

1 **FLOOR SUBSTITUTE INTRODUCED BY ALDERWOMAN: DIONNE FLOWERS**  
2 **BOARD BILL NO. 422**

3 An ordinance approving a Redevelopment Plan for the N. Broadway St./Carrie Ave./  
4 Bulwer Ave./Harris Ave. Area ("Area") after finding that the Area is blighted as defined in  
5 Sections 100.310 (2), (11), (18)of the Revised Statutes of Missouri, 2000, as amended, (the  
6 "Statute" being Sections 100.300 to 100.620 inclusive), containing a description of the boundaries  
7 of said Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Exhibit  
8 "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health,  
9 safety, morals and general welfare of the people of the City; approving the Plan dated November  
10 27, 2007 for the Area ("Plan"), incorporated herein by attached Exhibit "B"; finding that there is a  
11 feasible financial plan for the development of the Area which affords maximum opportunity for  
12 development of the Area by private enterprise; finding that **any** property in the Area may be  
13 acquired by the Planned Industrial Expansion Authority of the City of St. Louis ("PIEA") through  
14 the exercise of eminent domain or otherwise; finding that the property within the Area is **partially**  
15 **occupied**, and the Redeveloper shall be responsible for relocating any eligible occupants displaced  
16 as a result of implementation of the Plan; finding that financial aid may be necessary to enable the  
17 Area to be redeveloped in accordance with the Plan; finding that there shall be available up to ten  
18 (10) year real estate tax abatement; and pledging cooperation of the Board of Aldermen and  
19 requesting various officials, departments, boards and agencies of the City to cooperate and to  
20 exercise their respective powers in a manner consistent with the Plan.

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1           WHEREAS, by reason of predominance of defective or inadequate street layout, insanitary  
2 or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting,  
3 there exist conditions which endanger life or property by fire or other causes and constitute an  
4 economic or social liability or a menace to the public health, safety, morals or welfare in the  
5 present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

6           WHEREAS the St. Louis Board of Aldermen ("Board") has considered "Blighting Study  
7 and Plan for N. Broadway St./Carrie Ave./Bulwer Ave./Harris Ave. Area," dated November 27,  
8 2007 consisting of a title page , table of contents page, seven (7) numbered pages and five (5)  
9 exhibits attached hereto and incorporated herein as Exhibit "B" pursuant to Section 8 hereof  
10 ("Plan") and based on the information in the Plan, specifically the Blighting Study in Exhibit "F"  
11 to the Plan, considered each individual parcel of property in the Area and found the predominance  
12 of the Area to be blighted; and

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

16           WHEREAS, there is a need for the PIEA, a public body corporate and politic created under  
17 Missouri law, to undertake the development of the above described Area as a land clearance project  
18 under said Statute, pursuant to plans by or presented to the PIEA under Section 100.300 to  
19 100.620; and

20           WHEREAS, the PIEA has, after considering each individual parcel of property in the Area  
21 and finding the preponderance of the Area to be blighted, recommended such a Plan to the  
22 Planning Commission of the City of St. Louis ("Planning Commission") and the Board, 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 PIEA,  
4 undertake and administer the Plan in the Area; and

5           WHEREAS, the PIEA and the Planning Commission have made and presented to this  
6 Board the studies and statements required to be made and submitted by Section 100.400 and this  
7 Board has been fully apprised by the PIE and the Planning Commission of the facts and is fully  
8 aware of the conditions in the Area; and

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

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

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

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

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

1           WHEREAS, in accordance with the requirements of Section 100.400 of the Statute, this  
2 Board advertised that a public hearing would be held by this Board on the Plan, and said hearing  
3 was held at the time and place designated in said advertising and all those who were interested in  
4 being heard were given a reasonable opportunity to express their views; and

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

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

9           **SECTION ONE.** There exists within the City of St. Louis ("City") a blighted, insanitary,  
10 or undeveloped industrial area, as defined by Sections 100.310 (2), (11), and (18) of the Revised  
11 Statutes of Missouri, 2000, as amended, (the "Statute" being Sections 100.300 to 100.620  
12 inclusive) described in Exhibit "A", attached hereto and incorporated herein, known as the N.  
13 Broadway St./Carrie Ave./ Bulwer Ave./Harris Ave. Area ("Area"). The existence of a  
14 preponderance of deteriorated property and other conditions constitutes both an economic or social  
15 liability to the City and presents a hazard to the health and well-being of its citizens. These  
16 conditions therefore, qualify the Area as blighted within the meaning of Section 100.310 (2), (11),  
17 (18) of the Revised Statutes of Missouri, 2000 as amended, as evidenced by the Blighting Report  
18 attached to Exhibit "B" hereto, and labeled Exhibit "F" incorporated herein by reference.

19           **SECTION TWO.** Industrial development 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 of St. Louis ("City").

1           **SECTION THREE.** The Area qualifies as an industrial development area in need of  
2 industrial development under the provisions of the Statute, and the Area is blighted as defined in  
3 Sections 100.310 (2), (11), (18) of the Statute..

4           **SECTION FOUR.** The Blighting Study and Plan for the Area, dated November 27, 2007  
5 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by  
6 reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby  
7 directed to file a copy of said Plan with the Minutes of this meeting.

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

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

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

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18          **SECTION EIGHT.** The Plan for the Area provides that the Planned Industrial Expansion  
19 Authority of the City of St. Louis ("PIEA") **may acquire any property in the Area by the**  
20 **exercise of eminent domain or otherwise.**

1           **SECTION NINE.** In the event that the PIEA acquires property within the Area through  
2 the use of eminent domain, the occupant(s) of such property, in addition to receiving the benefits  
3 of the applicable municipal relocation ordinances, shall be provided a period of time to vacate  
4 such property of not less than six (6) months from the date of the filing of the condemnation  
5 petition.

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7           **SECTION TEN.** The property within the Area is **partially occupied**. All eligible  
8 occupants displaced by the developer ("Developer" being defined in Section Twelve, below) shall  
9 be given relocation assistance by the Developer at its expense, in accordance with all applicable  
10 federal, state and local laws, ordinances, regulations and policies.

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12           **SECTION ELEVEN.** The Plan for the Area gives due consideration to the provision of  
13 adequate public facilities.

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15           **SECTION TWELVE.** In order to implement and facilitate the effectuation of the Plan  
16 hereby approved it is found and determined that certain official actions must be taken by this Board  
17 and accordingly this Board hereby:

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

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

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

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

**SECTION FOURTEEN.** In all contracts with private and public parties for development of any portion of the Area, all Developers shall agree:

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the PIEA and the Plan, bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBE's and WBE's established by the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997.
- (e) To comply with the requirements of Ordinance No. 60275 of the City;

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

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

8 The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-  
9 profit organization owned, operated and controlled by minority group members who have at least  
10 fifty-one percent (51%) ownership. The minority group member(s) must have operational and  
11 management control, interest in capital and earnings commensurate with their percentage of  
12 ownership. The term Minority Group Member(s) shall mean persons legally residing in the United  
13 States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native  
14 Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines,  
15 Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or  
16 Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The  
17 term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit  
18 organization owned, operated and controlled by a woman or women who have at least fifty-one  
19 percent (51%) ownership. The woman or women must have operational and managerial control,  
20 interest in capital and earnings commensurate with their percentage of ownership.

21 The term "Developer" as used in this Section shall include its successors in interest and  
22 assigns.

1 . **SECTION FIFTEEN.** A Developer shall hereby be entitled to the ad valorem tax  
2 abatement which shall not include any Special Business District, Neighborhood Improvement  
3 district, Commercial District, or any other single local taxing district created in accordance with  
4 Missouri Law, whether now existing or later created, for a period of ten (10) years from the  
5 commencement of such tax abatement. If property is sold by the PIEA to an urban redevelopment  
6 corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if such corporation shall  
7 own property within the Area, then for up to ten (10) years after the date the redevelopment  
8 corporation shall acquire title to such property, taxes on such property shall be based upon the  
9 assessment of land, exclusive of any improvements thereon during the calendar year preceding the  
10 calendar year during which such corporation shall have acquired title to such property. In addition  
11 to such taxes, any such corporation shall for up to the same ten (10) year period make a payment in  
12 lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the  
13 assessment on the improvements located on the property during the calendar year preceding the  
14 calendar year during which such corporation shall have acquired title to such property. If property  
15 shall be tax-exempt because it is owned by the PIEA and leased to any such corporation then such  
16 corporation for up to the first ten 10 years of such lease shall make payments in lieu of taxes to the  
17 Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the  
18 property, including land and improvements, during the calendar year preceding the calendar year  
19 which such corporation shall lease such property.

20 All payments in lieu of taxes shall be a lien upon the property, and when paid to the Collector of  
21 Revenue of the City of St. Louis, shall be distributed as all other property taxes. These partial tax  
22 relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to  
23 the benefit of all successors in interest in the property of the redevelopment corporation, so long as

1 such successors shall continue to use such property as provided in this Plan and in any contract  
2 with the PIEA. In no event shall such benefits extend beyond ten (10) years after the  
3 redevelopment corporation shall have acquired title to the property.

4 **SECTION SIXTEEN.** Any proposed modification which will substantially change the  
5 Plan, shall be approved by the St. Louis Board of Aldermen in the same manner as the Plan was  
6 first approved. Modifications which will substantially change the Plan include, but are not  
7 necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement,  
8 to the boundaries of the Area, or to other items which alter the nature or intent of the Plan.

9 The Plan may be otherwise modified (e.g. urban design regulations, development schedule)  
10 by the PIEA, provided that such revisions shall be effective only upon the consent of the Planning  
11 Commission changes which are not substantial are those that do not go to the crux of the Plan.

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

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