

1 **BOARD BILL #304** **INTRODUCED BY ALDERWOMAN PHYLLIS YOUNG**

2 An ordinance approving the Amended Petition of SMR Tower Investments, LLC, Talley
3 Properties III, LLC, Roberts Old School House Lofts, L.P., Talley Properties, LLC, Roberts
4 Brothers Properties VIII, LLC, and Roberts Brothers Properties, LLC; establishing the Orpheum
5 Theatre Community Improvement District; finding a public purpose; approving appointment of
6 the initial Board of Directors thereto; and containing a severability clause and an emergency
7 clause.

8 **WHEREAS**, the City of St. Louis, Missouri (the “*City*”) is authorized and empowered
9 pursuant to the Community Improvement District Act, Sections 67.1401 to 67.1571 of the
10 Revised Statutes of Missouri, as amended (the “*CID Act*”), to establish a community
11 improvement district (the “*District*”) as proposed by a verified petition; and

12 **WHEREAS**, on June 28, 2007, a Petition for Creation of a Community Improvement
13 District was filed with the Register of the City, and on August 31, 2007, said Petition was
14 amended (the “*Amended Petition*”); and

15 **WHEREAS**, on September 5, 2007, the Register did review and determine that the
16 Amended Petition substantially complies with the requirements of the Act and verified said
17 Amended Petition in accordance with the requirements of the CID Act;

18 **WHEREAS**, after notice of the public hearing by publication and individually to each
19 property owner within the proposed District via correspondence, a public hearing was held
20 on _____, 2007 regarding creation of the District, all pursuant to Section
21 67.1421.1 of the CID Act; and

1 **WHEREAS**, subject to and in accordance with the CID Act and the Amended Petition,
2 and upon the approval, the District intends to impose a real property taxes of not more than Six
3 Dollars per hundred dollars of assessed valuation and the District intends to impose a sales and
4 use tax of not more than one percent (1%) on retail food and beverage sales and the District
5 intends to impose a special assessment or fee of up to one percent (1%) on admissions and
6 parking (the “*CID Revenues*”); and

7 **WHEREAS**, the Amended Petition requests that the members of the initial Board of
8 Directors of the District be appointed by the Mayor of the City pursuant to Section 67.1451.5 of
9 the CID Act, subject to consent of the Board of Aldermen, with Successive Directors appointed
10 in the same manner; and

11 **WHEREAS**, the Amended Petition provides that the District shall work toward the
12 elimination of the established blight within the District, including the construction,
13 reconstruction and remediation of a new Development Site and for the Roberts Orpheum Theatre
14 Convention, Conference and Fitness Center, the Roberts Hotel, the Retail and Garage Site, and
15 the Office Building Conversion and other public improvements as well as provide the revenues
16 from the CID Revenues to repay any obligations issued in relation to the Project; and

17 **WHEREAS**, the Board of Aldermen hereby finds that the adoption of this ordinance is in
18 the best interest of the City of St. Louis and that the property owners, residents, and persons
19 living in and at or near the Orpheum Theatre Community Improvement District, and the public
20 generally will benefit by the establishment of said Community Improvement District.

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

1 **Section 1.** Pursuant to Section 67.1411.3 of the CID Act and subject to the terms of the
2 Amended Petition, the Orpheum Theatre Community Improvement District is hereby formed as
3 a political subdivision of the State of Missouri; a copy of the Amended Petition containing a
4 legal description of the District’s boundaries is attached hereto as **Exhibit A** and incorporated
5 herein by reference.

6 **Section 2.** The Board of Aldermen hereby finds that the District is located in the
7 Downtown Washington Avenue Redevelopment Area, which was declared blighted under
8 Chapter 99 RSMo. in Ordinance No. 59128, with any amendments; this finding includes and the
9 Amended Petition sets forth and the Board of Aldermen hereby finds and adopts by reference the
10 analysis of the factors that qualify the District as a “blighted area.”

11 **Section 3.** Pursuant to the CID Act, the District shall have all the powers necessary to
12 carry out and effectuate the purposes and provisions of the CID Act.

13 **Section 4.** Pursuant to the CID Act, the District is authorized by the CID Act, at any
14 time, to issue obligations for the purpose of carrying out any of its powers, duties, or purposes.
15 Such obligations shall be payable out of all, part or any combination of the revenues of the
16 District and may be further secured by all or any part of any property or any interest in any
17 property by mortgage or any other security interest granted. Such obligations shall be authorized
18 by resolution of the District, and if issued by the District shall be such date or dates, and shall
19 mature at such time or times, but not more than twenty-five (25) years from the date of issuance,
20 as the resolution shall specify. Such obligations shall be in such denominations, bear such
21 interest at such rate or rates, be in such form, be payable in such place or places, be subject to
22 redemption as such resolution may provide and be sold at either public or private sale at such

1 prices as the District shall determine subject to the provisions of Section 108.170, RSMo. The
2 District is also authorized to issue obligations to refund, in whole or in part, obligations
3 previously issued by the District.

4 **Section 5.** The District shall not terminate sooner than one year from the date of this
5 Ordinance.

6 **Section 6.** Pursuant to Section 67.1451.5 of the CID Act, the Mayor appoints and the
7 Board of Aldermen of the City hereby approves the initial appointment of the District's Board of
8 Directors as follows:

9	<u>Name</u>	<u>Initial Term</u>
10	Michael Roberts, Sr.	4 years from date of appointment
11	Steven Roberts	4 years from date of appointment
12	Scott A. Alton	2 years from date of appointment
13	Jeanne D. Roberts	2 years from date of appointment
14	Bobby Tate	2 years from date of appointment

15 The date of appointment for each of the initial Board of Directors shall be the date of
16 passage of this Ordinance. No further action by the Mayor or Board of Aldermen of the City for
17 appointment of the initial Board of Directors is necessary.

18 **Section 7.** The Board of Directors of the District shall have its initial meeting on such
19 date and at such time when a quorum of Board of Directors is available.

1 **Section 8.** Pursuant to the CID Act, the Board of Aldermen shall not decrease the level
2 of publicly funded services in the District existing prior to the creation of the District or transfer
3 the financial burden of providing the services to the District unless the services at the same time
4 are decreased throughout the City, nor shall the Board of Aldermen discriminate in the provision
5 of publicly funded services between areas included in the District and areas not so included.

6 **Section 9.** Pursuant to Section 67.1421.6 of the CID Act, the City Register or the City
7 Counselor on her behalf shall notify in writing the Missouri Department of Economic
8 Development of the District's creation.

9 **Section 10.** The Board of Aldermen hereby approves the Amended Petition and the City
10 shall, and the officers, agents and employees of the City are hereby authorized and directed to
11 take such further action and execute such other documents, certificates and instruments as may
12 be necessary or desirable to carry out and comply with the intent of this Ordinance.

13 **Section 11.** It is hereby declared to be the intention of the Board of Aldermen that each
14 and every part, section and subsection of this Ordinance shall be separate and severable from
15 each and every other part, section and subsection hereof and that the Board of Aldermen intends
16 to adopt each said part, section and subsection separately and independently of any other part,
17 section and subsection. In the event that any part, section or subsection of this Ordinance shall
18 be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections
19 and subsections shall be and remain in full force and effect, unless the court making such finding
20 shall determine that the valid portions standing alone are incomplete and are incapable of being
21 executed in accord with the legislative intent.

1 **Section 12.** This being an ordinance for the preservation of public peace, health, and
2 safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and
3 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective
4 immediately upon its passage and approval by the Mayor.

1

EXHIBIT A

2

Amended Petition for Creation of a Community Improvement District

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(Attached hereto.)

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