

**ORDINANCE #67167**  
**Board Bill No. 82**

**AN ORDINANCE APPROVING THE PETITION OF HDH, LLC AND STL BROADWAY HOTEL, LLC AS OWNERS OF CERTAIN REAL PROPERTY, TO ESTABLISH A COMMUNITY IMPROVEMENT DISTRICT, ESTABLISHING THE BROADWAY HOTEL COMMUNITY IMPROVEMENT DISTRICT, FINDING A PUBLIC PURPOSE FOR THE ESTABLISHMENT OF THE BROADWAY HOTEL COMMUNITY IMPROVEMENT DISTRICT, AND CONTAINING A SEVERABILITY CLAUSE.**

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

**WHEREAS**, a petition (as amended, the “Petition”) signed by authorized representatives of the owners of all property located within the Broadway Hotel Community Improvement District has been filed with the City, requesting formation and establishment of the Broadway Hotel 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 CID Act; and

**WHEREAS**, a public hearing, duly noticed and conducted as required by and in accordance with the CID Act was held at 9:00 a.m. on June 20, 2006, by the Board of Aldermen; and

**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 of the Broadway Hotel Community Improvement District, as well as the City as a whole, will benefit from the establishment of the Broadway Hotel Community Improvement District.

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

**Section One.**

(a) A community improvement district, to be known as the “Broadway Hotel Community Improvement District” (hereinafter referred to as the “District”), is hereby established pursuant to the CID Act on that real property identified at the time of adoption of this ordinance by Parcel Identification Numbers 6464-000-0200 and 6464-000-0150 to provide services, construct improvements, impose taxes and carry out other functions as set forth in the Petition, which is attached hereto as Appendix A and incorporated herein by this reference.

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

Parcel 1:

Lot 1 of tract 9 of Civic Center Subdivision Plat 4, according to the plat thereof recorded in Plat Book 37 page 46 of the City of St. Louis, Missouri, Recorder’s Office, and in Block 6464 of the City of St. Louis.

Parcel 2:

Part of Lot 2 of tract 9 of Civic Center Subdivision Plat 4, according to the plat thereof recorded in Plat Book 37 page 46 of the City of St. Louis, Missouri, Recorder’s Office, and in Block 6464 of the City of St. Louis, being more particularly described as follows:

Beginning at the Northeast corner of said Lot 2 having coordinates 97208.503 North and 212136.930 East; thence Southwardly along the East line thereof South 17 degrees 32 minutes 09 seconds West 223.218 feet to the Southeast corner of said Lot 2 and having coordinates 96995.658 North and 212069.674 East; thence Westwardly along the South line of said Lot 2 being also the North line of Walnut Street 85 feet wide, North 72 degrees 14 minutes 58 seconds West 62.962 feet to a point of curvature having coordinates 97014.854 North and 212009.709 East; thence continuing along said line along a curve to the left having a radius of 2300.00 feet, an arc distance of 3.996 feet to a point having coordinates 97016.069 and 212005.902 East; thence Northwardly and parallel with the East line of said Lot 2 North 17 degrees 32 minutes 09 seconds East 222.970 feet to a point in the North line of said Lot 2 and

having coordinates 97228.677 North and 213073.083; thence Eastwardly along said North line being also the South line of Market Street, 112 feet wide, South 72 degrees 27 minutes 51 seconds East 66.957 feet to the point of beginning.

**Section Two.**

The District is authorized by the Petition, in accordance with the CID Act, to impose a sales and use tax at a rate not to exceed one percent (1%) on retail sales within the District, to provide funds to accomplish any power, duty or purpose of the District. The District shall have no power to levy any special assessment or real property tax upon real property within its boundaries.

**Section Three.**

The District is authorized by the CID Act, at any time, to issue obligations, or to enter into agreements with other entities with the authority 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 or 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 twenty (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 part, obligations previously issued by the District.

**Section Four.**

(a) Pursuant to the Petition, the District shall be in the form of a political subdivision of the State of Missouri, known as the Broadway Hotel Community Improvement District.

(b) Pursuant to Section 67.1471 of the CID Act, the fiscal year for the District shall be the same as the fiscal year for the City of St. Louis.

(c) No earlier than one hundred and eighty (180) days and no later than ninety (90) days prior to the first day of each fiscal year, the 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 sixty (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 District shall hold an annual meeting and adopt an annual budget no later than thirty (30) days prior to the first day of each fiscal year.

**Section Five.** The District is authorized to use the funds of the District for any of the improvements, services or other activities authorized under the CID Act.

**Section Six.** Pursuant to the CID Act, the District shall have all of the powers necessary to carry out and effectuate the purposes of the District and the CID Act as set forth in the CID Act, provided that, as set forth in the Petition, the District shall not have the power to acquire any real property within the District by condemnation.

**Section Seven.** The City of St. Louis hereby finds that the uses of the District proceeds as provided for in the Petition hereto will serve a public purpose by remediating blight and encouraging the redevelopment of real property within the District.

**Section Eight.** The District is located in the 620 Market Street Area, which was declared “blighted” under Chapter 99 RSMo. in Ordinance No. 66979 of the City of St. Louis Board of Aldermen.

**Section Nine.** Within one hundred twenty (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, pursuant to Section 67.1471 of the CID Act.

**Section Ten.** The term for the existence of the District shall begin on the date this ordinance becomes effective and shall continue for the term set forth in the Petition, as may be amended from time to time.

**Section Eleven.** Pursuant to the CID 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 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 Twelve.** The Register shall report in writing the creation of the Broadway Hotel Community Improvement District to the Missouri Department of Economic Development.

**Section Thirteen.** The Petition provides that the District shall be governed by a Board of Directors consisting of five individual directors (collectively the "Directors" and each a "Director"), such Directors to be appointed by the Mayor of the City with the consent of the Board of Aldermen, in accordance with the CID Act. By his approval of this ordinance, the Mayor does hereby appoint the following named individuals as Directors of the District for the terms set forth in parentheses below, and by adoption of this ordinance the Board of Aldermen hereby consents to such appointments:

- (1) Robert O'Loughlin (four years), as legally authorized representative of HDH, LLC, a business operating within the District;
- (2) Craig Cobler (four years), as legally authorized representative of Broadway Hotel Operations I, LLC, a business operating within the District;
- (3) Steve O'Loughlin (two years), as legally authorized representative of Broadway Hotel Operations II, LLC, a business operating within the District;
- (4) Joseph Mooney (two years), as legally authorized representative of Broadway Hotel Operations III, LLC, a business operating within the District; and
- (5) Cathy Raftery (two years), as legally authorized representative of Broadway Hotel Operations IV, LLC, a business operating within the District.

**Section Fourteen.** 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.

#### APPENDIX A

Broadway Hotel Community Improvement District Petition

**Approved: July 18, 2006**