

2 An Ordinance Authorizing The Execution Of A Transportation Project Agreement Between The
3 City, City Hospital Laundry Master Landlord, LLC, And City Hospital Laundry Transportation
4 Development District; Prescribing The Form And Details Of Said Agreement; Making Certain
5 Findings With Respect Thereto; Authorizing Other Related Actions In Connection With The
6 Transportation Project; And Containing A Severability Clause.

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

10 **WHEREAS**, pursuant to sections 238.200 to 238.280 RSMo. (2009) (the “TDD Act”),
11 by that certain Judgment and Order of the Circuit Court of the City of St. Louis, Missouri, in Cause
12 No. _____, Division 1, entered _____, 20__ (the “Order”), the City
13 Hospital Laundry Transportation Development District (the “TDD”) was created; and

14 **WHEREAS**, the TDD intends to undertake that certain “Transportation Project” as
15 described and defined in the Order, which Transportation Project will provide a benefit to the City
16 by increasing public access to the parcels described in that certain Petition for the Creation of a
17 Transportation Development District, filed in the Circuit Court of the City of St. Louis, Cause No. 1022-
18 CC00596, Division 1, on February 5, 2010 (“Petition”) and the available supply of parking; and

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

1 **WHEREAS**, the TDD Act provides that prior to construction or funding of a proposed
2 project, such project shall be submitted to the local transportation authority for its prior approval,
3 subject to any required revisions of such project, and the district and local transportation authority in
4 question entering into a mutually satisfactory agreement regarding the development and future
5 maintenance of the Transportation Project; and

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

9 **WHEREAS**, the City intends to enter into that certain Transportation Project Agreement
10 (the “Agreement”), in the form attached hereto as **Exhibit A** and incorporated herein by reference,
11 with the TDD, as a mutually satisfactory agreement regarding the development and future
12 maintenance of the Transportation Project; and

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

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

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

23 **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 TDD 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 public access to the parcels
8 described in the Petition and the supply of available 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 and the TDD in similar form to that
12 attached hereto as **Exhibit A**, and the City Register is hereby authorized and directed to attest to
13 the Transportation Project Agreement and to affix the seal of the City thereto. The
14 Transportation Project Agreement shall be in substantially the form attached, with such changes
15 therein as shall be approved by said Mayor and Comptroller executing the same and as may be
16 consistent with the intent of this Ordinance and necessary and appropriate in order to carry out
17 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