

1 **BOARD BILL NO. 165** **INTRODUCED BY ALDERMAN MATT VILLA AND**
2 **ALDERMAN ALFRED WESSELS**

3 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND
4 COMPTROLLER TO EXECUTE AN INTERGOVERNMENTAL
5 COOPERATION AGREEMENT (“INTERGOVERNMENTAL AGREEMENT”)
6 BY AND AMONG THE CITY OF ST. LOUIS, MISSOURI (“CITY”), THE
7 COUNTY OF ST. LOUIS, MISSOURI (“COUNTY”), THE LAND
8 REUTILIZATION AUTHORITY OF THE CITY OF ST. LOUIS (“LRA”), THE
9 METROPOLITAN ST. LOUIS SEWER DISTRICT (“MSD”), THE ST. LOUIS
10 COUNTY PORT AUTHORITY (“COUNTY PORT AUTHORITY”), AND
11 PINNACLE ENTERTAINMENT, INC. (“PINNACLE”), TO CONSTRUCT AN
12 ACCESS ROAD (“ACCESS ROAD”) NEAR THE RIVER DES PERES TO
13 THE PINNACLE DEVELOPMENT SITE IN ST. LOUIS COUNTY (“THE
14 PINNACLE DEVELOPMENT SITE”); AND AUTHORIZING THE MAYOR
15 AND THE COMPTROLLER TO GRANT A PERPETUAL EASEMENT WITH
16 RESTRICTIONS CERTAIN CITY PROPERTY FOR THE ACCESS ROAD,
17 AND TO CONVEY WITH RESTRICTIONS CERTAIN CITY PROPERTY FOR
18 USE AS A PARK AND OTHER USES, WHICH PROPERTIES ARE AT OR
19 NEAR THE RIVER DES PERES AND THE PINNACLE DEVELOPMENT
20 SITE; AND CONTAINING A SEVERABILITY AND AN EMERGENCY
21 CLAUSE.

1 WHEREAS, Section 16 of Article VI of the Missouri Constitution allows and provides
2 that any municipality or political subdivision of the State of Missouri may contract and cooperate
3 with other municipalities or political subdivisions thereof, for the planning, development,
4 construction, acquisition or operation of any public improvement or facility, or for a common
5 service, in the manner provided by law; and

6 WHEREAS, Sections 70.210 to 70.325 MO. Rev. Stat. (2000), as amended (herein
7 referred to as the “Intergovernmental Agreement Act”) , allow and provide, in pertinent part, for
8 municipalities and political subdivisions of the State of Missouri to contract and cooperate with
9 any other municipality or political subdivision for the planning, development, construction,
10 acquisition or operation of any public improvement or facility, or for a common service; and

11 WHEREAS, the St. Louis County Council approved Pinnacle to construct and operate a
12 gaming facility at the old National Lead Site in south St. Louis County by Ordinance No. 21,908;
13 and

14 WHEREAS, the County and Pinnacle have selected a preferred access road that lies
15 partly within the boundaries of the City of St. Louis and partly within the boundaries of St. Louis
16 County; and

17 WHEREAS, in addition to the City, County, LRA, MSD, and the County Port Authority
18 own property along the Access Road; and

19 WHEREAS, condemnation of private properties located within the City of St. Louis may
20 be necessary to construct the Access Road, and therefore, it may be necessary for the City to

1 initiate condemnation proceedings or to grant authority to the County to initiate condemnation
2 proceedings in the name of the City to acquire such necessary property interests for the Access
3 Road; and

4 WHEREAS, the Intergovernmental Agreement provides for the City and the LRA to
5 transfer ownership of properties the City and the LRA own along the Access Road for the
6 construction of the Access Road and to enhance St. Louis County's Lemay Park; and

7 WHEREAS, the Intergovernmental Agreement provides for MSD to devote, dedicate or
8 establish public property interests necessary for the construction of the Access Road; and

9 WHEREAS, Pinnacle, pursuant to a Lease and Development Agreement with the County
10 Port Authority dated August 12, 2004, has agreed to fund the construction of the Access Road;
11 and

12 WHEREAS, the Intergovernmental Agreement provides that upon completion of the
13 Access Road, the County shall maintain the Access Road and assume liability for claims arising
14 out of the maintenance of the Access Road; and

15 WHEREAS, the City Board of Alderman hereby determines that the terms of the
16 Intergovernmental Agreement are acceptable and that the execution, delivery and performance by
17 the City and the County, the LRA, MSD, the County Port Authority, and Pinnacle of their
18 respective obligations under the Intergovernmental Agreement are in the best interests of the
19 County and the health, safety, morals and welfare of its residents;

20 NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS, MISSOURI,

1 AS FOLLOWS:

2 SECTION ONE. Approval of the Intergovernmental Agreement. The Mayor and the
3 Comptroller are authorized and directed to execute, on behalf of the City, the Intergovernmental
4 Agreement as attached hereto as Exhibit A and the City Register is hereby authorized and
5 directed to attest to same and to affix the seal of the City thereto. The Intergovernmental
6 Agreement shall provide for the City to transfer certain property interests to the County for
7 construction of the Access Road, to cooperate with the County, the LRA, MSD, the County Port
8 Authority, and Pinnacle for the design, planning, construction, maintenance of the Access Road,
9 and assumption of liability for claim brought pursuant to maintenance of the Access Road. The
10 Intergovernmental Agreement shall provide for the City to cooperate with the County to
11 condemn any and all private property necessary for the Access Road identified in the
12 Intergovernmental Agreement. The Intergovernmental Agreement shall provide for the County to
13 enter into a Road Development Agreement, which is attached to the Intergovernmental
14 Agreement as Exhibit F for the purposes of designing, planning, funding, construction, and
15 maintenance of the Access Road. The Intergovernmental Agreement shall provide for a
16 Transportation Development District, if the parties determine such is necessary. The
17 Intergovernmental Agreement shall be substantially in the form on file with the Register with
18 such changes therein as shall be approved by the Mayor and Comptroller with the advice of the
19 City Counselor, and as may be consistent with the intent of this Ordinance and the
20 Intergovernmental Agreement and necessary, desirable, convenient or proper in order to carry out

1 the matters herein authorized.

2 SECTION TWO. Additional Authority. The Mayor and Comptroller of the City or their
3 designated representatives are hereby authorized and directed to take any and all actions to
4 execute and deliver for and on behalf of the City any and all additional certificates, documents,
5 agreements or other instruments as may be necessary and appropriate in order to carry out the
6 matters herein authorized, with no such further action of the Board of Aldermen necessary to
7 authorize such action by the Mayor and the Comptroller or their designated representatives.

8 SECTION THREE. Recording of the Intergovernmental Agreement. Upon execution of
9 the Intergovernmental Agreement, the Register or designee shall cause a copy of the
10 Intergovernmental Agreement to be filed in the office of the Missouri Secretary of State and in
11 the office of the Recorder of Deeds of the City, as required by Section 70.300 Mo. Rev.
12 Stat.(2000)

13 SECTION FOUR. Transfer of City Property The Mayor and the Comptroller are hereby
14 authorized and directed to grant a Perpetual Easement with restrictions to the County Port
15 Authority for the property described on Exhibit B-1 of the Intergovernmental Agreement
16 necessary for the construction of the Access Road and to execute a Quit Claim Deed or other
17 acceptable form of conveyance as determined by the City Counselor with restrictions to the
18 County Port Authority for that property described on Exhibits B-2 and D of the
19 Intergovernmental Agreement.

20 SECTION FIVE. Severability. It is hereby declared to be the intention of the Board of

1 Aldermen that each and every part, section and subsection of this Ordinance shall be separate and
2 severable from each and every other part, section and subsection hereof and that the Board of
3 Aldermen intends to adopt each said part, section and subsection separately and independently of
4 any other part, section and subsection. In the event that any part, section or subsection of this
5 Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining
6 parts, sections and subsections shall be and remain in full force and effect, unless the court
7 making such finding shall determine that the valid portions standing alone are incomplete and are
8 incapable of being executed in accord with the legislative intent.

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

13 **EXHIBIT A**

14 **Intergovernmental Agreement**

15 **(attached)**

16 ADOPTED: _____

17 _____
18 Mayor

19 APPROVED: _____

1

2

ATTEST: _____

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Register

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