

St. Louis City Ordinance 64008

FLOOR SUBSTITUTE

BOARD BILL NO. [96] 326

INTRODUCED BY ALDERMAN MARY ROSS

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 to enter into and execute on behalf of the City of St. Louis ("Lessor") a first amendment to the Indenture of Lease dated May 1, 1977 (the "Agreement"), between the Lessor and Ninety-Fourth of St. Louis, Inc. ("Lessee"), which was authorized under Ordinance 57341 approved March 28, 1977; this first amendment to the Agreement, approved by the Airport Commission and the Board of Estimate and Apportionment, which is attached hereto as Attachment A and made a part hereof, extends the term of the Agreement one year to May 1, 1998, and provides for the termination of the Agreement by either party by giving 180 days notice; and containing an emergency clause. WHEREAS, the City of St. Louis ("Lessor") and Ninety-Fourth of St. Louis, Inc. ("Lessee") are parties to an Indenture of Lease dated May 1, 1977, which expires May 1, 1997 (the "Agreement");

WHEREAS, the Agreement was authorized by Ordinance 57341 approved March 28, 1977; and

WHEREAS, the Lessor and the Lessee desire to amend the Agreement to their mutual benefit by amending Section 7 and Section 34 of the Agreement.

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

SECTION ONE. The Director of Airports and the Comptroller are hereby authorized and directed to enter into and execute on behalf of the City of St. Louis ("Lessor"), a first amendment to a certain Indenture of Lease dated May 1, 1977 (the "Agreement"), between the Lessor and Ninety-Fourth of St. Louis, Inc. ("Lessee") which was authorized under Ordinance 57341 approved March 28, 1977; this first amendment to the Agreement, approved by the Airport Commission and the Board of Estimate and Apportionment, is to read in words and figures as set out in Attachment A which is attached hereto and made a part hereof.

SECTION TWO. This being an Ordinance for the preservation of public peace, health, or safety, it is hereby declared an emergency measure as designed in Article IV, Section 20 of the City Charter and shall become effective

immediately upon its approval by the Mayor of the City of St. Louis.

Attachment A

AIRPORT NUMBER
FIRST AMENDMENT
TO
LAMBERT-ST. LOUIS INTERNATIONAL AIRPORT
LEASE AGREEMENT
NINETY-FOURTH OF ST. LOUIS, INC.

THIS FIRST AMENDMENT, entered into this day of , 199 , by and between the CITY OF ST. LOUIS, a municipal corporation of the State of Missouri ("Lessor"), and Ninety-Fourth of St. Louis, Inc. ("Lessee").

WITNESSETH THAT:

WHEREAS, the Lessor and the Lessee are parties to an Indenture of Lease (the "Agreement") dated May 1, 1977, and expires May 1, 1997, and;

WHEREAS, said Lease was authorized by Ordinance 57341, approved March 28, 1977;

WHEREAS, the Lessor and the Lessee 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 Lessor and the Lessee agree to amend the Agreement as follows:

1. Section 7, Term, is deleted in its entirety and replaced with the following section:

Section 7, Term. Subject to earlier termination, as herein provided, the term of this lease shall be for a period of twenty-one (21) years commencing on the first day of May 1977, and terminating on Midnight of the first day of May 1998. Effective May 1, 1997, Lessor or Lessee may terminate this Agreement

without liability to either party by giving 180 days written notice to the other party.

1Section 34, Termination. The words and figures "20 year term" are hereby deleted in their entirety from the first sentence of this section and are hereby replaced by the following: "first twenty (20) years of this lease".

2Section 34, Termination. The following is added to the end of this section:

If Lessor terminates this Agreement after April 30, 1997, the following provisions shall apply: Lessor will not be obligated or in any way liable for payment of liquidated damages or for buyout of building, improvements, fixtures, equipment, or supplies, furnishings, inventories, or other real or personal property of the Lessee. Lessee shall vacate the premises on or before date specified in the written notice of termination. All removable fixtures, equipment, furnishings, supplies and inventory of Lessee shall be removed from the premises and the premises left in a condition satisfactory to the Director of Airport.

3All other terms and conditions of the Agreement not inconsistent with this First Amendment are hereby ratified and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto execute this First Amendment for themselves, their successors and assigns.

Pursuant to City of St. Louis Ordinance approved .

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

The foregoing First Amendment was approved by the Airport Commission at its meeting on the day of , 199 .

Commission Chairman Date
and Director of Airports

The foregoing First Amendment was approved by the Board of Estimate and Apportionment at its meeting on , 199 .

Secretary, Date
Board of Estimate & Apportionment

APPROVED AS TO FORM:

City Counselor Date
City of St. Louis

Comptroller, Date
City of St. Louis

Register, Date
City of St. Louis

NINETY-FOURTH OF ST. LOUIS, INC.

Title:

Date:

Legislative History					
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND	VOTE
01/10/97	01/10/97	T&C			
2ND READING	FLOOR AMEND	FLOOR SUB	VOTE	PERFECTN	PASSAGE
01/24/97				01/31/97	02/07/97
ORDINANCE	VETOED		VETO OVR		EFFECTIVE
64008					

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