

1 AN ORDINANCE DESIGNATING A PORTION OF THE CITY OF ST.
2 LOUIS, MISSOURI, AS A REDEVELOPMENT AREA KNOWN AS THE
3 SOUTHSIDE NATIONAL BANK BUILDING REDEVELOPMENT AREA
4 PURSUANT TO THE REAL PROPERTY TAX INCREMENT
5 ALLOCATION REDEVELOPMENT ACT; APPROVING A
6 REDEVELOPMENT PLAN; APPROVING RPA 1 AND THE RPA 1
7 REDEVELOPMENT PROJECT THEREIN; ADOPTING TAX
8 INCREMENT FINANCING WITHIN RPA 1; MAKING FINDINGS WITH
9 RESPECT THERETO; ESTABLISHING THE SOUTHSIDE NATIONAL
10 BANK BUILDING SPECIAL ALLOCATION FUND; AUTHORIZING
11 CERTAIN ACTIONS BY CITY OFFICIALS; AND CONTAINING A
12 SEVERABILITY CLAUSE.

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

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

19 **WHEREAS**, the TIF Commission is duly constituted according to the Real Property Tax
20 Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of
21 Missouri (2000), as amended (the “TIF Act”), and is authorized to hold public hearings with

1 respect to proposed redevelopment areas and redevelopment plans and to make
2 recommendations thereon to the City; and

3 **WHEREAS**, staff and consultants of the City and Southside National, L.L.C., a Missouri
4 limited liability company (the “Developer”), prepared a plan for redevelopment titled “Southside
5 National Bank Building TIF Redevelopment Plan” dated April 29, 2005 (the “Redevelopment
6 Plan”), for an area generally located at the property commonly known as 3611 S. Grand and
7 3615 Tholozan Avenue in St. Louis (the “Redevelopment Area” or “Area”), which
8 Redevelopment Area is more fully described in the Redevelopment Plan, attached hereto and
9 incorporated herein as **Exhibit A** and which contains two separate and distinct Redevelopment
10 Project Areas (respectively, “Redevelopment Project Area 1” and “Redevelopment Project Area
11 2” or “RPA 1” and “RPA 2”); and

12 **WHEREAS**, the Redevelopment Plan proposes to redevelop the RPA 1 by renovating
13 and rehabilitating the building that currently exists in the RPA 1 into residential units and
14 commercial space with related parking and other improvements, as set forth in the
15 Redevelopment Plan (“Redevelopment Project 1” or the “RPA 1 Redevelopment Project”); and

16 **WHEREAS**, on June 15, 2005 after all proper notice was given, the TIF Commission
17 held a public hearing in conformance with the TIF Act and received comments from all
18 interested persons and taxing districts relative to the Redevelopment Area, the Redevelopment
19 Plan, and the RPA 1 Redevelopment Project; and

20 **WHEREAS**, on June 15, 2005, the TIF Commission found that completion of the RPA 1
21 Redevelopment Project would provide a substantial and significant public benefit through the
22 creation of new jobs, the elimination of blight, the preservation of historic structures, the
23 strengthening of the employment and economic base of the City, increased property values and

1 tax revenues, stabilization of RPA 1, and facilitation of economic stability for the City as a
2 whole, and further found that without the assistance of tax increment financing in accordance
3 with the TIF Act, the RPA 1 Redevelopment Project is not financially feasible and would not
4 otherwise be completed; and

5 **WHEREAS**, on June 15, 2005, the TIF Commission voted to recommend that the Board
6 of Aldermen adopt an ordinance in the form required by the Act (i) approving the
7 Redevelopment Plan, (ii) approving and designating the Redevelopment Area as a
8 “redevelopment area” as provided in the Act, (iii) approving RPA 1 and the RPA 1
9 Redevelopment Project as described within the Redevelopment Plan, (iv) adopting tax increment
10 financing within RPA 1, and (v) approving the issuance of tax increment financing revenue notes
11 in the amount as specified in the Redevelopment Plan; and

12 **WHEREAS**, the Developer has demonstrated that the RPA 1 Redevelopment Project
13 would not reasonably be anticipated to be developed without the adoption of tax increment
14 financing and, therefore, redevelopment of RPA 1 in accordance with the Redevelopment Plan is
15 not feasible and would not otherwise be completed; and

16 **WHEREAS**, the Board of Aldermen has received the recommendations of the TIF
17 Commission regarding the Redevelopment Area and the Redevelopment Plan and finds that it is
18 desirable and in the best interests of the City to designate the Redevelopment Area as a
19 “redevelopment area” as provided in the TIF Act, adopt the Redevelopment Plan, approve RPA
20 1 and the RPA 1 Redevelopment Project in order to encourage and facilitate the redevelopment
21 of RPA 1; and

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

4 **WHEREAS**, it is necessary and desirable and in the best interest of the City to adopt tax
5 increment allocation financing within RPA 1 and to establish a special allocation fund for the
6 Redevelopment Area.

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

8 **SECTION ONE.** The Board of Aldermen hereby makes the following findings:

9 A. The Redevelopment Area on the whole is a “blighted area”, as defined in Section
10 99.805 of the TIF Act, and has not been subject to growth and development through investment
11 by private enterprise and would not reasonably be anticipated to be developed without the
12 adoption of tax increment financing. This finding includes, the Redevelopment Plan sets forth,
13 and the Board of Aldermen hereby finds and adopts by reference: (i) a detailed description of the
14 factors that qualify the Redevelopment Area as a “blighted area” and (ii) an affidavit, signed by
15 the Developer and submitted with the Redevelopment Plan, attesting that the provisions of
16 Section 99.810.1(1) of the TIF Act have been met, which description and affidavit are
17 incorporated herein as if set forth herein.

18 B. The Redevelopment Plan conforms to the comprehensive plan for the
19 development of the City as a whole.

20 C. In accordance with the TIF Act, the Redevelopment Plan states the estimated
21 dates of completion of the RPA 1 Redevelopment Project and retirement of the financial
22 obligations issued to pay for certain redevelopment project costs and these dates are twenty three
23 (23) years or less from the date of approval of the RPA 1 Redevelopment Project.

1 D. A plan has been developed for relocation assistance for businesses and residences
2 in Ordinance No. 62481 adopted December 20, 1991.

3 E. A cost-benefit analysis showing the economic impact of the Redevelopment Plan
4 on each taxing district which is at least partially within the boundaries of the Redevelopment
5 Area is on file with the St. Louis Development Corporation, which cost-benefit analysis shows
6 the impact on the economy if the RPA 1 Redevelopment Project is not built, and is built pursuant
7 to the Redevelopment Plan.

8 F. Redevelopment of RPA 1 in accordance with the Redevelopment Plan is not
9 financially feasible without the assistance of tax increment financing and would not otherwise be
10 completed.

11 G. The Redevelopment Plan does not include the initial development or
12 redevelopment of any “gambling establishment” as that term is defined in Section 99.805(6) of
13 the TIF Act.

14 H. The Redevelopment Project Area 1 includes only those parcels of real property
15 and improvements thereon directly and substantially benefited by the proposed RPA 1
16 Redevelopment Project.

17 **SECTION TWO.** The Redevelopment Area described in the Redevelopment Plan is
18 hereby designated as a “redevelopment area” as defined in Section 99.805(11) of the TIF Act.

19 **SECTION THREE.** The Redevelopment Plan as reviewed and recommended by the
20 TIF Commission on June 15, 2005, including amendments thereto, if any, and Redevelopment
21 Project 1 described in the Redevelopment Plan are hereby adopted and approved. A copy of the
22 Redevelopment Plan is attached hereto as **Exhibit A** and incorporated herein by reference.

1 **SECTION FOUR.** There is hereby created and ordered to be established within the
2 treasury of the City a separate fund to be known as the “Southside National Bank Building
3 Special Allocation Fund.” To the extent permitted by law and except as otherwise provided in
4 the Redevelopment Plan, the City hereby pledges funds in the Southside National Bank Building
5 Special Allocation Fund for the payment of redevelopment project costs and obligations incurred
6 in the payment thereof.

7 **SECTION FIVE.** Tax increment allocation financing is hereby adopted within RPA 1.
8 After the total equalized assessed valuation of the taxable real property in RPA 1 exceeds the
9 certified total initial equalized assessed valuation of the taxable real property in RPA 1, the ad
10 valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real
11 property in RPA 1 by taxing districts and tax rates determined in the manner provided in Section
12 99.855.2 of the TIF Act each year after the effective date of this Ordinance until redevelopment
13 costs have been paid shall be divided as follows:

14 A. That portion of taxes, penalties and interest levied upon each taxable lot, block,
15 tract, or parcel of real property which is attributable to the initial equalized assessed value of
16 each such taxable lot, block, tract, or parcel of real property in the area selected for the RPA 1
17 Redevelopment Project shall be allocated to and, when collected, shall be paid by the City
18 Collector to the respective affected taxing districts in the manner required by law in the absence
19 of the adoption of tax increment allocation financing;

20 B. Payments in lieu of taxes attributable to the increase in the current equalized
21 assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected
22 for the RPA 1 Redevelopment Project and any applicable penalty and interest over and above the
23 initial equalized assessed value of each such unit of property in the area selected for the RPA 1

1 Redevelopment Project shall be allocated to and, when collected, shall be paid to the City
2 Treasurer, who shall deposit such payment in lieu of taxes into the Southside National Bank
3 Building Special Allocation Fund for the purpose of paying redevelopment costs and obligations
4 incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall
5 constitute a lien against the real estate of the RPA 1 Redevelopment Project from which they are
6 derived and shall be collected in the same manner as the real property tax, including the
7 assessment of penalties and interest where applicable.

8 **SECTION SIX.** In addition to the payments in lieu of taxes described in Section Five of
9 this Ordinance, fifty percent (50%) of the total additional revenue from taxes, penalties and
10 interest which are imposed by the City or other taxing districts, and which are generated by
11 economic activities within the area of the RPA 1 Redevelopment Project over the amount of such
12 taxes generated by economic activities within the area of the RPA 1 Redevelopment Project in
13 the calendar year prior to the adoption of the RPA 1 Redevelopment Project by ordinance, while
14 tax increment financing remains in effect, but excluding personal property taxes, taxes imposed
15 on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied
16 pursuant to Section 70.500 of the Revised Statutes of Missouri (2000) as amended, or taxes
17 levied for the purpose of public transportation pursuant to Section 94.660 of the Revised Statutes
18 of Missouri (2000) as amended, licenses, fees or special assessments other than payments in lieu
19 of taxes and penalties and interest thereon, shall be allocated to, and paid by the collecting
20 officer to the City Treasurer or other designated financial officer of the City, who shall deposit
21 such funds in a separate segregated account within the Southside National Bank Building Special
22 Allocation Fund.

23 **SECTION SEVEN.** The Comptroller of the City is hereby authorized to enter into

1 agreements or contracts with other taxing districts as is necessary to ensure the allocation and
2 collection of the taxes and payments in lieu of taxes described in Sections Five and Six of this
3 Ordinance and the deposit of the said taxes or payments in lieu of taxes into the Southside
4 National Bank Building Special Allocation Fund for the payment of redevelopment project costs
5 and obligations incurred in the payment thereof, all in accordance with the TIF Act.

6 **SECTION EIGHT.** The City Register is hereby directed to submit a certified copy of
7 this Ordinance to the City Assessor, who is directed to determine the total equalized assessed
8 value of all taxable real property within RPA 1 as of the date of this Ordinance, by adding
9 together the most recently ascertained equalized assessed value of each taxable lot, block, tract
10 or parcel of real property within RPA 1, and shall certify such amount as the total initial
11 equalized assessed value of the taxable real property within RPA 1.

12 **SECTION NINE.** The Mayor and Comptroller of the City or their designated
13 representatives are hereby authorized and directed to take any and all actions as may be
14 necessary and appropriate in order to carry out the matters herein authorized, with no such
15 further action of the Board of Aldermen necessary to authorize such action by the Mayor and the
16 Comptroller or their designated representatives.

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

1 necessary to authorize such changes by the Mayor and the Comptroller or their designated
2 representatives.

3 **SECTION ELEVEN.** It is hereby declared to be the intention of the Board of Aldermen
4 that each and every part, section and subsection of this Ordinance shall be separate and severable
5 from each and every other part, section and subsection hereof and that the Board of Aldermen
6 intends to adopt each said part, section and subsection separately and independently of any other
7 part, section and subsection. In the event that any part, section or subsection of this Ordinance
8 shall be determined to be or to have been unlawful or unconstitutional, the remaining parts,
9 sections and subsections shall be and remain in full force and effect, unless the court making
10 such finding shall determine that the valid portions standing alone are incomplete and are
11 incapable of being executed in accord with the legislative intent.

12 **SECTION TWELVE.** After adoption of this Ordinance by the Board of Aldermen, this
13 Ordinance shall become effective on the 30th day after its approval by the Mayor or adoption
14 over his veto; *provided that* if, within ninety (90) days after the effective date of this Ordinance,
15 the Developer has not (i) executed a redevelopment agreement pertaining to the RPA 1
16 Redevelopment Project and (ii) paid all fees due to the City in accordance with the terms of the
17 redevelopment agreement, the provisions of this Ordinance shall be deemed null and void and of
18 no effect and all rights conferred by this Ordinance on Developer, shall terminate, *provided*
19 *further*, however, that prior to any such termination the Developer may seek an extension of time
20 in which to execute the Redevelopment Agreement, which extension may be granted in the sole
21 discretion of the Board of Estimate and Apportionment of the City of St. Louis.

EXHIBIT A

SOUTHSIDE NATIONAL BANK BUILDING TIF REDEVELOPMENT PLAN