

BOARD BILL NO. 387

INTRODUCED BY ALDERWOMAN KACIE TRIPLETT

An ordinance approving a blighting study and redevelopment plan dated December 16, 2008 for the 2325 Whittemore Place Redevelopment Area ("Plan") after finding that said Redevelopment Area ("Area") is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, 2000, as amended (the "Statute" being Sections 99.300 to 99.715 inclusive, as amended); containing a description of the boundaries of the Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Attachment "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan attached hereto and incorporated herein as Attachment "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority ("LCRA") of the City of St. Louis, a public body corporate and politic created under Missouri law, through the exercise of eminent domain; finding that none of the property within the Area is occupied, but if it should become occupied/and the Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available up to five (5) year real estate tax abatement; and pledging cooperation of this St. Louis Board of Aldermen ("Board") and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

WHEREAS, by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or

1 obsolete platting, inadequate or outmoded design and conditions which endanger life or property
2 by fire and other causes, or any combination of such factors, retards the provision of housing
3 accommodations or constitutes an economic or social liability or a menace to the public health,
4 safety, morals or welfare in the present condition and use of the Area; and

5 WHEREAS, this Board has considered the “Blighting Study and Redevelopment Plan for
6 the 2325 Whittemore Place Area” dated December 16, 2008 consisting of a Title Page; a Table of
7 Contents Page, eight numbered pages and Exhibits “A” – “F” attached hereto and incorporated
8 herein as Attachment “B” (“Plan”); and based on the information in the Plan, specifically the
9 Blighting Report in Exhibit “F” to the Plan, considered each parcel of property in the Area and
10 found the preponderance of the Area to be blighted, and

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

14 WHEREAS, there is a need for the LCRA to undertake the redevelopment of the Area as a
15 land clearance project under the Statute, pursuant to plans by or presented to the LCRA under
16 Section 99.430.1 (4); and

17 WHEREAS, the LCRA has, after considering each individual parcel of property in the Area
18 and finding the Area to be blighted, approved the Plan and recommended approval of the Plan to
19 the Planning Commission of the City of St. Louis (“Planning Commission”) and to this Board; and;

20 WHEREAS, it is desirable and in the public interest that a public body, the LCRA,
21 undertake and administer the Plan; and

22 WHEREAS, the LCRA and the Planning Commission have made and presented to this
23 Board the studies and statements required to be made and submitted by Section 99.430 and this

1 Board has been fully apprised by the LCRA and the Planning Commission of the facts and is fully
2 aware of the conditions in the Area; and

3 WHEREAS, the Plan has been presented and recommended by LCRA and the Planning
4 Commission to this Board for review and approval; and

5 WHEREAS, a general plan has been prepared and is recognized and used as a guide for the
6 general development of the City and the Planning Commission has advised this Board that the Plan
7 conforms to that general plan; and

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

10 WHEREAS, this Board has duly considered the reports, recommendations and
11 certifications of the LCRA and the Planning Commission; and

12 WHEREAS, the Plan prescribes land use and street and traffic patterns which may require,
13 among other things, the vacation of public rights-of-way, the establishment of new street and
14 sidewalk patterns or other public actions; and

15 WHEREAS, this Board is cognizant of the conditions which are imposed on the
16 undertaking and carrying out of a redevelopment project, including those relating to prohibitions
17 against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual
18 orientation or physical handicap; and

19 WHEREAS, in accordance with the requirements of Section 99.430 of the Statute, this
20 Board placed a public notice in a newspaper of general circulation in the City that a public hearing
21 would be held by this Board on the Plan, and a hearing was held at the time and place designated in
22 that notice and all those who were interested in being heard were given a reasonable opportunity to
23 express their views; and

1 WHEREAS, it is necessary that this Board take appropriate official action respecting the
2 approval of the Plan.

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

5 **SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as
6 defined by Section 99.320 of the Revised Statutes of Missouri, 2000, as amended (the "Statute"
7 being Sections 99.300 to 99.715 inclusive, as amended) described in Attachment "A", attached
8 hereto and incorporated herein, known as the 2325 Whittemore Place Area ("Area"). The
9 existence of deteriorated property and other conditions constitutes an economic or social liability to
10 the City and presents a hazard to the health and well-being of its citizens. These conditions,
11 therefore, qualify the Area as blighted within the meaning of Section 99.320(3) of the Revised
12 Statutes of Missouri, 2000 as amended, and is evidenced by the Blighting Report attached as
13 Exhibit "F" ("Blighting Report") to the Blighting Study and Redevelopment Plan for the Area
14 dated , 2008 which is attached hereto, and labeled Attachment "B" and incorporated herein
15 by reference ("Plan").

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

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

22 **SECTION FOUR.** The Plan (including the Blighting Report) having been duly reviewed
23 and considered, is hereby approved and incorporated herein by reference, and the President or

1 Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of the Plan
2 with the Minutes of this meeting.

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

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

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

10 **SECTION EIGHT.** The Plan provides that the Land Clearance for Redevelopment
11 Authority of the City of St. Louis ("LCRA") may acquire **no** property in the Area by the exercise of
12 eminent domain.

13 **SECTION NINE.** None of the property within the Area is currently occupied. If it should
14 become occupied, all eligible occupants displaced by the Redeveloper(s) ("Redeveloper(s)" being
15 defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper(s) at its
16 expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and
17 policies.

18 **SECTION TEN.** The Plan gives due consideration to the provision of adequate public
19 facilities.

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

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

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

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

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

14 **SECTION THIRTEEN.** In all contracts with private and public parties for redevelopment
15 of any portion of the Area, Redeveloper(s) shall agree:

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

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

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

1 (d) To adhere to the requirements of the Executive Order of the Mayor of the City,
2 dated July 24, 1997, as has been extended.

3 (e) To comply with applicable requirements of Ordinance No. 60275 of the City (First
4 Source Jobs Policy, as codified at St. Louis City Revised Code Chapter 3.90);

5 (f) To cooperate with those programs and methods supplied by the City with the
6 purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and
7 material supplier participation in the construction pursuant to the Plan. The Redeveloper(s) will
8 report semi-annually during the construction period the results of its endeavors under this
9 paragraph, to the Office of the Assistant Director-Certification and Compliance of the City and the
10 President of this Board; and

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

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

1 percent (51%) ownership. The woman or women must have operational and managerial control,
2 interest in capital and earnings commensurate with their percentage of ownership.

3 The term "Redeveloper(s)" as used in this Section shall include successors in interest and
4 assigns.

5 **SECTION FOURTEEN.** A Redeveloper(s) which is an urban redevelopment corporation
6 formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad
7 valorem tax abatement which shall not include any Special Business District, Neighborhood
8 Improvement District, Commercial Improvement District or any other single local taxing district
9 created in accordance with Missouri law, whether now existing or later created, for a total period of
10 up to five (5) years from the commencement of such tax abatement, in accordance with the
11 following provisions:

12 If property in the Area is sold by the LCRA to an urban redevelopment corporation
13 formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall
14 own property within the Area, then for up to the five (5) years after the date the
15 redevelopment corporation shall acquire title to property in the Area, taxes on that property
16 shall be based upon the assessment of land, exclusive of any improvements thereon, during
17 the calendar year two years preceding the calendar year during which the corporation shall
18 have acquired title to that property. In addition to such taxes, any such corporation shall for
19 up to the same five (5) year period make a payment in lieu of taxes to the Collector of
20 Revenue of the City of St. Louis in an amount based upon the assessment on the
21 improvements located on the property during the calendar year two years preceding the
22 calendar year during which such corporation shall have acquired title to that property. If
23 property shall be tax-exempt because it is owned by the LCRA and leased to any such

1 corporation, then such corporation for up to the five (5) years of the lease shall make
2 payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon
3 the assessment on the property, including land and improvements, during the calendar year
4 two years preceding the calendar year during which such corporation shall lease that
5 property.

6 All payments in lieu of taxes shall be a lien upon the property and, when paid to the
7 Collector of Revenue of the City shall be distributed as all other property taxes. These
8 partial tax relief and payment in lieu of taxes provisions, during up to said five (5) year
9 period, shall inure to the benefit of all successors in interest in the property of the
10 redevelopment corporation, so long as such successors shall continue to use the property as
11 provided in this Plan and in any agreement with the LCRA. In no event shall such benefits
12 extend beyond five (5) years after the redevelopment corporation shall have acquired title to
13 the property.

14
15 **SECTION FIFTEEN.** Any proposed modification which will substantially change the
16 Plan must be approved by this Board in the same manner as the Plan was first approved.
17 Modifications which will substantially change the Plan include, but are not necessarily limited to,
18 modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the
19 Area, or to other items which alter the nature or intent of the Plan.

20 The Plan may be otherwise modified (e.g. urban design regulations, development schedule)
21 by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning
22 Commission of the City.

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
5 that it cannot be presumed that this Board would have enacted the valid sections without the void
6 ones, or unless the court finds that the valid sections standing alone are incomplete and are
7 incapable of being executed in accordance with the legislative intent.