

ORDINANCE #65593
Board Bill No. 150

An ordinance authorizing an appropriation from Fund 1117, Center Number 4010017, in the amount of One Hundred and Eight Thousand, Three Hundred and Thirty-three Dollars (\$108,333.00) to be used by the City's Communications Division for equipment and facilities, including, but not limited to, studio and portable production equipment, training equipment, editing equipment and program playback equipment, and related facilities construction or renovation; authorizing the Commissioner of Communications, upon the approval of the Board of Estimate and Apportionment, to expend the funds by entering into contracts and otherwise for the purposes stated in Section 5.1 of Exhibit A of Ordinance 65432.

WHEREAS, under the provisions of Section 5.1 of Exhibit A of Ordinance 65432, the City of St. Louis is to receive \$325,000.00 from St. Louis Tele-Communications, Inc., a Missouri corporation in settlement of various claims by the City, such amount to be paid in three equal installments beginning on March 1, 2002; and

WHEREAS, under the provisions of such Ordinance, the proceeds from this settlement are to be used by the City's Communications Division for equipment and facilities, including, but not limited to, studio and portable production equipment, training equipment, editing equipment and program playback equipment, and related facilities construction or renovation;

WHEREAS, the first payment of \$108,333.00 has been received;

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

SECTION ONE. There is hereby authorized an appropriation from Fund 1117, Center Number 4010017, in the amount of One Hundred and Eight Thousand, Three Hundred and Thirty-three Dollars (\$108,333.00) to be used by the City's Communications Division for equipment and facilities, including, but not limited to, studio and portable production equipment, training equipment, editing equipment and program playback equipment, and related facilities construction or renovation.

SECTION TWO. The Commissioner of Communications, upon the approval of the Board of Estimate and Apportionment, is authorized to expend such funds by entering into contracts and otherwise for the purposes stated in Section 5.1 of Exhibit A of Ordinance 65432.

Approved: July 23, 2002

ORDINANCE #65594
Board Bill No. 152

An ordinance approving a Redevelopment Plan for the 3960 Duncan Avenue ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), containing a description of the boundaries of said Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Exhibit "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan dated May 28, 2002 for the Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that the property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the existence of eminent domain; finding that the property within the Area is unoccupied, but if it should become occupied, the Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that there shall be available ten (10) year real estate tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the city to cooperate and to exercise their respective powers in a manner consistent with the Plan.

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

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

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

WHEREAS, the LCRA has recommended such a plan to the Planning Commission of the city of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for 3960 Duncan Avenue Area, dated May 28, 2002, consisting of a Title Page, a Table of Contents Page, and fourteen (14) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

WHEREAS, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board

take such actions as may be required to approve the Plan; and

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

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

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

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

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

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

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

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

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

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

SECTION ONE. There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Section 99.300 to 99.715 inclusive, as amended) described in Exhibit "A", attached hereto and incorporated herein, known as the 3960 Duncan Avenue Area.

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

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

SECTION FOUR. The Blighting Study and Plan for the Area, dated May 28, 2002 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Plan with the Minutes of this meeting.

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

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

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

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

SECTION NINE. The property within the Area is currently unoccupied, but should it become occupied, the Redeveloper ("Redeveloper" being defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and polices.

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

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

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan.

SECTION TWELVE. All parties participating as owners or purchasers of property in the Area for redevelopment ("Redeveloper") 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 of 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 Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

SECTION THIRTEEN. In all contracts with private and public parties for redevelopment of any portion of the Area, all Redevelopers 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 there in and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA 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 MBEs and WBEs 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;
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and
- (g) That the language of this Section Thirteen shall be include3d in its general construction contract and other construction contracts let directly by Redeveloper.

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

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

SECTION FOURTEEN. A Redeveloper may seek ten-(10) year real estate tax abatement pursuant to Sections 99.700 – 99.715, Revised Statutes of Missouri 1994, as amended, upon applications as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created:

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement, which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to twenty-five (25) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan.

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall

have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

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

SECTION FIFTEEN. Any proposed modification, which will substantially change the Plan, must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Plan.

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

EXHIBIT "A"

**3960 Duncan Avenue AREA
LEGAL DESCRIPTION**

C.B. 3953 Duncan Avenue
0.57 Acres
Cul De Sac Addn
Bnd E 559 ft, 2 3/8 In W WL Vandeventer

3953-00-0040
3960 Duncan Avenue

**EXHIBIT "B"
Form: 1/14/02**

**BLIGHTING STUDY AND PLAN
FOR THE
3960 Duncan Avenue AREA
PROJECT #9412
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY
OF THE CITY OF ST. LOUIS
May 28, 2002**

**MAYOR
FRANCIS SLAY**

**BLIGHTING STUDY AND PLAN FOR
3960 Duncan Avenue AREA**

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A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The 3960 Duncan Ave Area ("Area") encompasses approximately 0.57 acres in the Central West End neighborhood of the City of St. Louis ("City") and is located on the south side of Duncan Avenue with S. Vandeventer Ave. to the east and S. Sarah Street to the west.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises one parcel of City Block 3953. The Area is in poor condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition"

means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized. "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 8.6 % unemployment rate for the City as of March, 2002. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area.

There are currently no jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area include an unoccupied commercial building.

The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are primarily used for commercial purposes.

Residential density for the surrounding neighborhoods is approximately 11.68 persons per acre.

5. CURRENT ZONING

The Area is zoned "K" Unrestricted District, pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

The property within the Area is unoccupied and in poor condition (as defined in Section A(2) above). The existence of deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law).

B. PROPOSED DEVELOPMENT AND REGULATIONS

1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the development of the Area into productive commercial uses.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are commercial uses permitted in Areas designated "K" Unrestricted District by the City of St. Louis Zoning Code. Redevelopers authorized by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to develop property in the Area (hereafter referred to as "Redeveloper") shall not be permitted to use said property for the following:

pawn shops, adult bookstores, x-rated movie houses, massage parlors or health spas, auto and truck dealers (new or used), storefront churches, pinball arcades, pool halls, secondhand or junk shops, tattoo parlors, truck or other equipment rentals requiring outside storage, blood donor facilities, free standing package liquor stores, check cashing centers, any use (except for financial institutions or pharmacies) that utilizes a sales or service window or facility for customers who are in cars, or restaurants that sell products to customers who are in cars or who consume the sold products in cars parked on the restaurant premises, or sell products through a sales window to customers who are in cars or to pedestrians outside the building for immediate consumption by the customer either on or off the premises, automobile service or stations.

Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area.

3. PROPOSED ZONING

The zoning for the Area can remain "K" Unrestricted District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978). Any specific proposal to the LCRA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THIS AREA

Approximately 2 to 3 new permanent jobs will be created if the Area is developed in accordance with this Plan. The exact number of jobs created will depend upon the specific nature of the proposed development

6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

Each Redeveloper shall develop the Area in accordance with this Plan and the Redevelopment Agreement, and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to meet this requirement may result in suspension of tax abatement.

8. URBAN DESIGN

a. **Urban Design Objectives**

The property shall be developed so it is an attractive commercial asset to the surrounding neighborhood.

b. **Urban Design Regulations**

Rehabilitation shall respect the original exterior and the exterior in terms of design and materials. Window and door shapes and detailing shall be compatible with the original design

New construction shall be compatible in design with the surrounding neighborhood, if any, in terms of scale, material, set back, profile and site layout.

c. **Landscaping**

The property shall be well-landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, as determined by the Parks Department of the City depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. Existing, healthy trees and shrubs shall be retained, if feasible.

9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

Surface parking shall not extend beyond the established building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2-1/2) feet high on planting and maintained at three and one-half (3-1/2) feet high at maturity. Three percent (3%) of the interior of all parking lots containing more than twenty-five (25) spaces shall be landscaped with trees, at least two and one-half (2-1/2) inch caliper in size on planting. The trees shall be planted on islands, the largest dimension of which shall be at least five (5) feet, planted with low lying ground cover or other plant material.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. A uniform signage plan must be prepared by the Redeveloper for the entire project. All new signs shall be restricted to those identifying the names and/or business of the person or firm occupying the premises.

New wall signs shall not obstruct any architectural building elements, and shall project no more than eighteen (18) inches from the face of the building: **Upper Level** signage shall be located just below or above the top floor windows facing in any direction regardless of street orientation, shall not exceed 2% of the area of the façade on which it appears nor have letters more than one foot in height for each ten foot (10') of building height provided that the maximum shall be ten foot (10') high letters (i.e. maximum sign letter height on a fifty foot (50') high building shall be five feet (5')). **Pedestrian level** signage shall be below the second floor window sill of a structure and/or above the store front windows or on the sides of building perpendicular to the street. The total pedestrian level signage per business per façade shall be the lessor of fifty (50) sq. ft. on ten percent (10%) of the ground floor façade area.

Canvas awnings with signs are permitted, provided they are compatible with the overall design and architectural details of the building upon which they are to be placed and are placed neatly within the window or door opening. Signage on awnings may be located on the sloping portion of the canvas awning, on the front of a canopy or on the awning valance. In no case shall signage be allowed on both an awning and a building for the same business. Logos and graphic elements may be up to ten (10) sq. ft. in size (depending on the size of the awning), while names or brand copy shall be in proportion to the size of the awning, but in no case shall lettering be more than twelve inches (12") high.

One ground or monument sign per use may be permitted provided it does not exceed ten (10) feet in height nor exceed fifty (50) square feet per side, and provided the LCRA confirms that such a sign is required based upon the use, location or siting of the structure.

Businesses having more than 40,000 square feet of ground floor area may have signs proportionately larger than the maximum size set out in this section, provided that the LCRA confirms that there is need based upon the use, location, or siting of the building.

Painted wall signs, roof signs, pole signs, moving signs, animated or flashing signs, or permanent or portable message board signs shall not be permitted in the Area, and no regular or mini billboards (free standing or mounted on structures) shall be erected or maintained in the area, except that construction and leasing signs may be maintained during construction and for a period of one (1) year after completion of improvements on any respective parcel or part thereof.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written approval of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

C. PROPOSED SCHEDULE OF DEVELOPMENT

The implementation of this Plan shall take place in a single phase initiated within approximately two (2) years of approval of this Plan by ordinance and completed within approximately three (3) years of approval of this Plan by ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri.

All costs associated with the development of the Area will be borne by the Redeveloper.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper.

2. PROPERTY ACQUISITION

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may acquire any property in the Area by the exercise of eminent domain or otherwise.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA. Any property acquired by the LCRA and sold to a Redeveloper will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, R.S.Mo. (1986) as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

The property within the Area is currently unoccupied. If it should become occupied, all eligible occupants displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

E. COOPERATION OF THE CITY

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

F. TAX ABATEMENT

A Redeveloper may seek ten-(10) year real estate tax abatement pursuant to Sections 99.700 – 99.715, Revised Statutes of Missouri 1994, as amended, upon applications as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created.

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

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

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

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

The Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Area.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the City Guidelines for Maximum Utilization of Minority Enterprises dated January 1, 1981, as may be amended, and the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Contract between the LCRA and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

H. MODIFICATIONS OF THIS PLAN

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

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

EXHIBIT "A"

**3960 Duncan Avenue AREA
LEGAL DESCRIPTION**

C.B. 3953 Duncan Avenue
0.57 Acres
Cul De Sac Addn
Bnd E 559 ft, 2 3/8 In W WL Vandeventer

3953-00-0040
3960 Duncan Avenue

See attached Exhibit B, C & D

**EXHIBIT E
FORM: 08/02/99**

EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, any entity formed to implement the project of which the Redeveloper is affiliated), its contractors and subcontractors shall comply with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination (Laws). Moreover, the Redeveloper shall contractually require its contractors and subcontractors to comply with such laws.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances, regulations or these guidelines.

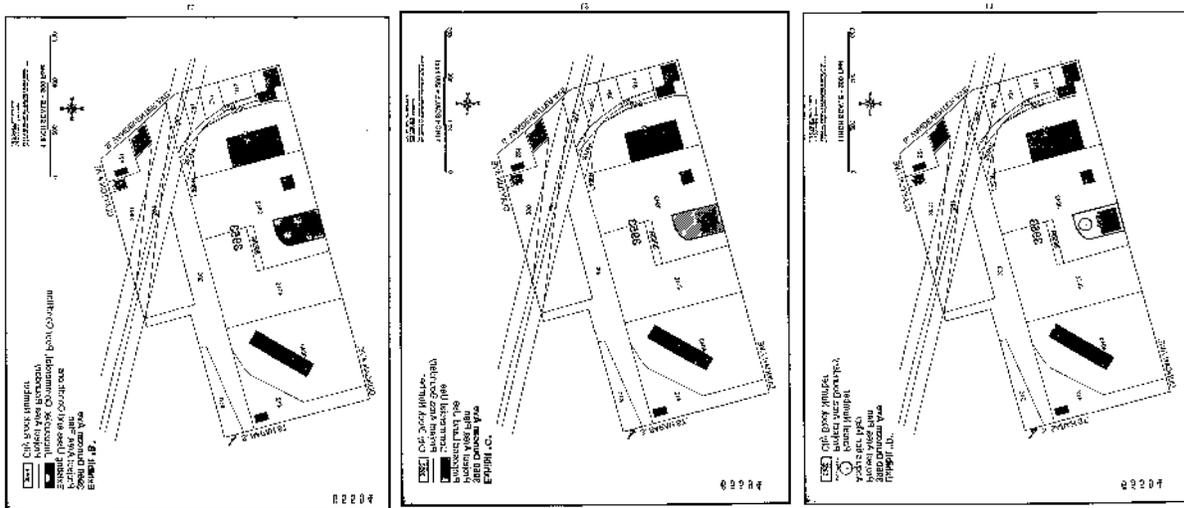
The Redeveloper shall fully comply with Executive Order #28 dated July 24, 1997 relating to minority and women-owned business participation in City contracts.

The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, rental, use or occupancy of any property, or any improvements erected or to be erected in the Area or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the project.

The Redeveloper shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance #60275 which is codified at Chapter 3.09 of the Revised Ordinances of the City of St. Louis.

Approved: July 23, 2002

ORDINANCE NO. 65594 - EXHIBITS B, C & D



ORDINANCE #65595
Board Bill No. 154

An ordinance appropriating the sum of TWENTY MILLION, ONE HUNDRED AND EIGHTY-FIVE THOUSAND, FOUR HUNDRED AND SEVENTY-SIX DOLLARS (\$20,185,476), as described and defined in Section 94.600 through 94.655, R.S. Mo. Supp. 1986 as amended for the period herein stated, which sum is hereby appropriated out of the "Transportation Trust Fund" to the Bi-State Development Agency for transportation purposes; and further providing that the appropriation is conditional upon the Bi-State Development Agency supplying the Board of Estimate and Apportionment an annual evaluation report; further providing that in no event shall the Comptroller draw warrants on the Treasurer for an amount greater than the amount of proceeds deposited in the "Transportation Trust Fund" during the period from July 1, 2002 through June 30, 2003; providing for the appropriation to be reduced if certain funds are used for other than public transit purposes; further providing that the appropriation is conditional upon Bi-State requiring the payment of prevailing wages and benefits to employees of outside service contractors; and containing a severability clause.

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

SECTION ONE. There is hereby appropriated from the unappropriated balance of the "Transportation Trust Fund", subject to the conditions herein contained in sections three (3) and four (4), the sum of TWENTY MILLION, ONE HUNDRED AND EIGHTY-FIVE THOUSAND, FOUR HUNDRED SEVENTY-SIX DOLLARS (\$20,185,476), as described and defined in Section 94.600 through 94.655, R.S. Mo. Supp. 1986 as amended for the period herein stated, which sum is hereby appropriated out of the "Transportation Trust Fund" to the Bi-State Development Agency to be used exclusively and without diversion in any way for public transit purposes pursuant to section 94.600 R.S. Mo. Supp. 1986.

SECTION TWO. The Comptroller of the City of St. Louis is hereby authorized and directed to draw warrants from time to time on the Treasurer of the City of St. Louis for payments to the Bi-State Development Agency, as authorized herein, on the "Transportation Trust Fund" as the proceeds of the one-half percent (1/2%) sales tax authorized by Ordinance No. 56554, approved June 29, 1973, are received from the Director of Revenue of the State of Missouri and are deposited in the "Transportation Trust Fund" as provided by Ordinance No. 56584, approved October 9, 1973, until the total amount appropriated herein has been paid or until the 30th day of June, 2003, whichever event occurs first. This authorization is made subject to and conditional upon the Bi-State Development Agency submitting to the Board of Estimate and Apportionment an annual evaluation report describing services provided and the cost thereof including cost justification for overhead rates and other management fees. The receipt of any funds appropriated hereunder shall constitute consideration for the Bi-State Development Agency's obligating itself to furnish the evaluation reports as required herein.

SECTION THREE. In no event shall the Comptroller draw warrants on the Treasurer of the City of St. Louis for an amount greater than the amount of the proceeds received from the Director of Revenue of the State of Missouri and deposited in the "Transportation Trust Fund" during the period from July 1, 2002 through June 30, 2003.

SECTION FOUR. (a) The Bi-State Development Agency ("Bi-State") shall include in all its requests for competitive bids for outside service work the requirement that the bidder pay prevailing wages and benefits to its employees in performing such contractual work.

(b) For the purpose of this ordinance, "prevailing wages and benefits" shall mean the wages paid generally in the St. Louis Metropolitan area to workers engaged in service work of a similar character, and all benefits associated therewith. Prior to letting any bid for outside service work, Bi-State shall establish prevailing wages and benefits for service workers in the contract for which the bid will be let, which shall be attached to and made a part of each bid specification. In establishing prevailing wages and benefits, Bi-State shall obtain from the Missouri Department of Labor and Industrial Relations, Division of Labor Standards, a list of prevailing wages for the job classification(s) which come closest in nature and character to the jobs to be performed in the service contract for which bids are to be let. In addition to such list, Bi-State shall also base its established prevailing wages and benefits on information from the United States Department of Labor, Bureau of Labor Standards, to the greatest extent feasible.

(c) After establishing prevailing wages and benefits for a bid to be let, and not less than one week prior to letting the bid, Bi-State shall provide the Board of Aldermen, c/o the Clerk, with copies of all information and material used to establish such prevailing wages and benefits.

SECTION FIVE. In the event Bi-State is not operating the existing 34-mile MetroLink alignment consisting of the right-of-way, stations, overhead catenary, power traction, other ancillary equipment and light rail cars (the "Assets"), the City of St. Louis shall have the authority to contract with a city transit authority as defined by Mo. Rev. Stat. § 94.600(2) (2000) created by an ordinance of the City of St. Louis, and to disburse the sales tax proceeds authorized by Mo. Rev. Stat. § 94.600 et seq. (2000) to such city transit authority for further appropriation to any municipal or private corporation for operation of the Assets.

SECTION SIX. In the event the Board of Estimate and Apportionment concludes that any funds herein appropriated or previously appropriated by the City of St. Louis to the Bi-State Development Agency and remaining unspent are used for other than public transit purposes, the appropriation herein enacted shall be reduced by an amount equal to the amount used for other than public transit purposes. The determination of the Board of Estimate and Apportionment of such spending for other than public transit purposes shall be conclusive.

SECTION SEVEN. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is

found by a court of competent jurisdiction to be unconstitutional or is inconsistent with the ability of Bi-State to receive funding from the United States, the remaining sections of this ordinance are valid unless the court finds the valid or consistent sections of this Ordinance are so essentially and inseparably connected with, and so dependent upon the void or inconsistent section that it cannot be presumed that the Aldermen would have enacted the valid sections without the void or inconsistent sections, or unless the court finds that the valid or consistent sections, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

Approved: July 23, 2002

**ORDINANCE #65596
Board Bill No. 156**

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on Gasconade Street from Broadway to Ohio Avenue in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being the portion of Gasconade Street, 60 feet wide, between City Block 2606 and City Block 2620, from Ohio Avenue, 60 feet wide, on the west to Broadway, 120 feet wide, on the east, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at a point at the southwest corner of City Block 2606 at the intersection of the northerly line of Gasconade Street, 60 feet wide, with the easterly line of Ohio Avenue, 60 feet wide; thence south 81 degrees 00 minutes 00 seconds east, 540.40 feet to the westerly line of Broadway, 120 feet wide, at a point on a curve; thence in a southerly direction along said curve concave northwesterly, having a radius of 324.40 feet, an arc length of 33.92 feet and a central angle of 5 degrees 59 minutes 26 seconds to a point on the centerline of Gasconade Street, 60 feet wide; thence continuing along the westerly line of Broadway on a line tangent to said curve, south 44 degrees 49 minutes 49 seconds west 36.91 feet to the point of intersection of the southerly line of said Gasconade Street and the westerly line of Broadway; thence along the southerly line of Gasconade Street north 81 degrees 00 minutes 01 seconds west, 503.02 feet to the point of intersection of the southerly line of said Gasconade Street and the easterly line of said Ohio Avenue; thence along the easterly line of Ohio Avenue, north 09 degrees 00 minutes 00 seconds east, 60.00 feet to the said point of beginning, containing 31,401.41 square feet, more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Board of Education of the City of St. Louis will use vacated area in conjunction with the Mel Carnahan Middle School.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated street provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE: The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX: The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN: The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance 365 days (1 year) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Approved: July 23, 2002

ORDINANCE #65597
Board Bill No. 43
Floor Substitute

An ordinance repealing Ordinance #65045 pertaining to a living wage and enacting in lieu thereof a new ordinance establishing the St. Louis Living Wage Law requiring employers benefiting from certain taxpayer-funded contracts with the City of St. Louis or benefiting from multi-million dollar awards of taxpayer-funded financial assistance to pay their employees a living wage equal to 130% of the Federal Poverty Guidelines for a family of three. Also prohibiting such recipients and contractors from using City funds to support or oppose unionization, providing for a City Compliance Official, and containing definitions, implementation, enforcement and penalty provisions, a severability clause and an effective date.

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

SECTION ONE. Ordinance 65045 is hereby repealed and in lieu thereof the following provisions are enacted, to-wit:

SECTION TWO. DEFINITIONS AND APPLICABILITY

(A) This Ordinance applies to any individual, proprietorship, partnership, corporation, trust, association or other entity that is a Contractor or City Financial Assistance Recipient (CFAR), as defined:

(i) A Contractor is a party to a contract with the City of St. Louis and/or a City Agency that is entered into after the effective date of the provisions of this Ordinance and that is primarily for the furnishing of services, provided that contracts for the purchase or lease of goods, public works contracts for construction, contracts for the provision of goods and services by utilities subject to federal and/or state regulatory oversight and their affiliates, the provision of health, workers compensation and other benefits to employees of the City of St. Louis and contracts for the provision of medical services to inmates of city correctional facilities and incarcerated persons under the control of City public safety agencies shall not constitute the furnishing of services for purposes of this Ordinance, and where the total value of such contract(s) is \$50,000 or more in a twelve-month period. Utilities shall include, but not be limited to, electric, gas, sewer, telecommunications, water and similar services. Where during any twelve-month period an entity receives more than one contract from the City for the provision of the same or similar services, the value of the contracts shall be aggregated to determine whether this threshold is met. Any subcontractor that assists a Contractor in furnishing the services that are the subject of such a contract shall be deemed a Contractor for the purposes of this definition. An entity that receives or enters into one or more contracts triggering coverage under this definition shall be deemed a Contractor for the duration of the contracts.

(ii) This definition of Contractor shall include any party to a written agreement (including, without limitation, any lease, concession, franchise or easement agreement) with the St. Louis Airport Commission, the City of St. Louis and/or a City Agency that is entered into after the effective date of the provisions of this Ordinance, that is for the use of real property that is under the jurisdiction of the St. Louis Airport Commission, and where the total value of such agreement (including all lease or concession payments and other payments made) over a twelve-month period is \$50,000 or more, regardless whether such value accrues to the benefit of the party or to the City of St. Louis as in the case of a lease or concession agreement. This definition of Contractor shall also include (a) any party to a sublease or other agreement with a Contractor allowing the party the use of real property that is under the jurisdiction of the St. Louis Airport Commission, or (b) any party to a subcontract or contract with a Contractor to perform services on property that is under the jurisdiction of the St. Louis Airport Commission. The provisions of this section shall not apply

to any lease between the City or the Airport Commission and any regional, national or international airline.

(iii) A City Financial Assistance Recipient (CFAR) is a recipient of any financial assistance from the City of St. Louis and/or a City Agency awarded after the effective date of the provisions of this Ordinance that has a present value of at least \$20,000,000 over the term of the assistance, and where the primary purpose of the assistance is economic development or job growth. Financial assistance includes any financial assistance administered by the City or a City Agency including any federal grant program, tax increment financing, revenue bond financing, tax abatements, tax credits, grants, loans or any other form of financial assistance. Where an entity receives more than one award of City financial assistance within a twelve-month period, the value of the financial assistance awards shall be aggregated to determine whether this threshold is met. Any contractor, subcontractor, tenant or concessionaire of a CFAR that employs persons at a CFAR's subsidized site and that benefits significantly from the City-awarded financial assistance shall be deemed a CFAR for the purposes of this definition. Where an entity receives City financial assistance to retain or create jobs or to provide a service, and then contracts with another entity to retain or create those jobs or to provide that service, the contracting firm will be presumed to benefit significantly from the City financial assistance. Where City financial assistance is awarded to support a facility intended to be occupied chiefly by a single major tenant, that tenant will be presumed to benefit significantly from the City financial assistance. Where City financial assistance is awarded to finance the construction of a stadium and/or related entertainment or retail facilities contained within the stadium, any contractor, subcontractor, tenant or concessionaire operating at the subsidized stadium or related facilities will be presumed to benefit significantly from the City financial assistance in light of the unique business location and customer base that the City-financed project makes available to them. Beyond these enumerated circumstances, a contractor, subcontractor, tenant or concessionaire of a CFAR will be deemed to benefit significantly from the City-awarded financial assistance and will therefore be subject to the requirements of this Ordinance only where the City determines that such would be the case at the time the financial assistance is awarded and apprises the recipient CFAR of that determination. An entity that receives City financial assistance triggering coverage under this definition shall be deemed a CFAR for the period of time during which the financial assistance that triggers coverage is received or, if the financial assistance has no specified duration, for five years.

(iv) Notwithstanding the foregoing, a not-for-profit organization that provides social or human services for disadvantaged residents of St. Louis pursuant to a contract or with financial assistance from the City and the contractors and subcontractors of such an organization shall not be deemed a Contractor or CFAR for the purposes of this Ordinance. "Not-for-profit organization" means a corporation having tax-exempt status under section 501(c)(3) of the United States Internal Revenue Code and recognized under Missouri state not-for-profit law. An organization is deemed to be providing social or human services for disadvantaged residents if the primary purpose of its work is to provide in-home or agency-based services such as food, housing, health care or training to vulnerable residents such as youth, low-income, elderly, ill or disabled individuals.

(B) The wage and benefits requirements of this ordinance shall apply (i) to any employee of a Contractor for all hours that the employee is employed performing work related to the covered contract or concession agreement (but shall include hours employed performing general overhead or administrative services related to the City contract only where such hours total at least 10 hours for the employee in a given week and can be clearly identified and allocated to the City contract); and (ii) to any employee of a CFAR for all hours that the employee is employed performing work in connection with any job site covered or subsidized in whole or in part by a covered award of financial assistance from the City. An employee is any person who performs work on a full-time, part-time, temporary, or seasonal basis, and includes employees, independent contractors, and contingent or contracted workers, including persons made available to work through the services of a staffing, temporary, or employment agency. This provision shall not apply to interns.

(C) For purposes of this Ordinance, a "City Agency" shall include any agency, office, position, administration, department, division, bureau, board, commission, or other unit, affiliate, or subdivision of the City, and any other entity over which majority control is exercised by officers or employees of the City or by their appointees, or which awards contracts or financial assistance that is funded by the City. This definition shall include any Department of the City, the City of St. Louis Airport Authority, the Planned Industrial Expansion Authority, the Land Clearance for Redevelopment Authority, the Industrial Development Authority, the Community Development Agency, the Local Development Company and the St. Louis Development Corporation.

SECTION THREE. LIVING WAGE AND OTHER REQUIREMENTS

(A) Each Contractor and CFAR shall pay its employees wages that are no less than a living wage as defined in this Ordinance or wages that are at least equal to the wages required under Chapter 6.20 of the Revised Code of the City of St. Louis, whichever is greater.

(B) A living wage means an hourly wage rate which on an annual basis (based on forty hours per week, fifty-two weeks per year) is equivalent to 130% of the federal Poverty Guidelines for a family of three, as updated annually in the Federal Register by the U.S. Department of Health and Human Services, if the employee also receives health benefits from the employer. Health benefits, for the purposes of this ordinance, means receipt of health care benefits for the covered employee and/or his or her dependents where the employer's contribution to the benefits package, for each hour worked, is valued at no less than the hourly prevailing fringe benefits rate defined under the City's prevailing wage law, chapter 6.20 of the revised code of the City of St. Louis, as adjusted periodically. If health benefits are offered as provided by this ordinance, an employee shall not have the option of choosing to higher wages in lieu of the health benefits. In determining the living wage an employer is required to pay a tipped employee, the amount paid such employee shall be an amount equal to:

(1) The hourly cash wage paid such employee which for purposes of such determination shall be not less than 50% of the value of the living wage required for non-tipped employees as defined herein and adjusted annually;

(2) An additional amount on account of the tips received by such employee which amount is at least equal to 50% of the value of the living wage required for non-tipped employees. The additional amount on account of tips may not exceed the value of the tips actually received by an employee. The preceding two (2) sentences shall not apply with respect to any tipped employee unless such employee has been informed by the employer of the provisions of this subsection, and all tips received by such employee have been retained by the employee, except that this subsection shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

(C) If health benefits are not provided, each Contractor and CFAR shall pay its covered employees a wage no less than an hourly wage equal to the sum of the living wage for employees with health benefits as defined in (B) above, plus the prevailing fringe benefits rate defined under the City's prevailing wage law, chapter 6.20 of the revised code of the City of St. Louis, as adjusted periodically.

(D) The City Compliance Official (CCO) shall adjust the living wage rate annually no later than April 1 to incorporate changes in the federal poverty guidelines. The CCO shall publish a bulletin announcing any change in the amount of the living wage and in the prevailing fringe benefits rate defined under the City's prevailing wage law, and shall inform each Contractor and CFAR of such changes in writing prior to such adjustment becoming effective. In the event that the City ever ceases determining the prevailing fringe benefits rate currently defined under the City's prevailing wage law, the prevailing fringe benefits rate for the purposes of this Ordinance shall be the hourly prevailing fringe benefits rate for employees in the St. Louis metropolitan area as determined pursuant to the federal Service Contract Act, 41 U.S.C. Section 351 et seq., as amended.

(E) It shall be unlawful for any employer, an employer's agent or representative, or any other party to take any action against an individual in retaliation for the exercise of rights protected under this Ordinance. Rights protected under this Ordinance shall include the freedom to inform others of their potential rights under this Ordinance, and to assist them in asserting those rights. This protection shall also apply to any individual who mistakenly, but in good faith, alleges noncompliance with this Ordinance. Taking adverse action against an individual within sixty (60) days of the individual's exercise of rights protected under this Ordinance shall raise a rebuttable presumption of having done so in retaliation for the exercise of those rights. Contractors and CFAR's shall also be in compliance with other applicable federal, state and local labor and workplace laws.

(F) No Contractor or CFAR shall, directly or indirectly, use any City financial assistance or payments for the purpose of persuading employees to support or oppose unionization. In particular, financial assistance or payments received from City of St. Louis shall not be used to schedule or hold meetings related to union representation during employees' working hours. However, this restriction shall not apply to any expenditure made in the course of good faith collective bargaining, or to any expenditure pursuant to obligations incurred under a bona fide collective bargaining agreement. Where a Contractor or CFAR operates on property owned or controlled by the City then, in order to ensure that publicly owned or controlled space is used in a viewpoint-neutral fashion, a labor union shall be allowed the same opportunity to communicate with employees as is enjoyed by the Contractor or CFAR, including the right to have access to the premises, post notices, distribute literature, and use the premises to hold meetings with employees.

(G) All of the provisions of this Ordinance, or any part hereof, may be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms.

SECTION FOUR. IMPLEMENTATION AND ENFORCEMENT

(A) The provisions of this Ordinance shall augment the City's normal and customary procedure for administering its contracts and economic development assistance programs. The Mayor shall designate a City Compliance Official (CCO) as the City agency and/or individual with primary responsibility for administering, implementing and enforcing this Ordinance, including coordinating and ensuring effective compliance by all City-affiliated agencies, provided that the CCO shall not be the St. Louis Development Corporation. The CCO shall promulgate implementing rules, regulations, forms, bid and contract provisions, and other materials, as appropriate, consistent with this Ordinance, which shall be binding on City agencies, Contractors, CFAR's, employees, and all other parties affected by this Ordinance. Subject to the requirements of this Ordinance, the rules and regulations shall establish procedures for monitoring the operations of Contractors and CFAR's, and their covered subcontractors and tenants, to ensure compliance with this Ordinance, and shall establish procedures for regular review of payroll records and investigation and resolution of specific concerns or complaints about the employment practices of Contractors and CFAR's, and their covered subcontractors and tenants. The rules and regulations shall require Contractors, CFAR's and their covered subcontractors and tenants to submit reports to the City at least annually identifying: their covered employees and the wages and benefits that they are paid; and the number of employees based at the site that is performing the service contract or receiving the financial assistance that are paid less than the living wage and a brief explanation of why they are believed not to be covered by this Ordinance. Where the CCO deems appropriate or necessary, the implementing rules and regulations may include interpretive or legislative rules and regulations that explain and clarify the substantive requirements of this Ordinance. Implementing rules, regulations, forms, bid and contract provisions, and other materials promulgated by the CCO shall be subject to public hearing, and to review and comment by the Board of Aldermen, before they take effect. Upon receipt of said materials, the Board of Aldermen shall have sixty (60) days to make such review and comment. Where the CCO deems appropriate, and to the extent permitted by law, the CCO may assign its authority over any particular implementation function to another body, agency, or individual. Such rules or regulations shall have the force and effect of law and may be relied on by Contractors and CFAR's and other parties in order to determine their obligations under this Ordinance. By April 1st of each year, the CCO shall make available to the public and submit to the Board of Aldermen annual reports on the implementation and enforcement of this Ordinance during the preceding calendar year.

(B) A not-for-profit organization as defined in Subparagraph (A)(iv) above may appeal a determination that it is covered under

this Ordinance to the CCO .

(C) This Ordinance is intended to establish civil obligations on covered parties, and the remedies authorized for violations shall be civil, not penal or criminal. Employers covered under this Ordinance shall be obligated to maintain payroll records documenting wages and benefits received by employees. In the absence of adequate evidence of wages and benefits paid, it shall be presumed that the employer paid no more than the applicable federal or state minimum wage, and did not provide health benefits.

(D) The CCO shall monitor and enforce compliance with the requirements of this Ordinance. Where the CCO has reason to believe that a Contractor, CFAR or other person may have violated any of the requirements of this Ordinance, or of the implementing rules and regulations, the CCO shall initiate an investigation. Where the CCO determines that a violation has occurred, it may attempt to negotiate an end to the violation and appropriate relief from the violating party including back-pay for the affected workers or persons. Such appropriate relief may include any of the remedies enumerated in Section Four, E of this Ordinance.

(E) Where the CCO determines that a violation of this Ordinance has occurred and determines that a negotiated resolution is not possible or not appropriate, the CCO may initiate a formal administrative complaint against the Contractor, CFAR or other person involved. In addition, any person denied wages or benefits mandated under this Ordinance or aggrieved by an action or non-action of another person or entity in violation of this Ordinance or its implementing rules and regulations, or an organization representing the interests of a person so aggrieved, may also file a formal administrative complaint with the CCO on a Complaint Form provided by the CCO. Complaints must be initiated within one year of the denial of wages or benefits or other violation of the Ordinance. The CCO shall, not later than ten (10) days after initiating or receiving the complaint, mail to the person alleged to have violated the Ordinance a copy of the complaint, and such person alleged to have violated the Ordinance shall have twenty (20) days to file a written response. The CCO shall within ten (10) days after the deadline for filing a response schedule a hearing, which shall be held as soon as possible and within thirty (30) days after the response is due, except for good cause shown. The hearing shall be conducted pursuant to the provisions set forth in Missouri Revised Statutes, Chapter 536. Upon a determination that there has been a violation of this Ordinance, the CCO may order any of the following relief:

- (i) Suspension and/or termination of the contract, subcontract, lease, concession agreement or financial assistance agreement;
- (ii) Forfeiture and repayment of any or all of the financial assistance awarded by the City of St. Louis;
- (iii) Disbarring the Contractor or CFAR from eligibility for future City contracts and/or financial assistance until all ordered relief has been made or paid in full;
- (iv) Liquidated damages payable to the City of St. Louis in the amount of \$500 for each week, or part thereof, that an employee has not been provided wages and benefits in accordance with this Ordinance. Each such weekly violation shall constitute a separate violation of this Ordinance and must be demonstrated separately.

Within twenty (20) days after the conclusion of the hearing, the CCO shall render a decision. Any aggrieved party may appeal said decision pursuant to Chapter 536.

SECTION FIVE. Every Contractor and CFAR shall post in a conspicuous place on any job site subject to this ordinance a copy of the living wage rates required under this Ordinance. The City shall notify Contractors and CFAR's of the current living wage rate, and any adjustments thereto, within a reasonable period before they become effective.

SECTION SIX. SEVERABILITY

If any portion or provision of this ordinance, or its application to any person or circumstance, is declared invalid or unenforceable by a court of competent jurisdiction, it is the intent of the Board of Aldermen that such holding shall not invalidate or render unenforceable any other portions or provisions of this Ordinance or the application of such portions or provisions held invalid to any other person or circumstance. Furthermore, it is the intent of the Board of Aldermen that if a portion or provision of this Ordinance is found invalid or unenforceable, the court should invalidate the smallest possible portion of the Ordinance sufficient to excise the identified legal defect.

SECTION SEVEN. EFFECTIVE DATE

This Ordinance shall take effect 90 days after its enactment. The requirements of this Ordinance shall apply to any contract or concession agreement entered into or renewed and any financial assistance granted or renewed after the effective date of this Ordinance. Entering into an agreement for extension of a contract for a period beyond its original term shall be considered entering into a contract for purposes of this Ordinance.

Approved: August 5, 2002

ORDINANCE #65598
Board Bill No. 108

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on 1) 20 foot wide north/south alley in City Block 3086 as bounded by Vulcan, Steins, Reilly, and Koeln; 2) 20 foot wide north/south alley in City Block 3087 as bounded by Reilly, Steins, Polk, and Koeln; 3) Koeln from Polk westwardly — 513 feet to the west line of alley in City Blocks 3049 and 3086; and 4) Reilly from the southline of Koeln to southline of Upton in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

Several strips of land being the alleys, 20 feet wide, in Blocks 3086 and 3087; portions of Koeln Avenue, 50 feet wide, and Reilly Avenue, 60 feet wide, adjoining Blocks 3048, 3049, 3086 and 3087, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the intersection of the southwestern line of Upton Street, 50 feet wide with the northwestern line of Reilly Avenue, 60 feet wide; thence south 49 degrees 14 minutes 45 seconds east 60.02 feet, along the southwestern line of said Upton Street, to the southeastern line of said Reilly Avenue;

thence south 42 degrees 13 minutes 15 seconds west 306.75 feet, along the southeastern line of said Reilly Avenue, to the northeastern line of Koeln Avenue, 50 feet wide; thence south 49 degrees 14 minutes 45 seconds east 295.00 feet, along the northeastern line of said Koeln Avenue, to the northwestern line of Polk Street, 60 feet wide; thence south 42 degrees 13 minutes 15 seconds west 50.02 feet, along the northwestern line of said Polk Street, to the southwestern line of said Koeln Avenue; thence north 49 degrees 14 minutes 45 seconds west 137.50 feet, along the southwestern line of said Koeln Avenue, to the southeastern line of the alley, 20 feet wide, in said Block 3087; thence south 42 degrees 13 minutes 15 seconds west 300.83 feet, along the southeastern line of said alley, to the northeastern line of Steins Street, 50 feet wide; thence north 49 degrees 14 minutes 45 seconds west 20.01 feet, along the northeastern line of said Steins Street, to the northwestern line of said alley; thence north 42 degrees 13 minutes 15 seconds east 300.83 feet, along the northwestern line of said alley, to the southwestern line of said Koeln Avenue; thence north 49 degrees 14 minutes 45 seconds west 335.43 feet, along said Koeln Avenue, to the southeastern line of the alley, 20 feet wide, in said Block 3086; thence south 42 degrees 13 minutes 15 seconds west 300.83 feet, along the southeastern line of said alley, to the northeastern line of said Steins Street; thence north 49 degrees 14 minutes 45 seconds west 20.01 feet, along the northeastern line of said Steins Street, to the northwestern line of said alley; thence north 42 degrees 13 minutes 15 seconds east 350.85 feet, along the northwestern line of said alley, and along the southeastern line of that portion of Koeln Avenue, vacated by Ordinance 45384, to the northeastern line of said Koeln Avenue; thence south 49 degrees 14 minutes 45 seconds east 157.93 feet, along the northeastern line of said Koeln Avenue, to the northwestern line of said Reilly Avenue; thence north 42 degrees 13 minutes 15 seconds east 306.75 feet, along the northwestern line of said Reilly Avenue, to

the southwestern line of said Upton Street and the point of beginning.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioners are Albert Coleman and others. Vacated area will be consolidated for future commercial/industrial expansion.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alleys and streets, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated alleys and streets provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE: The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX: The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN: The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance 365 days (1 year) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Approved: August 5, 2002

ORDINANCE #65599
Board Bill No. 115
Floor Substitute

An ordinance relating to the parking of Medical Examiners' vehicles, containing a penalty clause and an emergency clause.

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

SECTION ONE. The parking of vehicles, except for vehicles used and designated by the Medical Examiners Office, is hereby prohibited

1. on the south side of Clark Street from the east line of 13th Street to a point 103 feet east of the east line of 13th Street,
2. on 13th Street from 15 feet south of the south curb line of Clark Street to a point south along the Medical Examiner's building and extending to the alley, and
3. along the south side of the Medical Examiner's building, north of the alley, and from the extension of west wall of the building to the alley and to the extension of the east wall of the building to the alley.

SECTION TWO. The Medical Examiner shall issue placards designating the vehicle is being used by the Medical Examiner's Office and said placards shall be conspicuously displayed in any vehicle parked in said restricted area.

SECTION THREE. Employees for the Medical Examiner as designated by the Medical Examiner, when on official duty, shall be allowed to park, without payment of fees, at any parking meter or contrary to posted "No Parking" zones. In no event will parking be allowed in front of fire plugs, mail boxes, bus stops, wheelchair ramps, within 30 feet of a curbline of any intersection, nor within disabled parking spaces unless vehicle displays a permanent Missouri placard or license plate for the disabled.

SECTION FOUR. Each authorized individual shall display one (1) placard, approved by the Medical Examiner, in either the front or rear window of private or city vehicles, to indicate that the individual is on official city business and is exempt from parking fees, citations, and parking tickets, in accordance with this chapter during normal working hours. The Medical Examiner shall not issue such placards to any person not under the supervision of the Medical Examiner. The Medical Examiner shall have the authority to request cancellation of parking tickets issued contrary to this chapter.

SECTION FIVE. It shall be unlawful for any person to have in their possession, use or display a placard indicating the placard was issued by the Medical Examiner when it was not issued by the Medical Examiner.

SECTION SIX Penalties designated.

Any person convicted of a violation of this ordinance shall be punished by a fine of not more than (\$500.00) five hundred dollars or imprisonment for not more than 90 days in jail or both such fine and imprisonment.

SECTION SEVEN. Emergency Clause. This being an ordinance for the preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

Approved: August 5, 2002

ORDINANCE #65600
Board Bill No. 130
Floor Substitute

An ordinance approving a Redevelopment Plan for the Gravois/Loughborough/Quincy Redevelopment Area ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), containing a description of the boundaries of said Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Exhibit "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan dated May 28, 2002, for the Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that any property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain or otherwise; finding that the property within the Area is partly occupied and the Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be no real estate tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

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

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

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

WHEREAS, the LCRA has recommended such a plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for the Gravois/Loughborough/Quincy Redevelopment Area", dated May 28, 2002, consisting of a Title Page, a Table of Contents Page, and thirteen (13) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

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

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

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

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

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

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

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

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

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

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

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

SECTION ONE. There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive) described in Exhibit "A", attached hereto and incorporated herein, known as the Gravois/Loughborough/Quincy Redevelopment Area ("Area").

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

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

SECTION FOUR. The Blighting Study and Plan for the Area, dated May 28, 2002 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Plan with the Minutes of this meeting.

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

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

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

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

SECTION NINE. The property within the Area is partly occupied. All eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

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

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

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan.

SECTION TWELVE. All parties participating as owners or purchasers of property in the Area for redevelopment ("Redeveloper") 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 Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

SECTION THIRTEEN. In all contracts with private and public parties for redevelopment of any portion of the Area, all Redevelopers 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 LCRA 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;
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and
- (g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

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

SECTION FOURTEEN. The Redeveloper may not seek real estate tax abatement.

SECTION FIFTEEN. Any proposed modification which will substantially change the Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Plan.

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

Approved: August 5, 2002

ORDINANCE #65601
Board Bill No. 141

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on the 20 foot wide east/west and north/south alleys in City Block 3966-N as bounded by Clayton Avenue, Boyle Avenue, I-64, and Tower Grove Avenue in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being a 20 foot wide north/south alley and a 20 foot wide east/west alley in Block 3 of the Subdivision of Brigg's Estate, as recorded in City Record Book C, page 37 of the City of St. Louis Records and in City Block 3966-N of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the intersection of the southern line of Clayton Road, 60 feet wide, with the western line of Boyle Avenue, 60 feet wide, being the northeastern corner of said City Block 3966-N; thence along the western line of said Boyle Avenue, south 14 degrees 51 minutes 29 seconds west, 156.88 feet to the intersection of said western line with the northern line

of said east/west 15 foot wide alley and being the true point of beginning; thence along the southerly prolongation of the west-erly line of said Boyle Avenue, south 14 degrees 51 minutes 29 seconds west, 20.57 feet to its intersection with the southern line of said 15 foot wide alley, thence along the southerly line of said 15 foot wide alley, north 88 degrees 40 minutes 27 seconds west, 154.28 feet to its intersection with the eastern line of said north/south 20 foot wide alley; thence along the eastern line of said 20 foot wide alley, south 14 degrees 51 minutes 29 seconds west, 326.63 feet to the northern line of Oakland Express Highway, irregular width, also known as Interstate 64 and Highway 40; thence along the northern line of said Oakland Express Highway, south 78 degrees 33 minutes 40 seconds west, 22.31 feet to its intersection with the western line of said north/south 20 foot wide alley; thence along the western line of said 20 foot wide alley, north 14 degrees 51 minutes 29 seconds east, 331.70 feet to its intersection with the southern line of said 15 foot wide alley; thence along the southern line of said 15 foot wide alley, north 88 degrees 40 minutes 27 seconds west, 154.28 feet to the eastern line of Tower Grove Avenue, 60 feet wide; thence along the northerly prolongation of the eastern line of said Tower Grove Avenue, north 14 degrees 51 minutes 29 seconds east, 20.57 feet to its intersection with the northern line of said 15 foot wide alley; thence along the northern line of said 15 foot wide alley, south 88 degrees 40 minutes 27 seconds east, 329.13 feet to the true point of beginning and containing 13,166 square feet, more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioned by Forest West Properties, Barnes Hospital, and Washington University Medical Center. Vacated area will be consolidated for expansion of medical facilities.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alleys, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated alleys provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE: The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX: The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN: The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance 365 days (1 year) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Approved: August 5, 2002

**ORDINANCE #65602
Board Bill No. 142**

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on an irregular portion of an alley, 25 feet x 11 feet, in City Block 4781 as bounded by Parkview Place, Taylor Avenue, Children's Place, and Euclid Avenue in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being part of an alley in City Block 4781 (north), of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the intersection of the westerly line of Lot 5 as shown on Audubon Place, a subdivision filed for record in Plat Book 12, page 41 of the St. Louis City Records and the westerly prolongation of the northerly right-of-way line of an alley, 15 feet wide, vacated by Ordinance Number 59281, said intersection being the point of beginning for the tract herein described; thence along the westerly prolongation of the northerly right-of-way line of said alley vacated by Ordinance Number 59281, south 75 degrees 02 minutes 59 seconds east, a distance of 10.90 feet to the northwest corner of said alley vacated by Ordinance Number 59281; thence along the westerly line of said alley vacated by Ordinance Number 59281, south 14 degrees 57 minutes 01 seconds west, a distance of 15 feet to the southwest corner of said alley vacated by Ordinance Number 59281; thence along the southerly line of said alley vacated by Ordinance Number 59281, south 75 degrees 02 minutes 59 seconds east, a distance of 0.69 feet; thence leaving said southerly line, south 56 degrees 55 minutes 11 seconds west, a distance of 13.37 feet to the westerly line of Lot 4 of said Audubon Place; thence along the northerly prolongation of the westerly line of said Lot 4, north 08 degrees 53 minutes 21 seconds east, a distance of 25.08 feet to the point of beginning.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Saint Louis College of Pharmacy will use vacated area for construction of a new building.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated alley provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE: The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX: The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN: The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and

benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance 365 days (1 year) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Approved: August 5, 2002

ORDINANCE #65603
Board Bill No. 143

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on an irregular shaped portion of Cadet Avenue beginning at Kingshighway Boulevard and extending 103 feet ± 19 feet eastwardly to a point in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being part of Cadet Avenue, 60 feet wide, between City Block 5045 to the north, and City Block 5046 to the south, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at a cross in concrete marking the intersection of the southerly line of Cadet Avenue, 60 feet wide, with the northeasterly line of Kingshighway Boulevard, 100 feet wide; thence along said southerly line of Cadet Avenue, north 90 degrees 00 minutes 00 seconds east, a distance of 121.56 feet to a ½ inch iron pipe; thence leaving said southerly line of Cadet Avenue, north 00 degrees 00 minutes 00 seconds east, a distance of 11.41 feet to a ½ inch iron pipe; thence 60.97 feet along the arc of a curve to the right, having a radius of 44.50 feet, through a central angle of 78 degrees 29 minutes 59 seconds, with a chord that bears north 50 degrees 48 minutes 23 seconds west, a chord distance of 56.31 feet to a ½ inch iron pipe; thence north 90 degrees 00 minutes 00 seconds west, a distance of 84.31 feet to said northeasterly line of Kingshighway Boulevard; thence along said northeasterly line of Kingshighway Boulevard, south 07 degrees 45 minutes 00 seconds east, a distance of 47.43 feet to the point of beginning.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Vacated area will be used for landscaping in conjunction with residential development. The Water Division will require an easement for the 6" main in Cadet allowing for uninhibited access to the water main for maintenance and repair. No construction of any kind can occur on this easement without the prior review and approval of the Water Commissioner.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated street provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE: The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX: The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, govern-mental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN: The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance 365 days (1 year) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Approved: August 5, 2002

ORDINANCE #65604
Board Bill No. 155
Floor Substitute

An Ordinance pertaining to the Transportation Sales Tax imposed pursuant to Senate Bill 432 as adopted and approved by the voters of St. Louis City on August 2, 1994, pursuant to Ordinance 63168; creating the "City Public Transit Sales Tax Trust Fund" directing the Treasurer of the City of St. Louis to deposit funds received pursuant to said sales tax into the City Public Transit Sales Tax Trust Fund" appropriating TEN MILLION, EIGHT HUNDRED, THIRTY-FOUR THOUSAND, EIGHT HUNDRED EIGHTEEN DOLLARS (\$10,834,818), from the said sales tax for the period herein stated to the Bi-State Development Agency for certain purposes; providing for the payment of such funds during the period July 1, 2002 through, June 30, 2003; further providing that in no event shall the Comptroller draw warrants on the Treasurer for an amount greater than the amounts of the proceeds deposited in the "City Public Transit Sales Tax Trust Fund" during the period of July 1, 2002 through June 30, 2003; containing a severability clause.

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

SECTION ONE. All sales taxes collected pursuant to Senate Bill 432 and Ordinance 63168 and distributed by the Director of Revenue to the Treasurer of St. Louis City as authorized by Senate Bill 432 (the "Act") as approved and adopted by the voters of St. Louis City on August 2, 1994, pursuant to Ordinance 63168 shall be deposited in a special trust fund, which is hereby created, to be known as the " City Public Transit Sales Tax Fund."

SECTION TWO. There is hereby appropriated out of the "City Public Transit Sales Tax Trust Fund", subject to the conditions herein contained in Sections Four and Five, the amount of TEN MILLION, EIGHT HUNDRED, THIRTY-FOUR THOUSAND, EIGHT HUNDRED EIGHTEEN DOLLARS (\$10,834,818), for the period herein stated to the Bi-State Development Agency to be used for the purposes authorized by the Act.

SECTION THREE. The Comptroller of the City of St. Louis is hereby authorized and directed to draw warrants from time to time on the Treasurer of the City of St. Louis for payments to the Bi-State Development Agency, as authorized herein on the "City Public Transit Sales Tax Trust Fund", as the proceeds from the one-quarter percent (1/4%) sales tax authorized by Senate Bill 432 as approved and adopted by the voters of the City of St. Louis on August 2, 1994, pursuant to Ordinance 63168 are received from the Director of Revenue of the State of Missouri and are deposited in the "City Public Transit Sales Tax Trust Fund" as provided

herein from July 1, 2002 through June 30, 2003.

SECTION FOUR. In no event shall the Comptroller draw warrants on the Treasurer of the City of St. Louis for an amount greater than the amount of proceeds received from the Director of Revenue of the State of Missouri and deposited in the "City Public Transit Sales Tax Trust Fund" during the period from July 1, 2002 through June 30, 2003.

SECTION FIVE. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be unconstitutional or is inconsistent with the ability of the Bi-State Development Agency to receive funding from the United States, the remaining sections of the Ordinance are valid unless the court finds the valid or consistent sections of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the void or inconsistent section that it cannot be presumed that the Aldermen would have enacted the valid sections without the void or inconsistent sections, or unless the court finds the valid or consistent sections, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

Approved: August 5, 2002

**ORDINANCE #65605
Board Bill No. 159**

AN ORDINANCE DESIGNATING A PORTION OF THE CITY OF ST. LOUIS, MISSOURI, A REDEVELOPMENT AREA; ADOPTING A REDEVELOPMENT PLAN AND APPROVING A REDEVELOPMENT PROJECT THEREIN; ADOPTING TAX INCREMENT ALLOCATION FINANCING; AND ESTABLISHING A SPECIAL ALLOCATION FUND ALL PURSUANT TO THE REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT ACT; AND MAKING FINDINGS RELATED THERETO AND AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS.

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, the TIF Commission is duly constituted according to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "TIF Act"), and is authorized to hold public hearings with respect to proposed redevelopment areas and redevelopment plans and to make recommendations thereon to the City; and

WHEREAS, at the direction of the Board of Aldermen, staff and consultants have prepared a plan for redevelopment titled "1505 Missouri TIF Redevelopment Plan" dated April 25, 2002 (the "Redevelopment Plan"), for an area located at 1505 Missouri Avenue in the Lafayette Square Historic District neighborhood (the "Redevelopment Area"), which Redevelopment Area is more fully described in the Redevelopment Plan; and

WHEREAS, the Redevelopment Plan envisions the complete renovation and rehabilitation of the historic Lafayette Park Presbyterian Church building, located at 1505 Missouri Avenue, into luxury loft condominiums with a basement-level parking garage (the entire proposal for redevelopment as described in the Redevelopment Plan being hereinafter referred to as the "Redevelopment Project"); and

WHEREAS, Gilded Age Renovation, L.L.C. (the "Developer"), in response to the City's solicitation of proposals from developers, submitted its development proposal dated March 25, 2002, (the "Redevelopment Proposal"), for redevelopment of the Redevelopment Area; and

WHEREAS, on June 5, 2002, after all proper notice was given, the TIF Commission held a public hearing in conformance with the TIF Act, and received comments from all interested persons and taxing districts relative to the Redevelopment Area, the Redevelopment Plan, the Redevelopment Project and the Redevelopment Proposal; and

WHEREAS, the Board of Aldermen has received the recommendations of the TIF Commission regarding the Redevelopment Area and the Redevelopment Plan and finds that it is desirable and in the best interests of the City to designate the Redevelopment Area as a "redevelopment area" as provided in the TIF Act and adopt the Redevelopment Plan and Redevelopment Project in order to encourage and facilitate the redevelopment of the Redevelopment Area; and

WHEREAS, the Board of Aldermen has determined that the Redevelopment Area qualifies for the use of tax increment allocation financing to alleviate the conditions that qualify it as a "redevelopment area" as provided in the TIF Act and that it is necessary and desirable and in the best interest of the City to adopt tax increment allocation financing within and to establish a special allocation fund for the Redevelopment Area.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. LOUIS, MISSOURI, AS FOLLOWS:

Section One. The Board of Alderman hereby makes the following findings:

1. The Redevelopment Area on the whole is a “conservation area” as defined in Section 99.805(3) of the TIF Act, and has not been subjected to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment allocation financing and the Redevelopment Plan. This finding includes, the Redevelopment Plan sets forth, and the Board of Aldermen hereby finds and adopts by reference: (a) a detailed description of the factors that qualify the Redevelopment Area as a “conservation area” and (b) an affidavit, signed by the Developer and submitted with the Redevelopment Plan attesting that the provisions of Section 99.810.1(1) of the TIF Act have been met, which description and affidavit are incorporated herein as if set forth here in full.
2. The Redevelopment Plan conforms to the City’s comprehensive plan for the development of the City as a whole.
3. In accordance with the TIF Act, the Redevelopment Plan states the estimated dates of completion of the Redevelopment Project and retirement of the financial obligations issued to pay for certain Redevelopment Project costs and these dates are twenty three (23) years or less from the date of approval of the Redevelopment Project.
4. A plan has been developed for relocation assistance for business and residences in Ordinance No. 62481 adopted December 20, 1991.
5. The Redevelopment Plan includes a cost-benefit analysis showing the economic impact of the Redevelopment Plan on each taxing district which is at least partially within the boundaries of the Redevelopment Area, which cost-benefit analysis shows the impact on the economy if the project is not built and is built pursuant to the Redevelopment Plan and is incorporated herein as if fully set forth here in full.
6. The Redevelopment Plan does not include the initial development or redevelopment of any gaming establishment as that term is defined in Section 99.805(6) of the TIF Act.
7. The Redevelopment Area includes only those parcels of real property and improvements thereon substantially benefited by the proposed Redevelopment Project.

Section Two. The Redevelopment Area described in the Redevelopment Plan is hereby designated as a “redevelopment area” as defined in Section 99.805(11) of the TIF Act.

Section Three. The Redevelopment Plan, as reviewed and approved by the TIF Commission on June 5, 2002 including amendments thereto, if any, and the Redevelopment Project described in the Redevelopment Plan are hereby approved and adopted. A copy of the Redevelopment Plan is set forth as **Exhibit A**, attached hereto and incorporated herein by reference.

Section Four. After the total equalized assessed valuation of the taxable real property in the Redevelopment Area exceeds the certified total initial equalized assessed valuation of the taxable real property in the Redevelopment Area, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in the Redevelopment Area by taxing districts and tax rates determined in the manner provided in Section 99.855.2 of the TIF Act each year after the effective date of this Ordinance until redevelopment costs have been paid shall be divided as follows:

1. That portion of taxes levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the City Collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;
2. Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the City Treasurer, who shall deposit such payment in lieu of taxes into a special fund called the “City of St. Louis, Missouri, Special Allocation Fund for 1505 Missouri TIF Project” (the “Special Allocation Fund”) for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived.

Section Five. In addition to the payments in lieu of taxes described in paragraph (2) of Section Four of this Ordinance, fifty percent of the total additional revenue from taxes which are imposed by the City or other taxing districts and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, as amended, or taxes levied for the purpose of public transportation pursuant to Section 94.660 of the Revised Statutes of Missouri, as amended, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, in accordance with Section 99.845.3 of the TIF Act, as may be amended from time to time, shall be allocated to, and paid by the collecting officer

to the City Treasurer or other designated financial officer of the City, who shall deposit such funds in a separate segregated account within the Special Allocation Fund.

Section Six. The Special Allocation Fund of the City is hereby established. To the extent permitted by law, the City hereby pledges certain funds on deposit from time to time in the Special Allocation Fund for the payment of redevelopment project costs and obligations incurred in the payment thereof.

Section Seven. The City Register is hereby directed to submit a certified copy of this Ordinance to the City Assessor, who is directed to determine the total equalized assessed value of all taxable real property within the Redevelopment Area as of the date of this Ordinance, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within the Redevelopment Area and shall certify such amount as the total initial equalized assessed value of the taxable real property within the Redevelopment Area.

Section Eight. The Comptroller of the City is hereby authorized to enter into agreements or contracts with other taxing districts as is necessary to ensure the allocation and collection of the taxes and payments in lieu of taxes described in Sections 4 and 5 of this Ordinance and the deposit of the said taxes or payments in lieu of taxes into the Special Allocation Fund for the payment of redevelopment project costs and obligations incurred in the payment thereof, all in accordance with the TIF Act.

Section Nine. The Mayor and Comptroller of the City and all other officers, agents, representatives and employees of the City are hereby authorized to take any and all actions as may be deemed necessary, desirable, convenient or proper to carry out and comply with the intent of this Ordinance with regard to the implementation of the Redevelopment Plan and to execute and deliver for and on behalf of the City all certificates, instruments or other documents as may be necessary, desirable, convenient or proper to carry out the matters herein authorized.

Section Ten. 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 Eleven. Be it further ordained that all ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

Clerk, Board of Aldermen

Vice-President, Board of Aldermen

Approved: Date: _____

Mayor

Truly Engrossed and Enrolled

Chairman

EXHIBIT A
Redevelopment Plan
(Attached)

**1505 MISSOURI
TIF REDEVELOPMENT PLAN**

Presented to
City of St. Louis
Tax Increment Financing Commission
April 25, 2002

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I. INTRODUCTION

The following is a plan prepared by the City in conjunction with Gilded Age Renovation (the “Developer”) for redevelopment of the historic Lafayette Park Presbyterian Church building located at 1505 Missouri in the historic Lafayette Park neighborhood, St. Louis, Missouri (the “Redevelopment Area”). The Redevelopment Area includes one parcel of land upon which stands a vacant historic stone church building. A legal description of the Redevelopment Area is contained herein as **Appendix 1**.

The proposed Redevelopment Area qualifies as a conservation area under Missouri’s Real Property Tax Increment Allocation Redevelopment Act (Revised Statutes of Missouri § 99.800 et. seq.) (the “TIF Act”).

This plan proposes to completely renovate and rehabilitate the historic Lafayette Park Presbyterian Church building into luxury loft condominiums, with a basement-level parking garage (the “Redevelopment Project”).

This Redevelopment Plan proposes that a Tax Increment Financing Note (“TIF Note”) be authorized and issued by the City in the amount of \$600,000.00 plus issuance costs to fund a portion of the Project Costs. Fifty percent of Economic Activity Taxes, as defined in the TIF Act, generated within the designated Redevelopment Area will be allocated to retire the TIF Note. Payments in lieu of real estate taxes within the Redevelopment Area (“PILOTS”) will also be allocated to retire the TIF Note.

Further, this Redevelopment Plan calls for amortization of the TIF Note for a period of up to 23 years after PILOTS and EATS are initially generated. Other financing aspects of the Redevelopment Project are discussed in more detail in Section V.

II. OVERVIEW OF TAX INCREMENT FINANCING (TIF)

In order to promote the redevelopment of a declining area, or to induce new activity in an area that has been lacking in growth and development, the State of Missouri has provided statutory tools to counties and municipalities to assist private, and initiate

public investment. One such tool is the TIF Act.

The TIF Act allows cities and counties to: (1) identify and designate redevelopment areas that qualify as Blighted Areas, Conservation Areas, or Economic Development Areas as each are defined in the TIF Act; (2) adopt a redevelopment plan that designates the redevelopment area and states the objectives to be attained and the program to be undertaken; (3) approve a redevelopment project(s) for implementation of the redevelopment plan; and (4) utilize the tools set forth in the TIF Act to assist in reducing or eliminating those conditions that cause the area to qualify as a redevelopment area. Generally, the TIF Act allows municipalities to foster economic and physical improvements in a redevelopment or project area and to enhance the tax base of all taxing districts that levy taxes in such area. Within redevelopment areas, municipalities may use the power of eminent domain to provide necessary property acquisition for the implementation of a redevelopment plan and redevelopment project.

The concept of tax increment financing is outlined as follows: implementation of a redevelopment project within the redevelopment area will produce increased real estate assessments attributable to the redevelopment within the area. The project then makes PILOTS on the increased assessed value of the improved property. The project also generates new EATS resulting from operations within the redevelopment or project area. The TIF Act authorizes the capture of certain PILOTS and EATS in the redevelopment or project area over and above such levels within that area in the year prior to the approval of the redevelopment project. New development is made possible within the redevelopment area through the municipality's use of incremental revenues to finance certain costs of developing or redeveloping the area.

Typically bonds or other financial obligations are issued by the municipality to finance certain costs of the redevelopment project. These financial obligations are then retired using the incremental revenues generated by the redevelopment project(s) within the redevelopment or project area. The municipality segregates these incremental revenues into a special account, the "Special Allocation Fund," during the period of time in which the incremental revenues are dedicated to the purposes identified in the redevelopment plan. The municipality is further authorized to pledge additional net new revenues from the project to the purposes identified in the redevelopment plan. All taxing districts that levy taxes on property within the redevelopment or project area continue to receive tax revenues based upon property values which existed prior to the adoption of ordinances establishing the redevelopment or project area. Taxing districts also benefit from the increase in certain other taxes resulting from the increased economic activity in the redevelopment or project area. These taxes resulting from development of the redevelopment project are not deposited in the Special Allocation Fund pursuant to the provisions of the TIF Act, but are distributed to the affected taxing districts.

The TIF Act requires that, prior to establishing a redevelopment area or approving or amending TIF redevelopment plans and projects, a municipality must create a TIF Commission. A TIF Commission is comprised of six individuals appointed by the chief elected official of the municipality, with the consent of its governing body, and three individuals who are appointed by the other taxing districts within the proposed redevelopment area. Two of these three members are to represent the school district(s) that tax property within the proposed redevelopment area; the other member is appointed by all the remaining taxing districts. The TIF Commission's role is to review, consider, and make recommendations to the municipality's governing body concerning the adoption of redevelopment plans and redevelopment projects and the designation of redevelopment areas; and to exercise such other powers as are available to it under the TIF Act.

III. CONSERVATION AREA ANALYSIS

The Redevelopment Area on the whole is a conservation area. As defined in the TIF Act, a "conservation area" is:

[a]ny improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning.

The Redevelopment Area is a conservation area based upon the fact that it exhibits at least three of the factors enumerated above and evidence that the area may become blighted.

In determining if the proposed Redevelopment Area meets the eligibility requirements for TIF per the statutory provisions, a number of sources of information were utilized. These include field investigations; records and data from local sources, including the St. Louis City Assessor; interviews with local officials knowledgeable as to the Redevelopment Area's conditions and history; information on site improvements and building conditions; and data on market conditions.

i. Age of Structure in the Redevelopment Area. The only structure in the Redevelopment Area is the church building. The original church building within the Redevelopment Area was first occupied in 1884. The tornado of 1896, however, caused severe damage to the church building, such that it had to be rebuilt immediately following the tornado as it stands today with its Gothic design in cut stone. Therefore, at least fifty percent of the structures within the Redevelopment Area have an age of thirty-five years or more.

ii. Excessive Vacancies and Abandonment. The Redevelopment Area has not been occupied as a church for many years. From 1999 to 2001, the Redevelopment Area was partially occupied as a residence and has been on the

market for sale for over a year. Since January 2002, the building has been completely vacant and abandoned. Therefore, the majority of the Redevelopment Area has been plagued by excessive vacancies and is presently abandoned.

iii. Deterioration. The Redevelopment Area consists of a deteriorated, vacant building. Deterioration of the Redevelopment Area is evidenced by open holes in its exterior, broken-out, boarded-up and/or blocked-in stained-glass windows, rotted or otherwise damaged exterior doors, window frames and exterior trim, missing and deteriorated roofing shingles, overgrown vegetation, and severe drainage problems. The alley and sidewalk within the Redevelopment Area are cracked and spotted with vegetation. In its present condition, the Redevelopment Area requires significant clean-up, restoration and rehabilitation before it can be available for any type of use.

iv. Dilapidation. Since the congregation of Lafayette Park Presbyterian Church merged with Tyler Place Presbyterian Church in the Shaw neighborhood around 1946, little, if any, structural or aesthetic improvements have been made to the Redevelopment Area. As a result, the Redevelopment Area suffers from severe neglect and dilapidation. Much of the interior flooring and walls suffer from water damage and must be torn out and replaced. Many of the once intricate and elaborate stained glass windows are broken and must be either repaired or completely restored. The roof is severely damaged and must be completely replaced. Severe drainage problems aggravate water damage from rain and other elements. Holes exist in the interior and exterior of the Redevelopment Area, which allow for vermin, rain, wind, and other destructive forces to add to the demise of the Redevelopment Area. The stairwells and staircases are not structurally sound, and must be replaced as well as extended and realigned.

v. Presence of Structures Below Minimum Code Standards. In its present condition, the Redevelopment Area suffers from severe neglect and is well below minimum code standards. The existing flooring in the Redevelopment Area is rotted out, and the interior walls, which contain holes and are not structurally sound, need to be removed and replaced. The windows are not functional, and need to be replaced. There is no handicapped-accessible entrance or exit, and the existing staircases are too steep and need to be realigned to meet ADA standards. It is likely that an additional staircase must be added in order to meet minimum fire protection and escape standards. In addition, there exists a lack of an adequate heating and cooling system, proper plumbing, proper wiring and electrical work. In order to meet minimum safety codes and standards, the wiring, plumbing, and HVAC system will need to be replaced. Moreover, because of a lack of off-street parking, the building cannot comply with the City's zoning code as a church.

vi. Depreciation of Physical Maintenance. The Redevelopment Area suffers from a lack of physical care and maintenance of the premises. This is evidenced by decay of both the exterior and interior of the Redevelopment Area, including decay of the structure, façade, woodwork and other finishing. In addition, due to the excessive number of holes and roof decay, a large number of squirrels and other vermin currently nest in the Redevelopment Area. In addition to wear and tear on the Redevelopment Area from poor weather, such animals continue to add to the deterioration and unsanitary condition of the Redevelopment Area. The alley and sidewalk within the Redevelopment Area suffers from a lack of maintenance, as it evidenced by numerous cracks in the pavement and vegetation, which is growing through the pavement.

vii. Obsolescence. Originally built and used as a church, the prior use of the building is no longer suitable for the area, and does not fit within the Lafayette Square Neighborhood Urban Plan ("Urban Plan") adopted by the City Planning Commission for the neighborhood. In its present location, the Redevelopment Area lacks the correct parcel size, configuration, setback, location and arrangement of off-street parking for any use other than residential. Moreover, the Urban Plan changes the proposed use and zoning of the Redevelopment Area to residential.

viii. Excessive Land Coverage. As previously alluded to, the present building covers almost all of the property and lacks sufficient off-street parking for use as a church. Therefore, the Redevelopment Area may become blighted due to excessive land coverage.

ix. Detriment to the Public Health, Safety, Morals or Welfare in its Present Condition and Use. The Redevelopment Area exhibits many factors, which constitute a menace to the public health, safety, morals, or welfare in its present condition and use. The deteriorating, unsanitary, and unsafe site conditions as illustrated above represent a menace to the public health and safety; the economic liability illustrated above represents a menace to the public welfare. Moreover, the Redevelopment Area is presently delinquent in paying its property tax for 2001 and 2000; therefore, being an economic liability to the City.

The above factors, whether considered alone or as combined, not only retard the provision of housing accommodations within the surrounding area and community, but also constitute an economic and social liability, and constitute a menace to the public health, safety, and welfare. As long as such conditions are present in the Lafayette Park neighborhood, there will be little incentive for private investment and development, commercial or residential, to benefit the area. Such disuse of property as is evidenced by the current condition of the area retards historic preservation and redevelopment, lowers the morale of citizens, encourages abuse and social harm, and furthers the social stigma, which currently plagues that and other areas of the City of St. Louis.

IV. REDEVELOPMENT PLAN INCLUDING NECESSARY FINDINGS

1. Description of the Redevelopment Area

The Redevelopment Area is comprised of one parcel lot. A legal description of the Redevelopment Area is included herein as **Appendix 1**.

2. Redevelopment Plan Objectives

Developer has established the following objectives for the 1505 Missouri Redevelopment Plan:

- To cure the conditions and factors which designate the Redevelopment Area as a “conservation area” as defined by Section 99.805(1) of the TIF Act and as described in Section III of this Redevelopment Plan.
- To preserve and enhance the cultural and historical heritage of the City of St. Louis by effectuating the complete restoration and rehabilitation of a historic landmark in the City of St. Louis
- To enhance the public health, safety, morale and welfare of the community by improving the infrastructure, preventing and curing conditions that may otherwise lead to blight and encouraging other public improvements necessary for insuring the area’s stability and existing and future redevelopment.
- To create new, permanent residences in the City.
- To provide a funding mechanism which will pay for a portion of the public improvements needed to stimulate private development and redevelopment in the area surrounding the Redevelopment Area.
- To increase the tax base and the resulting tax revenues for the City and all other taxing districts within the Redevelopment Area.
- To serve as a catalyst for residential development and private investment, in the historic Lafayette Park neighborhood of the City of St. Louis.

3. Redevelopment Project Activities

Specifically, the above objectives will be satisfied by implementing each of the following, which together comprise the Redevelopment Project:

- **Residential Use** Renovate and rehabilitate the existing structure into luxury, loft condominium units, with a basement-level parking garage.
- **Historic Restoration** Restore existing structure in accordance with the Secretary of Interior standards for rehabilitation and the building code and construction standards as set forth by the Cultural Resources Office in order to maintain the historic Gothic architecture and design so that the Redevelopment Area can maintain its listing as a “most significant architectural” building in the Lafayette Square National Register Historic District.
- **Landscaping Structural Enhancements** Provide for certain landscaping and structural enhancements to increase the aesthetic value of the Redevelopment Area and surrounding neighborhoods.

The Redevelopment Project Activities are generalized to leave room for design creativity and accommodations as needed, and so that Developer can respond to prospective purchaser’s needs and historic agency requirements as completion of the Redevelopment Project progresses. Redevelopment of an area of this type must take into consideration the unique needs of a mix of residents with specific space needs and requirements including the provision of adequate parking and access for the disabled.

It is expected that the Redevelopment Project will in turn encourage and foster continued private as well as public investment in the surrounding areas. In addition, the safety of the area will improve due to the public improvements and other amenities provided by the Redevelopment Project.

4. General Land Uses to Apply

The proposed land use for the Redevelopment Area is residential. Currently, the Redevelopment Area is comprised of one commercially assessed lot. The lot is underutilized, abandoned, in severe disrepair and stands as a vacant improvement. The Redevelopment Area is currently zoned “Two-Family,” however, the Redevelopment Project does not require re-zoning.

5. Redevelopment Schedule

Estimated dates for implementation of this Redevelopment Plan are set forth in **Appendix 2**. The estimated date for completion of the TIF Projects and retirement of obligations incurred to finance the TIF Projects shall not be more than 23 years from approval of the TIF Projects, or by 2025.

6. Most Recent Equalized Assessed Value

The current (2001) Equalized Assessed Value of the property in the Redevelopment Area is attached as **Appendix 3**. This value is established by the Assessor of the City of St. Louis. Currently, the assessed land value of the Redevelopment Area is \$15,700,

and the assessed improvement value is \$96,300.00, which assessed total equals \$112,000.00. Based upon discussions with the City Assessor's Office, it is anticipated the assessed value of the property will be \$104,000 after the Developer closes on the property based on the purchase price.

7. Estimated Equalized Assessed Value After Redevelopment

The total *estimated* Equalized Assessed value of all taxable property in the Redevelopment Area after redevelopment is \$1,683,553 (in 2024) as set forth in greater detail in **Appendix 4**.

8. Acquisition

Developer is the owner under contract of all of the property required for the Redevelopment Plan and Redevelopment Project. No further acquisition or eminent domain is necessary.

9. Conservation Area

As previously described in greater detail in Section III, the Redevelopment Area as a whole is a conservation area, and has not been subject to growth and development through investment by private enterprise and will not reasonably be expected to be developed without the adoption of tax increment financing. The Developer has executed an affidavit attesting to the existence of these conditions which is included herein as **Appendix 5**.

10. Conforms with Comprehensive Plan of the City of St. Louis

This Redevelopment Plan conforms to the City's comprehensive plan for the City of St. Louis.

11. Cost-Benefit Analysis

A cost-benefit analysis showing the economic impact of the Plan on each taxing district, which is at least partially within the boundaries of the Redevelopment Area, has been prepared and is included herein as **Appendix 6**. The analysis shows the impact on the economy if the Redevelopment Project is not built compared to the impact on the economy if the Redevelopment Project is built pursuant to this Redevelopment Plan under consideration. The cost-benefit analysis includes a fiscal impact study on every affected political subdivision, and sufficient information from the Developer for the TIF Commission to evaluate whether the project proposed is financially feasible.

12. Plan for Relocation Assistance

The provisions of Section 99.810(4) of the TIF Act requires that a relocation plan be developed for the assistance of every resident and/or business which is to be displaced in conjunction with the implementation of the Redevelopment Plan and any Redevelopment Project. In addition, the provisions of Sections 523.200 and 523.215 R.S.Mo., as amended, and its various subsections require that relocation plans have certain minimum requirements as contained therein. By Ordinance No. 62481, the City of St. Louis has adopted a Relocation Policy that incorporates the required provisions of Sections 523.200 to 523.205 as minimum requirements of a relocation plan for any TIF Redevelopment Plan approved by the City. It is not anticipated that relocation will be necessary; however, to the extent relocation of any eligible resident or business would be necessary, this Redevelopment Plan adopts the Relocation Assistance Plan incorporating the provisions of Ordinance No. 62481 and incorporates the same herein by this reference.

13. Does Not Include Gambling Establishment

The Redevelopment Plan does not include the initial development or redevelopment of any gambling establishment.

14. Reports to DED

As required by the Statute, the TIF Commission shall report to the Department of Economic Development by the last day of February each year, the name, phone number, and primary line of business of any business which locates within the Redevelopment Area.

V. FINANCING PLAN

1. Estimated Redevelopment Project Costs

The estimated Redevelopment Project Costs to be incurred in connection with the TIF Projects are approximately \$2,676,000.00, and are set forth in **Appendix 7**. More specifically, the TIF Act allows the City and/or its designated developer(s) to incur redevelopment costs associated with implementation of an approved Redevelopment Plan and approved Redevelopment Project. These costs include all reasonable or necessary costs incurred, and any costs incidental to a Redevelopment Project. Thus, this Redevelopment Plan anticipates that a portion of the sources of funds used to pay the Project Costs will come from the TIF revenues, which, in accordance with the TIF Act, may include but are not limited to:

- Cost of studies, surveys, plans and specifications;

- Professional service costs including, but not limited to, architectural, engineering, legal marketing, financial, planning or special services;
- Property assembly costs including, but not limited to, acquisition of land and other property real or personal or rights, or interests therein;
- Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;
- Costs of construction of public works or improvements;
- Financing costs including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include the payment of interest on any obligations issued under the provisions of this Redevelopment Plan accruing during the estimated period of construction of any redevelopment Project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto; and
- All or a portion of a taxing district's capital costs resulting from the Redevelopment Project necessarily incurred or to be incurred in furtherance of the objectives of the Redevelopment Plan and Project, to the extent the City, by written agreement, accepts and approves such costs.

The costs as shown on **Appendix 7** represent the total approximate cost of the project regardless of the source of funding. This table does not include custom finishes over and above Developer supplied finishes, which are unknown at this time. Typical plan implementation and financing costs are based on the experience of the Developer. It should be noted that these costs are estimated based on the knowledge of the project at this time and that the actual redevelopment cost items for implementing the Redevelopment Plan and the Redevelopment Project may vary from these estimates.

It is not the intent of **Appendix 7** or this Redevelopment Plan to restrict the City or the Developer to the cost amounts or cost items as outlined. During the life of the Redevelopment Area, Plan and Project, other costs may be incurred or adjustments may be made within and among the line items specified in **Appendix 7**, if necessary and reasonable to accomplish the program objectives of the Redevelopment Plan.

2. Anticipated Sources of Funds to Pay Costs

There are four principal sources of funds that are anticipated to be used to pay the costs of implementation of the Redevelopment Plan and the Redevelopment Project previously described. These sources are:

- State Historic Tax Credits;
- Construction Loan;
- Owner Equity;
- Private Financing; and
- Funds available through the issuance of Tax Increment Financing Notes ("TIF Note"), bonds, loans, certificates or other certificates of indebtedness (herein collectively referred to as "TIF Note or other financial obligations").

3. TIF Note Funding

It is anticipated that the City will issue TIF Notes or other types of TIF obligations in an amount of \$600,000 in the aggregate of all such issues, exclusive of the costs of financing or refinancing costs as described above, and with a term of retirement for all such issues of not more than 23 years. The TIF Notes or other financial obligations will be issued only to finance the Redevelopment Plan and project costs as previously outlined in **Appendix 7** which are eligible costs as specified in Section 99.805(11) of the TIF Act, including any costs of issuing the TIF Notes or other financial obligations.

The Notes may be issued in one or more series and may include notes, temporary notes or other financial obligations to be redeemed by TIF Notes upon completion of the Redevelopment Project. In addition, these Notes or other financial obligations may be privately placed. It is the City's intent to pay for the principal and interest on these Notes or other financial obligations, in any year, solely with money legally available for such purpose within the City's Special Allocation Fund.

4. Evidence of Commitment to Finance Project Costs

Appendix 8 contains a letter provided by the US Bancorp which has made a preliminary review of the development proposal and has expressed an interest to finance the Project Costs. It should be noted, however, that as expressed in US Bancorp's letter, it does not appear that the Redevelopment Project can generate acceptable returns without public investment.

**APPENDIX 1
1505 MISSOURI
LEGAL DESCRIPTION OF REDEVELOPMENT AREA**

Lots 4 and 5 of Funkhouser's Lafayette Park Addition and in Block 2141 of the City of St. Louis, together fronting 117 feet on the West line of Missouri Avenue, by a depth Westwardly of 140 feet to an alley; bounded on the North by Albion Place.

1505 Missouri Avenue
2141-00-01400

**APPENDIX 2
1505 MISSOURI
TIF REDEVELOPMENT PROGRAM SCHEDULE**

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1505 Missouri TIF Schedule	Date	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>August</u>
Notice of formation of proposed TIF District to taxing districts and school districts to appoint members to TIF Commission (RSMo. § 99.820.2(7))	4/1/02	█				
City TIF Review Committee Meets Sets TIF Commission Agenda	4/5/02	█				
Preparation of TIF Redevelopment Plan	4/05/02 - 4/12/02	█				
Advertise RFP for TIF Redevelopment Projects	4/10/02 - 4/26/02	█	█			
TIF Commission Meeting to review proposal and approve Resolution 00-TIF-XX which sets a time and place for Public Hearing	4/10/02	█				
Mailing of Notice of TIF Commission Public Hearing to Taxing Districts (not less than 45 days prior to hearing) (RSMo. § 99.830.3)	4/26/02		█			
First Publication of Notice of TIF Commission Public Hearing (not more than 30 days prior to hearing) (RSMo. § 99.830.1)	5/18/02			█		
Second Publication of Notice of TIF Commission Public Hearing (not more than 10 days prior to public hearing) (RSMo. § 99.830.1)	5/27/02			█		

1505 Missouri TIF Schedule	Date	April	May	June	July	August
Public Hearing by TIF Commission (RSMo. § 99.825)	6/05/02			█		
TIF Commission Recommendation to Board of Alderman (within 90 days of TIF Public Hearing) (RSMo. § 99.820.3)	6/05/02			█		
TIF Ordinances Introduced adopting plan, approving project, establishing district, establishing special allocation fund, approving redevelopment agreement and authorizing Issuance of TIF notes (no sooner than 14 days after and not more than 90 days after the hearing) (RSMo. § 99.820.1(1))	6/14/02			█		
HUDZ Committee Hearing on TIF Ordinances	6/26/02			█		
Second Reading of TIF Ordinances	6/28/02			█		
Perfection of Board Bill(s)	7/12/02				█	
Third Reading and Final Reading of TIF Ordinances	7/19/02				█	
Mayor Signs Bills	7/31/02				█	
Construction Begins	8/1/02					█
Construction Complete	5/1/03					

**APPENDIX 3
1505 MISSOURI
EQUALIZED ASSESSED VALUE OF PROPERTY
WITHIN THE REDEVELOPMENT AREA**

Parcel I.D. No.
21410001400

Property Address:
1505 Missouri Avenue

Assessed Total (2001):
\$112,000.00

**APPENDIX 4
1505 MISSOURI
ESTIMATED TIF REVENUES**

See Estimated TIF Revenue table on file in the Register's Office

**APPENDIX 5
1505 MISSOURI
DEVELOPER AFFIDAVIT**

See Affidavit on file in the Register's Office

**APPENDIX 6
1505 MISSOURI
COST BENEFIT ANALYSIS**

See Cost Benefit Analysis on file in the Register's Office

**APPENDIX 7
1505 MISSOURI
Estimated Redevelopment Project Costs**

Uses

Acquisition Costs	\$ 330,000
Construction Costs (including Site Preparation) (\$120.00 per sq. ft.)	\$ 1,920,000*
Architecture & Engineering	\$ 96,000
Legal	\$ 10,000
City's TIF Fees and Issuance Costs	\$ 25,000
Construction Loan Bank Fee	\$ 17,000
Construction Period Interest	\$ 50,000
General Contingency	\$ 100,000
Development Fee	\$ 128,000
	\$ 2,676,000
Total Project Costs:	\$ 2,676,000

Sources

Construction Loan	\$ 2,076,000
State Historic Tax Credits	\$400,000
Owner Equity	\$200,000
	\$ 2,676,000
Total Sources:	\$ 2,676,000

* Based on preliminary estimates

**APPENDIX 8
1505 MISSOURI
EVIDENCE OF COMMITMENT TO FINANCE PROJECT COSTS**

See US Bank Letter of interest on file in the Register's Office.

Cost Benefit Analysis for Taxing Districts With TIF on file in the Register's Office.

Approved: August 5, 2002

