

ORDINANCE #65721
Board Bill No. 255

An ordinance affirming that the Redevelopment Area approved by ordinance 61950, known as the Delmar/Lake Redevelopment Area ("Area") as described in Exhibit "A" attached hereto and incorporated by reference, is a blighted area as defined in Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), affirming 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 Amended Blighting Study and Plan dated September 24, 2002 for the Area ("Amended Plan"), incorporated herein by Exhibit "A", pursuant to Section 99.430; finding that certain property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain or otherwise; finding that the property within the Area is currently partially occupied and the Redeveloper shall be responsible for providing relocation assistance pursuant to the Amended Plan to any eligible occupants displaced as a result of implementation of the Amended Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Amended Plan; finding that there shall be available up to ten (10) year tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and exercise their respective powers in a manner consistent with the Plan.

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

WHEREAS, by Ordinance 61950 dated April 12, 1990, this Board also approved a Redevelopment Plan for the Area dated December 20, 1989; and

WHEREAS, it is desirable and in the public interest to amend the Redevelopment Plan approved by Ordinance 61950 modifying the eminent domain provisions; and

WHEREAS, the LCRA has recommended such an amended plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board") titled "Amended Blighting Study and Plan for the Delmar/Lake Redevelopment Area" dated December 20, 1989, amended September 25, 2002, consisting of a Title Page, a Table of Contents Page and sixteen (16) numbered pages attached hereto and incorporated herein as Exhibit "B" ("Amended Plan") and

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

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

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

WHEREAS, the Amended 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 Amended Plan conforms to said general plan; and

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

WHEREAS, the Amended Plan does prescribe 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 of the Statute, this Board advertised that a public hearing would be held by this Board on the Amended Plan, and said hearing was held at the time and place designated in said advertising 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 Amended Plan.

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

SECTION ONE. The finding of the Board of Aldermen, by St. Louis Ordinance 61950 dated April 12, 1990, that certain property described therein (and described herein as Exhibit "A" attached hereto and incorporated herein) is a blighted area, as defined in Section 99.320(3) of the Revised Statutes of Missouri, 1994, as amended (the "Statute" being Section 99.300 to 99.715 inclusive, as amended) is hereby confirmed.

SECTION TWO. The redevelopment of the Area as described in Exhibit "A", 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 additional property included in the Area is also blighted as defined in Section 99.320 of the Statute.

SECTION FOUR. The Amended Blighting Study and Plan for the Area, amended September 24, 2002 ("Amended Plan") 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 said Amended Plan with the Minutes of this meeting.

SECTION FIVE. The Amended Plan for the Area 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 Amended Plan for the Area, and the proposed financing plan for the Area is feasible.

SECTION SEVEN. The Amended 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 developments to be sought pursuant to the requirements of the Statute.

SECTION EIGHT. The Amended Plan for the Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may acquire any property in the Area through negotiation and may exercise the power of eminent domain to acquire certain parcels within the Area. The LCRA may not acquire, by exercise of eminent domain, any owner occupied residential properties in the Area. In addition, the following parcels may not be acquired by exercise of eminent domain: Parcel Number 3 (5232-38 Delmar Blvd.) Parcel Number 4 (5218-24 Delmar Blvd.) Parcel Number 5 (5212-16 Delmar Blvd.) Parcel Number 6 (5210 Delmar Blvd.) Parcel Number 9 (5162-66 Delmar Blvd.) Parcel Number 25 (5018-20 Delmar Blvd.) Parcel Number 26 (5000 Delmar Blvd.) The LCRA may acquire by eminent domain, any other properties in the Area. Parcel Numbers are identified on Exhibit "D", Acquisition Map of the Plan.

SECTION NINE. The property within the Area is currently partially occupied. All eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Thirteen, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

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

SECTION ELEVEN. In order to implement and facilitate the effectuation of the Amended 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 Amended 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 Amended Plan; and

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

SECTION TWELVE. All parties participating as owners or purchasers of property in the Area for redevelopment ("Redeveloper") 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 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 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, all Redevelopers shall agree:

(a) To use the property in accordance with the provisions of the Amended 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 Amended Plan, bona fide Minority Business Enterprise ("MBE's") and Women Business Enterprise ("WBE's") 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 MBE's and WBE's established by the Community Development Commission of the City;

(d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997.

(e) To comply with the requirements of Ordinance No. 60275 of the City;

(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 PAGE: Five of Eight in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and

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

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control and 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 who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control and interest in capital and earnings commensurate with their percentage of ownership. The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

SECTION FOURTEEN. The Redeveloper may seek ten (10) year tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 1994, 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, a 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 ten (10) years from the commencement of PAGE: Six of Eight 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 corporation shall own property within the Area, then for 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 preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for 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 preceding 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 the first ten (10) 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 preceding 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 ten (10) 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 ten (10) years after the redevelopment corporation shall have acquired title to the property.

SECTION FIFTEEN. Any proposed modification which will substantially change the Amended Plan, shall be approved by the St. Louis Board of Aldermen in the same manner as the Amended Plan was first approved. Modifications which will substantially change the Amended 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 Amended Plan. The Amended 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 the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Amended Plan.

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"

LEGAL DESCRIPTION
DELMAR LAKE AREA

A tract of land being the northern portion of City Blocks 5050A and 5051A of the City of St. Louis, and being more particularly described as follows:

Beginning at the intersection of the north line of an east/west alley (15 feet wide) in City Block 5050A and the east line of Union Boulevard (100 feet wide); thence northwardly along said line of Union Boulevard to the south line of Delmar Boulevard (100 feet wide); thence eastwardly along said line of Delmar Boulevard to the west line of Kingshighway Boulevard (100 feet wide); thence southwardly along said line of Kingshighway Boulevard to the north line of an east/west alley (15 feet wide) in City Block 5051A; thence westwardly along said line and its westward prolongation across all intersecting streets to the point of beginning.

EXHIBIT "B"
FORM: 9/20/02

BLIGHTING STUDY AND PLAN
FOR
DELMAR/LAKE AREA
PROJECT #4312

LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY
OF THE CITY OF ST. LOUIS
THE PLANNED INDUSTRIAL EXPANSION AUTHORITY
OF THE CITY OF ST. LOUIS
DECEMBER 20, 1989
REVISED SEPTEMBER 21, 1993
AMENDED SEPTEMBER 24, 2002

MAYOR
FRANCIS G. SLAY

AMENDED BLIGHTING STUDY AND PLAN FOR
DELMAR/LAKE AREA

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EXHIBITS

- “A” LEGAL DESCRIPTION
- “B” PROJECT AREA PLAN
- “C” PROPOSED LAND USE
- “D” ACQUISITION MAP
- “E” EQUAL OPPORTUNITY AND NON DISCRIMINATION GUIDELINES

A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The Delmar/Lake Area (the "Area") is situated in the Central West End of the City of St. Louis, fronting along the south side of Delmar Boulevard between Kingshighway Boulevard on the east and Union Boulevard on the west. It includes the 5000, 5100 and 5200 blocks on the south side of Delmar Boulevard.

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

2. GENERAL CONDITION OF THE AREA

The Area is comprised of portions of the northern one-half of City Block 5050A and 5051A. The Area includes a mix of multi-family residential units, a number of commercial properties and several vacant lots. While several of the buildings in the Area are occupied and in fair condition, a substantial number of the buildings are unoccupied and in poor condition. The physical condition of the property within the Area is shown on Exhibit "B" (Project Area Plan).

Unemployment figures computed by the Missouri State Employment Service indicate a 8. 1% unemployment rate for the City of St. Louis as of September, 1989. It is estimated that this rate is prevalent in the neighborhoods surrounding the Area.

There are approximately 60 jobs currently within the Area.

3. PRESENT LAND USE AND DENSITY OF THE AREA

Existing land use includes eight (8) operating businesses and four (4) unoccupied commercial structures. The eight businesses include three restaurants, two service stations, one auto repair shop, one auto body shop and one funeral parlor. The Area also includes 3 two-family flats, 4 four-family flats, 5 six-unit apartment buildings, and several unimproved lots. All of the six-unit apartment buildings are unoccupied.

Residential density for the surrounding neighborhoods is approximately 22.7 persons per acre. The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "C" (Proposed Land Use).

4. PRESENT LAND USE OF SURROUNDING PROPERTIES

The property fronting along the north line of Delmar Boulevard is dominated by commercial uses but also includes several multi-family units and an institutional use. The property to the east of the Area along either side of Delmar is improved primarily with commercial uses. The property to the south of the Area is dominated by residential uses with a number of institutional uses along Kingshighway Boulevard. The property to the west is primarily residential.

5. CURRENT ZONING

Currently, the Area is zoned "H" Area Commercial District pursuant to the Zoning Code of the City of St. Louis which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

While much of the Area is currently improved with structures, a substantial number of these improvements are unoccupied and/or in poor condition. In addition, the Area also includes several vacant lots. The existence of underutilized and deteriorated property constitutes both an economic liability to the City and presents a hazard to the health and well being of the people. The conditions, therefore, qualify the Area as "blighted".

B. PROPOSED DEVELOPMENT AND REGULATIONS

1. DEVELOPMENT OBJECTIVES

The primary objective of this plan is to facilitate the development of the Area into productive commercial/residential uses, including parking facilities.

The development activity proposed by this Plan contemplates construction and rehabilitation of commercial/residential uses.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are commercial and residential uses permitted by the "H" Area Commercial District.

In addition, any and all Industrial Developers or Redevelopers (hereafter collectively referred to as "Redeveloper") contracting with either the Planned Industrial Expansion Authority of the City of St. Louis (PIEA) or the Land Clearance for Redevelopment Authority of the City of St. Louis (LCRA) to develop property in the Area shall not be permitted to use said property for the following:

pawn shops, adult bookstores, x-rated movie houses, massage parlors or health spas, auto and truck dealers (new or used), storefront churches, 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) 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.

Exhibit "C" (Proposed Land Use) shows the proposed use for the Area. The Proposed Land Use Map also shows that public rights-of-way can remain unchanged, except that the portion of Lake Avenue that is within the Area may be vacated.

3. PROPOSED ZONING

The zoning for the Area can remain "H" Area Commercial 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 of St. Louis including the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978). Any specific proposal to PIEA or LCRA for development 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 THIS AREA

Approximately 50 to 100 new permanent jobs could be created if the Area is developed in accordance with this Plan. The exact number of jobs created will depend upon the specific nature of the proposed development. A portion of the employment created in the Area will reflect the skill level of the nearby population and a reasonable opportunity shall be provided in the Area for upward mobility and skill training of the low skilled employees initially hired in the Area.

6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation of the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged, except the segment of Lake Avenue within the Area may be vacated. No new or rehabilitated commercial use shall have public pedestrian or vehicular access to the east-west alley south of Delmar. Only service access from the alley shall be allowed.

If the Redeveloper deems it desirable for rights-of-way changes to be made, the changes will be subject to the review and approval of the City of St. Louis Department of Streets and all vacations of rightsof-way are subject to ordinance approval.

7. BUILDINGS AND SITE REGULATIONS

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

a. New Construction

All new construction shall be at least two stories in height except commercial buildings may be one-story in height if roofs or parapets add height and give the impressions of a taller building. Materials on all facades shall be compatible with the red brick residential structures on Delmar and the general high style character of buildings in adjacent areas such as Lake and Washington to the south and Union and Kingshighway Boulevards to the west and east.

Residential construction shall be compatible with nearby existing residential building stock in terms of height, massing, materials, roof, fenestration patterns and fenestration proportions. Openings such as windows and doors shall be proportionally similar to existing residential building stock. Any new residential buildings shall be built at the previously established building line.

Commercial construction should be built whenever possible at the building line established by commercial buildings presently on the street. If not, the urban character of the neighborhood should be protected by the use of "out" buildings built at the street with entrances at the sidewalk. All commercial development should incorporate the use of outbuildings as part of the basic commercial design. While the outbuildings need not be two-story, it is especially important that the design of these outbuildings reflect traditional storefront architecture. Interior activity shall be visible from the street. Awnings and transoms are encouraged.

Parcel 26 (southwest corner of Kingshighway and Delmar Blvd.) relates more to the uses which have been developed on the other three corners of that intersection than to the remainder of the Area, partially because a fast food restaurant occupies Parcel 25 west of Parcel 26. Given this context, a one-story, non masonry building set back from the streets would be consistent with the other development. Further, none of the developments on the other corners reflect traditional storefront architecture. Therefore, Parcel 26 can be developed more consistently with the other properties at that intersection.

b. Rehabilitation

All building rehabilitation shall respect and enhance the original building design, original openings such as doors and windows shall be retained when possible. Closing of such openings shall be compatible with building design.

c. Fencing

All fencing and gates along property lines shall be black cast metal or wrought iron.*

Revised September 21, 1993.

d. Landscaping/ Buffer

All property shall be well landscaped including street trees on approximately twenty-five (25) foot centers and at least two and one-half (2-1/2) inch caliper in size on planting. All new or rehabilitated uses shall be buffered from the residential/ institutional uses to the south by a masonry wall at least six (6) feet in height along the north edge of the alley. LCRA or PIEA may require a higher wall if needed to adequately buffer existing residential uses. No commercial use shall permit public pedestrian or vehicular access to its property from the alley - only service access from the alley shall be allowed.

The Redeveloper shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper in good safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to provide such maintenance can result in suspension of tax abatement.

8. PARKING REGULATIONS

Parking shall be, at a minimum, in accordance with the HUDC stipulations, zoning and building code requirements of the City. This will provide for adequate vehicular parking for the Area.

If parking lots exceed 20 spaces; three (3) percent of the interior of the parking lots shall be landscaped with trees, at least two and one-half (2-1/2) inch caliper in size on planting. The trees shall be planted on islands, the largest dimension of which shall be at least five (5) feet, planted with low lying ground cover or other plant material.

Residential surface parking shall not extend beyond the established building line and must be completely surrounded by a continuous evergreen hedge at least two and one-half (21) feet high on planting and maintained at three and one-half (31) feet high on maturity in a planting strip not smaller than ten (10) feet wide. The planting strip should also contain decorative trees on approximately twenty-five (25) foot centers.

Except for Parcel 26, whenever commercial surface parking is in front of the buildings, the parking area should be screened with a decorative wall and/or fence of masonry, cast metal, wrought iron, or a combination thereof, with eight foot masonry piers capped with appropriate stone material located at gates, corners and every twenty-five (25) feet along the perimeter. All such cast metal or wrought iron fencing must be planted with a continuous hedge at least two and one-half (2-1/2) feet high on planting. PIEA or LCRA may waive the masonry pier requirement for existing commercial surface parking areas in front of buildings.*

Whenever new commercial surface parking or service areas are constructed adjacent to residential uses to the

east or west, a masonry buffer wall at least six (6) feet in height shall be required.

Revised September 21, 1993.

9. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, HUDC stipulations, this Plan and contracts between the PIEA or LCRA and the Redeveloper. A uniform signage plan must be developed for each building.

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 be placed only on the fronts of buildings or on those sides of the buildings fronting on public or private streets, shall project no more than eighteen (18) inches from the face of the building, shall not extend above the second floor window sill of the structure, and be the lesser of either one hundred (100) square feet or ten percent (10%) of the ground floor wall surface fronting on such streets. Only one sign per business per wall facing on a public or private street shall be permitted.

Canvas awnings are permitted, provided they are compatible with the overall design and architectural details of the building on which they are placed. Signage on awnings is limited to awning apron. In no case shall signage be allowed on an awning apron and a building for the same business.

Ground or monument signs may be permitted provided they do not exceed ten (10) feet in height nor exceed fifty (50) square feet per side, and provided the PIEA or LCRA confirms that such a sign is required based upon the use, location or siting of the structure. In addition, businesses having more than 40,000 square feet of ground floor area may have signs proportionately larger than the maximum size set out above provided that the PIEA or LCRA confirms that there is need based upon the use, location or siting of the building.

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

10. BUILDING AND SIGN PERMITS

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

11. 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 development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are made available to the PIEA or LCRA, it will 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 enhance the implementation of this Plan.

When developed as outlined above, the Area will consist of a coordinated, adjusted and harmonious development which will promote health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy.

C. PROPOSED SCHEDULE OF DEVELOPMENT

The implementation of this Plan shall take place in two phases. Phase I shall be initiated within approximately two (2) years of approval of this Plan by ordinance and completed within approximately five (5) years of approval of this Plan by ordinance and shall consist of the redevelopment of approximately 50% of the Area.

Phase II shall be initiated within approximately five (5) years of approval of this Plan by ordinance and completed within approximately ten (10) years of approval of this Plan by ordinance and shall consist of the redevelopment of the remainder of the Area.

The PIEA or LCRA shall have the right to alter the above schedule without prejudicing this Plan, or its implementation, in order to accommodate modifications in the Redeveloper's schedule. Such alteration of the schedule will not constitute a substantial change in the Plan nor will it require the approval of the St. Louis Board of Aldermen.

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The PIEA is empowered by Missouri law to administer "industrial development" of the Area (as defined in Section 100. 310(9) R. S. Mo. (1988), pursuant to this Plan and can do so to the extent and in the manner prescribed by the Planned Industrial Expansion Law of Missouri. The LCRA is empowered by Missouri law to administer development 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 Law of Missouri. Notwithstanding the foregoing however, prior to the LCRA or PIEA entering into a Redevelopment Agreement with a Redeveloper, the St. Louis Board of Aldermen shall approve the proposal of said Redeveloper, by resolution; provided however, that if any property in said Redevelopment Agreement is to be acquired by exercise of eminent domain, the Board of Aldermen shall conduct a public hearing, prior to the adoption of said resolution, with notice thereof being contained on a placard to be placed on the properties affected by the Redevelopment Agreement and at each end of every block in which such Redevelopment Agreement is proposed, at least fifteen (15) days prior to the public hearing.

Neither LCRA nor PIEA shall enter into a Redevelopment Agreement with a Redeveloper for any of the following parcels unless such Redevelopment Agreement shall include at least all of the parcels (see proposed Acquisition Map, Exhibit "D") in its respective sub-area.

Sub-area I Parcels 7 and 8
Sub-area II Parcels 9 through 15
Sub-area III Parcels 16 through 24

Implementation of the Plan may be financed by funds obtained from private and possibly public sources, including, without limitation, revenue bonds, bank loans and equity funds provided by the Redeveloper.

All costs associated with the development of the Area will be borne by the Redeveloper.

2. PROPERTY ACQUISITION*

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The PIEA or LCRA may not acquire, by exercise of eminent domain, any owner-occupied residential properties in the Area. In addition, the following parcels may not be acquired by exercise of eminent domain:

Parcel Number 3 (5232-38 Delmar Boulevard)
Parcel Number 4 (5218-24 Delmar Boulevard)
Parcel Number 5 (5212-16 Delmar Boulevard)
Parcel Number 6 (5210 Delmar Boulevard)

Parcel Number 9 (5162-66 Delmar Boulevard)
Parcel Number 25 (5018-20 Delmar Boulevard)
Parcel Number 26 (5000 Delmar Boulevard)

The PIEA or LCRA may acquire, by eminent domain any other properties in the Area. Parcel Numbers are identified on Exhibit "D", Acquisition Map.

***Revised 9/24/02 to allow the use
of eminent domain to**

**acquire Parcel identified as #1
on Exhibit "D"**

3. PROPERTY DISPOSITION

If the PIEA or LCRA acquires property, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the PIEA or LCRA. Any property acquired by the PIEA or LCRA and sold to a Redeveloper will be sold at not less than fair market value, as determined by an independent appraiser.

4. RELOCATION ASSISTANCE

Some of the properties in the Area are currently occupied. All eligible occupants displaced by the implementation of this Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies. In addition, timely notice of development activities shall be provided to all occupants.

E. COOPERATION OF THE CITY

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

F. TAX ABATEMENT

A Redeveloper shall hereby be entitled to seek ad valorem tax abatement benefits for a period not to exceed ten (10) years from the commencement of such tax abatement, as follows:

If property in the Area is sold by the PIEA or LCRA to a redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for ten (10) years after the date the redevelopment corporation shall acquire such property, taxes on such property shall be based on the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such redevelopment corporation shall have acquired title to such property. In addition to such taxes, such corporations shall for the same ten 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 preceding the calendar year during which such redevelopment corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the PIEA or LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the property, land and improvements during the calendar year preceding the calendar year during which such redevelopment corporation shall begin leasing 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 of St. Louis, shall be distributed as all other property taxes. Said partial tax relief and payments in lieu of taxes provisions during said ten (10) 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 PIEA or LCRA; however, in no event shall such benefits extend beyond ten (10) years after the date said redevelopment corporation shall have acquired the property. Further, in lieu of the ten (10) year abatement outlined above, a Redeveloper can seek ten (10) year tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, upon application as provided therein.

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

A Redeveloper shall not discriminate on the basis of race, color, religion, national origin, marital status, sex, age, or physical handicap in the lease, sale or occupancy of the Area.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, religion, national origin, marital status, sex, age, 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 shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the Community Development Agency Guidelines for Maximum Utilization of Minority Enterprises dated January 1, 1981, as may be amended, and guidelines in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Contract between the PIEA or LCRA and a Redeveloper, 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.

H. PROCEDURES FOR CHANGES IN APPROVED PLAN

This Plan may be modified at any time by the PIEA or LCRA with the consent of the Community Development Agency and the St. Louis Board of Aldermen by resolution; provided that, if modified after the sale or long term lease of real property in the Area, modification must be concurred in by all Redevelopers or successors in interest affected by the proposed modifications.

Where the proposed modification will substantially change this Plan, the modification must be approved by the St. Louis Board of Aldermen by ordinance.

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 ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as 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"

LEGAL DESCRIPTION
DELMAR LAKE AREA

A tract of land being the northern portion of City Blocks 5050A and 5051A of the City of St. Louis, and being more particularly described as follows:

Beginning at the intersection of the north line of an east/west alley (15 feet wide) in City Block 5050A and the

east line of Union Boulevard (100 feet wide); thence northwardly along said line of Union Boulevard to the south line of Delmar Boulevard (100 feet wide); thence eastwardly along said line of Delmar Boulevard to the west line of Kingshighway Boulevard (100 feet wide); thence southwardly along said line of Kingshighway Boulevard to the north line of an east/west alley (15 feet wide) in City Block 5051A; thence westwardly along said line and its westward prolongation across all intersecting streets to the point of beginning.

See attached Exhibits B, C & D

EXHIBIT "E"
FORM: 11/09/88

EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES

In any contract for work in connection with this project, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, and any entity formed to implement the project of which the Redeveloper is a general partner), its contractors and subcontractors will include a clause requiring compliance with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination, the Executive Order of the Mayor of the City of St. Louis dated December 6, 1984, and all guidelines herein.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances or regulations of these guidelines.

In the implementation of this project, there shall be maximum utilization of bona fide minority and women business enterprises. The Redeveloper will set a minimum goal of fifteen percent (15%) minority participation under these guidelines. In the event the Redeveloper fails to attain that goal, the Redeveloper may be required to show good cause thereof; however, this requirement will be deemed to have been met when documentation evidences that all available resources, i.e. minority and female suppliers, contractors, and subcontractors have been exhausted.

For purposes of this section, the term "minority business enterprise" means a business at least fifty-one (51%) of which is owned and controlled by minority group members. The term "women business enterprise" means a business at least fifty-one percent (51%) of which is owned and controlled by females. For the purpose of the preceding sentences, minority group members means citizens of the United States who are Blacks, Hispanics, American Indians, Asians and Pacific Islanders.

The Redeveloper will certify and agree in writing, that it is under no contractual or other disability, which would prevent it from complying with the requirements set forth herein.

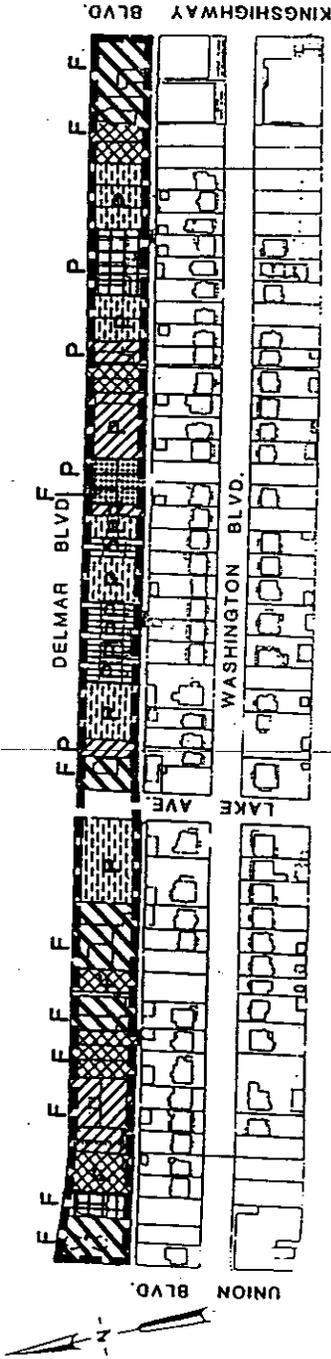
The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, religion, national origin, sex, marital status, age or physical handicap in the sale, lease, rental, use or occupancy of any property, or improvements erected or to be erected in the project or any part thereof, and those covenants shall run and shall be enforceable by the LCRA, the City of St. Louis, and the United States of America, as their interests may appear in the project.

The Redeveloper agrees that if the project involves employment, it shall enter into an Employment Plan with the Saint Louis Agency on Training and Employment (SLATE) and the LCRA and/or PIEA for referral of JTPA eligible individuals. Said plan shall specify the number of jobs to be covered by the Employment Plan, the target date for referrals to begin, and the procedure for referral.

Approved: December 10, 2002

ORDINANCE NO. 65721 - EXHIBIT B

65721



DELMAR / LAKE AREA

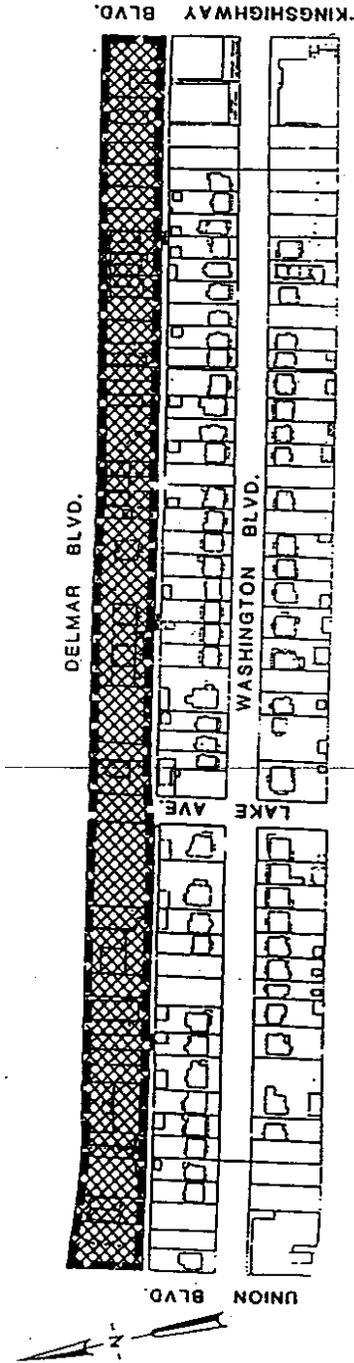
EXHIBIT 'B' PROJECT AREA PLAN

EXISTING USES & CONDITION OF PROPERTY

- | | | | |
|----------|-------------------|----------|------------------------------|
| | 2 FAMILY FLAT | | UNIMPROVED LOT |
| | 4 FAMILY FLAT | | PAVED PARKING |
| | COMMERCIAL | | SIX UNIT APT. BLDG. - VACANT |
| | VACANT COMMERCIAL | | |
| F | FAIR CONDITION | P | POOR CONDITION |
| | | | BOUNDARY |

ORDINANCE NO. 65721 - EXHIBIT C

65721



DELMAR / LAKE AREA

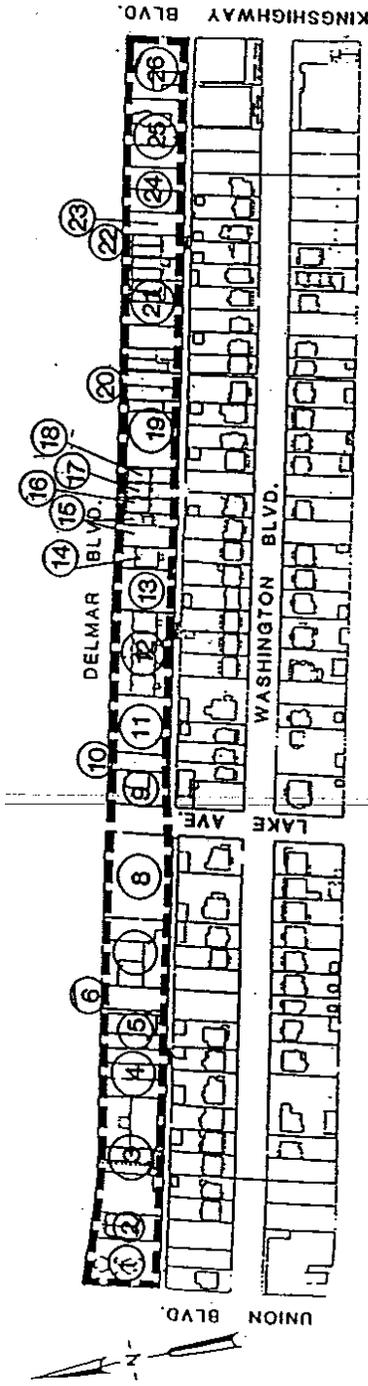
EXHIBIT "C" PROPOSED LAND USE

COMMERCIAL/RESIDENTIAL

----- BOUNDARY

ORDINANCE NO. 65721 - EXHIBIT D

65721



DELMAR / LAKE AREA

EXHIBIT "D" ACQUISITION MAP

○ PARCEL NUMBER

----- BOUNDARY