

ORDINANCE #66801
Board Bill No. 143

An ordinance approving the Petition to Establish the Laclede's Landing Community Improvement District, establishing the Laclede's Landing Community Improvement District, determining that the Laclede's Landing Area is a "blighted area" as defined in Section 67.1401.1(3), RSMo and reaffirming its finding in Ordinance No. 57085 that the Laclede's Landing Area is a "blighted area" as defined in Chapter 353, RSMo, and containing a severability clause and an emergency clause.

WHEREAS, Mo. Rev. Stat. § 67.1400 et seq. (the "Act") authorized the Board of Aldermen to approve the petition of property owners to establish a Community Improvement District; and

WHEREAS, a petition signed by property owners in the Laclede's Landing Area, hereinafter described, has been filed with the City, requesting formation of a Community Improvement District; and

WHEREAS, the Register of the City of St. Louis did review and determine that the petition substantially complies with the requirements of the Act; and

WHEREAS, the Board of Aldermen did, on June 24, 2005, introduce Resolution Number _____ declaring its intention to establish a Community Improvement District in the Laclede's Landing Area and calling for a public hearing on the matter; and

WHEREAS, such public hearing, duly noticed, was held at _____ a.m. on _____, _____, 2005 by the Board of Aldermen; and

WHEREAS, pursuant to Ordinance No. 57085 adopted December 5, 1975, the City previously has declared the Laclede's Landing Area "blighted" under Chapter 353 of the Missouri Revised Statutes and, pursuant to the petition, the property owners have requested that the Board of Aldermen make a determination that the Laclede's Landing Area is a "blighted area" as defined in Section 67.1401.1(3) of the Act, and acknowledge and reaffirm its finding in said City Ordinance No. 57085 that the Laclede's Landing Area is a "blighted area" as defined in Chapter 353 of the Missouri Revised Statutes.

WHEREAS, this Board of Aldermen hereby finds that the adoption of this ordinance is in the best interest of the City of St. Louis and that the property owners, residents and persons engaging in business or visiting the Laclede's Landing Area, and the public in general will benefit by the establishment of said Community Improvement District.

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

SECTION ONE.

(a) A Community Improvement District, to be known as the "Laclede's Landing Community Improvement District" (hereinafter referred to as the "District"), is hereby established within the Laclede's Landing Area, hereinafter described, to receive services, benefits, and assessment as set forth in Appendix A.

(b) The District boundaries are set forth on the map in Appendix A and are described as follows:

The "Laclede's Landing Area" is all of the property located within the City of St. Louis, Missouri bounded on the east by the "Outer Harbor Line" of the Mississippi River, on the north by the center line of Dr. Martin Luther King Drive and the eastward extension thereof, on the south by the center line of the Eads Bridge, and on the west by the center line of Third Street.

SECTION TWO.

(a) The District is authorized by the Act to use any one or more of the assessments or other funding methods specifically authorized by the Act to provide funds to accomplish any power, duty or purpose of the District; provided, however, the District shall not have the authority to impose any such assessment on any real property located in a special business district authorized pursuant to Mo. Rev. Stat. § 71.790 et seq. or on any business or individual doing business in such special business district until the taxes imposed by such special business district have been repealed, or the rates therefor have been reduced to zero, by such special business district.

(b) The District is authorized by the Act to establish different classes of real property within the District for purposes of special assessments. The levy rate for special assessments may vary for each class or subclass based on the level of benefit derived from services or improvements funded, provided or caused to be provided by the District.

(c) (i) The District is authorized by the Act and the petition to assess and collect annual yearly assessments not to exceed the rates described as follows:

Per square foot of land area for unimproved real property: \$0.15;

Per square foot of building floor area (including basements) for improved real property: \$0.15;

Per square foot of parking areas: \$0.15; and

Per square foot of enclosed patio areas: \$0.15.

(ii) Special assessments shall be levied in advance beginning in 2005 so that funds will be available for operations on January 1, 2006.

(d) The District is authorized by the Act to calculate on an annual basis the land area for unimproved real property, square footage of building floor area (including basements) for improved real property, square footage of parking areas, and square footage of enclosed patio areas on which the annual yearly assessments shall be based.

(e) Notwithstanding anything to the contrary, the District shall have no power to levy any tax but shall only have the power to levy special assessments in accordance with the Act.

SECTION THREE. The District is authorized by the Act, at any time, to issue obligations for the purpose of carrying out any of its powers, duties or purposes. Such obligations shall be payable out of all, part of any combination of the revenues of the District and may be further secured by all or any part of any property or any interest in any property by mortgage or any other security interest granted. Such obligations shall be authorized by resolution of the District, and if issued by the District, shall bear such date or dates, and shall mature at such time or times, but not more than 20 years from the date of issuance, as the resolution shall specify. Such obligations shall be in such denomination, bear interest at such rate or rates, be in such form, be payable in such place or places, be subject to redemption as such resolution may provide and be sold at either public or private sale at such prices as the District shall determine subject to the provisions of Mo. Rev. Stat. § 108.170. The District is also authorized to issue such obligations to refund, in whole or in part, obligations previously issued by the District.

SECTION FOUR.

(a) Pursuant to the petition, the District shall be administered by the Laclede's Landing Community Improvement District, a not-for-profit corporation.

(b) Pursuant to the Act, the fiscal year for the District shall begin on July 1.

(c) No earlier than 180 days and no later than 90 days prior to the first day of each fiscal year, the Laclede's Landing Community Improvement District shall submit to the Board of Aldermen a proposed annual budget for the District, setting forth expected expenditures, revenues, and rates of assessments, if any, for such fiscal year. The Board of Aldermen may review and comment on this proposed budget, but if such comments are given, the Board of Aldermen shall provide such written comments no later than 60 days prior to the first day of the relevant fiscal year; such comments shall not constitute requirements but shall only be recommendations.

(d) The Laclede's Landing Community Improvement District shall hold an annual meeting for the District and adopt an annual budget no later than 30 days prior to the first day of each fiscal year.

SECTION FIVE. The District is authorized by the Act to use the funds of the District for any of the improvements and activities authorized by the Act.

SECTION SIX. Pursuant to the Act, the District shall have all the powers necessary to carry out and effectuate the purposes of this ordinance and the petition as set forth in the Act.

SECTION SEVEN. Within 120 days after the end of each fiscal year, the District shall submit a report to the Register of the City and the Missouri Department of Economic Development stating the services provided, revenues collected and expenditures made by the District during such fiscal year, and copies of written resolutions approved by the board of the District during the fiscal year. The Register shall retain this report as part of the official records of the City and shall also cause this report to be spread upon the records of the Board of Aldermen.

SECTION EIGHT. The term for the existence of the District begins on January 1, 2006, and ends on December 31, 2010. Special assessments shall be levied in advance beginning in 2005 so that funds will be available for operations on January 1, 2006.

SECTION NINE. Pursuant to the Act, the Board of Aldermen shall not decrease the level of publicly funded services in the District existing prior to the creation of the District or transfer the financial burden of providing the services to the District unless the services at the same time are decreased throughout the City, nor shall the Board of Aldermen discriminate in the provision of the publicly funded services between areas included in the District and areas not so included.

SECTION TEN. The Register shall report in writing the creation of the Laclede's Landing Community Improvement District to the Missouri Department of Economic Development.

SECTION ELEVEN: The Board of Aldermen hereby finds and determines that the Laclede's Landing Area and the improvements thereon, by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use, and that said Laclede's Landing Area is blighted as defined in § 67.1401.1(3) of the Act. Further, the Board of Aldermen acknowledges and reaffirms the finding in City Ordinance No. 57085 that the Laclede's Landing Area is a "blighted area" as defined in Chapter 353 of the Missouri Revised Statutes.

SECTION TWELVE. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate, distinct and independent provision of this ordinance, and such holding or holdings shall not affect the validity of the remaining portions of this ordinance.

SECTION THIRTEEN. Being necessary for the immediate preservation of the public health, welfare and safety, it is declared to be an emergency measure within the Charter of the City of St. Louis and shall become effective immediately upon its passage and approval by the Mayor.

Approved: August 3, 2005