

1 An ordinance approving the Petition of owners of real property seeking the creation,
2 extension, renewal and establishment of The Downtown St. Louis Community Improvement
3 District, Inc.; finding a public purpose for the creation, extension, renewal and establishment of
4 The Downtown St. Louis Community Improvement District, Inc.; and containing a severability
5 clause and an emergency 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 March 31, 1999, certain property owners or authorized representatives of
10 the owners of more than 50% by assessed value and per capita located within the proposed
11 boundaries of the Downtown St. Louis Partnership, Inc. Community Improvement District
12 requested the establishment of the Downtown St. Louis Partnership, Inc. Community
13 Improvement District consisting of a 225-block community improvement district to be known as
14 the Downtown St. Louis Partnership, Inc. Community Improvement District; and

15 WHEREAS, the Board of Aldermen on July 23, 1999, adopted and on July 29, 1999, the
16 Mayor approved Ordinance 64724 which authorized the establishment of the Downtown St.
17 Louis Partnership, Inc. Community Improvement District consisting of 225 blocks for a term
18 ending December 31, 2004; and

19 WHEREAS, Downtown St. Louis Development, Inc. and Downtown St. Louis
20 Management, Inc. were merged into the Downtown St. Louis Partnership, Inc. Community

1 Improvement District, which changed its name to The Downtown St. Louis Community
2 Improvement District, Inc. as of July 1, 2002; and

3 WHEREAS, on March 31, 2004, certain property owners or authorized representatives of
4 the owners of more than 50% by assessed value and per capita located within the proposed
5 boundaries of The Downtown St. Louis Community Improvement District, Inc. requested the
6 creation, extension, renewal and establishment of a portion of The Downtown St. Louis
7 Community Improvement District, Inc. consisting of a 165-block community improvement
8 district to continue to be known as The Downtown St. Louis Community Improvement District,
9 Inc.; and

10 WHEREAS, the Board of Aldermen on July 16, 2004, adopted and on July 19, 2004, the
11 Mayor approved Ordinance 66326 which authorized the creation, extension, renewal and
12 establishment of The Downtown St. Louis Community Improvement District, Inc. consisting of
13 165 blocks for a term ending December 31, 2011; and

14 WHEREAS, certain property owners within The Downtown St. Louis Community
15 Improvement District, Inc. wish to extend its term; and

16 WHEREAS, the Act does not contain a provision for the extension of an existing
17 Community Improvement District; and

18 WHEREAS, on March 21, 2011, a petition (the "Petition") has been signed by certain
19 property owners or authorized representatives of the owners of more than 50% by assessed value
20 and per capita (the "Property Owners") within The Downtown St. Louis Community
21 Improvement District, Inc. requesting the creation, extension, renewal and establishment of The
22 Downtown St. Louis Community Improvement District, Inc. consisting of a 165-block

May 20, 2011

Page 2 of 9

BB#76, Sponsor: Alderwoman Young, Alderwoman Griffin, Alderwoman Triplett

1 community improvement district to continue to be known as The Downtown St. Louis
2 Community Improvement District, Inc. as of the effective date of this ordinance; and

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

4 WHEREAS, the Register of the City reviewed and determined that the Petition
5 substantially complies with the requirements of the Act; and

6 WHEREAS, the Board of Aldermen did on _____, introduce
7 Resolution No. _____ declaring its intention to create, extend, renew and establish a
8 Community Improvement District in downtown St. Louis and calling for a public hearing on the
9 matter; and

10 WHEREAS, such public hearing, duly noticed, was held at 10:00 a.m. on
11 _____, 2011, [and continued until _____ . m. on
12 _____,] by the Board of Aldermen; and

13 WHEREAS, this Board of Aldermen hereby finds that the adoption of this ordinance is in
14 the public interest of the City; that the creation, extension, renewal and establishment of The
15 Downtown St. Louis Community Improvement District, Inc. is a public purpose; and that the
16 property owners, residents and persons engaging in business or visiting downtown St. Louis, and
17 the public in general will benefit by the creation, extension, renewal and establishment of said
18 Community Improvement District.

19 NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS
20 FOLLOWS:

21 **SECTION ONE.**

May 20, 2011

Page 3 of 9

BB#76, Sponsor: Alderwoman Young, Alderwoman Griffin, Alderwoman Triplett

1 (a) A Community Improvement District, to be known as “The Downtown St. Louis
2 Community Improvement District, Inc.” (hereinafter referred to as the “District”), is hereby
3 created, extended, renewed, and established under the Act within a 165-block area to provide
4 services, construct improvements, impose special assessments, and carry out other functions as
5 set forth in the Petition, and to receive the services and benefits all as set forth in the Petition
6 attached hereto as Appendix A and made a part hereof.

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

9 Beginning at the intersection of the centerline of 14th Street and Interstate 40/64;
10 thence eastwardly along the centerline of Interstate 40/64 across all intervening
11 streets to the intersection of the centerlines of Interstate 40/64 and Interstate 70;
12 thence northwardly along the centerline of Interstate 70 across all intervening
13 streets to the intersection of the centerlines of Interstate 70 and Cole Street;
14 thence westwardly along the centerline of Cole Street across all intervening
15 streets to the intersection of the centerlines of Cole Street and 14th Street; thence
16 southwardly along the centerline of 14th Street across all intervening streets to
17 the intersection of the centerlines of 14th Street and Delmar Boulevard; thence
18 westwardly along the centerline of Delmar Boulevard across all intervening
19 streets to the intersection of the centerlines of Delmar Boulevard and 18th Street;
20 thence southwardly along the centerline of 18th Street across all intervening
21 streets to the intersection of the centerlines of 18th Street and Chestnut Street;
22 thence eastwardly along the centerline of Chestnut Street across all intervening
23 streets to the intersection of the centerlines of Chestnut Street and 14th Street;
24 thence southwardly along the centerline of 14th Street to the intersection of the
25 centerlines of 14th Street and at Interstate 40/64, the point of beginning.

26
27 **SECTION TWO.**

28 (a) The District is authorized by the Petition in accordance with the Act to use
29 any one or more of the assessments or other funding methods specifically authorized by
30 the Act and the Petition to provide funds to accomplish any power, duty or purpose of the
31 District.

May 20, 2011

Page 4 of 9

BB#76, Sponsor: Alderwoman Young, Alderwoman Griffin, Alderwoman Triplett

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

5 (c) The District is authorized by the Act to assess and collect an assessment based
6 upon an annual calculation of lot gross square footage and building gross square footage above
7 the first floor.

8 (d) (i) The District, when approved by the Board of Aldermen, is authorized by
9 the Act and by the Petition, when approved by the District, to assess and collect annual
10 assessments against each tract, lot or parcel of real property in an amount not to exceed \$0.0948
11 per lot square foot and \$0.0519 per square foot per floor for each floor above the first floor;
12 provided, however, that each condominium unit on the first floor, whether designated for
13 residential or commercial use, shall be assessed at \$0.0519 per square foot; and further provided
14 that each assessment may be annually increased by an amount not to exceed a 4% annual average
15 over the 10-year term.

16 (ii) Such special assessments shall be levied annually in advance
17 beginning in 2011 so that funds will be available for operations on January 1, 2012, and
18 each January 1 thereafter during the term of the District.

19 (iii) Such special assessments levied and collected by the District
20 represent the costs of the services and improvements described in the Petition to each
21 Property Owner within the District. Each property owner's special assessment shall

1 represent that Property Owner's share of the benefit and the cost of such services and
2 improvements.

3 (e) Notwithstanding anything to the contrary, the District shall have no power
4 to levy any tax but shall only have the power to levy special assessments in accordance
5 with the Act.

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

19 **SECTION FOUR.**

20 (a) Pursuant to the Petition, the District shall continue to be organized as a
21 not-for-profit corporation known as The Downtown St. Louis Community Improvement
22 District, Inc.

May 20, 2011

Page 6 of 9

BB#76, Sponsor: Alderwoman Young, Alderwoman Griffin, Alderwoman Triplett

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

2 (c) Pursuant to the Act and no earlier than 180 days and no later than 90 days
3 prior to the first day of each fiscal year, the District shall submit to the Board of
4 Aldermen a proposed annual budget for the District, setting forth expected expenditures,
5 revenues, and rates of assessments, if any, for such fiscal year. The Board of Aldermen
6 may review and comment on this proposed budget, but if such comments are given, the
7 Board of Aldermen shall provide such written comments no later than 60 days prior to
8 the first day of the relevant fiscal year; such comments shall not constitute requirements
9 but shall only be recommendations.

10 (d) Pursuant to the Act, the District shall hold an annual meeting for the
11 District and adopt an annual budget no later than 30 days prior to the first day of each
12 fiscal year.

13 (e) Within 120 days after the end of each fiscal year, the District shall submit
14 a report to the Register of the City and the Missouri Department of Economic
15 Development stating the services provided, revenues collected and expenditures made by
16 the District during such fiscal year, and copies of written resolutions approved by the
17 board of the District during the fiscal year. The Register shall retain this report as part of
18 the official records of the City and shall also cause this report to be spread upon the
19 records of the Board of Aldermen.

20 **SECTION FIVE.**

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

May 20, 2011

Page 7 of 9

BB#76, Sponsor: Alderwoman Young, Alderwoman Griffin, Alderwoman Triplett

1 (b) Pursuant to the Petition, the Board of Directors of the District is
2 authorized to appropriate and pay over any remaining sums from the levy of special
3 assessments on properties located within the District pursuant to the Petition approved by
4 Ordinance 66326, authorizing the creation, extension, renewal and establishment of the
5 current District.

6 (c) Pursuant to the Act, the District shall have all the powers necessary to
7 carry out and effectuate the purposes as set forth in the Act.

8 (d) The term for the existence of the District will begin on the effective date
9 of this ordinance and will end on December 31, 2021.

10 **SECTION SIX.** The Board of Aldermen found and determined in Ordinances
11 67350 and 67494 that property within the District was a blighted area by reason of
12 pervasive poverty, unemployment and general distress, and unlikely to be able to support
13 reasonable tax assessment or to experience economic growth without the tax incentive
14 provided by the Federal Empowerment Zone and Enterprise Community Act designed to
15 spur economic growth (see Omnibus Budget Reconciliation Act of 1993; the Taxpayer
16 Relief Act of 1997; and the Tax Relief, Unemployment Insurance Reauthorization, and
17 Job Creation Act of 2010) and the Missouri Enhanced Enterprise Zone (see Mo. Rev.
18 Stat. §§135.950 *et seq.* (Supp. 2009)).

19 **SECTION SEVEN.** The Board of Aldermen hereby finds that the use of the
20 proceeds of the special assessments as provided in the Petition will serve a public purpose
21 by remediating blight and encouraging the redevelopment of real property within the
22 District.

May 20, 2011

Page 8 of 9

BB#76, Sponsor: Alderwoman Young, Alderwoman Griffin, Alderwoman Triplett

1 **SECTION EIGHT.** Pursuant to the Act, the Board of Aldermen shall not
2 decrease the level of publicly funded services in the District existing prior to the creation
3 of the District or transfer the financial burden of providing the services to the District
4 unless the services at the same time are decreased throughout the City, nor shall the
5 Board of Aldermen discriminate in the provision of the publicly funded services between
6 areas included in the District and areas not so included.

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

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

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

18 ADOPTED this _____ day of _____, 2011.

May 20, 2011

Page 9 of 9

BB#76, Sponsor: Alderwoman Young, Alderwoman Griffin, Alderwoman Triplett