

ORDINANCE #68935
Board Bill No. 76

An ordinance approving the Petition of owners of real property seeking the creation, extension, renewal and establishment of The Downtown St. Louis Community Improvement District, Inc.; finding a public purpose for the creation, extension, renewal and establishment of The Downtown St. Louis Community Improvement District, Inc.; and containing a severability clause and an emergency clause.

WHEREAS, Mo. Rev. Stat. § 67.1401 et seq. (the "Act") authorizes the Board of Aldermen to approve the petition of property owners to establish a Community Improvement District; and

WHEREAS, on March 31, 1999, certain property owners or authorized representatives of the owners of more than 50% by assessed value and per capita located within the proposed boundaries of the Downtown St. Louis Partnership, Inc. Community Improvement District requested the establishment of the Downtown St. Louis Partnership, Inc. Community Improvement District consisting of a 225-block community improvement district to be known as the Downtown St. Louis Partnership, Inc. Community Improvement District; and

WHEREAS, the Board of Aldermen on July 23, 1999, adopted and on July 29, 1999, the Mayor approved Ordinance 64724 which authorized the establishment of the Downtown St. Louis Partnership, Inc. Community Improvement District consisting of 225 blocks for a term ending December 31, 2004; 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, on March 31, 2004, certain property owners or authorized representatives of the owners of more than 50% by assessed value and per capita located within the proposed boundaries of The Downtown St. Louis Community Improvement District, Inc. requested the creation, extension, renewal and establishment 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 Board of Aldermen on July 16, 2004, adopted and on July 19, 2004, the Mayor approved Ordinance 66326 which authorized the creation, extension, renewal and establishment of The Downtown St. Louis Community Improvement District, Inc. consisting of 165 blocks for a term ending December 31, 2011; and

WHEREAS, certain property owners within The Downtown St. Louis Community Improvement District, Inc. wish to extend its term; and

WHEREAS, the Act does not contain a provision for the extension of an existing Community Improvement District; and

WHEREAS, on March 21, 2011, a petition (the "Petition") has been signed by certain property owners or authorized representatives of the owners of more than 50% by assessed value and per capita (the "Property Owners") within The Downtown St. Louis Community Improvement District, Inc. requesting the creation, extension, renewal and establishment 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. as of the effective date of this ordinance; and

WHEREAS, the Petition has been filed with the Register of the City; and

WHEREAS, the Register of the City 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. _____ declaring its intention to create, extend, renew and 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 10:00 a.m. on _____, 2011, [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 public interest of the City; that the creation, extension, renewal and establishment of The Downtown St. Louis Community Improvement District, Inc. is a public purpose; 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 creation, extension, renewal and 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 under the Act within a 165-block area to provide services, construct improvements, impose special assessments, and carry out other functions as set forth in the Petition, and to receive the services and benefits all 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 Petition in accordance with 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.

(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 \$0.0948 per lot square foot and \$0.0519 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 \$0.0519 per square foot; and further provided that each assessment may be annually increased by an amount not to exceed a 4% annual average over the 10-year term.

(ii) Such special assessments shall be levied annually in advance beginning in 2011 so that funds will be available for operations on January 1, 2012, and each January 1 thereafter during the term of the District.

(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 Property 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 organized as a not-for-profit corporation known as 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) Pursuant to the Act and 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) Pursuant to the Act, 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.

(e) 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 FIVE.

(a) 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.

(b) Pursuant to the Petition, the Board of Directors of the District is authorized to appropriate and pay over any remaining sums from the levy of special assessments on properties located within the District pursuant to the Petition approved by Ordinance 66326, authorizing the creation, extension, renewal and establishment of the current District.

(c) Pursuant to the Act, the District shall have all the powers necessary to carry out and effectuate the purposes as set forth in the Act.

(d) The term for the existence of the District will begin on the effective date of this ordinance and will end on December 31, 2021.

SECTION SIX. The Board of Aldermen found and determined in Ordinances 67350 and 67494 that property within the District was a blighted area by reason of pervasive poverty, unemployment and general distress, and unlikely to be able to support reasonable tax assessment or to experience economic growth without the tax incentive provided by the Federal Empowerment Zone and Enterprise Community Act designed to spur economic growth (see Omnibus Budget Reconciliation Act of 1993; the Taxpayer

Relief Act of 1997; and the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010) and the Missouri Enhanced Enterprise Zone (see Mo. Rev. Stat. §§135.950 et seq. (Supp. 2009)).

SECTION SEVEN. The Board of Aldermen hereby finds that the use of the proceeds of the special assessments as provided in the Petition will serve a public purpose by remediating blight and encouraging the redevelopment of real property within the District.

SECTION EIGHT. 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 NINE. The Register shall report in writing the creation of the District to the Missouri Department of Economic Development.

SECTION TEN. 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 ELEVEN. 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.

ADOPTED this _____ day of _____, 2011.

Approved: July 5, 2011