

**ORDINANCE #69341**

**Board Bill No. 222**

An ordinance establishing the Forest Park Southeast Special Business District pursuant to Sections 71.790 through 71.808 of the Revised Statutes of Missouri, setting its boundaries, tax rate, initial rate of levy subject to the approval of the qualified voters, bonding authority, and uses to which tax revenue may be put; creating a board of commissioners; and containing severability, effectiveness, and emergency clauses.

**WHEREAS**, petitions signed by property owners in the area hereinafter described have been filed with the City, requesting the establishment of a Special Business District; and

**WHEREAS**, pursuant to Section 71.792 R.S.Mo., a survey and investigation of the desirability and possibility of forming a Special Business District in that portion of the City of St. Louis within the maximum commonly known boundaries Beginning at center line of Kingshighway and Swan Avenue; then northward along the center line of Kingshighway to its intersection with southern edge of the Interstate 64 right-of-way; then heading eastward along the southern edge of the Interstate 64 right-of-way to its intersection with the center line of Tower Grove Avenue; then heading southward along the center line of Tower Grove Avenue to its intersection with the extension of the east/west alley in City Block 4879; then heading eastward in the center of the east/west alley in the center of City Block 4879 to the southwest corner of parcel 487900170; then heading eastward along the south boundary of parcel 487900170 to its extension in the center of South Boyle Avenue; then heading southward along the center of Boyle Avenue to the extension of the south boundary of parcel 396500590; then eastward along the south boundary of parcel 396500590 to its intersection with the south boundary of parcel number 396500640; then heading eastward along the south boundary of parcel 396300640 to the southwest boundary of parcel 396500105; then eastward along the south boundary of parcel 396500105 to its extension in the center of Talmage Avenue; then heading north to the northwest boundary of parcel 396500760; then eastward to the northwest boundary of parcel 396500770; then south to the north boundary of parcel 396500390; then heading eastward along the northern boundary of 396500390 to its extension in the center of Sarah Street; then heading north along the center of Sarah Street to its intersection with Papin Avenue; then heading east along the center line of Papin Street to its intersection with Vandeventer Avenue; then heading northwest along the center of Vandeventer to its intersection with Papin Street; then heading east along the center of Papin to its intersection with Pacific Avenue; then heading southward to the center line of Pacific Avenue to the center line of Chouteau Avenue; then heading westward along the center line of Chouteau Avenue to the center line of Vandeventer Avenue; then heading southward along the center line of Vandeventer Avenue to its intersection with Tower Grove Avenue; then heading north along the center of Tower Grove Avenue to its intersection with Hunt Avenue; then heading west to northeast boundary of parcel 398500140; then heading south to its intersection with parcel 398500150; the heading west to the center of Newstead Avenue; then heading northward along the center line of Newstead Avenue to the extension of the center line of the east/west alley in City Block 3981; then heading westward in the center line of the east/west alley of City Block 3981 to its intersection in the center of Taylor Avenue; then heading northward along the center line of Taylor Avenue to its intersection in the center of the intersection with Swan Avenue; then heading westward in the center line of Swan Avenue to it intersection in the center line of Kingshighway Boulevard; has been conducted and a written report thereof is on file in the office of the City Register as Document \_\_\_\_\_; and

**WHEREAS**, this Board of Aldermen did on November 9, 2012 adopt Resolution Number 167 declaring its intention to establish a Special Business District in said area and calling for a public hearing on the matter; and

**WHEREAS**, said public hearing, duly noticed, was held at 9:00 a.m. on November 20, 2012 by the 2012-13 Committee on Ways & Means of the Board of Aldermen; and

**WHEREAS**, this Board of Aldermen hereby finds that the establishment of a Special Business District for said area described above is in the best interest of the City of St. Louis and that the property owners and tenants of said area and the public in general will benefit by the establishment of said Special Business District and the increased level of services and improvements provided by the proposed additional tax revenues from said district; and

**WHEREAS**, the said district shall be known as the Forest Park Southeast Special Business District;

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** A Special Business District, to be known as the "Forest Park Southeast Special Business District" (hereinafter referred to as the "District"), is hereby established for the area of the City described as follows:

Beginning at center line of Kingshighway and Swan Avenue; then northward along the center line of Kingshighway to its intersection with southern edge of the Interstate 64 right-of-way; then heading eastward

along the southern edge of the Interstate 64 right-of-way to its intersection with the center line of Tower Grove Avenue; then heading southward along the center line of Tower Grove Avenue to its intersection with the extension of the east/west alley in City Block 4879; then heading eastward in the center of the east/west alley in the center of City Block 4879 to the southwest corner of parcel 487900170; then heading eastward along the south boundary of parcel 487900170 to its extension in the center of South Boyle Avenue; then heading southward along the center of Boyle Avenue to the extension of the south boundary of parcel 396500590; then eastward along the south boundary of parcel 396500590 to its intersection with the south boundary of parcel number 396500640; then heading eastward along the south boundary of parcel 396300640 to the southwest boundary of parcel 396500105; then eastward along the south boundary of parcel 396500105 to its extension in the center of Talmage Avenue; then heading north to the northwest boundary of parcel 396500760; then eastward to the northwest boundary of parcel 396500770; then south to the north boundary of parcel 396500390; then heading eastward along the northern boundary of 396500390 to its extension in the center of Sarah Street; then heading north along the center of Sarah Street to its intersection with Papin Avenue; then heading east along the center line of Papin Street to its intersection with Vandeventer Avenue; then heading northwest along the center of Vandeventer to its intersection with Papin Street; then heading east along the center of Papin to its intersection with Pacific Avenue; then heading southward to the center line of Pacific Avenue to the center line of Chouteau Avenue; then heading westward along the center line of Chouteau Avenue to the center line of Vandeventer Avenue; then heading southward along the center line of Vandeventer Avenue to its intersection with Tower Grove Avenue; then heading north along the center of Tower Grove Avenue to its intersection with Hunt Avenue; then heading west to northeast boundary of parcel 398500140; then heading south to its intersection with parcel 398500150; the heading west to the center of Newstead Avenue; then heading northward along the center line of Newstead Avenue to the extension of the center line of the east/west alley in City Block 3981; then heading westward in the center line of the east/west alley of City Block 3981 to its intersection in the center of Taylor Avenue; then heading northward along the center line of Taylor Avenue to its intersection in the center of the intersection with Swan Avenue; then heading westward in the center line of Swan Avenue to it intersection in the center line of Kingshighway Boulevard.

**SECTION TWO.** Taxes for the District shall be assessed and collected as follows:

A. For the purpose of paying for costs and expenses incurred in the establishment and operation of the District, the provision of services and facilities and improvements authorized in Sections Five and Six of this ordinance, and incidental to the leasing, construction, acquisition and maintenance of any improvements authorized herein or for paying principal and interest on bonds or notes authorized for the construction or acquisition of any said improvement, there may be imposed a tax upon all real property within the District at eighty-five cents (\$.85) on the one hundred dollars (\$100.00) assessed valuation, subject to the provisions of Section Nine. Such tax shall be imposed during the 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022 tax years only subject to the renewal of such tax by the qualified voters of the District pursuant to the procedure set forth in Section 71.800 RSMo. (2000).

B. If the proposition submitted to the qualified voters residing in the District receives in its favor the votes of the majority of the qualified voters voting at the election conducted pursuant to Section Nine, the initial rate of levy which shall be imposed upon real property within the District shall be 85 cents (\$.85) on the one hundred dollars (\$100.00) assessed valuation.

C. Real property subject to partial tax abatement under the provisions of Chapter 353, R.S.Mo., shall, for the purpose of assessment and collection of ad valorem real estate taxes levied under the District, be assessed and ad valorem real estate taxes shall be collected upon the same assessed value on which its ad valorem real estate taxes and payment in lieu of taxes are based in the Ordinance adopted by the City of St. Louis approving the development plan of any such corporation and authorizing tax abatement; provided, however, that the owners at such real property are strongly encouraged to make additional equitable, annual donations to the District in lieu of the additional District taxes.

D. The levy shall not be imposed upon real property exempt from ad valorem real estate taxes because of charitable, religious, educational or other public or private uses; provided, however, that the owners of such real property are strongly encouraged to make equitable, annual donations to the District in lieu of District taxes.

E. The tax provided for by this ordinance shall be collected by the Collector of Revenue and held in a special account to be used only for all purposes authorized hereunder, as provided by law.

F. If the District for any reason is dissolved, all delinquent taxes collected after the date of dissolution shall be credited and

forwarded to the general fund of the City of St. Louis after all debts of the District, if any, are discharged.

**SECTION THREE.** For the purposes of paying costs and expenses to be incurred in the acquisition, construction, improvement, expansion and/or maintenance of any facilities of the District, the District may incur indebtedness and issue bonds or notes for the payment thereof under the terms of, and subject to, the requirements set forth by law.

**SECTION FOUR.** There shall be a Board of Commissioners to administer the District. The Board of Commissioners shall be selected as follows:

A. Membership: The Board of Commissioners shall consist of seven (7) members, and shall be appointed by the Mayor with the advice and consent of the Board of Aldermen, of whom five (5) members shall be owners of real property within the District or their representatives and two (2) members shall be renters within the District or their representatives; provided, however, that no employee or elected official of the City of St. Louis shall be a member of the Board of Commissioners.

B. Term of Office: Each member of the Board of Commissioners shall serve for a four (4) year term (except as provided herein with respect to the initial members), with terms expiring as of December 31st of the designated year or when their successors are appointed as provided herein, whichever is later.

C. Initial Members and Terms: The initial members shall be appointed for the terms set forth as follows: one (1) member shall be appointed for a term expiring December 31, 2013; two (2) members shall be appointed for a term expiring December 31, 2014; two (2) members shall be appointed for a term expiring December 31, 2015; and two (2) members shall be appointed for a term expiring December 31, 2016.

D. Removal: The Mayor with approval of the Board of Aldermen may remove any member of the Board of Commissioners for misconduct or neglect of duty upon written charges and after a public hearing.

E. Vacancies: Vacancies on the Board of Commissioners occasioned by removal, resignation, expiration of term, or otherwise, shall be reported in writing to the Mayor by the Board of Commissioners. The vacancy shall be filled in like manner as an original appointment no later than thirty (30) days after the date of said report to the Mayor. Appointments to fill vacancies shall be for the unexpired portion of a term only.

F. Compensation: The members of the Board of Commissioners shall serve without compensation of any kind.

**SECTION FIVE.** All District revenues collected hereunder by the Collector of Revenue, except for those revenues expended for the necessary costs of the establishment and administration of the District, and for collection fees for tax revenue collected hereunder, may be used to carry out any and all of the following improvements, services and activities of the District:

A. To provide special police and/or security facilities, equipment, vehicles and/or personnel for the protection and enjoyment of the property owners and the general public within the District;

B. To construct, install, improve and/or maintain useful, or necessary, or desired, security related improvements;

C. To construct, install, improve and/or maintain infrastructure, including but not limited to sidewalks, green space and related improvements;

**SECTION SIX.** The District shall have all the powers necessary to carry out any and all activities and improvements authorized by law and may:

A. Cooperate with any public agencies and with any industry or business located within the District in the implementation of any project within the District;

B. Enter into any agreement with the City, any other public agency, any person, firm, or corporation to effect any of the provisions contained in Sections 71.790 through 71.808 R.S.Mo.;

C. Contract and be contracted with, sue and be sued and provide for insurance of all projects and property owned or managed by the District and for insurance covering all members of the Board of Commissioners and employees and agents of the District, providing for coverage of such risks and with such limits as the Board of Commissioners may deem proper;

D. Accept gifts, grants, loans or contributions from the City, the United States of America, the State of Missouri, political subdivisions, foundations, other public or private agencies, individuals, partnerships, or corporations; and

E. Employ such managerial, engineering, legal, technical, clerical, accounting, and other assistance as the Board of Commissioners may deem advisable; the District may also contract with independent contractors for any such assistance.

**SECTION SEVEN.** A. Annual Budget. The Board of Commissioners shall file with the Board of Aldermen an annual budget for the District, which shall set forth the projected revenues and expenditures for the ensuing year, not later than the first day of November each year; provided, however, that no such proposed annual budget shall be filed with the Board of Aldermen until after the date the Board of Commissioners conducts a public hearing within the District on any such proposed annual budget. Notice of any such public hearing shall be published at least ten (10) days prior to the hearing in a daily, twice-weekly, weekly or bi-weekly newspaper of general circulation within the District; and provided further, that in addition to showing the time, date and place of the hearing, the notice shall also show the complete proposed annual budget. The Board of Commissioners shall not expend any funds collected by the Collector of Revenue inconsistent with or until an annual budget for the expenditure of such funds is approved by the Board of Aldermen by Resolution. If the Board of Aldermen does not act on said budget by Resolution within thirty (30) days of its filing, said budget will presume to have been approved by the Board of Aldermen.

B. Annual Report. The Board of Commissioners shall also file an annual report with the Board of Aldermen, which shall set forth the programs, revenues and expenditures of the District for the previous calendar year, not later than the first day of March each year.

**SECTION EIGHT.** The City shall not decrease the level of municipally funded services in the District existing prior to the creation of the District, unless the services at the same time are decreased throughout the City, nor shall the City discriminate in the provision of new municipally funded services between areas included in the District and areas not so included.

**SECTION NINE.** The tax levy authorized in Section Two shall not be effective unless and until the following proposition, submitted to the qualified voters residing in the District at a special election in the District to be held on April 2, 2013, shall receive in its favor the votes of the majority of the qualified voters voting at said election for or against said proposition. Said proposition shall be in substantially the following form:

**OFFICIAL BALLOT**

Shall a tax of \$.85 per \$100.00 valuation be imposed for the tax years, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022 on all real property located in the Forest Park Southeast Special Business District as defined in Ordinance No.\_\_\_\_\_, approved DATE, ( Board Bill No. \_\_)for the purposes as set forth in said Ordinance?

\_\_\_ YES

\_\_\_ NO

**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 separate, distinct and independent provisions of this ordinance, and such holding or holdings shall not affect the validity of the remaining portions of this ordinance.

**SECTION ELEVEN:** This being an ordinance for the immediate preservation of public peace, health and safety, it is declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective upon its passage and approval by the Mayor.

**Approved: December 20, 2012**