

St. Louis City Ordinance 63162

FLOOR SUBSTITUTE

BOARD BILL NO. [94] 57

INTRODUCED BY ALDERMAN JOANNE WAYNE

An ordinance ratifying and approving the Lambert-St. Louis International Airport Concession Agreement (Shoeshine Concession) AL 238, dated January 1, 1991, approved by the Airport Commission and the Board of Estimate and Apportionment which is attached hereto as "Attachment A" and made a part hereof (the "Agreement"); and authorizing the Director of Airports and Comptroller to enter into a First Amendment to the Agreement which is attached hereto as "Attachment B" and made a part hereof (the "First Amendment") which extends the term of the Agreement for two (2) years, provides for payments to the City of St. Louis (the "City") of Concession Fees in the amount of One Hundred Five Thousand Dollars (\$105,000.00) for each year of the extended term, incorporates all of the Agreement's other terms and conditions.

Whereas, due to the current construction of improvements and restructuring of facilities at Lambert-St. Louis International Airport (the "Airport") it is in the best interest of the City, Lambert-St. Louis International Airport (the "Airport"), the traveling public and others who use the Airport that the Agreement as amended by the First Amendment remain in force and effect until such improvements and restructuring are completed, and

Whereas, the First Amendment has been approved by the Airport Commission and the Board of Estimate and Apportionment.

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

SECTION ONE. The Lambert-St. Louis International Airport Concession Agreement (Shoeshine Concession) - AL 238, which is marked "Attachment A", affixed hereto and made a part hereof, is hereby ratified and approved.

SECTION TWO. The First Amendment to Lambert-St. Louis International Airport Concession Agreement (Shoeshine Concession), which is marked "Attachment B", affixed hereto and made a part hereof (the "First Amendment"), is reasonable and in the best interest of the City of St. Louis (the "City"), Lambert-St. Louis International Airport (the "Airport"), the traveling public and others who use the Airport.

SECTION THREE. The Director of Airports and the Comptroller of the City are hereby authorized and directed to execute on behalf of the City the First Amendment substantially in words and figures as set out in Attachment B to this Ordinance.

SECTION FOUR. The terms and conditions set forth in this Ordinance shall be applicable exclusively to the Agreement and First Amendment ratified, approved and authorized by this Ordinance and shall not be applicable to any other existing or future concession agreements unless specifically authorized by Ordinance enacted after the effective date of this Ordinance. All provisions of other Ordinances of the City which are in conflict with this Ordinance shall be of no force or effect as to the Agreement and the First Amendment.

SECTION FIVE. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be unconstitutional or otherwise unlawful, the remaining sections of this Ordinance are valid unless the court finds the valid sections of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the void section that it cannot be presumed that the Board of Aldermen would have enacted the valid sections without the void ones; or unless the court finds the valid sections, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

FIRST AMENDMENT

TO

LAMBERT-ST. LOUIS INTERNATIONAL AIRPORT

CONCESSION AGREEMENT

(Shoeshine Concession)

THE FIRST AMENDMENT, entered into this day of , 1994, by and between the CITY OF ST. LOUIS, a municipal corporation of the State of Missouri ("City"), and AIRPORT SHOESHINE, CORPORATION, previously known as AIRPORT SHOESHINE, INC., a State of Missouri Corporation, (the "Concessionaire").

WITNESSETH THAT:

WHEREAS, the City and the Concessionaire are parties to a Concession Agreement for the Airport Shoeshine Concession dated January 1, 1991 (the "Agreement"); and,

WHEREAS, the City and the Concessionaire desire to amend said Agreement to their mutual benefit,

NOW, THEREFORE, for and in consideration of the promises, and of the mutual covenants and agreements herein contained, and other valuable considerations, the City and the Concessionaire agree as follows:

Section 301. Term. is deleted in its entirety and the following is substituted:

The term of this Agreement shall begin on January 1, 1991, and shall end on December 31, 1995, unless sooner terminated in accordance with other provisions of this Agreement.

Section 401. Concession Fees. is deleted in its entirety and the following is substituted:

Concessionaire agrees to pay Concession Fees, and the utilities fees described in Section 704 of this Agreement to the City for the rights and privileges herein granted by the City. The Concession Fees Concessionaire covenants to pay to the City for each Contract Year are as follows:

Contract Year	Concession Fees
1	\$82,000
2	\$88,000
3	\$95,000
4	\$105,000
5	\$105,000

All other terms and conditions of this Agreement are unchanged and remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto for themselves, their successors and assigns, have executed this amendment pursuant to City of St. Louis Ordinance approved . AIRPORT SHOESHINE, INC.

Title:

Date:

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

The foregoing Agreement was approved by the Airport Commission at its meeting on , 1994.

Commission Chairman Date
and Director of Airports

The foregoing Agreement was approved by the Board of Estimate and Apportionment at its meeting on , 1994.

Secretary, Date
Board of Estimate & Apportionment

APPROVED AS TO FORM:

City Counselor Date Comptroller, Date
City of St. Louis City of St. Louis

Register, Date
City of St. Louis

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
04/29/94	04/19/94	T&C		05/11/94
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
05/13/94			05/20/94	05/20/94
ORDINANCE	VETOED		VETO OVR	
63162				