

1 **BOARD BILL # 398 INTRODUCED BY ALDERWOMAN KACIE STARR TRIPLETT**
2 **AN ORDINANCE APPROVING THE PETITION OF CHOUTEAU**
3 **PROPERTIES IV, LLC AND MERUS PROPERTIES, LLC, AS OWNERS**
4 **OF CERTAIN REAL PROPERTY, TO ESTABLISH A COMMUNITY**
5 **IMPROVEMENT DISTRICT, ESTABLISHING THE CHOUTEAU**
6 **CROSSING COMMUNITY IMPROVEMENT DISTRICT, FINDING A**
7 **PUBLIC PURPOSE FOR THE ESTABLISHMENT OF THE CHOUTEAU**
8 **CROSSING COMMUNITY IMPROVEMENT DISTRICT, AND**
9 **CONTAINING A SEVERABILITY CLAUSE.**

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

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

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

20 **WHEREAS**, a public hearing, duly noticed and conducted as required by and in
21 accordance with the CID Act was held at 10:00 a.m. on February 3, 2009 by the Board of
22 Aldermen; and

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 Chouteau Crossing
3 Community Improvement District, as well as the City as a whole, will benefit from the
4 establishment of the Chouteau Crossing 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 “Chouteau Crossing
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 assessments and taxes and carry out other functions as set forth
11 in the Petition, which is attached hereto as Appendix A and incorporated herein by this reference.

12 (b) The District boundaries are set forth in the map included in the Petition in Exhibit B
13 and generally described as follows: that real property bounded generally on the North by Papin
14 Street and the northern boundary of the property located at 2302 Papin Street, on the East by 22nd
15 Street, on the South by Chouteau Avenue and the northern boundary of the property located at
16 2643 Chouteau Avenue, and on the West by Ohio Street and the eastern boundary of the property
17 located at 2643 Chouteau Avenue.

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

21 **SECTION THREE.** The District is authorized by the CID Act, at any time, to issue
22 obligations, or to enter into agreements with other entities with the authority to issue obligations,
23 for the purpose of carrying out any of its powers, duties, or purposes. Such obligations shall be

1 payable out of all, part or any combination of the revenues of the District and may be further
2 secured by all or any part of any property or any interest in any property by mortgage or any
3 other security interest granted. Such obligations shall be authorized by resolution of the District,
4 and if issued by the District, shall bear such date or dates, and shall mature at such time or times,
5 but not more than twenty (20) years from the date of issuance, as the resolution shall specify.
6 Such obligations shall be in such denomination, bear interest at such rate or rates, be in such
7 form, be payable in such place or places, be subject to redemption as such resolution may
8 provide and be sold at either public or private sale at such prices as the District shall determine
9 subject to the provisions of Mo. Rev. Stat. §108.170. The District is also authorized to issue
10 such obligations to refund, in whole or part, obligations previously issued by the District.

11 **SECTION FOUR.**

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

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

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

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

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

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

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

11 **SECTION EIGHT.** The District has been declared to be a “blighted” area as defined in
12 Section 67.1401.2(3)(b) of the Act by the City’s adoption of Ordinance No. 59505 (1985),
13 Ordinance No. 62395 (1991) and by Board Bill No. 355 (2009), which declared the District
14 Property to be a “blighted area” under Chapter 99 of the Revised Statutes of Missouri, and such
15 designation of blight is hereby reaffirmed.

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

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

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

10 **SECTION TWELVE.** The Register shall report in writing the creation of the Chouteau
11 Crossing Community Improvement District to the Missouri Department of Economic
12 Development.

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

- 20 1. Mike Clark (four years)
- 21 2. Phil Hulse (four years)
- 22 3. Russ Smith (two years)
- 23 4. Doug Rasmussen (two years)

1 5. Luke Wolf (two years)

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

APPENDIX A

Chouteau Crossing Community Improvement District Petition

ON FILE WITH THE CITY REGISTER

January 30, 2009

Appendix A

BB # ___ Sponsor: Alderwoman Triplett