

1 An Ordinance Affirming Adoption Of A Redevelopment Plan, Redevelopment Area,
2 Redevelopment Project Area And Redevelopment Project; Authorizing The Execution Of A
3 Redevelopment Agreement Between The City of St. Louis And St. Louis Food Hub TIF, Inc.;
4 Prescribing The Form And Details Of Said Agreement; Designating St. Louis Food Hub TIF,
5 Inc. As Developer Of A Portion Of Redevelopment Project Area 2; Making Certain Findings
6 With Respect Thereto; Authorizing Other Related Actions In Connection With The
7 Redevelopment Of Certain Property Within Redevelopment Project Area 2; And Containing A
8 Severability Clause.

9 **WHEREAS**, the City of St. Louis, Missouri (the “City”), is a body corporate and a
10 political subdivision of the State of Missouri, duly created, organized and existing under and by
11 virtue of its charter, the Constitution and laws of the State of Missouri; and

12 **WHEREAS**, on December 20, 1991, pursuant to Ordinance No. 62477, the Board of
13 Aldermen of the City created the Tax Increment Financing Commission of the City of St. Louis,
14 Missouri (the “TIF Commission”); and

15 **WHEREAS**, BY Ordinance No. 65977, the City, upon the recommendation of the TIF
16 Commission, approved the City Hospital Tax Increment Financing Redevelopment Plan for the
17 City Hospital Redevelopment Area (the “Redevelopment Area” or “Area”) dated June 13, 2003
18 (the “Original Plan”), which original Plan included three separate redevelopment project areas
19 within the Area and provided for redevelopment of such project areas through three separate
20 redevelopment projects; and

1 **WHEREAS**, by Ordinance No. 67677, the City, upon recommendation of its TIF
2 Commission, approved the “Amendment to the City Hospital TIF Redevelopment Plan”, dated
3 April 20, 2007, as revised May 30, 2007, as may be amended from time to time; and

4 **WHEREAS**, by Ordinance No. 68097, the City, upon recommendation of its TIF
5 Commission, approved the Second Amendment to Redevelopment Plan dated March 28, 2008,
6 revised May 14, 2008, June 5, 2008 and June 24, 2008 (the Original Plan as amended by
7 Ordinance Nos. 67677 and 68097 being the “Existing Plan”); and

8 **WHEREAS**, on February 1, 2012, after all proper notice was given, the TIF Commission
9 held a public hearing in conformance with the TIF Act (hereinafter defined) and received
10 comments from all interested persons and taxing districts affected by that certain Third
11 Amendment the Redevelopment Plan and the amendment to the redevelopment project (the
12 “Redevelopment Project”) described therein with respect to the redevelopment project area
13 identified as “Redevelopment Project Area 2 or “RPA 2” (“RPA 2” or “Redevelopment Project
14 Area 2”); and

15 **WHEREAS**, pursuant to the Real Property Tax Increment Allocation Redevelopment
16 Act, Sections 99.800 through 99.865 of the Revised Statutes of Missouri (2000), as amended (the
17 “Act” or “TIF Act”), and after due consideration of the TIF Commission’s recommendations, the
18 Board of Aldermen of the City of St. Louis, Missouri approved Ordinance No. ____ on
19 _____, 2012, which Ordinance: (i) adopted and approved the Redevelopment Plan as
20 amended, (ii) affirmed the designation of the Redevelopment Area (as described in the
21 Redevelopment Plan) as a “redevelopment area” as that term is defined in the TIF Act, and (iii)
22 made certain findings with respect thereto, all as set forth in such Ordinance and in accordance
23 with the requirements of the Act; and

1 **WHEREAS**, the Board of Aldermen has determined that completion of the
2 Redevelopment Project is of economic significance to the City, will serve to benefit the general
3 welfare, qualifies for the use of tax increment allocation financing to alleviate the conditions that
4 qualify the Redevelopment Area as a “redevelopment area” as provided in the TIF Act, and
5 further, that redevelopment of the Redevelopment Area in accordance with the Redevelopment
6 Plan is not financially feasible without the adoption of tax increment allocation financing and
7 would not otherwise be completed; and

8 **WHEREAS**, the Redevelopment Area qualifies for the use of tax increment allocation
9 financing to alleviate the conditions that qualify it as a “blighted area” as provided in the TIF Act
10 and as set forth herein; and

11 **WHEREAS**, it is necessary and desirable and in the best interest of the City to enter into
12 the Redevelopment Agreement with St. Louis Food Hub TIF, Inc., a Missouri corporation (the
13 “Developer”), in order that Developer may complete a portion of the Redevelopment Project
14 described in such Redevelopment Agreement as “Phase 2B-1” (“Phase 2B-1”), which will
15 provide for the promotion of the general welfare through redevelopment of RPA 2 in accordance
16 with the Redevelopment Plan which redevelopment includes, but is not limited to, assistance in
17 the physical, economic, and social development of the City of St. Louis, encouragement of a
18 sense of community identity, safety and civic pride and the elimination of impediments to land
19 disposition and development in the City of St. Louis; and

20 **WHEREAS**, pursuant to the provisions of the TIF Act, the City is authorized to enter
21 into a redevelopment agreement with Developer, setting forth the respective rights and
22 obligations of the City and Developer with regard to the redevelopment of Phase 2B-1 of RPA 2
23 (the “Redevelopment Agreement”); and

1 **WHEREAS**, the Board of Aldermen hereby determines that the terms of the
2 Redevelopment Agreement attached as **Exhibit A** hereto and incorporated herein by reference
3 are acceptable and that the execution, delivery and performance by the City and the Developer of
4 their respective obligations under the Redevelopment Agreement are in the best interests of the
5 City and the health, safety, morals and welfare of its residents, and in accord with the public
6 purposes specified in the TIF Act and the Redevelopment Plan.

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

8 **SECTION ONE.** The Board of Aldermen hereby ratifies and confirms its approval of
9 the Redevelopment Plan, Redevelopment Area, RPA 2 and the Redevelopment Project. The
10 Board of Aldermen further designates Developer as developer of Phase 2B-1 of RPA 2 and finds
11 and determines that it is necessary and desirable to enter into the Redevelopment Agreement
12 with Developer, as developer of Phase 2B-1 of RPA 2, in order to implement the Redevelopment
13 Project and to enable the Developer to carry out the development of Phase 2B-1.

14 **SECTION TWO.** The Board of Aldermen finds and determines that the assistance of
15 tax increment financing is necessary and desirable in order to implement the Redevelopment
16 Project and to enable Developer to carry out the development of Phase 2B-1 of the
17 Redevelopment Project.

18 **SECTION THREE.** The Board of Aldermen hereby approves, and the Mayor and
19 Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the
20 Redevelopment Agreement by and between the City and the Developer attached hereto as
21 **Exhibit A**, and the City Register is hereby authorized and directed to attest to the
22 Redevelopment Agreement and to affix the seal of the City thereto. The Redevelopment
23 Agreement shall be in substantially the form attached, with such changes therein as shall be

1 approved by said Mayor and Comptroller executing the same and as may be consistent with the
2 intent of this Ordinance and necessary and appropriate in order to carry out the matters herein
3 authorized.

4 **SECTION FOUR.** The Mayor and Comptroller of the City or their designated
5 representatives are hereby authorized and directed to take any and all actions to execute and
6 deliver for and on behalf of the City any and all additional certificates, documents, agreements or
7 other instruments as may be necessary and appropriate in order to carry out the matters herein
8 authorized, with no such further action of the Board of Aldermen necessary to authorize such
9 action by the Mayor and the Comptroller or their designated representatives.

10 **SECTION FIVE.** The Mayor and the Comptroller or their designated representatives,
11 with the advice and concurrence of the City Counselor and after approval by the Board of
12 Estimate and Apportionment, are hereby further authorized and directed to make any changes to
13 the documents, agreements and instruments approved and authorized by this Ordinance as may
14 be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out
15 the matters herein authorized, with no such further action of the Board of Aldermen necessary to
16 authorize such changes by the Mayor and the Comptroller or their designated representatives.

17 **SECTION SIX.** It is hereby declared to be the intention of the Board of Aldermen that
18 each and every part, section and subsection of this Ordinance shall be separate and severable
19 from each and every other part, section and subsection hereof and that the Board of Aldermen
20 intends to adopt each said part, section and subsection separately and independently of any other
21 part, section and subsection. In the event that any part, section or subsection of this Ordinance
22 shall be determined to be or to have been unlawful or unconstitutional, the remaining parts,
23 sections and subsections shall be and remain in full force and effect, unless the court making

1 such finding shall determine that the valid portions standing alone are incomplete and are
2 incapable of being executed in accord with the legislative intent.

3 **SECTION SEVEN.** After adoption of this Ordinance by the Board of Aldermen, this
4 Ordinance shall become effective on the 30th day after its approval by the Mayor or adoption
5 over his veto; *provided that* if, within ninety (90) days after the effective date of this Ordinance,
6 the Developer has not (i) executed a redevelopment agreement pertaining to the Redevelopment
7 Project and (ii) paid all fees due to the City in accordance with the terms of the redevelopment
8 agreement, the provisions of this Ordinance shall be deemed null and void and of no effect and
9 all rights conferred by this Ordinance on Developer, shall terminate, *provided further*, however,
10 that prior to any such termination the Developer may seek an extension of time in which to
11 execute the Redevelopment Agreement, which extension may be granted in the sole discretion of
12 the Board of Estimate and Apportionment of the City of St. Louis.

EXHIBIT A

Redevelopment Agreement by and between the City of St. Louis and
the Developer
(Attached hereto.)