

BILL NO. 2661

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY OF CHESTERFIELD TO ENTER INTO AND EXECUTE A CONTRACT WITH ST. LOUIS COUNTY, MISSOURI, DUKE REALTY LIMITED PARTNERSHIP, AND THE MISSOURI DEPARTMENT OF TRANSPORTATION, FOR COST PARTICIPATION IN THE CONSTRUCTION OF THE SPIRIT OF ST. LOUIS BOULEVARD AND I-64 INTERCHANGE, AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the City of Chesterfield (the "*City*"), the County of St. Louis, Missouri (the "*County*"), and the Duke Realty Limited Partnership (the "*Developer*") applied for participation in the Missouri Highways and Transportation Commission's Cost Share Program; and

WHEREAS, the application for participation was approved subject to the terms of a cost participation agreement (the "*Agreement*") among the City, County, Developer and the Missouri Department of Transportation; and

WHEREAS, the City desires to have this Interchange constructed to improve access to the western portion of Chesterfield Valley and the Chesterfield Valley Athletic Complex; and

WHEREAS, the City's total contribution to the costs of the project will be \$346,300, one-eighth of the total project costs; and

WHEREAS, monies from the closeout of the TIF were allocated to cover the costs of the Agreement so no funds from the City's general revenues will be used to pay the City's contribution to the Agreement; and

WHEREAS, the City Council of the City hereby finds and declares that it is desirable and in the best interests of the City that the City enter into the Agreement, as attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The City Council hereby approves of the Agreement in the form as attached hereto and incorporated by reference herein as **Exhibit A**.

Section 2. The City is hereby authorized to enter into, and the City Administrator of the City of Chesterfield and the City Clerk are hereby authorized and directed to execute, seal, attest and deliver, for and on behalf of the City, the Agreement, such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and with the provisions of the Agreement.

Section 3. The sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of the Ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the

City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 4. This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2008.

Mayor

ATTEST:

City Clerk