

1 **BOARD BILL # 395** **INTRODUCED BY ALDERWOMAN APRIL FORD-GRIFFIN**
2 **AN ORDINANCE APPROVING THE PETITION OF 1235**
3 **WASHINGTON, LLC, MILLENIUM BUILDING, L.L.C., FASHION**
4 **SQUARE REAL ESTATE, LLC, GRACE LOFTS, LLC AND SEVEN**
5 **BROTHERS, LLC, AS OWNERS OF CERTAIN REAL PROPERTY, TO**
6 **ESTABLISH A COMMUNITY IMPROVEMENT DISTRICT,**
7 **ESTABLISHING THE 1225 WASHINGTON COMMUNITY**
8 **IMPROVEMENT DISTRICT, FINDING A PUBLIC PURPOSE FOR THE**
9 **ESTABLISHMENT OF THE 1225 WASHINGTON COMMUNITY**
10 **IMPROVEMENT DISTRICT, AND CONTAINING A SEVERABILITY**
11 **CLAUSE.**

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

15 **WHEREAS**, a petition has been filed with the City, requesting formation and
16 establishment of the 1225 Washington Community Improvement District, signed by authorized
17 representatives of the owners of more than fifty percent by assessed value and per capita of the
18 property located within the 1225 Washington Community Improvement District (as amended,
19 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 10:00 a.m. on February 3, 2009 by the Board of
3 Aldermen; and

4 **WHEREAS**, this Board of Aldermen hereby finds that the adoption of this Ordinance are
5 in the best interest of the City of St. Louis and that the property owners of the 1225 Washington
6 Community Improvement District, as well as the City as a whole, will benefit from the
7 establishment of the 1225 Washington Community Improvement District.

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

9 **SECTION ONE.**

10 (a) A community improvement district, to be known as the “1225 Washington
11 Community Improvement District” (hereinafter referred to as the “District”), is hereby
12 established pursuant to the CID Act on certain real property described below to provide services,
13 construct improvements, impose assessments and taxes and carry out other functions as set forth
14 in the Petition, which is attached hereto as Appendix A and incorporated herein by this reference.

15 (c) The District boundaries are set forth in the map included in the Petition in Exhibit B
16 and generally described as follows: that real property bounded generally on the North by Linden
17 Street, on the East by the eastern boundaries of the properties located at 1321 Lucas Avenue,
18 1223 Washington Avenue and 1228 Washington Avenue, on the South by St. Charles Street and
19 the northern boundaries of the properties located at 507 N. 13th Street, 1308 Washington Avenue
20 and 1314 Washington Avenue, and on the West by N. 14th Street and the western boundaries of
21 the properties located at 1315 Washington Avenue and 1320 Washington Avenue.

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

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

17 **SECTION FOUR.**

18 (a) Pursuant to the Petition, the District shall be in the form of a political subdivision of
19 the State of Missouri, known as the 1225 Washington Community Improvement District.

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

22 (c) No earlier than one hundred and eighty (180) days and no later than ninety (90) days
23 prior to the first day of each fiscal year, the District shall submit to the Board of Aldermen a

1 proposed annual budget for the District, setting forth expected expenditures, revenues, and rates
2 of assessments, if any, for such fiscal year. The Board of Aldermen may review and comment
3 on this proposed budget, but if such comments are given, the Board of Aldermen shall provide
4 such written comments no later than sixty (60) days prior to the first day of the relevant fiscal
5 year; such comments shall not constitute requirements, but shall only be recommendations.

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

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

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

13 **SECTION SEVEN.** The City of St. Louis hereby finds that the uses of the District
14 proceeds as provided for in the Petition hereto will serve a public purpose by remediating blight
15 and encouraging the redevelopment of real property within the District.

16 **SECTION EIGHT.** The District has been declared to be a “blighted” area as defined in
17 Section 67.1401.2(3)(b) of the Act by the City’s adoption of Ordinance No. 59505 (1985) as well
18 as Ordinance No. 62395 (1991), which declared the District Property to be a “blighted area”
19 under Chapter 99 of the Revised Statutes of Missouri, and such designation of blight is hereby
20 reaffirmed.

21 **SECTION NINE.** Within one hundred twenty (120) days after the end of each fiscal
22 year, the District shall submit a report to the Register of the City and the Missouri Department of
23 Economic Development stating the services provided, revenues collected and expenditures made

1 by the District during such fiscal year, and copies of written resolutions approved by the board of
2 the District during the fiscal year. The Register shall retain this report as part of the official
3 records of the City and shall also cause this report to be spread upon the records of the Board of
4 Aldermen, pursuant to Section 67.1471 of the CID Act.

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

8 **SECTION ELEVEN.** Pursuant to the CID Act, the Board of Aldermen shall not
9 decrease the level of publicly funded services in the District existing prior to the creation of the
10 District or transfer the 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 the publicly funded services between areas included in the District and areas not so
13 included.

14 **SECTION TWELVE.** The Register shall report in writing the creation of the 1225
15 Washington Community Improvement District to the Missouri Department of Economic
16 Development.

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

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BB # ___ Sponsor: Alderwoman Ford-Griffin

- 1 1. Timothy McGowan (four years)
- 2 2. Seamus McGowan (four years)
- 3 3. Sean McGowan (two years)
- 4 4. Michael Kennedy, Sr. (two years)
- 5 5. Andrew Hillin (two years)

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

APPENDIX A

1225 Washington Community Improvement District Petition

ON FILE WITH THE CITY REGISTER

January 30, 2009

Appendix A

BB # ____ Sponsor: Alderwoman Ford-Griffin