

1 **BOARD BILL NO. 87 INTRODUCED BY: ALDERMAN BRET NARAYAN**

2 An ordinance approving a blighting study and Redevelopment Plan for the 7202-7220
3 Arsenal St. Redevelopment Area ("Area") after finding that the Area is blighted as defined in
4 Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being
5 Sections 99.300 to 99.715 inclusive), containing a description of the boundaries of said Area in
6 the City of St. Louis ("City"), attached hereto and incorporated herein as Attachment "A", finding
7 that redevelopment and rehabilitation of the Area is in the interest of the public health, safety,
8 morals and general welfare of the people of the City; approving the Plan dated June 25, 2019 for
9 the Area ("Plan"), incorporated herein by attached Attachment "B", pursuant to Section 99.430;
10 finding that there is a feasible financial plan for the development of the Area which affords
11 maximum opportunity for development of the Area by private enterprise; finding that no property
12 in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of
13 St. Louis ("LCRA") through the exercise of eminent domain; finding that the property within the
14 Area is unoccupied, but if it should become occupied the Redeveloper shall be responsible for
15 relocating any eligible occupants displaced as a result of implementation of the Plan; finding that
16 financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan;
17 finding that there shall be available up to 10 years of tax abatement based on 80% of the assessed
18 value of the incremental improvements; and pledging cooperation of the Board of Aldermen and
19 requesting various officials, departments, boards and agencies of the City to cooperate and to
20 exercise their respective powers in a manner consistent with the Plan.

21 **WHEREAS**, the predominance of defective or inadequate street layout, insanitary or
22 unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting,
23 inadequate or outmoded design and conditions which endanger life or property by fire or other
24 causes, or any combination of such factors, retards the provision of housing accommodations

1 and constitutes an economic and social liability and a menace to the public health, safety, morals
2 or welfare in the present condition and use of the Area, said Area being more fully described in
3 Attachment "A"; and

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

7 **WHEREAS**, this Board (as hereinafter defined) has considered the “Blighting Study
8 and Redevelopment Plan for the 7202-7220 Arsenal St. Redevelopment Area” dated June 25,
9 2019 consisting of a Title Page, a Table of Contents Page, twenty (20) numbered pages including
10 Exhibits “A” – “G” attached hereto and incorporated herein as Attachment “B” (the “Plan”); and
11 based on the information in the Plan, specifically the Blighting Report in Exhibit “F” to the Plan,
12 considered each parcel of property in the Area and found the preponderance of the Area to be
13 blighted as defined in Section 99.320 RSMo and the Area to be a blighted area as defined in
14 Chapter 353.020 RSMo; and

15 **WHEREAS**, there is a need for the LCRA, a public body corporate and politic created
16 under Missouri law, to undertake the redevelopment of the above described Area as a land
17 clearance project under Statute, pursuant to plans by or presented to the LCRA under Section
18 99.430.1 (4); and

19 **WHEREAS**, the LCRA has, after considering each individual parcel of property in the
20 Area and finding the Area to be blighted pursuant to Section 99.320 and a blighted area as defined
21 in Section 353.020 RSMo, approved the Plan and recommended the Plan to the Planning
22 Commission of the City of St. Louis (“Planning Commission”) and to this St. Louis Board of
23 Aldermen ("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,
5 as amended, and this Board has been fully apprised by the LCRA and the Planning Commission
6 of the facts and is fully aware of the conditions in the Area; and

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

9 **WHEREAS**, a general plan has been prepared and is recognized and used as a guide for
10 the general development of the City and the Planning Commission has advised this Board that
11 the Plan conforms to said 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 does prescribe land use and street and traffic patterns which may
17 require, among other things, the vacation of public rights-of-way, the establishment of new street
18 and 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, familial status, national origin or ancestry, sex, marital
22 status, age, sexual orientation, gender identity or expression, religion or disability; and

23 **WHEREAS**, in accordance with the requirements of Section 99.430 of the Statute, this
24 Board placed public notices in a newspaper of general circulation in the City that a public hearing

1 would be held by this Board on the Plan, and a hearing was held at the time and place designated
2 in those notices and all those who were interested in being heard were given a reasonable
3 opportunity to express their views; and

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

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

8 **SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as
9 defined by Section 99.320 of the Revised Statutes of Missouri, 2016, as amended, (the "Statute"
10 being Sections 99.300 to 99.715 inclusive, as amended) and as defined in Section 353.020 of the
11 Revised Statutes of Missouri, as amended, described in Attachment "A", attached hereto and
12 incorporated herein, known as the 7202-7220 Arsenal St. Area. The existence of deteriorated
13 property and other conditions constitutes an economic and social liability to the City and presents
14 a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area
15 as blighted within the meaning of Section 99.320(3) RSMo, as amended, and Section 353.020
16 RSMo, as amended, and are evidenced by the Blighting Report attached as Exhibit "F" to the
17 Plan

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

21 **SECTION THREE.** The Area qualifies as a redevelopment area in need of
22 redevelopment under the provision of the Statute, and the Area is blighted as defined in Section
23 99.320 of the Statute and Section 353.020 RSMo, as amended.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (d) To adhere to the requirements of Ordinance #70767 and the Executive Orders
7 #28 and #47, as may be amended and supplemented.

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

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

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

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

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

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

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

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

- 22 • During each year of the Tax Abatement Period, unabated ad valorem real estate
23 taxes will be imposed based on the then-current tax levy rates and the Base

1 Assessed Value of the applicable real property or portion thereof pursuant to
2 Section 99.710, RSMo; and

- 3 • During each year of the Tax Abatement Period, PILOTs shall equal:
 - 4 ○ In each of years one through ten of the Tax Abatement Period, an
 - 5 amount equal to twenty percent (20%) of the difference between the ad
 - 6 valorem real estate taxes that would be due if there were no abatement
 - 7 and the amount of taxes actually due (as described above); and

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

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

17 **SECTION FIFTEEN.** Any proposed modification which will substantially change the
18 Plan must be approved by this Board in the same manner as the Plan was first approved.
19 Modifications which will substantially change the Plan include, but are not necessarily limited to,
20 modifications on the use of eminent domain, to the length of tax abatement, or to the boundaries
21 of the Area. The Plan may be otherwise modified (e.g. urban design regulations, development
22 schedule) by the LCRA in accordance with its July 24, 2018 policy governing time extensions as
23 may be amended.

1 **SECTION SIXTEEN.** The sections of this Ordinance shall be severable. In the event
2 that 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.