

**BOARD BILL #408
COMMITTEE SUBSTITUTE**

**INTRODUCED BY ALDERWOMAN PHYLLIS YOUNG
& ALDERMAN ALFRED WESSELS JR.**

1 AN ORDINANCE AFFIRMING ADOPTION OF A DEVELOPMENT PLAN,
2 DEVELOPMENT AREA, AND DEVELOPMENT PROJECT, EACH AS AMENDED,
3 UNDER THE AUTHORITY OF THE MISSOURI DOWNTOWN AND RURAL ECONOMIC
4 STIMULUS ACT, SECTIONS 99.915 TO 99.1060 OF THE REVISED STATUTES OF
5 MISSOURI, AS AMENDED (THE "ACT"); AUTHORIZING AND DIRECTING THE
6 EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ST. LOUIS
7 AND CMC REAL ESTATE COMPANY, LLC IN ACCORDANCE WITH THE ACT AND
8 SAID DEVELOPMENT PLAN; PRESCRIBING THE FORM AND DETAILS OF SAID
9 AGREEMENT; AUTHORIZING AND DIRECTING THE EXECUTION OF SUCH
10 AMENDMENTS TO THE DEVELOPMENT AGREEMENT PREVIOUSLY AUTHORIZED
11 BY ORDINANCE NO. 67409 AS ARE NECESSARY TO CARRY OUT THE INTENT OF
12 THE DEVELOPMENT PLAN; MAKING CERTAIN FINDINGS AS REQUIRED BY THE
13 ACT WITH RESPECT TO SAID AGREEMENT; DESIGNATING CMC REAL ESTATE
14 COMPANY, LLC AS DEVELOPER OF A PORTION OF THE DEVELOPMENT AREA IN
15 ACCORDANCE WITH THE ACT; MAKING CERTAIN FINDINGS WITH RESPECT
16 THERETO; AUTHORIZING OTHER RELATED ACTIONS BY CITY OFFICIALS IN
17 CONNECTION WITH THE AGREEMENT AND THE DEVELOPMENT OF CERTAIN
18 PROPERTY WITHIN THE DEVELOPMENT AREA; AND CONTAINING A
19 SEVERABILITY CLAUSE.

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

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1 WHEREAS, the Missouri Downtown and Rural Economic Stimulus Act, Sections 99.915
2 to 99.1060 of the Revised Statutes of Missouri, as amended (the “Act”), authorizes cities to
3 undertake development projects in development areas, as defined in the Act; and

4 WHEREAS, the Board of Aldermen of the City created the Downtown Economic
5 Stimulus Authority of the City of St. Louis (the “Authority”) pursuant to Ordinance No. 67097;
6 and

7 WHEREAS, the Act authorizes the Authority to hold hearings with respect to proposed
8 development areas, plans and projects and to make recommendations thereon to the Board of
9 Aldermen; and

10 WHEREAS, the Authority has reviewed a plan for development titled “MODESA
11 Development Plan for Ballpark Village”, dated January 4, 2007, as revised January 11, 2007, as
12 recommended by the Authority January 18, 2007 (the “Original Development Plan”), as
13 amended by that certain “First Amendment to Ballpark Village Development Plan” dated
14 November 9, 2007 (the “Plan Amendment”) (the Original Development Plan as amended by the
15 Plan Amendment being the “Development Plan”), for the Development Area, as more fully
16 described in the Development Plan; and

17 WHEREAS, the Development Plan contemplates the remediation of blighting conditions
18 within the Development Area through construction of retail, entertainment, commercial and
19 residential development, as well as site work, landscaping, utility relocation, streetscape, parking
20 and other infrastructure improvements, as more fully described therein (collectively, the
21 “Development Project”); and

22 WHEREAS, the Authority held a public hearing in conformance with the Act on January
23 18, 2007, and received comments from all interested persons and taxing districts relative to the

1 Original Development Plan, the designation of the Development Area and the adoption and
2 approval of the development project referenced therein, and subsequently held a public hearing
3 in conformance with the Act on November 29, 2007 and received comments from all interested
4 persons relative to the Plan Amendment and the adoption and approval of the Development
5 Project; and

6 WHEREAS, on January 18, 2007, after due deliberation, the Authority adopted a
7 resolution recommending, among other matters, that the Board of Aldermen designate the
8 Development Area as a “development area” pursuant to the Act, adopt the Original Development
9 Plan and the development project described therein, and adopt development financing within the
10 Development Area; and

11 WHEREAS, on November 29, 2007, after due deliberation, the Authority adopted a
12 resolution recommending, among other matters, that the Board of Aldermen adopt the Plan
13 Amendment and the Development Project; and

14 WHEREAS, pursuant to Ordinance No. 67408 [Board Bill No. 407] the Board of
15 Aldermen has determined that adoption of the Original Development Plan and completion of the
16 development project described therein is of economic significance to the City, will serve to
17 benefit the general welfare, qualifies for the use of tax increment allocation financing to alleviate
18 the conditions that qualify it as a “development area” as provided in the Act, and further, that
19 development of the Development Area in accordance with the Original Development Plan is not
20 financially feasible without the adoption of development financing and would not otherwise be
21 completed; and

22 WHEREAS, pursuant to Ordinance No. _____ [Board Bill No. ____] the Board of
23 Aldermen has adopted the Plan Amendment; and

1 WHEREAS, the Development Area qualifies for the use of development financing to
2 alleviate the conditions that qualify it as a “blighted area” as provided in the Act and as set forth
3 herein; and

4 WHEREAS, it is necessary and desirable and in the best interest of the City to enter into
5 the Development Agreement with CMC Real Estate Company, LLC (the “Developer”), in order
6 that Developer may complete a portion of the Development Project with respect to a portion of
7 the Development Area; and

8 WHEREAS, pursuant to the provisions of the Act, the City is authorized to enter into a
9 Development agreement with CMC Real Estate Company, LLC, as Developer, setting forth the
10 respective rights and obligations of the City and Developer with regard to the development of a
11 portion of the Development Area (the “Development Agreement”); and

12 WHEREAS, the Board of Aldermen hereby determines that the terms of the
13 Development Agreement attached as **Exhibit A** hereto and incorporated herein by reference are
14 acceptable and that the execution, delivery and performance by the City and the Developer of
15 their respective obligations under the Development Agreement are in the best interests of the
16 City and the health, safety, morals and welfare of its residents, and in accord with the public
17 purposes specified in the Act and the Development Plan; and

18 WHEREAS, the Board of Aldermen hereby determines that the that the execution of such
19 amendments to the development agreement previously authorized by Ordinance 67409 as are
20 necessary to carry out the intent of the Development Plan and the Development Agreement
21 authorized herein is acceptable and that the execution, delivery and performance by the City and
22 the Developer of their respective obligations under such amendments are in the best interests of

1 the City and the health, safety, morals and welfare of its residents, and in accord with the public
2 purposes specified in the Act and the Development 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 the
5 Development Plan, Development Area, and Development Project. The Board of Aldermen
6 further finds and determines that it is necessary and desirable to enter into the Development
7 Agreement with CMC Real Estate Company, LLC, as developer of the “Centene Phase” or
8 “Phase 2” (as such terms are defined in the Development Plan) of the Development Project, in
9 order to implement the Development Project and to enable the Developer to carry out its
10 proposal for development of Phase 2 of the Development Project.

11 SECTION TWO. The Board of Aldermen finds and determines that the assistance of
12 development financing is necessary and desirable in order to implement the Development Project
13 and to enable CMC Real Estate Company, LLC, as developer of a portion of the Development
14 Area, to carry out its proposal for development of Phase 2 of the Development Project.

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

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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. The Mayor and Comptroller or their designated representatives, with
15 the advice and concurrence of the City Counselor and after approval by the Board of Estimate
16 and Apportionment, are hereby further authorized to execute any additional agreements,
17 instruments or documents or make such changes to the documents, agreements and instruments
18 approved and authorized by Ordinance No. 67409 as are necessary to effectuate or as are
19 consistent with the Development Plan (as amended by the Plan Amendment), or this Ordinance
20 and the Development Agreement.

21 SECTION SEVEN. It is hereby declared to be the intention of the Board of Aldermen
22 that each and every part, section and subsection of this Ordinance shall be separate and severable
23 from each and every other part, section and subsection hereof and that the Board of Aldermen

1 intends to adopt each said part, section and subsection separately and independently of any other
2 part, section and subsection. In the event that any part, section or subsection of this Ordinance
3 shall be determined to be or to have been unlawful or unconstitutional, the remaining parts,
4 sections and subsections shall be and remain in full force and effect, unless the court making
5 such finding shall determine that the valid portions standing alone are incomplete and are
6 incapable of being executed in accord with the legislative intent.

EXHIBIT A

**FORM OF DEVELOPMENT AGREEMENT BY AND BETWEEN THE
CITY OF ST. LOUIS AND THE DEVELOPER**

(Attached hereto.)