

1 BOARD BILL # CS 409 INTRODUCTION BY ALDERWOMAN YOUNG  
2 AN ORDINANCE AFFIRMING ADOPTION OF A DEVELOPMENT PLAN,  
3 DEVELOPMENT AREA, AND DEVELOPMENT PROJECT UNDER THE AUTHORITY OF  
4 THE MISSOURI DOWNTOWN AND RURAL ECONOMIC STIMULUS ACT, SECTIONS  
5 99.915 TO 99.1060 OF THE REVISED STATUTES OF MISSOURI, AS AMENDED (THE  
6 “ACT”); AUTHORIZING AND DIRECTING THE EXECUTION OF A DEVELOPMENT  
7 AGREEMENT BETWEEN THE CITY OF ST. LOUIS AND BALLPARK VILLAGE  
8 HOLDING COMPANY, LLC IN ACCORDANCE WITH THE ACT AND SAID  
9 DEVELOPMENT PLAN; PRESCRIBING THE FORM AND DETAILS OF SAID  
10 AGREEMENT; MAKING CERTAIN FINDINGS AS REQUIRED BY THE ACT WITH  
11 RESPECT TO SAID AGREEMENT; DESIGNATING BALLPARK VILLAGE HOLDING  
12 COMPANY, LLC AS DEVELOPER OF THE DEVELOPMENT AREA IN ACCORDANCE  
13 WITH THE ACT; MAKING CERTAIN FINDINGS WITH RESPECT THERETO;  
14 AUTHORIZING OTHER RELATED ACTIONS BY CITY OFFICIALS IN CONNECTION  
15 WITH THE AGREEMENT AND THE DEVELOPMENT OF CERTAIN PROPERTY WITHIN  
16 THE DEVELOPMENT AREA; AND CONTAINING A SEVERABILITY CLAUSE.

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

20 WHEREAS, the Missouri Downtown and Rural Economic Stimulus Act, Sections 99.915  
21 to 99.1060 of the Revised Statutes of Missouri, as amended (the “Act”), authorizes cities to  
22 undertake development projects in development areas, as defined in the Act; and

1           WHEREAS, the Board of Aldermen of the City created the Downtown Economic  
2 Stimulus Authority of the City of St. Louis (the “Authority”) pursuant to Ordinance No. 67097;  
3 and

4           WHEREAS, the Act authorizes the Authority to hold hearings with respect to proposed  
5 development areas, plans and projects and to make recommendations thereon to the Board of  
6 Aldermen; and

7           WHEREAS, the Authority has reviewed a plan for development titled “MODESA  
8 Development Plan for Ballpark Village” (the “Development Plan”), for the Development Area,  
9 as more fully described in the Development Plan; and

10           WHEREAS, the Development Plan contemplates the remediation of blighting conditions  
11 within the Development Area through construction of retail, entertainment, commercial and  
12 residential development, as well as site work, landscaping, utility relocation, streetscape, parking  
13 and other infrastructure improvements, as more fully described therein (collectively, the  
14 “Development Project”); and

15           WHEREAS, the Authority held a public hearing in conformance with the Act on January  
16 18, 2007, and received comments from all interested persons and taxing districts relative to the  
17 Development Plan, the designation of the Development Area and the adoption and approval of  
18 the Development Project; and

19           WHEREAS, on January 18, 2007, after due deliberation, the Authority adopted a  
20 resolution recommending, among other matters, that the Board of Aldermen designate the  
21 Development Area as a “development area” pursuant to the Act, adopt the Development Plan  
22 and the Development Project, and adopt development financing within the Development Area;  
23 and

1           WHEREAS, pursuant to Ordinance No. \_\_\_\_\_ [Board Bill No. \_\_\_\_\_], the Board of  
2 Aldermen has determined that adoption of the Development Plan and completion of the  
3 Development Project is of economic significance to the City, will serve to benefit the general  
4 welfare, qualifies for the use of tax increment allocation financing to alleviate the conditions that  
5 qualify it as a “development area” as provided in the Act, and further, that development of the  
6 Development Area in accordance with the Development Plan is not financially feasible without  
7 the adoption of development financing and would not otherwise be completed; and

8           WHEREAS, the Development Area qualifies for the use of development financing to  
9 alleviate the conditions that qualify it as a “blighted area” as provided in the Act and as set forth  
10 herein; and

11           WHEREAS, it is necessary and desirable and in the best interest of the City to enter into  
12 the Development Agreement with Ballpark Village Holding Company, LLC (the “Developer”),  
13 in order that Developer may complete the Development Project; and

14           WHEREAS, pursuant to the provisions of the Act, the City is authorized to enter into a  
15 Development agreement with Ballpark Village Holding Company, LLC, as Developer, setting  
16 forth the respective rights and obligations of the City and Developer with regard to the  
17 development of the Development Area (the “Development Agreement”); and

18           WHEREAS, the Board of Aldermen hereby determines that the terms of the  
19 Development Agreement attached as **Exhibit A** hereto and incorporated herein by reference are  
20 acceptable and that the execution, delivery and performance by the City and the Developer of  
21 their respective obligations under the Development Agreement are in the best interests of the  
22 City and the health, safety, morals and welfare of its residents, and in accord with the public  
23 purposes specified in the Act and the Development Plan.

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

2 SECTION ONE. The Board of Aldermen hereby ratifies and confirms its approval of the  
3 Development Plan, Development Area, and Development Project. The Board of Aldermen  
4 further finds and determines that it is necessary and desirable to enter into the Development  
5 Agreement with Ballpark Village Holding Company, LLC, as developer of the Development  
6 Area, in order to implement the Development Project and to enable the Developer to carry out its  
7 proposal for development of the Development Project.

8 SECTION TWO. The Board of Aldermen finds and determines that the assistance of  
9 development financing is necessary and desirable in order to implement the Development Project  
10 and to enable Ballpark Village Holding Company, LLC, as developer of the Development Area,  
11 to carry out its proposal for development of the Development Project.

12 SECTION THREE. The Board of Aldermen hereby approves, and the Mayor and  
13 Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the  
14 Development Agreement by and between the City and the Developer in substantially the same  
15 form attached hereto as Exhibit A, with such changes as are authorized pursuant to Section Five  
16 hereof, and the City Register is hereby authorized and directed to attest to the Development  
17 Agreement and to affix the seal of the City thereto. The Development Agreement shall be in  
18 substantially the form attached, with such changes therein as shall be approved by said Mayor  
19 and Comptroller executing the same and as may be consistent with the intent of this Ordinance  
20 and necessary and appropriate in order to carry out the matters herein authorized.

21 SECTION FOUR. The Mayor and Comptroller of the City or their designated  
22 representatives are hereby authorized and directed to take any and all actions to execute and  
23 deliver for and on behalf of the City any and all additional certificates, documents, agreements or

1 other instruments as may be necessary and appropriate in order to carry out the matters herein  
2 authorized, with no such further action of the Board of Aldermen necessary to authorize such  
3 action by the Mayor and the Comptroller or their designated representatives.

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

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

**EXHIBIT A**

**FORM OF DEVELOPMENT AGREEMENT BY AND BETWEEN THE  
CITY OF ST. LOUIS AND THE DEVELOPER**

**(Attached hereto.)**