

2 **AN ORDINANCE APPROVING THE PETITION OF 1209**
3 **WASHINGTON, LLC AS OWNER OF CERTAIN REAL PROPERTY, TO**
4 **ESTABLISH A COMMUNITY IMPROVEMENT DISTRICT,**
5 **ESTABLISHING THE 1201 WASHINGTON COMMUNITY**
6 **IMPROVEMENT DISTRICT, FINDING A PUBLIC PURPOSE FOR THE**
7 **ESTABLISHMENT OF THE 1201 WASHINGTON COMMUNITY**
8 **IMPROVEMENT DISTRICT, AND CONTAINING A SEVERABILITY**
9 **CLAUSE.**

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

13 **WHEREAS**, a petition (the “Petition”) signed by an authorized representative of the
14 owner of all property located within the 1201 Washington Community Improvement District has
15 been filed with the City, requesting formation and establishment of the 1201 Washington
16 Community Improvement District; and

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

19 **WHEREAS**, a public hearing, duly noticed and conducted as required by and in
20 accordance with the CID Act was held at _____ on _____, by the Board of
21 Aldermen; and

1 **WHEREAS**, this Board of Aldermen hereby finds that the adoption of this ordinance is
2 in the best interest of the City of St. Louis and that the property owners of the 1201 Washington
3 Community Improvement District, as well as the City as a whole, will benefit from the
4 establishment of the 1201 Washington Community Improvement District.

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

6 **Section One.**

7 (a) A community improvement district, to be known as the “1201 Washington
8 Community Improvement District” (hereinafter referred to as the “District”), is hereby
9 established pursuant to the CID Act on that real property identified at the time of adoption of this
10 ordinance by Parcel Identification Number 05190000300 and 05190000400 to provide services,
11 construct improvements, impose taxes and carry out other functions as set forth in the Petition,
12 which is attached hereto as Appendix A and incorporated herein by this reference.

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

15 A parcel of ground located in City Block 519 of the City of St. Louis, Missouri, described
16 as follows:

17
18 Beginning at the Northeast corner of City Block 519; thence Westwardly along the
19 Southern line of Lucas Avenue 212.13 to a point; thence continuing Southwardly 137.41
20 feet having an angle to the right of 90 degrees (90°) to a point on the Northern line of
21 Washington Avenue, 80 feet wide; thence continuing along the Northern line of
22 Washington Avenue, 212.13 feet having an angle to the right of Ninety degrees (90°) to a
23 point; thence continuing along the Western edge of Tucker Avenue 137.41 feet having an
24 angle to the right of Ninety degrees (90°) to the point of beginning. Said property
25 contains 29,148 square feet or 0.669 acres.

26 **Section Two.**

27 (a) The District is authorized by the CID Act to use any one or more of the
28 assessments or other funding mechanisms specifically authorized by the CID Act to provide
29 funds to accomplish any power, duty or purpose of the District; provided, however, the District

1 shall not have the authority to impose any assessment on any real property located in a special
2 business district authorized pursuant to Mo. Rev. Stat. §71.790 et seq. or on any business or
3 individual doing business in such special business district until the taxes imposed by such special
4 business district have been repealed by such special business district.

5 (b) The District is authorized by the Petition, in accordance with the CID Act to impose a
6 sales and use tax at a rate not to exceed one percent (1%) on retail sales within the District to
7 provide funds to accomplish any power, duty or purpose of the District.

8 (c) The District is authorized by the CID Act to establish different classes of real property
9 within the District for purposes of special assessments. The levy rate for special assessments
10 may vary for each class or subclass based on the level of benefit derived from services or
11 improvements funded, provided or caused to be provided by the District.

12 (d) The District is authorized by the CID Act to assess and collect an annual special
13 assessment on all property within the District. It is anticipated that the District will establish two
14 (2) classes of real property within the District for purposes of special assessments, which classes
15 will be distinguished on the basis of the use of each parcel of property as residential or
16 commercial classification by the Assessor of the City of St. Louis (the "Assessor"). The
17 residential class shall consist of all residential condominium units within the District (the
18 "Residential Class"). Special assessments applicable to the Residential Class shall not exceed
19 \$2.50 per each \$100 of the Original Sale Price paid by the initial purchaser of a residential unit
20 (the "Original Sale Price") for each residential unit of real property within the District (each, a
21 "Unit"), beginning for each respective Unit on the date, as determined by the Assessor, of the
22 commencement of tax abatement for such Unit (for each Unit, the "Initial Assessment Date").
23 For any Units which remain unsold on the Initial Assessment Date, the special assessment shall

1 be determined using the average sale price for comparably sized and equipped units as of the
2 Initial Assessment Date.

3 The Commercial Class shall consist of all property located in the District used primarily
4 for commercial purposes (the “Commercial Class”). Special assessments applicable to the
5 Commercial Class will be calculated on the basis of square footage. The maximum rate shall be
6 \$4.00 per square foot.

7 (e) The District shall have no power to levy any real property tax upon real property
8 within its boundaries.

9 **Section Three.**

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

23

1 **Section Four.**

2 (a) Pursuant to the Petition, the District shall be in the form of a political
3 subdivision of the State of Missouri, known as the 1201 Washington Community Improvement
4 District.

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

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

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

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

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

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

4 **Section Eight.** The District is located in the Washington Avenue Loft Area, which was
5 declared “blighted” under Chapter 99 RSMo. in Ordinance No. 62395 of the City of St. Louis
6 Board of Aldermen.

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

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

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

22 **Section Twelve.** The Register shall report in writing the creation of the 1201 Washington
23 Community Improvement District to the Missouri Department of Economic Development.

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

8 (1) Andrew J. Hillin (four years), as legally authorized representative of 1209
9 Washington, LLC, an owner of property within the District;

10 (2) John Monshausen (four years), as legally authorized representative of
11 Jacob Development Group, LLC, a business operating within the District;

12 (3) Penny Carlyon (two years), as legally authorized representative of JDG
13 Development Company, LLC, a business operating within the District;

14 (4) Don Monshausen (two years), as legally authorized representative of
15 Jacob Management Company, LLC, a business operating within the District; and

16 (5) Emily Murnin (two years), as legally authorized representative of Jacob
17 Realty, LLC, a business operating within the District.

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

APPENDIX A

1201 Washington Community Improvement District Petition

ON FILE WITH THE CITY OF ST. LOUIS REGISTER'S OFFICE