

1        **BOARD BILL NO. 120**                      **INTRODUCED BY ALDERMAN KENNETH ORTMANN**

2        An ordinance approving a Redevelopment Plan for 3130-32 Nebraska Avenue Area ("Area") after  
3        finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri,  
4        2000, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), containing a  
5        description of the boundaries of said Area in the City of St. Louis ("City"), attached hereto and  
6        incorporated herein as Exhibit "A", finding that redevelopment and rehabilitation of the Area is in  
7        the interest of the public health, safety, morals and general welfare of the people of the City;  
8        approving the Plan dated April 26, 2005 for the Area ("Plan"), incorporated herein by attached  
9        Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the  
10       development of the Area which affords maximum opportunity for development of the Area by  
11       private enterprise; finding that no property in the Area may be acquired by the Land Clearance for  
12       Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent  
13       domain; finding that the property within the Area is unoccupied, but if it should become occupied  
14       the Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of  
15       implementation of the Plan; finding that financial aid may be necessary to enable the Area to be  
16       redeveloped in accordance with the Plan; finding that there shall be available ten (10) year real  
17       estate tax abatement; and pledging cooperation of the Board of Aldermen and requesting various  
18       officials, departments, boards and agencies of the City to cooperate and to exercise their respective  
19       powers in a manner consistent with the Plan.

20       WHEREAS, by reason of predominance of defective or inadequate street layout, insanitary or  
21       unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting,  
22       there exist conditions which endanger life or property by fire or other causes and constitute an

1 economic or social liability or a menace to the public health, safety, morals or welfare in the  
2 present condition and use of the Area, said Area being more fully described in Exhibit "A"; and  
3 WHEREAS, such conditions are beyond remedy and control solely by regulatory process in the  
4 exercise of the police power and cannot be dealt with effectively by ordinary private enterprise  
5 without the aids provided in the Statute; and  
6 WHEREAS, there is a need for the LCRA, a public body corporate and politic created under  
7 Missouri law, to undertake the development of the above described Area as a land clearance  
8 project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1  
9 (4); and  
10 WHEREAS, the LCRA has recommended such a plan to the Planning Commission of the City of  
11 St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled  
12 "Blighting Study and Plan for 3130-32 Nebraska Avenue Area," dated April 26, 2005 consisting of  
13 a Title Page, a Table of Contents Page, and thirteen (13) numbered pages, attached hereto and  
14 incorporated herein as Exhibit "B" ("Plan"); and  
15 WHEREAS, under the provisions of the Statute, and of the federal financial assistance statutes, it is  
16 required that this Board take such actions as may be required to approve the Plan; and  
17 WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and  
18 administer the Plan in the Area; and  
19 WHEREAS, the LCRA and the Planning Commission have made and presented to this Board the  
20 studies and statements required to be made and submitted by Section 99.430 and this Board has  
21 been fully apprised by the LCRA and the Planning Commission of the facts and is fully aware of  
22 the conditions in the Area; and

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

3 WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general  
4 development of the City and the Planning Commission has advised this Board that the Plan  
5 conforms to said general plan; and

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

8 WHEREAS, the Plan does prescribe land use and street and traffic patterns which may require,  
9 among other things, the vacation of public rights-of-way, the establishment of new street and  
10 sidewalk patterns or other public actions; and

11 WHEREAS, this Board is cognizant of the conditions which are imposed on the undertaking and  
12 carrying out of a redevelopment project, including those relating to prohibitions against  
13 discrimination because of race, color, creed, national origin, sex, marital status, age, sexual  
14 orientation or physical handicap; and

15 WHEREAS, in accordance with the requirements of Section 99.430 of the Statute, this Board  
16 advertised that a public hearing would be held by this Board on the Plan, and said hearing was held  
17 at the time and place designated in said advertising and all those who were interested in being  
18 heard were given a reasonable opportunity to express their views; and

19 WHEREAS, it is necessary that this Board take appropriate official action respecting the approval  
20 of the Plan.

21 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

22 **SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as defined by  
23 Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being

1 Sections 99.300 to 99.715 inclusive, as amended) described in Exhibit "A", attached hereto and  
2 incorporated herein, known as the 3130-32 Nebraska Avenue Area.

3 **SECTION TWO.** The redevelopment of the above described Area, as provided by the Statute, is  
4 necessary and in the public interest, and is in the interest of the public health, safety, morals and  
5 general welfare of the people of the City.

6 **SECTION THREE.** The Area qualifies as a redevelopment area in need of redevelopment under  
7 the provision of the Statute, and the Area is blighted as defined  
8 in Section 99.320 of the Statute.

9 **SECTION FOUR.** The Blighting Study and Plan for the Area, dated April 26, 2005 ("Plan")  
10 having been duly reviewed and considered, is hereby approved and incorporated herein by  
11 reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby  
12 directed to file a copy of said Plan with the Minutes of this meeting.

13 **SECTION FIVE.** The Plan for the Area is feasible and conforms to the general plan for the City.

14 **SECTION SIX.** The financial aid provided and to be provided for financial assistance pertaining  
15 to the Area is necessary to enable the redevelopment activities to be undertaken in accordance with  
16 the Plan for the Area, and the proposed financing plan for the Area is feasible.

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

20 **SECTION EIGHT.** The Plan for the Area provides that the Land Clearance for Redevelopment  
21 Authority of the City of St. Louis ("LCRA") may not acquire any property in the Area by the  
22 exercise of eminent domain.

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

5 **SECTION TEN.** The Plan for the Area gives due consideration to the provision of adequate  
6 public facilities.

7 **SECTION ELEVEN.** In order to implement and facilitate the effectuation of the Plan hereby  
8 approved it is found and determined that certain official actions must be taken by this Board and  
9 accordingly this Board hereby:

10 (a) Pledges its cooperation in helping to carry out the Plan;

11 (b) Requests the various officials, departments, boards and agencies of the City, which  
12 have administrative responsibilities, likewise to cooperate to such end and to execute their  
13 respective functions and powers in a manner consistent with the Plan; and

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

16 **SECTION TWELVE.** All parties participating as owners or purchasers of property in the Area  
17 for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and  
18 assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex,  
19 marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any  
20 property or improvements erected or to be erected in the Area or any part thereof and those  
21 covenants shall run with the land, shall remain in effect without limitation of time, shall be made  
22 part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and  
23 shall be enforceable by the LCRA, the City and the United States of America.

1 **SECTION THIRTEEN.** In all contracts with private and public parties for redevelopment of any  
2 portion of the Area, all Redevelopers shall agree:

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

5 (b) That in undertaking construction under the agreement with the LCRA and the Plan,  
6 bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises ("WBE's")  
7 will be solicited and fairly considered for contracts, subcontracts and purchase orders;

8 (c) To be bound by the conditions and procedures regarding the utilization of MBE's  
9 and WBE's established by the City;

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

12 (e) To comply with the requirements of Ordinance No. 60275 of the City;

13 (f) To cooperate with those programs and methods supplied by the City with the  
14 purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and  
15 material supplier participation in the construction under this Agreement. The Redeveloper will  
16 report semi-annually during the construction period the results of its endeavors under this  
17 paragraph, to the Office of the Mayor and the President of this Board; and

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

20 The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-  
21 profit organization owned, operated and controlled by minority group members who have at least  
22 fifty-one percent (51%) ownership. The minority group member(s) must have operational and  
23 management control, interest in capital and earnings commensurate with their percentage of

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

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

11 **SECTION FOURTEEN.** The Redeveloper may seek ten (10) year real estate tax abatement  
12 pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 2000, as amended, upon  
13 application as provided therein. Such real estate tax abatement shall not include any Special  
14 Business District taxes which may be assessed for the property located in a Special Business  
15 District.

16 In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban  
17 redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby  
18 be entitled to real property ad valorem tax abatement which shall not include any Special Business  
19 District taxes which may be assessed for the property located in a Special Business District for a  
20 total period of up to ten (10) years from the commencement of such tax abatement, in accordance  
21 with the following provisions:

22 If property in the Area is sold by the LCRA to an urban redevelopment corporation formed  
23 pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property

1 within the Area, then for the first ten (10) years after the date the redevelopment corporation shall  
2 acquire title to such property, taxes on such property shall be based upon the assessment of land,  
3 exclusive of any improvements thereon, during the calendar year preceding the calendar year  
4 during which such corporation shall have acquired title to such property. In addition to such taxes,  
5 any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the  
6 Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the  
7 improvements located on the property during the calendar year preceding the calendar year during  
8 which such corporation shall have acquired title to such property. If property shall be tax-exempt  
9 because it is owned by the LCRA and leased to any such corporation, then such corporation for the  
10 first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue  
11 of  
12 the City in an amount based upon the assessment on the property, including land and  
13 improvements, during the calendar year preceding the calendar year during which such corporation  
14 shall lease such property.

15 All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of  
16 Revenue of the City shall be distributed as all other property taxes. These partial tax relief and  
17 payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit  
18 of all successors in interest in the property of the redevelopment corporation, so long as such  
19 successors shall continue to use such property as provided in this Plan and in any contract with the  
20 LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment  
21 corporation shall have acquired title to the property.

22 **SECTION FIFTEEN.** Any proposed modification which will substantially change the Plan must  
23 be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first

1 approved. Modifications which will substantially change the Plan include, but are not necessarily  
2 limited to, modifications on the use of eminent domain, to the length of tax abatement, to the  
3 boundaries of the Area, or to other items which alter the nature or intent of the Plan. The Plan may  
4 be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA,  
5 provided that such revisions shall be effective only upon the consent of the Planning Commission  
6 of the City. Changes which are not substantial are those that do not go to the crux of the Plan.

7 **SECTION SIXTEEN.** The sections of this Ordinance shall be severable. In the event that any  
8 section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining  
9 sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are  
10 so essential and inseparably connected with and dependent upon the void section that it cannot be  
11 presumed that this Board would have enacted the valid sections without the void ones, or unless  
12 the court finds that the valid sections standing alone are incomplete and are incapable of being  
13 executed in accordance with the legislative intent.

14