

1 **BOARD BILL NO. 244**

INTRODUCED BY ALDERMAN SCOTT OGILVIE

2 An ordinance approving a blighting study and redevelopment plan dated November 17,
3 2015 for the 1243 Graham St. Redevelopment Area (as further defined herein, the “Plan”) after
4 finding that said Redevelopment Area (“Area”) is blighted as defined in Section 99.320 of the
5 Revised Statutes of Missouri, as amended (the "Statute" being Sections 99.300 to 99.715 RSMo
6 inclusive, as amended); containing a description of the boundaries of the Area in the City of St.
7 Louis ("City"), attached hereto and incorporated herein as Attachment "A", finding that
8 redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals
9 and general welfare of the people of the City; approving the Plan attached hereto and incorporated
10 herein as Attachment "B", pursuant to Section 99.430 RSMo, as amended; finding that there is a
11 feasible financial plan for the redevelopment of the Area which affords maximum opportunity for
12 redevelopment of the Area by private enterprise; finding that no property in the Area may be
13 acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis (“LCRA”), a
14 public body corporate and politic created under Missouri law, through the exercise of eminent
15 domain; finding that no property within the Area is occupied, but if it shall become occupied, the
16 Redeveloper (as defined herein) shall be responsible for providing relocation assistance pursuant to
17 the Plan to any eligible occupants displaced as a result of implementation of the Plan; finding that
18 financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan;
19 finding that there shall be available up to a ten (10) year real estate tax abatement with five (5)
20 years of payments in lieu of taxes or up to five (5) years real estate tax abatement; and pledging
21 cooperation of this St. Louis Board of Aldermen (“Board”) and requesting various officials,

1 departments, boards and agencies of the City to cooperate and to exercise their respective powers in
2 a manner consistent with the Plan; and containing a severability clause.

3 WHEREAS, the predominance of defective or inadequate street layout, unsanitary or
4 unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting,
5 inadequate or outmoded design and conditions which endanger life or property by fire and other
6 causes, or any combination of such factors, retards the provision of housing accommodations or
7 constitutes an economic or social liability or a menace to the public health, safety, morals or
8 welfare in the present condition and use of the Area and such conditions are beyond remedy and
9 control solely by regulatory process in the exercise of the police power and cannot be dealt with
10 effectively by ordinary private enterprise without the aids provided in the Statute; and

11 WHEREAS, this Board has considered the “Blighting Study and Redevelopment Plan for
12 the 1243 Graham St. Redevelopment Area” dated November 17, 2015, consisting of a Title Page; a
13 Table of Contents Page, twenty-one (21) numbered pages including Exhibits “A” – “G” attached
14 hereto and incorporated herein as Attachment “B” (“Plan”); and based on the information in the
15 Plan, specifically the Blighting Report in Exhibit “F” to the Plan, considered each parcel of
16 property in the Area and found the preponderance of the Area to be blighted, and

17 WHEREAS, there is a need for the LCRA to undertake the redevelopment of the Area as a
18 land clearance project (“Project”) under the Statute, pursuant to plans by or presented to the LCRA
19 under Section 99.430.1 (4) RSMo, as amended; and

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

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

3 WHEREAS, the LCRA and the Planning Commission have made and presented to this
4 Board the studies and statements required to be made and submitted by Section 99.430 RSMo, as
5 amended, and this Board has been fully apprised by the LCRA and the Planning Commission of the
6 facts and is fully aware of the conditions in the Area; and

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

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

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

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

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

19 WHEREAS, this Board is cognizant of the conditions which are imposed on the
20 undertaking and carrying out of the Project, including those relating to prohibitions against
21 discrimination because of race, color, creed, national origin, sex, marital status, age, sexual
22 orientation or physical handicap; and

1 WHEREAS, in accordance with the requirements of Section 99.430 RSMo, as amended,
2 this Board placed public notices in a newspaper of general circulation in the City that a public
3 hearing would be held by this Board on the Plan, and a hearing was held at the time and place
4 designated in those notices and all those who were interested in being heard were given a
5 reasonable opportunity to express their views; and

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

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

10 **SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as
11 defined by Section 99.320 of the Revised Statutes of Missouri, as amended (the "Statute" being
12 Sections 99.300 to 99.715 inclusive, as amended) described in Attachment "A", attached hereto and
13 incorporated herein, known as the 1243 Graham St. Area ("Area"). The existence of deteriorated
14 property and other conditions constitutes an economic or social liability to the City and presents a
15 hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as
16 blighted within the meaning of Section 99.320(3) RSMo, as amended, and are evidenced by the
17 Blighting Report attached as Exhibit "F" ("Blighting Report") to the Blighting Study and
18 Redevelopment Plan for the Area dated November 17, 2015 which is attached hereto, and labeled
19 Attachment "B" and incorporated herein by reference ("Plan").

20 **SECTION TWO.** The redevelopment of the Area, as provided by the Statute, is
21 necessary and in the public interest, and is in the interest of the public health, safety, morals and
22 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
3 Statute.

4 **SECTION FOUR.** The Plan (including the Blighting Report) having been duly reviewed
5 and considered, is hereby approved and incorporated herein by reference, and the President or
6 Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of the Plan
7 with the Minutes of this meeting.

8 **SECTION FIVE.** The Plan is feasible and conforms to the general plan for the 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, 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
14 enterprise, and private redevelopments to be sought pursuant to the requirements of the Statute.

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

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

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

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

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

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

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

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

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

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

3 (b) That in undertaking construction under the agreement with the LCRA and the Plan,
4 bona fide Minority Business Enterprises (as further defined below, "MBEs") and Women's
5 Business Enterprises ("as further defined below ("WBEs") will be solicited and fairly considered
6 for contracts, subcontracts and purchase orders;

7 (c) To be bound by the conditions and procedures regarding the utilization of MBEs
8 and WBEs established by the City;

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

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

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

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

21 The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-
22 profit organization owned, operated and controlled by Minority Group Member(s) (as defined

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

13 The term "Redeveloper(s)" as used in this Section shall include heirs, successors in interest,
14 and assigns.

15 **SECTION FOURTEEN.** The Redeveloper(s) may seek ten (10) year real estate tax
16 abatement ("Tax Abatement Period") pursuant to Sections 99.700 – 99.715, RSMo, as amended,
17 upon application as provided therein. Such real estate tax abatement shall not include any Special
18 Business District, Neighborhood Improvement District, Commercial Improvement District, or any
19 other similar local taxing district created in accordance with Missouri law, whether now existing or
20 later created. For the last five (5) years of the Tax Abatement Period the Redeveloper shall make
21 annual Payments in Lieu of Taxes which shall be calculated by subtracting the amount of ad
22 valorem real estate taxes due and payable to each taxing district for each tax year (i.e., the amount

1 of taxes based on the assessment prior to Project completion) from the amount of ad valorem real
2 estate taxes which would have been paid to each such taxing district for such year if no Certificate
3 of Qualification for Tax Abatement had been issued for the Project (i.e. the amount of taxes
4 without abatement).

5 In lieu of the abatement outlined above, a Redeveloper which is an urban redevelopment
6 corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real
7 property ad valorem tax abatement which shall not include any Special Business District,
8 Neighborhood Improvement District, Commercial Improvement District or any other single local
9 taxing district created in accordance with Missouri law, whether now existing or later created, for a
10 total period of up to five (5) years (“Abbreviated Tax Abatement Period”) from the commencement
11 of such tax abatement, in accordance with the 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, and said property is to be owner occupied, then for up to the
15 first five (5) years after the date the redevelopment corporation shall acquire title to
16 property in the Area, taxes on that property shall be based upon the assessment of land,
17 exclusive of any improvements thereon, during the calendar year prior to the calendar year
18 during which the corporation shall have acquired title to that property. In addition to such
19 taxes, any such corporation shall during the Abbreviated Tax Abatement Period make a
20 payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount
21 based upon the assessment on the improvements located on the property during the calendar
22 year preceding the calendar year during which such corporation shall have acquired title to

1 such property. If property shall be tax-exempt because it is owned by the LCRA and leased
2 to any such corporation, then such corporation during the Abbreviated Tax Abatement
3 Period shall make payments in lieu of taxes to the Collector of Revenue of the City in an
4 amount based upon the assessment on the property, including land and improvements,
5 during the calendar year prior to the calendar year during which such corporation shall
6 lease that property.

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

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.

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.