

ORDINANCE 71270

Summary

Board Bill Number 131

Primary Sponsor: Alderman Dan Guenther

October 2, 2020

This Board Bill seeks to approve a Chapter 99 Redevelopment Plan and Blighting Study for the 3170-3172 Oregon Ave. Redevelopment Area. This project is the renovation of an unoccupied 4-family building. This Board Bill will allow a 5-year tax abatement @ 50%.

ORDINANCE 71270

BOARD BILL NUMBER 131 INTRODUCED BY: ALDERMAN DAN GUENTHER

1 An ordinance approving a Redevelopment Plan dated September 22, 2020 (“Plan”) for the 3170-
2 3172 Oregon Ave. Area ("Area") in the City of St. Louis (“City”) after finding that the Area is
3 blighted as defined in Section 99.320 of the Revised Statutes of Missouri, 2016, as amended, (the
4 "Statute" being Sections 99.300 to 99.715 inclusive), finding that there shall be available 5-year tax
5 abatement based on 50% of the assessed value of the incremental improvements for 3170-3172
6 Oregon Ave.; and pledging cooperation of the Board of Aldermen.

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

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

15 **WHEREAS**, there is a need for the Land Clearance for Redevelopment Authority of the City of St.
16 Louis (“LCRA”), a public body corporate and politic created under Missouri law, to undertake the
17 development of the above described Area as a land clearance project (“Project”) under said Statute,
18 pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

19 **WHEREAS**, the LCRA has recommended such a plan to the Planning Commission of the City of
20 St. Louis (“Planning Commission”) and to this St. Louis Board of Aldermen ("Board"), titled
21 "Blighting Study and Plan for the 3170-3172 Oregon Ave.," dated September 22, 2020 consisting of

ORDINANCE 71270

1 a Title Page, Table of Contents Pages, and nine (9) numbered pages, and **Exhibits A-G** attached
2 hereto and incorporated herein as **Attachment "B"** ("Plan"); and

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

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

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

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

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

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

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

21 **WHEREAS**, this Board is cognizant of the conditions which are imposed on the undertaking and
22 carrying out of the Project, including those relating to prohibitions against discrimination because of

ORDINANCE 71270

1 race, color, familial status, national origin or ancestry, sex, marital status, age, sexual orientation,
2 gender identity or expression, religion or disability; and

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

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

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

10 **SECTION ONE.** There exists within the City a blighted area, as defined by Section 99.320 of the
11 Revised Statutes of Missouri, 2016, as amended, (the "Statute" being Sections 99.300 to 99.715
12 inclusive, as amended) described in **Attachment "A"**, attached hereto and incorporated herein,
13 known as the 3170-3172 Oregon Ave. Area.

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

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

19 **SECTION FOUR.** The Blighting Study and Plan for the Area, dated September 22, 2020, having
20 been duly reviewed and considered, is hereby approved and incorporated herein by reference, and
21 the President or Clerk of this Board is hereby directed to file a copy of said Plan with the Minutes of
22 this meeting.

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

ORDINANCE 71270

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

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

7 **SECTION EIGHT.** The Plan for the Area provides that the LCRA may not acquire any property
8 in the Area by the exercise of eminent domain.

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

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

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

- 18 (a) Pledges its cooperation in helping to carry out the Plan;
- 19 (b) Requests the various officials, departments, boards and agencies of the City, which have
20 administrative responsibilities, likewise to cooperate to such end and to execute their respective
21 functions and powers in a manner consistent with the Plan; and
- 22 (c) Stands ready to consider and take appropriate action upon proposals and measures designed
23 to effectuate the Plan.

ORDINANCE 71270

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

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

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

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

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

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

22 (e) To comply with the requirements of Ordinance 60275 of the City;

ORDINANCE 71270

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

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

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

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

22 **SECTION FOURTEEN.** The Redeveloper(s) may seek ten (10) year ad valorem real estate tax
23 abatement (the "Tax Abatement Period") pursuant to Sections 99.700 – 99.715, RSMo, as amended,

ORDINANCE 71270

1 upon application as provided therein. LCRA shall provide the Redeveloper(s) with a Certificate of
2 Qualification of Tax Abatement as provided in Section 99.700, RSMo, and any redevelopment
3 agreement, and the Redeveloper shall file such certificate with the City Assessor within thirty (30)
4 days receipt thereof as required by Section 99.705, RSMo. The City Assessor shall, promptly after
5 receipt of the certificate, provide a written certification of the current assessed value of the then-
6 existing applicable real property or portion thereof (the “Base Assessed Value”) to the
7 Redeveloper(s).

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

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

15 During each year of the Tax Abatement Period, PILOTs shall equal: In each of years one through
16 five of the Tax Abatement Period, an amount equal to fifty percent (50%) of the difference between
17 the ad valorem real estate taxes that would be due if there were no abatement and the amount of
18 taxes actually due (as described above); and in each of years six through ten of the Tax Abatement
19 Period, an amount equal to hundred percent (100%) of the difference between the ad valorem real
20 estate taxes that would be due if there were no abatement and the amount of taxes actually due (as
21 described above); and

ORDINANCE 71270

1 Pursuant to Section 99.715, RSMo, nothing in the Plan shall prevent the City Assessor from
2 increasing or decreasing the assessed value of the any real property or portion thereof that is not
3 subject to a Certificate of Qualification of Tax Abatement properly filed with the City Assessor.

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

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

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