

ORDINANCE #65557
Board Bill No. 84

An ordinance approving the Petition of Grand Center Community Improvement District, Inc. and property owners establishing the Grand Center 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 the property owners in the Grand Center 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, such public hearing, duly noticed, was held at _____ a.m. on June __, 2002, 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 Grand Center 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 "Grand Center Community Improvement District" (hereinafter referred to as the "District"), is hereby established within an 8-block area to receive services, benefits, and assessments as set forth in Appendix A.

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

Area being all of City Blocks 2288, 1061, 1062, 1054, 1058, 1059 and part of City Blocks 2287, 1961 and 1060 with parts of adjoining streets, all in the City of St. Louis, Missouri, described as follows:

Beginning at the intersection of the centerline of Spring Avenue and the centerline of Enright Avenue; thence Southeasterly along said centerline to the centerline of Grand Blvd.; thence Southwesterly along said centerline to the centerline of Delmar Blvd.; thence Southeasterly along said centerline to its intersection with the Northerly extension of the Westerly right of way line of Channing Avenue; thence Southerly along said Northerly extension and Westerly right of way line to the centerline of Samuel Shepard Drive; thence Westerly along said centerline to the centerline of Theresa Avenue; thence Southerly along said centerline to the centerline of Washington Blvd; thence Westerly along said centerline to its intersection with the Northerly extension of the Westerly property line of a tract of land conveyed to Mon F. Wong and Jean Y. h/w; thence Southerly along said Northerly extension of said Westerly property line and its Southerly extension thereof to the centerline of an alley; thence Easterly along said centerline to the centerline of Theresa Avenue; thence Southerly along said centerline to the centerline of Olive Street; thence Southeasterly along said centerline to its intersection with the Northerly extension of the Easterly property line of a tract of land conveyed to St. Louis University; thence Southerly along said Northerly extension and Easterly property line and its Southerly extension thereof to the centerline of Lindell Blvd.; thence Westerly along said centerline to its intersection with the Southwesterly extension of the Westerly property line of a tract of land conveyed to Jesuit Community Corporation; thence Northeasterly along said Southerly extension and Westerly property line and its Northeasterly extension thereof to the centerline of an alley; thence Northwesterly along said centerline to its intersection with the Northerly extension of the Easterly property line of a tract of land conveyed to St. Louis University; thence Southwesterly along said Northerly extension and Easterly property line and its Southwesterly extension thereof to the centerline of Lindell Blvd.; thence Westerly along said centerline to its intersection with the Southwesterly extension of the Westerly property line of said St. Louis University property; thence Northeasterly along said Southwesterly extension and Westerly property line and its Northeasterly extension thereof to the centerline of an alley; thence Northwesterly along said centerline to its intersection with the Northeasterly extension of the Easterly property line of a tract of land conveyed to "The Central Plaza Corporation"; thence Southwesterly along said Northeasterly extension and Easterly property line and its Southwesterly extension thereof to the centerline of Lindell Blvd.; thence Westerly along said centerline to the centerline of Spring Avenue; thence Northeasterly along said centerline

to the centerline of Enright Avenue.

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 and gross square footage of the building footprint.

(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 Square Footage of Lot	\$0.177
Per Square Footage of Building Footprint	\$0.177

each as adjusted, beginning in the year 2003, to reflect the annual percentage increase in the Consumer Price Index (CPI) for all Urban Consumers: U.S. City Average for all items (prepared by the United States Department of Labor, Bureau of Labor Statistics), or 3 percent, whichever is less.

(ii) Special assessments shall be levied in advance beginning in 2002 so that funds will be available for operations on January 1, 2003.

(iii) The special assessments levied and collected by the District represent the costs of the services and improvements described in the Petitions to each property owner within the District. Each property owner's special assessment shall represent that owner's share of the benefit and the cost of such services and improvements.

(e) Notwithstanding anything to the contrary, the District shall have no power to levy any tax, but shall have only 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 Grand Center Community Improvement District, Inc., a Missouri 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 Grand Center 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 Grand Center 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 the date this ordinance is enacted by the Board of Aldermen, and ends on December 31, 2008. Special assessments shall be levied in advance beginning in 2002 so that funds will be available for operations on January 1, 2003.

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 Grand Center 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: July 1, 2002