

1 **BOARD BILL NO. 471**

INTRODUCED BY ALDERMAN JEFFREY BOYD

2 An ordinance approving a Blighting Study and Redevelopment Plan for the 1617 Burd Ave.
3 Area ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised
4 Statutes 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 January 22, 2008 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 the 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 be available
17 ten (10) year 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 the predominance of, insanitary or unsafe conditions,
2 deterioration of site improvements, improper subdivision or obsolete platting, inadequate out dated
3 design and conditions which endanger life or property by fire and other causes, the provisions of
4 housing accommodations and other development generally has been retarded within the Area and
5 such cause and constitute an economic or social liability or a menace to the public health, safety,
6 morals or welfare in the present condition and use of the Area, said Area being more fully
7 described in Exhibit "A"; and

8 WHEREAS, the St. Louis Board of Alderman ("Board") has considered each individual
9 parcel in the Area and found the preponderance of therein to be blighted and,

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

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

17 WHEREAS, the LCRA has, after considering each individual parcel in the Area and found
18 the preponderance of the Area to be blighted, approved the Plan and recommended such a Plan to
19 the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis
20 Board of Aldermen ("Board"), titled "Blighting Study and Plan for 1617 Burd Ave. Area," dated
21 January 22, 2008, consisting of a Title Page, a Table of Contents Page, and sixteen (16) numbered
22 pages, plus the Blighting Report in Exhibit F, attached hereto and incorporated herein as Exhibit
23 "B" ("Plan"); and

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

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

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

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

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

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

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

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

1 WHEREAS, in accordance with the requirements of Section 99.430 of the Statute, this
2 Board placed a public notice in a newspaper of general circulation in the City that a public hearing
3 would be held by this Board on the Plan, and said hearing was held at the time and place designated
4 in said notice and all those who were interested in being heard were given a reasonable opportunity
5 to express their views; and

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

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

10 **SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as
11 defined by Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute"
12 being Sections 99.300 to 99.715 inclusive, as amended) described in Exhibit "A", attached hereto
13 and incorporated herein, known as the 1617 Burd Ave. Area. The existence of deteriorated
14 property and other conditions constitutes both an economic or social liability to the City and presents
15 a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as
16 blighted within the meaning of Section 99.320 (3). of the Revised Statutes of Missouri, 2000, as
17 amended; (the Land Clearance for Redevelopment Authority Law) as evidenced by the Blighting
18 Report attached hereto, labeled "Exhibit "F" and incorporated hereby by the reference.

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

22 **SECTION THREE.** The Area qualifies as a redevelopment area in need of redevelopment
23 under the provision of the Statute, and the Area is blighted as defined

1 in Section 99.320 of the Statute.

2 **SECTION FOUR.** The Blighting Study and Plan for the Area, dated January 22, 2008
3 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by
4 reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby
5 directed to file a copy of said Plan with the Minutes of this meeting.

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

8
9 **SECTION SIX.** The financial aid provided and to be provided for financial assistance
10 pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in
11 accordance with the Plan for the Area, and the proposed financing plan for the Area is feasible.

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

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

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

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

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

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

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

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

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

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

22 (a) To use the property in accordance with the provisions of the Plan, and be bound by
23 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
9 **SECTION FOURTEEN.** The Redeveloper may seek up to ten (10) year real estate tax
10 abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 2000, as amended,
11 upon application as provided therein. Such real estate tax abatement shall not include any Special
12 Business District, Neighborhood Improvement District, Commercial Improvement District, or any
13 other similar local taxing district created in accordance with Missouri law, whether now existing or
14 later created.

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

22 If property in the Area is sold by the LCRA to an urban redevelopment corporation
23 formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall

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

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