

1           AN ORDINANCE DESIGNATING A PORTION OF THE CITY OF ST.  
2           LOUIS, MISSOURI, AS A REDEVELOPMENT AREA KNOWN AS THE  
3           6175-81 DELMAR REDEVELOPMENT AREA PURSUANT TO THE  
4           REAL PROPERTY TAX INCREMENT ALLOCATION  
5           REDEVELOPMENT ACT; APPROVING A REDEVELOPMENT PLAN  
6           AND A REDEVELOPMENT PROJECT WITH RESPECT THERETO;  
7           ADOPTING TAX INCREMENT FINANCING WITHIN THE  
8           REDEVELOPMENT AREA; MAKING FINDINGS WITH RESPECT  
9           THERETO; ESTABLISHING THE 6175-81 DELMAR SPECIAL  
10          ALLOCATION FUND; AUTHORIZING CERTAIN ACTIONS BY CITY  
11          OFFICIALS; AND CONTAINING A SEVERABILITY CLAUSE.

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

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

18          **WHEREAS**, the TIF Commission is duly constituted according to the Real Property Tax  
19          Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of  
20          Missouri (2000), as amended (the “TIF Act”), and is authorized to hold public hearings with

1 respect to proposed redevelopment areas and redevelopment plans and to make  
2 recommendations thereon to the City; and

3         **WHEREAS**, staff and consultants of the City and Loop Hotels, LLC, a Missouri limited  
4 liability company (the “Developer”), prepared a plan for redevelopment titled “6175-81 Delmar  
5 TIF Redevelopment Plan” dated September 16, 2005 (the “Redevelopment Plan”), for an area  
6 generally located along Delmar Boulevard and commonly known as 6175-81 Delmar in the City  
7 of St. Louis (the “Redevelopment Area” or “Area”), which Redevelopment Area is more fully  
8 described in the Redevelopment Plan, attached hereto and incorporated herein as **Exhibit A**; and

9         **WHEREAS**, the Redevelopment Plan proposes to redevelop the Redevelopment Area by  
10 acquiring, renovating and rehabilitating the building that currently exists in the Area for  
11 commercial use, as set forth in the Redevelopment Plan (the “Redevelopment Project,” or “TIF  
12 Project”); and

13         **WHEREAS**, on November 9, 2005 after all proper notice was given, the TIF  
14 Commission held a public hearing in conformance with the TIF Act and received comments  
15 from all interested persons and taxing districts relative to the Redevelopment Area, the  
16 Redevelopment Plan, and the Redevelopment Project; and

17         **WHEREAS**, on November 9, 2005, the TIF Commission found that completion of the  
18 Redevelopment Project would provide a substantial and significant public benefit through the  
19 creation of new jobs, the elimination of blight, the strengthening of the employment and  
20 economic base of the City, increased property values and tax revenues, stabilization of the  
21 Redevelopment Area, and facilitation of economic stability for the City as a whole, and further  
22 found that without the assistance of tax increment financing in accordance with the TIF Act, the  
23 Redevelopment Project is not financially feasible and would not otherwise be completed; and

1           **WHEREAS**, on November 9, 2005, the TIF Commission voted to recommend that the  
2 Board of Aldermen adopt an ordinance in the form required by the Act (i) adopting tax increment  
3 financing within the Redevelopment Area, (ii) approving the Redevelopment Plan, (iii)  
4 approving and designating the Redevelopment Area as a “redevelopment area” as provided in the  
5 Act, (iv) approving the Redevelopment Project as described within the Redevelopment Plan, and  
6 (v) approving the issuance of tax increment financing revenue notes in the amount as specified in  
7 the Redevelopment Plan; and

8           **WHEREAS**, the Developer has demonstrated that the Redevelopment Project would not  
9 reasonably be anticipated to be developed without the adoption of tax increment financing and,  
10 therefore, redevelopment of the Redevelopment Area in accordance with the Redevelopment  
11 Plan is not feasible and would not otherwise be completed; and

12           **WHEREAS**, the Board of Aldermen has received the recommendations of the TIF  
13 Commission regarding the Redevelopment Area and the Redevelopment Plan and finds that it is  
14 desirable and in the best interests of the City to designate the Redevelopment Area as a  
15 “redevelopment area” as provided in the TIF Act, adopt the Redevelopment Plan and  
16 Redevelopment Project in order to encourage and facilitate the redevelopment of the  
17 Redevelopment Area; and

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

21           **WHEREAS**, it is necessary and desirable and in the best interest of the City to adopt tax  
22 increment allocation financing within the Redevelopment Area and to establish a special  
23 allocation fund for the Redevelopment Area in order to provide for the promotion of the general

1 welfare through redevelopment of the Redevelopment Area in accordance with the  
2 Redevelopment Plan which redevelopment includes, but is not limited to, assistance in the  
3 physical, economic, and social development of the City of St. Louis, providing for a stabilized  
4 population and plan for the optimal growth of the City of St. Louis, encouragement of a sense of  
5 community identity, safety and civic pride, and the elimination of impediments to land  
6 disposition and development in the City of St. Louis.

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

8 **SECTION ONE.** The Board of Aldermen hereby makes the following findings:

9 A. The Redevelopment Area on the whole is a “blighted area”, as defined in Section  
10 99.805 of the TIF Act, and has not been subject to growth and development through investment  
11 by private enterprise and would not reasonably be anticipated to be developed without the  
12 adoption of tax increment financing. This finding includes, the Redevelopment Plan sets forth,  
13 and the Board of Aldermen hereby finds and adopts by reference: (i) a detailed description of the  
14 factors that qualify the Redevelopment Area as a “blighted area” and (ii) an affidavit, signed by  
15 the Developer and submitted with the Redevelopment Plan, attesting that the provisions of  
16 Section 99.810.1(1) of the TIF Act have been met, which description and affidavit are  
17 incorporated herein as if set forth herein.

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

20 C. In accordance with the TIF Act, the Redevelopment Plan states the estimated  
21 dates of completion of the Redevelopment Project and retirement of the financial obligations  
22 issued to pay for certain redevelopment project costs and these dates are twenty three (23) years  
23 or less from the date of approval of the Redevelopment Project.

1           D.     A plan has been developed for relocation assistance for businesses and residences  
2 in Ordinance No. 62481 adopted December 20, 1991.

3           E.     A cost-benefit analysis showing the economic impact of the Redevelopment Plan  
4 on each taxing district which is at least partially within the boundaries of the Redevelopment  
5 Area is on file with the St. Louis Development Corporation, which cost-benefit analysis shows  
6 the impact on the economy if the Redevelopment Project is not built, and is built pursuant to the  
7 Redevelopment Plan.

8           F.     Redevelopment of the Redevelopment Area in accordance with the  
9 Redevelopment Plan is not financially feasible without the assistance of tax increment financing  
10 and would not otherwise be completed.

11          G.     The Redevelopment Plan does not include the initial development or  
12 redevelopment of any “gambling establishment” as that term is defined in Section 99.805(6) of  
13 the TIF Act.

14          H.     The Redevelopment Area includes only those parcels of real property and  
15 improvements thereon directly and substantially benefited by the proposed Redevelopment  
16 Project.

17           **SECTION TWO.** The Redevelopment Area described in the Redevelopment Plan is  
18 hereby designated as a “redevelopment area” as defined in Section 99.805(11) of the TIF Act.

19           **SECTION THREE.** The Redevelopment Plan as reviewed and recommended by the  
20 TIF Commission on November 9, 2005, including amendments thereto, if any, and the  
21 Redevelopment Project described in the Redevelopment Plan are hereby adopted and approved.  
22 A copy of the Redevelopment Plan is attached hereto as **Exhibit A** and incorporated herein by  
23 reference.

1           **SECTION FOUR.** There is hereby created and ordered to be established within the  
2 treasury of the City a separate fund to be known as the “6175-81 Delmar Special Allocation  
3 Fund.” To the extent permitted by law and except as otherwise provided in the Redevelopment  
4 Plan, the City hereby pledges funds in the 6175-81 Delmar Special Allocation Fund for the  
5 payment of redevelopment project costs and obligations incurred in the payment thereof.

6           **SECTION FIVE.** Tax increment allocation financing is hereby adopted within the  
7 Redevelopment Area. After the total equalized assessed valuation of the taxable real property in  
8 the Redevelopment Area exceeds the certified total initial equalized assessed valuation of the  
9 taxable real property in the Redevelopment Area, the ad valorem taxes, and payments in lieu of  
10 taxes, if any, arising from the levies upon taxable real property in the Redevelopment Area by  
11 taxing districts and tax rates determined in the manner provided in Section 99.855.2 of the TIF  
12 Act each year after the effective date of this Ordinance until redevelopment costs have been paid  
13 shall be divided as follows:

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

20           B. Payments in lieu of taxes attributable to the increase in the current equalized  
21 assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected  
22 for the Redevelopment Project and any applicable penalty and interest over and above the initial  
23 equalized assessed value of each such unit of property in the area selected for the Redevelopment

1 Project shall be allocated to and, when collected, shall be paid to the City Treasurer, who shall  
2 deposit such payment in lieu of taxes into the 6175-81 Delmar Special Allocation Fund for the  
3 purpose of paying redevelopment costs and obligations incurred in the payment thereof.  
4 Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of  
5 the Redevelopment Project from which they are derived and shall be collected in the same  
6 manner as the real property tax, including the assessment of penalties and interest where  
7 applicable.

8       **SECTION SIX.** In addition to the payments in lieu of taxes described in Section Five of  
9 this Ordinance, fifty percent (50%) of the total additional revenue from taxes, penalties and  
10 interest which are imposed by the City or other taxing districts, and which are generated by  
11 economic activities within the area of the Redevelopment Project over the amount of such taxes  
12 generated by economic activities within the area of the Redevelopment Project in the calendar  
13 year prior to the adoption of the Redevelopment Project by ordinance, while tax increment  
14 financing remains in effect, but excluding personal property taxes, taxes imposed on sales or  
15 charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to  
16 Section 70.500 of the Revised Statutes of Missouri (2000) as amended, or taxes levied for the  
17 purpose of public transportation pursuant to Section 94.660 of the Revised Statutes of Missouri  
18 (2000) as amended, licenses, fees or special assessments other than payments in lieu of taxes and  
19 penalties and interest thereon, shall be allocated to, and paid by the collecting officer to the City  
20 Treasurer or other designated financial officer of the City, who shall deposit such funds in a  
21 separate segregated account within the 6175-81 Delmar Special Allocation Fund.

22       **SECTION SEVEN.** The Comptroller of the City is hereby authorized to enter into  
23 agreements or contracts with other taxing districts as is necessary to ensure the allocation and

1 collection of the taxes and payments in lieu of taxes described in Sections Five and Six of this  
2 Ordinance and the deposit of the said taxes or payments in lieu of taxes into the 6175-81 Delmar  
3 Special Allocation Fund for the payment of redevelopment project costs and obligations incurred  
4 in the payment thereof, all in accordance with the TIF Act.

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

12       **SECTION NINE.** The Mayor and Comptroller of the City or their designated  
13 representatives are hereby authorized and directed to take any and all actions as may be  
14 necessary and appropriate in order to carry out the matters herein authorized, with no such  
15 further action of the Board of Aldermen necessary to authorize such action by the Mayor and the  
16 Comptroller or their designated representatives.

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

1           **SECTION ELEVEN.** It is hereby declared to be the intention of the Board of Aldermen  
2 that each and every part, section and subsection of this Ordinance shall be separate and severable  
3 from each and every other part, section and subsection hereof and that the Board of Aldermen  
4 intends to adopt each said part, section and subsection separately and independently of any other  
5 part, section and subsection. In the event that any part, section or subsection of this Ordinance  
6 shall be determined to be or to have been unlawful or unconstitutional, the remaining parts,  
7 sections and subsections shall be and remain in full force and effect, unless the court making  
8 such finding shall determine that the valid portions standing alone are incomplete and are  
9 incapable of being executed in accord with the legislative intent.

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

**EXHIBIT A**

**6175-81 DELMAR TIF REDEVELOPMENT PLAN**