

AN ORDINANCE OF THE CITY OF FRONTENAC, MISSOURI, PURSUANT TO SECTIONS 67.1401 THROUGH 67.1571 OF THE REVISED STATUTES OF MISSOURI, ESTABLISHING THE UPPER WEST END PARK COMMUNITY IMPROVEMENT DISTRICT ("CID") AS A POLITICAL SUBDIVISION AND MAKING CERTAIN PROVISIONS RELATED THERETO.

WHEREAS, pursuant to Sections 67.1401 through 67.1571 of the Revised Statutes of Missouri (the "Act"), the City may establish a community improvement district upon receipt of a petition meeting the requirements of the Act and conducting a public hearing on the same; and

WHEREAS, a petition to establish the Upper West End Park Community Improvement District has been filed with the City Clerk (the "Petition"); a copy of said Petition is attached to this Ordinance as reference; and

WHEREAS, following notice published and mailed in accordance with the Act, a public hearing was held by the Board of Aldermen of the City of Frontenac on September 10, 2014.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FRONTENAC, MISSOURI, AS FOLLOWS:

SECTION ONE.

The Upper West End Park Community Improvement District is hereby established for such purposes as set forth in the Petition as long as those purposes are consistent with the Act.

SECTION TWO.

The District shall be a political subdivision and shall be governed by a Board of Directors qualified and appointed in conformance with the Petition and the Act.

As the initial Board of Directors, the following persons are hereby appointed for the following terms:

Name	Term
Shawn Brinker	4 years
Jamie Griesedieck	4 years
Carmen Eden	2 years
Amy Boltzman	2 years
Bob Herman	2 years

SECTION THREE.

The CID, through its governing Board, shall have no power to impose a real estate tax or business license tax. The CID, through its governing Board, may impose special assessments described in the Petition and may, by resolution and upon affirmative vote of the majority of qualified voters within the District, impose additional special assessments in accordance with the Act.

SECTION FOUR.

The CID and its governing Board shall have such other powers that are specifically set forth in the Act and that are not otherwise limited by the Petition or by this Ordinance.

SECTION FIVE.

Upon the effective date of this Ordinance, the City Clerk shall send a certified copy of this Ordinance to the Missouri Department of Economic Development.

SECTION SIX.

As required by Section 67.1461 R.S.Mo., the District shall reimburse the City for the reasonable and actual expenses incurred by the City to establish the District.

SECTION SEVEN.

Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any

manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION EIGHT.

The sections, paragraphs, phrases, clauses and words of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portion of this Ordinance shall be valid unless the court finds the valid portions of this Ordinance are so essential and dependent upon the void portion that it cannot be presumed that the Board of Aldermen would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION NINE.


This Ordinance shall be in full force and take effect from and after its final passage and approval.

PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF FRONTENAC, MISSOURI, THIS 10TH DAY OF SEPTEMBER 2014.



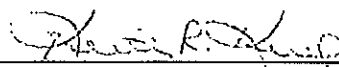
Presiding Officer

Attest:



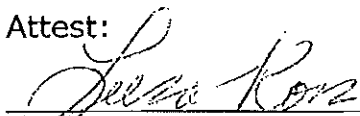
Leesa Ross, City Clerk

APPROVED THIS 10TH DAY OF SEPTEMBER 2014.



Keith R. Krieg, Mayor

Attest:



Leesa Ross, City Clerk

**THE UPPER 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

2014

PETITION TO ESTABLISH THE
UPPER 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 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 "Upper 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 following benchmarks and descriptions are not intended to limit or compel action by the District or to result in financial consequences for the District.

The street improvements further described herein should be completed within the first year following establishment of the District. The targeted timeline is as follows:

- Aug 2014 meetings held and petitions signed
- Aug 2014 Board of Aldermen holds public hearing, establishes District and appoints District's Board of Directors
- Aug 2014 Certain Agreements are entered into including between the District and the City and between the City and St. Louis County for collection of the assessments
- Sept 2014 Secure financing
- Sept 2014 Begin work first owner payment notice
- Sept 2014 Approve contractor work, owner payment due
- On-going Annual notice to St. Louis County for unpaid assessments added to tax bill.

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. 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. For property owners who do not pay an upfront cost of approximately \$3,550, the annual assessment per property for years 2014, 2015, 2016, 2017 and 2018 is estimated to be \$400 per year to retire the debt on street repaving. Each year thereafter the annual assessment will be set by the Board of Directors based upon the prevailing rate of interest on the outstanding debt.

B. Improvements. The District, by and through its Board of Directors, will contract for the milling and base repair (where needed) and asphalt overlay of all existing streets, 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 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 2014. It is anticipated that the Improvements will not cost more than \$167,000.00. It is anticipated that the financing will be paid in full within fifteen (15) 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. 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.

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. SPECIAL ASSESSMENTS

The District shall have the power to impose and levy special assessments on property within the District, without further petition or vote of the District, as follows:

Initial Lump Sum Special Assessment

The Upper West End Park Community Improvement District shall be authorized to levy an initial lump sum special assessment against real property benefitted within the District for the purpose of providing revenue for the street project in the district and allowing parcel owners the option of paying the entire assessment in a lump sum instead of paying annual assessments for years following completion of the project. This initial lump sum special assessment shall be levied against each tract, lot or parcel of real property within the district which receives special benefit as a result of the street project, the cost of which shall be allocated among these properties on a per parcel basis (regardless of whether or not the parcel is developed, except those specifically excluded in the legal description Exhibit A) in an amount not to exceed \$4,000 dollars per parcel. Only one initial lump sum assessment is authorized. Any additional lump sum assessment requires a new petition or election. The authorization to levy the initial lump sum special assessment shall expire one (1) year following completion of the street project. All parcels located in the District will receive special benefit from the street projects and, therefore, are all subject to the initial lump sum special assessment.

Each owner of property within the District may choose to pay the initial lump sum special assessment or be subject to annual special assessments.

No owner of property shall be obligated to pay both the initial lump sum special assessment and annual special assessments authorized herein.

Annual Special Assessments

The Upper West End Park Community Improvement District shall be authorized to levy special assessments against real property benefitted within the District for the purpose of providing revenue for street projects in the district, such special assessments to be levied against each tract, lot or parcel of real property within the district which receives special benefit as a result of such projects and *for which the lump sum special assessment was not made*. The annual special assessments shall be based on the project costs allocated among the properties in the District on a per parcel basis (regardless of whether or not the parcel is developed, except those specifically excluded in the legal description Exhibit A) and shall not exceed \$500 dollars per parcel plus the collection fees charged by St. Louis County and the rate of interest imposed based on the principal amount borrowed. Such authorization to levy the annual special assessment shall expire sixteen years from the date that the District was established. All parcels located in the District will receive special benefit from the street projects and, therefore, are all subject to the annual special assessment if the lump sum special assessment was not paid.

Additional Assessments Requiring further Petition or Vote

In addition, the District shall have the power to submit additional special assessments to the qualified voters for approval at such rates above the rate approved in this Petition and to impose such additional special assessments on property within the District.

8. ASSESSED VALUE

As of the date of this Petition, the total assessed value of all of the real property within the District is \$2,540,090. 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.

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 more than 50% of the property owners petition to extend the District or create a new district.

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 an annual assessment in accordance with the Act in order to generate revenue for the District.

However, the borrowing capacity of the District shall not exceed two hundred thousand dollars (\$200,000.00).

14. 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.

15. 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 UPPER WEST END PARK COMMUNITY IMPROVEMENT DISTRICT ACCORDING TO THE PRECEDING PETITION AND AUTHORIZE THE CREATION OF THE DISTRICT.

EXHIBIT "A"
DESCRIPTION PROPOSED UPPER WEST END PARK
COMMUNITY IMPROVEMENT DISTRICT

An area generally bound by Lylewood Drive on the south, Gold Dust Avenue on the north, Princess Ave on the west and commercial property fronting Lindbergh Blvd on the east located within the corporate boundaries of the City of Frontenac, Missouri. More specifically starting at a point at the south west intersection of Lylewood Drive and Lindbergh Blvd running westward along the south right of way of Lylewood Drive to the west property line of 10441 Lylewood Drive, thence extending north to the north west property line of 10441 Lylewood Drive, thence eastward along the north property line of 10441, 10435, 10429 and 10421 Lylewood Drive to the north east corner of 10411 Lylewood Drive, then north along the west property line of 10402 Conway Road to the north right of way of Conway Road thence east along the south property line of 9900 Conway Road to the south west corner of 910 Dwyer Ave. thence south along the east right of way line of Dwyer Ave, to the northwest corner of 10361 Lylewood Drive, thence eastward along the north property line of 10361, and 10357 Lylewood Drive to the north east corner of 10349 Lylewood Drive then running north along the west property line of 10344 Lylewood Drive to the south easement line of Conway Road eastward along the south easement line of Conway Road to the northeast corner of 10328 Conway Road, thence to the south along the east property line of 10328 Conway Road and 10331 Lylewood Drive to the north easement of Lylewood Drive, thence east to the northwest intersection of Lylewood Drive and Lindbergh Blvd, thence south along east line of Lylewood Drive to the beginning.

Starting at a point at the northwest corner of Conway Road and Princess Avenue thence extending north to the northwest corner of the intersection of Princess Avenue, and Gold Dust Ave. then extending east along the north easement line of Gold Dust Ave. to the southwest corner of 10361 Gold Dust thence north along the west property line of 10361 Gold Dust to the northwest corner of 10361 Gold Dust thence extending east along the north property line of 10361, 10357 and 10351 Gold Dust to the northeast corner of 10351 Gold Dust Ave. thence extending south along the east property line of 10351 Gold Dust Ave. across and to the south right-of-way line of Gold Dust Ave., thence west to the northeast corner of 10350 Gold Dust Ave., then south along the east property line of 10350 Gold Dust Ave. to the southeast corner of 10350 Gold Dust Ave., west to the northeast corner of 10349 Capitol Place thence south to the southeast corner of 10348 Capitol Place extending west along the south property line of 10348 Capitol Place, continuing west along the south property line of 10350 and 10354 Capitol Place to the northeast corner of 910 Dwyer Avenue thence south along the east property line of 910 Dwyer Avenue to the north easement of Conway Road thence extending west along the north easement of Conway Road to the southwest corner of 9900 Conway Road thence north along the west property line of 9900 Conway Road thence west along the north property line of 10411, 10419, 10423, 10427, 10433 to the northwest corner of 10437 Conway Road thence south along the east right-of-way along Princess Ave. to the intersection of the southwest corner of 10437 Conway Road and the southeast corner of Princess Avenue intersecting with Conway Road thence west along the north right-of-way line of Conway Road to the beginning.

EXHIBIT "A"
DESCRIPTION PROPOSED UPPER WEST END PARK
COMMUNITY IMPROVEMENT DISTRICT

Excluded from the boundary description are those parcels which are approximately 25 feet in width and abutting developed properties, more specifically identified as 10350 Capitol Place with a St. Louis County locator number of 19M140816, 10415 Capitol Place with a St. Louis County locator number of 19M410085 and 10350 Gold Dust Ave "A" with a St. Louis County locator number of 19M421502.

St. Louis County Parcel Map



August 12, 2014

- User drawn lines
- 🏠 Sales (Last 2 Years)

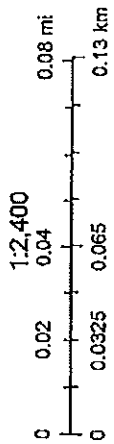


Exhibit B