

Introduced by: Council Present

**AN ORDINANCE FOR THE CITY OF BERKELEY, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED RIGHT OF ENTRY AGREEMENT TO THE U.S. ARMY CORPS OF ENGINEERS (USACE), ST. LOUIS DISTRICT, FOR THE BERKELEY SHOOTING RANGE**

**WHEREAS**, the U.S. Army Corps of Engineers Formally Utilized Sites Remediation Action Program (USACE FUSRAP), St. Louis District, in its continuing efforts to clear Coldwater Creek (CWC) and adjacent properties of contamination, pursuant to FUSRAP guidance, requests permission to perform tests and remediate any impacts to the City of Berkeley property(ies); and

**WHEREAS**, it is in the public interest that the USACE, St. Louis District, be given right of entry access for further investigation of areas along and within the Coldwater Creek 10 year flood plain.

**Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri**, as follows:

**Section 1.** The Mayor is hereby authorized to execute a Right of Entry agreement with the U.S. Army Corps of Engineers (USACE), St. Louis District, the small arms shooting range property located near the intersection of Frost Ave, and Eva Ave., in its continuing efforts to clear Coldwater Creek (CWC) and adjacent properties of contamination, pursuant to FUSRAP guidance not to exceed two (2) years.

**Section 2.** The agreement will hereby be incorporated herein and made a part of this ordinance, as if fully set out herein.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage.

1st Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2021

2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2021

3rd Reading, PASSED and APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_ 2021

\_\_\_\_\_  
Babatunde Deinbo, Mayor

ATTEST:

\_\_\_\_\_  
Deanna L. Jones, City Clerk

\_\_\_\_\_  
Approved As To Form:  
Donnell Smith, City Attorney

Final Roll Call:

Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Anthony	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Vacant	Aye ___	Nay ___	Absent ___	Abstain ___