

ORDINANCE #69390
Board Bill No. 281
Committee Substitute

AN ORDINANCE AFFIRMING ADOPTION OF A REDEVELOPMENT PLAN, REDEVELOPMENT AREA, AND REDEVELOPMENT PROJECTS; AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF ST. LOUIS, MISSOURI, AND ST. LOUIS INNOVATION DISTRICT, LLC; PRESCRIBING THE FORM AND DETAILS OF SAID AGREEMENT; DESIGNATING ST. LOUIS INNOVATION DISTRICT, LLC, AS DEVELOPER OF THE REDEVELOPMENT AREA; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AUTHORIZING OTHER RELATED ACTIONS IN CONNECTION WITH THE REDEVELOPMENT OF CERTAIN PROPERTY WITHIN THE REDEVELOPMENT AREA; AMENDING ORDINANCE NO. 66633; AND CONTAINING A SEVERABILITY CLAUSE.

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

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

WHEREAS, on October 30, 2012, and December 12, 2012, after all proper notice was given, the TIF Commission held a public hearing in conformance with the TIF Act (hereinafter defined) and received comments from all interested persons and taxing districts relative to the Redevelopment Area (as defined herein), the St. Louis Innovation District Tax Increment Financing (TIF) Redevelopment Plan dated October 4, 2011, and revised December 3, 2012 (the “2012 Redevelopment Plan”), a redevelopment project for the portion of the Redevelopment Area described in the 2012 Redevelopment Plan as “RPA 1A” (the “2012 RPA 1A Redevelopment Project”), and a redevelopment project for the portion of the Redevelopment Area described in the 2012 Redevelopment Plan as “RPA 1B” (the “RPA 1B Redevelopment Project”); and

WHEREAS, the St. Louis Innovation District Tax Increment Financing (TIF) Redevelopment Plan was subsequently revised on January 11, 2013 (as revised, the “Redevelopment Plan”), which revision divided “RPA 1A” into two redevelopment project areas known as “RPA 1A(I)” and “RPA 1A(II)” and correspondingly divided the 2012 RPA 1A Redevelopment Project into the “RPA 1A(I) Redevelopment Project” and the “RPA 1A(II) Redevelopment Project”; and

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 through 99.865 of the Revised Statutes of Missouri (2000), as amended (the “Act” or “TIF Act”), and after due consideration of the TIF Commission’s recommendations, the Board of Aldermen of the City of St. Louis, Missouri adopted Ordinance No. _____ [Committee Substitute Board Bill No. _____] on _____, 2013, which Ordinance: (i) adopted and approved the Redevelopment Plan, (ii) designated the Redevelopment Area (as described in the Redevelopment Plan) as a “redevelopment area” as that term is defined in the TIF Act (the “Redevelopment Area”), (iii) adopted and approved the RPA 1A(I) Redevelopment Project and the RPA 1B Redevelopment Project, (iv) adopted tax increment allocation financing within RPA 1A(I) and RPA 1B, (v) established the “St. Louis Innovation District Special Allocation Fund,” and (vi) made certain findings with respect thereto, all as set forth in such Ordinance and in accordance with the requirements of the TIF Act; and

WHEREAS, the Redevelopment Plan proposes to redevelop the Redevelopment Area through the rehabilitation and redevelopment of all or a portion of the Redevelopment Area into commercial, residential, retail, and related space, together with related improvements, as set forth in the Redevelopment Plan, which redevelopment includes, but is not limited to, the RPA 1A(I) Redevelopment Project and the RPA 1B Redevelopment Project; and

WHEREAS, pursuant to Ordinance No. _____ [Committee Substitute Board Bill No. _____], the Board of Aldermen has determined that completion of the RPA 1A(I) Redevelopment Project and the RPA 1B Redevelopment Project are of economic significance to the City and will serve to benefit the general welfare, and further, that redevelopment of the Redevelopment Area, in accordance with the Redevelopment Plan is not financially feasible without the adoption of tax increment allocation financing and would not otherwise be completed; and

WHEREAS, the Redevelopment Area qualifies for the use of tax increment allocation financing to alleviate the conditions that qualify it as a “blighted area” as provided in the TIF Act and as set forth herein; and

WHEREAS, it is necessary and desirable and in the best interest of the City to enter into a redevelopment agreement with St. Louis Innovation District, LLC, a Missouri limited liability company (the “Developer”), in order that Developer may redevelop the Redevelopment Area as described in the Redevelopment Plan, which will provide for the promotion of the general welfare through redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan; and

WHEREAS, the redevelopment of the Redevelopment Area, as described in the Redevelopment Plan, will assist in the physical, economic, and social development of the City, provide for the optimal growth of the City, encourage a sense of community identity, safety and civic pride and eliminate impediments to development in the City; and

WHEREAS, pursuant to the provisions of the TIF Act, the City is authorized to enter into a redevelopment agreement with the Developer, setting forth the respective rights and obligations of the City and Developer with regard to the redevelopment of the Redevelopment Area; and

WHEREAS, the Board of Aldermen hereby determines that the terms of the Redevelopment Agreement attached as **Exhibit A** hereto and incorporated herein by reference (the “Redevelopment Agreement”) are acceptable and that the execution, delivery and performance by the City and the Developer of their respective obligations under the Redevelopment Agreement are in the best interests of the City and the health, safety, morals and welfare of its residents, and in accord with the public purposes specified in the TIF Act and the Redevelopment Plan; and

WHEREAS, the Board of Aldermen hereby determines that the terms of the Parcel Development Agreement attached as **Exhibit L** to the Redevelopment Agreement are acceptable for the development of the redevelopment projects enumerated in the Redevelopment Plan and are in the best interests of the City and the health, safety, morals and welfare of its residents, and in accord with the public purposes specified in the TIF Act and the Redevelopment Plan.

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

SECTION ONE. The Board of Aldermen hereby ratifies and confirms its approval by Ordinance of the Redevelopment Plan, Redevelopment Area, the RPA 1A(I) Redevelopment Project and the RPA 1B Redevelopment Project. The Board of Aldermen further finds and determines that it is necessary and desirable to enter into the Redevelopment Agreement with the Developer to implement the Redevelopment Plan and to enable the Developer to carry out its proposal for completion of the redevelopment projects described therein.

SECTION TWO. The Board of Aldermen finds and determines that the assistance of tax increment financing is necessary and desirable in order to implement the Redevelopment Plan and to enable the Developer to carry out its proposal for completion of the redevelopment projects described therein.

SECTION THREE. The Board of Aldermen hereby approves, and the Mayor and the Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the Redevelopment Agreement by and between the City and the Developer attached hereto as **Exhibit A**, and the City Register is hereby authorized and directed to attest to the Redevelopment Agreement and to affix the seal of the City thereto. The Redevelopment Agreement shall be in substantially the form attached, with such changes therein as shall be approved by said Mayor and Comptroller executing the same and as may be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out the matters herein authorized.

SECTION FOUR. The Board of Aldermen hereby amends Ordinance No. 66633 to conform with the intent and purpose of the Redevelopment Plan, the Redevelopment Agreement and the CORTEX West Redevelopment Plan adopted pursuant to Ordinance No. 66985 by adding a new Section Seventeen thereto to read as follows:

SECTION SEVENTEEN. In lieu of maintaining the real estate tax abatement authorized in Section Fourteen, the Redeveloper, prior to October 31, 2015, may elect to enter into a Parcel Development Agreement (as that term is defined in the CORTEX West Redevelopment Plan) with the CORTEX West Redevelopment Corporation provided that said Parcel Development Agreement shall limit real estate tax abatement conferred to the Redeveloper by the CORTEX West Redevelopment Corporation to be measured by the assessed valuation of the Area as determined by the Assessor upon the basis of fifty percent (50%) of the true value of such Area for a period of fifteen (15) years as measured from January 1, 2016 through December 31, 2030.

SECTION FIVE. The Mayor and the Comptroller of the City or their designated representatives are hereby authorized

and directed to take any and all actions to execute and deliver for and on behalf of the City any and all additional certificates, documents, agreements or other instruments as may be necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the Board of Aldermen necessary to authorize such action by the Mayor and the Comptroller or their designated representatives.

SECTION SIX. The Mayor and the Comptroller or their designated representatives, with the advice and concurrence of the City Counselor and after approval by the Board of Estimate and Apportionment, are hereby further authorized and directed to make any changes to the documents, agreements and instruments approved and authorized by this Ordinance as may be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the Board of Aldermen necessary to authorize such changes by the Mayor and the Comptroller or their designated representatives.

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

SECTION EIGHT. After adoption of this Ordinance by the Board of Aldermen, this Ordinance shall become effective on the 30th day after its approval by the Mayor or adoption over his veto; provided that if, within ninety (90) days after the effective date of this Ordinance, the Developer has not executed the Redevelopment Agreement and paid all fees due to the City in accordance with the terms of said Redevelopment Agreement, the provisions of this Ordinance shall be deemed null and void and of no effect and all rights conferred by this Ordinance on Developer, shall terminate; provided further, however, that prior to any such termination the Developer may seek an extension of time in which to execute said Redevelopment Agreement, which extension may be granted in the sole discretion of the Board of Estimate and Apportionment.

Exhibit A
REDEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF ST. LOUIS, MISSOURI
AND ST. LOUIS INNOVATION DISTRICT, LLC
[Attached hereto]

(Plans for Board Bill No. 281 (Committee Substitute) - Is on file in the Register's Office.)

Approved: February 12, 2013