

1           **AN ORDINANCE AFFIRMING ADOPTION OF A REDEVELOPMENT**  
2           **PLAN, REDEVELOPMENT AREA, AND REDEVELOPMENT PROJECT;**  
3           **AUTHORIZING THE EXECUTION OF A REDEVELOPMENT**  
4           **AGREEMENT BETWEEN THE CITY AND 5819 DELMAR LLC;**  
5           **PRESCRIBING THE FORM AND DETAILS OF SAID AGREEMENT;**  
6           **DESIGNATING 5819 DELMAR, LLC, AS DEVELOPER OF THE**  
7           **REDEVELOPMENT AREA; MAKING CERTAIN FINDINGS WITH**  
8           **RESPECT THERETO; AUTHORIZING OTHER RELATED ACTIONS IN**  
9           **CONNECTION WITH THE REDEVELOPMENT OF CERTAIN**  
10          **PROPERTY WITHIN THE REDEVELOPMENT AREA; AND**  
11          **CONTAINING A SEVERABILITY CLAUSE.**

12          **WHEREAS**, the City of St. Louis, Missouri (the “City”), is a body corporate and a  
13 political subdivision of the State of Missouri, duly created, organized and existing under and by  
14 virtue of its charter, the Constitution and laws of the State of Missouri; and

15          **WHEREAS**, on December 20, 1991, pursuant to Ordinance No. 62477, the Board of  
16 Aldermen of the City created the Tax Increment Financing Commission of the City of St. Louis,  
17 Missouri (the “TIF Commission”); and

18          **WHEREAS**, on November 9, 2005, after all proper notice was given, the TIF  
19 Commission held a public hearing in conformance with the TIF Act (hereinafter defined) and  
20 received comments from all interested persons and taxing districts affected by the  
21 Redevelopment Plan and the redevelopment project described therein; and

1           **WHEREAS**, pursuant to the Real Property Tax Increment Allocation Redevelopment  
2 Act, Sections 99.800 through 99.865 of the Revised Statutes of Missouri (2000), as amended (the  
3 “Act” or “TIF Act”), and after due consideration of the TIF Commission’s recommendations, the  
4 Board of Aldermen of the City of St. Louis, Missouri adopted Ordinance No. \_\_\_\_\_ [Board  
5 Bill No. \_\_\_\_] on December 16, 2005, which Ordinance: (i) adopted and approved a  
6 redevelopment plan entitled the “5819 Delmar TIF Redevelopment Plan” dated September 16,  
7 2005, (the “Redevelopment Plan”), (ii) designated the 5819 Delmar Redevelopment Area (as  
8 described in the Redevelopment Plan) as a “redevelopment area” as that term is defined in the  
9 TIF Act (the “Redevelopment Area”), (iii) adopted and approved the Redevelopment Project  
10 described in the Redevelopment Plan, (iv) adopted tax increment allocation financing within the  
11 Redevelopment Area, (v) established the City of St. Louis, Missouri “5819 Delmar Special  
12 Allocation Fund,” and (vi) made certain findings with respect thereto, all as set forth in such  
13 Ordinance and in accordance with the requirements of the Act; and

14           **WHEREAS**, the Redevelopment Plan proposes to redevelop the Redevelopment Area by  
15 acquiring, clearing and improving the site and constructing new residential units with other  
16 improvements in the area, as set forth in the Redevelopment Plan (the “Redevelopment Project,”  
17 or “TIF Project”); and

18           **WHEREAS**, pursuant to Ordinance No. \_\_\_\_\_ [Board Bill No. \_\_\_\_\_], the Board of  
19 Aldermen has determined that completion of the Redevelopment Project is of economic  
20 significance to the City, will serve to benefit the general welfare, qualifies for the use of tax  
21 increment allocation financing to alleviate the conditions that qualify it as a “redevelopment  
22 area” as provided in the TIF Act, and further, that redevelopment of the Redevelopment Area in

1 accordance with the Redevelopment Plan is not financially feasible without the adoption of tax  
2 increment allocation financing and would not otherwise be completed; and

3         **WHEREAS**, the Redevelopment Area qualifies for the use of tax increment allocation  
4 financing to alleviate the conditions that qualify it as a “blighted area” as provided in the TIF Act  
5 and as set forth herein; and

6         **WHEREAS**, it is necessary and desirable and in the best interest of the City to enter into  
7 the Redevelopment Agreement with 5819 Delmar, LLC (the “Developer”), in order that  
8 Developer may complete the Redevelopment Project which will provide for the promotion of the  
9 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 of St. Louis, providing for a stabilized  
12 population and plan for the optimal growth of the City of St. Louis, encouragement of a sense of  
13 community identity, safety and civic pride and the elimination of impediments to land  
14 disposition and development in the City of St. Louis; and

15         **WHEREAS**, pursuant to the provisions of the TIF Act, the City is authorized to enter  
16 into a redevelopment agreement with 5819 Delmar, LLC, as Developer, setting forth the  
17 respective rights and obligations of the City and Developer with regard to the redevelopment of  
18 the Redevelopment Area (the “Redevelopment Agreement”); and

19         **WHEREAS**, the Board of Aldermen hereby determines that the terms of the  
20 Redevelopment Agreement attached as **Exhibit A** hereto and incorporated herein by reference  
21 are acceptable and that the execution, delivery and performance by the City and the Developer of  
22 their respective obligations under the Redevelopment Agreement are in the best interests of the

1 City and the health, safety, morals and welfare of its residents, and in accord with the public  
2 purposes specified in the TIF Act and the Redevelopment Plan.

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

4 **SECTION ONE.** The Board of Aldermen hereby ratifies and confirms its approval of  
5 the Redevelopment Plan, Redevelopment Area, and Redevelopment Project. The Board of  
6 Aldermen further finds and determines that it is necessary and desirable to enter into the  
7 Redevelopment Agreement with 5819 Delmar, LLC, as developer of the Redevelopment Area, in  
8 order to implement the Redevelopment Project and to enable the Developer to carry out its  
9 proposal for development of the Redevelopment Project.

10 **SECTION TWO.** The Board of Aldermen finds and determines that the assistance of  
11 tax increment financing is necessary and desirable in order to implement the Redevelopment  
12 Project and to enable 5819 Delmar, LLC, as Developer of the Redevelopment Area, to carry out  
13 its proposal for development of the Redevelopment Project.

14 **SECTION THREE.** The Board of Aldermen hereby approves, and the Mayor and  
15 Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the  
16 Redevelopment Agreement by and between the City and the Developer attached hereto as  
17 **Exhibit A**, and the City Register is hereby authorized and directed to attest to the  
18 Redevelopment Agreement and to affix the seal of the City thereto. The Redevelopment  
19 Agreement shall be in substantially the form attached, with such changes therein as shall be  
20 approved by said Mayor and Comptroller executing the same and as may be consistent with the  
21 intent of this Ordinance and necessary and appropriate in order to carry out the matters herein  
22 authorized.

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

7           **SECTION FIVE.** The Mayor and the Comptroller or their designated representatives,  
8 with the advice and concurrence of the City Counselor and after approval by the Board of  
9 Estimate and Apportionment, are hereby further authorized and directed to make any changes to  
10 the documents, agreements and instruments approved and authorized by this Ordinance as may  
11 be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out  
12 the matters herein authorized, with no such further action of the Board of Aldermen necessary to  
13 authorize such changes by the Mayor and the Comptroller or their designated representatives.

14           **SECTION SIX.** It is hereby declared to be the intention of the Board of Aldermen that  
15 each and every part, section and subsection of this Ordinance shall be separate and severable  
16 from each and every other part, section and subsection hereof and that the Board of Aldermen  
17 intends to adopt each said part, section and subsection separately and independently of any other  
18 part, section and subsection. In the event that any part, section or subsection of this Ordinance  
19 shall be determined to be or to have been unlawful or unconstitutional, the remaining parts,  
20 sections and subsections shall be and remain in full force and effect, unless the court making  
21 such finding shall determine that the valid portions standing alone are incomplete and are  
22 incapable of being executed in accord with the legislative intent.

1           **SECTION SEVEN.** After adoption of this Ordinance by the Board of Aldermen, this  
2 Ordinance shall become effective on the 30th day after its approval by the Mayor or adoption  
3 over his veto; *provided that* if, within ninety (90) days after the effective date of this Ordinance,  
4 the Developer has not (i) executed a redevelopment agreement pertaining to the Redevelopment  
5 Project and (ii) paid all fees due to the City in accordance with the terms of the redevelopment  
6 agreement, the provisions of this Ordinance shall be deemed null and void and of no effect and  
7 all rights conferred by this Ordinance on Developer, shall terminate, *provided further*, however,  
8 that prior to any such termination the Developer may seek an extension of time in which to  
9 execute the Redevelopment Agreement, which extension may be granted in the sole discretion of  
10 the Board of Estimate and Apportionment of the City of St. Louis.

**EXHIBIT A**

Redevelopment Agreement by and between the City of St. Louis and  
the Developer  
(Attached hereto.)