

**ORDINANCE #66326**  
**Board Bill No. 153**

An ordinance approving the Petition of property owners seeking the establishment of the Downtown St. Louis Community Improvement District, Inc. and containing a severability clause and an emergency clause.

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

**WHEREAS**, the Board of Aldermen on July 29, 1999, approved the establishment, effective on January 1, 2000, of the Downtown St. Louis Partnership, Inc. Community Improvement District consisting of 225 blocks; and

**WHEREAS**, the term for existence of the Downtown St. Louis Partnership, Inc. Community Improvement District is until December 31, 2005; and

**WHEREAS**, Downtown St. Louis Development, Inc. and Downtown St. Louis Management, Inc. were merged into the Downtown St. Louis Partnership, Inc. Community Improvement District, which changed its name to the Downtown St. Louis Community Improvement District, Inc. as of July 1, 2002; and

**WHEREAS**, certain property owners (the “Property Owners”) within the Downtown St. Louis Community Improvement District, Inc. are requesting the renewal and extension of a portion of the Downtown St. Louis Community Improvement District, Inc. consisting of a 165-block community improvement district to continue to be known as the Downtown St. Louis Community Improvement District, Inc.; and

**WHEREAS**, the Act does not contain a provision for the renewal and extension of an existing community improvement district; and

**WHEREAS**, the Property Owners therefore request the creation, extension, renewal and establishment of a 165-block community improvement district to be known as the Downtown St. Louis Community Improvement District, Inc. as of the effective date of this ordinance; and

**WHEREAS**, the Downtown St. Louis Community Improvement District, Inc. will continue to administer the balance of the 225-block community improvement district until December 31, 2004, and will not seek any further special assessments or provide any further benefits, services or improvements to those blocks not contained within the 165 blocks described herein after December 31, 2004; and

**WHEREAS**, a petition signed by property owners in downtown St. Louis hereinafter described (the “Petition”) has been filed with the Register of the City, requesting the creation, extension, renewal and establishment of the 165-block Downtown St. Louis Community Improvement District, Inc. described herein; and

**WHEREAS**, the Register of the City of St. Louis reviewed and determined that the Petition substantially complies with the requirements of the Act; and

**WHEREAS**, the Board of Aldermen did on \_\_\_\_\_, introduce Resolution No. 86 declaring its intention to establish a Community Improvement District in downtown St. Louis and calling for a public hearing on the matter; and

**WHEREAS**, such public hearing, duly noticed, was held at \_\_\_\_\_ .m. on \_\_\_\_\_, [and continued until \_\_\_\_\_ . m. on \_\_\_\_\_,] 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 downtown St. Louis, 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 “Downtown St. Louis Community Improvement District,

Inc.” (hereinafter referred to as the “District”), is hereby created, extended, renewed, and established within a 165-block area established to receive the services, benefits and subject to the assessments as set forth in the Petition attached hereto as Appendix A and made a part hereof.

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

Beginning at the intersection of the centerline of 14th Street and Interstate 40/64; thence eastwardly along the centerline of Interstate 40/64 across all intervening streets to the intersection of the centerlines of Interstate 40/64 and Interstate 70; thence northwardly along the centerline of Interstate 70 across all intervening streets to the intersection of the centerlines of Interstate 70 and Cole Street; thence westwardly along the centerline of Cole Street across all intervening streets to the intersection of the centerlines of Cole Street and 14th Street; thence southwardly along the centerline of 14th Street across all intervening streets to the intersection of the centerlines of 14th Street and Delmar Boulevard; thence westwardly along the centerline of Delmar Boulevard across all intervening streets to the intersection of the centerlines of Delmar Boulevard and 18th Street; thence southwardly along the centerline of 18th Street across all intervening streets to the intersection of the centerlines of 18th Street and Chestnut Street; thence eastwardly along the centerline of Chestnut Street across all intervening streets to the intersection of the centerlines of Chestnut Street and 14th Street; thence southwardly along the centerline of 14th Street to the intersection of the centerlines of 14th Street and at Interstate 40/64, the point of beginning.

## 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 and the Petition 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 assessment based upon an annual calculation of lot gross square footage and building gross square footage above the first floor.

(d) (i) The District, when approved by the Board of Aldermen, is authorized by the Act and by the Petition, when approved by the District, to assess and collect annual assessments against each tract, lot or parcel of real property in an amount not to exceed \$0.0825 per lot square foot and \$0.0452 per square foot per floor for each floor above the first floor; provided, however, that each condominium unit on the first floor, whether designated for residential or commercial use, shall be assessed at \$0.0452 per square foot; and further provided that each assessment may be annually increased by an amount not to exceed 3%.

(ii) Such special assessments shall be levied annually in advance beginning in 2004 so that funds will be available for operations on January 1, 2005, and each January 1 thereafter.

(iii) Such special assessments levied and collected by the District represent the costs of the services and improvements described in the Petition 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 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 continue to be administered by the Downtown St. Louis Community Improvement District, Inc.

(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 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 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 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 will begin on the effective date of this Ordinance and will end on December 31, 2011. Special assessments shall be levied in advance beginning in 2004 so that funds will be available for operations on January 1, 2005, and each January 1 thereafter.

**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 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 19, 2004**