

1 **BOARD BILL #242 INTRODUCED BY ALDERMAN MATT VILLA**

2 An Ordinance pertaining to an amendment to the South Carondelet District #2 Tax Increment
3 Financing (TIF) Redevelopment Plan due to a change in use and containing a severability clause.

4 WHEREAS, on recommendation of the TIF Commission by Ordinance No. 68089, the City of
5 St. Louis (“City”) approved the South Carondelet District #2 Tax Increment Financing (TIF)
6 Redevelopment Plan dated April 18, 2008, as amended on June 27, 2008 (“Original
7 Redevelopment Plan”), for the South Carondelet District #2 Tax Increment Financing
8 Redevelopment Area, which Redevelopment Area is more fully described in said Redevelopment
9 Plan (“Redevelopment Area”); and

10 WHEREAS, staff and consultants of the City and of Carondelet TIF, Inc. (“Developer”) prepared
11 a certain amendment to the Original Redevelopment Plan dated June 3, 2009 (“Redevelopment
12 Plan”), which amended the Original Redevelopment Plan for a change in use; and

13 WHEREAS, the Original Redevelopment Plan proposed to redevelop the Redevelopment Area
14 into residential and commercial uses; and

15 WHEREAS, the Redevelopment Plan now proposes a change in use to commercial, education
16 and social services (“Redevelopment Project”); and

17 WHEREAS, after proper notice was given, the TIF Commission held a public hearing on August
18 26, 2009 in conformance with the Real Property Tax Increment Allocation Redevelopment Act,
19 Chapter 99.800 to 99.865 R.S.Mo (“TIF Act”) and received comments from all interested
20 persons and taxing districts relative to the Redevelopment Area, Redevelopment Plan and
21 Redevelopment Project; and

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1 WHEREAS, on August 26, 2009, the TIF Commission found that the completion of the
2 Redevelopment Project under the Redevelopment Plan would provide a substantial and
3 significant public benefit through the creation of new jobs, elimination of blight, the preservation
4 of historic structures, the strengthening of the employment and economic base of the City,
5 increased property values and tax revenues, stabilization of the Redevelopment Area, and
6 facilitation of economic stability for the City as a whole, and further found that without the
7 assistance of tax increment financing in accordance with the TIF Act, the Redevelopment Project
8 under the Redevelopment Plan is not financially feasible and would not otherwise be completed;
9 and

10 WHEREAS, on August 26, 2009, the TIF Commission voted to recommend that the Board of
11 Aldermen adopt an ordinance in the form required by the TIF Act adopting tax increment
12 financing within the Redevelopment Area, approving the Original Redevelopment Plan,
13 affirming the Redevelopment Area as a Redevelopment Area under the TIF Act, approving the
14 Redevelopment Project under the Original Redevelopment Plan and approving the issuance of
15 one or more tax increment financing notes as specified in the Original Redevelopment Plan; and

16 WHEREAS, the Board of Aldermen has received the recommendations of the TIF Commission
17 and finds that it is desirable and in the best interest of the City to adopt the Redevelopment Plan
18 and the Redevelopment Project; and

19 WHEREAS, the Area qualifies for the use of tax increment financing to alleviate the conditions
20 that qualify it as a blighted area as provided in the TIF Act as set forth herein; and

21 WHEREAS, it is necessary and desirable and in the best interest of the City to approve the
22 Redevelopment Project to allow the construction of the Redevelopment Plan for the promotion

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1 of the redevelopment, which includes but is not limited to, assistance in the physical, economic,
2 and social development of the City, providing for a stabilized population and plan for the optimal
3 growth of the City, encouragement of a sense of community identity, safety and civic pride, and
4 the elimination of impediments to land disposition and development in the City.

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

6 SECTION ONE. The Board of Aldermen makes the following findings:

7 (1) The Redevelopment Area on the whole is a blighted area, as defined in Section
8 99.805 of the TIF Act, and has not been subject to growth and development through investment
9 by private enterprise and would not reasonably be anticipated to be developed without the
10 adoption of tax increment financing. This finding includes, that the Redevelopment Plan as
11 attached hereto as **EXHIBIT A** and incorporated herein as if fully set out, contains a detailed
12 description of the factors that qualify the Area as a blighted area under the TIF Act and that the
13 Affidavit signed by the Developer and submitted with Redevelopment Plan attesting that the
14 provisions of Section 99.810.1 (1) of the TIF Act have been met.

15 (2) The Redevelopment Plan conforms to the comprehensive plan for the
16 development of the City as a whole.

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

1 (4) A plan has been developed for relocation assistance for businesses and residences
2 in Ordinance No. 62581 adopted December 20, 1991.

3 (5) 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 Project is not built and is built pursuant to the Redevelopment
7 Plan.

8 (6) Redevelopment of the Area 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 (7) The Redevelopment Plan does not include the initial development of any
12 gambling establishment as that term is defined in section 99.805(6) of the TIF Act.

13 (8) The Redevelopment Area includes only those parcels of real property and
14 improvements thereon directly and substantially benefitted by the proposed Redevelopment
15 Project.

16 SECTION TWO. The designation of the Redevelopment Area described in the
17 Redevelopment Plan is hereby affirmed.

18 SECTION THREE. The Redevelopment Plan as reviewed and recommended by the
19 TIF Commission on August 26, 2009, and the Redevelopment Project described in the
20 Redevelopment Plan are hereby adopted and approved.

1 SECTION FOUR. Tax increment allocation financing is hereby adopted within the
2 Area. There are no payment in lieu of taxes as described in the TIF Act because the
3 Redevelopment Area is abated pursuant to Ordinance No. 68018; however, fifty percent (50%)
4 of the total additional revenue from taxes, penalties and interest within the Area over the amount
5 of such taxes generated by economic activities within the Area in the calendar year prior to the
6 adoption of the Redevelopment Project by ordinance, while tax increment financing remains in
7 effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping
8 rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500
9 R.S.Mo., or taxes levied for the purpose of public transportation pursuant to Section 94.660
10 R.S.Mo., licenses fees or special assessments other than payment in lieu of taxes and penalties
11 and interest thereon, shall be allocated to, and paid by the collecting officer to the City Treasurer
12 or toner designated financial officer of the City, who shall deposit such funds in a separate
13 segregated account within the South Carondelet District #2 Special Allocation Fund.

14 SECTION FIVE. The Comptroller of the City is hereby authorized to enter into
15 agreements or contracts with other taxing districts as is necessary to ensure the allocation and
16 collection of the taxes described in Section Four of this Ordinance and the deposit of said taxes
17 into the South Carondelet District #2 Special Allocation Fund for the payment of the
18 redevelopment project costs and obligations incurred in the payment thereof, all in accordance
19 with the TIF Act.

20 SECTION SIX. The Mayor and Comptroller of the City or their designated
21 representatives are hereby authorized and directed to take any and all actions as may be
22 necessary and appropriate in order to carry out the matters herein authorized, with no such

1 further action by the Board of Aldermen to authorize such action by the Mayor or Comptroller or
2 their designated representatives.

3 SECTION SEVEN. 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 findings 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 EIGHT. 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 by adoption
14 over his veto; *provided however* that if, within ninety (90) days after the effective date of this
15 Ordinance, the Developer has not (i) executed a redevelopment agreement pertaining to the
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 the 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.

EXHIBIT A