

1     **BOARD BILL NO. 63 INTRODUCED BY ALDERWOMAN CHRISTINE INGRASSIA**

2             An ordinance approving a Redevelopment Plan for the 2612 Ann Ave. Area ("Area")  
3     after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of  
4     Missouri, 2016, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive),  
5     containing a description of the boundaries of said Area in the City of St. Louis ("City"), attached  
6     hereto and incorporated herein as Attachment "A", finding that redevelopment and rehabilitation  
7     of the Area is in the interest of the public health, safety, morals and general welfare of the people  
8     of the City; approving the Plan dated March 26, 2019, for the Area ("Plan"), incorporated herein  
9     by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan  
10    for the development of the Area which affords maximum opportunity for development of the  
11    Area by private enterprise; finding that no property in the Area may be acquired by the Land  
12    Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise  
13    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  
16    to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be  
17    available five (5) year tax abatement based on 50% of the assessed value of the incremental  
18    improvements; and pledging cooperation of the Board of Aldermen and requesting various  
19    officials, departments, boards and agencies of the City to cooperate and to exercise their  
20    respective powers in a manner consistent with the Plan.

21            **WHEREAS**, by reason of predominance of defective or inadequate street layout,  
22    unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or  
23    obsolete platting, there exist conditions which endanger life or property by fire or other causes  
24    and constitute an economic or social liability or a menace to the public health, safety, morals or

welfare in the present condition and use of the Area, said Area being more fully described in Attachment "A"; and

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

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

**WHEREAS**, the LCRA has recommended such a plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for the 2612 Ann Ave.," dated March 26, 2019 consisting of a Title Page, a Table of Contents Page, and twenty (20) numbered pages, attached hereto and incorporated herein as Attachment "B" ("Plan"); and

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

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

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

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

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

4           **WHEREAS**, this Board has duly considered the reports, recommendations and  
5           certifications of the LCRA and the Planning Commission; and

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

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

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

17          **WHEREAS**, it is necessary that this Board take appropriate official action respecting the  
18          approval of the Plan.

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

21          **SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as  
22          defined by Section 99.320 of the Revised Statutes of Missouri, 2016, as amended, (the "Statute"  
23          being Sections 99.300 to 99.715 inclusive, as amended) described in Attachment "A", attached  
24          hereto and incorporated herein, known as the 2612 Ann Ave. Area.

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

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

7           **SECTION FOUR.** The Blighting Study and Plan for the Area, dated March 26, 2019,  
8 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein  
9 by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby  
10 directed to file a copy of said Plan with the Minutes of this meeting.

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

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

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

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

22           **SECTION NINE.** The property within the Area is currently unoccupied. If it should  
23 become occupied, all eligible occupants displaced by the Redeveloper ("Redeveloper" being  
24 defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper at its

1 expense, in accordance with all applicable federal, state and local laws, ordinances, regulations  
2 and policies.

3 **SECTION TEN.** The Plan for the Area gives due consideration to the provision of  
4 adequate public facilities. The property is encumbered by a diagonal trunk sewer line that  
5 requires removal/relocation in order to redevelop the property in the Area.

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

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

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

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

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

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

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

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

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

10          (d) To adhere to the requirements of Ordinance #70767 and the Executive Orders  
11 #28 and #47, as may be amended and supplemented.

12          (e) To comply with the requirements of Ordinance #60275 of the City;

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 under this Agreement. 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 Mayor and the President of this Board; and

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

20          The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-  
21 profit organization owned, operated and controlled by minority group members who have at least  
22 fifty-one percent (51%) ownership. The minority group member(s) must have operational and  
23 management control, interest in capital and earnings commensurate with their percentage of  
24 ownership. The term Minority Group Member(s) shall mean persons legally residing in the

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

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

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

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

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

15   The tax abatement described above shall not apply to special assessments and shall not serve to  
16   reduce or eliminate any other licenses or fees owing to the City or any other taxing jurisdiction  
17   with respect to the applicable real property or portion thereof, except as expressly described  
18   above. Pursuant to Section 99.715, RSMo, nothing in the Plan shall prevent the City Assessor  
19   from increasing or decreasing the assessed value of the any real property or portion thereof that is  
20   not subject to a Certificate of Qualification of Tax Abatement properly filed with the City  
21   Assessor.

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



1                   **SECTION FIFTEEN.** Any proposed modification which will substantially  
2 change the Plan must be approved by the St. Louis Board of Aldermen in the same manner as the  
3 Plan was first approved. Modifications which will substantially change the Plan include, but are  
4 not necessarily limited to, modifications on the use of eminent domain, to the length of tax  
5 abatement, or to the boundaries of the Area. The Plan may be otherwise modified (e.g. urban  
6 design regulations, development schedule) by the LCRA in accordance with its July 24, 2018  
7 policy governing time extensions as may be amended.

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