

2 An ordinance approving a Redevelopment Plan for the McRee Town West Area ("Area")
3 after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of
4 Missouri, 2000, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), containing a
5 description of the boundaries of said Area in the City of St. Louis ("City"), attached hereto and
6 incorporated herein as Exhibit "A", finding that redevelopment and rehabilitation of the Area is in
7 the interest of the public health, safety, morals and general welfare of the people of the City;
8 approving the Plan dated October 23, 2007 for the Area ("Plan"), incorporated herein by attached
9 Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the
10 development of the Area which affords maximum opportunity for development of the Area by
11 private enterprise; finding that **certain** property in the Area may be acquired by the Land Clearance
12 for 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 **partially occupied**, and the
14 Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of
15 implementation of the Plan; finding that financial aid may be necessary to enable the Area to be
16 redeveloped in accordance with the Plan; finding that there shall be available up to ten (10) year
17 real estate tax abatement; and pledging cooperation of the Board of Aldermen and requesting
18 various officials, departments, boards and agencies of the City to cooperate and to exercise their
19 respective powers in a manner consistent with the Plan.

1 WHEREAS, by reason of predominance of defective or inadequate street layout, insanitary
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 the St. Louis Board of Aldermen ("Board") has considered each individual
7 parcel in the Area and found the preponderance of them to be blighted, and

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

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

15 WHEREAS, the LCRA has, after considering each individual parcel in the Area and
16 finding the preponderance of them blighted, recommended such a plan to the Planning Commission
17 of the City of St. Louis ("Planning Commission") Board ("Board"), titled "Blighting Study and
18 Plan for McRee Town West Area," dated October 23, 2007 consisting of a Title Page, a Table of
19 Contents Page, fourteen (14) numbered pages and Exhibit F, attached hereto and incorporated
20 herein as Exhibit "B" ("Plan"); and

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

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

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

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

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

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

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

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

21 WHEREAS, in accordance with the requirements of Section 99.430 of the Statute, this
22 Board advertised that a public hearing would be held by this Board on the Plan, and said hearing

1 was held at the time and place designated in said advertising and all those who were interested in
2 being heard were given a reasonable opportunity to express their views; and

3 WHEREAS, it is necessary that this Board take appropriate official action respecting the
4 approval of the Plan.

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

7 **SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as
8 defined by Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute"
9 being Sections 99.300 to 99.715 inclusive, as amended) described in Exhibit "A", attached hereto
10 and incorporated herein, known as the McRee Town West Area. The existence of deteriorated
11 property constitutes both an economic liability to the City and presents a hazard to the health and
12 well-being of its citizens. These conditions therefore, qualify the Area as blighted within the
13 meaning of Section 99.320 (3) of the Revised Statutes of Missouri, 2000 as amended, as evidenced
14 by the Blighting Report attached to Exhibit "B" hereto, and labeled Exhibit "F" and incorporated
15 herein by reference.

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

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

22 **SECTION FOUR.** The Blighting Study and Plan for the Area, dated October 23, 2007
23 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by

1 reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby
2 directed to file a copy of said Plan with the Minutes of this meeting.

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

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

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

11 **SECTION EIGHT.** The Plan for the Area provides that the Land Clearance for
12 Redevelopment Authority of the City of St. Louis ("LCRA") **may acquire any property in the**
13 **Area by the exercise of eminent domain or otherwise,** except that LCRA may not acquire any
14 owner occupied single family, two family or four family residential structures within the Project
15 Plan Area that are east of Tower Grove Avenue and west of Thurman Avenue by use of eminent
16 domain so long as such structures are maintained by the owner-occupant in a safe and sound
17 condition in compliance with all city codes, ordinances, and regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The
2 term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit
3 organization owned, operated and controlled by a woman or women who have at least fifty-one
4 percent (51%) ownership. The woman or women must have operational and managerial control,
5 interest in capital and earnings commensurate with their percentage of ownership.

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

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

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

21 If property in the Area is sold by the LCRA to an urban redevelopment corporation
22 formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall
23 own property within the Area, then for up to the first ten (10) years after the date the

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

14 All payments in lieu of taxes shall be a lien upon the property and, when paid to the
15 Collector of Revenue of the City shall be distributed as all other property taxes. These
16 partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year
17 period, shall inure to the benefit of all successors in interest in the property of the
18 redevelopment corporation, so long as such successors shall continue to use such property
19 as provided in this Plan and in any contract with the LCRA. In no event shall such benefits
20 extend beyond ten (10) years after the redevelopment corporation shall have acquired title
21 to the property.

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

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