

*St. Louis City Ordinance 64609*

FLOOR SUBSTITUTE

BOARD BILL NO. [98] 263

INTRODUCED BY ALDERMAN Phyllis Young

AN ORDINANCE DESIGNATING A PORTION OF THE CITY OF ST. LOUIS, MISSOURI, AS A REDEVELOPMENT AREA; APPROVING A REDEVELOPMENT PLAN AND A REDEVELOPMENT PROJECT WITH RESPECT THERETO PURSUANT TO THE REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT ACT; ADOPTING TAX INCREMENT FINANCING WITHIN THE REDEVELOPMENT AREA; APPROVING THE EXECUTION OF A REDEVELOPMENT AGREEMENT TO CARRY OUT THE REDEVELOPMENT PLAN; AND MAKING FINDINGS WITH RESPECT THERETO.

WHEREAS, the Tax Increment Financing Commission of the City of St. Louis, Missouri (the "Commission") is duly constituted under the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act"); and

WHEREAS, the Act authorizes the Commission to hold hearings with respect to proposed redevelopment areas, plans and projects and to make recommendations thereon to the Board of Aldermen; and

WHEREAS, staff and consultants at the direction of the St. Louis Development Corporation have prepared a proposal for redevelopment titled "Redevelopment Plan for the Edison Brothers Warehouse Redevelopment Area" (the "Redevelopment Plan"), which presents a unified plan for the rehabilitation, renovation and reconstruction of a vacant warehouse distribution building and certain adjacent rights-of-way generally located at 400 S. 14th Street at the intersection of 14th Street and Spruce Street (the "Redevelopment Area"), as legally described in the Redevelopment Plan; and

WHEREAS, the Redevelopment Plan provides for a quality commercial development comprised of a hotel, restaurants, banquet facilities, health club, condominiums, associated parking and other public improvements (the entire proposal for redevelopment as described in the Redevelopment Plan being hereinafter referred to as the "Redevelopment Project"); and

WHEREAS, after all proper notice, the Commission held a public hearing in conformance with the Act on December 21, 1998, and received comments from all interested persons and taxing districts relative to the Redevelopment Plan, the Redevelopment Area and the Redevelopment Project; and

WHEREAS, the Board of Aldermen has received the recommendations of the Commission, as amended, and wishes to accept the recommendations and to designate the Redevelopment Area as a "redevelopment area" within the meaning of the Act, adopt the Redevelopment Plan, and implement the Redevelopment Project; and

WHEREAS, Breckenridge Edison Development, L.C. (the "Developer") submitted a proposal to redevelop the Redevelopment Area, and the City desires to enter into an agreement with the Developer with regard to the redevelopment of the Redevelopment Area; and

WHEREAS, the Board of Aldermen hereby determines that the terms of the Redevelopment Agreement attached as Exhibit B hereto are acceptable and that the execution, delivery and performance by the City and the Developer of their respective obligations under the Redevelopment Agreement are in the best interests of the City and the health, safety, morals and welfare of its residents, and in accord with the public purposes specified in the Act and the Redevelopment Plan;

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

SECTION 1. The Board of Aldermen hereby makes the following findings:

A. The Redevelopment Area on the whole is a "conservation area", as defined in Section 99.805(3) of the Act, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing and the Redevelopment Plan. This finding includes, and the Redevelopment Plan sets forth and the Board of Aldermen hereby finds and adopts by reference: (i) a detailed description of the factors that qualify the Redevelopment Area as a "conservation area" and qualify the Redevelopment Project as a "redevelopment project" and (ii) an affidavit, signed by the Developer and submitted with the Redevelopment Plan, attesting that the provisions of subdivision (1) of Section 99.810 have been met.

B. The Redevelopment Plan conforms to the comprehensive plan for the development of the City as a whole.

C. The estimated dates of completion of the Redevelopment Project and retirement of obligations incurred to finance redevelopment project costs have been stated in the Redevelopment Plan and these dates are 23 years or less from the date of approval of the Redevelopment Project.

D. A plan has been developed and included in the Redevelopment Plan for relocation assistance for businesses and residences within the Redevelopment Area.

E. A cost-benefit analysis showing the economic impact of the Redevelopment Plan on each taxing district which is at least partially within the boundaries of the Redevelopment Area is included in the Redevelopment Plan and is incorporated herein as if fully set forth herein, which cost-benefit analysis shows the impact on the economy if the project is not built and is built pursuant to the Redevelopment Plan.

F. The Redevelopment Plan does not include the initial development or redevelopment of any gambling establishment.

G. The Redevelopment Area includes only those parcels of real property and improvements thereon substantially benefited by the proposed Redevelopment Project and improvements.

SECTION 2. The Redevelopment Area is hereby designated as a "redevelopment area" as defined in Section 99.805(11) of the Act.

SECTION 3. The Redevelopment Plan and the Redevelopment Project described in the Redevelopment Plan are hereby adopted and approved. A copy of the Redevelopment Plan is attached hereto as Exhibit A and incorporated herein by reference.

SECTION 4. Tax increment allocation financing is hereby adopted within the Redevelopment Area. After the total equalized assessed valuation of the taxable real property in the Redevelopment Area exceeds the certified total initial equalized assessed value of all taxable real property in the Redevelopment Area, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in the Redevelopment Area by taxing districts and tax rates determined in the manner provided in subsection 2 of Section 99.855 of the Act each year after the effective date of this Ordinance until the payment in full of all redevelopment project costs shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the area selected for the Redevelopment Project shall be allocated to and, when collected, shall be paid by the Collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing; and

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the Redevelopment Project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the Redevelopment Project shall be allocated to and, when collected, shall be paid to the City's Treasurer, who shall deposit such payments in lieu of taxes into a separate fund called the "Edison Brothers Warehouse Special Allocation Fund" for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the Redevelopment Project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable.

SECTION 5. In addition to the payments in lieu of taxes described in paragraph (2) of Section 4 of this Ordinance, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the City or other taxing districts, and which are generated by economic activities within the area of the Redevelopment Project, over the amount of such taxes, penalties and interest in the calendar year prior to the adoption of this Ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, as amended, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or taxes levied pursuant to Section 94.660 of the Revised Statutes of Missouri, as amended, for the purpose of public transportation, shall be allocated to and paid by the License Collector and Collector of Revenue to the City's Treasurer, who shall deposit such funds in a separate segregated account within the Edison Brothers Warehouse Special Allocation Fund.

SECTION 6. In addition to the amounts described above, subject to annual appropriation by the Board of Aldermen, fifty percent of the total additional revenue that the City receives from (a) the general municipal sales tax levied pursuant to Ordinance No. 62884, or any successor thereto (currently 0.375%), (b) the general municipal sales tax levied pursuant to Ordinance No. 55497, as amended by Ordinance Nos. 57179 and 57979, or any successor thereto (currently 1.00%), (c) the transportation sales tax levied pursuant to Ordinance No. 56553, or any successor thereto (currently 0.50%) and (d) the capital improvements sales tax levied pursuant to Ordinance No. 62885, or any successor thereto (currently 0.50%), in each case less the costs of collection thereof, which are generated within the Redevelopment Area while tax increment financing remains in effect, shall be allocated to and paid by the Collector of Revenue to the City's Treasurer, who shall deposit such funds in a separate segregated account within the Edison Brothers Warehouse Special Allocation Fund.

SECTION 7. There is hereby created and ordered to be established within the treasury of the City a separate fund to be known as the "Edison Brothers Warehouse Special Allocation Fund" for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof. All moneys deposited in the Special Allocation Fund shall be applied in such manner consistent with the Redevelopment Plan as determined by the Board of Aldermen.

SECTION 8. The Mayor and Comptroller are hereby authorized and directed to execute, on behalf of the City, the Redevelopment Agreement between the City and the Developer, and the City Register is hereby authorized and directed to attest to the Redevelopment Agreement and to affix the seal of the City thereto. The Redevelopment Agreement shall be in substantially the form attached hereto as Exhibit B, which Redevelopment Agreement is hereby approved by the Board of Aldermen with such changes therein as shall be approved by the officers of the City executing the same.

SECTION 9. The City Register is hereby directed to submit a certified copy of this Ordinance to the Assessor, who is directed to determine the total equalized assessed value of all taxable real property within Redevelopment Area as of the date of this Ordinance, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within Redevelopment Area, and shall certify such amount as the total initial equalized assessed value of the taxable real property within Redevelopment Area.

SECTION 10. The officers, agents and employees of the City are hereby authorized and directed to execute all documents and take such necessary steps as they deem necessary and advisable to carry out and perform the purpose of this Ordinance.

SECTION 11. The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the Board of Aldermen has or would have enacted the valid sections without the void ones, unless the court finds that the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION 12. If the Developer has not executed the Redevelopment Agreement within 45 days after passage of this Ordinance, all rights conferred by this Ordinance on Breckenridge Edison Development, L.C. shall terminate and the City may designate another entity as developer of the Redevelopment Area.

SECTION 13. Be it further ordained that all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

<b>Legislative History</b>				
<b>1ST READING</b>	<b>REF TO COMM</b>	<b>COMMITTEE</b>	<b>COMM SUB</b>	<b>COMM AMEND</b>
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
<b>64609</b>				