

1           An Ordinance approving the petition of various owners of certain real property to  
2 establish the City Hospital Powerhouse Community Improvement District; finding a public  
3 purpose for the establishment of the City Hospital Powerhouse Community Improvement  
4 District; authorizing the execution of a Transportation Project Agreement between the City and  
5 City Hospital Powerhouse Transportation Development District; prescribing the form and details  
6 of said Transportation Project Agreement; making certain findings with respect thereto;  
7 authorizing certain other actions of City officials; and containing an emergency clause and a  
8 severability clause.

9           **WHEREAS**, the City of St. Louis, Missouri (the “City”), is a body corporate and a  
10 political subdivision of the State of Missouri, duly created, organized and existing under and by  
11 virtue of its charter, the Constitution and laws of the State of Missouri; and

12           **WHEREAS**, Mo. Rev. Stat. §67.1400 *et seq.* (the “CID Act”) authorizes 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 City Hospital Powerhouse Community Improvement District (“the CID”),  
17 signed by owners or authorized representatives of the owners of more than fifty percent by  
18 assessed value and per capita of the property located within the proposed boundaries of the CID  
19 (the “CID Petition”), a copy of which is attached hereto as Exhibit A and incorporated herein by  
20 this reference; and

21           **WHEREAS**, the Register of the City did review and determine that the CID Petition  
22 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 9:00 a.m. on June \_\_, 2011, by the Board of Aldermen;  
3 and

4           **WHEREAS**, pursuant to Mo. Rev. Stat. §§238.200 to 238.280 (the “TDD Act”), that certain  
5 Petition for the Creation of a Transportation Development District, which has or will be filed in  
6 the Circuit Court of the City (“TDD Petition”) for the creation of the City Hospital Powerhouse  
7 Transportation Development District (the “TDD”) and for the purpose of generating revenue to fund or  
8 assist in funding the “Transportation Project” described in the TDD Petition; and

9           **WHEREAS**, the TDD intends to undertake that certain “Transportation Project” as  
10 described and defined in the TDD Petition, which Transportation Project will provide a benefit to  
11 the City by increasing the available supply of parking and public access to the parcel described in  
12 the TDD Petition; and

13           **WHEREAS**, the City constitutes the “local transportation authority” under the TDD Act for  
14 the purposes of the Transportation Project, and as no portion of the proposed project has been or is  
15 intended to be merged into the State highways and transportation system under the jurisdiction of  
16 the Missouri Highway Transportation Commission, approval of the Transportation Project is vested  
17 exclusively with the City; and

18           **WHEREAS**, the TDD Act provides that prior to construction or funding of a proposed  
19 project, such project shall be submitted to the local transportation authority for its prior approval,  
20 subject to any required revisions of such project, and the district and local transportation authority in  
21 question entering into a mutually satisfactory agreement regarding the development and future  
22 maintenance of the Transportation Project; and

1           **WHEREAS**, the City hereby desires and intends to approve the Transportation Project,  
2 subject to the TDD and the City entering into a mutually satisfactory agreement regarding the  
3 development and future maintenance of the Transportation Project; and

4           **WHEREAS**, the City intends to enter into that certain Transportation Project Agreement  
5 (the “Agreement”), in the form attached hereto as Exhibit B and incorporated herein by reference,  
6 with the TDD, as a mutually satisfactory agreement regarding the development and future  
7 maintenance of the Transportation Project; and

8           **WHEREAS**, the TDD Act provides that, within six months after development and initial  
9 maintenance costs of a project have been paid, the district shall transfer control and ownership of  
10 the project in question to the local transportation authority pursuant to contract; and

11           **WHEREAS**, the TDD intends to transfer and the City intends to accept such control and  
12 ownership pursuant to and on the terms set forth in the Transportation Project Agreement; and

13           **WHEREAS**, the Board of Aldermen hereby determines that it is necessary and desirable  
14 and in the best interest of the City, and the health, safety, morals and welfare of its residents, to  
15 cause the creation of the CID, and to authorize the other transactions described herein.

16           **WHEREAS**, the Board of Aldermen hereby determines that the terms of the Agreement  
17 are acceptable and that the execution thereof, and delivery and performance by the City and the  
18 TDD of their respective obligations therein are in the best interests of the City and the health,  
19 safety, morals and welfare of its residents; and

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

21           **SECTION ONE.**

22           (a) A community improvement district, to be known as the “City Hospital  
23 Powerhouse Community Improvement District”, is hereby established pursuant to the CID Act

1 on certain real property described below to contract with a private property owner to demolish,  
2 remove, renovate, reconstruct, rehabilitate, repair and/or equip the existing building within the  
3 CID, impose a sales and use tax, and carry out other functions as set forth in the CID Petition.

4 (b) The CID boundaries are set forth in the CID Petition and are generally  
5 described as follows: Dillon Street on its Western boundary; 1414 Park Avenue on its Northern  
6 boundary; 1411 Carroll Street on its Eastern boundary; and 1515 Lafayette Avenue on its  
7 Southern boundary.

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

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

1           **SECTION FOUR.**

2           (a) Pursuant to the CID Petition, the CID shall be in the form of a political  
3 subdivision of the State of Missouri, known as the “City Hospital Powerhouse Community  
4 Improvement District.”

5           (b) Pursuant to Section 67.1471 of the CID Act, the fiscal year for the CID shall  
6 be the same as the fiscal year for the City.

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

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

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

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

20           **SECTION SEVEN.** The City hereby finds that the uses of the CID proceeds as provided  
21 for in the CID Petition will serve a public purpose by remediating blight and encouraging the  
22 redevelopment of real property within the CID.

1           **SECTION EIGHT.** The property within the CID, which is also included within the City  
2 Hospital TIF Redevelopment Area, is a “blighted area” pursuant to Section 67.1401.2(3) of the  
3 CID Act because such property was blighted under Sections 99.800 to 99.865, RSMo, pursuant  
4 to Ordinance No. 68097 (2008).

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

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

15           **SECTION ELEVEN.** Pursuant to the CID Act, the Board of Aldermen shall not  
16 decrease the level of publicly funded services in the CID existing prior to the creation of the CID  
17 or transfer the burden of providing the services to the CID unless the services at the same time  
18 are decreased throughout the City, nor shall the Board of Aldermen discriminate in the provision  
19 of the publicly funded services between areas included in the CID and areas not so included.

20           **SECTION TWELVE.** The Register shall report in writing the creation of the City  
21 Hospital Powerhouse Community Improvement District to the Missouri Department of  
22 Economic Development.

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

| 8  | <u>Name</u>         | <u>Term</u> |
|----|---------------------|-------------|
| 9  | 1. Mike Hayo        | 2 years     |
| 10 | 2. Stacy Hastie     | 2 years     |
| 11 | 3. Mary Ann Goodson | 2 years     |
| 12 | 4. Chris Goodson    | 4 years     |
| 13 | 5. Pat Goodson      | 4 years     |

14           **SECTION FOURTEEN.** The Board of Aldermen hereby approves the Transportation  
15 Project as submitted to the City.

16           **SECTION FIFTEEN.** The Board of Aldermen further finds and determines that it is  
17 necessary and desirable to enter into the Agreement with the TDD in order to implement the  
18 Transportation Project.

19           **SECTION SIXTEEN.** The Board of Aldermen finds and determines that the  
20 Transportation Project is necessary and desirable in order to increase public access to the parcels  
21 described in the TDD Petition and the supply of available parking in the City.

22           **SECTION SEVENTEEN.** The Board of Aldermen hereby approves, and the Mayor  
23 and Comptroller of the City are hereby authorized and directed to execute, on behalf of the City,

1 the Agreement by and between the City and the TDD in similar form to that attached hereto as  
2 Exhibit B, and the City Register is hereby authorized and directed to attest to the Agreement and  
3 to affix the seal of the City thereto. The Agreement shall be in substantially the form attached,  
4 with such changes therein as shall be approved by said Mayor and Comptroller executing the  
5 same and as may be consistent with the intent of this Ordinance and necessary and appropriate in  
6 order to carry out the matters herein authorized.

7 **SECTION EIGHTEEN.** The Mayor and Comptroller of the City or his or her  
8 designated representatives are hereby authorized and directed to take any and all actions to  
9 execute and deliver for and on behalf of the City any and all additional certificates, documents,  
10 agreements or other instruments as may be necessary and appropriate in order to carry out the  
11 matters herein authorized, with no such further action of the Board of Aldermen necessary to  
12 authorize such action by the Mayor or Comptroller or his or her designated representatives.

13 **SECTION NINETEEN.** The Mayor and Comptroller or their designated  
14 representatives, with the advice and concurrence of the City Counselor and after approval by the  
15 Board of Estimate and Apportionment, are hereby further authorized and directed to make any  
16 changes to the documents, agreements and instruments approved and authorized by this  
17 Ordinance as may be consistent with the intent of this Ordinance and necessary and appropriate  
18 in order to carry out the matters herein authorized, with no such further action of the Board of  
19 Aldermen necessary to authorize such changes by the Mayor or Comptroller or their designated  
20 representatives.

21 **SECTION TWENTY.** If any section, subsection, sentence, clause, phrase or portion of  
22 this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court  
23 of competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate,

1 distinct and independent provision of this ordinance, and such holding or holdings shall not  
2 affect the validity of the remaining portions of this ordinance.

3           **SECTION TWENTY-ONE.** The Board of Aldermen hereby finds and determines that  
4 this ordinance constitutes an “emergency measure” pursuant to Article IV, Section 20 of the City  
5 Charter, because this Ordinance establishes the CID, which is a taxing district, and as such, this  
6 Ordinance shall take effect immediately upon its approval by the Mayor as provided in Article  
7 IV, Section 20 of the City Charter.

**EXHIBIT A**

Petition to Establish the City Hospital Powerhouse Community Improvement District

**SEE ATTACHED**

**EXHIBIT B**

Form of Transportation Project Agreement

**SEE ATTACHED**