

ORDINANCE #67228
Board Bill No. 141

An ordinance approving an amendment to the Redevelopment Plan for the Benton Park Scattered Sites III Area ("Area") after affirming that the Area blighted by Ordinance 62747, approved November 17, 1992 ("1992 Plan") as described in Exhibit "A" attached hereto and incorporated by reference is a blighted area as defined in Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), affirming that redevelopment 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 amendment to the 1992 Plan dated May 23, 2006 for the Area ("Amendment to the 1992 Plan"), and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and exercise their respective powers in a manner consistent with the amendment to the 1992 Plan.

WHEREAS, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a Land Clearance Project under said statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

WHEREAS, by Ordinance 62747 this Board found the property located in the Benton Park Scattered Sites III Area to be a "blighted area" as defined in Section 99.320 (3) of the statute and said property remains blighted; and

WHEREAS, by Ordinance 62747 this Board also approved a Redevelopment Plan for the Area dated August 25, 1992, said Plan providing for a ten-year tax abatement and

WHEREAS, it is desirable and in the public interest to approve an amendment to the Redevelopment Plan approved by Ordinance 62747 by limiting the period of tax abatement to five years for any properties within the Area to be abated after January 1, 2006; and

WHEREAS, the LCRA has recommended the amendment to the 1992 Plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board") and incorporated herein as Exhibit "B" (Amendment to the 1992 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 Amendment to the 1992 Plan; and

WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Amendment to the 1992 Plan in the Area; and

WHEREAS, the LCRA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by section 99.430 and this Board has been fully apprised by the LCRA and the Planning Commission of the facts and is fully aware of the conditions in the Area; and

WHEREAS, the Amendment to the 1992 Plan has been presented and recommended by LCRA 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 Amendment to the 1992 Plan conforms to said general plan; and

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

WHEREAS, the Amendment to the 1992 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 related 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 99.430 of the statute, this Board advertised that a public hearing would be held by this Board on the Amendment to the 1992 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 Amendment to the 1992 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 62747, that certain property described therein (and described herein as Exhibit "A" attached hereto and incorporated herein) is a blighted area, as defined in Section 99.320 (3) of the revised statutes of Missouri, 1986, as amended (the "Statute" being Section 99.300 to 99.715 inclusive, as amended) is hereby confirmed.

SECTION TWO. The redevelopment 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 of St. Louis ("City").

SECTION THREE. The Area qualifies as a redevelopment area in need of redevelopment under the provision of the statute and the Area is blighted as defined in Section 99.320 of the Statute.

SECTION FOUR. The Amendment to the 1992 Plan for the Area, dated May 23, 2006 and incorporated herein as Exhibit "B" having been duly reviewed and considered, is hereby approved and incorporated by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Amendment the 1992 Plan with the minutes of this meeting.

SECTION FIVE. The Amendment to the 1992 Plan for the Area is feasible and conforms to the general plan for the City.

SECTION SIX. In order to implement and facilitate the effectuation of the Amendment to the 1992 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 Amendment to the 1992 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 Amendment to the 1992 Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Amendment to the 1992 Plan.

SECTION SEVEN. 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"

**THE BENTON PARK SCATTERED SITES III AREA
LEGAL DESCRIPTIONS**

Parcel No.

- 1 A lot in St. Louis Common's Addition and in Block 1532 of the City of St. Louis having a frontage of 25 feet on the west line of Salena Street, by a depth between parallel lines of 125 feet to an alley 19 and 1-1/2 inches wide; said lot being bounded on the north line by a line 125 feet from the south line of Utah Street and bounded on the south line by property

- now or formerly owned by Esther Wiesman. Together with all improvements thereon known as and numbered **3313 Salena St.**
- 2 Lot 33 and part of lot 34 of the City Commons Addition, and in Block 1533 of the City of St. Louis, fronting 50 feet on the east line of Salena Street by a depth eastwardly between parallel lines of 125 feet to an alley. **3324 and 3326 Salena St.**
- 3 Lot 12 and the Southern part of Lot 13 in Block 6 of Durand Tract and in Block 1418 of the City of St. Louis: beginning at a point where the South line of said Lot 12 intersects the West line of McNair Ave.; running thence North along the West line of McNair Avenue 31 feet to the South lien of property now or formerly of Henry Rohlfing; thence West along the said South line of Rohlfing's property 124 feet more or less to the East line of an alley; thence South along the East line of said alley 37 feet 3 inches to the South line of said Lot 12; thence East along said South line 124 feet more or less to eh point of beginning. Together with all improvements thereon known as an numbered **2837-39 McNair Avenue.**
- 4 Lot 15 and the southern part of lot 16 in Block 1 of St. Louis Commons Addition and in Block 1523 of the City of St. Louis, having a frontage of 38 feet 6 inches on the west line of Missouri Ave., by a depth westwardly between parallel lines of 117 feet 6 inches to an alley. **3339-41 Missouri Ave.**
- 5 Lot 1 in Block 8 of Barsolaux's Addition and in Block 1802 of the City of St. Louis, fronting 25 feet on the north line of Lynch St. by a depth northwardly between parallel lines of 104 feet to an alley. **2115 Lynch St.**
- 6 Lot 32 in Block 1 of the Second City Subdivision Addition and in Block 1528 of the City of St. Louis, fronting 25 feet on the west line of Wisconsin Avenue, by a depth westwardly between parallel lines of 123 feet 3 inches to an alley. **3307 Wisconsin Ave.**
- 7 Lot 14 in Block 9 of Labadie & Lynch's Addition and in Block 1417 of the City of St. Louis, fronting 25 feet on the west line of Wisconsin Avenue by a depth westwardly between parallel lines of 124 feet 10 and 1/2 inches to an alley. **2833 Wisconsin Ave.**
- 8 Lot 11 and the southern part of Lot 12 and in Block 5 of Durand Tract Addition and in Block 1417 of the City of St. Louis, fronting 37 feet 9 inches on the west line of Wisconsin Avenue by a depth westwardly of 122 feet 10 inches on the south line of said lot and a depth westwardly of 124 feet 10-1/2 inches on the north line of said lot to the east line of an alley 15 feet wide; said lot having an aggregate width of 48 feet 8-1/2 inches along said east line of said alley. Together with all improvements thereon known as and numbered **2841 Wisconsin Ave.**
- 9 Lot 28 and part of lot 27 in Block 2 of St. Louis Common's Addition and in Block 1527 of the City of St. Louis, having a frontage of 36.30 feet on the east line of Missouri Avenue by a depth eastwardly between parallel lines of 123 feet 3 inches to an alley. **3300-02 Missouri Ave.**
- 10 Lot 3 and the eastern part of lot 4 of Oakland Addition and in Block 1533 of the City of St. Louis, having a frontage of 32 feet 10 and 1/2 inches on the north line of Cherokee Street, by a depth northwardly between parallel lines of 125 feet to an alley. Together with all improvements thereon known as and numbered **1907-09 Cherokee Street.**
- 11 The Eastern part of Lot 4 in Block 2 of City Common's Addition and in Block 1527 of the City of St. Louis fronting 20 feet on the north line of Cherokee Street, by a depth northwardly between parallel lines of 125 feet to an alley. **2109 Cherokee Street.**
- 12 Lot 11 of Fairmont's Addition and in Block 1801 of the City of St. Louis having a frontage of 44 feet 5 inches on the north line of Lynch St. by a depth northwardly of 104 feet along the west line of said lot and by a depth northwardly of 103 feet 5 inches along the east line of said lot to the south line of an alley; said south line having an aggregate width of 31 feet 1 inch. Together with all improvements thereon known as and numbered **2027- 29 Lynch St.**
- 13 Lot 1 of Concordia Place Addition and in Block 1531 of the City of St. Louis, having a frontage of 35 feet on the north line of Utah St. by a depth northwardly of 127 feet to an alley. **1901 Utah St.**
- Lot 2 of Concordia Place Addition and in Block 1531 of the City of St. Louis having a frontage of 25 feet on the north line

- of Utah St. by a depth northwardly of 127 feet to an alley. **1905 Utah St.**
- 14 Lot 10 in Block 4 of Fairmont Addition and in Block 1797 of the City of St. Louis, fronting 25 feet on the south line of Senate St. by a depth southwardly between parallel lines of 112 feet 6 inches to an alley. Together with all improvements thereon known as and numbered **1958 Senate St.**
- 15 Lots 4, 5, and 6 of Lane's Subdivision of the Lami Addition and in Block 1968 of the City of St. Louis having a frontage of 75 feet on the west line of Salena Street by a depth westwardly between parallel lines of 129 feet 2-3/8 inches to an alley. Together with all improvements thereon known as and numbered **2919-23 Salena St.**
- 16 Lot 6 in Block 6 of the Subdivision of the Durand Tract and in Block 1418 of the City of St. Louis, fronting 25 feet on the West line of McNair Avenue by a depth Westwardly of 122 feet 10 inches to an alley. **2855 McNair Ave.**
- 17 The Northern 20 feet of Lot 24 in Block 5 of the Durand Tract and in Block 1417 of the City of St. Louis, fronting 20 feet on the East line of McNair Avenue, by a depth Eastwardly between parallel lines of 122 feet 10 inches to an alley 15 feet wide. **2862 McNair Ave.**
- 18 Part of Lots 16 and 17 in Block 5 of Lane's Subdivision of the Lami Tract and in Block 1966 of the City of St. Louis, beginning at a point in the East line of Lemp Avenue distant 121 feet 7-1/4 inches South of the South line of Pestalozzi Street, thence East 129 feet 4 inches more or less, t a point in the West line of an alley 15 feet wide distant 121 feet 5-3/4 inches South of the South line of Pestalozzi Street, thence South along the West line of said alley 23 feet 0-3/4 inches to a point, thence West 129 feet 4 inches more or less, to the East line of Lemp Avenue, thence North along the East line of Lemp Avenue 23 feet 0-3/4 inches to the point of beginning. **2912 Lemp Ave.**
- 19 Lot 13 in Block 10 of Labadie & Lynch's Addition and in Block 1418 of the City of St. Louis fronting 25 feet on the west line of McNair Avenue by a depth westwardly of 124 feet 10 inches to an alley. Together with all improvements thereon known as and numbered **2831 McNair Ave.**
- 20 Lots 1, 2, and 3 of Block 10 of Labadie & Lynch's Addition and in Block 1418 of the City of St. Louis, fronting 77 feet on the west line of McNair Avenue by a depth westwardly between parallel lines of 124 feet 10- 1/2 inches to an alley. Together with all improvements thereon known as and numbered **2805 McNair Ave.**
- 21 Lot 22 and the northern part of Lot 21 of Block 53 of St. Louis Common's Addition and in Block 1527 of the City of St. Louis, having a frontage of 35 feet on the east line of Missouri Avenue by a depth eastwardly between parallel lines of 123 feet 3 inches to an alley. **3316-20 Missouri Ave.**

EXHIBIT "B"

**AMENDMENT TO THE 1992 PLAN
BENTON PARK SCATTERED SITES III REDEVELOPMENT AREA
DATED MAY 23, 2006**

Section F

Plan language pertaining to real estate tax abatement shall be amended as follows:

A Redeveloper initiating tax abatement prior to January 1, 2006 shall hereby be entitled to ad valorem tax abatement benefits for a period not to exceed ten (10) years from the commencement of such abatement. A Redeveloper may seek such tax abatement pursuant to Sections 99.700 – 99.715, Revised Statutes of Missouri, upon application as provided therein.

A Redeveloper initiating tax abatement after January 1, 2006 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 five (5) 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 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 five (5) 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 five (5) 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 and leased to any such corporation, then such corporation for the first five (5) 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 five (5) 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. In no event shall such benefits extend beyond five (5) years after the redevelopment corporation shall have acquired title to the property.

Approved: August 3, 2006