

1 **BOARD BILL NO. 264** **INTRODUCED BY: ALDERWOMAN KREWSON**

2 An Ordinance authorizing the City to execute a Cooperation Agreement and certain
3 documents related thereto, which Cooperation Agreement and attachments attached hereto
4 amend in part the Agreement incorporated into Ordinance No. 69732, and allowing for the City
5 of St. Louis, the Great Rivers Greenway District, and the CityArch River 2015 Foundation to
6 provide procedures for their cooperation in the design, completion, and ongoing operation, care
7 and maintenance of City blocks 114 and 131, of which the City is Lessee, which blocks pursuant
8 to St. Louis City Ordinance No. 69732 comprise part of the CityArchRiver Project Area as set
9 forth therein, and containing a severability clause, a governance clause, and an emergency
10 clause.

11 **WHEREAS**, the City of St. Louis, Missouri, a Missouri Charter City, (the “CITY”), is
12 authorized and empowered under the Intergovernmental Agreement Act, Sections 70.210 to
13 70.325 of the Revised Statutes of Missouri, to contract and cooperate with any other municipality
14 of political subdivision for the planning, development, construction, acquisition or operation of
15 any public improvement or facility, or for a common service; and

16 **WHEREAS**, the CITY adopted Ordinance No. 69372 on DATE, in which the CITY
17 entered a Cooperative Agreement with the Great Rivers Greenway District, a body corporate and
18 a political subdivision of the State of Missouri, (the “DISTRICT”), and the CityArchRiver 2015
19 Foundation, a not-for profit corporation, (the “FOUNDATION”), establishing a CITYARCH
20 RIVER PROJECT AREA, and directing the CITY to enter into further and more comprehensive

1 agreements and ordinances to establish a partnership with defined powers concerning
2 developments in the PROJECT AREA, prior to construction of the same; and

3 **WHEREAS**, the Cooperation Agreement approved and authorized by Ordinance No.
4 69732 provides for amendment and further articulation to same as the PROJECT proceeds; and

5 **WHEREAS**, the CITY sees a substantial benefit in collaborating with the DISTRICT
6 and the FOUNDATION, to enter into a subsequent Cooperation Agreement to provide
7 procedures for their cooperation in the design and completion of city blocks 114 and 131 and for
8 the ongoing operation, care and maintenance of the same after construction of this aspect of the
9 PROJECT is completed; and

10 **WHEREAS**, entering the instant Cooperation Agreement to execute this aspect of the
11 PROJECT when completed, will be of substantial benefit the CITY and its citizens by providing
12 certain landscape improvements, hardscape improvements, including a structure capable of
13 accommodating a visitor’s welcome center with amenities, and water features, and by the
14 provision of areas for rest, relaxation, public events, and play for all; and

15 **WHEREAS**, the DISTRICT, the FOUNDATION, and the CITY desire to enter into a
16 Cooperation Agreement in substantially the form attached to this Authorizing Ordinance (the
17 “Cooperation Agreement”); and

18 **WHEREAS**, the Board of Aldermen of the City hereby find it advisable, necessary, and
19 in the best interests of the City to enter into the attached Cooperation Agreement;

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

2 **SECTION ONE.** Under and by the authority of Sections 67.1700 to 67.1769 RSMo.,
3 the Intergovernmental Agreement Act, the City is authorized and empowered to contract and
4 cooperate with any other municipality or political subdivision for the planning, development,
5 construction, acquisition or operation of any public improvement or facility.

6 **SECTION TWO.** The provisions of Sections 67.1700 to 67.1769 RSMo. are adopted
7 and incorporated herein by reference as it fully set forth herein.

8 **SECTION THREE.** This Ordinance is intended to be a supplement to, consistent with,
9 and not in derogation of Ordinance No. 69732, and all provisions of this Ordinance shall be
10 interpreted as consistent with Ordinance No. 69732, unless clearly inconsistent, in which case of
11 any such inconsistency, the inconsistent provision of this Ordinance shall apply. In the event of
12 any inconsistency between the provisions of this Ordinance and the provisions of any prior
13 ordinances, the provisions of this Ordinance shall prevail. This Ordinance shall amend and
14 supersede in relevant part Section 22.44.300 of the St. Louis City Revised Code and Ordinance
15 No. 60536, sections 1-4, 1987, as set forth in the Cooperation Agreement attached hereto and
16 incorporated herein.

17 **SECTION FOUR.** The Board of Aldermen hereby confirms its approval of the
18 Cooperation Agreement. The Board of Aldermen further finds and determines that it is necessary
19 and desirable to enter into the Cooperation with the Great Rivers Greenway District, herein
20 referred to as the “DISTRICT” and the CityArchRiver 2015 Foundation, hereinafter referred to

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1 as the “ FOUNDATION”, in substantially the form attached hereto as EXHIBIT A and
2 incorporated herein by reference.

3 **SECTION FIVE.** The CITY is hereby authorized to enter into, and the Mayor and the
4 Comptroller and such other officers of this CITY as are appropriate are hereby authorized and
5 directed to execute, seal, attest and deliver, for and on behalf of the CITY, the Cooperation
6 Agreement, with such changes as are consistent with the intent of this Authorizing Ordinance, as
7 shall be approved by the appropriate officers of the CITY executing the Cooperation Agreement,
8 such officers’ signatures thereon being conclusive evidence of their approval without further
9 action of the Board of Aldermen necessary to authorize such changes by the Mayor and
10 Comptroller or their necessary representatives. The Mayor, the Comptroller, and other
11 appropriate officers, agents and employees of the CITY, with the advice and consent of the City
12 Counselor, are hereby further authorized and directed to execute and deliver such agreements as
13 are necessary and desirable in order to carry out and comply with the intent of this Authorizing
14 Ordinance and Ordinance No. 69732, to and to carry out, comply with and perform the duties of
15 the City with respect to the Cooperation Agreement and the Project, set forth in this Ordinance
16 and in Ordinance No. 69732 .

17 **SECTION SIX.** It is hereby declared to be the intent of the Board of Aldermen that each
18 and every part, section and subsection of this Ordinance shall be separate and severable from
19 each and every other part, section and subsection hereto and that the Board of Aldermen intends
20 to adopt each said part, section and subsection separately and independently of any other part,
21 section and subsection. In the event that any part, section or subsection of this Ordinance shall be

1 determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and
2 subsection shall be in and remain in full force and effect, unless the court making such finding
3 shall determine that the valid portions standing alone are incomplete and are incapable of being
4 executed in accordance with the legislative intent.

5 **SECTION SEVEN.** This ordinance shall be governed exclusively by and construed in
6 accordance with applicable laws of the State of Missouri.

7 **SECTION EIGHT.** Passage of this Ordinance being deemed necessary for the
8 immediate preservation of the health and welfare of the residents of the City of St. Louis, it is
9 hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article
10 IV of the Charter of the City of St. Louis and shall become effective immediately upon its
11 passage and approval by the Mayor.

12

13 **ATTACHMENT A-COOPERATION AGREEMENT**

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