

ORDINANCE #68892
Board Bill No. 52

An Ordinance recommended and approved by the Board of Estimate and Apportionment authorizing and directing the Director of Airports and the Comptroller for the City of St. Louis (the "City") to enter into and execute on behalf of the City an Airport Use and Lease Agreement with a term ending June 30, 2016 (the "Use Agreement") and, when indicated, an Airport Use and Lease Agreement Cargo Addendum (the "Cargo Addendum") for Lambert- St. Louis International Airport® (the "Airport") between the City and executed by any airline operator (the "Airline") listed in ATTACHMENT A to this Ordinance, which is attached hereto and incorporated herein, granting to such Airline certain rights and privileges for the use of the Airport and its facilities subject to the terms, covenants, and conditions set forth in the Use Agreement and the Cargo Addendum that were approved by the City's Airport Commission and the City's Board of Estimate and Apportionment, and are attached hereto as ATTACHMENT B and ATTACHMENT C respectively to this Ordinance and made a part hereof; containing a severability clause; and containing an emergency clause.

WHEREAS, the City of St. Louis, Missouri (the "City") owns an airport known as the Lambert-St. Louis International Airport® (the "Airport") which is operated by the Airport Authority of the City; and

WHEREAS, various airline operators are engaged in the business of providing commercial air transportation of persons and property as scheduled air carriers certificated by the United States Government to engage in such business and to that end desire to enter into agreements for the use of the Airport and its facilities; and

WHEREAS, the City is willing to grant certain rights and privileges for the use of the Airport and its facilities to any of the airlines listed in ATTACHMENT A (the "Airline") to this Ordinance, which is attached hereto and incorporated herein, upon the terms and conditions set forth in the City's Airport Use and Lease Agreement with a term ending June 30, 2016 and the City's Airport Use and Lease Agreement Cargo Addendum attached hereto as ATTACHMENT B and ATTACHMENT C respectively to this Ordinance and made a part hereof.

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

SECTION ONE. The Director of Airports and the Comptroller for the City of St. Louis (the "City") are hereby authorized and directed to enter into and execute on behalf of the City an Airport Use and Lease Agreement with a term ending June 30, 2016 (the "Use Agreement") for Lambert-St. Louis International Airport® (the "Airport") between the City and any airline operator executing the Use Agreement (the "Airline") listed in ATTACHMENT A to this Ordinance, which is attached hereto and incorporated herein, granting to the Airline certain rights and privileges for the use of the Airport and its facilities subject to the terms, covenants and conditions set forth in the Use Agreement that was approved by the City's Airport Commission and the City's Board of Estimate and Apportionment, and is to read in words and figures substantially as set out in ATTACHMENT B, which is attached hereto and made a part hereof.

SECTION TWO. The Director of Airports and the Comptroller for the City are further authorized and directed to enter into and execute on behalf of the City, in addition to the Use Agreement, an Airport Use and Lease Agreement Cargo Addendum that was approved by the City's Airport Commission and the City's Board of Estimate and Apportionment, and is to read in words and figures substantially as set out on ATTACHMENT C, which is attached hereto and made a part hereof, with Airlines engaged in the business of providing commercial air transportation of property only which are designated with the footnote "Cargo Addendum" in ATTACHMENT A.

SECTION THREE. 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 contained herein is held invalid by a court of competent jurisdiction, such holding shall not invalidate the remaining sections, conditions, or provisions or portion thereof of this Ordinance unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

SECTION FOUR. This being an ordinance for the preservation of public peace, health, or safety, it is hereby declared to be an emergency measure as defined in Article IV, Section 20 of the City Charter and shall become effective immediately upon its approval by the Mayor of the City.

ATTACHMENT A

The Airlines eligible to sign the Airport Use and Lease Agreement and Airlines [with an *] also eligible to sign the Cargo Addendum are:

ABX Air, Inc.*

Freedom Airlines

Aerovias de Mexico, S.A. de C.V., d/b/a AeroMexico
Air Transport International, L.L.C.*
Air Wisconsin Airlines Corporation
AirTran Airways
Alaska Airlines
American Airlines
American Eagle Airlines
ASTAR Air Cargo, Inc.*
Atlantic Southeast Airlines, Inc.
Brendan Airways LLC, d/b/a USA 3000 Airlines
Capital Cargo International*
Chautauqua Airlines, Inc.
Comair
Compass Airlines
Continental Airlines
Delta Air Lines, Inc.
ExpressJet Airlines, Inc., d/b/a Continental Express
Federal Express Corporation*

Frontier Airlines
GoJet Airlines, L.L.C.
Hyannis Air Service, Inc., d/b/a Cape Air
Jazz Air, Inc., d/b/a Air Canada Jazz
Mesa Airlines, Inc.
Mesaba Aviation
MN Airlines, LLC d/b/a Sun Country Airlines
Pinnacle Airlines
PSA Airlines, Inc.
Republic Airlines
Ryan Air
Shuttle America Corporation
SkyWest Airlines
Southwest Airline Co.
Trans States Airlines
United Air Lines
United Parcel Service Co.*
USAirways, Inc.

*Cargo Addendum

ATTACHMENT B

Airport Use and Lease Agreement
Is on file in the Register's Office.

ATTACHMENT C

Airport Use and Lease Agreement Cargo Addendum
Is on file in the Register's Office.

**CITY OF ST. LOUIS
LAMBERT-ST. LOUIS INTERNATIONAL AIRPORT®
AIRPORT USE AND LEASE AGREEMENT
CARGO ADDENDUM
[AIRLINE NAME]**

This Cargo Addendum, is dated _____, 201_, and is between The City of St. Louis, a municipal corporation of the State of Missouri ("City"), and _____, a corporation organized and existing under the laws of the State of ("Airline").

RECITALS

Airline is engaged in the business of providing commercial air transportation of property ("Air Cargo").

Airline wishes to provide Air Cargo services at the Airport and, to that end, desires to enter into an Airport Use and Lease Agreement ("Agreement") for the use of the Airport.

The City is willing to grant Airline certain rights and privileges for the use of the Airport and its facilities upon the terms and conditions set forth in the Agreement.

The parties therefore agree as follows:

Section 101

The parties acknowledge that Airline, as an Air Cargo Airline, shall not operate from the Terminal Buildings (as defined in the Agreement), and that, consequently, all rights and obligations set forth in the Agreement with respect to the use of the Leased Premises shall be inapplicable, including, but not limited to, the following Sections, Subsections and Exhibits to the Agreement: Subsections 301(A), (H), (L), (M), and (R); Sections 401 -410, 502, and 504; Subsection 505(A); Sections 604, 605, 709, 801,903, 1103, 1204-1207; and Exhibit B.

Section 102

Airline shall arrange for operating space separate from this Agreement with the City or with a third-party Airport tenant whose rights include providing such space. In addition, should Airline require to purchase ground handling services at the Airport, Airline shall make the appropriate arrangements through a third-party Airport tenant whose rights include providing such ground handling services to Air Cargo airlines. The City retains the right to review and approve any agreement for operating space and/or ground handling services entered into between Airline and such third-party Airport tenant prior to the commencement of Airline's operations at the Airport.

IN WITNESS WHEREOF, the parties hereto for themselves, their successors and assigns, have executed this Agreement as of date first written above.

THE CITY OF ST. LOUIS, MISSOURI, OPERATING LAMBERT-ST. LOUIS INTERNATIONAL AIRPORT®:

Pursuant to Ordinance _____, approved _____, 201__.

The foregoing Cargo Addendum was approved by the Airport Commission at its meeting on _____, 201__.

By:

Airport Commission Chairman Date

The foregoing Cargo Addendum was approved by the Board of Estimate and Apportionment at its meeting on _____, 20__.

By:

Secretary, Board of Estimate & Apportionment Date

APPROVED AS TO FORM ONLY:

COUNTERSIGNED:

City Counselor Date

Comptroller Date

ATTESTED:

Register Date

Approved: May 25, 2011