

St. Louis City Ordinance 63957

FLOOR SUBSTITUTE

BOARD BILL NO. [95] 277

INTRODUCED BY ALDERMAN MARTIE ABOUSSIE , CRAIG N. SCHMID

An ordinance establishing the Cherokee-Lemp Special Business District pursuant to Sections 71.790 through 71.808 of the Revised Statutes of Missouri, setting its boundaries, tax rates, initial - and maximum - rates of levies subject to the approval of the qualified voters, and bonding authority, and uses to which revenue may be put; creating a board of commissioners; and containing severability, effectiveness, and emergency clauses.

WHEREAS, a petition signed by some real property owners of the area hereinafter described has been filed with the City of St. Louis, requesting the establishment of a Special Business District; and

WHEREAS, pursuant to Section 71.792 R.S.Mo., a survey and investigation on the desirability and possibility of forming a Special Business District has been conducted and a written report thereof is on file in the Office of the City Register for that portion of the City of St. Louis that generally includes the southern part of City Blocks 1523, 1527, 1528, 1532, 1533, 1536 and 1537, the western part of City Block 1539, all of City Block 1540, and the northern part of City Blocks 1550, 1551, 1554, 1555 and 1558, and includes all of the right-of-way of Cherokee Street from the east line of Indiana Avenue eastwardly to the west line of the on-ramp for southbound traffic on Interstate 55, and includes parts of Missouri Avenue, Illinois Avenue, Wisconsin Avenue, Salena Street and Lemp Avenue, parts of the rights-of-way both north and south of Cherokee Street, and parts of 18th Street and DeMenil Place only north of Cherokee Street; and includes properties generally located within the following address ranges: 700-2298 Cherokee Street; 701-2299 Cherokee Street; 3346-3410 Indiana Avenue; 3346-3410 Missouri Avenue; 3349-3409 Missouri Avenue; 3346-3410 Illinois Avenue; 3349-3409 Illinois Avenue; 3346-3410 Wisconsin Avenue; 3349-3409 Wisconsin Avenue; 3346-3410 Salena Street; 3349-3409 Salena Street; 3338-3548 Lemp Avenue; 3345-3409 Lemp Avenue; 3338-3398 South 18th Street; 3339-3399 South 18th Street; 3300-3398 DeMenil Place; 3339-3399 DeMenil Place; and 3375-3599 South Broadway; and

WHEREAS, this Board of Aldermen did on Friday, October 11, 1996 introduce and adopt Resolution Number 133 declaring its intention to establish a Special Business District in said area and calling for a public hearing on the matter; and

WHEREAS, said public hearing, duly noticed, was held at 11:00 a.m. on Monday, October 28, 1996 by the Ways and Means Committee of the Board of Aldermen; and

WHEREAS, this Board of Aldermen hereby finds that the adoption of this ordinance is in the best interest of the City of St. Louis and that the property owners, tenants and licensed business owners of said area and the public in general will benefit by the establishment of said Special Business District and the increased level of services provided by the proposed additional tax revenues;

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

SECTION ONE. A Special Business District, to be known as the "Cherokee-Lemp Special Business District" (hereinafter referred to as the "District"), is hereby established for the area of the City depicted in Exhibit "A" attached hereto and incorporated herein, and described as follows:

Beginning at the intersection of the east line of Indiana Avenue, 60 feet wide, and the north line of Cherokee Street, 60 feet wide;

Thence northwardly along the said east line of Indiana Avenue, 125 feet, more or less, to the intersection with the south line of a 20 feet wide east-west alley in City Block 1523;

Thence eastwardly along the said south line of the said alley, 255 feet, more or less, to a point in the west line of Missouri Avenue, 60 feet wide;

Thence eastwardly along the extension of the said 20 feet wide alley, 60 feet, to the intersection with the south line of the 20 feet wide east-west alley in City Block 1527 and the east line of the said Missouri Avenue;

Thence eastwardly along the south line of the immediate aforesaid alley, 266 feet 6 inches, more or less, to the intersection with the west line of Illinois Avenue, 60 feet wide;

Thence eastwardly along the extension of the south line of the immediate aforesaid 20 feet wide east-west alley in City Block 1527, 60 feet, to the

intersection of the east line of the immediate aforesaid Illinois Avenue and the south line of the 20 feet wide east-west alley in City Block 1528;

Thence eastwardly along the south line of the immediate aforesaid alley, 266 feet 6 inches, more or less, to the intersection with the west line of Wisconsin Avenue, 60 feet wide;

Thence eastwardly along the extension of the immediate aforesaid 20 feet wide east-west alley in City Block 1528, 60 feet, to the intersection of the east line of the aforesaid Wisconsin Avenue and the south line of the 15 feet wide alley in City Block 1532;

Thence eastwardly along the immediate aforesaid 15 feet wide alley, 266 feet 5 1/2 inches, more or less, to the intersection of the west line of Salena Street, 60 feet wide;

Thence eastwardly along the extension of the immediate aforesaid alley, 60 feet, to the intersection of the east line of Salena Street and the 15 feet wide east-west alley in City Block 1533;

Thence eastwardly along the immediate aforesaid alley, 143 feet 2 inches, more or less, to the intersection of the said 15 feet wide east-west alley and the east line of the north-south alley, 18 feet 2 inches wide;

Thence northwardly along the extension of the immediate aforesaid north-south alley, 65 feet, to a point; the said point being the northwest corner of Lot 7 of the amended plat of the Oakland Addition;

Thence eastwardly along the north property line of property owned now or formerly by Miller Ham Company, the said property line being the north line of the said Lot 7, 125 feet, more or less, to the point of intersection with the west line of Lemp Avenue, 60 feet wide;

Thence eastwardly 60.467 feet, more or less, to the northwest corner of Lot 10 of Block 2 of Adam Lemp's Subdivision in City Block 1536;

Thence eastwardly along the said south line of the east-west alley, 20 feet wide, in City Block 1536, 270 feet, more or less, to the west line of 18th Street, 60 feet wide;

Thence eastwardly along the extension to the immediate aforesaid alley to the intersection of the east line of the said 18th Street and the south line of the 20 feet wide east-west alley in City Block 1537, 60 feet to a point;

Thence eastwardly along the said south line of the immediate aforesaid east-west alley, 270 feet, more or less, to a point in the west line of DeMenil Place, 60 feet wide;

Thence eastwardly along the extension of the immediate aforesaid alley, 60 feet, to a point in the east line of DeMenil Place, the said point being 207 feet 6 inches, more or less, north of the northeast corner of DeMenil Place and Cherokee Street, 60 feet wide;

Thence northwardly along the said east line of DeMenil Place, 361 feet 2 inches, more or less, to a point; the said point being the northwest corner of Lot 2 of William Wible's Subdivision;

Thence eastwardly along the Missouri Department of Transportation right-of-way line of Interstate 55, 18 feet, more or less, to a point;

Thence southwardly along the said right-of-way of Interstate 55, 153.51 feet, more or less, to an angle point;

Thence southwardly along the said right-of-way of Interstate 55, 74.53 feet to an angle point;

Thence southwardly along the east line of part of Lot 9 and all of Lots 10, 11 and 12 of the said subdivision, 95.60 feet, more or less, of the said right-of-way of Interstate 55 to an angle point;

Thence eastwardly along the extension of the south line of Lot 12 of the said subdivision, 15 feet, more or less, to an angle point in the said right-of-way of Interstate 55;

Thence southwardly along the said right-of-way of Interstate 55, 92.20 feet, more or less, to an angle point;

Thence westwardly along the said right-of-way of Interstate 55, 104.32 feet, more or less, to an angle point;

Thence southwardly along the said right-of-way of Interstate 55, 70.77 feet, more or less, to an angle point;

Thence southwardly along the said right-of-way of Interstate 55, 95.18 feet, more or less, to a point in the north line of Cherokee Street, 60 feet wide, said point being 100 feet, more or less, east of the intersection of the east line of the said DeMenil Place and the north line of the said Cherokee Street;

Thence southwardly and parallel 100 feet east of the said east line of DeMenil Place, 60 feet, to the south line of Cherokee Street, irregular width;

Thence eastwardly, 37.10 feet, more or less, along the said south line of said Cherokee Street to an angle point;

Thence eastwardly along the south line of Cherokee, 60 feet wide, 295 feet, more or less, to the intersection with the west line of Broadway, 80 feet wide;

Thence southwardly along the said west line of Broadway, 432.483 feet, more or less, to an angle point;

Thence southwardly along the said west line of Broadway, 541.025 feet, more or less, to the point of curve;

Thence southwardly along the said west line of Broadway being a curve to the right an arc distance of 128.679 feet, more or less, having a radius of 660 feet, to the point of tangency of the said curve;

Thence southwardly along the said west line of Broadway, 142.37 feet, more or less, to the intersection with the east line of Lemp Avenue, 60 feet wide;

Thence northwardly along the said east line of Lemp Avenue, 809.38 feet, more or less, to a point, the said point being the intersection of the north line of the 20 feet wide east-west alley extended eastwardly in City Block 1550 and the same east line of Lemp Avenue, 60 feet wide;

Thence westwardly along the extension to the immediate aforesaid east-west alley, to the intersection of the west line of the said Lemp Avenue and the north line of the 20 feet wide east-west alley in City Block 1550, 60 feet to a point;

Thence westwardly along the said north line of the immediate aforesaid east-west alley, 268 feet 2 inches, more or less, to the point of intersection with the east line of Salena Street, 60 feet wide;

Thence westwardly along the extension of the immediate aforesaid alley, 60 feet, to the point of intersection in the west line of the said Salena Street and the north line of the alley, 20 feet wide, in City Block 1551;

Thence westwardly along the north line of the immediate aforesaid alley, 268 feet, more or less, to the point of intersection of the east line of Wisconsin Avenue, 60 feet wide;

Thence westwardly along the extension of the immediate aforesaid alley, 60 feet, to the point of intersection in the west line of the said Wisconsin Avenue and the north line of the alley, 20 feet wide, in City Block 1554;

Thence westwardly along the north line of the immediate aforesaid alley, 267 feet 8 inches, more or less, to the point of intersection of the east line of Illinois Avenue, 60 feet wide;

Thence westwardly along the extension of the immediate aforesaid alley, 60 feet, to the point of intersection in the west line of the said Illinois Avenue and the north line of the alley, 20 feet wide, in City Block 1555;

Thence westwardly along the north line of the immediate aforesaid alley, 267 feet 8 inches, more or less, to the point of intersection in the east line of Missouri Avenue, 55 feet wide;

Thence westwardly along the extension of the immediate aforesaid alley, 55 feet, to the point of intersection in the west line of the said Missouri Avenue;

Thence southwardly along the immediate aforesaid Missouri Avenue, 10 feet, to a point;

Thence westwardly along the south property line of the property owned now or formerly by Elery Lockhart and Charlotte H/W in City Block 1558, 125 feet, more or less, to the east line of the north-south alley, 15 wide;

Thence westwardly along the extension of the immediate aforesaid property, 15 feet, to a point in the west line of the immediate aforesaid north-south alley;

Thence northwardly along the immediate aforesaid alley, 7.5 feet, to a point in the center line of the former east-west alley, 15 feet wide, vacated by Ordinance 48310;

Thence westwardly along the center line of the immediate aforesaid former alley, 125 feet, more or less, to a point in the east line of Indiana Avenue, 50 feet wide;

Thence northwardly along the east line of Indiana Avenue, 50 feet wide, and the extension across Cherokee Street, a total of 187 feet 6 inches, more or less, to the point of beginning.

SECTION TWO. Taxes for the District shall be assessed and collected as follows:

A. For the purpose of paying for costs and expenses incurred in the establishment and operation of the District, the provision of services and facilities and improvements authorized in Sections Five and Six of this ordinance, and incidental to the leasing, construction, acquisition and maintenance of any improvements authorized herein or for paying principal and interest on notes authorized for the construction or acquisition of any said improvement, there may be imposed a tax upon all real property within the District which shall not exceed eighty-five cents (\$0.85) per one hundred dollars (\$100.00) assessed valuation - with the exception of those properties used exclusively for residential purposes and the residential portion of those properties used for both residential and commercial purposes (mixed-use properties) - subject to the provisions of Section Ten.

B. For the purpose of paying for costs and expenses incurred in the establishment and operation of the District, the provision of services and facilities and improvements authorized in Sections Five and Six of this ordinance, and incidental to the leasing, construction, acquisition and maintenance of any improvements authorized herein or for paying principal and interest on notes authorized for the construction or acquisition of any said improvement, there may be imposed a tax which shall not exceed fifty percent (50%) of the graduated business license tax levied by the City of St. Louis upon all merchants, manufacturers, businesses, avocations, pursuits and callings that are not exempt from the payment of a license by law that are located in the District - with the exception of wholesale businesses engaged exclusively in the sale of food products and non-timber agricultural products to retailers, institutions and other wholesale organizations for resale or further processing rather than for personal or home consumption and businesses engaged exclusively in manufacturing - subject to the provisions of Section Eleven.

C. If the proposition submitted to the qualified voters residing in the District as set forth in Section Ten receives in its favor the votes of the majority of the qualified voters voting at the election conducted pursuant to Section Ten, the initial - and maximum - rate of levy which shall be imposed upon all real property - as described in Section Two. A. - within the District shall be eight-five cents (\$0.85) per one hundred dollars (\$100.00) assessed valuation.

D. If the proposition submitted to the qualified voters residing in the District as set forth in Section Eleven receives in its favor the votes of the majority of the qualified voters voting at the election conducted pursuant to Section Eleven, the initial - and maximum - rate of levy which shall be imposed upon all licensed businesses - as described in Section Two. B. - within the District shall be fifty

percent (50%) of the graduated business license tax levied by the City of St. Louis.

E. Real property subject to partial tax abatement under the provisions of Chapter 353, R.S.Mo., shall for the purpose of assessment and collection of ad valorem real estate taxes levied under the District, be assessed and ad valorem real estate taxes shall be collected upon the same assessed value on which its ad valorem real estate taxes and payment in lieu of taxes are based in the Ordinance adopted by the City of St. Louis approving the development plan of any such corporation and authorizing tax abatement.

F. The real property taxes provided for by this ordinance shall be collected by the Collector of Revenue and be held in a special account to be used only for all purposes authorized hereunder, as provided by law.

G. The business license taxes provided for by this ordinance shall be collected by the License Collector and be held in a special account to be used only for all purposes authorized hereunder, as provided by law.

H. The levy imposed upon all real property within the District shall not be imposed upon real property exempt from ad valorem real estate taxes because of charitable, religious, educational or other public or private uses.

I. If the District for any reason is dissolved, all delinquent taxes collected after the date of dissolution shall be credited and forwarded to the general fund of the City of St. Louis after all debts of the District, if any, are discharged.

SECTION THREE. For the purposes of paying costs and expenses to be incurred in the acquisition, construction, improvement, expansion and/or maintenance of any facilities of the District, the District may incur indebtedness and issue notes for the payment thereof under the terms of, and subject to, the requirements set forth by law.

SECTION FOUR. There shall be a Board of Commissioners to administer the District. The Board of Commissioners shall be selected as follows:

A. Membership: The Board of Commissioners shall consist of seven (7) members, and shall be appointed by the Mayor with the advice and consent of the Board of Aldermen, of whom five (5) members shall be owners of real property within the District or their representatives and two (2) members shall be renters within the District or their representatives.

B. Term of Office: Each member of the Board of Commissioners shall serve for a four (4) year term (except as provided herein with respect to the initial members), with terms expiring as of December 31st of the designated year or when their successors are appointed as provided herein, whichever is later.

C. Initial Members and Terms: The initial members shall be appointed for the terms set forth as follows: one (1) member shall be appointed for a term expiring December 31, 1998; two (2) members shall be appointed for a term expiring December 31, 1999; two (2) members shall be appointed for a term expiring December 31, 2000; and two (2) members shall be appointed for a term expiring December 31, 2001. The initial members shall be appointed and confirmed no later than September 30, 1997. One member shall be appointed by the Board of Commissioners to serve as a contact person and liaison with the Office of the Assessor and the Office of the License Collector.

D. Removal: The Mayor with approval of the Board of Aldermen may remove any member of the Board of Commissioners for misconduct or neglect of duty upon written charges and after a public hearing.

E. Vacancies: Vacancies on the Board of Commissioners, occasioned by removal, resignation, expiration of term, or otherwise, shall be reported in writing to the Mayor by the Board of Commissioners. The Board of Commissioners shall publish or cause to be published notice of each vacancy on the Board of Commissioners on at least one (1) occasion in at least one (1) newspaper of general circulation no later than two (2) weeks after such report is provided to the Mayor. The vacancy shall be filled in like manner as an original appointment no later than thirty (30) days after the date of said report to the Mayor and no sooner than seven (7) days after the publication of notice of such vacancy. Appointments to fill vacancies shall be for the unexpired portion of a term only.

SECTION FIVE: All District revenues collected hereunder by the Collector of Revenue and the License Collector, after the District is established, except for those revenues expended for the necessary costs of the establishment and administration of the District and for collection fees for tax revenue collected hereunder, shall only be used for any of the following activities, services, facilities and improvements in the District:

A. To construct or install pedestrian or shopping malls, plazas, sidewalks or moving sidewalks, parks, meeting and display facilities, convention centers, arenas, bus stop shelters, lighting, benches, or other seating furniture, sculptures, telephone booths, traffic signs, fire hydrants, kiosks, trash

receptacles, marquees, awnings, canopies, walls and barriers, paintings, murals, alleys, shelters, display cases, fountains, rest rooms, information booths, aquariums, aviaries, tunnels and ramps, pedestrian and vehicular overpasses and underpasses, and each and every other useful or necessary or desired improvement;

B. To landscape and plant trees, bushes and shrubbery, flowers and each and every other kind of decorative planting;

C. To install and operate, or to lease, public music and news facilities;

D. To purchase and operate buses, minibuses, mobile benches and other modes of transportation;

E. To lease space within the District for sidewalk cafe tables and chairs;

F. To provide special police or cleaning facilities and personnel for the protection and enjoyment of the property owners and the general public using the facilities of the District;

G. To maintain any City-owned streets, alleys, malls, bridges, ramps, tunnels, trees and decorative plantings of each and every nature, and any structure or object of any nature whatsoever constructed or operated by the City;

H. To grant permits for newsstands, sidewalk cafes, and each and every other useful or necessary or desired private usage of public or private property;

I. To lease, acquire, construct, reconstruct, extend, maintain, or repair parking lots or parking garages, both above and below ground, or other facilities for the parking of vehicles, including the power to install such facilities in public areas, whether such areas are owned in fee or by easement;

J. To promote business activity in the District by, but not limited to, advertising, decoration of any public place in the area, promotion of public events which are to take place on or in public places, furnishing of music in any public place and the general promotion of trade activities in the District.

SECTION SIX: The District shall have all the powers necessary to carry out any and all activities and improvements authorized by law and may:

A. Cooperate with any public agencies and with any industry or business located within the District in the implementation of any project within the District;

B. Enter into any agreement with the City, any other public agency, any person, firm, or corporation to effect any of the provisions contained in Sections 71.790 through 71.808 R.S.Mo.;

C. Contract and be contracted with, sue and be sued and provide for insurance of all projects and property owned or managed by the District and for insurance covering all members of the Board of Commissioners and employees and agents of the District, providing for coverage of such risks and with such limits as the Board of Commissioners may deem proper;

D. Accept gifts, grants, loans or contributions from the City, the United States of America, the State of Missouri, political subdivisions, foundations, other public or private agencies, individuals, partnerships, or corporations;

E. Employ such managerial, engineering, legal, technical, clerical, accounting, and other assistance as the Board of Commissioners may deem advisable; the District may also contract with independent contractors for any such assistance - provided, however, that the members of the Board of Commissioners shall serve without compensation of any kind.

SECTION SEVEN: The member appointed by the Board of Commissioners to serve as a contact person and liaison with the Office of the Assessor and the Office of the License Collector shall file his name, address and phone number with both offices on an annual basis, and shall sign the annual tax rate computation forms filled out by the Office of the Assessor in a timely fashion. The Board of Commissioners shall file an annual report with the Board of Aldermen, which shall set forth the programs and expenditures of the District for the previous year in which additional taxes were collected hereunder, not later than March 1st of each year. The Board of Commissioners shall also file with the Board of Aldermen an annual budget for the District setting forth the projected expenditures for the ensuing year in which additional taxes are to be collected hereunder, not later than November 1st preceding such fiscal year. The Board of Commissioners shall not expend any funds collected by the Collector of Revenue inconsistent with or until an annual budget for the expenditure of such funds is approved by the Board of Aldermen by Resolution. If the Board of Aldermen does not act on said budget by Resolution within thirty (30) days of its filing, said budget will presume to have been approved by the Board of Aldermen.

SECTION EIGHT: The City shall not decrease the level of municipally funded services in the District existing prior to the creation of the District, unless the services at the same time are decreased throughout the City, nor shall the City

discriminate in the provision of new municipally funded services between areas included in the District and areas not so included.

SECTION NINE: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of competent jurisdiction, such portion shall be deemed and is hereby declared to be separate, distinct and independent provisions of this ordinance, and such holding or holdings shall not affect the validity of the remaining portions of this ordinance.

SECTION TEN: The tax levies on real property authorized in Section Two.A. shall not be effective unless and until the following proposition, submitted to the qualified voters residing in the District at the City-wide election to be held on Tuesday, April 1, 1997, shall receive in its favor the votes of the majority of the qualified voters voting at said election for or against said proposition. Said proposition shall be in substantially the following form:

OFFICIAL BALLOT
PROPOSITION _____

Shall a tax of \$0.85 per \$100.00 assessed valuation be imposed on all real property that is located in the Cherokee-Lemp Special Business District, as proposed in Ordinance No. _____, approved _____ - with the exception of those properties used exclusively for residential purposes and the residential portion of those properties used for both residential and commercial purposes (mixed-use properties).

_____ YES
_____ NO

If you are in favor of the question, place a mark in the box opposite "Yes". If you are opposed to the question place a mark in the box opposite "No".

SECTION ELEVEN. The tax levies on business licenses authorized in Section Two.B. shall not be effective unless and until the following proposition, submitted to the qualified voters residing in the District at the City-wide election to be held on Tuesday, April 1, 1997, shall receive in its favor the votes of the majority of the qualified voters voting at said election for or against said proposition. Said proposition shall be in substantially the following form:

OFFICIAL BALLOT
PROPOSITION _____

Shall a tax of 50% of the graduated business license tax levied by the City of St. Louis be imposed on all merchants, manufacturers, businesses, avocations, pursuits and callings that are not exempt from the payment of a license by law that are located in the Cherokee-Lemp Special Business District, as proposed in Ordinance No. _____, approved _____ - with the exception of wholesale businesses engaged exclusively in the sale of food products and non-timber agricultural products to retailers, institutions and other wholesale organizations for resale or further processing rather than for personal or home consumption and businesses engaged exclusively in manufacturing?

_____ YES
 _____ NO

If you are in favor of the question, place a mark in the box opposite "Yes". If you are opposed to the question place a mark in the box opposite "No".

SECTION TWELVE: This being an ordinance for the immediate preservation of public peace, health and safety, it is 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 upon its passage and approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
11/22/96	11/22/96	W&M	12/05/96	12/20/96
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
12/06/96		12/13/96	12/13/96	12/20/96
ORDINANCE	VETOED		VETO OVR	
63957				