

1 **BOARD BILL #243** **INTRODUCED BY ALDERMAN MATT VILLA**

2 An Ordinance repealing Ordinance No. 68090 pertaining to the authorization and execution of a
3 Redevelopment Agreement between the City of St. Louis (“City”) and Carondelet TIF, Inc.
4 (“Developer”) for the Redevelopment Area known as South Carondelet District #2
5 (“Redevelopment Area”) and authorizing the execution of a new redevelopment agreement
6 between the same parties for the same Redevelopment Area due to a change in use; containing a
7 severability clause.

8 WHEREAS, pursuant to Ordinance No. 68089, the City designated the South Carondelet District
9 #2 redevelopment area as a “Redevelopment Area” pursuant to the Real Property Tax Increment
10 Allocation Redevelopment Act, Sections 99.800 to 99.865 R.S.Mo. (“TIF Act”), approved a
11 redevelopment plan (“Original Redevelopment Plan”) and a redevelopment project, adopted Tax
12 Increment Financing within the Redevelopment Area and established the South Carondelet
13 District #2 Special Allocation Fund; and

14 WHEREAS, pursuant to Ordinance No. 68090, the City authorized the execution of a TIF
15 redevelopment agreement between the City and Developer (“Original Redevelopment
16 Agreement”), which Original Redevelopment Agreement was not executed by the City; and

17 WHEREAS, there has now been a change in use proposed by the Developer for the
18 Redevelopment Project; and

19 WHEREAS, after proper notice was given, the TIF Commission held a public hearing in
20 conformance with the TIF Act and received comments from all interested persons and taxing

1 districts and approved an amendment to the Original Redevelopment Plan for a change in use
2 (“Redevelopment Plan”); and

3 WHEREAS, the City by Ordinance No. _____ (BB #____) approved the Redevelopment Plan for
4 the redevelopment project for a change in use (“Redevelopment Project”); and

5 WHEREAS, due to the change in use proposed by the Developer, it is necessary and desirable
6 and in the best interest of the City to enter into a new redevelopment agreement with the
7 Developer (“Redevelopment Agreement”), in order that Developer may complete the
8 Redevelopment Project, as amended for a change in use which will provide for the promotion of
9 the general welfare through redevelopment of the Redevelopment Area in accordance with the
10 Redevelopment Plan, which redevelopment includes, but is not limited to, assistance in the
11 physical, economic, and social development of the City, providing for a stabilized population and
12 plan for the optimal growth of the City, encouragement of a sense of community identity, safety
13 and civic pride, and the elimination of impediments to land disposition and development of the
14 City.

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

16 SECTION ONE. Ordinance No. 68090 is hereby repealed.

17 SECTION TWO. The Board of Aldermen hereby approves the Redevelopment Plan
18 and Redevelopment Project and ratifies and confirms its approval of the Redevelopment Area.
19 The Board of Aldermen further finds and determines that it is necessary and desirable to enter
20 into the Redevelopment Agreement with Carondelet TIF, Inc., as Developer of the

1 Redevelopment Area, in order to implement the Redevelopment Plan and to enable the
2 Developer to carry out its proposal for the completion of the Redevelopment Project.

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

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

17 SECTION FIVE. The Mayor and 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 out

1 the matters herein authorized, with no such further action of the Board of Aldermen necessary to
2 authorize such changes by the Mayor and Comptroller or their designated representatives.

3 SECTION SIX. 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 SEVEN. 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.

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EXHIBIT A

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