

ARTICLE XI – URBAN REDEVELOPMENT PROCEDURES

SEC. 26-58 Title, Designation and Authority. This article shall be known and may be cited and referred to as the "Crestwood Urban Redevelopment and Procedures Ordinance". Authority for the enactment of this article is derived from Article VI, Section 21 and Article X, Section 7 of the Missouri Constitution, as well as Chapter 353, Revised Statutes of Missouri (2000), as amended, ("Chapter 353"), the Urban Redevelopment Corporations Law.

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SEC. 26-59 Definitions. The following terms, whenever used or referred to in this article shall, unless a different intent clearly appears from the context, be construed to have the following meanings:

Area

That portion of the City which the Board of Aldermen has found or shall find to be blighted, following a public hearing thereon, so that the clearance, replanning, rehabilitation, or reconstruction thereof is necessary to effectuate the purposes of Chapter 353 and this article. Any such area may include buildings or improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part.

Blighted Area

Those portions of the City which the Board of Aldermen shall determine that, by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes.

Blighting Analysis

A written analysis of the conditions of an area confirming that such area qualifies as a blighted area under Chapter 353 and this article.

Board

The Board of Aldermen of the City of Crestwood, Missouri.

Chapter 353

Chapter 353 of the Missouri Revised Statutes, as same may be amended from time to time, and known as the Urban Redevelopment Corporations Law.

City

The City of Crestwood, Missouri.

Corporation

An urban redevelopment corporation organized and existing under and pursuant to the provisions of Chapter 353.

Development Contract

That contract or agreement entered into between the City and a corporation pursuant to an approved development plan.

Development Plan

A plan completed in accordance with **Section 26-62 (Development Plan Contents)** of this Article and including a blighting analysis, together with any amendments thereto, for the redevelopment of all or any part of a blighted area.

Director

The Director of Public Services of the City of Crestwood, Missouri.

Mayor

The Mayor of the City of Crestwood, Missouri.

Real Property

Includes lands, buildings, improvements, land under water and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein or appurtenant thereto, legal or equitable, including restrictions of record created by plat, covenant or otherwise, rights-of-way, and terms for years.

Redevelopment

The clearance, replanning, reconstruction or rehabilitation of a blighted area, in whole or in part, and the provision for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto.

Redevelopment Project

A specific work or improvement to effectuate all or any part of a development plan.

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SEC. 26-60 Preparation of Blighting Analysis. The Board may authorize the City Administrator to prepare a blighting analysis or to select a planning consultant to prepare a blighting analysis evidencing conditions of blight existing within an area. Such blighting analysis may be used by the Board to determine if the area qualifies as a blighted area under Chapter 353 or any other economic development or redevelopment law of the State of Missouri, providing for the clearance, replanning, reconstruction or rehabilitation of a blighted area.

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SEC. 26-61 Invitation to Submit Proposed Development Plans. Submission of proposal for development plans within Chapter 353 Area shall be subject to the following process:

A. Published notice. Upon request by the City Administrator, the City Clerk shall publish a notice in the newspaper of general circulation inviting, and the City may otherwise request, the submission of proposed development plans in accordance with **Section 26-62 (Development Plan Contents) of this Article** for the redevelopment of an area, regardless of whether the Board of Aldermen has, at the time of publication, determined that such area qualifies as a blighted area. Such notice shall provide that proposed development plans must be submitted to the City within no less than 30 days nor more than 90 days following publication of such notice. If the Board rejects all proposed development plans, or if none are submitted, the Board may direct the City Clerk to publish notice again and the period of submission of proposed development plans shall begin anew. Such notice shall be sufficient if it states that the City will consider one or more municipal finance incentives provided under state law in connection with the proposed project.

B. Submitting parties. Notwithstanding anything to the contrary in **Subsection (A) of this Section**, above, a party that has previously:

1. Responded to a request for redevelopment proposals for a specific site in the City; and
2. Been designated by the Board of Aldermen as the developer for such specific site or portion thereof,

may submit a development plan for such site or portion thereof to the City at any time, regardless of whether an invitation to submit proposed development plans for such site has been published pursuant to **Subsection (A) of this Section**, above.

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SEC. 26-62 Development Plan Contents. Submission of a development plan shall comply with the following requirements;

- A. Filing fee.** Any party submitting a development plan for review shall submit copies, and shall submit a nonrefundable filing fee to the City in the amount designated in the Public Works fee schedule to be used by the City to defray the expenses connected with the evaluation and review of the proposed development plan.
- B. Development Plan requirements.** A development plan shall contain at least the following information and data:
1. *Legal description and plat.* A legal description of the area by metes and bounds or other definite designation and a scaled plat of the area;
 2. *Design plan.* A narrative description and preliminary design plan of the proposed redevelopment project and schematic drawings and elevations describing the general location of structures, height, size and scale of structures, proposed land uses, open spaces, building materials, general landscaping and traffic circulation;
 3. *Project phases.* A statement of the various phases, if more than one is intended, by which the redevelopment project is proposed to be constructed or undertaken, and the approximate time limit for the commencement and completion of each phase, together with a legal description, or other definite designation, of the real property to be included in each phase;
 4. *Unit specifications; availability.* A statement of the character, type and quality of construction, and where applicable, the approximate number of units, the square footage of the various units, approximate rentals and approximate date of availability of the proposed units to be offered during the construction by each phase, if at all, or upon completion of the redevelopment project;
 5. *Property to be demolished.* A statement of the existing buildings or improvements in the blighted area proposed to be demolished, in whole or in part, if at all, and an estimate of the timing of such demolition;
 6. *Building rehabilitation.* A statement of existing buildings to remain, if any, the proposed improvements to each such building to remain and the approximate period of time during which such improvements, repairs or alterations are to be made;
 7. *New construction.* A statement of the general type, size, number, character and materials of each new industrial, commercial, residential or other building or improvement to be erected or made and the estimate of the timing of such construction;
 8. *Open space and other amenities.* A statement of those portions, if any, of the blighted area which may be permitted or will be required to be left as open space or improved with other amenities, the use to which each such space is to be put, the period of time each such space will be required to remain an open space or used for other amenities and the manner in which it will be improved and maintained;
 9. *Property for public agencies.* A statement of those portions, if any, of the area which are proposed to be sold, donated, exchanged or leased to any public agency and an outline of the terms of such proposed sale, donation, exchange or lease;

10. *Zoning changes.* A statement of the proposed changes, if any, in the Zoning Ordinance or zoning map, necessary or desirable for the redevelopment project and its protection from blighting influences;
11. *Street changes.* A statement of the proposed changes in streets or street levels and proposed street closings within, adjacent to, or in the proximity of the area, if any;
12. *Utility changes.* A statement of the changes, if any, which will be required in utility sources to accommodate the redevelopment project and changes, if any, in utility lines, easements, or locations;
13. *Acquisition plan, eminent domain.* A statement giving: (i) the legal description, or other definite designation, of the real property owned or under option or contract to purchase by the corporation or its agent or affiliates; (ii) where known, or in the event the parties are unable to conclude a voluntary conveyance, designation of the real property proposed to be acquired by eminent domain by the corporation; and (iii) the time schedule for acquisition by either negotiated purchase or exercise of the power of eminent domain;
14. *Eminent domain by City.* A statement giving the legal description of the real property, if any, proposed to be acquired by the City on behalf of the corporation, the terms and conditions for such acquisition, and the reasons why the aid of the City is sought for this purpose;
15. *Financing.* A detailed statement of the proposed method of financing the redevelopment project which shall set forth the estimated development costs of the project and the proposed sources of funds, debt and equity, to meet such estimated costs; a signed letter of commitment from the financing entity evidencing that construction financing has been approved for the redevelopment project (which letter may be conditioned upon and subject to completion of final plans and specifications, final approval by the City of the development plan, negotiation of the development contract and such other standard conditions as are found in construction financing commitment letters); a detailed statement of the projected revenues and expenses during the first five years in which the project is in operation; and the assurances, including performance bonds, if any, to be given to the City by the corporation and its affiliates for the corporation's performance of its obligations;
16. *Management.* A list of the persons proposed to be active in or associated with the management of the redevelopment project during a period of at least two years following completion of construction and a list of the officers, directors and principal stockholders of the corporation;
17. *Qualifications.* A statement detailing the experience and qualifications of the person or corporation, including any principals, submitting the proposed development plan and proposed to be actively involved in the overall direction and implementation of the redevelopment project;
18. *Public property.* A statement listing any real property in the area in public use or belonging to the City, county, state or any political subdivision, thereof, together with a statement that the consent of such entity, other than City, has been obtained for the acquisition of such property if such property is to be acquired; and
19. *Relocation.* A statement of the proposed plan, if any, for the relocation of those persons who will be displaced by the redevelopment project and the estimated costs thereof.

20. *Other information.* The development plan may also contain such other statements or exhibits as may be deemed relevant by the corporation or is requested by the Board.

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SEC. 26-63 Supporting Evidence of Blight. Any application for approval of a development plan shall be supported by factual evidence of blight that:

- A. Relates to the area generally;
- B. Relates to each specific property proposed to be acquired by the corporation;
- C. Is sufficient to show that, by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, the properties involved have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes; and
- D. Is sufficient to support a finding of blight by the Board, in compliance with state law.

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SEC. 26-64 Public Hearing. At such time as determined by the City following the final date for submission of proposed development plans, and if a proposed development plan, or more than one such plan, has been submitted, the City Clerk shall publish notice in a paper of general circulation notifying all interested parties in the proposed development plan(s) that a public hearing will be held on a date and time certain, provided that the public hearing shall not be held less than 15 days prior to nor more than 30 days following publication of the notice provided for in this section. At the public hearing, interested parties shall be afforded an opportunity to comment on the proposed grant of rights or powers to a corporation with respect to a blighted area including, but not limited to, eminent domain. In addition, if real property tax abatement, as contemplated by **Section 26-62 (Development Plan Contents)** of **this Article**, is included in a proposed development plan, the City shall furnish each political subdivision whose boundaries for ad valorem taxations purposes include any portion of the real property to be affected by such tax abatement or exemption with a written statement of the impact on ad valorem taxation such tax abatement or exemption will have on such political subdivision and a written notice of the public hearing to be held pursuant to this section. The written statement and notice required by this section shall be mailed to each political subdivision by registered or certified mail, postage prepaid, return receipt requested, at least 10 days prior to the hearing.

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SEC. 26-65 Preliminary Approval of Development Plan. Upon receipt of a proposed development plan containing the information as required in **Section 26-62 (Development Plan Contents)** of **this Article**, the Board of Aldermen shall review the submitted material in accord with the following provisions:

- A. The Board may request, and receive, clarification of any proposed development plan. The Board in its discretion, may waive any irregularity or omission in any proposed development plan;
- B. Following the public hearing, the Board shall consider the merits of the proposed development plan(s) and, in its discretion, by resolution, preliminarily, either:
 - 1. Approve a development plan as proposed,
 - 2. Approve a development plan with modifications and conditions, or
 - 3. Disapprove a proposed development plan;
- C. Following preliminary Board approval, the person or corporation submitting the proposed development plan shall file evidence with the City Clerk that it is a lawfully organized corporation and that such corporation is in good standing existing under Chapter 353.

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SEC. 26-66 Final Approval of Development Plan. Final approval of a proposed development plan shall be by ordinance. The ordinance approving a development plan shall contain:

- A. A finding that the area qualifies as a blighted area, and that the clearance, redevelopment, replanning, rehabilitation or reconstruction thereof is necessary for public convenience and necessity and constitutes a public purpose;
- B. A finding that construction of the redevelopment project is necessary for the preservation of the public peace, property, health, safety, morals and welfare;
- C. If the Board so determines, the finding and declaration that the exercise of the power of eminent domain by the corporation is necessary to accomplish the purposes of the redevelopment project and is in the best interests of the City;
- D. Authority for the Mayor to enter into a development contract on behalf of the City with the corporation;
- E. A designation of the time within which all real property in the blighted area must be acquired by the corporation, which may include acquisition by phases, and provision for the expiration of development rights including the right of eminent domain in the event of failure of the corporation to acquire ownership of the real property within the blighted area within the time limits specified;
- F. A provision limiting the use of the blighted area to the use(s) described in the approved development plan for a period of years;
- G. Such other matters as may be deemed relevant by the Board, including, but not limited to, liquidated damages and amount of performance and payment bonds, if any; and
- H. If the Board so determines, a provision authorizing that any surplus earnings in excess of the rate of net earnings provided in Chapter 353 may be held by the corporation as a reserve for maintenance of such rate of return in the future and may be used by the corporation to offset any deficiency in such rate of return which may have occurred in prior years; or to be used to accelerate the amortization payments; or for the enlargement of the redevelopment project; or for reduction in rentals therein.

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SEC. 26-67 Tax Abatement. Subject to approval of a development plan and other provisions of **this Article**, the general ad valorem taxes on real property within the Chapter 353 Area may be abated subject to the following:

- A.** The real property of a corporation acquired pursuant to this article shall not be subject to assessment or payment of general ad valorem taxes imposed by the City, or by the state or any political subdivision thereof, for a period of not in excess of 10 years after the date upon which such corporation becomes owner of such real property, except to such extent and in such amount as may be imposed upon such real property during such period measured solely by the amount of assessed valuation of the land, exclusive of improvements, acquired pursuant to this article and owned by such corporation, as was determined by the county assessor for taxes due and payable thereon during the calendar year preceding the calendar year during which the corporation acquired title to such real property; and the amounts of such tax assessments shall not be increased during such period so long as the real property is owned by an urban redevelopment corporation and used in accordance with the development plan authorized by the Board.
- B.** In the event, however, that any such real property was tax exempt immediately prior to ownership by any urban redevelopment corporation, such assessor shall, upon acquisition of title thereto by the corporation, promptly assess such land, exclusive of improvements, at such valuation as shall conform to but not exceed the assessed valuation made during the preceding calendar year of other land, exclusive of improvements, adjacent thereto or in the same general neighborhood, and the amount of such assessed valuation shall not be increased during the period set pursuant to subsection a of this section so long as such real property is owned by such corporation and used in accordance with the development plan and approved by the Board.
- C.** For the next ensuing period not in excess of 15 years, ad valorem taxes upon such real property shall be measured by the assessed valuation thereof as determined by such assessor upon the basis of not to exceed 50% of the true value of such real property, including any improvements thereon, nor shall such valuations be increased above 50% of the true value of such real property from year to year during such next ensuing period so long as the real property is owned by the corporation and used in accordance with an authorized development plan.
- D.** After a period totaling not more than 25 years, such real property shall be subject to assessment and payment of all ad valorem taxes, based on the full true value of the real property; provided that after the completion of the redevelopment project as authorized by law or ordinance whenever any corporation shall elect to pay full taxes, or at the expiration of the period, such real property shall be owned and operated free from any of the conditions, restrictions or provisions of this section, the approving ordinance and any rule or regulation adopted pursuant to this article.
- E.** Notwithstanding any other provision of law to the contrary, payments in lieu of taxes may be imposed by contract between the City and the corporation which receives tax abatement or exemption on property pursuant to Chapter 353. Such payment shall be made to the collector of revenue of St. Louis County by December 31 of each year that payments are due. The Board shall furnish the collector a copy of such contract requiring payment in lieu of taxes. The collector shall allocate all revenues received from such payment in lieu of taxes among all taxing authorities whose property tax revenues are affected by the exemption or abatement on the same pro rata basis and in the same manner as the ad valorem property tax revenues received by each taxing authority from such property in the year such payments are due.

SEC. 26-68 Acceptance by Corporation. Authorization for the urban redevelopment corporation to proceed with the redevelopment plan shall be subject to the following:

- A. Upon enactment of an ordinance approving a development plan, the City shall enter into a development contract with the corporation pursuant to the terms and conditions set forth in this article and the ordinance approving the development plan. The corporation shall not have any of the benefits of the ordinance approving the redevelopment plan until it has executed the development contract, by its duly authorized officers.
- B. A copy of the development contract between the City and the corporation for carrying out the development plan shall be recorded by the corporation in the office of the Recorder of Deeds of St. Louis County and proof of such recording shall be filed with the City Clerk. True copies of the development plan approved by the Board by ordinance shall be retained with the authorizing ordinance by the City Clerk.

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SEC. 26-69 Compliance with other City Ordinances.

- A.** Prior to the commencement of an approved redevelopment project, the corporation shall comply with all other applicable ordinances, including without limitation, as necessary, all procedures for rezoning, subdivision approval, street vacation and establishment.
- B.** The corporation shall pay when due and payable all such fees, licenses and other charges required by the ordinances of the City applicable to such corporation or the redevelopment project to be undertaken.

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SEC. 26-70 Monitoring of Compliance, Time Extensions, and Certification of Completion

- A. Building permits.** In the event an ordinance approves a development plan for a blighted area, no building permit for construction in the area shall be issued unless the building plans are found by the Director of Public Services to be in substantial compliance with the approved development plan, as same may have been amended, modified or changed by ordinance, for the period during which the development plan is in effect, and in compliance with all other applicable City ordinances.
- B. Investigation and reports.** It shall be the duty of the Director of Public Services, after a development plan has been approved by the Board, to investigate and determine from time-to-time during construction of the redevelopment project whether the corporation undertaking such development plan is fully complying with the provisions thereof and its development contract with the City, and all other applicable City ordinances, in the manner and at the times fixed therein for the performance of the various phases thereof. The Director of Public Services shall make periodic reports to the Board and the Mayor regarding same.
- C. Time extension.** The Board may, for good cause shown, grant to a corporation operating under an approved development plan an extension of time in which to complete the redevelopment project, or any phase, state or portion thereof.
- D. Recommendation of certification:**
1. When a corporation operating under an approved development plan shall have completed the redevelopment project, or any phase thereof, in accordance with the provisions of the development plan and all applicable City ordinances, the Director of Public Services, upon the written request of such corporation, shall conduct an investigation, and if the Director of Public Services determines that the redevelopment project or such phase thereof has been so completed, he shall recommend to the Board that a certificate of full compliance in recordable form be issued to such corporation for such phase or for the entire redevelopment project, as the case may be.
 2. In the event it is determined that the redevelopment project or any phase thereof has not been so completed, then the Board shall give notice by certified mail, return receipt requested, to the corporation stating the reasons for the finding that there has not been substantial compliance.

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SEC. 26-71 Conveyance of Property. A corporation may sell or otherwise dispose of any or all of the real property acquired by it for the purpose of a redevelopment project. Any such conveyance or other disposition shall be subject to the terms of the approved development plan and development contract.

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SEC. 26-72 Remedies. Whenever any corporation operating under, or availing itself of the benefits of, a development plan, does not substantially comply with the development plan and the development contract with the City within the time limits and in the manner as therein stated, reasonable delays caused by unforeseen circumstances beyond their control alone excepted, or shall do or permit to be done anything in violation of the development plan, the development contract or this article, or omits to do anything required of it by the development plan, the development contract or this article, or shall be about so to do, permit to be done, or fail or omit to have done, then suit may be filed by the City for injunctive relief and/or for damages against the corporation for breach of any of the terms, conditions and covenants of the development plan, the development contract or this article. The Board may elect to terminate a development contract for nonperformance or breach by the corporation. In the event the City prevails in any action hereunder, it shall recover all of its attorney's fees, costs and damages arising out of such action.

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SEC. 26-73 Acceptance of Application of State Enabling Act. The provisions of Chapter 353 are hereby accepted and shall apply to all persons and corporations operating under this article insofar as the same may be applicable thereto.

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