

1 **COMMITTEE SUBSTITUTE**  
2 **BOARD BILL #105**

**INTRODUCED BY ALDERWOMAN DAVIS**

3  
4 An Ordinance approving the petition of owners of certain real property to establish the 212 S.  
5 Grand Community Improvement District; finding a public purpose for the establishment of the  
6 212 S. Grand Community Improvement District; authorizing the execution of a Transportation  
7 Project Agreement between the City and the 212 S. Grand Transportation Development District;  
8 prescribing the form and details of said Transportation Project Agreement; making certain  
9 findings with respect thereto; authorizing certain other of City officials; and containing an  
10 emergency clause and a severability clause.

11 **WHEREAS**, the City of St. Louis, Missouri (the “City”), is a body corporate and a  
12 political subdivision of the State of Missouri, duly created, organized and existing under and by  
13 virtue of its charter, the Constitution, and laws of the State of Missouri; and

14 **WHEREAS**, Mo. Rev. Stat. §67.1400 *et seq.* (the “CID Act”) authorizes the Board of  
15 Aldermen to approve the petitions of property owners to establish a community improvement  
16 district; and

17 **WHEREAS**, a petition has been filed with the City, requesting formation and  
18 establishment of the 212 S. Grand Community Improvement District (the “CID”), signed by the  
19 owners or representatives of the owners of more than fifty percent by assessed value and per  
20 capita of the property located within the proposed boundaries of the CID (the “CID Petition”), a  
21 copy of which is attached hereto as Exhibit A and incorporated herein by this reference; and

22 **WHEREAS**, the Register of the City did review and determine that the CID Petition  
23 substantially complies 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 9:00 a.m. on June 30, 2011, by the Board of Aldermen;  
3 and

4           **WHEREAS**, pursuant to Mo. Rev. Stat. §§238.200 to 238.280 (the “TDD Act”), that  
5 certain Petition for the Creation of a Transportation Development District, which has been filed  
6 in the Circuit Court of the City (the “TDD Petition”) for the creation of the 212 S. Grand  
7 Transportation Development District (the “TDD”) and for the purpose of generating revenue to  
8 fund or assist in the funding the “Transportation Project” described in the TDD Petition; and

9           **WHEREAS**, the TDD intends to undertake that certain “Transportation Project” as  
10 described and defined in the TDD Petition, which Transportation Project will provide a benefit to  
11 the City by increasing the available supply of parking; and

12           **WHEREAS**, the City constitutes the “local transportation authority” for the purposes of  
13 the Transportation Project, and as no portion of the proposed project has been or is intended to be  
14 merged into the State highways and transportation system under the jurisdiction of the Missouri  
15 Highway Transportation Commission, approval of the Transportation Project is vested  
16 exclusively with the City; and

17           **WHEREAS**, the TDD Act provides that prior to construction or funding of a proposed  
18 project, such project shall be submitted to the local transportation authority for its prior approval,  
19 subject to any required revisions of such project, and the district and local transportation  
20 authority in question entering into a mutually satisfactory agreement regarding the development  
21 and future maintenance of the Transportation Project; and

1           **WHEREAS**, the City hereby desires and intends to approve the Transportation Project,  
2 subject to the TDD and the City entering into a mutually satisfactory agreement regarding the  
3 development and future maintenance of the Transportation Project; and

4           **WHEREAS**, the City intends to enter into that certain Transportation Project Agreement  
5 (the “Transportation Project Agreement”), in the form attached hereto as **Appendix B** and  
6 incorporated herein by reference, with the TDD, as a mutually satisfactory agreement regarding  
7 the development and future maintenance of the Transportation Project; and

8           **WHEREAS**, the TDD Act provides that, within six months after development and initial  
9 maintenance costs of a project have been paid, the district shall transfer control and ownership of  
10 the project in question to the local transportation authority pursuant to contract; and

11           **WHEREAS**, the TDD intends to transfer and the City intends to accept such control and  
12 ownership pursuant to and on the terms set forth in the Transportation Project Agreement; and

13           **WHEREAS**, the Board of Aldermen hereby determines that the terms of the  
14 Transportation Project Agreement are acceptable, and that the execution thereof, and delivery  
15 and performance by the City and the TDD of their respective obligations therein are in the best  
16 interests of the City and the health, safety, morals and welfare of its residents; and

17           **WHEREAS**, this Board of Alderman finds it appropriate and in the best interests of the  
18 City that all of the property within the CID be declared a “blighted area” pursuant to Section  
19 67.1401.2(3) of the CID Act because such property, by reason of the predominance of insanitary  
20 or unsafe conditions, deterioration of site improvements, and/or the existence of conditions  
21 which endanger life or property by fire and other causes, constitutes an economic or social  
22 liability or a menace to the public health, safety, morals or welfare in its present condition and  
23 use; 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 owners of real property located within the  
3 CID, as well as the City as a whole, will benefit from the establishment of the CID and the other  
4 transactions described herein.

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 “212 S. Grand  
8 Community Improvement District” (hereinafter referred to as the “CID”), is hereby established  
9 pursuant to the CID Act on certain real property described below to provide services, construct  
10 improvements, impose a sales and use tax and carry out other functions as set forth in the  
11 Petition, which is attached hereto as **Appendix A** and incorporated herein by this reference.

12           (b) The CID boundaries are set forth in the CID Petition and are generally  
13 described as follows: the real property located at 212 S. Grand Blvd. and 374 S. Grand Blvd.,  
14 generally bounded by S. Grand Blvd. to the west; Forest Park Ave and 300 S. Grand Blvd. to the  
15 north; 300 S. Grand Blvd., 314 S. Grand Blvd., and 3501 Market Street to the east, and Market  
16 Street and 3501 Market Street to the south.

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

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

10 **SECTION FOUR.**

11 (a) Pursuant to the CID Petition, the CID shall be in the form of a political  
12 subdivision of the State of Missouri, known as the “212 S. Grand Community Improvement  
13 District.”

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

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

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

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

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

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

10 **SECTION EIGHT.** The property within the CID is hereby declared to be a “blighted  
11 area” pursuant to Section 67.1401.2(3) of the CID Act because such property, by reason of the  
12 predominance of insanitary or unsafe conditions, deterioration of site improvements, and/or the  
13 existence of conditions which endanger life or property by fire and other causes, constitutes an  
14 economic or social liability or a menace to the public health, safety, morals or welfare in its  
15 present condition and use.

16 **SECTION NINE.** Within one hundred twenty (120) days after the end of each fiscal  
17 year, the CID 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 CID during such fiscal year, and copies of written resolutions approved by the board of  
20 directors of the CID during the fiscal year. The Register shall retain this report as part of the  
21 official records of the City and shall also cause this report to be spread upon the records of the  
22 Board of Aldermen, pursuant to Section 67.1471 of the CID Act.

1           **SECTION TEN.** The term for the existence of the CID shall be as set forth in the CID  
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 CID existing prior to the creation of the CID  
6 or transfer the burden of providing the services to the CID unless the services at the same time  
7 are decreased throughout the City, nor shall the Board of Aldermen discriminate in the provision  
8 of the publicly funded services between areas included in the CID and areas not so included.

9           **SECTION TWELVE.** The Register shall report in writing the creation of the 212 S.  
10 Grand Community Improvement District to the Missouri Department of Economic Development.

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

18	<u>Name</u>	<u>Term</u>
19	1. Lori Record	2 years
20	2. Joseph Munaco	2 years
21	3. Caroline Saunders	2 years
22	4. Richard Yackey	4 years
23	5. Nick Yackey	4 years

1           **SECTION FOURTEEN.** The Board of Aldermen hereby approves the Transportation  
2 Project as submitted to the City.

3           **SECTION FIFTEEN.** The Board of Aldermen further finds and determines that it is  
4 necessary and desirable to enter into the Transportation Project Agreement with the TDD in  
5 order to implement the Transportation Project.

6           **SECTION SIXTEEN.** The Board of Aldermen finds and determines that the  
7 Transportation Project is necessary and desirable in order to increase public access to the parcels  
8 described in the TDD Petition and the supply of available parking in the City.

9           **SECTION SEVENTEEN.** The Board of Aldermen hereby approves, and the Mayor and  
10 Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the  
11 Transportation Project Agreement by and between the City and the TDD in similar form to that  
12 attached hereto as **Appendix B**, and the City Register is hereby authorized and directed to attest  
13 to the Transportation Project Agreement and to affix the seal of the City thereto. The  
14 Transportation Project Agreement shall be in substantially the form attached, with such changes  
15 therein as shall be approved by said Mayor and Comptroller executing the same and as may be  
16 consistent with the intent of this Ordinance and necessary and appropriate in order to carry out  
17 the matters herein authorized.

18           **SECTION EIGHTEEN.** The Mayor and Comptroller of the City or his or her designated  
19 representatives are hereby authorized and directed to take any and all actions to execute and  
20 deliver for and on behalf of the City any and all additional certificates, documents, agreements or  
21 other instruments as may be necessary and appropriate in order to carry out the matters herein  
22 authorized, with no such further action of the Board of Aldermen necessary to authorize such  
23 action by the Mayor or Comptroller or his or her designated representatives.

1           **SECTION NINETEEN.** The Mayor and Comptroller and their designated  
2 representatives, with the advice and concurrence of the City Counselor and after approval by the  
3 Board of Estimate and Apportionment, are hereby further authorized and directed to make any  
4 changes to the documents, agreements and instruments approved and authorized by this  
5 Ordinance as may be consistent with the intent of this Ordinance and necessary and appropriate  
6 in order to carry out the matters herein authorized, with no such further action of the Board of  
7 Aldermen necessary to authorize such changes by the Mayor or Comptroller or their designated  
8 representatives.

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

14           **SECTION TWENTY ONE.** The Board of Aldermen hereby finds and determines that  
15 this ordinance constitutes an “emergency measure” pursuant to Article IV, Section 20 of the City  
16 Charter, because this Ordinance establishes the CID, which is a taxing district, and as such, this  
17 Ordinance shall take effect immediately upon its approval by the Mayor as provided in Article  
18 IV, Section 20 of the City Charter.

19           **SECTION TWENTY TWO.** No CID sales tax proceeds shall be used to pay for  
20 demolition of the property.

**APPENDIX A**

Petition to Establish the 212 S. Grand Community Improvement District

**ON FILE WITH THE CITY REGISTER**

**APPENDIX B**

Form of Transportation Project Agreement

**SEE ATTACHED**