

1 **BOARD BILL # 139 INTRODUCED BY ALDERWOMAN KACIE STARR TRIPLETT**

2 **An ordinance approving the Petition of Chouteau Properties IV, LLC and**
3 **Merus properties, LLC, as owners of certain real property, to establish a**
4 **Community Improvement District, establishing the Chouteau Crossing**
5 **Community Improvement District, finding a public purpose for the**
6 **establishment of the Chouteau Crossing Community Improvement District,**
7 **and containing a severability clause.**

8 **WHEREAS**, Mo. Rev. Stat. §67.1400 *et seq.* (the “CID Act”) authorized the Board of
9 Aldermen to approve the petitions of property owners to establish a Community Improvement
10 District; and

11 **WHEREAS**, a petition has been filed with the City, requesting formation and
12 establishment of the Chouteau Crossing Community Improvement District, signed by authorized
13 representatives of the owners of more than fifty percent by assessed value and per capita of the
14 property located within the Chouteau Crossing Community Improvement District (as amended,
15 the “Petition”); and

16 **WHEREAS**, the Register of the City of St. Louis did review and determine that the
17 Petition substantially complies with the requirements of the CID Act; and

18 **WHEREAS**, a public hearing, duly noticed and conducted as required by and in
19 accordance with the CID Act was held at _____ on _____, 2009 by the Board of
20 Aldermen; and

21 **WHEREAS**, this Board of Aldermen hereby finds that the adoption of this Ordinance is
22 in the best interest of the City of St. Louis and that the property owners of the Chouteau Crossing

1 Community Improvement District, as well as the City as a whole, will benefit from the
2 establishment of the Chouteau Crossing Community Improvement District.

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

4 **SECTION ONE.**

5 (a) A community improvement district, to be known as the “Chouteau Crossing
6 Community Improvement District” (hereinafter referred to as the “District”), is hereby
7 established pursuant to the CID Act on certain real property to provide services, construct
8 improvements, impose taxes and carry out other functions as set forth in the Petition, which is
9 attached hereto as Appendix A and incorporated herein by this reference.

10 (b) The District boundaries are set forth in the map included in the Petition in Exhibit B
11 and are generally described as follows (and are more particularly described in the Petition): that
12 real property bounded generally on the North by Papin Street and the northern boundary of the
13 property located at 2302 Papin Street, on the East by 22nd Street, on the South by Chouteau
14 Avenue and the northern boundary of the property located at 2643 Chouteau Avenue, and on the
15 West by Ohio Street and the eastern boundary of the property located at 2643 Chouteau Avenue.

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

19 **SECTION THREE.** The District is authorized by the CID Act, at any time, to issue
20 obligations, or to enter into agreements with other entities with the authority to issue obligations,
21 for the purpose of carrying out any of its powers, duties, or purposes. Such obligations shall be
22 payable out of all, part or any combination of the revenues of the District and may be further
23 secured by all or any part of any property or any interest in any property by mortgage or any

1 other security interest granted. Such obligations shall be authorized by resolution of the District,
2 and if issued by the District, shall bear such date or dates, and shall mature at such time or times,
3 as the resolution shall specify. Such obligations shall be in such denomination, bear interest at
4 such rate or rates, be in such form, be payable in such place or places, be subject to redemption
5 as such resolution may provide and be sold at either public or private sale at such prices as the
6 District shall determine subject to the provisions of Mo. Rev. Stat. §108.170. The District is also
7 authorized to issue such obligations to refund, in whole or part, obligations previously issued by
8 the District.

9 **SECTION FOUR.**

10 (a) Pursuant to the Petition, the District shall be in the form of a political subdivision of
11 the State of Missouri, known as the Chouteau Crossing Community Improvement District.

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

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

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

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

3 **SECTION SIX.** Pursuant to the CID Act, the District shall have all of the powers
4 necessary to carry out and effectuate the purposes of the District and the CID Act as set forth in
5 the CID Act, except as may be limited in the Petition.

6 **SECTION SEVEN.** The City of St. Louis hereby finds that the uses of the District
7 proceeds as provided for in the Petition hereto will serve a public purpose by remediating blight
8 and encouraging the redevelopment of real property within the District.

9 **SECTION EIGHT.** The District has been declared to be a “blighted” area as defined in
10 Section 67.1401.2(3)(b) of the Act by the City’s adoption of Ordinance No. 68278 (2009), which
11 declared the District Property to be a “blighted area” under Chapter 99 of the Revised Statutes of
12 Missouri, and such designation of blight is hereby reaffirmed.

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

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

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

7 **SECTION TWELVE.** The Register shall report in writing the creation of the Chouteau
8 Crossing Community Improvement District to the Missouri Department of Economic
9 Development.

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

- 17 1. Mike Clark (four years)
- 18 2. Phil Hulse (four years)
- 19 3. Russ Smith (two years)
- 20 4. Doug Rasmussen (two years)
- 21 5. Sam Luten (two years)

22 **SECTION FOURTEEN.** If any section, subsection, sentence, clause, phrase or portion
23 of this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any

1 court of competent jurisdiction, such portion shall be deemed and is hereby declared to be a
2 separate, distinct and independent provision of this ordinance, and such holding or holdings shall
3 not affect the validity of the remaining portions of this ordinance.

APPENDIX A

Petition to Establish the Chouteau Crossing Community Improvement District
(as amended)

ON FILE WITH THE CITY REGISTER