

ORDINANCE #65704
Board Bill No. 270

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 "Program") at Lambert-St. Louis International Airport (the "Airport"), consisting in part of a project providing for the acquisition of real and personal property rights for the purpose of noise mitigation, aviation obstruction removals, land use compatibility, and/or the development and improvement of the Airport, said acquisitions being in fee simple title or lesser estate including, without limitation, easements, permits, licenses, rights-of-way relative to the real property together with all improvements and fixtures thereon and appurtenances thereto located within the geographical boundaries described in "EXHIBIT A", which is attached hereto and incorporated herein, such authorization including, without limitation, the acquisition of aviation easements, the utilization of "Functional Replacement" for the acquisition of land and improvements acquired hereunder, relocation assistance and related costs or services, legal services and related costs, engineering, architectural, designing, planning, and other technical advice and assistance, surveying, mapping, appraisal, escrow, closing, and title service and work and related costs, title insurance costs, inspection services, environmental and remediation services and related costs, environmental mitigation costs, environmental assessments, real estate management or consulting services and related costs, and other real estate services including, without limitation, technical advice and assistance in regard to the preparation of real property for the purposes of airport compatible redevelopment and/or land use compatibility and related work or costs, property management and maintenance services and related costs, the relocation of buildings, facilities, structures, and improvements including, without limitation, utility facilities and lines, project and construction management and related consultant and management expenses pertaining to the planning, designing, design management, value engineering, feasibility analysis, and consulting, the preparation and production of contract documents, the advertising and the taking of bids or proposals, development of staging areas, construction, installation, and renovating costs, the demolition and the removal or relocation of buildings, structures, facilities, utilities, trees, improvements, and other obstructions, including, without limitation, the disinterment, transportation, and reinterment of human remains and other technical assistance and related or necessary services and costs, the grading and seeding of disturbed areas and related work, ground maintenance services and related costs, the leasing and/or modification, renovation, and construction of office facilities for the administration of the Program and the construction, renovation and operation of on-site field offices, security services and related costs, and other necessary or related work or services for the development, management, implementation, administration, or monitoring of the Program at a total estimated cost of approximately Twenty Five Million Dollars (\$25,000,000); authorizing an initial appropriation of Two Million Dollars (\$2,000,000) from the Airport Development Fund established under authority of Ordinance 59286, Section 13, approved October 26, 1984 and Six Million Dollars (\$6,000,000) from the Passenger Facility Charge Fund established under authority of Ordinance 62501, Section 6, approved February 10, 1992, to be expended for payment of costs for work or services authorized herein and providing for the receipt of supplemental appropriations, when authorized by ordinance, into this Ordinance as funds become available to continue the Program; authorizing the City Counselor to acquire on behalf of the City of St. Louis (the "City") said real and personal property rights including, without limitation, easements and rights-of-ways by purchase, lease, or condemnation; authorizing the City Counselor with the approval of the City's Board of Estimate and Apportionment to enter into agreements to acquire, by purchase or lease, said real and personal property rights including, without limitation easements, permits, licenses, and rights-of-way and to secure legal and related services necessary for the implementation and administration of the Program; authorizing the Mayor and Comptroller of the City to enter into and execute on behalf of the City agreements and/or instruments granting such easements or rights-of-way as are deemed necessary to the administration or the implementation of the Program and containing such terms, covenants, or 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 City's Board of Estimate and Apportionment to let contracts providing for appraisal, escrow, closing, and title work or services and related costs for the implementation and administration of the Program; authorizing the Director of Airports with the approval of the Airport Commission and the City's Board of Estimate and Apportionment to let contracts, purchase supplies, materials, and equipment, employ labor, pay salaries, wages, fees, retain consultants and technical advisors, and otherwise provide for ground maintenance including, without limitation, the seeding and cutting of grass, the trimming or removing of trees or shrubbery, and other ground 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 Program work or services, purchase supplies, materials, and equipment, employ labor, pay salaries, wages, fees, retain consultants and technical advisors including, without limitation, real estate or property management and maintenance services, and otherwise provide for the Program as authorized herein; providing that any contract let hereunder, shall be subject to the City's Charter 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 the payment of expenses or reimbursement 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 funds under the Airport Improvement Program, the Passenger Facility Charge Program or other local, state, or federal programs for the Program costs or expenditures authorized herein where such costs or expenditures are deemed eligible and monies made available for those costs under federal, state, or local law or contract and to authorize the deposit of such funds into this Ordinance to reimburse the costs in part of the Program or the payment of costs authorized herein;

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.

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

SECTION ONE. There is hereby authorized a multi-year public work and improvement program (the "Program") at Lambert-St. Louis International Airport (the "Airport"), consisting in part of a project providing for the acquisition of real and personal property rights for the purpose of noise mitigation, aviation obstruction removals, land use compatibility, and/or the development and improvement of the Airport, said acquisitions being in fee simple title or lesser estate including, without limitation, easements, permits, licenses, rights-of-way relative to the real property together with all improvements and fixtures thereon and appurtenances thereto located within the geographical boundaries described in "EXHIBIT A", which is attached hereto and incorporated herein, such authorization including, without limitation, the acquisition of aviation easements, the utilization of "Functional Replacement" for the acquisition of land and improvements acquired hereunder, relocation assistance and related costs or services, legal services and related costs, engineering, architectural, designing, planning, and other technical advice and assistance, surveying, mapping, appraisal, escrow, closing, and title work and services and related costs, title insurance costs, inspection services, environmental and remediation services and related costs, environmental mitigation costs, environmental assessments, real estate management or consulting services and related costs, and other real estate services including, without limitation, technical advice and assistance in regard to the preparation of real property for the purposes of airport compatible redevelopment and/or land use compatibility and related work or costs, property management and maintenance services and related costs, the relocation of facilities, structures, and improvements including, without limitation, utility facilities and lines, project and construction management and related consultant and management expenses pertaining to the planning, designing, design management, value engineering, feasibility analysis, and consulting, the preparation and production of contract documents, the advertising and the taking of bids or proposals, development of staging areas, construction, installation, and renovating costs, the demolition and the removal or relocation of buildings, structures, facilities, utilities, trees, improvements, and other obstructions, including, without limitation, the disinterment, transportation, and reinterment of human remains and other technical assistance and related or necessary services and costs, the grading and seeding of disturbed areas and related work, ground maintenance services and related costs, the leasing and/or modification, renovation, and construction of office facilities for the administration of the Program and the construction, renovation and operation of on-site field offices, security services and related costs, and other necessary or related work or services for the development, management, implementation, administration, or monitoring of the Program at a total estimated cost of approximately Twenty Five Million Dollars (\$25,000,000).

SECTION TWO. There is hereby authorized an initial appropriation of Eight Million Dollars (\$8,000,000) as follows:

- A) Two Million Dollars (\$2,000,000) from the Airport Development Fund established under Ordinance No. 59286, Section 13, approved October 26, 1984, and
- B) Six Million Dollars (\$6,000,000) from the Passenger Facility Charge Fund established under authority of Ordinance 62501, Section 6, approved February 10, 1992,

to be expended for payment of costs for work or services authorized herein and providing for the receipt of supplemental appropriations when authorized by ordinance into this Ordinance as funds become available to continue the Program.

SECTION THREE. The City Counselor of the City of St. Louis (the "City") is hereby authorized to acquire on behalf of the City said real and personal property rights including, without limitation, easements and rights-of-ways by purchase, lease, or condemnation.

SECTION FOUR. The City Counselor with the approval of the City's Board of Estimate and Apportionment is hereby authorized to enter into agreements on behalf of the City to acquire, by purchase or lease, said real and personal property rights including, without limitation, easements, permits, licenses, and rights-of-way and to secure legal and related services necessary for the implementation and administration of the Program.

SECTION FIVE. The Mayor and Comptroller of the City are hereby authorized to enter into and execute on behalf of the City agreements and/or instruments granting such easements or right-of ways as are deemed necessary to the administration or the implementation of the Program and containing such terms, covenants, or conditions that are in the best interest of the City, the City's residents, and the traveling public.

SECTION SIX. The Director of Airports with the approval of the City Counselor and the City's Board of Estimate and Apportionment is hereby authorized on behalf of the City to let contracts providing for appraisal, escrow, closing, and title work or services, and related costs for the implementation and administration of the Program.

SECTION SEVEN. The Director of Airports with the approval of the Airport Commission and the City's Board of Estimate and Apportionment is hereby authorized to let contracts, purchase supplies, materials, and equipment, employ labor, pay salaries, wages, fees, retain consultants and technical advisors, and otherwise provide for ground maintenance including, without limitation, the seeding and cutting of grass, the trimming or removing of trees or shrubbery, and other ground maintenance of the real property.

SECTION EIGHT. The Board of Public Service, with the advice, consent and approval of the Director of Airports, is hereby authorized to let contracts for all other approved Program work or services, purchase supplies, materials, and equipment, employ labor, pay salaries, wages, fees, retain consultants and technical advisors including, without limitation, real estate or property management or maintenance services, and otherwise provide for the Program and the work and services herein authorized, except for the work or services covered by procedures contained in SECTION THREE, SECTION FOUR, SECTION FIVE, SECTION SIX and SECTION SEVEN of this Ordinance.

SECTION NINE. It is hereby provided that any contract let hereunder shall be subject to the City's and any Missouri State laws or regulations applicable there.

SECTION TEN. 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 ELEVEN. The Director of Airports is hereby authorized to make such applications and provide such data and to take whatever action necessary to seek funds under the Airport Improvement Program, the Passenger Facility Charge Program or other local, state, or federal programs for the Program costs or expenditures authorized herein where such costs or expenditures are deemed eligible and monies made available for those costs under federal, state, or local law or contract and to authorize the deposit of such funds into this Ordinance to reimburse the costs in part of the Program or the payment of costs authorized herein.

SECTION TWELVE. All contracts let under authority of this Ordinance shall 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.

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

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

“EXHIBIT A”

**Job No. 202044
Lambert Airport
Property Description**

A tract of land lying in St. Louis County, Missouri and being more particularly described as follows:

Beginning at the centerline intersection of Taussig Avenue (formerly Gist Road) and Ferguson Lane; thence northeasterly along the centerline of Taussig Avenue to the centerline intersection of Taussig Avenue, Missouri Bottom Road and State Highway 115; thence continuing northeasterly along the centerline of Missouri bottom Road to the centerline intersection of Dunn Road; thence in a northeasterly direction along said centerline to the centerline intersection of Howdershell Road; thence in a northeasterly direction along said centerline to the

centerline intersection of Hazelwest Drive; thence in a southeasterly direction along said centerline and the extension of said centerline to the centerline intersection of Interstate 270; thence in a easterly direction along said centerline to the centerline intersection of Lindbergh Blvd. (a.k.a. U.S. Highway 67); thence in a southwesterly direction along said centerline to the centerline intersection of James S. McDonnell Blvd. (formerly Brown Road); thence in a southeasterly direction along said centerline to the centerline intersection of the Norfolk and Western Railroad Right-of-way; thence easterly along said Right-of-way centerline to the centerline intersection of Interstate 170; thence southerly along said centerline to the centerline intersection of Airport Road; thence in a easterly direction along said centerline to the centerline intersection of Florissant Road (a.k.a. State Highway N); thence in a southerly direction along said centerline to the centerline intersection of Woodstock; thence in a easterly direction along said centerline to the centerline intersection of Bermuda Drive; thence in a southerly direction along said centerline to the centerline intersection of Lammert Lane; thence in a easterly direction along said centerline to the eastern terminus of Lammert Lane; thence in a southeasterly direction through Norwood Hills Country Club and Memorial Park Cemetary to the western centerline terminus of Idlewild Place; thence in a southeasterly direction along said centerline to the centerline intersection of Jennings Station Road; thence in a southwesterly direction along said centerline to the centerline intersection of Lillian Avenue; thence in a southeasterly direction along said centerline to the St. Louis City Limit line; thence leaving said Lillian Avenue along said City Limit line to the centerline intersection of Stratford Avenue; thence in a southwesterly direction along said centerline to the centerline intersection of Edgewood Blvd.; thence in a southwesterly direction along said centerline to the centerline intersection of Donald Avenue; thence in a northwesterly direction along said centerline to the centerline intersection of Minoma Lane; thence in a southwesterly direction along said centerline to the centerline intersection of Pasadena Blvd.; thence in a westerly direction along said centerline to the centerline intersection of Lucas & Hunt Road (a.k.a. State Highway U); thence in a southwesterly direction along said centerline to the centerline intersection of Natural Bridge Road (a.k.a. State Highway 115); thence in a westerly direction along said centerline to the centerline of the BI-State MetroLink Right-of-way (formerly the Norfolk & Western Right-of-way); thence northerly along said Right-of-way centerline approximately 1900 feet more or less north of the centerline of Natural Bridge Road; thence in a northwesterly direction and through the University of Missouri St. Louis approximately 3000 feet more or less to a point; thence in a southwesterly direction and more or less parallel with Interstate 70 approximately 1800 feet more or less to the centerline intersection of Hanley Road north of Geiger Road; thence in a southeasterly direction along said centerline of Hanley Road to the centerline intersection of Natural Bridge Road (a.k.a. State Highway 115); thence in a northwesterly direction along said centerline to the intersection of the imaginary easterly centerline extension of Kathlyn Drive; thence westerly along the imaginary extension of said Kathlyn Drive to the centerline intersection of Brown Road; thence in a northerly direction along said centerline to the centerline intersection of Harold Drive; thence in a westerly direction along said centerline to the centerline intersection of Woodson Road; thence in a northerly direction along said centerline to the centerline intersection of Guthrie Avenue; thence in a westerly direction along said centerline to the centerline intersection of Calvert Avenue; thence in a northerly direction along said centerline to the centerline intersection of Margo Ann Lane; thence in westerly direction along said centerline to the centerline intersection of Beauty Lane; thence in a northerly direction along said centerline to the centerline intersection of St. Girard Lane; thence in a westerly direction along said centerline to the centerline intersection of Holman Lane; thence in a northerly direction along said centerline to the intersection of the imaginary westerly centerline extension of Aero Space Drive; thence westerly along said imaginary centerline extension of Aero Space Drive to the centerline intersection of Cypress Road; thence leaving said centerline in a westerly direction and along the southern Lot line of Lot 7 of "Cypress Gardens Plat 1", a subdivision as recorded in Plat Book 41, Page 7 of the St. Louis County, Missouri Recorder of Deeds Office 1081.19 feet more or less to the southwest corner of said Lot 7; thence northerly along the western line of said "Cypress Gardens Plat 1" to the northwest corner of Lot 13 of said "Cypress Gardens Plat 1"; thence easterly along the northern line of said Lot 13 726.83 feet more or less to the southwest corner of Lot 14 of said "Cypress Gardens Plat 1"; thence northerly along the western Lot lines of Lot's 14 thru 16 290.10 feet more or less the the southern Right-of-way of Interstate 70; thence easterly along said Right-of-way 644.15 feet more or less to the aforementioned centerline of Cypress Road; thence in a northerly direction along said centerline to the centerline intersection of Interstate 70; thence in a westerly direction along said centerline to the centerline intersection of Lindbergh Blvd. (a.k.a. U.S. Highway 67); thence in a northerly direction along said centerline to the centerline intersection of Long Road; thence in a westerly direction along said centerline to the centerline intersection of Fee Fee Road; thence in a northerly direction along said centerline to a point; thence leaving said centerline in a northwesterly direction along the southern Lot line of Lot 1 of Fee Fee Hills Plat 1, a subdivision as recorded in Plat Book 52, Page 8 of the St. Louis County, Missouri County Recorder Deeds Office to the southwest corner of said Lot 1; thence in a northerly

direction along the rear Lot lines of Lot's 1 thru 5 of said Fee Fee Hills to the southeastern most corner of Cambridge Crossing, a subdivision as recorded in Plat Book 266, Pages 21 & 22 of the St. Louis County Recorder of Deeds Office; thence northwesterly along the southwestern line of said Cambridge Crossing subdivision to the easternmost rear corner of 11916 Natural Bridge Road; thence in a southwesterly direction along said rear Lot line to the southernmost rear corner of said 11916 Natural Bridge Road; thence in a northwesterly direction along the southern line of said 11916 Natural Bridge Road to the easternmost corner of 11935 Natural Bridge Road; thence in a southwesterly direction along said rear Lot line to the southernmost rear corner of said 11935 Natural Bridge Road; thence in a northwesterly direction along the southern line of said 11935 Natural Bridge Road to the centerline intersection of Natural Bridge Road; thence in a westerly direction along said centerline to the centerline intersection of St. Charles Rock Road (a.k.a. State Highway 180); thence in a northwesterly direction along said centerline to the northwestern Right-of-way of Interstate 270; thence in a northeasterly direction along said Right-of-way to the southern line of the Carrollton Subdivision; thence northwesterly along said southern line approximately 1,600 feet more or less to the intersection of the western line of said Carrollton Subdivision; thence northeasterly along said western line approximately 2,200 feet more or less to a point being the northeast corner of O' Connor Park (formerly Peterson Park); thence in a northwesterly direction along the northeastern line of said O' Connor Park approximately 1,000 feet more or less to a point; thence in a north and westerly direction along the Norfolk and western rail Right-of-way to the intersection of the imaginary southeasterly centerline extension of the aforementioned Ferguson Lane; thence northwesterly along said imaginary centerline extension of Ferguson Lane to the Point of Beginning.

Approved: December 10, 2002