BOARD BILL NO. 228 INTRODUCED BY ALDERMAN STEPHEN CONWAY

An Ordinance recommended and approved by the Board of Estimate and Apportionment authorizing and directing the Director of Airports and the Comptroller of The City of St. Louis (the "City") to enter into and execute, on behalf of the City, the Lambert-St. Louis International Airport® ("Airport") First Right of Refusal Agreement No. AL-319 (the "Agreement"), between the City and Brownsville International Air Cargo, Inc., doing business as Bi-National Air Cargo Terminals, a corporation organized and existing under the laws of the State of Texas ("BIAC"), granting to BIAC a first right of refusal to lease certain premises at the Airport commonly known as Cargo Building No. 3 as more fully described in the Agreement, subject to and in accordance with the terms, covenants, warranties, and conditions of the Agreement, which was approved by the Airport Commission and is attached hereto as **ATTACHMENT "1"** and made a part hereof; and containing a severability clause and an emergency clause.

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, the Lambert-St. Louis International Airport ("Airport") First Right of Refusal Agreement No. AL-319 (the "Agreement"), between the City and Brownsville International Air Cargo, Inc., doing business as Bi-National Air Cargo Terminals, a corporation organized and existing under the laws of the State of Texas ("BIAC"), granting to BIAC a first right of refusal to lease certain premises at the Airport commonly known as Cargo Building No. 3 as more fully described in the Agreement, subject to and in accordance with the terms, covenants, warranties, and conditions of the Agreement,

which was approved by the Airport Commission and is to read in words and figures substantially as set out in "A**TTACHMENT "1",** which is attached hereto and made a part hereof.

SECTION TWO. The sections or provisions of this Ordinance or portions thereof shall be severable. In the event that any section 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 or provisions of this Ordinance unless the court finds the valid sections or provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the illegal, unconstitutional or ineffective section or provision that it cannot be presumed that the Board of Aldermen would have enacted the valid sections or provisions without the illegal, unconstitutional or ineffective sections or provisions; or unless the court finds that the valid sections or provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION THREE. 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 approval of the Mayor of the City.