

## *St. Louis City Ordinance 62870*

FLOOR SUBSTITUTE

BOARD BILL NO. [92] 279

INTRODUCED BY ALDERMAN JACK GARVEY , PAUL BECKERLE

An ordinance affirming that the Area blighted by Ordinance 62727 is a 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) that 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-1", known as the Southtown Area; finding that certain other property located in the City, known as 4473-77 Chippewa St., and further described in Exhibit "A-2", attached hereto and incorporated herein by reference, is a blighted, insanitary, undeveloped industrial Area, which properties are collectively referred to herein as the Southtown Area ("Area"), and more fully described in Exhibit "A", attached hereto and incorporated herein by reference; affirming 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 Amended Blighting Study and Plan dated December 15, 1992 for the Area ("Amended 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 certain properties 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 any occupants displaced by the Developer shall be relocated in accordance with the Amended Plan; finding that there shall be 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 Amended 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 at 4473-77 Chippewa St. which retard the provision of housing accommodations; or because there is a predominance of buildings and improvements in the area at 4473-77 Chippewa St., 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 at 4473-77 Chippewa St., 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 at 4473-77 Chippewa St., or other conditions which endanger life or property by fire or other causes, 4473-77 Chippewa St. constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of 4473-77 Chippewa St., more fully described in Exhibit "A-2"; 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, by Ordinance 62727, this Board found the property located in the Southtown Area, as described in Ordinance 62727, to be a "blighted area" as defined in Section 100.310(3), (10), (19) of the Statute and said property remains blighted; and

WHEREAS, by Ordinance 62727, this Board approved a Redevelopment Plan for PAGE: Two of Nine the Area, dated July 28, 1992; and

WHEREAS, it is desirable and in the public interest to expand the Southtown Area to include 4473-77 Chippewa St., and to amend and restate the Redevelopment Plan approved by Ordinance 62727 to include the new area; and

WHEREAS, it is desirable and in the public interest to amend the Redevelopment Plan approved by Ordinance 62727 to provide for the use of eminent domain to acquire certain properties in the Area; 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 100.440.1(4) of the Statute; and

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

WHEREAS, under the provisions of the Statute, and of the federal financing assistance statutes, it is required that this Board take such actions as may be required to approve the Amended Plan; and

WHEREAS, it is desirable and in the public interest that a public body, the PIEA, undertake and administer the Amended 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 Amended 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 PAGE: Three of Nine the Amended 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 Amended 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 Amended 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 Amended Plan.

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

SECTION ONE. The finding of the St. Louis Board of Aldermen ("Board"), by Ordinance No. 62727, that certain property described therein (and described herein as Exhibit "A-1" attached hereto and incorporated herein) is a blighted area, as defined in Section 100.310(2), (11) and (19) of the Revised Statutes of Missouri, 1988, as amended, (the "Statute" being Sections 100.300 to 100.620 inclusive, as amended) is hereby confirmed.

SECTION TWO. There exists within the City of St. Louis ("City") a blighted area, as defined by Section 100.310(2), (11) and (18) of the Statute, consisting of property known as 4473-77 Chippewa St., more fully described in Exhibit "A-2", attached hereto and incorporated herein, (the property described in Exhibits "A-1" and "A-2" are herein collectively known as the "Area").

SECTION THREE. Industrial development of the Area as described in Exhibits "A-1" and "A-2" and together in Exhibit "A", also attached hereto and incorporated herein, 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 FOUR. The Area qualifies as an industrial development area in need of industrial development under the provision of the Statute, and the Area is blighted as defined in Section 100.310(2), (11), (18) of the Statute.

SECTION FIVE. The Amended Blighting Study and Plan for the Area, amended December 15, 1992 ("Amended Plan"), having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and

the President or Clerk of this Board is hereby directed to file a copy of said Amended Plan with the Minutes of this meeting.

SECTION SIX. The Amended Plan for the Area is feasible and conforms to the general plan for the City.

SECTION SEVEN. The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the industrial development activities to be undertaken in accordance with the Amended Plan for the Area, and the proposed financing plan for the Area is feasible.

SECTION EIGHT. The Amended 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 NINE. The Amended 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, but may not acquire by the exercise of eminent domain Parcels 1, 8, 9 and 10 as designated in Exhibit "D" of the Amended Plan.

SECTION TEN. The Area is currently partially occupied. All eligible occupants displaced by the Developer ("Developer" being defined in Section Thirteen, 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. In addition, the Developer shall provide timely notice of development activities to all occupants.

SECTION ELEVEN. The Amended 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 Amended 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 Amended 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 Amended Plan; and

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

SECTION THIRTEEN. 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 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 Amended 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 PAGE: Six of Nine the Amended Plan, bona fide minority and women subcontractors and material suppliers will be solicited and fairly considered for subcontracts 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, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. 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 Fourteen 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 FIFTEEN.** A Developer 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. If property is sold by PIEA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if such a 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) years period make a payment in lieu of taxes to the Collector of Revenue of the City 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 in an amount based upon the assessment on the property, land and improvements during the calendar year preceding the calendar year in which such corporation shall lease such property, and thereafter shall pay in the amount of fully taxes. 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. Said partial tax relief and payments 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 Amended Plan and in any contract with the PIEA; however, in

no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

**SECTION SIXTEEN.** Where a proposed modification will substantially change the Amended Plan, the modification must be approved by this Board in the same manner as the Amended Plan was first approved. Modifications which will substantially change the Amended 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 Amended Plan.

The Amended 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 Amended 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.

**SECTION EIGHTEEN.** 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.

<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>12/18/92</b>	<b>12/18/92</b>	<b>HUDZ</b>		
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>

<b>01/15/93</b>			<b>01/22/93</b>	<b>01/29/93</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
<b>62870</b>				