

1       **BOARD BILL NO. 186       INTRODUCED BY ALDERMAN SAMUEL MOORE**

2           An ordinance approving a blighting study and redevelopment plan dated July 28, 2009 for  
3 the N. Taylor Ave./Dr. Martin Luther King Dr./St. Louis Ave. Redevelopment Area (as further  
4 defined herein, the “Plan”) after finding that said Redevelopment Area (“Area”) is blighted as  
5 defined in Section 99.320 of the Revised Statutes of Missouri, as amended (the "Statute" being  
6 Sections 99.300 to 99.715 RSMo inclusive, as amended); containing a description of the  
7 boundaries of the Area in the City of St. Louis ("City"), attached hereto and incorporated herein as  
8 Attachment "A", finding that redevelopment and rehabilitation of the Area is in the interest of the  
9 public health, safety, morals and general welfare of the people of the City; approving the Plan  
10 attached hereto and incorporated herein as Attachment "B", pursuant to Section 99.430 RSMo, as  
11 amended; 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”), a public body corporate and politic  
13 created under Missouri law, through the exercise of eminent domain; finding that some of the  
14 property within the Area is occupied, and the Redeveloper(s) (as defined herein) shall be  
15 responsible for providing relocation assistance pursuant to the Plan to any eligible occupants  
16 displaced as a result of implementation of the Plan; finding that financial aid may be necessary to  
17 enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available  
18 up to a ten (10) year real estate tax abatement; and pledging cooperation of this St. Louis Board of  
19 Aldermen (“Board”) and requesting various officials, departments, boards and agencies of the City  
20 to cooperate and to exercise their respective powers in a manner consistent with the Plan; and  
21 containing a severability clause.

22           WHEREAS, the predominance of defective or inadequate street layout, insanitary or unsafe  
23 conditions, deterioration of site improvements, improper subdivision or obsolete platting,

1 inadequate or outmoded design and conditions which endanger life or property by fire and other  
2 causes, or any combination of such factors, retards the provision of housing accommodations or  
3 constitutes an economic or social liability or a menace to the public health, safety, morals or  
4 welfare in the present condition and use of the Area and such conditions are beyond remedy and  
5 control solely by regulatory process in the exercise of the police power and cannot be dealt with  
6 effectively by ordinary private enterprise without the aids provided in the Statute; and

7 WHEREAS, this Board has considered the “Blighting Study and Redevelopment Plan for  
8 the N. Taylor Ave./Dr. Martin Luther King Dr./St. Louis Ave. Redevelopment Area” dated July 28,  
9 2009, consisting of a Title Page; a Table of Contents Page, seventeen (17) numbered pages  
10 including Exhibits “A” – “F” attached hereto and incorporated herein as Attachment “B” (“Plan”);  
11 and based on the information in the Plan, specifically the Blighting Report in Exhibit “F” to the  
12 Plan, considered each parcel of property in the Area and found the preponderance of the Area to be  
13 blighted, and

14 WHEREAS, there is a need for the LCRA to undertake the redevelopment of the Area as a  
15 land clearance project under the Statute, pursuant to plans by or presented to the LCRA under  
16 Section 99.430.1 (4) RSMo, as amended; and

17 WHEREAS, the LCRA has, after considering each individual parcel of property in the Area  
18 and finding the Area to be blighted, approved the Plan and recommended approval of the Plan to  
19 the Planning Commission of the City of St. Louis (“Planning Commission”) and to this Board; and

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

22 WHEREAS, the LCRA and the Planning Commission have made and presented to this  
23 Board the studies and statements required to be made and submitted by Section 99.430 RSMo, as

1 amended, and this Board has been fully apprised by the LCRA and the Planning Commission of the  
2 facts and is fully aware of the conditions in the Area; and

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

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

8 WHEREAS, under the provisions of the Statute, it is required that this Board take such  
9 actions as may be required to approve the Plan; and

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

12 WHEREAS, the Plan prescribes land use and street and traffic patterns which may require,  
13 among other things, the vacation of public rights-of-way, the establishment of new street and  
14 sidewalk patterns or other public actions; and

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

19 WHEREAS, in accordance with the requirements of Section 99.430 RSMo, as amended,  
20 this Board placed public notices in a newspaper of general circulation in the City that a public  
21 hearing would be held by this Board on the Plan, and a hearing was held at the time and place  
22 designated in those notices and all those who were interested in being heard were given a  
23 reasonable opportunity to express their views; and

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

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

5           **SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as  
6 defined by Section 99.320 of the Revised Statutes of Missouri, as amended (the "Statute" being  
7 Sections 99.300 to 99.715 inclusive, as amended) described in Attachment "A", attached hereto and  
8 incorporated herein, known as the N. Taylor Ave./Dr. Martin Luther King Dr./St. Louis Ave. Area  
9 ("Area"). The existence of deteriorated property and other conditions constitutes an economic or  
10 social liability to the City and presents a hazard to the health and well-being of its citizens. These  
11 conditions, therefore, qualify the Area as blighted within the meaning of Section 99.320(3) RSMo,  
12 as amended, and are evidenced by the Blighting Report attached as Exhibit "F" ("Blighting  
13 Report") to the Blighting Study and Redevelopment Plan for the Area dated July 28, 2009 which is  
14 attached hereto, and labeled Attachment "B" and incorporated herein by reference ("Plan").

15           **SECTION TWO.** The redevelopment of the Area, as provided by the Statute, is  
16 necessary and in the public interest, and is in the interest of the public health, safety, morals and  
17 general welfare of the people of the City.

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

21           **SECTION FOUR.** The Plan (including the Blighting Report) having been duly reviewed  
22 and considered, is hereby approved and incorporated herein by reference, and the President or

1 Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of the Plan  
2 with the Minutes of this meeting.

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

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

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

10 **SECTION EIGHT.** The Plan provides that the Land Clearance for Redevelopment  
11 Authority of the City of St. Louis ("LCRA") may acquire no property in the Area by the exercise of  
12 eminent domain.

13 **SECTION NINE.** Some of the property within the Area is currently occupied. All  
14 eligible occupants displaced by the Redeveloper(s)(as defined in Section Twelve, below) shall be  
15 given relocation assistance by the Redeveloper(s) at its expense, in accordance with all applicable  
16 federal, state and local laws, ordinances, regulations and policies.

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

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

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

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

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

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

14 **SECTION THIRTEEN.** In all contracts with private and public parties for redevelopment  
15 of any portion of the Area, Redeveloper(s) shall agree:

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

18 (b) That in undertaking construction under the agreement with the LCRA and the Plan,  
19 bona fide Minority Business Enterprises (as further defined below, "MBEs") and Women's  
20 Business Enterprises ("as further defined below ("WBEs") will be solicited and fairly considered  
21 for contracts, subcontracts and purchase orders;

22 (c) To be bound by the conditions and procedures regarding the utilization of MBEs  
23 and WBEs established by the City;

1 (d) To adhere to the requirements of the Executive Order of the Mayor of the City,  
2 dated July 24, 1997, as has been extended.

3 (e) To comply with applicable requirements of Ordinance No. 60275 of the City (First  
4 Source Jobs Policy, as codified at St. Louis City Revised Code Chapter 3.90);

5 (f) To cooperate with those programs and methods supplied by the City with the  
6 purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and  
7 material supplier participation in the construction pursuant to the Plan. The Redeveloper(s) will  
8 report semi-annually during the construction period the results of its endeavors under this  
9 paragraph, to the Office of the Assistant Director-Certification and Compliance of the City and the  
10 President of this Board; and

11 (g) That the language of this Section Thirteen shall be included in its general  
12 construction contract and other construction contracts entered into directly by Redeveloper(s).

13 The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-  
14 profit organization owned, operated and controlled by Minority Group Member(s) (as defined  
15 below) who have at least fifty-one percent (51%) ownership therein. The Minority Group  
16 Member(s) must have operational and management control, interest in capital and earnings  
17 commensurate with their percentage of ownership. The term Minority Group Member(s) shall  
18 mean persons legally residing in the United States who are Black, Hispanic, Native American  
19 (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with  
20 origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of  
21 the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins  
22 from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership,  
23 corporation, profit or non-profit organization owned, operated and controlled by a woman or

1 women having at least fifty-one percent (51%) ownership. The woman or women must have  
2 operational and managerial control, interest in capital and earnings commensurate with their  
3 percentage of ownership.

4 The term "Redeveloper(s)" as used in this Section shall include heirs, successors in interest,  
5 and assigns.

6 **SECTION FOURTEEN.** The Redeveloper(s) may seek ten (10) year real estate tax  
7 abatement pursuant to Sections 99.700 - 99.715, RSMo, as amended, upon application as provided  
8 therein. Such real estate tax abatement shall not include any Special Business District,  
9 Neighborhood Improvement District, Commercial Improvement District, or any other similar local  
10 taxing district created in accordance with Missouri law, whether now existing or later created.

11 In lieu of the ten (10) year abatement outlined above, any Redeveloper(s) which is an urban  
12 redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be  
13 entitled to real property ad valorem tax abatement which shall not include any Special Business  
14 District, Neighborhood Improvement District, Commercial Improvement District or any other  
15 similar local taxing district created in accordance with Missouri law, whether now existing or later  
16 created, for a total period of up to ten (10) years from the commencement of such tax abatement, in  
17 accordance with the following provisions of the Plan:

18 If property in the Area is sold by the LCRA to an urban redevelopment corporation  
19 formed pursuant to Chapter 353 of the Missouri Statutes, or if any such urban  
20 redevelopment corporation shall own property within the Area, then for a period of up to  
21 the first ten (10) years after the date such urban redevelopment corporation shall acquire  
22 title to property in the Area, taxes on that property shall be based upon the assessment of  
23 land, exclusive of any improvements thereon, during the calendar year two (2) years prior

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

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

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

1 Modifications which will substantially change the Plan include, but are not necessarily limited to,  
2 modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the  
3 Area, or to other items which alter the nature or intent of the Plan.

4 The Plan may be otherwise modified (e.g. urban design regulations, development schedule)  
5 by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning  
6 Commission of the City.

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