

Ordinance 60196
COMMITTEE SUBSTITUTE
BOARD BILL 455

AN ORDINANCE ESTABLISHING THE CWE SOUTH BUSINESS DISTRICT, A SPECIAL BUSINESS DISTRICT, SETTING ITS BOUNDARIES, TAX RATE, INITIAL LEVY, BONDING AUTHORITY, USES TO WHICH REVENUE MAY BE PUT, AND CREATING A CWE SOUTH BUSINESS DISTRICT BOARD OF COMMISSIONERS AND CONTAINING A SEVERABILITY CLAUSE AND AN EFFECTIVENESS CLAUSE.

WHEREAS, petitions signed by property owners and occupants of the area hereinafter described have been filed with the City, requesting formation of a Special Business District; and

WHEREAS, a survey and investigation on the desirability and possibility of forming a Special Business District in a portion of the City of St. Louis, as provided in Section 71.792, R.S.Mo., has been conducted and a written report thereof is on file in the office of the City Register; and

WHEREAS, the Board of Aldermen did on October 24, 1986, introduce Resolution No. 82 declaring its intention to establish a Special Business District in such area and calling for a public hearing on the matter;

WHEREAS, such public hearing, duly noticed, was held at 10:00 A.M. on November 13, 1986, by the Board of Aldermen.

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

SECTION ONE. A Special Business District, to be known as the "CWE South Business District" (hereinafter referred to as the "District"), is hereby established for the area of the City depicted in Exhibit "A" attached hereto and incorporated herein, and described as follows:

Beginning at the intersection of the center lines of Kingshighway Boulevard and Lindell Boulevard; thence eastwardly along the centerline of Lindell Boulevard across all intervening streets to the intersection of the centerlines of Lindell Boulevard and Taylor Avenue; thence southwardly along the centerline of Taylor Avenue across all intervening streets to the intersection of the centerline of Taylor Avenue and the centerline of the east-west alley dividing Laclede Avenue and Forest Park Boulevard; thence eastwardly along the centerline of said alley to the intersection of said centerline and the centerline of Newstead Avenue; thence southwardly along the centerline of Newstead Avenue to the intersection of the centerline of Newstead Avenue and the south line of Forest Park Boulevard; thence eastwardly along said south line (which is likewise the north property line of property now or formerly owned by Blue Cross Forest Park Redevelopment Corporation) a distance of 193 feet 4 inches, more or less, to the northwest corner of property now or formerly owned by Fredrick H. Morrison and wife; thence southwardly along Morrison's west line 189 feet 11 1/2 inches, more or less, to the north line of the east-west alley dividing Forest Park Boulevard and Duncan Avenue; thence westwardly along said north line a distance of 63 feet 4 inches, more or less, to a point 100 feet east of the east line of vacated Newstead Avenue; thence southwardly to the northwest corner of property now or formerly owned by Earle J. Kennedy, Sr., et al.; thence southwardly along Kennedy's west property line a distance of 142 feet 5 1/4 inches, more or less; thence westwardly a distance of 100 feet, more or less; thence southwardly along the east line of Newstead Avenue vacated by Ordinance 57090, a distance of 32 feet 4 1/4 inches, more or less; thence southeasterly along the east line of a strip dedicated for street purposes according to plat recorded in Plat Book 23, page 1, a distance of 45

feet 3 1/2 inches, more or less; thence eastwardly along the south line of property conveyed to Union Electric Company of Missouri by deed recorded in Book 725, page 268, to the point of intersection with the prolongation of the west line of Newstead Avenue; thence southwardly along the prolongation of the west line of Newstead Avenue for a distance of 551 feet 9 1/4 inches, more or less, to the intersection of said west line with the north line of the right-of-way of Norfolk and Western Railway Company; thence westwardly along said north line to the intersection of said line with the westernmost property line of property now or formerly owned by Blue Cross Forest Park Redevelopment Corporation; thence northwardly along said westernmost property line to the intersection of said line with the south line of Duncan Avenue; thence westwardly along said south line of Duncan Avenue to the intersection of said south line with the centerline of Euclid Avenue; thence northwardly along said centerline to the intersection of said centerline and the south line of Forest Park Boulevard; thence westwardly along the south line of Forest Park Boulevard to the intersection of said south line with the centerline of Kingshighway Boulevard; thence northwardly along said centerline of Kingshighway Boulevard to the point of beginning at the intersection of the centerlines of Kingshighway Boulevard and Lindell Boulevard.

Excluded from the area herein above described shall be the following properties:

(1) located in City Block 3884: Parcel 020 (4954 West Pine Boulevard); Parcel 030 (4942 West Pine Boulevard); Parcel 090 (4947 Laclede Avenue); Parcel 100 (4951 Laclede Avenue); Parcel 110 (4946 Buckingham Court); Parcel 120 (4934 Buckingham Court); Parcel 140 (4924 Buckingham Court); Parcel 150 (#14 South Court and 4912 Buckingham Court); Parcel 170 Court (4933 Buckingham Court); Parcel 180 (4943-47 Buckingham Court); Parcel 190 (4961-67 Laclede Avenue); All of that portion of the building located on Parcel 010 (40 North Kingshighway Boulevard) above the ceiling of the first floor thereof.

(2) located in City Block 3893: Parcel 030 (4616 Lindell Boulevard).

(3) located in City Block 3892: Parcel 060 (4530 West Pine Boulevard); Parcel 130 (4531-41 Laclede Avenue).

(4) located in City Block 3891: Parcel 160 (4502-04 Laclede Avenue).

(5) located in City Block 3902: Parcel 300 (4401-11 Forest Park Boulevard); Parcel 310 (4417 Forest Park Boulevard); Parcel 320 (4423-25 Forest Park Boulevard).

(6) located in City Block 3885: All of that portion of the building located in Parcel 010 (18 South Kingshighway Boulevard) above the ceiling of the first floor thereof.

(See also the boundary map of the proposed District attached hereto as Exhibit A.)

SECTION TWO. Taxes for the District shall be assessed and collected as follows:

A. For the purpose of paying for all costs and expenses incurred in the operation of the District, the provision of services and improvements authorized in Section 5 and 6 of this ordinance, and incidental to the leasing, construction, acquisition and maintenance of any improvements authorized herein or for paying principal and interest on notes or bonds authorized for the construction or acquisition of any said improvement, there may be imposed a tax upon all real property (except that used exclusively for residential purposes) within the District which shall not exceed eight five (85) cents on the one hundred dollars (\$100.00) assessed valuation.

B. The initial rate of levy which shall be imposed upon real property except that used exclusively for residential purposes within the district shall be eighty-five cents on the one hundred dollars (\$100.00) assessed valuation, but not to exceed seven thousand (\$7,000.00) dollars for any one property

or for contiguous properties under common ownership control which are used integrally as one commercial site.

C. Real property subject to partial tax abatement under the provisions of Chapters 99, 100 or 353, R.S.Mo., shall for the purpose of assessment and collection of ad valorem real estate taxes levied under the District, be assessed and ad valorem real estate taxes shall be collected upon the same assessed value on which its ad valorem real estate taxes and payment in lieu of taxes are based in the Ordinance adopted by the City of St. Louis approving the development plan of any such corporation and authorizing tax abatement.

D. The tax provided for by this ordinance shall be collected by the City and held in a special account to be used for all purposes authorized hereunder.

E. The levy shall not be imposed upon real property exempt from ad valorem taxes because of charitable, religious, educational or other public or private exempt uses.

F. The Board of Aldermen shall reconsider this tax rate of the CWE south Special Business District not later than April 7, 1993 to determine if said tax rate should remain the same, be reduced, or be eliminated, with any such change to be executed by Ordinance. If the Board of Aldermen fails to review said tax rate within the required time, said tax shall thereby be eliminated.

SECTION THREE. For the purposes of paying all costs and expenses to be incurred in the acquisition, construction, improvement, expansion and/or maintenance of any facilities of the District, the District may incur indebtedness and issue general obligation and/or revenue bonds or notes for the payment thereof under the terms of and, subject to the requirements set forth in the applicable Missouri Revised Statutes.

SECTION FOUR. There shall be a Board of Commissioners to administer the District. The Board of Commissioners shall be selected as follows:

A. Membership and Term of Office:

The Board of Commissioners shall consist of seven (7) members, who shall be appointed by the Mayor and approved by the Board of Aldermen. Five (5) members shall be owners of real property within the CWE South Business District or their representatives and two (2) members shall be residents of real property within the Central West End South Business district or reside within one thousand (1,000) feet of the eastern boundary of said District within the area located between the north line of Lindell Boulevard and the south line of Forest Park Boulevard. Each member of the Board of Commissioners shall serve for four (4) year term (except as provided herein with respect to the initial members), with terms expiring as of December 31st of the designated year or when their successors are appointed, whichever is later. No employee or elected official of the City shall be a member of the Board of Commissioners.

B. Initial Members and Terms: The initial members shall be appointed for the terms set forth herein; one (1) member shall be appointed for a term expiring December 31, 1987; two (2) members shall be appointed for a term expiring December 31, 1988; two (2) members shall be appointed for a term expiring December 31, 1989; two (2) members shall be appointed for a term expiring December 31, 1990.

C. Removal: The Mayor with approval of the Board of Aldermen may remove any member of the Board of Commissioners for misconduct or neglect of duty upon written charges and after a public hearing.

D. Vacancies: Vacancies on the Board of Commissioners, occasioned by removal, resignation, expiration of term, or otherwise, shall be reported to the Mayor and shall be filled in like manner as an original appointment within thirty (30) days of the report to the Mayor. Appointments to fill vacancies shall be for the unexpired portion of a term only.

SECTION FIVE. The funds of the District may be used for any of the following improvements and activities;

1. For the closing of existing streets or alleys or for the opening of new streets and alleys or for widening or narrowing existing streets and alleys in whole or in part.

2. For the construction or installation of pedestrian or shopping malls, plazas, sidewalks, or moving sidewalks, parks, meeting and display facilities, convention centers, arenas, bus stop shelters, lighting, benches or other seating furniture, sculptures, telephone booths, traffic signs, fire hydrants, kiosks, trash receptacles, marquees, awnings, canopies, walls and barriers, paintings, murals, alleys, shelters, display cases, fountains, rest rooms, information booths, aquariums, aviaries, tunnels and ramps, pedestrian and vehicular overpasses, and each and every other useful or necessary or desired improvement.

3. For the landscaping and planting of trees, bushes and shrubbery, flowers and each and every other kind of decorative planting.

4. For the installation and operation, or for the leasing, of public music and news facilities.

5. For the purchasing and operating of buses, minibuses, mobile benches, and other modes of transportation.

6. For the construction and operation of child-care facilities.

7. For the leasing of space within the district for sidewalk cafe tables and chairs.

8. For the provision of special police or cleaning facilities and personnel for the protection and enjoyment of the property owners and the general public using the facilities of such business district.

9. For the maintenance of all city owned streets, alleys, malls, bridges, ramps, tunnels, lawns, trees, and

decorative plantings of each and every nature, and every structure or object of any nature whatsoever constructed or operated by the City.

10. For the granting of permits for newsstands, sidewalk cafes, and each and every other useful or necessary or desired private usage of public and private property.

11. For the prohibition or restriction of vehicular traffic on such streets within the business district as the governing body may deem necessary for the provision of means for access by emergency vehicles to or in such areas.

12. For the leasing, acquisition, construction, reconstruction, extension, maintenance, or repair of parking lots or parking garages, both above and below ground, or other facilities for the parking of vehicles, including the power to install such facilities, whether such areas are owned in fee or by easement.

13. For the promotion of business activity in the district, but not limited to, advertising, decoration of any public place in the area, promotion of public events which are to take place on or in public places, furnishing of music in any public place, and for the general promotion of trade activities in the district.

SECTION SIX. The District shall have all the powers necessary to carry out any and all improvements authorized in this ordinance establishing the District and in addition may:

1. Cooperate with any public agencies and with any industry or business located within the District in the implementation of any project within the District.

2. Enter into any agreement with any other public agency, any person, firm, or corporation to effect any of the provisions contained Section 71.790 to 71.808, Revised Statutes of Missouri 1978, as amended or as same may hereafter be amended.

3. Contract and be contracted with, and to sue and be sued and provide for insurance of all projects and property owned or managed by the District and for insurance covering all members of the Board of Commissioners and employees and agents of the District, risks and with such limits as the Board of Commissioners may deem proper.

4. Accept gifts, grants, loans or contributions from the City of St. Louis, the United States of America, the State of Missouri, political subdivisions, foundations, other public or private agencies, individuals, partnerships, or corporations.

5. Employ such managerial, engineering, legal, technical, clerical, accounting, and other assistance as the District may deem advisable. The District may also contract with independent contractors for any such assistance.

SECTION SEVEN. The Board of Commissioners shall file an annual report, which Report shall set forth the programs and expenditures of the District for the previous year. The Board of Commissioners shall also file a budget setting forth the expected expenditures for the ensuing year. The Board of Commissioners shall file said report and budget with the Clerk of the Board of Aldermen prior to the first day of April each year. If the Board of Aldermen does not act on said budget by Resolution within 30 days of its filing, said budget will presume to have been approved by the Board of Aldermen.

SECTION EIGHT. The City shall not decrease the level of municipally funded services in the District existing prior to the creation of the District, unless the services at the same time are decreased throughout the City, nor shall the City discriminate in the provision of new municipally funded services between areas included in the District and areas not so included.

SECTION NINE. 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 compe-

tent jurisdiction, such portion shall be deemed and is hereby declared to be 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.

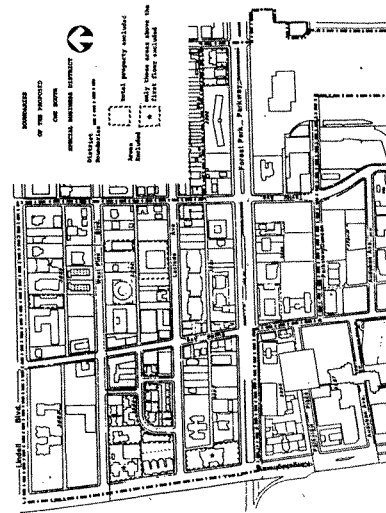
SECTION TEN. Effectiveness Clause. This ordinance shall not be effective unless and until the following proposition, submitted to the qualified voters residing in the CWE South Business District at the City-wide election to be held on April 7, 1987, shall receive in its favor the votes of the majority of the qualified voters voting at said election for or against said proposition. Said proposition shall be in substantially the following form:

OFFICIAL BALLOT
(Check one for which
you wish to vote)

Shall a tax of \$.85 per \$100.00 valuation (but in no case to exceed \$7,000.00) be imposed on all real property (except that used exclusively for residential purposes) located in the CWE South Business District as defined in Ordinance No. , approved, for the purposes set forth in said Ordinance?

YES

NO



Approved: January 29, 1987