Federal And Federally Assisted Programs, as amended or revised, 49 C.F.R. § 24 et seq (1997), and the Land Acquisition and Relocation Assistance for Airport Projects, FAA Order No. 5100.37A, § 4, Functional Replacement (April 4, 1994) as amended or revised;

b. any attendant or related agreements or documents either referenced or contemplated in the Agreement and Contract of Sale, or deemed necessary to effectuate the terms set forth therein, or deemed necessary to preserve and protect the City's interest or the participation of federal funds in the Project; and

c. any agreements for legal services or related cost necessary for the implementation and administration of the Project.

Such agreements or documents shall contain such terms, covenants, and conditions that are in the best interest of the City, the City's residents, and the traveling public.

SECTION FIVE. The Director of Airports with the approval of the City Counselor and the Board of Estimate and Apportionment is hereby authorized to let all contracts providing for mapping, appraisal and escrow services, title work, inspection services and related cost and other real estate services for the implementation and administration of the Project.

SECTION SIX. The Airport Commission is hereby authorized to let contracts, purchase materials and equipment, employ labor, pay salaries, wages, fees, retain consultants and otherwise provide for ground maintenance, including the trimming or removing of trees or shrubbery, grading and seeding and other maintenance of the real property.

SECTION SEVEN. The Board of Public Service with the advice, consent and approval of the Director of Airports is hereby authorized to let contracts, purchase materials and equipment, employ labor, pay salaries, wages, fees, retain consultants and technical advisors, and otherwise provide for the Project and the work herein authorized, except for the work covered by procedures contained in SECTION THREE,

SECTION FOUR, SECTION FIVE, and SECTION SIX of this Ordinance.

SECTION EIGHT. It is hereby provided that any contract let hereunder, shall be subject to the City's Charter and any Missouri State Laws or Regulations applicable there.

SECTION NINE. The Comptroller of the City is hereby authorized to draw warrants from time to time on the Treasurer of the City for payment of expenses authorized herein upon submission of properly certified vouchers in conformance with procedures established by the Comptroller of the City.

SECTION TEN. The Director of Airports is hereby authorized to make such applications and provide such data and to take whatever action necessary to seek federal funds or reimbursements under the Airport Improvement Program, the Passenger Facility Charge Program or any other programs for projects or costs herein authorized where such costs or expenditures are deemed eligible and monies made available for those costs or expenditures under Federal law or contract.

SECTION ELEVEN. All contracts let under authority of this Ordinance shall be in compliance with all applicable minority and women or disadvantage business enterprise requirements and in compliance with all applicable Federal, State and local laws, ordinances, regulations, court decisions and executive orders relating to equal employment opportunity.

SECTION TWELVE. The sections, conditions, or provision of this Ordinance or portions thereof shall be severable. If any section, condition, or provision of this Ordinance or portion thereof contained herein is held invalid by a court of competent jurisdiction, such holding shall not invalidate the remaining sections, conditions or provisions of this Ordinance.

SECTION THIRTEEN. This being an ordinance providing for public work and improvement, it is hereby declared to be an emergency measure as defined in Article IV, Sections 19 and 20 of the City's Charter and shall become effective immediately upon its approval by the Mayor of the City.

EXHIBIT "A"

T/A 10301

LEGAL DESCRIPTION

PARCEL 1

That portion of Lot 31 of Berkeley Acres, a Subdivision of St. Louis County, Missouri, according to plat thereof recorded in Plat Book 17, Page 74 of the St. Louis

County Records, fronting 10 feet on the West line of Berkeley Avenue, by a depth Westwardly of 130 feet between parallel lines, bounded North by the South line of Walter Avenue. LOCATOR NO.:  
11K 31 0143

ADDRESS:  
8702 Walter Ave.

PARCEL 2  
PARCEL #408

The Northwest part of Lot 31 of BERKELEY ACRES, according to the plat thereof recorded in Plat Book 17 Page 74 of the St. Louis County Records, fronting 88.5 feet on the South line of WALTER AVENUE, by a depth Southwardly between parallel lines of 80 feet; bounded East by a line 130 feet West of the West line of Berkeley Avenue, and West by the West line of said Lot 31. EXCEPTING THEREFROM that part conveyed to Thomas and Eva M. Davis, his wife by instrument recorded in Book 5190 Page 263.

LOCATOR NO.:  
11K 31 0154  
ADDRESS:  
8706 WALTER AVE.

PARCEL 3  
PARCEL #408 T-783

A tract of land, being parts of Lots 45, 46, 47 and 48 of BERKELEY ACRES, a Subdivision in St. Louis County, Missouri, according to plat thereof recorded in Plat Book 17, Page 74 of the St. Louis County Records, and being more particularly described as follows: Beginning at a point being the Northeast corner of said Lot 45; thence Westwardly along the North line of Lots 45 and 46, 311 feet to the Northeast corner of property conveyed to Harry S. Goers and wife by deed recorded in Book 2171, Page 594 of the St. Louis County Records; thence South along Goers' East line of Goers' Southeast corner by the aforesaid deed; thence West along Goers' South line 12 feet, more or less, to the Northeast corner of property conveyed to Thomas Davis and wife by deed recorded in Book 2902, Page 157 of the St. Louis County Records; thence South along Davis' East line 65 feet to Davis' Southeast corner; thence South and parallel to the East line of Brown Road, 180 feet, more or less, to the intersection of the prolongation Westwardly of the North line of property conveyed to Donald W. Boswell and wife by deed recorded in Book 3315 Page 457 of the St. Louis County

Records; thence Eastwardly along said prolongation line, along the North line of said Boswell property and the direct prolongation Eastwardly of said Boswell's North line to its intersection with the East line of said Lot 45; thence Northwardly along said East line of said Lot 45, 377.34 feet, more or less, to the point of beginning.

And a tract of land in the North-Eastern part of Section 9, Township 46 North, Range 6 East in said County of St. Louis, Missouri. Beginning at a point on the East line of Brown Road 457.16 feet North of the North line of Scudder Avenue 50 feet wide; thence West along the Brown Road (running East and West) 35.11 feet to a point, thence North along the West line of a tract of ground now or formerly owned by Robert O. Sharp and Carl R. St. John 851.21 feet to a stake, thence East and parallel to the North line of Section 9, 516.42 feet to a point; thence South and parallel to the East line of Section 9, 854 feet; thence West and parallel to the North line of Section 9, 511.96 feet to the point of beginning; the North line of property being conveyed being 1500.75 feet South of and parallel to the North line of Section 9 (measured along the West line of the property now or formerly owned by said Robert O. Sharp and Carl R. St. John). LOCATOR NO.:

12K 63 0783 ADDRESS: 8710 Walter Ave. PARCEL 4  
PARCEL 408 T-415

All of the North 146.70 feet of Lot 9 Berkeley Acres, a subdivision of part of the East Fractional 1/2 of Section 9, Township 46 North, Range 6 East in St. Louis County, Missouri, as per plat thereof recorded in Plat Book 17 Page 74 of the St. Louis County Records.

LOCATOR NO.:  
11K 33 0415

ADDRESS:  
6031 Caroline

PARCEL 5  
PARCEL 408 T-781

Part of Lots Nine(9) and Sixteen (16) of Berkeley Acres, a subdivision of part of the East fractional one half (1/2) of Section 9, Township 46 North, Range 6 East in St. Louis County, Missouri, as per plat thereof recorded in the office of the Recorder of Deeds of St. Louis County in Plat Book 17 Page 74, and more particularly described as follows: Beginning at a stone in the West line of Caroline Avenue, said stone being 146.70 feet South of the Northeast corner of said lot Nine (9), thence North 89 degrees 51 minutes West 223.35 feet to an iron pipe in the West line of said Lot Nine (9), thence South 2 degrees 14 minutes West along the West line of said lots Nine (9)



and Sixteen (16) 192.15 feet to an iron pipe, thence South 89 degrees 51 minutes East 230.33 feet to an iron pipe set in the West line of Caroline Avenue, thence North 0 degrees 9 minutes East 192.02 feet to the point of beginning.

LOCATOR NO.:

11K 31 0781 ADDRESS:

6033 Caroline

PARCEL 6

PARCEL 408 T-761

All of the South 48.56 feet of Lot 16 and all of Lots 17, 24, 25 and 27 of Berkeley Acres, a subdivision recorded in Plat Book 17 Page 74 of part of the East Fractional 1/2 of Section 9, Township 46 North, Range 6 East in St. Louis County, Missouri, as per plat thereof recorded in Plat Book 17, Page 74 of St. Louis County Records.

LOCATOR NO.:

11K 31 10761

ADDRESS:

6037 Caroline Ave.

PARCEL 7

PARCEL 408 T-495

Lots 10, 11, 14, 15, 18, 19, 23 and 26 of Berkeley Acres, a subdivision in St. Louis County Missouri, a plat of which is recorded in Plat Book 17 page 74 of the St. Louis County Recorder's Office, EXCEPTING THEREFROM that part conveyed to State of Missouri by instrument recorded in Book 6939 Page 1587, and that part conveyed to the City of Berkeley, Missouri for Sowder Ave., 45 feet wide by Deed recorded in Book 4917 page 87. LOCATOR NO.:

11K 31 0495

ADDRESS:

6006 Caroline Ave.

PARCEL 8

Lots 4 and 5 of AIRPORT GARDENS, as per plat thereof recorded in Plat Book 82 Page 27 in the St. Louis County Recorder's Office. And, that part of CAM COURT 50.00 feet wide and its Cul-De-Sac contiguous to the East line of Lots 4 and 5 of Airport Gardens, vacated by Deed recorded in Book 4677 page 612 and lying South

of a line parallel to and 25.00 feet South of the extension Eastwardly of the North line of said Lot 4. LOCATOR NO.:  
11K 31 0514

LOCATOR NO.:  
11K 31 0462

ADDRESS:  
6117 Cam Ct. A

ADDRESS:  
6011 Cam Ct.

"VESTING"

THE SCHOOL DISTRICT OF BERKELEY, a Public Corporation. Subject to whatever interest was acquired by QUIT CLAIM DEED recorded in Book 2888 Page 432 by and between EDWARD CURREN, A SINGLE PERSON, Grantor to EDWARD CURREN, JR., as to an undivided 1/3 interest, ELSIE CURREN FISTER, Wife of BERNARD FISTER, as to an undivided 1/3 interest and EUNICE CURREN DODD, Wife of ROY G. DODD as to an undivided 1/3 interest (as to the North 1/2 of Lot 15 of BERKELEY ACRES, according to the plat thereof recorded in Plat Book 17 page 74 of the St. Louis County Records under Parcel 408 T-495)

Acquired by Book 5190 Page 261 (PCL 1)

Acquired by Book 4777 Page 598 (PCL 2)

Acquired by Book 3432 Page 300 (PCL 3) &  
Acquired by Book 3187 Page 428 (PCL 3)

Acquired by Book 1584 Page 227 (PCL 4)

Acquired by Book 1422 Page 221 (PCL 5)

Acquired by Book 1584 Page 227 (PCL 6)

Acquired by Book 2294 Page 155 (PCL 7) &  
Acquired by Book 2805 Page 518 (PCL 7) &  
Acquired by Book 2523 Page 19 (PCL 7)

Acquired by Book 4649 Page 269 (PCL 8) &  
 Acquired by Book 4677 Page 612 (PCL 8)

<b>Legislative History</b>				
<b>1ST READING</b>	<b>REF TO COMM</b>	<b>COMMITTEE</b>	<b>COMM SUB</b>	<b>COMM AMEND</b>
<b>06/19/98</b>	<b>06/19/98</b>	<b>T&amp;C</b>		
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>06/26/98</b>			<b>07/10/98</b>	<b>07/17/98</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
<b>64435</b>				