

1 **AN ORDINANCE RECOMMENDED BY THE BOARD OF PUBLIC**
2 **SERVICE RATIFYING THE EXECUTION OF AN OPTION TO**
3 **PURCHASE REAL ESTATE FOR ADDITIONAL PARK LAND**
4 **LOCATED IN CITY BLOCK 3899 BETWEEN THE CITY OF ST. LOUIS**
5 **AND ROTHSCHILD WINZERLING, LLC; ACKNOWLEDGING AND**
6 **APPROVING THE FORM AND DETAILS OF SAID OPTION; MAKING**
7 **CERTAIN FINDINGS AND REPRESENTATIONS AND WARRANTIES**
8 **THEREIN INCLUDING THE PAYMENT OF \$392,000 AS ADJUSTED;**
9 **AUTHORIZING OTHER RELATED ACTIONS IN CONNECTION**
10 **THEREUTO; AND CONTAINING AN EMERGENCY CLAUSE.**

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

14 **WHEREAS**, upon the recommendation of the Board of Public Service, the Board of
15 Aldermen finds it is necessary and desirable and in the best interest of the City to enter into the
16 Option to Purchase Real Estate (the “Option Contract”), attached hereto as Exhibit 1 and
17 incorporated by reference herein as if fully set out, with Rothschild Winzerling, LLC, (the
18 “Optionor”) in order that the City may purchase certain real property (the “Property”) located in
19 City Block 3899 to provide for additional park land, and

20 **WHEREAS**, pursuant to the provisions of the Option Contract, the City may and is
21 authorized to purchase title to the Property by Special Warranty Deed on or before November 15,

1 2007, for the sum of THREE HUNDRED NINETY-TWO THOUSAND DOLLARS
2 (392,000.00) with any necessary adjustments as provided therein, which sum was previously
3 appropriated by Ordinance 67496 [Board Bill No. 1]; and

4 **WHEREAS**, the Board of Aldermen acknowledge and approve the City's
5 representations and warranties as Optionee as set forth in the Option Contract and finds
6 acceptable the representations and warranties of the Optionor.

7 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS**
8 **FOLLOWS:**

9 **SECTION ONE.** Upon the recommendation of the Board of Public Service, the
10 execution by the Mayor and Comptroller of the Option Contract with the Rothschild Winzerling,
11 LLC, as attached hereto as Exhibit 1 and incorporated by reference herein as if fully set out, is
12 hereby ratified; and the form and details of said Option Contract are hereby acknowledged and
13 approved including the representations and warranties therein; and the City is authorized to
14 acquire title to the Property in City Block 3899 described in Exhibit 1 by Special Warranty Deed
15 for additional park land and to pay the sum of THREE HUNDRED NINETY-TWO
16 THOUSAND DOLLARS (\$392,000) with certain adjustments from funds previously
17 appropriated in Ordinance 67496 [Board Bill No. 1].

18 **SECTION TWO.** The Mayor and Comptroller of the City or their 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 and the Comptroller or their designated representatives.

1 **SECTION THREE.** The Mayor and the Comptroller or their 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 and the Comptroller or their designated representatives.

8 **SECTION FOUR.** Emergency Clause. This ordinance, being necessary for the
9 immediate preservation of the public health, safety , welfare and morals, it is hereby declared to
10 be an emergency measure with the meaning of Sections 19 and 20 of Article IV of the Charter of
11 the City of St. Louis, and as such, this ordinance shall take effect immediately upon its passage
12 and approval by the Mayor

EXHIBIT 1

Option to Purchase Real Estate by and between the City of St. Louis and
Rothschild Winzerling, LLC
(Attached hereto.)