

1 **BOARD BILL # 368** **INTRODUCED BY ALDERMEN PHYLLIS YOUNG,**
2 **KENNETH ORTMANN, STEPHEN GREGALI,**
3 **DOROTHY KIRNER AND JOSEPH VOLLMER**

4 AN ORDINANCE PURSUANT TO SECTIONS 67.1401 THROUGH 67.1571 OF THE
5 REVISED STATUTES OF MISSOURI, AS AMENDED (THE "CID ACT"), APPROVING AN
6 AMENDED PETITION OF GATEWAY STADIUM, LLC TO CREATE, AS AMENDED, THE
7 BALLPARK VILLAGE COMMUNITY IMPROVEMENT DISTRICT; AFFIRMING THE
8 ESTABLISHMENT OF THE BALLPARK VILLAGE COMMUNITY IMPROVEMENT
9 DISTRICT AS A POLITICAL SUBDIVISION OF THE STATE OF MISSOURI AND
10 AMENDING THE SAME (THE "DISTRICT") IN ACCORDANCE WITH THE CID ACT;
11 AFFIRMING THE DESIGNATION OF THE DISTRICT AS A BLIGHTED AREA;
12 DIRECTING THE CITY REGISTER OF THE CITY OF ST. LOUIS TO REPORT THE
13 CREATION OF THE DISTRICT AS AMENDED TO THE MISSOURI DEPARTMENT OF
14 ECONOMIC DEVELOPMENT AS REQUIRED BY THE CID ACT; PROVIDING FOR THE
15 COMPLETION OF CERTAIN PUBLIC IMPROVEMENTS WITHIN THE DISTRICT IN
16 ACCORDANCE WITH THE CID ACT; AUTHORIZING OTHER RELATED ACTIONS BY
17 CITY OFFICIALS IN CONNECTION WITH THE CREATION OF SAID DISTRICT; AND
18 CONTAINING A SEVERABILITY CLAUSE.

19 WHEREAS, the City of St. Louis, Missouri (the "*City*") is authorized and empowered
20 pursuant to the CID Act, to establish a community improvement district (the "*District*") as
21 proposed by a verified petition; and

22 WHEREAS, on January 25, 2007, a Petition for Creation of a Community Improvement
23 District (the "*Original Petition*") was filed with the City Register; and

1 WHEREAS, the City Register did review and determine that the Petition substantially
2 complies with the requirements of the CID Act and verified said Petition in accordance with the
3 requirements of the CID Act;

4 WHEREAS, after notice of the public hearing by publication and individually to each
5 property owner within the proposed District via certified mail, a public hearing was held on
6 February 7, 2007 regarding creation of the District, all pursuant to Section 67.1421.1 of the CID
7 Act; and

8 WHEREAS, by Ordinance No. 67411, the City did create the Ballpark Village
9 Community Improvement District; and

10 WHEREAS, on January 2, 2009 that certain Amended Petition for Creation of a
11 Community Improvement District, dated December 22, 2008, (the "*Amended Petition*"; the
12 Original Petition as amended by the Amended Petition being the "*Petition*") was filed with the
13 City Register; and

14 WHEREAS, on January 6, 2009, the City Register did certify the Petition; and

15 WHEREAS, after notice of the public hearing by publication and individually to each
16 property owner within the proposed District via certified mail, a public hearing was held on
17 _____, 2009 regarding approval of the Amended Petition and creation of the District,
18 all pursuant to Section 67.1421.1 of the CID Act; and

19 WHEREAS, subject to and in accordance with the CID Act and the Amended Petition,
20 and upon the approval of the qualified voters of the District, the District intends to impose a sales
21 tax of not to exceed one percent (1%) on taxable sales within the District pursuant to Section
22 67.1545 of the CID Act (the "*CID Sales Tax*"); and

1 WHEREAS, the Amended Petition requests that the members of the initial Board of
2 Directors of the District be appointed by the Mayor of the City pursuant to Section 67.1451.5 of
3 the CID Act; and

4 WHEREAS, the Amended Petition provides a description of the improvements to be
5 undertaken within the boundaries of the District (the “*Project*”); and

6 WHEREAS, the Board of Aldermen hereby finds that the adoption of this Ordinance is in
7 the best interest of the City of St. Louis and that the property owners, residents, and persons
8 engaging in business or visiting the District, and the public generally will benefit by the
9 establishment of said District.

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

11 Section 1. Pursuant to Section 67.1411.3 of the CID Act and subject to the terms of
12 the Amended Petition, the creation and establishment of the “Ballpark Village Community
13 Improvement District” as a political subdivision of the State of Missouri is hereby affirmed, and
14 the District is hereby amended in accordance with the Petition. A copy of the Amended Petition
15 containing a legal description and map of the District’s boundaries is attached hereto as Exhibit
16 A and incorporated herein by reference.

17 Section 2. The Board of Aldermen hereby finds that the District is located in the
18 Ballpark Village Development Area, which was declared blighted under Chapter 99 of the
19 Revised Statutes of Missouri, as amended, pursuant to Ordinance No. [_____] [Board Bill
20 #___]; this finding includes and the Amended Petition sets forth and the Board of Aldermen
21 hereby finds and adopts by reference the analysis of the factors that qualify the District as a
22 “blighted area” as set forth in the “Development Plan: Ballpark Village Development Area”,

1 dated October 22, 2008, as revised November 6, 2008, which analysis is incorporated herein as if
2 set forth here in full.

3 Section 3. Pursuant to the CID Act, the District shall have all the powers necessary to
4 carry out and effectuate the purposes and provisions of the CID Act, except as such powers are
5 limited in the Petition.

6 Section 4. Only upon first obtaining the written consent of the City may the District
7 issue obligations for the purpose of carrying out any of its powers, duties, or purposes. Such
8 obligations shall be authorized by resolution of the District, and if issued by the District shall be
9 dated such date or dates, and shall mature at such time or times, but not more than twenty (20)
10 years from the date of issuance. Such obligations shall be in such denominations, bear such
11 interest at such rate or rates, be in such form, be payable in such place or places, be subject to
12 redemption as such resolution may provide and be sold at either public or private sale at such
13 prices as the District shall determine subject to the provisions of Section 108.170, RSMo. The
14 District is also authorized to issue obligations to refund, in whole or in part, obligations
15 previously issued by the District. The District may, at the discretion of its Board of Directors,
16 pledge any and all eligible revenues generated within its boundaries to the payment of debt
17 service on any obligations as further set forth in the Development Agreement.

18 Section 5. The District shall be in existence for not less than one (1) year and not
19 more than forty (40) years from the effective date of this Ordinance, subject to the limitations set
20 forth in the CID Act.

21 Section 6. Pursuant to Section 67.1451.5 of the CID Act, the Mayor did initially
22 appoint, with the consent of the Board of Aldermen of the City, the five (5) individuals named
23 below as the District's Board of Directors for the terms set forth below:

Date: January 9, 2009

Page 4 of 6

Board Bill # 368

Sponsors: Aldermen Young, Ortmann, Gregali, Kirner and Vollmer

- 1 1. William DeWitt (4 year term)
- 2 2. Brad Wood (2 year term)
- 3 3. Michelle Reisner (2 year term)
- 4 4. Dale Ruthsatz (2 year term)
- 5 5. Thomas Curran (2 year term)

6 Pursuant to the Petition, the Board of Directors shall be appointed by the Mayor
7 of the City with the consent of the Board of Aldermen.

8 Section 7. Pursuant to the CID Act, the Board of Aldermen shall not decrease the
9 level of publicly funded services in the District existing prior to the creation of the District or
10 transfer the financial burden of providing the services to the District unless the services at the
11 same time are decreased throughout the City, nor shall the Board of Aldermen discriminate in the
12 provision of publicly funded services between areas included in the District and areas not so
13 included.

14 Section 8. Pursuant to Section 67.1421.6 of the CID Act, the City Register shall
15 notify in writing the Missouri Department of Economic Development of the District's creation as
16 amended.

17 Section 9. The City shall, and the officers, agents and employees of the City are
18 hereby authorized and directed to take such further action and execute such other documents,
19 certificates and instruments as may be necessary or desirable to carry out and comply with the
20 intent of this Ordinance.

21 Section 10. It is hereby declared to be the intention of the Board of Aldermen that
22 each and every part, section and subsection of this Ordinance shall be separate and severable
23 from each and every other part, section and subsection hereof and that the Board of Aldermen

1 intends to adopt each said part, section and subsection separately and independently of any other
2 part, section and subsection. In the event that any part, section or subsection of this Ordinance
3 shall be determined to be or to have been unlawful or unconstitutional, the remaining parts,
4 sections and subsections shall be and remain in full force and effect, unless the court making
5 such finding shall determine that the valid portions standing alone are incomplete and are
6 incapable of being executed in accord with the legislative intent.

EXHIBIT A

Amended Petition for Creation of a Community Improvement District

(Attached hereto)