

1 **BOARD BILL NO. 224 INTRODUCED BY ALDERMAN JOSEPH RODDY,**
2 **ALDERWOMAN MARLENE DAVIS**

3
4 An ordinance establishing the Botanical Heights West Special Business District pursuant
5 to Sections 71.790 through 71.808 of the Revised Statutes of Missouri, setting its
6 boundaries, tax rate, initial rate of levy subject to the approval of the qualified voters,
7 bonding authority, and uses to which tax revenue may be put; creating a board of
8 commissioners; and containing severability, effectiveness, and emergency clauses.

9 **WHEREAS**, petitions signed by property owners in the area hereinafter described have
10 been filed with the City, requesting the establishment of a Special Business District; and

11 **WHEREAS**, pursuant to Section 71.792 R.S.Mo., a survey and investigation of the
12 desirability and possibility of forming a Special Business District in that portion of the
13 City of St. Louis within the maximum commonly known boundaries Beginning at the
14 center line of the intersection of Folsom Avenue and 39th Street; then west along the
15 center of Folsom Avenue to the center of the intersection of Folsom Avenue and
16 Lawrence Avenue; then south along the center of Lawrence Avenue to the extension of
17 the east-west alley in City block 4964 in the center of Lawrence Avenue; then west along
18 the center line of the east-west alley in City Block 4964 to its extension in the center of
19 Thurman Avenue; then south along the center of Thurman Avenue to the center of the
20 intersection of Thurman Avenue and Lafayette Avenue; then west along the center of
21 Lafayette Avenue to the center of the intersection of Lafayette Avenue and Vandeventer
22 Avenue; then east on the center of Vandeventer Avenue to the intersection of the center
23 of Vandeventer Avenue and Tower Grove Avenue; then south along the center of Tower
24 Grove Avenue to the extension of the north boundary parcel number 497300060 in the

1 center of Tower Grove Avenue; then east along the north line of parcel number
2 497300060 to the northwest corner of parcel number 497300065; then east along the
3 north boundary of parcel number 497300065 to its intersection with the northwest corner
4 of parcel number 497300040; then east along the north boundary of parcel number
5 497300040 to its intersection with the northwest corner of parcel number 496800050;
6 then east along the north line of parcel number 496800050 to its intersection with the
7 northwest corner of parcel number 496800046; then east along the north line of parcel
8 number 496800046 to its intersection with the northwest corner of parcel number
9 496500060; then east along the north boundary of parcel number 496500060 to its
10 intersection with the northwest corner of parcel number 496500050; then east along the
11 north boundary of parcel number 496500050 to its intersection with the northwest corner
12 of parcel number 496500040; then east along the north boundary of parcel number
13 496500040 to its intersection with the northwest corner of parcel number 496000235;
14 then east along the north boundary of parcel number 496000235 to its intersection with
15 the east-west alley in City Block 4960; then east along the center line of the east-west
16 alley in City Block 4960 to its extension in the center of 39th Street; then south along the
17 center line of 39th Street to the beginning; has been conducted and a written report
18 thereof is on file in the office of the City Register as Document _____; and
19 WHEREAS, this Board of Aldermen did on November 9, 2012 adopt Resolution
20 Number 166 declaring its intention to establish a Special Business District in said area
21 and calling for a public hearing on the matter; and

22 **WHEREAS**, said public hearing, duly noticed, was held at 9:00 a.m. on November 20,
23 2012 by the 2012-13 Committee on Ways & Means of the Board of Aldermen; and

1 **WHEREAS**, this Board of Aldermen hereby finds that the establishment of a Special
2 Business District for said area described above is in the best interest of the City of St.
3 Louis and that the property owners and tenants of said area and the public in general will
4 benefit by the establishment of said Special Business District and the increased level of
5 services and improvements provided by the proposed additional tax revenues from said
6 district; and

7 **WHEREAS**, the said district shall be known as the Botanical Heights West Special
8 Business District;

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

10 **SECTION ONE.** A Special Business District, to be known as the " Botanical Heights
11 West Special Business District" (hereinafter referred to as the "District"), is hereby
12 established for the area of the City described as follows:

13 Beginning at the center line of the intersection of Folsom Avenue and 39th Street; then
14 west along the center of Folsom Avenue to the center of the intersection of Folsom
15 Avenue and Lawrence Avenue; then south along the center of Lawrence Avenue to the
16 extension of the east-west alley in City block 4964 in the center of Lawrence Avenue;
17 then west along the center line of the east-west alley in City Block 4964 to its extension
18 in the center of Thurman Avenue; then south along the center of Thurman Avenue to the
19 center of the intersection of Thurman Avenue and Lafayette Avenue; then west along the
20 center of Lafayette Avenue to the center of the intersection of Lafayette Avenue and
21 Vandeventer Avenue; then east on the center of Vandeventer Avenue to the intersection
22 of the center of Vandeventer Avenue and Tower Grove Avenue; then south along the
23 center of Tower Grove Avenue to the extension of the north boundary parcel number

1 497300060 in the center of Tower Grove Avenue; then east along the north line of parcel
2 number 497300060 to the northwest corner of parcel number 497300065; then east along
3 the north boundary of parcel number 497300065 to its intersection with the northwest
4 corner of parcel number 497300040; then east along the north boundary of parcel number
5 497300040 to its intersection with the northwest corner of parcel number 496800050;
6 then east along the north line of parcel number 496800050 to its intersection with the
7 northwest corner of parcel number 496800046; then east along the north line of parcel
8 number 496800046 to its intersection with the northwest corner of parcel number
9 496500060; then east along the north boundary of parcel number 496500060 to its
10 intersection with the northwest corner of parcel number 496500050; then east along the
11 north boundary of parcel number 496500050 to its intersection with the northwest corner
12 of parcel number 496500040; then east along the north boundary of parcel number
13 496500040 to its intersection with the northwest corner of parcel number 496000235;
14 then east along the north boundary of parcel number 496000235 to its intersection with
15 the east-west alley in City Block 4960; then east along the center line of the east-west
16 alley in City Block 4960 to its extension in the center of 39th Street; then south along the
17 center line of 39th Street to the beginning.

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

19 A. For the purpose of paying for costs and expenses incurred in the establishment and
20 operation of the District, the provision of services and facilities and improvements
21 authorized in Sections Five and Six of this ordinance, and incidental to the leasing,
22 construction, acquisition and maintenance of any improvements authorized herein or for
23 paying principal and interest on bonds or notes authorized for the construction or

1 acquisition of any said improvement, there may be imposed a tax upon all real property
2 within the District at eighty-five cents (\$.85) on the one hundred dollars (\$100.00)
3 assessed valuation, subject to the provisions of Section Nine. Such tax shall be imposed
4 during the 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022 tax years
5 only subject to the renewal of such tax by the qualified voters of the District pursuant to
6 the procedure set forth in Section 71.800 RSMo. (2000).

7 B. If the proposition submitted to the qualified voters residing in the District receives in
8 its favor the votes of the majority of the qualified voters voting at the election conducted
9 pursuant to Section Nine, the initial rate of levy which shall be imposed upon real
10 property within the District shall be 85 cents (\$.85) on the one hundred dollars (\$100.00)
11 assessed valuation.

12 C. Real property subject to partial tax abatement under the provisions of Chapter 353,
13 R.S.Mo., shall, for the purpose of assessment and collection of ad valorem real estate
14 taxes levied under the District, be assessed and ad valorem real estate taxes shall be
15 collected upon the same assessed value on which its ad valorem real estate taxes and
16 payment in lieu of taxes are based in the Ordinance adopted by the City of St. Louis
17 approving the development plan of any such corporation and authorizing tax abatement;
18 provided, however, that the owners at such real property are strongly encouraged to make
19 additional equitable, annual donations to the District in lieu of the additional District
20 taxes.

21 D. The levy shall not be imposed upon real property exempt from ad valorem real estate
22 taxes because of charitable, religious, educational or other public or private uses;

1 provided, however, that the owners of such real property are strongly encouraged to make
2 equitable, annual donations to the District in lieu of District taxes.

3 E. The tax provided for by this ordinance shall be collected by the Collector of Revenue
4 and held in a special account to be used only for all purposes authorized hereunder, as
5 provided by law.

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

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

13 **SECTION FOUR.** There shall be a Board of Commissioners to administer the District.

14 The Board of Commissioners shall be selected as follows:

15 A. Membership: The Board of Commissioners shall consist of seven (7) members, and
16 shall be appointed by the Mayor with the advice and consent of the Board of Aldermen,
17 of whom five (5) members shall be owners of real property within the District or their
18 representatives and two (2) members shall be renters within the District or their
19 representatives; provided, however, that no employee or elected official of the City of St.
20 Louis shall be a member of the Board of Commissioners.

21 B. Term of Office: Each member of the Board of Commissioners shall serve for a four
22 (4) year term (except as provided herein with respect to the initial members), with terms

1 expiring as of December 31st of the designated year or when their successors are
2 appointed as provided herein, whichever is later.

3 C. Initial Members and Terms: The initial members shall be appointed for the terms set
4 forth as follows: one (1) member shall be appointed for a term expiring December 31,
5 2013; two (2) members shall be appointed for a term expiring December 31, 2014; two
6 (2) members shall be appointed for a term expiring December 31, 2015; and two (2)
7 members shall be appointed for a term expiring December 31, 2016.

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

11 E. Vacancies: Vacancies on the Board of Commissioners occasioned by removal,
12 resignation, expiration of term, or otherwise, shall be reported in writing to the Mayor by
13 the Board of Commissioners. The vacancy shall be filled in like manner as an original
14 appointment no later than thirty (30) days after the date of said report to the Mayor.
15 Appointments to fill vacancies shall be for the unexpired portion of a term only.

16 F. Compensation: The members of the Board of Commissioners shall serve without
17 compensation of any kind.

18 **SECTION FIVE.** All District revenues collected hereunder by the Collector of Revenue,
19 except for those revenues expended for the necessary costs of the establishment and
20 administration of the District, and for collection fees for tax revenue collected hereunder,
21 may be used to carry out any and all of the following improvements, services and
22 activities of the District:

1 A. To provide special police and/or security facilities, equipment, vehicles and/or
2 personnel for the protection and enjoyment of the property owners and the general public
3 within the District;

4 B. To construct, install, improve and/or maintain useful, or necessary, or desired, security
5 related improvements;

6 C. To construct, install, improve and/or maintain infrastructure, including but not limited
7 to sidewalks, green space, sidewalks and related improvements;

8 D. To improve access to social services including educational, mental health, vocational,
9 senior, substance abuse treatment programs and related programs;

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

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

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

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

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

4 E. Employ such managerial, engineering, legal, technical, clerical, accounting, and other
5 assistance as the Board of Commissioners may deem advisable; the District may also
6 contract with independent contractors for any such assistance.

7 **SECTION SEVEN.** A. Annual Budget. The Board of Commissioners shall file with the
8 Board of Aldermen an annual budget for the District, which shall set forth the projected
9 revenues and expenditures for the ensuing year, not later than the first day of November
10 each year; provided, however, that no such proposed annual budget shall be filed with the
11 Board of Aldermen until after the date the Board of Commissioners conducts a public
12 hearing within the District on any such proposed annual budget. Notice of any such
13 public hearing shall be published at least ten (10) days prior to the hearing in a daily,
14 twice-weekly, weekly or bi-weekly newspaper of general circulation within the District;
15 and provided further, that in addition to showing the time, date and place of the hearing,
16 the notice shall also show the complete proposed annual budget. The Board of
17 Commissioners shall not expend any funds collected by the Collector of Revenue
18 inconsistent with or until an annual budget for the expenditure of such funds is approved
19 by the Board of Aldermen by Resolution. If the Board of Aldermen does not act on said
20 budget by Resolution within thirty (30) days of its filing, said budget will presume to
21 have been approved by the Board of Aldermen.

1 B. Annual Report. The Board of Commissioners shall also file an annual report with the
2 Board of Aldermen, which shall set forth the programs, revenues and expenditures of the
3 District for the previous calendar year, not later than the first day of March each year.

4 **SECTION EIGHT.** The City shall not decrease the level of municipally funded services
5 in the District existing prior to the creation of the District, unless the services at the same
6 time are decreased throughout the City, nor shall the City discriminate in the provision of
7 new municipally funded services between areas included in the District and areas not so
8 included.

9 **SECTION NINE.** The tax levy authorized in Section Two shall not be effective unless
10 and until the following proposition, submitted to the qualified voters residing in the
11 District at a special election in the District to be held on April 2, 2013, shall receive in its
12 favor the votes of the majority of the qualified voters voting at said election for or against
13 said proposition. Said proposition shall be in substantially the following form:

14 OFFICIAL BALLOT

15 Shall a tax of \$.85 per \$100.00 valuation be imposed for the tax years, 2013, 2014, 2015,
16 2016, 2017, 2018, 2019, 2020, 2021 and 2022 on all real property located in the
17 Botanical Heights West Special Business District as defined in Ordinance No._____,
18 approved DATE, (Board Bill No. __)for the purposes as set forth in said Ordinance?

19 ____ YES

20 ____ NO

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

1 separate, distinct and independent provisions of this ordinance, and such holding or
2 holdings shall not affect the validity of the remaining portions of this ordinance.
3 **SECTION ELEVEN:** This being an ordinance for the immediate preservation of public
4 peace, health and safety, it is declared to be an emergency measure within the meaning of
5 Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this
6 ordinance shall become effective upon its passage and approval by the Mayor.