

1 **BOARD BILL #288**

INTRODUCED BY ALDERMAN WESSELS

2 An Ordinance Authorizing The Execution Of A Cooperation Agreement And Authorizing
3 Reimbursement In Accordance Therewith, And Containing A Severability Clause.

4 **WHEREAS**, pursuant to Board Bill No. 287, the City found that the property commonly
5 known as Union Station and generally located at 1820 Market Street (the “Redevelopment
6 Area”) is a “blighted area” pursuant to Section 67.1401.2(3) of the Revised Statutes of Missouri,
7 as amended; and

8 **WHEREAS**, pursuant to Ordinance No. 57286, as amended by Ordinances 58294 and
9 58800, and Chapter 353 of the Revised Statutes of Missouri, as amended (“Chapter 353”), the
10 City approved a Development Plan (the “353 Plan”) and approved redevelopment of the Union
11 Station properties in the City of St. Louis, Missouri, as described in the 353 Plan and the
12 Ordinances (the “353 Project Area”); and

13 **WHEREAS**, pursuant to Ordinance 58219 and Sections 99.300 to 99.715 of the Revised
14 Statutes of Missouri, as amended (the “Act”), the City approved a Redevelopment Plan and
15 approved redevelopment of the project area, as described in the Ordinance ; and

16 **WHEREAS**, all or a portion of the Redevelopment Area is being redeveloped into
17 commercial uses (the “Redevelopment Project”) and USH, LLC (the “Company”) or an affiliate
18 will expend funds in connection with the Redevelopment Project, which will benefit the
19 Redevelopment Area and alleviate the conditions that qualify it as a “blighted area”; and

20 **WHEREAS**, the City is agreeable to assisting the Company by reimbursing the
21 Company or an affiliate up to the Redevelopment Project costs pursuant to a Cooperation
22 Agreement between the Company (or an affiliate) and the City (the “Cooperation Agreement”);
23 and

1 **WHEREAS**, this Board of Aldermen hereby finds that it is necessary and desirable and
2 in the best interest of the City to enter into the Cooperation Agreement with the Company or an
3 affiliate and to utilize funds from the Sales Tax Reimbursement Account described therein, in
4 order to provide for the promotion of the general welfare through redevelopment of the
5 Redevelopment Area in accordance with the Cooperation Agreement, which redevelopment
6 includes, but is not limited to, assistance in the physical, economic, and social development of
7 the City, providing for a stabilized population and plan for the optimal growth of the City,
8 encouragement of a sense of community identity, safety and civic pride, the elimination of
9 impediments to land disposition and development in the City, creation of sustainable jobs in a
10 targeted industry, and provision of additional tax revenue to the City; and

11 **WHEREAS**, the Board of Aldermen hereby determines that the terms of the Cooperation
12 Agreement attached as **Appendix A** hereto and incorporated herein by this reference is
13 acceptable and the execution, delivery and performance by the parties of their respective
14 obligations under the Cooperation Agreement are in the best interests of the City and the health,
15 safety, morals and welfare of its residents; and

16 **WHEREAS**, this Board of Aldermen hereby finds that the adoption of this ordinance is
17 in the best interest of the City of St. Louis and that the City as a whole will benefit from the
18 transactions described herein.

19 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

20 **SECTION ONE.** The Board of Aldermen finds and determines that, in order to promote
21 the general welfare, as described above, it is necessary and desirable to enter into the
22 Cooperation Agreement, which, subject to annual appropriation, pledges certain tax revenues for
23 reimbursement to the Company or an affiliate in order to benefit the Redevelopment Project.

1 **SECTION TWO.** The Board of Aldermen hereby approves, and the Mayor and
2 Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the
3 Cooperation Agreement attached hereto as **Appendix A**, and the City Register is hereby
4 authorized and directed to attest to the Cooperation Agreement and to affix the seal of the City
5 thereto. The Cooperation Agreement shall be in substantially the form attached, with changes
6 therein as shall be approved by said Mayor and Comptroller as may be consistent with the intent
7 of this Ordinance and necessary and appropriate in order to carry out the matters herein
8 authorized.

9 **SECTION THREE.** The Mayor and Comptroller of the City or his or her designated
10 representatives are hereby authorized and directed to take any and all actions to execute and
11 deliver for and on behalf of the City any and all additional certificates, documents, agreements or
12 other instruments as may be necessary and appropriate in order to carry out the matters herein
13 authorized, with no such further action of the Board of Aldermen necessary to authorize such
14 action by the Mayor or Comptroller or his or her designated representatives.

15 **SECTION FOUR.** The Mayor and Comptroller and his or her designated
16 representatives, with the advice and concurrence of the City Counselor and after approval by the
17 Board of Estimate and Apportionment, are hereby further authorized and directed to make any
18 changes to the documents, agreements and instruments approved and authorized by this
19 Ordinance as may be consistent with the intent of this Ordinance and necessary and appropriate
20 in order to carry out the matters herein authorized, with no such further action of the Board of
21 Aldermen necessary to authorize such changes by the Mayor or Comptroller or his or her
22 designated representatives.

1 **SECTION FIVE.** If any section, subsection, sentence, clause, phrase or portion of this
2 ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of
3 competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate,
4 distinct and independent provision of this ordinance, and such holding or holdings shall not
5 affect the validity of the remaining portions of this ordinance.

APPENDIX A

Form of Cooperation Agreement

SEE ATTACHED