

Summary

Board Bill Number 48

Primary Sponsor: Alderwoman Shameem Clark-Hubbard

June 5, 2020

This Board Bill seeks to approve a Chapter 99 Redevelopment Plan and Blighting Study for the 310 Debaliviere Ave. Redevelopment Area. This Board Bill will allow up to a 10-year tax abatement based on 80% of the assessed value of the incremental improvements. This Area includes an unoccupied commercial building to be replaced with the construction of a mixed-use property.

ORDINANCE 71202

BOARD BILL NUMBER 48 INTRODUCED BY: ALDERWOMAN SHAMEEM CLARK-HUBBARD

1 An ordinance approving a blighting study and Redevelopment Plan for the 310 Debaliviere
2 Ave. Redevelopment Area ("Area") after finding that the Area is blighted as defined in Section
3 99.320 of the Revised Statutes of Missouri, 2016, as amended ("RSMo"), (the "Statute" being
4 Sections 99.300 to 99.715 inclusive), finding that financial aid may be necessary to enable the Area
5 to be redeveloped in accordance with the Plan; finding that there shall be available ten (10) year tax
6 abatement based on 80% of the assessed value of the incremental improvements; and pledging
7 cooperation of the Board of Aldermen and requesting various officials, departments, boards and
8 agencies of the City to cooperate and to exercise their respective powers in a manner consistent with
9 the Plan.

10 **WHEREAS**, the predominance of defective or inadequate street layout, insanitary or unsafe
11 conditions, deterioration of site improvements, improper subdivision or obsolete platting, inadequate
12 or outmoded design and conditions which endanger life or property by fire or other causes, or any
13 combination of such factors, retards the provision of housing accommodations and constitutes an
14 economic and social liability and a menace to the public health, safety, morals or welfare in the
15 present condition and use of the Area, said Area being more fully described in **Attachment "A"**;
16 and

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

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

5 **WHEREAS**, the LCRA has recommended such a plan to the Planning Commission of the
6 City of St. Louis (“Planning Commission”) and to this St. Louis Board of Aldermen (“Board”), titled
7 “Blighting Study and Plan for the 310 Debaliviere Ave.,” dated May 26, 2020 consisting of a Title
8 Page, a Table of Contents Page, and nine (9) numbered pages, attached hereto and incorporated
9 herein as **Attachment "B"** (“Plan”); and

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

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

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

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

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

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

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

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

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

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

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

17 **SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as
18 defined by Section 99.320 of the Revised Statutes of Missouri, 2016, as amended, (the "Statute"
19 being Sections 99.300 to 99.715 inclusive, as amended) described in **Attachment "A"**, attached
20 hereto and incorporated herein, known as the 310 Debaliviere Ave. Area.

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

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

3 **SECTION FOUR.** The Blighting Study and Plan for the Area, dated May 26, 2020, ("Plan")
4 having been duly reviewed and considered, is hereby approved and incorporated herein by reference,
5 and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a
6 copy of said Plan with the Minutes of this meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (d) To adhere to the requirements of Ordinance Nos. 69427, 70767 and 71094, as may
7 be amended or supplemented, pertaining to minority-owned and women-owned business
8 participation, workforce development, and prevailing wage compliance, to the extent the
9 provisions of those ordinances apply to the Project;

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

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

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

18 The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit
19 organization owned, operated and controlled by minority group members who have at least fifty-one
20 percent (51%) ownership. The minority group member(s) must have operational and management
21 control, interest in capital and earnings commensurate with their percentage of ownership. The term
22 Minority Group Member(s) shall mean persons legally residing in the United States who are Black,
23 Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific

1 American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam,
2 U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American
3 (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole
4 proprietorship, partnership, corporation, profit or non-profit organization owned, operated and
5 controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman
6 or women must have operational and managerial control, interest in capital and earnings
7 commensurate with their percentage of ownership.

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

10 **SECTION FOURTEEN.** Redeveloper(s) may seek ten (10) year ad valorem real estate tax
11 abatement (the "Tax Abatement Period") pursuant to Sections 99.700 – 99.715, RSMo, as amended,
12 upon application as provided therein. LCRA shall provide the Redeveloper(s) with a Certificate of
13 Qualification of Tax Abatement as provided in Section 99.700, RSMo, and any redevelopment
14 agreement, and the Redeveloper shall file such certificate with the City Assessor within thirty (30)
15 days receipt thereof as required by Section 99.705, RSMo. The City Assessor shall, promptly after
16 receipt of the certificate, provide a written certification of the current assessed value of the then-
17 existing applicable real property or portion thereof (the "Base Assessed Value") to the
18 Redeveloper(s).

19 During the Tax Abatement Period, and subject to continued compliance with the Plan and any
20 redevelopment agreement, the Redeveloper(s) (or subsequent owners of the applicable real property
21 or portion thereof) shall pay unabated ad valorem real estate taxes and make additional payments in
22 lieu of taxes ("PILOTs") as follows:

1 During each year of the Tax Abatement Period, unabated ad valorem real estate taxes will be imposed
2 based on the then-current tax levy rates and the Base Assessed Value of the applicable real property
3 or portion thereof pursuant to Section 99.710, RSMo; and

4 During each year of the Tax Abatement Period, PILOTs shall equal:

5 In each of years one through ten of the Tax Abatement Period, an amount equal to twenty percent
6 (20%) of the difference between the ad valorem real estate taxes that would be due if there were no
7 abatement and the amount of taxes actually due (as described above); and

8 The tax abatement described above shall not apply to special assessments and shall not serve to reduce
9 or eliminate any other licenses or fees owing to the City or any other taxing jurisdiction with respect
10 to the applicable real property or portion thereof, except as expressly described above. Pursuant to
11 Section 99.715, RSMo, nothing in the Plan shall prevent the City Assessor from increasing or
12 decreasing the assessed value of the any real property or portion thereof that is not subject to a
13 Certificate of Qualification of Tax Abatement properly filed with the City Assessor.

14 All unabated ad valorem real estate taxes and PILOTs shall be collected by the City Collector of
15 Revenue in the same manner as regular ad valorem real estate taxes.

16 **SECTION FIFTEEN.** Any proposed modification which will substantially change
17 the Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was
18 first approved. Modifications which will substantially change the Plan include, but are not necessarily
19 limited to, modifications on the use of eminent domain, to the length of tax abatement, or to the
20 boundaries of the Area. The Plan may be otherwise modified (e.g. urban design regulations,
21 development schedule) by the LCRA in accordance with its July 24, 2018 policy governing time
22 extensions as may be amended.

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