

**BOARD BILL #79      INTRODUCED BY ALDERMAN STEPHEN CONWAY**

1    An ordinance approving the Petition to Establish the Flora Place Community  
2    Improvement District, establishing the Flora Place Community Improvement District,  
3    and containing a severability clause and an emergency clause.

4            WHEREAS, Mo. Rev. Stat. § 67.1400 et seq. (the "Act") authorized the Board of  
5    Aldermen to approve the petition of property owners to establish a Community  
6    Improvement District; and

7            WHEREAS, a petition signed by property owners in the Flora Place Area,  
8    hereinafter described, has been filed with the City, requesting formation of a Community  
9    Improvement District; and

10           WHEREAS, the Register of the City of St. Louis did review and determine that  
11    the petition substantially complies with the requirements of the Act; and

12           WHEREAS, the Board of Aldermen did, on \_\_\_\_\_, introduce  
13    Resolution Number \_\_\_\_\_ declaring its intention to establish a Community  
14    Improvement District in the Flora Place Area and calling for a public hearing on the  
15    matter; and

16           WHEREAS, such public hearing, duly noticed, was held at \_\_\_\_\_ a.m. on  
17    \_\_\_\_\_, \_\_\_\_\_, 2007 by the Board of Aldermen; and

18           WHEREAS, this Board of Aldermen hereby finds that the adoption of this  
19    ordinance is in the best interest of the City of St. Louis and that the property owners,  
20    residents and persons engaging in business or visiting the Flora Place Area, and the  
21    public in general will benefit by the establishment of said Community Improvement  
22    District.

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

2 SECTION ONE.

3 (a) A Community Improvement District, to be known as the “Flora Place  
4 Community Improvement District” (hereinafter referred to as the “District”), is hereby  
5 established within the Flora Place Area, hereinafter described, to receive services,  
6 benefits, and assessment as set forth in the petition.

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

9 The “Flora Place Area” is all of the property located within the City of St.  
10 Louis abutting the roadway commonly known as Flora Place together with  
11 any rear parcels that abut parcels abutting on Flora Place and bounded on  
12 the east by Grand Boulevard, on the west by Tower Grove Avenue, on the  
13 north by the east-west alleyways located in CB 4935, CB 4940, CB 4941,  
14 CB 4946, CB 4947, and CB 4952 (and excluding those properties north  
15 of such alleyways abutting Russell Boulevard ), and on the south by  
16 the east-west alleyways located in CB 4934, CB 4929, CB 4920, CB  
17 4919, CB 2117, and CB 2118 (and excluding those properties south of  
18 such alleyways abutting Flad Avenue).

19 SECTION TWO.

20 (a) The District is authorized by the Act to use any one or more of the  
21 assessments or other funding methods specifically authorized by the Act to provide  
22 funds to accomplish any power, duty or purpose of the District; provided, however, the  
23 District shall not have the authority to impose any such assessment on any real property

1 located in a special business district authorized pursuant to Mo. Rev. Stat. § 71.790 et  
2 seq. or on any business or individual doing business in such special business district  
3 until the taxes imposed by such special business district have been repealed, or the  
4 rates therefor have been reduced to zero, by such special business district.

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

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

- 12 \$0.00 for unimproved real property;
- 13 \$0.00 for improved real property that does not include a residence; and
- 14 \$500.00 for improved real property upon which a residence is located.

15 (As defined in the petition, "residence" means a single-family dwelling.)

16 (ii) Special assessments shall be levied in advance, beginning in the  
17 fall of 2007 and continuing through the fall of 2011, so that funds will be available for  
18 operations from January 1, 2008 through December 31, 2012.

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

22 SECTION THREE. The District is authorized by the Act, at any time, to issue  
23 obligations for the purpose of carrying out any of its powers, duties or purposes. Such

1 obligations shall be payable out of all, part of any combination of the revenues of the  
2 District and may be further secured by all or any part of any property or any interest in  
3 any property by mortgage or any other security interest granted. Such obligations shall  
4 be authorized by resolution of the District, and if issued by the District, shall bear such  
5 date or dates, and shall mature at such time or times, but not more than 20 years from  
6 the date of issuance, as the resolution shall specify. Such obligations shall be in such  
7 denomination, bear interest at such rate or rates, be in such form, be payable in such  
8 place or places, be subject to redemption as such resolution may provide and be sold at  
9 either public or private sale at such prices as the District shall determine subject to the  
10 provisions of Mo. Rev. Stat. § 108.170. The District is also authorized to issue such  
11 obligations to refund, in whole or in part, obligations previously issued by the District.

12 SECTION FOUR.

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

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

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

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

4 SECTION FIVE. The District is authorized by the Act to use the funds of the  
5 District for any of the improvements and activities authorized by the Act.

6 SECTION SIX. Pursuant to the Act, the District shall have all the powers  
7 necessary to carry out and effectuate the purposes of this ordinance and the petition as  
8 set forth in the Act.

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

16 SECTION EIGHT. The District will continue to exist and function for a term of  
17 approximately five (5) years beginning on the date of this ordinance and ending at the  
18 end of the fifth full calendar year thereafter (*i.e.*, December 31, 2012). Special  
19 assessments shall be levied in advance beginning in 2007 so that funds will be available  
20 for operations on January 1, 2008.

21 SECTION NINE. Pursuant to the Act, the Board of Aldermen shall not decrease  
22 the level of publicly funded services in the District existing prior to the creation of the  
23 District or transfer the financial burden of providing the services to the District unless the

1 services at the same time are decreased throughout the City, nor shall the Board of  
2 Aldermen discriminate in the provision of the publicly funded services between areas  
3 included in the District and areas not so included.

4 SECTION TEN. The Register shall report in writing the creation of the Flora  
5 Place Community Improvement District to the Missouri Department of Economic  
6 Development.

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

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

**Appendix A**  
**(District Boundary Map)**

