

1 **BOARD BILL # 396** **INTRODUCED BY ALDERWOMAN PHYLLIS YOUNG**

2 **AN ORDINANCE APPROVING THE PETITION OF CHOUTEAU**
3 **PROPERTIES, INC., AS OWNER OF CERTAIN REAL PROPERTY, TO**
4 **ESTABLISH A COMMUNITY IMPROVEMENT DISTRICT,**
5 **ESTABLISHING THE CUPPLES STATION BUILDING 9 COMMUNITY**
6 **IMPROVEMENT DISTRICT, FINDING A PUBLIC PURPOSE FOR THE**
7 **ESTABLISHMENT OF THE CUPPLES STATION BUILDING 9**
8 **COMMUNITY IMPROVEMENT DISTRICT, AND CONTAINING A**
9 **SEVERABILITY CLAUSE.**

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

13 **WHEREAS**, a petition has been filed with the City, requesting formation and
14 establishment of the Cupples Station Building 9 Community Improvement District, signed by
15 authorized representatives of the owners of more than fifty percent by assessed value and per
16 capita of the property located within the Cupples Station Building 9 Community Improvement
17 District (as may be amended, the “Petition”); and

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

20 **WHEREAS**, a public hearing, duly noticed and conducted as required by and in
21 accordance with the CID Act was held at 10:00 a.m. on February 3, 2009 by the Board of
22 Aldermen; and

1 **WHEREAS**, this Board of Aldermen hereby finds that the adoption of this Ordinance is
2 in the best interest of the City of St. Louis and that the property owners of the Cupples Station
3 Building 9 Community Improvement District, as well as the City as a whole, will benefit from
4 the establishment of the Cupples Station Building 9 Community Improvement District.

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

6 **SECTION ONE.**

7 (a) A community improvement district, to be known as the “Cupples Station Building 9
8 Community Improvement District” (hereinafter referred to as the “District”), is hereby
9 established pursuant to the CID Act on certain real property described below to provide services,
10 construct improvements, impose assessments and taxes and carry out other functions as set forth
11 in the Petition, which is attached hereto as Appendix A and incorporated herein by this reference.

12 (b) The District boundaries are set forth in the map included in the Petition in Exhibit B
13 and generally described as follows: that real property bounded generally on the North by Spruce
14 Street, on the East by S. 9th Street, on the South by the northern boundary of the property located
15 at 401 S. 9th Street, and on the West by the eastern boundaries of the properties located at 920
16 Spruce Street and 928 Spruce Street.

17 **SECTION TWO.** The District is authorized by the Petition, in accordance with the CID
18 Act to impose special assessments against real property within and a tax upon retail sales within
19 the District, to provide funds to accomplish any power, duty or purpose of the District. It is
20 anticipated that the District will establish two (2) classes of real property within the District for
21 purposes of special assessments, which classes will be distinguished on the basis of the use of
22 each parcel of property as residential or commercial classification by the Assessor of the City of
23 St. Louis. The Residential Class shall consist of all parcels of property within the District

1 classified by the City Assessor's Office as "Residential". Special assessments applicable to the
2 Residential Class shall be based upon the CID Assessed Value (as defined herein) of each parcel
3 of property in such class, not to exceed \$9.00 per each \$100 of the CID Assessed Value for each
4 parcel. The Commercial Class shall consist of all property located in the District classified as
5 "Commercial" by the City Assessor's Office. Special assessments applicable to the Commercial
6 Class shall be based upon the CID Assessed Value (as defined herein) of each parcel of property
7 in such class, not to exceed \$12.00 per each \$100 of the CID Assessed Value for each parcel.
8 The "CID Assessed Value" of each separate tax parcel is equal to the amount, as determined
9 annually by the City Assessor's Office, which would be the assessed value of such parcel were it
10 not subject to tax abatement, less the actual assessed value of such parcel (as it exists with tax
11 abatement).

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

1 subject to the provisions of Mo. Rev. Stat. §108.170. The District is also authorized to issue
2 such obligations to refund, in whole or part, obligations previously issued by the District.

3 **SECTION FOUR.**

4 (a) Pursuant to the Petition, the District shall be in the form of a political subdivision of
5 the State of Missouri, known as the Cupples Station Building 9 Community Improvement
6 District.

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

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

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

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

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

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

4 **SECTION EIGHT.** The District is located within in the Ballpark Lofts TIF
5 Redevelopment Area, which was declared “blighted” under Chapter 99 RSMo. in Ordinance No.
6 67312 of the City of St. Louis Board of Aldermen, and such designation of blight is hereby
7 reaffirmed.

8 **SECTION NINE.** The City shall deposit any monies, revenues or funds received from
9 the CID into the Building 9 Sub-EATs Account of the EATs Account of the Special Allocation
10 Fund established by Ordinance No. 67480.

11 **SECTION TEN.** Within one hundred twenty (120) days after the end of each fiscal year,
12 the District shall submit a report to the Register of the City and the Missouri Department of
13 Economic Development stating the services provided, revenues collected and expenditures made
14 by the District during such fiscal year, and copies of written resolutions approved by the board of
15 the District during the fiscal year. The Register shall retain this report as part of the official
16 records of the City and shall also cause this report to be spread upon the records of the Board of
17 Aldermen, pursuant to Section 67.1471 of the CID Act.

18 **SECTION ELEVEN.** The term for the existence of the District shall be as set forth in
19 the Petition, as may be amended from time to time or as such term may be otherwise modified in
20 accordance with the CID Act.

21 **SECTION TWELVE.** Pursuant to the CID Act, the Board of Aldermen shall not
22 decrease the level of publicly funded services in the District existing prior to the creation of the
23 District or transfer the burden of providing the services to the District unless the services at the

1 same time are decreased throughout the City, nor shall the Board of Aldermen discriminate in the
2 provision of the publicly funded services between areas included in the District and areas not so
3 included.

4 **SECTION THIRTEEN.** The Register shall report in writing the creation of the Cupples
5 Station Building 9 Community Improvement District to the Missouri Department of Economic
6 Development.

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

- 14 1. Kevin McGowan (four years)
- 15 2. Nathaniel Walsh (four years)
- 16 3. Dan Langley (two years)
- 17 4. Jerry Altman (two years)
- 18 5. Christina Pruet (two years)

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

APPENDIX A

Cupples Station Building 9 Community Improvement District Petition

ON FILE WITH THE CITY REGISTER

January 30, 2009

Appendix A

BB # ___ Sponsor: Alderwoman Young