

1 **BOARD BILL #67** **INTRODUCED BY ALDERWOMAN PHYLLIS YOUNG**

2 An ordinance amending Ordinance No. 68098; authorizing the execution of an amendment to
3 Redevelopment Agreement by and between the City of St. Louis and City Hospital Powerhouse
4 TIF, Inc.; prescribing the form and details of said amendment; making certain findings with
5 respect thereto; authorizing other related actions; and containing a severability clause, an
6 appropriation clause, and an emergency clause.

7 **WHEREAS**, pursuant to the Real Property Tax Increment Allocation Redevelopment
8 Act, Sections 99.800 through 99.865 of the Revised Statutes of Missouri, as amended (the “*Act*”
9 or “*TIF Act*”), the City adopted Ordinance No. 68098, which authorized the execution of a
10 redevelopment agreement (the “*Redevelopment Agreement*”); all capitalized terms used but not
11 defined herein shall have the meaning set forth in the Redevelopment Agreement by and between
12 the City and City Hospital Development IV, LLC setting forth the terms and obligations of the
13 parties with respect to the implementation of the Redevelopment Project described therein; and

14 **WHEREAS**, the City subsequently executed or intends to execute the Redevelopment
15 Agreement with City Hospital Powerhouse TIF, Inc. (the “*Developer*”); and

16 **WHEREAS**, the Developer and the City desire to approve and execute an amendment to
17 the Redevelopment Agreement (the “*Amendment*”); and

18 **WHEREAS**, it is hereby found and determined that it is necessary and advisable and in the
19 best interest of the City and of its inhabitants to authorize the City to execute the Amendment in
20 order to amend the Redevelopment Agreement; and

21 **WHEREAS**, the Board of Aldermen hereby determines that the terms of the Amendment
22 attached as Exhibit A hereto and incorporated herein by reference are acceptable and that the
23 execution, delivery and performance by the City and the Developer of the attached Amendment

1 is necessary and desirable and in the best interests of the City and the health, safety, morals and
2 welfare of its residents, and in accord with the public purposes specified in the TIF Act.

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

4 **Section 1.** The Board of Aldermen finds and determines that it is necessary and
5 desirable to enter into the Amendment with the Developer in order to implement the
6 Redevelopment Project and to enable the Developer to carry out its proposal for development of
7 the Redevelopment Project.

8 **Section 2.** The Board of Aldermen hereby approves, and the Mayor and Comptroller
9 of the City are hereby authorized and directed to execute, on behalf of the City, the Amendment
10 by and between the City and the Developer attached hereto as Exhibit A, and the City Register is
11 hereby authorized and directed to attest to the Amendment and to affix the seal of the City
12 thereto. The Amendment shall be in substantially the form attached, with such changes therein as
13 shall be approved by said Mayor and Comptroller executing the same and as may be consistent
14 with the intent of this Ordinance and necessary and appropriate in order to carry out the matters
15 herein authorized.

16 **Section 3.** There is hereby appropriated and set apart all Phase 2A Revenues, as those
17 terms are defined in the Redevelopment Agreement as amended by the Amendment, of the City
18 Hospital RPA 2 Special Allocation Fund to be used to fund Phase 2A of the Redevelopment
19 Project.

20 **Section 4.** The Mayor and Comptroller of the City or their designated representatives
21 are hereby authorized and directed to take any and all actions to execute and deliver for and on
22 behalf of the City any and all additional certificates, documents, agreements or other instruments
23 as may be necessary and appropriate in order to carry out the matters herein authorized, with no

1 such further action of the Board of Aldermen necessary to authorize such action by the Mayor
2 and the Comptroller or their designated representatives.

3 **Section 5.** The Mayor and the Comptroller or their designated representatives, with
4 the advice and concurrence of the City Counselor and after approval by the Board of Estimate
5 and Apportionment, are hereby further authorized and directed to make any changes to the
6 documents, agreements and instruments approved and authorized by this Ordinance as may be
7 consistent with the intent of this Ordinance and necessary and appropriate in order to carry out
8 the matters herein authorized, with no such further action of the Board of Aldermen necessary to
9 authorize such changes by the Mayor and the Comptroller or their designated representatives.

10 **Section 6.** It is hereby declared to be the intention of the Board of Aldermen that
11 each and every part, section and subsection of this Ordinance shall be separate and severable
12 from each and every other part, section and subsection hereof and that the Board of Aldermen
13 intends to adopt each said part, section and subsection separately and independently of any other
14 part, section and subsection. In the event that any part, section or subsection of this Ordinance
15 shall be determined to be or to have been unlawful or unconstitutional, the remaining parts,
16 sections and subsections shall be and remain in full force and effect, unless the court making
17 such finding shall determine that the valid portions standing alone are incomplete and are
18 incapable of being executed in accord with the legislative intent.

19 **Section 7.** This being an ordinance containing an appropriation, it is hereby declared
20 to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the
21 Charter of the City of St. Louis and therefore shall become effective immediately upon its
22 passage and approval by the Mayor.

EXHIBIT A
Form of First Amendment to Redevelopment Agreement

(Attached hereto.)