

1 **BOARD BILL NO. 264**

**INTRODUCED BY ALDERMAN DAN GUENTHER**

2 An ordinance approving a Redevelopment Plan for the 3450 Wisconsin Ave. ("Area") after  
3 finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri,  
4 2000, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), containing a  
5 description of the boundaries of said Area in the City of St. Louis ("City"), attached hereto and  
6 incorporated herein as Attachment "A", finding that redevelopment and rehabilitation of the Area is  
7 in the interest of the public health, safety, morals and general welfare of the people of the City;  
8 approving the Plan dated January 23, 2018 for the Area ("Plan"), incorporated herein by attached  
9 Attachment "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the  
10 development of the Area which affords maximum opportunity for development of the Area by  
11 private enterprise; finding that no property in the Area may be acquired by the Land Clearance for  
12 Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent  
13 domain; finding that the property within the Area is unoccupied, but if it should become occupied  
14 the 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 10-year tax  
17 abatement (5-year 100 % tax abatement followed by 5-year tax abatement based on 75% of the assessed  
18 value of the incremental improvements); and pledging cooperation of the Board of Aldermen and  
19 requesting various officials, departments, boards and agencies of the City to cooperate and to  
20 exercise their respective powers in a manner consistent with the Plan.

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

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

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

13           WHEREAS, the LCRA has recommended such a plan to the Planning Commission of the  
14 City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"),  
15 titled "Blighting Study and Plan for the 3450 Wisconsin Ave.," dated January 23, 2018 consisting  
16 of a Title Page, a Table of Contents Page, and twenty-one (21) numbered pages, attached hereto and  
17 incorporated herein as Attachment "B" ("Plan"); and

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

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

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

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

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

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

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

15          WHEREAS, this Board is cognizant of the conditions which are imposed on the  
16 undertaking and carrying out of the Project, including those relating to prohibitions against  
17 discrimination because of race, color, familial status, national origin or ancestry, sex, marital status,  
18 age, sexual orientation, gender identity or expression, religion or disability; and

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

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

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

5           **SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as  
6 defined by Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute"  
7 being Sections 99.300 to 99.715 inclusive, as amended) described in Attachment "A", attached  
8 hereto and incorporated herein, known as the 3450 Wisconsin Ave. Area.

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

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

15           **SECTION FOUR.** The Blighting Study and Plan for the Area, dated January 23, 2018,  
16 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by  
17 reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby  
18 directed to file a copy of said Plan with the Minutes of this meeting.

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

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

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

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

10           **SECTION NINE.** The property within the Area is currently unoccupied. If it should  
11 become occupied, all eligible occupants displaced by the Redeveloper ("Redeveloper" being  
12 defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper at its  
13 expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and  
14 policies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           **SECTION FOURTEEN.** The Redeveloper(s) may seek ten (10) year ad valorem real  
2 estate tax abatement (the “Tax Abatement Period”) pursuant to Sections 99.700 – 99.715, RSMo,  
3 as amended, upon application as provided therein. LCRA shall provide the Redeveloper(s) with a  
4 Certificate of Qualification of Tax Abatement as provided in Section 99.700, RSMo, and any  
5 redevelopment agreement, and the Redeveloper shall file such certificate with the City Assessor  
6 within thirty (30) days receipt thereof as required by Section 99.705, RSMo. The City Assessor  
7 shall, promptly after receipt of the certificate, provide a written certification of the current assessed  
8 value of the then-existing applicable real property or portion thereof (the “Base Assessed Value”) to  
9 the Redeveloper(s).

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

- 14           • During each year of the Tax Abatement Period, unabated ad valorem real estate  
15           taxes will be imposed based on the then-current tax levy rates and the Base  
16           Assessed Value of the applicable real property or portion thereof pursuant to  
17           Section 99.710, RSMo; and

- 18           • During each year of the Tax Abatement Period, PILOTs shall equal:
  - 19           ○ In each of years one through five of the Tax Abatement Period, an amount  
20           equal to zero percent (0%) of the difference between the ad valorem real  
21           estate taxes that would be due if there were no abatement and the amount  
22           of taxes actually due (as described above); and



- 1                   o In each of years six through ten of the Tax Abatement Period, an amount  
2                   equal to twenty-five percent (25%) of the of the difference between the ad  
3                   valorem real estate taxes that would be due if there were no abatement and  
4                   the amount of taxes actually due (as described above).

5 The tax abatement described above shall not apply to special assessments and shall not serve to  
6 reduce or eliminate any other licenses or fees owing to the City or any other taxing jurisdiction with  
7 respect to the applicable real property or portion thereof, except as expressly described above.

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

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

13                   **SECTION FIFTEEN.** Any proposed modification which will substantially change the  
14 Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first  
15 approved. Modifications which will substantially change the Plan include, but are not necessarily  
16 limited to, modifications on the use of eminent domain, to the length of tax abatement, to the  
17 boundaries of the Area, to the urban design objectives, to the urban design regulations, or to other  
18 items which alter the nature or intent of the Plan. The Plan may be otherwise modified (e.g.  
19 development schedule) by the LCRA.

20                   **SECTION SIXTEEN.** The sections of this Ordinance shall be severable. In the event that  
21 any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the  
22 remaining sections of this Ordinance are valid, unless the court finds the valid sections of the  
23 Ordinance are so essential and inseparably connected with and dependent upon the void section that

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1 it cannot be presumed that this Board would have enacted the valid sections without the void ones,  
2 or unless the court finds that the valid sections standing alone are incomplete and are incapable of  
3 being executed in accordance with the legislative intent.