

ORDINANCE #69005
Board Bill No. 167

An Ordinance authorizing and directing the Mayor, on behalf of the City of St. Louis, to enter into and execute an Intergovernmental Agreement with Amendment with Madison County, Illinois; Monroe County, Illinois; St. Clair County; Illinois; St. Louis Metropolitan Police Department; Franklin County, Missouri; Jefferson County, Missouri; Jefferson County 911 Dispatch Board; St. Charles County, Missouri; and St. Louis County, Missouri regarding Regional interoperability in connecting the P-25-700/800 MHz radio systems through a digital radio microwave system linking the City of St. Louis, Missouri; St. Louis Metropolitan Police Department; Franklin County, Missouri; Jefferson County Missouri; Jefferson County 911 Dispatch Board; St. Charles County, Missouri; and St. Louis County, Missouri with Madison County, Illinois; Monroe County, Illinois; and St. Clair County, Illinois to the two regional network controllers and the Starcom-21 Network controller, and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The Mayor is hereby authorized and directed, on behalf of the City of St. Louis, to enter into and execute an Intergovernmental Agreement with Amendment with Madison County, Illinois; Monroe County, Illinois; St. Clair County; Illinois; St. Louis Metropolitan Police Department; Franklin County, Missouri; Jefferson County, Missouri; Jefferson County 911 Dispatch Board; St. Charles County, Missouri; and St. Louis County, Missouri. Said Intergovernmental Agreement shall be substantially in words and figures the same as the attached Agreement, which is made part of this Ordinance and is on file with the Register's Office.

SECTION TWO. Emergency Clause. This being an Ordinance for the immediate preservation of public peace, health and safety, it is hereby declared to be an immediate measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this Ordinance shall become effective immediately upon its passage and approval by the Mayor.

Inter-Governmental Agreement by and between

Madison County, Illinois; Monroe County, Illinois; St. Clair County; Illinois; City of St. Louis, Missouri; St. Louis Metropolitan Police Department; Franklin County, Missouri; Jefferson County, Missouri; Jefferson County 911 Dispatch Board; St. Charles County, Missouri; and St. Louis County, Missouri

REGARDING:

Regional interoperability in connecting the P-25-700/800 MHz radio systems through a digital radio microwave system linking the City of St. Louis, Missouri; St. Louis Metropolitan Police Department; Franklin County, Missouri; Jefferson County Missouri; Jefferson County 911 Dispatch Board; St. Charles County, Missouri; and St. Louis County, Missouri with Madison County, Illinois; Monroe County, Illinois; and St. Clair County, Illinois to the two regional network controllers and the Starcom-21 Network controller.

THIS AGREEMENT is entered into by and between Madison County, Illinois; Monroe County, Illinois; St. Clair County, Illinois; City of St. Louis, Missouri; St. Louis Metropolitan Police Department; Franklin County, Missouri; Jefferson County, Missouri; Jefferson County 911 Dispatch Board; St. Charles County, Missouri; and St. Louis County, Missouri (hereinafter referred to as the "REGION") pursuant to the provisions of Title VI, Chapter 70 of the Missouri Revised Statutes and Chapter 5, Act 220 §§ 1 – 16 of the Illinois Compiled Statutes.

NOW THEREFORE, in consideration of the mutual undertakings and agreements hereinafter set forth, the parties agree as follows:

ARTICLE I—PURPOSE

A) The purpose of this AGREEMENT is:

- 1) To define the rights and obligations of REGIONAL ENTITIES and the REGION with respect to the coordinated operation of the REGIONAL NETWORK for regional use during incidents which require a multi-agency, regional response.
- 2) To define the rights and obligations of REGIONAL ENTITIES in regard to permitting a MEMBER AGENCY or APPLICANT to join and participate in the REGIONAL NETWORK.
- 3) To establish basic guidelines for the use of shared communications resources and promote standardization of

policies, procedures, and programs in regard to public safety within the REGION.

- 4) To create a place for the resolution of operational, technical, or working issues that may arise between REGIONAL ENTITIES and their PUBLIC SAFETY ENTITIES, in regard to the REGIONAL NETWORK.
- 5) To create a framework for APPLICANTS, AUTHORIZED USERS, and MEMBER AGENCIES, through REGIONAL ENTITY hosts, to participate in the REGIONAL NETWORK.
- 6) To clarify that this AGREEMENT does not apply to the use of a RADIO SYSTEM or a LOCAL DMS within a single county when such use does not extend outside of that county or does not affect the interoperability, effectiveness, capabilities, or performance of the REGIONAL NETWORK or another REGIONAL ENTITY'S LOCAL DMS.

ARTICLE II—DEFINITIONS

A) Unless otherwise indicated in this AGREEMENT, the terms used in this AGREEMENT have the meanings stated below.

- 1) AGREEMENT is this document, the Inter-Governmental Agreement between Madison County, Illinois; Monroe County, Illinois; St. Clair County, Illinois; City of St. Louis, Missouri; St. Louis Metropolitan Police Department; Franklin County, Missouri; Jefferson County, Missouri; the Jefferson County 911 Dispatch Board; St. Charles County, Missouri; and St. Louis County, Missouri.
- 2) APPLICANT is any entity, other than an AUTHORIZED USER or MEMBER AGENCY, that is approved by the REGIONAL ENTITY and the CORE GROUP to utilize the REGIONAL DMS and/or the REGIONAL NETWORK.
- 3) AUTHORIZED USER is an entity that can be added to a REGIONAL ENTITY'S RADIO SYSTEM or LOCAL DMS without first seeking approval of the CORE GROUP, and includes a PUBLIC SAFETY ENTITY, or other public agency serving the REGION in an emergency response capacity.
- 4) BYLAWS are the governing documents of the CORE GROUP.
- 5) CORE GROUP is the St. Louis Regional Communications Core Group, which is a governing body that consists of up to two (2) representatives from the REGIONAL ENTITIES that provides coordination and oversight for the REGIONAL NETWORK, as provided in this AGREEMENT.
- 6) REGIONAL DMS (also known as the MICROWAVE SYSTEM) is the interconnected LOCAL DMS that supports wide area connectivity for the radio system in the St. Louis region and will be located within the City of St. Louis, Franklin, Jefferson, St. Charles, and St. Louis counties in the State of Missouri and Madison, Monroe and St. Clair counties in the State of Illinois.
- 7) FCC is the Federal Communications Commissions as established by the Communications Act of 1934.
- 8) LOCAL DMS refers to the digital microwave system as it operates to support the intra jurisdiction land radio system and other bandwidth uses within the City of St. Louis, Franklin, Jefferson, St. Charles, and St. Louis counties in the State of Missouri and Madison, Monroe and St. Clair counties in the State of Illinois.
- 9) MEMBER AGENCY is any entity, other than a REGIONAL ENTITY or AUTHORIZED USER, may own and operate its own communication system, and which has been authorized by a REGIONAL ENTITY and the CORE GROUP to utilize the REGIONAL DMS and/or the REGIONAL NETWORK.
- 10) NPSPAC is the National Public Safety Planning Advisory Committee.
- 11) OPERATIONS GROUP is the regional operations group, an advisory board to the CORE GROUP.
- 12) PUBLIC SAFETY ENTITY is an entity within the REGION that is wholly funded with tax monies that provides fire fighting, police, medical or other emergency services, and includes 911 Public Safety Answering Points and local public health agencies.

- 13) SUBSCRIBER RADIO EQUIPMENT is the portable, mobile, fixed control stations, or related hardware purchased by the individual jurisdictions for use within their individual RADIO SYSTEM.
- 14) RADIO SYSTEM refers to a stand-alone P-25-700/800 MHz land mobile radio systems.
- 15) REGION is, collectively, the following jurisdictions: Madison County, Illinois; Monroe County, Illinois; St. Clair County, Illinois; City of St. Louis, Missouri; St. Louis Metropolitan Police Department; Franklin County, Missouri; Jefferson County, Missouri; the Jefferson County 911 Dispatch Board; St. Charles County, Missouri; and St. Louis County, Missouri.
- 16) REGIONAL ENTITY is a party to this AGREEMENT who is a MICROWAVE SYSTEM owner holding legal title to, license to, and control of radio frequencies and is fiscally responsible for the maintenance of its DMS and/or RADIO SYSTEM that are components of the REGIONAL NETWORK. For purposes of this AGREEMENT, Jefferson County is a REGIONAL ENTITY that is responsible for the maintenance of the Jefferson County, Missouri DMS and the Jefferson County 911 Dispatch Board is also a REGIONAL ENTITY that is responsible for the Jefferson County, Missouri RADIO SYSTEM and the RADIO SYSTEM licenses; and the City of St. Louis is a REGIONAL ENTITY that is responsible for the maintenance of the City of St. Louis DMS and/or RADIO SYSTEM and the St. Louis Metropolitan Police Department is also a REGIONAL ENTITY that is responsible for the City of St. Louis, Missouri's frequencies.
- 17) REGIONAL NETWORK is the St. Louis regional, interoperable, public safety, communications network that consists of two (2) components: the individual RADIO SYSTEMS and DMS, working together.
- 18) REGIONAL NETWORK ADMINISTRATOR is the person selected in accordance with Article VI of this AGREEMENT and is responsible for the oversight and reporting requirements provided in Article VI(A)(6) of this AGREEMENT as per the policies and procedures developed by the operations group.
- 19) REQUEST FOR ACTION is a request, other than a complaint, made to the CORE GROUP in regard to a RADIO SYSTEM, a DMS, or the REGIONAL NETWORK as a whole, and includes without limitation, requests for information, clarifications, or decisions on use.
- 20) STARRS is the St. Louis Area Regional Response System.
- 21) TECHNICAL SUBCOMMITTEE is the regional technical subcommittee, a subcommittee to the OPERATIONS GROUP.
- 22) WORKING GROUPS are the discipline-based regional operations working groups. The WORKING GROUPS are: Fire WORKING GROUP, Law Enforcement WORKING GROUP, Emergency Management WORKING GROUP, 911 WORKING GROUP, Hospital WORKING GROUP, and Public Health WORKING GROUP.

ARTICLE III—COOPERATION

- A) The parties to this AGREEMENT will cooperate and use their best efforts to fulfill their obligations under this AGREEMENT.
- B) The parties to this AGREEMENT, through the auspices of the CORE GROUP, will make a good faith effort to resolve any disputes arising out of this AGREEMENT or use of the REGIONAL NETWORK in an equitable and timely manner and in accordance with this AGREEMENT.
- C) The parties to this AGREEMENT will use their best efforts to adopt common procedures by which AUTHORIZED USERS, MEMBER AGENCIES, and/or APPLICANTS roam, during public safety emergencies and non-emergent situations, into REGIONAL ENTITIES which are not the host system.

ARTICLE IV—TERM

- A) This AGREEMENT shall take effect upon execution by two parties hereto, and shall remain in effect for a period of ten (10) years beginning on the date that the last party to this AGREEMENT has authorized and executed this AGREEMENT.
- B) If no action is taken to terminate this AGREEMENT, under Article XI, before the end of the ten (10) year term set forth

above, and the REGION fails to otherwise extend this AGREEMENT before the expiration of the ten (10) year period set forth above, then the AGREEMENT shall automatically renew for up to three (3) successive five (5) year renewal terms, unless one (1) party has, no later than one (1) year prior to the end of any renewal term, delivered written notice to the other parties of its intent to withdraw its participation in this AGREEMENT, in which case the Agreement will renew as to the remaining parties.

ARTICLE V—CONFORMANCE TO INTEROPERABILITY STANDARDS

- A REGIONAL ENTITIES or their designee shall operate their RADIO SYSTEM and/or LOCAL DMS in compliance with the Appendix A: STARRS Land Mobile Communications Plan for the St. Louis Urban Area, as it may be amended from time to time by the CORE GROUP, which is appended hereto and made part of this AGREEMENT.
- B Any REGIONAL ENTITY that is operating its SUBSCRIBER RADIO EQUIPMENT as part of the REGIONAL NETWORK on a RADIO SYSTEM other than its own must comply with the technical and performance standards established or adopted by the CORE GROUP.
- C Each REGIONAL ENTITY understands and agrees that, unless otherwise provided in this AGREEMENT, it must seek the advice and approval of the CORE GROUP before the REGIONAL ENTITY takes any action that will adversely reduce the interoperability, effectiveness, capabilities, or performance of the REGIONAL NETWORK.
- D The failure of a REGIONAL ENTITY to comply with the provisions of this Article is a default as defined in Article XI of this AGREEMENT.

ARTICLE VI—REGIONAL COMMUNICATIONS CORE GROUP & OPERATIONS GROUP

A) CORE GROUP.

- 1) Subject to the limitation set forth in Article I, §6, and to assist the REGION in the administration of the REGIONAL NETWORK a CORE GROUP shall be established to develop performance and use policies that will govern all users of the REGIONAL NETWORK for regional efforts.
- 2) The CORE GROUP will consist of up to sixteen (16) voting members, as follows:
 - a) The chief executive of each REGIONAL ENTITY will appoint two (2) persons to serve as CORE GROUP members, except that Jefferson County will appoint one (1) person and the Jefferson County 911 Dispatch Board will appoint one (1) person, and the City of St. Louis will appoint one (1) person and the St. Louis Metropolitan Police Department will appoint (1) person to serve as CORE GROUP members.
- 3) In addition to the members described in section (A)(2) of this Article, the CORE GROUP will have the following non-voting ex-officio members:
 - a) The Chairperson of the OPERATIONS GROUP, and
 - b) The REGIONAL NETWORK ADMINISTRATOR.
- 4) The CORE GROUP, as established in section (A) of this Article, has the following duties:
 - a) To appoint up to forty-one (41) voting members to the OPERATIONS GROUP, as follows:
 - (i) One member from within each county in the REGION from each of the following: Fire, Law Enforcement, Emergency Operations, and Municipal Government;
 - (ii) One member from within each county in the REGION from one of the following entities: 911, Health, Public Works, Transit, Hospitals, or other PUBLIC SAFETY ENTITY; and
 - (iii) One person, as appointed by the Executive Director of STARRS, to serve as the REGIONAL NETWORK ADMINISTRATOR.

- b) To review and respond to recommendations and matters arising from the OPERATIONS GROUP, including complaints, appeals, and REQUESTS FOR ACTION.
- c) To establish criteria through which any entity not a party to this AGREEMENT or an AUTHORIZED USER may participate in the use of the REGIONAL NETWORK, this will be done with the advice of the OPERATIONS GROUP.
- d) To direct and authorize the OPERATIONS GROUP to review and adopt certain policies on behalf of the CORE GROUP.
- e) To elect, in accordance with the BYLAWS, one (1) person to serve as Chairperson of the OPERATIONS GROUP.
- f) To assist in enhancing interoperable communications within the REGION, with the States of Illinois and Missouri, the FCC, and other systems as deemed beneficial to the REGION.

B) OPERATIONS GROUP.

- 1) The OPERATIONS GROUP will consist of up to forty-one (41) voting members, selected in the manner stated in section (4)(a) of this Article.
- 2) The Chairperson of the OPERATIONS GROUP will be elected, in the manner specified in the BYLAWS, by the CORE GROUP and will serve a term of two (2) years.
- 3) In addition to the members described in section (B)(1) of this Article, the OPERATIONS GROUP will have the following non-voting ex-officio member:
 - a) The Chairperson of the TECHNICAL SUBCOMMITTEE.
- 4) The OPERATIONS GROUP has the following duties:
 - a) To develop general regional, operational policies for the RADIO SYSTEMS during regional, multi-agency responses to critical incidents and make recommendations to the CORE GROUP.
 - b) To review operational matters within the purview of this AGREEMENT and recommend appropriate policies to the CORE GROUP to ensure that the operations of the RADIO SYSTEMS, DMS, and REGIONAL NETWORK as a whole, are reliable.
 - c) To review applications for and make recommendations to the CORE GROUP, when appropriate, for additional "talk groups" on the REGIONAL NETWORK.
 - d) To review any complaints or REQUEST FOR ACTION in regard to the performance standards for the REGIONAL NETWORK and forward recommendations to the CORE GROUP.
 - e) To submit regional policies for the REGIONAL NETWORK use to the CORE GROUP for approval.
 - f) To develop regional communications procedures to be utilized during critical incidents to ensure that the REGIONAL NETWORK will perform as efficiently and effectively as possible for all users during such an incident and will submit these procedures to CORE GROUP for approval.
- 5) The OPERATIONS GROUP Chairperson has the following duties:
 - a) The OPERATIONS GROUP Chairperson will report to the CORE GROUP the activities of the OPERATIONS GROUP and present for approval recommendations of the OPERATIONS GROUP.
- 6) The REGIONAL NETWORK ADMINISTRATOR has the following duties:
 - a) To assist in the oversight and operation of the REGIONAL NETWORK, which includes but is not limited to the MICROWAVE SYSTEM;

- b) To provide MICROWAVE SYSTEM data and reports, as required, as it relates to the operations of the MICROWAVE SYSTEMS; and
- c) To recognize and assist in the correction of MICROWAVE SYSTEM issues and failures in a timely manner.
- d) To assist, if requested, in the correction of LOCAL DMS issues and failures.

C) TECHNICAL SUBCOMMITTEE.

- 1) The TECHNICAL SUBCOMMITTEE, is a subcommittee of the OPERATIONS GROUP, and will be formed as follows:
 - a) The representatives from each REGIONAL ENTITY that serve on the CORE GROUP will jointly appoint one (1) technical representative to serve on the TECHNICAL SUBCOMMITTEE, for a total of up to eight (8) representatives. Except that the representative for City of St. Louis and the St. Louis Metropolitan Police Department will jointly select one (1) technical representative, and the representative for Jefferson County 911 Dispatch Board and Jefferson County will jointly select one (1) technical representative.
- 2) The TECHNICAL SUBCOMMITTEE has the following duties:
 - a) To provide expertise in technical issues to the OPERATIONS GROUP, all WORKING GROUPS, the REGIONAL ENTITIES, AUTHORIZED USERS, MEMBER AGENCIES, and/or APPLICANTS in developing regional, multi-agency responses to critical incidents.
 - b) To make recommendations on technical issues to the OPERATIONS GROUP as applicable or required.

ARTICLE VII—COMPLAINTS & REQUEST FOR ACTION

- A) A REGIONAL ENTITY can submit a complaint or REQUEST FOR ACTION to the CORE GROUP, in accordance with the procedures outlined in sections (B) – (G) of this Article, in regard to any matter relative to the operation of the RADIO SYSTEMS, REGIONAL DMS, negative effects from one LOCAL DMS on one or more other LOCAL DMS or the REGIONAL NETWORK as a whole.
- B) A complaint or REQUEST FOR ACTION from a REGIONAL ENTITY relative to the performance standards for the RADIO SYSTEMS, LOCAL DMS, negative effects from one LOCAL DMS on one or more other LOCAL DMS and REGIONAL NETWORK as a whole, or other matters within the purview of the CORE GROUP, must be submitted in writing via postal mail or in person to the Core Group, Operations Group Chairperson at: East-West Gateway Council of Governments, 1 S. Memorial Drive, Suite 1600, St. Louis, MO 63102.
- C) The OPERATIONS GROUP Chairperson will present the request to the entire OPERATIONS GROUP for review within two meetings. After review, the OPERATIONS GROUP will bring the matter to the attention of the CORE GROUP as soon as appropriate.
- D) The CORE GROUP will take such action and render a disposition to the complaint or REQUEST FOR ACTION as the CORE GROUP determines to be appropriate based upon the recommendation of the OPERATIONS GROUP. The action or disposition will be in writing and will explain in reasonable detail the basis for the CORE GROUP's decision.
- E) In the event that the CORE GROUP issues a directive or other such action compelling any REGIONAL ENTITY to take or refrain from certain actions and the REGIONAL ENTITY fails to comply with the CORE GROUP's instructions, such entity will be in default of this AGREEMENT, as defined in Article XI of this AGREEMENT. The CORE GROUP may suspend the REGIONAL ENTITY's right to use the REGIONAL NETWORK until such time as the REGIONAL ENTITY complies with the CORE GROUP's instructions or resolves the matter through mediation.
- F) In the event that the CORE GROUP finds that a REGIONAL ENTITY to be in default of this AGREEMENT, as defined in Article XI, and such entity disagrees with the decision of the CORE GROUP, such entity must follow the dispute resolution processes provided in Article XII of this AGREEMENT.

- G) The authority of the CORE GROUP does not extend to the internal operations of the independent REGIONAL ENTITIES. Any complaints or REQUESTS FOR ACTION regarding such matters will not be considered by either the OPERATIONS GROUP or the CORE GROUP.

ARTICLE VIII—APPLICANTS & MEMBER AGENCIES

- A) Each REGIONAL ENTITY must follow the procedures set forth in this Article before it allows an APPLICANT or MEMBER AGENCY to use its DMS or the REGIONAL NETWORK.
- B) The REGIONAL ENTITY, through a mechanism chosen by the REGIONAL ENTITY, must review a request from an APPLICANT or MEMBER AGENCY to use the REGIONAL ENTITY's LOCAL DMS.
- C) After it has reviewed and approved the APPLICANT's or MEMBER AGENCY's request, if the APPLICANT's or MEMBER AGENCY's use of the REGIONAL ENTITY's DMS will have an impact on any DMS other than the sponsoring REGIONAL ENTITY's DMS, then the REGIONAL ENTITY must bring that request to the CORE GROUP for review and approval.
- D) Only after both the REGIONAL ENTITY and a unanimous vote of the CORE GROUP have approved the APPLICANT's or MEMBER AGENCY's request, may the REGIONAL ENTITY permit the APPLICANT or MEMBER AGENCY to use the REGIONAL DMS or the REGIONAL NETWORK.
- E) In event that the APPLICANT's or MEMBER AGENCY's request affects less than the entire REGIONAL DMS, the REGIONAL ENTITY may permit the APPLICANT or MEMBER AGENCY to use the REGIONAL DMS or the REGIONAL SYSTEM in a manner that accesses a non-host REGIONAL ENTITY ONLY after a thorough review by the OPERATIONS GROUP to determine the local and regional impact of the APPLICANT's or MEMBER AGENCY's request, and a unanimous vote of the non-host ENTITIES affected.

ARTICLE IX—REGIONAL ENTITY RESPONSIBILITIES REGARDING AUTHORIZED USER, APPLICANT, OR MEMBER AGENCY'S USE OF DMS & THE REGIONAL NETWORK.

- A) Each REGIONAL ENTITY agrees and understands that, regarding the use of the DMS or REGIONAL NETWORK by the AUTHORIZED USERS, APPLICANTS, or MEMBER AGENCIES within its jurisdiction, it has the following responsibilities:
- 1) To inform the AUTHORIZED USERS, APPLICANTS, or MEMBER AGENCIES about the usage standards and requirements set forth in this AGREEMENT and Appendix A, including the standards regarding acceptable SUBSCRIBER RADIO EQUIPMENT, and applicable local, state, and federal regulations and statutes;
 - 2) To inform any AUTHORIZED USER, APPLICANT, or MEMBER AGENCY about the procedures and consequences of transferring FCC licenses to the REGIONAL ENTITY, when applicable, including the procedures that the AUTHORIZED USER, APPLICANT, or MEMBER AGENCY must follow if the AUTHORIZED USER, APPLICANT, or MEMBER AGENCY leaves the REGIONAL NETWORK and wants to regain ownership of the licenses that it transferred to the REGIONAL ENTITY. These communications shall include, but are not limited to, the following:
 - a) Information about the FCC approve online process for transferring FCC licenses known as "Transfer of Authorization," and
 - b) The license holder's rights and obligations regarding license transfer, ownership, and use, which shall be defined pursuant to a written agreement between the license holder and the REGIONAL ENTITY.
 - 3) To ensure, to the best of its ability, that the AUTHORIZED USERS, APPLICANTS, or MEMBER AGENCIES are complying with the usage standards set forth in this AGREEMENT and Appendix A;
 - 4) To provide communication about, oversight of, and management of AUTHORIZED USER, APPLICANT, or MEMBER AGENCY's use of the REGIONAL NETWORK;
 - 5) To use its best efforts, when applicable, to cause the individual AUTHORIZED USERS, APPLICANTS, or MEMBER AGENCIES residing within its jurisdiction to transfer its FCC licenses to the REGIONAL ENTITY;

and

- 6) To enter into valid agreements, as necessary, with current FCC license holders that will govern the transfer and return of licenses.

ARTICLE X—EQUIPMENT & LICENSE USE

- A) Only those entities authorized under this AGREEMENT, or a third-party agreement created in accordance with this ARTICLE, may use a RADIO SYSTEM, REGIONAL DMS, non-host LOCAL DMS or the REGIONAL NETWORK as a whole.
- B) Those entities that are not PUBLIC SAFETY ENTITIES may be afforded a lower system priority than PUBLIC SAFETY ENTITIES.
- C) To ensure that the channel capacity of any of the REGIONAL ENTITIES or AUTHORIZED USERS' RADIO SYSTEMS will not be unnecessarily reduced, the parties to this AGREEMENT will not purchase any radio with a telephone interconnect capability unless it is approved by the CORE GROUP.
- D) All REGIONAL ENTITIES' public safety radios used for fire services, law enforcement, emergency medical services, and emergency management must be capable of transmission and reception of NPSPAC radio frequencies.
- E) Use of NPSPAC Mutual-Aid channels must be regional in nature and be implemented in a conventional configuration to support region-wide coverage commensurate with P25 standards. NOTE: These are nationally allocated mutual-Aid channels that are used locally. Should a mutual aid emergency situation arise that requires the use of these channels then they must be made available in a conventional mode. The direct channels are identified separately and use the same frequency as the repeater transmit frequency pair and are intended for use at localized events. The use of NPSPAC channels and the five NPSPAC mutual aid channels are defined by FCC and are coordinated by the regional planning committees. The use of all NPSPAC channels within the St. Louis Region shall not be in conflict with the FCC licensing requirements or the regional planning committees.
- F) Each REGIONAL ENTITY must maintain all FCC licenses, including any transferred licenses that are required to operate its independent DMS and RADIO SYSTEM as part of the REGIONAL NETWORK.
- G) Each REGIONAL ENTITY must authorize the REGION'S individual RADIO SYSTEMS to use the REGIONAL ENTITY'S allocated P25 – 700/800 MHz frequencies to which the REGIONAL ENTITY holds an FCC license.
- H) Each REGIONAL ENTITY must operate its SUBSCRIBER RADIO EQUIPMENT in accordance with the rules of the FCC.

ARTICLE XI—DEFAULT, TERMINATION & WITHDRAWAL

- A) DEFAULT.
 - 1) Any material violation of this AGREEMENT during its term is a default.
 - 2) In the event of an alleged default, the CORE GROUP shall give the allegedly defaulting party written notice of the alleged default.
 - 3) Upon notice, the party alleged to be in default of this AGREEMENT will be provided a cure period in which to cure the alleged default or present their disagreement to a mutually agreeable mediator as provided in Article XII of this AGREEMENT.
 - 4) A default that does not affect the day-to-day operation of the REGIONAL NETWORK must be cured to the satisfaction of the CORE GROUP, as determined in accordance with the BYLAWS, within thirty (30) calendar days of notice of the alleged default. If such a default is not cured within this cure period, then the matter shall be referred to mediation in accordance with Article XII of this AGREEMENT. A REGIONAL ENTITY may seek the advice or assistance of the TECHNICAL SUBCOMMITTEE or any other STARRS CORE GROUP SUBCOMMITTEE.

- 5) A default that does affect the day-to-day operation of the REGIONAL NETWORK must be cured to the satisfaction of the CORE GROUP, as determined in accordance with the BYLAWS, within seventy-two (72) hours of notice of the alleged default. If such a default is not cured within this cure period, then use of the REGIONAL NETWORK by the defaulting party may be suspended until such time as the defaulting party cures the default.
- B) TERMINATION.
- 1) Unless otherwise provided in this Article, failure to timely cure a default or participate in the mediation process as provided in Article XII will result in a termination of this AGREEMENT with respect to the defaulting party.
- 2) Termination of this AGREEMENT with respect to a defaulting party is effective within ten (10) calendar days of a two-thirds (2/3) vote of the CORE GROUP made in accordance with the BYLAWS.
- C) WITHDRAWAL.
- 1) A REGIONAL ENTITY may withdraw its participation in this AGREEMENT upon giving the CORE GROUP two (2) years written notice of its decision to withdraw.
- 2) If the governing body of a REGIONAL ENTITY should not appropriate or otherwise make available funds sufficient to fulfill the REGIONAL ENTITY's obligations under this AGREEMENT, such REGIONAL ENTITY may unilaterally withdraw its participation in this AGREEMENT upon sixty (60) days written notice to the CORE GROUP.
- D) In the event that this AGREEMENT is dissolved either through termination, withdrawal, or expiration, the individual REGIONAL ENTITIES shall retain ownership of their individual RADIO SYSTEM and/or DMS and related equipment.

ARTICLE XII—DISPUTE RESOLUTION

- A) The parties shall exert their best efforts to cooperatively resolve any disagreements they have under this AGREEMENT. If the parties are unable to resolve a conflict, then they shall present their disagreements to a mutually agreeable mediator for mediation. If the parties are unable to agree on a mediator within thirty (30) calendar days, then the CORE GROUP shall select a mediator by a majority vote.
- B) Each party shall bear its own costs for mediation and the parties shall share the cost of the mediator.
- C) The mediation process must be followed to its conclusion prior to any party seeking relief from any court, except in an emergency.

ARTICLE XIII—NOTICE

- A) Any legal notice, report of demand, or requests which must be given to or made by a REGIONAL ENTITY under the terms of this AGREEMENT, unless otherwise specified in this AGREEMENT, must be sent by registered or certified mail, return receipt requested. Notices to the CORE GROUP must be sent to: Core Group at East-West Gateway Council of Governments, 1 S. Memorial Drive, Suite 1600, St. Louis, MO 63102. Notice to a REGIONAL ENTITY must be sent to the Chief Executive, and Sheriff, and Chief of Police of such entity.

ARTICLE XIV—MERGER & MODIFICATION

- A) It is understood and agreed that the entire agreement between the parties is contained in this AGREEMENT and that this AGREEMENT supersedes all oral agreements, previous written agreements, and negotiations, in regard to regional interoperability of the REGIONAL NETWORK, between the REGIONAL ENTITIES.
- B) Any alterations, variations, modifications, or waivers of the provisions of this AGREEMENT will only be valid when they have been reduced to writing as an amendment to this AGREEMENT and signed by the parties hereto.

ARTICLE XV—INDEPENDENT CONTRACTOR & LIABILITY PROTECTION

- A) The individual REGIONAL ENTITIES are, and shall remain, independent contractors with respect to all services

performed under this AGREEMENT. Except as provided within this AGREEMENT, the REGIONAL ENTITIES shall select the means, method, and manner of performing their respective services herein. Nothing in this AGREEMENT is intended or should be construed in any manner as creating or establishing the relationship of co-partners between the individual REGIONAL ENTITIES hereto or as constituting any party as the agent, representative, or employee of the other for any purpose or in any manner whatsoever.

- B) Each REGIONAL ENTITY represents that it has or will secure at its own expense all personnel required in performing services under this AGREEMENT. Any and all personnel of the individual REGIONAL ENTITIES or other persons engaged in the performance of any work or services under this AGREEMENT shall have no contractual relationship with any other party and shall not be considered an employee of any other party.
- C) Each party agrees to be responsible for its own acts or omissions and to maintain insurance or self insurance to indemnify itself and its respective officers and employees from any and all claims arising from its use of the REGIONAL NETWORK.

ARTICLE XVI—NO WAIVER OF SOVEREIGN IMMUNITY

- A) Nothing in this AGREEMENT is intended or should be construed in any manner as a waiver of the sovereign immunity of any of the parties to this AGREEMENT.

ARTICLE XVII—FORCE MAJEUR & WARRANTIES

- A) None of the individual REGIONAL ENTITIES shall be responsible for interruptions in the REGIONAL NETWORK due to the forces of nature, war, man-made disasters, or other such acts beyond the control of the individual REGIONAL ENTITIES.
- B) The individual REGIONAL ENTITIES make no warranties, express or implied, including without limitation any implied warranty of merchantability or fitness for a particular purpose to any entity in connection with its use of the REGIONAL NETWORK.
- C) The individual REGIONAL ENTITIES acknowledge that service disruptions will occur from time-to-time and agree to hold each other harmless for all such disruptions.

ARTICLE XVIII—SEVERABILITY

- A) In the event that any terms or provisions of this AGREEMENT are declared void or unenforceable for any reason, the remaining terms and provisions of this AGREEMENT shall remain in full force and effect and shall not be affected by the severance of the voided or unenforceable terms or provisions.

ARTICLE XIX—GOVERNING LAW

- A) The laws of the State of Missouri shall govern all questions and interpretations concerning the validity and construction of this AGREEMENT as a whole and the legal relations and performance and obligations as between REGIONAL ENTITIES. The laws of the State of Illinois shall govern all questions of law solely between Illinois REGIONAL ENTITIES. Likewise, the laws of the State of Missouri shall govern all questions of law solely between Missouri REGIONAL ENTITIES.

ARTICLE XX—CONFLICTS WITH EXISTING LAND-MOBILE RADIO SYSTEM CONTRACTS

- A) Nothing in this AGREEMENT is intended or should be construed in any manner to conflict with the interoperability standards and/ or obligations provided in valid, preexisting contracts that any REGIONAL ENTITY has entered into regarding the use of land-mobile radio systems, such as Starcom-21 user agreements.
- B) Each REGIONAL ENTITY understands and agrees that it is its individual responsibility to inform the CORE GROUP of any actual conflicts that arise under this AGREEMENT, any policy, and/or any procedure developed by the CORE GROUP.

ARTICLE XXI—AMENDMENTS

A) Changes in the terms of this AGREEMENT may, from time to time, be deemed necessary or desirable. Such changes, which are mutually agreed to by the parties, shall be incorporated in written amendments to this AGREEMENT.

ARTICLE XXII—CONTENTS OF THIS AGREEMENT

A) This AGREEMENT consists of the terms of this AGREEMENT and of the Appendix listed below. The following Appendix is made part of this AGREEMENT and is hereby incorporated by reference into this AGREEMENT as though fully set forth herein:

- 1) Appendix A: STARRS Land Mobile Communications Plan for the St. Louis Urban Area.

ARTICLE XXIII—EXECUTION

BY signing below, the chief executive of each REGIONAL ENTITY represents that he or she is fully authorized to sign this AGREEMENT on behalf of that REGIONAL ENTITY.

Executed by the MADISON COUNTY, IL this _____ day of _____, 201__.

Madison County Board

Alan Dunstan
Chairman

Executed by the MONROE COUNTY, IL this _____ day of _____, 201__.

Monroe County Board of Commissioners

Delbert W. Wittenaar
Chairman

Executed by the ST. CLAIR COUNTY, IL this _____ day of _____, 201__.

St. Clair County Board

Mark Kern
Chairman

Executed by the CITY OF ST. LOUIS, MO this _____ day of _____, 201__.

City of St. Louis, MO

Francis Slay Mayor

Darlene Green
Comptroller

Executed by the CITY OF ST. LOUIS METROPOLITAN POLICE DEPARTMENT this _____ day of _____, 201__.

Board of Police Commissioners

Mark Lawson

Board Secretary and General Counsel

Executed by the FRANKLIN COUNTY, MO this _____ day of _____, 201__.

Franklin County Commission

John E. Griesheimer
Presiding Commissioner

Executed by the JEFFERSON COUNTY, MO this _____ day of _____, 201__.

Jefferson County, MO

Ken Waller
County Executive

Executed by the JEFFERSON COUNTY 911 DISPATCH BOARD this _____ day of _____, 201__.

Jefferson County 911 Dispatch Board of Directors

Ed Kemp
Chairman

Executed by the ST. CHARLES COUNTY, MO this _____ day of _____, 201__.

St. Charles County, MO

Steve Ehlmann
County Executive

Executed by the ST. LOUIS COUNTY, MO this _____ day of _____, 201__.

St. Louis County, MO

Charlie Dooley
County Executive

First Amendment to the Inter-Governmental Agreement by and between

Madison County, Illinois; Monroe County, Illinois; St. Clair County, Illinois; City of St. Louis, Missouri; the Board of Police Commissioners of the Metropolitan Police Department of City of St. Louis; Franklin County, Missouri; Jefferson County, Missouri; Jefferson County 911 Dispatch Board; St. Charles County, Missouri; and St. Louis County, Missouri

THIS FIRST AMENDMENT TO THE INTER-GOVERNMENTAL AGREEMENT is entered into by and between Madison County, Illinois; Monroe County, Illinois; St. Clair County, Illinois; City of St. Louis, Missouri; the Board of Police Commissioners of the Metropolitan Police Department of City of St. Louis; Franklin County, Missouri; Jefferson County, Missouri; Jefferson County 911 Dispatch Board; St. Charles County, Missouri; and St. Louis County, Missouri (hereinafter referred to as the "REGION") pursuant to the provisions of Title VI, Chapter 70 of the Missouri Revised Statutes and Chapter 5, Act 220 §§ 1 – 16 of the Illinois Compiled Statutes.

NOW THEREFORE, in consideration of the mutual undertakings and agreements hereinafter set forth, the parties agree as follows:

SECTION 1. ARTICLE V. § A is hereby amended as follows:

A) REGIONAL ENTITIES or their designees shall operate their RADIO SYSTEM and/or LOCAL DMS in compliance with the P25 Standards and SAFECOM Continuum as set forth in Appendix A: STARRS Land Mobile Communications Plan for the St. Louis Urban Area, as it may be amended from time to time by the CORE GROUP, which Appendix is appended hereto and made part of this AGREEMENT.

SECTION 2. ARTICLE VI. is hereby amended by adding the following to §A) 4) subsection (iii) as follows: 1) The CORE GROUP, as established in section (A) of this Article, has the following duties:

a) To appoint up to forty-one (41) voting members to the OPERATIONS GROUP, as follows:

...

(iii) One person, as appointed by the Executive Director of East West Gateway Council of Governments, to serve as the REGIONAL NETWORK ADMINISTRATOR.

SECTION 3. ARTICLE VIII is amended by adding VIII § "F)" after Section VIII.§E) as follows:

F) The following entities are granted MEMBER AGENCY status and shall have the ability to utilize the REGIONAL DMS and the REGIONAL NETWORK in the same manner as an AUTHORIZED USER:

METRO

SECTION 4. ARTICLE IX. A. §5 is hereby amended as follows:

5. To use its best efforts, when applicable, to cause the individual AUTHORIZED USERS, APPLICANTS, or MEMBER AGENCIES residing within its jurisdiction to transfer its FCC licenses to the REGIONAL ENTITY or enter into a co-channel sharing agreement with the REGIONAL ENTITY; and

SECTION 5. ARTICLE X. is hereby amended by deleting § C) in its entirety:

~~C) To ensure that the channel capacity of any of the REGIONAL ENTITIES or AUTHORIZED USERS' RADIO SYSTEMS will not be unnecessarily reduced, the parties to this AGREEMENT will not purchase any radio with a telephone interconnect capability unless it is approved by the CORE GROUP.~~

And ARTICLE X. is further amended by amending section F) as follows:

F) Subject to ARTICLE IX, A. 5) and 6), each REGIONAL ENTITY must maintain all FCC licenses, including any transferred licenses that are required to operate its independent DMS and RADIO SYSTEM as part of the REGIONAL NETWORK.

This Agreement may be executed in separate part.

WHEREFORE, the parties to this AGREEMENT adopt this Amendment on the last day executed

Approved: October 26, 2011

**ORDINANCE #69006
Board Bill No. 29
Committee Substitute**

An ordinance prohibiting the issuance of any package liquor license for any non-licensed premises within the boundaries of the Eighteenth Ward Liquor Control District, as established herein, for a period of three years from the effective date hereof; containing exceptions and allowing, during the moratorium period, for the transfer of existing licenses, under certain circumstances; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. LEGISLATIVE FINDINGS.

The existence of alcoholic beverage establishments appears to contribute directly to numerous peace, health, safety and general welfare problems including loitering, littering, drug trafficking, prostitution, public drunkenness, defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots.

The existence of such problems creates serious impacts on the health, safety and welfare of residents of single- and multiple-family within the district, including fear for the safety of children, elderly residents and of visitors to the district. The problems also contribute to the deterioration of the neighborhood and concomitant devaluation of property and destruction of community values and quality of life. The number of establishments selling alcoholic beverages and the associated problems discourage more desirable and needed commercial uses in the area. In order to preserve the residential character and the neighborhood-serving commercial uses of the area, there shall be a moratorium on the issuance of new liquor licenses within the area beginning at the point of intersection of Laclede Ave and N Spring Ave, and proceeding westerly along Laclede Ave to N Vandeventer Ave, and proceeding northerly along N Vandeventer Ave to Lindell Blvd, and proceeding westerly along Lindell Blvd to N Newstead Ave, and proceeding northerly along N Newstead Ave to Maryland Ave, and proceeding easterly along Maryland Ave to N Boyle Ave, and proceeding northerly along N Boyle Ave to Olive St, and proceeding westerly along Olive St to Washington Ave, and proceeding westerly along Washington Ave to N Kingshighway Blvd, and proceeding northerly along N Kingshighway Blvd to Delmar Blvd, and proceeding westerly along Delmar Blvd to Clarendon Ave, and proceeding northerly along Clarendon Ave to Vernon Ave, and proceeding easterly along Vernon Ave to Academy Ave, and proceeding northerly along Academy Ave to Page Ave, and proceeding westerly on Page Ave to Academy Ave, and proceeding northerly on Academy Ave to Wells Ave, and proceeding easterly along Wells Ave to N Kingshighway Blvd, and proceeding northerly along N Kingshighway Blvd to Aldine Pl, and proceeding easterly along Aldine Pl to N Euclid Ave, and proceeding northerly along N Euclid Ave to Cote Brilliante Ave, and proceeding easterly along Cote Brilliante Ave to Marcus Ave, and proceeding southerly along Marcus Ave to Newcomb Pl, and proceeding westerly along Newcomb Pl to Walton Ave, and proceeding southerly along Walton Ave to Newberry Ter, and proceeding easterly along Newberry Ter to N Taylor Ave and proceeding northerly along N Taylor Ave to Page Blvd, and proceeding easterly along Page Blvd to N Newstead Ave, and proceeding southerly on N Newstead Ave to an east/west alleyway between Page Blvd and Cook Ave, and proceeding easterly on such alleyways to Goode Ave, and proceeding northerly on Goode Ave to Page Ave, and proceeding easterly on Page Ave to N Vandeventer Ave, and proceeding northerly on N Vandeventer to Dr Martin Luther King Dr, and proceeding easterly on Dr Martin Luther King Dr to N Vandeventer Ave, and proceeding northerly on N Vandeventer to Garfield Ave, and proceeding easterly on Garfield Ave to Prairie Ave, and proceeding southerly on Prairie Ave to Aldine Ave, and proceeding easterly on Aldine Ave to N Spring Ave, and proceeding southerly on N Spring Ave to Bell Ave, and proceeding westerly on Bell Ave to N Vandeventer Ave, and proceeding southerly along N Vandeventer Ave to an east/west alleyway between Olive St and Westminster Pl, and proceeding easterly along such alleyway to N Spring Ave, and proceeding southerly along N Spring Ave to the point of beginning. Such area shall be known as the Eighteenth Ward Liquor Control District.

SECTION TWO. The Excise Commissioner is hereby prohibited, for a period of three years, beginning as of the effective date of this Ordinance, from approving the issuance of a package liquor license for any premises which is located within the boundaries of the Eighteenth Ward Liquor Control District established in Section One of this ordinance.

SECTION THREE. Notwithstanding the provisions of Section Two of this Ordinance, the Excise Commissioner shall have authority to:

- (1) Approve transfer of an existing license to another premises within the petition circle of the currently licensed premises, pursuant to the provisions of subsection (B) of section 14.06.330 of Ordinance 68536; and
- (2) Issue a drink license for premises, not licensed as of the effective date of this Ordinance, which currently is or will be, upon opening, operated as a restaurant, as such term is defined in section 14.01.390 of Ordinance 68536; and
- (3) Approve the renewal of an existing license under the provisions of Section 14.08.090 of Ordinance 68536.

SECTION FOUR. EMERGENCY CLAUSE.

This being an ordinance for the preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

Approved: November 4, 2011

**ORDINANCE #69007
Board Bill No. 149**

An Ordinance recommended by the Planning Commission on September 7, 2011, to change the zoning of property as indicated on the District Map, from "D" Multiple-Family Dwelling District and "F" Neighborhood Commercial District to the "F" Neighborhood Commercial District only, in City Block 4971 (1618 Tower Grove Avenue), so as to include the described parcel of land in City Block 4971; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The zoning designation of certain real property located in City Block 4971 is hereby changed to the "F" Neighborhood Commercial District, real property being particularly described and shown in Exhibit A as follows:

A tract of land being Lot 3, Lot 4, and Lot 6 of "Dundee Place" P.B. 13, Pgs 38-39, and a 15' W Alley as vacated by ordinance "61092, in City Block 4971, City of St. Louis, Missouri.

SECTION 2. This ordinance being necessary for the preservation of the health, safety and welfare shall take effect and be in full force immediately upon approval by the Mayor of the City of St. Louis.



Approved: November 4, 2011

**ORDINANCE #69008
Board Bill No. 150**

An Ordinance recommended by the Planning Commission on September 7, 2011, to change the zoning of property as indicated on the District Map, from "C" Multiple-Family Dwelling District to the "F" Neighborhood Commercial District, in City Block 5445 (4260 McRee Avenue), so as to include the described parcel of land in City Block 5445; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The zoning designation of certain real property located in City Block 5445 is hereby changed to the "F" Neighborhood Commercial District, real property being particularly described and shown in Exhibit A as follows:

All of Lot 20 of SHAW'S LAFAYETTE AVENUE ADDITION NO. 3 and in Block 5445 of the City of St. Louis and being more particularly described as follows:

Beginning at the Northwest corner of said Lot 20 being also on the South line of McRee Avenue, 60 feet wide; thence along the South line of McRee Avenue South 83 degrees 00 minutes 03 seconds East a distance of 30.01 feet to the Northeast corner of said Lot 20; thence along the East line of said Lot 20 South 07 degrees 14 minute 27 seconds West a distance of 125.48 feet to the North line of an alley, 15 feet wide; thence along the Northline of said alley North 82 degrees 46 minutes 36 seconds West a distance of 30.01 feet to Southwest corner of said Lot 20; thence along the West line of said Lot 19 North 07degrees 14 minutes 27 seconds East a distance of 125.36 feet to the point of beginning.

SECTION 2. This ordinance being necessary for the preservation of the health, safety and welfare shall take effect and be in full force immediately upon approval by the Mayor of the City of St. Louis.

69008



Approved: November 4, 2011

ORDINANCE #69009
Board Bill No. 176

An ordinance prohibiting the issuance of any package or drink liquor licenses for any currently non-licensed premises within the boundaries of the Fourteenth Ward Liquor Control District, as established herein, for a period of three years from the effective date hereof; containing an exception allowing, during the moratorium period, for the transfer of existing licenses, under certain circumstances, and the issuance of a drink license to persons operating a restaurant at a previously non-licensed premises; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. LEGISLATIVE FINDINGS.

The existence of alcoholic beverage establishments appears to contribute directly to numerous peace, health, safety and general welfare problems including loitering, littering, drug trafficking, prostitution, public drunkenness, defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots. The existence of such problems creates serious impacts on the health, safety and welfare of residents of single- and multiple-family within the district, including fear for the safety of children, elderly residents and of visitors to the district. The problems also contribute to the deterioration of the neighborhood and concomitant devaluation of property and destruction of community values and quality of life. The number of establishments selling alcoholic beverages and the associated problems discourage more desirable and needed commercial uses in the area. In order to preserve the residential character and the neighborhood-serving commercial uses of the area, there shall be a moratorium on the issuance of new liquor licenses with the area beginning at the point of intersection of Delor St and Missouri Pacific RR, and proceeding westerly along Delor St to Steffens Ave, and proceeding southerly along Steffens Ave to Walsh St, and proceeding westerly along Walsh St to Morganford Rd, and proceeding southerly along Morganford Rd to Walsh St, and proceeding westerly along Walsh St to Gravois Ave, and proceeding westerly along Gravois Ave to Eichelberger St, and proceeding westerly along Eichelberger St to Hummel Ave, and proceeding westerly along Hummel Ave to Dahlia Ave, and proceeding northerly along Dahlia Ave to north/south alleyway, and proceeding southerly along such alleyway to Rosa Ave, and proceeding northerly along Rosa Ave to S Kingshighway Blvd, and proceeding southerly along S Kingshighway Blvd to Rosa Ave, and proceeding westerly along Rosa Ave to Macklind Ave, and proceeding northerly along Macklind Ave to Bancroft Ave, and proceeding easterly along Bancroft Ave to Brannon Ave, and proceeding northerly along Brannon Ave to Chippewa St, and proceeding easterly along Chippewa St to Missouri Pacific RR, and proceeding southerly along Missouri Pacific RR to the point of beginning. Such area shall be known as the Fourteenth Ward Liquor Control Area.

SECTION TWO. The Excise Commissioner is hereby prohibited, for a period of three years, beginning as of the effective date of this Ordinance, from approving the issuance of a package or drink liquor license for any premises which is located within the boundaries of the Fourteenth Liquor Control District established in Section One of this ordinance.

SECTION THREE. Notwithstanding the provisions of Section Two of this Ordinance, the Excise Commissioner shall have authority to:

- (1) Approve transfer of an existing license to another premises within the petition circle of the currently licensed premises, pursuant to the provisions of subsection (B) of section 14.06.330 of Ordinance 68536; and
- (2) Issue a drink license for a premises, not licensed as of the effective date of this Ordinance, which currently is or will be, upon opening, operated as a restaurant, as such term is defined in section 14.01.390 of Ordinance 68536.
- (3) Approve the renewal of an existing license under the provisions of Section 14.08.090 of Ordinance 68536.

SECTION FOUR. EMERGENCY CLAUSE.

This being an ordinance for the preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

Approved: November 4, 2011

ORDINANCE #69010
Board Bill No. 179

An ordinance pertaining to the Liquor Control Law of the City of St. Louis; amending Section Four of Ordinance 68536 setting forth an area which shall not be within the convention trade area of the City of St. Louis; containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Section Four of Ordinance 68536 and codified as section 14.03.230 of the Revised Code, is hereby amended to read as follows:

14.03.230. The following areas shall not be within the convention trade area of the City of St. Louis:

(A) Beginning at the point of intersection of Gravois Ave and Potomac St, and proceeding easterly along Gravois Ave to S Jefferson Ave, and proceeding northerly along S Jefferson Ave to Shenandoah Ave, and proceeding easterly on Shenandoah to Indiana Ave, and proceeding southerly on Indiana Ave to Victor St, and proceeding easterly on Victor St to Gravois Ave, and proceeding easterly along Gravois Ave to I-55, and proceeding southerly along I-55 to Sidney St, and proceeding easterly along Sidney St to the Mississippi River, and proceeding southerly along the Mississippi River to River Bluff Pl, and proceeding westerly along River Bluff Pl to S Broadway, and proceeding southerly along S Broadway to Nebraska Ave, and proceeding northerly along Nebraska Ave to Delor St, and proceeding westerly along Delor St to a north/south alleyway between S Compton and Michigan and proceeding northerly along such alleyway to Itaska St, and proceeding westerly along Itaska St to S Compton, and proceeding northerly along S Compton Ave to Osceola St, and proceeding easterly along Osceola St to Michigan Ave, and proceeding southerly along Michigan Ave to an east/west alleyway, and proceeding easterly along such alleyway to Minnesota Ave, and proceeding northerly along Minnesota Ave to Meramec St, and proceeding easterly along Meramec St to I- 55, and proceeding easterly along I- 55 to S Broadway, and proceeding westerly along S Broadway to Miami St, and proceeding westerly along Miami St to Indiana Ave, and proceeding northerly along Indiana Ave to Potomac St, and proceeding westerly along Potomac St to S Jefferson Ave, and proceeding northerly along S Jefferson Ave to Cherokee St, and proceeding westerly along Cherokee St to S Compton Ave, and proceeding southerly along S Compton Ave to Potomac St, and proceeding westerly along Potomac St to the point of beginning.

(B) Beginning at the point of intersection of Delor St and Missouri Pacific RR, and proceeding westerly along Delor St to Steffens Ave, and proceeding southerly along Steffens Ave to Walsh St, and proceeding westerly along Walsh St to Morganford Rd, and proceeding southerly along Morganford Rd to Walsh St, and proceeding westerly along Walsh St to Gravois Ave, and proceeding westerly along Gravois Ave to Eichelberger St, and proceeding westerly along Eichelberger St to Hummel Ave, and proceeding westerly along Hummel Ave to Dahlia Ave, and proceeding northerly along Dahlia Ave to north/south alleyway, and proceeding southerly along such alleyway to Rosa Ave, and proceeding northerly along Rosa Ave to S Kingshighway Blvd, and proceeding southerly along S Kingshighway Blvd to Rosa Ave, and proceeding westerly along Rosa Ave to Macklind Ave, and proceeding northerly along Macklind Ave to Bancroft Ave, and proceeding easterly along Bancroft Ave to Brannon Ave, and proceeding northerly along Brannon Ave to Chippewa St, and proceeding easterly along Chippewa St to Missouri Pacific RR, and proceeding southerly along Missouri Pacific RR to the point of beginning.

(C) Beginning at the point of intersection of Osceola St and Minnesota Ave, and proceeding southerly along Minnesota to an east/west alleyway, and proceeding westerly along such alley to Michigan Ave, and proceeding northerly along Michigan Ave to Osceola St, and proceeding westerly along Osceola St to S Compton Ave, and proceeding northerly along S Compton Ave to Gasconade St, and proceeding westerly along Gasconade St to Louisiana Ave, and proceeding northerly along Louisiana Ave to Osage St, and proceeding westerly along Osage St to Arkansas Ave, and proceeding northerly along Arkansas Ave to Chippewa St, and proceeding westerly along Chippewa St to S Grand Blvd, and proceeding northerly along S Grand Blvd to Gravois Ave, and proceeding northerly along Gravois Ave to Potomac St, and proceeding easterly along Potomac St to S Compton Ave, and proceeding northerly along S Compton Ave to Cherokee St, and proceeding easterly along Cherokee St to S Jefferson Ave, and proceeding southerly along S Jefferson Ave to Potomac St, and proceeding easterly along Potomac St to Indiana Ave, and proceeding southerly along Indiana Ave to Miami St, and proceeding easterly along Miami St to S Broadway, and proceeding easterly along S Broadway to I- 55, and proceeding southerly along I- 55 to Meramec St, and proceeding westerly along Meramec St to Minnesota Ave, and proceeding southerly along Minnesota Ave to the point of beginning.

SECTION TWO. EMERGENCY CLAUSE.

This being an ordinance for the preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

Approved: November 4, 2011

**ORDINANCE #69011
Board Bill No. 181**

An ordinance, recommended by the Board of Estimate and Apportionment, authorizing the Mayor of the City of St. Louis, on behalf of the City, to submit a 2012 Annual Plan to the United States Department of Housing and Urban Development ("HUD") as required to apply for funding under the Federal Community Development Block Grant ("CDBG"), HOME Investment Partnership ("HOME"), Emergency Shelter Grant ("ESG") and Housing Opportunities for Persons with AIDS ("HOPWA") Entitlement Programs, authorizing and directing the Mayor and the Comptroller on behalf of the City to enter into and execute agreements with HUD for the receipt of 2012 CDBG, HOME, ESG and HOPWA funds, appropriating the sum of Eighteen Million Five Hundred Twenty Nine Thousand One Hundred Sixty Dollars (\$18,529,160) which the City estimates will be available for the 2012 CDBG Program Year; appropriating the sum of Four Million Twenty Seven Thousand Nine Hundred Thirty Dollars (\$4,027,930) which the City estimates will be available for the 2012 HOME Program Year; appropriating the sum of Eight Hundred Sixty Five Thousand Five Hundred Dollars (\$865,500) which the City estimates will be available for the 2012 ESG Program Year; and appropriating the sum of One Million Three Hundred Seventy Five Thousand Eight Hundred Dollars (\$1,375,800) which the City estimates will be available for the 2012 HOPWA Program Year, authorizing and directing the Director of the Community Development Administration ("CDA") to contract with municipal agencies, non-profit corporations and other entities, as necessary for the expenditure of CDBG and HOME funds, to establish and implement a lump sum drawdown procedure for the purpose of financing property rehabilitation activities, to establish and implement a program to guarantee in whole or in part construction loans from private financial institutions, and/or to establish and implement a procedure for providing financial assistance to CDBG-eligible undertakings through float loan financing, authorizing and directing the Director of the Department of Human Services ("DHS") to contract with municipal agencies, non-profit corporations and other entities, as necessary for the expenditure of ESG funds, authorizing and directing the Director of Health and Hospitals to contract with municipal agencies, non-profit corporations and other entities, as necessary for the expenditure of HOPWA funds, and directing the Comptroller to issue warrants thereon upon the City Treasury; and containing an emergency clause.

WHEREAS, 2012 CDBG, HOME, ESG and HOPWA funding will become available on January 1, 2012; and

WHEREAS, in order to receive these funds, the City of St. Louis must submit to HUD a 2012 Annual Plan by November 15, 2011; and

WHEREAS, it is estimated that the 2012 CDBG Entitlement, together with previous year CDBG funds available for re-allocation, CDBG Program Income generated by activities conducted with previous year CDBG funds that have not yet been appropriated for any purpose and CDBG Program Income estimated to be generated by activities conducted in 2012 with CDBG funds, will amount to the sum of Eighteen Million Five Hundred Twenty Nine Thousand One Hundred Sixty Dollars (\$18,529,160); and

WHEREAS, the City has identified certain known appropriation needs as summarized in Exhibit A, and the City desires to appropriate the CDBG Entitlement and Program Income Funds for these needs, to establish and implement a lump sum drawdown procedure to finance and facilitate property rehabilitation activities to establish and implement a program to guarantee in whole or in part construction loans from private financial institutions, and to establish and implement a procedure for providing financial assistance to CDBG-eligible undertakings through float loan financing, and

WHEREAS, it is estimated that the 2012 HOME Entitlement, together with previous year HOME funds available for allocation, HOME Program Income generated by activities conducted with previous year HOME funds that have not yet been appropriated for any purpose and HOME Program Income estimated to be generated by activities conducted in 2012 with HOME funds, will amount to the sum of Four Million Twenty Seven Thousand Nine Hundred Thirty Dollars (\$4,027,930); and

WHEREAS, the City has identified certain known appropriation needs as summarized in Exhibit A, and the City desires to appropriate the HOME Entitlement and Program Income Funds for these needs and to establish and implement a program to guarantee in whole or in part construction loans from private financial institutions; and

WHEREAS, it is estimated that the 2012 ESG Entitlement, together with previous year ESG funds available for allocation, will amount to the sum of Eight Hundred Sixty Five Thousand Five Hundred Dollars (\$865,500); and

WHEREAS, the City desires to appropriate the ESG Entitlement for needs related to the purpose of the ESG program; and

WHEREAS, it is estimated that the 2012 HOPWA Entitlement, together with previous year HOPWA funds available for allocation, will amount to the sum of One Million Three Hundred Seventy Five Thousand Eight Hundred Dollars (\$1,375,800); and

WHEREAS, the City desires to appropriate the HOPWA Entitlement for needs related to the purpose of the HOPWA program.

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

Section One. The Mayor of the City of St. Louis, on behalf of the City, is hereby authorized and directed to submit an Annual Plan to the Department of Housing and Urban Development in order to make application for the 2012 CDBG, HOME, ESG and HOPWA Entitlement Programs.

Section Two. There is hereby appropriated the sum of Eighteen Million Five Hundred Twenty Nine Thousand One Hundred Sixty Dollars (\$18,529,160) of 2012 CDBG funds for the purposes described in Exhibit A incorporated herein by reference. The Director of CDA is hereby authorized to make, negotiate and execute any and all contracts or other documents, including disbursing agreements and/or other agreements associated with lump sum drawdowns intended to facilitate property rehabilitation activities, including agreements associated with guarantees in whole or in part of construction loans from private financial institutions, and including agreements associated with the establishment and implementation of a procedure for providing financial assistance to CDBG-eligible undertakings through float loan financing, on behalf of the City, which are necessary to carry out the City's CDBG and HOME programs and to expend said funds for the purposes and in the amounts specified in Exhibit A attached hereto, and the Comptroller is authorized and directed to issue warrants upon the City Treasury for payment thereon. The Director of CDA is further authorized to transfer funds among the purposes described in Exhibit A when requested by the Alderman in whose ward the funds were budgeted pursuant to this Ordinance with the approval of the Board of Estimate and Apportionment, to transfer funds among the other purposes described in Exhibit A with the approval of the Board of Estimate and Apportionment, to substitute HOME funding for CDBG funding budgeted pursuant to this ordinance with the approval of the Board of Estimate and Apportionment, and to the extent that additional Tax Increment Financing Revenue, program income and/or other funds become available that reduce the amount of new CDBG funds required to make the Section 108 loan payment, to add the amount of the CDBG Section 108 loan payment reduction to the Citywide housing production allocation, provided that the Board of Estimate and Apportionment shall approve the expenditure of such funds.

Section Three. There is further hereby appropriated the sum of Four Million Twenty Seven Thousand Nine Hundred Thirty Dollars (\$4,027,930) of 2012 HOME Funds for the purposes described in Exhibit A incorporated herein by reference. The Director of CDA is hereby authorized to make, negotiate and execute any and all contracts or other documents including agreements associated with guarantees in whole or in part of construction loans from private financial institutions, on behalf of the City, which are necessary to carry out the City's HOME programs and to expend said funds, and the Comptroller is authorized and directed to issue warrants upon the City Treasury for payment thereon. The Director of CDA is further authorized to transfer funds among the purposes described in Exhibit A when requested by the Alderman in whose ward the funds were budgeted pursuant to this Ordinance with the approval of the Board of Estimate and Apportionment, to transfer funds among the other purposes described in Exhibit A with the approval of the Board of Estimate and Apportionment, and to substitute CDBG funding for HOME funding budgeted pursuant to this ordinance with the approval of the Board of Estimate and Apportionment. At least fifteen percent of the aforesaid 2012 HOME funds, or Six Hundred Four Thousand One Hundred Ninety Dollars (\$604,190), must be committed to projects to be undertaken by certified Community Housing Development Organizations (CHDOs).

Section Four. There is further appropriated the sum of Eight Hundred Sixty Five Thousand Five Hundred Dollars (\$865,500) of 2012 ESG Funds. The Director of the Department of Human Services is hereby authorized to make, negotiate and execute any and all contracts or other documents on behalf of the City which are necessary to carry out the City's ESG programs and to expend said funds, and the Comptroller is authorized and directed to issue warrants upon the City Treasury for payment thereon.

Section Five. There is further appropriated the sum of One Million Three Hundred Seventy Five Thousand Eight Hundred Dollars (\$1,375,800) of 2012 HOPWA Funds. The Director of Health and Hospitals is hereby authorized to make, negotiate and execute any and all contracts or other documents on behalf of the City which are necessary to carry out the City's HOPWA programs and to expend said funds, and the Comptroller is authorized and directed to issue warrants upon the City Treasury for payment thereon.

Section Six. This being an ordinance necessary for the immediate preservation of the public peace, health and safety and making appropriations for the payment of principal and interest on public debt and for the current expenses of the City government, an emergency is hereby declared to exist within the meaning of Section 20, Article IV, of the Charter and this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Approved: November 4, 2011

ORDINANCE #69012
Board Bill No. 51

An Ordinance recommended and approved by the Airport Commission and the Board of Estimate and Apportionment authorizing a Sixth Supplemental Appropriation in the amount of Three Million Dollars (\$3,000,000) from the Airport's FAA Land Sale Account into the Noise Mitigation Program Ordinance 64192 approved November 17, 1997, as amended by Ordinance 65217 approved June 29, 2001, for the payment of costs authorized therein; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. There is hereby authorized a Sixth Supplemental Appropriation in the amount of Three Million Dollars (\$3,000,000) from the Airport's FAA Land Sale Account into the Noise Mitigation Program Ordinance 64192 approved November 17, 1997, as amended by Ordinance 65217 approved June 29, 2001, for the payment of costs authorized therein.

SECTION TWO. This being an Ordinance providing for a public works and improvement program, it is hereby declared to be an emergency measure as defined in Article IV, Section 20, of the City of St. Louis' Charter and shall become effective immediately upon approval by the Mayor of the City of St. Louis.

Approved: November 7, 2011

ORDINANCE #69013
Board Bill No. 86
Committee Substitute
As Amended

An ordinance pertaining to the purchase or resale of scrap metal; repealing sections of Ordinance 55783 presently codified at Section 8.82.140 through 8.82.260 of the Revised Code of the City of St. Louis; repealing Ordinance 67424, presently codified as Section 15.159 of the Revised Code of the City of St. Louis, pertaining to electronic database requirements, sale and purchase of certain scrap metal, and rules and regulations for persons doing business in the City of St. Louis as scrap metal dealers; containing definitions; a penalty clause, a severability clause and an effective date.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE A part of Section Two of Ordinance 55783 presently codified as Section 8.82.140 of the Revised Code of the City of St. Louis is hereby repealed and there shall be included as a new Section 8.82.140 the following:

8.82.140 Definitions.

The following words or phrases, as used in this part, are defined as follows:

A. "Junk merchant and junk shop" Any person engaged in the business of buying, selling, exchanging or dealing in old junk, bottles, siphons, old rope, secondhand plumbing materials, secondhand gas and electric fixtures, old rubber tires or other used or old articles commonly designated as "junk," and having a store, stand, junkyard, or place of business, is a junk merchant, and such stand, junkyard, store or place of business is a junk shop.

B. "Junk peddler" means any person engaged in the business of buying, selling, exchanging, or dealing in old junk, bottles, siphons, old rope, secondhand plumbing materials, secondhand gas and electric fixtures, old rubber tires or other used or old articles commonly designated as "junk" and having no stand, store or place of business.

SECTION TWO. A part of Section Two of Ordinance 55783 presently codified as 8.82.220 of the Revised Code of the City of St. Louis is hereby repealed.

SECTION THREE.

Ordinance 67424, presently codified as Section 15.159 of the Revised Code of the City of St. Louis is hereby repealed and there shall be included as a new Ordinance the following:.

SECTION FOUR. DEFINITIONS.

As used in this ordinance, the following terms shall have the meaning indicated in this section:

The term "catalytic converter" shall mean a device designed for use in a vehicle for purposes of chemically converting harmful exhaust gases, produced by the internal combustion engine, into harmless carbon dioxide and water vapor.

The term "copper property" shall mean any insulated copper wire, copper tubing, copper guttering and downspouts, or any item composed completely of copper.

The term "copper property peddler" shall mean any person who sells or attempts to sell copper property and who is not either a licensed or certified tradesperson (i.e. licensed plumber or electrician).

The term "ferrous metals" shall mean metals which contain iron and are magnetic.

The term "HVAC component" shall mean any air conditioner evaporator coil or condenser used in connection with a residential, commercial or industrial building.

The term "nonferrous metals" shall mean metals which do not contain significant amounts of iron, and are not magnetic, such as aluminum, brass, lead, zinc and copper.

The term "scrap metal dealer" shall mean any entity (person, firm, company, partnership, association, or corporation) located in the City of St. Louis who purchases products containing ferrous or nonferrous metals for recycling or resale.

The term "vehicle repair business" shall mean any commercial facility engaged in the repair or replacement of car, truck and van, motorcycle or other motorized mechanical and exhaust components, whether as a primary or ancillary activity.

SECTION FIVE. HOURS OF OPERATION

Hours of retail sales operation for scrap metal dealers may be no earlier than 6:00 a.m. and no later than 7:00 p.m. daily.

SECTION SIX. ELECTRONIC RECORDKEEPING REQUIREMENTS.

(A) By no later than July 1, 2012, every scrap metal dealer shall install and maintain a retrievable electronic database containing a consecutively numbered record of each and every purchase of ferrous and non-ferrous metals.

(B) Any person selling ferrous or non-ferrous metal to a scrap metal dealer shall present a valid United States driver's license and/or a picture identification from a state or federal issuing agency (i.e., state issued identification or passport) to the scrap metal dealer.

(C) Any person selling copper property who holds a valid business license or copper property peddler's license shall present a copy of such license to the scrap metal dealer.

(D) Scrap metal dealers shall, at the time of making the purchase, enter into the electronic database the following information:

(1) Name, date of birth, and address of the seller as indicated on the state or federal issued driver's license and/or picture identification.

(2) Date of the scrap metal purchase.

(3) Driver's license number and/or reference number on the picture identification from a state or federal issuing agency (i.e., state issued identification or passport) capable of identifying the seller.

(4) Any business license number or the copper property peddler's license (including the name of the issuing municipality or county)

(5) Amount paid therefore.

(6) Kind of metals purchased.

- (7) Number of pounds of each kind.
- (8) License plate number of the vehicle delivering the material.

The information entered into the electronic database shall be completed in full without any missing data or information as prescribed in this section.

(E) The electronic database shall at all times be open for inspection by police or other law enforcement officers, during normal business hours without warrant or subpoena.

(F) A transaction receipt shall be issued and consist of the same information required under Section Six (D) of this ordinance and shall include the following statement: "By accepting payment from [Insert name of scrap metal dealer], seller represents and warrants that the material documented by this receipt is owned by or was lawfully obtained and the seller has the legal right to sell the material to [insert name of scrap metal dealer]." If the seller provides any documentation indicating that the person is in lawful possession of the scrap metal, or was otherwise lawfully acquired, including without limitation a bill of sale or receipt, the scrap metal dealer shall photocopy such documentation and maintain it with the transaction information otherwise required by this section.

(G) All records described in this section shall be maintained for three (3) years from the date of sale.

(H) A scrap metal dealer or the agent, employee, or representative of a scrap metal dealer shall not disclose personal information concerning a customer obtained under this Ordinance without the consent of the customer unless the disclosure is made in response to a request from a law enforcement agency. A scrap metal dealer shall implement reasonable safeguards

- 1) To protect the security of the personal information required under Section Six (D); and
- 2) To prevent unauthorized access to or disclosure of that information.

(I) A scrap metal dealer shall not be liable to any customer for a disclosure of personal information if the scrap metal recycler has met the requirements set forth in subsection (H).

SECTION SEVEN. RESTRICTED PURCHASES AND EXCEPTIONS.

(A) No person shall knowingly sell or attempt to sell to a scrap metal dealer and no scrap metal dealer shall knowingly and willfully purchase the following types of scrap metal:

(1) Guardrails, manhole covers, certain cables used only in high voltage transmission lines, historical markers and cemetery plaques, traffic signs, refuse containers or refuse container components, unless accompanied by proof of ownership or authorization to sell the materials on behalf of the owner.

(2) New materials, such as those used in construction, or equipment or tools used by contractors unless accompanied by proof of ownership or authorization to sell the materials on behalf of the owner.

(3) Materials which are clearly marked as property belonging to someone other than the seller, unless accompanied by written authorization from the business or property owner evidencing the seller has the legal right to sell the material.

(4) HVAC Components unless accompanied by written authorization from a licensed HVAC business evidencing that the components were legally removed and the seller has the legal right to sell the material.

- (5) Catalytic converters unless purchased from a vehicle repair business.

(B) The scrap metal dealer shall make a photocopy of any documentation provided pursuant to this subsection, retain the copy as part of the transaction record, and maintain such photocopy for a period of three (3) years following the transaction. All photocopies shall be made available for inspection upon request by the police or other law enforcement officers.

(C) No scrap metal dealer shall purchase or otherwise receive from a person under the age of eighteen (18) any ferrous or non-ferrous metal, other than aluminum cans.

(D) This section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates

a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.

SECTION EIGHT. COPPER PROPERTY PEDDLER'S LICENSE

(A) No person shall engage in the business of a copper property peddler without first obtaining a license from the License Collector and complying with the provisions of this part.

(B) Every copper property peddler shall pay a license fee of forty-five dollars (\$45) per year. The license shall expire June 30 of each year. Each license shall bear a separate number, the name and address of the licensee and telephone number of the licensee. The license shall be available only to the person in whose name it is issued, and shall not be used by any person other than the original licensee. Any licensee who shall permit his license to be used by any other person, and any other person who shall use a license granted to another person, shall each be deemed guilty of a violation of this ordinance.

(C) Application for licenses under this section shall be made in writing to the License Collector and shall state the name, age, description and address of the applicant. The application shall include a sworn statement setting forth each and every conviction of the applicant for violations of federal, state or city laws, statutes or ordinances. In addition, the applicant shall, at his or her expense, obtain a complete copy of the person's police record as indicated by the records of the city police department, and submit such record as part of the application. The License Collector shall not grant a license to any person who has been convicted of burglary, robbery, stealing, theft or possession or receiving stolen goods in the last twenty-four (24) months prior to the date of the application.

(D) The License Collector of St. Louis shall have the power and authority to revoke any license issued under this section for any willful violation by a copper property peddler of any of the provisions or conditions contained herein; provided, the license shall be revoked only after the licensee shall have been notified in writing at his place of business of the violations complained of and shall have been afforded a reasonable opportunity to have a hearing thereon before the License Collector.

(E) Notwithstanding the requirements set forth in this section, the City shall recognize a copper property peddler's license issued by a state or local government so long as such license is issued pursuant to laws or ordinances which (i) are no less stringent than this ordinance, (ii) require criminal background checks, (iii) prohibit licenses issued to any person who has been convicted of burglary, robbery, stealing, theft, or possession or receiving stolen goods in the last twenty-four (24) months prior to the date of the application, and (iv) similarly recognize copper property peddler's licenses issued by the City of St. Louis.

SECTION NINE. PURCHASES OF CERTAIN SCRAP METAL--REQUIREMENTS.

(A) A scrap metal dealer shall pay for any copper property or HVAC component as follows:

(1) A scrap metal dealer may not pay cash for copper property or HVAC component unless the seller presents a valid trade license or trade certificate.

(2) Payment to any seller of copper property or HVAC component who presents valid copper property peddler's license shall be by check. Checks shall be written to the licensee or certified tradesperson and may be delivered to the seller at the time of the sale.

(3) Payment to any seller of copper property or HVAC component who does not present or have on file a valid business license, valid trade license or certificate or valid copper property peddler's license shall be by check. Checks shall be payable only to the person whose name was recorded as delivering the copper property or HVAC component to the scrap metal dealer; provided, however, that if such person is delivering the copper property or HVAC component on behalf of a governmental entity or a nonprofit or for profit business entity, the check may be payable to such entity. All checks issued to a seller of copper property or HVAC component who does not present or have on file a valid business license, valid trade license or valid copper property peddler's license shall be mailed via U.S. Mail to the address provided on the driver's license or picture identification provided by the seller.

(4) Checks may not be converted to cash by a scrap metal dealer or by any related entity.

(B) This section shall not apply to any transaction for which the seller holds a business license issued by the City of St. Louis or other municipality or county and has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.

SECTION TEN. HOLD NOTICE.

(A) If a scrap metal dealer has actual knowledge that copper property or HVAC component in its possession has been stolen the dealer shall notify the Police Department via 911 and provide any information in its possession relative to the seller or the sale transaction.

(B) Following notice from the scrap metal dealer or if the Police Department has reasonable suspicion that the scrap dealer is in possession of stolen property, the Police Department may issue to the scrap metal dealer a written notice placing a ten (10) day hold order on the property.

SECTION ELEVEN. PENALTY FOR KNOWING AND WILLFUL VIOLATION BY SCRAP METAL DEALER.

(A) Any scrap metal dealer who shall knowingly and willfully conduct business in violation of any of the provisions of this chapter shall be subject to a fine of not more than five hundred dollars (\$500) per violation, or a term of imprisonment of not more than ninety (90) days or by both a fine and imprisonment. Every transaction conducted by a scrap metal dealer in violation of the provisions of this chapter shall be deemed a separate violation.

(B) In addition to the penalties described in this section, the city may revoke any occupancy permit issued for the business premise of the scrap metal dealer who knowingly and willfully violates this chapter.

(C) Nothing in this section shall be construed to preclude a person violating this section from also being prosecuted for any applicable criminal offense.

SECTION TWELVE. PENALTY FOR SELLER OF STOLEN METALS

(A) It is unlawful for any person to knowingly present for sale to a scrap metal dealer stolen ferrous or non-ferrous metal, including but not limited to copper property or HVAC components. Any person who knowingly presents for sale stolen ferrous or non-ferrous metal shall be guilty of an offense for each item of scrap metal, and shall upon conviction, be subject to a fine of not less than Five Hundred Dollars (\$500) or by imprisonment for a period not to exceed ninety (90) days or by both fine and imprisonment;

(B) It is unlawful for a person to willfully and maliciously cut, mutilate, deface, or otherwise injure any personal or real property owned by a third party, including any fixtures or improvements, for the purpose of obtaining ferrous or non-ferrous metals in any amount. Any person who willfully and maliciously cuts, mutilate, defaces, or otherwise injures any personal or real property owned by a third party for the purpose of obtaining ferrous or non-ferrous metal, shall be guilty of an offense for each item of scrap metal derived from such actions, and shall upon conviction, be subject to fine of not less than Five Hundred Dollars (\$500) or by imprisonment for a period not to exceed ninety (90) days or by both fine and imprisonment.

(C) In addition to the penalties described in this section, the city shall revoke any copper property peddler's license of a person who knowingly and willfully violates this chapter.

SECTION THIRTEEN. USE OF SCRAP THEFT ALERT SYSTEM

(A) A scrap metal dealer shall register with or subscribe to the alert system established by the Institute of Scrap Recycling Industries, Inc., referred to as the ISRI Scrap Theft Alert system and maintain that registration or subscription. The ISRI Scrap Theft Alert system is an internet-based alert system available to dealers, law enforcement agencies, and the general public that lists and tracks, at a minimum, thefts of nonferrous metal and articles containing nonferrous metals.

(B) The Chief of Police for the City of St. Louis shall designate the appropriate personnel within the department, which shall consist of not less than two officers, who shall register with or subscribe to, and maintain that registration or subscription with the ISRI Scrap Theft Alert system. The designated officers shall be directed by the Chief of Police to monitor and report scrap metal thefts to the system, as they are reported to the department in order to assist scrap metal dealers with identifying stolen materials that may be presented for subsequent sale.

SECTION FOURTEEN. SEVERABILITY CLAUSE.

If any provision, clause, sentence, paragraph or word of this ordinance or the application thereof to any person, entity or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION FIFTEEN. EFFECTIVE DATE.

This ordinance shall become effective thirty (30) days after its passage and approval by the Mayor.

Approved: November 9, 2011

ORDINANCE #69014
Board Bill No. 125

An ordinance approving a blighting study and redevelopment plan dated June 21, 2011 for the 4500-78 N. Broadway Redevelopment Area (as further defined herein, the "Plan") after finding that said Redevelopment Area ("Area") is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, as amended (the "Statute" being Sections 99.300 to 99.715 RSMo inclusive, as amended); containing a description of the boundaries of the Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Attachment "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan attached hereto and incorporated herein as Attachment "B", pursuant to Section 99.430 RSMo, as amended; finding that there is a feasible financial plan for the redevelopment of the Area which affords maximum opportunity for redevelopment of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA"), a public body corporate and politic created under Missouri law, through the exercise of eminent domain; finding that none of the property within the Area is occupied, but if it should become occupied/and the Redeveloper(s) (as defined herein) shall be responsible for providing relocation assistance pursuant to the Plan to any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available up to a ten (10) year real estate tax abatement; and pledging cooperation of this St. Louis Board of Aldermen ("Board") and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan; and containing a severability clause.

WHEREAS, the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, inadequate or outmoded design and conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes 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 and 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, this Board has considered the "Blighting Study and Redevelopment Plan for the 4500-78 N. Broadway Redevelopment Area" dated June 21, 2011, consisting of a Title Page; a Table of Contents Page, nine (9) numbered pages and Exhibits "A" – "F" attached hereto and incorporated herein as Attachment "B" ("Plan"); and based on the information in the Plan, specifically the Blighting Report in Exhibit "F" to the Plan, considered each parcel of property in the Area and found the preponderance of the Area to be blighted, and

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

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

WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan; 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 RSMo, as amended, 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 and the Planning Commission to this Board for review and approval; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to that general 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, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

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

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

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

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

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

SECTION ONE. There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, as amended (the "Statute" being Sections 99.300 to 99.715 inclusive, as amended) described in Attachment "A", attached hereto and incorporated herein, known as the 4500-78 N. Broadway Area ("Area"). The existence of deteriorated property and other conditions constitutes an economic or social liability to the City and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.320(3) RSMo, as amended, and are evidenced by the Blighting Report attached as Exhibit "F" ("Blighting Report") to the Blighting Study and Redevelopment Plan for the Area dated June 21, 2011 which is attached hereto, and labeled Attachment "B" and incorporated herein by reference ("Plan").

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises (as further defined below, "MBEs") and Women's Business Enterprises ("as further defined below ("WBEs") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBEs and WBEs established by the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997, as has been extended.
- (e) To comply with applicable requirements of Ordinance No. 60275 of the City (First Source Jobs Policy, as codified at St. Louis City Revised Code Chapter 3.90);
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction pursuant to the Plan. The Redeveloper(s) will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Assistant Director-Certification and Compliance of the City and the President of this Board; and
- (g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts entered into directly by Redeveloper(s).

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

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

SECTION FOURTEEN. The Redeveloper(s) may seek ten (10) year real estate tax abatement pursuant to Sections 99.700

- 99.715, RSMo, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created.

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

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such urban redevelopment corporation shall own property within the Area, then for a period of up to the first ten (10) years after the date such urban redevelopment corporation shall acquire title to property in the Area, taxes on that property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year prior to the calendar year during which such urban redevelopment corporation shall have acquired title to that property. In addition to such taxes, any such urban redevelopment corporation shall for a period of up to ten (10) years make a payment in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the improvements located on the property during the calendar year prior to the calendar year during which such urban redevelopment corporation shall have acquired title to such property. If such property shall be taxexempt because it is owned by the LCRA and leased to any such corporation, then such urban redevelopment corporation for such period of up to the first ten (10) years of the lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year two prior to the calendar year during which such urban redevelopment corporation shall lease such property.

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

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

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

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

ATTACHMENT "A"

**4500-78 N. BROADWAY REDEVELOPMENT AREA
LEGAL DESCRIPTION**

CONSOLIDATED PROPERTY DESCRIPTION

A tract of land being the Consolidation of City Block 2490, part of City Block 2491, and a portion of May Street as vacated by Ordinance Number 68777 in The City of St. Louis, and being more particularly described as:

Beginning at the intersection of the Northeast right-of-way line of North Broadway Street, 80.00 feet wide with the Southeast right-of-way line of Grand Avenue, 60.00 feet wide; thence North 55 degrees 40 minutes 38 seconds East, a distance of 279.91 feet

along said Southeast right-of-way line of Grand Avenue, 60.00 feet wide to the Southwest right-of-way line of North Second Street, 50.00 feet wide; thence South 32 degrees 23 minutes 40 seconds East, a distance of 299.77 feet along the South right-of-way line of North Second Street to the Northwest right-of-way line of May Street as vacated by Ordinance Number 68777, 75.00 feet wide; thence continuing South 32 degrees 23 minutes 40 seconds East across the vacated May Street, a distance of 75.04 feet to the most Northern comer of City Block 2491, said point being on the Southwest right-of-way line of North Second Street, 50.00 feet wide; thence South 32 degrees 29 minutes 34 seconds East, A distance of 74.94 feet along said Southwest right-of-way line of North Second Street, 50.00 feet wide, to the most Northern comer of Lot 9 of said City Block 2491; thence South 57 degrees 34 minutes 54 seconds West, A distance of 131.37 feet along the Northwest line of said Lot 9 of City Block 2491 to the Northeast line of an Alley, 20.00 feet wide, vacated by Ordinance Number 56637 of the City of St. Louis; thence South 30 degrees 56 minutes 42 seconds East, a distance of 203.65 feet along said Northeast line of an Alley, 20.00 feet wide to the intersection of the prolongation Northeastwardly of the Northwest right-of-way of Bissell Street, 50.00 feet wide; thence South 55 degrees 40 minutes 20 seconds West, a distance of 159.88 feet along said Northwest right-of-way of Bissell Street, 50.00 feet wide and its prolongation to the aforesaid Northeast right-of-way line of North Broadway Street, 80.00 feet wide; thence North 30 degrees 56 minutes 42 seconds West, a distance of 274.29 feet along said Northeast right-of-way line of North Broadway Street, 80.00 feet wide to the most Western comer of City Block 2491, said point being also the intersection of the Northeast right-of-way line of North Broadway Street, 80.00 feet wide with the Southeast right-of-way line of May Street as vacated by Ordinance Number 68777, 75.00 feet wide; thence continuing North 30 degrees 56 minutes 42 seconds West, a distance of 75.13 feet across said vacated May Street, 75.00 feet wide to the most Southern comer of City Block 2490; thence North 30 degrees 56 minutes 42 seconds West, a distance of 300.15 feet along said Northeast right-of-way line of North Broadway Street, 80.00 feet wide to the point of beginning and containing 159,906 square feet or 3.67 acres more or less.

ATTACHMENT "B"
Form: 6/15/11

**BLIGHTING STUDY AND PLAN
 FOR THE
 4500-78 N. BROADWAY REDEVELOPMENT AREA
 PROJECT #1570
 LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY
 OF THE CITY OF ST. LOUIS
 JUNE 21, 2011**

**MAYOR
 FRANCIS G. SLAY**

**BLIGHTING STUDY AND PLAN FOR
 4500-78 N. BROADWAY DEVELOPMENT AREA**

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A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The 4500-78 N. Broadway Redevelopment Area ("Area") encompasses approximately 3.671 acres in the Near North Riverfront neighborhood of the City of St. Louis ("City") and is located between E. Grand Blvd. on the north and May St. on the South with N. 2nd St on the east.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibits "B", "C" and "D" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises a portion of City Block 2490 and 2491. The Area is in poor condition. The parcel by parcel physical conditions within the Area are shown on Exhibit "B" ("Project Area Plan-Existing Uses and

Conditions”) and enumerated in Exhibit “F” “Blighting Report”.

Unemployment figures, computed by the Missouri Economic Research and Information Center, Missouri Department of Economic Development, indicate a 10.7% unemployment rate for the City for the month of April, 2011. It is estimated that this rate is applicable to residents of the neighborhoods surrounding the Area.

There are currently no jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area include an unoccupied commercial building to be demolished.

The land uses within the Area, including the location of public and private uses, streets and other rights-of-way, is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are used primarily for industrial and commercial purposes.

Residential density for the surrounding neighborhoods is approximately 0.68 persons per acre.

5. CURRENT ZONING

The Area is currently zoned "J" Industrial District pursuant to the Zoning Code of the City, which is incorporated in this Blighting Study and Redevelopment Plan (“Plan”) by reference.

6. FINDING OF BLIGHT

None of the property within the Area is occupied and the Area is in the conditions described in Exhibit “F”. The existence of deteriorated property constitutes an economic or social liability to the City and presents a hazard to the health and well-being of its citizens. The preponderance of properties in the Area has been determined to be blighted within the meaning of Section 99.300 *et seq.* RSMo, as amended (the “Land Clearance for Redevelopment Authority Law”) as evidenced by the Blighting Report attached hereto, labeled Exhibit “F” and incorporated herein by this reference.

B. PROPOSED REDEVELOPMENT AND REGULATIONS

1. REDEVELOPMENT OBJECTIVES

The primary objectives of this Plan are to eliminate blight within the Area and to facilitate the redevelopment of the Area into productive commercial uses.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are commercial uses permitted in zones designated "J" Industrial District by the City of St. Louis Zoning Code. Redeveloper(s) authorized by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to redevelop property in the Area (hereafter referred to as "Redeveloper(s)") shall not be permitted to use the property within the Area for any of the following:

pawn shops, adult bookstores, X-rated movie houses, massage parlors or health spas, auto and truck dealers (new or used), pinball arcades, pool halls, secondhand or junk shops, tattoo parlors, truck or other equipment rentals requiring outside storage, blood donor facilities, free standing package liquor stores, check cashing centers.

Exhibit "C" (Project Area Plan-Proposed Land Use) shows the proposed uses for the Area. The General Plan for the City, which includes the “Strategic Land Use Plan” (as amended 2010) designates the Area as a Business/Industrial Redevelopment Area (BIDA).

3. PROPOSED ZONING

The zoning for the Area may remain "J" Industrial District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City which includes the "Strategic Land Use Plan" (as amended 2010). Any specific proposal to the LCRA for redevelopment of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, light and air, sound design and arrangement, and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THE AREA

Approximately 10 to 20 new permanent full time equivalent jobs are expected to be created if the Area is redeveloped in accordance with this Plan. The exact number of jobs created will depend upon the specific nature of the proposed redevelopment.

6. CIRCULATION

The Project Area Plan-Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by City ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

The Redeveloper(s) shall redevelop the Area in accordance with this Plan and the redevelopment agreement ("Agreement") (if any), and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper(s) in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to meet this requirement may result in suspension of tax abatement.

8. URBAN DESIGN

Urban Design Objectives

The design of commercial improvements shall be in accordance with all applicable zoning and building code requirements of the City.

9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and agreements between the LCRA and the Redeveloper(s). A uniform signage plan must be prepared by the Redeveloper(s) for the entire Area. All new signs shall be restricted to those identifying the names and/or business of the person or firm occupying the premises.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written recommendation of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on redevelopment. The cost of such utility improvements will be borne by the Redeveloper(s).

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When redeveloped in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious redevelopment that promotes the health, safety, morals, order, convenience, prosperity, general welfare, efficiency and economy of the City.

C. PROPOSED SCHEDULE OF REDEVELOPMENT

It is estimated that the implementation of this Plan will take place in a single phase initiated within approximately one (1) year of approval of this Plan by City ordinance and completed within approximately two (2) year of approval of this Plan by City ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer redevelopment of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law.

All costs associated with the redevelopment of the Area will be borne by the Redeveloper(s).

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper(s).

2. PROPERTY ACQUISITION

The Project Area Plan-Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property in the Area by the exercise of eminent domain.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to a Redeveloper(s) who shall agree to redevelop such property in accordance with this Plan and the agreement between such Redeveloper(s) and the LCRA. Any property acquired by the LCRA and sold to a Redeveloper(s) will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, R.S.Mo. as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

None of the property within the Area is currently occupied. If it should become occupied, all eligible occupants displaced as a result of the implementation of this Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

E. COOPERATION OF THE CITY

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges the cooperation of the City to enable the project to be carried out in a timely manner and in accordance with this Plan.

F. TAX ABATEMENT

A Redeveloper(s) may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 -99.715, RSMO, as amended, upon application as provided therein. Such real estate tax abatement shall not include taxes collected for any Special Business District Neighborhood Improvement District, commercial Improvement district, or other similar local taxing districts created in accordance with Missouri law, whether now existing or later created

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

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for a period of up to the first ten (10) years after the date the redevelopment corporation shall acquire title to the property in the Area, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year prior to the calendar year during which the urban redevelopment corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for such period of up to the ten (10) years make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year prior to the calendar year during which such urban redevelopment corporation shall have acquired title to such property. If such property shall be taxexempt because it is owned by the LCRA and leased to any such urban redevelopment corporation, then such corporation for a period of up to the first ten (10) years of the lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year prior to the calendar year during which that corporation shall lease such property.

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

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS**1. LAND USE**

A Redeveloper(s) shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale, rental or occupancy of any property, or any improvements erected or to be erected in the Area, or any part thereof.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper(s) shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper(s) shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the City Guidelines for Maximum

Utilization of Minority Enterprises dated January 1, 1981, as may be amended, and the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in an Agreement between the LCRA and a Redeveloper(s), which Agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against the Redeveloper(s), its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

H. MODIFICATIONS OF THIS PLAN

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

This Plan may be otherwise modified (e.g. urban design regulations, redevelopment schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the PDA.

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by City ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the St. Louis Board of Aldermen shall terminate this Plan at the end of the term then in effect, except as provided in Section G (4) of this Plan.

J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

EXHIBIT "A"

**4500-78 N. BROADWAY REDEVELOPMENT AREA
LEGAL DESCRIPTION**

CONSOLIDATED PROPERTY DESCRIPTION

A tract of land being the Consolidation of City Block 2490, part of City Block 2491, and a portion of May Street as vacated by Ordinance Number 68777 in The City of St. Louis, and being more particularly described as:

Beginning at the intersection of the Northeast right-of-way line of North Broadway Street, 80.00 feet wide with the Southeast right-of-way line of Grand Avenue, 60.00 feet wide; thence North 55 degrees 40 minutes 38 seconds East, a distance of 279.91 feet along said Southeast right-of-way line of Grand Avenue, 60.00 feet wide to the Southwest right-of-way line of North Second Street, 50.00 feet wide; thence South 32 degrees 23 minutes 40 seconds East, a distance of 299.77 feet along the South right-of-way line of North Second Street to the Northwest right-of-way line of May Street as vacated by Ordinance Number 68777, 75.00 feet wide; thence continuing South 32 degrees 23 minutes 40 seconds East across the vacated May Street, a distance of 75.04 feet to the most Northern corner of City Block 2491, said point being on the Southwest right-of-way line of North Second Street, 50.00 feet wide; thence South 32 degrees 29 minutes 34 seconds East, A distance of 74.94 feet along said Southwest right-of-way line of North Second Street, 50.00 feet wide, to the most Northern corner of Lot 9 of said City Block 2491; thence South 57 degrees 34 minutes 54 seconds

The subject property _____ has _____ X _____ has not a predominance of defective or inadequate streets

If answer is yes, explain: _____

The subject property _____ X _____ has _____ has not insanitary or unsafe conditions

If answer is yes, explain: unoccupied property subject to vandalism

The subject property _____ X _____ has _____ has not deterioration of site conditions

If answer is yes, explain: _____

The subject property _____ X _____ has _____ has not improper subdivision or absolute platting

If answer is yes, explain: poor drainage

The subject property _____ X _____ has _____ has not conditions which endanger life or property by fire or other cause. If answer is yes, explain: unoccupied property subject to vandalism

The subject property _____ does _____ X _____ does not retard the provision of housing accommodations

If answer is yes, explain: N/A

The subject property _____ X _____ does _____ does not constitute an economic liability

If answer is yes, explain: no income from unoccupied building

The subject property _____ X _____ does _____ does not constitute a social liability

If answer is yes, explain: provides opportunity for social liability

The subject property _____ X _____ is _____ is not a menace to the public health, safety, morals or welfare in its present condition and use. If answer is yes, explain: See above.

The subject property _____ X _____ is _____ is not detrimental because of dilapidation, deterioration, age or obsolescence. If answer is yes, explain: See above.

The subject property is _____ X _____ is not detrimental because of lack of air sanitation or open space. If answer is yes, explain:

The subject property _____ is _____ X _____ is not detrimental because of high density of population.

If answer is yes, explain: _____

The subject property _____ is _____ X _____ is not detrimental because of overcrowding of buildings, overcrowding of land. If answer is yes, explain: _____

The subject property _____ X _____ has _____ has not conditions which endanger life or property by fire and other causes. If answer is yes, explain: See above.

The subject property _____ X _____ has _____ has not a combination of factors that are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and. If answer is yes, explain: See above.

Approved: November 9, 2011

ORDINANCE NO. 69014 - EXHIBITS B, C & D

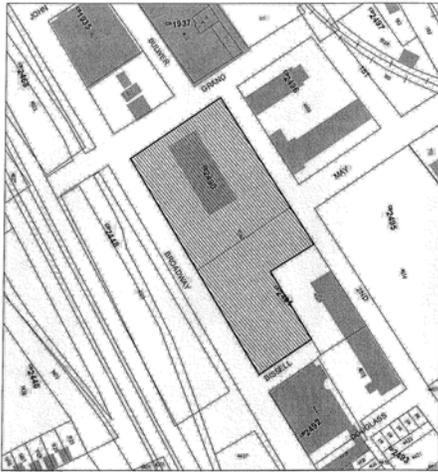


Exhibit B
Project Area Plan
4500-78 N. Broadway
Existing Uses and Conditions
[Diagonal Pattern] Unoccupied Industrial, Poor Condition
[Solid Line] Project Area Boundary
[Grey Box] Buildings
[Numbered Box] City Block Number



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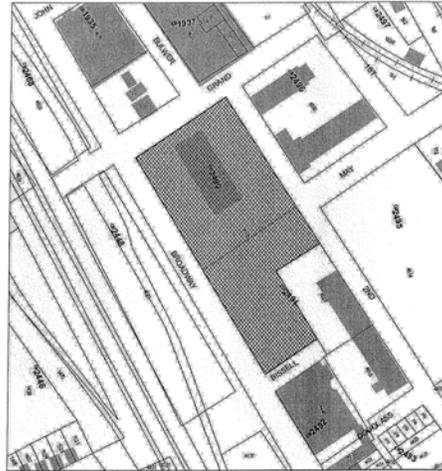


Exhibit C
Proposed Land Uses
4500-78 N. Broadway
Proposed Land Uses
[Diagonal Pattern] Industrial Uses
[Solid Line] Project Area Boundary
[Grey Box] Buildings
[Numbered Box] City Block Number



10

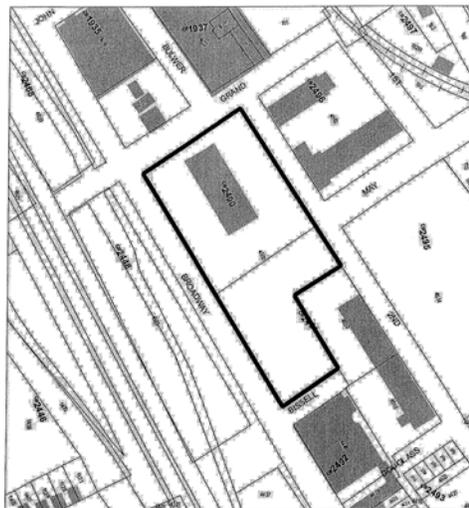


Exhibit D
Project Acquisition Map
4500-78 N. Broadway
Acquisition Map
[Thick Solid Line] Project Area Boundary
[Grey Box] Buildings
[Numbered Box] City Block Number



ORDINANCE #60915
Board Bill No. 126

An ordinance approving a blighting study and redevelopment plan dated June 21, 2011 for the 2621 S. Compton Avenue Redevelopment Area (as further defined herein, the "Plan") after finding that said Redevelopment Area ("Area") is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, as amended (the "Statute" being Sections 99.300 to 99.715 RSMo inclusive, as amended); containing a description of the boundaries of the Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Attachment "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan attached hereto and incorporated herein as Attachment "B", pursuant to Section 99.430 RSMo, as amended; finding that there is a feasible financial plan for the redevelopment of the Area which affords maximum opportunity for redevelopment of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA"), a public body corporate and politic created under Missouri law, through the exercise of eminent domain; finding that none of the property within the Area is occupied, but if it should become occupied/and the Redeveloper(s) (as defined herein) shall be responsible for providing relocation assistance pursuant to the Plan to any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available up to a five (5) year real estate tax abatement; and pledging cooperation of this St. Louis Board of Aldermen ("Board") and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan; and containing a severability clause.

WHEREAS, the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, inadequate or outmoded design and conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes 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 and 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, this Board has considered the "Blighting Study and Redevelopment Plan for the 2621 S. Compton Avenue Redevelopment Area" dated June 21, 2011, consisting of a Title Page; a Table of Contents Page, nine (9) numbered pages and Exhibits "A" – "F" attached hereto and incorporated herein as Attachment "B" ("Plan"); and based on the information in the Plan, specifically the Blighting Report in Exhibit "F" to the Plan, considered each parcel of property in the Area and found the preponderance of the Area to be blighted, and

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

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

WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan; 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 RSMo, as amended, 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 and the Planning Commission to this Board for review and approval; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to that general 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, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

WHEREAS, the Plan prescribes land use and street and traffic patterns which may require, among other things, the

vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

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

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

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

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

SECTION ONE. There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, as amended (the "Statute" being Sections 99.300 to 99.715 inclusive, as amended) described in Attachment "A", attached hereto and incorporated herein, known as the 2621 S. Compton Avenue Area ("Area"). The existence of deteriorated property and other conditions constitutes an economic or social liability to the City and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.320(3) RSMo, as amended, and are evidenced by the Blighting Report attached as Exhibit "F" ("Blighting Report") to the Blighting Study and Redevelopment Plan for the Area dated June 21, 2011 which is attached hereto, and labeled Attachment "B" and incorporated herein by reference ("Plan").

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

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

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

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

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

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

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

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

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

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

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative

responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and

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

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

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

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises (as further defined below, "MBEs") and Women's Business Enterprises ("as further defined below ("WBEs") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBEs and WBEs established by the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997, as has been extended.
- (e) To comply with applicable requirements of Ordinance No. 60275 of the City (First Source Jobs Policy, as codified at St. Louis City Revised Code Chapter 3.90);
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction pursuant to the Plan. The Redeveloper(s) will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Assistant Director-Certification and Compliance of the City and the President of this Board; and
- (g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts entered into directly by Redeveloper(s).

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

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

SECTION FOURTEEN. Any Redeveloper(s) which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to five (5) years from the commencement of such tax abatement, in accordance with the following provisions of the Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant

to Chapter 353 of the Missouri Statutes, or if any such urban redevelopment corporation shall own property within the Area, then for a period of up to the first five (5) years after the date such urban redevelopment corporation shall acquire title to property in the Area, taxes on that property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year two prior to the calendar year during which such urban redevelopment corporation shall have acquired title to that property. In addition to such taxes, any such urban redevelopment corporation shall for a period of up to five (5) years make a payment in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the improvements located on the property during the calendar year prior to the calendar year during which such urban redevelopment corporation shall have acquired title to such property. If such property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such urban redevelopment corporation for such period of up to the first five (5) years of the lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year prior to the calendar year during which such urban redevelopment corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the real property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said five (5) year period, shall inure to the benefit of all successors in interest in the property of the urban redevelopment corporation, so long as such successors shall continue to use such property as provided in the Plan and in any agreement with the LCRA. In no event shall such benefits extend beyond five (5) years after any urban redevelopment corporation shall have acquired title to the property.

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

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

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

ATTACHMENT "A"

**THE 2621 S. COMPTON AVENUE AREA
LEGAL DESCRIPTION**

C.B. 1434 COMPTON
25 FT X 127 FT 6 IN
CITY COMMONS ADDN
BND N-195 F7 SSL OF SIDNEY ST.

ATTACHMENT "B"
Form: 6/16/11

BLIGHTING STUDY AND REDEVELOPMENT PLAN
FOR THE
2621 S. COMPTON AVENUE REDEVELOPMENT AREA
PROJECT #1568
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY
OF THE CITY OF ST. LOUIS
June 21, 2011

MAYOR
FRANCIS G. SLAY

**BLIGHTING STUDY AND REDEVELOPMENT PLAN FOR
2621 S. COMPTON AVENUE REDEVELOPMENT AREA**

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EXHIBITS

"A"	LEGAL DESCRIPTION
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"D"	PROJECT AREA PLAN - ACQUISITION MAP
"E"	EQUAL OPPORTUNITY AND NON-DISCRIMINATION GUIDELINES
"F"	BLIGHTING REPORT

A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The 2621 S. Compton Redevelopment Area ("Area") encompasses approximately 0.07 acres in the Tower Grove East neighborhood of the City of St. Louis ("City") and is located between Sidney St. on the north and Magnolia St. on the south.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibits "B", "C" and "D" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises one parcel of City Block 1434. The Area is in fair condition. The parcel by parcel physical conditions within the Area are shown on Exhibit "B" ("Project Area Plan-Existing Uses and Conditions") and enumerated in Exhibit "F" "Blighting Report".

Unemployment figures, computed by the Missouri Economic Research and Information Center, Missouri Department of Economic Development, indicate a 10.7% unemployment rate for the City for the month of April, 2011. It is estimated that this rate is applicable to residents of the neighborhoods surrounding the Area.

There are currently no jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area include an unoccupied single-family house.

The land uses within the Area, including the location of public and private uses, streets and other rights-of-way, is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are used primarily for residential purposes.

Residential density for the surrounding neighborhoods is approximately 21.97 persons per acre.

5. CURRENT ZONING

The Area is currently zoned "B" Two-Family Dwelling District pursuant to the Zoning Code of the City, which is incorporated in this Blighting Study and Redevelopment Plan ("Plan") by reference.

6. FINDING OF BLIGHT

None of the property within the Area is occupied and the Area is in the conditions described in Exhibit "F". The existence of deteriorated property constitutes an economic or social liability to the City and presents a hazard to the health and well-being of its citizens. The preponderance of properties in the Area has been determined to be blighted within the meaning of Section 99.300-99.715 *et seq.* RSMo, as amended (the "Land Clearance for Redevelopment Authority Law") as evidenced by the Blighting Report attached hereto, labeled Exhibit "F" and incorporated herein by this reference.

B. PROPOSED DEVELOPMENT AND REGULATIONS1. DEVELOPMENT OBJECTIVES

The primary objectives of this Plan are to eliminate blight within the Area and to facilitate the redevelopment of the Area into productive residential uses.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are residential uses permitted in zones designated "B" Two-Family Dwelling District by the City of St. Louis Zoning Code. Redeveloper(s) authorized by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to redevelop property in the Area (hereafter referred to as "Redeveloper(s)") shall be permitted to use the property within the Area for only the above proposed uses.

Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area. The General Plan of the City which includes the "Strategic Land Use Plan" (as amended 2010) designated it as a Neighborhood Preservation Area (NPA).

3. PROPOSED ZONING

The zoning for the Area may remain "B" Two-Family Dwelling District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City which includes the "Strategic Land Use Plan" (as amended 2010). Any specific proposal to the LCRA for redevelopment of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement, and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THE AREA

No new jobs will be created in this Area because the proposed redevelopment is residential.

6. CIRCULATION

The Project Area Plan-Proposed Land Uses Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by City ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

The Redeveloper(s) shall redevelop the Area in accordance with this Plan and the Redevelopment Agreement (if any) ("Agreement"), and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper(s) in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to meet these requirements may result in suspension of tax abatement.

8. URBAN DESIGN

a. Urban Design Objectives

The property in the Area shall be redeveloped such that it is an attractive residential asset to the surrounding neighborhood.

b. Urban Design Regulations

- 1.) **Rehabilitation** shall respect the original exterior of the structures in the Area in terms of design and materials. Window and door shapes and detailing shall be compatible with the original design
- 2.) **New construction** or alterations shall be positioned on the lot so that any existing recurrent building masses and spaces along the street are continued as well as the pattern of setback from the street.
- 3.) **New Exterior Materials** on facades of structures in the Area visible from the street(s) shall be compatible in type and texture with the dominant materials of adjacent buildings. Artificial masonry such as "Permastone" is not permitted. A submission of all building materials shall be required prior to building permit approval.
- 4.) **Architectural Details** on existing structures in the Area shall be maintained in a similar size, detail and material. Where they are badly deteriorated, similar details salvaged from other buildings may be substituted. Both new and replacement window and doorframes shall be limited to wood or color finished aluminum on the street facing facades, including basement windows. Raw or unfinished aluminum and glass block are not acceptable. Awnings of canvas only are acceptable.
- 5.) **Roof Shapes** that are employed in a predominance of existing buildings in a block shall set the standard of compatibility for any proposed new construction or alteration.
- 6.) **Roof Materials** shall be slate, tile, copper or asphalt shingles where the roof is visible from the street. Brightly colored asphalt shingles are not appropriate.

c. Landscaping

The Area shall be well-landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. If necessary, sidewalks shall be notched to accommodate the trees.

Ornamental or shade trees should be provided in the front lawns along with evergreen accent shrubs.

Existing, healthy trees shall be retained, if feasible.

d. Fencing

Fencing in the front yards shall be limited to ornamental metal with a black matte finish. Fencing behind the building line and not facing a street may be chain link with a black matte finish, or a good quality, privacy fence provided it is not wood stockade style. Fencing facing a side street shall be ornamental metal or a good quality board fence up to six (6) feet in height provided landscaping is provided between the fence and the sidewalk.

9. **PARKING REGULATIONS**

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

Where feasible, parking shall be limited to the rear of the property in the Area off the alley, and at least one space shall be provided for each residential unit. In addition, surface parking shall not extend beyond the established

building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2 ½) feet high on planting and maintained at three and one-half (3 ½) feet high at maturity.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. All new signs shall be restricted to standard sale/lease signs.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written recommendation of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on redevelopment. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, general welfare, efficiency and economy of the City.

C. PROPOSED SCHEDULE OF DEVELOPMENT

It is estimated that the implementation of this Plan will take place in a single phase initiated within approximately one (1) year of approval of this Plan by City ordinance and completed within approximately two (2) years of approval of this Plan by City ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer redevelopment of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law.

All costs associated with the redevelopment of the Area will be borne by the Redeveloper(s).

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper(s).

2. PROPERTY ACQUISITION

The Project Area Plan-Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property in the Area by the exercise of eminent domain.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to Redeveloper(s) who shall agree to redevelop such property in accordance with this Plan and the Agreement between such Redeveloper(s) and the LCRA. Any property acquired by the LCRA and sold to Redeveloper(s) will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, RSMo. as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

None of the property within the Area is currently occupied. If it should become occupied, all eligible occupants displaced as a result of the implementation of this Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

E. COOPERATION OF THE CITY

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges the cooperation of the City to enable the project to be carried out in a timely manner and in accordance with this Plan.

F. TAX ABATEMENT

Any Redeveloper(s) which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include taxes collected for any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to five (5) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for a period of up to the first five (5) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year prior to the calendar year during which such urban redevelopment corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for up to the same five (5) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year prior to the calendar year during which such urban redevelopment corporation shall have acquired title to such property. If such property shall be tax-exempt because it is owned by the LCRA and leased to any such urban redevelopment corporation, then such corporation for a period of up to the first five (5) years of the lease shall make payment in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year prior to the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the real property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said five (5) year period, shall inure to the benefit of all successors in interest in the property of the urban redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any Agreement with the LCRA. In no event shall such benefits extend beyond five (5) years after any urban redevelopment corporation shall have acquired title to the property.

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

A Redeveloper(s) shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale, rental or occupancy of any property, or any improvements erected or to be erected in the Area, or any part thereof.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper (s) shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper (s) shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the City Guidelines for Minimum

Utilization of Minority Enterprises, dated January 1, 1981 as may be amended, and the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in an Agreement between the LCRA and a Redeveloper (s), which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against the Redeveloper (s), its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

H. MODIFICATIONS OF THIS PLAN

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the PDA.

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by City ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the St. Louis Board of Aldermen shall terminate this Plan at the end of the term then in effect, except as provided in Section G (4) of this Plan.

J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

EXHIBIT "A"

**THE 2621 S. COMPTON AVENUE AREA
LEGAL DESCRIPTION**

C.B. 1434 COMPTON
25 FT X 127 FT 6 IN
CITY COMMONS ADDN
BND N-195 F7 SSL OF SIDNEY ST.

See attached Exhibits B, C & D

EXHIBIT "E"
FORM: 02/08/08

EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper(s) (which term shall include Redeveloper(s), any designees, successors and assigns thereof, any entity formed to implement the project of which the

ORDINANCE #69016
Board Bill No. 127

An ordinance approving a blighting study and redevelopment plan dated June 21, 2011 for the 1116 Olive St. Redevelopment Area (as further defined herein, the "Plan") after finding that said Redevelopment Area ("Area") is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, as amended (the "Statute" being Sections 99.300 to 99.715 RSMo inclusive, as amended); containing a description of the boundaries of the Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Attachment "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan attached hereto and incorporated herein as Attachment "B", pursuant to Section 99.430 RSMo, as amended; finding that there is a feasible financial plan for the redevelopment of the Area which affords maximum opportunity for redevelopment of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA"), a public body corporate and politic created under Missouri law, through the exercise of eminent domain; finding that none of the property within the Area is occupied, but if it should become occupied the Redeveloper(s) (as defined herein) shall be responsible for providing relocation assistance pursuant to the Plan to any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available up to a ten (10) year real estate tax abatement; and pledging cooperation of this St. Louis Board of Aldermen ("Board") and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan; and containing a severability clause.

WHEREAS, the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, inadequate or outmoded design and conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes 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 and 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, this Board has considered the "Blighting Study and Redevelopment Plan for the 1116 Olive St. Redevelopment Area" dated June 21, 2011, consisting of a Title Page; a Table of Contents Page, fifteen (15) numbered pages including Exhibits "A" – "F" attached hereto and incorporated herein as Attachment "B" ("Plan"); and based on the information in the Plan, specifically the Blighting Report in Exhibit "F" to the Plan, considered each parcel of property in the Area and found the preponderance of the Area to be blighted, and

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

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

WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan; 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 RSMo, as amended, 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 and the Planning Commission to this Board for review and approval; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to that general 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, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

WHEREAS, the Plan prescribes land use and street and traffic patterns which may require, among other things, the

vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

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

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

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

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

SECTION ONE. There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, as amended (the "Statute" being Sections 99.300 to 99.715 inclusive, as amended) described in Attachment "A", attached hereto and incorporated herein, known as the 1116 Olive St. Area ("Area"). The existence of deteriorated property and other conditions constitutes an economic or social liability to the City and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.320(3) RSMo, as amended, and are evidenced by the Blighting Report attached as Exhibit "F" ("Blighting Report") to the Blighting Study and Redevelopment Plan for the Area dated June 21, 2011 which is attached hereto, and labeled Attachment "B" and incorporated herein by reference ("Plan").

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

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

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

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

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

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

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

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

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

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

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative

responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and

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

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

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

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises (as further defined below, "MBEs") and Women's Business Enterprises ("as further defined below ("WBEs") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBEs and WBEs established by the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997, as has been extended.
- (e) To comply with applicable requirements of Ordinance No. 60275 of the City (First Source Jobs Policy, as codified at St. Louis City Revised Code Chapter 3.90);
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction pursuant to the Plan. The Redeveloper(s) will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Assistant Director-Certification and Compliance of the City and the President of this Board; and
- (g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts entered into directly by Redeveloper(s).

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

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

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

In lieu of the ten (10) year abatement outlined above, any Redeveloper(s) which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which

shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of the Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such urban redevelopment corporation shall own property within the Area, then for a period of up to the first ten (10) years after the date such urban redevelopment corporation shall acquire title to property in the Area, taxes on that property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year prior to the calendar year during which such urban redevelopment corporation shall have acquired title to that property. In addition to such taxes, any such urban redevelopment corporation shall for a period of up to ten (10) years make a payment in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the improvements located on the property during the calendar year prior to the calendar year during which such urban redevelopment corporation shall have acquired title to such property. If such property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such urban redevelopment corporation for such period of up to the first ten (10) years of the lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year prior to the calendar year during which such urban redevelopment corporation shall lease such property.

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

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

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

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

EXHIBIT "A"

**1116 OLIVE ST.
REDEVELOPMENT AREA LEGAL DESCRIPTION**

C.B. 503 OLIVE
22 FT 3 IN X 109 FT 6 IN
LUCAS & HUNT ADDN
BD W-134 FT 6 IN E OF ALLEY

PARCEL # 05030000200

**ATTACHMENT "B"
Form: 06/15/11**

**BLIGHTING STUDY AND PLAN
FOR THE
1116 OLIVE ST. REDEVELOPMENT AREA**

PROJECT # 1572
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY
OF THE CITY OF ST. LOUIS
June 21, 2011

MAYOR
FRANCIS G. SLAY

**BLIGHTING STUDY AND PLAN FOR
1116 OLIVE ST. REDEVELOPMENT AREA**

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EXHIBITS

- "A" LEGAL DESCRIPTION
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- "E" EQUAL OPPORTUNITY AND NON-DISCRIMINATION GUIDELINES
- "F" BLIGHTING REPORT

A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The 1116 Olive St. Redevelopment Area ("Area") encompasses approximately .06 acres in the Downtown neighborhood of the City of St. Louis ("City") and is located on the south side of Olive St. between N. 11th St. and Tucker Blvd.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibits "B", "C" and "D" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises a portion of City Block 503. The Area is in fair condition. The parcel by parcel physical conditions within the Area are shown on Exhibit "B" ("Project Area Plan-Existing Uses and Conditions") and enumerated in Exhibit "F" "Blighting Report".

Unemployment figures, computed by the Missouri Economic Research and Information Center, Missouri Department of Economic Development, indicate a 11.3% unemployment rate for the City for the month of May, 2011. It is estimated that this rate is applicable to residents of the neighborhoods surrounding the Area.

There are currently approximately no jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area include an unoccupied commercial building.

The land uses within the Area, including the location of public and private uses, streets and other rights-of-way, is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are used primarily for commercial purposes.

Residential density for the surrounding neighborhoods is approximately 1.25 persons per acre.

5. CURRENT ZONING

The Area is currently zoned "I" Central Business District pursuant to the Zoning Code of the City, which is incorporated in this Blighting Study and Redevelopment Plan ("Plan") by reference.

6. FINDING OF BLIGHT

None of the property within the Area is occupied and the Area is in the conditions described in Exhibit "F". The existence of deteriorated property constitutes an economic or social liability to the City and presents a hazard to the health and well-being of its citizens. The preponderance of properties in the Area has been determined to be blighted within the meaning of Section 99.300 et seq. RSMo, as amended (the "Land Clearance for Redevelopment Authority Law") as evidenced by the Blighting Report attached hereto, labeled Exhibit "F" and incorporated herein by this reference.

B. PROPOSED REDEVELOPMENT AND REGULATIONS

1. REDEVELOPMENT OBJECTIVES

The primary objectives of this Plan are to eliminate blight within the Area and to facilitate the redevelopment of the Area into productive commercial uses.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are commercial uses permitted in zones designated "I" Central Business District by the City of St. Louis Zoning Code. Zoning exemptions for the building are permissible. Redeveloper(s) authorized by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to redevelop property in the Area (hereafter referred to as "Redeveloper(s)") shall not be permitted to use the property within the Area for any of the following:

pawn shops, adult bookstores, X-rated movie houses, massage parlors or health spas, auto and truck dealers (new or used), pinball arcades, pool halls, secondhand or junk shops, tattoo parlors, truck or other equipment rentals requiring outside storage, blood donor facilities, free standing package liquor stores, check cashing centers, any use (except for financial institutions or pharmacies) that utilizes a sales or service window or facility for customers who are in cars, or restaurants that sell products to customers who are in cars or who consume the sold products in cars parked on the restaurant premises, or sell products through a sales window to customers who are in cars or to pedestrians outside the building for immediate consumption by the customer either on or off the premises, automobile service or stations.

Exhibit "C" (Project Area Plan-Proposed Land Use) shows the proposed uses for the Area. The General Plan for the City, which includes the "Strategic Land Use Plan" (as amended 2010) designates the Area as a Neighborhood Commerce and Neighborhood Preservation Area.

3. PROPOSED ZONING

Proposed zoning for the Area may remain "I" Central Business District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City which includes the "Strategic Land Use Plan" (as amended 2010). Any specific proposal to the LCRA for redevelopment of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, light and air, sound design and arrangement, and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THE AREA

The exact number of jobs created will depend upon the specific nature of the proposed redevelopment.

6. CIRCULATION

The Project Area Plan-Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by City ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

The Redeveloper(s) shall redevelop the Area in accordance with this Plan and the redevelopment agreement ("Agreement") (if any), and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper(s) in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to meet this requirement may result in suspension of tax abatement.

8. URBAN DESIGN

a. Urban Design Objectives

Rehabilitation and new construction should be of a scale and material that is consistent with the surrounding structures.

b. Urban Design Regulations

Retail buildings should address the street and sidewalks with storefront windows.

c. Landscaping

The property shall be well-landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, as determined by the Parks Department of the City depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. Existing, healthy trees and shrubs shall be retained, if feasible.

9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and agreements between the LCRA and the Redeveloper(s). A uniform signage plan must be prepared by the Redeveloper(s) for the entire Area. All new signs shall be restricted to those identifying the names and/or business of the person or firm occupying the premises.

New wall signs shall not obstruct any architectural building elements, and shall project no more than eighteen (18) inches from the face of the building: Upper Level signage shall be located just below or above the top floor windows facing in any direction regardless of street orientation, shall not exceed 2% of the area of the façade on which it appears nor have letters more than one foot in height for each ten foot (10') of building height provided that the maximum shall be ten foot (10') high letters (i.e. maximum sign letter height on a fifty foot (50') high building shall be five feet (5')). Pedestrian level signage shall be below the second floor window sill of a structure and/or above the store front windows or on the sides of building perpendicular to the street. The total pedestrian level signage per business per façade shall be the lessor of fifty (50) sq. ft. on ten percent (10%) of the ground floor façade area.

Projecting signs shall be governed by the City Code, but may not obscure an architectural building element.

Canvas awnings with signs are permitted, provided they are compatible with the overall design and architectural details of the building upon which they are to be placed and are placed neatly within the window or door opening. Signage on awnings may be located on the sloping portion of the canvas awning, on the front of a

canopy or on the awning valance. In no case shall signage be allowed on both an awning and a building for the same business. Logos and graphic elements may be up to ten (10) sq. ft. in size (depending on the size of the awning), while names or brand copy shall be in proportion to the size of the awning, but in no case shall lettering be more than twelve inches (12") high.

Painted wall signs, roof signs, pole signs, monument signs, moving signs, animated or flashing signs, or permanent or portable message board signs shall not be permitted in the Area, and no regular or mini billboards (free standing or mounted on structures) shall be erected or maintained in the area, except that construction and leasing signs may be maintained during construction and for a period of one (1) year after completion of improvements on any respective parcel of the Area or part thereof.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written recommendation of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on redevelopment. The cost of such utility improvements will be borne by the Redeveloper(s).

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When redeveloped in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious redevelopment that promotes the health, safety, morals, order, convenience, prosperity, general welfare, efficiency and economy of the City.

C. PROPOSED SCHEDULE OF REDEVELOPMENT

It is estimated that the implementation of this Plan will take place in multiple phases initiated within approximately one (1) years of approval of this Plan by City ordinance and completed within approximately two (2) years of approval of this Plan by City ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer redevelopment of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law.

All costs associated with the redevelopment of the Area will be borne by the Redeveloper(s).

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper(s).

2. PROPERTY ACQUISITION

The Project Area Plan-Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property in the Area by the exercise of eminent domain.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to a Redeveloper(s) who shall agree to redevelop such property in accordance with this Plan and the agreement between such Redeveloper(s) and the

LCRA. Any property acquired by the LCRA and sold to a Redeveloper(s) will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, R.S.Mo. as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

None of the property within the Area is currently occupied. If it should become occupied all eligible occupants displaced as a result of the implementation of this Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

E. COOPERATION OF THE CITY

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges the cooperation of the City to enable the project to be carried out in a timely manner and in accordance with this Plan.

F. TAX ABATEMENT

A Redeveloper(s) may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 -99.715, RSMO, as amended, upon application as provided therein. Such real estate tax abatement shall not include taxes collected for any Special Business District Neighborhood Improvement District, commercial Improvement district, or other similar local taxing districts created in accordance with Missouri law, whether now existing or later created

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

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for a period of up to the first ten (10) years after the date the redevelopment corporation shall acquire title to the property in the Area, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year prior to the calendar year during which the urban redevelopment corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for such period of up to the ten (10) years make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year prior to the calendar year during which such urban redevelopment corporation shall have acquired title to such property. If such property shall be tax-exempt because it is owned by the LCRA and leased to any such urban redevelopment corporation, then such corporation for a period of up to the first ten (10) years of the lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year prior to the calendar year during which that corporation shall lease such property.

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

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

A Redeveloper(s) shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale, rental or occupancy of any property, or any improvements erected or to be erected in the Area, or any part thereof.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper(s) shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper(s) shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the City Guidelines for Maximum Utilization of Minority Enterprises dated January 1, 1981, as may be amended, and the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in an Agreement between the LCRA and a Redeveloper(s), which Agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against the Redeveloper(s), its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

H. MODIFICATIONS OF THIS PLAN

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

This Plan may be otherwise modified (e.g. urban design regulations, redevelopment schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the PDA.

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by City ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the St. Louis Board of Aldermen shall terminate this Plan at of the end of the term then in effect, except as provided in Section G (4) of this Plan.

J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

EXHIBIT "A"

**1116 OLIVE ST.
REDEVELOPMENT AREA LEGAL DESCRIPTION**

C.B. 503 OLIVE
22 FT 3 IN X 109 FT 6 IN
LUCAS & HUNT ADDN
BD W-134 FT 6 IN E OF ALLEY

If answer is yes, explain: _____

The subject property _____ has has not conditions which endanger life or property by fire or other cause. If answer is yes, explain: _____

The subject property _____ does does not retard the provision of housing accommodations
If answer is yes, explain: _____

The subject property does _____ does not constitute an economic liability
If answer is yes, explain: The deteriorated building drags down the values of the surrounding properties.

The subject property _____ does does not constitute a social liability
If answer is yes, explain: _____

The subject property _____ is is not a menace to the public health, safety, morals or welfare in its present condition and use. If answer is yes, explain: _____

The subject property is _____ is not detrimental because of dilapidation, deterioration, age or obsolescence. If answer is yes, explain: The unoccupied building suffers from a significant amount of deferred maintenance, including extensive asbestos contamination, and will require a sizable investment to bring up to code.

The subject property _____ is is not detrimental because of lack of air sanitation or open space. If answer is yes, explain: _____

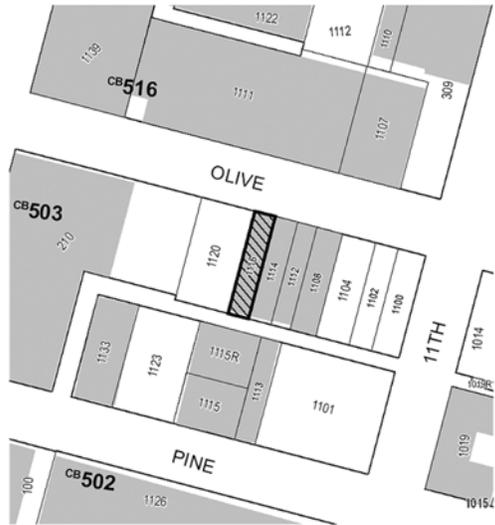
The subject property _____ is is not detrimental because of high density of population.
If answer is yes, explain: _____

The subject property _____ is is not detrimental because of overcrowding of buildings, overcrowding of land. If answer is yes, explain: _____

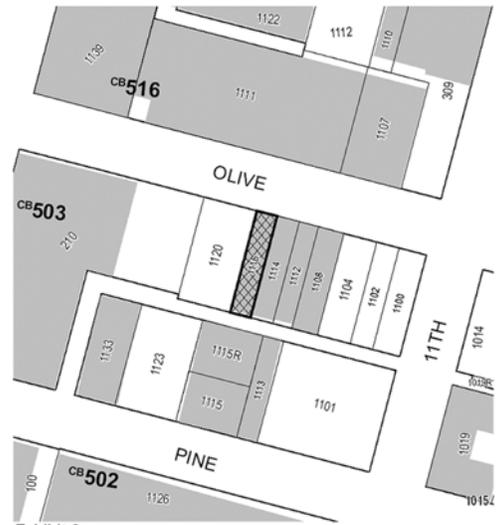
The subject property _____ has has not a combination of factors that are conducive to ill health, transmission of disease, infant mortality, and juvenile delinquency. If answer is yes, explain: _____

Approved: November 9, 2011

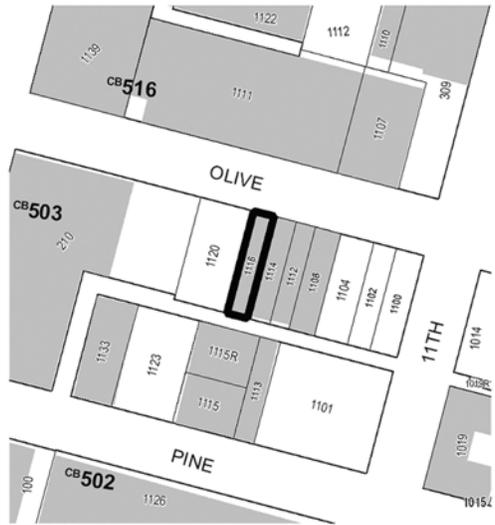
ORDINANCE NO. 69016 - EXHIBITS B, C & D



**Exhibit B
Project Area Plan
1116 Olive St.**
Existing Uses and Conditions
 Unoccupied Commercial, Fair Condition
 Project Area Boundary
 Buildings
 City Block Number



**Exhibit C
Project Area Plan
1116 Olive St.**
Proposed Land Uses
 Residential Uses
 Project Area Boundary
 Buildings
 City Block Number



**Exhibit D
Project Area Plan
1116 Olive St.**
Acquisition Map
 Project Area Boundary
 Buildings
 City Block Number



ORDINANCE #69017
Board Bill No. 128

An ordinance approving a blighting study and redevelopment plan dated June 21, 2011 for the 3454 Iowa Ave. Redevelopment Area (as further defined herein, the "Plan") after finding that said Redevelopment Area ("Area") is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, as amended (the "Statute" being Sections 99.300 to 99.715 RSMo inclusive, as amended); containing a description of the boundaries of the Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Attachment "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan attached hereto and incorporated herein as Attachment "B", pursuant to Section 99.430 RSMo, as amended; finding that there is a feasible financial plan for the redevelopment of the Area which affords maximum opportunity for redevelopment of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA"), a public body corporate and politic created under Missouri law, through the exercise of eminent domain; finding that none of the property within the Area is occupied, but if it should become occupied the Redeveloper(s) (as defined herein) shall be responsible for providing relocation assistance pursuant to the Plan to any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available up to a five (5) year real estate tax abatement; and pledging cooperation of this St. Louis Board of Aldermen ("Board") and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan; and containing a severability clause.

WHEREAS, the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, inadequate or outmoded design and conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes 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 and 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, this Board has considered the "Blighting Study and Redevelopment Plan for the 3454 Iowa Ave. Redevelopment Area" dated June 21, 2011, consisting of a Title Page; a Table of Contents Page, sixteen (16) numbered pages including Exhibits "A" – "F" attached hereto and incorporated herein as Attachment "B" ("Plan"); and based on the information in the Plan, specifically the Blighting Report in Exhibit "F" to the Plan, considered each parcel of property in the Area and found the preponderance of the Area to be blighted, and

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

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

WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan; 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 RSMo, as amended, 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 and the Planning Commission to this Board for review and approval; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to that general 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, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

WHEREAS, the Plan prescribes land use and street and traffic patterns which may require, among other things, the

vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

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

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

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

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

SECTION ONE. There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, as amended (the "Statute" being Sections 99.300 to 99.715 inclusive, as amended) described in Attachment "A", attached hereto and incorporated herein, known as the 3454 Iowa Ave. Area ("Area"). The existence of deteriorated property and other conditions constitutes an economic or social liability to the City and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.320(3) RSMo, as amended, and are evidenced by the Blighting Report attached as Exhibit "F" ("Blighting Report") to the Blighting Study and Redevelopment Plan for the Area dated June 21, 2011 which is attached hereto, and labeled Attachment "B" and incorporated herein by reference ("Plan").

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

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

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

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

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

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

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

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

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

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

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative

responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and

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

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

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

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises (as further defined below, "MBEs") and Women's Business Enterprises ("as further defined below ("WBEs") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBEs and WBEs established by the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997, as has been extended.
- (e) To comply with applicable requirements of Ordinance No. 60275 of the City (First Source Jobs Policy, as codified at St. Louis City Revised Code Chapter 3.90);
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction pursuant to the Plan. The Redeveloper(s) will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Assistant Director-Certification and Compliance of the City and the President of this Board; and
- (g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts entered into directly by Redeveloper(s).

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

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

SECTION FOURTEEN. A Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to five (5) years from the commencement of such tax abatement, in accordance with the following provisions:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant

to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for up to the first five (5) years after the date the redevelopment corporation shall acquire title to property in the Area, taxes on that property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year prior to the calendar year during which the corporation shall have acquired title to that property. In addition to such taxes, any such corporation shall for up to the same five (5) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year prior to the calendar year during which such corporation shall have acquired title to that property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for up to the first five (5) years of the lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year prior to the calendar year during which such corporation shall lease that property.

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

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

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

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

EXHIBIT "A"

**THE 3454 IOWA AVE. AREA
LEGAL DESCRIPTION**

C.B. 1568 IOWA
27 FT 6 IN X 125 FT
ST LOUIS COMMONS ADDN
LOTS 26 N27

**ATTACHMENT "B"
Form: 6/3/11**

**BLIGHTING STUDY AND REDEVELOPMENT PLAN
FOR THE
3454 IOWA AVE. REDEVELOPMENT AREA
PROJECT # 1563
June 21, 2011
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY
OF THE CITY OF ST. LOUIS**

**MAYOR
FRANCIS G. SLAY**

**BLIGHTING STUDY AND REDEVELOPMENT PLAN FOR
3454 IOWA AVE. REDEVELOPMENT AREA**

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EXHIBITS

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"F"	BLIGHTING REPORT

A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The 3454 Iowa Ave. Redevelopment Area ("Area") encompasses approximately 0.08 acres in the Gravois Park neighborhood of the City of St. Louis ("City") and is located on the east side of Iowa Ave. between Cherokee St. and Potomac St.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibits "B", "C" and "D" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises a portion of City Block 1568. The Area is in poor condition. The parcel by parcel physical conditions within the Area are shown on Exhibit "B" ("Project Area Plan-Existing Uses and Conditions") and enumerated in Exhibit "F" "Blighting Report".

Unemployment figures, computed by the Missouri Economic Research and Information Center, Missouri Department of Economic Development, indicate a 11.6% unemployment rate for the City for the month of December, 2010. It is estimated that this rate is applicable to residents of the neighborhoods surrounding the Area.

There are currently no jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area include an unoccupied three-family building.

The land uses within the Area, including the location of public and private uses, streets and other rights-of-way, is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are used primarily for residential purposes.

Residential density for the surrounding neighborhoods is approximately 20.69 persons per acre.

5. CURRENT ZONING

The Area is currently zoned "B" Two Family Residential District pursuant to the Zoning Code of the City, which is incorporated in this Blighting Study and Redevelopment Plan ("Plan") by reference.

6. FINDING OF BLIGHT

The property within the Area is unoccupied and the Area is in the conditions described in Exhibit "F". The existence of deteriorated property constitutes an economic or social liability to the City and presents a hazard to the health and well-being of its citizens. The preponderance of properties in the Area has been determined to be blighted within the meaning of Section 99.300-99.715 et seq. RSMo, as amended (the "Land Clearance for Redevelopment Authority Law") as evidenced by the Blighting Report attached hereto, labeled Exhibit "F" and

incorporated herein by this reference.

B. PROPOSED DEVELOPMENT AND REGULATIONS

1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the redevelopment of the Area into productive residential uses.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are residential uses permitted in zones designated "B" Two Family Residential District by the City of St. Louis Zoning Code. Redeveloper(s) authorized by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to redevelop property in the Area (hereafter referred to as "Redeveloper(s)") shall be permitted to use the property within the Area for only the above proposed uses.

Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area. The General Plan of the City which includes the "Strategic Land Use Plan" (as amended 2010) designates it as a Neighborhood Preservation Area (NPA).

3. PROPOSED ZONING

The zoning for the Area may remain "B" Two Family Residential District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City which includes the "Strategic Land Use Plan" (as amended 2010). Any specific proposal to the LCRA for redevelopment of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement, and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THE AREA

No new jobs will be created in this Area because the proposed redevelopment is residential.

6. CIRCULATION

The Project Area Plan-Proposed Land Uses Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by City ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

The Redeveloper(s) shall redevelop the Area in accordance with this Plan and the Redevelopment Agreement (if any) ("Agreement"), and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper(s) in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to meet these requirements may result in suspension of tax abatement.

8. URBAN DESIGNa. **Urban Design Objectives**

The property in the Area shall be redeveloped such that it is an attractive residential asset to the surrounding neighborhood.

b. **Urban Design Regulations**

- 1.) **Rehabilitation** shall respect the original exterior of the structures in the Area in terms of design and materials. Window and door shapes and detailing shall be compatible with the original design
- 2.) **New construction** or alterations shall be positioned on the lot so that any existing recurrent building masses and spaces along the street are continued as well as the pattern of setback from the street.
- 3.) **New Exterior Materials** on facades of structures in the Area visible from the street(s) shall be compatible in type and texture with the dominant materials of adjacent buildings. Artificial masonry such as "Permastone" is not permitted. A submission of all building materials shall be required prior to building permit approval.
- 4.) **Architectural Details** on existing structures in the Area shall be maintained in a similar size, detail and material. Where they are badly deteriorated, similar details salvaged from other buildings may be substituted. Both new and replacement window and doorframes shall be limited to wood or color finished aluminum on the street facing facades, including basement windows. Raw or unfinished aluminum and glass block are not acceptable. Awnings of canvas only are acceptable.
- 5.) **Roof Shapes** that are employed in a predominance of existing buildings in a block shall set the standard of compatibility for any proposed new construction or alteration.
- 6.) **Roof Materials** shall be slate, tile, copper or asphalt shingles where the roof is visible from the street. Brightly colored asphalt shingles are not appropriate.

c. **Landscaping**

The Area shall be well-landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. If necessary, sidewalks shall be notched to accommodate the trees.

Ornamental or shade trees should be provided in the front lawns along with evergreen accent shrubs.

Existing, healthy trees shall be retained, if feasible.

d. **Fencing**

Fencing in the front yards shall be limited to ornamental metal with a black matte finish. Fencing behind the building line and not facing a street may be chain link with a black matte finish, or a good quality, privacy fence provided it is not wood stockade style. Fencing facing a side street shall be ornamental metal or a good quality board fence up to six (6) feet in height provided landscaping is provided between the fence and the sidewalk.

9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

Where feasible, parking shall be limited to the rear of the property in the Area off the alley, and at least one space shall be provided for each residential unit. In addition, surface parking shall not extend beyond the established building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2 ½) feet high on planting and maintained at three and one-half (3 ½) feet high at maturity.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. All new signs shall be restricted to standard sale/lease signs.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written recommendation of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on redevelopment. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, general welfare, efficiency and economy of the City.

C. PROPOSED SCHEDULE OF DEVELOPMENT

It is estimated that the implementation of this Plan will take place in a single phase initiated within approximately one (1) year of approval of this Plan by City ordinance and completed within approximately two (2) years of approval of this Plan by City ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer redevelopment of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law.

All costs associated with the redevelopment of the Area will be borne by the Redeveloper(s).

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper(s).

2. PROPERTY ACQUISITION

The Project Area Plan-Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property in the Area by the exercise of eminent domain.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to Redeveloper(s) who shall agree to redevelop such property in accordance with this Plan and the Agreement between such Redeveloper(s) and the LCRA. Any property acquired by the LCRA and sold to Redeveloper(s) will be sold at not less than its fair

value, taking into account and giving consideration to those factors enumerated in Section 99.450, RSMo. as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

The property within the Area is currently unoccupied. If it should become occupied, all eligible occupants displaced as a result of the implementation of this Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

E. COOPERATION OF THE CITY

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges the cooperation of the City to enable the project to be carried out in a timely manner and in accordance with this Plan.

F. TAX ABATEMENT

A Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include taxes collected for any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to five (5) years from the commencement of such tax abatement, in accordance with the following provisions:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for up to the first five (5) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year prior to the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for up to the same five (5) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year prior to the calendar year during which such corporation shall have acquired title to such property. If property shall be taxexempt because it is owned by the LCRA and leased to any such corporation, then such corporation for up to the first five (5) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year prior to the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said five (5) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond five (5) years after the redevelopment corporation shall have acquired title to the property.

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

A Redeveloper(s) shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale, rental or occupancy of any property, or any improvements erected or to be erected in the Area, or any part thereof.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper (s) shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper (s) shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the City Guidelines for Minimum Utilization of Minority Enterprises, dated January 1, 1981 as may be amended, and the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in an Agreement between the LCRA and a Redeveloper (s), which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against the Redeveloper (s), its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

H. MODIFICATIONS OF THIS PLAN

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the PDA.

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by City ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the St. Louis Board of Aldermen shall terminate this Plan at the end of the term then in effect, except as provided in Section G (4) of this Plan.

J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

EXHIBIT "A"

**THE 3454 IOWA AVE. AREA
LEGAL DESCRIPTION**

C.B. 1568 IOWA
27 FT 6 IN X 125 FT
ST LOUIS COMMONS ADDN
LOTS 26 N27

See attached Exhibits B, C & D

combine to make it a significant fire risk.

The subject property _____ does _____ X _____ does not retard the provision of housing accommodations
If answer is yes, explain: _____

The subject property _____ X _____ does _____ does not constitute an economic liability
If answer is yes, explain: The building is unoccupied and significantly deteriorated. It drags down the value of surrounding properties and would take significant investment to bring up to code.

The subject property _____ does _____ X _____ does not constitute a social liability
If answer is yes, explain: _____

The subject property _____ X _____ is _____ is not a menace to the public health, safety, morals or welfare in its present condition and use. If answer is yes, explain: The building is unoccupied and subject illegal dumping, rat infestation, and fire.

The subject property _____ X _____ is _____ is not detrimental because of dilapidation, deterioration, age or obsolescence. If answer is yes, explain: The building is significantly deteriorated, with the deteriorated site conditions listed above.

The subject property _____ is _____ X _____ is not detrimental because of lack of air sanitation or open space. If answer is yes, explain: _____

The subject property _____ is _____ X _____ is not detrimental because of high density of population.
If answer is yes, explain: _____

The subject property _____ is _____ X _____ is not detrimental because of overcrowding of buildings, overcrowding of land. If answer is yes, explain: _____

The subject property _____ X _____ has _____ has not a combination of factors that are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and . If answer is yes, explain: The unoccupied building is subject to illegal dumping and rat infestation. It is also subject to use by transients and as an unsafe play areas by neighborhood children.

Approved: November 9, 2011

ORDINANCE NO. 69017 - EXHIBITS B, C & D



ORDINANCE #60918
Board Bill No. 129

An ordinance approving a blighting study and redevelopment plan dated June 21, 2011 for the 4126 Botanical Ave. Redevelopment Area (as further defined herein, the "Plan") after finding that said Redevelopment Area ("Area") is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, as amended (the "Statute" being Sections 99.300 to 99.715 RSMo inclusive, as amended); containing a description of the boundaries of the Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Attachment "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan attached hereto and incorporated herein as Attachment "B", pursuant to Section 99.430 RSMo, as amended; finding that there is a feasible financial plan for the redevelopment of the Area which affords maximum opportunity for redevelopment of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA"), a public body corporate and politic created under Missouri law, through the exercise of eminent domain; finding that none of the property within the Area is occupied, but if it should become occupied the Redeveloper(s) (as defined herein) shall be responsible for providing relocation assistance pursuant to the Plan to any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available up to a ten (10) year real estate tax abatement; and pledging cooperation of this St. Louis Board of Aldermen ("Board") and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan; and containing a severability clause.

WHEREAS, the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, inadequate or outmoded design and conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes 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 and 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, this Board has considered the "Blighting Study and Redevelopment Plan for the 4126 Botanical Ave. Redevelopment Area" dated June 21, 2011, consisting of a Title Page; a Table of Contents Page, sixteen (16) numbered pages including Exhibits "A" – "F" attached hereto and incorporated herein as Attachment "B" ("Plan"); and based on the information in the Plan, specifically the Blighting Report in Exhibit "F" to the Plan, considered each parcel of property in the Area and found the preponderance of the Area to be blighted, and

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

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

WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan; 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 RSMo, as amended, 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 and the Planning Commission to this Board for review and approval; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to that general 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, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

WHEREAS, the Plan prescribes land use and street and traffic patterns which may require, among other things, the

vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

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

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

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

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

SECTION ONE. There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, as amended (the "Statute" being Sections 99.300 to 99.715 inclusive, as amended) described in Attachment "A", attached hereto and incorporated herein, known as the 4126 Botanical Ave. Area ("Area"). The existence of deteriorated property and other conditions constitutes an economic or social liability to the City and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.320(3) RSMo, as amended, and are evidenced by the Blighting Report attached as Exhibit "F" ("Blighting Report") to the Blighting Study and Redevelopment Plan for the Area dated June 21, 2011 which is attached hereto, and labeled Attachment "B" and incorporated herein by reference ("Plan").

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

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

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

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

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

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

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

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

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

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

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative

responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and

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

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

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

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises (as further defined below, "MBEs") and Women's Business Enterprises ("as further defined below ("WBEs") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBEs and WBEs established by the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997, as has been extended.
- (e) To comply with applicable requirements of Ordinance No. 60275 of the City (First Source Jobs Policy, as codified at St. Louis City Revised Code Chapter 3.90);
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction pursuant to the Plan. The Redeveloper(s) will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Assistant Director-Certification and Compliance of the City and the President of this Board; and
- (g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts entered into directly by Redeveloper(s).

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

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

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

In lieu of the ten (10) year abatement outlined above, any Redeveloper(s) which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which

shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of the Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such urban redevelopment corporation shall own property within the Area, then for a period of up to the first ten (10) years after the date such urban redevelopment corporation shall acquire title to property in the Area, taxes on that property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year prior to the calendar year during which such urban redevelopment corporation shall have acquired title to that property. In addition to such taxes, any such urban redevelopment corporation shall for a period of up to ten (10) years make a payment in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the improvements located on the property during the calendar year prior to the calendar year during which such urban redevelopment corporation shall have acquired title to such property. If such property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such urban redevelopment corporation for such period of up to the first ten (10) years of the lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year prior to the calendar year during which such urban redevelopment corporation shall lease such property.

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

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

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

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

EXHIBIT "A"

**THE 4126 BOTANICAL AVE. AREA
LEGAL DESCRIPTION**

C.B. 4925 BOTANICAL
35 FT X 123 FT 8 IN
TYLER PLACE ADDN
LOT W-6 E-7

PARCEL # 49250001500

**ATTACHMENT "B"
Form: 02/11/11**

**BLIGHTING STUDY AND REDEVELOPMENT PLAN
FOR THE
4126 BOTANICAL AVE. REDEVELOPMENT AREA**

PROJECT# 1564
June 21, 2011
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY
OF THE CITY OF ST. LOUIS

MAYOR
FRANCIS G. SLAY

**BLIGHTING STUDY AND REDEVELOPMENT PLAN FOR
4126 BOTANICAL AVE. REDEVELOPMENT AREA**

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- "A" LEGAL DESCRIPTION
- "B" PROJECT AREA PLAN - EXISTING USES AND CONDITIONS
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- "E" EQUAL OPPORTUNITY AND NON-DISCRIMINATION GUIDELINES
- "F" BLIGHTING REPORT

A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The 4126 Botanical Ave. Redevelopment Area ("Area") encompasses approximately .09 acres in the Shaw neighborhood of the City of St. Louis ("City") and is located on the south side of Botanical Ave. between Thurman Ave. and Klemm St.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibits "B", "C" and "D" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises a portion of City Block 4925. The Area is in poor condition. The parcel by parcel physical conditions within the Area are shown on Exhibit "B" ("Project Area Plan-Existing Uses and Conditions") and enumerated in Exhibit "F" "Blighting Report".

Unemployment figures, computed by the Missouri Economic Research and Information Center, Missouri Department of Economic Development, indicate a 10.7% unemployment rate for the City for the month of April, 2011. It is estimated that this rate is applicable to residents of the neighborhoods surrounding the Area.

There are currently no jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area include an unoccupied two-family building.

The land uses within the Area, including the location of public and private uses, streets and other rights-of-way, is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are used primarily for residential purposes.

Residential density for the surrounding neighborhoods is approximately 21.59 persons per acre.

5. CURRENT ZONING

The Area is currently zoned "B" Two Family Residential District pursuant to the Zoning Code of the City, which is incorporated in this Blighting Study and Redevelopment Plan ("Plan") by reference.

6. FINDING OF BLIGHT

None of the property within the Area is occupied and the Area is in the conditions described in Exhibit "F". The existence of deteriorated property constitutes an economic or social liability to the City and presents a hazard to the health and well-being of its citizens. The preponderance of properties in the Area has been determined to be blighted within the meaning of Section 99.300-99.715 et seq., RSMo, as amended (the "Land Clearance for Redevelopment Authority Law") as evidenced by the Blighting Report attached hereto, labeled Exhibit "F" and incorporated herein by this reference.

B. PROPOSED DEVELOPMENT AND REGULATIONS

1. DEVELOPMENT OBJECTIVES

The primary objectives of this Plan are to eliminate blight within the Area and to facilitate the redevelopment of the Area into productive residential uses.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are residential uses permitted in zones designated "B" Two Family Residential District by the City of St. Louis Zoning Code. Redeveloper(s) authorized by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to redevelop property in the Area (hereafter referred to as "Redeveloper(s)") shall be permitted to use the property within the Area for only the above proposed uses.

Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area. The General Plan of the City which includes the "Strategic Land Use Plan" (as amended 2010) designates it as a Neighborhood Preservation Area (NPA).

3. PROPOSED ZONING

The proposed zoning for the Area is "B" Two Family Residential District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City which includes the "Strategic Land Use Plan" (as amended 2010). Any specific proposal to the LCRA for redevelopment of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement, and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THE AREA

No new jobs will be created in this Area because the proposed redevelopment is residential.

6. CIRCULATION

The Project Area Plan-Proposed Land Uses Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by City ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

The Redeveloper(s) shall redevelop the Area in accordance with this Plan and the Redevelopment Agreement (if any) ("Agreement"), and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper(s) in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to meet these requirements may result in suspension of tax abatement.

8. URBAN DESIGN

a. Urban Design Objectives

The property in the Area shall be redeveloped such that it is an attractive residential asset to the surrounding neighborhood.

b. Urban Design Regulations

- 1.) Rehabilitation shall respect the original exterior of the structures in the Area in terms of design and materials. Window and door shapes and detailing shall be compatible with the original design
- 2.) New construction or alterations shall be positioned on the lot so that any existing recurrent building masses and spaces along the street are continued as well as the pattern of setback from the street.
- 3.) New Exterior Materials on facades of structures in the Area visible from the street(s) shall be compatible in type and texture with the dominant materials of adjacent buildings. Artificial masonry such as "Permastone" is not permitted. A submission of all building materials shall be required prior to building permit approval.
- 4.) Architectural Details on existing structures in the Area shall be maintained in a similar size, detail and material. Where they are badly deteriorated, similar details salvaged from other buildings may be substituted. Both new and replacement window and doorframes shall be limited to wood or color finished aluminum on the street facing facades, including basement windows. Raw or unfinished aluminum and glass block are not acceptable. Awnings of canvas only are acceptable.
- 5.) Roof Shapes that are employed in a predominance of existing buildings in a block shall set the standard of compatibility for any proposed new construction or alteration.
- 6.) Roof Materials shall be slate, tile, copper or asphalt shingles where the roof is visible from the street. Brightly colored asphalt shingles are not appropriate.

c. Landscaping

The Area shall be well-landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. If necessary, sidewalks shall be notched to accommodate the trees.

Ornamental or shade trees should be provided in the front lawns along with evergreen accent shrubs.

Existing, healthy trees shall be retained, if feasible.

d. Fencing

Fencing in the front yards shall be limited to ornamental metal with a black matte finish. Fencing behind the building line and not facing a street may be chain link with a black matte finish, or a good quality, privacy fence provided it is not wood stockade style. Fencing facing a side street shall be ornamental metal or a good quality board fence up to six (6) feet in height provided landscaping is provided between the fence and the sidewalk.

9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

Where feasible, parking shall be limited to the rear of the property in the Area off the alley, and at least one space shall be provided for each residential unit. In addition, surface parking shall not extend beyond the established building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2 ½) feet high on planting and maintained at three and one-half (3 ½) feet high at maturity.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. All new signs shall be restricted to standard sale/lease signs.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written recommendation of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on redevelopment. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, general welfare, efficiency and economy of the City.

C. PROPOSED SCHEDULE OF DEVELOPMENT

It is estimated that the implementation of this Plan will take place in a single phase initiated within approximately one(1) year of approval of this Plan by City ordinance and completed within approximately two (2) years of approval of this Plan by City ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer redevelopment of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law.

All costs associated with the redevelopment of the Area will be borne by the Redeveloper(s).

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper(s).

2. PROPERTY ACQUISITION

The Project Area Plan-Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property in the Area by the exercise of eminent domain.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to Redeveloper(s) who shall agree to redevelop such property in accordance with this Plan and the Agreement between such Redeveloper(s) and the LCRA. Any property acquired by the LCRA and sold to Redeveloper(s) will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, RSMo. as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

None of the property within the Area is currently occupied. If it should become occupied, all eligible occupants displaced as a result of the implementation of this Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

E. COOPERATION OF THE CITY

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges the cooperation of the City to enable the project to be carried out in a timely manner and in accordance with this Plan.

F. TAX ABATEMENT

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

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

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for a period of up to the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year prior to the calendar year during which such urban redevelopment corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for up to the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year prior to the calendar year during which such urban redevelopment corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for such period of up to the ten (10) years make a payment in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the improvements located on the property during the calendar year prior to the calendar year during which such corporation shall have acquired title to such property. If such property shall be tax-exempt because it is owned by the LCRA and leased to any such urban redevelopment corporation, then such corporation for a period of up to the first ten (10) years of the lease shall make payment in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year prior to the calendar year during which such corporation shall lease such property.

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

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS1. LAND USE

A Redeveloper(s) shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale, rental or occupancy of any property, or any improvements erected or to be erected in the Area, or any part thereof.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper (s) shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper (s) shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the City Guidelines for Minimum Utilization of Minority Enterprises, dated January 1, 1981 as may be amended, and the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in an Agreement between the LCRA and a Redeveloper (s), which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against the Redeveloper (s), its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

H. MODIFICATIONS OF THIS PLAN

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the PDA.

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by City ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the St. Louis Board of Aldermen shall terminate this Plan at the end of the term then in effect, except as provided in Section G (4) of this Plan.

J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

If answer is yes, explain: _____

The subject property _____X_____ has _____ has not insanitary or unsafe conditions

If answer is yes, explain: The property is unoccupied. As such, it is subject to illegal dumping, rat infestation, and use by transients. It is also a fire hazard.

The subject property _____X_____ has _____ has not deterioration of site conditions

If answer is yes, explain: Mortar is missing, the roof needs replacement, as do all mechanical systems.

The subject property _____ has _____X_____ has not improper subdivision or absolute platting

If answer is yes, explain: _____

The subject property _____X_____ has _____ has not conditions which endanger life or property by fire or other cause. If answer is yes, explain: The building is unoccupied, consequently it is subject to illegal dumping and use by transients, which combine to make it a significant fire risk.

The subject property does _____X_____ does _____ not retard the provision of housing accommodations

If answer is yes, explain: _____

The subject property _____X_____ does _____ does not constitute an economic liability

If answer is yes, explain: The building is unoccupied and significantly deteriorated. It drags down the value of surrounding properties and would take significant investment to bring up to code.

The subject property _____ does _____X_____ does not constitute a social liability

If answer is yes, explain: _____

The subject property _____X_____ is _____ is not a menace to the public health, safety, morals or welfare in its present condition and use. If answer is yes, explain: The building is unoccupied and subject illegal dumping, rat infestation, and fire.

The subject property _____X_____ is _____ is not detrimental because of dilapidation, deterioration, age or obsolescence. If answer is yes, explain: The building is significantly deteriorated, with the deteriorated site conditions listed above.

The subject property _____ is _____X_____ is not detrimental because of lack of air sanitation or open space. If answer is yes, explain: _____

The subject property _____ is _____X_____ is not detrimental because of high density of population.

If answer is yes, explain: _____

The subject property _____ is _____X_____ is not detrimental because of overcrowding of buildings, overcrowding of land. If answer is yes, explain: _____

The subject property _____X_____ has _____ has not a combination of factors that are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and _____. If answer is yes, explain: The unoccupied building is subject to illegal dumping and rat infestation. It is also subject to use by transients and as an unsafe play areas by neighborhood children.

Approved: November 9, 2011

ORDINANCE NO. 69018 - EXHIBITS B, C & D



Exhibit B
Project Area Plan
4126 Botanical Ave.
Existing Uses and Conditions
[Hatched] Unoccupied Residential, Poor Condition
[Solid] Project Area Boundary
[Grey] Buildings
[Number] City Block Number



Exhibit C
Project Area Plan
4126 Botanical Ave.
Proposed Land Uses
[Hatched] Residential Uses
[Solid] Project Area Boundary
[Grey] Buildings
[Number] City Block Number



Exhibit D
Project Area Plan
4126 Botanical Ave.
Acquisition Map

[Solid] Project Area Boundary
[Grey] Buildings
[Number] City Block Number



ORDINANCE #69019
Board Bill No. 130

An ordinance approving a blighting study and redevelopment plan dated June 21, 2011 for the 3851-53 N. Utah Pl. Redevelopment Area (as further defined herein, the "Plan") after finding that said Redevelopment Area ("Area") is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, as amended (the "Statute" being Sections 99.300 to 99.715 RSMo inclusive, as amended); containing a description of the boundaries of the Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Attachment "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan attached hereto and incorporated herein as Attachment "B", pursuant to Section 99.430 RSMo, as amended; finding that there is a feasible financial plan for the redevelopment of the Area which affords maximum opportunity for redevelopment of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA"), a public body corporate and politic created under Missouri law, through the exercise of eminent domain; finding that none of the property within the Area is occupied, but if it should become occupied the Redeveloper(s) (as defined herein) shall be responsible for providing relocation assistance pursuant to the Plan to any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available up to a five (5) year real estate tax abatement; and pledging cooperation of this St. Louis Board of Aldermen ("Board") and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan; and containing a severability clause.

WHEREAS, the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, inadequate or outmoded design and conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes 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 and 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, this Board has considered the "Blighting Study and Redevelopment Plan for the 3851-53 N. Utah Pl. Redevelopment Area" dated June 21, 2011, consisting of a Title Page; a Table of Contents Page, sixteen (16) numbered pages including Exhibits "A" – "F" attached hereto and incorporated herein as Attachment "B" ("Plan"); and based on the information in the Plan, specifically the Blighting Report in Exhibit "F" to the Plan, considered each parcel of property in the Area and found the preponderance of the Area to be blighted, and

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

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

WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan; 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 RSMo, as amended, 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 and the Planning Commission to this Board for review and approval; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to that general 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, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

WHEREAS, the Plan prescribes land use and street and traffic patterns which may require, among other things, the

vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

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

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

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

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

SECTION ONE. There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, as amended (the "Statute" being Sections 99.300 to 99.715 inclusive, as amended) described in Attachment "A", attached hereto and incorporated herein, known as the 3851-53 N. Utah Pl. Area ("Area"). The existence of deteriorated property and other conditions constitutes an economic or social liability to the City and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.320(3) RSMo, as amended, and are evidenced by the Blighting Report attached as Exhibit "F" ("Blighting Report") to the Blighting Study and Redevelopment Plan for the Area dated June 21, 2011 which is attached hereto, and labeled Attachment "B" and incorporated herein by reference ("Plan").

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

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

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

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

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

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

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

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

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

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

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative

responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and

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

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

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

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises (as further defined below, "MBEs") and Women's Business Enterprises ("as further defined below ("WBEs") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBEs and WBEs established by the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997, as has been extended.
- (e) To comply with applicable requirements of Ordinance No. 60275 of the City (First Source Jobs Policy, as codified at St. Louis City Revised Code Chapter 3.90);
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction pursuant to the Plan. The Redeveloper(s) will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Assistant Director-Certification and Compliance of the City and the President of this Board; and
- (g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts entered into directly by Redeveloper(s).

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

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

SECTION FOURTEEN. A Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to five (5) years from the commencement of such tax abatement, in accordance with the following provisions:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant

to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for up to the first five (5) years after the date the redevelopment corporation shall acquire title to property in the Area, taxes on that property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year prior to the calendar year during which the corporation shall have acquired title to that property. In addition to such taxes, any such corporation shall for up to the same five (5) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year prior to the calendar year during which such corporation shall have acquired title to that property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for up to the first five (5) years of the lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year prior to the calendar year during which such corporation shall lease that property.

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

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

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

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

EXHIBIT "A"

**THE 3851-53 N. UTAH PL. AREA
LEGAL DESCRIPTION**

C.B.4115 N UTAH PL
35 FT X 131 FT 2 IN
TOWER GROVE HTS ADDN
LOT 88

PARCEL# 41150004600

**ATTACHMENT "B"
Form: 5/31/11**

BLIGHTING STUDY AND REDEVELOPMENT PLAN
FOR THE
3851-53 N. UTAH PL. REDEVELOPMENT AREA
PROJECT # 1224
June 21, 2011
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY
OF THE CITY OF ST. LOUIS

MAYOR
FRANCIS G. SLAY

**BLIGHTING STUDY AND REDEVELOPMENT PLAN FOR
3851-53 N. UTAH PL. REDEVELOPMENT AREA**

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EXHIBITS

"A"	LEGAL DESCRIPTION
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"D"	PROJECT AREA PLAN - ACQUISITION MAP
"E"	EQUAL OPPORTUNITY AND NON-DISCRIMINATION GUIDELINES
"F"	BLIGHTING REPORT

A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The 3851-53 N. Utah Pl. Redevelopment Area ("Area") encompasses approximately 0.12 acres in the Tower Grove South neighborhood of the City of St. Louis ("City") and is located on the north side of Utah Pl. between S. Spring Ave. and Gustine Ave.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibits "B", "C" and "D" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises a portion of City Block 4115. The Area is in fair condition. The parcel by parcel physical conditions within the Area are shown on Exhibit "B" ("Project Area Plan-Existing Uses and Conditions") and enumerated in Exhibit "F" "Blighting Report".

Unemployment figures, computed by the Missouri Economic Research and Information Center, Missouri Department of Economic Development, indicate a 11.3% unemployment rate for the City for the month of May, 2011. It is estimated that this rate is applicable to residents of the neighborhoods surrounding the Area.

There are currently no jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area include an unoccupied two-family building.

The land uses within the Area, including the location of public and private uses, streets and other rights-of-way, is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are used primarily for residential purposes.

Residential density for the surrounding neighborhoods is approximately 15.48 persons per acre.

5. CURRENT ZONING

The Area is currently zoned "B" Two Family Residential District pursuant to the Zoning Code of the City, which is incorporated in this Blighting Study and Redevelopment Plan ("Plan") by reference.

6. FINDING OF BLIGHT

The property within the Area is unoccupied and the Area is in the conditions described in Exhibit "F". The existence of deteriorated property constitutes an economic or social liability to the City and presents a hazard to the health and well-being of its citizens. The preponderance of properties in the Area has been determined to be blighted within the meaning of Section 99.300-99.715 *et seq.* RSMo, as amended (the "Land Clearance for Redevelopment Authority Law") as evidenced by the Blighting Report attached hereto, labeled Exhibit "F" and incorporated herein by this reference.

B. PROPOSED DEVELOPMENT AND REGULATIONS1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the redevelopment of the Area into productive residential uses.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are residential uses permitted in zones designated "B" Two Family Residential District by the City of St. Louis Zoning Code. Redeveloper(s) authorized by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to redevelop property in the Area (hereafter referred to as "Redeveloper(s)") shall be permitted to use the property within the Area for only the above proposed uses.

Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area. The General Plan of the City which includes the "Strategic Land Use Plan" (as amended 2010) designates it as a Neighborhood Preservation Area (NPA).

3. PROPOSED ZONING

The zoning for the Area may remain "B" Two Family Residential District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City which includes the "Strategic Land Use Plan" (as amended 2010). Any specific proposal to the LCRA for redevelopment of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement, and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THE AREA

No new jobs will be created in this Area because the proposed redevelopment is residential.

6. CIRCULATION

The Project Area Plan-Proposed Land Uses Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by City ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

The Redeveloper(s) shall redevelop the Area in accordance with this Plan and the Redevelopment Agreement (if any) ("Agreement"), and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper(s) in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to meet these requirements may result in suspension of tax abatement.

8. URBAN DESIGNa. **Urban Design Objectives**

The property in the Area shall be redeveloped such that it is an attractive residential asset to the surrounding neighborhood.

b. **Urban Design Regulations**

- 1.) **Rehabilitation** shall respect the original exterior of the structures in the Area in terms of design and materials. Window and door shapes and detailing shall be compatible with the original design
- 2.) **New construction** or alterations shall be positioned on the lot so that any existing recurrent building masses and spaces along the street are continued as well as the pattern of setback from the street.
- 3.) **New Exterior Materials** on facades of structures in the Area visible from the street(s) shall be compatible in type and texture with the dominant materials of adjacent buildings. Artificial masonry such as "Permastone" is not permitted. A submission of all building materials shall be required prior to building permit approval.
- 4.) **Architectural Details** on existing structures in the Area shall be maintained in a similar size, detail and material. Where they are badly deteriorated, similar details salvaged from other buildings may be substituted. Both new and replacement window and doorframes shall be limited to wood or color finished aluminum on the street facing facades, including basement windows. Raw or unfinished aluminum and glass block are not acceptable. Awnings of canvas only are acceptable.
- 5.) **Roof Shapes** that are employed in a predominance of existing buildings in a block shall set the standard of compatibility for any proposed new construction or alteration.
- 6.) **Roof Materials** shall be slate, tile, copper or asphalt shingles where the roof is visible from the street. Brightly colored asphalt shingles are not appropriate.

c. **Landscaping**

The Area shall be well-landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. If necessary, sidewalks shall be notched to accommodate the trees.

Ornamental or shade trees should be provided in the front lawns along with evergreen accent shrubs.

Existing, healthy trees shall be retained, if feasible.

d. **Fencing**

Fencing in the front yards shall be limited to ornamental metal with a black matte finish. Fencing behind the building line and not facing a street may be chain link with a black matte finish, or a good quality, privacy fence provided it is not wood stockade style. Fencing facing a side street shall be ornamental metal or a good quality board fence up to six (6) feet in height provided landscaping is provided between the fence and the sidewalk.

9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

Where feasible, parking shall be limited to the rear of the property in the Area off the alley, and at least one space shall be provided for each residential unit. In addition, surface parking shall not extend beyond the established building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2 ½) feet high on planting and maintained at three and one-half (3 ½) feet high at maturity.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. All new signs shall be restricted to standard sale/lease signs.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written recommendation of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on redevelopment. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, general welfare, efficiency and economy of the City.

C. PROPOSED SCHEDULE OF DEVELOPMENT

It is estimated that the implementation of this Plan will take place in a single phase initiated within approximately one (1) year of approval of this Plan by City ordinance and completed within approximately two (2) years of approval of this Plan by City ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer redevelopment of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law.

All costs associated with the redevelopment of the Area will be borne by the Redeveloper(s).

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper(s).

2. PROPERTY ACQUISITION

The Project Area Plan-Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property in the Area by the exercise of eminent domain.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to Redeveloper(s) who shall agree to redevelop such property in accordance with this Plan and the Agreement between such Redeveloper(s) and the LCRA. Any property acquired by the LCRA and sold to Redeveloper(s) will be sold at not less than its fair

value, taking into account and giving consideration to those factors enumerated in Section 99.450, RSMo. as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

The property within the Area is currently unoccupied. If it should become occupied, all eligible occupants displaced as a result of the implementation of this Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

E. COOPERATION OF THE CITY

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges the cooperation of the City to enable the project to be carried out in a timely manner and in accordance with this Plan.

F. TAX ABATEMENT

A Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include taxes collected for any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to five (5) years from the commencement of such tax abatement, in accordance with the following provisions:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for up to the first five (5) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year prior to the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for up to the same five (5) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year prior to the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for up to the first five (5) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year prior to the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said five (5) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond five (5) years after the redevelopment corporation shall have acquired title to the property.

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

A Redeveloper(s) shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale, rental or occupancy of any property, or any improvements erected or to be erected in the Area, or any part thereof.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper (s) shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper (s) shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the City Guidelines for Minimum Utilization of Minority Enterprises, dated January 1, 1981 as may be amended, and the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in an Agreement between the LCRA and a Redeveloper (s), which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against the Redeveloper (s), its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

H. MODIFICATIONS OF THIS PLAN

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the PDA.

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by City ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the St. Louis Board of Aldermen shall terminate this Plan at the end of the term then in effect, except as provided in Section G (4) of this Plan.

J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

EXHIBIT "A"

**THE 3851-53 N. UTAH PL. AREA
LEGAL DESCRIPTION**

C.B.4115 N UTAH PL
35 FT X 131 FT 2 IN
TOWER GROVE HTS ADDN
LOT 88

PARCEL# 41150004600

See attached Exhibits B, C & D

The subject property _____ does does not retard the provision of housing accommodations

If answer is yes, explain: _____

The subject property does _____ does not constitute an economic liability

If answer is yes, explain: The building in its condition constitutes a drag on the property values of surrounding structures.

The subject property _____ does does not constitute a social liability

If answer is yes, explain: _____

The subject property _____ is is not a menace to the public health, safety, morals or welfare in its present condition and use. If answer is yes, explain: _____

The subject property is _____ is not detrimental because of dilapidation, deterioration, age or obsolescence. If answer is yes, explain: The building is in need complete build-out of the interior, including all mechanical systems.

The subject property _____ is is not detrimental because of lack of air sanitation or open space. If answer is yes, explain: _____

The subject property _____ is is not detrimental because of high density of population.

If answer is yes, explain: _____

The subject property _____ is is not detrimental because of overcrowding of buildings, overcrowding of land. If answer is yes, explain: _____

The subject property _____ has has not conditions which endanger life or property by fire and other causes. If answer is yes, explain: _____

The subject property _____ has has not a combination of factors that are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and If answer is yes, explain: _____

Approved: November 9, 2011

ORDINANCE NO. 69019 - EXHIBITS B, C & D

