BOARD BILL # 200 CS INTRODUCED BY ALDERWOMAN TAMIKA HUBBARD, ALDERMAN ALFRED WESSELS, ALDERMAN JEFFREY BOYD, ALDERMAN FRANK WILLIAMSON, ALDERMAN FREEMAN BOSLEY, ALDERMAN KENNETH ORTMANN, ALDERWOMAN CHRISTINE INGRASSIA

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED REDEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ST. LOUIS AND NORTHSIDE REGENERATION, LLC; PRESCRIBING THE FORM AND DETAILS OF SAID AMENDED AND RESTATED REDEVELOPMENT AGREEMENT; MAKING FINDINGS WITH RESPECT THERETO; AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS; AND CONTAINING A SEVERABILITY CLAUSE.

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

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

WHEREAS, Northside Regeneration, LLC, a Missouri limited liability company, (the "Developer"), prepared a plan for redevelopment titled the "Northside Regeneration Tax Increment Financing (TIF) Redevelopment Plan" dated September 8, 2009, as amended September 16, 2009 (the "Original Redevelopment Plan"), for the redevelopment area described in the Redevelopment Plan (the "Redevelopment Area") (which Redevelopment Area is subdivided into "Redevelopment Project Area A," "Redevelopment Project Area B," "Redevelopment Project Area C" and "Redevelopment Project Area D," as described in the Redevelopment Plan); and

WHEREAS, the Redevelopment Plan proposes to redevelop the Redevelopment Area for residential, commercial, industrial and public uses and to complete public infrastructure improvements, as described in the Redevelopment Plan; and

WHEREAS, following a duly-noticed public hearing and upon the recommendation of the TIF Commission, the City enacted Ordinance No. 68484, which Ordinance: (i) adopted and approved the Redevelopment Plan, (ii) designated the Redevelopment Area as a "redevelopment area" as that term is defined in the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri (2000), as amended (the "TIF Act"), (iii) adopted and approved the redevelopment projects for Redevelopment Project Area A and Redevelopment Project Area B as described in the Redevelopment Plan (collectively, the "RPA A & B Redevelopment Projects"), (iv) adopted tax increment allocation financing with respect to Redevelopment Project Area A and Redevelopment Project Area B, (v) established the City of St. Louis, Missouri "Northside Regeneration Special Allocation Fund" (the "Special Allocation Fund") and (vi) made certain findings with respect thereto, all as set forth in such Ordinance and in accordance with the requirements of the TIF Act; and

WHEREAS, pursuant to the TIF Act, the City adopted Ordinance No. 68485, which authorized the execution of a redevelopment agreement between the City and the Developer with respect to the RPA A & B Redevelopment Projects (the "Original Redevelopment Agreement"); and

WHEREAS, the City and the Developer subsequently entered into the Original Redevelopment Agreement dated as of December 14, 2009; and

WHEREAS, following a duly-noticed public hearing and upon the recommendation of the TIF Commission, the City enacted Ordinance No. _____ [Board Bill No. 199], which Ordinance: (i) adopted and approved the 2013 Amendment to the Northside Regeneration Tax Increment Financing (TIF) Redevelopment Plan (the "Amendment" and together with the Original Redevelopment Plan, the "Redevelopment Plan"), (ii) approved the RPA C & D Redevelopment Projects, (iii) adopted tax increment financing with respect to Redevelopment Project Area C and Redevelopment Project Area D, (iv) authorized the establishment of subaccounts for Redevelopment Project Area C and Redevelopment Project Area D in the Special Allocation Fund and (v) made certain findings with respect thereto, all as set forth in such Ordinance and in accordance with the requirements of the TIF Act; and

WHEREAS, it is necessary and desirable and in the best interest of the City to amend and restate the Original Redevelopment Agreement to incorporate terms related to the implementation of the RPA C & D Redevelopment Projects (collectively, with the RPA A & B Redevelopment Projects, the "Redevelopment Projects"); and

WHEREAS, pursuant to the TIF Act, the City is authorized to enter into an amended and restated redevelopment agreement with the Developer in substantially similar form to Exhibit A attached hereto and incorporated herein by reference (the "Redevelopment Agreement"); and

WHEREAS, the Board of Aldermen hereby determines that the terms of the Redevelopment Agreement are acceptable and that the execution, delivery and the performance by the City and the Developer of their respective obligations under the Redevelopment Agreement are in the best interests of the City and the health, safety, morals and welfare of its

residents, and in accord with the public purposes specified in the TIF Act and the Redevelopment Plan.

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

SECTION ONE. The Board of Aldermen hereby ratifies and confirms its approval by ordinance of the Redevelopment Plan, the Redevelopment Area and the Redevelopment Projects. The Board of Aldermen further finds and determines that it is necessary and desirable to enter into the Redevelopment Agreement with the Developer, in order to implement the Redevelopment Plan and to enable the Developer to carry out its proposal for the Redevelopment Projects; provided, however, certain portions of the Redevelopment Area will be redeveloped by Co-Developers and Other Developers (as those terms are defined in the Redevelopment Agreement), as provided in the Redevelopment Agreement.

SECTION TWO. The Board of Aldermen finds and determines that the assistance of tax increment financing is necessary and desirable in order to implement the Redevelopment Projects and to enable the Developer to carry out its proposal for completion of the Redevelopment Projects.

SECTION THREE. The Board of Aldermen hereby approves, and the Mayor and Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the Redevelopment Agreement and the City Register is hereby authorized and directed to attest to the Redevelopment Agreement and to affix the seal of the City thereto. The Redevelopment Agreement shall be in substantially the form attached, with such changes therein as shall be approved by said Mayor and Comptroller executing the same and as may be consistent with the

intent of this Ordinance and necessary and appropriate in order to carry out the matters herein authorized.

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

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

SECTION SIX. It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making

such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

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

EXHIBIT A

REDEVELOPMENT AGREEMENT