

ORDINANCE #65422
Board Bill No. 280
Committee Substitute

AN ORDINANCE AFFIRMING THE ADOPTION OF A REDEVELOPMENT PLAN AND THE DESIGNATION OF A REDEVELOPMENT AREA; ADOPTING A REDEVELOPMENT PROJECT; ADOPTING TAX INCREMENT ALLOCATION FINANCING; AND ESTABLISHING A SPECIAL ALLOCATION FUND ALL PURSUANT TO THE REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT ACT; MAKING FINDINGS RELATED THERETO AND AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS.

WHEREAS, the City of St. Louis, Missouri (the "City"), is a body corporate and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of its charter, the Constitution and laws of the State of Missouri; and

WHEREAS, on December 20, 1991, pursuant to Ordinance No. 62477, the Board of Aldermen of the City created the Tax Increment Financing Commission of the City of St. Louis, Missouri (the "TIF Commission"); and

WHEREAS, the TIF Commission is duly constituted according to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "TIF Act"), and is authorized to hold public hearings with respect to proposed redevelopment areas and redevelopment plans and to make recommendations thereon to the City; and

WHEREAS, at the direction of the Board of Aldermen, staff and consultants prepared a proposal for redevelopment titled "Redevelopment Plan for the Gravois Plaza Redevelopment Area" (the "Redevelopment Plan"), for an area of approximately 20 acres located in City Block 4289 and generally bounded by Gustine Avenue on the west, Potomac Avenue on the north, Bamberger Avenue on the east and Gravois Avenue on the south (the "Redevelopment Area"), which Redevelopment Area is more fully described in the Redevelopment Plan; and

WHEREAS, the Redevelopment Plan envisions the demolition of existing improvements within the Redevelopment Area, excluding the two existing out-lots currently occupied by a daycare center and a bank, and construction of a new commercial development incorporating approximately 125,000 square feet of space (the "Redevelopment Project"); and

WHEREAS, Kimco Realty Corporation (the "Developer"), in response to the City's solicitation of proposals from developers, submitted its development proposal dated December 1, 2000, as amended on October 5, 2001 (the "Redevelopment Proposal"), for redevelopment of the Redevelopment Area; and

WHEREAS, on October 10, 2001, after all proper notice was given, the TIF Commission held a public hearing in conformance with the TIF Act, and received comments from all interested persons and taxing districts relative to the Redevelopment Area, the Redevelopment Plan, the Redevelopment Project and the Redevelopment Proposal; and

WHEREAS, on November 30, 2001, the City adopted Ordinance No. 65361 designating the Redevelopment Area as a "redevelopment area" as provided in the TIF Act and approving and adopting the Redevelopment Plan; and

WHEREAS, on December 3, 2001, the City adopted Ordinance No. 65362 authorizing the City to enter into a Redevelopment Agreement with the Developer, provided that certain rights and obligations of the parties to the Redevelopment Agreement are conditioned upon the City's adoption and approval of an ordinance adopting the Redevelopment Project within the Redevelopment Area; and

WHEREAS, in accordance with the TIF Act and in furtherance of the Redevelopment Plan, the Redevelopment Agreement provides for the issuance of TIF Obligations and the pledge of certain TIF Revenues (as those terms are defined in the Redevelopment Agreement) to be used for payment of TIF Obligations, conditioned upon the City's adoption and approval of an ordinance adopting tax increment allocation financing within the Redevelopment Area; and

WHEREAS, the Board of Aldermen has determined that it is desirable and in the best interests of the City to adopt the Redevelopment Project and to adopt tax increment allocation financing within the Redevelopment Area.

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

Section One. The Board of Aldermen hereby affirms each of the findings set forth in Ordinance No. 65361, the designation of the Redevelopment Area as a “redevelopment area” as provided in the TIF Act and the adoption and approval of the Redevelopment Plan, all as set forth in Ordinance No. 65361.

Section Two. The Redevelopment Project described in the Redevelopment Plan is hereby approved and adopted. The “area selected for the redevelopment project,” the “area of the redevelopment project,” the “redevelopment project area” and similar terms and phrases used in the TIF Act, as used herein, shall be comprised of the Redevelopment Area in its entirety, including all phases or portions of the Redevelopment Project that may be developed within the Redevelopment Area.

Section Three. There is hereby created and ordered to be established within the treasury of the City a separate fund to be known as the “Gravois Plaza Special Allocation Fund” (the “Special Allocation Fund”) for the purpose of paying redevelopment project costs and obligations incurred in payment thereof. All moneys deposited in the Special Allocation Fund shall be applied in such manner consistent with the Redevelopment Plan as determined by the Board of Aldermen.

Section Four. After the total equalized assessed valuation of the taxable real property in the Redevelopment Area exceeds the certified total initial equalized assessed valuation of the taxable real property in the Redevelopment Area, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon the taxable real property in the Redevelopment Area by taxing districts and tax rates determined in the manner provided in Section 99.855.2 of the TIF Act, each year after the effective date of this Ordinance until redevelopment costs have been paid, shall be divided as follows:

1. That portion of taxes, penalties and interest levied upon each taxable lot, block, tract or parcel of real property that is attributable to the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the City Collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

2. Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the City’s Treasurer who shall deposit such payment in lieu of taxes into the Special Allocation Fund of the City for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes that are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable.

Section Five. In addition to the payments in lieu of taxes described above in paragraph (2) of Section Four of this Ordinance, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the City and other taxing districts and that are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of this Ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or taxes levied pursuant to Section 94.660 of the Revised Statutes of Missouri, for the purpose of public transportation, shall be allocated to and paid by the local political subdivision collecting officer to the City’s Treasurer, who shall deposit such funds in a separate segregated account within the Gravois Plaza Special Allocation Fund.

Section Six. The City Register is hereby directed to submit a certified copy of this Ordinance to the Assessor, who shall immediately thereafter determine the total equalized assessed value of all taxable real property within the area of the redevelopment project by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within the area of such redevelopment project, and shall certify such amount as the total initial equalized assessed value of the taxable real property within the area of such redevelopment project.

Section Seven. The Comptroller of the City are hereby authorized to enter into agreements or contracts with other taxing districts as may be necessary to ensure the allocation and collection of the taxes, penalties and interest and payments in lieu of taxes described above in paragraph 2 of Section Four and in Section Five of this Ordinance and the deposit of said taxes, penalties and interest or payments in lieu of taxes into the Gravois Plaza Special Allocation Fund for the payment of redevelopment project costs and obligations incurred in the payment thereof, all in accordance with the TIF Act.

Section Eight. The Board of Aldermen, Mayor, Comptroller, City Register and all other officers, agents, representatives and employees of the City are hereby authorized to take any and all actions as may be deemed necessary, desirable, convenient or proper to carry out and comply with the intent of this Ordinance with regard to the implementation of the Redevelopment Plan and the Redevelopment Project and to execute and deliver for and on behalf of the City all certificates, instruments or other documents as may be necessary, desirable, convenient or proper to carry out the matters herein authorized.

Section Nine. It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

Section Ten. This Ordinance shall become effective upon adoption by the Board of Aldermen and approval by the Mayor or failure of the Mayor to so approve or disapprove within twenty (20) days after its presentation to the Mayor.

Clerk, Board of Aldermen

President, Board of Aldermen

Approved: Date:

Mayor

Truly Engrossed and Enrolled
Chairman

Approved: February 21, 2002