

## *St. Louis City Ordinance 63516*

FLOOR SUBSTITUTE

BOARD BILL NO. [95] 67

INTRODUCED BY ALDERMAN DANIEL J. MCGUIRE

An ordinance to amend Ordinance No. 62346, approved July 1, 1991, pertaining to the acceptance and implementation of the Missouri Neighborhood Improvement District Act in the City of St. Louis by repealing Section Six of said Ordinance, codified as Section 3.87.060 of the Revised Code of the City of St. Louis (1994) (the "Code"), pertaining to the procedures for the initiation of a neighborhood improvement district in the City of St. Louis by approval of the qualified voters residing within such district or alternatively by petition for the creation of a neighborhood improvement district that has been signed by the owners of at least two-thirds by area of all real property proposed to be assessed within such proposed district, and enacting in lieu thereof a new Section Six of Ordinance No. 62346, to be codified as Section 3.87.060 of the Code, pertaining to the same subject matter, but imposing additional requirements to show authorization for corporate land owners signing the petition and requiring a certificate by the Assessor of the City of St. Louis relating to the petition requesting formation of the neighborhood improvement district; by repealing Exhibit B to said Ordinance No. 62346 which establishes the form in which the petition for formation of the neighborhood improvement shall be substantially prepared, and enacting in lieu thereof a new Exhibit B to said Ordinance No. 62346 pertaining to the same form, but correcting the notice contained therein and adding a statement regarding the requirement of documentation of authorization for corporate land owners signing the petition; and containing severability and emergency clauses.

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

SECTION ONE. Ordinance No. 62346, approved July 1, 1991, is hereby amended by repealing Section Six of said Ordinance, codified as Section 3.87.060 of the Revised Code of the City of St. Louis (1994) (the "Code"), and enacted in lieu thereof is the following new Section Six of said Ordinance, which shall be codified as Section 3.87.060 of the Code:

SECTION SIX. District Initiation. To establish a neighborhood improvement district the Board of Aldermen shall comply with either of the procedures described in subsections (1) or (2) of this section.

(1) The Board of Aldermen may by ordinance submit the question of creating a neighborhood improvement district to all qualified voters residing within such district at a general or special election called for that purpose. Such ordinance shall set forth the project name for the proposed district, the general nature of the improvement or improvements proposed, the estimated cost of any such improvements, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment and a legal notice of the neighborhood improvement district election. The notice of election shall contain the date and time of the election, a statement that the Board of Aldermen has called the election, the project name for the proposed neighborhood improvement district, the general nature of the improvement or improvements proposed, the estimated cost of any such improvements, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment, a statement that the final cost of any such improvements assessed against property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvements, as stated in such notice, by more than twenty five percent, and a sample ballot containing the question of creating a neighborhood improvement district. The notice of election shall be in substantially the form established by Exhibit A to this Ordinance.

Upon the passage of such an ordinance and the signing by the Mayor and the enactment of said ordinance the Clerk of the Board of Aldermen, not later than 5:00 p.m. on the eighth Tuesday prior to the anticipated election day, shall (1) notify the St. Louis Board of Election Commissioners in writing that the Board of Aldermen has called for a neighborhood improvement district election and (2) include in such notice a certified copy of the election ordinance.

The ballot upon which the question of creating a neighborhood improvement district is submitted to the qualified voters residing within the proposed district shall contain a question in substantially the following form:

Shall the City of St. Louis be authorized to create a neighborhood improvement district proposed for the . . . . . and (project name for the proposed district) incur indebtedness and issue general obligation bonds to pay for all or part of the cost of public improvements within such district, the cost of all indebtedness so incurred to be assessed by the Board of Aldermen of the City of St. Louis on the property benefited by such improvements?

The Board of Aldermen may create a neighborhood improvement district when the question of creating such district has been approved by the vote of the percentage of electors within such district voting thereon that is equal to the

percentage of voter approval required for the issuance of general obligation bonds of the City under Article VI, Section 26 of the Missouri Constitution. (See Appendix A.)

(2) As an alternative to the procedure described in subsection (1) of this section, the Board of Aldermen may create a neighborhood improvement district when a proper petition has been signed by the owners of record of at least two thirds by area of all real property proposed to be assessed within such proposed district. The petition, in order to become effective, shall be filed with the City Register who shall immediately forward a legible copy thereof to the Assessor of the City of St. Louis and the Clerk of the Board of Aldermen. A proper petition for the creation of a neighborhood improvement district shall set forth the project name for the proposed district, the general nature of the improvement or improvements proposed, the estimated cost of any such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment, a notice that the names of the signers may not be withdrawn later than seven days after the petition is filed with the City Register, and a notice that the final cost of any such improvements assessed against property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvements, as stated in such petition, by more than twenty five percent. The petition shall be prepared in substantially the form established by Exhibit B to this Ordinance, as amended.

(a) The petition shall be verified by the Assessor of the City of St. Louis by (1) compiling a list of the owners of record of all real property proposed to be assessed within the proposed district at the time of filing the petition with the City Register, (2) calculating the total area of such real property in acres or square feet, (3) calculating the total area of the real property represented by signatures in acres or square feet, and (4) comparing the total area of the real property represented by signatures with the total area of all real property proposed to be assessed within the proposed district. The signatures of all owners of record for any single parcel of real property located within a proposed neighborhood improvement district must appear on the petition in order to be considered by the Assessor in the calculation of real property area for purposes of verifying the petition. No signature appearing on a neighborhood improvement district petition shall be considered valid unless the following information is printed on the face of the petition next to the signature: (1) the petitioner's name, (2) the address of the petitioner's real property located within the proposed district, and (3) the address of the petitioner, if different from the address of his or her real property located within the proposed district. Owners of real property located within the proposed

district other than individuals may be included in the petition by the signature of any officer, director or other agent authorized to sign the petition on their behalf; provided, however, that if any of the owners of real property who have signed the petition are corporations, the corporate signature shall not be valid unless the following authorization documentation is provided: i) if the signature is that of the president of the corporation, a copy of the annual registration report from the Secretary of State for the year that the petition is signed shall be attached to the petition; ii) if the signature is that of another officer, or of a director or an agent of the corporation, then a copy of the corporate resolution or incumbency certificate authorizing that officer, director, or agency to sign the petition shall be attached to the petition.

(b) Owners of condominiums pursuant to Missouri's Uniform Condominium Act, Chapter 448, R.S.Mo. 1986, which are located within a proposed neighborhood improvement district are owners of record of real property for purposes of the petition process. In calculating the area of a condominium owner's real property interest the Assessor shall refer to the records of the Assessor and the condominium declaration on file in the office of the City's Recorder of Deeds. The Assessor shall multiply that percentage of interest assigned to the owner as found in the applicable condominium declaration against the total area of the tract of land on which the condominium is located to determine the owner's record interest for purposes of the petition process.

(c) In the event that the total area of real property represented by signatures equals or exceeds two thirds of the total area of all real property subject to assessment within the proposed district, the Assessor shall then verify that the signatures appearing on the petition are the signatures of owners of record of real property located within the proposed district. The Assessor shall verify the signatures through the records of the City's Recorder of Deeds or by any other reasonable, accurate means.

(d) Upon verification, the Assessor shall prepare a certificate showing the following information:

i) the total number of acres (or square feet) in the proposed district; ii) the total number of acres (or square feet) owned by the owners of real property who have signed the petition; and iii) a recitation that these numbers have been verified against property ownership records of the City of St. Louis. The Assessor shall then forward the aforesaid certificate and a certified copy of the verified petition to the Clerk of the Board of Aldermen. The Board of Aldermen shall not consider the advisability of the proposed district or the

proposed improvements until such time as the Assessor's certificate and a certified copy of the verified petition have been received.

SECTION TWO. Ordinance No. 62346, approved July 1, 1991, is hereby amended by repealing Exhibit B to said Ordinance and enacted in lieu thereof is the following new Exhibit B to said Ordinance:

EXHIBIT B  
NEIGHBORHOOD IMPROVEMENT  
DISTRICT PETITION  
FOR THE \_\_\_\_\_

We, the undersigned owners of the real property represented by the addressees listed below, hereby petition the Board of Aldermen of the City of St. Louis to create and establish a neighborhood improvement district to be known as the \_\_\_\_\_, and to incur indebtedness and to issue general obligation bonds of the City of St. Louis to fund various public improvements within said district, the cost of all indebtedness so incurred to be assessed by the Board of Aldermen on the property located within said district which benefit from such improvements, all as more fully described below:

Project Name for Proposed Neighborhood Improvement District:

\_\_\_\_\_  
Boundaries of Proposed District:

\_\_\_\_\_  
General Nature and Estimated Cost of Proposed Improvements (each improvement must have an estimated cost):

\_\_\_\_\_  
\_\_\_\_\_

Proposed Method(s) of Assessment:

\_\_\_\_\_  
The final cost of any improvements assessed against property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvements as stated in this notice by more than twenty-five percent (25%).

We the undersigned state that we have read the above information and hereby petition the Board of Aldermen to create, establish and implement the \_\_\_\_\_ neighborhood improvement district in accordance with said information.

(If the owner of real property is a corporation, the corporate signature shall not be valid unless the following documentation for the authorization of such signature is attached to the petition:

1) if the signature is that of the president of the corporation, a copy of the annual registration report from the Secretary of State for the year that the petition is signed shall be attached to the petition and 2) if the signature is that of another officer, or of a director or an agent of the corporation, then a copy of the corporate resolution or incumbency certificate authorizing that officer, director, or agency to sign the petition shall be attached to the petition.)

Name (Print) \_\_\_\_\_

Address (Of Property Within Proposed District) \_\_\_\_\_

\_\_\_\_\_  
Address of Petitioner (If Different from Above) \_\_\_\_\_

\_\_\_\_\_  
Signature \_\_\_\_\_

Phone # \_\_\_\_\_

Name (Print) \_\_\_\_\_

Address (Of Property Within Proposed District) \_\_\_\_\_

\_\_\_\_\_  
Address (If Different from Above) \_\_\_\_\_

\_\_\_\_\_  
Signature \_\_\_\_\_

Phone # \_\_\_\_\_

Etc. \_\_\_\_\_

SECTION THREE. Severability Clause. The provisions of this Ordinance are severable, and the invalidity of any phrase, clause or section of the Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

SECTION FOUR. Emergency Clause. This being an Ordinance necessary for the immediate preservation of public peace, health and safety, it is hereby 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 immediately upon its passage and approval by the Mayor.

<b>Legislative History</b>				
<b>1ST READING</b>	<b>REF TO COMM</b>	<b>COMMITTEE</b>	<b>COMM SUB</b>	<b>COMM AMEND</b>
<b>05/12/95</b>	<b>05/12/95</b>	<b>LEG</b>		
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>07/14/95</b>			<b>07/14/95</b>	<b>07/21/95</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
<b>63516</b>				