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3 **ALDERMAN WILLIAM WATERHOUSE**

4 An ordinance approving a Redevelopment Plan for the 5540 W. Park Avenue, 1249 and
5 1319-1325 Macklind Avenue Area ("Area") after finding that the Area is blighted as defined in
6 Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being
7 Sections 99.300 to 99.715 inclusive), containing a description of the boundaries of said Area in the
8 City of St. Louis ("City"), attached hereto and incorporated herein as Exhibit "A", finding that
9 redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals
10 and general welfare of the people of the City; approving the Plan dated February 20, 2007 for the
11 Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that
12 there is a feasible financial plan for the development of the Area which affords maximum
13 opportunity for development of the Area by private enterprise; finding that **no** property in the Area
14 may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis
15 ("LCRA") through the exercise of eminent domain; finding that the property within the Area is
16 **partially occupied**. The Redeveloper shall be responsible for relocating any eligible occupants
17 displaced as a result of implementation of the Plan; finding that financial aid may be necessary to
18 enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available
19 up to ten (10) year real estate tax abatement for 1249 and 1319-25 Macklind Ave. and five (5) yr
20 for 5540 W. Park Ave.; and pledging cooperation of the Board of Aldermen and requesting various
21 officials, departments, boards and agencies of the City to cooperate and to exercise their respective
22 powers in a manner consistent with the Plan.

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WHEREAS, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, there exist conditions which endanger life or property by fire or other causes and constitute 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, 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 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, the LCRA has recommended such a plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for 5540 W. Park Avenue, 1249 and 1319-1325 Macklind Avenue. Area," dated February 20, 2007, consisting of a Title Page, a Table of Contents Page, and sixteen (16) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("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 Plan; and

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

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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 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 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 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 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Plan, and said hearing

1 was held at the time and place designated in said advertising and all those who were interested in
2 being heard were given a reasonable opportunity to express their views; and

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

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

7 **SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as
8 defined by Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute"
9 being Sections 99.300 to 99.715 inclusive, as amended) described in Exhibit "A", attached hereto
10 and incorporated herein, known as the 5540 W. Park Avenue, 1249 and 1319-1325 Macklind
11 Avenue Area.

12 **SECTION TWO.** The redevelopment of the above described Area, as provided by the
13 Statute, is necessary and in the public interest, and is in the interest of the public health, safety,
14 morals and general welfare of the people of the City.

15 **SECTION THREE.** The Area qualifies as a redevelopment area in need of redevelopment
16 under the provision of the Statute, and the Area is blighted as defined
17 in Section 99.320 of the Statute.

18 **SECTION FOUR.** The Blighting Study and Plan for the Area, dated February 20, 2007
19 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by
20 reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby
21 directed to file a copy of said Plan with the Minutes of this meeting.

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

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

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

10 **SECTION EIGHT.** The Plan for the Area provides that the Land Clearance for
11 Redevelopment Authority of the City of St. Louis ("LCRA") **may not** acquire any property in the
12 Area by the exercise of eminent domain.

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

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

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

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

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

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

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

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

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

18 (b) That in undertaking construction under the agreement with the LCRA and the Plan,
19 bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises ("WBE's")
20 will be solicited and fairly considered for contracts, subcontracts and purchase orders;

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

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

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

4 (f) To cooperate with those programs and methods supplied by the City with the
5 purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and
6 material supplier participation in the construction under this Agreement. The Redeveloper will
7 report semi-annually during the construction period the results of its endeavors under this
8 paragraph, to the Office of the Mayor and the President of this Board; and

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

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

1 percent (51%) ownership. The woman or women must have operational and managerial control,
2 interest in capital and earnings commensurate with their percentage of ownership.

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

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6 **SECTION FOURTEEN.** The Redeveloper may seek up to ten (10) year real estate tax
7 abatement for 1249 and 1319-1325 Macklind Ave. pursuant to Sections 99.700 - 99.715,
8 Revised Statutes of Missouri, 2000, as amended, upon application as provided therein. Such
9 real estate tax abatement shall not include any Special Business District, Neighborhood
10 Improvement District, Commercial Improvement District, or any other similar local taxing
11 district created in accordance with Missouri law, whether now existing or later created.

12 In lieu up to ten (10) year real estate tax abatement for 1249 and 1319-1325 Macklind Ave.
13 outlined above and for five (5) year real estate abatement for 5540 W. Park Ave., a
14 Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of
15 the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which
16 shall not include any Special Business District, Neighborhood Improvement District,
17 Commercial Improvement District, or any other similar local taxing district created in
18 accordance with Missouri law, whether now existing or later created.

19 taxes which may be assessed for the property located in a Special Business District for a total
20 period of up to ten (10) years real estate tax abatement for 1249 and 1319-1325 Macklind Ave. and
21 five (5) years real estate abatement for 5540 W. Park Ave. from the commencement of such tax
22 abatement, in accordance with the following provisions:

1 If property in the Area is sold by the LCRA to an urban redevelopment corporation
2 formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall
3 own property within the Area, then for the first ten (10) years for 1249 and 1319-1325
4 Macklind Ave. and five (5) years real estate abatement for 5540 W. Park Ave after the date
5 the redevelopment corporation shall acquire title to such property, taxes on such property
6 shall be based upon the assessment of land, exclusive of any improvements thereon, during
7 the calendar year preceding the calendar year during which such corporation shall have
8 acquired title to such property. In addition to such taxes, any such corporation shall for the
9 same ten (10) year period and five (5) year period make a payment in lieu of taxes to the
10 Collector of Revenue of the City of St. Louis in an amount based upon the assessment on
11 the improvements located on the property during the calendar year preceding the calendar
12 year during which such corporation shall have acquired title to such property. If property
13 shall be tax-exempt because it is owned by the LCRA and leased to any such corporation,
14 then such corporation for up to ten (10) years for 1249 and 1319-1325 Macklind Ave. and
15 five (5) years for 5540 W. Park Ave of such lease shall make payments in lieu of taxes to
16 the Collector of Revenue of the City in an amount based upon the assessment on the
17 property, including land and improvements, during the calendar year preceding the calendar
18 year during which such corporation shall lease such property.

19 All payments in lieu of taxes shall be a lien upon the property and, when paid to the
20 Collector of Revenue of the City shall be distributed as all other property taxes. These
21 partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year
22 period for 1249 and 1319-1325 Macklind Ave. and five (5) year period for 5540 W. Park

1 Ave., shall inure to the benefit of all successors in interest in the property of the
2 redevelopment corporation, so long as such successors shall continue to use such property
3 as provided in this Plan and in any contract with the LCRA. In no event shall such benefits
4 extend beyond ten (10) years after the redevelopment corporation shall have acquired title
5 to the property.

6 **SECTION FIFTEEN.** Any proposed modification which will substantially change the
7 Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was
8 first approved. Modifications which will substantially change the Plan include, but are not
9 necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement,
10 to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The
11 Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the
12 LCRA, provided that such revisions shall be effective only upon the consent of the Planning
13 Commission of the City. Changes which are not substantial are those that do not go to the crux of
14 the Plan.

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