

Introduced by: Council Present

AN ORDINANCE APPROVING AN AGREEMENT WITH CHEYENNE LI DOING BUSINESS AS WAKULLA MARINE INC. FOR A FIFTY-PERCENT (50%) PROPERTY TAX ABATEMENT AT 8838 FROST, IN THE CITY OF BERKELEY, SAINT LOUIS COUNTY, MISSOURI

- WHEREAS,** the Economic Development Tax Commission met on May 18, 2022 and June 15, 2022 to hear the case and denied the application; and
- WHEREAS,** the Applicant has requested an appeal of the Economic Development Tax Commission decision to the City Council; and
- WHEREAS,** the City Council is the final authority, met on July 18, 2022, and desires to stimulate commercial redevelopment and promote business growth in specifically designated areas of the North St. Louis County Enhanced Enterprise Zone; and
- WHEREAS,** the City has, pursuant to North St. Louis County Enhanced Enterprise Zone Policy under the Berkeley Ordinance 3699, dated, September 26, 2006, designated various “Enhanced Enterprise Zone Areas” for the provision of providing for a 50% property tax abatement for new incoming businesses; and
- WHEREAS,** the City set forth in Chapter 145.090 of the Berkeley Municipal Code (BCM) a policy whereby property owners may qualify for a “Property Tax Abatement,” which certifies to the St. Louis County Assessor and Collector that this property is eligible to receive a 50% property tax abatement, for a period not less than ten years; and
- WHEREAS,** Cheyenne Li doing business as Wakulla Marina Inc. is interested in receiving a limited property tax abatement for construction and renovation of an existing commercial building in the North St. Louis County Enhanced Enterprise Zone, which is identified in Chapter 145.090 BMC; and
- WHEREAS,** the Applicant has submitted to the City a complete application for the City’s 50% tax abatement program outlining the proposed redevelopment and renovation located at 8838 Frost, Berkeley Missouri (Property); and
- WHEREAS,** the City has determined that the improvements to the Property will, if completed as proposed, satisfy the requirement for a 50% tax abatement for ten years, not to exceed September 11, 2028, unless otherwise extended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY, MISSOURI, AS FOLLOWS:

- Section 1.** Agreement attached hereto as “Exhibit A” between Cheyenne Li doing business as Wakulla Marine Inc and the City of Berkeley, a Missouri Municipal Corporation, is approved.
- Section 2.** The City Manager or Assistant City Manager is authorized to execute the attached “Exhibit A.”

Section 3. The Tax Abatement shall expire September 11, 2028 unless otherwise extended.

Section 4. The City Clerk shall file an approved copy with the Saint Louis County Tax Assessor and Collector, 41 South Central Ave, Clayton Missouri 63105; and, St. Louis County Economic Partnership, Attention Business Development Division, 7733 Forsyth Blvd #2200, St. Louis MO 63105.

Section 5. This ordinance shall be in full force and effect from and after the date of its passage.

1st Reading this 18th day of July 2022

2nd Reading this day of 2022

3rd Reading, PASSED and APPROVED, this day of 2022

Babatunde Deinbo, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved as to Form:
Donnell Smith, City Attorney

Final Roll Call:

Councilwoman Verges	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Anthony	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman-at-Large Crawford-Graham	Aye ___	Nay ___	Absent ___	Abstain ___
Mayor Deinbo	Aye ___	Nay ___	Absent ___	Abstain ___

Application for Property Tax Abatement Exemption

Xiaoyan Li (Cheyenne)

Owner's Name/Business Name

155 Weldon Pkwy Suite 117, Maryland Heights MO 63043

Property Address, City, State, ZIP Code

GENERAL INSTRUCTIONS: This application is for use in claiming property tax exemptions pursuant to Finance and Taxation Code Section 145.090. A property owner who has established a tax abatement agreement under Finance and Taxation Code Chapter 145, North County Enhanced Enterprise Zone Abatement Policy, is entitled to exemption from taxation by an incorporated city or town or other taxing unit of fifty-percent of the value of the property as provided by the agreement.

FILING INSTRUCTIONS: This document and all supporting documentation must be filed with the Economic Development Coordinator in the City of Berkeley in which the property is taxable. **Do not file this document with Saint Louis County Tax Assessor.**

APPLICATION DEADLINES: The completed application and supporting documentation must be filed beginning Jan. 1 and no later than April 30 of the year for which an exemption is requested. For good cause shown, the Economic Development Coordinator may extend the deadline for filing the application by written order for a single period not to exceed 60 days.

OTHER IMPORTANT INFORMATION

Pursuant to Finance and Taxation Code Sec. 145.090, the Economic Development Coordinator may request additional information. The additional information must be provided within 30 days of the request or the application is denied. For good cause shown, the Economic Development Coordinator may extend the deadline for furnishing the additional information by written order for a single period not to exceed 15 days.

State the tax year for which you are applying.

2022

Tax Year

Did the applicant own the property that is the subject of this application on Jan. 1 of the tax year? ☐ Yes ☒ No

SECTION 1: Property Owner/Applicant

The applicant is the following type of property owner: (check one):

☐ Individual ☐ Partnership ☒ Corporation ☐ Other (specify):

WYF&LXY Real Estate LLC

Name of Property Owner

8838 Frost Ave, Berkeley MO 63134

Physical Address, City, State, ZIP Code

Phone (area code and number)

Mailing Address of Property Owner (if different from the physical address provided above):

7425 Oxford Dr, Saint Louis, MO 63105

Mailing Address, City, State, ZIP Code

SECTION 2: Authorized Representative

If you are an individual property owner filing this application on your own behalf, skip to section 3; all other applicants are required to complete section 2.

Please indicate the basis for your authority to represent the property owner in filing this application:

- ☐ Officer of the company ☐ General Partner of the company ☐ Attorney for property owner
- ☐ Agent for tax matters appointed under Finance and Taxation Code Section 145.090 with completed and signed Form ED-20.

☐ Other and explain basis: _____

Provide the following information for the individual with the legal authority to act for the property owner in this matter:

Name of Authorized Representative _____

Driver's License, Personal I.D. Certificate or Social Security Number* _____

Title of Authorized Representative _____

Primary Phone Number (area code and number) _____

Email Address** _____

Mailing Address, City, State, ZIP Code _____

SECTION 3: Property Description

Provide the descriptive information requested below for the property that is the subject of this application. Provide the St. Louis County Parcel account number (if known) or attach a tax bill or copy of appraisal or tax office correspondence concerning this account.

8838 Frost Avenue Saint Louis, MO 63134

Physical Address (i.e. street address, not P.O. Box), City, State, ZIP Code _____

Locator account number (if known) **10K-33-0351**

Legal Description:

15000sf warehouse

Was a wind-powered energy or energy efficient device installed or constructed:

- on this parcel of real property under an abatement agreement;
- at a location within 25 nautical miles of the boundaries of a military aviation facility located in this state; and
- on or after Sept. 1, 2017?

☐ Yes ☒ No

If yes, was the wind-powered energy device installed or constructed as part of an expansion or repowering of an existing project? .. ☐ Yes ☐ No

SECTION 4: Taxing Units that have Agreed to Abate Taxes

For each taxing unit identified, attach copies of abatement agreements unless you previously applied for and were granted the abatement and no changes have occurred and/or the agreement(s) were not modified.

SECTION 5: Abatement(s) Questions

1. Is this a continuation of an existing abatement agreement? ☐ Yes ☒ No
2. Are the terms and duration of each taxing unit's agreement different or identical? ☐ Different ☐ Identical

If different, please copy this form for each taxing unit and complete section 5 for each unit. In the area where taxing units are listed, please circle the taxing unit being summarized.

N/A

If identical, please describe the nature of the abatement agreements for this year by completing the following:

- ☐ Lump sum exemption of \$ _____
- ☒ Percentage exemption of 100 %
- ☐ Other (Attach a statement describing the method of calculating abatement. Provide dollar value to be exempted this year.)

3. Does the agreement abate taxes on personal property? ☐ Yes ☒ No
4. Are you in compliance with the agreement? ☒ Yes ☐ No
- If no, attach a statement explaining the reason for non-compliance.

SECTION 6: Additional Required Documentation

The following documents must be included with this application.

- copies of abatement agreements, unless the abatement was previously granted, and no changes have occurred and/or the agreement(s) were not modified;
- a statement describing the method of calculating the abatement if it is not a lump sum or percentage exemption (provide the dollar amount to be exempted this year); and
- a statement explaining the reason for noncompliance if applicant is not in compliance with an abatement agreement.

SECTION 7: Certification and Signature

NOTICE REGARDING PENALTIES FOR MAKING OR FILING AN APPLICATION CONTAINING A FALSE STATEMENT: If you make a false statement on this form, you could be found guilty of a Class A misdemeanor or a state jail felony under Penal Code Section 37.10.

I, Xiaoyan Li, swear or affirm the following:
Printed Name of Property Owner or Authorized Representative

1. that each fact contained in this application is true and correct;
2. that the property described in this application meets the qualifications under Missouri law for the exemption claimed; and
3. that I have read and understand the *Notice Regarding Penalties for Making or Filing an Application Containing a False Statement*.

sign
here

Xiaoyan Li

Signature of Property Owner or Authorized Representative

4/12/2022

Date

* If the property owner is a company or other legal entity (not an individual), the Federal Tax I.D. Number is to be provided. Disclosure of your social security number (SSN) may be required and is authorized by law for the purpose of tax administration and identification of any individual affected by applicable law. Authority: 42 U.S.C. § 405(c)(2)(C)(i); Tax Code Section 11.43(f). Except as authorized by Tax Code Section 11.48(b), a driver's license number, personal identification certificate number, or social security number provided in this application for an exemption filed with your county appraisal district is confidential and not open to public inspection under Tax Code Section 11.48(a).

** An email address of a member of the public could be confidential under Government Code Section 552.137; however, by including the email address on this form, you are affirmatively consenting to its release under the Public Information Act.