

1 An Ordinance Affirming Adoption Of A Redevelopment Plan, Redevelopment Area,
2 Redevelopment Project Area And Redevelopment Project; Amending Ordinance No. 67681
3 Authorizing The Execution Of A Redevelopment Agreement Between The City of St. Louis And
4 St. Louis Food Hub TIF, Inc.; Prescribing The Form And Details Of Said Agreement;
5 Designating St. Louis Food Hub TIF, Inc. As Developer Of A Portion Of Redevelopment Project
6 Area 3; Making Certain Findings With Respect Thereto; Authorizing Other Related Actions In
7 Connection With The Redevelopment Of Certain Property Within Redevelopment Project Area
8 3; And Containing A Severability Clause.

9 **WHEREAS**, the City of St. Louis, Missouri (the “City”), is a body corporate and a
10 political subdivision of the State of Missouri, duly created, organized and existing under and by
11 virtue of its charter, the Constitution and laws of the State of Missouri; and

12 **WHEREAS**, on December 20, 1991, pursuant to Ordinance No. 62477, the Board of
13 Aldermen of the City created the Tax Increment Financing Commission of the City of St. Louis,
14 Missouri (the “TIF Commission”); and

15 **WHEREAS**, BY Ordinance No. 65977, the City, upon the recommendation of the TIF
16 Commission, approved the City Hospital Tax Increment Financing Redevelopment Plan for the
17 City Hospital Redevelopment Area (the “Redevelopment Area” or “Area”) dated June 13, 2003
18 (the “Original Plan”), which original Plan included three separate redevelopment project areas
19 within the Area and provided for redevelopment of such project areas through three separate
20 redevelopment projects; and

1 **WHEREAS**, an amendment to the Original Plan was offered entitled the “Amendment to
2 the City Hospital TIF Redevelopment Plan”, dated April 20, 2007, as revised May 30, 2007, as
3 may be amended from time to time (the Original Plan as so amended thereby being the
4 “Redevelopment Plan” or the “Plan”); and

5 **WHEREAS**, on June 6, 2007, after all proper notice was given, the TIF Commission
6 held a public hearing in conformance with the TIF Act (hereinafter defined) and received
7 comments from all interested persons and taxing districts affected by the Redevelopment Plan
8 and the redevelopment project (the “Redevelopment Project”) described therein with respect to
9 the redevelopment project area identified as “Redevelopment Project Area 3” or “RPA 3” (“RPA
10 3”or “Redevelopment Project Area 3”); and

11 **WHEREAS**, pursuant to the Real Property Tax Increment Allocation Redevelopment
12 Act, Sections 99.800 through 99.865 of the Revised Statutes of Missouri (2000), as amended (the
13 “Act” or “TIF Act”), and after due consideration of the TIF Commission’s recommendations, the
14 Board of Aldermen of the City of St. Louis, Missouri approved Ordinance No. 67677 on August
15 7, 2007, which Ordinance: (i) adopted and approved the Redevelopment Plan as amended, (ii)
16 affirmed the designation of the Redevelopment Area (as described in the Redevelopment Plan)
17 as a “redevelopment area” as that term is defined in the TIF Act, (iii) adopted and approved the
18 Redevelopment Project described in the Redevelopment Plan with respect to RPA 3, (iv) adopted
19 tax increment allocation financing within RPA 3, and (v) made certain findings with respect
20 thereto, all as set forth in such Ordinance and in accordance with the requirements of the Act;
21 and

22 **WHEREAS**, the Redevelopment Plan proposes to redevelop the Redevelopment Area by
23 the acquisition of property within the Redevelopment Area, demolition of the existing

1 improvements, and construction of a new commercial shopping center, as set forth in the
2 Redevelopment Plan (the “Redevelopment Project,” or “TIF Project”); and

3 **WHEREAS**, the Board of Aldermen has determined that completion of the
4 Redevelopment Project is of economic significance to the City, will serve to benefit the general
5 welfare, qualifies for the use of tax increment allocation financing to alleviate the conditions that
6 qualify the Redevelopment Area as a “redevelopment area” as provided in the TIF Act, and
7 further, that redevelopment of the Redevelopment Area in accordance with the Redevelopment
8 Plan is not financially feasible without the adoption of tax increment allocation financing and
9 would not otherwise be completed; and

10 **WHEREAS**, the Redevelopment Area qualifies for the use of tax increment allocation
11 financing to alleviate the conditions that qualify it as a “blighted area” as provided in the TIF Act
12 and as set forth herein; and

13 **WHEREAS**, it is necessary and desirable and in the best interest of the City to enter into
14 the Redevelopment Agreement with St. Louis Food Hub TIF, Inc., a Missouri corporation (the
15 “Developer”), in order that Developer may complete a portion of the Redevelopment Project
16 described in such Redevelopment Agreement as “Phase 2A” (“Phase 2A”), which will provide
17 for the promotion of the general welfare through redevelopment of RPA 3 in accordance with the
18 Redevelopment Plan which redevelopment includes, but is not limited to, assistance in the
19 physical, economic, and social development of the City of St. Louis, encouragement of a sense
20 of community identity, safety and civic pride and the elimination of impediments to land
21 disposition and development in the City of St. Louis; and

22 **WHEREAS**, pursuant to the provisions of the TIF Act, the City is authorized to enter
23 into a redevelopment agreement with Developer, setting forth the respective rights and

1 obligations of the City and Developer with regard to the redevelopment of Phase 2A of RPA 3
2 (the “Redevelopment Agreement”); and

3 **WHEREAS**, the Board of Aldermen hereby determines that the terms of the
4 Redevelopment Agreement attached as **Exhibit A** hereto and incorporated herein by reference
5 are acceptable and that the execution, delivery and performance by the City and the Developer of
6 their respective obligations under the Redevelopment Agreement are in the best interests of the
7 City and the health, safety, morals and welfare of its residents, and in accord with the public
8 purposes specified in the TIF Act and the Redevelopment Plan.

9 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

10 **SECTION ONE.** The Board of Aldermen hereby ratifies and confirms its approval of
11 the Redevelopment Plan, Redevelopment Area, RPA 3 and the Redevelopment Project. The
12 Board of Aldermen further designates Developer as developer of Phase 2A of RPA 3 and finds
13 and determines that it is necessary and desirable to enter into the Redevelopment Agreement
14 with Developer, as developer of Phase 2A of RPA 3, in order to implement the Redevelopment
15 Project and to enable the Developer to carry out the development of Phase 2A.

16 **SECTION TWO.** The Board of Aldermen finds and determines that the assistance of
17 tax increment financing is necessary and desirable in order to implement the Redevelopment
18 Project and to enable Developer to carry out the development of Phase 2A of the Redevelopment
19 Project.

20 **SECTION THREE.** The Board of Aldermen hereby approves, and the Mayor and
21 Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the
22 Redevelopment Agreement by and between the City and the Developer attached hereto as
23 **Exhibit A**, and the City Register is hereby authorized and directed to attest to the

1 Redevelopment Agreement and to affix the seal of the City thereto. The Redevelopment
2 Agreement shall be in substantially the form attached, with such changes therein as shall be
3 approved by said Mayor and Comptroller executing the same and as may be consistent with the
4 intent of this Ordinance and necessary and appropriate in order to carry out the matters herein
5 authorized.

6 **SECTION FOUR.** The Mayor and Comptroller of the City or their designated
7 representatives are hereby authorized and directed to take any and all actions to execute and
8 deliver for and on behalf of the City any and all additional certificates, documents, agreements or
9 other instruments as may be necessary and appropriate in order to carry out the matters herein
10 authorized, with no such further action of the Board of Aldermen necessary to authorize such
11 action by the Mayor and the Comptroller or their designated representatives.

12 **SECTION FIVE.** The Mayor and the Comptroller or their designated representatives,
13 with the advice and concurrence of the City Counselor and after approval by the Board of
14 Estimate and Apportionment, are hereby further authorized and directed to make any changes to
15 the documents, agreements and instruments approved and authorized by this Ordinance as may
16 be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out
17 the matters herein authorized, with no such further action of the Board of Aldermen necessary to
18 authorize such changes by the Mayor and the Comptroller or their designated representatives.

19 **SECTION SIX.** It is hereby declared to be the intention of the Board of Aldermen that
20 each and every part, section and subsection of this Ordinance shall be separate and severable
21 from each and every other part, section and subsection hereof and that the Board of Aldermen
22 intends to adopt each said part, section and subsection separately and independently of any other
23 part, section and subsection. In the event that any part, section or subsection of this Ordinance

1 shall be determined to be or to have been unlawful or unconstitutional, the remaining parts,
2 sections and subsections shall be and remain in full force and effect, unless the court making
3 such finding shall determine that the valid portions standing alone are incomplete and are
4 incapable of being executed in accord with the legislative intent.

5 **SECTION SEVEN.** After adoption of this Ordinance by the Board of Aldermen, this
6 Ordinance shall become effective on the 30th day after its approval by the Mayor or adoption
7 over his veto; *provided that* if, within ninety (90) days after the effective date of this Ordinance,
8 the Developer has not (i) executed a redevelopment agreement pertaining to the Redevelopment
9 Project and (ii) paid all fees due to the City in accordance with the terms of the redevelopment
10 agreement, the provisions of this Ordinance shall be deemed null and void and of no effect and
11 all rights conferred by this Ordinance on Developer, shall terminate, *provided further*, however,
12 that prior to any such termination the Developer may seek an extension of time in which to
13 execute the Redevelopment Agreement, which extension may be granted in the sole discretion of
14 the Board of Estimate and Apportionment of the City of St. Louis.

EXHIBIT A

Redevelopment Agreement by and between the City of St. Louis and
the Developer
(Attached hereto.)