**BOARD BILL NO. 77 INTRODUCED BY ALDERMAN DIONNE FLOWERS**

An ordinance approving a development plan for the 6201-59 N. Broadway St. and 800-880 E. Taylor Ave.Area (“Area”) finding that the Area is blighted, insanitary, undeveloped industrial area, as defined in Section 100.310(2), (11), (18) of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being Sections 100.300 to 100.620 inclusive), containing a description of the boundaries of the Area in the City of St. Louis ("City") and attached hereto and incorporated herein as Attachment "A", finding that industrial development and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Blighting Study and Plan dated March 25, 2008, for the Area (“Plan”)", incorporated herein by Attachment “B”; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that **no** property in the Area may be acquired by the Planned Industrial Expansion Authority of the City of St. Louis ("PIEA") through the exercise of eminent domain; finding that the property in the Area is unoccupied, but if it should become occupied**,** the Developer shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available up to ten (10) year tax abatement; and pledging cooperation of the Board of Aldermen ("Board") and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

Whereas, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting or other conditions in the Area which retard the provision of housing accommodations; or because

there is a predominance of buildings and improvements in the Area, which by reason of dilapidation, deterioration, and or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, high density of population and overcrowding of buildings or land, are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime; or because the Area, by reason of defective and inadequate street layout or location of physical improvements, obsolescence and inadequate subdivision and platting, contains vacant parcels of land not used economically, or contains structures whose operation is not economically feasible, or contains intermittent space for the expansion and efficient use of land for industrial plants and commercial uses amounting to conditions which retard economic or social growth, result in economic waste and social liabilities and represent an inability to pay reasonable taxes; or because of the existence of a combination of such conditions in the Area or other conditions which endanger life or property by fire or other causes, the Area 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 Area, said Area being more fully described in Attachment "A"; and

WHEREAS, such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise with out the aids provided in the Statute; and

WHEREAS, there is a need for the PIEA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a "Project", as described in said Statute, pursuant to plans by or presented to the PIEA in accordance with Section 100.400.1(4); and

WHEREAS, this board has considered the "Blighting Study and Plan for the 6201-59 N.

Broadway St. and 800-880 E. Taylor Ave. Area" dated March 25, 2008, consisting of a Table of Contents and sixteen (16) numbered pages including Exhibits "A"-"F" attached hereto and incorporated herein as Attachment "B: ("Plan"); and based on the information in the Plan, specifically the Blighting Report in Exhibit "F" to the Plan, considered each parcel of property in the Area and found the predominance of the Area to be blighted; and

WHEREAS, such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise without the aids provided in the Statute; and

WHEREAS, the PIEA has after considering each individual parcel of property in the Area and finding the 6201-59 N. Broadway St. and 800-80 E. Taylor Ave. Area to be blighted, approved the Plan and recommended approval of the Plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this Board; and

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

WHEREAS, the PIEA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by Section 100.400 and this Board has been fully apprised by PIEA and the Planning Commission of the facts and is fully aware of the conditions in the Area; and

WHEREAS, the Plan has been presented and recommended by the PIEA and Planning Commission to this Board for review and approval; and

WHEREAS, a general plan has been prepared and recognized and used as a guide for the general development of the City and the Planning commission has advised this Board that the 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 Plan; and

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

WHEREAS, the Plan prescribes and uses street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new streets 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 the a development project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, age, sexual orientation, marital status or physical handicap; and

WHEREAS, in accordance with requirements of Section 100.400 of the Statute, this Board placed a Public Notice in a newspaper of general circulation in the City, 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 notice 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. There exists within the City of St. Louis ("City") a blighted, insanitary, or undeveloped industrial area, as defined by Section 100.310(2), (11). and (18) of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being Sections 100.300 to 100.620 inclusive) described in Attachment "A", attached hereto and incorporated herein, known as the

6201-59 N. Broadway St. and 800-80 E. Taylor Ave.. Area ("Area"). The existence of deteriorated property and other conditions constitutes an economic or social liability to the City and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 100.310 (2), (11), and (18) of the Revised Statutes of Missouri, 2000 as amended, and is evidenced by the Blighting Report attached as Exhibit “F” (“Blighting Report”) to the Blighting Study and Development Plan for the Area dated March 25, 2008 which is attached hereto, and labeled Attachment “B” and incorporated herein by reference (“Plan”).

SECTION TWO. Industrial development of the above described 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 Area qualifies as an industrial development area in need of industrial development under the provision of the Statute, and the Area is blighted as defined in Section 100.310(2), (11), (18) of the Statute.

SECTION FOUR. The 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 Plan with the Minutes of this meeting.

SECTION FIVE. The 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 Area is necessary to enable the development activities to be undertaken in

accordance with the Plan, and the proposed financing plan for the Area is feasible.

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

SECTION EIGHT. The Plan provides that the Planned Industrial Expansion Authority of the City of St. Louis ("PIEA") may not acquire any property in the Area, by the exercise of eminent domain**.**

SECTION NINE. The property within the Area is currently unoccupied. If it should becomes occupied, all eligible occupants displaced by the Developer ("Developer" being defined in Section Twelve, below) shall be given relocation assistance by the Developer at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

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

SECTION ELEVEN. 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 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 Plan; and

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

SECTION TWELVE. All parties participating as owners or purchasers of property in the

Area for development ("Developer") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, religion, national origin, sex, marital status, sexual orientation, age or physical handicap in the sale, lease, or rental of any property or improvements erected or to be erected in the Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Developer is a party, and shall be enforceable by the PIEA, the City and the United States of America.

SECTION THIRTEEN. In all contracts with private and public parties for development of any portion of the Area, all Developers shall agree:

(a) To use the property in accordance with the provisions of the Amended Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;

(b) That in undertaking construction under the agreement with the PIEA and the Plan, bona fide minority and women subcontractors and material suppliers will be solicited and fairly considered for subcontracts and purchase orders by the general contractor and other subcontractors under the general construction contracts let directly by the Developer;

(c) To be bound by the conditions and procedures regarding the utilization of minority and women business enterprises established by the 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 certified 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 under this Agreement. The Developer will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and

(g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts let directly by Developer.

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 fifty-one percent (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 fifty-one percent (51%) ownership. The woman or women must have operational and managerial control, interest in capital and earnings commensurate with their percentage of ownership. The term "Developer" as used in this Section shall include its successors in interest and assigns.

SECTION FOURTEEN. A Developer, 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 ay Special Business District, Neighborhood

Improvement District, Commercial Improvement District, or any other single 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 commencement of such tax abatement, in accordance with the following provisions of this Plan: If property in the Area is sold by the PIEA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such a corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for up to the same ten (10) year period made a payment in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the PIEA and leased to any such corporation, then such corporation for 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, land and improvements during the calendar year preceding the calendar year in which such corporation shall lease such property.

All payments in lieu of taxes shall be alien 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 ten (10) year period, shall inure to the benefits of all successors in interest in the property of the redevelopment corporations, so long as such successors shall continue to use such property as provided in this Plan and in any contract

with the PIEA. 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 Plan shall be approved by this Board in the same manner as this Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or any 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 PIEA provided that such revisions shall be effective only upon the consent of the Planning Commission.

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.