**BOARD BILL No. 21** **INTRODUCED BY ALDERMAN WILLIAMSON**

**AN ORDINANCE APPROVING THE AMENDED PETITION OF ROBERTS BROTHERS PROPERTIES VI, L.L.C., ROBERTS PLACE HOUSE, L.L.C. AND ROBERTS BLOSSOM HOUSE, L.L.C.; ESTABLISHING THE ENRIGHT/ARLINGTON COMMUNITY IMPROVEMENT DISTRICT; FINDING A PUBLIC PURPOSE; APPROVING APPOINTMENT OF THE INITIAL BOARD OF DIRECTORS THERETO; AND CONTAINING A SEVERABILITY AND AN EMERGENCY CLAUSE.**

**WHEREAS,** the City of St. Louis, Missouri (the *"City"*) is authorized and empowered pursuant to the Community Improvement District Act, Sections 67.1401 to 67.1571 of the Revised Statutes of Missouri, as amended (the *"CID Act"*), to establish a community improvement district (the "*District*") as proposed by a verified petition; and

**WHEREAS,** on February 17, 2006, a Petition for Creation of a Community Improvement District (the *"Petition"*) was filed with the Register of the City, and on February 27, 2006 and March 3 and 10, 2006, said Petition was amended; and

**WHEREAS,** on April 7, 2006, the Register did review and determine that the Amended Petition substantially complies with the requirements of the Act and verified said Amended Petition in accordance with the requirements of the CID Act;

**WHEREAS,** after notice of the public hearing by publication and individually to each property owner within the proposed District via correspondence, a public hearing was held on_____, 2006 regarding creation of the District, all pursuant to Section 67.1421.1 of the CID Act; and

**WHEREAS,** subject to and in accordance with the CID Act and the Amended Petition, and upon the approval of the qualified voters of the District, the District intends to impose a special assessment of up to 2% of the asking price of the improved real estate; or if no asking price, then 2% of the assessed value, within the District pursuant to Section 67.1521 of the CID Act (the *"CID Special Assessment"*); and

**WHEREAS**, the Amended Petition requests that the members of the initial Board of Directors of the District be appointed by the Mayor of the City pursuant to Section 67.1451.5 of the CID Act, subject to consent of the Board of Aldermen, with Successive Directors appointed in the same manner; and

**WHEREAS,** the Amended Petition provides that the District shall work toward the elimination of blight factors within the District, including the construction, reconstruction and remediation of new and existing structures and condominiums with surface parking and related transportation and utility improvements within the adjacent right-of-way and security and maintenance for the Project, as well as provide the revenues from the CID Special Assessment to repay any obligations issued in relation to the Project; and

WHEREAS, the Board of Aldermen hereby finds that the adoption of this ordinance is in the best interest of the City of St. Louis and that the property owners, residents, and persons living in and at or near the Enright/Arlington Community Improvement District, and the public generally will benefit by the establishment of said Community Improvement District.

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

**Section 1.** Pursuant to Section 67.1411.3 of the CID Act and subject to the terms of the Petition, the Enright/Arlington Community Improvement District is hereby formed as a political subdivision of the State of Missouri; a copy of the Amended Petition containing a legal description of the District's boundaries is attached hereto as **Exhibit A** and incorporated herein by reference.

**Section 2.** The Board of Aldermen hereby finds that the District is located in the West End Urban Renewal Area, which was declared blighted under Chapter 99 RSMo. in Ordinance No. 51799, as amended, this finding includes and the Amended Petition sets forth and the Board of Aldermen hereby finds and adopts by reference the analysis of the factors that qualify the District as a "blighted area" as set forth in the "Amended Blighting Study and Plan for West End Urban Renewal Area", revised July 20, 1967, amended April 21, 1998 and November 20, 1968, which analysis is incorporated herein as if set forth here in full.

**Section 3.** Pursuant to the CID Act, the District shall have all the powers necessary to carry out and effectuate the purposes and provisions of the CID Act.

**Section 4.** Pursuant to the CID Act, the District is authorized by the CID Act, at any time, to issue obligations for the purpose of carrying out any of its powers, duties, or purposes. Such obligations shall be payable out of all, part or any combination of the revenues of the District and may be further secured by all or any part of any property or any inters in any property by mortgage or any other security interest granted. Such obligations shall be authorized by resolution of the District, and if issued by the District shall be such date or dates, and shall mature at such time or times, but not more than twenty (20) years from the date of issuance, as the resolution shall specify. Such obligations shall be in such denominations, bear such interest

at such rate or rates, be in such form, be payable in such place or places, be subject to redemption as such resolution may provide and be sold at either public or private sale at such prices as the District shall determine subject to the provisions of Section 108.170, RSMo. The District is also authorized to issue obligations to refund, in whole or in part, obligations previously issued by the District.

**Section 5.** The District shall not terminate sooner than one year from the date of this Ordinance.

**Section 6.** Pursuant to Section 67.1451.5 of the CID Act, the Mayor appoints and the Board of Aldermen of the City hereby approves the initial appointment of the District's Board of Directors as follows:

| Name | Initial Term |
|---|---|
| Michael Roberts Sr. | 4 years from date of appointment |
| Steven Roberts | 4 years from date of appointment |
| Virvus Jones | 2 years from date of appointment |
| Kay Gabbert | 2 years from date of appointment |
| Bobby Tate | 2 years from date of appointment |

The date of appointment for each of the initial Board of Directors shall be the date of passage of this Ordinance. No further action by the Mayor or Board of Aldermen of the City for appointment of the initial Board of Directors is necessary.

**Section 7.** The Board of Directors of the District shall have its initial meeting on such date and at such time when a quorum of Board of Directors is available.

**Section 8.** Pursuant to the CID Act, the Board of Aldermen shall not decrease the level of publicly funded services in the District existing prior to the creation of the District or transfer the financial burden of providing the services to the District unless the services at the same time are decreased throughout the City, nor shall the Board of Aldermen discriminate in the provision of publicly funded services between areas included in the District and areas not so included.

**Section 9.** Pursuant to Section 67.1421.6 of the CID Act, the City Register or the City Counselor on her behalf shall notify in writing the Missouri Department of Economic Development of the District's creation.

**Section 10.** The Board of Aldermen hereby approves the Amended Petition and the City shall, and the officers, agents and employees of the City are hereby authorized and directed to take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**Section 11.** It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding

shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

**Section 12.** This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the Mayor.

**EXHIBIT A**

Petition for Creation of a Community Improvement District

(Attached hereto.)