

ORDINANCE #71281
Board Bill No. 157

An ordinance recommended by the Board of Public Service to conditionally vacate above surface, surface and sub-surface rights for vehicle, equestrian and pedestrian travel in an irregular portion of Pine Street from the western right of way line of 20th Street to the western right of way line of 21st Street in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS:

SECTION ONE. The above surface, surface and sub-surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being part of the right of way of Pine Street as shown in the James H. Lucas and Ann L. Hunt's Addition recorded in Book 5, Page 39 of the City of St. Louis Records, situated in the City of St. Louis, Missouri, and being more particularly described as follows:

Beginning at the intersection of the West right of way line of 20th Street, 60 feet wide, with the South right of way line of Pine Street, 60 feet wide, said intersection being the Northeast corner of City Block 905; thence along the said South right of way of Pine Street, and the North line of City Block 905, North 75 degrees 17 minutes 32 seconds West, a distance of 397.97 feet to a point at the intersection of the South right of way line of Pine Street, with the West right of way line of former 21st Street, 60 feet wide, (vacated by Ordinance #59863) said intersection being the Northeast corner of City Block 912; thence leaving said South right of way, North 14 degrees 48 minutes 26 seconds East, a distance of 60.16 feet along the East line of a parcel owned now or formerly by the Missouri State Highway Commission, said East line is also the East line of Ordinance #54281 vacating that part of Pine Street crossing said Highway Commission property, to a point at the intersection of the North right of way line of Pine Street, with the West right of way line of former 21st Street, (vacated by Ordinance #54281) said intersection being the Southeast corner of City Block 911; thence along said North right of way, South 75 degrees 16 minutes 55 seconds East, a distance of 257.93 feet to a point; thence leaving said North right of way along the South line of a parcel owned now or formerly by the Missouri State Highway Commission said South line is also the North line of Ordinance #54281 vacating that part of Pine Street crossing said Highway Commission property, South 14 degrees 43 minutes 52 seconds West, a distance of 24.00 feet to a point; thence South 75 degrees 16 minutes 55 seconds East, a distance of 140.00 feet to a point on the West right of way of 20th Street; thence along said West right of way, South 14 degrees 48 minutes 27 seconds West, a distance of 36.09 feet to the Point of Beginning. Said tract contains 20,568 SF, 0.472 acres more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO. TKFC LC will use the proposed vacated unimproved land to consolidate property for construction of soccer stadium.

SECTION THREE. All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR. The owners of the land may, at their election and expense remove the surface pavement of said so vacated street provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE. The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX. The owner(s) shall not place any improvement upon, over or in the area(s) vacated without:

1. Lawful permit from the Building Division or Authorized City agency as governed by the Board of Public Service.
2. Obtaining written consent of the utilities, governmental service entities and franchise holders, present or future. The written consent with the terms and conditions thereof shall be filed in writing with the Board of Public Service by each of the above agencies as needed and approved by such Board prior to construction.

SECTION SEVEN. The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT. In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must have curbing cobblestones returned to the Department of Streets in good condition.

SECTION NINE. This ordinance shall be ineffective unless within three hundred sixty (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed three (3) days prior to the affidavit submittal date as specified in the last section of this ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be deposited by these agencies with the Comptroller of the City of St. Louis.

1. CITY WATER DIVISION so as to cover the full expenses of removal and/or relocation of Water facilities, if any.
2. CITY TRAFFIC AND TRANSPORTATION DIVISION so as to cover the full expenses of removal, relocation and/or purchase of all lighting facilities, if any. All street signs must be returned.
3. CITY STREET DEPARTMENT so as to cover the full expenses required for the adjustments of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as specified in Sections Two and Eight of the Ordinance.

SECTION TEN. An affidavit stating that all of the conditions be submitted to the Director of Streets for review of compliance with conditions 2 years (730 days) from the date of the signing and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

ORDINANCE #71281

Board Bill No. 157

Petition and Maps

(Is On File in the Register's Office.)

Approved: February 11, 2021

ORDINANCE #71282

Board Bill No. 158

An ordinance pertaining to Special Use Districts; establishing The Bevo Mill Area Special Use District (hereinafter the "Bevo SUD"); providing definitions and findings pertaining to said Bevo SUD; further providing use and conditional use regulations for said Bevo SUD; and containing an emergency clause and severability clause.

WHEREAS, the Revised Code of the City of St. Louis ("Code") Chapter 26.73 (Ordinance 66941) provides for the establishment of Special Use Districts (hereinafter "SUD"); and

WHEREAS, one of the purposes for creation of an SUD as an overlay zoning district for a specific Zoning Districts area is to assist in the implementation of the Strategic Land Use Plan, Commercial District Redevelopment Plan(s) and/or an adopted Neighborhood Plan for a specific geographic area of at least two (2) contiguous acres per a metes and bounds legal description; and

WHEREAS, the purpose for creation of an SUD as an overlay zoning district for a specific Zoning Districts area should also respond to well-defined health, safety, moral and/or general welfare problems, and shall state the problems addressed by any use being prohibited or limited within the SUD area; and

WHEREAS, this specific SUD is being adopted as an overlay district to reflect the character within the commercial zoning of the Bevo SUD ("F" Neighborhood Commercial District, "G" Local Commercial and Office District), and to encourage the redevelopment of industrial zoning districts in the Area ("J" Industrial District and "K" Unrestricted District) in a way that could support the commercial uses which contains existing and potential land uses with health, safety and/or general welfare problems.

WHEREAS, a specific SUD may deal with a range of criteria including specific criteria that addresses unique aspects of the identified problem land uses and the identified geographic area, maximum height of buildings, outdoor lighting, and signage.

WHEREAS, this specific SUD is intended to assist in the implementation of a planning process, the Bevo Great Streets Plan, which brought consensus from area neighborhood residents and business owners as to the type and character of development and uses they would like to see in this geography moving forward.

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

SECTION ONE. Findings. The Board of Aldermen hereby finds as follows:

- A)** The Special Use District (hereinafter "SUD") established in this Ordinance will assist in the implementation of the Strategic Land Use Plan, Commercial District Redevelopment Plan(s) and/or an adopted Neighborhood Plan for a specific geographic area of at least two (2) contiguous acres per metes and bounds legal description as provided in Section Four, and depicted in **EXHIBIT A**, of this Ordinance (the "Boundaries").
- B)** The SUD established in this Ordinance as an overlay zoning district for the specific Zoning District currently included within Boundaries of the SUD responds to well-defined health, safety, moral and/or general welfare problems, which problems include, but are not limited to, the following:
- i.** Difficulty in attracting new businesses and desired recreational uses to the Bevo SUD due to uncertainty about the establishment of conforming, but potentially undesirable and incompatible uses within; and
 - ii.** The Bevo SUD is within close proximity to schools and primarily single-family residential neighborhoods where certain uses would be outside of the family-oriented uses the area wishes to foster; and
 - iii.** Some uses tend to be predatory and could have a negative impact on the families in the area who could fall victim to this type of establishment, which could be a general welfare problem for an established family-oriented neighborhood; and
 - iv.** Where some uses which are currently already prohibited in a majority of the Bevo SUD, there are areas which are currently industrially zoned and which are envisioned as opportunities for new development that would be more well-suited adjacent to residential and commercial mixed-use areas given the proximity to neighborhood residences, and where certain type of industrial and auto uses would not fit the desires of fostering a pedestrian-friendly atmosphere; and
 - v.** Certain uses may provide a necessary and desirable service to neighborhood residents, the uses have the potential to be a detriment to public health, safety, morals, or general welfare and allowing these uses as conditional would allow the residents an opportunity to determine a limit in the number of these uses, as well as the scale, hours of operation, or other aspects, on a case-by-case scenario; and
 - vi.** Certain uses often feature deactivated storefront windows with steel bars and coverings to prevent the theft of valuable merchandise and are not conducive to fostering the pedestrian-friendly, work/play destination the Bevo SUD wishes to create, and provide an opportunity for the sale of stolen goods, which would jeopardize the family-oriented environment the Bevo SUD wishes to build upon; and
 - vii.** Certain uses cater to customers on a regional or auto-oriented level, as opposed to a local pedestrian level, and additionally have excessive curb cut access which goes against the desires of the neighborhood to foster a safe and walkable area; and
 - viii.** Uses that cover windows entirely with signage or other opaque materials are deactivating their storefront and can be detrimental to the inviting and welcoming pedestrian atmosphere the neighborhood wishes to foster and can ultimately be a factor to increasing levels of crime due to a sense on the street that no persons are around.

The SUD established in this Ordinance, as an overlay zoning district within the Boundaries of the Bevo SUD, will assist in the implementation of compatible and appropriate types of development and preservation per the Gravois/Morganford Redevelopment Plan (Ordinance 65177 amended by Ordinance 71040), the Strategic Land Use Plan of the St. Louis Comprehensive Plan, and the Bevo Great Streets Plan commissioned by the East-West Gateway Council of Governments and completed in 2019. It is in the best interest of the residents of the City to establish this SUD Ordinance.

SECTION TWO. SUD Established and Named. There is hereby established The Bevo Mill Special Use District (hereinafter the "District").

SECTION THREE. SUD Boundaries. The Boundaries of The Bevo SUD is depicted in **EXHIBIT A** and is more particularly described as follows:

BEGINNING at the northeastern corner of Itaska Street and the alley of City Block 5542, also known as the westernmost corner of parcel 554200280 bearing N 15 degrees 26'25"E 477.5 feet to a point on the northwest corner of parcel 550500220; thence S 74 degrees 30'25"E 124.81 feet along the northern parcel boundary of parcel 550500220 to a point on the northeast corner of said parcel; thence S 15 degrees 28'43"W 90 feet along the eastern boundary of parcel 550500240 to a point on the southeast corner of said parcel; thence south 81 degrees 21'15"E 60.43 feet to a point on the northwest corner of parcel 587300200; thence following the northernmost parcel boundary of said parcel and its prolongation south 55 degrees 36'3"E 396.474 feet to the northernmost corner of parcel 587300110; thence south 4 degrees 48'39"E 12.64 feet along the northeastern boundary of said parcel; thence south 64 degrees 17'31"E 15.99 feet across the north-south alley right of way line in city block 5873 to a point on the westernmost boundary of parcel 587300100; thence north 45 degrees 49'0"E a distance of 534.457 feet following said parcel boundary and its prolongation to parcel 546500250 in City Block 5465; thence north 55 degrees 36'3"W 52.201 feet to the westernmost point of said parcel; thence north 36 degrees 35'6"E for 119.54 feet along said westernmost parcel boundary to a point; thence north 80 degrees 29'35"E 7.21 feet along the northernmost boundary of said parcel; thence south 55 degrees 36'3"E for a distance of 68.09 feet following said parcel boundary; thence north 46 degrees 2'20"E for 10.21 feet following said parcel boundary; thence south 55 degrees 35'59"E 10.68 feet following said parcel boundary to a point on the westernmost corner of parcel 546500240; thence north 34 degrees 23'57"E 160 feet to a point on the northernmost corner of parcel 546500220; thence crossing the Taft Ave right of way north 70 degrees 47'22"E a distance of 62.11 feet to the westernmost corner of parcel 532800380 in City Block 5328; thence following the westernmost parcel boundary of said parcel and its prolongation 142.12 feet to a point on parcel 532800350; thence north 79 degrees 27'15"E a distance of 7.07 feet to the northernmost corner on said parcel; thence south 55 degrees 29'40"E 20.16 feet along the boundary of said parcel; thence north 44 degrees 52'50"E a distance of 190.74 feet following the boundary of said parcel and its prolongation across the Beethoven Ave right of way to the southern boundary of parcel 532700365 in City Block 5327; thence north 55 degrees 22'45"W a distance of 14.26 feet to a point at the westernmost corner of said parcel also being the southernmost point of parcel 532700380; thence north 34 degrees 37'10"E a distance of 120 feet along the eastern boundary of said parcel to a point on the easternmost corner of said parcel; thence south 75 degrees 29'40"E 40.39 feet along the northernmost boundary of parcel 532700340 to a point on the westernmost corner of parcel 532700330; thence north 43 degrees 4'23"E 122.44 feet along the western boundary of said parcel and following its prolongation to a point at the northernmost corner of parcel 532700310; thence across the Osceola Street right of way north 16 degrees 43'33"E a distance of 52.54 feet to the westernmost corner of parcel 398700180; thence north 43 degrees 0'21"E a distance of 156.06 feet to the westernmost corner of parcel 398700150; thence north 39 degrees 23'28"E a distance of 161.66 feet along the western boundary of said parcel and its prolongation to a point at the northernmost corner of parcel 398700120; thence 37 degrees 49'19"E a distance of 60.12 feet across the Bingham Ave right of way to the southern boundary of parcel 562500140 in City Block 5625; thence north 55 degrees 49'22"W a distance of 720.60 feet following said parcel boundary and its prolongation to the southernmost corner of parcel 562600110 in City Block 5626; thence north 34 degrees 10'38"E a distance of 117.58 feet along the eastern boundary of said parcel and its prolongation to a point at the easternmost corner of the Balsch Ln right of way; thence north 55 degrees 43'31"W a distance of 50 feet to the westernmost corner of parcel 562500140 in City Block 5626; thence north 34 degrees 10'38"E 129.10 feet along the westernmost boundary of said parcel; thence south 55 degrees 59'1"E 38.90 feet to a point being the southernmost corner of parcel 562600080; thence north 34 degrees 0'59"E a distance of 257.52 feet along the eastern boundary of said parcel to the easternmost corner of said parcel; thence south 56 degrees 14'15"E a distance of 960.30 feet along the northern boundary of parcel 562600090 and its prolongation along the southern right of way line of Meramec St to the easternmost corner of parcel 562500080 in City Block 5625 and also being the northwest corner of the intersection of Gravois Ave and Meramec St right of way; thence south 50 degrees 40'38"E a distance of 109.82 feet across the Gravois Ave right of way to a point at the northernmost corner of parcel 632800225 in City Block 6328; thence south 56 degrees 9'51"E a distance of 196.81 feet along the northernmost boundary of said parcel to a point being the northernmost point of parcel 632800100; thence south 33 degrees 57'45"W a distance of 40.21 feet along the western boundary to a point at the westernmost corner of said parcel; thence south 56 degrees 9'51"E following the southern boundary of said parcel and its prolongation for a distance of 210 feet to a point at the southernmost corner of parcel 632800140; thence south 33 degrees 57'45"W 40.21 feet following the easternmost boundary of parcel 632800225; thence south 63 degrees 19'18"E 50.41 feet across the Newport Ave right of way to a point being the northernmost corner of parcel 637100380 in City Block 6371; thence 56 degrees 7'44"E a distance of 285.88 feet following the northern boundary of said parcel to the easternmost corner of said parcel; thence south 34 degrees 29'15"W following the eastern boundary of said parcel and its prolongation for 288.90 feet across the Bingham Ave right of way to the northern boundary of parcel 903900035 in City Block 9039; thence south 51 degrees 3'56"E 16.31 feet to the easternmost corner of said parcel; thence south 33 degrees 37'52"W a distance of 532.521 feet following the

eastern boundary of said parcel and its prolongation to the southernmost corner of parcel 903900025; thence south 55 degrees 44'38"E a distance of 301.60 feet to a point at the northernmost corner of parcel 903700030 in City Block 9037; thence south 33 degrees along the western boundary of said parcel a distance of 60.74 feet; thence continuing along said boundary south 28 degrees 19'44"W 33.12 feet; thence continuing along said boundary south 21 degrees 38'51"W 24.09 feet; thence continuing along said boundary south 16 degrees 1'13"W 24.09 feet; thence continuing along said boundary south 10 degrees 23'37"W 24.09 feet; thence continuing along said boundary south 4 degrees 46'1"W 24.09 feet; thence continuing along said boundary south 0 degrees 51'36"E 24.09 feet; thence continuing along said boundary south 6 degrees 29'11"E 24.09 feet; thence continuing along said boundary south 12 degrees 6'50"E 24.09 feet; thence continuing along said boundary south 17 degrees 44'27"E 24.09 feet; thence continuing along said boundary south 25 degrees 42'19"E 44.06 feet to a point being the southernmost corner of parcel 903700020; thence north 55 degrees 41'48"W a distance of 573.80 feet following the southern boundary of said parcel and its prolongation across the Union Pacific Rail to the eastern boundary of parcel 903800010 in City Block 9038; thence south 27 degrees 26'32"E a distance of 359.82 feet following the eastern boundary of said parcel and its prolongation to a point being the southernmost corner of parcel 548700010 in City Block 5487; thence north 55 degrees 39'53"W 96.80 feet along the southernmost boundary of said parcel to a point; thence north 34 degrees 20'9"E a distance of 25 feet to a point; thence north 55 degrees 39'53"W 192.41 feet along the boundary of said parcel to a point being the westernmost corner of said parcel; thence north 34 degrees 10'59"E 94.46 feet along the boundary of said parcel; thence north 16 degrees 20'2"W 32.66 feet to a point being the northernmost corner of said parcel; thence north 55 degrees 41'44"W 4.28 feet along the southernmost boundary of parcel 903800010; thence north 8 degrees 44'27"W 20.53 feet along the boundary of said parcel; thence north 55 degrees 41'47"W 675.25 feet along the boundary of said parcel to a point being the easternmost corner of parcel 548600090 in City Block 5486; thence south 34 degrees 18'13"W 15 feet along the easternmost boundary of said parcel; thence north 55 degrees 42'4"W 2.27 feet to a point; thence south 34 degrees 18'12"W a distance of 114.77 feet to a point being the southernmost corner of said parcel; thence north 55 degrees 39'53"W 140.62 feet; thence south 30 degrees 33'38"W 50.11 feet across the Taft Ave right of way to a point being the easternmost corner of parcel 527000100 in City Block 5270; thence south 34 degrees 24'26"W 105 feet along the eastern boundary of said parcel and its prolongation to a point being the easternmost corner of parcel 527000080; thence south 74 degrees 10'59"W 39.08 feet along the eastern boundary of said parcel to a point being the easternmost corner of parcel 527000070; thence south 34 degrees 24'25"W for a distance of 409.09 feet following the eastern boundary of said parcel and its prolongation to a point being the southernmost corner of parcel 527000225; thence north 55 degrees 35'27"W following the southern boundary of said parcel a distance of 87.37 feet; thence south 32 degrees 23'10"W across Neosho St right of way a distance of 60.04 feet to a point being the easternmost corner of parcel 531313210 in City Block 5313; thence south 34 degrees 16'47"W following the eastern boundary of said parcel and its prolongation a distance of 224 feet to a point being the southernmost corner of parcel 531313205; thence south 66 degrees 19'17"W across Newport Ct 47.12 feet to a point being the easternmost corner of parcel 531313080; thence south 33 degrees 50'14"W following the eastern boundary of said parcel and its prolongation a distance of 152.75 feet to a point being the westernmost corner of parcel 531313125; thence south 55 degrees 54'18"E 106 feet along the southern boundary of said parcel to a point being the southernmost corner of said parcel; thence south 34 degrees 16'47"W 85.42 feet following the easternmost boundary of parcel 531313040 and its prolongation to a point being the southernmost corner of parcel 531313030; thence north 55 degrees 54'18"W following the southern boundary of said parcel a distance of 149.97 feet to a point being the northernmost corner of parcel 531313500; thence south 34 degrees 16'47"W following the western boundary of said parcel 122.82 feet to a point being the westernmost corner of said parcel; thence north 55 degrees 54'19"W following the southernmost boundary of parcel 531313027 and its prolongation a distance of 46.75 feet; thence south 41 degrees 35'10"W 59.98 feet across Itaska St right of way to the northern boundary of parcel 564600080 in City Block 5646; thence south 55 degrees 49'17"E 4.92 feet to a point being the easternmost corner of said parcel; thence south 34 degrees 24' 44"W 132.00 feet to a point on the northern boundary of parcel 564600050; thence south 55 degrees 49'19"E 65.23 feet to the easternmost corner of said parcel; thence following the eastern boundary of said parcel south 33 degrees 47'21"W 78.61 feet to the southernmost corner of said parcel; thence 55 degrees 49'20"W 15.00 feet to the easternmost corner of parcel 564600040; thence 33 degrees 47'19"W 280.712 feet following the eastern boundary of said parcel and its prolongation to the southernmost corner of parcel 564600110, also being the northern corner of the intersection of the McCullagh Pl and Delor St right of way ; thence S 31 degrees 42'58"W 60.05 feet across the Delor St right of way to a point on the northern boundary of parcel 565300035 in City Block 5653; thence S 55 degrees 57'20"E following said northern boundary 40.29 feet to the easternmost corner of said parcel; thence S 34 degrees 11'54"W 230.37 feet following the eastern boundary to the southernmost corner of said parcel; thence north 56 degrees 13'17"W 291.37 feet following the southern boundary of said parcel and its prolongation to the westernmost corner of parcel 565300220; thence south 59 degrees 43'43"W 112.76 feet across the Morgan Ford Rd right of way to the easternmost corner of parcel 529905050 in City Block 5299.05; thence 14 degrees 39'41"W 101.91 feet following the easternmost boundary of said parcel; thence north 74 degrees 5'46"W a distance of 7.19 feet continuing along said parcel boundary; thence south 21 degrees 20'52"W 69.14 feet following said parcel boundary to the southernmost point of said parcel and also being the easternmost point of parcel 529905010; thence south 23 degrees 30'45"W 191.12 feet following said eastern parcel boundary; thence south 15 degrees 12'46"W 60.68 feet continuing along said parcel boundary to the southernmost point of eastern boundary of said parcel; thence north 74 degrees 27'8"W 82.02 feet along the southern boundary of said parcel and also being the northern boundary of parcel 529906090 to a point at the convergence of said parcel with the southern boundary of parcel 529905010 and the north-south alley of City Block 5299.06; thence north 30 degrees 17'56"E 11.28 feet following the 529905010 parcel boundary and the aforementioned alley right of way; thence north 60 degrees 1'52"W 15.42 feet following the southern boundary of said parcel also being the northern boundary of the aforementioned alley right of way; thence south 30 degrees 17'55"W 11.91 feet to a point being the easternmost corner of parcel 529906060; thence south 44 degrees 27'2"W 327.16 feet following the eastern boundary of said parcel and its prolongation across the Eichelberger St right of way to a point being the easternmost corner of parcel

530000010 in City Block 5300; thence south 44 degrees 41'48"W 422.22 feet along the eastern boundary of said parcel and its prolongation across the Frieda Ave right of way and continuing along the eastern boundary of parcel 530100300 in City Block 5301 to a point on the eastern boundary of said parcel; thence 47 degrees 9'22"W 61.40 feet continuing along said parcel boundary also being the north south alley right of way in City Block 5301 to a point on said parcel boundary; thence continuing along said parcel boundary 50 degrees 33'32"W 24.73 feet to the southernmost corner of said parcel also being the northernmost corner of the aforementioned alley right of way and its intersection with the Gertrude Ave right of way; thence north 56 degrees 22'30"W 3.77 feet along the southern boundary of said parcel; thence south 50 degrees 20'26"W a distance of 63.01 feet across the Gertrude Ave right of way to a point on the eastern boundary of parcel 530200430 in City Block 5302; thence south 55 degrees 46'58"W 102.31 feet along the eastern boundary of said parcel to the southernmost corner of said parcel and also being the easternmost point of parcel 530200420; thence south 58 degrees 19'17"W 66.22 feet along the eastern boundary of said parcel and its prolongation and also being the right of way of the east west alley in City Block 5302 to a point being the easternmost point of parcel 530200400; thence south 60 degrees 17'48"W 66.86 feet following the eastern boundary of said parcel and its prolongation to the southernmost point of parcel 530200390 also being the northernmost corner of the alley right of way in City Block 5302 and its intersection with the Bates St right of way; thence north 56 degrees 19'43"W 4.50 feet to a point on the southern boundary of said parcel; thence south 54 degrees 19'7"W 64.14 feet across the Bates St right of way to the easternmost point of parcel 587700230 in City Block 5877; thence south 17 degrees 1'13"W 121.93 feet following the eastern boundary of said parcel and its prolongation to the southernmost point of parcel 587700220; thence north 72 degrees 58'49"W 147.59 feet along the southern boundary of said parcel to a point being the westernmost point of the southern boundary of said parcel; thence south 80 degrees 25'44"W 60.19 feet across the Wanda Ave right of way to a point being the easternmost corner of parcel 587500050 in City Block 5875; thence south 73 degrees 17'31"W 526.14 feet following the southern boundary of said parcel and its prolongation and also being the northern right of way of the east west alley in City Block 5875 and its prolongation across the Dresden Ave right of way to a point being the easternmost corner of parcel 606322085 in City Block 6063.22; thence south 57 degrees 40'53"W 61.03 feet along the southern boundary of said parcel; thence south 54 degrees 32'1"W 87.60 feet continuing along the southern boundary of said parcel and its prolongation to a point on the southern boundary of parcel 606322060; thence 51 degrees 24'2"W 62.21 feet continuing along said parcel boundary; thence south 48 degrees 46'31"W 62.72 feet continuing along said parcel boundary to a point on the southern boundary of parcel 606322050; thence south 46 degrees 6'45"W 62.85 feet along said parcel boundary to a point on the southern boundary of said parcel; thence south 43 degrees 27'2"W 63.52 feet along said parcel boundary and its prolongation to a point on the southern boundary of parcel 606322040; thence south 40 degrees 0'47"W 134.47 feet continuing along said southern boundary line to a point being the southernmost corner of said parcel; thence north 45 degrees 49'30"W 132.49 feet along the western boundary to the westernmost corner of said parcel; thence north 34 degrees 6'35"E 103.97 feet along the northern boundary of said parcel also being the Christy Blvd right of way to a point on said northern boundary line; thence north 38 degrees 2'31"E 34.73 feet along said parcel boundary to a point; thence north 41 degrees 31'35"E 69.57 feet along said parcel boundary and its prolongation to a point on the northern boundary of parcel 606322050 also being a point on the southern edge of the Christy Blvd right of way; thence north 46 degrees 11'38"E 69.54 feet to a point on said parcel boundary; thence north 19 degrees 23'45"W 103.05 feet across the Christy Blvd and Gravois Ave rights of way to a point being the southernmost corner of parcel 533218545 in City Block 5332.18 also being the northeasternmost corner of the Christy Ave right of way and its intersection with the Gravois Ave right of way; thence north 0 degrees 8'23"E 179.95 feet along the western boundary of said parcel also being the Christy Ave eastern right of way line to a point being the northwestern corner of said parcel; thence south 89 degrees 51'38"E 127.5 feet along the northern boundary of said parcel and its prolongation, also being the east west alley right of way line in City Block 5332.18, to a point on the western boundary of parcel 533218510; thence north 0 degrees 8'24"E 54.96 feet along the western boundary of said parcel to a point; thence north 45 degrees 8'21"E 7.07 feet along the said parcel boundary; thence south 89 degrees 51'38"E 107.5 feet along the northern boundary of said parcel and its prolongation to a point being the northeastern corner of parcel 533218480; thence south 88 degrees 8'43"E 50.02 feet across the Dresden Ave right of way to a point on the western boundary of parcel 533100460 in City Block 5331; thence north 0 degrees 8'23"E 61.50 feet to a point being the northwestern corner of said parcel and also being the southernmost corner of the east west alley in City Block 5331 and its intersection with the Dresden Ave right of way; thence south 89 degrees 51'37"E 127.5 feet along the northern boundary of said parcel and its prolongation to a point on the western boundary of parcel 533100420; thence north 0 degrees 8'23"E 25.29 feet to a point on said parcel boundary; thence north 45 degrees 8'48"E 7.07 feet to a point on said parcel boundary; thence north 89 degrees 59'57"E 156.40 feet along the northern boundary of said parcel and its prolongation across the Cologne Ave right of way to a point on the western boundary of parcel 568000430 in City Block 5680; thence north 0 degrees 9'18"E 54.62 feet to the northwestern corner of said parcel also being the southernmost corner of the east west alley of City Block 5680 and its intersection with Cologne Ave; thence south 89 degrees 50'42"E 140.00 feet along the northern boundary of said parcel and its prolongation to a point being the northeastern corner of parcel 568000410; thence north 0 degrees 9'17"E 25.05 feet to a point on the western boundary of parcel 568000400; thence north 45 degrees 9'22"E 7.07 feet to a point on said parcel boundary; thence south 89 degrees 50'42"E 138.26 feet along the northern boundary of said parcel and its prolongation to a point being the easternmost point of the northern boundary of parcel 568000381 also being the southern corner of the east west alley in City Block 5680 and its intersection with the Bates St right of way; thence north 62 degrees 43'27"E 50.02 feet across the Bates St right of way to a point on the western boundary of parcel 568100270 in City Block 5681; thence north 28 degrees 42'21"W 18.95 feet to the easternmost corner of said parcel also being the southernmost corner of the east west alley in City Block 5681 and its intersection with Bates St; thence north 61 degrees 7'0"E 290.85 feet along the northern boundary of said parcel and its prolongation to the northernmost corner of parcel 568100220; thence north 52 degrees 11'34"E 63.15 feet across the Gertrude Ave right of way to a point on the northwest boundary of parcel 568200160 in City Block 5682 also being the southern corner of the east west alley of City Block 5682 and its intersection with the Gertrude Ave right of way; thence north

45 degrees 11'28"E 80.64 feet along the northern boundary of said parcel and its prolongation to a point being the westernmost point of parcel 568200145; thence north 16 degrees 39'31"E 67.40 feet along the northern boundary of said parcel and its prolongation to the northernmost point of parcel 568200140; thence south 55 degrees 6'15"E 22.37 feet along the eastern edge of said parcel to a point being the westernmost corner of parcel 568200125; thence north 46 degrees 18'11"E 148.21 feet along the northern boundary of said parcel to a point being the northernmost point of said parcel; thence south 55 degrees 4'16"E 9.67 feet along the eastern boundary of said parcel to a point being the westernmost corner of parcel 568200100; thence north 33 degrees 45'28"E 50.62 feet along the northern boundary of said parcel to a point being the northern corner of said parcel; thence south 54 degrees 46'23"E 49.37 feet along the eastern boundary of said parcel also being a point on the southern boundary of the Eichelberger St right of way; thence north 34 degrees 7'37"E 60.01 feet across the Eichelberger St right of way to a point being the westernmost corner of parcel 558100160 in City Block 5581; thence north 44 degrees 49'33"E 63.70 feet along the northern boundary of said parcel to a point being the northern corner of said parcel; thence north 45 degrees 7'58"W 44.37 feet to the westernmost corner of parcel 558100150; thence north 44 degrees 43'40"E 648.16 feet along the northern boundary of said parcel and its prolongation to a point being the northernmost corner of parcel 558200150 in City Block 5582 also being the southernmost corner of the east west alley right of way in City Block 5582 and its intersection with the Wilcox Ave right of way; thence north 27 degrees 50'43"E 51.21 feet across the Wilcox Ave right of way to a point on the southern boundary of parcel 558300255 in City Block 5583; thence north 74 degrees 38'13"W 28.64 feet along the southern boundary to a point being the westernmost corner of said parcel; thence north 15 degrees 19'17"E 125.66 feet along the westernmost boundary of said parcel to a point being the northernmost point of said parcel; thence south 74 degrees 30'24"E 116.59 feet along the northern boundary of said parcel; thence north 44 degrees 45'36"E 67.42 feet along the parcel boundary line and its prolongation to a point on the western boundary of parcel 558300210; thence north 15 degrees 31'31"E 761.19 feet along the western boundary of said parcel and its prolongation across the Delor St right of way and following the prolongation along the eastern boundary of the north south alley in City Block 5540 across the Wallace Ave right of way and following the prolongation along the eastern boundary of the north south alley in City Block 5541 across the Itaska St right of way to the POINT OF BEGINNING being the northeastern corner of the Itaska Street right of way and its intersection with the north south alley of City Block 5542, also known as the westernmost corner of parcel 554200280.

Additionally, the Boundaries of The Bowtie Subarea of the Bevo SUD is depicted in **EXHIBIT B** and is more particularly described as follows:

BEGINNING at the northeastern corner of Itaska Street and the alley of City Block 5542, also known as the westernmost corner of parcel 554200280 bearing N 15 degrees 26'25"E 477.5 feet to a point on the northwest corner of parcel 550500220; thence S 74 degrees 30'25"E 124.81 feet along the northern parcel boundary of parcel 550500220 to a point on the northeast corner of said parcel; thence S 15 degrees 28'43"W 90 feet along the eastern boundary of parcel 550500240 to a point on the southeast corner of said parcel; thence south 81 degrees 21'15"E 60.43 feet to a point on the northwest corner of parcel 587300200; thence following the northernmost parcel boundary of said parcel and its prolongation south 55 degrees 36'3"E 396.474 feet to the northernmost corner of parcel 587300110; thence south 4 degrees 48'39"E 12.64 feet along the northeastern boundary of said parcel; thence south 45 degrees 58'43"W 130.79 feet along the eastern boundary to the southernmost point of said parcel; thence south 45 degrees 18'37"W 50.93 feet across the Gannet St right of way to a point on the northern boundary of parcel 587200020 in City Block 5872; thence south 55 degrees 38'7"E 135.9 feet along the northern boundary to the easternmost point of said parcel; thence south 82 degrees 39'8"E 100.63 feet across the Gravois Ave right of way to the northernmost point of parcel 531313050 in City Block 5313; thence south 56 degrees 14'28"E across the northern boundary to the easternmost point of said parcel; thence south 33 degrees 50'14"W following the eastern boundary of said parcel and its prolongation a distance of 152.75 feet to a point being the westernmost corner of parcel 531313125; thence south 55 degrees 54'18"E 106 feet along the southern boundary of said parcel to a point being the southernmost corner of said parcel; thence south 34 degrees 16'47"W 85.42 feet following the easternmost boundary of parcel 531313040 and its prolongation to a point being the southernmost corner of parcel 531313030; thence north 55 degrees 54'18"W following the southern boundary of said parcel a distance of 149.97 feet to a point being the northernmost corner of parcel 531313500; thence south 34 degrees 16'47"W following the western boundary of said parcel 122.82 feet to a point being the westernmost corner of said parcel; thence north 55 degrees 54'19"W following the southernmost boundary of parcel 531313027 and its prolongation a distance of 46.75 feet; thence south 41 degrees 35'10"W 59.98 feet across Itaska St right of way to the northern boundary of parcel 564600080 in City Block 5646; thence south 55 degrees 49'17"E 4.92 feet to a point being the easternmost corner of said parcel; thence south 34 degrees 24' 44"W 132.00 feet to a point on the northern boundary of parcel 564600050; thence south 55 degrees 49'19"E 65.23 feet to the easternmost corner of said parcel; thence following the eastern boundary of said parcel south 33 degrees 47'21"W 78.61 feet to the southernmost corner of said parcel; thence 55 degrees 49'20"W 15.00 feet to the easternmost corner of parcel 564600040; thence 33 degrees 47'19"W 280.712 feet following the eastern boundary of said parcel and its prolongation to the southernmost corner of parcel 564600110, also being the northern corner of the intersection of the McCullagh Pl and Delor St right of way ; thence S 31 degrees 42'58"W 60.05 feet across the Delor St right of way to a point on the northern boundary of parcel 565300035 in City Block 5653; thence S 55 degrees 57'20"E following said northern boundary 40.29 feet to the easternmost corner of said parcel; thence S 34 degrees 11'54"W 230.37 feet following the eastern boundary to the southernmost corner of said parcel; thence north 56 degrees 13'17"W 291.37 feet following the southern boundary of said parcel and its prolongation to the westernmost corner of parcel 565300220; thence south 59 degrees 43'43"W 112.76 feet across the Morgan Ford Rd right of way to the easternmost corner of parcel 529905050 in City Block 5299.05; thence 14 degrees 39'41"W 101.91 feet

following the easternmost boundary of said parcel; thence north 74 degrees 5'46"W a distance of 7.19 feet continuing along said parcel boundary; thence south 21 degrees 20'52"W 69.14 feet following said parcel boundary to the southernmost point of said parcel and also being the easternmost point of parcel 529905010; thence south 23 degrees 30'45"W 191.12 feet following said eastern parcel boundary; thence south 15 degrees 12'46"W 60.68 feet continuing along said parcel boundary to the southernmost point of eastern boundary of said parcel; thence north 74 degrees 27'8"W 82.02 feet along the southern boundary of said parcel and also being the northern boundary of parcel 529906090 to a point at the convergence of said parcel with the southern boundary of parcel 529905010 and the north-south alley of City Block 5299.06; thence north 30 degrees 17'56"E 11.28 feet following the 529905010 parcel boundary and the aforementioned alley right of way; thence north 60 degrees 1'52"W 15.42 feet following the southern boundary of said parcel also being the northern boundary of the aforementioned alley right of way; thence south 30 degrees 17'55"W 11.91 feet to a point being the easternmost corner of parcel 529906060; thence south 44 degrees 27'2"W 276.23 feet following the eastern boundary of said parcel and its prolongation to a point being the southernmost corner of parcel 529906010; thence north 56 degrees 22'39"W 122.22 feet along the southern boundary to the westernmost corner of said parcel; thence north 87 degrees 0'22"W 107.20 feet across the Gravois Ave right of way to the southernmost corner of parcel 558100160; thence north 54 degrees 46'23"W 81.78 feet along the southern boundary to the westernmost corner of said parcel also being the southernmost point of parcel 558100165; thence north 44 degrees 49'33"E 63.70 feet along the northern boundary of said parcel to a point being the northern corner of said parcel; thence north 45 degrees 7'58"W 44.37 feet to the westernmost corner of parcel 558100150; thence north 44 degrees 43'40"E 648.16 feet along the northern boundary of said parcel and its prolongation to a point being the northernmost corner of parcel 558200150 in City Block 5582 also being the southernmost corner of the east west alley right of way in City Block 5582 and its intersection with the Wilcox Ave right of way; thence north 27 degrees 50'43"E 51.21 feet across the Wilcox Ave right of way to a point on the southern boundary of parcel 558300255 in City Block 5583; thence north 74 degrees 38'13"W 28.64 feet along the southern boundary to a point being the westernmost corner of said parcel; thence north 15 degrees 19'17"E 125.66 feet along the westernmost boundary of said parcel to a point being the northernmost point of said parcel; thence south 74 degrees 30'24"E 116.59 feet along the northern boundary of said parcel; thence north 44 degrees 45'36"E 67.42 feet along the parcel boundary line and its prolongation to a point on the western boundary of parcel 558300210; thence north 15 degrees 31'31"E 761.19 feet along the western boundary of said parcel and its prolongation across the Delor St right of way and following the prolongation along the eastern boundary of the north south alley in City Block 5540 across the Wallace Ave right of way and following the prolongation along the eastern boundary of the north south alley in City Block 5541 across the Itaska St right of way to the POINT OF BEGINNING being the northeastern corner of the Itaska Street right of way and its intersection with the north south alley of City Block 5542, also known as the westernmost corner of parcel 554200280.

SECTION FOUR. Use Regulations. A building, structure or premises may be used for any purpose otherwise allowed in the respective Zoning District in which it is located except for the following uses, which are hereby prohibited:

- A) Adult book stores;
- B) Adult motion picture theaters;
- C) Adult peep shows;
- D) Any use that utilizes a sales or service window or facility for customers who are in cars (except for Financial Institutions, as defined and regulated in the Zoning Code);
- E) Automobile repair facilities;
- F) Automobile sales facilities (new or used);
- G) Automobile washing and detailing facilities;
- H) Automobile rental facilities;
- I) Blood donor facilities that pay donors for their blood or blood plasma;
- J) Check-Cashing Establishments, centers and/or services (except for Financial Institutions, as defined and regulated in the Zoning Code);
- K) Equipment rental requiring outside storage of equipment;
- L) Free-standing cell phone towers, including installations on rooftops or at ground level, not to include micro or small wireless facilities defined in Section 26.08 of the City of St. Louis Zoning Code;

- M)** Gun stores, including sales of new or used firearms, ammunition, and firearm repair;
- N)** Laundromats open 24 hours a day;
- O)** Massage establishments operated by non-certified professionals;
- P)** Motor fuel pumping stations;
- Q)** Open storage;
- R)** Pawn shops and secondhand Stores which allow customers to exchange goods on-site for money, store credit, other goods, or other forms of compensation;
- S)** Public storage facilities for rent or lease;
- T)** Rent-to-own furniture, electronics and/or home appliance shops;
- U)** Restaurants that sell products through a sales window to customers who are in cars, or to customers who are in cars on the restaurant premises, or to customers who may consume the sold products in cars parked on the restaurant premises;
- V)** Rooming Houses and Boarding Houses;
- W)** Short-Term Loan Establishments, including, but not limited to, vehicle and/or other such personal property title loan centers or agencies (except for Financial Institutions, as defined and regulated in the Zoning Code);
- X)** Utility stations or towers;

SECTION FIVE. Conditional Use Regulations. Notwithstanding any Zoning District Use or Conditional Use Regulations contained in the Zoning Code to the contrary, the following uses may only be allowed in the Bevo SUD conditional uses subject to the provisions of Section 26.80.010 of the Zoning Code:

- A)** Beauty supply stores;
- B)** Bed & Breakfasts, all types;
- C)** Carry-out restaurants with no indoor tables;
- D)** Cell phone, beeper, or pager stores;
- E)** Convenience stores;
- F)** Laundromats open between the hours of 6AM and 12AM;
- G)** Multiple-family residential uses which would otherwise be prohibited per the regulations of Title 26 of the City of St. Louis Municipal Code, provided the regulations of 26.32 are met;
- H)** Package liquor stores;
- I)** Pinball/video and/or amusement game arcades;
- J)** Professional offices;
- K)** Restaurants that sell products through a sales window to pedestrians outside the building for immediate consumption by the customers either on or off the premises;
- L)** Seasonal businesses leasing locations on an annual basis, while utilizing the premises for access by the general public less than three (3) months of the year and/or less than four (4) days a week;
- M)** Secondhand retail shops;

- N) Tattoo and/or body piercing parlors;
- O) Vapor and hookah lounges/shops;

SECTION SIX. Height Regulations in the Bowtie Subarea. Section 26.73.030.A allows for the regulation of the maximum size or height of buildings within the SUD. Notwithstanding any provisions of the Zoning Code to the contrary, the Bowtie Subarea as defined and described in Section Four Boundaries of this ordinance, shall be restricted to six stories, or 60 feet maximum height, whichever is less, for all buildings and structures.

SECTION SEVEN. Outdoor Lighting. Section 26.73.030.A allows for the regulation of outdoor lighting within the SUD. Notwithstanding any provisions of the Zoning Code to the contrary, lighting visible from the exterior, including windows and doors, shall not permit rope lighting whether static, flashing, moving, or otherwise.

SECTION EIGHT. Signage. Section 26.73.030.A allows for the regulation of signage within the SUD. Notwithstanding any provisions of the Zoning Code to the contrary, with the exception of those uses specifically requiring window coverage per Chapter 26.70 of the zoning code, signage and window coverings shall be limited to 30% of all windows of a store frontage, and 40% of each window.

SECTION NINE. Nonconforming Uses; Appeals. Notwithstanding any provisions of the Zoning Code to the contrary:

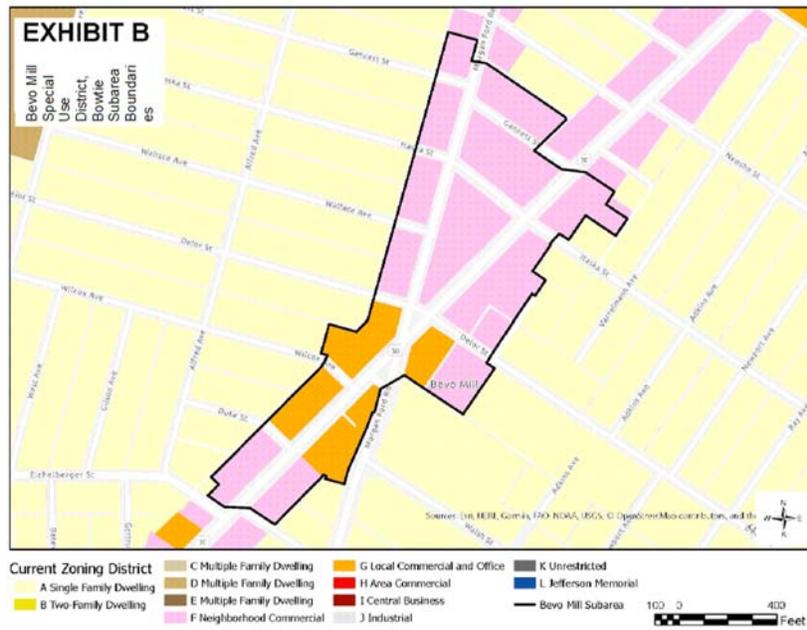
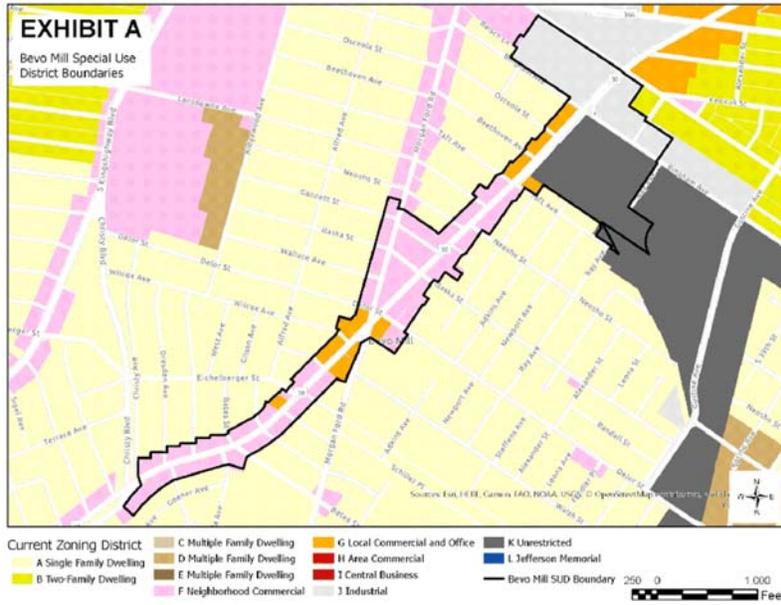
- A) All businesses lawfully operating within the Bevo SUD on the effective date of this Ordinance, which such business or use would otherwise be prohibited or subject to the granting of a conditional use permit in order to conduct such business lawfully after the effective date of this Ordinance, shall hereby be considered legal and nonconforming uses.
- B) But if any such existing business within the Bevo SUD does not have a valid occupancy permit held by the existing owner or operator and a valid business license from the City of St. Louis held by such owner or operator, such business and use must be discontinued within no more than thirty (30) days from the date upon which the City issues notice of such unlawful occupancy or use.
- C) No new owner or operator of a nonconforming use within the Bevo SUD shall be granted an occupancy permit to continue any such nonconforming use unless such new owner or operator accepts all conditions upon which previous permits and licenses for such operation were based, if any.
- D) If a new owner or operator of a nonconforming use within the Bevo SUD applies for an occupancy permit more than thirty (30) days after the transfer of ownership, such application shall be denied.
- E) If an owner or operator of a nonconforming use within the Bevo SUD discontinues its operations for more than thirty (30) days, any subsequent use in such a building, structure or premises shall conform to the regulations of the Bevo SUD.
- F) Expanding legal nonconforming uses, or structural alterations to nonconforming buildings or structures, within the Bevo SUD are prohibited; and the City shall deny applications for any such expansion and/or structural alternations that do not comply with District regulations.
- G) Owners or prospective owners or operators may appeal permit denials to the City's Board of Adjustment pursuant to the provisions of Chapter 26.84 of the Zoning Code, provided that any such appeals are made within thirty (30) days after a permit application is denied.

SECTION TEN. Emergency Clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the Mayor.

SECTION ELEVEN: Severability Clause. It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and

effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.



**BOARD BILL NUMBER 158
FISCAL NOTE**

Preparer's Name: Cecilia Dvorak

Phone Number or Email Address (will be available publicly): 314-657-3873

Bill Sponsor: Alderwoman Carol Howard

Bill Synopsis:	Board Bill would establish the Bevo Mill Area Special Use District for an approximately 92.73 acre site in the Bevo Mill and Dutchtown Neighborhoods. The Special Use District Overlay zoning district would prohibit certain uses and make others conditional uses that would otherwise be allowed in the "F" Neighborhood Commercial, "G" Local Commercial & Office, "J" Industrial, and "K" Unrestricted Zoning Districts. It also provides additional regulations around lighting and signage, and height within a subarea of the district.
Type of Impact:	Zoning Change that will not impact cost to City.
Agencies Affected:	Zoning Office.

SECTION A

Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? ___ Yes No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget? ___ Yes No.
- A commitment of city funding in the future under certain specified conditions? ___ Yes No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget ___ Yes No.
- An execution or initiation of an activity as a result of federal or state mandates or requirements? ___ Yes No.
- A capital improvement project that increases operating costs over the current adopted city budget? ___ Yes No.
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? ___ Yes No.

If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill.

Complete Section B of the form below.

SECTION B

- Does the bill require the construction of any new physical facilities?
 - If yes, describe the facilities and provide the estimated cost: ___ Yes ___ No.
 - _____
 - _____
- Is the bill estimated to have a direct fiscal impact on any city department or office? ___ Yes ___ No.
 - If yes, explain the impact and the estimated cost:
 - _____
 - _____

- Does the bill create a program or administrative subdivision? Yes No.
 - If yes, then is there a similar existing program or administrative subdivision? Yes No.
 - If yes, explain the how the proposed programs or administrative subdivisions may overlap:

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	Year 1 (current)	Year 2	Year 3
Additional Expenditures	N/A	N/A	N/A
Additional Revenue	N/A	N/A	N/A
Net	N/A	N/A	N/A
Financial Estimate of Impact on Special Funds			
Fiscal Impact	Year 1 (current)	Year 2	Year 3
Additional Expenditures	N/A	N/A	N/A
Additional Revenue	N/A	N/A	N/A
Net	N/A	N/A	N/A

- Describe any assumptions used in preparing this fiscal note:

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

- Have the financial estimates of this bill been verified by the City Budget Division? Yes No.
 - If yes, by whom? _____.

Approved: February 11, 2021

ORDINANCE #71283
Board Bill No. 161

An ordinance recommended by the Board of Public Service to conditionally vacate above surface, surface and sub-surface rights for vehicle, equestrian and pedestrian travel in the 20 foot wide east/west alley in City Block 6472 beginning at 20th Street and extending westwardly 220.54 ± 16.49 feet to its terminus and bounded by Olive on the north, 20th on the east and Pine on the south in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS:

SECTION ONE. The above surface, surface and sub-surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being an alley (20 feet wide) located in Block 6472 of the City of St. Louis, Missouri, and being more particularly described as follows:

Beginning at an iron pipe being the Northeast corner of Tract 48-B of Mill Creek Valley Subdivision of Tracts 38, 48 A & 48-B as recorded in Plat Book 134, Page 38 of the City of St. Louis Records, thence along the South right of way line of above said 20 foot wide alley, North 75 degrees 17 minutes 59 seconds West, 204.05 feet to a point being the Northwest corner of Tract 48-A of said Mill Creek Valley Subdivision also being on the Easterly line of Lot 3 of Subdivision of Parcel E6-0966 per Deed Book 11182019, Page 65 of the City of St. Louis Records, thence along said Easterly line, North 44 degrees 03 minutes 36 seconds West, 38.56 feet to a cotton picker spindle in the North right of way line of said 20 foot wide alley, thence along said North line South 75 degrees 17 minutes 59 seconds East, 237.03 feet to a point being the intersection of said North right of way line with the West right of way line of 20th Street (60 feet wide), thence departing said North line along said West right of way line, South 14 degrees 42 minutes 55 seconds West, 20.00 feet to the Point of Beginning and containing 4,411 square feet or 0.101 acres, more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO. TKFC LC proposes to use area to consolidate property for construction of soccer stadium.

SECTION THREE. All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR. The owners of the land may, at their election and expense remove the surface pavement of said so vacated alley provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE. The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX. The owner(s) shall not place any improvement upon, over or in the area(s) vacated without:

1. Lawful permit from the Building Division or Authorized City agency as governed by the Board of Public Service.
2. Obtaining written consent of the utilities, governmental service entities and franchise holders, present or future. The written consent with the terms and conditions thereof shall be filed in writing with the Board of Public Service by each of the above agencies as needed and approved by such Board prior to construction.

SECTION SEVEN. The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT. In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must have curbing cobblestones returned to the Department of Streets in good condition.

SECTION NINE. This ordinance shall be ineffective unless within three hundred sixty (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed three (3) days prior to the affidavit submittal date as specified in the last section of this ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be deposited by these agencies with the Comptroller of the City of St. Louis.

1. CITY WATER DIVISION so as to cover the full expenses of removal and/or relocation of Water facilities, if any.
2. CITY TRAFFIC AND TRANSPORTATION DIVISION so as to cover the full expenses of removal, relocation and/or purchase of all lighting facilities, if any. All street signs must be returned.
3. CITY STREET DEPARTMENT so as to cover the full expenses required for the adjustments of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as specified in Sections Two and Eight of the Ordinance.

SECTION TEN. An affidavit stating that all of the conditions be submitted to the Director of Streets for review of compliance with conditions 2 years (730 days) from the date of the signing and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

ORDINANCE #71283
Board Bill No. 161
Petition and Maps
(Is On File in the Register's Office.)

Approved: February 11, 2021

ORDINANCE #71284
Board Bill No. 162
Committee Substitute

An ordinance pertaining to electric vehicle charging stations, amending Ordinance #70794 which adopted the 2018 International Building Code, as amended, and codifying said changes in Chapter 25 of the Revised Code of the City of St. Louis; and containing a Severability Clause, Savings Clause and an Effective date.

WHEREAS, The City of St. Louis has set an ambitious climate protection goal to reduce greenhouse gas emissions (GHGs) 100% by 2050, and supporting cleaner vehicles results in fewer greenhouse gas emissions, cleaner air, and improved public health; and

WHEREAS, 17% of St. Louis' greenhouse gas emissions are from transportation, and electric vehicles (EVs) in Missouri currently emit 33% less greenhouse gases than gasoline vehicles, and we can expect this number to improve as more solar and wind power replace fossil fuel energy on the electric grid; and

WHEREAS, vehicles are a major contributor to air pollution in St. Louis, and impact Black, Indigenous, People of Color (BIPOC) and low-income communities disproportionately, and EVs emit no harmful tailpipe air pollutants; and

WHEREAS, the air pollution levels in the City of St. Louis have not met the National Ambient Air Quality Standard for ozone for the past twenty-eight (28) years and this harmful pollution from vehicle exhaust and other industrial processes, and, according to the American Lung Association, is responsible for respirator harm, chronic obstructive pulmonary disease (COPD) exacerbations, asthma attacks, heart attacks, strokes, and premature deaths; and

WHEREAS, EVs are projected to reach 10% of registered vehicles in St. Louis by 2030, and could reach 30% of vehicles; and

WHEREAS, convenient access to EV charging is one of the most critical factors in people's decisions to purchase an electric vehicle; and

WHEREAS, parking garages and lots last for multiple decades, and investing in EV readiness during building construction often results in at least 75% savings compared with retrofitting later; and

WHEREAS, an EV ordinance is critical to making cleaner vehicles more accessible to all, particularly providing greater access to more affordable at-home charging; and

WHEREAS, this bill will ensure that electric vehicle charging stations will be installed as set forth herein; and

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

SECTION ONE. Amendment to **Chapter One** of the 2018 International Building Code, as amended and adopted by **Ordinance 70794**, and adding a Section **107.2.10**, as follows:

Section 107.2 Construction Documents

Construction documents shall be in accordance with **107.2.1 through ~~107.2.9~~ 107.2.10**

Section 107.2.10 Information for electric vehicle charging stations.

Construction documents shall include electric vehicle charging stations with system installation requirements set forth in Section 406.2.7 of the International Building Code as amended and adopted by the City of St. Louis, and the Electrical Code.

SECTION TWO. Amendment to **Section 202**, of the 2018 International Building Code as amended, and adopted by **Ordinance 70794**, as amended. **Section 202** is hereby amended by adding the following definitions, to the listed Definitions:

ELECTRIC VEHICLE READY SPACE: A designated parking space which is provided with one 50 ampere, 208/240 volt dedicated branch circuit for EVSE servicing Electric Vehicles. The circuit shall terminate in a suitable termination point such as a receptacle or junction box and be located in the close proximity to the proposed location of the Electric Vehicle parking space.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE): The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

EVSE INSTALLED SPACE: A designated parking space which is provided with EVSE installed.

SECTION THREE: Amendment to Chapter 4, Section 406.2. of the 2018 International Building Code as amended and adopted by the City of St. Louis, by the amendment of Section 406.2.7, and the addition of Tables 406.2.7, 406.2.8, 406.2.9 and 406.2.10, 406.2.11 which shall read as follows:

Section 406.2.7. Electric vehicle charging stations. ~~Where provided~~ **Shall be required, per Tables 406.2.7, 406.2.8, 406.2.9, 406.2.10, 406.2.11.** Electric vehicle charging stations shall be installed **and labelled** in accordance with NFPA 70. **Electric vehicle charging system equipment shall be listed and labelled in accordance with UL 2202.** Electric vehicle charging system equipment shall be listed and labelled in accordance with UL 2594. Accessibility to electric vehicle charging stations shall be provided in accordance with Chapter 11. **Where an EV Ready or EVSE Installed parking space is required, at least one EV Ready or EV Installed parking space shall be installed adjacent to an ADA accessible parking space, when an ADA accessible parking space is also required.**

Where the calculation of percent served results in a fractional parking space, it shall be rounded up to the next whole number if the fraction is .5 (1/2) of a parking space or greater. This requirement does not apply to buildings without a designated parking space, nor does this requirement apply to parking spaces located in the public right-of-way.

The following Use Groups shall require installation of EV Ready Spaces and Electric Vehicle Supply Equipment (EVSE) in accordance with Table 406.2.7 through Table 406.2.11:

**TABLE 406.2.7
NON-RESIDENTIAL USE GROUPS WITH EV READY AND EVSE INSTALLED
REQUIREMENT PER TABLE 406.2.8**

Use Group	Applicability
A1	All
A2	Casinos uses only, excluding all other uses within A2 including restaurants
A3	All

A4	All
A5	All
B	All
E	Excluding daycare uses as defined by Section 305.2
I2	Hospital uses only as defined by Section 308.3.1.2, Condition 2
M	All
S2	Parking garages, open or enclosed only, excluding all other uses within S-2

**TABLE 406.2.8
EV READY AND EVSE INSTALLED SPACE REQUIREMENTS FOR
NON-RESIDENTIAL USE GROUPS**

Total Number of Parking Spaces	Minimum Number of EV Ready Spaces	Minimum Number of EVSE Installed Spaces
10-30 spaces	1 space	0 spaces
31-49 spaces	2 spaces	1 space
50 spaces and greater	5% of total parking spaces	2% of total parking spaces

**TABLE 406.2.9
APPLICABLE RESIDENTIAL USE GROUPS WITH EV READY AND EVSE
INSTALLED REQUIREMENT PER TABLE 406.2.10**

Use Group	Applicability
R1	All
R2	All

**TABLE 406.2.10
EV READY AND EVSE INSTALLED SPACE REQUIREMENTS FOR RESIDENTIAL
USE GROUPS, JANUARY 1, 2022 THROUGH DECEMBER 31, 2024.**

Total Number of Parking Spaces	Minimum Number of EV Ready Spaces	Minimum Number of EVSE Installed Spaces
5-20 spaces	1 space	0 spaces
21-49 spaces	2 spaces	1 space
50 spaces and greater	5% of total parking spaces	2% of total parking spaces

**TABLE 406.2.11
EV READY AND EVSE INSTALLED SPACE REQUIREMENTS FOR RESIDENTIAL
USE GROUPS, JANUARY 1, 2025 AND AFTER**

Total Number of Parking Spaces	Minimum Number of EV Ready Spaces	Minimum Number of EVSE Installed Spaces
5-20 spaces	1 spaces	0 spaces

21-49 spaces	2 spaces	1 space
50 spaces and greater	10% of total parking spaces	2% of total parking spaces

SECTION FOUR. Severability. In the event any part or provision of this ordinance is held to be illegal or void, this shall not have the effect of making void or illegal any other parts or provisions thereof, which are determined to be legal; and it shall be presumed that this ordinance would have been passed without such illegal parts or provisions. Any invalid part of this ordinance shall be segregated from the remainder of this ordinance by the court holding such part invalid, and the remainder shall remain effective.

SECTION FIVE. Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending on any court, or any rights acquired, or any cause or causes of action acquired or existing under any current act or ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION SIX. Penalty Clause. Any person who shall violate a provision of this ordinance or shall fail to comply with any provision thereof, or who shall erect, construct, alter, extend, repair, remove, demolish, use, or occupy any building, structure or premises, or equipment regulated by this code in violation of an approved construction document or directive of the building official or the Board of Building Appeals, or of a permit or certificate issued under the provisions adopted in this ordinance, shall, upon conviction thereof, be punished by a fine or not more than \$500.00, or by imprisonment not exceeding 90 days, or both such a fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offence.

SECTION SEVEN. Effective date. After this bill is signed by the Mayor of the City of St. Louis, this ordinance will become effective on January 1, 2022.

**BOARD BILL NUMBER 162
COMMITTEE SUBSTITUTE
FISCAL NOTE**

Preparer's Name: **Scott Ogilvie**

Phone Number or Email Address: ogilvies@stlouis-mo.gov

Bill Sponsor: **Alderwoman Heather Navarro**

Bill Synopsis:	This legislation requires that new construction and level 3 renovations governed by the International Building Code (Ordinance 70794) to meet a minimum electric vehicle ready requirement, with exemptions and effective dates. The ordinance will be administered in the normal course of plan review by the Building Division.
Type of Impact:	Basic training for building inspectors and is part of the existing plan review process.
Agencies Affected:	Building Division

**SECTION A
Does this bill authorize:**

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? ___ Yes No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget? ___ Yes No.
- A commitment of city funding in the future under certain specified conditions? ___ Yes No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget ___ Yes No.
- An execution or initiation of an activity as a result of federal or state mandates or requirements? ___ Yes No.
- A capital improvement project that increases operating costs over the current adopted city budget? ___ Yes No.

- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? Yes No.

If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill. Complete Section B of the form below.

SECTION B

- Does the bill require the construction of any new physical facilities? Yes No.
 - If yes, describe the facilities and provide the estimated cost: _____
- Is the bill estimated to have a direct fiscal impact on any city department or office? Yes No.
 - If yes, explain the impact and the estimated cost: _____
- Does the bill create a program or administrative subdivision? Yes No.
 - If yes, then is there a similar existing program or administrative subdivision? Yes No.
 - If yes, explain the how the proposed programs or administrative subdivisions may overlap: _____
- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources: _____

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	0	0	0
Additional Revenue	0	0	0
Net	0	0	0
Financial Estimate of Impact on Special Funds			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	0	0	0
Additional Revenue	0	0	0
Net	0	0	0

- Describe any assumptions used in preparing this fiscal note:
The ordinance will be administered in the normal course of plan review by the Building Division.

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note: Frank Oswald, City of St. Louis Building Commissioner, has informed the Office of the Mayor through this communication that a fiscal note is not necessary since there is no additional cost to the City of St. Louis, MO upon the passage of this legislation.
- Have the financial estimates of this bill been verified by the City Budget Division? _____ Yes ___X___ No.
 - If yes, by whom? _____.

Approved: February 11, 2021

ORDINANCE #71285
Board Bill No. 163
Committee Substitute

An ordinance pertaining to electric vehicle charging stations, amending **Ordinance #70795** which adopted the 2018 International Residential Code, as amended, and codifying said changes in Chapter 25 of the Revised Code of the City of St. Louis; and containing a Severability Clause, Savings Clause and an Effective date.

WHEREAS, the use of vehicles powered by electricity is growing in the United States and should be encouraged for the benefit of the environment and human health, and is consistent with the Sustainability Plan of the City of St. Louis; and

WHEREAS, the air pollution levels in the City of St. Louis have not met the National Ambient Air Quality Standard for ozone for the past twenty-eight (28) years and this harmful pollution forms from vehicle exhaust and other industrial processes, and, according to the American Lung Association, is responsible for respiratory harm, chronic obstructive pulmonary disease (COPD) exacerbations, asthma attacks, heart attacks, strokes, and premature deaths; and

WHEREAS, the report "Environmental Racism in St. Louis" published in 2019 by the Interdisciplinary Environmental Clinic at the School of Law at Washington University in St. Louis highlights that Black, Indigenous People of Color (BIPOC) are exposed to a greater share of the pollution than the rest of St. Louis and that many neighborhoods bordering major highways are majority-Black, increasing exposure to harmful emissions from vehicles; and

WHEREAS, 17% of St. Louis' greenhouse gas emissions are from transportation, and electric vehicles (EVs) in Missouri currently emit 33% fewer greenhouse gases than gasoline vehicles, and we can expect this number to improve as more solar and wind power replace fossil fuel energy on the electric grid; and

WHEREAS, the majority of electric vehicle charging is completed at home; and

WHEREAS, this bill will ensure that electric Vehicle Charging Stations will be installed as set forth herein; and

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

SECTION ONE. Amendment to Chapter One, Section R107.2., of the 2018 International Residential Code, as amended and adopted by **Ordinance 70795**, and adding a Section R107.2.10, as follows:

Section R107.2 Construction Documents.

Construction documents shall be in accordance with Sections R.107.2.1

R.107.2.10 Information for electric vehicle charging stations.

Construction documents shall include electric vehicle charging stations with system installation requirements set forth in Section 309.6 and the Electrical Code.

SECTION TWO. Amendment to Chapter 2, Section R202, of the 2018 International Residential Code as amended and adopted by **Ordinance 70795**. Section R202 is hereby amended by adding the following definitions, to the listed Definitions.

ELECTRIC VEHICLE READY SPACE: A designated parking space which is provided with one 50 ampere, 208/240 volt dedicated branch circuit for EVSE servicing Electric Vehicles. The circuit shall terminate in a suitable termination point such as a receptacle or junction box and be located in the close proximity to the proposed location of the Electric Vehicle parking space.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE): The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

EVSE INSTALLED SPACE: A designated parking space which is provided with EVSE installed.

SECTION THREE. Amendment to Chapter 3 of the 2018 International Residential Code as amended and adopted by the City of St. Louis in **Ordinance 70795**, approved July 6, 2018.

Chapter 3 is hereby amended by the amendment of the title of "SECTION 309 GARAGES AND CARPORTS" to read as follows:

SECTION 309 GARAGES, CARPORTS AND OFF-STREET PARKING.

Section R309.6 shall be added:

R309.6 ELECTRIC VEHICLE CHARGING STATIONS. Single dwelling units with a garage, carport or off-street parking space shall have a minimum of one EV Ready parking space. When Electric Vehicle Supply Equipment is installed it shall be in accordance with the UL 2594. Electrical vehicle charging system equipment shall be listed and labeled in accordance with UL 2202.

Exception: Detached garages, carports and off-street parking spaces fifty feet and greater distance from the main structure measured from the exterior of the structure to the edge of the garage/carport or parking surface are exempt from the requirements set forth herein, as are existing dwellings with insufficient electrical service capacity.

Section R309.6 shall apply to Level 3 alterations on January 1st, 2024, and thereafter.

SECTION FOUR. Severability. In the event any part or provision of this ordinance is held to be illegal or void, this shall not have the effect of making void or illegal any other parts or provisions thereof, which are determined to be legal; and it shall be presumed that this ordinance would have been passed without such illegal parts or provisions. Any invalid part of this ordinance shall be segregated from the remainder of this ordinance by the court holding such part invalid, and the remainder shall remain effective.

SECTION FIVE. Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending on any court, or any rights acquired, or any cause or causes of action acquired or existing under any current act or ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION SIX. Penalty Clause. Any person who shall violate a provision of this ordinance or shall fail to comply with any provision thereof, or who shall erect, construct, alter, extend, repair, remove, demolish, use, or occupy any building, structure or premises, or equipment regulated by this code in violation of an approved construction document or directive of the building official or the Board of Building Appeals, or of a permit or certificate issued under the provisions adopted in this ordinance, shall, upon conviction thereof, be punished by a fine or not more than \$500.00, or by imprisonment not exceeding 90 days, or both such a fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offence.

SECTION SEVEN. Effective date. After this bill is signed by the Mayor of the City of St. Louis, this ordinance will become effective on January 1st, 2022.

**BOARD BILL NUMBER 163
COMMITTEE SUBSTITUTE
FISCAL NOTE**

Preparer's Name: **Scott Ogilvie**

Phone Number or Email Address: ogilvies@stlouis-mo.gov

Bill Sponsor: **Alderman Heather Navarro**

Bill Synopsis:	This legislation requires that new construction and level 3 renovations governed by the International Residential Code (Ordinance 70795) meet a minimum electric vehicle ready requirement, with exemptions and effective dates. The ordinance will be administered in the normal course of plan review by the Building Division.
Type of Impact:	Basic training for building inspectors and is part of the existing plan review process.
Agencies Affected:	Building Division

SECTION A

Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? ___ Yes No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget? ___ Yes No.
- A commitment of city funding in the future under certain specified conditions? ___ Yes No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget ___ Yes No.
- An execution or initiation of an activity as a result of federal or state mandates or requirements? ___ Yes No.
- A capital improvement project that increases operating costs over the current adopted city budget? ___ Yes No.
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? ___ Yes No.

If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill.

Complete Section B of the form below.

SECTION B

- Does the bill require the construction of any new physical facilities?
 - If yes, describe the facilities and provide the estimated cost: ___ Yes No.

- Is the bill estimated to have a direct fiscal impact on any city department or office? ___ Yes No.
 - If yes, explain the impact and the estimated cost:

- Does the bill create a program or administrative subdivision? ___ Yes No.
 - If yes, then is there a similar existing program or administrative subdivision? ___ Yes ___ No.

- If yes, explain the how the proposed programs or administrative subdivisions may overlap:

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	0	0	0
Additional Revenue	0	0	0
Net	0	0	0
Financial Estimate of Impact on Special Funds			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	0	0	0
Additional Revenue	0	0	0
Net	0	0	0

- Describe any assumptions used in preparing this fiscal note:
The ordinance will be administered in the normal course of plan review by the Building Division.
- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:
Frank Oswald, City of St. Louis Building Commissioner, has informed the Office of the Mayor through this communication that a fiscal note is not necessary since there is no additional cost to the City of St. Louis, MO upon the passage of this legislation.
- Have the financial estimates of this bill been verified by the City Budget Division? ____ Yes __X__ No.
 - If yes, by whom? _____.

Approved: February 11, 2021

ORDINANCE #71286
Board Bill No. 164
As Amended

An ordinance determining that the Tax Increment Financing Plans listed in **Exhibit "A"** are making satisfactory progress, except as noted, under the proposed time schedule for completion of projects therein.

WHEREAS, the Tax Increment Financing plans and projects listed in **Exhibit "A"** were approved by the Board of the Alderman of the City of St. Louis by ordinance; and

WHEREAS Section 99.865.3, RSMo, provides that five years after the establishment of each redevelopment plan and every five years thereafter, the governing body of the municipality shall hold a public hearing regarding these redevelopment plans and projects pursuant to Sections 99.800 to 99.8665, RSMo to determine if the redevelopment projects are making satisfactory progress under the proposed time schedule contained within the approved plans for completion of such projects; and

WHEREAS, after proper notice, the Housing, Urban Development, and Zoning Committee held a public hearing on November 18, 2020 and found the redevelopment projects listed on **Exhibit "A"** are making satisfactory progress, except as noted;

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

SECTION ONE. The Board of Alderman of the City of St. Louis hereby determines that the Tax Increment Financing Plans listed in **Exhibit "A"** attached are making satisfactory progress, except as noted, under the proposed time schedule contained within the approved plan for completion of the projects therein.

SECTION TWO. The Board of Aldermen hereby finds that the required notices were published and the required hearing was held, pursuant to Section 99.365.3, RSMo.

**BOARD BILL NUMBER 164
AS AMENDED
FISCAL NOTE**

Preparer's Name: Zachary Wilson

Phone Number or Email Address (will be available publicly): wilsonz@stlouis-mo.gov

Bill Sponsor: Alderman Roddy

Bill Synopsis:	Annual TIF report to the Board of Aldermen.
Type of Impact:	No Fiscal Impact.
Agencies Affected:	None.

**SECTION A
Does this bill authorize:**

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? ___ Yes No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget? ___ Yes No.
- A commitment of city funding in the future under certain specified conditions? ___ Yes No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget ___ Yes No.
- An execution or initiation of an activity as a result of federal or state mandates or requirements? ___ Yes No.
- A capital improvement project that increases operating costs over the current adopted city budget? ___ Yes No.
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? ___ Yes No.

**If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill.
Complete Section B of the form below.**

SECTION B

- Does the bill require the construction of any new physical facilities?
 - If yes, describe the facilities and provide the estimated cost: ___ Yes ___ No.

- Is the bill estimated to have a direct fiscal impact on any city department or office? ___ Yes ___ No.
 - If yes, explain the impact and the estimated cost:

- Does the bill create a program or administrative subdivision? ___ Yes ___ No.
 - If yes, then is there a similar existing program or administrative subdivision? ___ Yes ___ No.
 - If yes, explain the how the proposed programs or administrative subdivisions may overlap:

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures			
Additional Revenue			
Net			
Financial Estimate of Impact on Special Funds			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures			
Additional Revenue			
Net			

- Describe any assumptions used in preparing this fiscal note:

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

- Have the financial estimates of this bill been verified by the City Budget Division? ___ Yes ___ No.
 - If yes, by whom? _____.

Board Bill Number 164
Exhibit A

EXHIBIT A Page 1

PROJECT NAME	Project ID	REPORT YEAR	PROJECT AMOUNT	TIF AMOUNT APPROVED	TIF Percent	PROJECT TYPE	ORD 1 (Adopt Plan)	DATE APPROVED 1	CONSTRUCTION STATUS	DEVELOPER
Active TIFs										
Mira Digital Publishing	352-012	20	\$ 1,300,000	\$ 390,000	30%	Commercial	65279	1-Aug-01	Completed	Park Property Management, LLC
Grand Center ¹	352-020	15	\$ 450,000,000	\$ 80,000,000	18%	Mixed use	67058	22-Mar-06	Partially Completed	Grand Center, Inc.
Abbey on the Park	352-021	15	\$ 2,260,000	\$ 600,000	27%	Residential	66972	3-Jan-06	Completed	Global Age Renovation, LLC
Ludwig Lofts	352-053	15	\$ 7,100,000	\$ 850,000	12%	Mixed Use	67065	22-Mar-06	Completed	Ludwig Partners, LLC
Syndicate Trust	352-077	15	\$ 68,900,000	\$ 8,200,000	12%	Mixed Use	66975	18-Jan-06	Completed	Syndicate Partners, LLC
Loop Hotel	352-080a	15	\$ 19,600,000	\$ 2,100,000	11%	Commercial	66970	3-Jan-06	Completed	Loop Hotel, LLC
Delmar East Public Improvements	352-080d	15	\$ 6,000,000	\$ 6,000,000	100%	Public Improvements	66969	3-Jan-06	Completed	Loop TIF, Inc.
Union Club	352-083	15	\$ 11,104,887	\$ 1,900,000	17%	Mixed Use	67051	22-Mar-06	Completed	Global Age Renovation, LLC
Ballpark Lofts	352-084	15	\$ 71,047,809	\$ 11,000,000	15%	Mixed Use	67190	1-Aug-06	Completed	Ballpark Lofts L.L.C. / B&B II, L.L.C. / B&B III, L.L.C
2200 Grannis	352-085	15	\$ 8,000,000	\$ 1,000,000	13%	Mixed Use	67236	3-Aug-06	Completed	2200 Grannis, LLC
4100 Forest Park	352-086	15	\$ 39,400,000	\$ 6,500,000	16%	Mixed Use	67145	24-Jul-06	Completed	Arma Development, LLC
St. Louis Centre ²	352-088	15	\$ 200,000,000	\$ 34,300,000	17%	Commercial	67237	3-Aug-06	Completed	Pyramid Construction, Inc.
N. Broadway/Carrie	352-130	10	\$ 13,200,000	\$ 3,500,000	27%	Commercial	68877	22-Feb-11	Partially Completed	Green Street Properties, LLC
634 N. Grand	352-147	5	\$ 53,308,605	\$ 4,845,000	9%	Commercial	70201	8-Feb-16	Completed	TIG 634 N Grand, LLC (The Lawrence Group)
4494 Lindell ³	352-148	5	\$ 9,800,000	\$ 1,500,000	15%	Commercial	70157	25-Nov-15	Not Started	Lindell Developer, Inc. (The Roman Group)
32 N. Euclid	352-149	5	\$ 31,000,000	\$ 4,500,000	15%	Mixed-Use	70159	25-Nov-15	Completed	North Euclid Developer, Inc. (The Roman Group)
TOTAL			\$ 992,021,301	\$ 167,185,000	17%					

TERMINATED TIFs										
Lindell Condominium	352-079	15	\$ 95,000,000	\$ 9,200,000	10%	Mixed Use	66967	3-Jan-06	Terminated	Ocus NWB Development, LLC
Loop Center North	352-080b	15	\$ 7,200,000	\$ 1,500,000	21%	Commercial	66971	3-Jan-06	Terminated	Loop Center North, LLC
5819 Delmar Housing	352-080c	15	\$ 7,300,000	\$ 1,400,000	19%	Residential	66968	3-Jan-06	Terminated	5819 Delmar Loop, LLC
Jefferson Arms ⁴	352-087	15	\$ 80,000,000	\$ 8,750,000	11%	Mixed Use	67238	3-Aug-06	Terminated	Pyramid Construction, Inc.
4249 Michigan Ave	352-129	10	\$ 2,394,000	\$ 367,640	15%	Residential	68780	3-Nov-10	Terminated	Barton Pace, LLC

1 Need additional details from Comptroller
 2 Separate TIF Note and Bond issued
 3 TIF Approved, but Redevelopment Agreement was not executed. Termination of TIF is in progress. Small amount of PILOTs collected, no note issued
 4 Original Jefferson Arms TIF was terminated. The existing Jefferson Arms TIF is not contained within the scope of this report.
 5 Jobs estimation based on earnings tax collections and avg. annual regional wages.
 6 Projections are estimates based on SDC modeling. Comptroller does not project future revenues or payments

Board Bill Number 164
Exhibit A

EXHIBIT A Page 2

PROJECT NAME	Project ID	DWELLING UNITS	HOTEL ROOMS	COMMERCIAL (SQ. FT.)	PROJECTED NEW JOBS	CURRENT ESTIMATED RETAINED & NEW JOBS ¹	Unpaid TIF Principal	Maturity Date	PILOTs			EATS			Payments of PI to date	Principal Payment to Date Compared to Amort. Sched. ²	Current Years Asses ³	Projected Payoff (Yrs) Asses ³ Paid of Schedule ⁴	Projected Payoff (Yrs) Asses ³ Paid of Year-end 23 PI ⁵ Balance ⁶
									COLLECTED SINCE INCEPTION										
Mira Digital Publishing	352-012	0	23,000	198	72	\$382,762	8/17/2024	\$225,236	\$184,310	\$410,236	\$410,236	\$410,236	\$410,236	\$410,236		(18)	\$906,631		
Grand Center ¹	352-020	105	134,000	2,656	3,679	\$9,805,940	12/17/2025	\$15,969,741	\$14,978,066	\$30,947,807	\$48,434,483	\$3,149,810	\$3,149,810	\$3,149,810		(14)	\$874,769		
Abbey on the Park	352-021	8	0	0	0	\$401,000	8/4/2025	\$160,018	\$6,330	\$147,248	\$34,126	\$34,126	\$34,126	\$34,126		(14)	\$1,548,397		
Ludwig Lofts	352-053	17	10,200	4	2	\$1,080,000	4/21/2029	\$494,949	\$202,861	\$699,810	\$753,970	\$464,103	\$464,103	\$464,103		(14)	\$1,668,984		
Syndicate Trust	352-077	172	21,000	11	6	\$7,868,765	2/14/2029	\$6,323,563	\$489,389	\$6,472,761	\$6,137,877	\$2,056,087	\$2,056,087	\$2,056,087		(12)	\$1,668,984		
Loop Hotel	352-080a	0	125	0	44	\$648,000	2/1/2029	\$1,992,143	\$84,267	\$2,783,510	\$3,662,191	\$606,081	\$606,081	\$606,081		5	0		
Delmar East Public Improvements	352-080d	0	0	1,677	673	\$147,000	2/1/2029	\$1,777,613	\$4,109,748	\$5,887,421	\$3,878,243	\$1,538,932	\$1,538,932	\$1,538,932		(18)	\$1,538,932		
Union Club	352-083	41	14,000	0	0	\$1,900,000	4/20/2029	\$1,948,249	\$4,884	\$757,085	\$681,060	\$175,540	\$175,540	\$175,540		(13)	\$5,324,084		
Ballpark Lofts	352-084	131	164,000	0	1,198	\$6,911,000	11/7/2029	\$2,117,006	\$1,776,401	\$5,598,461	\$5,310,301	\$2,226,000	\$2,226,000	\$2,226,000		(8)	\$6,310,119		
2200 Grannis	352-085	16	19,000	27	12	\$1,000,000	8/17/2029	\$502,406	\$190,998	\$632,504	\$592,504	\$377,317	\$377,317	\$377,317		(12)	\$1,668,984		
4100 Forest Park	352-086	99	42,000	47	22	\$5,975,000	7/22/2029	\$3,924,441	\$11,108	\$4,036,011	\$3,665,873	\$2,393,860	\$2,393,860	\$2,393,860		(12)	\$4,401,917		
St. Louis Centre ²	352-088	205	815,000	2,006	1,064	\$5,761,000	9/17/2029	\$5,832,709	\$471,331	\$6,104,044	\$10,566,031								
N. Broadway/Carrie	352-130	0	11,500	103	49	\$2,430,000	1/23/2034	\$889,402	\$1,098,304	\$1,987,706	\$2,111,302	\$298,962	\$298,962	\$298,962			\$116,464		
634 N. Grand	352-147	0	157,000	0	29	\$4,813,580	1/9/2039	\$63,432	\$43,102	\$146,534	\$123,729	\$123,729	\$123,729	\$123,729		(4)	\$12,692,092		
4494 Lindell ³	352-148	0	32,000	0	N/A	N/A	N/A	0	\$7,516	\$7,516	N/A	N/A	N/A	N/A					
32 N. Euclid	352-149	71	22,000	168	84	\$5,033,000	11/24/2038	\$287,456	\$297,794	\$565,370	\$406,687	\$667,746	\$667,746	\$667,746		(5)	\$10,296,147		
TOTAL		866	295	1,264,700	6,941	6,851	\$51,971,907	\$40,907,416	\$25,964,728	\$68,872,144									

1 Need additional details from Comptroller
 2 Separate TIF Note and Bond issued
 3 TIF Approved, but Redevelopment Agreement was not executed
 4 Original Jefferson Arms TIF was terminated. The existing Jefferson Arms TIF is not contained within the scope of this report.
 5 Jobs estimation based on earnings tax collections and avg. annual regional wages.
 6 Projections are estimates based on SDC modeling. Comp

ORDINANCE #71287
Board Bill No. 168

An Ordinance recommended and approved by the Board of Estimate and Apportionment authorizing and directing the Director of Airports and the Comptroller of The City of St. Louis (the "City"), owner and operator of St. Louis Lambert International Airport® (the "Airport"), to enter into and execute on behalf of the City the "Assignment and Assumption of Interest in Lease Agreement AL-230 and Consent of The City of St. Louis ("Assignment Agreement") between Spire CNG Inc., f/k/a Laclede Venture Corp., a Missouri Corporation ("Assignor"), and Spire Missouri Inc., a Missouri Corporation ("Assignee"), whereby the City consents to the assignment by Assignor, to Assignee all of Assignor's right, title and interest in the Lease Agreement AL-230, between the City and Assignor, dated February 5, 2013; said Assignment Agreement was approved by the Airport Commission and is attached hereto as **ATTACHMENT "1"** and made a part hereof, and its terms are more fully described in Section One of this Ordinance; containing a severability clause; and containing an emergency clause.

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

SECTION ONE. The Director of Airports and the Comptroller of The City of St. Louis (the "City"), owner and operator of St. Louis Lambert International Airport® (the "Airport") are hereby authorized and directed to enter into and execute on behalf of the City the "Assignment and Assumption of Interest In Lease Agreement AL-230 and Consent of The City of St. Louis" ("Assignment Agreement") between Spire CNG Inc., f/k/a Laclede Venture Corp., a Missouri Corporation ("Assignor"), and Spire Missouri Inc., a Missouri Corporation ("Assignee"), whereby the City consents to the assignment by Assignor, to Assignee all of Assignor's right, title and interest in the Lease Agreement AL-230, between the City and Assignor, dated February 5, 2013; the Assignment Agreement was approved by the Airport Commission, and is to read in words and figures substantially as set out in **ATTACHMENT "1"**, which is attached hereto and made a part hereof.

SECTION TWO. The sections or provisions of this Ordinance or portions thereof are severable. In the event that any section or provision of this Ordinance or portion thereof is held invalid by a court of competent jurisdiction, such holding will not invalidate the remaining sections or provisions of this Ordinance unless the court finds the valid sections or provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the illegal, unconstitutional or ineffective section or provision that it cannot be presumed that the Board of Aldermen would have enacted the valid sections or provisions without the illegal, unconstitutional or ineffective sections or provisions or unless the court finds that the valid sections or provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION THREE. This being an Ordinance for the preservation of public peace, health, or safety, it is hereby declared an emergency measure as designed in Article IV, Section 20 of the City's Charter and will become effective immediately upon its approval by the City's Mayor.

**ASSIGNMENT AND ASSUMPTION OF INTEREST IN
LEASE AGREEMENT AL-230
AND CONSENT OF THE CITY OF ST. LOUIS
(PUBLIC ACCESS COMPRESSED NATURAL GAS FUELING STATION)**

THIS ASSIGNMENT AND ASSUMPTION OF INTEREST AND CONSENT OF THE CITY OF ST. LOUIS (the "**Agreement**") is entered into the _____ day of _____, 2021 by and between The City of St. Louis, owner and operator of St. Louis Lambert International Airport® ("**City**"), Spire CNG Inc. f/k/a Laclede Venture Corp., a Missouri Corporation ("**Assignor**"), and Spire Missouri Inc., a Missouri Corporation ("**Assignee**").

W I T N E S S E T H:

WHEREAS, City and Assignor entered into that certain Lease Agreement for a Public Access Compressed Natural Gas (CNG) Fueling Station, Agreement No. AL-230 dated February 5, 2013 ("**Lease Agreement**") with respect to the construction and operation of a public access CNG fueling facility located on property owned and operated by the City, to wit: approximately 50,000 square feet of space on Cypress Road in Bridgeton, Missouri;

WHEREAS, Assignor wishes to sell its rights and interest under the Lease Agreement to Assignee on or around November 25, 2020 ("**Closing**");

WHEREAS, Assignor and Assignee desire to enter into this Agreement in order for Assignor to assign to Assignee all of its right and interest in, to and under the Lease Agreement and for Assignee to assume all of Assignor's right and interest in, to and under the Lease; and

WHEREAS, under Article X of the Lease Agreement, Assignor and Assignee must obtain the City's written consent to the assignment and the City is willing to consent to the assignment on the following terms and conditions.

NOW THEREFORE, in consideration of the foregoing promises and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City, Assignor and Assignee agree as follows:

1. **Recitals.** The recitals set forth above are true and correct and are hereby incorporated herein by this reference.
2. **Closing.** Assignee shall notify the City of the Closing in accordance with the Notice provisions of the Lease Agreement. The City's consent to this Assignment shall be null and void if the Closing does not occur prior to December 31, 2020.
3. **Assignment and Assumption.** Assignor does hereby assign the Lease Agreement and all of its right and interest in the Lease Agreement to Assignee. Assignee does hereby expressly assume and agree to be bound by and to perform and comply with, for the benefit of the City, each and every obligation and liability of Assignor under or in connection with the Lease Agreement. Notwithstanding anything to the contrary contained herein or in the Lease Agreement, Assignor shall remain responsible for any obligations and liabilities accrued on or prior to the Closing, and Assignee shall assume all obligations and liabilities after the Closing.
4. **St. Louis' Consent.** City hereby consents to Assignor's assignment of all of its rights and interest in the Lease Agreement to Assignee.
5. **Subsequent Assignments.** This Agreement will not constitute a consent to any subsequent assignment and will not relieve Assignee or any person claiming under or through Assignee of the obligation to obtain the consent of the City, to the extent required under the Lease Agreement, to any future assignment.
6. **Warranties.** Assignor hereby covenants and warrants to the City that Assignee is the only assignee of the Lease Agreement.
7. **Waiver.** Except as explicitly set forth herein, nothing contained herein will be deemed or construed to modify, waive, impair or affect any of the covenants, agreements, terms, provisions or conditions contained in the Lease Agreement.
8. **Binding Effect.** This Agreement will not be valid or binding on the City unless and until it is executed by all of the parties to this Agreement. The effective date of this Agreement will be the last date a party to this Agreement signs this Agreement.
9. **No Other Modifications.** Except as modified herein, the Lease Agreement remains unchanged and is in full force and effect.
10. **Defined Terms.** All capitalized terms not defined herein will have the meaning ascribed to them in the Lease Agreement.
11. **Counterparts.** This Agreement may be executed in multiple identical counterparts and when taken together shall constitute one and the same instrument, and it will constitute sufficient proof of this Agreement to present any copy, copies, electronic copies or facsimiles signed by the parties hereto.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto for themselves, their successors and assigns, have executed this Agreement as of the last date written below.

**SPIRE CNG INC.
ASSIGNOR:**

By: _____
Title: _____
Date: _____

**SPIRE MISSOURI INC.,
ASSIGNEE:**

By: _____

Title: _____

Date: _____

THE CITY OF ST. LOUIS, THE OWNER AND OPERATOR OF ST. LOUIS LAMBERT INTERNATIONAL AIRPORT:
Authorized by City Ordinance NO. _____, approved _____, 202_.

THE CITY OF ST. LOUIS:

BY: _____
Commission Chairperson Date
and Director of Airports

COUNTERSIGNED BY:

Comptroller Date
The City of St. Louis

APPROVED AS TO FORM BY:

City Counselor Date
The City of St. Louis

ATTESTED TO BY:

Register Date
The City of St. Louis

**BOARD BILL NUMBER 168
FISCAL NOTE**

Preparer's Name: Rochelle Pruitt

Phone Number or Email Address (will be available publicly): rapruitt@flystl.com

Bill Sponsor: Alderwoman Marlene Davis

Bill Synopsis:	Consent of Assignment and Assumption.
Type of Impact:	N/A Revenue Agreement.
Agencies Affected:	Airport Authority.

SECTION A

Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? _____ Yes No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget? _____ Yes No.
- A commitment of city funding in the future under certain specified conditions? _____ Yes No.

- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget ___ Yes No.
- An execution or initiation of an activity as a result of federal or state mandates or requirements? ___ Yes No.
- A capital improvement project that increases operating costs over the current adopted city budget? ___ Yes No.
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? ___ Yes No.

**If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill.
Complete Section B of the form below.**

SECTION B

- Does the bill require the construction of any new physical facilities?
 - If yes, describe the facilities and provide the estimated cost: ___ Yes ___ No.
 - _____
 - _____
- Is the bill estimated to have a direct fiscal impact on any city department or office? ___ Yes ___ No.
 - If yes, explain the impact and the estimated cost:
 - _____
 - _____
- Does the bill create a program or administrative subdivision? ___ Yes ___ No.
 - If yes, then is there a similar existing program or administrative subdivision? ___ Yes ___ No.
 - If yes, explain the how the proposed programs or administrative subdivisions may overlap:
 - _____
 - _____
- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:
- _____
- _____

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures			
Additional Revenue			
Net			

Financial Estimate of Impact on Special Funds			
Fiscal Impact	Year 1 (current)	Year 2	Year 3
Additional Expenditures			
Additional Revenue			
Net			

- Describe any assumptions used in preparing this fiscal note:

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

- Have the financial estimates of this bill been verified by the City Budget Division? _____ Yes _____ No.
 - If yes, by whom? _____.

Approved: February 11, 2021

**ORDINANCE #71288
Board Bill No. 171**

An Ordinance recommended and approved by the Airport Commission and the Board of Estimate and Apportionment that provides for financial incentives for air service at St. Louis Lambert International Airport® (the "Airport"); determines and finds that it is in the best interests of The City of St. Louis, Missouri (the "City"), the Airport, and the traveling public to encourage service at the Airport by new passenger and cargo airlines and to stimulate service by airlines currently using the Airport by the adoption of programs providing for financial incentives for new airlines or new air service at the Airport; adopts an Air Service Incentive Program (the "Program"), for Fiscal Years 2021 through 2023, attached hereto as **ATTACHMENT A** and incorporated herein; authorizing the Director of Airports to implement and administer the Program; containing a severability clause; and containing an emergency clause.

WHEREAS, the City of St. Louis, Missouri (the "City"), owns an airport known as the St. Louis Lambert International Airport (the "Airport"), which is operated by the Airport Authority of the City;

WHEREAS, it is in the best interests of the City, the Airport, the traveling public using the Airport, and the residents of the St. Louis metropolitan area to encourage new passenger and cargo airlines to provide air service at the Airport and to stimulate passenger or cargo air service to domestic and international destinations by the airlines currently using the Airport;

WHEREAS, the City desires to broaden passenger and cargo activity at the Airport; attract new or additional passenger or cargo air service to the St. Louis market; increase the number of non-stop destinations served from the Airport; increase the number of passengers traveling through the Airport; increase the amount of cargo processed at the Airport; increase non-airline revenues generated at the Airport; and, over time, reduce the airlines' unit cost to operate at the Airport by the adoption of a program of financial incentives for new airlines and new air service; and

WHEREAS, in order to accomplish the foregoing, the City intends to adopt the Air Service Incentive Program attached hereto as **ATTACHMENT A** and incorporated herein, with an effective date for air service at the Airport commencing on December 1, 2020 and will remain in effect through Fiscal Year 2023.

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

SECTION ONE. The Board of Aldermen of The City of St. Louis hereby determines and finds that it is in the best interests of The City of St. Louis (the "City"), St. Louis Lambert International Airport (the "Airport"), the traveling public using the Airport, and the residents of the St. Louis metropolitan area to encourage new passenger or cargo airlines to provide air service at the Airport and to stimulate passenger or cargo air service to domestic and international destinations by airlines currently using the Airport by the adoption of a program of financial incentives for new airlines or new air service.

SECTION TWO. The City hereby adopts the Air Service Incentive Program (the "Program"), granting the Director of Airports the authority to waive certain Airport fees and charges associated with qualifying flights operated by eligible airlines, as provided for in the Program as set out in **ATTACHMENT A**, which was approved and previously adopted by the City's Airport Commission and the City's Board of Estimate and Apportionment and is attached hereto and incorporated herein.

SECTION THREE. The Director of Airports is authorized and directed to implement the terms of the Program, including, without limitation: securing appropriations necessary to fund the Program; accepting applications from airlines interested in participating in the Program; determining airline eligibility and flight qualifications; approving or rejecting applications based on the standards set forth in the Program; monitoring compliance with the terms and conditions for participation, and, if necessary, terminating an airline's eligibility for participation; and any and all other actions necessary to implement and administer the Program.

SECTION FOUR. The sections, conditions, or provisions of this Ordinance or portions thereof will be severable. If any section, condition, or provision of this Ordinance or portion thereof contained herein is held invalid by a court of competent jurisdiction, such holding will not invalidate the remaining sections, conditions, or provisions or portion thereof of this Ordinance unless the court making such finding determines that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION FIVE. This being an Ordinance for the preservation of public peace, health, or safety, it is hereby declared to be an emergency measure as defined in Article IV, Section 20 of the City Charter and shall become effective immediately upon its approval by the Mayor of the City.

**CITY OF ST. LOUIS
ST. LOUIS LAMBERT INTERNATIONAL AIRPORT**

AIR SERVICE INCENTIVE PROGRAM

The City of St. Louis, Missouri, is adopting this Air Service Incentive Program (individually, "Program I," "Program II," "Program III," "Program IV," "Program V," and "Program VI" (collectively the "Incentive Program") to stimulate passenger and cargo air service at St. Louis Lambert International Airport.

SECTION 101: GENERAL

A. Overall Goals

The goals of the Incentive Program are to:

- increase overall passenger and/or cargo airline activity at the Airport;
- attract new/additional passenger and/or cargo air service to the St. Louismarket;
- increase the number of non-stop destinations served from St. Louis;
- increase the number of passengers traveling through the Airport;
- increase the amount of cargo processed at the Airport;
- increase non-airline (concessions, parking, etc.) revenues to the Airport; and
- over time, reduce the airlines' unit cost to operate at the Airport.

B. Term

The Incentive Program shall become effective for air service at the Airport commencing upon approval by the City, for service starting after December 1, 2020, and shall remain in effect through Fiscal Year 2023.

C. Funding

Subject to the availability of funds and appropriations by the City, the Incentive Program will be funded solely from the Airport's Contingency Fund. Financial benefits conferred during Fiscal Year 2021 through and including Fiscal Year 2023 may not exceed in total \$2,400,000. However, any appropriated amounts in excess of actual financial benefits conferred in each Fiscal Year will be

carried over to the immediately following Fiscal Year to be used in accordance with the Incentive Program, to include Fiscal Year 2024 for those Eligible Airlines with Qualifying Flight activity that extends beyond the end of Fiscal Year 2023. At the discretion of the Airport Director, the available annual funding may be prorated among the Incentive Program's participants.

Waivers of Landing Fees and Terminal Building Rents offered by the City under this Incentive Program shall not have the effect of increasing the rentals, fees, or charges imposed on other aeronautical users of the Airport, including other airlines.

D. Compliance with Federal Obligations

The terms and implementation of this Incentive Program will be, at all times, subordinated to applicable state and federal laws and regulations, and the provisions of any existing or future agreement between the City and the United States Government or governmental authority, relating to the operation or maintenance of the Airport. The Incentive Program may be terminated, in whole or in part, if it is determined to violate applicable laws, regulations, or any assurance made by the City to the United States Government in connection with the receipt of federal grants-in-aid or the approval of Passenger Facility Charges.

E. Incentive Program Definitions

The words and phrases defined below have the following meaning when used elsewhere in this Incentive Program:

Airline Operating Agreement and Terminal Building Space Permit: means that agreement with the City providing for the use of the Airport by an airline that is not a party to an Airport Use and Lease Agreement, as it may be amended from time to time or a successor agreement.

Airport Use and Lease Agreement: means the agreement first adopted by Ordinance No. 70273, approved on May 25, 2016, as it may be amended from time to time or a successor agreement.

Airport: means the St. Louis Lambert International Airport, together with any additions, improvements, or enlargements made from time to time.

Airport Director: means the Airport Director of the City or the person performing the functions of that office, as authorized by the City's Mayor, or that person authorized by the Airport Director to act for or on behalf of the Airport Director with respect to any particular matter.

City: means The City of St. Louis, Missouri.

Direct Flight: means a flight served on a one-stop, same aircraft basis.

Fiscal Year: refers to the City's fiscal year and means the twelve-month period commencing July 1 and extending through June 30 of the following calendar year (and identified by the calendar year in which it ends), or such other fiscal year as the City may establish by ordinance.

Landing Fees: means the fees payable in accordance with Section 503 of the Airport Use and Lease Agreement, or similar fees in other agreements for the use of the airfield, as may be applicable.

Seasonal Flight: means a flight that operates from the Airport less than 6 consecutive months.

Terminal Building Rents: means the charges payable in accordance with Section 502 - Terminal Building Rents, Paragraph (A) of the Airport Use and Lease Agreement, or similar charges in other agreements for the use of the Airport, as may be applicable.

Transoceanic Destinations: means a destination outside of North/Central America and the Caribbean.

SECTION 102: PROGRAM I - NEW ENTRANT AIRLINES (PASSENGER)

A. Program I Goals

- Attract new passenger airlines to, and increase competition among passenger airlines in, the Airport's air service market.
- Help mitigate the financial impact to new entrant passenger airlines when beginning passenger air service at the Airport.

- Compete with other airports seeking to attract new entrant passenger airlines.

B. Program I Definitions

Eligible Airline: an airline that has not provided passenger air service at the Airport in the previous 24 months, and that begins new scheduled passenger air service at the Airport and commits to maintain year-round service for a period of more than 24 consecutive months, is eligible to participate in Program I, except:

- An airline that operates for the benefit of, or under the same or substantially similar name or livery as another airline that is serving the Airport on, or discontinued service at the Airport within the 24 months prior to, the date on which the new scheduled passenger service begins; or
- An airline that consolidates with, or merges into, another airline that is serving the Airport on, or discontinued service at the Airport within the 24 months prior to, the date on which the new scheduled passenger service begins.

To become an Eligible Airline, an airline must have entered into or commit to enter into, and be in compliance with, all of the terms of an Airport Use and Lease Agreement or an Airline Operating Agreement and Terminal Building Space Permit.

Qualifying Flight: a regularly scheduled passenger non-stop round trip flight (designated by a particular flight number or numbers) at the Airport that is first operated by an Eligible Airline during that airline's initial 30 days of operations at the Airport qualifies for the purposes of Program I.

C. Program I Incentives

Upon the Airport Director's determination that an airline is eligible to participate in Program I, and subject to the provisions of this Incentive Program, the following fees will be waived:

- Landing Fees incurred by that airline's Qualifying Flights beginning on the date in which each Qualifying Flight is first operated, and continuing for a period of up to 12 consecutive months thereafter for each such Qualifying Flight; and
- Terminal Building Rents associated with the space initially leased or assigned to an Eligible Airline and associated with the Qualifying Flight(s) for up to the first 12 consecutive months of operations by that airline at the Airport.

SECTION 103: PROGRAM II - NEW AIRPORT-WIDE NON-STOP DESTINATIONS (PASSENGER)

A. Program II Goals

- Stimulate the introduction of passenger air service to new Airport-wide non-stop destinations from the Airport.
- Ease the economic risk associated with beginning passenger air service to new Airport-wide non-stop destinations from the Airport.
- Help mitigate the financial impact of starting passenger air service to a new Airport-wide non-stop destination from the Airport.

B. Program II Definitions

Eligible Airline: an airline that introduces Qualifying Flights and commits to maintain year-round service for a period of more than 24 consecutive months is eligible to participate in Program II, except:

- An airline that operates for the benefit of, or under the same or substantially similar name or livery as another airline that is providing non-stop round trip flights between the Airport and such other destination airport on, or discontinued such service within the 24 months prior to, the date on which the Qualifying Flights begin; or
- An airline that consolidates with, or merges into, another airline that is serving the destination airport on, or discontinued service to the destination airport within the 24 months prior to, the date on which the new scheduled passenger service begins.

To become an Eligible Airline, an airline must have entered into, and be in compliance with, all the terms of an Airport Use and Lease Agreement or an Airline Operating Agreement and Terminal Building Space Permit.

An airline participating in Program I that is also an Eligible Airline under Program II may request to participate in Program II for any Qualifying Flight for which the airline is not receiving an incentive under Program I.

Qualifying Flight: a new regularly scheduled passenger non-stop round trip flight (designated by a particular flight number or numbers) between the Airport and an airport that:

- is not being served from the Airport by any other airline; and
- has not been served from the Airport by the Eligible Airline more than 20 days during the previous 12 months.

C. Program II Incentives

Upon the Airport Director's determination that an airline is eligible to participate in Program II, and subject to the provisions of this Incentive Program, the following fees will be waived:

- Landing Fees associated with that airline's Qualifying Flights and incurred up to the first 9 consecutive months of operations of that service.
- Incremental Terminal Building Rents, if any, associated with that airline's Qualifying Flights and incurred up to the first 9 consecutive months of operations of that service.

SECTION 104: PROGRAM III - NEW AIRLINE-SPECIFIC NON-STOP DESTINATIONS (PASSENGER)

A. Program III Goals

- Stimulate the introduction of passenger air service to new airline-specific non-stop destinations from the Airport.
- Ease the economic risk associated with beginning passenger air service to new airline-specific non-stop destinations from the Airport.
- Help mitigate the financial impact of starting passenger air service to a new airline-specific non-stop destination from the Airport.

B. Program III Definitions

Eligible Airline: an airline that introduces Qualifying Flights and commits to maintain year-round service for a period of more than 24 consecutive months is eligible to participate in Program III, *except:*

- An airline that operates for the benefit of, or under the same or substantially similar name or livery as another airline that is providing non-stop roundtrip flights between the Airport and such other destination airport on, or discontinued such service within the 24 months prior to, the date on which the Qualifying Flights begin; or
- An airline that consolidates with, or merges into, another airline that is serving the destination airport on, or discontinued service to the destination airport within the 24 months prior to, the date on which the new scheduled passenger service begins.

To become an Eligible Airline, an airline must have entered into, and be in compliance with, all the terms of an Airport Use and Lease Agreement or an Airline Operating Agreement and Terminal Building Space Permit.

An airline participating in Program I that is also an Eligible Airline under Program III may request to participate in Program III for any Qualifying Flight for which the airline is not receiving an incentive under Program I.

Qualifying Flight: a new regularly scheduled passenger non-stop roundtrip flight (designated by a particular flight number or numbers) between the Airport and an airport that:

- has not been served from the Airport by the Eligible Airline more than 20 days during the previous 12 months.

C. Program III Incentives

Upon the Airport Director's determination that an airline is eligible to participate in Program III, and subject to the provisions of this Incentive Program, the following fees will be waived:

- Landing Fees associated with that airline's Qualifying Flights and incurred up to the first 6 consecutive months of operations of that service.
- Incremental Terminal Building Rents, if any, associated with that airline's Qualifying Flights and incurred up to the first 6 consecutive months of operations of that service.

SECTION 105: PROGRAM IV - NEW DIRECT DESTINATIONS (PASSENGER)

A. Program IV Goals

- Stimulate the introduction of passenger air service to new direct destinations from the Airport.
- Ease the economic risk associated with beginning passenger air service to new direct destinations from the Airport.
- Help mitigate the financial impact of starting passenger air service to a new direct destination from the Airport.

B. Program IV Definitions

Eligible Airline: an airline that introduces Qualifying Flights and commits to maintain year around service for a period of 12 consecutive months is eligible to participate in Program IV, *except*:

- An airline that operates for the benefit of, or under the same or substantially similar name or livery as another airline that is providing direct roundtrip flights between the Airport and such other airport on, or discontinued such service within the 24 months prior to, the date on which the Qualifying Flights begin; or
- An airline that consolidates with, or merges into, another airline that is serving the destination airport on, or discontinued service to the destination airport within the 24 months prior to, the date on which the new scheduled passenger service begins

To become an Eligible Airline, an airline must have entered into, and be in compliance with, all the terms of an Airport Use and Lease Agreement or an Airline Operating Agreement and Terminal Building Space Permit.

An airline participating in Program I that is also an Eligible Airline under Program IV may request to participate in Program IV for any Qualifying Flight for which the airline is not receiving an incentive under Program I.

Qualifying Flight: a new regularly scheduled passenger bi-directional one-stop Direct Flight (designated by a particular flight number or numbers) between the Airport and an airport that:

- has not been served from the Airport by the Eligible Airline more than 20 days during the previous 12 months either on non-stop or Direct Flight basis, and results in increased departures at the Airport for the Eligible Airline.

C. Program IV Incentives

Upon the Airport Director's determination that an airline is eligible to participate in Program IV, and subject to the provisions of this Incentive Program, the following fees will be waived:

- Landing Fees associated with that airline's Qualifying Flights and incurred up to the first 3 consecutive months of operations of that service.
- Incremental Terminal Building Rents, if any, associated with that airline's Qualifying Flights and incurred up to the first 3 consecutive months of operations of that service.

Upon the Airport Director's determination that during the initial 12 consecutive months following the beginning of a Qualifying Flight under Program IV the service has become a Qualifying Flight under Program II or Program III (i.e. a Direct Flight has become a new

Airport-wide non-stop destination flight or a new airline-specific non-stop destination flight), the Airline will be eligible to receive Program II or Program III Incentives less any Program IV Incentives received prior to such determination and is subject to Program II or Program III eligibility requirements.

SECTION 106: PROGRAM V - NEW TRANSOCEANIC DESTINATIONS (PASSENGER AND CARGO)

A. Program V Goals

- Stimulate the introduction of new air service --passenger and/or cargo-- at the Airport to Transoceanic Destinations.
- Help mitigate the financial impact of starting passenger and/or cargo air service to new Transoceanic Destinations from the Airport.
- Compete with other airports seeking to attract similar air service to Transoceanic Destinations.

B. ProgramV Definitions

Eligible Airline: an airline that introduces Qualifying Flights and commits to maintain year-round service for a period of more than 24 consecutive months is eligible to participate in Program V, *except*:

- An airline that operates for the benefit of, or under the same or substantially similar name and/or livery as another airline that is providing non-stop roundtrip flights between the Airport and such other destination airport serving the Airport on, or discontinued such service within the 24 months prior to, the date on which the new scheduled passenger or cargo service begins; or
- An airline that consolidates with, or merges into, another airline that is serving the destination airport on, or discontinued service to the destination airport within the 24 months prior to, the date on which the new scheduled passenger or cargo service begins.

To become an Eligible Airline, an airline must have entered into, or commit to enter into, and be in compliance with, all of the terms of the Airport Use and Lease Agreement or an Airline Operating Agreement and Terminal Building Space Permit.

Qualifying Flight: a regularly scheduled passenger or cargo flight (designated by a particular flight number or numbers) between the Airport and a Transoceanic Destination served by the same aircraft on a one-stop or less basis for a passenger flight and a two stop or less basis for a cargo flight and listed as non-stop or direct service that is first operated by an Eligible Airline during that Airline's initial 30 days of operations of the Qualifying Flight at the Airport is a Qualifying Flight for the purposes of Program V.

C. Program V Incentives

Upon the Airport Director's determination that an airline is eligible to participate in Program V and subject to the provisions of this Incentive Program, the following fees will be waived:

- Landing Fees associated with that airline's Qualifying Flights and incurred up to the first 18 consecutive months of operations of that service.
- Terminal Building Rents or incremental Terminal Building Rents, or other building rents paid directly to the Airport, if any, associated with an airline's Qualifying Flights or assigned to an Eligible Airline and incurred up to the first 18 consecutive months of operations by that service.

SECTION 107: PROGRAM VI - NEW SEASONAL AIR SERVICE (PASSENGER)

A. Program VI Goals:

- Stimulate the introduction of passenger Seasonal Flights to new airline-specific non-stop destinations from the Airport.
- Ease the economic risk associated with beginning passenger Seasonal Flights to new airline-specific non-stop destinations from the Airport.

- Help mitigate the financial impact of starting passenger Seasonal Flights to new airline-specific non-stop destinations from the Airport.

B. Program VI Definitions:

Eligible Airline: an airline that introduces Qualifying Flights and commits to maintain such service until a time agreed upon by the Airport Director, *except*:

- An airline that operates for the benefit of, or under the same or substantially similar name or livery as another airline that is providing non-stop roundtrip flights between the Airport and such other destination airport on, or discontinued such service within the 24 months prior to, the date on which the new scheduled passenger service begins; or
- An airline that consolidates with, or merges into, another airline that is serving the destination airport on, or discontinued service to the destination airport within the 24 months prior to, the date on which the new Seasonal Air Service begins.

To become an Eligible Airline, an airline must have entered into or commit to enter into, and be in compliance with, all the terms of the Airport Use and Lease Agreement or an Airline Operating Agreement and Terminal Building Space Permit.

Qualifying Flight: A new regularly scheduled passenger non-stop round-trip Seasonal Flight (designated by a particular flight number or numbers) between the Airport and an airport that:

- has not been served from the Airport by the Eligible Airline during the previous 24 months.

C. Program VI Incentives

Upon the Airport Director's determination that an airline is eligible to participate in Program VI, and subject to the provisions of this Incentive Program, the following fees will be waived:

- Thirty percent (30%) of the Landing Fees associated with that airline's Qualifying Flights and incurred during the first season of service of such Qualifying Flights.
- Thirty percent (30%) of the Terminal Building Rents or incremental Terminal Building Rents, if any, associated with that Airline's Qualifying Flights and incurred during the first season of such Qualifying Flights.

SECTION 108: PROCEDURES

A. Application Process

- Before commencing new service that may qualify for any Incentive Program, an airline desiring to participate must request such in writing to the Airport Director. The request should include sufficient information to demonstrate eligibility to participate in the desired program and flight qualifications, including, without limitation: the type of new service to be offered, the destination airport, the date on which the new service will begin, and the type of aircraft to be used for the new service. If applicable, a request to participate in Programs II - VI also should include evidence that the airline would incur incremental Terminal Building Rents as a result of operating the applicable Qualifying Flights.
- The Airport Director may request any additional information as may be necessary to consider an application.
- Any request to participate in the Incentive Program must be approved by the Airport Director before an airline is eligible to participate.
- The Airport Director may reject an application if the Airport Director determines that:
 - the airline is not eligible to participate in the Incentive Program;
 - the proposed service does not qualify for an incentive;

- the waiver of Landing Fees and Terminal Building Rents for the proposed service exceeds the available annual funding for the Incentive Program; or
- the proposed service does not meet the Incentive Program's goals.
- The Airport Director may terminate an airline's eligibility to participate if that airline fails to meet or maintain any of the requirements for participation.

B. Reports

An airline participating in the Incentive Program may be required to provide operational reports to show it is meeting the applicable requirements.

C. Year-End Settlement

Contemporaneously with the year-end accounting, recalculation and settlement of fees and charges payable by airlines operating at the Airport, Airport staff shall calculate the aggregate actual financial benefits conferred in the form of fee and rent waivers to all the airlines that participated in the Incentive Program during the previous Fiscal Year. If the amount of aggregate actual financial benefits conferred exceed the authorized amount for that Fiscal Year, the financial benefits must be prorated among all the airlines participating in the Incentive Program based on the percentage that results from dividing the total aircraft landed weight of each Eligible Airline for its Qualifying Flights during that Fiscal Year, by the aggregate landed weight of all Eligible Airlines for their Qualifying Flights during such period.

Any benefits actually conferred to an airline participating in the Incentive Program in excess of that airline's prorated authorized amount, if any, must be paid by the airline to the City upon demand.

D. Retroactive payment of waived fees

“If at any time the eligible airline fails to meet or maintain the requirements for participation in the Incentive Program, such airline will be deemed ineligible and must pay to the City an amount equal to the applicable Landing Fees and Terminal Building Rents, as the case may be, that were waived by the City in accordance with the Incentive Program.”

E. The Airport Director may waive the retroactive payment of waived fees, as required in paragraph D of this section, if it is determined that the Eligible Airline failed to meet or maintain the requirements for participation in the Incentive Program due to operating restrictions imposed upon it by some governmental entity, such as an airport authority, that are beyond the control of the Eligible Airline.

**BOARD BILL NUMBER 171
FISCAL NOTE**

Preparer's Name: Rochelle Pruitt

Phone Number or Email Address: (will be available publicly) rapruitt@flystl.com

Bill Sponsor: Alderwoman Marlene Davis

Bill Synopsis:	Air Service Incentive Program for FY 2021 - FY 2023.
Type of Impact:	N/A
Agencies Affected:	Airport Authority

**SECTION A
Does this bill authorize:**

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? ___Yes ___X___No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget? ___Yes ___X___No.

- A commitment of city funding in the future under certain specified conditions? ___ Yes __X__ No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget ___ Yes __X__ No.
- An execution or initiation of an activity as a result of federal or state mandates or requirements? ___ Yes __X__ No.
- A capital improvement project that increases operating costs over the current adopted city budget? ___ Yes __X__ No.
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? ___ Yes __X__ No.

**If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill.
Complete Section B of the form below.**

SECTION B

- Does the bill require the construction of any new physical facilities? ___ Yes ___ No.
 - If yes, describe the facilities and provide the estimated cost: _____

- Is the bill estimated to have a direct fiscal impact on any city department or office? ___ Yes ___ No.
 - If yes, explain the impact and the estimated cost: _____

- Does the bill create a program or administrative subdivision? ___ Yes ___ No.
 - If yes, then is there a similar existing program or administrative subdivision? ___ Yes ___ No.
 - If yes, explain the how the proposed programs or administrative subdivisions may overlap: _____

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources: _____

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	N/A	N/A
Additional Revenue	N/A	N/A	N/A
Net	N/A	N/A	N/A

Financial Estimate of Impact on Special Funds			
Fiscal Impact	Year 1 (current)	Year 2	Year 3
Additional Expenditures	N/A	N/A	N/A
Additional Revenue	N/A	N/A	N/A
Net	N/A	N/A	N/A

- Describe any assumptions used in preparing this fiscal note:

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

- Have the financial estimates of this bill been verified by the City Budget Division? _____ Yes _____ No.
 - If yes, by whom? _____.

Approved: February 11, 2021

ORDINANCE #71289
Board Bill No. 172

An Ordinance recommended and approved by the Airport Commission and the Board of Estimate and Apportionment, providing for the transfer of \$1,000,000.00 that The City of St. Louis (the "City"), the owner of St. Louis Lambert International Airport®, intends to transfer from the "Airport Development Fund" through the "Airport Contingency Fund" into the "Airport Revenue Fund" in order to fund the Airport's Air Service Incentive Program for FY 2021 through FY 2023, which total estimated costs may not exceed \$2,400,000.00; providing for supplemental transfers; containing a severability clause; and containing an emergency clause.

WHEREAS, The City of St. Louis, Missouri (the "City"), owns an airport known as the St. Louis Lambert International Airport (the "Airport"), which is operated by the Airport Authority of the City;

WHEREAS, pursuant to Section 509.F of the Airport Amended and Restated Indenture of Trust between UMB Bank, N.A., Trustee, dated as of October 15, 1984, as amended and restated as of July 1, 2009, as amended and supplemented from time to time (the "Restated Indenture"), the City may, but if and only to the extent consistent with the "Capital Budget" provided for in Section 816 of the Restated Indenture, transfer from the "Airport Development Fund" (established under Ordinance 59286, Section 13, approved October 26, 1984) into the "Airport Contingency Fund" (established under Ordinance 59286 approved October 26, 1984, **Exhibit A**, Article V, Sections 502 and 510) any moneys in the Airport Development Fund which are no longer needed for the purposes of moneys on deposit in the Airport Development Fund;

WHEREAS, the City, acting in the best interest of the City, the Airport, and the traveling public, anticipates that up to Two Million Four Hundred Thousand Dollars (\$2,400,000) may be required for the purposes of making funds available for the estimated costs of the Airport's Air Service Incentive Program for Fiscal Years 2021 through 2023;

WHEREAS, there is a balance in excess of One Million Dollars (\$1,000,000) available for transfer from the Airport Development Fund into the Airport Contingency Fund;

WHEREAS, it is now in the best interest of the City, the Airport, and the traveling public to authorize the transfer of funds from the Airport Development Fund into the Airport Contingency Fund in the total amount of One Million Dollars (\$1,000,000); and

WHEREAS, this Ordinance authorizing the transfer of One Million Dollars (\$1,000,000) from the City's Airport Development Fund into the Airport Contingency Fund and then the transfer of One Million Dollars (\$1,000,000) from the Airport Contingency Fund into the Airport Revenue Fund (established under Ordinance 59286, Section 13, approved October 26, 1984) for the purpose of making funds available in part for the Airport's Air Service Incentive Program for Fiscal Years 2021 through 2023, are recommended by the City's Airport Commission and the City's Board of Estimate and Apportionment.

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

SECTION ONE. The Board of Aldermen for The City of St. Louis hereby adopts and incorporates herein the foregoing recitals as findings and further finds that the One Million Dollars (\$1,000,000) of excess moneys or funds that The City of St. Louis (the "City"), intends to transfer from the "Airport Development Fund" (established under Ordinance 59286, Section 13, approved October 26, 1984) into the "Airport Contingency Fund" (established under Ordinance 59286 approved October 26, 1984, **Exhibit A**, Article V, Sections 502 and 510) is no longer needed for the purposes of moneys on deposit in the Airport Development Fund and that said transfer is consistent with the Airport Capital Budget in accordance with Section 509.F of the St. Louis Lambert International Airport Amended and Restated Indenture of Trust between the City, as Grantor, and UMB Bank, N.A., as Trustee, dated as of October 15, 1984, as amended and restated as of July 1, 2009, as amended and supplemented from time to time;

SECTION TWO. There is hereby authorized a transfer of funds in the total amount of One Million Dollars (\$1,000,000) from the Airport Development Fund (established under Ordinance 59286, approved October 26, 1984) into the Airport Contingency Fund.

SECTION THREE. There is hereby further authorized transfers as are required of sufficient funds or moneys on deposit in the Airport Contingency Fund in the total amount not to exceed One Million Dollars (\$1,000,000) from the Airport Contingency Fund to the Airport Revenue Fund for the purpose of making funds available in part for the estimated costs of the Airport's Air Service Incentive Program for Fiscal Years 2021 through and including Fiscal Year 2023, which total estimated cost may not exceed Two Million Four Hundred Thousand Dollars (\$2,400,000) (the "Incentive Program"), and providing for supplemental transfers from the Airport Development Fund to the Airport Contingency Fund and then into the Airport Revenue Fund when authorized by ordinance in order to continue the Incentive Program; provided, however, that any appropriated amounts in excess of actual financial benefits conferred in each fiscal year will be carried over to the immediately following fiscal year to be used in accordance with the Incentive Program to include fiscal year 2024 for those eligible airlines with qualifying flight activity that extend beyond the end of Fiscal Year 2023 in accordance with the Incentive Program.

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

SECTION FIVE. This being an Ordinance making an appropriation and providing for payment of current expenses, it is hereby declared to be an emergency measure as defined in Article IV, Section 20 of the Charter of the City and shall become effective immediately upon its approval by the Mayor of the City.

**BOARD BILL NUMBER 172
FISCAL NOTE**

Preparer's Name: Rochelle Pruitt

Phone Number or Email Address: (will be available publicly) rapruitt@flystl.com

Bill Sponsor: Alderwoman Marlene Davis

Bill Synopsis:	Funding for Air Service Incentive Program for FY 2021 - FY 2023.
Type of Impact:	2,400,000
Agencies Affected:	Airport Authority

**SECTION A
Does this bill authorize:**

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget?
___ Yes ___ X ___ No.

- An undertaking of a new service for which no funding is provided in the current adopted city budget? ___ Yes X No.
- A commitment of city funding in the future under certain specified conditions? ___ Yes X No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget ___ Yes X No.
- An execution or initiation of an activity as a result of federal or state mandates or requirements? ___ Yes X No.
- A capital improvement project that increases operating costs over the current adopted city budget? ___ Yes X No.
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? ___ Yes X No.

**If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill.
Complete Section B of the form below.**

SECTION B

- Does the bill require the construction of any new physical facilities? ___ Yes ___ No.
 - If yes, describe the facilities and provide the estimated cost: ___ Yes ___ No.

- Is the bill estimated to have a direct fiscal impact on any city department or office? ___ Yes ___ No.
 - If yes, explain the impact and the estimated cost:

- Does the bill create a program or administrative subdivision? ___ Yes ___ No.
 - If yes, then is there a similar existing program or administrative subdivision? ___ Yes ___ No.
 - If yes, explain the how the proposed programs or administrative subdivisions may overlap:

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	N/A	N/A
Additional Revenue	N/A	N/A	N/A
Net	N/A	N/A	N/A

Financial Estimate of Impact on Special Funds			
Fiscal Impact	Year 1 (current)	Year 2	Year 3
Additional Expenditures	N/A	N/A	N/A
Additional Revenue	N/A	N/A	N/A
Net	N/A	N/A	N/A

- Describe any assumptions used in preparing this fiscal note:

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

- Have the financial estimates of this bill been verified by the City Budget Division? _____ Yes _____ No.
 ○ If yes, by whom? _____.

Approved: February 11, 2021

**ORDINANCE #71290
Board Bill No. 173**

An ordinance recommended by the Board of Public Service to conditionally vacate above surface, surface and sub-surface rights for vehicle, equestrian and pedestrian travel in a triangular tract of land located on the northwest corner of 20th Street and Pine, the same area was previously dedicated per Plat Book 34, Page 38 in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS:

SECTION ONE. The above surface, surface and sub-surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being part of City Block 906, of the City of St. Louis Records, situated in the City of St. Louis, Missouri, and being more particularly described as follows:

Commencing at the intersection of the West right of way line of 20th Street, 60 feet wide, with the South right of way line of Olive Street, 100 feet wide, said intersection being the northeast corner of City Block 906; thence along the said West right of way of 20th Street, and the East line of City Block 906, the following two calls: South 15 degrees 07 minutes 38 seconds West, a distance of 88.88 feet to a point; South 14 degrees 37 minutes 38 seconds West, a distance of 99.15 feet to the Point of Beginning of the hereinafter described tract; thence South 18 degrees 00 minutes 36 seconds West, a distance of 5.14 feet to a point; thence leaving said West right of way, North 54' 14 minutes 22 seconds West, a distance of 14.24 feet to a point; thence South 75 degrees 20 minutes 41 seconds East, a distance of 13.59 feet to the Point of Beginning. Said tract contains 34.85 sq. ft. more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO. TKFC LC will use the proposed vacated unimproved land to consolidate property for construction of soccer stadium.

SECTION THREE. All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR. The owners of the land may, at their election and expense remove the surface pavement of said so vacated street provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE. The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX. The owner(s) shall not place any improvement upon, over or in the area(s) vacated without:

1. Lawful permit from the Building Division or Authorized City agency as governed by the Board of Public Service.
2. Obtaining written consent of the utilities, governmental service entities and franchise holders, present or future.

The written consent with the terms and conditions thereof shall be filed in writing with the Board of Public Service by each of the above agencies as needed and approved by such Board prior to construction.

SECTION SEVEN. The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT. In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must have curbing cobblestones returned to the Department of Streets in good condition.

SECTION NINE. This ordinance shall be ineffective unless within three hundred sixty (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed three (3) days prior to the affidavit submittal date as specified in the last section of this ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be deposited by these agencies with the Comptroller of the City of St. Louis.

1. CITY WATER DIVISION so as to cover the full expenses of removal and/or relocation of Water facilities, if any.
2. CITY TRAFFIC AND TRANSPORTATION DIVISION so as to cover the full expenses of removal, relocation and/or purchase of all lighting facilities, if any. All street signs must be returned.
3. CITY STREET DEPARTMENT so as to cover the full expenses required for the adjustments of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as specified in Sections Two and Eight of the Ordinance.

SECTION TEN. An affidavit stating that all of the conditions be submitted to the Director of Streets for review of compliance with conditions 2 years (730 days) from the date of the signing and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

ORDINANCE #71290
Board Bill No. 173
Petition and Maps
(Is On File in the Register's Office.)

Approved: February 11, 2021

ORDINANCE #71291
Board Bill No. 177

An ordinance recommended by the Board of Public Service to conditionally vacate above surface, surface and sub-surface rights for vehicle, equestrian and pedestrian travel in Second St. from Tyler south 256.045 ± 4.105 feet to terminus in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS:

SECTION ONE. The above surface, surface and sub-surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

Second Street (65 feet wide) between City Blocks 292 and 322, in the City of St. Louis, Missouri, described as follows:

Beginning at the Northwest corner of Lot 1 of a Resubdivision Plat of City Blocks 238 and 292 and vacated streets therein as recorder in Plat Book 10242006 Page 1 of the City of St. Louis Records; thence along said Lot 1 and it's extension the following courses and distances: South 21 degrees 35 minutes 57 seconds East a distance of 260.15 feet; South 75 degrees 31 minutes 13 seconds West a distance of 65.49 feet to the East line of said City Block 322; thence along said East line of City Block 322 North 21 degrees 35 minutes 57 seconds West a distance of 251.94 feet to the South line of Tyler Street (60 feet wide); thence along said South line of Tyler Street(60 feet wide) North 68 degrees 19 minutes 33 seconds East a distance of 65.00 feet to the Point of Beginning and having an area of 16,641 square feet or 0.38 acres, more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO. Petitioners are North Broadway Investors LLC & others. North Broadway Investors LLC proposes to use area to improve safety and security to abutting properties.

SECTION THREE. All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated unimproved street, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR. The owners of the land may, at their election and expense remove the surface pavement of said so vacated unimproved street provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE. The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX. The owner(s) shall not place any improvement upon, over or in the area(s) vacated without:

1. Lawful permit from the Building Division or Authorized City agency as governed by the Board of Public Service.
2. Obtaining written consent of the utilities, governmental service entities and franchise holders, present or future. The written consent with the terms and conditions thereof shall be filed in writing with the Board of Public Service by each of the above agencies as needed and approved by such Board prior to construction.

SECTION SEVEN. The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT. In the event that granite curbing, cobblestones or bricks are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must have curbing, cobblestones and bricks returned to the Department of Streets in good condition.

SECTION NINE. This ordinance shall be ineffective unless within three hundred sixty (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed three (3) days prior to the affidavit submittal date as specified in the last section of this ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be deposited by these agencies with the Comptroller of the City of St. Louis.

1. CITY WATER DIVISION so as to cover the full expenses of removal and/or relocation of Water facilities, if any.
2. CITY TRAFFIC AND TRANSPORTATION DIVISION so as to cover the full expenses of removal, relocation and/or purchase of all lighting facilities, if any. All street signs must be returned.
3. CITY STREET DEPARTMENT so as to cover the full expenses required for the adjustments of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as specified in Sections Two and Eight of the Ordinance.

SECTION TEN. An affidavit stating that all of the conditions be submitted to the Director of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

ORDINANCE #71291
Board Bill No. 177
Petition and Maps
(Is On File in the Register's Office.)

Approved: February 11, 2021

