

1 **BOARD BILL # 134 INTRODUCED BY ALDERWOMAN YOUNG**

2 An Ordinance Authorizing The Execution Of A Transportation Project Agreement Between The  
3 City, Washington Avenue Apartments, L.P., And The Washington Avenue Transportation  
4 Development District; Prescribing The Form And Details Of Said Agreement; Making Certain  
5 Findings With Respect Thereto; Approving Modification Of The Transportation Project;  
6 Authorizing Other Related Actions In Connection With The Transportation Project; And  
7 Containing A Severability Clause.

8 **WHEREAS**, the City of St. Louis, Missouri (the “City”), is a body corporate and a  
9 political subdivision of the State of Missouri, duly created, organized and existing under and by  
10 virtue of its charter, the Constitution and laws of the State of Missouri; and

11 **WHEREAS**, pursuant to sections 238.200 to 238.275 RSMo. (2005) (the “TDD Act”),  
12 by that certain Judgment and Order of the Circuit Court of the City of St. Louis, Missouri, in Cause  
13 No. 0922-CC01620, Division 1, entered \_\_\_\_\_, 20\_\_ (the “Order”), the Washington  
14 Avenue Transportation Development District (the “TDD”) was created; and

15 **WHEREAS**, the TDD intends to undertake that certain “Transportation Project” as  
16 described and defined in the Order, as modified herein, which Transportation Project will provide a  
17 benefit to the City by increasing the available supply of parking; and

18 **WHEREAS**, the City of St. Louis constitutes the “local transportation authority” for the  
19 purposes of the Transportation Project, and as a result of the Missouri Highway Transportation  
20 Commission’s declining jurisdiction over the Transportation Project, approval of the Transportation  
21 Project is vested exclusively with the City; and

22 **WHEREAS**, the TDD Act provides that prior to construction or funding of a proposed  
23 project, such project shall be submitted to the local transportation authority for its prior approval,

1 subject to any required revisions of such project, and the district and local transportation authority in  
2 question entering into a mutually satisfactory agreement regarding the development and future  
3 maintenance of such proposed project; and

4 **WHEREAS**, the City hereby desires and intends to approve the Transportation Project, as  
5 modified herein, subject to the TDD and the City entering into a mutually satisfactory agreement  
6 regarding the development and future maintenance of the Transportation Project; and

7 **WHEREAS**, the City intends to enter into that certain Transportation Project Agreement  
8 (the “Agreement”), in the form attached hereto as **Exhibit A** and incorporated herein by reference,  
9 with the TDD and Washington Avenue Apartments, L.P., a Missouri limited partnership (the  
10 “Developer”), as a mutually satisfactory agreement regarding the development and future  
11 maintenance of the Transportation Project; and

12 **WHEREAS**, the TDD Act provides that, within six months after development and initial  
13 maintenance costs of a project have been paid, the district shall transfer control and ownership of  
14 the project in question to the local transportation authority pursuant to contract; and

15 **WHEREAS**, the TDD intends to transfer and the City intends to accept such control and  
16 ownership pursuant to and on the terms set forth in the Transportation Project Agreement; and

17 **WHEREAS**, the Board of Aldermen hereby determines that the terms of the  
18 Transportation Project Agreement attached as **Exhibit A** hereto and incorporated herein by  
19 reference are acceptable and that the execution, delivery and performance by the City, the  
20 Developer and the TDD of their respective obligations are in the best interests of the City and the  
21 health, safety, morals and welfare of its residents.

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

1           **SECTION ONE.** The Board of Aldermen hereby approves the Transportation Project as  
2 submitted to the City.

3           **SECTION TWO.** The Board of Aldermen further finds and determines that it is  
4 necessary and desirable to enter into the Transportation Project Agreement with the Developer in  
5 order to implement the Transportation Project.

6           **SECTION THREE.** The Board of Aldermen finds and determines that the  
7 Transportation Project is necessary and desirable in order to increase the supply of available  
8 parking in the City.

9           **SECTION FOUR.** The Board of Aldermen hereby approves, and the Mayor and  
10 Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the  
11 Transportation Project Agreement by and between the City, the TDD and the Developer in  
12 similar form to that attached hereto as **Exhibit A**, and the City Register is hereby authorized and  
13 directed to attest to the Transportation Project Agreement and to affix the seal of the City thereto.  
14 The Transportation Project Agreement shall be in substantially the form attached, with such  
15 changes therein as shall be approved by said Mayor and Comptroller executing the same and as  
16 may be consistent with the intent of this Ordinance and necessary and appropriate in order to  
17 carry out the matters herein authorized.

18           **SECTION FIVE.** The Mayor and Comptroller of the City or his or her designated  
19 representatives are hereby authorized and directed to take any and all actions to execute and  
20 deliver for and on behalf of the City any and all additional certificates, documents, agreements or  
21 other instruments as may be necessary and appropriate in order to carry out the matters herein  
22 authorized, with no such further action of the Board of Aldermen necessary to authorize such  
23 action by the Mayor or Comptroller or his or her designated representatives.

1           **SECTION SIX.** The Mayor and Comptroller or his or her designated representatives,  
2 with the advice and concurrence of the City Counselor and after approval by the Board of  
3 Estimate and Apportionment, are hereby further authorized and directed to make any changes to  
4 the documents, agreements and instruments approved and authorized by this Ordinance as may  
5 be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out  
6 the matters herein authorized, with no such further action of the Board of Aldermen necessary to  
7 authorize such changes by the Mayor or Comptroller or his or her designated representatives.

8           **SECTION SEVEN.** It is hereby declared to be the intention of the Board of Aldermen  
9 that each and every part, section and subsection of this Ordinance shall be separate and severable  
10 from each and every other part, section and subsection hereof and that the Board of Aldermen  
11 intends to adopt each said part, section and subsection separately and independently of any other  
12 part, section and subsection. In the event that any part, section or subsection of this Ordinance  
13 shall be determined to be or to have been unlawful or unconstitutional, the remaining parts,  
14 sections and subsections shall be and remain in full force and effect, unless the court making  
15 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.

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**EXHIBIT A**

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Transportation Project Agreement

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