

St. Louis City Ordinance 64492

FLOOR SUBSTITUTE

BOARD BILL NO. [98] 59

INTRODUCED BY ALDERMAN PHYLLIS YOUNG

AN ORDINANCE FINDING THAT THE MARQUETTE BUILDING, IS BLIGHTED AS DEFINED IN SECTION 99.320 OF THE REVISED STATUTES OF MISSOURI, AS AMENDED, EXISTS IN THE CITY OF ST. LOUIS AND CONTAINING A DESCRIPTION OF THE BOUNDARIES OF SAID BLIGHTED MARQUETTE BUILDING (SAID DESCRIPTION ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A; FINDING THAT REDEVELOPMENT AND REHABILITATION OF THE MARQUETTE BUILDING IS IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE PEOPLE OF THE CITY; APPROVING THE REDEVELOPMENT PLAN DATED JULY 15, 1998, FOR THE MARQUETTE BUILDING (◆PLAN◆), PURSUANT TO SECTION 99.430 OF THE REVISED STATUTES OF MISSOURI, AS AMENDED; FINDING THAT THERE IS A FEASIBLE FINANCIAL PLAN FOR THE DEVELOPMENT OF THE MARQUETTE BUILDING WHICH AFFORDS MAXIMUM OPPORTUNITY FOR DEVELOPMENT OF THE MARQUETTE BUILDING BY PRIVATE ENTERPRISE; FINDING THAT THE MARQUETTE BUILDING IS PARTIALLY OCCUPIED AND THE REDEVELOPER SHALL BE RESPONSIBLE FOR RELOCATING ANY ELIGIBLE OCCUPANTS; FINDING THAT FINANCIAL AID MAY BE NECESSARY TO ENABLE THE MARQUETTE BUILDING TO BE REDEVELOPED IN ACCORDANCE WITH THE PLAN; INCORPORATING BY REFERENCE CHAPTER 353 R.S.MO. AS AMENDED; FINDING THAT THERE SHALL BE AVAILABLE 25-YEAR TAX ABATEMENT; AND PLEDGING COOPERATION OF THE BOARD OF ALDERMEN 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.

WHEREAS, the St. Louis Board of Aldermen (◆Board◆) investigated a certain area of the City of St. Louis, and found and designated said area blighted by Ordinance 55952 approved June 29, 1971, as defined in the Urban Redevelopment Corporations Law, Section 353.020 Revised Statutes of Missouri, 1959, and amendments thereto; and

WHEREAS, the blighting designation was to spur development; and

WHEREAS, the Marquette Building comprises a portion of City Block 99 located in the area designated blighted by Ordinance 55952; and

WHEREAS, the Board considered a development plan of Marquette Redevelopment Corporation for the Marquette Building and granted tax abatement to the Marquette Building by the adoption of Ordinance 59295 on November 3, 1984; and

WHEREAS, the Board repealed Ordinance 59295 on _____, 1998, by the adoption of Ordinance _____; and

WHEREAS, the available incentives including abatement and federal tax incentives for restoration have not been sufficient to encourage development; and

WHEREAS, the Marquette Building is a nearly abandoned deteriorating older office and commercial structure in various stages of neglect with some areas requiring substantial repair; and

WHEREAS, there is a need for the Land Clearance for Redevelopment Authority (LCRA), a public body corporate and politic created under Missouri law, to undertake the development of the above described Marquette Building as a land clearance project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1(4); and

WHEREAS, the LCRA 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 Marquette Building ◆, dated July 15, 1998, consisting of a Title Page, a Table of Contents Page, and twenty-four (24) numbered pages, attached hereto and incorporated herein as Exhibit ◆B◆ (◆Plan◆); and

WHEREAS, under the provisions of the Statute, and of the federal financial assistance statutes, 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 LCRA, undertake and administer the Plan for the Marquette Building; and

WHEREAS, the LCRA and CDC have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and CDC of the facts and is fully aware of the conditions in the project; and

WHEREAS, the Plan has been presented and recommended by LCRA and 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 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 LCRA and 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 redevelopment project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap; and

WHEREAS, in accordance with the requirements of Section 99.430 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.

(a) The Board of Aldermen (◆Board◆) hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section One.

(b) There exists within the City of St. Louis ("City") a blighted area known as the Marquette Building , as defined by Section 99.320 of the Revised Statutes of Missouri, 1986, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive) as described in the Blighting Study and Plan for the Marquette Building , dated July 15, 1998 (the Plan.

SECTION TWO.

(a) The redevelopment of the Marquette Building , 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.

(b) The redevelopment of the Marquette Building 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.

(a) The Marquette Building qualifies as a redevelopment project in need of redevelopment under the provision of the Statute, and the Marquette Building is blighted as defined in Section 99.320(3) of the Statute.

(b) The Marquette Building qualifies as a redevelopment project in need of redevelopment under the provision of the Statute, and the Marquette Building is blighted as defined in Section 99.320 of the Code.

SECTION FOUR. The Plan (being set forth in Exhibit B), having been duly reviewed and considered, is hereby approved.

SECTION FIVE.

(a) The Plan is dependent upon incentives for restoration authorized by federal and state taxes and property tax abatement for a full 25-year term.

(b) The Plan is necessary to enable the redevelopment activities to be undertaken and the Plan is feasible and conforms to the general plan for the City.

SECTION SIX.

(a) The financial aid to be provided for financial assistance pertaining to the Marquette Building is necessary to enable the redevelopment activities to be undertaken in accordance with the Plan for the Marquette Building .

(b) The proposed financing for the redevelopment of Marquette Building described in the Plan is feasible.

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

SECTION EIGHT.

(a) The Marquette Building is occupied by the Young Men's Christian Association, Motorola, Inc., and Broadway Shoe Repair. Redeveloper intends to enter into mutually acceptable long-term leases with the Young Men's Christian Association, Motorola, Inc., and Broadway Shoe Repair.

(b) Any other eligible occupants displaced by the Redeveloper shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

SECTION NINE. The Plan for the Marquette Building gives due consideration to the provision of adequate public facilities.

SECTION TEN. 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 ELEVEN. All parties participating as owners or purchasers of the property for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any property or improvements erected or to be erected in the Marquette Building 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 Redeveloper is a party, and shall be enforceable by the Land Clearance for Redevelopment Authority of the City of St. Louis (◆LCRA◆), the City and the United States of America.

SECTION TWELVE. In all contracts with private and public parties for redevelopment of any portion of the Marquette Building , all Redevelopers 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 Plan, bona fide Minority Business Enterprises ("MBEs") and Women's Business Enterprises ("WBEs") will be solicited and fairly considered for contracts, subcontracts and purchase orders;

(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 ("CDC");

(d) To adhere to the requirements of the Executive Orders of the Mayor of the City, dated July 24, 1997.

(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. The Redeveloper 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 Redeveloper.

(h) The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least 51% ownership.

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

(i) The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

SECTION THIRTEEN.

(a) A redeveloper shall hereby be entitled to ad valorem tax abatement benefits for a period not to exceed 10 years from the commencement of such tax abatement. A redeveloper may seek such tax abatement pursuant only to Sections 99.700-99.715, Revised Statutes of Missouri, upon application as provided therein.

(b) In lieu of the 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 25 years from the commencement of such tax abatement, in accordance with the following provisions of this Plan.

(c) If an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall own the Marquette Building, then for the first 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 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 and leased to any such corporation, then such corporation for the first 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.

(d) For the ensuing period of up to 15 years following the original period stated above, any such corporation shall pay taxes and payments in lieu of taxes as provided above in an amount based upon 50 percent of the then normal assessment of the land and improvements. Thereafter, any such corporation shall pay the full amount of taxes.

(e) 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 25-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. In no event shall such benefits extend beyond 25 years after the redevelopment corporation shall have acquired title to the property.

SECTION FOURTEEN. Any proposed modification which will substantially change the Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to the length of tax abatement, to the boundaries of the Marquette Building , 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 LCRA, provided that such revisions shall be effective only upon the consent of the CDC.

SECTION FIFTEEN. The Plan is hereby made a part of this ordinance and said Plan shall be substantially in words and figures as follows:

EXHIBIT A MARQUETTE BUILDING LEGAL DESCRIPTION

A tract of land being a portion of City Block 99, and being more particularly described as follows: A Lot in Block 99 of the City of Saint Louis, fronting 114 feet 5 inches (114 feet 4 inches more or less by Deed), on the East line of

Broadway by a depth Eastwardly of 135 feet 0 inches (135 feet, more or less by Deed), to a private alley; bounded on the North by Lot 13 of said Block or by property, now or formerly Saint Louis Union Trust Company, on the East by said private alley and on the South by Olive Street.

EXHIBIT B

BLIGHTING STUDY AND REDEVELOPMENT PLAN

FOR

MARQUETTE BUILDING

PROJECT #9036

LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY

OF THE CITY OF ST. LOUIS

July 15, 1998

MAYOR

CLARENCE HARMON

BLIGHTING STUDY AND PLAN FOR

MARQUETTE BUILDING

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EXHIBIT A. LEGAL DESCRIPTION

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A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. SITE OF THE MARQUETTE BUILDING

The Marquette Building, 300-314 North Broadway ("Marquette Building") is located on the southwest corner of City Block 99 in Census Tract 1256 encompassing approximately 14,300 square feet in the Downtown neighborhood of the City of St. Louis ("City"). The legal description of the Marquette Building is attached and labeled Exhibit A.

2. GENERAL CONDITION OF THE MARQUETTE BUILDING

(a) The Marquette Building was affirmed as blighted under Chapter 353 on November 13, 1984, in order to spur redevelopment. The redevelopment proposed by Marquette Redevelopment Corporation was unsuccessful. Despite the incentives available, including real estate tax abatement for 25 years, the property remains virtually unoccupied and undeveloped. The property was purchased in August 1997 by the City of St. Louis acting through the Office of the Treasurer.

(b) The Marquette Building is a deteriorating older office and commercial structure with street-level retail which is nearly abandoned. The Marquette Building is an eyesore in various stages of neglect. Some areas of the Marquette Building require substantial repair. The Marquette Building has been underutilized for many years. The Marquette Building is within an area which was first blighted under Chapter 353 in 1971 to spur development. Despite the incentives available, including abatement, the property has continued to deteriorate and is now virtually unoccupied.

(c) (i) The construction of the Marquette Building was completed in 1913 by McCormack and Combs, builders, and Eames and Young, architect. The building consists of 19 stories.

(ii) The exterior walls of the Marquette Building are a combination white brick, terra cotta and sandstone. The building has a light court above the fourth floor exposed to the south elevation. Floors are steel and concrete and are spaced at 10-12 feet with the exception of the first floor. Interior partitions, none of which are load-bearing, are of steel, stud and drywall construction. Other partitions, primarily in the corridors are of clay brick and plaster. Ceilings are a combination of plaster and suspended grid with lay-in acoustical panels. Windows are double wood frame with some steel frame windows in areas of public access. The roof is of steel frame and concrete, surfaced with built-up asphalt and stone covering.

(iii) The Marquette Building contains a basement and partial sub-basement area which is unfinished and utilized for mechanical and electrical systems, a maintenance area and tenant storage. The foundation is poured concrete with structural steel framing encased in concrete.

3. PRESENT USE OF THE MARQUETTE BUILDING

(a) The Marquette Building is a nearly vacant multi-story office building with street-level retail. The Marquette Building has a history of disinvestment and underutilization. The Marquette Building has suffered from a lack of private

development despite the success of nearby Saint Louis Place and Metropolitan Square.

(b) The existing land use, including the location of public and private uses, streets and other rights-of-way for City Block 99 is attached and labeled Exhibit B.

4. PRESENT USE AND DENSITY OF SURROUNDING PROPERTIES OF MARQUETTE BUILDING

(a) The properties surrounding the Marquette Building (and the current occupancy rates as identified by The Downtown Saint Louis Partnership, Inc.) are primarily institutional, office, residential, and parking uses, i.e. Metropolitan Square (93%), LaSalle Building (100%), NationsBank (100%), Federal Reserve Bank of St. Louis (100%), Security Building (82%), St. Louis Parking Co. facility, Merchants Laclede Building (25%), Saint Louis Place (97%), and St. Louis Centre Parking Garage.

(b) Unofficial unemployment figures, computed by the Missouri State Employment Service, indicate a 0.7% unemployment rate for Census Tract 1256 as of December 1997. Census Tract 1256 is that area bounded by Tucker Avenue on the west, Carr Street on the north, the Mississippi River on the east and Interstate 64 on the south.

(c) The present condition of the Marquette Building constitutes an economic liability to the City and the surrounding property owners and presents a hazard to the health and well-being of residents and visitors to the City.

5. CURRENT ZONING FOR CITY BLOCK 99

(a) City Block 99 is zoned "I" Central Business District pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference.

(b) The Marquette Building has been designated a City Landmark in 1971 by the then Landmarks and Urban Design Commission, pursuant to the City Code. Thus, no demolition of any portions of the Marquette Building may now be undertaken without the express approval of the City's Heritage and Urban Design Commission ("HUDC"). Alteration to any exterior architectural detail or to the surrounding site must also be reviewed and approved by HUDC, which is responsible for ascertaining that any proposed work is in compliance with landmark standards.

(c) (i) The Marquette Building has been determined by previous surveys to be eligible to be listed on the National Register of Historic Places. If the

Redeveloper contracting with the Land Clearance for Redevelopment Authority (LCRA) to develop property in the Marquette Building (hereafter referred to as Redeveloper) intends to seek federal and state tax credits for the project, a review process established by federal law and regulations applies.

(ii) Under this review process the proposed redevelopment of the Marquette Building would be examined by the State Historic Preservation Office for the effects the redevelopment may have on the Marquette Building. If the proposed project were to create an adverse effect, various efforts to mitigate such effects would be required including, but not limited to, design revisions, architectural conservation, archaeological surveys, and extensive documentation procedures.

(iii) The Redeveloper reserves the right to withdraw any application for federal and state tax credits if design revisions or documentation procedures required for listing on the National Register of Historic Places become in the opinion of the Redeveloper unduly costly or burdensome.

6. FINDING OF BLIGHT

(a) Section 99.805(1) of the Act defines blighted areas as those which, by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in their present condition or use.

(b) Section 11.06.020(B) defines a blighted area as that portion of the City which the Board of Aldermen determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, existing properties and improvements, have (sic) become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes.

(c) The Marquette Building is a nearly vacant, functionally obsolescent, turn-of-the-century office building. The Marquette Building is an aged deteriorating structure. The Marquette Building constitutes an economic liability to the City of St. Louis and presents a hazard to the well-being of its citizens.

(d) (i) The Board of Aldermen found and designated as blighted an area including City Block 99 by Ordinance 55952 on June 29, 1971, and the conditions of the Marquette Building have not improved since that time.

(ii) The Board of Aldermen affirmed as blighted the Marquette Building by Ordinance 59295 on November 3, 1984.

(iii) These conditions qualify the Marquette Building 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 11.06.020(B) of the Code of the City of St. Louis.

B. PROPOSED DEVELOPMENT AND REGULATIONS

1. DEVELOPMENT OBJECTIVES-GENERAL DESCRIPTION

(a) The primary objective of this Plan is to facilitate the renovation and development of the Marquette Building into market-rate residential housing with street-level retail carefully integrated into the downtown core and the adjoining structured parking to be developed by the Treasurer of the City of St. Louis. The goal is to establish a fully functioning residential community with appropriate services and quality of life to create a healthy and vibrant urban environment.

(b) (i) Those persons living in the downtown area are scattered in high rise apartments at the east and west ends of downtown, in public housing on the north end of downtown, in a pocket of home ownership north of America's Center, and in scattered loft developments along Washington Avenue.

(ii) According to the 1997 demographic information available from the Community Development Agency, downtown St. Louis has 8,226 residents living in the six census tracts covering the area south of Cass, west of the Riverfront, north of Chouteau and east of Jefferson.

(iii) According to The Downtown Saint Louis Partnership, Inc., only 41% of total housing in Downtown St. Louis is market-rate and the market-rate housing in Downtown St. Louis is more than 92% occupied.

(c) In the downtown core which includes City Block 99, Census tract 1256 covers the core area of downtown from Tucker to the Riverfront, and Highway 64 to Carr. The 1997 demographics disclose a population of 1,703 persons in 1,311 households with a median age of 42.9 and a median household income of \$32,346.

(d) In 1993, Downtown St. Louis, Inc. completed a survey of downtown workers and found 24 percent would or might consider living downtown. The demographic makeup of those interested in living downtown showed that 70% were two-person households, and that 25% have children. Their median income

was \$46,700 and median age 36.9. The features attracting them to live downtown were the ability to walk to work, the MetroLink free ride zone, galleries and libraries; downtown architecture and history, riverfront views and access to big league sports.

(e) The creation of market-rate housing in the downtown core is a major component of the overall revitalization of downtown St. Louis announced by Mayor Clarence Harmon. The  Downtown Development Action Plan: Phase One-Principles and Priorities Report  of December 1997 provides that:

(i) Downtown revitalization will capitalize on and strengthen the center city s role as the premier office location in the region and will utilize retail, entertainment, housing, and cultural attractions to extend the length of the workday, enhance livability, and attract visitors.

(ii) Downtown revitalization will focus on residential and business retention, promotion, and growth in order to strengthen and diversify the economic and residential base.

(f) The downtown core has very few sites available which can accommodate a large-scale market-rate residential development necessary to implement increased residential use.

(g) The investment of capital to renovate existing buildings will add millions of dollars to the real estate tax base. Additionally, new residents pay earnings taxes; the retailers and personal service businesses pay sales taxes and tourism taxes; and the new businesses pay earnings taxes and buy business licenses.

(h) Downtown housing in the Marquette Building offers a reuse opportunity for one of our architectural treasures which has fallen on difficult times. Market-rate housing offers a reuse opportunity that will showcase the rich details and large proportions found in one of our older buildings. Additionally, there is a sector of the market-rate residential market that is drawn to the richness and style of historic properties such as the Marquette Building.

(i) Reuse of the Marquette Building will save a part of the history and culture of the City for future generations while returning a once proud monument to productive commercial use.

(j) Residential use of the Marquette Building will create significant job opportunities and tax generation to the City. Implementation of the Plan will serve as a stimulus for residential use in the center of the downtown core. This

Plan will also serve to stimulate improvement in the surrounding area which has also been negatively affected by vacancies and marginal use of the Marquette Building .

2. DEVELOPMENT OBJECTIVES-DEVELOPMENT PLAN

(a) No portion of the Marquette Building is available to be left as open space. No portion of the Marquette Building will be sold, donated, exchanged or leased to the board of education, public library board, art commission or any other public agency. No existing buildings or improvements are to be demolished.

(b) No persons currently reside in the Marquette Building . No dwelling units exist in the Marquette Building.

(c) The Marquette Building is owned by the City of St. Louis and is the subject of a Purchase and Sale Agreement. This Purchase and Sale Agreement was approved by the Board of Aldermen by Ordinance 64440 dated August 4, 1998.

3. PROPOSED USE OF THE MARQUETTE BUILDING

(a) The proposed land use for the Marquette Building is market-rate residential housing, office, and street-level retail use, all as permitted in areas designated "I" Central Business District by the City of St. Louis Zoning Code.

(b) Redevelopers contracting with the City of St. Louis to develop the Marquette Building (hereafter referred to as "Redeveloper") shall not be permitted to use said property for the following: pawn shops, adult bookstores, x-rated movie houses, massage parlors, auto and truck dealers (new or used), storefront churches, 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, any use (except for financial institutions) that utilizes a sales or service window or facility for customers who are in cars, or restaurants that sell products to customers who are in cars or who consume the sold products in cars parked on the restaurant premises, or sell products through a sales window to customers who are in cars or to pedestrians outside the building for immediate consumption by the customer either on or off the premises, automobile service or stations, or automobile dealers (new or used).

(c) The proposed use for the Marquette Building is attached and labeled Exhibit C.

4. PROPOSED ZONING

(a) The zoning for the Marquette Building is "I" Central Business District. No change is necessary or desirable for the redevelopment.

(b) The development of the Marquette Building 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.

(c) No changes in easements, streets or street levels, or street closing are required.

5. RELATIONSHIP TO LOCAL OBJECTIVES

(a) 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), the "Economic Development Strategy" (1978), "A Plan for Downtown St. Louis" (1987), the "Downtown St. Louis Strategic Plan" (1993), and ♦Priorities and Principles for Development♦ (1998).

(b) The Plan will implement strategies identified in the Zimmerman/Volk Associates, Inc. ♦Market Position Analysis for Downtown St. Louis♦ (1998).

6. PROPOSED EMPLOYMENT FOR MARQUETTE BUILDING

(a) Unemployment figures, computed by the Missouri State Employment Service, indicate a 0.7% unemployment rate for Census Tract 1256 of the City as of December 1997. Census Tract 1256 is that area bounded by Tucker Avenue on the west, Carr Street on the north, the Mississippi River on the east and Interstate 64 on the south.

(b) The construction contractor will employ 121 persons full-time for an average of 33 weeks during the construction phase of the project.

(c) The Redeveloper will employ approximately 8 persons on a full-time basis in the management and operation of the facility.

(d) Approximately eight new permanent jobs will be created if the Marquette Building is developed in accordance with this Plan. The Redeveloper believes the employment of staff for the retail shops in the Marquette Building will increase significantly following development of the Plan.

(e) The Redeveloper will contract with local firms for ongoing capital expenditures, major repairs and maintenance services which will require the expenditure of approximately \$200,000 per year payable to local St. Louis firms which will employ local personnel.

7. CIRCULATION

(a) The development of the Marquette Building 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.

(b) The layouts, levels and grades of all public rights-of-way will remain unchanged.

8. BUILDING AND SITE REGULATIONS

(a) The Marquette Building shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, and Zoning District Regulations. 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.

(b) The Redeveloper shall develop the Marquette Building in accordance with this Plan and Redevelopment Agreement, and shall maintain all structures which have been rehabilitated, 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 these requirements may result in suspension of tax abatement by the City.

(c) Until rehabilitation has occurred, Redeveloper shall maintain the structures in their current condition, and shall take reasonable steps to protect such structures from structural deterioration, except for normal wear and tear and latent structural defects known as of the date of the approval of this Plan by Ordinance. Necessary and proper painting of each building owned by the Redeveloper shall also be the responsibility of Redeveloper.

(d) Rehabilitation of the Marquette Building shall respect the original landmark exteriors in terms of materials and design. Rehabilitation details may be contemporary but shall be compatible with the original design. Window and door shapes and detailing shall be compatible with the original design of the buildings.

(e) Restaurants, retail space, lobbies or other active public uses are encouraged at the street level and should open to the public sidewalk on each side of the block. Clear or lightly tinted glass is required at the street level. Above ground skywalks over streets for public pedestrian use are discouraged.

(f) The property shall be well-landscaped. If possible, perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, depending upon tree type, utilities, and curb cuts shall be provided along all public or private streets.

(g) (i) If the substance of a duty imposed by the City upon Redeveloper by Section 8(a) is the subject of federal statute, regulation, or rule, compliance with federal statute, regulation, or rule satisfies the duty.

(ii) To the extent that specific standards for the performance of the duties of Redeveloper are not specified by federal statute, regulation, or rule or by agreement between the City and Redeveloper, the Redeveloper shall perform its duties and the City shall exercise its rights in a commercially reasonable manner.

(iii) The obligation of Redeveloper to perform the duties imposed by Section 8(a) this Agreement is subject to rights of the Redeveloper under other law, regulation, rule, or agreement to withhold performance of its duties as a result of unfulfilled obligations of the City to the Redeveloper.

(iv) This Agreement does not require Redeveloper to take any action that is prohibited by federal statute, regulation, or rule.

9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City. The construction of an adjacent parking facility by the Treasurer and the facilities operated by St. Louis Parking Co. and St. Louis Centre will provide adequate vehicular parking for the Marquette Building .

10. SIGN REGULATIONS

(a) All new signs shall be limited as set out in the City Code, this Plan and contracts between the City and the Redeveloper. A uniform signage plan must be prepared by the Redeveloper for the entire project. All new signs shall be restricted to those identifying the names and/or business of the person or firm occupying the premises.

(b) New wall signs shall not obstruct any architectural building elements, shall be placed only on those sides of buildings fronting on public or private streets, shall project no more than 18 inches from the face of the building, shall not extend above the second floor window sill of the structure (except wall signs identifying tenants occupying 50,000 sq. ft. or more space may be placed somewhat higher on the structure with the approval of the City), and the total sign area shall be the lesser of either 50 square feet or 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. In addition, one identification sign up to 10 sq. ft. in size may be placed on a wall facing a parking area or open space, provided the City confirms that such a sign is required.

(c) 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 valance. In no case shall signage be allowed on both an awning valance and a building for the same business.

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

11. PUBLIC IMPROVEMENTS

(a) No additional schools, parks, recreational and community facilities or other public facilities will be required.

(b) 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 City, 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.

(c) When developed in accordance with this Plan, the Marquette Building 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

(a) The Redeveloper shall rehabilitate and renovate at its expense: 300-314 North Broadway, formerly known as the Marquette Building for use as market-rate residential housing with street-level retail. The proposed redevelopment is to be completed in two phases.

(i) Phase I. This phase of the redevelopment includes the environmental remediation and preparation of the building interior for construction of market-rate residential housing. This phase will commence within three months but in no event shall commence later than six months after the approval of this Plan by ordinance.

(ii) Phase II. This phase shall be the renovation of the building for market-rate residential housing and retail and commercial activities. This phase will commence within nine months, but in no event shall commence later than 12 months after the approval of this Plan by ordinance.

(iii) The Redeveloper will begin actual renovation of the Marquette Building not later than three months of entering into a Redevelopment Agreement between the LCRA and the Redeveloper, provided the acquisition of the Marquette Building shall be completed in time for Redeveloper to so commence renovation.

(b) Redeveloper, its successors or assigns shall have the right to alter, change or modify the interior of the Marquette Building, to alter, combine or otherwise modify residential or other units within the Marquette Building.

(c) Renovation shall be substantially completed within a period of 30 months following commencement of construction. Such periods shall be extended for delays beyond Redeveloper's control and Redeveloper is not to be responsible for any delays caused by competent legal authority, strikes, lock-outs, labor disputes, riots, fires, or other casualties, tornadoes, cyclones, floods, acts of God, war, invasion or acts of a public enemy, accidents, governmental restrictions or priorities regarding acquisition or use of material or other inability of the part of the Redeveloper to obtain material or to perform not growing out of its own fault, or for delays caused by the City, State or Federal government. Provided further, that upon the application by the Redeveloper to LCRA, LCRA may extend the foregoing time limit or any phase or stage to a time certain upon finding that:

(i) Redeveloper has exercised all reasonable care to insure completion of the entire project.

(ii) The delay in commencing construction or completion of construction was not caused by any unreasonable act or failure to act on the part of the Redeveloper.

(d) In the event of substantial noncompliance with the Plan as approved herein, written notice of which noncompliance is given to the Redeveloper and not corrected within 45 days after the time reasonably required to complete such correction, unless the time for such correction is further extended by the LCRA or upon failure of the Redeveloper to commence construction or complete the same within the scheduled time limit set out above and upon a finding by LCRA if such failure is due to the fault of the Redeveloper, LCRA may declare the Redeveloper in default. Following such declaration the Redeveloper shall promptly suspend all work and Redeveloper's right to continue operation under this contract shall be suspended. Such declaration shall promptly be reviewed by the LCRA which shall have thereafter the power to cancel and void this contract or to remove such suspension. Redeveloper shall have the right to appeal such adverse decision to the Courts.

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

(a) 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 Statute and the Redevelopment Statute.

(b) All costs associated with the development of the Marquette Building will be borne by the Redeveloper.

(c) 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 AND DISPOSITION

LCRA may not acquire any interest in the Marquette Building by the exercise of eminent domain.

3. RELOCATION ASSISTANCE

(a) Relocation is not necessary as the Marquette Building is unoccupied except for the Young Men's Christian Association (YMCA), Motorola, Inc., and Broadway Shoe Repair.

(b) A portion of the Marquette Building is occupied by the YMCA which operates a fitness center, and by Motorola, Inc., and Broadway Shoe Repair on

a month-to-month basis. Redeveloper intends to enter into a mutually acceptable long-term lease with each of the YMCA, Motorola, Inc., and Broadway Shoe Repair.

(c) 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 and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the Plan to be carried out in a timely manner and in accordance with this Plan.

F. MANAGEMENT OF PROJECT

1. Redeveloper, its successors or assigns, shall maintain the Marquette Building in as good a state of repair and attractiveness as possible.
2. Redeveloper, its successors or assigns shall have complete and exclusive control over the renovation of the project. Redeveloper, its successors or assigns, shall have the exclusive control over the management of the project, the fixing of rentals and the selection or rejection of tenants or occupants of the building and property.

G. TAX ABATEMENT

1. A redeveloper shall hereby be entitled to ad valorem tax abatement benefits for a period not to exceed 10 years from the commencement of such tax abatement. A redeveloper may seek such tax abatement pursuant only to Sections 99.700-99.715, Revised Statutes of Missouri, upon application as provided therein.
2. In lieu of the 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 25 years from the commencement of such tax abatement, in accordance with the following provisions of this Plan.
3. If an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall own the Marquette Building, then for the first 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 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 and leased to any such corporation, then such corporation for the first 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.

4. For the ensuing period of up to 15 years following the original period stated above, any such corporation shall pay taxes and payments in lieu of taxes as provided above in an amount based upon 50 percent of the then normal assessment of the land and improvements. Thereafter, any such corporation shall pay the full amount of taxes.

5. 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 25-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. In no event shall such benefits extend beyond 25 years after the redevelopment corporation shall have acquired title to the property.

H. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

The Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Marquette Building .

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Marquette Building 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" attached and labeled Exhibit E.

4. ENFORCEMENT

(a) All of the provisions of this Section H shall be incorporated in a Contract between the City and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of H(1) and H(3) shall be covenants running with the land, without limitation as to time, and the provisions of H(2) shall be for the duration of this Plan and any extension thereof.

(b) All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the City, any state having jurisdiction or the United States of America.

I. MODIFICATIONS OF THIS PLAN

1. Any proposed modification which will substantially change this Plan shall 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 the length of tax abatement, to the boundaries of the Marquette Building , or other items which alter the nature or intent of this Plan.

2. This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the City, provided that such revisions shall be effective only upon the consent of the Community Development Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

J. 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 10-year periods unless before the commencement of any such 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.

K. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

L. 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. IN WITNESS WHEREOF, the parties have set their hands and seals this _____ day of _____, 1998.

CITY OF ST. LOUIS

[SEAL]

By

Its _____

ATTEST:

City Register

APPROVED AS TO FORM:

City Counselor

[REDEVELOPER]

By Its

ATTEST:

EXHIBIT A

MARQUETTE BUILDING LEGAL DESCRIPTION

A tract of land being a portion of City Block 99 and being more particularly described as follows: A Lot in Block 99 of the City of Saint Louis, fronting 114 feet 5 inches (114 feet 4 inches more or less by Deed), on the East line of Broadway by a depth Eastwardly of 135 feet 0 inches (135 feet, more or less by Deed), to a private alley; bounded on the North by Lot 13 of said Block or by property, now or formerly Saint Louis Union Trust Company, on the East by said private alley and on the South by Olive Street.

EXHIBIT E

EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES

In any contract for work in connection with the redevelopment of the Marquette Building, 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 Marquette Building, there shall be maximum utilization of bona fide minority business enterprises ("MBEs") and women business enterprises ("WBEs") and, together with MBEs, "disadvantaged business enterprises" or "DBEs"). The Redeveloper will set a minimum goal of 25% MBE participation and 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, October 21, 1998 contractors, and subcontractors) willing to perform the work or provide the supplies--at a price which (i) is within the range requested by non-DBEs; or (ii) if higher than that requested by non-DBEs, is attributable to the effects of past discrimination--have been exhausted.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least 51% ownership.

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

women must have operational and managerial control and interest in capital and earnings commensurate with their percentage of ownership.

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, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, rental, use or occupancy of any property, or any Improvements erected or to be erected in the Marquette Building or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, 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 Marquette Building creates permanent jobs, it shall enter into an Employment Plan with the Saint Louis Agency on Training and Employment and the LCRA 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.

SECTION SIXTEEN. The Plan for the Marquette Building provides for the rehabilitation and renovation of the Marquette Building within a period of 30 months following commencement of construction pursuant to Section C of the Plan. The Plan approved by this Ordinance and the tax abatement granted under this Ordinance will be cancelled and terminated 60 months from the date of adoption of this Ordinance unless the Marquette Building has been placed in service prior to that date or LCRA has extended the foregoing time limit pursuant to Section C of the 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 an 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.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
05/29/98	05/29/98	HUDZ	10/21/98	

2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
10/23/98			10/30/98	11/06/98
ORDINANCE	VETOED		VETO OVR	
64492				