

1 **BOARD BILL #287**

INTRODUCED BY ALDERMAN WESSELS

2 An Ordinance Approving The Petition Of An Owner Of Certain Real Property To Establish A
3 Community Improvement District, Establishing The Union Station Community Improvement
4 District, Finding A Public Purpose For The Establishment Of The Union Station Community
5 Improvement District, Authorizing the Execution of a Transportation Project Agreement
6 Between The City And The Union Station Transportation Development District, Prescribing The
7 Form And Details Of Said Agreement, Making Certain Findings With Respect Thereto,
8 Authorizing Other Related Actions In Connection With The TDD Project, And Containing A
9 Severability Clause.

10 **WHEREAS**, the City is a body corporate and a political subdivision of the State of
11 Missouri, duly created, organized and existing under and by virtue of its charter, the
12 Constitution, and laws of the State of Missouri; and

13 **WHEREAS**, Section 67.1400 *et seq.*, RSMo, (the “CID Act”) authorizes the Board of
14 Aldermen to approve the petitions of property owners to establish a Community Improvement
15 District; and

16 **WHEREAS**, a petition has been filed with the City, requesting formation and
17 establishment of the Union Station Community Improvement District (the “CID”), signed by the
18 authorized representatives of the owners of more than fifty percent by assessed value and per
19 capita of the property located within the proposed boundaries of the CID (the “Petition”); and

20 **WHEREAS**, the Register of the City of St. Louis did review and determine that the
21 Petition 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 9:00 a.m. on January 30, 2013, by the Board of Aldermen;
3 and

4 **WHEREAS**, the Union Station Transportation Development District (the “TDD”)
5 intends to undertake that certain “TDD Project” as described and defined in that certain
6 Transportation Project Agreement (the “Transportation Project Agreement”), the form of which
7 is attached hereto as **Appendix B**, which TDD Project will provide a benefit to the City by
8 increasing the available supply of parking; and

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

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

19 **WHEREAS**, the City hereby desires and intends to approve the TDD Project, subject to
20 the TDD and the City entering into a mutually satisfactory agreement regarding the development
21 and future maintenance of the TDD Project; and

1 **WHEREAS**, the City intends to enter into the Transportation Project Agreement and
2 incorporated herein by reference, with the TDD, as a mutually satisfactory agreement regarding
3 the development and future maintenance of the TDD Project; and

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

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

10 **WHEREAS**, the Board of Aldermen hereby determines that the terms of the
11 Transportation Agreement are acceptable, and that the execution, delivery and performance by
12 the City and the TDD of their respective obligations are in the best interests of the City and the
13 health, safety, morals and welfare of its residents; and

14 **WHEREAS**, this Board of Aldermen hereby finds that the adoption of this ordinance is
15 in the best interest of the City of St. Louis and that the owners of real property located within the
16 CID, as well as the City as a whole, will benefit from the establishment of the CID and the other
17 transactions described herein.

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

19 **SECTION ONE.**

20 (a) A community improvement district, to be known as the “Union Station
21 Community Improvement District” (hereinafter referred to as the “CID”), is hereby established
22 pursuant to the CID Act on certain real property described below to contract with a private
23 property owner to demolish, remove, renovate, reconstruct, rehabilitate, repair and/or equip the

1 existing building within the CID, impose a sales and use tax and carry out other functions as set
2 forth in the Petition, which is attached hereto as **Appendix A** and incorporated herein by this
3 reference.

4 (b) The CID boundaries are set forth in the Petition and are generally described as
5 follows: generally bounded on the west by a portion of South 20th Street and the eastern line of
6 the parcel located at 326 South 21st Street and including that property located at 156 South 21st
7 Street; on the south by the northern line of the parcel located at 514 South 21st Street; on the east
8 by South 18th Street; on the north by Market Street.

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

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

1 provisions of Section 108.170, RSMo. The CID is also authorized to issue such obligations to
2 refund, in whole or part, obligations previously issued by the CID.

3 **SECTION FOUR.**

4 (a) Pursuant to the Petition, the CID shall be in the form of a political subdivision
5 of the State of Missouri, known as the “Union Station Community Improvement District.”

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

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

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

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

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

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

1 **SECTION EIGHT.** The property within the CID is a “blighted area” pursuant to Section
2 67.1401.2(3) of the CID Act because such property was blighted under Sections 99.300 to
3 99.715, RSMo, pursuant to Ordinance No. 58219, was blighted under Chapter 353 RSMo,
4 pursuant to Ordinance No. 57286, as amended by Ordinances 58294 and 58800, and because
5 such property suffers from significant deteriorations of the train shed roof and other site
6 improvements and the economic underutilization and social risk resulting from extensive
7 vacancies throughout the CID.

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

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

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

1 **SECTION TWELVE.** The Register shall report in writing the creation of the Union
2 Station Community Improvement District to the Missouri Department of Economic
3 Development.

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

11	<u>Name</u>	<u>Term</u>
12	1. Cathy Raftery	2 years
13	2. Steve O’Loughlin	2 years
14	3. Joe Mooney	2 years
15	4. Craig Cobler	4 years
16	5. Robert O’Loughlin	4 years

17 **SECTION FOURTEEN.** The Board of Alderman hereby approves the TDD Project as
18 submitted to the City.

19 **SECTION FIFTEEN.** The Board of Alderman further finds and determines that it is
20 necessary and desirable to enter into the Transportation Project Agreement with the TDD in
21 order to implement the TDD Project.

22 **SECTION SIXTEEN.** The Board of Aldermen finds and determines that the TDD
23 Project is necessary and desirable in order to increase the supply of available parking in the City.

1 **SECTION SEVENTEEN.** The Board of Alderman hereby approves, and the Mayor and
2 Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the
3 Transportation Project Agreement by and between the City and the TDD in similar form to that
4 attached hereto as **Appendix B** and incorporated herein by this reference, and the City Register
5 is hereby authorized and directed to attest to the Transportation Project Agreement and to affix
6 the seal of the City thereto. The Transportation Project Agreement shall be in substantially the
7 form attached, with such changes therein as shall be approved by said Mayor and Comptroller
8 executing the same and as may be consistent with the intent of this Ordinance and necessary and
9 appropriate in order to carry out the matters herein authorized.

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

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

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

APPENDIX A

Petition to Establish the Union Station Community Improvement District

SEE ATTACHED

APPENDIX B

Form of Transportation Project Agreement

SEE ATTACHED