

**ORDINANCE #67227**  
**Board Bill No. 140**

**AN ORDINANCE APPROVING THE PETITION OF BDP, L.L.P. AS OWNER OF CERTAIN REAL PROPERTY, TO ESTABLISH A COMMUNITY IMPROVEMENT DISTRICT, ESTABLISHING THE BOTTLE DISTRICT COMMUNITY IMPROVEMENT DISTRICT, FINDING A PUBLIC PURPOSE FOR THE ESTABLISHMENT OF THE BOTTLE DISTRICT 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 Bottle District Community Improvement District has been filed with the City, requesting formation and establishment of the Bottle District 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 \_\_\_\_\_ 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 of the Bottle District Community Improvement District, as well as the City as a whole, will benefit from the establishment of the Bottle District 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 “Bottle District Community Improvement District” (hereinafter referred to as the “District”), is hereby established pursuant to the CID Act on certain real property (as more legally described in the Petition, such legal description being set forth below) consisting all of City Blocks 145 and 557, and portions of City Blocks 141, 144, 556W, 581 and 583W, in addition to certain streets, in order 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:

A tract of land situated in the City of St. Louis, and the State of Missouri, being all of City Blocks 145 and 557; and part of City Blocks 141, 144, 556W, 581, 583W; and part of Carr Street, 50 feet wide; part of Biddle Street, 50 feet wide; part of O'Fallon Street, 60 feet wide, and part of Sixth Street, 60 feet wide; and being more particularly described as follows:

BEGINNING at the intersection of the North right-of-way of Carr Street, 60 feet wide at this intersection, and the East right-of-way line of Seventh Street, 60 feet wide, said intersection being the Southwest corner of City Block 145; thence along the Western line of said City Block 145, North 14 Degrees 46 Minutes 50 Seconds East, a distance of 359.50 feet to the Northwest corner of said City Block 145; thence across Biddle Street, North 14 Degrees 36 Minutes 53 Seconds East, a distance of 50.00 feet to the Southwest corner of City Block 557; thence along the Western line of said City Block 557, North 14 Degrees 36 Minutes 53 Seconds East, a distance of 381.16 feet to the Northwest corner of said City Block 557; thence across O'Fallon Street, North 14 Degrees 36 Minutes 53 Seconds East, a distance of 60.00 feet to the Southwest corner of City Block 581; thence along the Western line of said City Block 581 and the Western line of City Block 583W, North 14 Degrees 44 Minutes 18 Seconds East, a distance of 600.20 feet to the intersection of said Western line of City Block 583W and the Western right-of-way line of the Mark Twain Expressway, a.k.a. Interstate Route 70; thence along said Western right-of-way line as follows: South 30 Degrees 10 Minutes 58 Seconds East, a distance of 181.42 feet; South 14

Degrees 40 Minutes 40 Seconds West, a distance of 51.54 feet; South 75 Degrees 15 Minutes 42 Seconds East, a distance of 76.84 feet; South 46 Degrees 02 Minutes 06 Seconds East, a distance of 20.00 feet; South 12 Degrees 05 Minutes 06 Seconds West, a distance of 55.00 feet; thence South 75 Degrees 16 Minutes 38 Seconds East, a distance of 25.09 feet; South 18 Degrees 12 Minutes 23 Seconds East, a distance of 37.76 feet; South 14 Degrees 40 Minutes 43 Seconds West, a distance of 323.74 feet to the Southeast corner of said City Block 581 and the North line of said O'Fallon Street; thence along said North line, South 75 degrees 16 minutes 38 seconds East, a distance of 129.94 feet; across said O'Fallon Street South 05 Degrees 17 Minutes 20 Seconds East, a distance of 64.60 feet; South 09 Degrees 40 Minutes 23 Seconds West, a distance of 126.61 feet; South 75 Degrees 26 Minutes 38 Seconds East, a distance of 20.07 feet; thence North 09 Degrees 40 Minutes 23 Seconds East, a distance of 31.37 feet; South 05 Degrees 17 Minutes 20 Seconds East, a distance of 304.01 feet; across Biddle Street, South 01 Degrees 35 Minutes 12 Seconds East, a distance of 58.96 feet; South 05 Degrees 14 Minutes 44 Seconds East, a distance of 59.60 feet; 52.42 feet along the arc of a curve to the right, with a radius of 150.00 feet, through a central angle of 20 degrees 01 minutes 21 seconds, with a chord that bears South 04 Degrees 45 Minutes 56 Seconds West, a distance of 52.15 feet to the Western right-of-way line of Broadway, width varies, said Western right-of-way line also being the Eastern line of City Block 144; thence along said Eastern line, South 14 Degrees 46 Minutes 37 Seconds West, a distance of 233.59 feet; thence across Carr Street, South 13 Degrees 49 Minutes 37 Seconds West, a distance of 62.00 feet to the Northeast corner of City Block 141; thence along the Eastern line of said City Block 141, South 14 Degrees 57 Minutes 28 Seconds West, a distance of 165.84 feet; thence 117.50 feet along the arc of a curve to the right, with a radius of 75.00 feet, through a central angle of 89 degrees 45 minutes 59 seconds, with a chord that bears South 59 Degrees 50 Minutes 28 Seconds West, a distance of 105.85 feet to the Southern line of said City Block 141; thence along said South line of of City Block 141, North 75 Degrees 16 Minutes 33 Seconds West, a distance of 180.09 feet; thence 23.52 feet along the arc of a curve to the right, with a radius of 15.00 feet, through a central angle of 89 degrees 51 minutes 24 seconds, with a chord that bears North 30 Degrees 20 Minutes 50 Seconds West, a distance of 21.19 feet to the Western line of said City Block 141; thence along said Western line of City Block 141 North 14 Degrees 34 Minutes 52 Seconds East, a distance of 225.59 feet to the Northwest corner of said City Block 141; thence across Carr Street, North 14 Degrees 46 Minutes 37 Seconds East, a distance of 50.00 feet to the Southwest corner of said City Block 144; thence across Sixth Street, North 75 Degrees 16 Minutes 22 Seconds West, a distance of 60.00 feet to the Southeast corner of said City Block 145; thence along the Southern line of said City Block 145, North 75 Degrees 16 Minutes 22 Seconds West, a distance of 270.33 feet to the point of beginning, Containing 15.00 Acres.

#### **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 as set forth in the Petition. 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 Bottle District 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 Bottle District Redevelopment Area, which was declared “blighted” under Chapter 99 RSMo. in Ordinance No. 66560 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 Bottle District 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.

**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

#### Bottle District Community Improvement District Petition

[Is on File With City Register]

Approved: August 3, 2006