

## *St. Louis City Ordinance 63378*

FLOOR SUBSTITUTE

BOARD BILL NO. [94] 387

INTRODUCED BY ALDERMAN Thomas A. Villa

An ordinance relating to convention, exhibition and sports facilities; with definitions of terms; approving forms of an Amended and Restated St. Louis NFL Lease (as hereinafter defined) of the Facilities (as hereinafter defined) and of certain other documents; with other provisions related thereto; authorizing the taking of further actions consistent herewith; with an emergency provision.

WHEREAS, THE REGIONAL CONVENTION AND SPORTS COMPLEX AUTHORITY, a public body corporate and politic of the State of Missouri (the "Authority") has been established for the purpose of constructing, owning and operating a convention and sports facility (the "Facilities") to adjoin the Cervantes Convention Center in the City of St. Louis, Missouri (the "Convention Center"); and

WHEREAS, in accordance with the laws of the State of Missouri and the ordinances of the City of St. Louis, Missouri and St. Louis County, Missouri, respectively, and pursuant to an agreement (the "Project Agreement") among the State of Missouri (the "State"), the City of St. Louis, Missouri (the "City"), St. Louis County, Missouri (the "County") and St. Louis NFL Corporation, a Missouri for-profit corporation ("SLNFL") the State, the City and the County (together, the "Sponsors" and individually, a "Sponsor") have duly authorized and agreed to participate in the financing, construction and operation of the Facilities; and

WHEREAS, the Authority, as owner of the Facilities, and the Sponsors, as tenants in common, have entered into a certain Project Financing, Construction and Operation Agreement dated as of August 1, 1991 (the "Financing Agreement"), pursuant to which the Authority has leased and demised the Facilities to the Sponsors, and the Sponsors have in turn leased and demised the Facilities to the Authority, in accordance with the terms and conditions set forth in the Financing Agreement; and

WHEREAS, the Authority, as Operating Landlord (the "Operating Landlord"), and CVC, as tenant, have entered into a certain Operating Lease dated as of August 28, 1991 (the "Operating Lease"), pursuant to which the Authority has leased and demised the Facilities to CVC, subject to the terms and conditions of

the Financing Agreement and otherwise in accordance with the terms and conditions set forth in the Operating Lease; and

WHEREAS, St. Louis Municipal Finance Corporation, a Missouri not-for-profit corporation, as owner, has leased and demised the Convention Center to the City, and in order to facilitate the efficient, harmonious and successful development, operation and use of the Convention Center and the Facilities, the City, pursuant to an Amended and Restated Convention Center Operating Lease dated as of July 29, 1993, ("the Convention Center Operating Lease") has leased and demised the Convention Center to CVC for the term and subject to the terms and conditions set forth in the Convention Center Operating Lease; and

WHEREAS, pursuant to the Financing Agreement and the Operating Lease (together, the "Prior Leases"), CVC entered into a Lease of the Facilities to SLNFL, for the uses, the rent and the term and subject to the terms and conditions set forth therein, in anticipation of SLNFL obtaining a National Football League ("NFL") franchise to play NFL games; and

WHEREAS, SLNFL is now wholly-owned by FANS, Inc., a non-profit corporation organized and existing under the laws of the State of Missouri (hereinafter referred to as "FANS") formed for the purpose of assisting the City and County to induce an NFL franchise to locate in St. Louis and to play NFL games in the Facilities; and

WHEREAS, as of the date hereof, SLNFL has not obtained an NFL franchise to play NFL games; and

WHEREAS, the Authority, CVC, SLNFL, and FANS wish to induce an owner of an NFL Franchise to relocate the NFL Franchise to St. Louis and to enter into certain mutually beneficial agreements and arrangements respecting the playing of NFL games in the Facilities commencing as soon as practicable on certain terms and conditions; and

WHEREAS, the Authority, CVC and SLNFL desire to amend and restate the Lease in its entirety, with City consent; and

WHEREAS, the City is willing to give its consent to such amendment and restatement of the Lease;

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

Section One. Definitions of Terms. As used in this Ordinance the following terms shall have the following meanings: "Facilities" means a convention and sports facility being constructed by the Authority generally east of and adjacent to the Cervantes Convention Center.

Section Two. The form of an Amended and Restated St. Louis NFL Lease, attached hereto as Exhibit 1, is hereby consented to by the City.

Section Three. Authorization and Execution of City Documents. The Mayor, Comptroller and other appropriate officers of the City are hereby authorized to enter into and execute on behalf of the City the following documents, in substantially the forms attached to this Ordinance, with such modifications and revisions therein as are consistent with the provisions of this Ordinance and are approved by the City Counselor, and the officers executing same, such officers' signatures thereon being conclusive evidence of the approval thereof (the "City Documents"):

Section Four. Approval of Documents. The City hereby approves the following documents (collectively with the City Documents, the "Documents"), in substantially the forms attached to this Ordinance with such revisions and modifications therein as are consistent with the provisions of this Ordinance and are approved by the Mayor, the Comptroller, and the City Counselor, such officers' signatures thereon being conclusive evidence of the approval thereof:

Section Five. Further Authority. The City shall, and the Mayor, Comptroller, and other appropriate officers, agents and employees of the City are hereby authorized and directed to take such further actions, and execute such other documents, consents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section Six. Emergency Clause. This being an Ordinance necessary for the immediate preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this Ordinance shall become effective immediately upon its passage and approval by the Mayor.

## **Legislative History**

<b>1ST READING</b>	<b>REF TO COMM</b>	<b>COMMITTEE</b>	<b>COMM SUB</b>	<b>COMM AMEND</b>
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
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