

2 An ordinance approving an amended redevelopment plan for the Washington Ave. Loft  
3 Area, ("Area") after affirming that the Area blighted by Ordinance 65965 as described in Exhibit  
4 "A" attached hereto and incorporated by reference, is a blighted area as defined in Section 99.320  
5 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being Sections 99.300 to  
6 99.715 inclusive), affirming that redevelopment and rehabilitation of the Area is in the interest of  
7 the public health, safety, morals and general welfare of the people of the City of St. Louis ("City");  
8 approving the Amended Blighting Study and Plan dated December 13, 2006 for the Area  
9 ("Amended Plan"), incorporated herein by Exhibit "B", pursuant to Section 99.430; finding that  
10 certain property in the Area may be acquired by the Land Clearance for Redevelopment Authority  
11 of the City of St. Louis ("LCRA") through the exercise of eminent domain or otherwise; finding  
12 that the property within the Area is currently partially occupied and the Redeveloper shall be  
13 responsible for providing relocation assistance pursuant to the Amended Plan to any eligible  
14 occupants displaced as a result of implementation of the Amended Plan; finding that financial aid  
15 may be necessary to enable the Area to be redeveloped in accordance with the Amended Plan;  
16 finding that there shall be available up to **ten (10) year** tax abatement; and pledging cooperation of  
17 the Board of Aldermen and requesting various officials, departments, boards and agencies of the  
18 City to cooperate and exercise their respective powers in a manner consistent with the Plan.

19 WHEREAS, there is a need for the LCRA, a public body corporate and politic created  
20 under Missouri law, to undertake the development of the above described Area as a Land  
21 Clearance Project under said Statute, pursuant to plans by or presented to the LCRA under Section  
22 99.430.1 (4); and

1           WHEREAS, by Ordinance 65965, this Board found the property located in the Washington  
2 Ave. Loft Area to be a "blighted area" as defined in Section 99.320 (3) of the Statute and said  
3 property remains blighted; and

4           WHEREAS, by Ordinance 65965, this Board also approved a Redevelopment Plan for the  
5 Area, dated May 27, 2003; and

6           WHEREAS, it is desirable and in the public interest to amend the Redevelopment Plan  
7 approved by Ordinance 65965 by modifying the eminent domain provision; and

8           WHEREAS, the LCRA has recommended such an amended plan to the Planning  
9 Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of  
10 Aldermen ("Board"), titled "Amended Blighting Study and Plan for Washington Ave. Loft", dated  
11 May 28, 1991, amended May 27, 2003, and further amended December 13, 2005 consisting of a  
12 Title Page, a Table of Contents Page, and fourteen (14) numbered pages, attached hereto and  
13 incorporated herein as Exhibit "B" ("Amended Plan"); and

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

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

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

1           WHEREAS, the Amended Plan has been presented and recommended by LCRA, but has  
2 not been recommended by the Planning Commission to this Board for review and approval; and

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

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

8           WHEREAS, the Amended Plan does prescribe land use and street and traffic patterns  
9 which may require, among other things, the vacation of public rights-of-way, the establishment of  
10 new street and sidewalk patterns or other public actions; and

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

15           WHEREAS, in accordance with the requirements of Section 99.430 of the Statute, this  
16 Board advertised that a public hearing would be held by this Board on the Amended Plan, and said  
17 hearing was held at the time and place designated in said advertising and all those who were  
18 interested in being heard were given a reasonable opportunity to express their views; and

19           WHEREAS, it is necessary that this Board take appropriate official action respecting the  
20 approval of the Amended Plan.

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

1           **SECTION ONE.** The finding of the Board of Aldermen, by St. Louis Ordinance 65965,  
2 that certain property described therein (and described herein as Exhibit "A" attached hereto and  
3 incorporated herein) is a blighted area, as defined in Section 99.320(3) of the Revised Statutes of  
4 Missouri, 1994, as amended (the "Statute" being Section 99.300 to 99.715 inclusive, as amended)  
5 is hereby confirmed.

6           **SECTION TWO.** The redevelopment of the Area as described in Exhibit "A", as provided  
7 by the Statute, is necessary and in the public interest, and is in the interest of the public health,  
8 safety, morals and general welfare of the people of the City of St. Louis ("City").

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

12           **SECTION FOUR.** The Amended Blighting Study and Plan for the Area, amended  
13 December 13, 2005 ("Amended Plan") having been duly reviewed and considered, is hereby  
14 approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board  
15 of Aldermen ("Board") is hereby directed to file a copy of said Amended Plan with the Minutes of  
16 this meeting.

17           **SECTION FIVE.** The Amended Plan for the Area is feasible and conforms to the general  
18 plan for the City.

19           **SECTION SIX.** The financial aid provided and to be provided for financial assistance  
20 pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in  
21 accordance with the Amended Plan for the Area, and the proposed financing plan for the Area is  
22 feasible.

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

5           **SECTION EIGHT.** The Amended Plan for the Area provides that the Land Clearance for  
6 Redevelopment Authority of the City of St. Louis ("LCRA") may acquire any property in the Area  
7 through negotiations and may acquire by the exercise of eminent domain property located at 1321-  
8 27 & 1329-33 Lucas Ave., 706-12 N. 14<sup>th</sup> St. (parcels #s 0528-00-00700, 0528-00-00095, 0528-00-  
9 0100) and 1632-36 Delmar Blvd. (Parcel #0525-00-00600).

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

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

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

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

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

1 (c) Stands ready to consider and take appropriate action upon proposals and measures  
2 designed to effectuate the Amended 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 in the Area or any part thereof and those covenants shall  
8 run with the land, shall remain in effect without limitation of time, shall be made part of every  
9 contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be  
10 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 Amended Plan, and be  
14 bound by 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  
16 Amended Plan, bona fide Minority Business Enterprise ("MBE's") and Women Business  
17 Enterprise ("WBE's") will be solicited and fairly considered for contracts, subcontracts and  
18 purchase orders;

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

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

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

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

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

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

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

SECTION FOURTEEN. The Redeveloper may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 2000, as amended, upon application as provided therein. Such real estate tax abatement shall not include taxes collected for any Special Business District Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created.

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

**If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding**

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

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

1           **SECTION FIFTEEN.** Any proposed modification which will substantially change the  
2 Amended Plan, shall be approved by the St. Louis Board of Aldermen in the same manner as the  
3 Amended Plan was first approved. Modifications which will substantially change the Amended  
4 Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the  
5 length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or  
6 intent of the Amended Plan.

7           The Amended Plan may be otherwise modified (e.g. urban design regulations, development  
8 schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the  
9 the Planning Commission of the City. Changes which are not substantial are those that do not go to  
10 the crux of the Amended Plan.

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