

BOARD BILL NO. 135 INTRODUCED BY: ALDERMAN STEVEN CONWAY

1 An ordinance approving the Petition of owners of real property seeking the creation,
2 extension, renewal and establishment of the Flora Place Community Improvement District;
3 finding a public purpose for the creation, extension, renewal and establishment of Flora Place
4 Community Improvement District; and containing a severability clause and an emergency
5 clause.

6 **WHEREAS**, Mo. Rev. Stat. § 67.1401 et seq. (the "Act") authorizes the Board of
7 Aldermen to approve the petition of property owners to establish a Community Improvement
8 District; and

9 **WHEREAS**, on January 5, 2007, certain property owners or authorized representatives
10 of the owners of more than 50% by assessed value and per capita located within the proposed
11 boundaries of the Flora Place Community Improvement District requested the establishment of
12 the Flora Place Community Improvement District consisting of a 6-block community
13 improvement district to be known as Flora Place Community Improvement District; and

14 **WHEREAS**, the Board of Aldermen adopted and the Mayor approved Ordinance 67593
15 which authorized the establishment of the Flora Place Community Improvement District
16 consisting of the Flora Place Area, hereinafter described, for a term ending December 31, 2012;
17 and

18 **WHEREAS**, certain property owners within the Flora Place Community Improvement
19 District wish to extend its term; and

20 **WHEREAS**, the Act does not contain a provision for the extension of an existing
21 Community Improvement District; and

22 **WHEREAS**, on May 21, 2012, a petition (the "Petition") has been signed by certain
23 property owners or authorized representatives of the owners of more than 50% by assessed value
24 and per capita (the "Property Owners") within the Flora Place Community Improvement District
25 requesting the creation, extension, renewal and establishment of the Flora Place Community

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26 Improvement District consisting of the Flora Place Area, hereinafter described, to continue to be
27 known as the Flora Place Community Improvement District as of the effective date of this
28 ordinance; and

29 **WHEREAS**, the Petition has been filed with the Register of the City; and

30 **WHEREAS**, the Register of the City reviewed and determined that the Petition
31 substantially complies with the requirements of the Act; and

32 **WHEREAS**, the Board of Aldermen did on _____, introduce
33 Resolution No. _____ declaring its intention to create, extend, renew and establish a
34 Community Improvement District for Flora Place between Grand Avenue and Tower Grove
35 Avenue in the Shaw neighborhood of St. Louis and calling for a public hearing on the matter;
36 and

37 **WHEREAS**, such public hearing, duly noticed, was held at 10:00 a.m. on
38 _____, 2012, [and continued until _____ . m. on
39 _____,] by the Board of Aldermen; and

40 **WHEREAS**, this Board of Aldermen hereby finds that the adoption of this ordinance is
41 in the public interest of the City; that the creation, extension, renewal and establishment of Flora
42 Place Community Improvement District is a public purpose; and that the property owners,
43 residents and persons engaging in business or visiting the Flora Place Area, hereinafter
44 described, and the public in general will benefit by the creation, extension, renewal and
45 establishment of said Community Improvement District.

46 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS**
47 **FOLLOWS:**

48 **SECTION ONE.**

49 (a) A Community Improvement District, to be known as the "Flora Place Community
50 Improvement District " (hereinafter referred to as the "District"), is hereby created, extended,
51 renewed, and established under the Act within the Flora Place Area, hereinafter described, to

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52 provide security services, landscaping, carry out community traditions, and carry out other
53 functions as set forth in the Petition, and to receive the services and benefits all as set forth in the
54 Petition attached hereto as Appendix A and made a part hereof.

55 (b) The District boundaries are set forth on the map in Appendix A and are described as
56 follows:

57 The Flora Place area is all of the property located within the City of St. Louis abutting the
58 roadway commonly known as Flora Place together with any rear parcels that abut parcels
59 abutting on Flora Place and bounded on the east by Grand Boulevard, on the west by Tower
60 Grove Avenue, on the north by the east-west alleyways located in CB 4935, CB 4940, CB 4941,
61 CB 4946, CB 4947, and CB 4952 (and excluding those properties north of such alley ways
62 abutting Russell Boulevard), and on the south by the east-west alleyways located in CB 4934,
63 CB 4929, CB 4920, CB 4919, CB 2117, and CB 2118 (and excluding those properties south of
64 such alleyways abutting Flad Avenue).

65 **SECTION TWO.**

66 (a) The District is authorized by the Act to use any one or more of the assessments or
67 other funding methods specifically authorized by the Act to provide funds to accomplish any
68 power, duty or purpose of the District; provided, however, the District shall not have the
69 authority to impose any such assessment on any real property located in a special business
70 district authorized pursuant to Mo. Rev. Stat. § 71.790 et seq. or on any business or individual
71 doing business in such special business district until the taxes imposed by such special business
72 district have been repealed, or the rates therefor have been reduced to zero, by such special
73 business district.

74 (b) The District is authorized by the Act to establish different classes of real property
75 within the District for purposes of special assessments. The levy rate for special assessments
76 may vary for each class or subclass based on the level of benefit derived from services or
77 improvements funded, provided or caused to be provided by the District.

78 (c) (i) The District is authorized by the Act and the petition to assess and collect annual
79 yearly assessments not to exceed the rates described as follows:

80 \$0.00 for unimproved real property;

81 \$0.00 for improved real property that does not include a residence; and

82 \$500.00 for improved real property upon which a residence is located.

83 (As defined in the petition, “residence” means a single-family dwelling.)

84 (ii) Special assessments shall be levied in advance, beginning in the fall of 2012 and
85 continuing through the fall of 2021, so that funds will be available for operations from January 1,
86 2012 through December 31, 2022.

87 (d) Notwithstanding anything to the contrary, the District shall have no power to levy any
88 tax but shall only have the power to levy special assessments in accordance with the Act.

89 **SECTION THREE.** The District is authorized by the Act, at any time, to issue
90 obligations for the purpose of carrying out any of its powers, duties or purposes. Such
91 obligations shall be payable out of all, part of any combination of the revenues of the District and
92 may be further secured by all or any part of any property or any interest in any property by
93 mortgage or any other security interest granted. Such obligations shall be authorized by
94 resolution of the District, and if issued by the District, shall bear such date or dates, and shall
95 mature at such time or times, but not more than 20 years from the date of issuance, as the
96 resolution shall specify. Such obligations shall be in such denomination, bear interest at such rate
97 or rates, be in such form, be payable in such place or places, be subject to redemption as such
98 resolution may provide and be sold at either public or private sale at such prices as the District
99 shall determine subject to the provisions of Mo. Rev. Stat. § 108.170.

100 The District is also authorized to issue such obligations to refund, in whole or in part,
101 obligations previously issued by the District.

102 **SECTION FOUR.**

103 (a) Pursuant to the petition, the District shall be administered by the Flora Place
104 Community Improvement District, a not-for-profit corporation.

105 (b) Pursuant to the Act, the fiscal year for the District shall begin on July 1.

106 (c) No earlier than 180 days and no later than 90 days prior to the first day of each fiscal
107 year, the Flora Place Community Improvement District shall submit to the Board of Aldermen a
108 proposed annual budget for the District, setting forth expected expenditures, revenues, and rates
109 of assessments, if any, for such fiscal year. The Board of Aldermen may review and comment on
110 this proposed budget, but if such comments are given, the Board of Aldermen shall provide such
111 written comments no later than 60 days prior to the first day of the relevant fiscal year; such
112 comments shall not constitute requirements but shall only be recommendations.

113 (d) The Flora Place Community Improvement District shall hold an annual meeting for
114 the District and adopt an annual budget no later than 30 days prior to the first day of each fiscal
115 year.

116 **SECTION FIVE.**

117 (a) The District is authorized by the Act to use the funds of the District for any of the
118 improvements and activities authorized by the Act.

119 (b) Pursuant to the Petition, the Board of Directors of the District is authorized to
120 appropriate and pay over any remaining sums from the levy of special assessments on properties
121 located within the District pursuant to the Petition approved by Ordinance 67593, authorizing the
122 creation, extension, renewal and establishment of the current District.

123 **SECTION SIX.** Pursuant to the Act, the District shall have all the powers necessary to
124 carry out and effectuate the purposes as set forth in the Act.

125 **SECTION SEVEN.** The District will continue to exist and function for a term of
126 approximately ten (10) years beginning on the date of this ordinance and ending at the end of the
127 tenth full calendar year thereafter (i.e., December 31, 2022).

128 **SECTION EIGHT.** Pursuant to the Act, the Board of Aldermen shall not decrease the
129 level of publicly funded services in the District existing prior to the creation of the District or
130 transfer the financial burden of providing the services to the District unless the services at the
131 same time are decreased throughout the City, nor shall the Board of Aldermen discriminate in
132 the provision of the publicly funded services between areas included in the District and areas not
133 so included.

134 **SECTION NINE.** The Register shall report in writing the creation of the District to the
135 Missouri Department of Economic Development.

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

141 **SECTION ELEVEN.** Being necessary for the immediate preservation of the public
142 health, welfare and safety, it is declared to be an emergency measure within the Charter of the
143 City of St. Louis and shall become effective immediately upon its passage and approval by the
144 Mayor.