

1 **BOARD BILL NO. 40 AA** **INTRODUCED BY ALDERMAN SCOTT OGILVIE**

2 An ordinance approving a Redevelopment Plan for the 6452 Nashville Ave. & 6453 Wade
3 Ave. Area ("Area") after finding that the Area is blighted as defined in Section 99.320 of the
4 Revised Statutes of Missouri, 2016, as amended, (the "Statute" being Sections 99.300 to 99.715
5 inclusive), containing a description of the boundaries of said Area in the City of St. Louis ("City"),
6 attached hereto and incorporated herein as Attachment "A", finding that redevelopment and
7 rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of
8 the people of the City; approving the Plan dated March 27, 2018, for the Area ("Plan"),
9 incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a
10 feasible financial plan for the development of the Area which affords maximum opportunity for
11 development of the Area by private enterprise; finding that no property in the Area may be acquired
12 by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the
13 exercise of eminent domain; finding that the property within the Area is unoccupied, but if it should
14 become occupied the Redeveloper shall be responsible for relocating any eligible occupants
15 displaced as a result of implementation of the Plan; finding that financial aid may be necessary to
16 enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available
17 ten (10) year tax abatement (first five (5) years based on ~~80%~~50% of the assessed value of the
18 incremental improvements and second 5 years based on 0% of the assessed value of the incremental
19 improvements) ; and pledging cooperation of the Board of Aldermen and requesting various
20 officials, departments, boards and agencies of the City to cooperate and to exercise their respective
21 powers in a manner consistent with the Plan.

22 WHEREAS, by reason of predominance of defective or inadequate street layout, unsanitary
23 or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting,

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1 there exist conditions which endanger life or property by fire or other causes and constitute an
2 economic or social liability or a menace to the public health, safety, morals or welfare in the present
3 condition and use of the Area, said Area being more fully described in Attachment "A"; and

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

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

11 WHEREAS, the LCRA has recommended such a plan to the Planning Commission of the
12 City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"),
13 titled "Blighting Study and Plan for the 6452 Nashville Ave. & 6453 Wade Ave.," dated March 27,
14 2018 consisting of a Title Page, a Table of Contents Page, and nineteen (19) numbered pages,
15 attached hereto and incorporated herein as Attachment "B" ("Plan"); and

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

18 WHEREAS, it is desirable and in the public interest that a public body, the LCRA,
19 undertake and administer the Plan in the Area; and

20 WHEREAS, the LCRA and the Planning Commission have made and presented to this
21 Board the studies and statements required to be made and submitted by Section 99.430 and this
22 Board has been fully apprised by the LCRA and the Planning Commission of the facts and is fully
23 aware of the conditions in the Area; and

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1 WHEREAS, the Plan has been presented and recommended by LCRA to this Board for
2 review and approval; and

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

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

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

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

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

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

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

22 **SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as
23 defined by Section 99.320 of the Revised Statutes of Missouri, 2016, as amended, (the "Statute"

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1 being Sections 99.300 to 99.715 inclusive, as amended) described in Attachment "A", attached
2 hereto and incorporated herein, known as the 6452 Nashville Ave. & 6453 Wade Ave. Area.

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

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

9 **SECTION FOUR.** The Blighting Study and Plan for the Area, dated March 27, 2018,
10 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by
11 reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby
12 directed to file a copy of said Plan with the Minutes of this meeting.

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

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

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

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

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

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

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

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

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

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1 Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of
2 America.

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

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

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

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

12 (d) To adhere to the requirements of the Executive Order of the Mayor of the City,
13 dated July 24, 1997 as extended.

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

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

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

22 The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-
23 profit organization owned, operated and controlled by minority group members who have at least

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

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

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

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

- 5 • During each year of the Tax Abatement Period, unabated ad valorem real estate
6 taxes will be imposed based on the then-current tax levy rates and the Base
7 Assessed Value of the applicable real property or portion thereof pursuant to
8 Section 99.710, RSMo; and
- 9 • During each year of the Tax Abatement Period, PILOTs shall equal:
 - 10 ○ In each of years one through five of the Tax Abatement Period, an amount
11 equal to ~~ten percent (10%)~~ **fifty percent (50%)** of the difference between
12 the ad valorem real estate taxes that would be due if there were no
13 abatement and the amount of taxes actually due (as described above); and
 - 14 ○ In each of years six through ten of the Tax Abatement Period, an amount
15 equal to one hundred percent (100%) of the of the difference between the
16 ad valorem real estate taxes that would be due if there were no abatement
17 and the amount of taxes actually due (as described above).

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18 The tax abatement described above shall not apply to special assessments and shall not serve to
19 reduce or eliminate any other licenses or fees owing to the City or any other taxing jurisdiction with
20 respect to the applicable real property or portion thereof, except as expressly described above.

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

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

3 **SECTION FIFTEEN.** Any proposed modification which will substantially change
4 the Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was
5 first approved. Modifications which will substantially change the Plan include, but are not
6 necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to
7 the boundaries of the Area, to the urban design objectives, to the urban design regulations, or to
8 other items which alter the nature or intent of the Plan. The Plan may be otherwise modified (e.g.
9 development schedule) by the LCRA.

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

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