

2 **AN ORDINANCE AFFIRMING ADOPTION OF A REDEVELOPMENT**
3 **PLAN, REDEVELOPMENT AREA, AND REDEVELOPMENT PROJECT;**
4 **AUTHORIZING THE EXECUTION OF A REDEVELOPMENT**
5 **AGREEMENT BETWEEN THE CITY AND BALKE BROWN**
6 **ASSOCIATES, INC.; PRESCRIBING THE FORM AND DETAILS OF**
7 **SAID AGREEMENT; DESIGNATING BALKE BROWN ASSOCIATES,**
8 **INC., AS DEVELOPER OF THE REDEVELOPMENT AREA; MAKING**
9 **CERTAIN FINDINGS WITH RESPECT THERETO; AUTHORIZING**
10 **OTHER RELATED ACTIONS IN CONNECTION WITH THE**
11 **REDEVELOPMENT OF CERTAIN PROPERTY WITHIN THE**
12 **REDEVELOPMENT AREA; AND CONTAINING A SEVERABILITY**
13 **CLAUSE.**

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

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

20 **WHEREAS**, on January 19, 2005, after all proper notice was given, the TIF Commission
21 held a public hearing in conformance with the TIF Act (hereinafter defined), and received
22 comments from all interested persons and taxing districts affected by the Redevelopment Plan
23 and the redevelopment project described therein; and

1 **WHEREAS**, pursuant to the Real Property Tax Increment Allocation Redevelopment
2 Act, Sections 99.800 through 99.865 of the Revised Statutes of Missouri (2000), as amended (the
3 “Act” or “TIF Act”), and after due consideration of the TIF Commission’s recommendations, the
4 Board of Aldermen of the City of St. Louis, Missouri adopted Ordinance No. 66684 on
5 _____, 2005, which Ordinance (i) adopted and approved a redevelopment plan entitled
6 the “TIF Redevelopment Plan – The PET Building” (the “Redevelopment Plan”), (ii) designated
7 the PET Building Redevelopment Area (as described in the Redevelopment Plan) as a
8 “redevelopment area” as that term is defined in the TIF Act (the “Redevelopment Area”), (iii)
9 adopted and approved the Redevelopment Project described in the Redevelopment Plan, (iv)
10 adopted tax increment allocation financing within the Redevelopment Area, (v) established the
11 City of St. Louis, Missouri “PET Building Special Allocation Fund,” and (vi) made certain
12 findings with respect thereto, all as set forth in such Ordinance and in accordance with the
13 requirements of the Act; and

14 **WHEREAS**, the Redevelopment Plan proposes to redevelop the Redevelopment Area by
15 rehabilitating and renovating the Redevelopment Area into residential space, commercial space
16 and parking (the “Redevelopment Project,” or “TIF Project” as further set forth in the
17 Redevelopment Plan); and

18 **WHEREAS**, the Redevelopment Area is of historical and architectural significance to
19 the City; and

20 **WHEREAS**, pursuant to Ordinance No. 66684, the Board of Aldermen has determined
21 that completion of the Redevelopment Project is of economic significance to the City, will serve
22 to benefit the general welfare, qualifies for the use of tax increment allocation financing to
23 alleviate the conditions that qualify it as a “redevelopment area” as provided in the TIF Act, and

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1 further, that redevelopment of the Redevelopment Area in accordance with the Redevelopment
2 Plan is not financially feasible without the adoption of tax increment allocation financing and
3 would not otherwise be completed; and

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

7 **WHEREAS**, it is necessary and desirable and in the best interest of the City to enter into
8 the Redevelopment Agreement with Balke Brown Associates, Inc., as “Developer,” in order that
9 Developer may complete the Redevelopment Project which will provide for the promotion of the
10 general welfare through redevelopment of the Redevelopment Area in accordance with the
11 Redevelopment Plan which redevelopment includes, but is not limited to, assistance in the
12 physical, economic, and social development of the City of St. Louis, providing for a stabilized
13 population and plan for the optimal growth of the City of St. Louis, encouragement of a sense of
14 community identity, safety and civic pride, preservation and restoration of property of historical
15 and architectural value and significance, and the elimination of impediments to land disposition
16 and development in the City of St. Louis; and

17 **WHEREAS**, pursuant to the provisions of the TIF Act, the City is authorized to enter
18 into a redevelopment agreement with Balke Brown Associates, Inc. as “Developer,” setting forth
19 the respective rights and obligations of the City and Developer with regard to the redevelopment
20 of the Redevelopment Area (the “Redevelopment Agreement”); and

21 **WHEREAS**, the Board of Aldermen hereby determines that the terms of the
22 Redevelopment Agreement attached as **Exhibit A** hereto and incorporated herein by reference
23 are acceptable and that the execution, delivery and performance by the City and the Developer of

1 their respective obligations under the Redevelopment Agreement are in the best interests of the
2 City and the health, safety, morals and welfare of its residents, and in accord with the public
3 purposes specified in the TIF Act and the Redevelopment Plan.

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

5 **SECTION ONE.** The Board of Aldermen hereby ratifies and confirms its approval of
6 the Redevelopment Plan, Redevelopment Area, and Redevelopment Project. The Board of
7 Aldermen further finds and determines that it is necessary and desirable to enter into the
8 Redevelopment Agreement with Balke Brown Associates, Inc., as Developer of the
9 Redevelopment Area, in order to implement the Redevelopment Project and to enable the
10 Developer to carry out its proposal for development of the Redevelopment Project.

11 **SECTION TWO.** The Board of Aldermen finds and determines that the assistance of
12 tax increment financing is necessary and desirable in order to implement the Redevelopment
13 Project and to enable Balke Brown Associates, Inc., as “Developer” of the Redevelopment Area,
14 to carry out its proposal for development of the Redevelopment Project.

15 **SECTION THREE.** The Board of Aldermen hereby approves, and the Mayor and
16 Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the
17 Redevelopment Agreement by and between the City and the Developer, and the City Register is
18 hereby authorized and directed to attest to the Redevelopment Agreement and to affix the seal of
19 the City thereto. The Redevelopment Agreement shall be in substantially the form attached
20 hereto as **Exhibit A**, with such changes therein as shall be approved by said Mayor and
21 Comptroller executing the same and as may be consistent with the intent of this Ordinance and
22 necessary and appropriate in order to carry out the matters herein authorized.

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

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

14 **SECTION SIX.** It is hereby declared to be the intention of the Board of Aldermen that
15 each and every part, section and subsection of this Ordinance shall be separate and severable
16 from each and every other part, section and subsection hereof and that the Board of Aldermen
17 intends to adopt each said part, section and subsection separately and independently of any other
18 part, section and subsection. In the event that any part, section or subsection of this Ordinance
19 shall be determined to be or to have been unlawful or unconstitutional, the remaining parts,
20 sections and subsections shall be and remain in full force and effect, unless the court making
21 such finding shall determine that the valid portions standing alone are incomplete and are
22 incapable of being executed in accord with the legislative intent.

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

(Attached hereto.)