

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

2 **AN ORDINANCE APPROVING AND AUTHORIZING THE CITY TO**
3 **EXECUTE A DEVELOPMENT AGREEMENT WITH HALLMARK**
4 **HOTELS, LLC; PRESCRIBING THE FORM AND DETAILS OF SAID**
5 **AGREEMENT AND THE TAKING OF FURTHER ACTIONS WITH**
6 **RESPECT THERETO; AUTHORIZING THE TAKING OF OTHER**
7 **ACTIONS, APPROVAL AND EXECUTION OF OTHER DOCUMENTS**
8 **NECESSARY OR DESIRABLE TO CARRY OUT AND COMPLY WITH**
9 **THE INTENT THEREOF; AND CONTAINING A SEVERABILITY**
10 **CLAUSE.**

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

14 **WHEREAS**, Hallmark Hotels, LLC, a limited liability company duly organized and
15 existing under the laws of the State of Missouri, (the “Company”), currently owns and operates a
16 440 room hotel on a leased site legally described in Exhibit A, attached hereto and incorporated
17 herein by this reference (the “Hotel Property”);

18 **WHEREAS**, the Hotel Property was found by the City to be “blighted” pursuant to
19 Chapter 99 Mo. Rev. Stat. and Chapter 100 Mo. Rev. Stat., and was designated as such by
20 Ordinance Nos. 61439, 61441, 66964 and 67223 of the City of St. Louis; and

21 **WHEREAS**, in connection with substantial renovation of the Hotel Property, to alleviate

1 conditions of blight, the Company proposes to improve an approximate 600-car parking structure
2 located on a portion of the Hotel Property (the “Garage Property”) at an approximate cost of
3 \$2,500,000 (the “Project”), which Project will be financed in part by a transportation
4 development district to be created by the Company pursuant to the Missouri Transportation
5 Development District Act, Sections 238.200, *et. seq.* of the Revised Statues of Missouri, as
6 amended (the “TDD Act”); and

7 **WHEREAS**, the City and the Company desire to formalize and memorialize the City’s
8 commitment to the Company with respect to the creation of a transportation development district
9 and execution of the Development Agreement to facilitate the Project; and

10 **WHEREAS**, the Board of Aldermen hereby determines that the terms of the
11 Development Agreement attached as Exhibit B hereto and incorporated herein by reference are
12 acceptable and that the execution, delivery and performance by the City and the Company of
13 their respective obligations under the Development Agreement are in the best interests of the
14 City and the health, safety, morals and welfare of its residents, and in accord with the public
15 purposes specified in the TDD Act.

16 **NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE**
17 **CITY OF ST. LOUIS, MISSOURI AS FOLLOWS:**

18 Section 1. The Board of Aldermen finds and determines that it is necessary and desirable
19 to enter into the Development Agreement with the Company in order to implement the Project
20 and to enable the Company to carry out its proposal for renovation of the Hotel Property.

21 Section 2. The Board of Aldermen hereby approves, and the Mayor and Comptroller are

1 hereby authorized and directed to execute, on behalf of the City, the Development Agreement
2 between the City and the Company, and the City Register is hereby authorized and directed to
3 attest to the Development Agreement and to affix the seal of the City thereto. The Development
4 Agreement shall be in substantially the form attached hereto as Exhibit B, with such changes
5 therein as shall be approved by the officers of the City executing the same and as may be
6 consistent with the intent of this Ordinance and necessary, desirable, convenient or proper in
7 order to carry out the matters herein authorized.

8 Section 3. The Mayor and Comptroller or their designated representatives are hereby
9 authorized and directed to take any and all actions to execute and deliver for and on behalf of the
10 City any and all additional certificates, documents, agreements or other instruments as may be
11 necessary, desirable, convenient or proper in order to carry out the matters herein authorized.
12 The Mayor and Comptroller or their designated representatives are hereby further authorized and
13 directed to make any changes to the documents and instruments approved and authorized by this
14 Ordinance as may be consistent with the intent of this Ordinance and necessary, desirable,
15 convenient or proper in order to carry out the matters herein authorized.

16 Section. 4. It is hereby declared to be the intention of the Board of Aldermen that each
17 and every part, section and subsection of this Ordinance shall be separate and severable from
18 each and every other part, section and subsection hereof and that the Board of Aldermen intends
19 to adopt each said part, section and subsection separately and independently of any other part,
20 section and subsection. In the event that any part, section or subsection of this Ordinance shall
21 be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections

April 30, 2010

Page 3 of 6

Board Bill No. 28

Sponsor: Alderwoman Phyllis Young

1 and subsections shall be and remain in full force and effect, unless the court making such finding
2 shall determine that the valid portions standing alone are incomplete and are incapable of being
3 executed in accord with the legislative intent.

4 Clerk, Board of Aldermen President, Board of Aldermen

5 Approved: Date:

6 Mayor Francis G. Slay

7

8

9

10

11

12

13

14

15

16

17

18

19

20

CITY OF ST. LOUIS BOARD BILL NO.

EXHIBIT A

Legal Description of Hotel Property

A TRACT OF LAND IN BLOCK 6490 (FORMERLY PART OF BLOCKS 87 AND 88), OF THE CITY OF ST. LOUIS, MISSOURI; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE EASTERN LINE OF FOURTH STREET, 80 FEET WIDE, WITH THE SOUTHERN LINE OF WASHINGTON AVENUE, IRREGULAR WIDTH: THENCE S 15° 14' W 148.67 FEET, S 18° 17' 30" W 38.56 FEET AND S 17° 53' 45" W 474.60 FEET ALONG THE EASTERN LINE OF SAID FOURTH STREET, TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE CONTINUING S 17° 53' 45" W 420.09 FEET ALONG THE EASTERN LINE OF SAID FOURTH STREET, TO THE NORTHERN LINE OF PINE STREET, 60 FEET WIDE; THENCE S 72° 09' 15" E 313.76 FEET ALONG THE NORTHERN LINE OF SAID PINE STREET, TO THE WESTERN LINE OF THIRD STREET MEMORIAL HIGHWAY / INTERSTATE I-70, IRREGULAR WIDTH; THENCE N 17° 05' 45" E 241.85 FEET ALONG THE WESTERN LINE OF SAID THIRD STREET MEMORIAL HIGHWAY; THENCE N 72° 06' 15" W 207.39 FEET; THENCE N 17° 53' 45" E 178.00 FEET; THENCE N 72° 06' 15" W 103.00 FEET, TO THE EASTERN LINE OF SAID FOURTH STREET AND THE POINT OF BEGINNING, AND CONTAINING 93,846 SQUARE FEET OR 2.1544 ACRES.

CITY OF ST. LOUIS BOARD BILL NO. _____

EXHIBIT B

DEVELOPMENT AGREEMENT
(To Be Attached)