

ORDINANCE #67435
Board Bill No. 324

AN ORDINANCE APPROVING THE PETITION OF PAGE PARTNERS II, LLC AND PAGE PARTNERS III, LLC AS OWNERS OF CERTAIN REAL PROPERTY, TO ESTABLISH A COMMUNITY IMPROVEMENT DISTRICT, ESTABLISHING THE COZENS/MLK/GRAND COMMUNITY IMPROVEMENT DISTRICT, FINDING A PUBLIC PURPOSE FOR THE ESTABLISHMENT OF THE COZENS/MLK/GRAND 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 more than fifty percent by assessed value and per capita of property located within the Cozens/MLK/Grand Community Improvement District has been filed with the City, requesting formation and establishment of the Cozens/MLK/Grand 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 Cozens/MLK/Grand Community Improvement District, as well as the City as a whole, will benefit from the establishment of the Cozens/MLK/Grand 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 “Cozens/MLK/Grand Community Improvement District” (hereinafter referred to as the “District”), is hereby established pursuant to the CID Act on certain real property described below 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 BEING PART OF BLOCK 3 OF D. D. PAGE’S WESTERN ADDITION IN CITY BLOCK 1863. PART OF BLOCK 4 OF DANIEL D. PAGES THIRD WESTERN ADDITION AND IN BLOCK 1852 OF THE CITY OF ST. LOUIS, AND PART OF BLOCK 5 OF D. D. PAGE’S THIRD WESTERN ADDITION IN BLOCK 1859 OF THE CITY OF ST. LOUIS, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF GRAND AVENUE (80 FEET WIDE) AND THE NORTH LINE OF PAGE BOULEVARD (100 FEET WIDE); THENCE NORTH 60 DEGREES 53 MINUTES 25 SECONDS WEST, ALONG THE NORTH LINE OF SAID PAGE BOULEVARD, A DISTANCE OF 126.76 FEET TO THE CENTER OF AN ALLEY VACATED BY ORDINANCE 65658; THENCE NORTH 23 DEGREES 47 MINUTES 41 SECONDS EAST ALONG THE CENTERLINE OF SAID VACATED ALLEY, A DISTANCE OF 272.38 FEET TO THE CENTERLINE OF EVANS AVENUE VACATED BY ORDINANCE 65658; THENCE SOUTH 60 DEGREES 56 MINUTES 32 SECONDS EAST ALONG THE CENTERLINE OF SAID VACATED EVANS AVENUE, A DISTANCE OF 86.85 FEET TO THE SOUTHWEST LINE OF DR. MARTIN LUTHER KING DRIVE (80 FEET WIDE); THENCE NORTH 54 DEGREES 54 MINUTES 34 SECONDS EAST, A DISTANCE OF 79.38 FEET TO THE NORTHEAST LINE OF SAID DR. MARTIN LUTHER KING DRIVE; THENCE NORTH 34 DEGREES 57 MINUTES 05 SECONDS WEST, A DISTANCE OF 398.77 FEET ALONG THE NORTHEAST LINE OF SAID DR.

MARTIN LUTHER KING DRIVE TO THE SOUTH LINE OF COZENS AVENUE (40 FEET WIDE); THENCE NORTH 24 DEGREES 50 MINUTES 17 SECONDS EAST ALONG THE SOUTH LINE OF SAID COZENS AVENUE, A DISTANCE OF 26.63 FEET; THENCE SOUTH 60 DEGREES 56 MINUTES 37 SECONDS EAST CONTINUING ALONG THE SOUTH LINE OF SAID COZENS AVENUE, A DISTANCE OF 789.30 FEET TO THE EAST LINE OF LOT 8 OF SAID BLOCK 6 OF D.D. PAGE'S THIRD WESTERN ADDITION, BLOCK 1859; THENCE SOUTH 25 DEGREES 56 MINUTES 38 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 8 AND AN EXTENSION OF THE EAST LINE OF SAID LOT 8, A DISTANCE OF 121.11 FEET TO THE CENTER OF AN ALLEY (15 FEET WIDE); THENCE SOUTH 60 DEGREES 56 MINUTES 56 SECONDS EAST, ALONG THE CENTERLINE OF SAID ALLEY, A DISTANCE OF 25.07 FEET TO AN EXTENSION OF THE EAST LINE OF LOT 18 OF SAID BLOCK 6 OF D.D. PAGE'S THIRD WESTERN ADDITION, BLOCK 1859; THENCE SOUTH 28 DEGREES 56 MINUTES 38 SECONDS WEST ALONG AN EXTENSION OF THE EAST LINE OF SAID LOT 18 AND THE EAST LINE OF SAID LOT 18, A DISTANCE OF 121.11 FEET TO THE NORTH LINE OF EVANS AVENUE (60 FEET WIDE); THENCE SOUTH 60 DEGREES 57 MINUTES 16 SECONDS EAST ALONG THE NORTH LINE OF SAID EVANS AVENUE, A DISTANCE OF 75.13 FEET TO THE WEST LINE OF LOT 20 OF SAID BLOCK 6 OF D.D. PAGE'S THIRD WESTERN ADDITION, BLOCK 1859; THENCE NORTH 28 DEGREES 56 MINUTES 54 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 20 AND AN EXTENSION OF THE WEST LINE OF SAID LOT 20, A DISTANCE OF 128.61 FEET TO THE NORTH LINE OF SAID ALLEY; THENCE SOUTH 60 DEGREES 56 MINUTES 56 SECONDS EAST ALONG THE NORTH LINE OF SAID ALLEY, A DISTANCE OF 50.08 FEET TO AN EXTENSION OF THE EAST LINE OF LOT 23 OF SAID BLOCK 6 OF D. D. PAGE'S THIRD WESTERN ADDITION, BLOCK 1859; THENCE SOUTH 28 DEGREES 57 MINUTES 09 SECONDS WEST ALONG AN EXTENSION OF THE EAST LINE OF SAID LOT 23 AND THE EAST LINE OF SAID LOT 23 TO THE SOUTH LINE OF SAID EVANS AVENUE; THENCE SOUTH 60 DEGREES 57 MINUTES 16 SECONDS EAST ALONG THE SOUTH LINE OF SAID EVANS AVENUE, A DISTANCE OF 122.32 FEET TO THE NORTHEAST LINE OF SAID DR. MARTIN LUTHER KING DRIVE; THENCE SOUTH 55 DEGREES 02 MINUTES 55 SECONDS WEST, A DISTANCE OF 80.00 FEET TO THE SOUTHWEST LINE OF SAID DR. MARTIN LUTHER KING DRIVE; THENCE NORTH 34 DEGREES 57 MINUTES 05 SECONDS WEST ALONG THE SOUTHWEST LINE OF SAID DR. MARTIN LUTHER KING DRIVE, A DISTANCE OF 81.86 FEET TO THE EAST LINE OF GRAND AVENUE (80 FEET WIDE); THENCE SOUTH 84 DEGREES 28 MINUTES 50 SECONDS WEST ALONG THE EAST LINE OF SAID GRAND AVENUE, A DISTANCE OF 6.99 FEET; THENCE NORTH 55 DEGREES 01 MINUTES 36 SECONDS WEST, A DISTANCE OF 80.00 FEET TO THE WEST LINE OF SAID GRAND AVENUE; THENCE SOUTH 23 DEGREES 58 MINUTES 24 SECONDS WEST ALONG THE WEST LINE OF SAID GRAND AVENUE, A DISTANCE OF 195.53 FEET TO THE POINT OF BEGINNING.

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. 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 Cozens/MLK/Grand 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.

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 part in the City Block 1859 Grand Avenue/Cozens/Evans Redevelopment Area, which was declared “blighted” under Chapter 99 RSMo. in Ordinance No. 67301 of the City of St. Louis Board of Aldermen and such designation of blight as hereby reaffirmed.

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 be as set forth in the Petition, as may be amended from time to time or as such term may be otherwise modified in accordance with the CID Act.

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 Cozens/MLK/Grand 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. By his approval of this ordinance, the Mayor does hereby appoint the following named individuals as Directors of the District for the terms set forth in parentheses below, and by adoption of this ordinance the Board of Aldermen hereby consents to such appointments:

- (1) James Koman (four years)
- (2) Stephen Schott (four years)
- (3) Terry Barnes (two years)

- (4) Scott Haley (two years)
- (5) Tim Person (two years)

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

Cozens/MLK/Grand Community Improvement District Petition

ON FILE WITH THE CITY OF ST. LOUIS REGISTER'S OFFICE

Approved: February 26, 2007