

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF CHESTERFIELD, MISSOURI TO EXECUTE A SUPPLEMENTAL ENHANCEMENT AGREEMENT PROVIDING FOR LANDSCAPE ENHANCEMENTS AND THE MAINTENANCE THEREOF IN CONJUNCTION WITH THE CONSTRUCTION OF ROUTE 141 WITHIN THE CITY OF CHESTERFIELD

WHEREAS, the City of Chesterfield, Missouri (the “*City*”) desires to incorporate landscape enhancements in the construction of new Route 141; and

WHEREAS, The Missouri Department of Transportation is planning the improvement of Route 141 from South of Ladue Road to Route 340 and agrees to incorporate specific landscape enhancements into the final design and construction of new Route 141, provided that the City of Chesterfield agrees to fund the incremental cost to include such improvements; and

WHEREAS, the City of Chesterfield, Missouri, as authorized by Ordinance 2591, previously entered into an enhancement agreement with the Missouri Highways and Transportation Commission for improvements to new Route 141; and

WHEREAS, the City of Chesterfield, Missouri, after careful consideration and deliberation has determined that the City is willing to fund the incremental cost and provide for the regular maintenance and care of these specific landscape enhancements;

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

Section 1. The City Council hereby approves the First Supplemental Agreement in substantially the form set forth as **Exhibit A**, attached hereto and incorporated by reference.

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 inseparable 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 _____, 2012.

Mayor

ATTEST:

City Clerk