

**ORDINANCE #67272**  
**Board Bill No. 211**

An ordinance approving a Redevelopment Plan for the 4300 Duncan Ave. and 405 S. Boyle Ave. Area ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), containing a description of the boundaries of said Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Exhibit "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 dated July 25, 2006 for the Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development 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") through the exercise of eminent domain or otherwise; finding that the property within the Area is **unoccupied**, the Redeveloper shall be responsible for relocating 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 not** be available any real estate tax abatement; and pledging cooperation of the Board of Aldermen 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.

**WHEREAS**, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, there exist conditions which endanger life or property by fire or other causes and constitute an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

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

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

**WHEREAS**, the LCRA has recommended such a plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for 4300 Duncan Ave. and 405 S. Boyle Ave. Area," dated July 25, 2006, consisting of a Title Page, a Table of Contents Page, and fourteen (14) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("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 Plan; and

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

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

**WHEREAS**, the Plan has been presented and recommended by LCRA 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 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 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 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 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, 2000, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive, as amended) described in Exhibit "A", attached hereto and incorporated herein, known as the 4300 Duncan Ave. and 405 S. Boyle Ave. Area.

**SECTION TWO.** The redevelopment of the above described 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 Blighting Study and Plan for the Area, dated July 25, 2006 ("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 Plan with the Minutes of this meeting.

**SECTION FIVE.** The 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 Plan for the Area, 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 developments to be sought pursuant to the requirements of the Statute.

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

**SECTION NINE.** The property within the Area is currently **unoccupied**. If it should become occupied, all eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Twelve, 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 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 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") 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 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 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 ("MBE's") and Women's Business Enterprises ("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 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 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 Thirteen 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, 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, 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 not** seek real estate tax abatement as a result of this Plan.

**SECTION FIFTEEN.** Any proposed modification which will substantially change the Plan must be approved by the St. Louis Board of Aldermen 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. Changes which are not substantial are those that do not go to the crux of the 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"**

**THE 4300 Duncan Avenue and 405 S. Boyle Avenue AREA  
LEGAL DESCRIPTION**

## Parcel 1

Part of Lot 1 of Simpson's Subdivision as originally laid out in former Block 4588 of the City of St. Louis, part of former Boyce Avenue, vacated under the provisions of Ordinance Nos. 18903 and 32776 of the City of St. Louis, Lot 12 of Simpson's Subdivision as originally laid out in Block 4589 of the City of St. Louis, the Southern 1/2 of the former East and West alley in said Block 4589 of the City of St. Louis adjoining said Lot 12 on the North, vacated under provisions of Ordinances No. 44877 of the City of St. Louis, the Eastern 50 feet of Lot 1 of Simpson's Subdivision as originally laid out in Block 4589 of the City of St. Louis, the Northern 1/2 of said former East and West alley in Block 4589 of the City of St. Louis, vacated under provisions of Ordinance No. 44877 of the City of St. Louis, adjoining said last mentioned Lot 1 on the South, the former North and South alley, 22 feet wide, in said Block 4589 of the City of St. Louis, also vacated under the provisions of said last mentioned Ordinance, Lots 1 to 10, both inclusive, in Block 4 of Boyce's South Lindell Addition, the former East and West alley in said Block 4, vacated under provision of Ordinance No. 32776 of the City of St. Louis, former Boyce Avenue, 60 feet wide, also vacated under the provisions of said last mentioned Ordinance and Lots 1 to 5, inclusive, in Block 3 of Boyce's South Lindell Addition, all of said above described property now being in Block 4589 of the City of St. Louis, State of Missouri, and being more particularly described as follows:

Beginning at the intersection of the West line of Boyle Avenue with the South line of Duncan Avenue; thence Southwardly along the West line of Boyle Avenue 491 feet 9-1/2 inches, more or less, to the Southeast corner of Lot 1 in Block 3 of Boyce's South Lindell Addition; thence Westwardly along the South line of said Block 3 of Boyce's South Lindell Addition 279 feet 10 inches, more or less, to the Southwest corner of Lot 5 in said last mentioned Block and Subdivision; thence Northwardly along the West line of said Lot 5 a distance of 3 feet; thence Northwestwardly in a straight line 64.78 feet, more or less, to a point in the West line of Lot 1 of Simpson's Subdivision as originally laid out in former Block 4588 of the City of St. Louis, distant 28 feet North of the Southwest corner of said Lot 1; thence Northwardly along the West line of said Lot 1, and its prolongation Northwardly across vacated Boyce Avenue, 60 feet wide, and along the West line of Lot 12 of Simpson's Subdivision as originally laid out in Block 4589 of the City of St. Louis, and along the Northern prolongation of the West line of said Lot 12, a distance of 306.25 feet, more or less, to the center line of the former East and West alley in Block 4589 of the City of St. Louis, vacated under provisions of Ordinance No. 44877 of the City of St. Louis; thence Eastwardly along said center line to its intersection with the Southern prolongation of a line 50 feet West of and parallel with the East line of Lot 1 of Simpson's Subdivision as originally laid out in Block 4589 of the City of St. Louis; thence Northwardly along said Southern prolongation and along said line 50 feet West of and parallel with the East line of said Lot 1 of Simpson's Subdivision as originally laid out in Block 4589 of the City of St. Louis, a distance of 157 feet 6 inches to the South line of Duncan Avenue; thence Eastwardly along the South line of Duncan Avenue, 329 feet 10 inches, more or less, to the West line of Boyle Avenue and the point of beginning, EXCEPTING THEREFROM that part thereof conveyed to Four Seventeen Co., a Missouri Corporation by deed recorded in Book 8865 page 403.

**4589-00-00800**

4300 Duncan Avenue

## Parcel 2:

A parcel of ground in Block 4589 of the City of St. Louis, Missouri, said parcel being more particularly described as follows: Beginning at a point in the Western line of Boyle Avenue, distant 28.00 feet North of its Intersection with the Northern line of the Wabash Railroad property; thence Northwardly 294.17 feet along the Western line of Boyle Avenue; thence Westwardly 63.00 feet along a line parallel with the Southern line of Duncan Avenue; thence Southwardly 130.00 feet along a line parallel with the Western line of said Boyle Avenue; thence Southwestwardly 194.47 feet along a curve to the right having a radius of 270.50 feet to a point; thence Eastwardly 160.00 feet along a line parallel with the distant 28.00 feet North of the Northern line of said Wabash Railroad property, to the Western line of Boyle Avenue and the point of beginning, according to survey by Pitzman's Co. of Surveyors and Engineers, dated August 20, 1968.

## ALSO BEING DESCRIBED AS:

A tract of land being part of Lot 1 of Simpson's Subdivision, as originally laid out in former Block 4588 of the City of St. Louis, part

of former Boyce Avenue, vacated under the provisions of Ordinance Numbers 18903 and 32776 of the City of St. Louis, Lot 12 of Simpson’s Subdivision as originally laid out in Block 4589 of the City of St. Louis, the Southern one-half of the former East and West alley in said Block 4589 of the City of St. Louis, adjoining said Lot 12 on the North, as vacated under provisions of Ordinance No. 44877 of the City of St. Louis, the Eastern 50 feet of Lot 1 of Simpson’s Subdivision as originally laid out in Block 4589 of the City of St. Louis, the Northern one-half of said former East and West alley in Block 4589 of the City of St. Louis, vacated under the provisions of Ordinance No. 44877 of the City of St. Louis, adjoining said last mentioned Lot 1 on the South, the former North and South alley, 22 feet wide, in said Block 4589 of the City of St. Louis, also vacated under the provisions of last mentioned Ordinance, Lots 1 to 10, both inclusive, in Block 4 of Boyce’s South Lindell Addition, the former East and West alley in said Block 4, vacated under provisions of Ordinance No. 32776 of the City of St. Louis, former Boyce Avenue, 60 feet wide, also vacated under provisions of last mentioned Ordinance, and Lots 1 to 5, inclusive, in Block 3 of Boyce’s South Lindell Addition, all of above said described property, now being located in Block 4589 of the City of St. Louis, State of Missouri, and being more particularly described as follows:

Beginning at the point of intersection of the Southerly line of Duncan Avenue, 60 feet wide, as now established, with the Westerly line of Boyle Avenue, 60 feet wide, as now established; thence South 15 degrees 14 minutes 00 seconds West along last said Westerly line 491.75 feet to the Southeasterly corner of Lot 1 in Block 3 of above said Boyce’s South Lindell Addition; thence North 74 degrees 28 minutes 00 seconds West along the South line of above said Block 3 a distance of 279.83 feet to the Southwest corner of Lot 5 in above said Boyce’s South Lindell Addition, said point also being the Southeasterly corner of Lot 1 of above said Simpson’s Subdivision, thence North 15 degrees 14 minutes 00 seconds East along the common line between above said Lot 1 and above said Lot 5 a distance of 3.00 feet; thence departing last said common line North 51 degrees 48 minutes 24 seconds West 64.89 feet to a point in the West line of last above said Lot 1, said point also being located distance North 15 degrees 14 minutes 00 seconds East 28.00 feet from the Southwest corner of last above said Lot 1; thence North 15 degrees 14 minutes 00 seconds East along the Westerly line of above said Lot 1 and its direct Northerly prolongation crossing Boyce Avenue, 60 feet wide, as vacated, and along the Westerly line of Lot 12 of above said Simpson’s Subdivision, as originally laid out in Block 4589 of the City of St. Louis, and along the Northerly prolongation of the Westerly line of said Lot 12 a distance of 306.03 feet to a point in the centerline of the former East and West alley in Block 4589 of the City of St. Louis as vacated under provisions of Ordinance No. 44877 of the City of St. Louis; thence South 74 degrees 30 minutes 16 seconds East along last said centerline 9.75 feet to a point on the direct Southerly prolongation of a line 50.00 feet West of and parallel with the East line of Lot 1 of Simpson’s Subdivision, as originally laid out in Block 4589 of the City of St. Louis; thence Northerly along said Southerly prolongation line, and along said line 50.00 feet West of and parallel with the East line of above said Lot 1 of Simpson’s Subdivision, as originally laid out in Block 4589 of the City of St. Louis, North 15 degrees 14 minutes 00 seconds East 157.50 feet to a point in the Southerly line of above said Duncan Avenue; thence South 74 degrees 30 minutes 16 seconds East along last said Southerly line 329.83 feet to the POINT OF BEGINNING and containing 164,487 square feet more or less according to a survey by Stock & Associates Consulting Engineers, Inc. on August 14, 2003, and most recently revised on December 14, 2004.

**4589-00-00900**  
405 S. Boyle Avenue

**EXHIBIT B**

BLIGHTING STUDY AND PLAN  
FOR THE  
**4300 DUNCAN AVENUE and 405 S. BOYLE AVENUE. AREA**  
PROJECT # 1047  
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY  
OF THE CITY OF ST. LOUIS  
JULY 25, 2006

MAYOR  
FRANCIS G. SLAY

**BLIGHTING STUDY AND PLAN FOR  
THE 4300 Duncan Ave. and 405 S. Boyle AVE. 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 4300 Duncan Ave. and 405 S. Boyle Ave. Area ("Area") encompasses approximately 3.78 acres in the Central West End neighborhood of the City of St. Louis ("City") and is located on the south west corner of Duncan Ave. and S. Boyle Ave. with Forest Park Ave. to the north and Clayton Ave. to the south.

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 comprises two parcels of City Block 4589. The Area is in fair to poor condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized. "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 6.5% unemployment rate for the City as of April, 2006. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area.

**3. PRESENT LAND USE OF THE AREA**

Existing land uses within the Area include two unoccupied industrial buildings.

The land use, 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 primarily used for industrial/commercial purposes.

Residential density for the surrounding neighborhoods is approximately 11.68 persons per acre.

**5. CURRENT ZONING**

The Area is zoned "K" Unrestricted District pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference.

**6. FINDING OF BLIGHT**

The property within the Area is unoccupied and in fair to poor condition (as defined in Section A (2) above). The existence of deteriorated property constitutes both an economic liability to the City of St. Louis 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 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law).

## **B. PROPOSED DEVELOPMENT AND REGULATIONS**

### **1. DEVELOPMENT OBJECTIVES**

The primary objective of this Plan is to facilitate the development of the Area into productive industrial/commercial uses.

### **2. PROPOSED LAND USE OF THE AREA**

The proposed land uses for the Area are industrial/commercial uses permitted in Areas designated "K" Unrestricted District by the City of St. Louis Zoning Code. Redevelopers authorized by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to develop property in the Area (hereafter referred to as "Redeveloper") shall be permitted to use said property only for the above proposed uses.

Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area.

### **3. PROPOSED ZONING**

The zoning for the Area can remain "K" Unrestricted 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 which includes the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978). Any specific proposal to the 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 400 jobs will be retained as a result of this project. It is unknown how many new jobs will be created once the project is completed.

### **6. CIRCULATION**

The 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 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.

Each Redeveloper shall develop the Area in accordance with this Plan and the Redevelopment Agreement, and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper 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 shall be developed so they are an attractive industrial/commercial asset to the surrounding neighborhood.

b. **Urban Design Regulations**

Rehabilitation shall respect the original exterior in terms of design and materials. Window and door shapes and detailing shall be compatible with the original design.

New construction shall be compatible in design with the surrounding neighborhood, if any, in terms of scale, materials, set back, profile and site layout.

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, 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.

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.

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 (2-1/2) feet high on planting and maintained at three and one-half (3-1/2) feet high at maturity. Three percent (3%) of the interior of all parking lots containing more than twenty-five (25) spaces 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.

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.

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.

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.

half (2-1/2) feet high on planting and maintained at three and one-half (3-1/2) feet high at maturity. Three percent (3%) of the interior of all parking lots containing more than twenty-five (25) spaces 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.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without prior written approval 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 development. 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, the general welfare, efficiency and economy of the City.

**C. PROPOSED SCHEDULE OF DEVELOPMENT**

The implementation of this Plan shall take place in a single phase initiated within approximately one (1) year of approval of this Plan by ordinance and completed within approximately two (2) years of approval of this Plan by 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 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 Authority Law of Missouri.

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

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.

2. PROPERTY ACQUISITION

The Property 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 who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA. Any property acquired by the LCRA and sold to a Redeveloper 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. (2000) 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 the 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 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 may not seek real estate tax abatement.

**G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS**

1. LAND USE

The Redeveloper 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 or occupancy of the Area.

A Redeveloper 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 shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Contract between the 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.

All of the provisions of Section G shall be enforceable against the Redeveloper, 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 Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

**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"**

**THE 4300 Duncan Avenue and 405 S. Boyle Avenue AREA  
LEGAL DESCRIPTION**

Parcel 1

Part of Lot 1 of Simpson's Subdivision as originally laid out in former Block 4588 of the City of St. Louis, part of former Boyce Avenue, vacated under the provisions of Ordinance Nos. 18903 and 32776 of the City of St. Louis, Lot 12 of Simpson's Subdivision as originally laid out in Block 4589 of the City of St. Louis, the Southern 1/2 of the former East and West alley in said Block 4589 of the City of St. Louis adjoining said Lot 12 on the North, vacated under provisions of Ordinances No. 44877 of the City of St. Louis, the Eastern 50 feet of Lot 1 of Simpson's Subdivision as originally laid out in Block 4589 of the City of St. Louis, the Northern 1/2 of said former East and West alley in Block 4589 of the City of St. Louis, vacated under provisions of Ordinance No. 44877 of the City of St. Louis, adjoining said last mentioned Lot 1 on the South, the former North and South alley, 22 feet wide, in said Block 4589 of the City of St. Louis, also vacated under the provisions of said last mentioned Ordinance, Lots 1 to 10, both inclusive, in Block 4 of Boyce's South Lindell Addition, the former East and West alley in said Block 4, vacated under provision of Ordinance No. 32776 of the City of St. Louis, former Boyce Avenue, 60 feet wide, also vacated under the provisions of said last mentioned Ordinance and Lots 1 to 5, inclusive, in Block 3 of Boyce's South Lindell Addition, all of said above described property now being in Block 4589 of the City of St. Louis, State of Missouri, and being more particularly described as follows:

Beginning at the intersection of the West line of Boyle Avenue with the South line of Duncan Avenue; thence Southwardly along the West line of Boyle Avenue 491 feet 9-1/2 inches, more or less, to the Southeast corner of Lot 1 in Block 3 of Boyce's South Lindell Addition; thence Westwardly along the South line of said Block 3 of Boyce's South Lindell Addition 279 feet 10 inches, more or less, to the Southwest corner of Lot 5 in said last mentioned Block and Subdivision; thence Northwardly along the West line of said Lot 5 a distance of 3 feet; thence Northwestwardly in a straight line 64.78 feet, more or less, to a point in the West line of Lot 1 of Simpson's Subdivision as originally laid out in former Block 4588 of the City of St. Louis, distant 28 feet North of the Southwest corner of said Lot 1; thence Northwardly along the West line of said Lot 1, and its prolongation Northwardly across vacated Boyce Avenue, 60 feet wide, and along the West line of Lot 12 of Simpson's Subdivision as originally laid out in Block 4589 of the City of St. Louis, and along the Northern prolongation of the West line of said Lot 12, a distance of 306.25 feet, more or less, to the center line of the former East and West alley in Block 4589 of the City of St. Louis, vacated under provisions of Ordinance No. 44877 of the City of St. Louis; thence Eastwardly along said center line to its intersection with the Southern prolongation of a line 50 feet West of and parallel with the East line of Lot 1 of Simpson's Subdivision as originally laid out in Block 4589 of the City of St. Louis; thence Northwardly along said Southern prolongation and along said line 50 feet West of and parallel with the East line of said Lot 1 of Simpson's Subdivision as originally laid out in Block 4589 of the City of St. Louis, a distance of 157 feet 6 inches to the South line of Duncan Avenue; thence Eastwardly along the South line of Duncan Avenue, 329 feet 10 inches, more or less, to the West line

of Boyle Avenue and the point of beginning, EXCEPTING THEREFROM that part thereof conveyed to Four Seventeen Co., a Missouri Corporation by deed recorded in Book 8865 page 403.

**4589-00-00800**

4300 Duncan Avenue

Parcel 2:

A parcel of ground in Block 4589 of the City of St. Louis, Missouri, said parcel being more particularly described as follows: Beginning at a point in the Western line of Boyle Avenue, distant 28.00 feet North of its Intersection with the Northern line of the Wabash Railroad property; thence Northwardly 294.17 feet along the Western line of Boyle Avenue; thence Westwardly 63.00 feet along a line parallel with the Southern line of Duncan Avenue; thence Southwardly 130.00 feet along a line parallel with the Western line of said Boyle Avenue; thence Southwestwardly 194.47 feet along a curve to the right having a radius of 270.50 feet to a point; thence Eastwardly 160.00 feet along a line parallel with the distant 28.00 feet North of the Northern line of said Wabash Railroad property, to the Western line of Boyle Avenue and the point of beginning, according to survey by Pitzman's Co. of Surveyors and Engineers, dated August 20, 1968.

ALSO BEING DESCRIBED AS:

A tract of land being part of Lot 1 of Simpson's Subdivision, as originally laid out in former Block 4588 of the City of St. Louis, part of former Boyce Avenue, vacated under the provisions of Ordinance Numbers 18903 and 32776 of the City of St. Louis, Lot 12 of Simpson's Subdivision as originally laid out in Block 4589 of the City of St. Louis, the Southern one-half of the former East and West alley in said Block 4589 of the City of St. Louis, adjoining said Lot 12 on the North, as vacated under provisions of Ordinance No. 44877 of the City of St. Louis, the Eastern 50 feet of Lot 1 of Simpson's Subdivision as originally laid out in Block 4589 of the City of St. Louis, the Northern one-half of said former East and West alley in Block 4589 of the City of St. Louis, vacated under the provisions of Ordinance No. 44877 of the City of St. Louis, adjoining said last mentioned Lot 1 on the South, the former North and South alley, 22 feet wide, in said Block 4589 of the City of St. Louis, also vacated under the provisions of last mentioned Ordinance, Lots 1 to 10, both inclusive, in Block 4 of Boyce's South Lindell Addition, the former East and West alley in said Block 4, vacated under provisions of Ordinance No. 32776 of the City of St. Louis, former Boyce Avenue, 60 feet wide, also vacated under provisions of last mentioned Ordinance, and Lots 1 to 5, inclusive, in Block 3 of Boyce's South Lindell Addition, all of above said described property, now being located in Block 4589 of the City of St. Louis, State of Missouri, and being more particularly described as follows:

Beginning at the point of intersection of the Southerly line of Duncan Avenue, 60 feet wide, as now established, with the Westerly line of Boyle Avenue, 60 feet wide, as now established; thence South 15 degrees 14 minutes 00 seconds West along last said Westerly line 491.75 feet to the Southeasterly corner of Lot 1 in Block 3 of above said Boyce's South Lindell Addition; thence North 74 degrees 28 minutes 00 seconds West along the South line of above said Block 3 a distance of 279.83 feet to the Southwest corner of Lot 5 in above said Boyce's South Lindell Addition, said point also being the Southeasterly corner of Lot 1 of above said Simpson's Subdivision, thence North 15 degrees 14 minutes 00 seconds East along the common line between above said Lot 1 and above said Lot 5 a distance of 3.00 feet; thence departing last said common line North 51 degrees 48 minutes 24 seconds West 64.89 feet to a point in the West line of last above said Lot 1, said point also being located distance North 15 degrees 14 minutes 00 seconds East 28.00 feet from the Southwest corner of last above said Lot 1; thence North 15 degrees 14 minutes 00 seconds East along the Westerly line of above said Lot 1 and its direct Northerly prolongation crossing Boyce Avenue, 60 feet wide, as vacated, and along the Westerly line of Lot 12 of above said Simpson's Subdivision, as originally laid out in Block 4589 of the City of St. Louis, and along the Northerly prolongation of the Westerly line of said Lot 12 a distance of 306.03 feet to a point in the centerline of the former East and West alley in Block 4589 of the City of St. Louis as vacated under provisions of Ordinance No. 44877 of the City of St. Louis; thence South 74 degrees 30 minutes 16 seconds East along last said centerline 9.75 feet to a point on the direct Southerly prolongation of a line 50.00 feet West of and parallel with the East line of Lot 1 of Simpson's Subdivision, as originally laid out in Block 4589 of the City of St. Louis; thence Northerly along said Southerly prolongation line, and along said line 50.00 feet West of and parallel with the East line of above said Lot 1 of Simpson's Subdivision, as originally laid out in Block 4589 of the City of St. Louis, North 15 degrees 14 minutes 00 seconds East 157.50 feet to a point in the Southerly line of above said Duncan Avenue; thence South 74 degrees 30 minutes 16 seconds East along last said Southerly line 329.83 feet to the POINT OF BEGINNING and containing 164,487 square feet more or less according to a survey by Stock & Associates Consulting Engineers, Inc. on August 14, 2003, and most recently revised on December 14, 2004.

**4589-00-00900**

405 S. Boyle Avenue

See attached Exhibit B, C & D

**EXHIBIT "E"**  
**FORM: 05/26/99**

**EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES**

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, any entity formed to implement the project of which the Redeveloper is affiliated), its contractors and subcontractors shall comply with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination (Laws). Moreover, the Redevelopment shall contractually require its contractors and subcontractors to comply with such laws.

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, regulations or these guidelines.

The Redevelopment shall fully comply with Executive Order #28 dated July 24, 1997 relating to minority and women-owned business participation in City contracts.

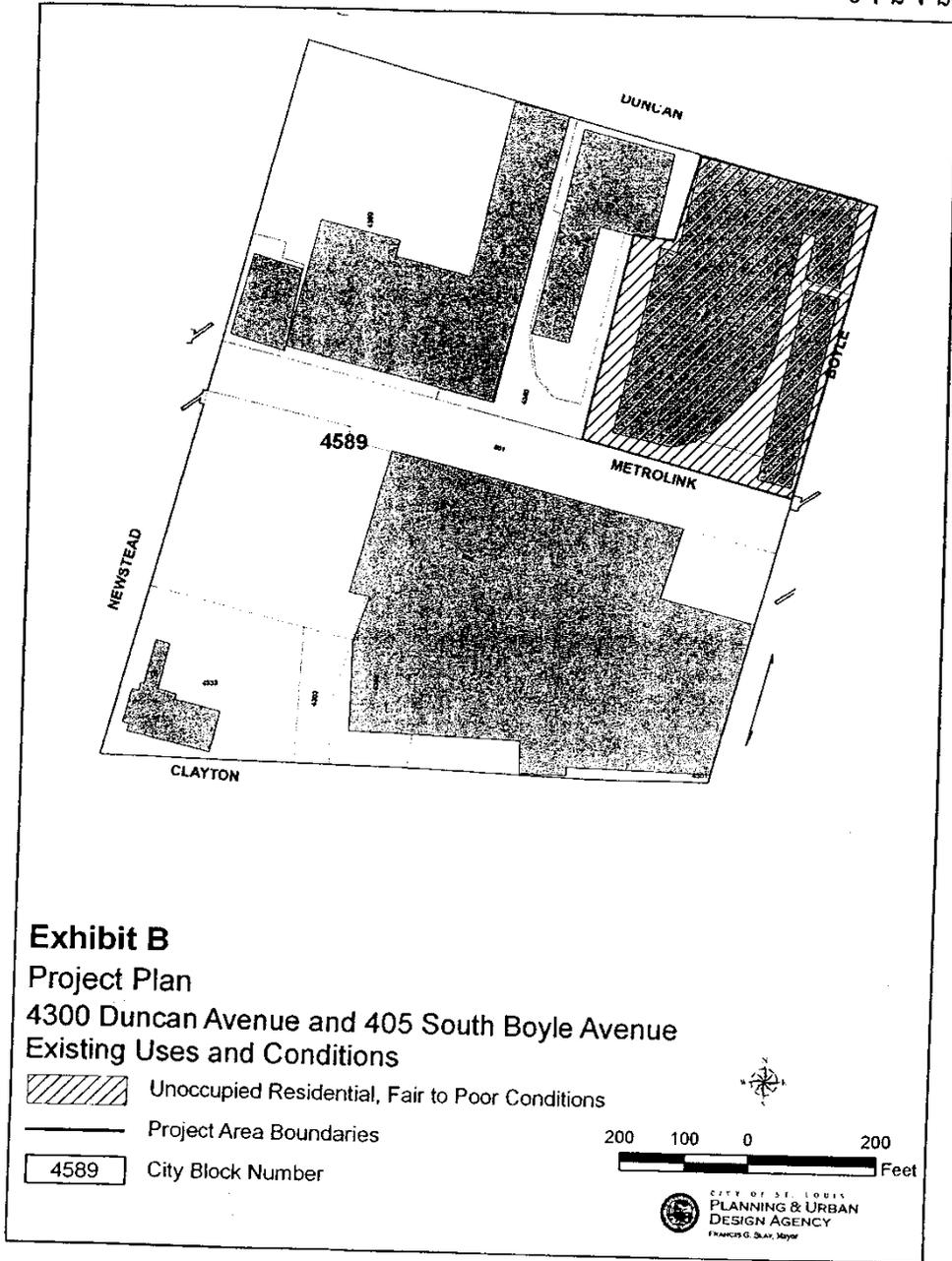
The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation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

The Redeveloper shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance #60275 which is codified at Chapter 3.09 of the Revised Ordinances of the City of St. Louis.

**Approved: November 7, 2006**

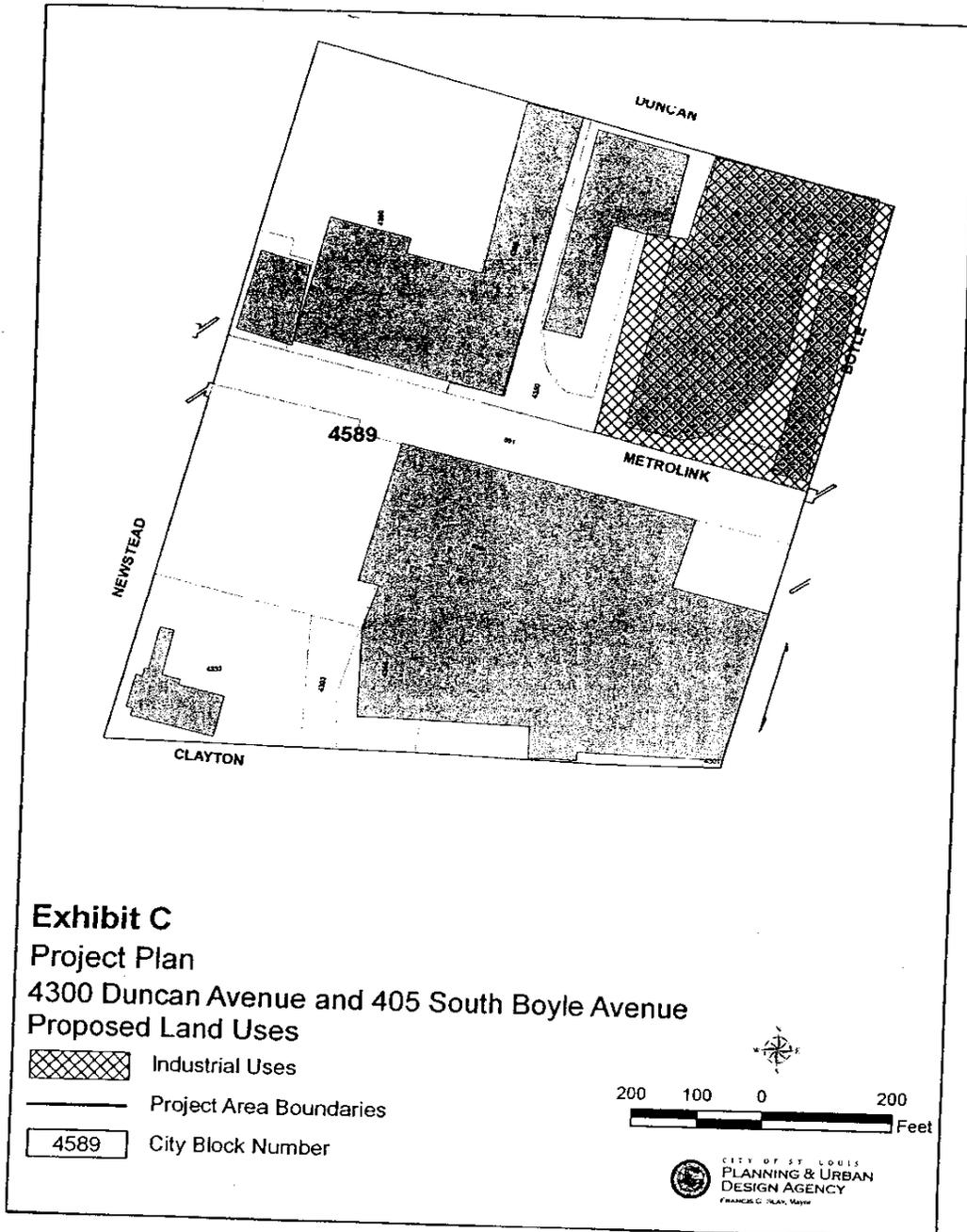
ORDINANCE NO. 67272 - EXHIBIT B

67272



ORDINANCE NO. 67272 - EXHIBIT C

67272



ORDINANCE NO. 67272 - EXHIBIT D

67272

