

1 **BOARD BILL # 484** **INTRODUCED BY ALDERMAN KENNEDY**
2 **AN ORDINANCE APPROVING THE AMENDED PETITION OF**
3 **LINDELL MARKET PLACE, L.P. AND WEBCO PROPERTIES, L.L.C.,**
4 **AS OWNERS OF CERTAIN REAL PROPERTY, TO ESTABLISH A**
5 **COMMUNITY IMPROVEMENT DISTRICT; ESTABLISHING THE**
6 **LINDELL MARKET PLACE COMMUNITY IMPROVEMENT**
7 **DISTRICT; FINDING A PUBLIC PURPOSE FOR THE**
8 **ESTABLISHMENT OF THE LINDELL MARKET PLACE COMMUNITY**
9 **IMPROVEMENT DISTRICT; AND CONTAINING A SEVERABILITY**
10 **CLAUSE.**

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, requesting formation and
15 establishment of the Lindell Market Place Community Improvement District, signed by
16 authorized representatives of the owners of more than fifty percent (50%) by assessed value and
17 per capita of the property located within the Lindell Market Place Community Improvement
18 District (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 verified said Petition in
21 accordance with the requirements of the CID Act; and

1 **WHEREAS**, a public hearing, duly noticed and conducted as required by and in
2 accordance with the CID Act was held at ____ a.m. on February 5, 2008, by the Board of
3 Aldermen; and

4 **WHEREAS**, this Board of Aldermen hereby finds that the adoption of this ordinance is
5 in the best interest of the City of St. Louis and the property owners of the Lindell Market Place
6 Community Improvement District, as well as the City as a whole, and both will benefit from the
7 establishment of the Lindell Market Place Community Improvement District.

8 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

9 **Section One.**

10 (a) A community improvement district, to be known as the “Lindell Market
11 Place Community Improvement District” (the “District”), is hereby established pursuant to the
12 CID Act on certain real property described below to provide services, construct improvements,
13 impose taxes and carry out other functions as set forth in the Petition, which is attached hereto as
14 Appendix A and incorporated herein by this reference.

15 (b) The District boundaries are set forth in the map included in the Petition as
16 **Exhibit B.**

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

20 **Section Three.** The District is authorized by the CID Act, at any time, to issue
21 obligations, or to enter into agreements with other entities with the authority to issue obligations,
22 for the purpose of carrying out any of its powers, duties, or purposes. Such obligations shall be
23 payable out of all, part or any combination of the revenues of the District and may be further

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

10 **Section Four.**

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

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

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

1 (d) The District shall hold an annual meeting and adopt an annual budget no
2 later than 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 the
4 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 necessary
6 to carry out and effectuate the purposes of the District of the CID Act as set forth in the CID Act.

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

10 **Section Eight.** The District is located within the Lindell Market Place Redevelopment
11 Area, which was declared “blighted” under Chapter 100 RSMo. and Ordinance Nos. 58252 and
12 59883 of the City of St. Louis Board of Aldermen, and such designation of blight is hereby
13 reaffirmed.

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

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

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

6 **Section Twelve.** The Register shall report in writing the creation of the Lindell Market
7 Place Community Improvement District to the Missouri Department of Economic Development.

8 **Section Thirteen.** The Petition provides that the District shall be governed by a Board of
9 Directors consisting of five (5) individual directors (collectively, the “Directors” and each a
10 “Director”), such Directors to be appointed by the Mayor of the City with the consent of the
11 Board of Aldermen, in accordance with the CID Act and the qualifications set forth in the
12 Petition. By his approval of this Ordinance, the Mayor does hereby appoint the following named
13 individuals as Directors of the District for the terms set forth in the parentheses below, and by
14 adoption of this Ordinance, the Board of Aldermen hereby consents to such appointments:
15 Marian Nunn (4 years); Hillary Zimmerman (4 years); Michael Staenberg (2 years); Rose
16 Weckherlin (2 years); and Richard Baron (2 years).

17 **Section Fourteen.** It is hereby declared to be the intention of the Board of Aldermen that
18 each and every part, section and subsection of this Ordinance shall be separate and severable
19 from each and every other part, section and subsection hereof and that the Board of Aldermen
20 intends to adopt each said part, section and subsection separately and independently of any other
21 part, section and subsection. In the event that any part, section or subsection of this Ordinance
22 shall be determined to be or to have been unlawful or unconstitutional, the remaining parts,
23 sections and subsections shall be and remain in full force and effect, unless the court making

- 1 such finding shall determine that the valid portions standing alone are incomplete and are
- 2 incapable of being executed in accord with the legislative intent.

APPENDIX A

**Amended Petition for Creation of a Community Improvement District
(Attached hereto)**