

1 **BOARD BILL NO. 268**

**INTRODUCED BY ALDERMAN JEFFREY L. BOYD**

2 An ordinance approving a Redevelopment Plan for the 2865 Arlington Avenue Area  
3 ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes  
4 of Missouri, 2000, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive),  
5 containing a description of the boundaries of said Area in the City of St. Louis ("City"), attached  
6 hereto and incorporated herein as Exhibit "A", finding that redevelopment and rehabilitation of the  
7 Area is in the interest of the public health, safety, morals and general welfare of the people of the  
8 City; approving the Plan, dated September 27, 2005, for the Area ("Plan"), incorporated herein by  
9 attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for  
10 the development of the Area which affords maximum opportunity for development of the Area by  
11 private enterprise; finding that **any** property in the Area may be acquired by the Land Clearance for  
12 Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent  
13 domain or otherwise; finding that the property within the Area is **unoccupied; but if it should**  
14 **become occupied** the Redeveloper shall be responsible for relocating any eligible occupants  
15 displaced as a result of implementation of the Plan; finding that financial aid may be necessary to  
16 enable the Area to be redeveloped in accordance with the Plan; finding that there shall not be  
17 available any real estate tax abatement; and pledging cooperation of the Board of Aldermen and  
18 requesting various officials, departments, boards and agencies of the City to cooperate and to  
19 exercise their respective powers in a manner consistent with the Plan.

1           WHEREAS, by reason of predominance of defective or inadequate street layout, unsanitary  
2 or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting,  
3 there exist conditions which endanger life or property by fire or other causes and constitute an  
4 economic or social liability or a menace to the public health, safety, morals or welfare in the  
5 present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

6           WHEREAS, such conditions are beyond remedy and control solely by regulatory process in  
7 the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise  
8 without the aids provided in the Statute; and

9           WHEREAS, there is a need for the LCRA, a public body corporate and politic created  
10 under Missouri law, to undertake the development of the above described Area as a land clearance  
11 project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1  
12 (4); and

13           WHEREAS, the LCRA has recommended such a plan to the Planning Commission of the  
14 City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"),  
15 titled "Blighting Study and Plan for 2865 Arlington Avenue Area," dated September 27, 2005,  
16 consisting of a Title Page, a Table of Contents Page, and thirteen (13) numbered pages, attached  
17 hereto and incorporated herein as Exhibit "B" ("Plan"); and

18           WHEREAS, under the provisions of the Statute, and of the federal financial assistance  
19 statutes, it is required that this Board take such actions as may be required to approve the Plan; and

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

1           WHEREAS, the LCRA and the Planning Commission have made and presented to this  
2 Board the studies and statements required to be made and submitted by Section 99.430 and this  
3 Board has been fully apprised by the LCRA and the Planning Commission of the facts and is fully  
4 aware of the conditions in the Area; and

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

7           WHEREAS, a general plan has been prepared and is recognized and used as a guide for the  
8 general development of the City and the Planning Commission has advised this Board that the Plan  
9 conforms to said general 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 does prescribe land use and street and traffic patterns which may  
13 require, among other things, the vacation of public rights-of-way, the establishment of new street  
14 and 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 of the Statute, this  
20 Board advertised that a public hearing would be held by this Board on the Plan, and said hearing  
21 was held at the time and place designated in said advertising and all those who were interested in  
22 being heard were given a 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, 2000, as amended, (the "Statute"  
7 being Sections 99.300 to 99.715 inclusive, as amended) described in Exhibit "A", attached hereto  
8 and incorporated herein, known as the 2865 Arlington Avenue Area.

9           **SECTION TWO.** The redevelopment of the above described Area, as provided by the  
10 Statute, is necessary and in the public interest, and is in the interest of the public health, safety,  
11 morals and general welfare of the people of the City.

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

15           **SECTION FOUR.** The Blighting Study and Plan for the Area, dated September 27, 2005  
16 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by  
17 reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby  
18 directed to file a copy of said Plan with the Minutes of this meeting.

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

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

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

7           **SECTION EIGHT.** The Plan for the Area provides that the Land Clearance for  
8 Redevelopment Authority of the City of St. Louis ("LCRA") **may** acquire any property in the Area  
9 by the exercise of eminent domain or **otherwise**.

10           **SECTION NINE.** The property within the Area is currently **unoccupied**. If it should  
11 become occupied, all eligible occupants displaced by the Redeveloper ("Redeveloper" being  
12 defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper at its  
13 expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and  
14 policies.

15           **SECTION TEN.** The Plan for the Area gives due consideration to the provision of  
16 adequate public facilities.

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

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

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

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

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

11 **SECTION THIRTEEN.** In all contracts with private and public parties for redevelopment  
12 of any portion of the Area, all Redevelopers shall agree:

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

15 (b) That in undertaking construction under the agreement with the LCRA and the Plan,  
16 bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises ("WBE's")  
17 will be solicited and fairly considered for contracts, subcontracts and purchase orders;

18 (c) To be bound by the conditions and procedures regarding the utilization of MBE's  
19 and WBE's established by the City;

20 (d) To adhere to the requirements of the Executive Order of the Mayor of the City,  
21 dated July 24, 1997.

22 (e) To comply with the requirements of Ordinance No. 60275 of the City;

1 (f) To cooperate with those programs and methods supplied by the City with the  
2 purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and  
3 material supplier participation in the construction under this Agreement. The Redeveloper will  
4 report semi-annually during the construction period the results of its endeavors under this  
5 paragraph, to the Office of the Mayor and the President of this Board; and

6 (g) That the language of this Section Thirteen shall be included in its general  
7 construction contract and other construction contracts let directly by Redeveloper.

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

21 The term "Redeveloper" as used in this Section shall include its successors in interest and  
22 assigns.

1           **SECTION FOURTEEN.** The Redeveloper may not seek real estate tax abatement  
2 pursuant to this ordinance.

3           **SECTION FIFTEEN.** Any proposed modification which will substantially change the  
4 Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was  
5 first approved. Modifications which will substantially change the Plan include, but are not  
6 necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement,  
7 to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The  
8 Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the  
9 LCRA, provided that such revisions shall be effective only upon the consent of the Planning  
10 Commission of the City. Changes which are not substantial are those that do not go to the crux of  
11 the Plan.

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