

Ordinance 52600
(B.B. No. 355)

AN ORDINANCE providing for the establishment of a Special Business District in the City of St. Louis, to be known as the Cherokee Station Special Business District as described in attached Exhibit "A", providing for the activities therein and the appointment of an advisory board, and establishing rates of taxes; containing a severability clause and an emergency clause.

WHEREAS, a petition was received by the Board of Aldermen of the City of St. Louis signed by property and business owners requesting establishment of a Special Business District in the City of St. Louis, to be known as the Cherokee Station Special Business District ("District") as described in Exhibit "A" attached hereto; and

WHEREAS, survey and investigation was conducted by the City of St. Louis for the purposes of determining the nature and suitable location for business district improvements and approximate cost for acquiring and improving the land for the area to be included in the business district, the need for and cost of special services, and cooperative promotional activities and the percentage of costs of the cost of acquisition, special services and improvements in the District which are to be assessed against the property within the District and that part of the costs, if any, to be paid by public funds.

WHEREAS, this Board of Aldermen, on _____ 1982, did by Resolution No. _____ state its intention to establish the District under provisions of Sections 71.790 - 71.808 R.S. Mo. 1978, as amended ("Act"), and calling for a public hearing; and

WHEREAS, a public hearing was held by the Board of Aldermen on _____ 1982, at _____ in Room 206, City Hall of the City of St. Louis, and the response at said Public Hearing was totally favorable.

BE IT ORDAINED BY THE CITY

OF ST. LOUIS, AS FOLLOWS:

SECTION 1: There is hereby established the Cherokee Station Special Business District, and the boundary thereof shall be as described in Exhibit "A" attached hereto and incorporated herein.

SECTION 2: For the purpose of paying for the costs and expense incurred in the operation of the District, an ad valorem real estate tax in the amount of Eighty-Five Cents per Hundred Dollars of assessed valuation is hereby levied on all real property in the District, except that used exclusively for residential purposes, and shall be in addition to other taxes levied on real property. Real property (except that used exclusively for residential purposes) which is subject to partial tax abatement pursuant to the Revised Statutes of Missouri 1978, as amended, shall be assessed and taxes collected as if the real property were not subject to tax abatement. The collection of delinquent receipts of said tax shall be in the same manner and form as that provided by law for all ad valorem property taxes. Taxes levied and collected under Sections 71.790 to 71.808 R.S. Mo. shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax.

The Collector of Revenue of the City of St. Louis shall collect this tax with all other City real property taxes in the manner provided by law, and the additional tax shall be deposited in a special fund to be expended by the Advisory Board only in a manner consistent with the budget approved by the Board of Aldermen. All of the additional tax collected, less expenses of collection, shall be deposited to the special fund on or before January 31st of the year following collection; except that when delinquent within thirty days of collection.

SECTION 3: For the purpose of paying for the costs and expense incurred in the operation of the District, in addition to all existing business, merchants or manufacturers license taxes levied by the City, there is hereby imposed an additional tax of fifty percent on the sales portion of the Merchants State & City

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License of said taxes or \$1,000.00, whichever is the lesser amount, on individual and businesses within the District, which shall be payable and collected in the same manner and form as that provided by law for said license taxes. In the case of one operation requiring multiple licenses for one singular location, said additional license taxes shall be collected on one license only, whichever one generates the largest amount, or \$1,000.00, whichever is the lesser amount.

SECTION 4: For Calendar Year 1982, the tax authorized by Section 2 and Section 3 shall be Eighty-Five Cents (85¢) on the One-Hundred Dollar (\$100.00) assessed valuation with the use of business license provision.

SECTION 5: For each and every year after Calendar Year 1982, the Board shall set the rates of the taxes authorized herein, by ordinance, within the time required by law for the setting of the general municipal tax rate. In the event the tax rate is not so established by ordinance within the time required by law for the setting of the general municipal tax rate, then the rate last previously established shall be the rate for the current year. The rate set shall in no event be less than the rate sufficient to pay the interest and principal of any indebtedness as and when same shall fall due, as required by law. In the event the Board shall set a rate of tax authorized herein that is different from the rate recommended by the Advisory Commission, such rate shall not be set without the Board first holding a public hearing thereon after at least ten (10) days notice published in a newspaper of general circulation within the District and notice sent to the last known address of the Advisory Board.

The License Collector of the City of St. Louis shall collect this tax with all other existing business taxes, merchants or manufacturers license taxes levied by the City in the manner provided by law, and the additional tax shall be deposited in a special fund to be expended in a manner consistent with the budget of the special district approved by the Board of Aldermen. All of the additional

tax, less expenses of collection, shall be deposited to the special fund within 30 days of collection.

SECTION 6: The Advisory Board shall consist of seven members appointed by the Board of Aldermen, at least three of whom shall be from among the Board of Directors of the Cherokee Local Development Company, and the four remaining members shall operate businesses or own real property within the geographical boundaries of the special business district; they shall serve for one year terms to run from February 1 to January 31, or until their successors shall be appointed. The Advisory Board shall prepare and present to the Board of Aldermen on or before March 1, an annual report of the prior year's activities and expenditures, and a budget for the ensuing year. The Advisory Board shall only expend the funds deposited in the special fund by the Collector of Revenue and the License Collector in a manner consistent with its annual budget approved by the Board of Aldermen. The Advisory Board, consistent with the approved budget, may employ an Executive Director and such technical, professional, and clerical staff necessary to carry out the functions of the District.

SECTION 7: The Board of Aldermen shall have all powers necessary and proper to plan, recommend, institute and carry out all activities and improvements according to plans submitted by the Advisory Board within the District, as provided in Sections 71.790 to 71.808, R.S. Mo. 1978 as amended, including, but not exclusively, the following:

- 1) To close existing streets or alleys or to open new streets and alleys or to widen or narrow existing streets and alleys in whole or in part;
- 2) To construct or install 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 underpasses, and each and every other useful or necessary or desired improvement;
- 3) To landscape and plant trees, bushes and shrubbery, flowers and each and every and other kind of decorative planting;
 - 4) To install and operate, or to lease, public music and news facilities;
 - 5) To purchase and operate buses, minibuses, mobile benches, and other modes of transportation;
 - 6) To construct and operate child-care facilities;
 - 7) To lease space within the district for sidewalk cafe tables and chairs;
 - 8) To provide 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) To maintain, as hereinafter provided, all city owned streets, alleys, mall, 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 said municipality;
 - 10) To grant permits for newsstands, sidewalk cafes, and each and every other useful or necessary or desired private usage of public or private property;
 - 11) To prohibit or restrict vehicular traffic on such streets within the business district as the governing body may deem necessary and to provide the means for access by emergency vehicles to or in such areas;
 - 12) To lease, acquire, construct, reconstruct, extend, maintain, or repair 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 in public areas, whether such areas are owned in fee or by easement;
 - 13) To promote business activity in the district by, but not limited to, adver-

tising, decoration of any public place in the area, promotion of public places, furnishing of music in any public place, and the general promotion of trade activities in the district.

The City of St. Louis, Missouri shall not decrease the level of publicly funded services in the Cherokee Station Special Business District existing prior to the creation of the district or transfer the cost of providing services to the district unless the services are decreased throughout the City of St. Louis. The City shall not discriminate in the provision of public funded services between areas included in Cherokee Station Special Business District and other commercial areas of the City.

SECTION 8: If any section, subsection, sentences, 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.

SECTION 9: The Board of Aldermen find that the business and property owners within the boundaries of the district will benefit by providing of additional revenue to implement the development plan as provided by the merchants and owners Exhibit "B" and that the increased level of services provided in the district will be benefit to the general public.

SECTION 10: The passage of this ordinance being deemed necessary for the immediate preservation of the public health and safety, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its approval by the Mayor.

**EXHIBIT A
LEGAL DESCRIPTION**

Beginning at the point of intersection of the center line of Utah Street, 60 feet