

**ORDINANCE #67158  
Board Bill No. 69**

An Ordinance recommended by the Planning Commission on May 8, 2006, to change the zoning of property as indicated on the District Map, from "A" Single-Family Dwelling District to the "F" Neighborhood Commercial District in City Block 4608, so as to include the described parcel of land in City Block 4608; and containing an emergency clause.

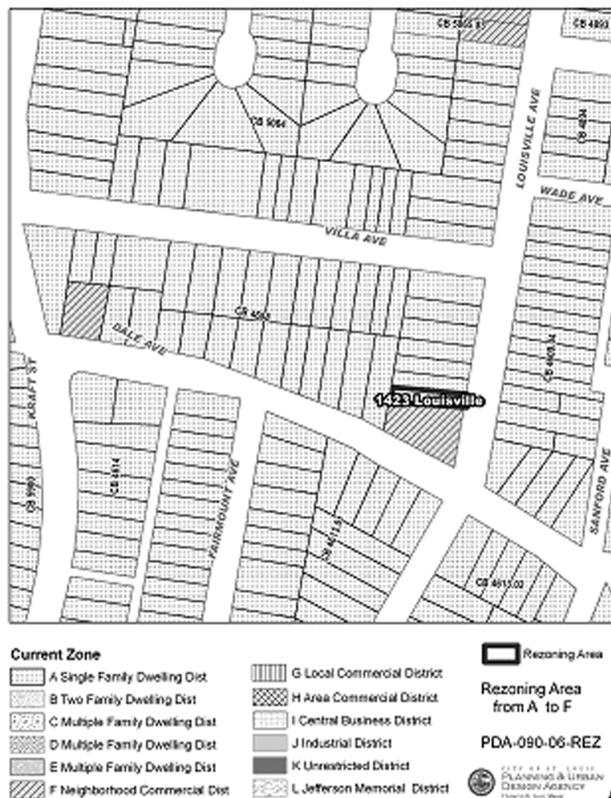
**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The zoning designation of certain real property located in City Block 4608 is hereby changed to the "F" Neighborhood Commercial District, real property being particularly described as follows:

A part of Lot 8 in Block 3 of the Glades and being in Block 4608 of the City of St. Louis, beginning at a point in the West line of Louisville Avenue 102 feet 10 inches North of the North line of Dale Avenue, thence Westwardly and parallel to the South line of Villa Avenue 123 feet 4-3/4 inches, more or less, to a point 30 feet East of the East line of San Jacinto Avenue 30 feet thence Eastwardly and parallel to the South line of Villa Avenue 123 feet Southwardly along the West line of Louisville Avenue 30 feet to the point of beginning. Together with all improvements thereon, known as and numbered 1423 Louisville, St. Louis, Mo. 63139.

**SECTION 2.** This ordinance being necessary for the preservation of the health, safety and welfare shall take effect and be in full force immediately upon approval by the Mayor of the City of St. Louis.

**EXHIBIT A**



Approved: July 18, 2006

**ORDINANCE #67159**  
**Board Bill No. 87**

An Ordinance recommended by the Planning Commission on May 8, 2006, to change the zoning of property as indicated on the District Map, from "A" Single-Family Dwelling District and "J" Industrial District to the "J" Industrial District only, in City Blocks 4612 and 4613.11, so as to include the described parcels of land in City Blocks 4612 and 4613.11; and containing an emergency clause.

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

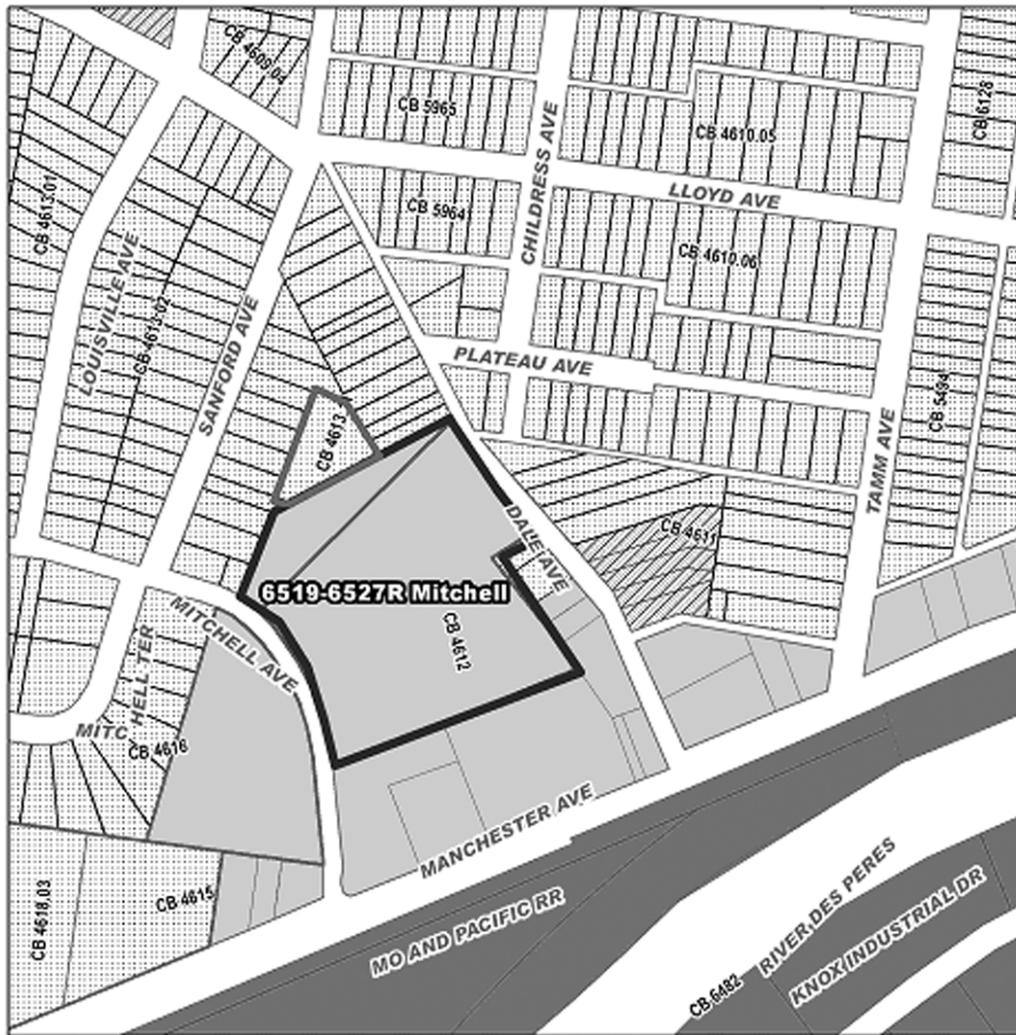
**SECTION ONE.** The zoning designation of certain real property located in City Blocks 4612 and 4613.11 is hereby changed to the "J" Industrial District, real property being particularly described as follows:

A tract of land being part of Lots 1 and 2 of Block 4, and part of Lot 1 of Block 6 of "The Glades" a subdivision recorded in Plat Book 3, Page 37 of the St. Louis City Records, including part of the 20 foot wide alley vacated by Ordinance 29576 along the southern line of said Lot 1, and part of original Mitchell Avenue vacated by Ordinance 39345, in City Blocks 4612 and 4613-C, in the City of St. Louis, Missouri and more particularly described as follows:

Beginning at the Northeast corner of Lot "G" of Brockschmitt Estate, a survey recorded in Survey Record Book 9, Page 47 of the St. Louis City Records, said point being on the Southwesterly line of Dale Avenue, 40 feet wide; Thence in a southwest direction along the Northwest line of said Lot "G", a distance of 130.00 feet to the Northwest corner thereof; Thence in a Southeast direction along the Southwesterly line of said Lot "G" and the Southwesterly lines of Lots "F", "E", "D", and "C" of said Brockschmitt Estate a distance of 220.16 feet to the southwest corner of said Lot "C"; Thence in a southeast direction in line with a point on the common line between Lots 2 and 3 of above said Glades subdivision, said point being 131.00 feet from the southwest corner of last said Lot 2, a distance of 65.2 feet, more or less to the Southeasterly line of an alley, 20 feet wide vacated by City Ordinance 29576, said point being on the Northwesterly line of Lot 3 of said Glades subdivision; Thence in a Southwest direction along the Southeasterly line of said alley and its Southwest prolongation a distance of 399.4 feet, more or less to the Northeasterly line of Mitchell Avenue, 40 feet wide as established on Mitchell Terrace, a subdivision recorded in Plat Book 28, Page 23 of the St. Louis City Records; Thence along the Northeasterly line of said Mitchell Avenue the following courses and distances: in a Northwest direction 29.8 feet to a point of curvature to the left, said curve having a radius of 240.00 feet; Thence along said curve an arc distance of 101.54 feet; Thence in a Northwest direction 100.4 more or less to a point of curvature to the left said curve having a radius of 240.00 feet; Thence along last said curve an arc distance of 131.0 feet more or less to the Southwest prolongation of the Southeasterly line of Lot "J" of aforementioned Brockschmitt Estate; Thence in a Northeast direction along last said prolongation line and the Southeasterly lines of said Lot "J" and Lots "I" and "H" of said Brockschmitt Estate a distance of 138.0' more or less to the Northeast corner of said Lot "H", said point being the Southeast corner of a tract of land now or formerly owned by August Blazie by deed recorded in book 5329, page 70 of the St. Louis City Records; Thence in a Northeast direction along the southeasterly line of said Blazie tract a distance of 34.5 feet more or less to the Northeast corner of said Blazie tract; Thence in a Northwest direction along the Northeasterly line of said Blazie tract a distance of 9.20 feet to a point, distance 130.0 feet East of the Southeasterly line of Sanford Avenue; Thence Northeast parallel with Sanford Avenue a distance of 195.43 feet to the Southwesterly line of a 10 foot wide strip conveyed to Paul James, et al, by deed recorded in book 6967, page 27 of the St. Louis City Records; Thence Southeast along the Southwesterly line of said 10 foot wide strip a distance of 53.49 feet to the Southeast corner thereof; Thence Northeast along the Southeasterly line of said strip and parallel with Sanford Avenue 10.0 feet to a point distance 150.0 feet Southwest of the Southwesterly line of aforementioned Dale Avenue; Thence Southeast and parallel with the Southwesterly line of said Dale Avenue a distance of 111.71 feet to the Southwest corner of a tract of land now or formerly owned by Arthur and Linda Anderson by deed recorded as daily number 131, on December 1, 1997; Thence in a Northeast direction along the Southeasterly line of said Anderson tract a distance of 150.00 feet to the Southwesterly line of aforementioned Dale Avenue; Thence in a Southeast direction along the Southwesterly line of said Dale Avenue a distance of 201.15 feet to the point of beginning, inclusive of that portion of the 20 foot wide alley as vacated and that portion of Mitchell Avenue as vacated.

**SECTION 2.** This ordinance being necessary for the preservation of the health, safety and welfare shall take effect and be in full force immediately upon approval by the Mayor of the City of St. Louis.

### EXHIBIT A



**Current Zone**

- |  |                                 |  |                               |
|--|---------------------------------|--|-------------------------------|
|  | A Single Family Dwelling Dist   |  | G Local Commercial District   |
|  | B Two Family Dwelling Dist      |  | H Area Commercial District    |
|  | C Multiple Family Dwelling Dist |  | I Central Business District   |
|  | D Multiple Family Dwelling Dist |  | J Industrial District         |
|  | E Multiple Family Dwelling Dist |  | K Unrestricted District       |
|  | F Neighborhood Commercial Dist  |  | L Jefferson Memorial District |

Rezoning Area

**Rezoning Area  
from A & J or A only  
to J only.**

**PDA-089-06-REZ**

CITY OF ST. LOUIS  
PLANNING & URBAN  
DESIGN AGENCY  
FRANCIS O. SISK, Mayor



Approved: July 18, 2006

**ORDINANCE #67160**  
**Board Bill No. 88**

An ordinance, recommended and approved by the Board of Estimate and Apportionment and the Board of Public Service of the City of St. Louis (the "Board of Public Service"), authorizing and directing the Mayor on behalf of the City of St. Louis, to apply for and enter into an execute an Agreement with the U.S. Department of Housing and Urban Development for a grant to fund the removal and replacement of concrete sidewalks, sod and tree planting, and installation of precast concrete tree grates on Gravois Avenue between Taft Avenue and Germania Street; establishing a public works and improvement project for the design and construction of streetscape enhancements, including but not limited to the installation of concrete sidewalks, sod and tree planting, and precast concrete tree grates on Gravois Avenue between Taft Avenue and Germania Street; (the "Gravois Avenue Streetscape Improvements Project") and authorizing and directing the City of St. Louis (the "City") through its Board of Public Service to let contracts and provide for the design, construction, materials, and equipment, for the Gravois Avenue Streetscape Improvements Project, authorizing the Board of Public Service to employ labor and consultants, pay salaries, fees and wages, acquire real property interests for the Gravois Avenue Streetscape Improvements Project, to enter into supplemental agreements with other governmental and private agencies, and to otherwise provide for the design and construction of the streetscape enhancements for the Gravois Avenue Streetscape Improvements Project all in accordance with the grant entered into for said Project; with any contract containing sections for: description of the work, material guarantees, estimated expenditure allocations, fund reversion authorization, applicable federal and state wage rate requirements, equal opportunity provisions, the Mayor's Executive Orders, and contract advertising statutes; requiring that all work provided for herein shall be carried out in accordance with detailed plans and specifications adopted and approved by the Board of Public Service before bids are advertised therefor; directing that all construction contracts let by authority of this Ordinance provide for state prevailing wages requirements including prevailing wage holiday and overtime pay and compliance with all applicable statutes of the State of Missouri, the City Charter and the Revised Code of the City, 1994, as amended; requiring all specifications approved by the Board of Public Service and contracts let by authority of this Ordinance provide for compliance with the Mayor's Executive Orders on Equal Opportunity and maximum MBE/WBE/DBE utilization goals, except when superseded or prohibited by federal or state law or regulation; requiring all advertisements for bids pursuant to this Ordinance be subject to the provisions of Section 8.250 RSMo., as amended; and appropriating the total estimated cost of Ninety Six Thousand Two Hundred Twenty Four Dollars (\$96,224) for said Project from the grant entered into pursuant to this Ordinance; authorizing and directing the Comptroller of the City to draw warrants from time to time and disburse funds appropriated by this ordinance and to disburse grant funds in accordance with the Grant and upon certification of vouchers by the President of the Board of Public Service; authorizing the Board of Public Service to accept on behalf of the City monetary donations from other governmental agencies and others to assist in paying for the work authorized by this Ordinance; and containing an emergency clause.

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

**SECTION ONE:** The Mayor is hereby authorized and directed, on behalf of the City of St. Louis, to apply for, to enter into and execute all necessary documents with the U.S. Department of Housing and Urban Development for a grant of \$96,224.00 to fund the design and construction of streetscape improvements, including but not limited to the installation of concrete sidewalks, sod and tree planting, and precast concrete tree grates on Gravois between Taft Avenue and Germania Street.

**SECTION TWO:** There is hereby authorized a public works and improvement project for the design and construction of streetscape improvements, including but not limited to the installation of concrete sidewalks, sod and tree planting, and precast concrete tree grates on the west side of Gravois between Taft Avenue and Germania Street (the "Gravois Avenue Streetscape Improvements Project").

**SECTION THREE:** The City of St. Louis (the "City") by and through its Board of Public Service (the "Board of Public Service") is hereby authorized and directed to let contracts and provide for the design, construction, materials, and equipment, for the Gravois Avenue Streetscape Improvements Project, to employ labor and consultants, pay salaries, fees and wages, acquire real property interests for the Gravois Avenue Streetscape Improvements Project, to enter into supplemental agreements with other governmental and private agencies, and to otherwise provide for the design and construction of the streetscape improvements for the Gravois Avenue Streetscape Improvements Project, all in accordance with the grant entered into for said Project, with any contracts containing sections for: description of the work, material guarantees, estimated expenditure allocations, fund reversion authorization, applicable state wage rate requirements, equal opportunity provisions, the Mayor's Executive Orders, and contract advertising statutes.

**SECTION FOUR:** The work provided for herein shall be carried out in accordance with detailed plans and specifications to be adopted and approved by the Board of Public Service before bids are advertised therefor.

**SECTION FIVE:** All construction contracts let under authority of this Ordinance shall provide that no less than the prevailing hourly rate of wages in the City, as determined in accordance with the Department of Labor and Industrial Relations of the State of Missouri (Sections 290.210 through 290.340 RSMo. 2000, as amended,) for each craft or type of work needed in the actual labor on the jobs herein authorized, as well as the general prevailing rate of pay for legal holidays and overtime work shall be paid to all workers on the Gravois Avenue Streetscape Improvements Project. All contracts let in connection with the construction provided for herein shall be subject to, and in conformance with all applicable statutes of the State of Missouri and the City Charter and Revised Code of the City 1994, as amended.

**SECTION SIX:** All specifications approved by the Board of Public Service and contracts let under the authority of this Ordinance shall provide for compliance with the Mayor's Executive Orders on Equal Opportunity and maximum MBE/WBE/DBE utilization goals, except when otherwise superseded or prohibited by federal or state law or regulation.

**SECTION SEVEN:** All advertisement for bids pursuant to this Ordinance shall be subject to Section 8.250 RSMo. 2000, as amended.

**SECTION EIGHT:** The total estimated cost of the Gravois Avenue Streetscape Improvements Project is Ninety Six Thousand Two Hundred Twenty Four Dollars (\$96,224.00) which amount is hereby from said Grant entered into pursuant to this Ordinance to be expended for the payment of costs for work and services authorized herein.

**SECTION NINE:** The Comptroller of the City is hereby authorized and directed to draw warrants from time to time and disburse funds appropriated by this ordinance and is further authorized and directed to disburse grant funds upon the signature and certification of vouchers by the President of the Board of Public Service.

**SECTION TEN:** The Board of Public Service is hereby authorized to accept on behalf of the City monetary donations from other governmental agencies and others to assist in paying for the work authorized in this Ordinance.

**SECTION ELEVEN:** This being an ordinance providing for public work and improvement, it is hereby declared to be an emergency measure as defined in Article IV, Section 20 of the City Charter and shall become effective immediately upon its passage and approval by the Mayor of the City.

**Approved: July 18, 2006**

**ORDINANCE #67161**  
**Board Bill No. 95**

An ordinance, recommended and approved by the Board of Estimate and Apportionment and the Board of Public Service of the City of St. Louis (the "Board of Public Service"), authorizing and directing the Mayor on behalf of the City of St. Louis, to apply for and enter into an execute an Agreement with the U.S. Department of Housing and Urban Development for a grant to fund the design and construction of a truck entrance at Broadway and St. Louis Avenues; establishing a public works and improvement project for the design and construction of streetscape enhancements, including but not limited to perimeter and infrastructure improvements surrounding the St. Louis wholesale produce market known as "Produce Row" (Broadway Avenue Improvements Project) and authorizing and directing the City of St. Louis (the "City") through its Board of Public Service to let contracts and provide for the design, construction, materials, and equipment, for the Broadway Avenue Improvements Project, authorizing the Board of Public Service to employ labor and consultants, pay salaries, fees and wages, acquire real property interests for the Broadway Avenue Improvement Project, to enter into supplemental agreements with other governmental and private agencies, and to otherwise provide for the design and construction of the streetscape enhancements for the Broadway Avenue Improvement Project all in accordance with the grant entered into for said Project; with any contract containing sections for: description of the work, material guarantees, estimated expenditure allocations, fund reversion authorization, applicable federal and state wage rate requirements, equal opportunity provisions, the Mayor's Executive Orders, and contract advertising statutes; requiring that all work provided for herein shall be carried out in accordance with detailed plans and specifications adopted and approved by the Board of Public Service before bids are advertised therefor; directing that all construction contracts let by authority of this Ordinance provide for state prevailing wages requirements including prevailing wage holiday and overtime pay and compliance with all applicable statutes of the State of Missouri, the City Charter and the Revised Code of the City, 1994, as amended; requiring all specifications approved by the Board of Public Service and contracts let by authority of this Ordinance provide for compliance with the Mayor's Executive Orders on Equal Opportunity and maximum MBE/WBE/DBE utilization goals, except when superseded or prohibited by federal or state law or regulation; requiring all advertisements for bids pursuant to this Ordinance be subject to the provisions of Section 8.250 RSMo., as amended; and appropriating the total estimated cost of Nine Hundred Ninety Two Thousand Dollars (\$992,000) for said Project from the grant entered into pursuant to this Ordinance; authorizing and directing the Comptroller of the City to draw warrants from time to time and disburse funds appropriated by this ordinance and to disburse grant funds in accordance with the Grant and upon certification of vouchers by the President of the Board of Public Service; authorizing the Board of Public Service to accept on behalf of the City monetary donations from other governmental agencies and others to assist in paying for the work authorized by this Ordinance; and containing an emergency clause.

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

**SECTION ONE:** The Mayor is hereby authorized and directed, on behalf of the City of St. Louis, to apply for, to enter into and execute all necessary documents with the U.S. Department of Housing and Urban Development for a grant of \$992,000.00 to fund the design and construction of streetscape improvements, including but not limited to the design and construction of a truck entrance at Broadway and St. Louis Avenue.

**SECTION TWO:** There is hereby authorized a public works and improvement project for the design and construction of streetscape improvements, including but not limited to the design and construction of a truck entrance at Broadway and St. Louis Avenue (the "Broadway Avenue Improvement Project").

**SECTION THREE:** The City of St. Louis (the "City") by and through its Board of Public Service (the "Board of Public Service") is hereby authorized and directed to let contracts and provide for the design, construction, materials, and equipment, for the Broadway Avenue Improvement Project, to employ labor and consultants, pay salaries, fees and wages, acquire real property interests for the Broadway Avenue Improvement Project, to enter into supplemental agreements with other governmental and private agencies, and to otherwise provide for the design and construction of the streetscape improvements for the Broadway Avenue Improvement Project, all in accordance with the grant entered into for said Project, with any contracts containing sections for:

description of the work, material guarantees, estimated expenditure allocations, fund reversion authorization, applicable state wage rate requirements, equal opportunity provisions, the Mayor's Executive Orders, and contract advertising statutes.

**SECTION FOUR:** The work provided for herein shall be carried out in accordance with detailed plans and specifications to be adopted and approved by the Board of Public Service before bids are advertised therefor.

**SECTION FIVE:** All construction contracts let under authority of this Ordinance shall provide that no less than the prevailing hourly rate of wages in the City, as determined in accordance with the Department of Labor and Industrial Relations of the State of Missouri (Sections 290.210 through 290.340 RSMo. 2000, as amended,) for each craft or type of work needed in the actual labor on the jobs herein authorized, as well as the general prevailing rate of pay for legal holidays and overtime work shall be paid to all workers on the Broadway Avenue Improvement Project. All contracts let in connection with the construction provided for herein shall be subject to, and in conformance with all applicable statutes of the State of Missouri and the City Charter and Revised Code of the City 1994, as amended.

**SECTION SIX:** All specifications approved by the Board of Public Service and contracts let under the authority of this Ordinance shall provide for compliance with the Mayor's Executive Orders on Equal Opportunity and maximum MBE/WBE/DBE utilization goals, except when otherwise superseded or prohibited by federal or state law or regulation.

**SECTION SEVEN:** All advertisement for bids pursuant to this Ordinance shall be subject to Section 8.250 RSMo. 2000, as amended.

**SECTION EIGHT:** The total estimated cost of the Broadway Avenue Improvement Project is Nine Hundred Ninety Two Thousand Dollars (\$992,000) which amount is hereby from said Grant entered into pursuant to this Ordinance to be expended for the payment of costs for work and services authorized herein.

**SECTION NINE:** The Comptroller of the City is hereby authorized and directed to draw warrants from time to time and disburse funds appropriated by this ordinance and is further authorized and directed to disburse grant funds upon the signature and certification of vouchers by the President of the Board of Public Service.

**SECTION TEN:** The Board of Public Service is hereby authorized to accept on behalf of the City monetary donations from other governmental agencies and others to assist in paying for the work authorized in this Ordinance.

**SECTION ELEVEN:** This being an ordinance providing for public work and improvement, it is hereby declared to be an emergency measure as defined in Article IV, Section 20 of the City Charter and shall become effective immediately upon its passage and approval by the Mayor of the City.

**Approved: July 18, 2006**

**ORDINANCE #67162**  
**Board Bill No. 123**

An Ordinance recommended by the Planning Commission on June 7, 2006, to change the zoning of property as indicated on the District Map, from "J" Industrial District to the "F" Neighborhood Commercial District in City Block 3094, so as to include the described parcel of land in City Block 3094; and containing an emergency clause.

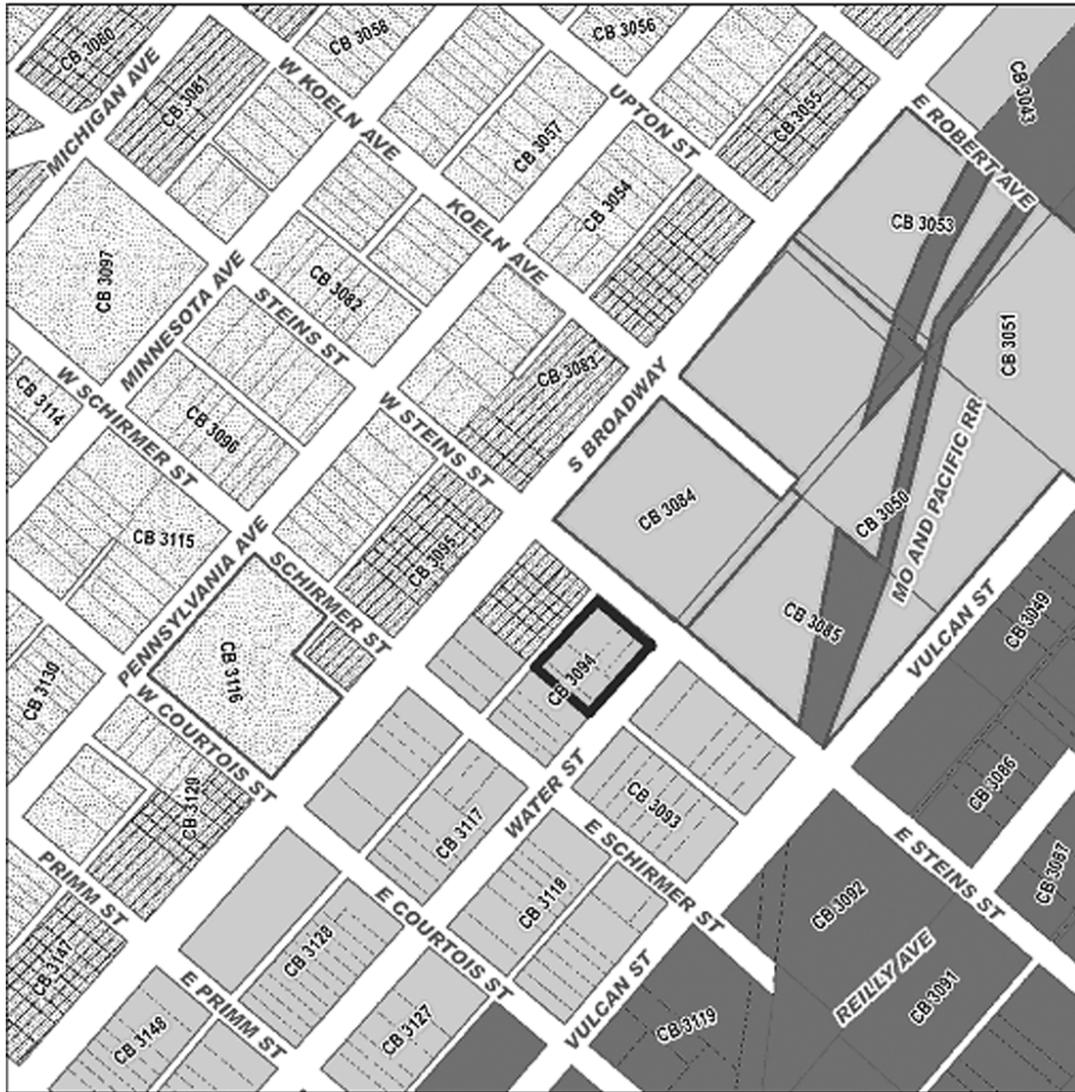
**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The zoning designation of certain real property located in City Block 3094 is hereby changed to the "F" Neighborhood Commercial District, real property being particularly described as follows:

A tract of land being Lots 15 through 20 in Block 6 of Survey 3 of the Town of Carondelet, and in City Block 3094 of the City of St. Louis, Missouri, and said tract also described as follows: Beginning at the intersection of the southwesterly line of E. Steins Street, 50 feet wide, with the northwesterly line of Water Street, 60 feet wide; thence along said northwesterly line, South 41 degrees 29 minutes 43 seconds West 175.49 feet to the southwesterly line of said Lot 15; thence along said southwesterly line. North 50 degrees 01 minute 09 seconds West 137.86 feet to the southeasterly line of an alley, 20 feet wide; thence along said southeasterly line, North 41 degrees 29 minutes 43 seconds East 175.49 feet to the southwesterly line of said E. Steins Street, 50 feet wide; thence along said southwesterly line, South 50 degrees 01 minute 09 seconds East 137.86 feet to the point of beginning, according to Survey No. 190293-D executed by James Engineering & Surveying Co., Inc., in October, 2005. Bearings based on solar observations and converted to Grid North, Missouri East Zone.

**SECTION 2.** This ordinance being necessary for the preservation of the health, safety and welfare shall take effect and be in full force immediately upon approval by the Mayor of the City of St. Louis.

# EXHIBIT A



**Current Zone**

- |  |                                 |  |                               |
|--|---------------------------------|--|-------------------------------|
|  | A Single Family Dwelling Dist   |  | G Local Commercial District   |
|  | B Two Family Dwelling Dist      |  | H Area Commercial District    |
|  | C Multiple Family Dwelling Dist |  | I Central Business District   |
|  | D Multiple Family Dwelling Dist |  | J Industrial District         |
|  | E Multiple Family Dwelling Dist |  | K Unrestricted District       |
|  | F Neighborhood Commercial Dist  |  | L Jefferson Memorial District |

Rezoning Area

Rezoning from "J" to "F"

PDA-109-06-REZ

CITY OF ST. LOUIS  
PLANNING & URBAN  
DESIGN AGENCY  
FRANCIS G. SLY, Mayor



Approved: July 18, 2006

**ORDINANCE #67163  
Board Bill No. 124**

An Ordinance recommended by the Planning Commission on June 7, 2006, to change the zoning of property as indicated on the District Map, from "B" Two-Family Dwelling District to the "C" Multiple-Family Dwelling District in City Block 4147, so as to include the described parcel of land in City Block 4147; and containing an emergency clause.

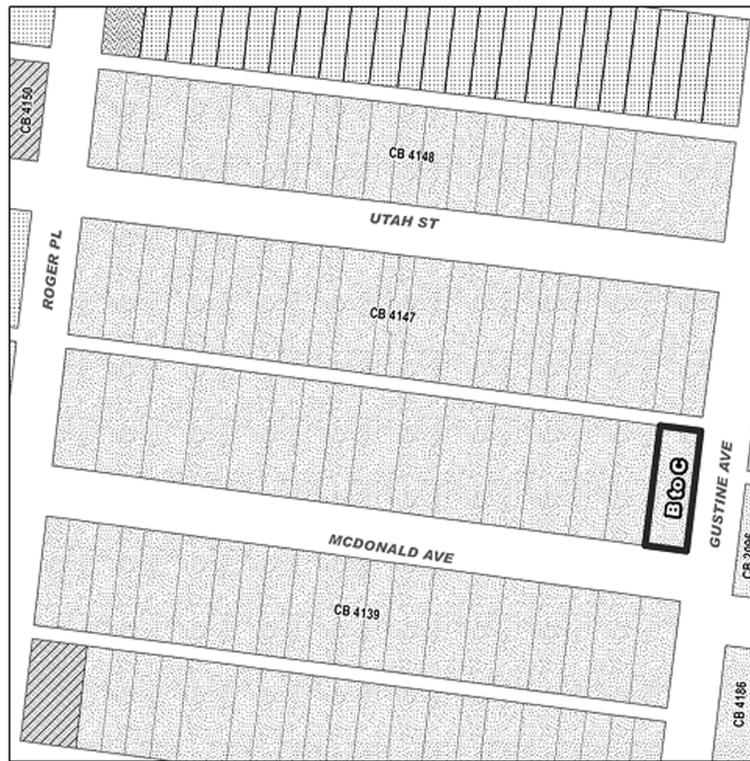
**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The zoning designation of certain real property located in City Block 4147 is hereby changed to the "C" Multiple-Family Dwelling District, real property being particularly described as follows:

Lot 1 RUSSELL PLACE and in Block 4147 of the City of St. Louis, fronting 50 feet on the North line of McDonald Avenue, by a depth Northwardly of 146 feet 9 1/2 inches to an alley; bounded on the east by Gustine Avenue.

**SECTION 2.** This ordinance being necessary for the preservation of the health, safety and welfare shall take effect and be in full force immediately upon approval by the Mayor of the City of St. Louis.

**EXHIBIT A**



<b>Current Zone</b>		<b>Rezoning Area</b>
A Single Family Dwelling Dist	G Local Commercial District	Rezone from B to C
B Two Family Dwelling Dist	H Area Commercial District	PDA-106-06-REZ
C Multiple Family Dwelling Dist	I Central Business District	
D Multiple Family Dwelling Dist	J Industrial District	
E Multiple Family Dwelling Dist	K Unrestricted District	
F Neighborhood Commercial Dist	L Jefferson Memorial District	

Approved: July 18, 2006

**ORDINANCE #67164  
Board Bill No. 125**

An Ordinance recommended by the Planning Commission on June 7, 2006, to change the zoning of property as indicated on the District Map, from "A" Single-Family Dwelling District to the "F" Neighborhood Commercial District in City Block 5690, so as to include the described parcel of land in City Block 5690; and containing an emergency clause.

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

**SECTION ONE.** The zoning designation of certain real property located in City Block 5690 is hereby changed to the "F" Neighborhood Commercial District, real property being particularly described as follows:

Part of Lot No. 32 and all of lot No. 31 of Twabrig's addition to Southhampton and in block 5690 of the city of St. Louis, together fronting 60 feet 3 1/2 inches on the northern line of Eichelberger Street, by a depth northwardly of 115 feet 4 1/4 inches along the west line of said lot No. 33 to an alley, on which there is an aggregate width of 65 feet; bounded east by Brannon Avenue.

**SECTION 2.** This ordinance being necessary for the preservation of the health, safety and welfare shall take effect and be in full force immediately upon approval by the Mayor of the City of St. Louis.

**EXHIBIT A**



<b>Current Zone</b>		<b>Rezoning Area</b>
A Single Family Dwelling Dist	G Local Commercial District	Rezoning from A to F
B Two Family Dwelling Dist	H Area Commercial District	PDA-107-06-REZ
C Multiple Family Dwelling Dist	I Central Business District	
D Multiple Family Dwelling Dist	J Industrial District	
E Multiple Family Dwelling Dist	K Unrestricted District	
F Neighborhood Commercial Dist	L Jefferson Memorial District	



Approved: July 18, 2006

**ORDINANCE #67165**  
**Board Bill No. 80**

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in Lucas Avenue from 19th Street to 20th Street in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

**SECTION ONE:** The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being part of Lucas Avenue, 50.00 feet wide, between City Blocks 942 and 2003 of the City of St. Louis, Missouri, and being more particularly described as follows:

Beginning at the intersection of the south line of Lucas (50.00 feet wide) Avenue and the east line of 20th (60.00 feet wide) Street; thence north 15 degrees 10 minutes 58 seconds east along the extension of said east line for a distance of 50.00 feet to the north line of said Lucas Avenue; thence south 74 degrees 54 minutes 25 seconds east along the north line of said Lucas Avenue for a distance of 376.20 feet to the west line of 19th (60.00 feet wide) Street; thence south 14 degrees 54 minutes 34 seconds west along the extension of said west line for a distance of 50.00 feet to the south line of said Lucas Avenue; thence north 74 degrees 54 minutes 23 seconds west along said south line for a distance of 376.44 feet to the point of beginning and containing an area of 18,819 square feet more or less.

are, upon the conditions hereinafter set out, vacated.

**SECTION TWO:** The petitioners are General Hydraulics, Inc., Archbishop of St. Louis and Swiss Chalet Partner, LLC. Vacated area will be used to increase parking and living space for the proposed Tudor Building at 1901-37 Washington.

**SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

**SECTION FOUR:** The owners of the land may, at their election and expense remove the surface pavement of said so vacated street provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

**SECTION FIVE:** The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

**SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s) vacated without: 1) lawful permit from the Building Division or Authorized City agency as governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental service entities and franchise holders, present or future. The written consent with the terms and conditions thereof shall be filed in writing with the Board of Public Service by each of the above agencies as needed and approved by such Board prior to construction.

**SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

**SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must have curbing cobblestones returned to the Department of Streets in good condition.

**SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed three (3) days prior to the affidavit submittal date as specified in the last section of this ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be deposited by these agencies with the Comptroller of the City of St. Louis.

- 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of Water facilities, if any.
- 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of removal, relocation and/or purchase of all lighting facilities, if any. All street signs must be returned.
- 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments of the City's alley(s),

sidewalk(s) and street(s) as effected by the vacated area(s) as specified in Sections Two and Eight of the Ordinance.

**SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

**Approved: July 18, 2006**

**ORDINANCE #67166  
Board Bill No. 81**

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in Lucas Avenue from Jefferson Avenue to 23rd Street in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

**SECTION ONE:** The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being Lucas Avenue, 50 feet wide, between Jefferson Avenue, irregular width, and 23rd Street, 60 feet wide, being also located between City Block 934 and City Block 2011, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the intersection of the north line of said Lucas Avenue with the east line of said Jefferson Avenue, being also the southwest corner of City Block 934; thence along the north line of Lucas Avenue north 65 degrees 44 minutes 55 seconds east a distance of 177.22 feet to its intersection with the west line of 23rd Street and to the southeast corner of said City Block 934; thence along the west line of 23rd Street south 24 degrees 08 minutes 41 seconds east a distance of 50.00 feet to its intersection with the south line of Lucas Avenue and to the northeast corner of City Block 2011; thence along the south line of Lucas Avenue south 65 degrees 44 minutes 55 seconds west a distance of 183.78 feet to its intersection with the east line of Jefferson Avenue; thence along the east line of Jefferson Avenue north 16 degrees 40 minutes 00 seconds west a distance of 50.44 feet to the point of beginning containing 9.025 square feet more or less.

are, upon the conditions hereinafter set out, vacated.

**SECTION TWO:** The property owner is 706 N. Jefferson LLC. The area will be used to construct a gym and lobby for Ethel Hedgeman Lyle Academy (Imagine Schools).

**SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

**SECTION FOUR:** The owners of the land may, at their election and expense remove the surface pavement of said so vacated street provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

**SECTION FIVE:** The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

**SECTION SIX:** The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

**SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

**SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

**SECTION NINE:** This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time

as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

**SECTION TEN:** An affidavit stating that all of the conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance one hundred twenty (120) days from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

**Approved: July 18, 2006**

**ORDINANCE #67167  
Board Bill No. 82**

**AN ORDINANCE APPROVING THE PETITION OF HDH, LLC AND STL BROADWAY HOTEL, LLC AS OWNERS OF CERTAIN REAL PROPERTY, TO ESTABLISH A COMMUNITY IMPROVEMENT DISTRICT, ESTABLISHING THE BROADWAY HOTEL COMMUNITY IMPROVEMENT DISTRICT, FINDING A PUBLIC PURPOSE FOR THE ESTABLISHMENT OF THE BROADWAY HOTEL COMMUNITY IMPROVEMENT DISTRICT, AND CONTAINING A SEVERABILITY CLAUSE.**

**WHEREAS**, Mo. Rev. Stat. §67.1400 *et seq.* (the "CID Act") authorized the Board of Aldermen to approve the petitions of property owners to establish a Community Improvement District; and

**WHEREAS**, a petition (as amended, the "Petition") signed by authorized representatives of the owners of all property located within the Broadway Hotel Community Improvement District has been filed with the City, requesting formation and establishment of the Broadway Hotel Community Improvement District; and

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

**WHEREAS**, a public hearing, duly noticed and conducted as required by and in accordance with the CID Act was held at 9:00 a.m. on June 20, 2006, by the Board of Aldermen; and

**WHEREAS**, this Board of Aldermen hereby finds that the adoption of this ordinance is in the best interest of the City of St. Louis and that the property owners of the Broadway Hotel Community Improvement District, as well as the City as a whole, will benefit from the establishment of the Broadway Hotel Community Improvement District.

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

**Section One.**

(a) A community improvement district, to be known as the "Broadway Hotel Community Improvement District" (hereinafter referred to as the "District"), is hereby established pursuant to the CID Act on that real property identified at the time of adoption of this ordinance by Parcel Identification Numbers 6464-000-0200 and 6464-000-0150 to provide services, construct improvements, impose taxes and carry out other functions as set forth in the Petition, which is attached hereto as Appendix A and incorporated herein by this reference.

(b) The District boundaries are set forth in the map included in the Petition in Appendix A and are legally described as follows:

Parcel 1:

Lot 1 of tract 9 of Civic Center Subdivision Plat 4, according to the plat thereof recorded in Plat Book 37 page 46 of the City of St. Louis, Missouri, Recorder's Office, and in Block 6464 of the City of St. Louis.

Parcel 2:

Part of Lot 2 of tract 9 of Civic Center Subdivision Plat 4, according to the plat thereof recorded in Plat Book 37 page 46 of the City of St. Louis, Missouri, Recorder's Office, and in Block 6464 of the City of St. Louis, being more particularly described as follows:

Beginning at the Northeast corner of said Lot 2 having coordinates 97208.503 North and 212136.930 East; thence Southwardly along the East line thereof South 17 degrees 32 minutes 09 seconds West 223.218 feet to the Southeast corner of said Lot 2 and having coordinates 96995.658 North and 212069.674 East; thence Westwardly along the South line of said Lot 2 being also the North line of Walnut Street 85 feet wide, North 72 degrees 14 minutes 58 seconds West 62.962 feet to a point of curvature having coordinates 97014.854 North and 212009.709 East; thence continuing along said line along a curve to the left having a radius of 2300.00 feet, an arc distance of 3.996 feet to a point having coordinates 97016.069 and 212005.902 East; thence Northwardly and parallel with the East line of said Lot 2 North 17 degrees 32 minutes 09 seconds East 222.970 feet to a point in the North line of said Lot 2 and having coordinates 97228.677 North and 213073.083; thence Eastwardly along said North line being also the South line of Market Street, 112 feet wide, South 72 degrees 27 minutes 51 seconds East 66.957 feet to the point of beginning.

#### **Section Two.**

The District is authorized by the Petition, in accordance with the CID Act, to impose a sales and use tax at a rate not to exceed one percent (1%) on retail sales within the District, to provide funds to accomplish any power, duty or purpose of the District. The District shall have no power to levy any special assessment or real property tax upon real property within its boundaries.

#### **Section Three.**

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

#### **Section Four.**

(a) Pursuant to the Petition, the District shall be in the form of a political subdivision of the State of Missouri, known as the Broadway Hotel Community Improvement District.

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

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

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

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

**Section Six.** Pursuant to the CID Act, the District shall have all of the powers necessary to carry out and effectuate the purposes of the District and the CID Act as set forth in the CID Act, provided that, as set forth in the Petition, the District shall not have the power to acquire any real property within the District by condemnation.

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

**Section Eight.** The District is located in the 620 Market Street Area, which was declared "blighted" under Chapter 99 RSMo. in Ordinance No. 66979 of the City of St. Louis Board of Aldermen.

**Section Nine.** Within one hundred twenty (120) days after the end of each fiscal year, the District shall submit a report to the Register of the City and the Missouri Department of Economic Development stating the services provided, revenues collected and expenditures made by the District during such fiscal year, and copies of written resolutions approved by the board of the District

during the fiscal year. The Register shall retain this report as part of the official records of the City and shall also cause this report to be spread upon the records of the Board of Aldermen, pursuant to Section 67.1471 of the CID Act.

**Section Ten.** The term for the existence of the District shall begin on the date this ordinance becomes effective and shall continue for the term set forth in the Petition, as may be amended from time to time.

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

**Section Twelve.** The Register shall report in writing the creation of the Broadway Hotel Community Improvement District to the Missouri Department of Economic Development.

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

- (1) Robert O'Loughlin (four years), as legally authorized representative of HDH, LLC, a business operating within the District;
- (2) Craig Cobler (four years), as legally authorized representative of Broadway Hotel Operations I, LLC, a business operating within the District;
- (3) Steve O'Loughlin (two years), as legally authorized representative of Broadway Hotel Operations II, LLC, a business operating within the District;
- (4) Joseph Mooney (two years), as legally authorized representative of Broadway Hotel Operations III, LLC, a business operating within the District; and
- (5) Cathy Raftery (two years), as legally authorized representative of Broadway Hotel Operations IV, LLC, a business operating within the District.

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

#### APPENDIX A

Broadway Hotel Community Improvement District Petition

Approved: July 18, 2006

#### ORDINANCE #67168 Board Bill No. 91

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in the 15 foot wide "L" shaped alley in City Block 3545 as bounded by Mary, Warne and Carter in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

**SECTION ONE:** The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being an alley, 15 feet wide, located in City Block 3545, City of St. Louis, Missouri, and being more particularly described as follows:

Commencing at the west corner of City Block 3545, said point also being the intersection of the north right-of-way line of Carter Avenue (60 feet wide) and the east right-of-way line of Mary Avenue (50 feet wide); thence along said east right-of-way of Mary Avenue, north 55 degrees 44 minutes 40 seconds east, 142.02 feet to the Actual Point of Beginning; thence continuing north 55 degrees 44 minutes 49 seconds east, 17.09 feet to southwest corner of Lot 30 of Block 1 of "Benjamin O'Fallon Subdivision"; thence along the south line of said Lot 30, south 62 degrees 52 minutes 55 seconds east, 104.30 feet; thence south 88 degrees

46 minutes 39 seconds east, 25.21 feet to a point on the east line of Lot 31 of said Block 1; thence north 31 degrees 21 minutes 35 seconds east, 255.01 feet to said east right-of-way line of Mary Avenue; thence along said east right-of-way, north 55 degrees 44 minutes 49 seconds east, 36.33 feet to a point on the west line of Lot 6 of said Block 1; thence south 31 degrees 21 minutes 35 seconds west, 314.02 feet to the prolongation of the north line of Lot 24 of said Block 1; thence north 62 degrees 52 minutes 55 seconds west, 147.72 feet to the POINT OF BEGINNING.

are, upon the conditions hereinafter set out, vacated.

**SECTION TWO:** The petitioners are Andre Hennings, Richard Littlejohn, St. Vincent DePaul Society and Land Reutilization Authority of the City of St. Louis. Vacated area will be used to consolidate property for construction/development of Bosley Senior Living.

**SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

**SECTION FOUR:** The owners of the land may, at their election and expense remove the surface pavement of said so vacated alley provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

**SECTION FIVE:** The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

**SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s) vacated without: 1) lawful permit from the Building Division or Authorized City agency as governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental service entities and franchise holders, present or future. The written consent with the terms and conditions thereof shall be filed in writing with the Board of Public Service by each of the above agencies as needed and approved by such Board prior to construction.

**SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

**SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must have curbing cobblestones returned to the Department of Streets in good condition.

**SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed three (3) days prior to the affidavit submittal date as specified in the last section of this ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be deposited by these agencies with the Comptroller of the City of St. Louis.

- 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of Water facilities, if any.
- 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of removal, relocation and/or purchase of all lighting facilities, if any. All street signs must be returned.
- 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments of the City's alley(s), sidewalk(s) and street(s) as effected by the vacated area(s) as specified in Sections Two and Eight of the Ordinance.

**SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

**Approved: July 18, 2006**

**ORDINANCE #67169**  
**Board Bill No. 92**

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in the 15 foot wide north/south alley in City Block 1863 as bounded by Cozens, Grand, Martin Luther King Dr. in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of

Article XXI of the Charter and imposing certain conditions on such vacation.

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

**SECTION ONE:** The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A 15 foot wide alley being part of Block 3 of D.D. Page's western addition in City Block 1863, City of St. Louis, Missouri, and being more particularly described as follows:

Commencing at the intersection of the west line of Grand Avenue (80 feet wide) and the south line of Cozens Avenue (40 feet wide); thence along said south line of Cozens Avenue North 60 degrees 56 minutes 37 seconds west 120.00 feet to the east line of a 15 foot wide alley being the point of beginning; thence leaving said south line and along said east line, south 23 degrees 58 minutes 24 seconds west 140.60 feet to a point in the north line of Dr. Martin Luther King Drive; thence leaving said west line and along said north line, north 34 degrees 57 minutes 05 seconds west 17.51 feet to a point in the west line of said 15 foot wide alley; thence leaving said north line and along said west line north 23 degrees 58 minutes 24 seconds east 132.89 feet to a point in said south line of Cozens Avenue; thence leaving said west line and along said south line, south 60 degrees 56 minutes 37 seconds east 15.06 feet to the point of beginning.

are, upon the conditions hereinafter set out, vacated.

**SECTION TWO:** The petitioner is Page Partners, II, LLC. Vacated area will be used to consolidate property for commercial development known as Grand Market Place.

**SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

**SECTION FOUR:** The owners of the land may, at their election and expense remove the surface pavement of said so vacated alley provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

**SECTION FIVE:** The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

**SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s) vacated without: 1) lawful permit from the Building Division or Authorized City agency as governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental service entities and franchise holders, present or future. The written consent with the terms and conditions thereof shall be filed in writing with the Board of Public Service by each of the above agencies as needed and approved by such Board prior to construction.

**SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

**SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must have curbing cobblestones returned to the Department of Streets in good condition.

**SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed three (3) days prior to the affidavit submittal date as specified in the last section of this ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be deposited by these agencies with the Comptroller of the City of St. Louis.

- 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of Water facilities, if any.
- 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of removal, relocation and/or purchase of all lighting facilities, if any. All street signs must be returned.
- 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as specified in Sections Two and Eight of the Ordinance.

**SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director of Streets for review of

compliance with conditions 365 days (1 year) from the date of the signing and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

**Approved: July 18, 2006**

**ORDINANCE #67170**  
**Board Bill No. 126**

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in 1) A 326.34' section of Poplar, west of 8th. 2) A 106.38' ± .03' section of 7th St. south of Poplar (vacated by Ord. 65861). 3) 30' wide strip of 7th St. beginning approximately 155 feet south of Poplar (vacated by Ord. 65861) and containing 191.35' southwardly in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

**SECTION ONE:** The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being part of 7th Street located between Blocks 147 and 418 in the City of St. Louis, Missouri, and being more particularly described as follows:

Beginning at the northeast corner of above said City Block 418 said point also being located on the western line of above said 7th Street; thence crossing said 7th Street, south 72 degrees 17 minutes 08 seconds east 80.00 feet to the northwest corner of above said Block 147, said point also being on the eastern line of said 7th Street; thence along last said eastern line south 17 degrees 46 minutes 05 seconds west along said eastern line 106.42 feet to the northwestern corner of a tract of land as conveyed to River City Development Associates by deed recorded in Book 685-M, Page 1667 of the records of the Recorder of Deeds Office in the City of St. Louis, Missouri; thence departing last said eastern line and crossing said 7th Street, north 72 degrees 13 minutes 55 seconds west 80.00 feet to a point on the western line of said 7th Street; thence along last said western line north 17 degrees 46 minutes 05 seconds east 106.35 feet to the Point of Beginning and containing 8,511 square feet or 0.195 acres more or less according to calculations performed by Stock and Associates Consulting Engineers, Inc. on January 11, 2005.

A tract of land being part of 7th Street located between Blocks 147 and 418 in the City of St. Louis, Missouri, and being more particularly described as follows:

Commencing at the northeast corner of the above said Block 418, said point also being located on the western line of above said 7th street; thence along last said western line south 17 degrees 46 minutes 05 seconds west 157.06 feet to the Point of Beginning of the herein described tract; thence departing last said western line south 72 degrees 13 minutes 55 seconds east 30.00 feet; thence along a line 30.00 feet easterly of and parallel with the last said western line of 7th Street, south 17 degrees 46 minutes 05 seconds west 191.35 feet; thence departing last said parallel line north 72 degrees 13 minutes 55 seconds west 30.00 feet to a point on the western line of said 7th Street; thence along last said western line north 17 degrees 46 minutes 05 seconds east 191.35 feet to the Point of Beginning and containing 5,740 square feet or 0.132 acres more or less according to calculations performed by Stock and Associates Consulting Engineers, Inc. on January 11, 2005.

A tract of land being part of Poplar Street, 50 feet wide, and being located between Blocks 417 and 418 of the City of St. Louis, Missouri, and being more particularly described as follows:

Beginning at the point of intersection of the south line of Poplar Street, 50 feet wide, with the western line of 8th Street, variable width, as established by "AMENDED PLAT OF SOUTH DOWNTOWN PLAZA" a subdivision as recorded in Plat Book 04092004 Page 166 of the City of St. Louis Records, thence continuing along last said south line of north 72 degrees 23 minutes 16 seconds west 326.31 feet; thence departing last said south line north 17 degrees 36 minutes 44 seconds east 50.00 feet and crossing above said Poplar Street to a point on the north line of above said Poplar Street; thence continuing along last said north line south 72 degrees 23 minutes 16 seconds east 326.37 feet to a point on the west line of above said 8th Street; thence south 17 degrees 40 minutes 48 seconds west along last said west line 50.00 feet to the Point of Beginning and containing 16,317 square feet or 0.375 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on November 21, 2005.

are, upon the conditions hereinafter set out, vacated.

**SECTION TWO:** Petitioners are Cardinals Ballpark LLC, MO Highway and Transportation Commission, Land Clearance for Redevelopment Authority of the City of St. Louis and others. Vacated areas will be used for parking and as private drive.

**SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated streets, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

**SECTION FOUR:** The owners of the land may, at their election and expense remove the surface pavement of said so vacated streets provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

**SECTION FIVE:** The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

**SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s) vacated without: 1) lawful permit from the Building Division or Authorized City agency as governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental service entities and franchise holders, present or future. The written consent with the terms and conditions thereof shall be filed in writing with the Board of Public Service by each of the above agencies as needed and approved by such Board prior to construction.

**SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

**SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must have curbing cobblestones returned to the Department of Streets in good condition.

**SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed three (3) days prior to the affidavit submittal date as specified in the last section of this ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be deposited by these agencies with the Comptroller of the City of St. Louis.

- 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of Water facilities, if any.
- 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of removal, relocation and/or purchase of all lighting facilities, if any. All street signs must be returned.
- 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments of the City's alley(s), sidewalk(s) and street(s) as effected by the vacated area(s) as specified in Sections Two and Eight of the Ordinance.

**SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

**Approved: July 18, 2006**

**ORDINANCE #67171**  
**Board Bill No. 127**

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in the western 160 feet of the southernmost 20 foot wide north/south alley in City Block 1253 as bounded by Carroll, Grattan (now known as Truman Parkway), Lafayette and Dolman (in conjunction with Near Southside Redevelopment) in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

**SECTION ONE:** The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A twenty (20) foot wide alley in Block 5 of the Fourth City Commons Subdivision being also in Block #1253 of the City of St. Louis Records, City of St. Louis, Missouri, said alley is described as follows:

Beginning at the southeastern corner of Lot 11, in Block 5 of the Fourth City Commons

Subdivision where said corner intersects the eastern line of Dolman Street (60 feet wide), and also being the northern line of a 20 foot wide alley; thence around the alley the following courses and distances, south 54 degrees 26 minutes 36 seconds east, 125.00 along the line common to the aforesaid alley and Lot 11 to the southeastern corner of Lot 11; thence north 35 degrees 42 minutes 14 seconds east, 51.00 feet along said alley to a point in the western line of Lot 12; thence south 54 degrees 26 minutes 36 seconds east, 20.00 feet crossing over said alley to a point in the western line of Lot 29, said point being 9.00 feet southwestwardly along the eastern line of said alley from the northwestern corner of said Lot 29; thence south 35 degrees 42 minutes 14 seconds west, 51.00 feet along the alley to the southwestern corner of Lot 30; thence south 54 degrees 26 minutes 36 degrees east, 15.18 feet along said alley and also being the southern line of Lot 30; thence south 35 degrees 42 minutes 14 seconds west, 20.00 feet crossing over said alley to a point in the northern line of Lot 4; thence north 54 degrees 26 minutes 36 seconds west, 160.13 feet along the southern line of said alley, and also being the northern line of Lots 4 through 10 inclusive to the western line of Dolman Street, and also being the northwestern corner of Lot 10; thence north 35 degrees 33 minutes 24 seconds east, 20.00 feet along the western line of Dolman Street to the point of beginning.

are, upon the conditions hereinafter set out, vacated.

**SECTION TWO:** Petitioner is Zumwalt Corp. (Note: petitions not obtained for the portion of Truman Parkway that is on private property that abuts the alley). Vacated area will be used to provide a private drive and increase security for Zumwalt Corp. located at 1617 Lafayette.

**SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

**SECTION FOUR:** The owners of the land may, at their election and expense remove the surface pavement of said so vacated alley provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

**SECTION FIVE:** The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

**SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s) vacated without: 1) lawful permit from the Building Division or Authorized City agency as governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental service entities and franchise holders, present or future. The written consent with the terms and conditions thereof shall be filed in writing with the Board of Public Service by each of the above agencies as needed and approved by such Board prior to construction.

**SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

**SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must have curbing cobblestones returned to the Department of Streets in good condition.

**SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed three (3) days prior to the affidavit submittal date as specified in the last section of this ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be deposited by these agencies with the Comptroller of the City of St. Louis.

- 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of Water facilities, if any.
- 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of removal, relocation and/or purchase of all lighting facilities, if any. All street signs must be returned.
- 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments of the City's alley(s), sidewalk(s) and street(s) as effected by the vacated area(s) as specified in Sections Two and Eight of the Ordinance.

**SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit will be forwarded to the Board of Public Service for acceptance. If this affidavit is not

submitted within the prescribed time the ordinance will be null and void.

**Approved: July 18, 2006**

**ORDINANCE #67172  
Board Bill No. 139**

An ordinance pertaining to the Twenty-fourth Ward Liquor control district; amending Section One of Ordinance 67099 by further repealing Ordinance 66597 thereby removing the moratorium on the issuance of liquor licenses in the Twenty-fourth Ward Liquor Control District.

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

**SECTION ONE:** Ordinance 66597 and 66773 are hereby repealed.

**Approved: July 18, 2006**

**ORDINANCE #67173  
Board Bill No. 47  
Committee Substitute**

An ordinance submitting to the qualified voters of the City of St. Louis a non-binding preferential vote as authorized by Article II Section 9 of the Charter of the City of St. Louis to assist the Missouri General Assembly in their deliberations regarding the residency requirement for civilian employees and commissioned police officers of the St. Louis Metropolitan Police Department; providing for an election to be held therefor and the manner of voting thereat; and containing an emergency clause.

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

**SECTION ONE.** The following non-binding preferential vote as authorized by Article II, Section 9 of the Charter of the City of St. Louis is hereby proposed and submitted to the voters of the City of St. Louis and shall be voted upon at an election as hereinafter provided.

To assist the Missouri General Assembly in their deliberations regarding the residency requirement for members of the Metropolitan Police Department of the City of St. Louis the following non-binding preferential proposal shall be read as follows:

**"Shall commissioned police officers and civilian employees of the Metropolitan Police Department of the City of St. Louis be required to reside within the City of St. Louis?"**

**SECTION TWO.** The foregoing non-binding preferential vote shall be submitted to the qualified voters of the City of St. Louis at the election scheduled for Tuesday, November 7, 2006. The qualified voters of the City of St. Louis may at the election aforesaid, deposit a printed ballot substantially in the following form:

OFFICIAL BALLOT

Instructions to Voters:

To vote in favor of the proposal submitted upon this ballot, punch through the ballot card by inserting the punching tool into the hole opposite the word "YES" following such proposal; and to vote against any proposal submitted upon this ballot punch through the ballot card by inserting the punching tool into the hole opposite the word "NO" following such proposal.

The proposed non-binding preferential vote shall be listed by number on this ballot accompanied in each instance by a brief summary of the proposal and followed by the words:

YES [ ]  
NO [ ]

The proposal shall appear on the ballot substantially, as follows:

**"Shall commissioned police officers and civilian employees of the Metropolitan Police Department of the City of St. Louis be required to reside within the City of St. Louis ?"**

**SECTION THREE.** Upon the approval of this ordinance, it shall be published in the City Journal, the official publication of the City of St. Louis, Missouri. Proof of the publication of this ordinance shall be made by affidavit of the City Register and such affidavit shall be filed in the office of the City Register and a copy of such publication shall be attached thereto.

**SECTION FOUR.** Emergency Clause. This being an ordinance for the preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

Approved: July 18, 2006

**ORDINANCE #67174**  
**Board Bill No. 48**  
**Committee Substitute**

An Ordinance concerning the Ville Historic District; designating a described area in the City of St. Louis as an historic district, to be known as the Ville Historic District; containing, identifying and providing for maintenance of a general location map of such district, which also evaluates the architectural significance of the improvements within such district; stating the historic, architectural, cultural and aesthetic significance and the current economic condition of such district; describing the advantages to residents of such district and to the City which may be anticipated as a consequence of historic district designation; containing, identifying and providing for maintenance of a plat at a scale of not more than 300 feet to the inch indicating the existing uses of all properties within the district; stating a general plan for the district indicating planned or proposed (public or private) restoration, development and demolition within the district; prescribing historic standards to be applied within the district; stating amendments to the existing zoning classification and boundaries necessary to conform to the proposed plan; with a severability clause and an emergency clause.

**WHEREAS**, ordinance 57986 (Sections 24.04.010 to 24.20.020, inclusive, Revised Code St. Louis, 1980, Anno.), provides a procedure for designation of historic districts; and

**Whereas**, pursuant to such ordinance the Alderman of the Ward in which the Ville area as hereinafter defined is located has petitioned that such area be designated an historic district; and

**WHEREAS**, the Heritage and Urban Design Commission has duly approved such petition as provided in Ordinance 57986 February, 1987;

**WHEREAS**, designation of the Ville area as hereinafter described as an Historic District is in the best interests of the City of St. Louis;

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

**Section One.**

Notwithstanding its present zoning designation, the following area of the City of St. Louis, together with the improvements therein, is designated an historic district:

Starting at the center line of Martin Luther King Drive and the intersection with the southward extension of the center-line of north-south alley in City Block 3657; thence northward along the immediate aforesaid extension of alley center-line through City Blocks 3658, 3657, 3656, 3655, 3654, 3653, 3652, 3651, 3651.02, 3651.01, 3950, and the intersection of the aforesaid extension of the alley center line with the center line of the east-west alley in City Block 3649, proceeding east along the alley to the intersection of the alley and the center line of Bishop L. Scott Avenue, proceeding north along the center line of Bishop L. Scott Avenue to the intersection of Bishop L. Scott Avenue and the east-west alley north of Labadie Avenue, proceeding west to the intersection of the aforesaid alley and center line of Clay Avenue, proceeding north along the centerline of Clay Avenue to the intersection of Clay Avenue with the east-west alley located south of Aldine Avenue, proceeding west along the aforesaid alley to the intersection of the alley with the center line of Whittier Street, proceeding north along the centerline of Whittier to the centerline of Ashland, proceeding west along the centerline of Ashland to its intersection with the north-south alley west of Rolla, proceeding south along the centerline of that alley until its intersection with the alley west of Labadie Avenue, continuing west along the centerline (or westward) extension of that alley, across Lambdin, to Maurice, continuing south down the centerline of Maurice to the centerline of Labadie, continuing west along the centerline of Labadie to the centerline of the north south alley east of Newstead, continuing north along the centerline of that alley to east west alley north of Labadie, continuing west across Newstead, Taylor, Cora and Marcus Avenues. At Marcus Avenue the boundary extends to the western edge of the first parcel south of the east-west alley on the west side of Marcus in City block 4479 and then proceeds south along the western edge of all parcels facing Marcus in City blocks 5014, 4478, 4477.02, and 3781 to the centerline of the north-south alley west of Marcus proceeding south to the intersection of the extension of that alley and the centerline of Cote Brilliante, proceeding east along the centerline of Cote Brilliante to the centerline of Marcus Avenue. At the intersection of the centerline of Cote Brilliante and the centerline of Marcus Avenue proceed south along the aforesaid centerline, across Martin Luther King Drive to the intersection of Marcus Avenue and the east-west alley south of Martin Luther King Drive. Proceeding east along the aforesaid alley, or alley eastern extension across Cora, Hills Terrace, Deer, Taylor, Newstead, Pendleton, and Whittier to the intersection of the centerline of the aforesaid alley with the centerline of the alley directly west of Sarah, proceeding north along the aforesaid alley to the centerline of Sarah, proceeding north along the centerline of Sarah to the intersection of the centerline of Sarah and the centerline of Dr. Martin Luther King Drive, proceed east along the centerline of Dr. Martin Luther King Drive to the intersection of the centerline of Dr. Martin Luther King Drive with the southward extension of the center-line of north-south alley in City Block 3657 or the point of beginning.

The boundaries of such district, addresses of properties therein, and the architectural significance of improvements therein are set forth in a map captioned Architectural Survey Map, a copy of which is attached hereto and incorporated herein by this reference. Copies of such map shall be maintained with the Clerks copy of this office and in the offices of the Register and of the Heritage and Urban Design Commission.

## Section Two.

- a. The historic, architectural, cultural and aesthetic significance of the Ville Historic District is as follows:

### The Ville Historical Statement--Introduction

The Ville neighborhood is of great historic significance as the cradle of culture for Black St. Louis. The Ville was a beacon, attracting major Black literary, musical and theatrical figures of international stature; and an incubator for local talent whose brilliant contributions exceeded local and national boundaries. Leaders of the Famed "Harlem Renaissance" of the 1920's and 1930's felt at home in the Ville, because the neighborhood was part of the movement. A large disproportionate number of individuals from this St. Louis neighborhood went on to achieve world-wide fame.

In the midst of this cultural cornucopia, the Ville was a thriving business district which both served and sustained the area and adjacent neighborhoods. The famed Poro College was located here. Founded by Mrs. Annie Turbo Malone, the school served as a training ground for sales persons and distributors for her hair care products, which was her major business. Other businesses rounded out the manufacturing, retail and service business community.

The Ville was a major medical center, not just for Black St. Louisians but for Black physicians and allied health professionals from across the United States and several foreign countries. As with most St. Louis institutions, hospitals and related organizations were rigidly segregated by race. Homer G. Phillips Hospital therefore stood as a magnificent medical oasis in the desert of racially segregated medical care delivery for Black people. Fittingly, the Homer G. Phillips Hospital Complex is today a National Historic Place. The Complex is of major architectural and aesthetic significance because it brought a new and positive physical dimension to the area.

In addition to culture, business and medicine, the Ville was also the education center for Black St. Louis. Among the education facilities, some of which are still active, are Simmons School (formerly Elleardsville Colored School No. 8), Sumner High School (the first Black high school west of the Mississippi River), Lincoln University Law School, Turner Middle school, Poro College and of course Homer G. Phillips Hospital.

### History

The Ville neighborhood was settled in the mid-1800s as a semi-rural area of the northwest suburbs of the City of St. Louis. The area was formerly called Elleardsville, named for Charles Elleards, a German horticulturist who chose the location so that his estate and nursery would be next to Old St. Charles Rock Road, which was the main route to St. Charles, Missouri, the State capital.

Mr. Elleards built a two-story brick home on Goode Avenue, which was later expanded to Newstead Avenue, and from Old St. Charles Rock Road to Cote Brilliant Avenue. St. Charles Rock Road is now Dr. Martin Luther King Drive, Taylor Avenue, St. Louis Avenue and Sarah Street.

Within the Ville boundaries are major currently - functioning Black Institutions; important structures and sites no longer in their original use; and a growing number of property rehabilitation projects. Most important is an exceedingly rich and diverse history of triumph of the human spirit by residents of the Ville and those who are influenced by its presence.

The Ville produced a disproportionately high number of Blacks who made major contributions to St. Louis, the nation and the world. A large number of these persons were graduates of Sumner High School, still located in the Ville. This historic high school stands today as a major educational institution. Its historic value is demonstrated by a sterling symbol of lasting contributions. A partial listing of Sumner graduates will serve to indicate its place in history.

In the Arts, **Spencer T. Banks**, a commercial artist who developed a successful career despite the field being generally closed to members of his race. **Thurman Dillard** became a noted sculptor. **Voris Dickerson** was a portrait painter who specialized in athletic personalities; and **Edna Nofles** became a designer and commercial artist. **William E. Feaman** continues today as a commercial artist and editorial cartoonist for the St. Louis American Newspaper.

Sumner High School's list of graduates who became successful in business is impressive. A representative roster will give a picture of the diversity of talented persons from this historic high school.

**Lucien P. Garrett, Jr.** continued his education and became a manufacturing chemist. **Darrell Clay** became an auditor for Johnson and Johnson, the medical supplies manufacturing giant. **Elrod Hubbard** formed a successful

construction company. Insurance, the Ford Brothers started a company that later merged with a larger firm, Lawton Bryne and Bruner. **Charles J. Gales, Sr., Annette Harris Officer, Vora Thompson Wilson and Virginia Bullock Koonce** started funeral homes that continue today.

Two giants among Black real estate entrepreneurs came out of Sumner High School. **Patrobas C. Robinson** was the first Black admitted to the hitherto segregated Metropolitan Real Estate Board. Before Blacks were admitted, they could not use the Realtor designation, giving the impression that Black real estate professionals were less competent than whites.

Before P.C. Robinson was admitted, Black real estate professionals who affiliated did so with a local branch of the national black real estate organizational, Realtists.

**Clifton W. Gates** became a successful realtor who later expanded the horizons of his business interests. Other interests included mortgage banking. He helped establish the first full-service Black owned bank in St. Louis, Gateway National Bank. More recently, Mr. Gates is known as the prominent owner of a beer distributorship from the Miller Brewing Company. **Harry E. Douglas** established the Belva hair care manufacturing company. This was a significant contribution in that major white manufacturers did not develop hair care products for Blacks. **Annie Turbo Malone** had pioneered in that area of business in St. Louis. Mrs. Malone was not born in St. Louis but located her business, Poro College in the Ville.

The Ville was also known for the quality and breath of its civic and political leadership. Many Ville leaders rose to national prominence. A giant among political leaders was the legendary **Jordan W. Chambers**, who was one of the most powerful Black politicians of his time. He was known as a power broker who made decisions on the choices of candidates for elective office. Chambers served as Committee-man and Deputy Constable. Like most Blacks of the early twentieth century began his political career as a Republican, the party of Abraham Lincoln.

By the mid-1930's, Jordan led many Black political leaders and many voters from the Republican to the Democratic ranks. As a Democrat, Jordan is said to have exercised through his sharp political instinct and acumen, an amount of power that belied his modest political office.

While Jordan was a genuinely canny politician, **David M. Grant**, another Ville resident was suave, analytical and incisive. After Grant graduated from Sumner High School, he continued his education at Howard University in Washington, DC. He earned a law degree at the same institution. Grant returned to St. Louis and had a distinguished career in law. He entered private practice and also held posts in City government.

**Wayman F. Smith, Jr.** became the first Black Certified Public Accountant in Missouri. As his professional career grew, he added to it a political career. Smith became one of few Black members of the Board of Aldermen.

**Joseph W. B. Clark** built a successful plumbing business and became an Alderman and later held City government posts as Director of Public Safety and of Welfare. Clark was a pioneering leader of the St. Louis Civil Rights Movement.

**Margaret Bush Wilson** attorney and civic leader today has risen to a position of international prominence. Mrs. Wilson was elected as the first Black female Chairperson of the National Association for the Advancement of Colored People. Mrs. Wilson is the daughter of James Bush Sr., a successful real estate broker. Mr. Bush helped prepare the evidence that led to the historic landmark Supreme Court ruling in *Shelley v. Kramer* in 1948. That ruling outlawed restrictive covenants used to prevent Blacks from moving into White neighborhoods.

**Hugh J. White** was a lawyer and politician. He was elected as a State Representative. While his career in public service was noteworthy, his military career was just as distinguished. White entered military service in World War II and was accepted in the Army Air Corps. He wanted to become a fighter pilot but was discouraged because the Air Corps did not train Blacks as pilots. A pilot training program was later established for Blacks at Tuskegee Institute, Alabama, where White was accepted. He became a crack fighter pilot and rose to the rank of Major. As a result of his military exploits and subsequent public leadership, after his death, the St. Louis Chapter of Tuskegee Airmen Incorporated was named in White's honor.

**Reverend Archie Blaine** was the first Black Clerk of the Board of Election Commissioners, a former Alderman, and the first Black administrative assistant to a Mayor of St. Louis.

**Dr. Julia Davis**, a renowned Africa-American historian, is a current resident living in the inner core of the Ville. She is the founder of the Negro History Exhibits at the St. Louis Public Library. In honor of her efforts in revealing the Black contributions to world history and culture, the "Julia Davis Week" was established in St. Louis and is commemorated annually February 10-16.

- b. The current economic conditions of the Ville Historic District, and the advantages to residents thereof and to the City which are anticipated as a result of historic district designation are as follows:

### **Current Economic Condition**

The Ville is an older residential neighborhood which offers a unique opportunity and potential for augmenting the City's desirable living areas for low and moderate income households. Though currently suffering from many years of disinvestment, the Ville in recent years has shown evidence of renewed interest for revitalization. The Ville has more than one hundred vacant residential structures, most of which are feasible for rehabilitation. In addition, there are close to three hundred vacant parcels of land that offer opportunity for new development.

The area was adversely affected by out-migration and housing code policies during the 1960's and most of the 1970's. Housing opportunities outside of the area developed for long-time Ville residents. Also, local and federal urban housing policies before 1975 favored demolition of vacant buildings.

The Ville has a variety of housing types and a concentration of one-family and two-family structures. The composition of the housing stock is very similar to that of the housing stock in the City overall. Fifty-eight percent of the housing units in the Ville are single family and two-family, eighteen percent are three and four unit structures and twenty-one percent are five or more unit structures. Slightly more than twenty-five percent of the units in the Ville are owner-occupied units.

### **Section Three.**

A set of plats and legend therefore at a scale of not more than 300 feet to the inch, indicating the existing uses of all properties within the Ville Historic District, captioned, "Plat - Ville Historic District," is attached to the Clerk's copy of this ordinance. A copy of such set of plats is attached hereto and incorporated herein by this reference. Copies of such set of plats shall at all times be maintained in the offices of the Register and the Heritage and Urban Design Commission.

### **Section Four.**

The following general plan for the Ville Historic District is thereby adopted, to be implemented consistent with the standards in Section Five, and in accordance with and subject to the provisions of Ordinance 57986 (Sections 24.12.010 to 24.20.020, Rev. Code St. Louis, 1980. Anno.).

### **Development Plan and Strategies for Ville Neighborhood**

1. Development Goals and Objectives
  - A. Create a well designed, moderate income residential area which is a competitive residential location for working households.
  - B. Preserve and restore the culturally and historically significant buildings in the neighborhood.
  - C. Create anew housing market in the area, without excluding the existing residents,
  - D. Develop new housing units on vacant land.
  - E. Expand and improve neighborhood facilities for recreation and shopping.
2. Development Strategies

The restoration, preservation or rehabilitation of all structures in the area, with immediate emphasis on structures in and adjacent to the institutional core, along Dr. Martin Luther King Drive, St. Louis Avenue., Taylor Avenue, and Sarah Street, and at intersections within the area are most important. New residential construction should be on a scale and at locations that create significant positive visual and physical image to the area. Property owners should be encouraged to purchase adjacent vacant lots for side yard space. All construction, demolition, or alteration of exterior architectural features with respect to any improvement within the Ville Historic District is subject to "the review of the Heritage and Urban Design Commission and staff and other appropriate City agencies"

The majority of the structures in the area are masonry structures which are at least eighty years old and have lacked adequate maintenance over recent years. They need more than normal maintenance if they are to be retained without further deterioration. Based on exterior conditions, they have a variety of deficiencies when evaluated against current code standards. While requiring repairs, however, the majority of the residential structures in the area are structurally sound and feasible for rehabilitation. The median value of owner-occupied units is less than half of the City median value of owner-occupied units. This is related to the fact that the overwhelming majority of Ville households have low and moderate incomes.

Some housing rehabilitation has occurred in the neighborhood, however, the federal development incentives that were used are being reduced or eliminated. As a result, development of affordable housing units have become difficult. The historic district designation can provide incentives through federal investment tax credits and stimulate increased development activity in the Ville. Designation will assist marketing new development in the Ville neighborhood.

The level of rehabilitation required to retain the remaining housing stock will be infeasible without the federal investment tax credits. Tax credits will keep housing costs at affordable levels. A revitalized and redeveloped Ville Neighborhood will improve the quality of life for present and future Ville residents and provide economic benefits to the City of St. Louis.

- A. Parking: Off-street parking must be behind the building line. Rear alley access to parking area should be encouraged, especially for multi-family dwelling units.
- B. Landscaping: Trees and lawns must be maintained and street plantings are encouraged at approximately 35 foot intervals on all streets.
- C. Zoning: No zoning changes are presently proposed, and any future proposed changes should be made with prior notification of the Aldermen, who is encouraged to inform the Heritage and Urban Design Commission and the relevant active neighborhood organizations.
- D. New Housing Construction: New housing development should be carried out as residential, townhouse style and multi-family development, with design and siting characteristics that are harmonious with existing structures.
- E. Traffic Circulation: Dr. Martin Luther King, Sarah, Taylor, St. Louis Avenue, Newstead, Maffitt, Kennerly, and Whittier will remain major thoroughfares, with special care devoted to the maintenance of streets, sidewalks, and building facades.

#### **Priority Development Areas and Sites**

- A. Northeast Sector: The area bounded by Lamdin Avenue, Kennerly Avenue, St. Louis Avenue, and Sarah Street should be maintained as a strong residential area of homeowners. Vacant buildings and vacant land should be redeveloped immediately to preserve the relatively good housing quality. Housing code enforcement should be encouraged through minor rehabilitation and maintenance.
- B. Homer G. Phillips Complex: The facility should be redeveloped for multipurpose use as a magnet for the neighborhood, with emphasis on housing or the elderly convalescent.
- C. Kennerly/Maffitt: The large tracts of land in the 4300 blocks of Kennerly and Maffitt are suitable for multi-family development to compliment the recent new housing construction at Kennerly and Newstead.
- D. Taylor Avenue: The section of Taylor Avenue between Cote Brilliante and St. Louis has a number of vacant buildings, which if rehabilitated would enhance the visual image of this major thoroughfare and preserve the existing housing stock.
- E. Pendleton: Aldine to Garfield: The intersections offer approximately four acres of vacant land suitable for residential development which would dramatically enhance the area.
- F. Whittier Courts: This vacant structure and the adjacent structure at the southeast corner of Whittier and St. Ferdinand are the largest vacant residential structures remaining in the Ville neighborhood. These historic structures were originally built to provide housing for the resident staff at Homer G. Phillips hospital.
- G. Belle Glade/Sarah: This two acre tract of land could be redeveloped for multi-family or single family development.
- H. Whittier/Cote Brilliante: This one acre tract of vacant land could be redeveloped for multi-family or single family development.
- I. Scattered Site Rehabilitation: The neighborhood has many vacant buildings that should be purchased and rehabilitated through homestead and investor activity.

#### **Section Five.**

The following historic district standards for the Ville Historic District are hereby adopted: [see [The Ville Standards](#)] The Heritage and Urban Design Commission and the Heritage and Urban Design staff shall be responsible for enforcing compliance with the adopted standards and for the determination of a project's compatibility with the existing neighborhood fabric.

#### **Section Six.**

No amendments to the existing zoning classification and boundaries are necessary to conform to the historic district plan.

#### **Section Seven.**

The Heritage and Urban Design Commission and the Division of Heritage and Urban Design shall be responsible for administration of this ordinance, as provided by, and subject to, the provisions of Ordinance 57986 (Sections 24.12.010 to 24.20.020, Rev. Code, St. Louis 1980 Anno.), with appropriate assistance of other City departments or offices as provided by City Charter or Ordinance.

**Section Eight.**

If any section or portion of a section of this ordinance or application hereof is declared invalid by a court of competent jurisdiction, the remaining sections and portions of sections, and applications hereof shall remain in force and effect.

**Section Nine.**

This being an ordinance necessary for the immediate protection of the public health, safety and welfare, it is hereby declared to be an emergency ordinance pursuant to Article IV S 20 of the St. Louis City Charter.

**Approved: July 18, 2006**

**ORDINANCE #67175**  
**Board Bill No. 49**

An ordinance to designate portions of the Benton Park Neighborhood as a Local Historic District under provisions of Title Twenty-Four of the Code of the City of St. Louis, a complete description of the boundaries of the District more fully described in the body of this ordinance, and providing for a development plan including Design Standards to be applied within the district, containing severability clauses and an emergency clause.

**WHEREAS**, the preservation, protection and enhancement of buildings, other structures, parks and items of natural or artificial phenomena located within a district impart a distinctive aspect to the City of St. Louis by serving as a visible reminder of the historic, architectural and cultural heritage of the City; and

**WHEREAS**, the district herein described as the Benton Park Historic District has architectural and historical value which should be preserved for the people of the City of St. Louis and the State of Missouri; and

**WHEREAS**, the Benton Park neighborhood is distinct for the manner in which its historic buildings relate to one another and to the street, for its cross section of architectural styles and for its uniformity of construction.

**WHEREAS**, the combination of these physical characteristics and the importance of the Benton Park Historic District in the historical development of the City of St. Louis serves as a compelling reason for preserving the Benton Park Historic District.

**WHEREAS**, the establishment and enforcement of controls over exterior architectural features within the Benton Park Historic District will ensure the on-going historical value of the Benton Park Historic District. At the same time, such controls must reasonably accommodate contemporary design and lifestyles in order to maintain and improve the quality of life of those residing within the Benton Park Historic District.

**WHEREAS**, Part IV, Sections 16 through 34 of Ordinance 94689 provides for the creation of historic districts and sets out the necessary procedure to be followed in establishing such a district.

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

**PART I**

Section One. Pursuant to and in accordance with Part IV, Sections 16 through 34 of Ordinance 64689 of the City of St. Louis, the area set out below is hereby designated as a Historic District to be known as the Benton Park Historic District and shall consist of the area described as follows:

Commencing at the intersection of the mid-street right of way line of Gravois Avenue and the mid-street right of way line of Jefferson Avenue and proceeding south along Jefferson Avenue to the intersection of the mid-street right of way line of Jefferson Avenue and the mid-street right of way line of Cherokee Street, then proceeding east along Cherokee Street to the intersection of the mid-street right of way line of Cherokee Street and the eastern side of Indiana Avenue, proceeding north along the east side of Indiana Avenue to the intersection of the south side of Indiana Street and the alley north of Cherokee Street, proceeding east along the alley north of Cherokee Street to intersection of the alley north of Cherokee Street and Lemp Avenue, proceeding east across Lemp Avenue to the intersection of Lemp Avenue and the alley north of Cherokee Street, proceeding east along the alley north of Cherokee Street to the intersection of the alley north of Cherokee Street and the alley west of Demenil Street, proceeding north along the alley north of Demenil Street to the intersection of the alley north of Demenil Street and the north side of Utah Street. Proceeding along the north edge of Utah Street to the intersection of Utah Street and the western edge of Interstate Highway 55, proceeding north along the west edge of Interstate Highway 55 to the intersection of the west edge of Interstate Highway 55 and the north west edge of the parcel located at 1825 Lami Street. After encompassing the entire parcel of 1825 Lami Street northwest proceed west along the western edge of Lami Street proceeding to the intersection of Lami Street and Lemp Avenue. Proceed south along mid line of the right of way of Lemp Avenue to the intersection of the mid line of the right of way of Lemp Avenue and Victor Street, proceed west on the mid-line of the right of way of Victor Street to the intersection of Victor Street and Salena Street, proceed north along Salena to the intersection of Salena Street and Cushing Street, proceed west along Cushing to the intersection of the alley directly south of

Gravois Avenue and Cushing Street, proceed west along the alley directly south of Gravois to the intersection of the alley directly south of Gravois and McNair Street, proceed south along McNair to the intersection of McNair Street and Cushing Street, proceed west along Cushing Street to Victor Street, proceed west along Victor Street to the intersection of Victor Street and the alley north of Sidney Street, west along the alley north of Sidney Street to the north west rear corner of the parcel identified as 2311 Sidney Street, south along the west edge of the parcel identified as 2311 Sidney Street to the mid line of Sidney Street proceeding west to the intersection of Gravois Avenue and Sidney Street back to the point of the beginning.

Section Two. The proposed standards to be applied within the district including, but not limited to demolition, facades, setbacks, height, scale, materials, color and texture, for all structures and the design details of all fences, streets and drives, street furniture, signs and landscape materials are set out in the Historic District Development Plan and Design Standards (the Standards) attached as Part II. The Standards, which have been reviewed and approved by the Preservation Board, the Board of Public Service and the Planning and Urban Design Commission and recorded in the Office of the Recorder of Deeds, a copy of which is attached hereto, are hereby adopted and incorporated herein by reference. Copies of said standards shall also be filed for inspection in the Office of the Register and in the Office of the Building Commissioner.

Section Three. All sections of this ordinance are hereby declared to be independent sections and parts of sections and notwithstanding any other evidence of the legislative intent it is hereby declared to be the controlling legislative intent that if any provision of said section, or the application thereof to any person or circumstance, other than those as to which it is held invalid, shall not be affected thereby and it is hereby declared that this ordinance would have been passed independently of such section, sections or parts of a section so held to be invalid.

Section Four. This being an ordinance necessary for the immediate preservation of the Public Welfare, it is hereby declared to be an emergency measure and shall become effective immediately upon passage and approval of the Mayor.

## **PART TWO DEVELOPMENT PLAN**

Section One. The current plan for future development of the Benton Park Historic District is defined by the 2005 City of St. Louis Strategic Land Use Plan (the Plan). Under the Plan the District is defined as a Neighborhood Preservation Area with outlying nodes of Neighborhood Commercial Areas and one Opportunity Area. Implementation of the Plan is anticipated by building on the value of the neighborhood's inheritance of un-replaceable historic buildings by causing the adoption of a historic district ordinance containing design standards for rehabilitation and new construction, by limiting demolition of historic properties and by continued appropriate development of both residential and commercial properties within its boundaries. This projected development is expected to be funded not only through the use of the State and Federal Tax Credit for Historic Preservation Programs, but also through market rate investments in development of properties in the area.

Section Two. It is anticipated the establishment and enforcement of clear and consistent standards to govern the exterior architectural features within the Benton Park Historic District will augment the benefits of National Register listing by ensuring that all rehabilitation and/or new construction projects are executed to the same high standard and that the on-going historic and real estate value of properties within the Benton Park Historic District will thus be maintained. At the same time, it is anticipated that these controls will reasonably accommodate contemporary design and lifestyles in order to maintain and improve the quality of life of those residing within the Benton Park Historic District.

It is also anticipated that the protection and rehabilitation of the existing building stock is in the best economic and social interest of the neighborhood, its residents and property owners as depletion of the existing building stock would not only

- a) threaten the National Register status of the district and thus the use of the Federal and State Historic Preservation Tax Credit programs,
- b) diminish the opportunity for increased tourism in the City's valuable historic areas, but also
- c) destroy the irreplaceable National treasure of this intact, 19th Century, working class neighborhood with its highly detailed and richly ornamented brick buildings.

Section Three. Zoning Map: No changes in the current zoning map or of current uses are anticipated by the adoption of this historic district ordinance.

## **PART III HISTORIC DISTRICT DESIGN STANDARDS**

Section One. These Benton Park Historic District Standards (the "Standards") have been developed to establish a clear and consistent set of standards to govern the exterior architectural features within the Benton Park Historic District. These Standards supplement the Building Code of the City of St. Louis (the "Building Code") and any applicable ordinances establishing standards pertaining to the construction, maintenance and repair of buildings located within the Benton Park Historic District, and the areas surrounding such buildings. These Standards should not be interpreted as giving any relief from, or as constituting an abandonment of the Building Code or any such ordinances.

Section Two. Pursuant to Ordinance No. 94689 of the City of St. Louis, as may be amended from time to time, the primary responsibility for enforcing, waiving enforcement of, and, where necessary, interpreting and supplementing the provisions of these Standards rests in the Cultural Resources Office (hereafter, together with any legally authorized successor entity, the "Commission"). Accordingly, all questions regarding such matters should be directed to the Commission.

Section Three. There are two basic concepts inherent in these Standards. They are embodied in the definitions of Public, Semi-Public, and Private facades and the requirement for Model Examples;

1. Establishing definitions for three types of building facades serves to recognize the fact that certain portions of a building are more critical to the Benton Park Historic District's character than others. Accordingly, the regulations contained herein are more stringent for the Public elements of buildings than are those for Semi-Public and Private elements.
2. Making the submission of a Model Example a prerequisite to obtaining approval of plans to construct or reconstruct building elements or to construct new buildings has two important advantages. First, it ensures that building elements will be compatible with the building for which they are to be constructed and that new buildings will be appropriate in their architectural environment. Second, it enables those seeking such approval to clearly communicate their plans to the Commission.

Section Four. As a final matter, many provisions of these Standards specify the composition of building materials which may be used in constructing and reconstructing buildings and building elements. It is recognized, however, that technological advances in the manufacture of building materials may already have resulted, or may in the future result in building materials which, while of composition different than that specified herein, perform identically, or sufficiently similarly in function and appearance. The fact that provisions of these Standards specify the composition of building materials which may be used should not be interpreted as forever foreclosing the possibility that building materials of a different composition may be approved for use. However, the decision to allow the use of such building materials rests wholly within the discretion of the Commission.

#### Section Five. Basic Principles

1. The removal or alteration of original building materials or distinctive architectural features should be avoided when possible, especially if they are important in defining the overall historic or visual character of a building. If the materials and features are original and in serviceable repair, they should be kept as is.
2. Deteriorated materials and architectural features should be repaired, rather than replaced, whenever possible.
3. Materials and architectural features that are too deteriorated to repair should be replaced in kind or with a visually-compatible substitute material (if replacement in kind is not technically or economically feasible). The appearance of the replacement should match the appearance of the original material or feature.
4. New features that are designed and installed to replace original features that are completely missing should either be an accurate restoration of the original features (based on photographs, drawings, or physical evidence), or new designs based on historical model.

#### Section Six. General Guidelines

1. All buildings and structures are products of their own time. Alterations that attempt to make a building look older or younger than it is, or that try to change the architectural style of the building, should be avoided.
2. Later additions to an old building, or non-original facades or storefronts, may have gained significance in their own right as examples of an architectural style or evidence of historical changes to the building. If so, these additions or alterations to the original building should be evaluated on a case by case basis.
3. The surface cleaning of structures should be undertaken with the gentlest means possible. Sandblasting and other abrasive techniques shall not be used to clean the exterior of a building, because they will damage the original building materials.
4. Original openings should not be altered on the public facade(s) of a building, because enlarging, reducing the size, or eliminating openings can dramatically alter the appearance and character of a building.
5. Original building materials and architectural features should not be covered by other materials.
6. Any non-original material or feature on a building that was in existence at the time of the designation of the historic district may be retained as is, or repaired.

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## ARTICLE ONE: Definitions

- 101.1 Alley House

A residential structure located immediately adjacent to an alley, and originally behind another residential structure on the same building lot. Due to demolition, an alley house may be the only remaining structure on a building lot.

- 101.2 Appendages

Steps, stoops, porches, and decks attached or immediately adjacent to the primary building.

- 101.3 Carriage House

A building originally used to protect carriages and horses, and o(ten containing living quarters for hired hands. Typically, they are two story structures and are located at the rear of the building lot immediate to the alley.

- 101.4 Cast-iron

A method of manufacturing iron parts or certain building elements. The iron is heated to a molten state and poured into molds. Decorative tips, and tie-red stars are two common examples of cast-iron.

101.5 Cornice

The decorative portion of a building where an exterior wall meets the roof. In addition to being decorative, the cornice often camouflages the gutter and supports the roof overhang. In the Benton Park Historic District, cornices are made of a variety of materials and designs incorporating brackets, dentil moldings, and ogee moldings. Cornices are typically constructed of brick, built-up pieces of wood, sheet metal or combinations of all three. As used herein, cornices includes top cornices and crown moldings. (See Section 101.24)

101.6 The Benton Park Historic District

That portion of the City of St. Louis described In Appendix: "Legal Description of the Benton Park Historic District."

101.7 Dormer

A structure projecting from a sloping roof or mansard to provide a window into the attic story.

101.8 Facade

An exterior wall of a building. The street facade is the wall of a building which faces the street. (See also Section 101.17)

101.9 Flat Roof

Roofs which are essentially flat, typically having a slope of 1/4" per foot to 1/2" per foot, and usually waterproofed by a built-up roof.

101.10 Gable

The triangular portion of a building wall which forms two slopes of a roof.

101.11 Half-Flounder

A building with a roof which slopes from one side of the building to the other.

101.12 Masonry

The family of building techniques which uses stone, brick, or concrete block units, usually separated by mortar beds and joints.

101.13 Mansard

A steeply sloping roof, often incorporating dormers to provide light and ventilation for the attic story.

101.14 Model Example

Comment: Throughout these Standards, a Model Example is often required as a basis for comparison and as a source of ideas for reconstructed elements and for new construction.

1. A building or element(s) of a single building type or style constructed prior to 75 years ago:
  1. Existing or once existing within:
    1. the Benton Park Historic District; or
    2. The City of St. Louis, provided it is of a form and architectural style currently or once found within the Benton Park Historic District; and
  2. Offered to prove that:
    1. A design proposed for constructing or reconstructing a building will result in a building element compatible with the building for which it is to be constructed; or
    2. A design proposed for constructing a new building will result in a building compatible with its architectural environment; and
  3. Of a comparable form, architectural style and use as:

1. The building to receive the constructed or reconstructed element; or
  2. The building to be constructed.
2. A Model Example shall be evidenced by a series of photographs or photographic re-productions at least 3" by 5" in size and either black and white or color, which shall include the following:
1. In the case of proposed construction or reconstruction of building elements:
    1. Photographs or photographic reproductions clearly showing the Model Example building elements in detail, and where possible taken from at least two different angles; and
    2. Photographs, or photographic reproductions showing the overall form and style of the building upon which such building elements are found; or
  2. In the case of proposed new construction:
    1. Photographs or photographic reproductions showing, in its entirety, the public facade and, where possible, each facade of the Model Example building; and
    2. Photographs, or photographic reproductions showing, in detail, special elements thereof, including, but not limited to windows, cornices, and dormers.
  3. The Model Example concept is not intended to preclude contemporary designs, but to assure that they are compatible with their environment.
  4. The obligation to provide a Model Example and the photographs or photographic reproductions evidencing same shall at all times belong to the person or entity proposing to construct or reconstruct building elements or to construct new buildings. The Commission shall have the right to determine whether an example is, in fact, a Model Example, as defined herein. The Commission shall also have the right to request that additional evidence of the example be provided.

#### 101.15 Parapet

That portion of the walls of a building which project above the roof except the chimney.

#### 101.16 Permastone

A trade name often used generically to describe all varieties of synthetic materials designed to resemble stone. These materials are precast cementitious "stones" or panels of "stone" attached as veneer over existing masonry.

#### 101.17 Public, Semi-Public, and Private Facades

Comment: The definition of Facades is the same for existing buildings and new construction.

##### 1. Public Facades

The following architectural elevation(s) of a building:

1. A Facade which faces a public street, Including those sections of such elevation which are recessed; or
2. The section of a side elevation of a building which is set forward of an adjacent structure.

##### 2. Semi-Public Facades

The following architectural elevation(s) of a building:

1. Side elevations which face a vacant lot or a side yard at least 15 feet wide and are visually dominant from a street.
2. Rear elevation of a corner building which is visually dominant from a street.
3. The facade of a carriage or alley house which faces the alley.

##### 3. Private Facades

The architectural elevation(s) of a building which do not meet the criteria of a Public or a Semi-Public Facade.

Comment: A facade of a building which was once private does not become public, but instead semi-public, if it is exposed

by demolition. If the classification of a facade is disputable between two classifications, the higher classification shall apply. Public is considered the highest, semi-public second highest and private lowest.

#### 101.18 Reconstructed

The re-creation of a once existing element (e.g. missing cornice) or the repair or replacement of a section of an element (e.g. damaged cornice).

#### 101.19 Routine Maintenance and Repairs

Small repairs which are necessary to prevent deterioration of a building or landscaping element. These are not regulated by these Standards and do not require a building permit except as may be required by city building codes. References to these items in this document are advisory. They include:

1. Tuckpointing,
2. Repair or replacement of gutters or downspouts,
3. Painting of wood or metal elements or painting of masonry,
4. Repair, but not total replacement of, existing retaining walls, fences, steps, stoops, porches, decks, or awnings,
5. Repair or replacement of a flat roof,
6. Repair, or overlayment of a sloped roof with the existing material.

Comment: City building codes require a permit for more than 25% of the roof decking is replaced and allow no more than three layers of asphalt shingles.

#### 101.20 Retaining Wall

A structure of masonry, reinforced concrete and masonry or wood which holds back soil.

#### 101.21 Storefront

A portion of a building typified by large, fixed pieces of glass. The glazing area normally extended from a knee-high (30") sill to ceiling height, with wood or metal frames supporting the store window and transoms. The area below the larger panes of glass was often glazed and allowed light and air into basement storage areas.

#### 101.22 Stormer Doors ("Stormers")

Outer doors, historically made of wood, which protect the vestibule and the primary door of the building.

#### 101.23 Tooth-in

A masonry technique used to form a new opening or close-up an existing opening in an existing masonry wall. In the case of a new opening in a brick wall, the edges of the new opening are first notched beyond the actual width dimensions of the opening. This notching would allow for the insertion of half bricks aligning with the ends of the full bricks. The result is an opening jamb which is smooth, neatly aligned, and has the hard surface of the bricks properly exposed at the jamb edges. The reverse process would be used to brick in an opening in an attempt to blend the new bricks with the existing.

Comment: This reverse process is not a recommended method of infilling a window within the Benton Park Historic District. Recommended methods are described in Section 203.2.

#### 101.24 Top Cornices or Crown Moldings

Ornamental molding of wood with sheet metal flashing or entirely of sheet metal which defines the top edge of the finish material of a mansard roof and which covers the seam between this material and that of the roof. Cornices are typically constructed of brick, built-up pieces of wood, sheet metal or combinations of all three. As used herein, cornices include top cornices and crown moldings.

#### 101.25 Transom

The window over the top of a door; either fixed or operable.

#### 101.26 Tuckpointing

A process of repairing mortar joints in a masonry wall, wherein existing mortar is removed to a prescribed depth back from

the face of the masonry, after which new mortar is pressed into the joints and properly tooled.

#### 101.27 Visually Dominant

An element is visually dominant if it commands, controls, or prevails the visual perception of a building because of its size, shape, material, or color. It is visually dominant if:

1. Its size occupies more than 10 percent of the visual plane of the building from a street or;
2. Its size occupies more than 2 percent of the visual plane of the building from a street and
  1. Its shape is not aligned with the natural lines of the building to which it is attached; or
  2. Its materials are a distinctly different appearance or texture than those to which it is attached; or
  3. Its color is of a brightness, hue, or tone which contrasts with the brightness, hue, or tone of the building.

Comment: This concept is only applied to selected, not all, elements to be added to a building. It is not intended to imply that nothing should be visually dominant. Some things, such as Mansards, should be visually dominant.

#### 101.28 Wrought-iron

A method of manufacturing iron parts or certain building elements. The iron is heated in a forge and shaped while soft, either by bending or hammering. Fences and gates often incorporate wrought iron elements.

#### 101.29 Wythe

A term used in masonry construction to describe the thickness of a wall. A 2 wythe brick wall is one which is 2 bricks thick. Most brick walls in historic residential structures are 3 wythe walls, or 3 bricks thick (approximately 13").

### ARTICLE 2: Existing Buildings

#### 200 General Law:

1. If documented evidence can be provided which verifies that an element of an existing building has been altered, it may be reconstructed to its original configuration.
2. If a building, addition to a building, or element of a building is of 75 years of age or older, it may be altered only in accordance with the requirements for New Construction. Evidence that the building, addition, or element was constructed within the last 75 years, shall be provided.

Comment: 75 years of age was chosen because at the time of writing of these Standards, all buildings contributing to the historic character of the neighborhood were built before that date. However, that which is today current will one day be historic. Therefore, a hard date was not set. As time move forward, so will the date of the historical significance.

3. Unless specifically stated otherwise, all regulations herein apply to Public Facades only. Those for Semi-Public and Private Facades are specifically noted.
4. When a choice of solutions is given, the solutions are presented in order of preference.
5. These Standards do not require the correction of any condition predating their enactment except the stabilization of vacant buildings as described in Section 212.

#### 201 Roofs

Comment: Roofs are a prominent part of any building, and in conjunction with the walls determine a building's form and scale. Roof styles, the conditions of the roof and roof details greatly influence the visual character of the Benton Park Historic District.

Most of the roof styles in the Benton Park Historic District fall into one of the following categories:

1. Mansard;
2. Gable;
3. Single slope to one side;
4. Flat

Repair of a roof, replacement of a flat roof, or overlayment of a sloped roof with the existing material and repair or replacement of gutters or downspouts is general maintenance and does not require a permit except as provided in City Building Codes. References herein are advisory.

#### 201.1 Roof Lines and Dormer configuration

The roof lines and dormer configuration of buildings shall not be altered except as specifically provided herein. Roof lines include the roof's slope, height, location and structure.

#### 201.2 Reconstructed Roofs

Reconstructed roofs shall be constructed based on the original roof. Where the original slope of the roof cannot be verified through reasonable research or existing evidence, reconstruction shall be based on a Model Example.

#### 201.3 Roofing Materials on Flat Roofs

Roofing materials on flat roofs shall be one of the following:

1. A material which can be documented as being original to the building;
2. Rolled roofing or roofing felt.

#### 201.4 Roofing Materials on Sloping Roofs

Comment: Sloping roofs include all roof types except mansard and flat roofs (addressed elsewhere within this document).

1. Roofing materials on sloping roofs shall be one of the following:
  1. Materials which can be documented as being original to the building;
  2. Slate shingles;
  3. Synthetic slate shingles made of a cementitious composition and reinforced with fiberglass;
  4. Composition shingles which replicate the proportions of slate shingles.  
Comment: GAF Slateline or an equivalent fulfills this requirement.
  5. Sheet metal roofing applied in a manner consistent with that of a Model Example;
  6. Asphalt or fiberglass composition shingles, standard three tab design of 235 pounds per square minimum construction;
  7. Wood shingles of a shape and size, and applied in a manner consistent with wood shingles on a Model Example and subject to approval by the Board of Building Appeals.
2. Rolled roofing or roofing felt are prohibited as total replacement finished roofing materials on sloping roofs.
3. Patterns may not be arranged in asphalt or slate shingles on sloping roofs unless based on evidence original to the building or a Model Example.

#### 201.5 Roofing Materials on Mansard Roofs

1. Roofing materials on mansard roofs shall be one of the following:
  1. Materials which can be documented as being original to the building;
  2. Slate shingles;
  3. Synthetic slate shingles of a cementitious composition and reinforced with fiberglass;
  4. Composition shingles which replicate the proportions of slate shingles.  
Comment: GAF Slateline or an equivalent fulfills this requirement.
  5. Asphalt or fiberglass composition shingles; standard 3 tab design of 235 lb. per square minimum construction.
2. Slate or synthetic slate shall be used to replace missing or damaged shingles on mansard roofs where more than 50% of

the original slate shingles are in existence.

Comment: Mansard roofs with composition shingles existing at the time of implementation of these Standards may continue to be covered with new composition shingles though slate or synthetic slate shingles are more compatible with the original character of the building.

3. Patterns on Mansard Roofs:

1. Patterns created by the arrangement of slate of differing colors or configurations shall not be altered by the subtraction or addition of shingles.
2. Patterns may be painted where no pattern originally existed based on a Model Example.
3. Reconstructed mansard roofs may be patterned through the use of slate or synthetic slate shingles of differing colors or configurations. Such patterns shall be based on a Model Example.

201.6 Brick Parapets

1. Brick parapets and the manner in which the roofing material meet them shall be constructed as follows:

1. When the inside face of the parapet is visible from a street, the roofing material shall be flashed and counter flashed with metal flashing set into the masonry parapet wall.
2. When the inside face of the parapet is not visible from a street, the roofing material shall be extended up the inside face of the parapet and fitted under the metal flashing or the parapet cap.

Comment: Typically case 1 occurs with sloping gabled roofs and case 2 occurs with flat roofs hidden by a parapet.

2. Parapets at the Public Facade(s) shall have coping as follows:

1. Sloping parapets at roofs shall have coping of brick similar to that of the parapet. Comment: Metal or plastic through-wall flashing should be used to prevent moisture from penetrating the masonry. A hard faced brick should be used for parapet coping.
2. Horizontal planes of a parapet (i.e. the top of a parapet which screens a flat roof, or of a step in a stepped parapet) shall be protected with glazed coping tile, or a metal cap.
  1. Glazed coping tile, when broken or missing shall be replaced by the same.
  2. Metal caps shall have a non-reflective metal finish.
  3. Felt, roofing paper or roll roofing is prohibited as a total replacement finish material at parapets.

201.7 Dormers

1. Dormers shall not be removed or altered in configuration, location and detail except as otherwise expressly provided herein.
2. Reconstructed dormers and elements of a dormer shall be designed and positioned on roofs to replicate the dimensions, proportions, materials (except as noted in part 4 hereof) and details including ornament of the original dormer. where such dimensions, proportions, materials and details are not evident from present conditions, a Model Example shall be provided.
3. New dormers may be added where there is no evidence of their prior existence if based on a Model Example.
4. Dormer materials, including those at the sides, shall not be altered in appearance from the original except vinyl, aluminum, steel or masonite siding which appears as 4" wood siding may be used at the sides when the dormer is located above the second story of a building as provided in section 202.2. Asphalt shingles are prohibited on vertical sides of dormers.

Comment: Asphalt shingles are an inappropriate siding material for any vertical surface. They sag in summer heat and eventually fall off. The sides of dormers on slate roofs are typically slate, while the sides of dormers on asphalt shingle roofs are typically 4" exposed wood siding.

5. Ornament at Dormers

Comment: The role of ornament at dormers is architecturally significant.

1. New ornament at dormers must be based on evidence of its prior existence on the dormer(s) or, if such evidence no longer exists, be based on a Model Example.

2. Ornament shall be constructed of materials historically used for such ornament or other materials which replicate such materials.
3. Ornament and dormer detailing shall be of a finished material.

#### 201.8 Cornices

Comment: Cornices are a critical element of a building's historical and visual integrity.

1. Reconstructed cornices shall be designed to replicate the dimensions (including length of corner returns), proportion, materials and details of the original cornice. Where such dimensions, proportions, materials and details are not evident from the current conditions of the building, a Model Example shall be provided.
2. New cornices on existing buildings shall be based on a Model Example.
3. Cornice Materials:
  1. Cornice materials shall not be altered from the original except as provided herein.
  2. Replacement materials shall replicate the appearance of the original finished materials.
    1. Brick and Ornamental Brick
      1. Replacement brick within a cornice shall be brick of similar dimensions, color and surface characteristics as the original.
      2. Replacement sections shall be one of the following:
        1. New or used pressed brick of similar dimensions, color and surface characteristics and ornamental detailing as the original; or
        2. Fiberglass reinforced concrete replicas with integral color and matching the original in color and surface characteristics and ornamental detailing.
    2. Sheet Metal
 

Replacement sections of sheet metal within a cornice shall be of one of the following:

      1. Sheet metal similar to that to be replaced; or
      2. Any of the materials indicated as appropriate for use within wood cornices.
    3. Wood
 

Replacement sections of wood within a cornice shall be of one of the following:

      1. Wood;
      2. Fiberglass replicating the original wood; or
      3. Synthetic molded replicas of the original wood.
    4. Stone and Terra Cotta
 

Replacement sections of stone or terra cotta shall be of one the following:

      1. Stone or terra cotta of similar color, texture and dimension as the original;
      2. Precast concrete of similar color, texture and dimension as the original;
      3. Fiberglass reinforced concrete replicating the original; or Molded synthetic replicas of the original stone or terra cotta.
4. Built-in Gutters within a Cornice;
  1. Wood and metal cornices with built-in gutters shall be reconstructed in one of the following methods:
    1. Reconstructed to match the original in profile and dimension. The method of drainage shall be similar to the original.

2. Reconstructed with a standard sheet metal gutter section integrated into the cornice profile and maintaining the original height and projection of the original
2. Masonry cornices with built-in gutters shall be reconstructed to match the original in design, profile, dimension and detail.
5. Cornice Finish All exterior surfaces of a cornice shall have a finished surface. A. Wood within a cornice shall be painted. B. Sheet metal within a cornice shall be painted except copper which shall be painted or allowed to obtain its natural oxidized finish.

#### 201.9 Roofing Accessories

##### 1. Gutters and Downspouts

Repair and replacement of gutters and downspouts are defined as general maintenance and therefore not regulated by these Standards except as provided in section 201.8(4), gutters built into cornices.

Comment: The following are recommendations for gutter and downspout replacement and repair.

1. New gutters and downspouts should be similar in location, shape, detail and size of the original or that of a Model Example.
2. New gutters and downspouts should be of one of the following materials:
  1. Copper; painted or allowed to oxidize;
  2. Galvanized metal, painted; or
  3. Aluminum; finished as a non-reflective surface whether factory- applied or painted.
  4. Plastic gutters and downspouts are not recommended at Public Facades.
2. Chimneys:
  1. Existing chimneys shall be retained.
  2. Chimneys not in use may be capped, but In no case is a chimney to be altered in dimension, including height.
  3. Reconstructed chimneys shall duplicate the original or be based upon a Model Example.
3. Roof Cresting
 

Roof cresting shall be of the following materials:

  1. Wrought iron, cast iron, copper or other non-reflective metal; or
  2. Plastic which replicates the appearance of the above. Plastic cresting shall be securely attached and rigid so as to be indistinguishable from metal cresting,
4. Piping and Vents at the Roof
 

Piping and Vents at the roof are not regulated by these Standards because their location is primarily determined by interior design.

Comment: It is recommended that interior plumbing be located so that plumbing vent stacks, attic ventilation devices, metal chimney flues and metal fireplace chimneys are not located on a portion of a roof which slopes toward a Public Facade.
5. Skylights and Roof Windows
 

Skylight and roof window shall not be on a portion of a roof which slopes toward a Public Facade and shall not be visually dominant on any other portion of a roof.
6. Antennae and Satellite Dishes
 

Radio or television antennae or satellite dishes shall not be visible from the street in front of a building and shall not be visually dominant from any other street.
7. Solar Collectors Solar collectors shall not be visible from a street.

## 8. Roof Decks

Roof decks are allowed only above Private Facades of buildings and shall not be visually dominant from any street.

## 9. Roof-Top Air Conditioning Units

## 10. Roof-top air conditioning units shall not be visible from the street in front of a building and shall not be visually dominant from any other street.

## 11. Other

Other items which are not original to a structure shall not be visible from a street unless based on a Model Example.

## 202 Exterior Walls

## 202.1 Exterior Masonry Walls

Comment: Painting of wood or metal elements, or repainting of masonry or tuckpointing masonry walls is general maintenance, does not require a permit, and is not regulated by these Standards.

Comment: Masonry includes brick, ornamental pressed brick and terra cotta.

## 1. Cleaning.

## 1. The blasting of exterior masonry walls with sand or other abrasive materials is prohibited.

Comment: Blasting a masonry wall with abrasive materials destroys the hard outer surface of the masonry and thus exposes the softer core of the masonry to the elements. Blasting thus not only permanently damages the appearance of the brick, but also shortens the life of the individual brick and the building as a whole. Consult with the City Air Pollution Control office for advice.

## 2. Masonry shall only be cleaned of dirt or paint with non-acidic chemical solutions and water. Such solutions and water shall be sprayed at low to medium pressures never to exceed 400 pound per square inch.

Comment: It is recommended that the cleaning technique first be applied to a 3' x 3' sample area located in an unobtrusive area of the wall(s) to be cleaned to insure that the technique that is to be used in cleaning is non-damaging.

## 2. Painting.

## 1. The painting of unpainted masonry walls is prohibited. Except for approved hand painted signs.

Comment: Moisture builds up behind paint on masonry. This deteriorates the mortar joints.

## 2. Masonry walls which are currently painted may be repainted in accordance with the definition of repair and general maintenance.

## 3. Tuckpointing.

Comment: Tuckpointing is not regulated by these Standards. However, it is of the utmost importance in keeping the wall water-tight. Care must be taken, however, to retain the original appearance of the wall.

These recommendations provide a reasonable definition of tuckpointing in a workmanlike fashion as required by City Building Codes. Therefore, major deviations from these recommendations can result in actions by the Building Division to correct deficiencies.

Old mortar which is to be removed to provide adequate space for new mortar should be removed by hand, if possible, since power tools can easily chip and damage masonry.

The composition of the mortar mix should be soft. Mortar which is too hard may spall, chip, or break the adjacent masonry. A recommended mix is 1 part cement, 2 parts lime, and 7 parts sand.

The color of the mortar should match the majority of the mortar currently existing in the wall. The color of mortar is effected by pigments added into tile mortar mix; the type, size and quantity of sand in the mix; and the color of the cement used. The color of mortar which does not have color pigment added is affected by the color and coarseness of the sand. Typically white silica sand will result in mortars of a lighter color while brown river sand will result in mortars of a darker color. Similarly, sand of a finer coarseness will result in mortars light in color while coarser sands will result in mortars of a darker color. In each instance, the color of the mortar will

not be clearly identifiable until it has dried and been washed. Mortar normally dries in thirty days and may be washed of residue by plain water and a stiff bristle brush.

Mortar should be tooled to match the existing or original character of the joints. Common joints found within the Benton Park Historic District include concave, v-grooved, and flush-struck.

#### 4. Reconstructed Masonry Walls

Comment: Reconstructed masonry walls include the replacement of missing masonry within a wall and the reconstruction of a masonry wall which has collapsed.

##### 1. Construction

1. Reconstructed masonry wall shall be one of the following types of construction;

1. Solid brick masonry;
2. Concrete block back-up with masonry exterior; or
3. Masonry veneer on metal or wood studs.

Comment: City building codes may prohibit this type of construction near a property line.

2. Mortar thickness and coursing shall match the original.

##### 2. Material One of the following materials shall be used;

1. New or used masonry units which match the original in size, shape, color (variety and pattern of color), surface hardness and ornament.
2. The original ornamental masonry units (pressed brick and terra cotta) or replica units constructed of the materials outlined in Section 201.8: Cornices.

#### 5. Exposed Masonry Party Walls

Comment: Exposed masonry party walls were original interior walls which served as a fire barrier between adjacent buildings. Upon demolition of one of the buildings, one face of this wall constructed of soft interior brick is left exposed. Exposed masonry party walls present two problems: how best to protect the soft brick wall from deterioration and how to improve the irregular face left by demolition.

Exposed masonry party walls shall be treated using one of the following methods:

1. Add a new veneer of brick to the wall. The new brick shall be similar in size and color to the original; Comment: Property rights may prohibit this option.
2. Clean the exposed wall of any debris, replace any deteriorated areas and tuckpoint the entire wall; or
3. Parge the wall with stucco which is colored or painted to match the color of the adjacent brickwork. Comment: Such exposed walls can be structurally deficient. City Building Codes require corrective action in those cases.

#### 202.2 Wood Siding

Comment: Wood siding is typically found at the sides of dormers, enclosed porches, rear additions and occasionally on an entire building within the Benton Park Historic District.

1. Wood siding shall be painted.

2. Replacement materials shall be one of the following:

1. New wood siding which replicates the original in design, dimension and method of application;

Comment: horizontal lap siding with a 4" exposure is the most common type of wood siding within the Benton Park Historic District.

2. At the sides of a dormer which is above the second floor, aluminum, steel, vinyl, or masonite replicating 4" wood siding may be used as provided in 201.6; or

3. On private or semi-public facades, 4" vinyl siding or 12" masonite which appears as 4" siding may be used.

3. Use of the following replacement materials is restricted:
  1. Masonite in 12" widths configured to look like 4" exposed siding is prohibited at the Public Facade except as provided herein;
  2. Aluminum, steel or vinyl siding is prohibited at Public Facades except as provided herein; and
  3. Wood shingles are prohibited.
- 202.3 Stone and Portland Cement Facades
  1. Painting
    1. Granite and marble facades which have not been painted shall not be painted.
    2. Limestone and sandstone facades may be painted. The color is not regulated by these Standards.
  2. Missing pieces of stone and missing or severely damaged facades shall be replicated with stone, cement stucco, fiberglass or other material which replicates the original appearance of the stone.
    1. Cement stucco facades shall meet the following:
      1. The cement stucco shall be scored to replicate the pattern of the original stonework.
      2. The setback of windows and doors shall be closely maintained.
      3. The detailing of corners and edges shall be as crisp as the original.
    2. Synthetic stone veneers are prohibited.
- 203 Windows

Comment: Windows of historic buildings are a very important part of a building's historic character.
- 203.1 Windows at Public Facades
  1. Windows in Public Facades shall be one of the following:
    1. The existing window repaired and retained.
    2. A replacement window which duplicates the original and meets the following requirements;
      1. Replacement windows or sashes shall be made of wood or finished aluminum.
      2. The profiles of muntins, sashes, frames and moldings shall match the original elements in dimension and configuration.
      3. The number of lites, their arrangement and proportion shall match the original or be based on a Model Example.
      4. The method of opening shall be the same as the original with the following except double-hung windows may be changed to single-hung.
  2. Reconstructed windows and sashes in a Public Facade shall be based on the following;
    1. An adjacent existing window in the same facade which is original; or
    2. If all windows on a facade are being replaced than they shall be based on a Model Example or the window detailed in.
3. Glass Types at a Public Facade
  1. Glass in historic windows on a Public Facade shall be one of the following:
    1. Clear glass or other original glazing;
    2. Glass based on a Model Example; or

3. Insulated glass with its exterior face set 3/8" back from the exterior face of the sash.
    2. The following glass types are prohibited in Public Facades:
      1. Tinted glass;
      2. Reflective glass;
      3. Glass block; and
      4. Plastic (plexiglass) except Lexan or an equivalent.
  4. Abandoned Windows in a Public Facade

Windows which are to be abandoned on the interior shall be infilled by closing them with wooden shutters set ½" back from the face of the wall with the window opening left intact including the frame, sash, sub-sill and lintel.
  5. Storm Windows and Screens at a Public Facade

Comment: Storm windows and screens may be installed at the interior or at the exterior. Interior installation is preferred because of the increased visibility of the exterior of the window and its details.

    1. Materials
      1. Exterior storm windows and screens shall be made of wood, aluminum or plastic. Wood shall be painted; aluminum shall be factory or field painted. Clear anodized aluminum is prohibited.
      2. Interior storm windows and screens are not regulated by these Standards.
    2. Storm windows and screens shall also meet the following requirements:
      1. The dimensions of the area of glass or screen shall be the same as the area of glass in the window being protected.
      2. The meeting rail of the storm or screen window shall be In line with the meeting rail of the window being protected. Additional meeting rails are prohibited.

Comment: An example of (2) is an arched-head opening where meeting rails cannot cross the arch.
  6. New Window Openings Are Prohibited in a Public Facade

Except as required by City Health and Safety Codes,

    1. No new window openings shall be created in a Public Facade.
    2. No existing window opening in a Public Facade shall be altered in length or width.
- 203.2 Windows at Semi-Public Facades
1. Windows at Semi-Public Facades shall comply with all of the restrictions outlined in Section 203.1 except as noted herein.
  2. Replacement Windows in a Semi-Public Facade
    1. Materials Replacement windows may be constructed of the following materials:
      1. Wood;
      2. Vinyl-coated wood; or
      3. Finished (painted or otherwise coated with color) aluminum. Clear anodized aluminum Is prohibited.
    2. Configuration
      1. The profiles of muntins, sashes, frames and moldings shall match the original elements in dimension and configuration.
      2. The number of lites may be reduced to one over one.

3. Square head replacement windows may replace original arched-head windows where the apex of the arch is less than 6" above its base. However, the arch shall be maintained with a decorative element of wood, finished metal, or plastic which appears as wood.
    3. Brick Molding  
In all cases, the original brick molding shall be retained or duplicated.
  3. In-filling Windows in a Semi-Public Façade.  
Windows which are to be abandoned on the interior shall be infilled as follows:
    1. Close the window with wooden shutters set ½" back from the face of the wall with the window opening left intact including the frame, sash, sub-sill and lintel.
    2. Brick in the opening with brick set 1½" to 2" back from the face of the wall with the window opening left intact including the sub-sill and lintel. The infill brick shall match the surrounding brick in size, color, texture, coursing and mortar composition, color, texture and tooling.
- 203.3 Windows at Private Facades
1. Windows at Private Facades shall comply with all of the restrictions outlined in Section 203.1 except as amended in Section 203.2 and herein.
  2. New Window openings in Private Facades:
    1. New openings where no window existed before, or where existing windows are to be made shorter or longer, shall meet the following:
      1. The proportion of the opening shall be the same as the adjacent openings;
      2. The masonry jambs shall be toothed-In, not saw-cut; and
      3. Sills and lintels shall match those adjacent.
  3. Glass types and materials on Private Facades are not regulated by these Standards.
- 204 Doors
- Comment: Doors, like windows, are an integral part of a building's street facade. Primary entrance doors are one of the strongest first impressions of a building. Door types found in the Benton Park Historic District are limited to a few different types. Doors of earlier Federal style buildings are solid, simple in construction and without ornament except for four or six panels. Victorian doors are much more ornate, often with elaborate carvings, recessed panels or other architectural detailing and typically have a glazed area in the upper half to three quarters of the door. Glass in a Victorian door is typically etched, beveled or leaded. Stormer doors often accompany Victorian doors and are of similar design though without any glazed area. As used herein the term "doors" includes stormer doors (see Section 101.21).
1. Doors shall be one of the following:
    1. The original wood door restored;
    2. A new wood door which replicates the original;
    3. A finished metal door of a style which replicates the original; or
    4. Based on a Model Example.
  2. The following types of doors are prohibited:
    1. Flush, hollow-core doors with or without applied moldings,
    2. Flush doors of any material.
  3. Doors shall have one of the following finishes:
    1. Paint
    2. When hardwood, a natural finish.

## 4. Stormers

Stormer doors shall not be replaced with any other type of enclosure.

## 5. Hardware

New hardware shall be of a style, type and material appropriate to the door.

## 6. Placement

Setting doors forward or back from their original line of placement is prohibited.

## 7. Abandoned Doors:

1. Doors which are to be abandoned at the inside on a Public or Semi- Public Facade shall be closed with a door which replicates the original door or that of a Model Example set in the existing frame. The door frame and sub-sill shall be maintained.
2. Doors which are to be abandoned at the inside on a Private Facade may be infilled with brick set 1½" to 2" back from the face of the wall with the opening left intact including the sub-sill and lintel.
3. Doors at Private Facades may be converted to windows by shortening the vertical (height) but not the horizontal (width) dimension. Such new windows are subject to the replacement window standards set forth in Sections 203 hereof.

## 204.2 Transoms

1. Existing transoms shall be maintained as part of the entry at all Facades.
2. Storm windows and screens for transoms shall comply with 201.5(5) hereof.

## 204.3 Storm and Screen Doors

Comment: Storm and screen doors, where they existed historically within the Benton Park Historic District, were wood. Therefore, wood is the preferred material.

## 1. Stormers

Stormer doors shall not be replaced with any other type of enclosure.

## 2. New storm doors shall meet the following:

1. Simple and open in design and full lite;
2. Of a finished material other than clear-anodized aluminum; and
3. Be compatible with the design of the door behind.

## 3. New screen doors shall meet the following:

1. Simple and open in design;
2. Of a finished material other than clear-anodized aluminum; and
3. Be compatible with the design of the door behind.

## 204.4 Vehicular Doors

Comment: There are a number of historic vehicular entrances within the Benton Park Historic District Today, these entrances may still retain their original use or may have been converted to other uses.

1. The structural opening of an original vehicular door may be changed to accommodate entry of an automobile.
2. Vehicular Doors

Vehicular doors shall be of one of the following types;

1. The original door or a duplicate of the original door;

2. A door based on a Model Example;
3. A door constructed of car siding (tongue & groove; 2 3/4" x 5/8"); or
4. Flush or raised panel doors constructed of steel, wood or aluminum. Steel or aluminum doors must be painted. Wood may be stained or painted.

## 205 Foundations

Comment: Foundations within the Benton Park Historic District are typically white to grey limestone.

### 205.1 Paint

1. Unpainted foundations shall not be painted.
2. Painted foundations may be repainted. See Routine Maintenance and Re-pair Definition (Section 101.19).

### 205.2 Replacement Materials

1. New or re-used stone which matches the original in color, type of stone, method of stone finish and size.
2. A veneer of the above applied to a back-up material such as concrete or concrete block.
3. Other masonry products such as cast-in-place concrete, split-faced concrete block or concrete block with an uneven face when the face replicates the original material.

### 205.3 Surface Treatments

1. Foundations at the Public Facade shall not be parged (skim-coated) with stucco, concrete, mortar or other cementitious materials.
2. Foundations which require tuckpointing should be tuckpointed to match the existing mortar in color, texture and composition.

### 205.4 Window Wells

Comment: A number of Federal style buildings have window wells in the Public Facade at the street level. These wells need to be covered in order to protect the public.

Window wells shall be treated in one of the following methods:

1. Board and batten wood or tongue and groove car siding shall cover the opening and shall be painted.
2. Steel grating, grillwork or steel plate shall cover the opening and shall be painted.
3. Shorten the window opening and close over the well with the same finished material as the adjacent sidewalk except where prohibited by city building codes.

## 206 Appendages on Public and Semi-Public Facades

Comment: Only a few materials were historically used in the Benton Park Historic District in the construction of porches, stoops and steps. These materials included stone, brick, wood and occasionally various types of metal. Appendages were often the focus of architectural detailing and add to the individual character of a building. Low decks were historically rare. However, they have become an integral part of modern urban living.

### 206.1 Reconstructed Appendages to Public and Semi-Public Facades

Reconstructed appendages shall be based on evidence of their prior existence (whole appendage) and/or on evidence at the building and/or on a Model Example (individual elements).

Comment: Evidence includes, but is not limited to, paint lines and profiles on the facade, indications of a former foundation, documented existence in terms of historical site plans and photographs.

### 206.2 New Appendages to Public Facades are prohibited.

### 206.3 New Appendages to Semi-Public and Private Facades

1. New porches, stoops and steps at Semi-Public and Private Facades shall be based on a Model Example.

2. Decks are prohibited at Semi-Public Facades except when those occur at the rear of a building.
  3. Decks, whether constructed at a Semi-Public Facade at the rear of a building or at a Private Facade, must not:
    1. Obscure any architectural detail of the building such as windows, doors, or ornamental brick work; or
    2. Be visually dominant because of mass, scale, or topology of the land.
- 206.4 Stone Elements on Appendages
1. Stone steps and porch elements shall be replaced as opposed to repaired only when needed to ensure public and occupant safety.
  2. Steps and porch elements shall retain their original location and shall retain their original configuration.
  3. Stonework shall not be painted or receive any adhesively applied finishes.
  4. Replacement materials at Public Facades
    1. For architectural elements see the acceptable replacement materials listed under stone cornices (Section 201.8(2)(4)).
    2. Replacement steps shall be one of the following:
      1. New or re-used stone duplicating In shape, size and coloration that which Is being replaced.
      2. Concrete which replicates the stone in shape, size and coloration and will maintain Its shape, size and coloration over time.
  5. Paint
    1. Unpainted stone elements shall not be painted.
- 206.5 Wood Elements on Appendages
1. Reconstructed wood elements shall be of wood, except architectural details such as brackets which may be of the materials listed under replacement materials for wood cornices (Section 201.8(3)(2)(3)). A Model Example shall be used.
  2. Reconstructed wood handrails shall be one of the following:
    1. A wood handrail based on a Model Example
    2. The Benton Park type (Georgian) handrail common to St. Louis.
  3. Wood handrails shall receive one of the following finishes:
    1. Paint;
    2. An opaque stain; or
    3. Natural Wolmanized wood (acceptable on Private Facade, only).
- 206.6 Metal Elements on Appendages
- Reconstructed metal handrails and architectural detailing shall be of one of the types of metals or other replacement materials listed under Section 207.1(2).
- 207 Accessories
- 207.1 Wrought and Cast Iron Accessories
- Comment: Wrought and cast iron accessories, such as balcony railings and cresting, were once common in the Benton Park Historic District, particularly on the Federal style buildings. Black is the preferred color.
1. Existing wrought and cast iron accessories shall not be removed or altered in form. Comment: Owners are encouraged to reconstruct balconies where they once existed especially If the original brackets are still in place.
  2. Replacement Materials

1. New or re-used metal accessories based on a Model Example, or
2. Plastic or other molded or cast material which replicates the appearance of the original.

#### 207.2 Shutters

Comment: Owners are encouraged to re-install shutters where they once existed.

Reconstructed Shutters:

1. Shall be horizontally slatted or based on a Model Example.
2. Shall be of the size, shape and height of the original window opening.
3. Shall be in the open position or operable. Comment: Closed shutters are recommended as a means of abandoning a window (see Section 203.1(4)).

#### 207.3 Security Bars and Doors

Comment: Historically, security bars were only used at basement windows and consisted of ornamental ironwork placed to the exterior side of the window. This ornament added to the overall design of the facade.

1. Existing historic security bars and ironwork in front of windows and doors shall be retained.
2. New security bars and doors shall be based on a Model Example.
3. Except as otherwise noted, security bars and doors are prohibited at Public Facades.

Comment: Security bars and doors may be added to the interior of windows and doors. However, City Building Codes must be observed to preserve life and safety.

#### 207.4 Awnings and Canopies

1. New awnings and canopies shall be based on a Model Example and shall be:
  1. The same shape and size as the window, door, or storefront behind.
  2. Constructed of a fabric material.
2. New metal and fiberglass awnings and canopies are prohibited.

Comment: Repair of existing metal and fiberglass awnings is permitted as Routine Maintenance and Repair (Section 101.19).

3. Backlit awnings are prohibited.

Comment: See section 207.7 (1)(d)(4) concerning signs on awnings. Also, awnings on commercial buildings may be additionally restricted by other City Codes.

#### 207.5 Exterior Lighting

Comment: Light fixtures should be used to accent and highlight historic structures and to provide safety and security. Exterior lighting fixtures are generally not an original element of historic buildings and thus should be as simple and unobtrusive as possible.

Exterior lighting shall not detract from any significant architectural features of a building.

Landscape lighting shall not detract from any architecturally significant features of a building.

#### 207.6 Street Addresses

Street addresses are not regulated by these Standards.

Comment: Street addresses are regulated by other City Ordinances.

#### 207.7 Signs

Comment: These Standards do not require existing signs which are well maintained to be replaced or removed. Commercial signs are defined as signs which advertise, direct, or attract attention to a commercial use or which serve a commercial purpose. Hand

painted signs should be based on historical model.

1. Permanent Commercial Signs

1. Commercial signs at structures serving a residential purpose at the time of adoption of these Standards are prohibited unless a conditional use permit is obtained. If such a permit is obtained, the sign shall not be more than 2 square feet in size.

Comment: Section 207.7 (1)(2) shall apply instead of 207.7 (1)(1) if it can be shown by Model Example that the structure is appropriate for commercial use. Applications for conditional use permits are available through the City Building Division.

2. Commercial signs at structures serving a commercial purpose at the time of adoption of these Standards shall not exceed 40 square feet on each public facade or 10 percent of the area of each public facade, whichever is smaller. Each side of a protruding sign counts toward the 40 square feet so they may not be more than 20 square feet or 5 percent of the surface area whichever is smaller.
3. Signs must be compatible with existing architectural details.
4. Signs shall be restricted to those identifying the names and/or businesses and principal products of the person or entity occupying the structure.
5. Signs may not be placed in the following locations:
  1. On a mansard;
  2. On a parapet;
  3. On a rooftop;
  4. On the slope of an awning;
  5. In a location which obscures significant architectural details such as cornices, windows, sills, or doors;
  6. On a pole; or
  7. On any site separate from the building.
  8. Signs may only be lit by fixed steady front lighting. Back lighting is prohibited.
  9. Signs must be fixed and silent.
  10. Signs painted on windows and interior signs, including those inside windows, are not regulated by these Standards.

2. Temporary Commercial Signs

1. Temporary signs shall only be allowed for 6 months following the date of substantial completion of construction, renovation, or restoration of a building.
2. Temporary signs shall not exceed 36 square feet.
3. Extensions of the 6 month time period are allowed if approved by the Heritage and Urban Design Commission.

3. Permanent Non-Commercial Signs

1. Signs shall be limited to the following:
  1. On walls - Metal or painted wood plaque, less than 100 sq. inches in size.
  2. At landscape elements including walls, fences, carriage stones and steps
2. Integrally carved in stone or
3. Metal or painted wood plaque, less than 100 sq. inches in size.
4. Sandwich boards shall meet the following:

1. They shall be less than 10 square feet on a side;
2. They shall be consistent with other City Ordinances;
3. There shall be no more than two per establishment;
4. They shall be outdoors only during business hours; and
5. They shall not be electrified.

#### 207.8 Utility Service Lines

Comment: Today's modern requirements for electricity and other necessary conveniences can detract from the character of historic buildings. In many cases, these modern day intrusions can be minimized by sensitive planning.

1. Where possible, all exterior electric meters shall be hidden from view by locating them In gangways between buildings or on a Private Facade.
2. No exterior meters shall be attached to building foundations or to a Public Facade.
3. All cable TV, telephone, or other wiring shall enter buildings In only one location.

#### 208 Storefronts

Comment: Storefronts are of particular importance in the Benton Park Historic District. Owners are encouraged to restore storefronts to their original style.

##### 208.1 Reconstructed Storefronts

Reconstructed storefronts shall meet the following:

1. The glazing shall be insulating glass.  
Comment: This material is required by City Building Codes.
2. All exposed materials shall be painted, including wood and metal.
3. Be based on a Model Example consistent with the building's original character.

##### 208.2 Storefront Conversion

Storefronts which are being converted to residential use shall retain their original storefront character and shall not be altered in any way so as to disguise their original storefront use.

#### 209 New Additions to Existing Buildings

1. No new additions shall be made to the Public or Semi-Public Facade(s) except that additions may be made to Semi-Public Facades occurring at the rear of buildings that predate 75 years of age.
2. New additions constructed at Private Facades or at Semi-Public Facades at the rear of structures predating 75 years of age are subject to New Construction Standards for like facades. Comment: New additions constructed at Private Facades may lengthen an adjacent Public or Semi-Public Facade.

#### 210 Carriage and Alley Houses

Comment: Carriage and alley houses contribute greatly to the character of the Benton Park Historic District. These buildings represent the Benton Park Historic District at its greatest density and add to the compact visual character of the cityscape. Some carriage and alley houses are rich in architectural detailing. The intent of these Standards is to protect and preserve the structural integrity of these two types of structures while recognizing that they are secondary structures.

##### 210.1 Semi-Public and Private Facade

The facade of a carriage or alley house which faces the alley is defined herein as a Semi-Public facade. The remaining facades may be Semi-Public or private as defined in accordance with Section 101.17. Facades of carriage and alley houses are subject to the same regulations as the like facades of other buildings

## 211 Demolition

Comment: Buildings which are considered contributing on the National Register of Historic Places listing #85003232 and/or 75 years old or older are considered historically significant to the character and integrity of the Benton Park Historic District. These buildings are an irreplaceable asset, and as such, their demolition is strictly limited.

Ordinance No. 61366 of the City of St. Louis is hereby adopted to govern demolitions of buildings located within the Benton Park Historic District, except that the following Sections of such Ordinance shall, for purposes of this Code only, be deemed revised, amended, or deleted as noted:

1. Section Two (i) is revised to state as follows:

"Structure" means any building or improvement of any kind for demolition of which a demolition permit is required and with respect to which an application for a demolition permit is filed.

2. Section Seven (3) is revised to state as follows:

(3)Condition: The Office shall make exterior inspections to determine whether a Structure is Sound. If a Structure or portion thereof proposed to be demolished is obviously not Sound, and the threat to the public health, safety, and welfare resulting therefrom cannot be eliminated with reasonable preventative measures, the application for demolition shall be approved except in unusual circumstances which shall be expressly noted. The remaining or salvageable portion(s) of the Structure shall be evaluated to determine the extent of reconstruction, rehabilitation, or restoration required to obtain a viable structure.

Sound Structures with apparent potential for adaptive reuse, reuse, and/or resale shall generally not be approved for demolition unless application of Criteria 1, 4, 6, and 7 indicates demolition is appropriate.

Structurally attached or groups of buildings: The impact of the proposed demolition on any remaining portion(s) of the building will be evaluated. Viability of walls which would be exposed by demolition and the possibility of diminished value resulting from the partial demolition of a building, or of one or more buildings in a group of buildings, will be considered.

Comment: Reasonable preventative measures as referenced herein, include, but are not limited to, the erection of temporary supports, and the erection of temporary barriers or barricades to protect pedestrians from falling debris. The reasonableness of such preventative measures shall be determined by reference to the Architectural Quality of the Structure as set forth in Section Seven (2), and the Urban Design factors set forth in Section Seven (5) (e.g. more extensive preventative measures will be deemed reasonable for a High Merit Structure than for a Merit Structure). Nothing contained herein shall be construed as relieving owners of buildings of their responsibility to undertake permanent measures to make such buildings safe.

3. Section Seven (4) Is revised to state as follows:

A. Rehabilitation Potential: If the Applicant offers substantial evidence that the Structure, in its entirety, is in such a condition that the only feasible rehabilitation thereof would be equivalent to total reconstruction, the application for demolition shall generally be approved.

B. Economic Hardship: The Office shall consider the economic hardship which may be experienced by the present owner If the application Is denied. Such consideration may include, among other things, the estimated cost of demolition, the estimated cost of rehabilitation or reuse, the feasibility of public or private financing, the effect of tax abatement, if applicable, and the potential for economic growth and development in the area.

4. Section Seven (6) 15 amended to add the following:

(F.) the proposed plan, although calling for demolition of one or more Structures, will result in the preservation of buildings which are (i) High Merit, Merit, or Contributing; and (ii) In need of substantial rehabilitation.

5. Section Seven (7) is deleted.

6. Section Seven (8) is renumbered Section Seven (7).

## 212 Securing Vacant Buildings

Vacant buildings shall be protected from deterioration and vandalism as follows:

1. All windows and doors shall be covered by ½" exterior grade plywood if such windows and doors are incapable of securing the building. Comment: City Codes require that plywood used for this purpose be painted red.
2. The roof, gutter and downspouts shall carry the rain water to the ground.

3. Work necessary to protect the structural integrity of the building must be performed.

#### 213 Demolitions by Neglect

Demolition by Neglect is the willful neglect of a structure leading to its destruction by deterioration. A property owner found guilty of Demolition by Neglect shall be required to reconstruct the structure in accordance with pertinent guidelines and standards.

No owner of a structure in Benton Park shall by willful action or willful neglect, fail to provide sufficient and reasonable care, maintenance and upkeep appropriate to ensure such structure's perpetuation and to prevent its destruction by deterioration. This provision shall be in addition to all other applicable Citizens' Service Bureau who shall initiate appropriate action thereon.

### ARTICLE 3: NEW BUILDINGS

#### 301 Public and Semi-Public Facades of New Construction

The Public and Semi-Public Facades of new construction shall be reviewed based on a Model Example taking into consideration the following:

##### 301.1 Site

A site plan shall describe the following:

##### 1. Alignment

1. New buildings shall have their Public Facade parallel to the Public Facade of the adjacent buildings.
2. If a new building is to be located between two existing buildings with different alignments to the street or in the event that there are no adjacent buildings, the building alignment shall be the same as that which is more dominant within that block on the same side of the street.
3. If a new building is to be located on a block which is completely empty, then the alignment shall be that which is most dominant within the adjacent blocks or across the street.

##### 2. Setback

1. New buildings shall have the same setback as adjacent buildings.
2. If a new building is to be located between two existing buildings with different setbacks to the street, or in the event that there are no adjacent buildings, then the building setback shall be the same as that which is more dominant within that block on the same side of the street.
3. If a new building is to be located on a block which is completely empty, then the setback which is most dominant within adjacent blocks or across the street shall be used.
4. Setback may be based on a Model Example.

##### 301.2 Mass

Mass is the visual displacement of space based on the building's height, width and depth. The mass of a new building shall be comparable to the mass of the adjacent buildings or to the common overall building mass within the block, and on the same side of the street.

##### 301.3 Scale

1. Scale is the perceived size of a building relative to adjacent structures and the perceived size of an element of a building relative to other architectural elements (e. g., the size of a door relative to a window).
2. A new building shall appear to be the same number of stories as other buildings within the block. Interior floor lines shall also appear to be at levels similar to those of adjacent buildings.
3. If a new building is to be located between two existing buildings with different scales, or in the event that there are no adjacent buildings, then the building scale shall be that which is more dominant within that block on the same side of the street.
4. If the new building is on a block which is completely empty, then the building scale shall be similar to that of buildings in adjacent blocks.

Comment: Building height, shall be measured at the center of a building from the ground to the parapet or cornice on a flat

roof building; to the crown molding on a building with a mansard; to the roof ridge on a building with a sloping roof.

5. When several buildings, or a long building containing several units, are constructed on a sloping street, the building(s) shall step down the slope in order to maintain the prescribed height. The step shall occur at a natural break between units or firewalls.

#### 301.4 Proportion

Proportion is a system of mathematical ratios which establish a consistent set of visual relationships between the parts of a building and to the building as a whole. The proportions of a new building shall be comparable to those of adjacent build buildings. If there are no buildings on the block then the proportions shall be comparable to those of adjacent blocks.

#### 301.5 Ratio of Solid to Void

1. The ratio of solid to void is the percentage of opening to solid wall. Openings include doors, windows and enclosed porches and vestibules.
2. The total area of windows and doors in the Public Facade of a new building shall be no less than 25% and no more than 33% of the total area of the facade.
3. The height of a window in the Public Facade shall be between twice and three times the width.
4. The ratio of solid to void may be based on a Model Example.

#### 301.6 Facade Material and Material Color

1. Finish materials shall be one of the following:
  1. For walls:
    1. Kiln-fired brick (2-1/3" by 8" by 3-5/8")
 

Comment: Brick within the Benton Park Historic District is typically laid in a running bond with natural grey, white or red mortar. Typical joints include concave, struck and v-groove. Most brick within the Benton Park Historic District is red or orange with only minor variations in coloration.
    2. Stone common to the Benton Park Historic District.
    3. Scored stucco and sandstone.
    4. 4" lap wood siding or vinyl siding which appears as 4" wood siding based on a Model Example.
  2. For foundations:
    1. Stone, new or reused, which matches that used in the Benton Park Historic District;
    2. Cast-in-place concrete with a stone veneer; or
    3. Cast-in-place concrete, painted.
2. Finished facade materials shall be their natural color or the color of the natural material which they replicate or if sandstone, painted. Limestone may be painted.
3. Glazing shall be clear, uncolored glass or based on a Model Example.

#### 302 Private Facade of New Construction

Materials at private Facades of new construction shall be one of those listed in 301.6(1)(1) except that wood or vinyl siding need not be based on a Model Example.

#### 303 Garages and Carports in New Construction

Garages and Carports are not regulated except as follows:

1. Garages and carports shall be set within 10' of the alley line.
2. Vehicular access shall only be from the alley.

3. Garage doors shall be parallel to, and face, the alley.
4. Construction requirements per form:
  1. Garages shall be sided with 4" cover siding of wood, vinyl or finished aluminum, 4" beaded tongue and groove siding, brick or brick veneer. Unfinished siding is prohibited.
  2. Based on a Model Example.
5. Garage and carport roofs shall be as set forth in Section 201.
6. The mass and scale of garages and carports shall be appropriate for their use and shall not visually dominate the main building.

#### 304 Proposal Requirements for New Construction

##### 1. Site Plan

Site plan shall include the following:

1. The new construction as well as an outline plan of the structures to each side of the site.
  2. If the setback of the new construction follows that across the street or in an adjacent block, then a portion of that side of the street or block shall be shown.
- ##### 2. Site Section

If the new construction proposes changing the grade of the site in order to accommodate garages or other basement activities which shall be open to grade, then a "before" and an "after" grade shall be shown in Section at the section of greatest grade change.

##### 3. Elevations

All Facades shall be shown and shall include an outline of any existing, adjacent elevations. These elevations shall be accompanied by photographs.

##### 4. Floor Plans

Floor plans are not required by these Standards, but are helpful in understanding why the exterior of the new construction is as designed. Comment: Floor plans are required by City Building Codes.

#### ARTICLE 4: SITE

##### 401 Slope/Grade

The historic slope of a yard shall not be altered at the Public Facade unless it has at some time been altered and is to be restored to its original configuration.

##### 402 Landscaping Walls

Comment: Landscaping walls essentially function as fences. Walls shall meet the following:

1. Not sit in front of a Public Facade.
2. Be of a height of 48" or less.
3. Be constructed of red brick and have a limestone or precast concrete cap or be constructed of stone.

##### 402.1 Retaining Walls on Public Facades

1. New and reconstructed retaining walls shall be based on a Model Example.

Comment: New and reconstructed retaining walls shall replicate the appearance of an historic wall. Thus stone or brick may be applied as a veneer to a concrete wall as long as the outward appearance meets the visual qualities of the Model Example.

2. The following types of retaining walls are prohibited on Public Facades: A. Railroad ties; B. Landscape timbers; C. Concrete block of any type; D. Exposed cast-in-place or precast concrete;

## 403 Fences

Comment: Fences are a very important part of the streetscape within historic districts. Fences can frame a view of an individual's property, define public versus private ownership, and act in unison with other fences and walls to add a sense of continuity and rhythm to the street.

## 403.1 Low Fences

1. Low fences are those fences with a height of 48" or less when measured from the ground.
2. Low fences shall be of one of the following types:
  1. Wrought or cast iron;
  2. Treated or rot-resistant wood picket fence consisting of posts, rails and vertical pickets painted or treated with opaque stain; or
  3. Chain link, but only if it is behind a Private Facade and either painted a dark color or clad with a dark colored vinyl.
  4. Wire fences based on historical model.
3. Low fences shall be based on a Model Example. When located in front of a Public Facade of the building, the Model Example fence shall be located in front of a building of similar vintage to the property under consideration.
4. In no event shall a low fence obscure significant architectural features of a building.

## 403.2 High Fences

1. High fences are fences taller than 48", but less than 72" in height when measured from the ground.

Comment: Fences higher than 72" are prohibited by City Building Codes.
2. High fences are restricted to the following locations:
  1. At or behind the building line of a Public Facade.
  2. Private or Semi-Public Facades
  3. High fences shall be one of the following types:
    1. Boards placed vertically, if the structure of the fence will not be visible from the Public Facade.
    2. Lattice of one consistent design, either placed at a 45 or 90 degree angle. The lattice shall be completely within a frame constructed of posts and rails.
    3. Wrought or cast iron.
    4. Stone or brick pillars in combination with one of the above when based on a Model Example.
    5. A reconstructed fence based on a Model Example.

## 403.3 Prohibited Materials

The following types of fences are prohibited at all Facades:

1. Wire fences, except at Private Facades and based on historical model..
2. Chain link fences, except at Private Facades where they must be painted a dark color, or clad in a dark colored vinyl.
3. Vinyl fences.
4. Concrete or block.

## 404 Sidewalks and Steps

1. At the Public Facade sidewalks shall be one of the following:

1. Red brick.
2. Cast-in-place concrete with an exposed aggregate finish.
3. Bomanite or equivalent.
4. A combination of the above.

Comment: The sidewalk on the street is City property, but the responsibility of property owners. Repair of existing brick sidewalks is preferred. If repair is not possible, or there is no brick sidewalk, cast in place concrete with an aggregate finish is preferred.

2. Exterior handrails at steps located in a yard (not attached to a house) shall be based on a Model Example.
3. All sidewalks shall make allowances for street trees. If possible, a 4 foot tree lawn is required. If a tree lawn of at least 4 feet is not possible, then tree wells of at least 4 feet by 4 feet shall be placed at intervals determined by the City of St. Louis Forestry Division. Comment: It is preferred that tree wells be 5 feet by 5 feet and tree lawns be 5 feet. All property owners are encouraged to plant, or allow other individuals or organizations to plant street trees at intervals determined by the City of St. Louis Forestry Division.

#### 405 Landscape Lighting at Public Facades

Landscape lighting shall not detract from any architecturally significant features of a building.

#### 406 Swimming Pools

Above-ground and in-ground pools shall not be visible from the street.

Comment both City Health Department Code and City Building Code regulate construction and use of swimming pools.

#### 407 Yard Structures

1. Storage sheds larger than 6x6 or taller than 84" are prohibited if visible from the street.

The following are prohibited:

1. Pre-fabricated metal structures
  2. Fiberglass structures.
2. Designs shall be of mass and scale appropriate to the space they occupy and constructed of such materials acceptable by this Code for new construction.

Comment: The City Building Code regulates construction of yard structures.

#### ARTICLE 5: SEVERABILITY

If any provision, sentence, clause, section, part, or application, of this Code is for any reason held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity, shall not affect or impair any of the remaining provisions, sentences, clauses, sections, parts, or applications of this Code.

**Approved: July 18, 2006**

### **ORDINANCE #67176 Board Bill No. 137**

**AN ORDINANCE RECOMMENDED BY THE BOARD OF ESTIMATE AND APPORTIONMENT AUTHORIZING AND DIRECTING THE ISSUANCE AND DELIVERY OF NOT TO EXCEED THIRTEEN MILLION DOLLARS (\$13,000,000) PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2006, OF THE CITY OF ST. LOUIS, MISSOURI, FOR THE PURPOSES OF PAYING THE COSTS OF THE PROJECT AND THE COSTS OF ISSUANCE OF THE BONDS; SETTING FORTH CERTAIN TERMS AND CONDITIONS FOR THE ISSUANCE OF SUCH BONDS; PRESCRIBING THE FORM AND DETAILS OF THE BONDS; APPOINTING A PAYING AGENT AND BOND REGISTRAR IN CONNECTION WITH SUCH BONDS; AUTHORIZING THE NEGOTIATED SALE OF THE BONDS AND THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; AUTHORIZING THE PREPARATION, EXECUTION AND DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENT AND THE OFFICIAL STATEMENT AND THE PREPARATION, EXECUTION AND DELIVERY OF THE CONTINUING**

**DISCLOSURE AGREEMENT, AND OTHER MATTERS WITH RESPECT THERETO; AUTHORIZING THE NEGOTIATION AND PURCHASE OF BOND INSURANCE, IF ANY, AND THE APPROVAL AND EXECUTION OF DOCUMENTS NECESSARY TO COMPLY WITH THE DUTIES OF THE CITY UNDER ANY AGREEMENT FOR BOND INSURANCE; AND PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE; AUTHORIZING THE PROPER OFFICIALS, AGENTS AND EMPLOYEES OF THE CITY TO EXECUTE SUCH DOCUMENTS AND TO TAKE SUCH ACTIONS AS ARE NECESSARY OR APPROPRIATE; REPEALING ORDINANCES OF THE CITY TO THE EXTENT INCONSISTENT WITH THE TERMS OF THIS ORDINANCE; AND CONTAINING SEVERABILITY AND EMERGENCY CLAUSES.**

**WHEREAS**, The City of St. Louis, Missouri (the "City") is a constitutional charter city of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and

**WHEREAS**, the City is authorized under its Charter to incur indebtedness and to issue and sell general obligation bonds of the City to evidence such indebtedness for the purpose of providing funds to pay the costs of certain improvement projects; and

**WHEREAS**, pursuant to such authority and an ordinance duly passed by the Board of Aldermen of the City, an election was ordered to be held in the City on November 8, 2005, a general municipal election day, on the question of whether to issue the general obligation bonds of the City in an amount of Thirteen Million Dollars (\$13,000,000.00) for the purpose of funding a portion of the cost of (i) replacing, improving and maintaining the City's radio system used by the St. Louis Police Department, Fire Department, Emergency Medical Services and other City departments; and (ii) reconstructing, repairing and improving major streets, bridges and the flood wall where Federal funding is available and local funding is required; and (iii) paying the costs of issuance of the bonds; and

**WHEREAS**, notice of the election was duly prepared, executed and published in the manner provided by law, and the election was duly held in accordance with the provisions of the notice and the laws of the State of Missouri; and

**WHEREAS**, the votes cast at the election on such question were duly canvassed as provided by law, and it was found and declared that more than two-thirds of the qualified voters of the City voting at such election on such question voted in favor of the issuance of such bonds (the "Voter Approval"); and

**WHEREAS**, the Board of Aldermen of the City has determined that it is in the best interest of the City to sell such Bonds at a private sale; and

**WHEREAS**, it is necessary at this time to authorize the issuance and delivery of up to Thirteen Million Dollars (\$13,000,000) principal amount of its General Obligation Bonds, Series 2006 (the "Bonds") for the purpose of paying the costs of the Project and the costs of issuance of the Bonds.

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

**SECTION ONE. DEFINITIONS**

**101. Definitions of Words and Terms.** In addition to words and terms defined elsewhere in this Ordinance, the following words and terms as used in this Ordinance shall have the meanings set forth below. Any terms not defined in this Ordinance shall have the definitions and meanings set forth in the Bond Purchase Agreement.

"Beneficial Owner" means, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person's subrogee.

"Bond Purchase Agreement" means the Bond Purchase Agreement between the City and the Underwriters.

"Bond Registrar" means UMB Bank, N.A., and any successor.

"Bonds" means the General Obligation Bonds, Series 2006, authorized and issued by the City pursuant to this Ordinance.

"Bond Insurance Policy" means the municipal bond insurance policy issued by the Bond Insurer that guarantees payment on the Bonds.

"Bond Insurer" means, if bond insurance is obtained, the company selected by the City to issue a municipal bond insurance policy insuring the payment on some or all of the Bonds.

"Business Day" means any day except Saturday, Sunday, a legal holiday, or a day on which banking institutions located in the State of Missouri are authorized by law to close.

"Cede & Co." means Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

"Code" means the Internal Revenue Code of 1986, as amended.

“Continuing Disclosure Agreement” shall mean that certain Continuing Disclosure Agreement between the City and UMB Bank, N.A., as Dissemination Agent thereunder, and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

“City” means The City of St. Louis, Missouri, and any successors or assigns.

“Debt Service Fund” means the Debt Service Fund referred to in Section Five, Paragraph 501 of this Ordinance.

“DTC” means The Depository Trust Company of New York, New York.

“Governmental Obligations” means direct obligations of, or obligations the principal of and interest on which are guaranteed by, the United States of America or securities which represent an undivided interest in such obligations or securities to the extent that the Treasury of the United States is ultimately responsible for payment thereof.

“Outstanding,” when used with reference to the Bonds, means as of any particular date, all Bonds theretofore authenticated and delivered under this Ordinance, except:

- (a) Bonds theretofore canceled by the Paying Agent and Bond Registrar or delivered to the Paying Agent and Bond Registrar for cancellation;
- (b) Bonds deemed paid in accordance with the provisions of this Ordinance; and
- (c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered pursuant to this Ordinance.

“Owner” means the person or persons in whose name or names a Bond shall be registered on the books of the Paying Agent and Bond Registrar kept for that purpose in accordance with the provisions of this Ordinance.

“Participant” means any broker-dealer, bank or other financial institution for which DTC holds Bonds as securities depository.

“Participating Underwriter” shall have the meaning ascribed thereto in the Continuing Disclosure Agreement.

“Paying Agent” means UMB Bank, N.A., and any successor.

“Project” means (i) replacing, improving and maintaining the City’s radio system used by the St. Louis Police Department, Fire Department, Emergency Medical Services and other City departments; and (ii) reconstructing, repairing and improving major streets, bridges and the flood wall of the City where Federal funding is available and local funding is required.

“Project Fund” means the separate fund and its sub-accounts established by the Treasurer for the purpose of funding the (i) replacement, improvement and maintenance of the City’s radio systems; and (ii) reconstruction, repair and improvement of major streets, bridges and the major flood wall of the City.

“Representation Letter” means the Representation Letter from the City and the Paying Agent to DTC with respect to the Bonds.

“Tax Compliance Agreement” means the Tax Compliance Agreement, dated the date of issuance of the Bonds.

“Underwriters” means the underwriters who purchase the Bonds pursuant to the Bond Purchase Agreement.

## SECTION TWO. AUTHORIZATION OF THE BONDS

**201. Authorization of the Bonds.** The City does hereby authorize and direct the issuance of the Bonds pursuant to and in full compliance with the Constitution and statutes of the State of Missouri, and the Charter of the City, to pay costs of the Project and costs of issuance, and does hereby find and declare that this Ordinance is being enacted pursuant to the laws of the State of Missouri, including particularly Chapter 108, Missouri Revised Statutes, 2000, as amended, and that the issuance of the Bonds is for the public purposes set forth in the recitals to this Ordinance.

The Board of Aldermen, acting as the governing authority of the City, does hereby authorize the City to issue the General Obligation Bonds, Series 2006 in one or more series in an aggregate principal amount not to exceed Thirteen Million Dollars (\$13,000,000). The proceeds of the Bonds will, together with other available funds, if any, be used to pay the costs of the Project and certain costs of issuance of the Bonds. Subject to the terms of this Ordinance, the City hereby authorizes and directs the Mayor and the Comptroller of the City in the exercise of their sole discretion to determine and establish the aggregate principal amount and the other terms and conditions of the Bonds.

**202. Description of the Bonds.** The Bonds shall consist of fully-registered Bonds without coupons, in the denomination of \$5,000 or any integral multiple thereof, numbered from R-1 consecutively upward in order of issuance. Interest on the Bonds shall be payable semiannually on an interest payment date each year (each an “Interest Payment Date”) to be determined

by the Comptroller of the City and set forth in the Bond Purchase Agreement. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months. The Bonds shall bear interest from their dated date or from the most recent Interest Payment Date to which interest has been paid or duly provided for. The Bonds shall be substantially in the form set forth in Section Four of this Ordinance, and shall be subject to registration, transfer and exchange as provided in Paragraph 205 of this Section.

**203. Designation of Paying Agent and Bond Registrar.** UMB Bank, N.A. is hereby designated as the City's paying agent for the payment of principal of, premium, if any, and interest on the Bonds and bond registrar and transfer agent with respect to the registration, transfer and exchange of Bonds (the "Paying Agent" and "Bond Registrar").

**204. Method and Place of Payment of Bonds.** The principal of, and premium, if any, on the Bonds shall be payable to the registered Owners thereof in lawful money of the United States of America upon presentation and surrender of such Bonds as they respectively become due at the payment office of the Paying Agent and Bond Registrar.

The interest on the Bonds shall be payable to the registered Owners thereof by check or draft mailed by the Paying Agent and Bond Registrar to the persons in whose names the Bonds are registered on the close of business on the first day (whether or not a Business Day) of the month of each Interest Payment Date (the "Record Date") at their addresses as they appear on the bond registration books maintained by the Bond Registrar. Notwithstanding the foregoing, payment of the interest on each Bond shall be made by electronic transfer of immediately available funds to any registered Owner of \$1,000,000 or more in aggregate principal amount of Bonds at such electronic transfer address as such registered Owner shall specify if such registered Owner shall provide written notice to the Paying Agent and Bond Registrar not less than fifteen (15) days prior to the Record Date on which any such payment is due requesting such electronic transfer and specifying such electronic transfer address which shall include the name of the bank, its ABA routing number and the account number to which such transfer shall be directed. Such notice may, if so stated therein, apply to all subsequent payments to such registered Owner while such registered Owner owns at least \$1,000,000 in principal amount of the Bonds.

**205. Registration Provisions.** The City shall, as long as any of the Bonds herein authorized remain Outstanding, cause to be kept at the payment office of the Bond Registrar books for the registration of Bonds as herein provided. The Bonds when issued shall be registered in the name of the owners on the books of registration of the City to be kept in the payment office of the Bond Registrar for that purpose. Each Bond shall be made payable to the registered Owner thereof. Each Bond shall be transferable only upon the registration books maintained by the Bond Registrar by the registered Owner thereof in person or by his attorney duly authorized in writing, upon surrender thereof at the payment office of the Bond Registrar together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered Owner or his duly authorized attorney. Upon the transfer of any Bond and the payment of any fee, tax or governmental charge, the Bond Registrar shall issue in the name of the transferee a Bond or Bonds of the same aggregate principal amount and maturity as the surrendered Bond, registered in the name of the transferee, in any denomination herein authorized.

Upon surrender of any Bonds at the payment office of the Bond Registrar with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered Owner or his duly authorized attorney, such Bonds may, at the option of the registered Owner thereof, and upon payment of any fee, tax or governmental charge required to be paid, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, in any denomination herein authorized.

The Paying Agent and Bond Registrar shall not be required to exchange or register a transfer of (a) any Bonds during the fifteen-day period next preceding the selection of Bonds to be redeemed and thereafter until the date of the mailing of a notice of redemption of Bonds selected for redemption, or (b) any Bonds selected, called or being called for redemption in whole or in part except, in the case of any Bond to be redeemed in part, the portion thereof not so to be redeemed.

The City, the Bond Registrar and the Paying Agent may deem and treat the person in whose name any Bond shall be registered on the registration books maintained by the Bond Registrar as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of, premium, if any, and interest on, such Bond and for all other purposes, and all such payments so made to any such registered Owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City, nor the Bond Registrar, nor the Paying Agent shall be affected by any notice to the contrary, but such registration may be changed as herein provided. In all cases in which the privilege of exchanging Bonds or transferring Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. For every such exchange or transfer of Bonds the Bond Registrar may make a charge to the registered Owner sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or transfer. The fees and charges of the Bond Registrar for making any exchange or transfer provided for by this Ordinance and the expense of any Bond printing necessary to effect the subsequent exchange or transfer of any Bond shall be paid by the City. The Bond Registrar shall not be required to register, transfer or exchange Bonds for a period of fifteen days next preceding an Interest Payment Date on the Bonds. If any registered Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such registered Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such registered Owner hereunder or under the Bonds.

**206. Execution and Delivery of the Bonds.** The Mayor and Comptroller of the City are hereby authorized and directed to prepare and execute the Bonds in the manner specified above, and, when duly executed, to deliver the Bonds to the Bond Registrar with instructions to authenticate and deliver the Bonds to the representative of the Underwriters thereof, on payment of the purchase price, plus accrued interest thereon, if any, to the date of their delivery and upon satisfaction of the other terms of such

purchase as provided in the Bond Purchase Agreement. The Bonds shall be executed in the name and for and on behalf of the City by the manual or facsimile signatures of the Mayor and Comptroller and attested by the manual or facsimile signature of the Register, and the seal of the City shall be affixed to or imprinted on each Bond. In case any officer whose signature or facsimile thereof appears on any Bonds shall cease to be such officer before the delivery of such Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form set forth in Section Four of this Ordinance, which shall be manually executed by the Bond Registrar. No Bond shall be entitled to any security or benefit under this Ordinance or shall be valid or obligatory for any purpose unless and until such certificate of authentication shall have been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Ordinance. The certificate of authentication on any Bond shall be deemed to have been duly executed if signed by any authorized signatory of the Bond Registrar, but it shall not be necessary that the same signatory sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time.

The Bonds signed, sealed and authenticated as herein provided shall be and constitute valid and binding obligations of the City according to the terms of this Ordinance, although the exchange or transfer thereof may be made at a date or dates after any officer whose signature is affixed thereto shall have ceased to be the incumbent of his office.

**207. Mutilated, Lost, Stolen or Destroyed Bonds.** In the event any Bond is mutilated, lost, stolen, or destroyed, the City shall execute and the Paying Agent and Bond Registrar shall authenticate a new Bond of like date and denomination as that mutilated, lost, stolen or destroyed, provided that, in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Paying Agent and Bond Registrar, and in the case of any lost, stolen, or destroyed Bond, there first shall be furnished to the City and the Paying Agent and Bond Registrar evidence of such loss, theft or destruction satisfactory to the City and the Paying Agent and Bond Registrar, together with an indemnity satisfactory to them which indemnity shall, in any event, name the City and the Paying Agent and Bond Registrar as beneficiaries. In the event any such Bond shall have matured, the Paying Agent and Bond Registrar, instead of delivering a duplicate Bond, may pay the same without surrender thereof, making such requirements as it deems fit for its protection, including a lost instrument bond. The City and the Paying Agent and Bond Registrar may charge the Owner of such Bond with their reasonable fees and expenses for such service. In executing a new Bond, the City may rely conclusively upon a representation by the Paying Agent and Bond Registrar that the Paying Agent and Bond Registrar are satisfied with the adequacy of the evidence presented concerning the mutilation, loss, theft or destruction of any Bond.

**208. Destruction of Bonds.** Whenever any Outstanding Bond shall be delivered to the Paying Agent and Bond Registrar for cancellation pursuant to this Ordinance, or for replacement pursuant to Section 207 of this Ordinance, such Bond shall be promptly canceled and thereafter destroyed by the Bond Registrar in accordance with then applicable record retention requirements, and counterparts of a certificate of cancellation shall be furnished by the Paying Agent and the Bond Registrar to the City.

**209. Temporary Bonds.** Until Bonds in definitive form are ready for delivery, the City may execute, and upon the request of the City, the Paying Agent and Bond Registrar shall authenticate and deliver, subject to the provisions, limitations and conditions set forth above, one or more Bonds in temporary form, whether printed, typewritten, lithographed or otherwise produced, substantially in the form of the definitive Bonds, with appropriate omissions, variations and insertions, and in authorized denominations. Until exchanged for Bonds in definitive form, such Bonds in temporary form shall be entitled to the liens and benefits of this Ordinance. Upon presentation and surrender of any Bond or Bonds in temporary form, the City shall, at the request of the Paying Agent and Bond Registrar, execute and deliver to the Paying Agent and Bond Registrar, and the Paying Agent and Bond Registrar shall authenticate and deliver, in exchange therefor, a Bond or Bonds in definitive form. Such exchange shall be made by the Paying Agent and Bond Registrar without making any charge therefor to the Owner of such Bond in temporary form. Notwithstanding the foregoing, Bonds in definitive form may be issued hereunder in typewritten form.

**210. Securities Depository.**

(a) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of each series of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the registration books maintained by the Bond Registrar in the name of Cede & Co., as nominee of DTC. The Paying Agent and Bond Registrar and the City may treat DTC (or its nominee) as the sole and exclusive Owner of the Bonds registered in its name for the purposes of payment of the principal of, premium, if any, or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to Owners of Bonds under this Ordinance, registering the transfer of Bonds, and for all other purposes whatsoever; and neither the Paying Agent and Bond Registrar nor the City shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the bond register as being an Owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of, premium, if any, or interest on the Bonds, with respect to any notice which is permitted or required to be given to Owners of Bonds under this Ordinance, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by DTC as the Owner of the Bonds. So long as any Bond is registered in the name of Cede & Co., as nominee of DTC, the Paying Agent shall pay all principal of, premium, if any, and interest on such Bonds, and shall give all notices with respect to such Bonds, only to Cede & Co. in accordance with the Representation Letter, and all such payments shall be valid and effective to fully satisfy and

discharge the City's obligations with respect to the principal of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by DTC to the Paying Agent of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (d) hereof.

(b) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bond certificates, the City may notify DTC and the Paying Agent and Bond Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Bond certificates. In such event, the Bonds will be transferable in accordance with paragraph (d) hereof. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Paying Agent and Bond Registrar and discharging its responsibilities with respect thereto under applicable law. In such event, the Bonds will be transferable in accordance with paragraph (d) hereof. The City and the Paying Agent and Bond Registrar shall be entitled to rely conclusively on the information provided to it by DTC and its Participants as to the names and addresses of and principal amounts held by the beneficial owners of the Bonds.

(c) The execution and delivery of the Representation Letter to DTC by the Mayor and/or Comptroller of the City is hereby authorized, and execution of the Representation Letter by the Mayor and/or Comptroller of the City shall be conclusive evidence of such approval. The Representation Letter shall set forth certain matters with respect to, among other things, notices, consents and approvals by Owners of the Bonds and Beneficial Owners and payments on the Bonds. The Paying Agent and Bond Registrar shall have the same rights with respect to its actions thereunder as it has with respect to its actions under this Ordinance.

(d) In the event that any transfer or exchange of Bonds is permitted under paragraph (a) or (b) hereof, such transfer or exchange shall be accomplished upon receipt by the Paying Agent and Bond Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this Ordinance. In the event Bond certificates are issued to holders other than Cede & Co., or its successor as nominee for DTC as holder of all of the Bonds, the provisions of this Ordinance shall also apply to all matters relating thereto, including, without limitation, the printing of such certificates and the method of payment of principal of and interest on such certificates.

### SECTION THREE. REDEMPTION OF BONDS

**301. Optional Redemption.** The City is authorized to establish that, at its option, the Bonds may be non-callable or may be made subject to redemption and payment prior to maturity, in whole or in part at any time in any order of maturity as selected by the City and in multiples of \$5,000 within a maturity, at such times and at such redemption price or prices all as determined by the Comptroller of the City, and as set forth in the Bond Purchase Agreement as executed and delivered by the City.

**302. Mandatory Sinking Fund Redemption.** The Bonds may be subject to mandatory redemption and payment prior to maturity pursuant to the mandatory redemption requirements to be determined by the Comptroller of the City in the manner set forth in the Bond Purchase Agreement as executed and delivered by the City.

The Paying Agent shall each year in which Bonds are to be redeemed pursuant to the terms of this paragraph make timely selection of such Bonds or portions of such Bonds to be so redeemed and shall give notice thereof as provided in paragraph 303 of this Ordinance without further instructions from the City.

The Paying Agent may, upon the receipt of written instructions from the Treasurer, use moneys on deposit in the Debt Service Fund at any time to purchase Bonds in the open market at a price not in excess of their principal amount, plus accrued interest thereon to the date of purchase. At the option of the Treasurer, such option to be exercised on or before the forty-fifth day next preceding any date on which Bonds are scheduled to be redeemed pursuant to this paragraph, the Treasurer may (i) deliver to the Paying Agent (A) for cancellation, Bonds in any aggregate principal amount desired, or (B) funds, together with appropriate instructions, for the purpose of purchasing any Bonds from any Owner thereof, whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical, or (ii) receive a credit in respect to the mandatory redemption obligation of the City under this paragraph for any Bonds of the same maturity that prior to such date have been redeemed or purchased (other than through the operation of the requirements of this paragraph) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this paragraph. Each Bond so delivered or previously purchased or redeemed pursuant to either of the two preceding sentences shall be credited at 100% of the principal amount thereof against the obligation of the City to redeem Bonds of the same maturity on any mandatory redemption date or dates as specified in writing by the City; provided that the total amount to be so credited with respect to any one mandatory redemption date shall in all cases be equal to \$5,000 or any integral multiple thereof. If the City intends to exercise the option granted by clauses (i) or (ii) above, the City shall, on or before the forty-fifth day next preceding any date on which Bonds are scheduled to be redeemed pursuant to this paragraph, furnish the Paying Agent a certificate signed by the City indicating to what extent such clauses (i) and (ii) are to be complied with in respect to such mandatory redemption requirement.

**303. Notice of Redemption.** Notice of the City's intent to redeem Bonds pursuant to Section 301 and Section 302 of this Ordinance (including, when only a portion of the Bonds are to be redeemed, the maturities of such Bonds and the principal amounts thereof) shall be given by or on behalf of the City by registered or certified mail, postage prepaid, to the Paying Agent and Bond Registrar, such notice to be mailed not less than forty-five days prior to the date fixed for redemption. Notice of the selection or call for redemption identifying the Bonds or portions thereof to be redeemed, shall be given by the Paying Agent and Bond Registrar on behalf of the City by mailing a copy of the redemption notice at least thirty days but not more than sixty days prior to the date fixed for redemption by first class mail, postage prepaid, to the Owner of each Bond to be redeemed in whole or in part at

the address shown on the registration books; and a second notice of redemption shall be sent by certified mail, return receipt requested, at such address to the Owner of any Bond who has not submitted his Bond to the Paying Agent and Bond Registrar for payment on or before the date sixty days following the date fixed for redemption; provided, however, that neither any defect in giving such notice by mailing as aforesaid nor any defect in any notice so mailed shall affect the validity of any proceeding for the redemption of any Bond. Any notice mailed as provided in this section shall be conclusively presumed to have been duly given, whether or not the Owner receives the notice.

Each notice of redemption shall state (i) the complete official caption, including the Bond series, of the Bonds; (ii) the date of mailing of the notice of redemption, (iii) the date fixed for redemption; (iv) the redemption price or prices; (v) the identification of the Bonds to be redeemed, by giving the individual certificate number of each Bond to be redeemed (or stating that all of the Bonds between two stated certificate numbers, both inclusive, are to be redeemed or that all of the Bonds of one or more maturities have been called for redemption); (vi) the CUSIP numbers of all Bonds being redeemed (provided such notice may contain a disclaimer as to the accuracy of such numbers); (vii) in the case of a partial redemption of Bonds, the principal amount of each Bond being redeemed; (viii) the date of issue of the Bonds as originally issued; (ix) the rate or rates of interest borne by each Bond being redeemed; (x) the maturity date of each Bond being redeemed; (xi) the place or places where amounts due upon such redemption will be payable; (xii) the notice shall be void and of no effect in the event the Paying Agent and Bond Registrar does not have sufficient money to pay the redemption price of the Bonds on the redemption date; and (xiii) the address and telephone number of the contact person at the office of the Paying Agent with respect to such redemption. The notice shall require that such Bonds be surrendered at the payment office of the Paying Agent and Bond Registrar for redemption at the redemption price and shall state that further interest on such Bonds will not accrue from and after the redemption date provided that the Paying Agent and Bond Registrar has on deposit sufficient funds to redeem the Bonds on such date. Notice of such redemption shall also be sent by certified mail, return receipt requested, overnight delivery service or other secure means (including telecopier transmission), postage prepaid, to certain municipal registered securities depositories which are known to the Paying Agent and Bond Registrar to be holding Bonds and at least two of the national information services that disseminate securities redemption notices, when possible, at least two days prior to the mailing of notice required by the first paragraph above, but in any event at least thirty days prior to the redemption date; provided that neither the failure to send such notice as aforesaid nor any defect in such notice shall affect the validity or sufficiency of the proceedings for the redemption of such Bonds. The Bond Registrar is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond to be redeemed.

**304. Selection of Bonds to Be Redeemed.** Bonds shall be selected for redemption as follows:

- (a) Bonds shall be redeemed in any order of maturity as selected by the Comptroller and only in the principal amount of \$5,000 or any integral multiple thereof. When less than all of the Outstanding Bonds of any series are to be redeemed and paid prior to maturity, such Bonds shall be selected by the Paying Agent and Bond Registrar in \$5,000 units of face value in such equitable manner as the Paying Agent and Bond Registrar may determine.
- (b) In the case of a partial redemption of Bonds when Bonds of denominations greater than \$5,000 are then Outstanding, then for all purposes in connection with such redemption each \$5,000 of face value shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of face value represented by any fully registered Bond is selected for redemption, then upon notice of intention to redeem such \$5,000 unit or units, the registered Owner of such fully registered Bond or his attorney or legal representative shall forthwith present and surrender such Bond to the Paying Agent and Bond Registrar (1) for payment of the redemption price (including the premium, if any, and interest to the date fixed for redemption) of the \$5,000 unit or units of face value called for redemption, and (2) for exchange, without charge to the registered Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such fully registered Bond. If the Owner of any such fully registered Bond of a denomination greater than \$5,000 shall fail to present such Bond to the Paying Agent and Bond Registrar for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of the \$5,000 unit or units of face value called for redemption (and to that extent only).

**305. Effect of Call for Redemption.** Whenever any Bond is called for redemption and payment as provided in this Section, all interest on such Bond shall cease from and after the redemption date, provided funds sufficient for its payment at the price specified above are on deposit at the place of payment.

#### SECTION FOUR. FORM OF BONDS

**401. Form of Bonds.** The Bond form and the certificate of authentication to be endorsed thereon is hereby approved in substantially the following form, with appropriate variations, omissions and insertions as permitted or required by this Ordinance and the signature of the City officials executing the same shall be conclusive as to their approval of such variations, omissions and insertions on behalf of the City:

(FORM OF FULLY REGISTERED BOND)

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede &

Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE OF THIS BOND FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered Owner of this Bond, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA  
STATE OF MISSOURI  
THE CITY OF ST. LOUIS

Registered  
No. R- \_\_\_\_\_

\$ \_\_\_\_\_

THE CITY OF ST. LOUIS, MISSOURI  
GENERAL OBLIGATION BOND  
SERIES 2006

Rate of Interest \_\_\_\_\_ Maturity Date \_\_\_\_\_ Dated Date \_\_\_\_\_ CUSIP \_\_\_\_\_  
% \_\_\_\_\_

Registered Owner: \_\_\_\_\_

Principal Amount: \_\_\_\_\_ DOLLARS

THE CITY OF ST. LOUIS, MISSOURI, a municipal corporation and political subdivision of the State of Missouri (the "City"), for value received, promises to pay to the Registered Owner shown above, or registered assigns, but solely in the manner hereinafter set forth, the Principal Amount shown above on the Maturity Date shown above, and to pay interest on such Principal Amount from the Dated Date shown above or from the most recent Interest Payment Date, as hereinafter defined, to which interest has been paid or duly provided for (likewise payable solely in the manner hereinafter set forth), payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ (each an "Interest Payment Date") in each year, beginning \_\_\_\_\_, 20\_\_\_\_, until such Principal Amount shall have been paid. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months. The principal of, and redemption premium, if any, on this Bond, subject to prior redemption as hereinafter provided, shall be paid at maturity or upon earlier redemption to the person in whose name such Bond is registered on the registration books maintained by the Paying Agent and Bond Registrar (as herein defined) at the maturity or redemption date thereof, upon presentation and surrender of such Bond at the payment office of UMB Bank, N.A., or its successors or assigns (the "Paying Agent and Bond Registrar"). The interest payable on this Bond on any Interest Payment Date shall be paid by check or draft mailed by the Paying Agent and Bond Registrar to the person in whose name such Bond is registered on the registration books maintained by the Paying Agent and Bond Registrar at the close of business on the Record Date for such interest, which shall be the first day (whether or not a Business Day) of the month of such Interest Payment Date. Notwithstanding the foregoing, payment of the interest on this Bond shall be made by electronic transfer of immediately available funds to any registered Owner of \$1,000,000 or more in aggregate principal amount of Bonds at such electronic transfer address as such registered Owner shall specify if such registered Owner shall provide written notice to the Paying Agent and Bond Registrar not less than fifteen days prior to the Record Date on which any such payment is due requesting such electronic transfer and specifying such electronic transfer address. Such notice may, if so stated therein, apply to all subsequent payments to such registered Owner while such registered Owner owns at least \$1,000,000 in principal amount of the Bonds. The principal of and interest on this Bond shall be payable in lawful money of the United States of America.

THIS BOND is one of an authorized series of fully registered Bonds without coupons of the City designated "General Obligation Bonds, Series 2006" aggregating the principal amount of \$13,000,000 (the "Bonds"), issued by the City for the purpose of providing funds to pay the costs of the Project, under the authority of and in full compliance with the Constitution and laws of the State of Missouri, as further described in Ordinance No. \_\_\_\_\_ adopted by the Board of Aldermen of the City on \_\_\_\_\_, 2006 and approved by the Mayor of the City on \_\_\_\_\_, 2006 (the "Ordinance"). Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the Ordinance.

THE BONDS maturing on \_\_\_\_\_, \_\_\_\_\_ and thereafter may be called for redemption and payment prior to maturity, at the option of the City, on \_\_\_\_\_, \_\_\_\_\_, and thereafter, in whole or in part at any time in any order of maturity as selected by the City and in multiples of \$5,000 within a maturity, at the redemption price of \_\_\_\_\_% of the principal amount thereof plus accrued interest thereon to the date of redemption. The Bonds maturing \_\_\_\_\_, \_\_\_\_\_, shall be subject to mandatory redemption and payment prior to maturity pursuant to the mandatory redemption requirements of this paragraph on \_\_\_\_\_, \_\_\_\_\_, and on each \_\_\_\_\_ thereafter to and including \_\_\_\_\_, \_\_\_\_\_, at the principal amount thereof plus accrued interest to the redemption date, without premium. The City shall redeem, on \_\_\_\_\_ in each of the following years, the following principal amounts of such Bonds:

Year                      Principal Amount

Leaving \$ \_\_\_\_\_ principal amount of Bonds maturing on \_\_\_\_\_, \_\_\_\_\_, to be paid at maturity.

The Paying Agent shall each year in which Bonds are to be redeemed pursuant to the foregoing terms make timely selection of such Bonds or portions of such Bonds to be so redeemed and shall give notice thereof as provided in the Ordinance without further

instructions from the City.

The Paying Agent may, upon the receipt of written instructions from the Treasurer, use moneys on deposit in the Debt Service Fund at any time to purchase Bonds in the open market at a price not in excess of their principal amount, plus accrued interest thereon to the date of purchase. At the option of the Treasurer, such option to be exercised on or before the forty-fifth day next preceding any date on which Bonds are scheduled to be redeemed pursuant to this paragraph, the City may (i) deliver to the Paying Agent (a) for cancellation, Bonds in any aggregate principal amount desired, or (b) funds, together with appropriate instructions, for the purpose of purchasing any Bonds from any Owner thereof, whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical, or (ii) receive a credit in respect to the mandatory redemption obligation of the City under this paragraph for any Bonds of the same maturity that prior to such date have been redeemed or purchased (other than through the operation of the requirements of this paragraph) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this paragraph. Each Bond so delivered or previously purchased or redeemed pursuant to either of the two preceding sentences shall be credited at 100% of the principal amount thereof against the obligation of the City to redeem Bonds of the same maturity on any mandatory redemption date or dates as specified in writing by the City; provided that the total amount to be so credited with respect to any one mandatory redemption date shall in all cases be equal to \$5,000 or any integral multiple thereof. If the City intends to exercise the option granted by clauses (i) or (ii) above, the City shall, on or before the forty-fifth day next preceding any date on which Bonds are scheduled to be redeemed pursuant to this paragraph, furnish the Paying Agent a certificate signed by the City indicating to what extent such clauses (i) and (ii) are to be complied with in respect to such mandatory redemption requirement.

In the event the City shall elect to so redeem and pay any of the Bonds prior to maturity as aforesaid, the Comptroller shall give written notice of its intention to redeem and pay such Bonds on a specified date, identifying the Bonds or portions thereof to be redeemed, such notice to be given by first class mail addressed to the registered Owner of each Bond, such notice to be mailed at least thirty days but not more than sixty days prior to the date fixed for redemption. Whenever any Bond is called for redemption and payment as aforesaid, all interest on such Bond shall cease to accrue from and after the date for which such call is made, provided funds are available for the payment of such Bond at the price specified above.

BONDS shall be redeemed in any order of maturity as selected by the Comptroller and only in the principal amount of \$5,000 or any integral multiple thereof. When less than all of the Outstanding Bonds of any series are to be redeemed and paid prior to maturity, such Bonds shall be selected by the Paying Agent and Bond Registrar in \$5,000 units of face value in such equitable manner as the Paying Agent and Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then Outstanding, then for all purposes in connection with such redemption each \$5,000 of face value shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of face value represented by any fully registered Bond is selected for redemption, then upon notice of intention to redeem such \$5,000 unit or units, the registered Owner of such fully registered Bond or his attorney or legal representative shall forthwith present and surrender such Bond to the Paying Agent and Bond Registrar (1) for payment of the redemption price (including the premium, if any, and interest to the date fixed for redemption) of the \$5,000 unit or units of face value called for redemption, and (2) for exchange, without charge to the registered Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such fully registered Bond. If the Owner of any such fully registered Bond of a denomination greater than \$5,000 shall fail to present such Bond to the Paying Agent and Bond Registrar for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of the \$5,000 unit or units of face value called for redemption (and to that extent only).

THE BONDS constitute general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due. Notwithstanding the foregoing, the City reserves the option of obtaining a municipal bond insurance policy on some or all of the Bonds that unconditionally guarantees the payment of that portion of the principal of and the interest on the applicable Bonds which has become due for payment, but is unpaid by reason of nonpayment by the City.

THE BONDS are issuable in the form of fully registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The registered Owner of any Bond or Bonds may surrender the same to the Bond Registrar (together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered Owner or his duly authorized attorney) in exchange for an equal aggregate principal amount of Bonds in any denomination referred to above, subject to the conditions and upon payment of the charges provided in the Ordinance.

THIS BOND is transferable as provided in the Ordinance only upon the books kept for that purpose at the payment office of the Bond Registrar, by the registered Owner of this Bond in person, or by his duly authorized attorney, upon surrender of this Bond together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered Owner or his duly authorized attorney, and thereupon, a new Bond or Bonds in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance, and upon payment of the charges therein prescribed. The City, the Bond Registrar and the Paying Agent may deem and treat the person in whose name this Bond is registered on the registration books maintained by the Paying Agent and Bond Registrar as the absolute owner of this Bond for the purpose of receiving payment of, or on account of, the principal of this Bond and interest due hereon and for all other purposes.

THIS BOND shall not be valid or binding on the City or be entitled to any security or benefit under the Ordinance until this Bond shall have been authenticated by the execution by the Bond Registrar of the Certificate of Authentication hereon. When all of the Bonds shall have been paid and discharged or provision for their payment and discharge has been made in accordance with the terms of the Ordinance, then the requirements contained in the Ordinance, the pledge of the City's faith and credit made thereunder, and the rights granted thereunder shall terminate.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions and things required to be done and to exist precedent to and in the issuance of the Bonds have been done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Missouri; that a direct annual tax upon all taxable tangible property situated in the City has been levied for the purpose of paying the principal of and interest on the Bonds when due; and that the total indebtedness of the City, including this Bond and the series of which it is one, does not exceed any constitutional or statutory limitation.

STATEMENT OF INSURANCE

\_\_\_\_\_ has delivered its municipal bond insurance policy with respect to the scheduled payments due of principal of and interest on this Bond to \_\_\_\_\_, St. Louis, Missouri, or its successor, as paying agent for the Bonds. Said Policy is on file and available for inspection at the principal office of the Paying Agent and a copy thereof may be obtained from \_\_\_\_\_ or the Paying Agent.

IN WITNESS WHEREOF, THE CITY OF ST. LOUIS, MISSOURI has caused this Bond to be executed by the manual or facsimile signatures of the Mayor and Comptroller and approved as to form only by the City Counselor and attested by the manual or facsimile signature of the Register and its official seal to be affixed or imprinted hereon, and this Bond to be dated as of the Dated Date shown above.

THE CITY OF ST. LOUIS

(SEAL)

By: \_\_\_\_\_  
Mayor

ATTEST

By: \_\_\_\_\_  
Register

By: \_\_\_\_\_  
Comptroller

Approved as to form:

By: \_\_\_\_\_  
City Counselor

CERTIFICATE OF AUTHENTICATION

This Bond is one of the bonds described in the within-mentioned Ordinance. The date of authentication of this Bond is \_\_\_\_\_, 2006.

UMB Bank, N.A.,  
As Paying Agent

By: \_\_\_\_\_  
Authorized Signature

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sell(s), assign(s) and transfer(s) unto

\_\_\_\_\_  
(please print or typewrite name and address, including zip code, of Transferee)

PLEASE INSERT SOCIAL SECURITY OR OTHER

IDENTIFYING NUMBER OF TRANSFEREE: \_\_\_\_\_

the within Bond and all rights thereunder, hereby irrevocably constituting and appointing \_\_\_\_\_, Attorney, to transfer said Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_  
Signature Guaranteed

\_\_\_\_\_

NOTICE: Signature(s) must be guaranteed by an Eligible Guarantor Institution (as defined by SEC Rule 17 Ad-15 (17 CFR 240.17 AD-15))

(Signature of Registered Owner)

NOTICE: The signature above must correspond with the name of the registered Owner as it appears on the front of this bond in every particular, without alteration or enlargement or any change whatsoever.

## SECTION FIVE. APPLICATION OF BOND PROCEEDS

### 501. Creation of Funds.

- (a) The following funds are hereby created in the City's Treasury to be maintained by the Treasurer of the City:
- (i) the Series 2006 Project Fund ("Project Fund")
  - (ii) the Series 2006 Debt Service Fund ("Debt Service Fund")
  - (iii) the Series 2006 Costs of Issuance Fund (the "Costs of Issuance Fund")
  - (iv) the Series 2006 Rebate Fund (the "Rebate Fund").

### 502. Disposition of Bond Proceeds and Other Moneys.

- (a) All accrued interest, if any, received from the sale of the Bonds shall be deposited in the Debt Service Fund established by City's Treasury and maintained by the Treasurer of the City and invested pursuant to the provisions of the City Charter, state law, the provisions herein and the Tax Compliance Agreement for the retirement of general obligation bonds of the City.
- (b) A sum received from the sale of the Bonds shall be deposited into the Costs of Issuance Fund, established in the City's Treasury and disbursed by the Comptroller of the City.
- (c) A sum equaling the remaining balance of the proceeds derived from the sale of the Bonds shall be deposited in the Project Fund and invested pursuant to the provisions of the City's Charter, state law, the provisions herein and the Tax Compliance Agreement.

**503. Application of Moneys in the Costs of Issuance Fund.** Moneys in the Costs of Issuance Fund shall be disbursed by the Comptroller of the City on invoices of those engaged to render professional services and other fees, costs and expenses incurred in connection with the issuance of the Bonds. Any surplus remaining in the Costs of Issuance Fund, shall after a reasonable time be transferred to and deposited in the Debt Service Fund.

**504. Application of Moneys in the Debt Service Fund.** The accrued interest received upon the sale of the Bonds, if any, and the moneys received from the taxes levied and collected pursuant to Section 602 shall be deposited in the Debt Service Fund and shall be applied by the Treasurer of the City solely for the payment of the principal of, premium, if any, and interest on the Bonds when due, and the fees and expenses of the Paying Agent and Bond Registrar, in the manner provided in Section 602. The Treasurer of the City is authorized and directed to withdraw from the Debt Service Fund sums sufficient to pay the principal of, premium, if any, and interest on the Bonds and such fees and expenses of the Paying Agent and Bond Registrar as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, premium, interest, fees and expenses will become due.

**505. Project Fund.** The City shall make withdrawals from the Project Fund solely for the purpose of paying the costs of the Project, as provided above. Such withdrawals shall be made only upon a duly authorized certificate executed by the Comptroller of the City instructing the Treasurer that the obligation is a lawful debt to be paid by the Treasurer, that such payment is being made for a purpose within the scope of this Ordinance and that the amount of such payment represents only the contract price of replacement, improvement, construction, reconstruction, repair, maintenance, property, equipment, labor, materials or service being paid for or, if such payment is not being made pursuant to an express contract, that such payment is not in excess of the reasonable value thereof. Nothing contained herein shall allow the payment out of any funds of the cost and expenses incident to the issuance of the Bonds without a certificate from the Comptroller of the City. Upon completion of the Project, as certified to the Board of Aldermen by the Comptroller of the City, any surplus remaining in the Project Fund shall be transferred and deposited in the Debt Service Fund.

### 506. Rebate Fund.

- (a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Tax Compliance Agreement. Subject to the payment provisions provided in subsection (b) below, all amounts on deposit at any time in the Rebate Fund shall be held by the Treasurer in trust to the extent required to pay

rebateable arbitrage to the United States of America, and neither the City nor the Owner of any Bonds shall have any rights in or claim to such money. All amounts held in the Rebate Fund shall be governed by this Section and by the Tax Compliance Agreement.

- (b) Pursuant to the Tax Compliance Agreement, the City shall remit all required rebate installments and a final rebate payment to the United States from moneys held in the Rebate Fund created in this Ordinance or from other moneys. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any rebateable arbitrage shall be withdrawn and paid to the City free and clear of any lien of this Ordinance.
- (c) Notwithstanding any other provision of this Ordinance, the obligation to pay rebateable arbitrage to the United States and to comply with all other requirements of this Section and the Tax Compliance Agreement shall survive the defeasance or payment in full of the Bonds until all rebateable arbitrage shall have been paid.

#### SECTION SIX. PAYMENT OF THE BONDS

**601. Security for the Bonds.** The Bonds shall be general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

**602. Levy and Collection of Annual Tax.** For the purpose of providing for the payment of the Bonds, as the same becomes due, there is hereby levied upon all of the taxable tangible property within the City a direct annual tax sufficient to meet principal of and interest requirements on the Bonds. The amounts of the principal of and interest on the Bonds resulting from the tax levy shall be set forth in the Bond Purchase Agreement.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other taxes of the City are levied and collected. The proceeds derived from such taxes shall be deposited in the Debt Service Fund, shall be kept separate and apart from all other funds of the City, and shall be used solely for the payment of the principal of, premium, if any, and interest on the Bonds, as and when the same shall become due, and the fees and expenses of the Paying Agent. If at any time such taxes are not collected in time to pay the principal of, premium, if any, or interest on the Bonds when due, the Treasurer of the City is hereby authorized and directed to pay such principal, premium, if any, or interest out of the Debt Service Fund or the general funds of the City and to reimburse such Debt Service Fund or the general funds for money so expended when such taxes are collected.

**603. Surplus in the Debt Service Fund.** Any moneys or investments remaining in the Debt Service Fund after the retirement of the indebtedness for which the Bonds were issued and all other indebtedness of the City shall be transferred and paid into the general fund of the City free and clear of the lien of this Ordinance.

**604. Bond Insurance.** The City is hereby authorized at its option and upon recommendation of its Financial Advisor, to obtain a Bond Insurance Policy for some or all of the Bonds from a Bond Insurer that has a credit rating such that the City will achieve, in the opinion of the Financial Advisor, an economic benefit if such Bonds are secured by the Bond Insurance Policy. If the Bond Insurance is obtained, the Comptroller is hereby authorized to approve the terms of any agreement for a Bond Insurance Policy with the Bond Insurer, and the Comptroller, with the advice of the City Counselor as to form thereof and attested by the Register, is hereby authorized and directed to execute such agreement for the Bond Insurance Policy and other documents in connection therewith as required to obtain the Bond Insurance Policy. The premium payable with respect to any Bond Insurance Policy shall be payable out of the proceeds of the Bonds as a cost of issuance.

#### SECTION SEVEN. DEPOSIT AND INVESTMENT OF FUNDS

**701. Deposits of Moneys.** Cash moneys in each of the funds and accounts created by and referred to in this Ordinance shall be deposited at the direction of the Treasurer of the City with a bank or banks located in the State of Missouri which are members of the Federal Deposit Insurance Corporation, and all such bank deposits shall be continuously and adequately secured by the banks holding such deposits as provided by the laws of the State of Missouri, and the Charter and ordinances of the City, or otherwise invested as provided in Paragraph 702 of this Ordinance. All moneys held in the funds and accounts created by this Ordinance shall be accounted for separately and apart from all other funds of the City.

**702. Investment of Funds.** Moneys held in any fund or account referred to in this Ordinance may be invested by the Treasurer of the City pursuant to and in compliance with the provisions of the City Charter, state law, and the provisions of the Tax Compliance Agreement in Governmental Obligations or in such other obligations as may be permitted by law and the Charter and ordinances of the City; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund or account was created. All interest on any investments held in any fund or account shall accrue to and become a part of such fund or account.

**703. Tax Covenant.** The City covenants that it will not take any action or permit any action to be taken or omit to take any action or permit the omission of any action reasonably within its control which action or omission will cause the interest on the Bonds to be included in gross income for federal income taxation purposes or otherwise adversely affect the exemption of the interest on the Bonds from federal and State of Missouri income taxation. This covenant shall survive the payment of the Bonds and

the termination of this Ordinance as provided in Section Ten of this Ordinance.

**704. Tax Compliance Agreement.** The Mayor, Comptroller and/or the Treasurer of the City are hereby authorized and directed to execute and deliver the Tax Compliance Agreement on behalf of the City with the approval as to form by the City Counselor, and the signatures of the City officials executing the same shall be conclusive as to their approval of the Tax Compliance Agreement by the City.

#### **SECTION EIGHT. DEFAULT AND REMEDIES**

**801. Remedies.** The provisions of this Ordinance, including the covenants and agreements herein contained, shall constitute a contract between the City and the registered Owners of the Bonds. The registered Owner or registered Owners of twenty-five percent (25%) or more of the principal amount of Bonds at the time Outstanding shall have the right, for the equal benefit and protection of all registered Owners of Bonds similarly situated:

- (a) By mandamus or other suit, action or proceedings at law or in equity to enforce his or their rights against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Ordinance or by the Constitution and laws of the State of Missouri; and
- (b) By suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the registered Owners of the Bonds.

**802. Limitation on Rights of Registered Owners.** No one or more registered Owners of the Bonds secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all registered Owners of such Outstanding Bonds.

**803. Remedies Cumulative.** No remedy conferred herein upon the registered Owners of the Bonds is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the registered Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any registered Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the registered Owners of the Bonds by this Ordinance may be enforced and exercised from time to time and as often as may be deemed expedient.

**804. No Acceleration.** Notwithstanding anything herein to the contrary, the Bonds are not subject to acceleration upon the occurrence of an event of default hereunder.

#### **SECTION NINE. PAYING AGENT AND BOND REGISTRAR**

##### **901. Successor Paying Agent and Bond Registrar.**

- (a) Any corporation or association into which the Paying Agent and Bond Registrar may be converted or merged, or with which it may be consolidated, or to which it may sell or transfer its corporate trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation or transfer to which it is a party, provided that such surviving corporation or association shall maintain an office in the State of Missouri, shall be and become the successor Paying Agent and Bond Registrar hereunder, without the execution or filing of any instrument or any further act, deed or conveyance on the part of any of the parties, anything herein to the contrary notwithstanding.
- (b) The Paying Agent and Bond Registrar may at any time resign by giving thirty (30) days' notice to the City. Such resignation shall not take effect until the appointment of a successor Paying Agent and Bond Registrar.
- (c) The Paying Agent and Bond Registrar may be removed at any time by an instrument in writing delivered to the Paying Agent and Bond Registrar by the City. In no event, however, shall any removal of the Paying Agent and Bond Registrar take effect until a successor Paying Agent and Bond Registrar shall have been appointed.
- (d) In case the Paying Agent and Bond Registrar shall resign or be removed, or be dissolved, or shall be in the course of dissolution or liquidation, or otherwise become incapable of acting as Paying Agent and Bond Registrar, or in case it shall be taken under the control of any public officer or officers, or of a receiver appointed by a court, a successor shall be appointed by the City. Every successor Paying Agent and Bond Registrar appointed pursuant to the provisions of this Section shall be, if there be such an institution willing, qualified and able to accept the duties of the Paying Agent and Bond Registrar upon customary terms, a bank or trust company within the State of Missouri, in good standing and having or being wholly owned by an entity having reported capital and surplus of not less than \$10,000,000. Written notice of such appointment shall immediately be given by the City to the Owners of the Bonds. Any successor Paying Agent and Bond Registrar shall execute and deliver an instrument accepting such appointment and thereupon such successor, without any further act, deed or conveyance, shall become fully vested with all rights, powers, duties and obligations of its predecessor, with like effect as if

originally named as Paying Agent and Bond Registrar, but such predecessor shall nevertheless, on the written request of the City, or of the successor, execute and deliver such instruments and do such other things as may reasonably be required to more fully and certainly vest and confirm in such successor all rights, powers, duties and obligations of such predecessor. If no successor Paying Agent and Bond Registrar has accepted appointment in the manner provided above within 90 days after the Paying Agent and Bond Registrar has given notice of its resignation as provided above, the Paying Agent and Bond Registrar may petition any court of competent jurisdiction for the appointment of a temporary successor Paying Agent and Bond Registrar; provided that any Paying Agent and Bond Registrar so appointed shall immediately and without further act be superseded by a Paying Agent and Bond Registrar appointed by the City as provided above.

## **SECTION TEN. DEFEASANCE**

### **1001. Satisfaction and Discharge of this Ordinance.**

- (a) When the principal of, premium, if any, and interest on all the Bonds shall have been paid in accordance with their terms or provision has been made for such payment, as provided in Paragraph 1002 of this Ordinance, and provision shall also be made for paying all other sums payable hereunder, including the fees and expenses of the Paying Agent and Bond Registrar to the date of retirement of the Bonds, and all sums payable according to the provisions of the Tax Compliance Agreement, then the requirements contained in this Ordinance, except as otherwise provided herein, and the pledge of the City's faith and credit made hereunder and all other rights granted hereby shall terminate, cease, determine and be void, and thereupon the Paying Agent and Bond Registrar shall execute, acknowledge and deliver to the City such instruments of satisfaction and discharge or release as the City shall request to evidence such release and the satisfaction and discharge of this Ordinance and shall transfer all amounts remaining in the funds and accounts created hereby to the City except funds or securities in which such moneys are invested and held by the Paying Agent and Bond Registrar for the payment of the principal of, premium, if any, and interest on the Bonds and any funds or securities in which such moneys are invested and held by the Paying Agent and Bond Registrar for payment of rebate payments required under Section 148(f) of the Code.
- (b) The City is hereby authorized to accept a certificate of the Paying Agent and Bond Registrar stating that the whole amount of the principal, premium, if any, and interest so due and payable upon all of the Bonds then Outstanding has been paid or provision for such payment has been made in accordance with Paragraph 1002 of this Ordinance.
- (c) Notwithstanding the foregoing, nothing herein shall be construed to imply that any obligation imposed under the Tax Compliance Agreement will terminate on the payment in full, or provision for payment thereof, of the Bonds.

### **1002. Bonds Deemed to Be Paid.**

- (a) Bonds shall be deemed to be paid within the meaning of this Section when payment of the principal of and the applicable redemption premium, if any, on such Bonds, plus interest thereon to the due date thereof (whether such due date is by reason of maturity or upon redemption as provided in this Ordinance, or otherwise), either (i) shall have been made or caused to be made in accordance with the terms of this Ordinance, or (ii) provision therefor shall have been made by depositing with the Paying Agent and Bond Registrar, or other bank located in the State of Missouri and having trust powers, at or prior to the maturity or redemption date of such Bonds, in trust for and irrevocably appropriated thereto, (1) moneys sufficient to make such payment or (2) noncallable Government Obligations, maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment; provided, however, that there shall be filed with the Paying Agent and Bond Registrar a verification report of a nationally recognized independent certified accounting firm that the moneys or Government Obligations escrowed are sufficient to ensure the availability of sufficient moneys to make such payments when due and an opinion of Bond Counsel to the effect that so providing for the payment of any Bonds will not cause the interest on the Bonds to be includible in gross income for purposes of federal income taxation. At such time as a Bond shall be deemed to be paid hereunder, as aforesaid, such Bond shall no longer be secured by or be entitled to the benefits of this Ordinance, except for the purposes of any such payment from such moneys or Government Obligations; provided, however, that nothing herein shall be construed to imply that any obligation imposed under the Tax Compliance Agreement will terminate on the payment in full, or provision for payment thereof, of the Bonds.
- (b) Notwithstanding the foregoing, in the case of Bonds which by their terms may be redeemed prior to the stated maturities thereof, no deposit under clause (ii) of subparagraph (a) above shall be deemed a payment of such Bonds as aforesaid until, as to all such Bonds which are to be redeemed prior to their respective stated maturities, the City shall have irrevocably elected to redeem such Bonds and proper notice of such redemption shall have been given in accordance with Section Three of this Ordinance or irrevocable instructions shall have been given to the Paying Agent and Bond Registrar to give such notice.
- (c) Notwithstanding any provision of any other Section of this Ordinance which may be contrary to the provisions of this Section, all moneys or Government Obligations set aside and held in trust pursuant to the provisions of

this Section for the payment of Bonds (including premium thereon, if any) and interest thereon shall be and are hereby irrevocably appropriated for and shall be applied to and be used solely for the payment of the particular Bonds (including premium thereon, if any) and interest thereon with respect to which such moneys and Government Obligations have been so set aside in trust.

- (d) All moneys deposited with the Paying Agent and Bond Registrar or other bank shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

#### SECTION ELEVEN. MISCELLANEOUS PROVISIONS

**1101. Governing Law.** This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

**1102. Official Statement.** The Mayor, the Comptroller, the Treasurer and other appropriate City officials are hereby authorized and directed to participate in the preparation of the preliminary official statement and the final official statement for the issuance and sale of the Bonds and are further authorized and directed to execute and deliver such documents with their signature thereon to be conclusive of such approval by the City. For the purpose of enabling the original purchaser of the Bonds to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the appropriate officials of the City are hereby authorized, if requested, to provide a letter or certification and to take such further actions or execute such documents as such officials in their reasonable judgment deem necessary to enable the original purchasers of the Bonds to comply with the requirements of Rule 15c2-12(b)(1).

**1103. Continuing Disclosure.** The Mayor and Comptroller of the City are hereby authorized and directed to execute the Continuing Disclosure Agreement, on behalf of the City, with approval as to form by the City Counselor, in such form and with changes, modifications or completions thereof not inconsistent with the provisions of this Ordinance as the City officials executing the same shall approve, and signatures of the City officials executing the same shall be conclusive as to their approval of the Continuing Disclosure Agreement by the City. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Agreement. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Agreement shall not be considered an event of default hereunder; however, any Bondholder or Beneficial Owner may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this paragraph. For purposes of this Section, "Beneficial Owner" means any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the Owner of any Bonds for federal income tax purposes.

**1104. Bond Purchase Agreement.** The Mayor, Comptroller and Register of the City are hereby authorized and directed to execute the Bond Purchase Agreement between the City and the Underwriters with the approval as to form by the City Counselor, and the signatures of the City officials executing the same shall be conclusive as to their approval of the Bond Purchase Agreement by the City. The City hereby agrees that it will comply with and carry out its obligations under the provisions of the Bond Purchase Agreement. The City's obligations under the Bond Purchase Agreement are subject to the performance of the Underwriters of their obligations thereunder.

**1105. Further Authorization.** The Mayor, Comptroller, Treasurer and Register of the City are hereby authorized, empowered and directed to do all such acts and things and to execute, acknowledge and deliver all such documents (including, without limiting the generality of the foregoing, any bond purchase agreement requested by any purchaser of the Bonds, any bond insurance agreement, any closing certificate, tax compliance agreement, arbitrage certificate or arbitrage regulation agreement in connection with the issuance of the Bonds) as may in his, her or their discretion be deemed necessary or desirable in order to carry out or comply with the terms and provisions of this Ordinance and the Official Statement and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments or other documents herein approved, authorized and confirmed which they may approve and the execution or taking of such action shall be taken as conclusive evidence of its necessity or advisability. All of the acts and undertakings of such officers which are in conformity with the intent and purposes of this Ordinance, whether heretofore or hereafter taken or done shall be and the same are hereby in all respects, ratified, confirmed and approved. Such entities shall be compensated for their service as deemed appropriate by the officers of the City.

**1106. Private Sale.** The Board of Aldermen of the City hereby declares that it is in its best interest to sell the Bonds at private negotiated sale at the best price obtainable as the Comptroller shall determine in her sole discretion, subject to the terms of this Ordinance and to the interest rate and par value limitations set forth in Section 108, Missouri Revised Statutes, as amended. The Board of Aldermen finds that a public sale of the Bonds would cause additional expense to the City and that the condition of the current financial markets makes such a public sale not feasible or the best course of action for the City. The Mayor, Comptroller, Register, and City Counselor are hereby authorized to execute the Bond Purchase Agreement.

**1107. Authorized Officials; Further Authority.** The Mayor, the Comptroller, the Treasurer, the Register and other appropriate officers, agents and employees of the City, with the advice and concurrence of the City Counselor, are hereby authorized and empowered to execute and deliver the Bonds, the Bond Purchase Agreement, the Continuing Disclosure Agreement, any investment or related agreements, and all documents and other instruments which may be required under the terms of the Bond Purchase Agreement, the Preliminary Official Statement, the Official Statement, the Continuing Disclosure Agreement, any agreement for credit enhancement and/or a credit facility or other documents in connection therewith as necessary to obtain credit enhancement and/or a credit facility, and this Ordinance, including, without limitation, applications, notices and other forms required

to qualify the Bonds for sale under state securities or "Blue Sky" laws. The Mayor, the Comptroller, the Treasurer, the Register and other appropriate officers, agents and employees of the City, with the advice and concurrence of the City Counselor, are hereby authorized and empowered to execute such documents and to take such actions as are necessary or appropriate in connection with the issuance and sale of the Bonds and the consummation of the transactions contemplated hereby.

**1108. Repeal of Other Ordinances.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance shall be and the same hereby are repealed, insofar as they may so conflict.

**1109. Severability.** The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be illegal or unconstitutional, the remaining sections of this Ordinance are valid unless the court finds the valid sections of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the void section that it cannot be presumed that the Board of Aldermen would have enacted the valid sections without the void sections; or unless the court finds the valid sections, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

**1110. Emergency.** The passage of this Ordinance and the payment of the obligations to be provided for hereunder are necessary for the immediate preservation of the public peace, health and safety; an emergency is hereby declared to exist under the terms and provisions of Article IV, Sections 19 and 20, of the Charter of The City of St. Louis; and this Ordinance shall take effect immediately upon its approval by the Mayor.

**Approved: July 18, 2006**

**ORDINANCE #67177  
Board Bill No. 138**

An ordinance authorizing and directing the Mayor and Comptroller of the City of St. Louis to execute, upon receipt of and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, a Quit Claim Deed to remise, release and forever quit-claim unto Mark Twain Community Alliance, Inc., certain City-owned property located in City Block 5143, which property is known as 5076 West Florissant Avenue, and containing an emergency clause.

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

**SECTION ONE.** The Mayor and Comptroller are hereby authorized and directed to execute, upon receipt of and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, a Quit Claim Deed, attached hereto as Exhibit A, to remise, release and forever quit-claim unto Mark Twain Community Alliance, Inc., certain City-owned property located in City Block 5143, which property is known as 5076 West Florissant Avenue, and which is more fully described in said Exhibit A.

**SECTION TWO.** Emergency Clause. This ordinance, being necessary for the immediate preservation of public peace, health, safety, and general welfare, shall be and is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and, as such, this ordinance shall take effect immediately upon its passage and approval by the Mayor.

**Exhibit A**

**QUIT CLAIM DEED**

THIS DEED, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by and between the City of Saint Louis, a municipal corporation of the State of Missouri, 1200 Market Street, St. Louis, Missouri 63103, (Grantor), and Mark Twain Community Alliance, Inc., whose address is 5312 Queens Avenue, St. Louis, Missouri 63115, (Grantee).

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) to it paid by the said Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, does by these presents Remise, Release, and Quit-Claim unto the said Grantee, the following described Real Estate, situated in the City of Saint Louis and State of Missouri, to-wit:

Lots fourteen (14) and fifteen (15) of North Saint Louis Heights and in Block Fifty One Hundred Forty Three (5143) of the City of Saint Louis, together fronting One Hundred (100) feet on the south line of West Florissant Avenue by a depth southwardly of One Hundred Fifty (150) feet to an alley. Bounded west by Ruskin Avenue. Also known as 5076 West Florissant Avenue, parcel ID 5143-00-02000, formerly known as the Sixth District Police Station, together with any improvements thereon.

Subject to restrictions, covenants, and easements of record.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the said Grantee, and to its heirs and assigns, so that neither the said Grantor, nor its heirs, nor any other person or persons for it or in its name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises, or any part thereof, but they and every one of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, the said Grantor and Grantee have executed these presents the day and year first above written.

THE CITY OF SAINT LOUIS  
(Grantor)

MARK TWAIN COMMUNITY  
ALLIANCE, INC.  
(Grantee)

BY: \_\_\_\_\_  
Francis G. Slay  
Mayor

By: \_\_\_\_\_  
Marguerite Ghant  
President

BY: \_\_\_\_\_  
Darlene Green  
Comptroller

Approved as to form:

\_\_\_\_\_  
Patricia A. Hageman  
City Counselor

Attest:

\_\_\_\_\_  
Parrie L. May  
City Register

State of Missouri )  
                          ) ss.  
City of St. Louis )

On this \_\_\_\_ day of \_\_\_\_\_, 2006, before me appeared Francis G. Slay and Darlene Green to me personally known, who being by me duly sworn did say that they are the Mayor and the Comptroller of the City of Saint Louis, respectively, and that they are authorized to execute this Quit Claim Deed on behalf of the City of Saint Louis under the authority of Ordinance \_\_\_\_\_ and acknowledged said instrument to be the free act and deed of the City of Saint Louis.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the City and State aforesaid, the day and year first above written.

\_\_\_\_\_  
Notary Public

State of Missouri )  
                          ) ss.  
City of St. Louis )

On this \_\_\_\_ day of \_\_\_\_\_, 2006, before me appeared Marguerite Ghant, to me personally known, who being by me duly sworn did say that she is the President of Mark Twain Community Alliance, Inc., and that she is authorized to execute this Quit Claim Deed on behalf of said corporation under the authority of its board of directors, and acknowledged that she executed said instrument as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the City and State aforesaid, the day and year first above written.

\_\_\_\_\_  
Notary Public

Approved: July 18, 2006

**ORDINANCE #67178  
Board Bill No. 46**

**AN ORDINANCE AMENDING ORDINANCE NO. 66983 BY CHANGING THE BOUNDARY OF THE PARK EAST LOFTS PLANNED UNIT DEVELOPMENT DISTRICT APPROVED BY SAID ORDINANCE BY ADDING APPROXIMATELY 475 SQUARE FEET TO SAID PLANNED UNIT DEVELOPMENT DISTRICT:**

**WHEREAS**, on February 16, 2006 the City of St. Louis approved the Park East Lofts Planned Unit Development District containing over 39,000 square feet in area; and,

**WHEREAS**, it has been determined that an additional amount of area containing approximately 475 square feet is needed for the project contemplated to be developed in the Planned Unit Development District; and,

**WHEREAS**, the inclusion of the additional space is in the best interest of the City and will not be a detriment to neighboring properties;

**NOW THEREFORE, BE IS RESOLVED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE. Finding of Fact.** The Board of Aldermen of the City of St. Louis hereby find and determine that the addition to the Park East Lofts Planned Unit Development District as established by Ordinance No. 66983 of a tract of land in City Block 3884 measuring approximately 18.98 feet by 25 feet and more particularly described in Exhibit A attached hereto, encourages appropriate development, is in the best interest of the City, and meets the conditions set forth in Section 26.80.050 E. of the Revised Code of the City of St. Louis.

**SECTION TWO. The Amendment of Park East Lofts Planned Unit Development.** The boundaries of the Park East Lofts Planned Unit Development District as provided for in Section Four of Ordinance 66983 is hereby amended to be and read as follows:

A tract of land lying in City Block 3884 of the City of St. Louis, Missouri and being all of Lots 18 & 20 and part of Lot 16 of Dameron's Subdivision, a subdivision filed for record in Plat Book 19, Page 124 of the Land Records of said City of St. Louis; all of that portion of South Court vacated by Ordinance No. 63607; all that portion of Buckingham Court vacated by Ordinance No. 65478; and part of Buckingham Court, to be vacated and being more particularly described as follows:

Commencing at the intersection of the West right-of-way line of Euclid Avenue, 60 feet wide and the North right-of-way line of Laclede Avenue, 80 feet wide, said intersection also being the Southeast corner of said City Block 3884 and Southeast corner of Lot 19 of said Dameron's Subdivision; thence along West right-of-way line of Euclid Avenue and the East line of said Lot 19, North 00 degrees 10 minutes 48 seconds West, a distance of 100.04 feet to the Southeast corner of said Lot 20, said corner also being the Northeast corner of said Lot 19 and the TRUE POINT OF BEGINNING for the herein described tract; thence along the common line between said Lots 19 and 20, the common line between said Lot 18 and Lot 17 of said Dameron's Subdivision, the South line of that portion of South Court vacated by Ordinance No. 63607 and said South line of said Lot 16, North 82 degrees 00 minutes 00 seconds West, a distance of 284.86 feet; thence leaving said South line of Lot 16, North 08 degrees 00 minutes 00 seconds East, a distance of 99.02 feet to the South right-of-way line of Buckingham Court, 50 feet wide, also being the North line of said Lot 16; thence North 08 degrees 00 minutes 00 seconds East, a distance of 25.00 feet; thence South 82 degrees 00 minutes 00 seconds East, a distance of 18.98 feet; thence North 08 degrees 00 minutes 00 seconds East, a distance of 25.00 feet to the intersection of the North right-of-way line of said Buckingham Court and the East Right-of-way line of North Court, 44 feet wide; thence along said North right-of-way line of Buckingham Court, vacated by said Ordinance No. 65478, South 82 degrees 00 minutes 00 seconds East, a distance of 244.46 feet to the intersection of said North right-of-way line of said vacated Buckingham Court and said West right-of-way line of Euclid Avenue; thence South 00 degrees 10 minutes 48 seconds East, a distance of 50.51 feet to the intersection of the South right of way line of vacated Buckingham Court and said West right-of-way line of Euclid Avenue, said intersection also being the Northeast corner of said Lot 20; thence along the Easterly line of said Lot 20, also being the West right-of-way line of said Euclid Avenue, South 00 degrees 10 minutes 48 seconds East, a distance of 100.04 feet to the point of beginning.

Containing 0.927 Acres (40,380 Square Feet), according to a survey by J. R. Grimes Consulting Engineers, Inc.

**SECTION THREE.** All other terms and conditions contained in Ordinance 66983 are hereby reaffirmed and shall apply to all area within the amended boundary of the District.

**Approved: July 24, 2006**