

ORDINANCE #69138
Board Bill No. 281

An ordinance approving the petition to establish the 1601 S. Jefferson Community Improvement District, establishing the 1601 S. Jefferson Community Improvement District, and finding a public purpose for the establishment of the 1601 S. Jefferson Community Improvement District.

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 has been filed with the City, requesting formation and establishment of the 1601 S. Jefferson Community Improvement District, signed by authorized representatives of the owners of more than fifty percent by assessed value and per capita of the property located within the 1601 S. Jefferson Community Improvement District (as revised, the "Petition"); 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 _____, 2012 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 1601 S. Jefferson Community Improvement District, as well as the City as a whole, will benefit from the establishment of the 1601 S. Jefferson 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 "1601 S. Jefferson Community Improvement District" (hereinafter referred to as the "District"), is hereby established pursuant to the CID Act on certain real property 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 Exhibit B and are generally described as follows (and are more particularly described in the Petition):

A tract of land being all of Lot 1 of V.A. Russell Subdivision, a subdivision according to the plat thereof as recorded in Plat Book 53, Page 21 of the St. Louis City Records, located in City Blocks 2137, 2138, and 2148, City of St. Louis, Missouri and the adjacent right-of-way to the eastern curb of S. Jefferson Avenue, being more particularly described as follows:

Commencing at the intersection of the northern right-of-way line of Lafayette Avenue, 74 feet wide with the western right-of-way line of South Jefferson Avenue, 120 feet wide; thence westerly along said northern right-of-way line to the centerline of a 15 feet wide Alley as vacated by St. Louis City Ordinance No. 58237, said point also being the southwest corner of a tract of land as conveyed to MPC NO 44 L.L.C. by instrument recorded as Dailey Date: 05/08/2006, No. 215 of above said records, said point also being the POINT OF BEGINNING of the herein described tract; thence continuing along said northern right-of-way line to the southeast corner of a tract of land as conveyed to HIE Jefferson 44, LLC, by instrument recorded in Book M1454, Page 1274 of above said records; thence northerly, westerly and southerly along the eastern, northern and western lines of said HIE Jefferson 44, LLC tract to the northern right-of-way line of said Lafayette Avenue; thence westerly along said northern right-of-way line to the southwest corner of above said Lot 1, said point also being the direct southwesterly prolongation of the centerline of a 15 feet wide alley as vacated by St. Louis City Ordinance No. 58236; thence northerly along the western line of said Lot 1 to the southern right-of-way line of a 15 feet wide Alley as established by instrument recorded in Plat Book 68, Page 4 of above said records; thence easterly along said southern right-of-way line to the northwest corner of Lot 2 of above said V.A. Russell Subdivision; thence southerly and easterly along the western and southern lines of said Lot 2 to the western right-of-way line of above said South Jefferson Avenue; thence southerly along said western right-of-way line to the northeast corner of above said MPC NO 44 L.L.C. tract; thence westerly and southerly along the northern and western lines of said MPC NO 44 L.L.C. tract to the POINT OF BEGINNING, and including the adjacent right-of-way extending to the midpoint of South Jefferson Avenue.

SECTION TWO. The District is authorized by the Petition, in accordance with the CID Act to impose a tax upon retail sales within the District, to provide funds to accomplish any power, duty or purpose of the District.

SECTION THREE. The District is authorized by the CID Act, at any time, to issue obligations, or to enter into cooperative agreements as provided for in Sec. 67.1491.4 RSMo, 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, 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 1601 S. Jefferson 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, except as may be limited in the Petition.

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 has been declared to be a “blighted” area as defined in Section 67.1401.2(3)(b) of the Act by the City’s adoption of Ordinance No. 68877 (2011), which declared the District Property to be a “blighted area” under Chapter 99 of the Revised Statutes of Missouri, and such designation of blight is 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 1601 S. Jefferson 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"). Upon expiration of the terms of the initial Directors, successor Directors shall be appointed by the Mayor of the City with the consent of the Board of Aldermen, in accordance with the CID Act and the process and the qualifications set forth in the Petition.

Sam Luten (four years)
Phil Hulse (four years)
Brian Pratt (two years)
Chris Hulse (two years)
Peder Hulse (two years)

APPENDIX A
1601 S. Jefferson Community Improvement District
(Petition on File in City Register's Office.)

Approved: March 28, 2012