

**BILL NO. 06**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF SUNSET HILLS, MISSOURI, PROVIDING FOR THE APPROVAL OF A LICENSE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION ASSOCIATED WITH THE BICYCLE AND PEDESTRIAN TRAIL ACROSS THE MERAMEC RIVER AT STATE ROUTE I-44, AND MATTERS RELATED THERETO**

WHEREAS, the Missouri Highways and Transportation Commission (the “Commission”) is an entity of the State of Missouri created by state law and owns and maintains State Route I-44 (hereinafter, "Highway") as part of the State Highway System in St. Louis County, Missouri;

WHEREAS, the City of Sunset Hills, Missouri (the “City”) owns and operates the Pedestrian trail(s) (hereinafter, “Trail”) located throughout the area, including those portions of the Trail laying outside of the Commission’s property limits of the Highway lying between centerline station 941+00 and centerline station 964+00;

WHEREAS, the City desires to use that portion of the Commission property limits of Highway lying between centerline station 941+00 and centerline station 964+00, (hereinafter, “Trail Connector”) for the users of the Trail to cross Commission property when traveling on those portions of the Trail laying outside the said Commission property limits; and

WHEREAS, the City and the Commission desire to enter into an Intergovernmental License Agreement to allow the City to use Commission property for the purposes, and subject to the terms and conditions, stated in said License Agreement, a copy of which is attached hereto as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The Board of Aldermen of the City of Sunset Hills, Missouri, approves the License Agreement for the granting of a license pursuant to which the City may use Commission property for the purpose of providing access to the City’s Trails and to provide for access to the pedestrian and bicycle trail and bridge across the Meramec River at State Route I-44 in substantially the form attached hereto as Exhibit A. The terms of the License Agreement shall be substantially similar to, and no less favorable to the City, than the terms reflected within the attached License Agreement.

Section 2. The City shall and the Mayor and other appropriate officers, agents and employees of the City are hereby authorized to execute the Agreement, in substantially the form attached hereto as Exhibit A, incorporated herein by reference, and to take such further actions and execute and deliver such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 3. The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions

of this Ordinance shall be deemed valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the governing body of the City has enacted the valid portions without the invalid ones, or unless the courts finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with legislative intent. All prior ordinances in conflict herewith shall be and are hereby repealed.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
**MAYOR**

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
**MAYOR**

**ATTEST:** \_\_\_\_\_  
**CITY CLERK/CITY ADMINISTRATOR**