

**ORDINANCE 70923**

**BOARD BILL NO. 202 INTRODUCED BY: ALDERMAN SHANE  
COHN/ALDERWOMAN BETH MURPHY**

1 An ordinance approving a Redevelopment Plan for the Meramec St./ S. Compton Ave./Bates  
2 St./S. Grand Blvd. ("Area") after finding that the Area is blighted as defined in Section 99.320  
3 of the Revised Statutes of Missouri, 2016, as amended, (the "Statute" being Sections 99.300 to  
4 99.715 inclusive), containing a description of the boundaries of said Area in the City of St.  
5 Louis ("City"), attached hereto and incorporated herein as Attachment "A", finding that  
6 redevelopment and rehabilitation of the Area is in the interest of the public health, safety,  
7 morals and general welfare of the people of the City; approving the Plan dated December 18,  
8 2018 for the Area ("Plan"), incorporated herein by attached Attachment "B", pursuant to  
9 Section 99.430; finding that there is a feasible financial plan for the development of the Area  
10 which affords maximum opportunity for development of the Area by private enterprise; finding  
11 that no property in the Area may be acquired by the Land Clearance for Redevelopment  
12 Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain; finding  
13 that the property within the Area is partially occupied, and the Redeveloper shall be responsible  
14 for relocating any eligible occupants displaced as a result of implementation of the Plan; finding  
15 that financial aid may be necessary to enable the Area to be redeveloped in accordance with the  
16 Plan; finding that there shall be available up to a twenty-five (25) year tax abatement (twenty-  
17 five-year for Cleveland High School site and up to fifteen (15) year for the remainder of the  
18 area); and pledging cooperation of the Board of Aldermen and requesting various officials,  
19 departments, boards and agencies of the City to cooperate and to exercise their respective  
20 powers in a manner consistent with the Plan.

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

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

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

14          **WHEREAS**, the LCRA has recommended such a plan to the Planning Commission of  
15          the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen  
16          ("Board"), titled "Blighting Study and Plan for the Meramec St./ S. Compton Ave./Bates St./S.  
17          Grand Blvd.," dated December 18, 2018 consisting of a Title Page, a Table of Contents Page,  
18          and twenty-one (21) numbered pages, attached hereto and incorporated herein as Attachment  
19          "B" ("Plan"); and

20          **WHEREAS**, under the provisions of the Statute it is required that this Board take such  
21          actions as may be required to approve the Plan; and

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

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

7           **WHEREAS**, the Plan has been presented and recommended by LCRA to this Board for  
8 review and approval; and

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

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

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

17           **WHEREAS**, this Board is cognizant of the conditions which are imposed on the  
18 undertaking and carrying out of the Project, including those relating to prohibitions against  
19 discrimination because of race, color, familial status, national origin or ancestry, sex, marital  
20 status, age, sexual orientation, gender identity or expression, religion or disability; and

1           **WHEREAS**, in accordance with the requirements of Section 99.430 of the Statute, this  
2 Board advertised that a public hearing would be held by this Board on the Plan, and said  
3 hearing was held at the time and place designated in said advertising and all those who were  
4 interested in being heard were given a reasonable opportunity to express their views; and

5           **WHEREAS**, it is necessary that this Board take appropriate official action respecting  
6 the approval of the Plan.

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

9           **SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as  
10 defined by Section 99.320 of the Revised Statutes of Missouri, 2016, as amended, (the "Statute"  
11 being Sections 99.300 to 99.715 inclusive, as amended) described in Attachment "A", attached  
12 hereto and incorporated herein, known as the Meramec St./ S. Compton Ave./Bates St./S.  
13 Grand Blvd. Area.

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

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

1           **SECTION FOUR.** The Blighting Study and Plan for the Area, dated December 18,  
2           2018, ("Plan") having been duly reviewed and considered, is hereby approved and incorporated  
3           herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is  
4           hereby directed to file a copy of said Plan with the Minutes of this meeting.

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

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

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

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

17          **SECTION NINE.** The property within the Area is currently unoccupied, but if it  
18          should become occupied all eligible occupants displaced by the Redeveloper ("Redeveloper"  
19          being defined in Section Twelve, below) shall be given relocation assistance by the  
20          Redeveloper at its expense, in accordance with all applicable federal, state and local laws,  
21          ordinances, regulations and policies.

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

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

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

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

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

12           **SECTION TWELVE.** All parties participating as owners or purchasers of property in  
13 the Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs,  
14 successors and assigns that they shall not discriminate on the basis of race, color, familial status,  
15 national origin or ancestry, sex, marital status, age, sexual orientation, gender identity or  
16 expression, religion or disability in the sale, lease, or rental of any property or improvements  
17 erected or to be erected in the Area or any part thereof and those covenants shall run with the  
18 land, shall remain in effect without limitation of time, shall be made part of every contract for  
19 sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the  
20 LCRA, the City and the United States of America.

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

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

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

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

11           (d) To adhere to the requirements of Ordinance #70767 and the Executive Orders  
12 #28 and #47, as may be amended and supplemented.

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

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

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

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

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

17           **SECTION FOURTEEN.** Redeveloper(s) may seek ten (10) year real estate tax  
18 abatement pursuant to Sections 99.700 - 99.715, RSMo, as amended, upon application as  
19 provided therein. Such real estate tax abatement shall not include taxes collected for any Special  
20 Business District, Neighborhood Improvement District, Commercial Improvement District, or  
21 any other similar local taxing district created in accordance with Missouri law, whether now  
22 existing or later created.

1           **1.       Tax Abatement for Cleveland High School Site**

2           In lieu of the tax abatement available pursuant to Sections 99.700 – 99.715,  
3 RSMo, as amended, any Redeveloper(s) of the Cleveland High School Site may seek tax  
4 abatement pursuant to Chapter 353, RSMo, as amended, upon compliance with the procedures  
5 set forth therein and in Chapter 11.06 of the City Code, as amended. The terms of the tax  
6 abatement available to the applicable real property or portion thereof will be set forth in a  
7 Redevelopment Agreement between the LCRA and the Redeveloper. The Redevelopment  
8 Agreement shall provide that tax abatement shall begin in the year during which an urban  
9 redevelopment corporation acquires title to the applicable real property or portion thereof and  
10 continue no longer than twenty-five (25) years thereafter (the “Chapter 353 Tax Abatement  
11 Period”), provided, however, that:

- 12                           • PILOTs will be imposed to ensure that the total revenues payable to the  
13   affected taxing jurisdictions from PILOTs and unabated ad valorem taxes  
14   (including those set forth in Section 353.110, RSMo) equals at least:
  - 15   ○ For years one through ten of the Chapter 353 Tax Abatement  
16   period, at least:
    - 17   ▪ One hundred percent (100%) of the ad valorem taxes that  
18   would be imposed based on the then-current tax levy  
19   rates and the assessed value of the land and  
20   improvements included in the applicable real property or  
21   portion thereof in the year prior to the urban

1 redevelopment corporation’s acquisition thereof (subject  
2 to adjustment pursuant to Section 353.110.2, RSMo, if  
3 the land was tax exempt prior to acquisition by the urban  
4 redevelopment corporation) (the “Base Tax Value”); plus

5                   ▪ Five percent (5%) of the difference between the ad  
6                   valorem real estate taxes that would be due if there were  
7                   no tax abatement and Base Tax Value.

8                   ○ For years eleven through twenty-five of the Chapter 353 Tax  
9                   Abatement period, at least fifty percent (50%) of the ad valorem  
10                  real estate taxes that would be due if there were no tax abatement.

11                  • Pursuant to Section 71.801, RSMo., all calculations of PILOTs and  
12                  abated taxes shall exclude any ad valorem real property tax imposed by a  
13                  Special Business District.

14                  **2.           Tax Abatement for Projects Outside of Cleveland High School Site**

15                  In lieu of the tax abatement available pursuant to pursuant to Sections 99.700 – 99.715,  
16                  RSMo, as amended, any Redeveloper(s) may seek tax abatement pursuant to Chapter 353,  
17                  RSMo, as amended, upon compliance with the procedures set forth therein and in Chapter 11.06  
18                  of the City Code, as amended. The terms of the tax abatement available to the applicable real  
19                  property or portion thereof will be set forth in a Redevelopment Agreement between the LCRA  
20                  and the Redeveloper. The Redevelopment Agreement shall provide that tax abatement shall  
21                  begin in the year during which an urban redevelopment corporation acquires title to the

1 applicable real property or portion thereof and continue no longer than Fifteen (15) years  
2 thereafter (the “Chapter 353 Tax Abatement Period”), provided, however, that:

3 • PILOTs will be imposed to ensure that the total revenues payable to the  
4 affected taxing jurisdictions from PILOTs and unabated ad valorem taxes  
5 (including those set forth in Section 353.110, RSMo) equals at least:

6 ○ For years one through ten of the Chapter 353 Tax Abatement  
7 period, at least:

- 8 ■ One hundred percent (100%) of the ad valorem taxes that  
9 would be imposed based on the then-current tax levy  
10 rates and the assessed value of the land and  
11 improvements included in the applicable real property or  
12 portion thereof in the year prior to the urban  
13 redevelopment corporation’s acquisition thereof (subject  
14 to adjustment pursuant to Section 353.110.2, RSMo, if  
15 the land was tax exempt prior to acquisition by the urban  
16 redevelopment corporation) (the “Base Tax Value”); plus  
17 ■ five percent (5%) of the difference between the ad  
18 valorem real estate taxes that would be due if there were  
19 no tax abatement and Base Tax Value.

- 1                                   o For years eleven through fifteen of the Chapter 353 Tax
- 2                                   Abatement period, at least fifty percent (50%) of the ad valorem
- 3                                   real estate taxes that would be due if there were no tax abatement.
  
- 4                                   • Pursuant to Section 71.801, RSMo., all calculations of PILOTs and
- 5                                   abated taxes shall exclude any ad valorem real property tax imposed by a
- 6                                   Special Business District.

7           The tax abatement described above shall not apply to special assessments and shall not  
8   serve to reduce or eliminate any other licenses or fees owing to the City or any other taxing  
9   jurisdiction with respect to the applicable real property or portion thereof, except as expressly  
10  described above. Nothing in this Redevelopment Plan shall prevent the City Assessor from  
11  increasing or decreasing the assessed value of the any real property or portion thereof that is not  
12  acquired by an urban redevelopment corporation in accordance with the Redevelopment Plan  
13  and Redevelopment Agreement.

14           All unabated ad valorem real estate taxes and PILOTs shall be collected by the City  
15  Collector of Revenue in the same manner as regular ad valorem real estate taxes. Each phase of  
16  the project will require LCRA Board approval and redeveloper designation when financing is  
17  secured. Up to twenty five-year tax abatement has been authorized for the Area; however,  
18  abatement of shorter duration or quantity may be granted for a particular phase if the financial  
19  proformas do not support twenty-five (25) years. A Community Improvement District (“CID”)  
20  may be established for the Area and a portion of the taxes abated will equal the amount of the  
21  CID special assessment. If the CID special assessment generates more revenue than expected,  
22  the portion of the tax abatement tied to the CID would end early.

1           **SECTION FIFTEEN.** Any proposed modification which will substantially change the  
2 Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was  
3 first approved. Modifications which will substantially change the Plan include, but are not  
4 necessarily limited to, modifications on the use of eminent domain, to the length of tax  
5 abatement, to the boundaries of the Area. The Plan may be otherwise modified (e.g.  
6 development schedule) by the LCRA in accordance with its September 25, 2018 policy  
7 governing time extensions, as may be amended.

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

15