

ORDINANCE #67870
Board Bill No. 422
Floor Substitute

An ordinance approving a Redevelopment Plan for the N. Broadway St./Carrie Ave./ Bulwer Ave./Harris Ave. Area ("Area") after finding that the Area is blighted as defined in Sections 100.310 (2), (11), (18) of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being Sections 100.300 to 100.620 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 November 27, 2007 for the Area ("Plan"), incorporated herein by attached Exhibit "B",; 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 **any** property in the Area may be acquired by the Planned Industrial Expansion Authority of the City of St. Louis ("PIEA") through the exercise of eminent domain or otherwise; finding that the property within the Area is **partially occupied**, and 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 be available up to ten (10) year 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 the St. Louis Board of Aldermen ("Board") has considered "Blighting Study and Plan for N. Broadway St./Carrie Ave./Bulwer Ave./Harris Ave. Area," dated November 27, 2007 consisting of a title page, table of contents page, seven (7) numbered pages and five (5) exhibits attached hereto and incorporated herein as Exhibit "B" pursuant to Section 8 hereof ("Plan") and based on the information in the Plan, specifically the Blighting Study in Exhibit "F" to the Plan, considered each individual parcel of property in the Area and found the predominance of the Area to be blighted; 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 PIEA, 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 PIEA under Section 100.300 to 100.620; and

WHEREAS, the PIEA has, after considering each individual parcel of property in the Area and finding the preponderance of the Area to be blighted, recommended such a Plan to the Planning Commission of the City of St. Louis ("Planning Commission") and the Board, 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 PIEA, undertake and administer the Plan in the Area; and

WHEREAS, the PIEA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by Section 100.400 and this Board has been fully apprised by the PIEA 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 PIEA 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 PIEA 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 100.400 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, insanitary, or undeveloped industrial area, as defined by Sections 100.310 (2), (11), and (18) of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being Sections 100.300 to 100.620 inclusive) described in Exhibit "A", attached hereto and incorporated herein, known as the N. Broadway St./Carrie Ave./ Bulwer Ave./Harris Ave. Area ("Area"). The existence of a preponderance of deteriorated property and other conditions constitutes both an economic or social liability to the City and presents a hazard to the health and well-being of its citizens. These conditions therefore, qualify the Area as blighted within the meaning of Section 100.310 (2), (11), (18) of the Revised Statutes of Missouri, 2000 as amended, as evidenced by the Blighting Report attached to Exhibit "B" hereto, and labeled Exhibit "F" incorporated herein by reference.

SECTION TWO. Industrial development 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 of St. Louis ("City").

SECTION THREE. The Area qualifies as an industrial development area in need of industrial development under the provisions of the Statute, and the Area is blighted as defined in Sections 100.310 (2), (11), (18) of the Statute..

SECTION FOUR. The Blighting Study and Plan for the Area, dated November 27, 2007 ("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 development 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 Planned Industrial Expansion Authority of the City of St. Louis ("PIEA") **may acquire any property in the Area by the exercise of eminent domain or otherwise.**

SECTION NINE. In the event that the PIEA acquires property within the Area through the use of eminent domain, the occupant(s) of such property, in addition to receiving the benefits of the applicable municipal relocation ordinances, shall be provided a period of time to vacate such property of not less than six (6) months from the date of the filing of the condemnation petition.

SECTION TEN. The property within the Area is **partially occupied.** All eligible occupants displaced by the developer

("Developer" being defined in Section Twelve, below) shall be given relocation assistance by the Developer at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

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

SECTION TWELVE. 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 THIRTEEN. All parties participating as owners or purchasers of property in the Area for development 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 Developer is a party, and shall be enforceable by the PIEA, the City and the United States of America.

SECTION FOURTEEN. In all contracts with private and public parties for development of any portion of the Area, all Developers 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 PIEA 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 Developer.

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 "Developer" as used in this Section shall include its successors in interest and assigns.

SECTION FIFTEEN. A Developer shall hereby be entitled to the ad valorem tax abatement which shall not include any Special Business District, Neighborhood Improvement district, Commercial District, or any other single local taxing district created in accordance with Missouri Law, whether now existing or later created, for a period of ten (10) years from the commencement of such tax abatement. If property is sold by the PIEA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if such corporation shall own property within the Area, then for up to 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 up to the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year 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 PIEA and leased to any such corporation then such corporation for up to 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, including land and improvements, during the calendar year preceding the calendar year 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 of St. Louis, 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 PIEA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

SECTION SIXTEEN. Any proposed modification which will substantially change the Plan, shall 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 PIEA, provided that such revisions shall be effective only upon the consent of the Planning Commission changes which are not substantial are those that do not go to the crux of the Plan.

SECTION SEVENTEEN. 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"

**N. BROADWAY ST./CARRIE AVE./BULWER AVE./HARRIS AVE. AREA
LEGAL DESCRIPTION**

All of City Blocks 3430, 3433, 3444, 3447, 3458, 3463, 3431, 3432, 3445, 3446, and a portion of City Block 3460 and 3461 in the City of St. Louis, more specifically described as follows:

Beginning at the part of intersection of the westward prolongation of the south line of E. Harris Avenue (60' wide) and the west line of N. Broadway Street (80' wide); thence northwardly along said west line of N. Broadway to its point of intersection with the westward prolongation of the north line of E. Clarence Avenue (60' wide); thence eastwardly along said westward prolongation and said north line of E. Clarence Avenue to its point of intersection with the southward prolongation of the west line of Quida Avenue (50' wide); thence northwardly along said southward prolongation and said west line of Quida Avenue to its point of intersection with the south line of E. Pope Avenue (60' wide); thence westwardly along said south line of E. Pope Avenue to its point of intersection with the southward prolongation of the west line of a north-south 10 foot wide alley in City Block 3461; thence northwardly along said west alley line to its point of intersection with the north line of E. Carrie Avenue; thence eastwardly along said north line of E.

Carrie Avenue across all intersecting streets and alleys to its point of intersection with the east line of Bulwer Avenue (80' wide); thence southwardly along said east line of Bulwer Avenue across all intersecting streets to its point of intersection with the south line of E. Harris Avenue; thence westwardly along said south line of E. Harris Avenue across all intersecting streets and its westward prolongation to its point of intersection with the west line of N. Broadway, the point of beginning.

EXHIBIT "B"
Form: 11/27/07

BLIGHTING STUDY AND PLAN
FOR THE
N. BROADWAY ST/CARRIE AVE./BULWER AVE./HARRIS AVE. AREA
PROJECT #5110
PLANNED INDUSTRIAL EXPANSION AUTHORITY
OF THE CITY OF ST. LOUIS
November 27, 2007

MAYOR
FRANCIS G. SLAY

BLIGHTING STUDY AND PLAN FOR
N. BROADWAY ST/CARRIE AVE./BULWER AVE./HARRIS AVE. AREA

	<u>PAGE</u>
A. EXISTING CONDITIONS AND FINDING OF BLIGHT	1
1. DELINEATION OF BOUNDARIES	1
2. GENERAL CONDITION OF THE AREA	1
3. PRESENT LAND USE OF THE AREA	1
4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES	1
5. CURRENT ZONING	1
6. FINDING OF BLIGHT	2
B. PROPOSED DEVELOPMENT AND REGULATIONS	2
1. DEVELOPMENT OBJECTIVES	2
2. PROPOSED LAND USE OF THE AREA	2
3. PROPOSED ZONING	2
4. RELATIONSHIP TO LOCAL OBJECTIVES	2
5. PROPOSED EMPLOYMENT FOR THIS AREA	3
6. CIRCULATION	3
7. BUILDING AND SITE REGULATIONS	3
8. URBAN DESIGN	3
9. PARKING REGULATIONS	4
10. SIGN REGULATIONS	4
11. BUILDING, CONDITIONAL USE AND SIGN PERMITS	4
12. PUBLIC IMPROVEMENTS	4
C. PROPOSED SCHEDULE OF DEVELOPMENT	4
D. EXECUTION OF PROJECT	5
1. ADMINISTRATION AND FINANCING	5
2. PROPERTY ACQUISITION	5
3. PROPERTY DISPOSITION	5
4. RELOCATION ASSISTANCE	5

E. COOPERATION OF THE CITY 5

F. TAX ABATEMENT 5

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS 6

 1. LAND USE 6

 2. CONSTRUCTION AND OPERATIONS 6

 3. LAWS AND REGULATIONS 6

 4. ENFORCEMENT 7

H. MODIFICATIONS OF THIS PLAN 7

I. DURATION OF REGULATION AND CONTROLS 7

J. EXHIBITS 7

K. SEVERABILITY 7

EXHIBITS

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

CITIZENS' SERVICE BUREAU - WORKORDER SUMMARY REPORT

CASE FILES - WHEN AVAILABLE

PHOTOS OF PROPERTY

A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The N. Broadway St./Carrie Ave./Bulwer Ave./Harris Ave. Area ("Area") encompasses approximately 49 acres in the North Riverfront neighborhood of the City of St. Louis ("City") including rights of way, and includes the area bounded generally by N. Broadway Street to the west, Bulwer Avenue on the east, and Harris Avenue on the south, and Carrie Avenue to the north

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 all of City Blocks 3430, 3433, 3444, 3447, 3458, 3463, 3431, 3432, 3445, 3446 and portions of City Blocks 3460 and 3461, and includes the following addresses: 600-714 & 601-715 Red Bud Avenue, 601-57 Harris Avenue, 5600-6130 &5601-6131 Prescott Avenue, 5600-6130 N. Broadway Street, 600-726 & 601-727 Athlone Avenue, 600-52 & 601-51 Holly Avenue, 600-746 & 601-747 Clarence Avenue, 600-750 & 601-751 Pope Avenue, 600-824 Carrie Avenue and 5601-6131 Bulwer Avenue. The parcel by parcel building

conditions in the Area are shown in Exhibit "B" (Project Area Plan).

Unemployment figures, computed by the Missouri State Employment Service, indicate a 7.6 % unemployment rate for the City as of August, 2007. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area.

There are currently 50-100 jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area include residential, industrial, commercial, institutional, utility, and vacant land.

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 residential, commercial and industrial purposes.

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

5. CURRENT ZONING

The Area is zoned "J" Industrial District and "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 partially occupied and in the conditions outlined in Exhibit "F". The existence of deteriorated property constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use. The preponderance of properties in the Area has been determined to be blighted within the meaning of Section 100.300 et seq. of the Revised Statutes of Missouri (the Planned Industrial Expansion Authority Law) as evidenced by the Blighting Report attached hereto, labeled Exhibit "F" and incorporated herein by this reference.

B. PROPOSED DEVELOPMENT AND REGULATIONS

1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan are to eliminate blight within the area and to facilitate the development of the Area into approximately 500,000 to 1 million square feet of productive commercial and industrial uses.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are commercial and industrial uses permitted in Areas designated δJδ Industrial and "K" Unrestricted District by the City of St.δLouis Zoning Code. The Developer(s) contracting with the Planned Industrial Expansion Authority of the City of St. Louis (δPIEAδ) to develop property in the Area (hereafter referred to as δRedeveloperδ) 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), pinball arcades, pool halls, secondhand or junk shops, tattoo parlors, blood donor facilities, free standing package liquor stores, check cashing centers.

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

3. PROPOSED ZONING

The zoning for the Area can remain the Industrial District and "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 Strategic Land Use Plan (2005). Any specific proposal to the PIEA 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

Two hundred to three hundred new jobs may be created in this Area as a result of this development.

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 Developer shall develop the Area in accordance with this Plan and the Development Agreement, and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Developer in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to meet this requirement may result in suspension of tax abatement.

8. URBAN DESIGN

a. Urban Design Objectives

The properties shall be developed such that they are attractive commercial and industrial assets to the surrounding neighborhood.

b. Urban Design Regulations

Rehabilitation shall respect the original exterior and the 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, material, 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.

10. SIGN REGULATIONS

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

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

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

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 Developer.

If funds are available to the PIEA, 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 two (2) years of approval of this Plan by ordinance and completed within approximately five (5) years of approval of this Plan by ordinance.

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

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The PIEA 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 Planned Industrial Expansion Authority Law of Missouri.

All costs associated with the development of the Area will be borne by the Developer (s).

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

2. PROPERTY ACQUISITION

The Property Acquisition Map, Exhibit "D" attached, identifies all of the property located in the Area. **The PIEA may acquire any property in the Area by the exercise of eminent domain or otherwise.**

3. PROPERTY DISPOSITION

If the PIEA acquires property in the Area, it may sell or lease the property to a Developer (s) who shall agree to develop such property in accordance with this Plan and the Development Agreement between such Developer (s) and the PIEA. Any property acquired by the PIEA and sold to Developer (s) will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 100.410, R.S. Mo. (2000) as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

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

If property in the Area is sold by the PIEA 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 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 up to the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year 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 PIEA and leased to any such corporation, then such corporation for 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 PIEA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

A Developer 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.

2. CONSTRUCTION AND OPERATIONS

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

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Development Agreement between the PIEA and a Developer, 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 Developer, its heirs, successors or assigns, by the PIEA, 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 PIEA, provided that such revisions shall be effective only upon the consent of the Planning and Urban Design 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"**N. BROADWAY ST./CARRIE AVE./BULWER AVE./HARRIS AVE. AREA
LEGAL DESCRIPTION**

All of City Blocks 3430, 3433, 3444, 3447, 3458, 3463, 3431, 3432, 3445, 3446, and a portion of City Block 3460 and 3461 in the City of St. Louis, more specifically described as follows:

Beginning at the part of intersection of the westward prolongation of the south line of E. Harris Avenue (60' wide) and the west line of N. Broadway Street (80' wide); thence northwardly along said west line of N. Broadway to its point of intersection with the westward prolongation of the north line of E. Clarence Avenue (60' wide); thence eastwardly along said westward prolongation and said north line of E. Clarence Avenue to its point of intersection with the southward prolongation of the west line of Quida Avenue (50' wide); thence northwardly along said southward prolongation and said west line of Quida Avenue to its point of intersection with the south line of E. Pope Avenue (60' wide); thence westwardly along said south line of E. Pope Avenue to its point of intersection with the southward prolongation of the west line of a north-south 10 foot wide alley in City Block 3461; thence northwardly along said west alley line to its point of intersection with the north line of E. Carrie Avenue; thence eastwardly along said north line of E. Carrie Avenue across all intersecting streets and alleys to its point of intersection with the east line of Bulwer Avenue (80' wide); thence southwardly along said east line of Bulwer Avenue across all intersecting streets to its point of intersection with the south line of E. Harris Avenue; thence westwardly along said south line of E. Harris Avenue across all intersecting streets and its westward prolongation to its point of intersection with the west line of N. Broadway, the point of beginning.

See attached Exhibits B, C & D

EXHIBIT "E"
FORM: 08/02/99

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 Redeveloper 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 Redeveloper 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.

EXHIBIT "F"
DATA AND ANALYSIS OF CONDITIONS REPRESENTING A "BLIGHTED AREA"
Is on file in the Register Office.

Approved: February 4, 2008

ORDINANCE NO. 67870 - EXHIBIT B



