

**BOARD BILL NO. 28 INTRODUCED BY ALDERWOMAN PHYLLIS YOUNG**

1 An ordinance authorizing and directing the Mayor and the Comptroller of the City of St.  
2 Louis to execute and deliver on behalf of the City of St. Louis a Lease Termination  
3 Agreement between the City of St. Louis ("City"), the Port Authority of the City of St.  
4 Louis ("Port Authority"), and President Riverboat Casino-Missouri, Inc. ("President");  
5 approving the form of such Lease Termination Agreement; authorizing the execution of  
6 documents necessary to comply with the intent of this Ordinance; containing a  
7 severability clause; and containing an emergency clause.

8 WHEREAS, the City, the Port Authority, and the President are parties to a Lease and  
9 Sublease Agreement made and entered into January 18, 2000 (the "Lease") pursuant to  
10 Ordinance 64803; and

11 WHEREAS, President gave notice on July 1, 2010 to the Port Authority that it was  
12 terminating the Lease effective July 1, 2011 (the "Early Termination Date") pursuant to  
13 its rights under the Lease; and

14 WHEREAS, the Lease provides that following the termination of the Lease, the President  
15 is required to remove the vessels, boats, water craft or other practical moveable structures  
16 from the Mooring Area and at the Port Authority's option, any and all improvements  
17 from the Levee; and

18 WHEREAS, the City, the Port Authority, and the President desire to cooperate on the  
19 removal of the vessels, and certain improvements and the winding up of the Lease and  
20 make the agreements set forth in the Lease Termination Agreement, as attached in  
21 Exhibit 1 hereto; and

22 WHEREAS, the Decommissioning Plan for the President Casino-Admiral is attached  
23 hereto as Exhibit A to the Lease Termination Agreement (attached as Exhibit 1 hereto)

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1 for reference purposes ("Decommissioning Plan") with respect to the location and  
2 description and location of components at the Mooring Area and the Levee; and  
3 WHEREAS, the Board of Aldermen finds that the provisions of the Lease Termination  
4 Agreement, attached as Exhibit 1 hereto (including its attached Exhibit A  
5 ("Decommission Plan")), and incorporated herein by reference as if fully set out, are in  
6 the best interests of the City and the health, safety, morals and welfare of its residents,  
7 and in accord with public purposes; and

8 WHEREAS, the Board of Aldermen finds that execution by the Port Authority and the  
9 City of the Lease Termination Agreement, attached as Exhibit 1 hereto (including its  
10 attached Exhibit A ("Decommissioning Plan")), and that performance by the Port  
11 Authority, the City, and President of their respective obligations under the Lease  
12 Termination Agreement are necessary and desirable and in the best interests of the City  
13 and the health, safety, morals and welfare of its residents.

14 **BE IT ORDAINED BY THE CITY OF SAINT LOUIS AS FOLLOWS:**

15 **SECTION ONE.** Findings. The Board of Alderman hereby adopts the foregoing recitals  
16 as findings.

17 **SECTION TWO.** Authorization of Documents. The City of St. Louis is hereby  
18 authorized to enter into the Lease Termination Agreement between the City of St. Louis,  
19 the Port Authority of the City of St. Louis, and President Riverboat Casino-Missouri,  
20 Inc., in substantially the form attached hereto as Exhibit 1 (including its attached Exhibit  
21 A ("Decommissioning Plan")) and hereby made a part of this Ordinance, with such  
22 changes therein as shall be approved by the Mayor and Comptroller, upon the advice of

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1 the City Counselor of the City of St. Louis executing such documents, such officers  
2 signatures thereon being conclusive evidence of their approval thereof.

3 **SECTION THREE.** Further Authority. The City of St. Louis shall, and the officers,  
4 aldermen, officials, agents and employees of the City of St. Louis are hereby authorized  
5 and directed to take such further action, and execute such other documents, certificates  
6 and instruments as may be necessary or desirable to carry out and comply with the intent  
7 of this Ordinance, and to carry out, comply with and perform the duties of the City of St.  
8 Louis with respect to the Lease Termination Agreement.

9 **SECTION FOUR.** Severability. If any provision of this Ordinance shall be held or  
10 deemed to be invalid, inoperative or unenforceable as applied in any particular case in  
11 any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because of conflicts  
12 with any provision or provisions hereof or any constitution or statute or rule of public  
13 policy, or for any other reason, such circumstances shall not have the effect of rendering  
14 the provision in question inoperative or unenforceable in any other case or circumstance,  
15 or of rendering any other provision or provisions herein contained invalid, inoperative or  
16 unenforceable to any extent whatever.

17 **SECTION FIVE.** Emergency Clause. This being an ordinance for the preservation of  
18 public peace, health and safety, is hereby declared an emergency measure within the  
19 meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and  
20 therefore this ordinance shall become effective immediately upon its passage and  
21 approval by the Mayor.