

ORDINANCE NUMBER 70268

1 **BOARD BILL NO. 323** **INTRODUCED BY ALDERMAN JOHN COATAR**

2 An Ordinance Approving The Petition Of An Owner Of Certain Real Property To
3 Establish A Community Improvement District, Establishing The 705 Olive Community
4 Improvement District, Finding A Public Purpose For The Establishment Of The 705 Olive
5 Community Improvement District, Authorizing the Execution of a Transportation Project
6 Agreement Between The City And The 705 Olive Transportation Development District,
7 Prescribing The Form And Details Of Said Agreement, Making Certain Findings With Respect
8 Thereto, Authorizing Other Related Actions In Connection With The TDD Project, And
9 Containing An Emergency Clause And Containing A Severability Clause.

10 **WHEREAS**, the City is a body corporate and a political subdivision of the State of
11 Missouri, duly created, organized and existing under and by virtue of its charter, the
12 Constitution, and laws of the State of Missouri; and

13 **WHEREAS**, Section 67.1400 *et seq.*, RSMo, (the “CID Act”) authorizes the Board of
14 Aldermen to approve the petitions of property owners to establish a Community Improvement
15 District; and

16 **WHEREAS**, a petition has been filed with the City, requesting formation and
17 establishment of the 705 Olive Community Improvement District (the “CID”), signed by the
18 authorized representatives of the owners of more than fifty percent by assessed value and per
19 capita of the property located within the proposed boundaries of the CID (the “Petition”); and

20 **WHEREAS**, the Register of the City of St. Louis did review and determine that the
21 Petition substantially complies with the requirements of the CID Act; and

1 **WHEREAS**, a public hearing, duly noticed and conducted as required by and in
2 accordance with the CID Act was held at St. Louis City Hall, 1200 Market Street, St. Louis,
3 Missouri 63103 at 10:00 a.m. on March 9, 2016, by the Board of Aldermen; and

4 **WHEREAS**, the 705 Olive Transportation Development District (the “TDD”) intends to
5 undertake that certain “TDD Project” as described and defined in that certain Transportation
6 Project Agreement (the “Transportation Project Agreement”), the form of which is attached
7 hereto as **Appendix B**; and

8 **WHEREAS**, the City constitutes the “local transportation authority” for the purposes of
9 the TDD Project, and as no portion of the proposed project has been or is intended to be merged
10 into the State highways and transportation system under the jurisdiction of the Missouri Highway
11 Transportation Commission, approval of the TDD Project is vested exclusively with the City;
12 and

13 **WHEREAS**, the TDD Act provides that prior to construction or funding of a proposed
14 project, such project shall be submitted to the local transportation authority for its prior approval,
15 subject to any required revisions of such project, and the district and local transportation
16 authority in question entering into a mutually satisfactory agreement regarding the development
17 and future maintenance of the TDD Project; and

18 **WHEREAS**, the City hereby desires and intends to approve the TDD Project, subject to
19 the TDD and the City entering into a mutually satisfactory agreement regarding the development
20 and future maintenance of the TDD Project; and

21 **WHEREAS**, the City intends to enter into the Transportation Project Agreement as a
22 mutually satisfactory agreement regarding the development and future maintenance of the TDD
23 Project; and

1 **WHEREAS**, the TDD Act provides that, within six months after development and initial
2 maintenance costs of a project have been paid, the district shall transfer control and ownership of
3 the project in question to the local transportation authority pursuant to contract; and

4 **WHEREAS**, the TDD intends to transfer and the City intends to accept such control and
5 ownership pursuant to and on the terms set forth in the Transportation Project Agreement; and

6 **WHEREAS**, the Board of Aldermen hereby determines that the terms of the
7 Transportation Project Agreement are acceptable, and that the execution, delivery and
8 performance by the City and the TDD of their respective obligations are in the best interests of
9 the City and the health, safety, morals and welfare of its residents; and

10 **WHEREAS**, this Board of Aldermen hereby finds that the adoption of this ordinance is
11 in the best interest of the City of St. Louis and that the owners of real property located within the
12 CID, as well as the City as a whole, will benefit from the establishment of the CID and the other
13 transactions described herein.

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

15 **SECTION ONE.**

16 (a) A community improvement district, to be known as the “705 Olive
17 Community Improvement District” (hereinafter referred to as the “CID”), is hereby established
18 pursuant to the CID Act on certain real property described below to contract with a private
19 property owner to demolish, remove, renovate, reconstruct, rehabilitate, repair and/or equip the
20 existing building within the CID, impose a sales and use tax and carry out other functions as set
21 forth in the Petition, which is attached hereto as **Appendix A** and incorporated herein by this
22 reference.

1 (b) The CID boundaries are set forth in the Petition and are generally described as
2 follows: Generally bounded by Locust Street to the North, 7th Street to the East, Olive Street to
3 the South, and an alley on the West.

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

7 **SECTION THREE.** The CID is authorized by the CID Act, at any time, to issue
8 obligations, or to enter into agreements with other entities with the authority to issue obligations,
9 for the purpose of carrying out any of its powers, duties, or purposes. Such obligations shall be
10 payable out of all, part or any combination of the revenues of the CID and may be further
11 secured by all or any part of any property or any interest in any property by mortgage or any
12 other security interest granted. Such obligations shall be authorized by resolution of the CID,
13 and if issued by the CID, shall bear such date or dates, and shall mature at such time or times, but
14 not more than twenty (20) years from the date of issuance, as the resolution shall specify. Such
15 obligations shall be in such denomination, bear interest at such rate or rates, be in such form, be
16 payable in such place or places, be subject to redemption as such resolution may provide and be
17 sold at either public or private sale at such prices as the CID shall determine subject to the
18 provisions of Section 108.170, RSMo. The CID is also authorized to issue such obligations to
19 refund, in whole or part, obligations previously issued by the CID.

20 **SECTION FOUR.**

21 (a) Pursuant to the Petition, the CID shall be in the form of a political subdivision
22 of the State of Missouri, known as the “705 Olive Community Improvement District.”

1 (b) Pursuant to Section 67.1471 of the CID Act, the fiscal year for the CID shall
2 be the same as the fiscal year for the City of St. Louis.

3 (c) No earlier than one hundred and eighty (180) days and no later than ninety
4 (90) days prior to the first day of each fiscal year, the CID shall submit to the Board of Aldermen
5 a proposed annual budget for the CID, setting forth expected expenditures, revenues, and rates of
6 assessments, if any, for such fiscal year. The Board of Aldermen may review and comment on
7 this proposed budget, but if such comments are given, the Board of Aldermen shall provide such
8 written comments no later than sixty (60) days prior to the first day of the relevant fiscal year;
9 such comments shall not constitute requirements, but shall only be recommendations.

10 (d) The CID shall hold an annual meeting and adopt an annual budget no later
11 than thirty (30) days prior to the first day of each fiscal year.

12 **SECTION FIVE.** The CID is authorized to use the funds of the CID for any of the
13 improvements, services or other activities authorized under the CID Act.

14 **SECTION SIX.** Pursuant to the CID Act, the CID shall have all of the powers necessary
15 to carry out and effectuate the purposes of the CID and the CID Act as set forth in the CID Act.

16 **SECTION SEVEN.** The City of St. Louis hereby finds that the uses of the CID proceeds
17 as provided for in the Petition will serve a public purpose by remediating blight and encouraging
18 the redevelopment of real property within the CID.

19 **SECTION EIGHT.** The property within the CID is a “blighted area” pursuant to Section
20 67.1401.2(3) of the CID Act because such property was blighted under Sections 99.300 to
21 99.715, RSMo, pursuant to Ordinance No. [Board Bill No. 322].

22 **SECTION NINE.** Within one hundred twenty (120) days after the end of each fiscal
23 year, the CID shall submit a report to the Register of the City and the Missouri Department of

1 Economic Development stating the services provided, revenues collected and expenditures made
2 by the CID during such fiscal year, and copies of written resolutions approved by the board of
3 directors of the CID during the fiscal year. The Register shall retain this report as part of the
4 official records of the City and shall also cause this report to be spread upon the records of the
5 Board of Aldermen, pursuant to Section 67.1471 of the CID Act.

6 **SECTION TEN.** The term for the existence of the CID shall be as set forth in the
7 Petition, as may be amended from time to time, or as such term may be otherwise modified in
8 accordance with the CID Act.

9 **SECTION ELEVEN.** Pursuant to the CID Act, the Board of Aldermen shall not
10 decrease the level of publicly funded services in the CID existing prior to the creation of the CID
11 or transfer the burden of providing the services to the CID unless the services at the same time
12 are decreased throughout the City, nor shall the Board of Aldermen discriminate in the provision
13 of the publicly funded services between areas included in the CID and areas not so included.

14 **SECTION TWELVE.** The Register shall report in writing the creation of the 705 Olive
15 Community Improvement District to the Missouri Department of Economic Development.

16 **SECTION THIRTEEN.** The Petition provides that the CID shall be governed by a
17 Board of Directors consisting of five individual directors (collectively the “Directors” and each a
18 “Director”), such Directors to be appointed by the Mayor of the City with the consent of the
19 Board of Aldermen, in accordance with the CID Act and the qualifications set forth in the
20 Petition. By his approval of this ordinance, the Mayor does hereby appoint the following named
21 individuals as Directors of the CID for the terms set forth below, and by adoption of this
22 ordinance, the Board of Aldermen hereby consents to such appointments:

1	<u>Name</u>	<u>Term</u>
2	Laura Rebbe	2 years
3	Bairie Nichols	2 years
4	Steve Brendle	2 years
5	Amy Gill	4 years
6	Amrit Gill	4 years

7 **SECTION FOURTEEN.** The Board of Alderman hereby approves the TDD Project as
8 submitted to the City.

9 **SECTION FIFTEEN.** The Board of Alderman further finds and determines that it is
10 necessary and desirable to enter into the Transportation Project Agreement with the TDD in
11 order to implement the TDD Project.

12 **SECTION SIXTEEN.** The Board of Alderman hereby approves, and the Mayor and
13 Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the
14 Transportation Project Agreement by and between the City and the TDD in similar form to that
15 attached hereto as **Appendix B** and incorporated herein by this reference, and the City Register
16 is hereby authorized and directed to attest to the Transportation Project Agreement and to affix
17 the seal of the City thereto. The Transportation Project Agreement shall be in substantially the
18 form attached, with such changes therein as shall be approved by said Mayor and Comptroller
19 executing the same and as may be consistent with the intent of this Ordinance and necessary and
20 appropriate in order to carry out the matters herein authorized.

21 **SECTION SEVENTEEN.** The Mayor and Comptroller of the City or his or her
22 designated representatives are hereby authorized and directed to take any and all actions to
23 execute and deliver for and on behalf of the City any and all additional certificates, documents,

1 agreements or other instruments as may be necessary and appropriate in order to carry out the
2 matters herein authorized, with no such further action of the Board of Alderman necessary to
3 authorize such action by the Mayor or Comptroller or his or her designated representatives.

4 **SECTION EIGHTEEN.** The Mayor and Comptroller and his or her designated
5 representatives, with the advice and concurrence of the City Counselor, are hereby further
6 authorized and directed to make any changes to the documents, agreements and instruments
7 approved and authorized by this Ordinance as may be consistent with the intent of this Ordinance
8 and necessary and appropriate in order to carry out the matters herein authorized, with no such
9 further action of the Board of Alderman necessary to authorize such changes by the Mayor or
10 Comptroller or his or her designated representatives.

11 **SECTION NINETEEN.** If any section, subsection, sentence, clause, phrase or portion of
12 this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court
13 of competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate,
14 distinct and independent provision of this ordinance, and such holding or holdings shall not
15 affect the validity of the remaining portions of this ordinance.

16 **SECTION TWENTY.** The Board of Aldermen hereby finds and determines that this
17 ordinance constitutes an “emergency measure” pursuant to Article IV, Section 20 of the City
18 Charter, because this Ordinance establishes the CID, which is a taxing district, and as such, this
19 Ordinance shall take effect immediately upon its approval by the Mayor as provided in Article
20 IV, Section 20 of the City Charter.

APPENDIX A

Petition to Establish the 705 Olive Community Improvement District

SEE ATTACHED

APPENDIX B

Form of Transportation Project Agreement

SEE ATTACHED