ORDINANCE #65966
Board Bill No. 126

An ordinance approving an amended development plan for the Washington Ave. Loft Area after affirming that the area blighted by Ordinance 62396, known as the Washington Ave. Loft Area ("Area") as described in Exhibit "A" attached hereto and incorporated by reference, is a blighted, insanitary, undeveloped industrial area as defined in Section 3 100.310 (2), (11) and (18) of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being Sections 100.300 to 100.620 inclusive), affirming that development and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Amended Blighting Study and Plan dated May 27, 2003 for the Area ("Amended Plan"), incorporated herein by Exhibit "B,"; finding that certain property in the Area may be acquired by the Planned Industrial Expansion Authority of the City of St. Louis ("PIEA") through the exercise of eminent domain or otherwise; finding that the property within the Area is currently partially occupied and the Developer shall be responsible for providing relocation assistance pursuant to the Amended Plan to any eligible occupants displaced as a result of implementation of the Amended Plan; finding that financial aid may be necessary to enable the Area to be developed in accordance with the Amended Plan; finding that there shall be available up to ten (10) year real estate tax abatement; and pledging cooperation of the St. Louis Board of Aldermen ("Board") and requesting various officials, departments, boards and agencies of the City to cooperate and exercise their respective powers in a manner consistent with the Amended Plan.

WHEREAS, by Ordinance 62396, this Board found that by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting or other conditions in the Area which retard the provision of housing accommodations; or because there is a predominance of buildings and improvements in the Area, which, by reason of dilapidation, deterioration, and or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, high density of population and overcrowding of buildings or land, are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime; or because the Area, by reason of defective and inadequate street layout or location of physical improvements, obsolescence and inadequate subdivision and platting, contains vacant parcels of land not used economically, or contains structures whose operation is not economically feasible, or contains intermittent commercial and industrial structures in a primarily industrial and commercial area, or contains insufficient space for the expansion and efficient use of land for industrial plants and commercial uses amounting to conditions which retard economic or social growth, result in economic waste and social liabilities and represent an inability to pay reasonable taxes; or because of the existence of a combination of such conditions in the Area or other conditions which endanger life or property by fire or other causes, the Area constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

WHEREAS, by Ordinance 62396 this Board found that such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise without the aids provided in the Statute; and

WHEREAS, there is a need for the PIEA, a public body corporate and politic created under Missouri law, to undertake the redevelopment of the above described Area as a land clearance project under said Statute, pursuant to plans by or presented to the PIEA under Section 100.400.1(4); and

WHEREAS, by Ordinance 62396, this Board also approved a Redevelopment Plan for the Area, dated May 28, 1991; and

WHEREAS, it is desirable and in the public interest to amend the Redevelopment Plan approved by Ordinance 62396 by modifying the eminent domain provisions; and

WHEREAS, the PIEA has recommended such an amended plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this Board, titled "Amended Blighting Study and Plan for Washington Ave. Loft Area," dated May 28, 1991, amended May 27, 2003, consisting of a Title Page, a Table of Contents Page, and fourteen (14) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Amended Plan"); and

WHEREAS, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board take such actions as may be required to approve the Amended Plan; and

WHEREAS, it is desirable and in the public interest that a public body, the PIEA, undertake and administer the Amended Plan in the Area; and

WHEREAS, the PIEA and the Planning Commission have made and presented to this Board the studies and statements

required to be made and submitted by Section 100.400 and this Board has been fully apprised by the PIEA and the Planning Commission of the facts and is fully aware of the conditions in the Area; and

WHEREAS, the Amended Plan has been presented and recommended by PIEA and the Planning Commission to this Board for review and approval; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Amended Plan conforms to said general plan; and

WHEREAS, this Board has duly considered the reports, recommendations and certifications of the PIEA and the Planning Commission; and

WHEREAS, the Amended Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

WHEREAS, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap; and

WHEREAS, in accordance with the requirements of Section 100.400 of the Statute, this Board advertised that a public hearing would be held by this Board on the Amended Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

WHEREAS, it is necessary that this Board take appropriate official action respecting the approval of the Amended Plan.

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

SECTION ONE. The finding of the Board of Aldermen, by St. Louis Ordinance 62396, that certain property described therein (and described herein as Exhibit "A" attached hereto and incorporated herein) is a blighted, insanitary, or undeveloped industrial area, as defined in Section 100.310 (2), (11), and (18) of the Revised Statutes of Missouri, 2000, as amended (the "Statute" being Section 100.300 to 100.620 inclusive, as amended) is hereby confirmed.

SECTION TWO. The industrial development of the Area as described in Exhibit "A", as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City.

SECTION THREE. The Area qualifies as a industrial development area in need of industrial development under the provision of the Statute, and the Area is blighted as defined in Section 100.310 (2), (11) and (18) of the Statute.

SECTION FOUR. The Amended Blighting Study and Plan for the Area, amended May 27, 2003 ("Amended Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Amended Plan with the Minutes of this meeting.

SECTION FIVE. The Amended Plan for the Area is feasible and conforms to the general plan for the City.

SECTION SIX. The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Amended Plan for the Area, and the proposed financing plan for the Area is feasible.

SECTION SEVEN. The Amended Plan for the Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development of the Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

SECTION EIGHT. The Amended Plan for the Area provides that the Planned Industrial Expansion Authority of the City of St. Louis ("PIEA") may acquire any property in the Area through negotiations and my acquire by the exercise of eminent domain property located at 1321-27 and 1329-33 Lucas Ave. and 706-12 N. 14th St.

SECTION NINE. The property within the Area is currently partially occupied. All eligible occupants displaced by the Developer ("Developer" being defined in Section Thirteen, below) shall be given relocation assistance by the Developer at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

SECTION TEN. The Amended Plan for the Area gives due consideration to the provision of adequate public facilities.

SECTION ELEVEN. In order to implement and facilitate the effectuation of the Amended Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

(a) Pledges its cooperation in helping to carry out the Amended Plan;

(b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Amended Plan; and

(c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Amended Plan.

SECTION TWELVE. All parties participating as owners or purchasers of property in the Area for development ("Developer") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any property or improvements erected or to be in the Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the PIEA, the City and the United States of America.

SECTION THIRTEEN. In all contracts with private and public parties for redevelopment of any portion of the Area, all Developers shall agree:

(a) To use the property in accordance with the provisions of the Amended Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;

(b) That in undertaking construction under the agreement with the PIEA and the Amended Plan, bona fide Minority Buisness Enterprise (“MBE’s”) and Women Business Enterprise (“WBE’s”) will be solicited and fairly considered for contracts, subcontracts and purchase orders;

(c) To be bound by the conditions and procedures regarding the utilization of MBE’s and WBE’s established by the City;

(d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997.

(e) To comply with the requirements of Ordinance No. 60275 of the City;

(f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women contractors, subcontractors and material supplier participation in the construction under this Agreement. The Developer will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Contracts Administration Manager of the City and the President of this Board; and

(g) That the language of this Section Fourteen shall be included in its general construction contract and other construction contracts let directly by Developer.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control and interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership,

corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or
women must have operational and managerial control and interest in capital and earnings commensurate with their percentage of ownership.

The term "Developer" as used in this Section shall include its successors in interest and assigns.

SECTION FOURTEEN. A Developer which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include any Special Business District Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions:

If property in the Area is sold by the PIEA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the PIEA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the PIEA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

SECTION FIFTEEN. Any proposed modification which will substantially change the Amended Plan, shall be approved by this Board in the same manner as the Amended Plan was first approved. Modifications which will substantially change the Amended Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Amended Plan.

The Amended Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the PIEA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Amended Plan.

SECTION SIXTEEN. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

EXHIBIT "A"

WASHINGTON AVENUE LOFT AREA
LEGAL DESCRIPTION

Beginning at the point of intersection of the center line of Lucas Ave. (43 feet wide) and the center line of Thirteenth Street (60 feet wide); thence northwardly along said center line of thirteenth Street to its point of intersection with the center line of an east-west 20 foot wide alley known as Linden Street in City Block 528; thence westwardly along said center line of said alley to its point of intersection with the center line of Fourteenth Street (80 feet wide); thence northwardly along said center line of Fourteenth Street to its point of intersection with the center line of Delmar Blvd. (80 feet wide); thence westwardly along said center line of Delmar Blvd. to its point of intersection with the northern prolongation of the western line of property now, or formerly, owned by Joseph

Flannery and Flora A. Flannery, his wife; thence southwardly along said western property line and its northern prolongation to its point of intersection with the northern line of a 29 foot wide alley known as Linden Street in City Block 527; thence westwardly along said northern line of said alley to its point of intersection with the eastern line of property now, or formerly, owned by Gustave L. Weinstock; thence northwardly along said eastern property line to its point of intersection with the northern line of said property; thence westwardly along said northern property line to its point of intersection with the eastern line of Fifteenth Street (60 feet wide); thence northwardly along said eastern line of Fifteenth Street to its point of intersection with the center line of Delmar Blvd.; thence westwardly along said center line of Delmar Blvd. to its point of intersection with the eastern line of Seventeenth Street (50 feet wide); thence southwardly along said eastern line of Seventeenth Street to its point of intersection with the southern line of Lucas Ave. (50 feet wide); thence westwardly along said southern line of Lucas Ave. to its point of intersection with the eastern line of Seventeenth Street (50 feet wide); thence southwardly along said eastern line of Seventeenth Street to its point of intersection with the northern line of Washington Ave. (80 feet wide); thence eastwardly long said northern line of Washington Ave. to its intersection with the northward prolongation of the eastern line of West Sixteenth Street (33-1/2 feet wide); thence southwardly along said prolongation, said eastern line of West Sixteenth Street and its northward prolongation to its point of intersection with the southern line of St. Charles St. (38-1/2 feet wide); thence westwardly along said southern line of St. Charles St. to its point of intersection with the eastern line of property in City Block 820 now, or formerly, owned by Allen H. Cutler; thence southwardly along said eastern property line and its southward prolongation to its intersection with the southern line of Locust Street (72 feet wide); thence eastwardly along said southern line of Locust Street across all intervening streets to its point of intersection with the southward prolongation of the eastern line of property in City Block 826 now, or formerly, owned by Karl V. Willig; thence northwardly along said southward prolongation and said property line to its point of intersection with the south line of St. Charles Street (38-1/2 feet wide); thence eastwardly along said southern line of St. Charles Street across all intervening streets to its point of intersection with the southward prolongation of the western line of property now, or formerly, owned by the Traid Partnership; thence northwardly along said prolongation and said property line to its point of intersection with the southern line of Washington Ave.; thence eastwardly along said northern line of Washington Ave. across all intervening streets to its point of intersection with the eastern line of property in City Block 835 now, or formerly, owned by the Washington Avenue Corporation; thence southwardly along said property line and its southward prolongation to its point of intervention with the southern line of St. Charles Street; thence eastwardly along said southern line of St. Charles Street across all intervening streets to its point of intersection with the southward prolongation of the western line of property new, or formerly, owned by the C&N Partnership by deed recorded in Book 9119 and Page 457; thence northwardly along said southward prolongation, said property line and its northward prolongation to its intersection with the center line of Washington Ave.; thence northwardly to the southwest corner of property now, or formerly, owned by the Sunshine Art Studios, Inc., by deed recorded in Book 307-M and Page 1920; thence northwardly along said western line of aforesaid property and its northward prolongation to its point of intersection with the center line of Lucas Ave.; thence westwardly along said center line of Lucas Ave. across all intervening streets to its point of intersection with the center line of Thirteenth Street, the point of beginning.

EXHIBIT "B"
Form: 05/14/03

AMENDED
BLIGHTING STUDY AND PLAN
FOR THE
WASHINGTON AVE. LOFT AREA
PROJECT #4319
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY
OF THE CITY OF ST. LOUIS
PLANNED INDUSTRIAL EXPANSION AUTHORITY
OF THE CITY OF ST. LOUIS
May 28, 1991
Amended May 27, 2003

MAYOR
FRANCIS G. SLAY

BLIGHTING STUDY AND PLAN FOR
WASHINGTON AVE. LOFT AREA

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A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The Washington Ave. Loft Area ("Area") encompasses approximately 35.0 acres in the Downtown West neighborhood of the City of St. Louis ("City") and is generally bounded by Tucker Blvd. on the east, Locust St. on the south, 17th St. on the west and Delmar Blvd. on the north.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises all of City Blocks 510, 520, 521, 522E, 522W, 525, 526, 827, 832, 833, and parts of City Blocks 517, 527, 528, 826, 828, 834, 835, and 836, and includes the following addresses: 1419-1629 Locust St., 1422-1630 and 1129-1223 and 1309-1617 St. Charles St., 1128-1222 and 1308-1616 and 1131-1643 Washington Ave., 1130-1648 and 1301-1637 Lucas Ave., 1400-18 and 1500-1636 Delmar Blvd., 1300-1438 and 1401-1419 & 1437 Linden St., 500-612 and 501-613 N. Tucker Blvd., 600-714 and 601-715 N. 13th St., 600-714 and 601-730 N. 14th St., 500-720 and 501-731 N. 15th St., 500-516 W. 16th St., 400-416, 600-730, 401-415 and 601-731 N. 16th St., 600-722 N. 17th St. and 1600-1636 and 1601-1635 Orange St. The Area is in poor to good condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized. "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 7.6% unemployment rate for the City as of February, 2003. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area.

There are currently approximately 1000-2000 jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area include light industrial, commercial, retail, residential, institutional and parking. The Area is densely developed except for the surface parking lots.

The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties to the north of the Area are used primarily for light industrial uses, including Dr. Martin Luther King Business Park. The properties to the west and south are used for light industrial and commercial uses, including a major residential grouping to the south. The mixed-use core of the central business district is to the east.

Residential density for the surrounding neighborhoods is approximately 2.99 persons per acre.

5. CURRENT ZONING

The Area is zoned "I" Central Business and "J" Industrial District pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

The property within the Area is partially occupied and in fair to good condition (as defined in Section A(2) above). The existence of deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law).

B. PROPOSED DEVELOPMENT AND REGULATIONS

1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the development of the Area into productive multi-use structures and associated parking.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are commercial and residential uses permitted in Areas designated "I" Central Business District by the City of St. Louis Zoning Code. Redevelopers authorized by the Land Clearance for Redevelopment Authority ("LCRA") of the City of St. Louis or the Planned Industrial Expansion Authority ("PIEA") of the City of St. Louis to develop property in the Area (hereafter referred to as "Redeveloper") shall not be permitted to use said property for the following:

pawn shops, adult bookstores, x-rated movie houses, massage parlors, auto and truck dealers (new or used), storefront churches, pinball arcades, pool halls, secondhand or junk shops, tattoo parlors, truck or other equipment rentals requiring outside storage, blood donor facilities, free standing package liquor stores, check cashing centers, any use (except for financial institutions or pharmacies) that utilizes a sales or service window or facility for customers who are in cars, or restaurants that sell products to customers who are in cars or who consume the sold products in cars parked on the restaurant premises, or sell products through a sales window to customers who are in cars or to pedestrians outside the building for immediate consumption by the customer either on or off the premises, automobile service or stations.

Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area.

3. PROPOSED ZONING

The zoning for the Area should all be "I" Central Business District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), the "Economic Development Strategy" (1978) and the Downtown Development Action Plan (1997). Any specific proposal to the LCRA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THIS AREA

Approximately 500 to 1000 new permanent jobs will be created if the Area is developed in accordance with this Plan. The exact number of jobs created will depend upon the specific nature of the proposed development.

6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

Each Redeveloper shall develop the Area in accordance with this Plan and the Redevelopment Agreement, and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to meet this requirement may result in suspension of tax abatement.

8. URBAN DESIGN

All urban design in the Area shall be governed by "The Washington Ave. Loft District Guidelines" (2001), a copy of which is available from the LCRA and PIEA offices.

9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards and the standards set forth in "The Washington Ave. Loft District Guidelines" (2001), a copy of which is available for the LCRA and PIEA offices. This will provide adequate vehicular parking for the Area.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, PDA stipulations, "The Washington Ave. Loft District Guidelines" (2001), this Plan and contracts between the LCRA and the Redeveloper. A uniform signage plan must be prepared by the Redeveloper for the entire project. All new signs shall be restricted to those identifying the names and/or business of the person or firm occupying the premises.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written approval of the LCRA or the PIEA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA or PIEA, it may provide public improvements including, but not limited to,

measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

C. PROPOSED SCHEDULE OF DEVELOPMENT

The implementation of this Plan shall take place in multiple phases that have been initiated and will be completed within approximately eight (8) years of approval of this Plan amended by ordinance.

The LCRA or the PIEA may alter the above schedule as economic conditions warrant.

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri. The PIEA is empowered by Missouri Law to administer "industrial development" of the Area (as defined in Section 100.310(9) R. S. Mo. 2000) pursuant to this Plan and can do so to the extent and in the manner prescribed by the Planned Industrial Expansion Law of Missouri.

All costs associated with the development of the Area will be borne by the Redeveloper.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper.

2. PROPERTY ACQUISITION

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA or the PIEA may acquire any property in the Area through negotiations and may acquire by the exercise of eminent domain property located at 1321-27 and 1329-33 Lucas Ave. and 706-12 N. 14th St. (Parcel #s 0528-00-00700, 0528-00-00950 and 0528-00-01000).

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA or the PIEA. Any property acquired by the LCRA or the PIEA and sold to a Redeveloper will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450 and 100.410, R.S.Mo. (2000) as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

The property within the Area is currently partially occupied. All eligible occupants displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

E. COOPERATION OF THE CITY

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

F. TAX ABATEMENT

A Redeveloper may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri 2000, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created.

In lieu of the ten (10) year abatement outlined above, a redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement, which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan:

If property in the Area is sold by the LCRA or PIEA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA or PIEA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA or PIEA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

The Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Area.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the City Guidelines for Maximum Utilization of Minority Enterprises dated January 1, 1981, as may be amended, and the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Contract between the LCRA PIEA and a

Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the LCRA, PIEA, the City, any state having jurisdiction or the United States of America.

H. MODIFICATIONS OF THIS PLAN

Any proposed modification which will substantially change this Plan shall be approved by the Board in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA or the PIEA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

EXHIBIT "A"

WASHINGTON AVENUE LOFT AREA
LEGAL DESCRIPTION

Beginning at the point of intersection of the center line of Lucas Ave. (43 feet wide) and the center line of Thirteenth Street (60 feet wide); thence northwardly along said center line of thirteenth Street to its point of intersection with the center line of an east-west 20 foot wide alley known as Linden Street in City Block 528; thence westwardly along said center line of said alley to its point of intersection with the center line of Fourteenth Street (80 feet wide); thence northwardly along said center line of Fourteenth Street to its point of intersection with the center line of Delmar Blvd. (80 feet wide); thence westwardly along said center line of Delmar Blvd. to its point of intersection with the northern prolongation of the western line of property now, or formerly, owned by Joseph Flannery and Flora A. Flannery, his wife; thence southwardly along said western property line and its northern prolongation to its point of intersection with the northern line of a 29 foot wide alley known as Linden Street in City Block 527; thence westwardly along said northern line of said alley to its point of intersection with the eastern line of property now, or formerly, owned by Gustave L. Weinstock; thence northwardly along said eastern property line to its point of intersection with the northern line of said property; thence westwardly along said northern property line to its point of intersection with the eastern line of Fifteenth Street (60 feet wide); thence northwardly along said eastern line of Fifteenth Street to its point of intersection with the center line of Delmar Blvd.; thence westwardly along said center line of Delmar Blvd. to its point of intersection with the eastern line of Seventeenth Street (50 feet wide); thence southwardly along said eastern line of Seventeenth Street to its point of intersection with the southern line of Lucas Ave. (50 feet wide); thence westwardly along said southern line of Lucas Ave. to its point of intersection with the eastern line of Seventeenth Street (50 feet wide); thence southwardly along said eastern line of Seventeenth Street to its point of intersection with the northern line of Washington Ave. (80 feet wide); thence eastwardly long said northern line of Washington Ave. to its intersection

with the northward prolongation of the eastern line of West Sixteenth Street (33-1/2 feet wide); thence southwardly along said prolongation, said eastern line of West Sixteenth Street and its northward prolongation to its point of intersection with the southern line of St. Charles St. (38-1/2 feet wide); thence westwardly along said southern line of St. Charles St. to its point of intersection with the eastern line of property in City Block 820 now, or formerly, owned by Allen H. Cutler; thence southwardly along said eastern property line and its southward prolongation to its intersection with the southern line of Locust Street (72 feet wide); thence eastwardly along said southern line of Locust Street across all intervening streets to its point of intersection with the southward prolongation of the eastern line of property in City Block 826 now, or formerly, owned by Karl V. Willig; thence northwardly along said southward prolongation and said property line to its point of intersection with the south line of St. Charles Street (38-1/2 feet wide); thence eastwardly along said southern line of St. Charles Street across all intervening streets to its point of intersection with the southward prolongation of the western line of property now, or formerly, owned by the Traid Partnership; thence northwardly along said prolongation and said property line to its point of intersection with the southern line of Washington Ave.; thence eastwardly along said northern line of Washington Ave. across all intervening streets to its point of intersection with the eastern line of property in City Block 835 now, or formerly, owned by the Washington Avenue Corporation; thence southwardly along said property line and its southward prolongation to its point of intervention with the southern line of St. Charles Street; thence eastwardly along said southern line of St. Charles Street across all intervening streets to its point of intersection with the southward prolongation of the western line of property new, or formerly, owned by the C&N Partnership by deed recorded in Book 9119 and Page 457; thence northwardly along said southward prolongation, said property line and its northward prolongation to its intersection with the center line of Washington Ave.; thence northwardly to the southwest corner of property now, or formerly, owned by the Sunshine Art Studios, Inc., by deed recorded in Book 307-M and Page 1920; thence northwardly along said western line of aforesaid property and its northward prolongation to its point of intersection with the center line of Lucas Ave.; thence westwardly along said center line of Lucas Ave. across all intervening streets to its point of intersection with the center line of Thirteenth Street, the point of beginning.

See attached Exhibits B, C & D

EXHIBIT "E"
FORM: 08/02/99

EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, any entity formed to implement the project of which the Redeveloper is affiliated), its contractors and subcontractors shall comply with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination (Laws). Moreover, the Redeveloper shall contractually require its contractors and subcontractors to comply with such laws.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances, regulations or these guidelines.

The Redeveloper shall fully comply with Executive Order #28 dated July 24, 1997 relating to minority and women-owned business participation in City contracts.

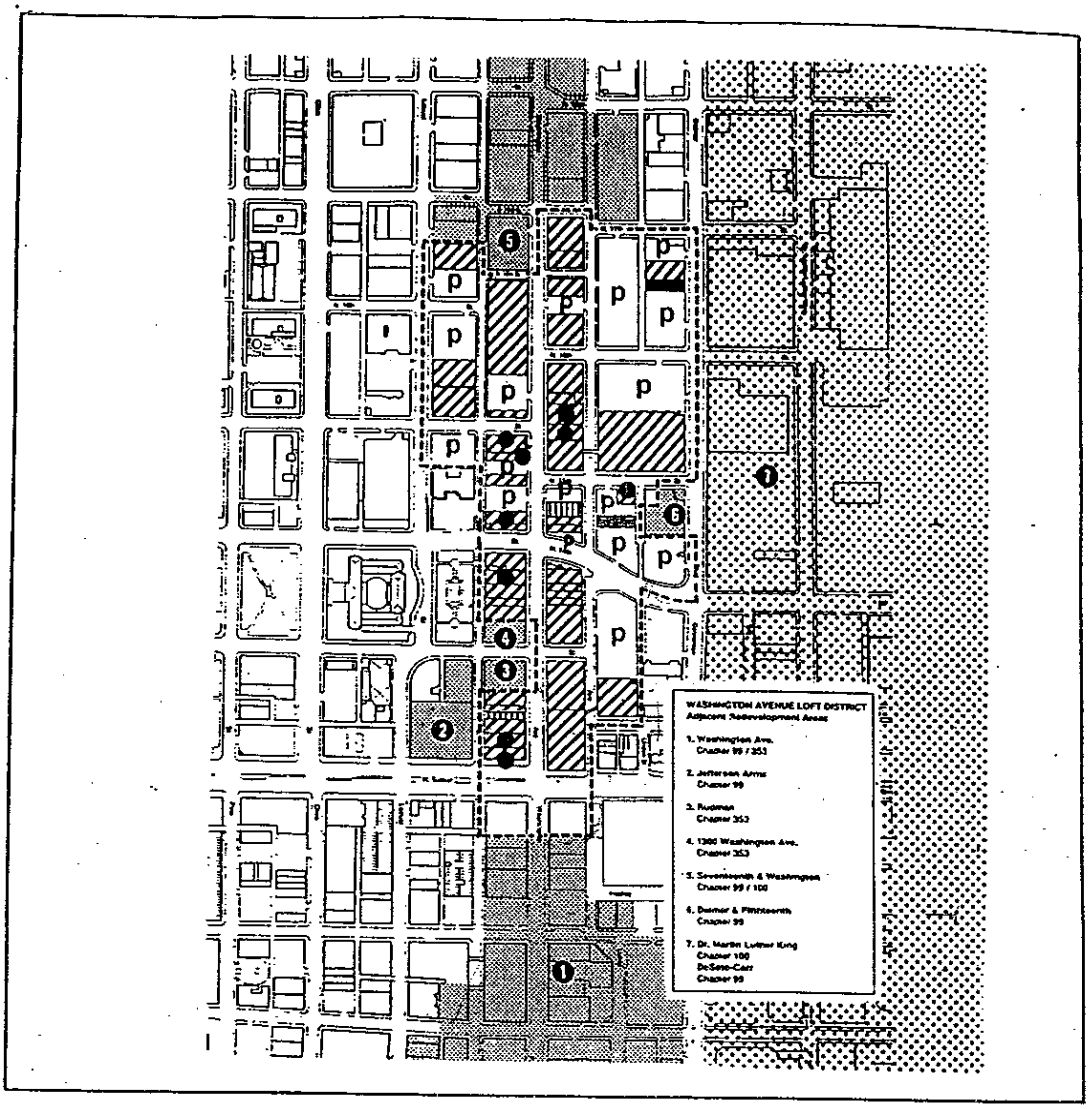
The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, rental, use or occupancy of any property, or any improvements erected or to be erected in the Area or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the project.

The Redeveloper shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance #60275 which is codified at Chapter 3.09 of the Revised Ordinances of the City of St. Louis.

Approved: July 23, 2003

ORDINANCE NO. 65966 - EXHIBIT B

65966



WASHINGTON AVE. LOFT AREA

EXHIBIT "B"
PROJECT AREA PLAN

EXISTING USES AND CONDITIONS

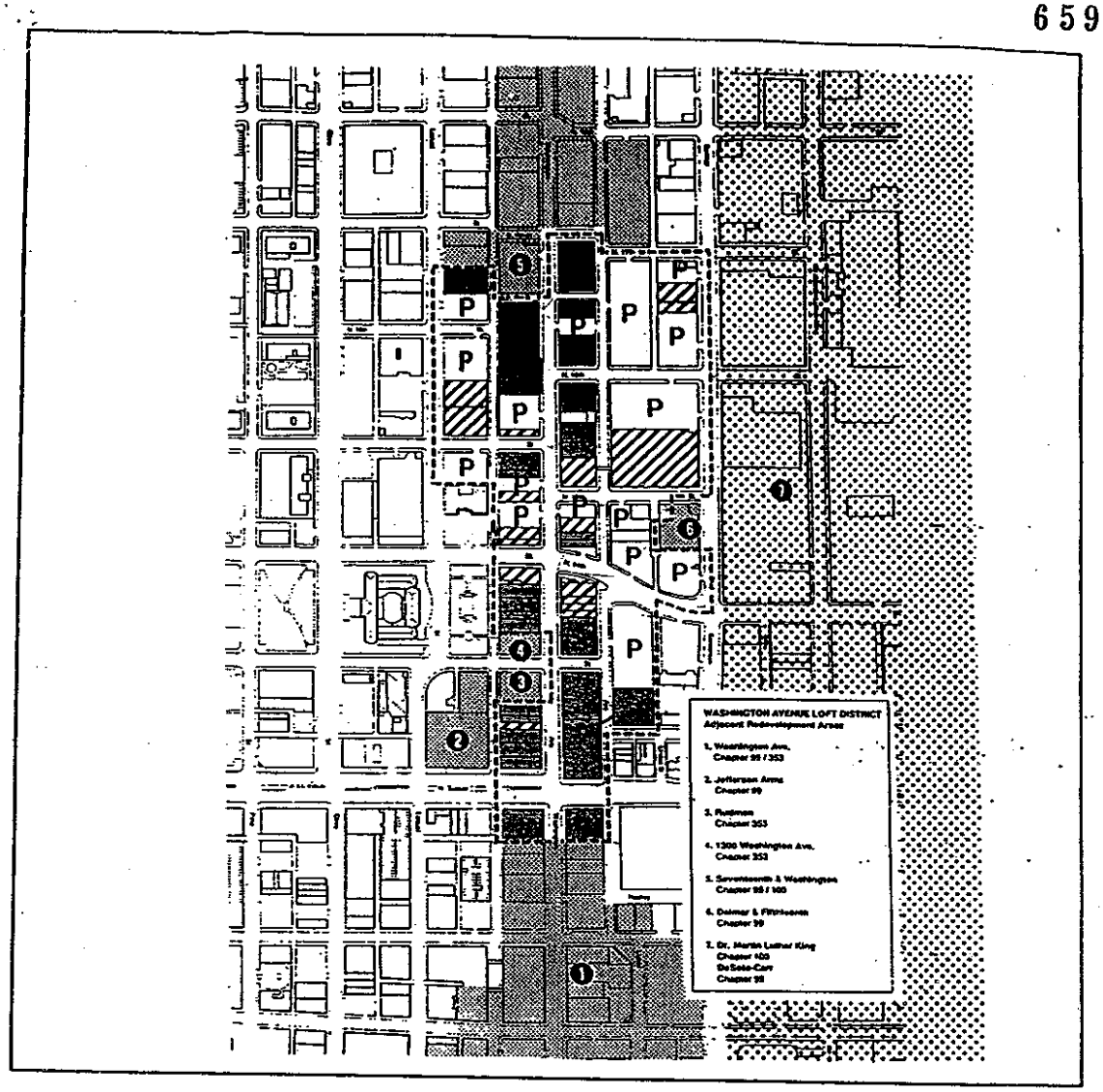
p PARKING
● UNOCCUPIED COMMERCIAL / INDUSTRIAL

GOOD
FAIR
POOR

11

ORDINANCE NO. 65966 - EXHIBIT C

65966



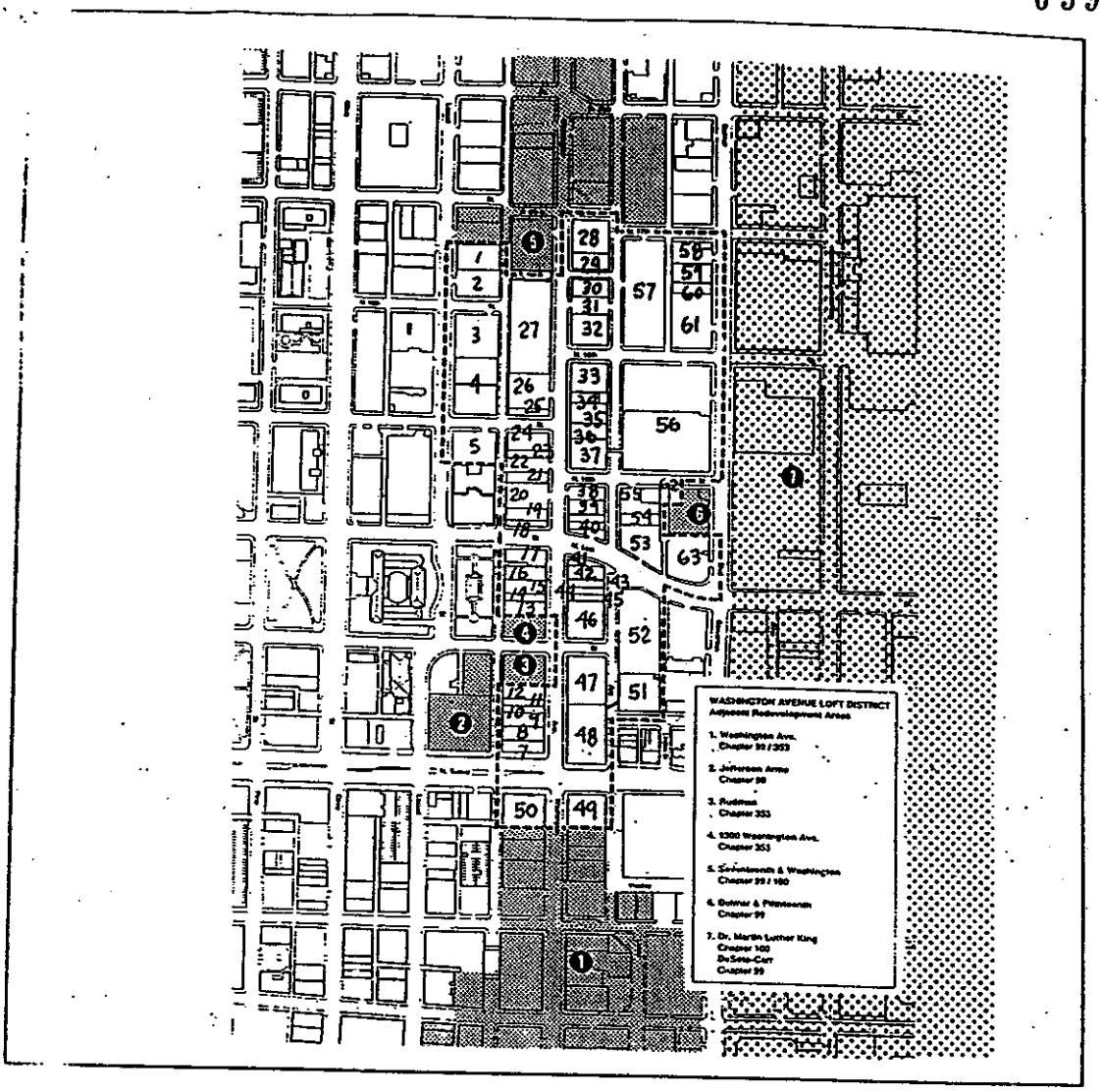
WASHINGTON AVE. LOFT AREA

EXHIBIT " C "
PROPOSED LAND USE

P PARKING
COMMERCIAL/ RESIDENTIAL
COMMERCIAL

ORDINANCE NO. 65966 - EXHIBIT D

65966



WASHINGTON AVE. LOFT AREA

EXHIBIT " D "
ACQUISITION MAP

PARCEL NUMBERS