

1 **COMMITTEE SUBSTITUTE**

2 **BOARD BILL # 416**

INTRODUCED BY ALDERMAN JOSEPH RODDY

3 An Ordinance recommended by the Board of Public Service ratifying the execution of Purchase
4 and Sale Agreement of real property as set forth herein for additional park land located in City
5 Block 4878 between the City of St. Louis and Forest West Properties, Inc.; making certain
6 findings and representations and warranties with conditions and covenants therein with a deed
7 restriction for a public park including the payment of EIGHT HUNDRED NINETEEN
8 THOUSAND AND FOUR HUNDRED EIGHTY-THREE DOLLARS AND TWENTY-NINE
9 CENTS (\$819,483.29), as adjusted for Holding Costs, as set forth in Exhibit B to said
10 Agreement; authorizing other related actions in connection thereto; and containing an emergency
11 clause.

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

15 WHEREAS, upon the recommendation of the Board of Public Service, the Board of
16 Aldermen finds it is necessary and desirable and in the best interest of the City to enter into the
17 Purchase and Sale Agreement (the “Agreement”) with Forest West Properties, Inc. (the “Seller”)
18 in order that the City may purchase certain real property (the “Property”) located in City Block
19 4878 to provide for additional park land; and

20 WHEREAS, pursuant to the provisions of the Agreement, the City may and is authorized
21 to purchase title to the Property by Special Warranty Deed for the sum of EIGHT HUNDRED

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1 NINETEEN THOUSAND AND FOUR HUNDRED EIGHTY-THREE DOLLARS AND
2 TWENTY-NINE CENTS (\$819,483.29), as adjusted for Holding Costs, which sum was
3 previously appropriated by Ordinance 67496 (Board Bill No. 1); and

4 WHEREAS, the Board of Aldermen acknowledge and approve the City's representations
5 and warranties and deed restriction for a public park as Buyer as set forth in the Agreement and
6 in the Special Warranty Deed and finds acceptable the representations and warranties of the
7 Seller.

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

9 SECTION ONE. Upon recommendation of the Board of Public Service, the
10 execution by the Mayor and Comptroller of the Purchase and Sale Agreement with Forest West
11 Properties, Inc., as attached hereto as Exhibit 1 and incorporated by reference herein as if fully
12 set out, is hereby ratified; and the form and details of said Agreement are hereby acknowledged
13 and approved including the representations and warranties and deed restriction for a public park
14 therein; and the City is authorized to acquire title to the Property in City Block 4878 described in
15 Exhibit A to the Agreement by Special Warranty Deed for additional park land and to pay the
16 sum of EIGHT HUNDRED NINETEEN THOUSAND AND FOUR HUNDRED EIGHTY-
17 THREE DOLLARS AND TWENTY-NINE CENTS (\$819,483.29), as adjusted for Holding
18 Costs, as set forth in Exhibit B to said Agreement, which sum was previously appropriated by
19 Ordinance 67496 (Board Bill No. 1).

20 SECTION TWO. The Mayor and Comptroller of the City or their designated
21 representatives are hereby authorized and directed to take any and all actions to execute and
22 deliver for and on behalf of the City any and all additional certificates, documents, agreements or

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1 other instruments as may be necessary and appropriate in order to carry out the matters herein
2 authorized, with no such further action of the Board of Aldermen necessary to authorize such
3 action by the Mayor and the Comptroller or their designated representatives.

4 SECTION THREE. The Mayor and the Comptroller or their designated representatives,
5 with the advice and concurrence of the City Counselor, are hereby further authorized and
6 directed to make any changes to the documents, agreements and instruments approved and
7 authorized by this Ordinance as may be consistent with the intent of this Ordinance and
8 necessary and appropriate in order to carry out the matters herein authorized, with no such
9 further action of the Board of Aldermen necessary to authorize such changes by the Mayor and
10 the Comptroller or their designated representatives.

11 SECTION FOUR. Emergency clause. This being an ordinance for the preservation of
12 public peace, health, safety, it is hereby declared to be an emergency measure within the
13 meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore
14 shall become effective immediately upon its passage and approval by the Mayor.