

ORDINANCE #67222
Board Bill No. 132

AN ORDINANCE APPROVING THE PETITION TO AMEND THE PETITION TO ESTABLISH THE SOUTH GRAND COMMUNITY IMPROVEMENT DISTRICT, ADD REAL PROPERTY TO THE DISTRICT, AND AUTHORIZE SPECIAL ASSESSMENTS, FINDING A PUBLIC PURPOSE AND CONTAINING A SEVERABILITY 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 owners of over fifty percent of the assessed value of real property and more than fifty percent per capital of all owners of real property within 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, such public hearing, duly noticed, was held at 9:00 AM on July 13, 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, 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 and extended to receive services, benefits, and assessments as set forth in Appendix A, which is attached hereto and incorporated herein by reference.

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

Commencing at the southwest corner of Grand Boulevard and Arsenal Street (CITY BLOCK 2102) thence westwardly one hundred one (101) feet, thence southwardly on hundred thirty-five (135) feet to the southwest corner of Parcel 2501, thence southwardly crossing an alley approximately 15 feet in width, thence westwardly sixty (60) feet, thence southwardly 144 feet to the northern curblines of Hartford Street (encompassing the westernmost boundary lines of Parcels 2501, 2601, 2700, 2800, 2900 and 3000 of City Block 2102);

Thence southwardly approximately sixty (60) feet to the southern curblines of Hartford Street (CITY BLOCK 2101) thence westwardly nine (9) feet ten (10) inches to the western boundary of an alley, thence southwardly one hundred twenty (120) feet to the northern line of an alley, thence southwardly approximately fifteen (15) to the southern boundary of alley, thence eastwardly sixty-one (61) feet six (6) inches to a point thence southwardly one hundred twenty-five (125 feet) to the northern curblines of Juniata Street (includes Parcels 2606-07, 2706-07, 2800, 2900, and 3006-07 of City Block 2101);

Thence southwardly approximately sixty (60) feet to the southern curblines of Juniata Street (CITY BLOCK 2100) thence westwardly approximately fifty (50) feet to the westernmost line of an alley thence southwardly two hundred sixty-nine (269) feet six (6) inches to the northern curblines of Connecticut (includes Parcels 2506-07, 2606-07, 2700, 2806-07, 3006-07, 3106-07 of City Block 2100);

Thence southwardly approximately 60 feet to the southern curblines of Connecticut (CITY BLOCK 2099); thence eastwardly approximately one hundred (100) feet to a point, thence

southwardly one hundred eleven (111) feet to a point, thence westwardly approximately 100 feet to the easternmost line of an alley, thence southwardly one hundred (100) feet to a point, thence eastwardly sixty-five (65) feet to a point thence southwardly sixty (60) feet to the northern curblines of Wyoming Street thence westwardly approximately twenty (20) feet to a point (includes Parcels 2800, 2906-07 and a portion of Parcel 2706-07 of City Block 2099);

Thence southwardly approximately sixty (60) feet to the southern curblines of Wyoming Street (CITY BLOCK 2098); thence eastwardly approximately seventy (70) feet to the north-westernmost corner of Parcel 2806-07 of City Block 2098, thence southwardly one hundred twenty-eight (128) feet to an alley approximately fifteen (15) feet wide, thence eastwardly twenty-one (21) feet ten (10) inches, thence southwardly one hundred twenty-eight (128) feet to the northern curblines of Humphrey Street (includes Parcels 2806-07, 2861-71, 2900 and 3006-07 of City Block 2098);

Thence southwardly approximately sixty (60) feet to the southern curblines of Humphrey Street (CITY BLOCK 2097), thence westwardly twelve (12) feet four and one-half (4-1/2) inches to the westernmost boundary of Parcel 2900 thence southwardly one hundred twenty-five (125) feet to the northern line of an alley, thence approximately fifteen (15) feet to the southern line of the alley, thence eastwardly seventeen (17) feet five and one half (5-1/2) inches to the westernmost boundary of Parcel 3000 (includes Parcels 2900 and 3000 of City Block 2097), thence southwardly one hundred thirty-one (131) feet two and one half (2-1/2) inches to the northern curblines of Utah Place;

Thence southwardly approximately three hundred thirty-five (335) feet to the northern curblines of McDonald Avenue (includes Parcels 2000, 2100, 2200, 2250, 2300, 2400 and 2500 of City Block 2095), thence eastwardly approximately eighty-six (86) feet nine (9) inches to the western curblines of Grand Boulevard, thence eastwardly 80 feet to the eastern curblines of Grand Boulevard;

Thence northwardly approximately one hundred forty (140) feet to the southeastern corner curblines of Grand Boulevard and McKean Avenue (CITY BLOCK 1495), thence eastwardly approximately three hundred (300) feet to an alley, thence northwardly two hundred seventy (270) feet to the southern curblines of Utah Street (includes parcels 0110, 1300, 1400, 1500, 1600, and 1700 of City Block 1495);

Thence northwardly approximately sixty (60) feet to the northern curblines of Utah Street (CITY BLOCK 1489), thence westwardly approximately two hundred twenty-eight (228) feet to City Block 1489, the southeast corner of parcel 2700; thence northwardly one hundred twenty-seven (127) feet nine and one half (9-1/2) inches to the southern line of an alley, thence northwardly approximately fifteen (15) feet to the northern line of alley, thence westwardly approximately eighteen (18) feet to the southeast corner of parcel 3006-07 (includes parcels 2700 and 3006-07 of City Block 1489), thence northwardly one hundred twenty-six (126) feet six (6) inches to the southern curblines of Humphrey Street;

Thence northwardly approximately sixty (60) feet to the northern curblines of Humphrey Street (CITY BLOCK 1488), thence westwardly three (3) feet nine (9) inches to the southeast corner of Parcel 2806-07, thence northwardly one hundred twenty-seven (127) feet seven and one fourth (7-1/4) inches to the southern line of an alley, thence northwardly approximately fifteen (15) feet to the northern line of alley, thence westwardly seven and three-fourths (7-3/4) inches to the southeastern corner of Parcel 0106-07, thence northwardly one hundred twenty-seven (127) feet six (6) inches to the southern curblines of Wyoming Street (includes Parcels 0106-07 and 2806-07);

Thence northwardly approximately sixty (60) feet to the northern curblines of Wyoming Street (CITY BLOCK 1485), thence eastwardly twenty-four (24) feet six (6) inches to the southeastern corner of City Block 1484, Parcel 2807, thence northwardly one hundred

twenty-seven (127) feet one-fourth (1/4) inches to the southern line of an alley, thence northwardly approximately fifteen (15) feet to the northern line of alley, thence one hundred twenty-seven (127) feet seven and one quarter (7-1/4) inches to the southern curblines of Connecticut Street (includes Parcels 2806-07 and 0100);

Thence northwardly approximately sixty (60) feet to the northern curblines of Connecticut (CITY BLOCK 1484), thence eastwardly thirty-nine (39) feet seven and one-quarter (7-1/4) inches to the southeast corner of City Block 1484 parcel 2700; thence northwardly one hundred twenty-four (124) feet three (3) inches to the southern line of an alley, thence northwardly approximately fifteen (15) feet to the northern line of alley, thence northwardly approximately one hundred thirty-five (135) feet nine and one-fourth (9-1/4) inches to the southern curblines of Juniata Street (includes Parcels 0100 and 2700 of City Block 1484);

Thence northwardly approximately sixty (60) feet to the northern curblines of Juniata Street (CITY BLOCK 1463), thence eastwardly four hundred forty-seven (447) feet to the southeastern corner of Parcel 1000, thence northwardly one hundred twenty-five (125) feet to the southern line of an alley, thence northwardly twenty-five (25) feet to the northern line of alley, thence eastwardly approximately one hundred thirty-one (131) feet four (4) inches to the western curblines of Arkansas Street, thence northwardly one hundred eighteen and seventy-one hundredths (118.71) feet to the southern curblines of Hartford Street (includes Parcels 0100, 1000, 1600, and 1700 of City Block 1463);

Thence northwardly approximately sixty (60) feet to the southern curblines of Hartford Street (CITY BLOCK 1462), thence westwardly approximately three hundred thirty (330) feet to the southeastern corner of Parcel 2800, thence northwardly one hundred twenty (120) feet to the southern line of an alley, thence northwardly approximately twenty-five (25) feet to the northern line of alley, thence eastwardly seven (7) feet to the southeastern corner of Parcel 500, thence northwardly one hundred twenty-two (122) feet eight and one half inches (8-1/2) inches to the southern curblines of Arsenal Street (includes Parcels 0100, 0400, 0500, 2700, 2800, 3000, 3001-02 of City Block 1462).

Thence northwardly approximately sixty (60) feet to the northern curblines of Arsenal Street (CITY BLOCK 1460), thence eastwardly twenty and seventeen hundredths (20.17) feet to the southern line of an alley, thence eastwardly 1818.67 feet to the southeastern corner of parcel 3006-07, thence northwardly 45 feet to the northeastern corner of parcel 3006-07, thence southwardly 175.10 feet to the southern curblines of Arsenal Street (includes Parcels 900-01 and 3006-07);

Thence westwardly sixty (60) feet to the southern curblines of Arsenal Street, thence westwardly approximately ten (10) feet to the southeast corner of parcel 2900, thence northwardly sixty (67) eight (8) inches to an alley, thence westwardly approximately seventy-six (76) feet to a point, thence northwardly fifteen (15) feet to the southwestern corner of parcel 3006-3007, thence northwardly forty-five (45) feet, thence westwardly fifty-one (51) feet six (6) inches, thence southwardly one hundred twenty-seven and eight tenths (127.8) feet to the southwestern corner of parcel 2900, thence southwestwardly approximately ninety (90) feet to the point of beginning at the southwestern corner of Grand Boulevard and Arsenal Street (CITY BLOCK 2102).

SECTION TWO:

- a) The District is authorized by the Act to use a sales tax and 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 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 and the Petitions when approved by the Board of Aldermen to assess and collect annual yearly special assessments based on a per square footage assessment on Lot Area and improvements. The maximum rate shall be \$0.2148 per square foot of Lot Area, \$0.3417 per square foot of first floor building space, and \$0.2179 per square foot of second floor building space;
- i) As determined by the District, special assessments may be levied in advance beginning not sooner than 2006 so that funds will be available for operations on January 1 of the following year;
- ii) 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;
- d) 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, or to enter into agreements with other entities with 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 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, a separate political subdivision of the State of Missouri.
- 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 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 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 or 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: The City of St. Louis hereby finds that the uses of the District proceeds outlined in the Petition attached as Appendix A will serve a public purpose.

SECTION EIGHT: 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 NINE: The term for the existence of the District begins on the date this ordinance is enacted by the Board of Aldermen, and ends twenty years thereafter, unless earlier terminated as provided by the Act.

SECTION TEN: 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 ELEVEN: The Register shall report in writing the creation and extension of the South Grand Community Improvement District to the Missouri Department of Economic Development.

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.

**The Petition
Exhibit A
Exhibit B
Exhibit C
Exhibit D**

Is on file in the Register’s Office.

**Supplement Petition
Exhibit A
Exhibit B
Exhibit C**

Is on file in the Register’s Office.

Amended Signatures

Is on file in the Register’s Office.

Approved: August 3, 2006