

ORDINANCE 71277

BOARD BILL NUMBER 159 INTRODUCED BY: ALDERMAN JOSEPH RODDY

1 An ordinance dissolving special allocation funds for the 4494 Lindell redevelopment area
2 and terminating the designation of a certain portion of The City of St. Louis, Missouri, relating to
3 such as a redevelopment area, repealing **Ordinance No. 70157** and authorizing certain actions
4 relating thereto.

5 **WHEREAS**, the Real Property Tax Increment Allocation Redevelopment Act, Sections
6 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “Act”), authorizes
7 municipalities to undertake redevelopment projects in blighted, conservation or economic
8 development areas, as defined in the Act; and

9 **WHEREAS**, the Act authorizes municipalities to adopt an ordinance dissolving the special
10 allocation fund for a redevelopment area and terminating the designation of the redevelopment
11 area as a “redevelopment area” and thereafter distribute the remaining funds as required upon the
12 occurrence of certain conditions; and

13 **WHEREAS**, the 4494 Lindell Redevelopment Plan envisioned the reconstruction of a
14 building at 4494 Lindell Avenue into commercial space (“4494 Lindell Redevelopment Project”)
15 and the City Board of Aldermen passed and the Mayor signed **Ordinance No. 70157**, designating
16 the 4494 Lindell redevelopment project area as a “redevelopment area” as defined in Section
17 99.805(12) of the Act (“4494 Lindell Redevelopment Area”), approving that redevelopment plan
18 and that redevelopment project, adopting tax increment financing within the 4494 Lindell
19 Redevelopment Area, and establishing a special allocation fund for the 4494 Lindell
20 Redevelopment Area, and Section Seven of Ordinance No. 70158 provides that said ordinance
21 shall terminate ninety (90) days after the effective date or December 15, 2015, unless extended by
22 the City Board of Estimate and Apportionment, if a redevelopment agreement relating to the 4494

1 Lindell Redevelopment Project has not been executed, and no such redevelopment agreement has
2 been executed nor the time extended; and

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

5 **SECTION ONE.** The Board of Aldermen hereby repeals **Ordinance No. 70157**, dissolves
6 the special allocation funds for the 4494 Lindell Redevelopment Area, and terminates the
7 designation of the 4494 Lindell Redevelopment Area as a “redevelopment area” pursuant to the
8 Act.

9 **SECTION TWO.** The City Finance Officer (“Comptroller”) is hereby directed to
10 disburse, after the payment of City’s expenses, all funds in the above named special allocation
11 funds for the 4494 Lindell Redevelopment Area, the appropriate taxing districts in the manner
12 provided in the Act.

13 **SECTION THREE.** The Mayor and Comptroller are hereby authorized and directed to
14 execute all documents, if any, and take such necessary steps as they deem necessary and advisable
15 to carry out and perform the purpose of this Ordinance.

16 **SECTION FOUR.** The sections of this Ordinance shall be severable. If any section of
17 this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections
18 shall remain valid, unless the court finds that the valid sections are so essential to and inseparably
19 connected with and dependent upon the void section that it cannot be presumed that the Board of
20 Aldermen has or would have enacted the valid sections without the void ones, unless the court
21 finds the valid sections, standing alone, are incomplete and are incapable of being executed in
22 accordance with the legislative intent.

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1 Lindell (the “Redevelopment Area” or “Area”), which Redevelopment Area is more fully
2 described in the Redevelopment Plan, attached hereto and incorporated herein as **Exhibit A**; and

3 **WHEREAS**, the Redevelopment Plan proposes the renovation of the building in the
4 Redevelopment Area into commercial space, as set forth in the Redevelopment Plan (the
5 “Redevelopment Project”); and

6 **WHEREAS**, on October 14, 2015, after all proper notice was given, the TIF
7 Commission held a public hearing in conformance with the TIF Act and received comments
8 from all interested persons and taxing districts relative to the Redevelopment Area, the
9 Redevelopment Plan, and the Redevelopment Project; and

10 **WHEREAS**, on October 14, 2015, the TIF Commission found that completion of the
11 Redevelopment Project would provide a substantial and significant public benefit through the
12 creation of new jobs, the presentation of historic structures, the strengthening of the employment
13 and economic base of the City, increased property values and tax revenues, stabilization of the
14 Redevelopment Area, and facilitation of economic stability for the City as a whole, and further
15 found that without the assistance of tax increment financing in accordance with the TIF Act, the
16 Redevelopment Project is not financially feasible and would not otherwise be completed; and

17 **WHEREAS**, on October 14, 2015, the TIF Commission voted to recommend that the
18 Board of Aldermen adopt an ordinance in the form required by the Act (i) adopting tax increment
19 financing within the Redevelopment Area, (ii) approving the Redevelopment Plan, (iii)
20 approving and designating the Redevelopment Area as a “redevelopment area” as provided in the
21 Act, (iv) approving the Redevelopment Project described in the Redevelopment Plan, and (v)
22 approving the issuance of one or more tax increment financing revenue notes in the amount as
23 specified in the Redevelopment Plan; and

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1 **WHEREAS**, the Developer has demonstrated that the Redevelopment Project would not
2 reasonably be anticipated to be developed without the adoption of tax increment financing and,
3 therefore, redevelopment of the Redevelopment Area in accordance with the Redevelopment
4 Plan is not feasible and would not otherwise be completed; and

5 **WHEREAS**, the Board of Aldermen has received the recommendations of the TIF
6 Commission regarding the Redevelopment Area and the Redevelopment Plan and finds that it is
7 desirable and in the best interests of the City to designate the Redevelopment Area as a
8 “redevelopment area” as provided in the TIF Act and to approve the Redevelopment Plan and the
9 Redevelopment Project in order to encourage and facilitate the redevelopment of the
10 Redevelopment Area; and

11 **WHEREAS**, the Redevelopment Area qualifies for the use of tax increment financing to
12 alleviate the conditions that qualify it as a “conservation area” as provided in the TIF Act and as
13 set forth herein; and

14 **WHEREAS**, the property constituting the Redevelopment Area is underutilized, thus
15 discouraging investment, and the Redevelopment Area represents a social and economic liability
16 to the City; and

17 **WHEREAS**, it is necessary and desirable and in the best interest of the City to approve
18 the Redevelopment Project to allow the renovation of the building in the Redevelopment Area
19 into commercial space; and

20 **WHEREAS**, it is necessary and desirable and in the best interest of the City to adopt tax
21 increment allocation financing within the Redevelopment Area and to establish a special
22 allocation fund for the Redevelopment Area in order to provide for the promotion of the general
23 welfare through redevelopment of the Redevelopment Area in accordance with the

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1 Redevelopment Plan, which redevelopment includes, but is not limited to, assistance in the
2 physical, economic, and social development of the City of St. Louis, encouragement of a sense
3 of community identity, safety and civic pride, and the elimination of impediments to land
4 disposition and development in the City of St. Louis.

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

6 **SECTION ONE.** The Board of Aldermen hereby makes the following findings:

7 A. The Redevelopment Area on the whole is a “conservation area”, as defined in
8 Section 99.805 of the TIF Act, and has not been subject to growth and development through
9 investment by private enterprise and would not reasonably be anticipated to be developed
10 without the adoption of tax increment financing. This finding includes, the Redevelopment Plan
11 sets forth, and the Board of Aldermen hereby finds and adopts by reference: (i) a detailed
12 description of the factors that qualify the Redevelopment Area as a “conservation area” and (ii)
13 an affidavit, signed by the Developer and submitted with the Redevelopment Plan, attesting that
14 the provisions of Section 99.810.1(1) of the TIF Act have been met, which description and
15 affidavit are incorporated herein as if set forth herein.

16 B. The Redevelopment Plan conforms to the comprehensive plan for the
17 development of the City as a whole.

18 C. In accordance with the TIF Act, the Redevelopment Plan states the estimated
19 dates of completion of the Redevelopment Project and retirement of the financial obligations
20 issued to pay for certain redevelopment project costs and these dates are twenty three (23) years
21 or less from the effective date of this ordinance approving the Redevelopment Project.

22 D. A plan has been developed for relocation assistance for businesses and residences
23 as set forth in Ordinance No. 62481 adopted December 20, 1991.

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1 E. A cost-benefit analysis showing the economic impact of the Redevelopment Plan
2 on each taxing district which is at least partially within the boundaries of the Redevelopment
3 Area is on file with the St. Louis Development Corporation, which cost-benefit analysis shows
4 the impact on the economy if the Redevelopment Project is not built, and if the Redevelopment
5 Project is built pursuant to the Redevelopment Plan as well as a fiscal impact study on every
6 affected political subdivision and sufficient information for the TIF Commission to evaluate
7 whether the Redevelopment Project is financially feasible.

8 F. Redevelopment of the Redevelopment Area in accordance with the
9 Redevelopment Plan is not financially feasible without the assistance of tax increment financing
10 and would not otherwise be completed.

11 G. The Redevelopment Plan does not include the initial development or
12 redevelopment of any “gambling establishment” as that term is defined in Section 99.805(6) of
13 the TIF Act.

14 H. The Redevelopment Area includes only those parcels of real property and
15 improvements thereon directly and substantially benefited by the proposed Redevelopment
16 Project.

17 **SECTION TWO.** The Redevelopment Area described in the Redevelopment Plan is
18 hereby designated as a “redevelopment area” as defined in Section 99.805 of the TIF Act.

19 **SECTION THREE.** The Redevelopment Plan dated September 27, 2015, as revised
20 October 5, 2015, as reviewed and recommended by the TIF Commission on October 14, 2015,
21 and the Redevelopment Project described in the Redevelopment Plan are hereby adopted and
22 approved. A copy of the Redevelopment Plan is attached hereto as **Exhibit A** and incorporated
23 herein by reference.

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1 **SECTION FOUR.** There is hereby created and ordered to be established within the
2 treasury of the City a separate fund to be known as the “4494 Lindell Special Allocation Fund.”
3 To the extent permitted by law and except as otherwise provided in the Redevelopment Plan, the
4 City hereby pledges funds in the 4494 Lindell Special Allocation Fund for the payment of
5 redevelopment project costs and obligations incurred in the payment thereof.

6 **SECTION FIVE.** Tax increment allocation financing is hereby adopted within the
7 Redevelopment Area. After the total equalized assessed valuation of the taxable real property in
8 the Redevelopment Area exceeds the certified total initial equalized assessed valuation of the
9 taxable real property in the Redevelopment Area, the ad valorem taxes, and payments in lieu of
10 taxes, if any, arising from the levies upon taxable real property in the Redevelopment Area by
11 taxing districts and tax rates determined in the manner provided in Section 99.855.2 of the TIF
12 Act each year after the effective date of this Ordinance until redevelopment costs have been paid
13 shall be divided as follows:

14 A. That portion of taxes, penalties and interest levied upon each taxable lot, block,
15 tract, or parcel of real property which is attributable to the initial equalized assessed value of
16 each such taxable lot, block, tract, or parcel of real property in the area selected for the
17 Redevelopment Project shall be allocated to and, when collected, shall be paid by the City
18 Collector to the respective affected taxing districts in the manner required by law in the absence
19 of the adoption of tax increment allocation financing;

20 B. Payments in lieu of taxes attributable to the increase in the current equalized
21 assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected
22 for the Redevelopment Project and any applicable penalty and interest over and above the initial
23 equalized assessed value of each such unit of property in the area selected for the Redevelopment

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1 Project shall be allocated to and, when collected, shall be paid to the City Treasurer, who shall
2 deposit such payments in lieu of taxes into the 4494 Lindell Special Allocation Fund for the
3 purpose of paying redevelopment costs and obligations incurred in the payment thereof.
4 Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of
5 the Redevelopment Project from which they are derived and shall be collected in the same
6 manner as the real property tax, including the assessment of penalties and interest where
7 applicable.

8 **SECTION SIX.** In addition to the payments in lieu of taxes described in Section Five of
9 this Ordinance, fifty percent (50%) of the total additional revenue from taxes, penalties and
10 interest which are imposed by the City or other taxing districts, and which are generated by
11 economic activities within the area of the Redevelopment Project over the amount of such taxes
12 generated by economic activities within the area of the Redevelopment Project in the calendar
13 year prior to the adoption of the Redevelopment Project by ordinance, while tax increment
14 financing remains in effect, but excluding personal property taxes, taxes imposed on sales or
15 charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to
16 Section 70.500 of the Revised Statutes of Missouri (2000) as amended, or taxes levied for the
17 purpose of public transportation pursuant to Section 94.660 of the Revised Statutes of Missouri
18 (2000) as amended, taxes imposed on sales pursuant to subsection 2 of section 67.1712 of the
19 Revised Statutes of Missouri, as amended, for the purpose of operating and maintaining a
20 metropolitan park and recreation district, licenses, fees or special assessments other than
21 payments in lieu of taxes and penalties and interest thereon, and any other taxes, licenses or fees
22 exempt from tax increment financing by Missouri law, shall be allocated to, and paid by the
23 collecting officer to the City Treasurer or other designated financial officer of the City, who shall

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1 deposit such funds in a separate segregated account within the 4494 Lindell Special Allocation
2 Fund.

3 **SECTION SEVEN.** The Comptroller of the City is hereby authorized to enter into
4 agreements or contracts with other taxing districts as necessary to ensure the allocation and
5 collection of the taxes and payments in lieu of taxes described in Sections Five and Six of this
6 Ordinance and the deposit of the said taxes or payments in lieu of taxes into the 4494 Lindell
7 Special Allocation Fund for the payment of redevelopment project costs and obligations incurred
8 in the payment thereof, all in accordance with the TIF Act.

9 **SECTION EIGHT.** The City Register is hereby directed to submit a certified copy of
10 this Ordinance to the City Assessor, who is directed to determine the total equalized assessed
11 value of all taxable real property within the Redevelopment Area as of the date of this
12 Ordinance, by adding together the most recently ascertained equalized assessed value of each
13 taxable lot, block, tract or parcel of real property within the Redevelopment Area, and shall
14 certify such amount as the total initial equalized assessed value of the taxable real property
15 within the Redevelopment Area.

16 **SECTION NINE.** The Mayor and Comptroller of the City or their designated
17 representatives are hereby authorized and directed to take any and all actions as may be
18 necessary and appropriate in order to carry out the matters herein authorized, with no such
19 further action of the Board of Aldermen necessary to authorize such action by the Mayor and the
20 Comptroller or their designated representatives.

21 **SECTION TEN.** The Mayor and the Comptroller or their designated representatives,
22 with the advice and concurrence of the City Counselor and after approval by the Board of
23 Estimate and Apportionment, are hereby further authorized and directed to make any changes to

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1 the documents, agreements and instruments approved and authorized by this Ordinance as may
2 be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out
3 the matters herein authorized, with no such further action of the Board of Aldermen necessary to
4 authorize such changes by the Mayor and the Comptroller or their designated representatives.

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

14 **SECTION TWELVE.** After adoption of this Ordinance by the Board of Aldermen, this
15 Ordinance shall become effective on the 30th day after its approval by the Mayor or adoption
16 over his veto; *provided that* if, within ninety (90) days after the effective date of an ordinance
17 authorizing the City to enter into a redevelopment agreement pertaining to the Redevelopment
18 Project, the Developer or its affiliate or designee, has not (i) executed such redevelopment
19 agreement and (ii) paid all fees due to the City in accordance with the terms of the
20 redevelopment agreement, the provisions of this Ordinance shall be deemed null and void and of
21 no effect and all rights conferred by this Ordinance on Developer, shall terminate, *provided*
22 *further*, however, that prior to any such termination the Developer may seek an extension of time

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- 1 in which to execute the Redevelopment Agreement, which extension may be granted in the sole
- 2 discretion of the Board of Estimate and Apportionment of the City of St. Louis.

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EXHIBIT A

4494 LINDELL TIF REDEVELOPMENT PLAN

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FISCAL NOTE

Preparer's Name: Thomas J. Ray

Contact Information: Thomas J. Ray
Attorney
Armstrong Teasdale LLP
(314) 259-4730
tray@armstrongteasdale.com

Bill Sponsor: Alderman Roddy

Bill Synopsis:	The bill terminates the Special Allocation Funds for 4494 Lindell and allows for the taxing jurisdictions to receive all taxes assessed and paid; no longer collecting the PILOTs and EATs because the Redevelopment Agreement was not timely signed by the Developer and the project failed.
Type of Impact:	Taxes will be received as assessed on the real estate, and from the sales, utility and earnings.
Agencies Affected:	No City Agency would be impacted financially by this ordinance.

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.
 - o If yes, explain the impact and the estimated cost:
- Does the bill create a program or administrative subdivision? Yes No.
 - o If yes, then is there a similar existing program or administrative subdivision? Yes No.
 - o 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</u> <u>(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 (2021)</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.
 - o If yes, by whom? _____ .