

ORDINANCE #69261
Board Bill No. 162

An ordinance approving the Petition of various owners of certain real property to establish the Grand Center Area Community Improvement District; establishing the Grand Center Area Community Improvement District; finding a public purpose for the establishment of the Grand Center Area Community Improvement District; and containing a severability clause and an emergency clause.

WHEREAS, Mo. Rev. Stat. § 67.1400 et seq. (the “Act”) authorized the Board of Aldermen to approve the petitions of property owners to establish a Community Improvement District; and

WHEREAS, the petition (the “Petition”) signed by the property owners in the Grand Center area, hereinafter described, has been filed with the City, requesting formation of a 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 Act; and

WHEREAS, such public hearing, duly noticed as required by the Act, was held at _____ on _____, 201_, 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, residents, and persons engaging in business or visiting the Grand Center area, and the public in general will benefit by the establishment of said Grand Center Area 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 “Grand Center Area Community Improvement District” (hereinafter referred to as the “District”), is hereby established within a 9-block area to receive services, benefits, and assessments as set forth in the Petition attached hereto as Appendix A and incorporated herein by reference.

(b) The District boundaries are set forth on the map in Appendix A and are described as follows:

A tract of land being all of Blocks 1054, 1055, 1056, 1057, 1060, 1061, 1062 and part of Blocks 2287 and 2288 of the City of St. Louis, together with parts of adjoining streets and alleys, said tract of land being bounded on the North by the centerline of Delmar Boulevard, on the East by the centerline of Josephine Baker Boulevard (formerly Channing Avenue) on the South by Olive Street, and on the West by Spring Avenue, and being more particularly described as follows:

Beginning at the intersection of the centerline of Spring Avenue, 80 feet wide, as relocated and widened, with the centerline of Delmar Boulevard, 80 feet wide; thence Southeasterly along said centerline of Delmar Boulevard a distance of 1,612 feet more or less to an angle point in said centerline; thence continuing Southeasterly along the centerline of said Delmar Boulevard a distance 592 feet more or less to its intersection with the centerline of said Josephine Baker Boulevard; thence Southerly along said centerline of Josephine Baker Boulevard a distance of 1,033 feet to its intersection with the centerline of Locust Boulevard, 60 feet wide; thence West along the centerline of Locust Boulevard a distance of 30 feet; thence South along the Southern prolongation of the West line of said Josephine Baker Boulevard and along the East line of Lot “B” of HOTEL IGNACIO SUBDIVISION, a subdivision recorded in Book, 201 10304 page 033 of the City of St. Louis Records, a distance of 120.5 feet to an angle point; thence East a distance of 60.00 feet; thence continuing along the East line of said Lot “B” and its Southern prolongation South a distance of 129.13 feet more or less to its intersection with the Southeastern prolongation of the centerline of said Olive Street; thence Northwest along the Southeastern prolongation of the centerline of Olive Street and along the centerline of Olive Street a distance of 2,295 feet more or less to its intersection with the centerline of said relocated and widened Spring Avenue; thence Northwesterly along the centerline of said Spring Avenue and along a curve to the left having a radius of 200 feet an arc distance of 154 more or less to a point of tangency; thence continuing along said centerline Northwesterly a distance of 27.63 feet to a point of curve; thence continuing along said centerline and along a curve to the right having a radius of 315 feet an arc distance of 259 feet more or less to a point of tangency; thence continuing Northwesterly along said centerline a distance of 291 feet more or less to an angle point in said

centerline; thence continuing Northwesterly along said centerline a distance of 432 feet more or less to the point of beginning.

SECTION TWO.

(a) The District is authorized by the Act to use any one or more of the assessments or other funding methods specifically authorized by the Act 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 and the Petition to assess and collect annual special assessments based on lot gross square footage.

(d) The District is authorized by the Act and the Petition when approved by the Board of Aldermen to assess and collect annual yearly special assessments, not to exceed the rates described below, as follows:

(i) At a rate Per Square Footage of Lot \$0.26, except in the case of single family owner occupied buildings which shall be \$500.00 total (without regard to square footage), each as adjusted annually to reflect the annual percentage increase in the Consumer Price Index (CPI) for all Urban Consumers: U.S. City Average for all items (prepared by the United States Department of Labor, Bureau of Labor Statistics), or 3 percent, whichever is less.

(ii) Special assessments may be levied beginning in 2012.

(iii) The 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 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 have only 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 be administered by the Grand Center Area Community Improvement District, Inc., a Missouri not-for-profit corporation.

(b) Pursuant to the Act, the fiscal year for the District shall be the same as the fiscal year of the City of St. Louis.

(c) No earlier than 180 days and no later than 90 days prior to the first day of each fiscal year, the Grand Center Area Community Improvement District, Inc. 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) The Grand Center Area Community Improvement District, Inc. 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.

SECTION FIVE. 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.

SECTION SIX. Pursuant to the Act, the District shall have all the powers necessary to carry out and effectuate the purposes of this act as set forth in the Act.

SECTION SEVEN. 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 EIGHT. The term for the existence of the District begins on the date this ordinance is enacted by the Board of Aldermen, and ends five years thereafter.

SECTION NINE. 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 TEN. The Register shall report in writing the creation of the Grand Center Area Community Improvement District to the Missouri Department of Economic Development.

SECTION ELEVEN. 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 TWELVE. Being necessary for the immediate preservation of the public health, welfare and safety, it is declared to be an emergency measure as defined by Article IV, Sections 19 and 20 of the Charter of the City of St. Louis and shall take effect and be in force from and after its adoption and approval by the Mayor.

Appendix A

PETITION TO ESTABLISH THE GRAND CENTER AREA COMMUNITY IMPROVEMENT DISTRICT
(Is on file with the Register of the City of St. Louis.)

Approved: October 29, 2012