

BOARD BILL # 60

**INTRODUCED BY ALDERWOMAN PHYLLIS YOUNG
PRESIDENT LEWIS REED, AND ALDERMAN
ALFRED WESSELS, JR.**

1 An ordinance recommended by the Board of Estimate and Apportionment approving the
2 submission, ratification, execution and filing of Petition For the Creation of 14TH and Market
3 Community Improvement District (“Petition”); finding a public purpose; finding blight;
4 approving appointment of the initial Board of Directors thereto; approving the form of Special
5 Assessment Petition (“Assessment Petition”); authorizing execution and submission of
6 Assessment Petition; authorizing certain other actions; and containing a severability clause.

7 WHEREAS, the City of St. Louis, Missouri, a city organized under its charter and the
8 Constitution and laws of the State of Missouri (the “City”), is authorized and empowered
9 pursuant to the Community Improvement District Act, Sections 67.1401 to 67.1571, RSMo (the
10 "CID Act"), to establish a community improvement district as proposed by a verified petition
11 for the property described in said petition; and

12 WHEREAS, on May 8, 2009, the Petition was filed with the Register of the City; and

13 WHEREAS, on May 15, 2009, the Register did review and determine that the Petition
14 substantially complied with the requirements of the CID Act;

15 WHEREAS, after notice of the public hearing by publication and individually to each
16 property owner within the proposed District by correspondence, a public hearing was held on
17 May 21, 2009, regarding the creation of the 14th and Market Community Improvement District
18 (the “District”), all pursuant to Sections 67.1421.1 and 67.1431 of the CID Act; and

19 WHEREAS, the boundaries of the District encompass only property owned by the City
20 and encompass the property on which the Kiel Opera House is located (the “Opera House
21 Property”) and the Scottrade Center is located; and

1 Petition by the Mayor and the filing of the Petition with the Register of the City. The Board of
2 Aldermen hereby approves the Petition. Pursuant to the CID Act and subject to the terms of the
3 Petition, the 14th and Market Community Improvement District is hereby formed as a political
4 subdivision of the State of Missouri; a copy of the Petition containing a legal description of the
5 District's boundaries is attached hereto as Exhibit A and incorporated herein by reference.

6 **SECTION TWO.** The Board of Aldermen hereby finds that the District includes a
7 blighted area as defined in Section 67.1401.2.3(a) of the CID Act in that the Opera House
8 Property is an area which by reason of the predominance of defective or inadequate street
9 layout, insanitary or unsafe conditions, deterioration of site improvements, improper
10 subdivision or obsolete platting, or the existence of conditions which endanger life or property
11 by fire and other causes, or any combination of such factors, retards the provision of housing
12 accommodations or constitutes an economic or social liability or a menace to the public health,
13 safety, morals or welfare in its present condition and use.

14 The Board of Aldermen further finds and confirms that the Opera House
15 Property is a portion of the City which has been found blighted pursuant to the Blighting Study
16 and Redevelopment Plan for the 1400 Market St. Redevelopment Area dated April 21, 2009
17 approved by the LCRA on April 21, 2009, and approved by Ordinance No. _____ [Board
18 Bill No. ____] and Chapter 99.300, et seq., RSMo, and thus is a "blighted area" within the
19 meaning of Section 67.1401.2.3(b) of the CID Act.

20 The Board of Aldermen also hereby finds that the action to be taken pursuant to
21 the contract with the subtenant named in the Petition to renovate buildings and structures within
22 the boundaries of the Opera House Property owned by the City in order to assist in the
23 clearance of blight is reasonably anticipated to remediate the blighting conditions within the

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

4 **SECTION TWO.** Pursuant to the CID Act, the District shall have all the powers
5 necessary to carry out and effectuate the purposes and provisions of the CID Act except as may
6 be limited by this Ordinance or by the Petition.

7 **SECTION THREE.** Pursuant to the CID Act, the District is authorized by the CID
8 Act, at any time, to issue obligations, or to enter into agreements with other public entities with
9 authority to issue obligations, for the purpose of carrying out any of its powers, duties, or
10 purposes. Such obligations shall be payable out of all, part or any combination of the revenues
11 of the District and may be further secured by all or any part of any property or any interest in
12 any property by mortgage or any other security interest granted. Such obligations shall be
13 authorized by resolution of the District, and if issued by the District (or another public entity
14 for the benefit of the District as provided in the CID Act) shall have such terms and be issued in
15 accordance with the requirements of the CID Act.

16 **SECTION FOUR.** The District shall terminate on the date(s) specified in the
17 Petition.

18 **SECTION FIVE.** The Board of Directors of the District shall be appointed by the
19 Mayor with consent of the Board of Aldermen as specified in the petition and in Section
20 67.1451 of the Act. The Mayor does hereby appoint the following named persons as Directors
21 of the District, and by adoption of this Ordinance the Board of Aldermen of the City hereby
22 consents to the initial appointment of the District's Board of Directors as follows:

23 NAME
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INITIAL TERM
Sponsors: Alderwoman Phyllis Young
President Lewis Reed
Alderman Alfred Wessels, Jr.

1	David Meyer	4 years from date of appointment
2	Christopher P. McKee	4 years from date of appointment
3	Steven M. Weinstein	2 years from date of appointment
4	Peter McLaughlin	2 years from date of appointment
5	Marty Brooks	2 years from date of appointment

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

9 **SECTION SIX.** The Board of Directors of the District shall have its initial
10 meeting on such date and at such time when a quorum of Board of Directors is available, at
11 such place within the limits of the City as may be convenient to the Directors.

12 **SECTION SEVEN.** The Board of Aldermen acknowledges, that as described in the
13 above recitals, the proceeds of an annual special assessment, which is to be levied on the tracts
14 of land within the District at a maximum rate as set forth in the Petition are to assist in
15 providing funding for the redevelopment of the Opera House Property. The Board of
16 Aldermen hereby approves the Special Assessment Petition, in substantially the form attached
17 as Exhibit B to this Ordinance and incorporated herein by this reference (the "Assessment
18 Petition"), and authorizes the Mayor to execute the Assessment Petition and to cause the
19 Assessment Petition to be delivered to the Board of Directors of the District. The Collector of
20 Revenue of the City is hereby authorized and directed to collect, account for and distribute to
21 the District the special assessments imposed and levied by the District in the manner set forth in
22 the Assessment Petition and in Section 67.1541 of the CID Act.

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

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

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

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

EXHIBIT A

**PETITION FOR THE CREATION OF
14TH AND MARKET COMMUNITY IMPROVEMENT DISTRICT**

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President Lewis Reed
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EXHIBIT B

SPECIAL ASSESSMENT PETITION

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Sponsors: Alderwoman Phyllis Young
President Lewis Reed
Alderman Alfred Wessels, Jr.