

1     **COMMITTEE SUBSTITUTE           INTRODUCED BY ALDERMAN: JOSEPH RODDY**  
2     **BOARD BILL NO. 387**

3             An ordinance recommended by the Planning Commission approving a Blighting Study and  
4     Plan dated October 23, 2007 (“Plan”) for the McRee Town West Redevelopment Area ("Area")  
5     finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri,  
6     2000, as amended, (the "Statute" being Sections 99.300 et seq.), containing a description of the  
7     boundaries of said Area in the City of St. Louis (“City”), attached hereto and incorporated herein as  
8     Exhibit “A”, finding that redevelopment and rehabilitation of the Area is in the interest of the  
9     public health, safety, morals and general welfare of the people of the City; approving the Plan  
10    attached hereto and incorporated herein as Exhibit “B”, pursuant to Section 99.430; finding that  
11    there is a feasible financial plan for the development of the Area which affords maximum  
12    opportunity for development of the Area by private enterprise; finding that **certain** property in the  
13    Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis  
14    , a public body corporate and politic created under Missouri law, (“LCRA”) through the exercise of  
15    eminent domain or otherwise; finding that some property within the Area is **occupied**, and the  
16    Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of  
17    implementation of the Plan; finding that financial aid may be necessary to enable the Area to be  
18    redeveloped in accordance with the Plan; finding that there shall be available up to ten (10) year  
19    real estate tax abatement; and pledging cooperation of the Board of Aldermen and requesting  
20    various officials, departments, boards and agencies of the City to cooperate and to exercise their  
21    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 or  
3 outmoded design and conditions which endanger life or property by fire and other causes, the  
4 provision of housing accommodations and other development generally has been retarded within  
5 the Area and such causes constitute an economic or social liability or a menace to the public  
6 health, safety, morals or welfare in the present condition and use of the Area, said Area being more  
7 fully described in Exhibit “A”;

8           WHEREAS the St. Louis Board of Aldermen (“Board”) has considered the “Blighting  
9 Study and Plan for the McRee Town West Redevelopment Area” dated October 23, 2007  
10 consisting of a Title Page, a Table of Contents Page, fourteen (14) numbered pages and six exhibits  
11 attached hereto and incorporated herein as “Exhibit B” as amended pursuant to Section 8 hereof  
12 (“Plan”), and based on the information in the Plan, specifically the Blighting Study in Exhibit F to  
13 the Plan, considered each individual parcel of property in the Area and found the preponderance of  
14 the Area to be blighted, and

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

18           WHEREAS, there is a need for the LCRA to undertake the development of the above  
19 described Area as a land clearance project under said Statute, pursuant to plans by or presented to  
20 the LCRA under Section 99.430.1 (4); and

21           WHEREAS, the LCRA has, after considering each individual parcel of property in the Area  
22 and finding the Area to be blighted, has approved the Plan and recommended approval of the Plan  
23 to the Planning Commission of the City of St. Louis (“Planning Commission”) and the Board; 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, under the provisions of the Statute it is required that the Board take such  
13 actions as may be required to approve the Plan; and

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

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

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

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

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

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

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

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

21           **SECTION FOUR.** The Plan (including the Blighting Report), having been duly reviewed  
22 and considered, is hereby approved and incorporated herein by reference, and the President or

1 Clerk of this St. Louis Board of Aldermen (“Board”) is hereby directed to file a copy of the Plan  
2 with the Minutes of this meeting.

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

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

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

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

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

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

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

20          (a)     To use the property in accordance with the provisions of the Plan, and be bound by  
21 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 applicable requirements of Ordinance No. 60275 of the City;  
9 (First Source Jobs Policy, as codified at St. Louis City Revised Code Chapter 3.90);

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

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

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

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

7 The term “Redeveloper” as used in this Section shall include its successors in interest and  
8 assigns.

9 **SECTION FOURTEEN.** The Redeveloper may seek 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 similar 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 Board in the same manner as the Plan was first approved.  
3 Modifications which will substantially change the Plan include, but are not necessarily limited to,  
4 modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the  
5 Area, or to other items which alter the nature or intent of the Plan. The Plan may be otherwise  
6 modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such  
7 revisions shall be effective only upon the consent of the Planning Commission.

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