

1 **BOARD BILL # 401 INTRODUCED BY ALDERMAN JOSEPH D. RODDY**

2 AN ORDINANCE APPROVING THE SECOND AMENDED PETITION OF 4100
3 FOREST PARK PARTNERS, LP, AND THE WEST END LOFTS CONDOMINIUM
4 ASSOCIATION AS THE OWNERS OF CERTAIN REAL PROPERTY, TO ESTABLISH A
5 COMMUNITY IMPROVEMENT DISTRICT, ESTABLISHING THE 4100 FOREST PARK
6 COMMUNITY IMPROVEMENT DISTRICT, AND CONTAINING A SEVERABILITY
7 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 second amended petition has been filed with the City, requesting
12 formation and establishment of the 4100 Forest Park Community Improvement District, signed
13 by authorized representatives of the owners of more than fifty percent by assessed value and per
14 capita of the property located within the 4100 Forest Park Community Improvement District (as
15 amended, 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 10:00 a.m. on February 3, 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 owners of real property located within the

1 4100 Forest Park Community Improvement District, as well as the City as a whole, will benefit
2 from the establishment of the 4100 Forest Park 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 “4100 Forest Park
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 assessments and taxes and carry out other functions as set forth in the
9 Petition, which is attached hereto as Appendix A and incorporated herein by this reference.

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

11 **Section Two.**

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

15 (b) The District is authorized by the Petition, in accordance with the CID Act, to
16 levy a tax upon real property or on any business located within the District, at a rate not to
17 exceed seven dollars (\$7.00) per one hundred dollars CID Assessed Value, and to be imposed for
18 a period no longer than twenty (20) years.

19 (c) The District is authorized by the Petition, in accordance with the CID Act, to
20 levy a special assessment upon real property located within the District, at a rate not to exceed
21 seven dollars (\$7.00) per one hundred dollars CID Assessed Value, and to be imposed for a
22 period no longer than twenty (20) years.

1 **Section Three.**

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

15 **Section Four.**

16 (a) Pursuant to the Petition, the District shall be in the form of a political
17 subdivision of the State of Missouri, known as the 4100 Forest Park Community Improvement
18 District.

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

21 (c) No earlier than one hundred and eighty (180) days and no later than ninety
22 (90) days prior to the first day of each fiscal year, the District shall submit to the Board of
23 Aldermen a proposed annual budget for the District, setting forth expected expenditures,
24 revenues, and rates of assessments and taxes, if any, for such fiscal year. The Board of

1 Aldermen may review and comment on this proposed budget, but if such comments are given,
2 the Board of Aldermen shall provide such written comments no later than sixty (60) days prior to
3 the first day of the relevant fiscal year; such comments shall not constitute requirements, but
4 shall only be recommendations.

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

7 **Section Five.** The District is authorized to use the funds of the District for any of the
8 improvements, services or other activities authorized under the CID Act.

9 **Section Six.** Pursuant to the CID Act, the District shall have all of the powers necessary
10 to carry out and effectuate the purposes of the District and the CID Act as set forth in the CID
11 Act.

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

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

22 **Section Nine.** Pursuant to the CID Act, the Board of Aldermen shall not decrease the
23 level of publicly funded services in the District existing prior to the creation of the District or
24 transfer the burden of providing the services to the District unless the services at the same time

1 are decreased throughout the City, nor shall the Board of Aldermen discriminate in the provision
2 of the publicly funded services between areas included in the District and areas not so included.

3 **Section Ten.** The Register shall report in writing the creation of the 4100 Forest Park
4 Community Improvement District to the Missouri Department of Economic Development.

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

- 12 1. Richard K. Yackey (four years)
- 13 2. Brian Bruce (four years)
- 14 3. Bill L. Bruce (two years)
- 15 4. Nicholas Yackey (two years)
- 16 5. Victoria A. Jansen (two years)

17 **Section Twelve.** The City shall deposit any monies, revenues or funds received from the
18 District into the EATs Account of the Special Allocation Fund established by Ordinance No.
19 67314.

20 **Section Thirteen.** If any section, subsection, sentence, clause, phrase or portion of this
21 ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of
22 competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate,
23 distinct and independent provision of this ordinance, and such holding or holdings shall not
24 affect the validity of the remaining portions of this ordinance.

APPENDIX A

Second Amended Petition to Establish the 4100 Forest Park Community Improvement District

ON FILE WITH THE CITY REGISTER

January 30, 2009

Page 6 of 6

BB # _____ Sponsor: Alderman Roddy