

ORDINANCE 70937

BOARD BILL NO. 187 INTRODUCED BY: ALDERMAN TERRY KENNEDY

1 An ordinance approving a Redevelopment Plan for the 4965-4975 Dr. Martin Luther King Dr.
2 ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised
3 Statutes of Missouri, 2016, as amended, (the "Statute" being Sections 99.300 to 99.715
4 inclusive), containing a description of the boundaries of said Area in the City of St. Louis
5 ("City"), attached hereto and incorporated herein as Attachment "A", finding that
6 redevelopment and rehabilitation of the Area is in the interest of the public health, safety,
7 morals and general welfare of the people of the City; approving the Plan dated November 13,
8 2018 for the Area ("Plan"), incorporated herein by attached Attachment "B", pursuant to
9 Section 99.430; finding that there is a feasible financial plan for the development of the Area
10 which affords maximum opportunity for development of the Area by private enterprise; finding
11 that no property in the Area may be acquired by the Land Clearance for Redevelopment
12 Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain; finding
13 that the property within the Area is unoccupied, but if it should become occupied the
14 Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of
15 implementation of the Plan; finding that financial aid may be necessary to enable the Area to be
16 redeveloped in accordance with the Plan; finding that there shall be available ten (10) year tax
17 abatement (based on 95% of the assessed value of the incremental improvements) ; and pledging
18 cooperation of the Board of Aldermen and requesting various officials, departments, boards and
19 agencies of the City to cooperate and to exercise their respective powers in a manner consistent
20 with the Plan.

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

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

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

16 WHEREAS, the LCRA has recommended such a plan to the Planning Commission of
17 the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen
18 ("Board"), titled "Blighting Study and Plan for the 4965-4975 Dr. Martin Luther King Dr.,"
19 dated November 13, 2018 consisting of a Title Page, a Table of Contents Page, and twenty-one
20 (21) numbered pages, attached hereto and incorporated herein as Attachment "B" ("Plan"); and

1 WHEREAS, under the provisions of the Statute it is required that this Board take such
2 actions as may be required to approve the Plan; and

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

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

9 WHEREAS, the Plan has been presented and recommended by LCRA to this Board for
10 review and approval; and

11 WHEREAS, a general plan has been prepared and is recognized and used as a guide for
12 the general development of the City and the Planning Commission has advised this Board that
13 the Plan conforms to said general plan; and

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

16 WHEREAS, the Plan does prescribe land use and street and traffic patterns which may
17 require, among other things, the vacation of public rights-of-way, the establishment of new
18 street and sidewalk patterns or other public actions; and

19 WHEREAS, this Board is cognizant of the conditions which are imposed on the
20 undertaking and carrying out of the Project, including those relating to prohibitions against

1 discrimination because of race, color, familial status, national origin or ancestry, sex, marital
2 status, age, sexual orientation, gender identity or expression, religion or disability; and

3 WHEREAS, in accordance with the requirements of Section 99.430 of the Statute, this
4 Board advertised that a public hearing would be held by this Board on the Plan, and said
5 hearing was held at the time and place designated in said advertising and all those who were
6 interested in being heard were given a reasonable opportunity to express their views; and

7 WHEREAS, it is necessary that this Board take appropriate official action respecting the
8 approval of the Plan.

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

11 **SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as
12 defined by Section 99.320 of the Revised Statutes of Missouri, 2016, as amended, (the "Statute"
13 being Sections 99.300 to 99.715 inclusive, as amended) described in Attachment "A", attached
14 hereto and incorporated herein, known as the 4965-4975 Dr. Martin Luther King Dr. Area.

15 **SECTION TWO.** The redevelopment of the above described Area, as provided by the
16 Statute, is necessary and in the public interest, and is in the interest of the public health, safety,
17 morals and general welfare of the people of the City.

18 **SECTION THREE.** The Area qualifies as a redevelopment area in need of
19 redevelopment under the provision of the Statute, and the Area is blighted as defined
20 in Section 99.320 of the Statute.

1 **SECTION FOUR.** The Blighting Study and Plan for the Area, dated November 13,
2 2018, ("Plan") having been duly reviewed and considered, is hereby approved and incorporated
3 herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is
4 hereby directed to file a copy of said Plan with the Minutes of this meeting.

5 **SECTION FIVE.** The Plan for the Area is feasible and conforms to the general plan
6 for the City.

7 **SECTION SIX.** The financial aid provided and to be provided for financial assistance
8 pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in
9 accordance with the Plan for the Area, and the proposed financing plan for the Area is feasible.

10 **SECTION SEVEN.** The Plan for the Area will afford maximum opportunity,
11 consistent with the sound needs of the City as a whole, for the redevelopment of the Area by
12 private enterprise, and private developments to be sought pursuant to the requirements of the
13 Statute.

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

17 **SECTION NINE.** The property within the Area is currently unoccupied, but if it
18 should become occupied all eligible occupants displaced by the Redeveloper ("Redeveloper"
19 being defined in Section Twelve, below) shall be given relocation assistance by the
20 Redeveloper at its expense, in accordance with all applicable federal, state and local laws,
21 ordinances, regulations and policies.

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

3 **SECTION ELEVEN.** In order to implement and facilitate the effectuation of the Plan
4 hereby approved it is found and determined that certain official actions must be taken by this
5 Board and accordingly this Board hereby:

6 (a) Pledges its cooperation in helping to carry out the Plan;

7 (b) Requests the various officials, departments, boards and agencies of the City,
8 which have administrative responsibilities, likewise to cooperate to such end and to execute
9 their respective functions and powers in a manner consistent with the Plan; and

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

12 **SECTION TWELVE.** All parties participating as owners or purchasers of property in
13 the Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs,
14 successors and assigns that they shall not discriminate on the basis of race, color, familial status,
15 national origin or ancestry, sex, marital status, age, sexual orientation, gender identity or
16 expression, religion or disability in the sale, lease, or rental of any property or improvements
17 erected or to be erected in the Area or any part thereof and those covenants shall run with the
18 land, shall remain in effect without limitation of time, shall be made part of every contract for
19 sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the
20 LCRA, the City and the United States of America.

1 **SECTION THIRTEEN.** In all contracts with private and public parties for
2 redevelopment of any portion of the Area, all Redevelopers shall agree:

3 (a) To use the property in accordance with the provisions of the Plan, and be bound
4 by the conditions and procedures set forth therein and in this Ordinance;

5 (b) That in undertaking construction under the agreement with the LCRA and the
6 Plan, bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises
7 ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase
8 orders;

9 (c) To be bound by the conditions and procedures regarding the utilization of
10 MBE's and WBE's established by the City;

11 (d) To adhere to the requirements of Ordinance #70767 and the Executive Orders
12 #28 and #47, as may be amended and supplemented.

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

14 (f) To cooperate with those programs and methods supplied by the City with the
15 purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and
16 material supplier participation in the construction under this Agreement. The Redeveloper will
17 report semi-annually during the construction period the results of its endeavors under this
18 paragraph, to the Office of the Mayor and the President of this Board; and

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

1 The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-
2 profit organization owned, operated and controlled by minority group members who have at
3 least fifty-one percent (51%) ownership. The minority group member(s) must have operational
4 and management control, interest in capital and earnings commensurate with their percentage of
5 ownership. The term Minority Group Member(s) shall mean persons legally residing in the
6 United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or
7 Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the
8 Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos,
9 Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or
10 Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit
11 or non-profit organization owned, operated and controlled by a woman or women who have at
12 least fifty-one percent (51%) ownership. The woman or women must have operational and
13 managerial control, interest in capital and earnings commensurate with their percentage of
14 ownership.

15 The term "Redeveloper" as used in this Section shall include its successors in interest
16 and assigns.

17 **SECTION FOURTEEN.** The Redeveloper(s) may seek ten (10) year ad valorem real
18 estate tax abatement (the "Tax Abatement Period") pursuant to Sections 99.700 – 99.715,
19 RSMo, as amended, upon application as provided therein. LCRA shall provide the
20 Redeveloper(s) with a Certificate of Qualification of Tax Abatement as provided in Section
21 99.700, RSMo, and any redevelopment agreement, and the Redeveloper shall file such
22 certificate with the City Assessor within thirty (30) days receipt thereof as required by Section

1 99.705, RSMo. The City Assessor shall, promptly after receipt of the certificate, provide a
2 written certification of the current assessed value of the then-existing applicable real property or
3 portion thereof (the “Base Assessed Value”) to the Redeveloper(s).

4 During the Tax Abatement Period, and subject to continued compliance with the Plan and any
5 redevelopment agreement, the Redeveloper(s) (or subsequent owners of the applicable real
6 property or portion thereof) shall pay unabated ad valorem real estate taxes and make additional
7 payments in lieu of taxes (“PILOTs”) as follows:

- 8 • During each year of the Tax Abatement Period, unabated ad valorem real estate
9 taxes will be imposed based on the then-current tax levy rates and the Base
10 Assessed Value of the applicable real property or portion thereof pursuant to
11 Section 99.710, RSMo; and
- 12 • During each year of the Tax Abatement Period, PILOTs shall equal:
 - 13 ○ In each of years one through ten of the Tax Abatement Period, an
14 amount equal to five percent (5%) of the difference between the ad
15 valorem real estate taxes that would be due if there were no abatement
16 and the amount of taxes actually due (as described above);

17 Pursuant to Section 99.715, RSMo, nothing in the Plan shall prevent the City Assessor from
18 increasing or decreasing the assessed value of the any real property or portion thereof that is not
19 subject to a Certificate of Qualification of Tax Abatement properly filed with the City Assessor.

20 All unabated ad valorem real estate taxes and PILOTs shall be collected by the City Collector of
21 Revenue in the same manner as regular ad valorem real estate taxes.

1 **SECTION FIFTEEN.** Any proposed modification which will substantially change the
2 Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was
3 first approved. Modifications which will substantially change the Plan include, but are not
4 necessarily limited to, modifications on the use of eminent domain, to the length of tax
5 abatement, to the boundaries of the Area, to the urban design objectives, to the urban design
6 regulations, or to other items which alter the nature or intent of the Plan. The Plan may be
7 otherwise modified (e.g. development schedule) by the LCRA in accordance with its July 24,
8 2018 policy governing time extensions, as may be amended.

9 **SECTION SIXTEEN.** The sections of this Ordinance shall be severable. In the event
10 that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the
11 remaining sections of this Ordinance are valid, unless the court finds the valid sections of the
12 Ordinance are so essential and inseparably connected with and dependent upon the void section
13 that it cannot be presumed that this Board would have enacted the valid sections without the
14 void ones, or unless the court finds that the valid sections standing alone are incomplete and are
15 incapable of being executed in accordance with the legislative intent.

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