

**THE WEST END PARK
COMMUNITY IMPROVEMENT
DISTRICT**

**PETITION TO ESTABLISH A COMMUNITY
IMPROVEMENT DISTRICT PURSUANT TO
SECTIONS 67.1401 – 67.1571 R.S.Mo.**

FRONTENAC, MISSOURI

2010

PETITION TO ESTABLISH THE
WEST END PARK
COMMUNITY IMPROVEMENT DISTRICT

TO: Mayor, Board of Aldermen and City Clerk of the City of Frontenac, Missouri

THIS PETITION, for the creation of a Community Improvement District within a certain limited portion of the City of Frontenac, Missouri, is filed with the Clerk of the City and submitted to the City in accordance with the Community Improvement District Act (the "CID Act") as set forth in Sections 67.1401 through 67.1571 R.S.Mo.

As set forth herein, the persons and/or entities signing this Petition request that the governing body of the City hold a public hearing and approve and adopt this Petition and establish the within-named Community Improvement District, all as described herein and in accordance with the Community Improvement District Act.

1. DESCRIPTION OF THE DISTRICT

A. *Name.* The Name of the District shall be the "West End Park Community Improvement District".

B. *Legal Description.* The District includes all of the real property legally described on Exhibit A, attached hereto and made a part hereof.

C. *Boundary Map.* A map graphically depicting the boundaries of the District is attached hereto and made a part hereof as Exhibit B.

2. PETITIONERS

Based on the tax records of St. Louis County as of the date of filing of this Petition, Petitioners:

(a) own more than fifty percent (50%) by assessed value of the District property; and

(b) represent more than fifty percent (50%) per capita of all owners of the District property.

3. FIVE YEAR PLAN

The five-year plan for the District shall include the following:

The following benchmarks are merely projections and are not intended to limit, construction or compel action by the District or to result in consequences to the District:

- May 2010 Meetings held and petitions signed
- June 2010 Board of Aldermen conduct public hearing, approve petitions and appoint CID Board
- June 2010 CID Board sends ballots to create sales tax
- July 2010 Payments/Financing: Owner financing secured, payments due, and contract for work issued.
- July 2015 CID Board notifies all property owners and holds a public meeting to discuss (1) the continuing revenue needs of the District, if any, and the termination date of the ¼% sales tax; and (2) the possible termination of the District earlier than its expiration.
- On-going Board arranges for salting, snow plowing, sign maintenance, tree trimming, right of way and street repairs. Liens filed for non-payment.

A. Purpose of the District. The District is designed to provide a source of revenue and to facilitate the community improvement projects detailed herein which will alleviate current road pavement deterioration. The improvements should, then, increase the use and value of the property in the District.

The District will undertake the advanced financing for such improvements to be payable from District revenues, including receipts from the imposition of annual District property assessments on all property within the District and imposition of a sales tax on all retail sales within the District. Any revenues received by the District shall be used to pay any administrative costs of the District and the principal and interest on obligations to finance the improvements. Subject to approval by the qualified voters within the District and the governing Board, it is estimated that the sales tax will be ¼% on all retail sales and it is estimated that the total assessment per property will include a one-time assessment of \$1,945 and an annual maintenance assessment not to exceed \$100 per year to be collected beginning in 2016 unless the district is terminated. The sales tax shall only be collected for the period of time as set forth in the ballot proposition approved by the qualified voters within the District. After five years, or upon full payment of District obligations, the residents may petition to terminate the District in accordance with the CID Act; if the District is not terminated earlier, the District will continue for an additional ten years for a total existence of 15 years. During the remaining term of the District, the board of Directors may be elected by eligible residents and will be responsible for arranging for salting, snow plowing and other street and roadway-related maintenance.

B. Initial Street Improvements. The District, by and through its Board of Directors, will contract for the asphalt overlay of all existing streets, including curbs where needed, so that such system will operate at optimal capacity.

C. Further Activities of the District. In addition to providing for and causing the completion of the Improvements, the activities of the District will include certain maintenance activities relating to the streets within the District; issuing notes or other

obligations of the District in one or more series to fund the cost of the Improvements; levying annual assessments in accordance with the Community Improvement District Act; entering into contracts to further the purposes of the District and effectuate the Improvements; and exercising any other authorized purpose of the District pursuant to and in accordance with the Community Improvement District Act including filing of liens for unpaid assessments and assessing interest and collection fees for late payments.

D. Powers. Unless otherwise restricted or limited herein, the District shall have all of the powers provided for in the Community Improvement District Act.

E. Project Timeline and Cost Estimate. It is anticipated that the Improvements will be completed prior to the end of 2010. It is anticipated that the Improvements will not cost more than \$517,000.00. It is anticipated that the financing will be paid in full within five (5) years following establishment of the District.

4. GOVERNANCE OF THE DISTRICT

A. Type of District. The District shall be a separate political subdivision governed by a Board of Directors.

B. Board of Directors.

1. *Number.* The Board of Directors shall consist of five (5) directors. In addition, the Mayor, with the consent of the Board of Aldermen, shall appoint a City Liaison to the Board, who shall participate in all meetings and discussions, but who shall not have a right to vote.

2. *Initial Board of Directors and Terms.* The initial Board of Directors shall be appointed by the Mayor with the consent of the Board of Aldermen in accordance with Section 67.1451.5 of the Act and shall include at least one commercial property representative. The initial Board of Directors and their terms shall be identified in the ordinance approving this Petition.

3. *Successor Directors and Terms.* Successor Directors selected to serve a new term on the Board of Directors shall be appointed by the Mayor with the consent of the Board of Aldermen in accordance with Section 67.1451.5 of the Act. Successor Directors shall serve a term of four (4) years. In the event an appointment is not made, a sitting Director shall continue to serve beyond the stated term for such Director until such time that a replacement Director is appointed. After five years or full payment of the CID obligations, if the CID is not terminated, Directors may be nominated and elected by the residents.

4. *Qualifications.* Each Director, during his or her term, shall meet the following requirements:

- (a) be at least 18 years of age; and
- (b) be either (i) an Owner, as defined in Section 67.1401, of real property or of a business operating within the District; or (ii) a registered voter residing within the District.

5. REAL PROPERTY TAXES

The District shall have no power to submit a real property tax to the qualified voters for approval or impose a real property tax.

6. SALES AND USE TAXES

Pursuant to Section 67.1545 R.S.Mo., the District may, by resolution, impose a District sales and use tax on all retail sales made within the District which are subject to taxation pursuant to Sections 144.010 to 144.525 R.S.Mo. (excepting such sales as set forth in the Act), at a rate not to exceed one quarter of one percent (1/4%), upon the affirmative vote of the qualified voters of the District.

The District may repeal by resolution any sales and use tax imposed before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the District's ability to repay any liabilities the District has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the District.

The District shall repeal by resolution any sales and use tax imposed upon the payment in full of all liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the District.

7. SPECIAL ASSESSMENTS

Pursuant to Section 67.1521 R.S.Mo., the District may, by resolution, impose a special assessment on each tract, lot or parcel of land within the District upon receipt of and in accordance with a petition signed by the owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district; and more than fifty percent per capita of the owners of all real property within the boundaries of the district.

The District's authority is hereby limited as follows: the total assessment per property will include a one-time assessment of \$1,945 and an annual maintenance assessment not to exceed \$100 per year which may be imposed and collected beginning in 2016.

There is, attached hereto and made a part hereof, a Special Assessment Petition which authorizes the governing body of the District to impose the special assessments described therein by resolution.

8. ASSESSED VALUE

As of the date of this Petition, the total assessed value of all of the real property within the District is \$17,745,320.00. The assessed value of each parcel within the District is shown on Exhibit C, attached hereto.

9. BLIGHT DETERMINATION

Petitioners do not seek a determination that the District or any legally described portion thereof, is a blighted area and the District shall have no authority to seek a blighting determination.

10. LIFE OF DISTRICT

The District will continue to exist and function until the earlier of:

(a) Fifteen (15) years following the effective date of the ordinance adopting and approving this Petition and establishing the District; or

(b) Until such time as the governing body of the City terminates the District upon a properly-filed Petition and in accordance with Section 67.1481 R.S.Mo.; or

(c) Until such time as the District is extended or a new District is created pursuant to a properly-filed Petition and in accordance with the CID Act.

11. REQUEST TO ESTABLISH DISTRICT

By execution and submittal of this Petition, the Petitioners request that the Board of Aldermen hold a public hearing in accordance with Section 67.1421 of the Act and adopt an order to establish the District as set out in this Petition and in accordance with the Act and this Petition.

12. NOTICE TO PETITIONERS

The signature of the Petitioners may not be withdrawn later than seven (7) days after this Petition is filed with the City Clerk.

13. BORROWING CAPACITY AND REVENUE GENERATION

The District shall have all powers and authority provided in the Act to borrow funds to complete the Improvements, provide services and fulfill its purposes described

herein. The District shall have the authority, as set forth above, to levy taxes and assessments in accordance with the Act in order to generate revenue for the District.

However, the borrowing capacity of the District shall not exceed five hundred fifty thousand dollars (\$550,000.00).

14. RESPONSIBILITY FOR STREETS WITHIN THE DISTRICT

By signing this Petition, the signers are not accepting any further responsibility for the condition of the streets than they have prior to the submission of the Petition.

15. SEVERABILITY; CONFLICTS

If any provision of this Petition shall be held or determined to be invalid, inoperative or unenforceable as applied in any particular case, or in all cases, because it conflicts with any other provision or provisions of this Petition or for any other reason such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision contained in this Petition invalid, inoperative or unenforceable to any extent whatsoever.

16. EXHIBITS

The following exhibits are attached hereto and incorporated as if fully set forth herein:

- Exhibit A - Legal Description of the District
- Exhibit B - District Boundary Map
- Exhibit C - Assessed Valuation by Parcel of Property within the District

THE UNDERSIGNED REQUEST THAT THE BOARD OF ALDERMEN OF THE CITY OF FRONTENAC, MISSOURI ESTABLISH THE WEST END PARK COMMUNITY IMPROVEMENT DISTRICT ACCORDING TO THE PRECEDING PETITION AND AUTHORIZE THE CREATION OF THE DISTRICT.

SPECIAL ASSESSMENT PETITION

As part of their Petition for establishment of the West End Park Community Improvement District, the signers also execute this Special Assessment Petition to authorize the special assessments described herein.

The West End Park Community Improvement District ("District") shall be authorized to levy special assessments against real property benefited within the District for the purpose of providing revenue for street and right-of-way improvements and maintenance in the district and retire the debt for such projects.

The special assessments shall be levied against the following:

1. Property not utilized for a commercial business or establishment (Non-commercial property)

As each non-commercial tract, lot or parcel of real property within the district benefits in the same manner from the improvements and maintenance contemplated for the District, such special assessments shall be levied against each non-commercial tract, lot or parcel of real property within the district which is a legally buildable lot regardless of square footage.

2. Property utilized for a commercial business or establishment

As each commercial business and establishment within the district benefits in the same manner from the improvements and maintenance contemplated for the District, such special assessments shall be levied against each individual commercial property within the district regardless of the size of the business operation or the size of the property on which the business is operated.

3. The special assessment shall be levied as follows:

- a) A one-time assessment not to exceed \$1,945 per parcel; and
- b) An annual assessment not to exceed \$100.00 per parcel to be collected beginning in the year 2016, unless the District is terminated, the assessment is repealed by the Board of Directors or until expiration of the District, whichever occurs first.

However, such assessment shall be subject to the following rebate procedure. If the owner of any commercial business or establishment shall make application to the District and shall be able to prove that the business or property subject to a special assessment generated sales tax revenue to the District in the amount of the special assessment or more, the special assessment levied upon such commercial business or property shall be rebated and the owner of the business or property shall receive a refund of the special assessment paid. In the event that the owner shall show that the business or establishment generated sales tax revenue to the District in an amount less than the special assessment, such owner shall receive a partial refund which shall be equal to the amount of sales taxes generated by such business or establishment.