

ORDINANCE #68830
Board Bill No. 236

An ordinance approving the petition to establish a Community Improvement District, establishing the Dutchtown Community Improvement District, finding a public purpose for the establishment of the Dutchtown Community Improvement District, finding a determination of blight, and containing a severability clause.

WHEREAS, Mo. Rev. Stat. §67.1400 et seq. (the "CID Act") authorized the City of St. Louis to approve the petitions of property owners to establish a Community Improvement District; and

WHEREAS, a petition (the "Petition") signed by an authorized representative of the owners of all property located within the Dutchtown Community Improvement District has been filed with the City, requesting the establishment of the Dutchtown 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 on December 21, 2010 at 9 am 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 Dutchtown Community Improvement District, as well as the City as a whole, will benefit from the establishment of the Dutchtown 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 "Dutchtown Community Improvement District" (hereinafter referred to as the "District"), is hereby established pursuant to the CID Act on that real property identified at the time of adoption of this ordinance by Parcel Identification Numbers [INSERT PARCEL IDENTIFICATION NUMBERS], also known as [INSERT STREET ADDRESSES], to provide services, construct improvements, impose special assessments and carry out other functions as set forth in the Petition, which is attached here as Appendix A and incorporated herein by this reference.

(b) The District boundaries are set forth in the legal description included in the Petition in Appendix A and are legally described as follows:

Beginning at a point on the EL of a 15 ft alley intersecting the SL of Meramec Street in CB 2646. Thence, east along the SL of Meramec Street to a point 163" 4" west of the LB of Louisiana Avenue. Thence, south along the eastern boundary of parcel 2648 000 0500 (3418 Meramec Street) to a point. Thence east 25 ft along the northern boundary of 2648 0002000 (3501 Kingsland Ct). Thence, south along the eastern boundary of said parcel to the intersection of Kingsland Court. Thence 43 ft south along the east line of Kingsland Court to a point. Thence east 19' 4" along the north boundary of 26500001000 (3500 Kingsland CT) to the eastern boundary of said parcel. Thence south along the eastern boundary to an alley. Then east 20 feet along said alley to a point which is the intersection of a prolongation of the eastern boundary of 2650 000 1900 (3517 Bingham Avenue) and the NL of said alley. Thence along the eastern boundary of said parcel to the intersection of NL of Bingham Avenue. Then 485 ft west along the NL of Bingham Avenue to the intersection of the NL of Bingham Avenue and the EL of South Grand Boulevard. Then north along the EL of South Grand to a pt 175 ft south of the SL of Meramec Street. Then west along a prolongation of the south boundary of 2646 000 1600 (4205 S. Grand) to the intersection of the EL of a 15 ft alley. Then north 131 ft to the Point of Beginning.

Section Two.

(a) The District is authorized by the CID Act to use any one or more of the assessments or other funding mechanisms specifically authorized by the CID Act to provide funds to accomplish any power, duty or purpose of the District.

(b) The District is authorized by the CID 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, pursuant to § 67.1501 and § 67.1521 of the Act, may, by resolution, levy special assessments against real property benefited within the District for the purpose of providing revenue for the Project. The commercial class shall consist of all property located in the District used primarily for commercial purposes (the "Commercial Class"). Special assessments applicable to the Commercial Class will be calculated on the basis of assessed value, not to exceed more than one percent (1%) of total assessed value. The residential class shall consist of all property located in the District used primarily for residential purposes (the "Residential Class"). Special assessments applicable to the Residential Class will be calculated on the basis of assessed value, not to exceed one percent (1%) of total assessed value.

(d) The District is authorized, upon due election of the qualified voters pursuant to the Act, to impose by resolution a sales tax not to exceed one percent (1%) on all sales which are subject to taxation pursuant to Sections 144.010 to 144.525, RSMo.

(e) The District shall have no power to levy any 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 purposes 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 be such date or dates, and shall mature at such time or times, but not more than fifty (50) 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 be in the form of a political subdivision of the State of Missouri, known as the Dutchtown Community Improvement District.

(b) Pursuant to Section 67.1471 of the CID Act, the fiscal year for the District shall be in 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 Nine. Within one hundred twenty (120) days after the end of each fiscal year, the District shall submit a report to the Clerk 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 Clerk 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 City of St. Louis 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 City 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 Dutchtown 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 shall 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) Ellen Quain (four years); and
- (2) Sue Luepker (four years); and
- (3) Jessica Hathaway (two years); and
- (4) Alan Sheehy (two years); and
- (5) Jimmy Hogenmiller (two years).

Each of these Directors is the designated representative of an owner of real property within the District.

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, district 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
_____ **Community Improvement District Petition**

IS ON FILE WITH THE REGISTER OF THE CITY OF ST. LOUIS.

Approved: February 3, 2011