

RESOLUTION NUMBER 219

WHEREAS, The City of St. Louis (“City”) and Five Star Ready-Mix Concrete Company entered into a Lease Agreement (“Lease”) for land authorized by Ordinance 66570, and entered into on May 18, 2005; and

WHEREAS, Five Star Ready-Mix Concrete Company has supplied concrete for various downtown construction projects over the years including Stadium Convention Center and the Kiel Center among other projects; and

WHEREAS, 14580 MO Bottom LLC and Kienstra Materials Company, LLC wish to use the area for the purpose of manufacturing ready mix cement, customer pick-up, and distribution of such ready mix cement to customers; and

WHEREAS, Five Star Ready-Mix Concrete Company desires to assign its rights, title, interests, privileges, duties, and obligations in the Lease to 14580 MO Bottom LLC; and

WHEREAS, in addition, 14580 MO Bottom LLC desires to sublease the leased property under the Lease to Kienstra Material Company, LLC; and

WHEREAS, the Lease between the City and Five Star Ready-Mix Concrete Company provides that any assignment and sublease of the Lease shall only be valid with the approval of the Board of Public Service, the Port Authority Commission, and the Board of Aldermen; and

WHEREAS, Five Star Ready-Mix Concrete Company, 14580 MO Bottom LLC, and Kienstra Material Company, LLC will execute an Assignment, Assumption, and Sublease Agreement (AASA) in substantially the form as contained in Attachment 1, attached hereto and incorporated by reference; and

WHEREAS, the parties hereto have requested the City to execute the Lessor’s Acknowledgment and Consent in substantially the form as contained in Attachment 2, attached hereto and incorporated herein by reference which provides, inter alia, the City’s consent to the Assignment, Assumption, and Sublease Agreement (AASA); and

WHEREAS, the City Counselor’s Office has reviewed the Assignment, Assumption, and Sublease Agreement and the Lessor’s Acknowledgment and Consent, and has approved the legal form; and

WHEREAS, the Port Authority Commission of the City of St. Louis has approved a resolution which approves the execution of the aforementioned documents; and

WHEREAS, the Board of Public Service of the City of St. Louis has approved a resolution which approves the execution of the aforementioned documents; and

WHEREAS, Ordinance 63687, approved March 20, 1996, mandates that such agreements must be approved by the Board of Aldermen of the City of St. Louis; and

WHEREAS, pending the approval of the Port Authority Commission of the City of St. Louis and the Board of Public Service of the City of St. Louis, this honorable Board wishes to express its approval of the execution of the aforementioned Assignment, Assumption, and Sublease Agreement (AASA) and Lessor’s Acknowledgment and Consent.

NOW THEREFORE BE IT RESOLVED that this honorable Board of Aldermen hereby endorses and approves the execution of said aforementioned Assignment, Assumption, and Sublease Agreement (AASA) and Lessor’s Acknowledgment and Consent.

Introduced on the 8th day of October, 2010, by:

Honorable April Ford-Griffin, Alderwoman of the 5th Ward

Adopted this the 8th day of October, 2010, as attested by:

David W. Sweeney
Clerk, Board of Aldermen

Lewis E. Reed
President, Board of Aldermen