

1 **BOARD BILL NO. 365**

INTRODUCED BY ALDERMAN: ALFRED WESSELS

2 An ordinance approving a Redevelopment Plan for the 1016-28 Eichelberger Street, 1017-
3 19 Eiler Street and 5421 Tennessee Avenue Area ("Area") after finding that the Area is blighted as
4 defined in Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute"
5 being Sections 99.300 to 99.715 inclusive), containing a description of the boundaries of said Area
6 in the City of St. Louis ("City"), attached hereto and incorporated herein as Exhibit "A", finding
7 that redevelopment and rehabilitation of the Area is in the interest of the public health, safety,
8 morals and general welfare of the people of the City; approving the Plan dated September 25, 2007
9 for the Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430;
10 finding that there is a feasible financial plan for the development of the Area which affords
11 maximum opportunity for development of the Area by private enterprise; finding that **any** property
12 in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St.
13 Louis ("LCRA") through the exercise of eminent domain or otherwise; finding that the property
14 within the Area may be **partially occupied**, but if it should become occupied, the Redeveloper
15 shall be responsible for relocating any eligible occupants displaced as a result of implementation of
16 the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in
17 accordance with the Plan; finding that there shall be available ten (10) year real estate tax
18 abatement; and pledging cooperation of the Board of Aldermen and requesting various officials,
19 departments, boards and agencies of the City to cooperate and to exercise their respective powers in
20 a manner consistent with the Plan.

1 WHEREAS, by reason of predominance of defective or inadequate street layout, insanitary
2 or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting,
3 there exist conditions which endanger life or property by fire or other causes and constitute an
4 economic or social liability or a menace to the public health, safety, morals or welfare in the
5 present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

6 Whereas the St. Louis Board of Aldermen ("Board") has considered each individual parcel
7 in the Area and found the preponderance of them to be blighted, and

8 WHEREAS, such conditions are beyond remedy and control solely by regulatory process in
9 the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise
10 without the aids provided in the Statute; and

11 WHEREAS, there is a need for the LCRA, a public body corporate and politic created
12 under Missouri law, to undertake the development of the above described Area as a land clearance
13 project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1
14 (4); and

15 WHEREAS, the LCRA has, after considering each individual parcel in the Area and
16 finding the preponderance of them blighted, recommended such a plan to the Planning Commission
17 of the City of St. Louis ("Planning Commission") Board ("Board"), titled "Blighting Study and
18 Plan for 1016-28 Eichelberger Street, 1017-19 Eiler Street and 5421 Tennessee Avenue Area,"
19 dated September 25, 2007 consisting of a Title Page, a Table of Contents Page, fifteen (15)
20 numbered pages and Exhibit F, attached hereto and incorporated herein as Exhibit "B" ("Plan");
21 and

22 WHEREAS, under the provisions of the Statute, and of the federal financial assistance
23 statutes, it is required that this Board take such actions as may be required to approve the Plan; and

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

3
4 WHEREAS, the LCRA and the Planning Commission have made and presented to this
5 Board the studies and statements required to be made and submitted by Section 99.430 and this
6 Board has been fully apprised by the LCRA and the Planning Commission of the facts and is fully
7 aware of the conditions in the Area; and

8 WHEREAS, the Plan has been presented and recommended by LCRA and the Planning
9 Commission to this Board for review and approval; and

10 WHEREAS, a general plan has been prepared and is recognized and used as a guide for the
11 general development of the City and the Planning Commission has advised this Board that the Plan
12 conforms to said general plan; and

13 WHEREAS, this Board has duly considered the reports, recommendations and
14 certifications of the LCRA and the Planning Commission; and

15 WHEREAS, the Plan does prescribe land use and street and traffic patterns which may
16 require, among other things, the vacation of public rights-of-way, the establishment of new street
17 and sidewalk patterns or other public actions; and

18 WHEREAS, this Board is cognizant of the conditions which are imposed on the
19 undertaking and carrying out of a redevelopment project, including those relating to prohibitions
20 against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual
21 orientation or physical handicap; and

22 WHEREAS, in accordance with the requirements of Section 99.430 of the Statute, this
23 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 1016-28 Eichelberger Street, 1017-19 Eiler Street and 5421
11 Tennessee 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 September 25, 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.

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

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

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

7 **SECTION EIGHT.** The Plan for the Area provides that the Land Clearance for
8 Redevelopment Authority of the City of St. Louis ("LCRA") **may acquire any property in the**
9 **Area by the exercise of eminent domain or otherwise.**

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

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

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

- 19 (a) Pledges its cooperation in helping to carry out the Plan;
- 20 (b) Requests the various officials, departments, boards and agencies of the City, which
21 have administrative responsibilities, likewise to cooperate to such end and to execute their
22 respective functions and powers in a manner consistent with the Plan; and

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

3
4 **SECTION TWELVE.** All parties participating as owners or purchasers of property in the
5 Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and
6 assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex,
7 marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any
8 property or improvements erected or to be erected in the Area or any part thereof and those
9 covenants shall run with the land, shall remain in effect without limitation of time, shall be made
10 part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall
11 be enforceable by the LCRA, the City and the United States of America.

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

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

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

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

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

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

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

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

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

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

1 **SECTION FOURTEEN.** The Redeveloper may seek up to ten (10) year real estate tax
2 abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 2000, as amended,
3 upon application as provided therein. Such real estate tax abatement shall not include any Special
4 Business District, Neighborhood Improvement District, Commercial Improvement District, or any
5 other similar local taxing district created in accordance with Missouri law, whether now existing or
6 later created.

7 In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban
8 redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be
9 entitled to real property ad valorem tax abatement which shall not include any Special Business
10 District, Neighborhood Improvement District, Commercial Improvement District, or any other
11 similar local taxing district created in accordance with Missouri law, whether now existing or later
12 created for a total period of up to ten (10) years from the commencement of such tax abatement, in
13 accordance with the following provisions:

14 If property in the Area is sold by the LCRA to an urban redevelopment corporation
15 formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall
16 own property within the Area, then for up to the first ten (10) years after the date the
17 redevelopment corporation shall acquire title to such property, taxes on such property shall
18 be based upon the assessment of land, exclusive of any improvements thereon, during the
19 calendar year preceding the calendar year during which such corporation shall have
20 acquired title to such property. In addition to such taxes, any such corporation shall for up
21 to the same ten (10) year period make a payment in lieu of taxes to the Collector of
22 Revenue of the City of St. Louis in an amount based upon the assessment on the
23 improvements located on the property during the calendar year preceding the calendar year

1 during which such corporation shall have acquired title to such property. If property shall
2 be tax-exempt because it is owned by the LCRA and leased to any such corporation, then
3 such corporation for up to the first ten (10) years of such lease shall make payments in lieu
4 of taxes to the Collector of Revenue of the City in an amount based upon the assessment on
5 the property, including land and improvements, during the calendar year preceding the
6 calendar year during which such corporation shall lease such property.

7 All payments in lieu of taxes shall be a lien upon the property and, when paid to the
8 Collector of Revenue of the City shall be distributed as all other property taxes. These
9 partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year
10 period, shall inure to the benefit of all successors in interest in the property of the
11 redevelopment corporation, so long as such successors shall continue to use such property
12 as provided in this Plan and in any contract with the LCRA. In no event shall such benefits
13 extend beyond ten (10) years after the redevelopment corporation shall have acquired title
14 to the property.

15
16 **SECTION FIFTEEN.** Any proposed modification which will substantially change the
17 Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was
18 first approved. Modifications which will substantially change the Plan include, but are not
19 necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement,
20 to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The
21 Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the
22 LCRA, provided that such revisions shall be effective only upon the consent of the Planning

1 Commission of the City. Changes which are not substantial are those that do not go to the crux of
2 the Plan.

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