**BOARD BILL NO. 130 INTRODUCED BY ALDERMAN MOORE**

An ordinance approving an amended blighting study and redevelopment plan dated June 24, 2014 for the 4449-73 Evans Ave. Redevelopment Area (as further defined herein, the "Amended Plan") after affirming that the area blighted by Ordinance 68733 known as the 4457-73 Evans Ave. Redevelopment Area ("Area") as described in Attachment "A-1" incorporated herein by reference, was a blighted area as defined in Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being Sections 99.300 to 99.715 RSMo inclusive as amended) as of January 1, 2009, and that all additional property contained in the amended Area as described in Attachment "A" ("Amended Area") was found to be blighted as of that date as defined in Section 99.320 RSMo, as amended, affirming and finding that redevelopment and rehabilitation of the Amended Area is in the interest of the public health, safety, morals and general welfare of the people of the City of St. Louis ("City"); approving the Amended Plan, incorporated herein by Attachment "B" pursuant to Section 99.430 RSMo, as amended for the Amended Area; affirming and finding that there is a feasible financial plan for the redevelopment of the Amended Area which affords maximum opportunity for redevelopment of the Amended Area by private enterprise; finding that no property in the Amended Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA"), a public body corporate and politic created under Missouri law, through the exercise of eminent domain; finding that the property within the Amended Area is occupied, and the Redeveloper(s) (as defined herein) shall be responsible for providing relocation assistance pursuant to the Amended Plan to any eligible occupants displaced as a result of implementation of the Amended Plan; finding that financial aid may be necessary to enable the Amended Area to be redeveloped in accordance with the Amended Plan; finding that there shall be available up to ten (10) year real estate tax abatement; and pledging

cooperation of the St. Louis Board of Aldermen ("Board") and requesting various officials, departments, boards and agencies of the City to cooperate and exercise their respective powers in a manner consistent with the Amended Plan; and containing a severability clause.

WHEREAS, by Ordinance 68730, this Board found the property located in the 4457-73 Evans Ave. Area to be a "blighted area" as defined in Section 99.320 (3) RSMo, as amended, as of January 1, 2009; and

WHEREAS, by Ordinance 68730, this Board also approved a Redevelopment Plan for the Area, dated May 25, 2010; and

WHEREAS, it is desirable and in the public interest to amend the Redevelopment Plan approved by Ordinance 68730 by approving an Amended Plan for an Amended Area; and

WHEREAS, the LCRA has recommended such an Amended Plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this Board, titled "Amended Blighting Study and Plan for 4449-73 Evans Ave. Redevelopment Area", dated May 25, 2010, amended June 25, 2014, consisting of a Title Page, a Table of Contents Page, sixteen (16) numbered pages, including Exhibits "A" – "F" attached hereto and incorporated herein as Attachment "B" ("Amended Plan"); and based on the information in the Amended Plan, specifically the Blighting Report in Exhibit "F" to the Amended Plan, considered each parcel of property in the Amended Area and affirmed and found the preponderance of the Amended Area to be blighted as of January 1, 2009, and

WHEREAS, the predominance of defective or inadequate street layout, insanitary or unsafe condition, deterioration of site improvements, improper subdivision or obsolete platting, inadequate or outmolded design and conditions which endanger life or property by fire or 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 the present condition and use of the Amended Area, said Amended Area being more fully described in Attachment "A" and such conditions was 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 LCRA, to undertake the redevelopment of the Amended Area as a land clearance project under the Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4) RSMo, as amended; and

WHEREAS, the LCRA has, after considering each individual parcel of property in the Amended Area and finding and affirming the Amended Area was blighted as of January 1, 2009, approved the Amended Plan and recommended approval of the Amended Plan to the Planning Commission and to this Board; and

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

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

WHEREAS, the Amended Plan has been presented and recommended by LCRA and the Planning Commission 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 Planning Commission has advised this Board that the Amended Plan conforms to said general 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 Amended Plan; and

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

WHEREAS, the Amended Plan prescribes 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 RSMo, as amended, this Board placed public notices in a newspaper of general circulation in the City 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 those notices 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 as may be required to approve the Amended Plan; and

**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 68733_, that certain property described therein (and described herein as Attachment "A-1" incorporated herein by reference) was a blighted area as of January 1, 2009, as defined in

Section 99.320(3) of the Revised Statutes of Missouri, as amended (the "Statute" being Section 99.300 to 99.715 inclusive, as amended) is hereby affirmed, and there exists within the City of St. Louis ("City") additional properties that were blighted as of January 1, 2009, as defined by Section 99.230 RSMo, as amended, which, together with the properties in Attachment "A-1" are known as the Amended 4449-73 Evans Ave. Redevelopment Area as described in Attachment "A", attached hereto and incorporated herein be referenced ("Amended Area"). The existence of additional deteriorated property and other conditions constituted an economic or social liability to the City and presented a hazard to the health and well-being of its citizens. These conditions, therefore, qualified the Amended Area as blighted within the meaning of Section 99.230(3) RSMo, as amended, and are evidenced by the Blighting Report attached as Exhibit "F" ("Blighting Report") to the Amended Blighting Study and Redevelopment Plan for the Amended Area dated June 24, 2014, which is attached hereto, and labeled Attachment "B" and incorporated herein by reference ("Amended Plan").

**SECTION TWO**. The redevelopment of the Amended 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 Amended Area qualifies as of January 1, 2009 as a redevelopment area in need of redevelopment under the provision of the Statute, and the additional property included in the Amended Area was also blighted as of January 1, 2009 as defined in Section 99.320 of the Statute.

**SECTION FOUR**. The Amended Plan (including the Blighting Report) 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 Amended Plan with the Minutes of this meeting.

**SECTION FIVE**. The Amended Plan 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 Amended Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Amended Plan, and the proposed financing plan for the Amended Area is feasible.

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

**SECTION EIGHT**. The Amended Plan provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may acquire no property in the Amended Area by the exercise of eminent domain**.**

**SECTION NINE**. All of the property within the Amended Area is currently occupied. All eligible occupants displaced by the Redeveloper(s) (as being defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper(s) at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

**SECTION TEN**. The Amended Plan gives due consideration to the provision of adequate public facilities.

**SECTION ELEVEN**. 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 TWELVE**. All parties participating as owners or purchasers of property in the Amended Area for redevelopment ("Redeveloper(s)") 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 in the Amended 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 Redeveloper(s) is a party, and shall be enforceable by the LCRA, the City and the United States of America.

**SECTION THIRTEEN**. In all contracts with private and public parties for redevelopment of any portion of the Amended Area, Redeveloper(s) 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 LCRA and the Amended Plan, bona fide Minority Business Enterprise (as further defined below, (“MBEs”) and Women Business Enterprise (as further defined below (“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 MBEs and WBEs established by the City;

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

(e) To comply with the requirements of Ordinance No. 60275 of the City (First Source Jobs Policy, as codified at St. Louis City Revised Code Chapter 3.90);

(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 pursuant to the Amended Plan. The Redeveloper(s) will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Assistant Director – Certification and Compliance of the City 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(s).

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by Minority Group Member(s) (as defined below) who have at least fifty-one percent (51%) ownership therein. 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 having at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control and interest in capital, earnings commensurate with their percentage of ownership.

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

**SECTION FOURTEEN.** The Redeveloper(s) may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 - 99.715, RSMo, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created.

In lieu of the ten (10) year abatement outlined above, a Redeveloper(s) 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 which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions this Plan:

If property in the Amended Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such urban redevelopment corporation shall own property within the Amended Area, then for a period of up to the first ten (10) years after the such urban redevelopment corporation shall acquire

title to such property in the Area, taxes on that property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year two (2) years prior to the calendar year during which such urban redevelopment corporation shall have acquired title to that property. In addition to such taxes, any such urban redevelopment corporation shall for a period of up to ten (10) years 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 two (2) years prior to the calendar year during which such urban redevelopment corporation shall have acquired title to such property. If such property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such urban redevelopment corporation for such a period of up to 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 two (2) years prior to the calendar year during which such urban redevelopment corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the real 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 urban redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any agreement with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

**SECTION FIFTEEN**. Any proposed modification which will substantially change the Amended Plan, shall 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 Amended 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 LCRA.

**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.