

1 **BOARD BILL NO. 232 INTRODUCED BY ALDERMAN STEPHEN CONWAY**

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3 An ordinance establishing the Shaw Special Business District pursuant to Sections 71.790
4 through 71.808 of the Revised Statutes of Missouri, setting its boundaries, tax rate, initial
5 rate of levy subject to the approval of the qualified voters, bonding authority, and uses to
6 which tax revenue may be put; creating a board of commissioners; and containing
7 severability, effectiveness, and emergency clauses.

8 **WHEREAS**, petitions signed by property owners in the area hereinafter described have
9 been filed with the City, requesting the establishment of a Special Business District; and

10 **WHEREAS**, pursuant to Section 71.792 R.S.Mo., a survey and investigation of the
11 desirability and possibility of forming a Special Business District in that portion of the
12 City of St. Louis within the maximum commonly known boundaries Beginning at the
13 point of the intersection of the west line of Grand Avenue and the north line of DeTonty
14 Avenue; thence westwardly along said north line of DeTonty Avenue, to its point of
15 intersection with the east line of Tower Grove Avenue; thence southwardly along said
16 east line of Tower Grove Avenue, to its point of intersection with the south line of
17 Magnolia Avenue; thence eastwardly along said south line of Magnolia Avenue to its
18 point of intersection with the west line of Grand Avenue; thence northwardly along said
19 west line of Grand Avenue to the point of beginning.

20 The area excluded will be the “Flora Place Community Improvement District” is all of
21 the property located within the City of St. Louis abutting the roadway commonly known
22 as Flora Place together with any rear parcels that abut parcels abutting on Flora Place and
23 bounded on the east by Grand Boulevard, on the west by Tower Grove Avenue, on the
24 north by the east-west alleyways located in CB 4935, CB 4940, CB 4941, CB 4946, CB

1 4947, and CB 4952, and on the south by the east 14 west alleyways located in CB 4934,
2 CB 4929, CB 4920, CB 4919, CB15 2117, and CB 2218., has been conducted and a
3 written report thereof is on file in the office of the City Register as Document
4 _____; and

5 WHEREAS, this Board of Aldermen did on October 3, 2008 adopt Resolution Number
6 175 declaring its intention to establish a Special Business District in said area and calling
7 for a public hearing on the matter; and

8 WHEREAS, said public hearing, duly noticed, was held at 9:00 a.m. on November 18,
9 2008 by the 2008-09 Committee on Ways & Means of the Board of Aldermen; and

10 WHEREAS, this Board of Aldermen hereby finds that the establishment of a Special
11 Business District for said area described above is in the best interest of the City of St.
12 Louis and that the property owners and tenants of said area and the public in general will
13 benefit by the establishment of said Special Business District and the increased level of
14 services and improvements provided by the proposed additional tax revenues from said
15 district; and

16 WHEREAS, the said district shall be known as the Shaw Special Business District;

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

18 **SECTION ONE.** A Special Business District, to be known as the "Shaw Special
19 Business District" (hereinafter referred to as the "District"), is hereby established for the
20 area of the City described as follows:

21 Beginning at the point of the intersection of the west line of Grand Avenue and the north
22 line of DeTonty Avenue; thence westwardly along said north line of DeTonty Avenue, to
23 its point of intersection with the east line of Tower Grove Avenue; thence southwardly

1 along said east line of Tower Grove Avenue, to its point of intersection with the south
2 line of Magnolia Avenue; thence eastwardly along said south line of Magnolia Avenue to
3 its point of intersection with the west line of Grand Avenue; thence northwardly along
4 said west line of Grand Avenue to the point of beginning.

5 The area excluded will be the “Flora Place Community Improvement District” is all of
6 the property located within the City of St. Louis abutting the roadway commonly known
7 as Flora Place together with any rear parcels that abut parcels abutting on Flora Place and
8 bounded on the east by Grand Boulevard, on the west by Tower Grove Avenue, on the
9 north by the east-west alleyways located in CB 4935, CB 4940, CB 4941, CB 4946, CB
10 4947, and CB 4952, and on the south by the east14 west alleyways located in CB 4934,
11 CB 4929, CB 4920, CB 4919, CB15 2117, and CB 2218.

12 **SECTION TWO.** Taxes for the District shall be assessed and collected as follows:

13 A. For the purpose of paying for costs and expenses incurred in the establishment and
14 operation of the District, the provision of services and facilities and improvements
15 authorized in Sections Five and Six of this ordinance, and incidental to the leasing,
16 construction, acquisition and maintenance of any improvements authorized herein or for
17 paying principal and interest on bonds or notes authorized for the construction or
18 acquisition of any said improvement, there may be imposed a tax upon all real property
19 within the District at fifty cents (\$.50) on the one hundred dollars (\$100.00) assessed
20 valuation, subject to the provisions of Section Nine. Such tax shall be imposed during the
21 2009, 2010, 2011, 2012 and 2013 tax years only subject to the renewal of such tax by the
22 qualified voters of the District pursuant to the procedure set forth in Section 71.800
23 RSMo. (2000).

1 B. If the proposition submitted to the qualified voters residing in the District receives in
2 its favor the votes of the majority of the qualified voters voting at the election conducted
3 pursuant to Section Nine, the initial rate of levy which shall be imposed upon real
4 property within the District shall be 50 cents (\$.50) on the one hundred dollars (\$100.00)
5 assessed valuation.

6 C. Real property subject to partial tax abatement under the provisions of Chapter 353,
7 R.S.Mo., shall, for the purpose of assessment and collection of ad valorem real estate
8 taxes levied under the District, be assessed and ad valorem real estate taxes shall be
9 collected upon the same assessed value on which its ad valorem real estate taxes and
10 payment in lieu of taxes are based in the Ordinance adopted by the City of St. Louis
11 approving the development plan of any such corporation and authorizing tax abatement;
12 provided, however, that the owners at such real property are strongly encouraged to make
13 additional equitable, annual donations to the District in lieu of the additional District
14 taxes.

15 D. The levy shall not be imposed upon real property exempt from ad valorem real estate
16 taxes because of charitable, religious, educational or other public or private uses;
17 provided, however, that the owners of such real property are strongly encouraged to make
18 equitable, annual donations to the District in lieu of District taxes.

19 E. The tax provided for by this ordinance shall be collected by the Collector of Revenue
20 and held in a special account to be used only for all purposes authorized hereunder, as
21 provided by law.

1 F. If the District for any reason is dissolved, all delinquent taxes collected after the date
2 of dissolution shall be credited and forwarded to the general fund of the City of St. Louis
3 after all debts of the District, if any, are discharged.

4 **SECTION THREE.** For the purposes of paying costs and expenses to be incurred in the
5 acquisition, construction, improvement, expansion and/or maintenance of any facilities of
6 the District, the District may incur indebtedness and issue bonds or notes for the payment
7 thereof under the terms of, and subject to, the requirements set forth by law.

8 **SECTION FOUR.** There shall be a Board of Commissioners to administer the District.
9 The Board of Commissioners shall be selected as follows:

10 A. Membership: The Board of Commissioners shall consist of seven (7) members, and
11 shall be appointed by the Mayor with the advice and consent of the Board of Aldermen,
12 of whom five (5) members shall be owners of real property within the District or their
13 representatives and two (2) members shall be renters within the District or their
14 representatives; provided, however, that no employee or elected official of the City of St.
15 Louis shall be a member of the Board of Commissioners.

16 B. Term of Office: Each member of the Board of Commissioners shall serve for a four
17 (4) year term (except as provided herein with respect to the initial members), with terms
18 expiring as of December 31st of the designated year or when their successors are
19 appointed as provided herein, whichever is later.

20 C. Initial Members and Terms: The initial members shall be appointed for the terms set
21 forth as follows: one (1) member shall be appointed for a term expiring December 31,
22 2010; two (2) members shall be appointed for a term expiring December 31, 2011; two

1 (2) members shall be appointed for a term expiring December 31, 2012; and two (2)
2 members shall be appointed for a term expiring December 31, 2013.

3 D. Removal: The Mayor with approval of the Board of Aldermen may remove any
4 member of the Board of Commissioners for misconduct or neglect of duty upon written
5 charges and after a public hearing.

6 E. Vacancies: Vacancies on the Board of Commissioners, occasioned by removal,
7 resignation, expiration of term, or otherwise, shall be reported in writing to the Mayor by
8 the Board of Commissioners. The vacancy shall be filled in like manner as an original
9 appointment no later than thirty (30) days after the date of said report to the Mayor.

10 Appointments to fill vacancies shall be for the unexpired portion of a term only.

11 F. Compensation: The members of the Board of Commissioners shall serve without
12 compensation of any kind.

13 **SECTION FIVE.** All District revenues collected hereunder by the Collector of Revenue,
14 except for those revenues expended for the necessary costs of the establishment and
15 administration of the District, and for collection fees for tax revenue collected hereunder,
16 may be used to carry out any and all of the following improvements, services and
17 activities of the District:

18 A. To provide special police and/or security facilities, equipment, vehicles and/or
19 personnel for the protection and enjoyment of the property owners and the general public
20 within the District;

21 B. To construct, install, improve and/or maintain useful, or necessary, or desired, security
22 related improvements;

1 **SECTION SIX.** The District shall have all the powers necessary to carry out any and all
2 activities and improvements authorized by law and may:

3 A. Cooperate with any public agencies and with any industry or business located within
4 the District in the implementation of any project within the District;

5 B. Enter into any agreement with the City, any other public agency, any person, firm, or
6 corporation to effect any of the provisions contained in Sections 71.790 through 71.808
7 R.S.Mo.;

8 C. Contract and be contracted with, sue and be sued and provide for insurance of all
9 projects and property owned or managed by the District and for insurance covering all
10 members of the Board of Commissioners and employees and agents of the District,
11 providing for coverage of such risks and with such limits as the Board of Commissioners
12 may deem proper;

13 D. Accept gifts, grants, loans or contributions from the City, the United States of
14 America, the State of Missouri, political subdivisions, foundations, other public or private
15 agencies, individuals, partnerships, or corporations; and

16 E. Employ such managerial, engineering, legal, technical, clerical, accounting, and other
17 assistance as the Board of Commissioners may deem advisable; the District may also
18 contract with independent contractors for any such assistance.

19 **SECTION SEVEN.** A. Annual Budget. The Board of Commissioners shall file with the
20 Board of Aldermen an annual budget for the District, which shall set forth the projected
21 revenues and expenditures for the ensuing year, not later than the first day of November
22 each year; provided, however, that no such proposed annual budget shall be filed with the
23 Board of Aldermen until after the date the Board of Commissioners conducts a public

1 hearing within the District on any such proposed annual budget. Notice of any such
2 public hearing shall be published at least ten (10) days prior to the hearing in a daily,
3 twice-weekly, weekly or bi-weekly newspaper of general circulation within the District;
4 and provided further, that in addition to showing the time, date and place of the hearing,
5 the notice shall also show the complete proposed annual budget. The Board of
6 Commissioners shall not expend any funds collected by the Collector of Revenue
7 inconsistent with or until an annual budget for the expenditure of such funds is approved
8 by the Board of Aldermen by Resolution. If the Board of Aldermen does not act on said
9 budget by Resolution within thirty (30) days of its filing, said budget will presume to
10 have been approved by the Board of Aldermen.

11 B. Annual Report. The Board of Commissioners shall also file an annual report with the
12 Board of Aldermen, which shall set forth the programs, revenues and expenditures of the
13 District for the previous calendar year, not later than the first day of March each year.

14 **SECTION EIGHT.** The City shall not decrease the level of municipally funded services
15 in the District existing prior to the creation of the District, unless the services at the same
16 time are decreased throughout the City, nor shall the City discriminate in the provision of
17 new municipally funded services between areas included in the District and areas not so
18 included.

19 **SECTION NINE.** The tax levy authorized in Section Two shall not be effective unless
20 and until the following proposition, submitted to the qualified voters residing in the
21 District at a special election in the District to be held on March 3, 2009, shall receive in
22 its favor the votes of the majority of the qualified voters voting at said election for or
23 against said proposition. Said proposition shall be in substantially the following form:

1 OFFICIAL BALLOT

2

3 Shall a tax of \$.50 per \$100.00 valuation be imposed for the tax years, 2009, 2010, 2011,
4 2012 and 2013 on all real property located in the Shaw Special Business District as
5 defined in Ordinance No._____, approved DATE, (Board Bill No. __)for the purposes as
6 set forth in said Ordinance?

7

8 YES

9 NO

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

15 **SECTION ELEVEN:** This being an ordinance for the immediate preservation of public
16 peace, health and safety, it is declared to be an emergency measure within the meaning of
17 Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this
18 ordinance shall become effective upon its passage and approval by the Mayor.