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3  
4 BOARD BILL NO.430

INTRODUCED BY ALDERMAN RODDY

5  
6 AN ORDINANCE APPROVING THE PETITION OF 100 N. EUCLID  
7 COMMUNITY IMPROVEMENT DISTRICT AND ESTABLISHING THE 100  
8 N. EUCLID COMMUNITY IMPROVEMENT DISTRICT, FINDING  
9 BLIGHTED AREA AND A PUBLIC PURPOSE, AND CONTAINING A  
10 SEVERABILITY CLAUSE.

11  
12 WHEREAS, Mo. Rev. Stat. § 67.1401 et seq. (the “Act”) authorizes the Board of  
13 Aldermen to approve the petitions of property owners to establish community  
14 improvement districts; and

15  
16 WHEREAS, a Petition signed by the owner of more than fifty percent by assessed  
17 value of the real property and more than fifty percent per capita of all owners of  
18 real property within the boundaries of the proposed district at 100 North Euclid, as  
19 hereinafter described, has been filed with the City, requesting establishment of a  
20 community improvement district (the “Petition,” a copy of which is attached hereto  
21 as Exhibit 1); and

22  
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1 WHEREAS, the Register of the City of St. Louis did review and determine that the  
2 Petition substantially complies with the requirements of the Act; and

3  
4 WHEREAS, a public hearing, duly noticed, was held at \_\_\_\_\_ .m. on \_\_\_\_\_  
5 \_\_, 2007, by the [Neighborhood Development Committee] of the Board of  
6 Aldermen; and

7  
8 WHEREAS, this Board of Aldermen hereby finds that the adoption of this  
9 ordinance is in the best interest of the City of St. Louis and that the property  
10 owners and residents of, and persons engaging in business on or visiting said  
11 portion of Euclid Avenue and Pine Street, and the public in general will benefit by  
12 the establishment of said community improvement district and elimination of the  
13 blighted conditions therein.

14  
15 NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS  
16 FOLLOWS:

17  
18 SECTION ONE.

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1 (a) The Petition is hereby approved and a community improvement district, to be  
2 known as the “100 N. Euclid Community Improvement District” (hereinafter  
3 referred to as the “District”), is hereby established as set forth in the Petition,  
4 which is attached hereto as Exhibit 1 and incorporated herein by reference.

5  
6 (b) The District boundaries are shown on the map attached as Appendix B to the  
7 Petition and are described in Appendix A to the Petition:

8  
9 SECTION TWO.

10  
11 (a) The District is authorized by the Act to use any one or more of the assessments  
12 or other funding methods specifically authorized by the Act to provide funds to  
13 accomplish any power, duty or purpose of the District; pursuant to the authority of  
14 Mo. Rev. Stat. § 67.1501, the St. Louis Board of Aldermen, as governing body of a  
15 special business district authorized pursuant to Mo. Rev. Stat. § 71.790 et seq., and  
16 pursuant to Resolution No. \_\_ (“Resolution”), has repealed all taxes and special  
17 assessments of said special business district.

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1 (b) The District is authorized by the Act to establish different classes of real  
2 property within the District for purposes of special assessments. The levy rate for  
3 special assessments may vary for each class or subclass based on the level of  
4 benefit derived from services or improvements funded, provided, or caused to be  
5 provided by the District.

6  
7 (c) The District is authorized by the Act and the Petition to levy by resolution  
8 annual taxes or special assessments against real property within the boundaries of  
9 the District for the purpose of providing revenue for specific services and  
10 improvements (with the net costs thereof estimated not to exceed \$10,000,000) in  
11 the District (“Assessment”) as generally described in special assessment petition(s)  
12 substantially in the form set forth in Mo. Rev. Stat. § 67.1521.2. (“Special  
13 Assessment Petition”)

14  
15 (d) The method of assessment that may be proposed in a Special Assessment  
16 Petition is by assessed valuation, at a rate equal to the combined general tax rate  
17 for all real estate taxes which are applicable to the parcel, with a maximum rate of  
18 \$15 per \$100 of assessed valuation subject to adjustment as set forth below.

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1 (e) It is anticipated that the real property within the District will become subject to  
2 real property tax abatement pursuant to Section 99.300 et seq. RSMo (“Tax  
3 Abatement”). The Assessment shall be made in lieu of the abated generally  
4 applicable real property taxes, and shall not be levied during the time (if any) that  
5 the Tax Abatement is not in effect. If, as a condition to the Tax Abatement, the  
6 property owners are required to make payments in lieu of taxes (other than the  
7 Assessment referenced herein) (“PILOTS”), or are required to pay real estate taxes  
8 on a portion of property or a portion of its value (“Base Taxes”), then the  
9 Assessment shall be reduced by an amount equal to the PILOTS or Base Taxes on  
10 a dollar-for-dollar basis. If the real property is subject to Tax Abatement pursuant  
11 to Section 99.300 et seq. RSMo, thus capping the maximum assessed value of the  
12 real property covered by the approved plans in accordance with Section 99.710  
13 RSMo, the Assessment shall be made based upon the combined general tax rate for  
14 generally applicable taxes, multiplied by the total assessed valuation which would  
15 have been applicable to the real property, but for the Tax Abatement. In all cases,  
16 the total of the Assessment, the Base Taxes if any, and the PILOTS if any, shall  
17 equal the total real estate taxes which would have been applicable to the real  
18 property, but for the Tax Abatement. In the event that the property within the

19 District is subdivided pursuant to the subdivision or condominium laws of the State  
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1 of Missouri, the Special Assessment shall be assessed against each subdivided  
2 parcel or unit in accordance with the value of each subdivided parcel or unit.

3  
4 (f) The Assessor, Collector of Revenue, and Treasurer of the City are hereby  
5 authorized and directed to assess, collect, account for, and distribute to the District  
6 the Assessment in the manner set forth herein and in Section 67.1541 of the Act.

7  
8 SECTION THREE. The District is authorized by the Act, at any time, to issue  
9 obligations, or to enter into agreements with other entities with authority to issue  
10 obligations, for the purpose of carrying out any of its powers, duties, or purposes,  
11 including refunding, in whole or in part, previously issued obligations. Such  
12 obligations shall be payable out of all, part or any combination of the revenues of  
13 the District and may be further secured by all or any part of any property or any  
14 interest in any property by mortgage or any other security interest granted. Such  
15 obligations shall be authorized by resolution of the District, and if issued by the  
16 District, shall bear such date or dates, and shall mature at such time or times, but  
17 not more than 20 years from the date of issuance, as the resolution shall specify.  
18 Such obligations shall be in such denomination, bear interest at such rate or rates,

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

5

6 SECTION FOUR.

7

8 (a) Pursuant to the Petition and the Act, the District shall be a political subdivision  
9 of the State of Missouri.

10

11 (b) Pursuant to the Act, the fiscal year for the District shall begin on July 1.

12

13 (c) No earlier than 180 days and no later than 90 days prior to the first day of each  
14 fiscal year, the 100 N. Euclid Community Improvement District shall submit to the  
15 Board of Aldermen a proposed annual budget for the District, setting forth  
16 expected expenditures, revenues, and rates of assessments, if any, for such fiscal  
17 year. The Board of Aldermen may review and comment on this proposed budget,  
18 but if such comments are given, the Board of Aldermen shall provide such written  
19 comments no later than 60 days prior to the first day of the relevant fiscal year;

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1 such comments shall not constitute requirements but shall only be  
2 recommendations.

3  
4 (d) The 100 N. Euclid Improvement District shall hold an annual meeting for the  
5 District and adopt an annual budget no later than 30 days prior to the first day of  
6 each fiscal year.

7  
8 SECTION FIVE. The District is authorized by the Act to use the funds of the  
9 District for any of the improvements and activities authorized by the Act.

10  
11 SECTION SIX. Pursuant to the Act, the District shall have all the powers  
12 necessary to carry out and effectuate the purposes of this ordinance as set forth in  
13 the Act.

14  
15 SECTION SEVEN. The City of St. Louis hereby finds that the District is a  
16 blighted area as defined in Mo. Rev. Stat. § 67.1401.2.3(a) in that the District is an  
17 area which by reason of the predominance of defective or inadequate street layout,  
18 insanitary or unsafe conditions, deterioration of site improvements, improper  
19 subdivision or obsolete platting, or the existence of conditions which endanger life

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1 or property by fire and other causes, or any combination of such factors, retards the  
2 provision of housing accommodations or constitutes an economic or social liability  
3 or a menace to the public health, safety, morals or welfare in its present condition  
4 and use.

5  
6 The City of St. Louis further finds and confirms that the District is a portion  
7 of the City which has been found blighted pursuant to the Blighting Study and Plan  
8 for the 100 N. Euclid Area dated December 19, 2006, approved by the LCRA on  
9 December 19, 2006, and approved by Ordinance No. 67751 and Chapter 99.300 et  
10 seq. RSMo, and thus is a “blighted area” within the meaning of Section  
11 67.1401.2.3(b) of the Act.

12  
13 The City of St. Louis also hereby finds that the action to be taken pursuant to  
14 the contract(s) with the property owners named in the Petition to acquire, demolish  
15 and remove buildings and structures within the boundaries of the District owned by  
16 the property owners (or contract(s) with any other private property owner to  
17 acquire, demolish and remove buildings or structures owned by such other private  
18 property owner) in order to assist in the clearance of blight and establishment of a  
19 multi-use residential and commercial project is reasonably anticipated to remediate

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1 the blighting conditions within the boundaries of the District, and will serve a  
2 public purpose by remediating such blight, providing economic development,  
3 providing necessary public improvements and necessary modern housing and  
4 commercial public conveniences within the District.

5  
6 SECTION EIGHT. Within 120 days after the end of each fiscal year, the District  
7 shall submit a report to the Register of the City and the Missouri Department of  
8 Economic Development stating the services provided, revenues collected and  
9 expenditures made by the District during such fiscal year, and copies of written  
10 resolutions approved by the board of the District during the fiscal year. The  
11 Register shall retain this report as part of the official records of the City and shall  
12 also cause this report to be spread upon the records of the Board of Aldermen.

13  
14 SECTION TEN. The term for the existence of the District begins on the date this  
15 ordinance is enacted by the Board of Aldermen, and ends twenty five years  
16 thereafter, unless earlier terminated as provided by the Act.

17  
18 SECTION ELEVEN. Pursuant to the Act, the Board of Aldermen shall not  
19 decrease the level of publicly funded services in the District existing prior to the

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1 creation of the District or transfer the financial burden of providing the services to  
2 the District unless the services at the same time are decreased throughout the City  
3 of St. Louis, nor shall the Board of Aldermen discriminate in the provision of the  
4 publicly funded services between areas included in the District and areas not so  
5 included.

6  
7 SECTION TWELVE. The Register of the City of St. Louis shall report in writing  
8 the creation of the 100 N. Euclid Community Improvement District to the Missouri  
9 Department of Economic Development.

10  
11 SECTION THIRTEEN. The Petition provides that the District shall be governed  
12 by a Board of Directors consisting of five (5) individual directors (“Directors”),  
13 such Directors to be appointed by the Mayor of the City with the consent of the  
14 Board of Aldermen, in accordance with the Act. By his approval of this  
15 Ordinance, the Mayor does hereby appoint the following named individuals as  
16 Directors of the District for the terms set forth in parentheses below, and by  
17 adoption of this Ordinance, the Board of Aldermen hereby consents to such  
18 appointments:

19

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- 1 1. O. Bruce Mills (4 years)
- 2 2. Kirk Mills (4 years)
- 3 3. Hank Pieper (2 years)
- 4 4. Sheila Mills (2 years), and
- 5 5. James Fenwick (2 years).

6

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

13

14 SECTION FIFTEEN. This ordinance, being necessary for the immediate  
15 preservation of the health safety and welfare of the City, is hereby declared to be  
16 an emergency ordinance, and shall be effective immediately upon passage and  
17 approval by the Mayor.

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**APPENDIX A**

**PETITION**

**FOR ESTABLISHMENT OF A COMMUNITY IMPROVEMENT DISTRICT**

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