

1 **COMMITTEE SUBSTITUTE FOR**
2 **BOARD BILL NO. 211** **INTRODUCED BY ALDERWOMAN DIONNE FLOWERS**

3
4 AN ORDINANCE APPROVING A NEW CITY GAMING DEVELOPMENT PLAN KNOWN AS THE
5 GAMING DEVELOPMENT PLAN OF THE CITY OF ST. LOUIS, REPORT TO THE MISSOURI
6 GAMING COMMISSION, NOVEMBER, 2010; TERMINATING THAT CERTAIN LEASE AND
7 DEVELOPMENT AGREEMENT BETWEEN THE CITY AND CHAIN OF ROCKS JOINT
8 VENTURE, AS AUTHORIZED BY ORDINANCE NO. 63622; AFFIRMING THE ACTIONS OF THE
9 PORT AUTHORITY OF THE CITY OF ST. LOUIS TO EXECUTE THAT CERTAIN
10 DEVELOPMENT AGREEMENT BETWEEN THE PORT AUTHORITY OF THE CITY OF ST.
11 LOUIS AND CASINO CELEBRATION, LLC, DATED OCTOBER 19, 2010, WITH RESPECT TO A
12 MIXED-USE RECREATION, GAMING, ENTERTAINMENT AND DINING FACILITY AT OR
13 NEAR INTERSTATE 270 AND RIVERVIEW BOULEVARD; AUTHORIZING CERTAIN ACTIONS
14 BY CITY OFFICIALS; CONTAINING A SEVERABILITY CLAUSE.

15
16 WHEREAS, the City of St. Louis, Missouri (the "City"), is a body corporate and a political subdivision of
17 the State of Missouri, duly created, organized and existing under and by virtue of its charter, the
18 Constitution and laws of the State of Missouri;

19
20 WHEREAS, the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") is a
21 body politic and is duly constituted according to Section 99.300 to 99.660 of the Revised Statutes of
22 Missouri, as amended; and

23
24 WHEREAS, the Port Authority of the City of St. Louis ("Port") is a political subdivision of the State of
25 Missouri organized and existing under Chapter 68 of the Revised Statutes of Missouri, as amended; and

26
27 WHEREAS, pursuant to Section 313.812.1 RSMo., Ordinance No. 66243, that was adopted by the Board
28 of Aldermen and signed by the Mayor of the City on March 30, 2004, approved a gaming development
29 plan titled, "Gaming Development Plan of the City of St. Louis, Report to the Missouri Gaming
30 Commission, February 2004" (the "2004 City Gaming Plan"), which plan, as updated (including an
31 update by the LCRA filed in September of 2010), is on file with the Missouri Gaming Commission; and

32
33 WHEREAS, the LCRA and the Port, in cooperation with the St. Louis Development Corporation
34 ("SLDC") published a Request for Proposals for development and operation of a gaming facility
November 5, 2010

1 development in the City on March 29, 2010, which was published in the St. Louis Post-Dispatch and in
2 the St. Louis American, newspapers of general circulation within the City, soliciting proposals for the
3 construction of a gaming facility development in the City, and made such Request for Proposals available
4 for potential developers; and

5
6 WHEREAS, Casino Celebration, LLC (“Developer”), in response to the solicitation of proposals from
7 developers, submitted its development proposal dated June 30, 2010, as amended, and proposed the
8 development of a mixed-use gaming, recreation, entertainment and dining facility (the "Proposal") on
9 certain real property located at or near Interstate 270 and Riverview Boulevard in the City (the "Area");
10 and

11
12 WHEREAS, the Proposal calls for development of an approximately 40,000 square foot gaming floor
13 with 1,400 slot machines and 36 gaming tables and related entertainment, dining, retail and convenience
14 amenities with 1,200 parking spaces in Phase I and, subject to economic feasibility, a hotel with
15 approximately 150 rooms, business center, lounge, museum and an additional 400 slot machines and at
16 least an additional 10 gaming tables in Phase II (the "Development Project"); and

17
18 WHEREAS, on August 24, 2010, the LCRA and the Port, acting on a recommendation by a selection
19 committee formed by such bodies, determined by Resolutions Nos. 10-LCRA-9075 and 10-PT-25, to
20 approve the selection of the Developer and its Proposal and to authorize negotiations of a development
21 agreement and any other agreements necessary for the development of the Development Project with the
22 Developer; and

23
24 WHEREAS, the Development Project is of economic significance to the City and will promote the public
25 health, safety, morals and general welfare of the City; and

26
27 WHEREAS, in order to facilitate the Development Project, the City desires to replace the 2004 City
28 Gaming Plan by adopting an ordinance that approves a new gaming development plan titled “Gaming
29 Development Plan of the City of St. Louis, Report to the Missouri Gaming Commission, November
30 2010,” attached hereto as Exhibit A and incorporated herein by reference as if fully set out (the “2010
31 City Gaming Plan”); and

1 WHEREAS, the Port is authorized, pursuant to Chapter 68 of the Revised Statutes of Missouri, as
2 amended, to enter into development agreements pertaining to redevelopment of the Area and the Port
3 authorized the execution of the Development Agreement by Resolutions No. 10-PT-31; and
4

5 WHEREAS, the Board of Aldermen finds that the terms of Development Agreement, attached as Exhibit
6 B hereto and incorporated herein by reference as if fully set out, is and in the best interests of the City and
7 the health, safety, morals and welfare of its residents, and in accord with public purposes; and
8

9 WHEREAS, the Board of Aldermen finds that execution by the Port of the Development Agreement and
10 that performance by the Port and the Developer of their respective obligations under the Development
11 Agreement is necessary and desirable and in the best interests of the City and the health, safety, morals
12 and welfare of its residents; and
13

14 WHEREAS, the Board of Aldermen finds that the City, by and through the City Counselor or her
15 designee, shall terminate that certain Lease and Development Agreement between the City and Chain of
16 Rocks Joint Venture, dated December 29, 1995 and authorized by Ordinance No. 63622, related to a
17 previously proposed gaming project in the Area.
18

19 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**
20

21 **SECTION ONE.** The Board of Aldermen hereby adopts the foregoing recitals as findings.
22

23 **SECTION TWO.** The 2004 City Gaming Plan on file with the Missouri Gaming Commission is hereby
24 rescinded and replaced with the 2010 City Gaming Plan, which is hereby adopted and approved. A copy
25 of the 2010 City Gaming Plan is attached hereto as Exhibit A and incorporated herein by reference as if
26 fully set out.
27

28 **SECTION THREE.** The Board of Aldermen affirms the actions and finds that the Port is authorized,
29 pursuant to Chapter 68 of the Revised Statutes of Missouri, as amended, in entering into the Development
30 Agreement pertaining to redevelopment of the Area, and that negotiation and execution, by the Port, of
31 the Development Agreement, and that performance by Port and the Developer of their respective
32 obligations under the Development Agreement is necessary and desirable and in the best interests of the

1 City and the health, safety, morals and welfare of its residents. A copy of the Development Agreement is
2 attached hereto as Exhibit B and incorporated herein by reference as if fully set out.

3
4 **SECTION FOUR.** The Board of Aldermen finds that the City, by and through the City Counselor or her
5 designee, shall terminate that certain Lease and Developer Agreement between the City and Chain of
6 Rocks Joint Venture, dated December 29, 1995 and authorized by Ordinance No. 63622.

7
8 **SECTION FOUR.** It is hereby declared to be the intention of the Board of Aldermen that each and every
9 part, section and subsection of this Ordinance shall be separate and severable from each and every other
10 part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section
11 and subsection separately and independently of any other part, section and subsection. In the event that
12 any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or
13 unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect,
14 unless the court making such finding shall determine that the valid portions standing alone are incomplete
15 and are incapable of being executed in accord with the legislative intent.