

## *St. Louis City Ordinance 62727*

FLOOR SUBSTITUTE

BOARD BILL NO. [92] 135

INTRODUCED BY ALDERMAN JACK GARVEY, PAUL BECKERLE

An ordinance finding that a blighted, insanitary, undeveloped industrial area as defined in Sections 100.310 (2), (11), (18) of the Revised Statutes of Missouri, 1988, as amended, (the "Statute" being Sections 100.300 to 100.620 inclusive), exists in the City of St. Louis ("City") and containing a description of the boundaries of said blighted area, attached hereto and incorporated herein as Exhibit "A", known as the Southtown Area ("Area"); finding that industrial development 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 Blighting Study and Plan dated July 28, 1992 for the Area, 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 no 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; finding that the Area is partially occupied and that the Developer 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 should be available a ten (10) year tax abatement; pledging cooperation of the Board of Aldermen ("Board") 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 and containing an emergency clause.

WHEREAS, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting or other conditions in the Area which retard the provision of housing accommodations; or because there is a predominance of buildings and improvements in the Area, which, by reason of dilapidation, deterioration, and or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, high density of population and overcrowding of buildings or land, are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime; or because the Area, by reason of defective and inadequate street layout or location of physical improvements, obsolescence and inadequate subdivision and platting, contains

vacant parcels of land not used economically, or contains structures whose operation is not economically feasible, or contains intermittent commercial and industrial structures in a primarily industrial and commercial area, or contains insufficient space for the expansion and efficient use of land for industrial plants and commercial uses amounting to conditions which retard economic or social growth, result in economic waste and social liabilities and represent an inability to pay reasonable taxes; or because of the existence of a combination of such conditions in the Area or other conditions which endanger life or property by fire or other causes, the Area constitutes 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 PIEA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a "Project", as described in said Statute, pursuant to plans by or presented to the PIEA in accordance with Section 100.400.1(4); and

WHEREAS, the PIEA has recommended such a plan to the Community Development Commission ("CDC") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for Southtown Area" dated July 28, 1992, consisting of a Title Page, a Table of Contents Page, and fifteen (15) numbered pages attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

WHEREAS, under the provisions of the Statute, 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 CDC 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 CDC of the facts and is fully aware of the conditions in the Area; and

WHEREAS, the Plan has been presented and recommended by the PIEA and the CDC 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 CDC 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 CDC; 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 development project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, age, marital status 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, 1988, as amended, (the "Statute" being Sections 100.300 to 100.620 inclusive) described in Exhibit "A", attached hereto and incorporated herein, known as the Southtown Area ("Area").

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.

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).

SECTION FOUR. The Blighting Study and Plan for the Area, dated July 28, 1992 (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 development 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 not acquire any property in the Area by the exercise of eminent domain.

SECTION NINE. The Area is currently partially occupied. All eligible occupants displaced by the developer ("Developer" being defined in Section Twelve, below) for the implementation of this Plan 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. In addition, the Developer shall provide timely notice of development activities to all occupants.

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 development ("Developer") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, religion, national origin, sex, marital status, age 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 THIRTEEN. 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 and women subcontractors and material suppliers will be solicited and fairly considered for subcontractors and purchase orders by the general contractor and other subcontractors under the general construction contracts let directly by the Developer;
- (c) To be bound by the conditions and procedures regarding the utilization of minority and women business enterprises established by the Community Development Commission of the City of St. Louis ("CDC");
- (d) To adhere to the requirements of the Executive Orders of the Mayor of the City, dated December 6, 1984, January 10, 1990 and March 31, 1992;
- (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 minority and women subcontractors and material supplier participation in the construction pursuant to the Plan. The Developer 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 terms "minority contractor" or "minority material supplier" shall mean a business enterprise at least fifty-one percent (51%) of which is owned and controlled by members of minorities. The terms "members of a minority" or "minority" mean Black Americans, Native Americans, Hispanic Americans, Asians, Pacific Islanders and other protected classes.

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

**SECTION FOURTEEN.** A Developer shall hereby be entitled to the ad valorem tax abatement benefits 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 the first 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 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 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 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; and, thereafter, any such corporation shall pay in the amount of full taxes.

SECTION FIFTEEN. Where a proposed modification will substantially change the Plan, the modification must be approved by this Board 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 modification shall be effective only upon the consent of the CDC. 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.

SECTION SEVENTEEN. This Ordinance, being necessary for the immediate preservation of public health, safety and general welfare, shall be and is hereby declared to be an emergency measure within the meaning of Article IV, Section 20, of the Charter of The City of St. Louis, and as such shall take effect immediately upon its approval by the Mayor.

EXHIBIT "B"

FORM: 08/04/92 REV.

BLIGHTING STUDY AND PLAN  
 FOR  
 SOUTHTOWN AREA  
 PROJECT # 324  
 LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY  
 OF THE CITY OF ST. LOUIS  
 PLANNED INDUSTRIAL EXPANSION AUTHORITY  
 OF THE CITY OF ST. LOUIS  
 JULY 28, 1992  
 MAYOR  
 VINCENT C. SCHOEMEHL, JR.  
 BLIGHTING STUDY AND PLAN FOR  
 SOUTHTOWN AREA

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A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

## 1. DELINEATION OF BOUNDARIES

The Southtown Area ("Area") is bounded by Chippewa St. on the south, Kingshighway Blvd. on the west, Tholozan Ave. on the north, and Ridgewood Ave. on the east. The Area encompasses approximately 14.9 acres in the Tower Grove South neighborhood of the City of St. Louis ("City").

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 4169W and 4170W, and includes the following addresses: 4601-93 Chippewa Ave., 3600-3846 Kingshighway Blvd., 4540-56 Tholozan Ave. and 4600-06 & 4601-21 Beck Ave. The Area is in fair 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 underutilized. "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 6.9% unemployment rate for the City of St. Louis as of May, 1992. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area.

There are currently approximately 150 jobs within the Area.

## 3. PRESENT LAND USE AND DENSITY OF THE AREA

Existing land uses within the Area include an unoccupied, three-story department store building; an occupied automobile dealership; an occupied supermarket; an electric substation; five (5) commercial/industrial uses, and five (5) occupied residential uses.

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 OF SURROUNDING PROPERTIES

The properties to the east of the Area are primarily used for residential purposes. The properties to the south, west and north are primarily used for commercial/industrial purposes.

Residential density for the surrounding neighborhoods is approximately 13.3 persons per acre.

## 5. CURRENT ZONING

The Area is zoned "G" Local Commercial and Office District and "J" Industrial District, pursuant to the Zoning Code of the City of St. Louis which is incorporated in this Plan by reference.

## 6. FINDING OF BLIGHT

The property within the Area is partially unoccupied and in fair condition (as defined in Section A(2) above). The existence of deteriorated property constitutes 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) and Section 100.300 of the revised status of the State of Missouri (the Planned Industrial Expansion 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 commercial uses, with emphasis on large retail business activity.

The Area has been one of the City's premier shopping destinations and is the retail and commercial center of many southwestern city neighborhoods. The presence of an unoccupied three story department store building has provided an opportunity for development at this strategic retail location. Depending on the feasibility of a development program, existing buildings may be adaptively reused or demolished in favor of new construction. A comprehensive approach to creating a modern retail image for the Area is the goal of this Plan.

### 2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are commercial uses permitted in Areas designated "G" Local Commercial and Office District by the City of St. Louis Zoning Code. Redevelopers or Industrial Developers (hereinafter collectively referred to as "Redeveloper") contracting with either the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") or the Planned

Industrial Expansion Authority of the City of St. Louis ("PIEA") to develop property in the Area 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), storefront churches, pinball arcades, pool halls, secondhand or junk shops, tattoo parlors, truck or other equipment rentals requiring outside storage, blood donor facilities, free standing package liquor stores, check cashing centers, automobile service or stations, or storage facilities.

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

### 3. PROPOSED ZONING

The zoning for the Area should all be "G" Local Commercial and Office 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 or 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

Approximately 250 new permanent jobs will be created if the Area is developed in accordance with this Plan. The exact number of jobs created will depend upon the specific nature of the proposed development.

### 6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. Redevelopment of the Area may necessitate the closing of Beck Ave. between Ridgewood Ave. and Kingshighway Blvd. The layouts, levels and grades of all other 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 Heritage and Urban Design Commission ("HUDC") 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.

## 8. URBAN DESIGN

### a. Urban Design Objectives

The intent is to create a distinctive, inviting, highly attractive, and cohesive retail complex accented by extensive internal and external landscaping.

### b. Urban Design Regulations

Assuming all of the existing structures are removed (with the possible exception of the former Famous-Barr Building and the Union Electric substation) and the site is more suitably graded, the complex should feature a contemporary design expression of relatively tall, predominately single story masonry (preferably brick) structures which are carefully integrated with one another and into the surrounding street and pedestrian corridors. The site design will need to ensure that the corner of Kingshighway and Chippewa has a dominant presence, particularly if it may be determined that demolition of the former Famous-Barr Building would be essential to redevelopment of the property.

Where possible, new structures should be positioned near street corridors with customer parking, servicing and internal circulation utilizing the interior areas of the property.

### c. Landscaping

The property shall be extensively and tastefully landscaped. Perimeter street trees of a minimum caliper of 2 1/2 inches and generally on 25-35 feet centers (depending upon tree type, presence of street furniture, etc.) shall be provided in tree lawns (preferably) or tree wells, and shrubs on the property shall be retained. Additional trees and shrubs shall be provided on the property in a pattern of generously sized grassed or ground covered areas at the periphery and within the property. Provision of evergreen landscaping buffers or similar screening measures shall apply to property facing unscreened residential properties.

### d. Fencing

Any fencing facing public streets shall be distinctive consisting of decorative metal, brick or similar masonry or a combination of decorative metal and masonry. Metal fencing shall have a black matte finish color.

Each Redeveloper 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 this requirement may result in suspension of tax abatement.

## 9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including HUDC 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 effectively buffered. One option would be 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 along with interspersed shade trees. 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, HUDC stipulations, this Plan and contracts between the LCRA or the PIEA and the Redeveloper. A uniform signage plan must be prepared by the Redeveloper for the entire building. All new signs shall be restricted to those identifying the names and/or business of the person or firm occupying the premises.

New wall signs shall not obstruct any architectural building elements, shall be placed only on the fronts of buildings or on those sides of the buildings fronting on public or private streets, shall project no more than eighteen (18) inches from the face of the building, shall not extend above the second floor window sill of the structure, and the total sign area shall be the lesser of either fifty (50) square feet or ten percent (10%) of the ground floor wall surface fronting on such streets. Only one sign per business per wall facing on a public or private street shall be permitted.

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. Signage on awnings is limited to awning apron. In no case shall signage be allowed on both an awning apron and a building for the same business.

One ground or monument sign for the Area may be permitted provided it does not exceed ten (10) feet in height nor exceed fifty (50) square feet per side, and provided the LCRA or the PIEA confirms that such a sign is required based upon the use, location or siting of the structure.

Businesses having more than 40,000 square feet of ground floor area may have signs proportionately larger than the maximum size set out in this section, provided that the LCRA or the PIEA confirms that there is need based upon the use, location, or siting of the building.

Painted wall signs, pole signs, moving signs, animated or flashing signs or permanent or portable message board signs shall not be permitted in the Area and no regular or mini billboards (free standing or mounted on structures) shall be erected or maintained in the area, except that construction and leasing signs may be maintained during construction and for a period of one (1) year after completion of improvements on any respective parcel or part thereof.

#### 11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

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

If funds are available to the LCRA or 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 three (3) years of approval of this Plan by ordinance and completed within approximately six (6) years of approval of this Plan by ordinance.

The LCRA or the PIEA 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. The PIEA is empowered by Missouri Law to administer "industrial development" of the Area (as defined in Section 100.310(9) R.S. Mo. 1988) pursuant to this Plan and can do so to the extent and in the manner prescribed by the Planned Industrial Expansion 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 or the PIEA may not acquire any properties in the Area by the exercise of eminent domain.

### 3. PROPERTY DISPOSITION

If the LCRA or the PIEA 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 or the PIEA. Any property acquired by the LCRA or the PIEA 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. (1986) 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 of St. Louis 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 shall hereby be entitled to ad valorem tax abatement benefits for a period not to exceed ten (10) years from the commencement of such tax abatement. A Redeveloper may seek such tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, upon application as provided therein.

In lieu of the ten (10) year abatement outlined above, a Redeveloper 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 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 LCRA or 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 the first 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 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 LCRA or the PIEA and leased to any such corporation, then such corporation for the first 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 LCRA or the PIEA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

In lieu of tax abatement provided herein, the City may provide Tax Increment Financing ("TIF") under a separate administrative and legislative process. A Redeveloper may seek such financing pursuant to Sections 99.800 - 99.865, Revised Statutes of Missouri, for eligible public project costs. Under Missouri law, TIF requires that an area be blighted and that any additional ad valorem taxes and other taxes generated from the TIF Area be captured to service bonds used to pay for specified public costs in the redevelopment project.

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

### 1. LAND USE

The Redeveloper shall not discriminate on the basis of race, color, religion, national origin, marital status, sex, age, or physical handicap in the lease, sale or occupancy of the Area.

### 2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, religion, national origin, marital status, sex, age, 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 Community Development Agency 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 Contract between the LCRA or the PIEA and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) 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 or the PIEA, the City of St. Louis, any state having jurisdiction or the United States of America.

#### H. MODIFICATIONS OF THIS PLAN

Where a proposed modification will substantially change this Plan, the modification must 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 or the PIEA, provided that such modification shall be effective only upon the consent of the St. Louis Community Development Commission. 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"

### SOUTHTOWN AREA LEGAL DESCRIPTION

All of Blocks 4169W and 4170W in the City of St. Louis, together with portions of Beck Ave., Chippewa St., Kingshighway Blvd., Tholozan Ave., and Ridgewood Ave., more specifically described as follows:

Beginning at the point of intersection of the east line of Ridgewood Ave. (50 feet wide) and the south line of Chippewa St. (80 feet wide); thence westwardly along said south line of Chippewa St., across all intersecting streets, to its point of intersection with the west line of Kingshighway Blvd. (100 feet wide); thence northwardly along said west line of Kingshighway Blvd., across all intersecting streets, to its point of introduction with the north line of Tholozan Ave. (60 feet wide); thence eastwardly along said north line of Tholozan Ave., across all intersecting streets, to its point of intersection with the east line of Ridgewood Ave.; thence southwardly along said east line of Ridgewood Ave., across all intersecting streets and alleys, to its point of intersection with the south line of Chippewa St., the point of beginning.

INSERT EXHIBITS "B" "C" "D"

--Not Available in Electronic Format--

EXHIBIT "E"  
FORM: 4/8/92

### 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, and any entity formed to implement the project of which the Redeveloper is a general partner), its contractors and subcontractors will include a clause requiring compliance with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination, the Executive Orders of the Mayor of the City dated December 6, 1984, January 10, 1990, March 31, 1992, and all guidelines herein.

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.

In the redevelopment of the Area, there shall be maximum utilization of bona fide minority business enterprises ("MBE's") and women business enterprises ("WBE's" and, together with MBE's, "disadvantaged business enterprises" or "DBE's"). The Redeveloper will set a minimum goal of twenty-five percent (25%) MBE participation and five percent (5%) WBE participation under these guidelines. In the event the Redeveloper fails to attain that goal, the Redeveloper may be required to show good cause therefor; provided however, that this requirement will be deemed to have been met when documentation evidences that all available resources (i.e. DBE suppliers, contractors, and subcontractors) willing to perform the work or provide the supplies--at a price which (i) is within the range requested by non-DBE's; or (ii) if higher than that requested by non-DBE's, is attributable to the effects of past discrimination--have been exhausted.

For purposes of this section, the term "minority business enterprise" (or "MBE") means a business at least fifty-one percent (51%) of which is owned and controlled by minority group members. The term "women business enterprise" (or "WBE") means a business at least fifty-one percent (51%) of which is owned and controlled by females.

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, religion, national origin, sex, marital status, age 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 and/or PIEA, the City, and the United States of America, as their interests may appear in the project.

The Redeveloper agrees that if the redevelopment of the Area creates permanent jobs, it shall enter into an Employment Plan with the Saint Louis Agency on Training and Employment and the LCRA and/or PIEA for referral of Jobs Training Partnership Act eligible individuals. Said plan shall specify the number of jobs to be covered by the Employment Plan, the target date for referrals to begin, and the procedure for referral.

<b>Legislative History</b>				
<b>1ST READING</b>	<b>REF TO COMM</b>	<b>COMMITTEE</b>	<b>COMM SUB</b>	<b>COMM AMEND</b>
<b>09/18/92</b>	<b>09/18/92</b>	<b>HUDZ</b>		

<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>10/23/92</b>			<b>10/30/92</b>	<b>11/06/92</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
<b>62727</b>				