

BOARD BILL NO. 120

INTRODUCED BY ALDERMAN MATT VILLA

1 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND
2 COMPTROLLER TO EXECUTE AN INTERGOVERNMENTAL COOPERATION
3 AGREEMENT (“INTERGOVERNMENTAL AGREEMENT”), ATTACHED AND
4 INCORPORATED BY REFERENCE AS “EXHIBIT 1,” BY AND AMONG THE CITY OF
5 ST. LOUIS, MISSOURI (“CITY”), THE COUNTY OF ST. LOUIS, MISSOURI (“COUNTY”),
6 AND PINNACLE ENTERTAINMENT, INC. (“PINNACLE”), PURSUANT TO WHICH THE
7 CITY, AS RECOMMENDED BY THE BOARD OF PUBLIC SERVICE, GRANTS AN
8 EASEMENT FOR MAINTENANCE TO THE COUNTY FOR A PORTION OF WEBER
9 ROAD AND CARONDELET BOULEVARD; AUTHORIZES THE USE OF THE COUNTY
10 PROCEDURE FOR NAMING THE ACCESS ROAD AND RENAMING A PORTION OF
11 WEBER ROAD AND CARONDOLET BOULEVARD “RIVER CITY CASINO
12 BOULEVARD;” CONTAINING A SEVERABILITY AND EMERGENCY CLAUSE.

13
14 WHEREAS, Section 16 of Article VI of the Missouri Constitution allows and provides
15 that any municipality or political subdivision of the State of Missouri may contract and cooperate
16 with other municipalities or political subdivisions thereof, for the planning, development,
17 construction, acquisition or operation of any public improvement or facility, or for a common
18 service, in the manner provided by law; and

19 WHEREAS, Sections 70.210 to 70.325 MO. Rev. Stat. (2000), as amended (herein
20 referred to as the “Intergovernmental Agreement Act”), allow and provide, in pertinent part, for
21 municipalities and political subdivisions of the State of Missouri to contract and cooperate with

1 any other municipality or political subdivision for the planning, development, construction,
2 acquisition or operation of any public improvement or facility, or for a common service; and

3 WHEREAS, the St. Louis County Council approved Pinnacle to construct and operate a
4 gaming facility in St. Louis County by Ordinance No. 21,908 (the “County Project”); and

5 WHEREAS, the City, the County, the Land Reutilization Authority of the City of St. Louis
6 (“LRA), the St. Louis County Port Authority, The Metropolitan St. Louis Sewer District
7 (“MSD”) and Pinnacle entered into an Intergovernmental Cooperation Agreement as of August
8 10, 2005 (the “2005 Agreement”), pursuant to which the parties thereto agreed to cooperate in
9 connection with the construction of a road that is located partially in the City and partially in the
10 County to the County Project running from the intersection of Weber and Alabama (also known
11 as Lemay) along the River Des Peres to the intersection at Broadway (Phase II of the Access
12 Road) and from Broadway to the County Project (Phase III of the Access Road) which road was
13 referred to in the 2005 Agreement as the “Access Road”; and

14 WHEREAS, the Access Road to the County Project includes not only the construction
15 and development of Phase II and III, but also improvements to Carondelet Boulevard
16 (“Carondelet”) and Weber Road from Carondelet just north of I-55 South to Alabama (also
17 known as Lemay Ferry) and which is referred to as Phase I of the Access Road and which is also
18 located partially in the City and partially in the County; and

19 WHEREAS, Pinnacle has made improvements to Phase I of the Access Road which
20 benefit the City; and

21 WHEREAS, the Intergovernmental Agreement provides that the City will grant the
22 County a perpetual easement for the County to maintain that portion of Phase I of the Access

1 Road located within the City boundary and the County agrees to maintain that portion of Phase I
2 of the Access Road located in the City at the expense of the County; and

3 WHEREAS, it is in the best interests of the citizens in the area to give one name to the
4 Access Road (i) in order to avoid confusion on addresses along the road, and (ii) for purposes of
5 getting and keeping traffic to the County Project out of the residential neighborhoods in both the
6 City and the County; and

7 WHEREAS, the City has adopted Ordinance 60797 which governs the naming and
8 renaming of streets located in the City of St. Louis and the County and also has a procedure for
9 naming and renaming streets; and

10 WHEREAS, the Intergovernmental Agreement provides that since the County will be
11 maintaining the Access Road, the City agrees to authorize the use of the County’s procedure for
12 naming the Access Road and renaming Phase I of the Access Road notwithstanding Ordinance
13 60797; and

14 WHEREAS, the Intergovernmental Agreement provides that the City, with respect to
15 property within the City boundaries along the Access Road, agrees to the name “River City
16 Casino Boulevard” for the Access Road; and

17 WHEREAS, the City Board of Alderman hereby determines that the terms of the
18 Intergovernmental Agreement are acceptable and that the execution, delivery and performance
19 by the City, the County and Pinnacle of their respective obligations under the Intergovernmental
20 Agreement are in the best interests of the City and the health, safety, morals and welfare of its
21 residents;

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

1 **SECTION ONE.** The Mayor and the Comptroller are authorized and directed to execute, on
2 behalf of the City, the Intergovernmental Agreement as attached hereto and incorporated by
3 reference as Exhibit 1 and the City Register is hereby authorized and directed to attest to same
4 and to affix the seal of the City thereto.

5 **SECTION TWO.** The Intergovernmental Agreement shall be substantially in the form on file
6 with the Register with such changes therein as shall be approved by the Mayor and Comptroller
7 with the advice of the City Counselor, and as may be consistent with the intent of this Ordinance
8 and the Intergovernmental Agreement and necessary, desirable, convenient or proper in order to
9 carry out the matters herein authorized.

10 **SECTION THREE.** By and through the execution of the Intergovernmental Agreement, the
11 City hereby grants a perpetual maintenance easement to the County for that portion of Phase I of
12 the Access Road in the City limits.

13 **SECTION FOUR.** Naming the Access Road. In light of the (i) unusual circumstance that
14 portions of the Access Road are located partially in the County and partially in the City, (ii)
15 County's agreement to maintain the Access Road, (iii) desire of Pinnacle and the County to name
16 the Access Road "River City Casino Boulevard," the City shall in this sole instance, authorize
17 the use of the County's procedures for naming the Access in lieu of the procedures and
18 limitations set forth in City Ordinance 60797.

19 **SECTION FIVE.** Additional Authority. The Mayor and Comptroller of the City or their
20 designated representatives are hereby authorized and directed to take any and all actions to
21 execute and deliver for and on behalf of the City any and all additional certificates, documents,
22 agreements or other instruments as may be necessary and appropriate in order to carry out the

1 matters herein authorized, with no such further action of the Board of Aldermen necessary to
2 authorize such action by the Mayor and the Comptroller or their designated representatives.

3 **SECTION SIX.** Recording of the Intergovernmental Agreement. Upon execution of the
4 Intergovernmental Agreement, the Register or designee shall cause a copy of the
5 Intergovernmental Agreement to be filed in the office of the Missouri Secretary of State and in
6 the office of the Recorder of Deeds of the City, as required by Section 70.300 Mo. Rev. Stat.
7 (2000).

8 **SECTION SEVEN.** Severability. It is hereby declared to be the intention of the Board of
9 Aldermen that each and every part, section and subsection of this Ordinance shall be separate
10 and severable from each and every other part, section and subsection hereof and that the Board
11 of Aldermen intends to adopt each said part, section and subsection separately and independently
12 of any other part, section and subsection. In the event that any part, section or subsection of this
13 Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining
14 parts, sections and subsections shall be and remain in full force and effect, unless the court
15 making such finding shall determine that the valid portions standing alone are incomplete and are
16 incapable of being executed in accord with the legislative intent.

17 **SECTION EIGHT.** Emergency Clause. This being an ordinance for the preservation of the
18 public peace, health and safety, it is hereby declared to be an emergency measure and shall
19 become effective immediately upon its passage and approval by the Mayor.