

ORDINANCE #66635
Board Bill No. 397

AN ORDINANCE APPROVING THE AMENDED PETITION OF DOMINION HOSPITALITY-JEFFERSON, L.L.C. ESTABLISHING THE RESIDENCE INN DOWNTOWN ST. LOUIS COMMUNITY IMPROVEMENT DISTRICT; FINDING A PUBLIC PURPOSE; APPROVING APPOINTMENT OF THE INITIAL BOARD OF DIRECTORS THERETO; AND CONTAINING A SEVERABILITY CLAUSE.

WHEREAS, the City of St. Louis, Missouri (the “City”) is authorized and empowered pursuant to the Community Improvement District Act, Sections 67.1401 to 67.1571 of the Revised Statutes of Missouri, as amended (the “CID Act”), to establish a community improvement district (the “District”) as proposed by a verified petition; and

WHEREAS, on November 9, 2004, a Petition for Creation of a Community Improvement District (the “Initial Petition”) was filed with the Register of the City; and

WHEREAS, the Register did review and determine that the Initial Petition substantially complies with the requirements of the Act and verified said Initial Petition in accordance with the requirements of the CID Act;

WHEREAS, on January 5, 2005, an Amended Petition for Creation of a Community Improvement District (the “Amended Petition”) was filed with the Register of the City in accordance with Section 67.1421.5 of the CID Act; and

WHEREAS, after notice of the public hearing by publication and individually to each property owner within the proposed District via correspondence, a public hearing was held on February 2, 2005 regarding creation of the District, all pursuant to Section 67.1421.1 of the CID Act; and

WHEREAS, subject to and in accordance with the CID Act and the Amended Petition, and upon the approval of the qualified voters of the District, the District intends to (i) impose a sales tax not to exceed one percent (1%) on taxable sales within the District pursuant to Section 67.1545 of the CID Act (the “CID Sales Tax”) and (ii) fix, charge and collect a parking fee of up to Fifteen dollars (\$15.00) per vehicle per day for use of the improvements located within the District pursuant to Section 67.1461 of the CID Act (the “CID Parking Fees”); and

WHEREAS, the Amended Petition requests that the members of the initial Board of Directors of the District be appointed by the Mayor of the City pursuant to Section 67.1451.5 of the CID Act, subject to consent of the Board of Aldermen, with Successive Directors appointed in the same manner; and

WHEREAS, the Amended Petition provides that the District shall work toward the elimination of blight factors within the District, including the demolition of existing structures on the property, environmental remediation, construction of a new hotel with surface parking and related transportation improvements within the adjacent right-of-way and security and maintenance for the Project, as well as provide the revenues from the CID Sales Tax and CID Parking Fees to repay any obligations issued in relation to the Project; and

WHEREAS, the 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, residents, and persons engaging in business or visiting the Residence Inn Downtown St. Louis Community Improvement District, and the public generally will benefit by the establishment of said Community Improvement District.

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

Section 1. Pursuant to Section 67.1411.3 of the CID Act and subject to the terms of the Amended Petition, the Residence Inn Downtown St. Louis Community Improvement District is hereby formed as a political subdivision of the State of Missouri; a copy of the Amended Petition containing a legal description of the District’s boundaries is attached hereto as **Exhibit A** and incorporated herein by reference.

Section 2. The Board of Aldermen hereby finds that the District is located in the Mill Creek Valley Redevelopment Area, which was declared blighted under Chapter 99 RSMo. in Ordinance No. 47245, as amended, and that the property is also located in the 525 So. Jefferson Redevelopment Area, which was declared blighted under Chapter 99 RSMo. in Ordinance No. 66400; this

finding includes and the Amended Petition sets forth and the Board of Aldermen hereby finds and adopts by reference the analysis of the factors that qualify the District as a “blighted area” as set forth in the “Blighting Study and Plan for 525 S. Jefferson Area”, dated May 25, 2004, which analysis is incorporated herein as if set forth here in full.

Section 3. Pursuant to the CID Act, the District shall have all the powers necessary to carry out and effectuate the purposes and provisions of the CID Act.

Section 4. Pursuant to the CID Act, the District is authorized by the CID Act, at any time, 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 inters 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 be 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 denominations, bear such 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 Section 108.170, RSMo. The District is also authorized to issue obligations to refund, in whole or in part, obligations previously issued by the District.

Section 5. The District shall not terminate sooner than one year from the date of this Ordinance.

Section 6. Pursuant to Section 67.1451.5 of the CID Act, the Mayor appoints and the Board of Aldermen of the City hereby approves the initial appointment of the District’s Board of Directors as follows:

Name	Initial Term
Michael C. Mullenix	4 years from date of appointment
Gregory S. Mullenix	4 years from date of appointment
Ivan L. Mullenix, Jr.	2 years from date of appointment
Donald W. Paule	2 years from date of appointment
Douglas J. Mullenix	2 years from date of appointment

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

Section 7. The Board of Directors of the District shall have its initial meeting on such date and at such time when a quorum of Board of Directors is available.

Section 8. 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 financial 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 publicly funded services between areas included in the District and areas not so included.

Section 9. Pursuant to Section 67.1421.6 of the CID Act, the City Clerk shall notify in writing the Missouri Department of Economic Development of the District’s creation.

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

Section 11. It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

Section 12. 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 shall become effective immediately upon its passage and approval by the Mayor.

EXHIBIT A

Amended Petition for Creation of a Community Improvement District
(Attached hereto.)

**AMENDED PETITION FOR THE CREATION
OF A COMMUNITY IMPROVEMENT DISTRICT**

To the City of St. Louis, Missouri:

The undersigned are the owners or representatives of the owners of record of more than fifty percent (50%) (a) by assessed value of all real property within the hereinafter described community improvement district, and (b) per capita of all owners of real property within the hereinafter described community improvement district (“*Petitioners*”). *Petitioners* hereby file this amended petition and request that the City of St. Louis, Missouri (the “*City*”), create a community improvement district as described herein, to be known as the **RESIDENCE INN DOWNTOWN ST. LOUIS COMMUNITY IMPROVEMENT DISTRICT** (the “*District*”), pursuant to the authority of Sections 67.1401 to 67.1571 of the Revised Statutes of Missouri, as amended (the “*CID Act*”).

1. The proposed District is contiguous and is entirely within the corporate boundaries of the City.
2. A legal description of the proposed District is set forth as **Exhibit A**, attached hereto and incorporated herein by reference. A boundary map of the proposed District is set forth as **Exhibit B**, attached hereto and incorporated herein by reference.
3. The total current assessed value of all real property located within the proposed District is \$518,800.00. Dominion Hospitality-Jefferson, L.L.C., a Missouri limited liability company, has an undivided 100% interest in 100% of the real property within the proposed District at a current assessed value of \$518,800.00.
4. The property is located in the Mill Creek Valley Redevelopment Area, which was declared blighted under Chapter 99 RSMo. in Ordinance No. 47245, as amended. The property is also located in the 525 So. Jefferson Redevelopment Area, which was declared blighted under Chapter 99 RSMo. in Ordinance No. 66400.
5. The proposed District shall be formed as a political subdivision, the Board of Directors of which shall be composed of five (5) members appointed by the Mayor of the City, with the consent of the City’s Board of Aldermen. Successive Directors shall be appointed in the same manner.
6. A five-year plan for the proposed District includes working toward the elimination of blight factors within the District, including the demolition of existing structures on the property, environmental remediation, construction of a new hotel with surface parking and related transportation improvements within the adjacent right-of-way and security and maintenance for the Project.

Specifically, the transportation improvements consists of new barrier free curb and gutter, sidewalks, landscaping, signage and paving along with a fully enclosed and lighted 186 car parking area supporting a new Residence Inn by Marriott property. The lot will be barrier free and enhanced with lighting and landscaped islands. The area will receive all new storm water drainage systems.

The building consists of a new 8 story extended stay hotel with 188 apartment style units serving the downtown St. Louis area. The hotel will contain over 156,000 square feet and be styled after older St. Louis warehouse buildings. This will be the first property built solely for extended stay terms in St. Louis. In addition to the extended stay units, space will also be available for business meetings and seminars as follows:

- 2 Boardroom style meeting rooms of approximately 500 square feet each
- 1 Pre-function space of approximately 750 square feet
- 1 outdoor patio area serving the meeting rooms of 500 square feet

- 1 Conference room with 1,100 square feet
- Executive unit with 1,200 square feet of living space
- Food and beverage areas of 4,000 square feet

The Project will be an “extended stay” residence and will serve a major corridor of businesses located in the Hwy. 40 and Jefferson Ave. area. It is anticipated that the Project will be completed within one year from the date of commencement. Thereafter no additional projects may be undertaken by the District except upon prior approval of the qualified voters of the District. CID Revenues will be used to repay any CID Revenues will be used to repay any obligations issued in relation to the Project (the “*Obligations*”).

7. The estimated cost of the Project is \$24,674,927.00 exclusive of costs related to any authorized indebtedness of the District, including the issuance and repayment of obligations and interest thereon.
8. The proposed District may, (i) upon approval by the qualified voters of the District, impose a CID sales tax (the “Sales Tax”) at the rate of up to one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the District, if such property and services are subject to taxation by the State of Missouri pursuant to the provisions of Sections 144.010 to 144.525 of the Revised Statutes of Missouri, as amended, except such Sales Tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities; and (ii) fix, charge and collect a parking fee of up to Fifteen dollars (\$15.00) per vehicle per day for use of the improvements located within the District pursuant to Section 67.1461 of the CID Act.
9. The term of the District shall be at a minimum of forty years from the date of the City’s ordinance approving creation of the District.
10. Petitioners do not seek limitations on the borrowing capacity of the District.
11. The Petitioners do not seek limitations on the revenue generation of the District.
12. The Petitioners do not seek limitations on the powers of the District. Accordingly, the District shall have all powers provided in the CID Act.
13. The signatures of the signers to this Petition may not be withdrawn later than seven days after this Petition is filed with the City Clerk.
14. Petitioners respectfully request that the proposed District be established pursuant to the Community Improvement District Act.

Dated this 4th day of January, 2005.

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PETITIONER:

PROPERTY OWNER: Dominion Hospitality-Jefferson, L.L.C., a Missouri limited liability company.

ADDRESS: 1401 S. Brentwood Blvd., Suite 875, St. Louis, Missouri 63144; Phone: 314-963-7500

MAP/PARCEL #: Owner of 100% of an undivided interest in 100% of the proposed District property (See Boundary Map attached hereto as Exhibit B). Locator ID: 17272200800 and 17272200808.

ASSESSED VALUE: \$518,800.00 (100% of total assessed value of proposed District)

By executing this Amended Petition on this 4th day of January, 2005, the undersigned represents and warrants that he or she is authorized to execute this Amended Petition on behalf of the property owner named immediately above.

