

ORDINANCE #65274
Board Bill No. 109

An ordinance approving the Petition of the South Grand Community Improvement District, Inc. and property owners and establishing the South Grand Community Improvement District, 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 petitions of property owners to establish a Community Improvement District; and

WHEREAS, petitions signed by property owners in the South Grand Area, hereinafter described, have 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 15, 2001, introduce Resolution Number 61 declaring its intention to establish a Community Improvement District in the South Grand Area and calling for a public hearing on the matter; and

WHEREAS, such public hearing, duly noticed, was held at _____ a.m. on _____, _____, 2001, 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, residents and persons engaging in business or visiting the South Grand 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 "South Grand Community Improvement District" (hereinafter referred to as the "District"), is hereby established within a 15-block area 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 general northern and southern boundaries of the South Grand Community Improvement District commence in City Block 1462 at South Grand Boulevard and Arsenal in the North and run south along South Grand Boulevard to City Block 2095 at McKean and McDonald Avenue.

The general eastern boundaries of the South Grand Community Improvement District are the eastern boundaries of the properties fronting South Grand Boulevard on the east commencing at South Grand Boulevard and Arsenal and then extending south across City Block 1462 to Hartford, east along Hartford to Arkansas, south along Arkansas to Juniata and west along Juniata, encompassing properties in City Block 1463, and continuing south from Juniata through the eastern boundaries of the properties fronting South Grand Boulevard on the east in City Block 1484 between Juniata and Connecticut and extending south along such boundaries through properties in City Block 1485 between Connecticut and Wyoming, and properties in City Block 1488 between Wyoming and Humphrey, and properties in City Block 1489 between Humphrey and Utah, and properties in City Block 1495 between Utah and McKean, then west along McKean to South Grand Boulevard, south along South Grand Boulevard to McDonald Avenue and west along McDonald Avenue to the southwestern border of the South Grand Community Improvement District.

The general western boundaries of the South Grand Community Improvement District are the western boundaries of the properties fronting South Grand Boulevard on the west commencing at South Grand Boulevard and McDonald Avenue in City Block 2095 and extending west to the southwestern border of the South Grand Community Improvement District and then extending north through South Utah Place and North Utah Place through the western boundaries of the properties fronting South Grand Boulevard on the west and extending north along such boundaries through properties in City Block 2097 between North Utah Place and Humphrey, and properties in City Block 2098 between Humphrey and Wyoming, and properties in City Block 2099 between Wyoming and Connecticut, and properties in City Block 2100

between Connecticut and Juniata, and properties in City Block 2101 between Juniata and Hartford, and properties in City Block 2102 between Hartford and Arsenal, then east along Arsenal to South Grand Boulevard to the northeastern border of the South Grand Community Improvement District, but specifically excluding from the boundaries 3538 Arsenal Street, 3539 Hartford Street and 3541 Hartford Street in City Block 1462, 3507 Juniata Street, 3509 Juniata Street and 3511 Juanita Street in City Block 1463 and 3603 North Utah Place in City Block 2097.

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 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) The District is authorized by the Act to assess and collect an annual calculation of lot gross square footage, first floor square footage, and gross square footage above the first floor.

(d) (i) The District is authorized by the Act and the Petitions when approved by the Board of Aldermen to assess and collect annual yearly assessments not to exceed the rate described as follows:

Per Lot Square Foot	\$0.1917
Per First Floor Square Foot	\$0.3048
Per Each Upper Floor Square Foot	\$0.1944

each as adjusted to reflect the annual change in the Consumer Price Index (CPI) for all urban consumers.

(ii) Special assessments shall be levied in advance beginning in 2001 so that funds will be available for operations on January 1, 2002.

(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 Petitions, the District shall be administered by the South Grand Community Improvement District, Inc., 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 South Grand Community Improvement District, Inc. 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 South Grand Community Improvement District, Inc. 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 act 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, 2002, and ends on December 31, 2007. Special assessments shall be levied in advance beginning in 2001 so that funds will be available for operations on January 1, 2002.

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 South Grand Community Improvement District to the Missouri Department of Economic Development.

SECTION ELEVEN. 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 TWELVE. 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 1, 2001