

1 **BOARD BILL NO. 46**

**INTRODUCED BY ALDERMAN STEPHEN CONWAY**

2 An ordinance approving a blighting study and redevelopment plan dated April 23, 2013 for  
3 the 4122 Botanical Ave. Redevelopment Area (as further defined herein, the "Plan") after finding  
4 that said Redevelopment Area ("Area") is blighted as defined in Section 99.320 of the Revised  
5 Statutes of Missouri, as amended (the "Statute" being Sections 99.300 to 99.715 RSMo inclusive,  
6 as amended); containing a description of the boundaries of the Area in the City of St. Louis  
7 ("City"), attached hereto and incorporated herein as Attachment "A", finding that redevelopment  
8 and rehabilitation of the Area is in the interest of the public health, safety, morals and general  
9 welfare of the people of the City; approving the Plan attached hereto and incorporated herein as  
10 Attachment "B", pursuant to Section 99.430 RSMo, as amended; finding that there is a feasible  
11 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 none of the property within the Area is occupied, but if it should become  
16 occupied the Redeveloper(s) (as defined herein) shall be responsible for providing relocation  
17 assistance pursuant to the Plan to any eligible occupants displaced as a result of implementation of  
18 the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in  
19 accordance with the Plan; finding that there shall be available up to a ten (10) year real estate tax  
20 abatement; and pledging cooperation of this St. Louis Board of Aldermen ("Board") and requesting  
21 various officials, departments, boards and agencies of the City to cooperate and to exercise their  
22 respective powers in a manner consistent with the Plan; and containing a severability clause.

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

9           WHEREAS, this Board has considered the “Blighting Study and Redevelopment Plan for  
10 the 4122 Botanical Ave. Redevelopment Area” dated April 23, 2013, consisting of a Title Page; a  
11 Table of Contents Page, sixteen (16) numbered pages including Exhibits “C” – “F” attached hereto  
12 and incorporated herein as Attachment “B” (“Plan”); and based on the information in the Plan,  
13 specifically the Blighting Report in Exhibit “F” to the Plan, considered each parcel of property in  
14 the Area and found the preponderance of the Area to be blighted, and

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

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

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

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

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

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

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

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

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

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

21          WHEREAS, in accordance with the requirements of Section 99.430 RSMo, as amended,  
22 this Board placed public notices in a newspaper of general circulation in the City that a public  
23 hearing would be held by this Board on the Plan, and a hearing was held at the time and place

1 designated in those notices and all those who were interested in being heard were given a  
2 reasonable opportunity to express their views; and

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

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

7 **SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as  
8 defined by Section 99.320 of the Revised Statutes of Missouri, as amended (the "Statute" being  
9 Sections 99.300 to 99.715 inclusive, as amended) described in Attachment "A", attached hereto and  
10 incorporated herein, known as the 4122 Botanical Ave. Area ("Area"). The existence of  
11 deteriorated property and other conditions constitutes an economic or social liability to the City and  
12 presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify  
13 the Area as blighted within the meaning of Section 99.320(3) RSMo, as amended, and are  
14 evidenced by the Blighting Report attached as Exhibit "F" ("Blighting Report") to the Blighting  
15 Study and Redevelopment Plan for the Area dated April 23, 2013 which is attached hereto, and  
16 labeled Attachment "B" and incorporated herein by reference ("Plan").

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

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

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

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

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

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

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

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

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

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

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Sponsor: Alderman Stephen Conway

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

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

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

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

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

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

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

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

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

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

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

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

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

1 from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership,  
2 corporation, profit or non-profit organization owned, operated and controlled by a woman or  
3 women having at least fifty-one percent (51%) ownership. The woman or women must have  
4 operational and managerial control, interest in capital and earnings commensurate with their  
5 percentage of ownership.

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

8 **SECTION FOURTEEN.** The Redeveloper(s) may seek ten (10) year real estate tax  
9 abatement pursuant to Sections 99.700 - 99.715, RSMo, as amended, upon application as provided  
10 therein. Such real estate tax abatement shall not include any Special Business District,  
11 Neighborhood Improvement District, Commercial Improvement District, or any other similar local  
12 taxing district created in accordance with Missouri law, whether now existing or later created.

13 In lieu of the ten (10) year abatement outlined above, any Redeveloper(s) which is an urban  
14 redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be  
15 entitled to real property ad valorem tax abatement which shall not include any Special Business  
16 District, Neighborhood Improvement District, Commercial Improvement District or any other  
17 similar local taxing district created in accordance with Missouri law, whether now existing or later  
18 created, for a total period of up to ten (10) years from the commencement of such tax abatement, in  
19 accordance with the following provisions of the Plan:

20 If property in the Area is sold by the LCRA to an urban redevelopment corporation  
21 formed pursuant to Chapter 353 of the Missouri Statutes, or if any such urban  
22 redevelopment corporation shall own property within the Area, then for a period of up to  
23 the first ten (10) years after the date such urban redevelopment corporation shall acquire

1 title to property in the Area, taxes on that property shall be based upon the assessment of  
2 land, exclusive of any improvements thereon, during the calendar year prior to the calendar  
3 year during which such urban redevelopment corporation shall have acquired title to that  
4 property. In addition to such taxes, any such urban redevelopment corporation shall for a  
5 period of up to ten (10) years make a payment in lieu of taxes to the Collector of Revenue  
6 of the City in an amount based upon the assessment on the improvements located on the  
7 property during the calendar year prior to the calendar year during which such urban  
8 redevelopment corporation shall have acquired title to such property. If such property shall  
9 be tax-exempt because it is owned by the LCRA and leased to any such corporation, then  
10 such urban redevelopment corporation for such period of up to the first ten (10) years of the  
11 lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an  
12 amount based upon the assessment on the property, including land and improvements,  
13 during the calendar year prior to the calendar year during which such urban redevelopment  
14 corporation shall lease such property.

15 All payments in lieu of taxes shall be a lien upon the real property and, when paid to  
16 the Collector of Revenue of the City shall be distributed as all other property taxes. These  
17 partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year  
18 period, shall inure to the benefit of all successors in interest in the property of the urban  
19 redevelopment corporation, so long as such successors shall continue to use such property  
20 as provided in the Plan and in any agreement with the LCRA. In no event shall such  
21 benefits extend beyond ten (10) years after any urban redevelopment corporation shall have  
22 acquired title to the property.

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

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

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