

1           **AN ORDINANCE DESIGNATING A PORTION OF THE CITY OF ST.**  
2           **LOUIS, MISSOURI, AS A REDEVELOPMENT AREA KNOWN AS THE**  
3           **JUNIATA/SOUTH GRAND REDEVELOPMENT AREA PURSUANT TO**  
4           **THE REAL PROPERTY TAX INCREMENT ALLOCATION**  
5           **REDEVELOPMENT ACT; APPROVING A REDEVELOPMENT PLAN**  
6           **AND A REDEVELOPMENT PROJECT WITH RESPECT THERETO;**  
7           **ADOPTING TAX INCREMENT FINANCING WITHIN THE**  
8           **REDEVELOPMENT AREA; MAKING FINDINGS WITH RESPECT**  
9           **THERETO; ESTABLISHING THE JUNIATA/SOUTH GRAND SPECIAL**  
10           **ALLOCATION FUNDS; AUTHORIZING CERTAIN ACTIONS BY CITY**  
11           **OFFICIALS; AND CONTAINING A SEVERABILITY CLAUSE.**

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

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

18           **WHEREAS**, the TIF Commission is duly constituted according to the Real Property Tax  
19 Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of  
20 Missouri (2000), as amended (the “TIF Act”), and is authorized to hold public hearings with

1 respect to proposed redevelopment areas and redevelopment plans and to make  
2 recommendations thereon to the City; and

3         **WHEREAS**, staff and consultants of the City and Silverstone Midwest-Communities, LLC,  
4 a Missouri limited liability company, and South Grand Avenue Community Improvement District, a  
5 community improvement district, (the “Developer” or “Developers”), prepared a plan for  
6 redevelopment titled “Juniata/South Grand Avenue Redevelopment Area Redevelopment Plan”  
7 dated February 22, 2007, as amended April 27, 2007 and revised May 17, 2007 (the  
8 “Redevelopment Plan”), for an area located generally at Juniata and South Grand Avenue in  
9 south St. Louis (the “Redevelopment Area” or “Area”), which Redevelopment Area is more fully  
10 described in the Redevelopment Plan, attached hereto and incorporated herein as **Exhibit A**; and

11         **WHEREAS**, the Redevelopment Plan proposes to redevelop the Redevelopment Area as  
12 follows: first, in RPA #1 and #2 by acquiring and constructing in a phased project  
13 approximately fifty (50) residential units in five (5) three story buildings that include private  
14 garages and a parking lot, and second, in RPA #3 by gaining site control either by purchase or  
15 lease of an existing structure and demolishing same and creating a parking lot with utilities,  
16 lighting and landscaping; both as set forth in the Redevelopment Plan (the “Redevelopment  
17 Project,” or “TIF Project”); and

18         **WHEREAS**, on April 11, 2007 after all proper notice was given, the TIF Commission  
19 held a public hearing in conformance with the TIF Act, which hearing was continued to May 16,  
20 2007 and at such hearing the TIF Commission received comments from all interested persons  
21 and taxing districts relative to the Redevelopment Area, the Redevelopment Plan, and the  
22 Redevelopment Project; and

1           **WHEREAS**, on May 16, 2007, the TIF Commission found that completion of the  
2   Redevelopment Project would provide a substantial and significant public benefit through the  
3   creation of new jobs, the elimination of blight, the strengthening of the employment and  
4   economic base of the City, increased property values and tax revenues, stabilization of the  
5   Redevelopment Area, and facilitation of economic stability for the City as a whole, and further  
6   found that without the assistance of tax increment financing in accordance with the TIF Act, the  
7   Redevelopment Project is not financially feasible and would not otherwise be completed; and

8           **WHEREAS**, on May 16, 2007, the TIF Commission voted to recommend that the Board  
9   of Aldermen adopt an ordinance in the form required by the Act (i) adopting tax increment  
10   financing within the Redevelopment Area, (ii) approving the Redevelopment Plan, (iii)  
11   approving and designating the Redevelopment Area as a “redevelopment area” as provided in  
12   the Act, (iv) approving the Redevelopment Project as described within the Redevelopment Plan,  
13   and (v) approving the issuance of tax increment financing revenue notes in the amount as  
14   specified in the Redevelopment Plan; and

15           **WHEREAS**, the Developer has demonstrated that the Redevelopment Project would not  
16   reasonably be anticipated to be developed without the adoption of tax increment financing and,  
17   therefore, redevelopment of the Redevelopment Area in accordance with the Redevelopment  
18   Plan is not feasible and would not otherwise be completed; and

19           **WHEREAS**, the Board of Aldermen has received the recommendations of the TIF  
20   Commission regarding the Redevelopment Area and the Redevelopment Plan and finds that it is  
21   desirable and in the best interests of the City to designate the Redevelopment Area as a  
22   “redevelopment area” as provided in the TIF Act, adopt the Redevelopment Plan and

1 Redevelopment Project in order to encourage and facilitate the redevelopment of the  
2 Redevelopment Area; and

3 **WHEREAS**, the Redevelopment Area qualifies for the use of tax increment financing to  
4 alleviate the conditions that qualify it as a “blighted area” as provided in the TIF Act and as set  
5 forth herein; and

6 **WHEREAS**, it is necessary and desirable and in the best interest of the City to adopt tax  
7 increment allocation financing within the Redevelopment Area and to establish two special  
8 allocation funds for the Redevelopment Area in order to provide for the promotion of the general  
9 welfare through redevelopment of the Redevelopment Area in accordance with the  
10 Redevelopment Plan which redevelopment includes, but is not limited to, assistance in the  
11 physical, economic, and social development of the City of St. Louis, providing for a stabilized  
12 population and plan for the optimal growth of the City of St. Louis, encouragement of a sense of  
13 community identity, safety and civic pride, preservation and restoration of property of historical  
14 and architectural value and significance and the elimination of impediments to land disposition  
15 and development in the City of St. Louis.

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

17 **SECTION ONE.** The Board of Aldermen hereby makes the following findings:

18 A. The Redevelopment Area on the whole is a “blighted area”, as defined in Section  
19 99.805 of the TIF Act, and has not been subject to growth and development through investment  
20 by private enterprise and would not reasonably be anticipated to be developed without the  
21 adoption of tax increment financing. This finding includes, the Redevelopment Plan sets forth,  
22 and the Board of Aldermen hereby finds and adopts by reference: (i) a detailed description of the

1 factors that qualify the Redevelopment Area as a “blighted area” and (ii) an affidavit, signed by  
2 the Developer and submitted with the Redevelopment Plan, attesting that the provisions of  
3 Section 99.810.1(1) of the TIF Act have been met, which description and affidavit are  
4 incorporated herein as if set forth herein.

5 B. The Redevelopment Plan conforms to the comprehensive plan for the  
6 development of the City as a whole.

7 C. In accordance with the TIF Act, the Redevelopment Plan states the estimated  
8 dates of completion of the Redevelopment Project and retirement of the financial obligations  
9 issued to pay for certain redevelopment project costs and these dates are twenty three (23) years  
10 or less from the date of approval of the Redevelopment Project.

11 D. A plan has been developed for relocation assistance for businesses and residences  
12 in Ordinance No. 62481 adopted December 20, 1991.

13 E. A cost-benefit analysis showing the economic impact of the Redevelopment Plan  
14 on each taxing district which is at least partially within the boundaries of the Redevelopment  
15 Area is on file with the St. Louis Development Corporation, which cost-benefit analysis shows  
16 the impact on the economy if the Redevelopment Project is not built, and is built pursuant to the  
17 Redevelopment Plan.

18 F. Redevelopment of the Redevelopment Area in accordance with the  
19 Redevelopment Plan is not financially feasible without the assistance of tax increment financing  
20 and would not otherwise be completed.

1 G. The Redevelopment Plan does not include the initial development or  
2 redevelopment of any “gambling establishment” as that term is defined in Section 99.805(6) of  
3 the TIF Act.

4 H. The Redevelopment Area includes only those parcels of real property and  
5 improvements thereon directly and substantially benefited by the proposed Redevelopment  
6 Project.

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

9 **SECTION THREE.** The Redevelopment Plan as reviewed and recommended by the  
10 TIF Commission on May 16, 2007, including amendments thereto, if any, and the  
11 Redevelopment Project described in the Redevelopment Plan are hereby adopted and approved.  
12 A copy of the Redevelopment Plan is attached hereto as **Exhibit A** and incorporated herein by  
13 reference.

14 **SECTION FOUR.** There is hereby created and ordered to be established within the  
15 treasury of the City two separate funds to be known as the “Juniata/South Grand Special  
16 Allocation Fund RPA 1 and RPA 2”, and the “Juniata/South Grand Special Allocation Fund  
17 RPA 3 Fund”. To the extent permitted by law and except as otherwise provided in the  
18 Redevelopment Plan, the City hereby pledges funds in the Juniata/South Grand Special  
19 Allocation Fund RPA 1 and RPA 2 for the payment of redevelopment project costs and  
20 obligations incurred in the payment for RPA 1 and RPA 2, and the City hereby pledges funds in  
21 the Juniata/South Grand Special Allocation Fund for RPA 3 for the payment of redevelopment  
22 project costs and obligations incurred in the payment for RPA 3..

1           **SECTION FIVE.** Tax increment allocation financing is hereby adopted within the  
2 Redevelopment Area. After the total equalized assessed valuation of the taxable real property in  
3 the Redevelopment Area exceeds the certified total initial equalized assessed valuation of the  
4 taxable real property in the Redevelopment Area, the ad valorem taxes, and payments in lieu of  
5 taxes, if any, arising from the levies upon taxable real property in the Redevelopment Area by  
6 taxing districts and tax rates determined in the manner provided in Section 99.855.2 of the TIF  
7 Act each year after the effective date of this Ordinance until redevelopment costs have been paid  
8 shall be divided as follows:

9           A. That portion of taxes, penalties and interest levied upon each taxable lot, block,  
10 tract, or parcel of real property which is attributable to the initial equalized assessed value of  
11 each such taxable lot, block, tract, or parcel of real property in the area selected for the  
12 Redevelopment Project shall be allocated to and, when collected, shall be paid by the City  
13 Collector to the respective affected taxing districts in the manner required by law in the absence  
14 of the adoption of tax increment allocation financing;

15           B. Payments in lieu of taxes attributable to the increase in the current equalized  
16 assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected  
17 for the Redevelopment Project and any applicable penalty and interest over and above the initial  
18 equalized assessed value of each such unit of property in the area selected for the  
19 Redevelopment Project shall be allocated to and, when collected, shall be paid to the City  
20 Treasurer, who shall deposit such payment in lieu of taxes into the Juniata/South Grand Special  
21 Allocation Funds as provided for in the Redevelopment Agreement for the purpose of paying  
22 redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes

1 which are due and owing shall constitute a lien against the real estate of the Redevelopment  
2 Project from which they are derived and shall be collected in the same manner as the real  
3 property tax, including the assessment of penalties and interest where applicable.

4 **SECTION SIX.** In addition to the payments in lieu of taxes described in Section Five of  
5 this Ordinance, fifty percent (50%) of the total additional revenue from taxes, penalties and  
6 interest which are imposed by the City or other taxing districts, and which are generated by  
7 economic activities within the area of the Redevelopment Project over the amount of such taxes  
8 generated by economic activities within the area of the Redevelopment Project in the calendar  
9 year prior to the adoption of the Redevelopment Project by ordinance, while tax increment  
10 financing remains in effect, but excluding personal property taxes, taxes imposed on sales or  
11 charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to  
12 Section 70.500 of the Revised Statutes of Missouri (2000) as amended, or taxes levied for the  
13 purpose of public transportation pursuant to Section 94.660 of the Revised Statutes of Missouri  
14 (2000) as amended, licenses, fees or special assessments other than payments in lieu of taxes and  
15 penalties and interest thereon, shall be allocated to, and paid by the collecting officer to the City  
16 Treasurer or other designated financial officer of the City, who shall deposit such funds in a  
17 separate segregated accounts within the Juniata/South Grand Special Allocation Funds as  
18 provided for in the Redevelopment Agreement.

19 **SECTION SEVEN.** The Comptroller of the City is hereby authorized to enter into  
20 agreements or contracts with other taxing districts as is necessary to ensure the allocation and  
21 collection of the taxes and payments in lieu of taxes described in Sections Five and Six of this  
22 Ordinance and the deposit of the said taxes or payments in lieu of taxes into the Juniata/South

1 Grand Special Allocation Fund for the payment of redevelopment project costs and obligations  
2 incurred in the payment thereof, all in accordance with the TIF Act.

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

10 **SECTION NINE.** The Mayor and Comptroller of the City or their designated  
11 representatives are hereby authorized and directed to take any and all actions as may be  
12 necessary and appropriate in order to carry out the matters herein authorized, with no such  
13 further action of the Board of Aldermen necessary to authorize such action by the Mayor and the  
14 Comptroller or their designated representatives.

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

1           **SECTION ELEVEN.** It is hereby declared to be the intention of the Board of Aldermen  
2 that each and every part, section and subsection of this Ordinance shall be separate and severable  
3 from each and every other part, section and subsection hereof and that the Board of Aldermen  
4 intends to adopt each said part, section and subsection separately and independently of any other  
5 part, section and subsection. In the event that any part, section or subsection of this Ordinance  
6 shall be determined to be or to have been unlawful or unconstitutional, the remaining parts,  
7 sections and subsections shall be and remain in full force and effect, unless the court making  
8 such finding shall determine that the valid portions standing alone are incomplete and are  
9 incapable of being executed in accord with the legislative intent.

10           **SECTION TWELVE.** After adoption of this Ordinance by the Board of Aldermen, this  
11 Ordinance shall become effective on the 30th day after its approval by the Mayor or adoption  
12 over his veto; *provided that* if, within ninety (90) days after the effective date of an Ordinance  
13 authorizing the City to enter into a redevelopment agreement with each Developer with respect  
14 to a portion of the Redevelopment Project such Ordinance each of the Developers have both  
15 failed to (i) execute a redevelopment agreement pertaining to their respective components of the  
16 Redevelopment Project and (ii) pay all fees due to the City in accordance with such terms of the  
17 redevelopment agreement, the provisions of this Ordinance shall be deemed null and void and of  
18 no effect and all rights conferred by this Ordinance on Developer, shall terminate, *provided*  
19 *further*, however, that prior to any such termination the Developer may seek an extension of time  
20 in which to execute the Redevelopment Agreement, which extension may be granted in the sole  
21 discretion of the Board of Estimate and Apportionment of the City of St. Louis.

**EXHIBIT A**

**JUNIATA/SOUTH GRAND TIF REDEVELOPMENT PLAN**