

1 **AN ORDINANCE RELATING TO PARKS; RECOMMENDED BY THE**
2 **BOARD OF ESTIMATE AND APPORTIONMENT, DIRECTING THAT**
3 **ON OR AFTER APRIL 15, 2007 OR THE EFFECTIVE DATE OF THIS**
4 **ORDINANCE, WHICHEVER IS LATER, ANY REAL ESTATE OWNED**
5 **BY THE CITY OF ST. LOUIS DESIGNATED AS A PARK (“PARK(S)”)**
6 **SHALL NOT BE SOLD, LEASED, GIVEN AWAY NOR OTHERWISE**
7 **DISPOSED OF FOR ANY USE OTHER THAN A PARK AS PROVIDED**
8 **FOR IN TITLE 22 OF THE REVISED CODE OF THE CITY OF ST.**
9 **LOUIS (1994, ANNO.), AS THE SAME MAY BE AMENDED FROM TIME**
10 **TO TIME, WITHOUT A MAJORITY VOTE OF THE QUALIFIED**
11 **ELECTORATE, AND AFFIRMING THE ADOPTION OF A SECOND**
12 **AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF ST.**
13 **LOUIS AND BARNES-JEWISH HOSPITAL, AS SET FORTH IN**
14 **ORDINANCE NO.____, (BOARD BILL NO. 376), SUBJECT TO**
15 **CERTAIN CONTINGENCIES; AND CONTAINING A SEVERABILITY**
16 **CLAUSE.**

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

20 **WHEREAS**, the City owns Forest Park and has issued \$16,400,000 Forest Park
21 Leasehold Revenue Refunding Bonds (City of St. Louis, Missouri, Lessee) Series 2004 in order
22 to provide improvements in Forest Park; and

23 **WHEREAS**, the City was approached by Barnes-Jewish Hospital and asked to enter into
24 a Second Amendment to its Original Lease and First Amendment (which were authorized by
25 Ordinance Nos. 56576 and 58982, respectively), as set forth in Ordinance No. _____ (Board Bill
26 No. 376), involving certain land within Forest Park generally bounded by Kingshighway
27 Boulevard, Euclid Avenue, Barnes Memorial Plaza and Clayton Road; and

28 **WHEREAS**, the City was approached by the Citizens to Protect Forest Park or certain
29 petitioners (“Petitioners”) for a Charter Amendment involving Parks and asked to not enter into a
30 Second Amendment to its Original Lease and petitioned by the Initiative Process pursuant to the
31 Charter of the City of St. Louis, Article V, to include on the ballot as Proposition P at the
32 General Municipal Election to be held on April 3, 2007, the following language, which states in
33 pertinent part: “Any real estate, now or hereafter owned by the City or any agency or
34 instrumentality of the City, which is principally used or held out for use as a public park, shall
35 not be sold, leased, given away or otherwise disposed of, and shall be used only as a public park,
36 nor shall any structure be built in any park to accommodate activities not customarily associated
37 with park use or outdoor recreation, unless such sale, lease, disposal, gift or structure is approved
38 by a majority of the qualified electors voting thereon;” and

39 **WHEREAS**, certain meetings and discussions have been held among the Comptroller of
40 the City and Barnes-Jewish Hospital representatives and Petitioners in an attempt to reach a
41 compromise on the Second Amendment and Proposition P; and

42 **WHEREAS**, the Comptroller of the City believes that the best solution is for the City to
43 limit the use of Forest Park and other City designated Parks and enter into the Second
44 Amendment, with certain contingencies.

45 **NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS**
46 **FOLLOWS:**

47 **SECTION ONE.** The Board of Aldermen hereby prohibit on or after April 15, 2007 or
48 the effective date of this ordinance, whichever is later, the sale, lease, giving away or otherwise
49 disposing of any City owned real estate designated as a Park for any use other than a Park as
50 provided for in Title 22 of the Revised Code of the City of St. Louis (1994, Anno.), as the same
51 may be amended from time to time, without a majority vote of the qualified electorate.
52 Notwithstanding, the Board of Aldermen hereby ratifies and confirms its approval of the Second
53 Amendment to an Agreement between the City of St. Louis and Barnes-Jewish Hospital, as set
54 forth in Ordinance No. _____ (Board Bill No. 376).

55 **SECTION TWO.** Provided, however, in the event Proposition P on the General
56 Municipal Election fails to pass on April 3, 2007, then the prohibition herein on the sale, lease,
57 gift, or other disposition of a Park without a majority vote as set forth in Section One herein shall
58 be in effect as long as any said bond indebtedness referred to herein or any refunding bonds
59 remains outstanding.

60 **SECTION THREE.** Further provided, however, in the event Proposition P on the
61 General Municipal Election passes on April 3, 2007, then the prohibition herein on the sale,
62 lease, gift, or other disposition of a Park without a majority vote as set forth in Section One
63 herein shall also be in effect if said proposition fails to be upheld in any said court challenge.

64 **SECTION FOUR.** It is further intended by this ordinance that any aldermanic action
65 directly or indirectly caused by and to benefit Barnes-Jewish Hospital or any representative or
66 entity of BJC HealthCare that results in this ordinance being nullified or otherwise amended shall
67 subject Barnes-Jewish Hospital to an assessed penalty of Two Million Five Hundred Thousand

Dollars (\$2,500,000) to be paid to the City of St. Louis forthwith for deposit into the City's general fund.

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

SECTION SIX. After adoption of this Ordinance by the Board of Aldermen, this Ordinance shall become effective on the 30th day after its approval by the Mayor or adoption over his veto; *provided that* if, within thirty (30) days after the effective date of this Ordinance, Barnes-Jewish Hospital and the Mayor and Comptroller have not executed the Second Amendment to an Agreement as described herein, then the Second Amendment shall be null and void.