

1 **WHEREAS**, this Board of Aldermen hereby finds that the adoption of this ordinance is
2 in the best interest of the City of St. Louis and that the property owners of the Broadway Hotel
3 Community Improvement District, as well as the City as a whole, will benefit from the
4 establishment of the Broadway Hotel Community Improvement District.

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

6 **Section One.**

7 (a) A community improvement district, to be known as the “Broadway Hotel
8 Community Improvement District” (hereinafter referred to as the “District”), is hereby
9 established pursuant to the CID Act on that real property identified at the time of adoption of this
10 ordinance by Parcel Identification Numbers 6464-000-0200 and 6464-000-0150 to provide
11 services, construct improvements, impose taxes and carry out other functions as set forth in the
12 Petition, which is attached hereto as Appendix A and incorporated herein by this reference.

13 (b) The District boundaries are set forth in the map included in the Petition in
14 Appendix A and are legally described as follows:

15 Parcel 1:

16
17 Lot 1 of tract 9 of Civic Center Subdivision Plat 4, according to the plat thereof recorded in Plat
18 Book 37 page 46 of the City of St. Louis, Missouri, Recorder’s Office, and in Block 6464 of the
19 City of St. Louis.

20
21 Parcel 2:

22
23 Part of Lot 2 of tract 9 of Civic Center Subdivision Plat 4, according to the plat thereof recorded
24 in Plat Book 37 page 46 of the City of S.t Louis, Missouri, Recorder’s Office, and in Block 6464
25 of the City of St. Louis, being more particularly described as follows:

26
27 Beginning at the Northeast corner of said Lot 2 having coordinates 97208.503 North and
28 212136.930 East; thence Southwardly along the East line thereof South 17 degrees 32 minutes
29 09 seconds West 223.218 feet to the Southeast corner of said Lot 2 and having coordinates
30 96995.658 North and 212069.674 East; thence Westwardly along the South line of said Lot 2
31 being also the North line of Walnut Street 85 feet wide, North 72 degrees 14 minutes 58 seconds
32 West 62.962 feet to a point of curvature having coordinates 97014.854 North and 212009.709
33 East; thence continuing along said line along a curve to the left having a radius of 2300.00 feet,

1 an arc distance of 3.996 feet to a point having coordinates 97016.069 and 212005.902 East;
2 thence Northwardly and parallel with the East line of said Lot 2 North 17 degrees 32 minutes 09
3 seconds East 222.970 feet to a point in the North line of said Lot 2 and having coordinates
4 97228.677 North and 213073.083; thence Eastwardly along said North line being also the South
5 line of Market Street, 112 feet wide, South 72 degrees 27 minutes 51 seconds East 66.957 feet to
6 the point of beginning.

7
8 **Section Two.**

9 The District is authorized by the Petition, in accordance with the CID Act, to
10 impose a sales and use tax at a rate not to exceed one percent (1%) on retail sales within the
11 District, to provide funds to accomplish any power, duty or purpose of the District. The District
12 shall have no power to levy any special assessment or real property tax upon real property within
13 its boundaries.

14 **Section Three.**

15 The District is authorized by the CID Act, at any time, to issue obligations, or to enter
16 into agreements with other entities with the authority to issue obligations, for the purpose of
17 carrying out any of its powers, duties, or purposes. Such obligations shall be payable out of all,
18 part or any combination of the revenues of the District and may be further secured by all or any
19 part of any property or any interest in any property by mortgage or any other security interest
20 granted. Such obligations shall be authorized by resolution of the District, and if issued by the
21 District, shall bear such date or dates, and shall mature at such time or times, but not more than
22 twenty (20) years from the date of issuance, as the resolution shall specify. Such obligations
23 shall be in such denomination, bear interest at such rate or rates, be in such form, be payable in
24 such place or places, be subject to redemption as such resolution may provide and be sold at
25 either public or private sale at such prices as the District shall determine subject to the provisions
26 of Mo. Rev. Stat. §108.170. The District is also authorized to issue such obligations to refund, in
27 whole or part, obligations previously issued by the District.

1 **Section Four.**

2 (a) Pursuant to the Petition, the District shall be in the form of a political
3 subdivision of the State of Missouri, known as the Broadway Hotel Community Improvement
4 District.

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

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

15 (d) The District 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 District is authorized to use the funds of the District for any of the
18 improvements, services or other activities authorized under the CID Act.

19 **Section Six.** Pursuant to the CID Act, the District shall have all of the powers necessary
20 to carry out and effectuate the purposes of the District and the CID Act as set forth in the CID
21 Act, provided that, as set forth in the Petition, the District shall not have the power to acquire any
22 real property within the District by condemnation.

1 **Section Seven.** The City of St. Louis hereby finds that the uses of the District proceeds as
2 provided for in the Petition hereto will serve a public purpose by remediating blight and
3 encouraging the redevelopment of real property within the District.

4 **Section Eight.** The District is located in the 620 Market Street Area, which was declared
5 “blighted” under Chapter 99 RSMo. in Ordinance No. 66979 of the City of St. Louis Board of
6 Aldermen.

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

14 **Section Ten.** The term for the existence of the District shall begin on the date this
15 ordinance becomes effective and shall continue for the term set forth in the Petition, as may be
16 amended from time to time.

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

22 **Section Twelve.** The Register shall report in writing the creation of the Broadway Hotel
23 Community Improvement District to the Missouri Department of Economic Development.

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

8 (1) Robert O’Loughlin (four years), as legally authorized representative of
9 HDH, LLC, a business operating within the District;

10 (2) Craig Cobler (four years), as legally authorized representative of
11 Broadway Hotel Operations I, LLC, a business operating within the District;

12 (3) Steve O’Loughlin (two years), as legally authorized representative of
13 Broadway Hotel Operations II, LLC, a business operating within the District;

14 (4) Joseph Mooney (two years), as legally authorized representative of
15 Broadway Hotel Operations III, LLC, a business operating within the District; and

16 (5) Cathy Raftery (two years), as legally authorized representative of
17 Broadway Hotel Operations IV, LLC, a business operating within the District.

18 **Section Fourteen.** If any section, subsection, sentence, clause, phrase or portion of this
19 ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of
20 competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate,
21 distinct and independent provision of this ordinance, and such holding or holdings shall not
22 affect the validity of the remaining portions of this ordinance.

APPENDIX A

Broadway Hotel Community Improvement District Petition