

2 An ordinance approving the Petition of Hadley Square Master Landlord, LLC, And Hadley
3 Square Condominium Association, Inc., as the owner and condominium association of certain
4 real property, to establish a community improvement district, establishing the Hadley Dean
5 Building Community Improvement District, finding a public purpose for the establishment of the
6 Hadley Dean Building Community Improvement District, and containing an emergency clause
7 and a severability clause.

8 **WHEREAS**, The City of St. Louis, Missouri (the “City”), is a body corporate and a
9 political subdivision of the State of Missouri, duly created, organized and existing under and by
10 virtue of its charter, the Constitution and laws of the State of Missouri; and

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

14 **WHEREAS**, a petition has been filed with the City pursuant to the CID Act, requesting
15 formation and establishment of the Hadley Dean Building Community Improvement District,
16 signed by authorized representatives of the owners of more than fifty percent by assessed value
17 and per capita of the property located within the proposed Hadley Dean Building Community
18 Improvement District (as amended, the “Petition”); and

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

21 **WHEREAS**, a public hearing, duly noticed and conducted as required by and in
22 accordance with the CID Act was held at 9:00 a.m. on December 1, 2009, by the Board of
23 Aldermen; and

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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 owners of real property located within the
3 Hadley Dean Building Community Improvement District, as well as the City as a whole, will
4 benefit from the establishment of the Hadley Dean Building 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 “Hadley Dean Building
8 Community Improvement District” (hereinafter referred to as the “District”), is hereby
9 established pursuant to the CID Act on certain real property described below to provide services,
10 construct improvements, impose a sales tax and carry out other functions as set forth in the
11 Petition, which is attached hereto as Appendix A and incorporated herein by this reference.

12 (b) The District boundaries are set forth in the Petition in Appendix A.

13 **SECTION TWO.** The District is authorized by the Petition, in accordance with the CID
14 Act, to impose a tax upon retail sales within the District, at a rate not to exceed one percent (1%),
15 to provide funds to accomplish any power, duty or purpose of the District.

16 **SECTION THREE.** The District is authorized by the CID Act, at any time, to issue
17 obligations, or to enter into agreements with other entities with the authority to issue obligations,
18 for the purpose of carrying out any of its powers, duties, or purposes. Such obligations shall be
19 payable out of all, part or any combination of the revenues of the District and may be further
20 secured by all or any part of any property or any interest in any property by mortgage or any
21 other security interest granted. Such obligations shall be authorized by resolution of the District,
22 and if issued by the District, shall bear such date or dates, and shall mature at such time or times,
23 but not more than twenty (20) years from the date of issuance, as the resolution shall specify.
24 Such obligations shall be in such denomination, bear interest at such rate or rates, be in such

1 form, be payable in such place or places, be subject to redemption as such resolution may
2 provide and be sold at either public or private sale at such prices as the District shall determine
3 subject to the provisions of Mo. Rev. Stat. §108.170. The District is also authorized to issue
4 such obligations to refund, in whole or part, obligations previously issued by the District.

5 **SECTION FOUR.**

6 (a) Pursuant to the Petition, the District shall be in the form of a political subdivision of
7 the State of Missouri, known as the Hadley Dean Building Community Improvement District.

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

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

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

20 **SECTION FIVE.** The District is authorized to use the funds of the District for any of
21 the improvements, services or other activities authorized under the CID Act as may be limited by
22 the Petition.

1 **SECTION SIX.** Pursuant to the CID Act, the District shall have all of the powers
2 necessary to carry out and effectuate the purposes of the District and the CID Act as set forth in
3 the CID Act.

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

7 **SECTION EIGHT.** The District has been declared “blighted” under Chapter 99 RSMo.
8 in Ordinance No. 68440 of the City of St. Louis Board of Aldermen, and such designation of
9 blight is hereby reaffirmed.

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

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

20 **SECTION ELEVEN.** The Register shall report in writing the creation of the Hadley
21 Dean Building Community Improvement District to the Missouri Department of Economic
22 Development.

23 **SECTION TWELVE.** The Petition provides that the District shall be governed by a
24 Board of Directors consisting of five individual directors (collectively the “Directors” and each a

1 “Director”), such Directors to be appointed by the Mayor of the City with the consent of the
2 Board of Aldermen, in accordance with the CID Act. By his approval of this ordinance, the
3 Mayor does hereby appoint the following named individuals as Directors of the District for the
4 terms set forth in parentheses below, and by adoption of this ordinance, the Board of Aldermen
5 hereby consents to such appointments:

- 6 1. Craig Heller (four years)
- 7 2. Amy Heller (four years)
- 8 3. Maureen McCuen (two years)
- 9 4. Sheila Lloyd (two years)
- 10 5. John Winkel (two years)

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

16 **SECTION FOURTEEN.** The Board of Aldermen hereby finds and determines that this
17 ordinance constitutes an “emergency measure” pursuant to Article IV, Section 20 of the City
18 Charter, because this Ordinance establishes the CID, which is a taxing district, and as such, this
19 Ordinance shall take effect immediately upon its approval by the Mayor as provided in Article
20 IV, Section 20 of the City Charter.

APPENDIX A

Petition to Establish the Hadley Dean Building Community Improvement District

ON FILE WITH THE CITY REGISTER

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