

**THE NORTH 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**

**2021**

**PETITION TO ESTABLISH THE**  
**NORTH 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 "North 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**

A. *Purpose of the District.* The District is designed to provide a source of revenue and to facilitate certain street and related improvements and road maintenance with respect to the streets within the District. While the initial project includes improvements to the streets only, it is contemplated that additional improvements may be

made to the streets or the streetscape in the future if funding allows. The improvements should, then, increase the use and value of the property in the District.

**B. *Description of Street Improvements.***

The proposed street improvements include full-depth reconstruction of the existing streets. Full-depth roadway reconstruction removes all existing pavement and base layers. Once the existing layers are demolished and removed, any subgrade issues will then be investigated and addressed, which will add substantial life to the reconstructed pavement. A new 6-inch aggregate base and 3-inch hot mix asphalt surface course will then be constructed. All entrances and driveways would be adjusted to tie-into the new pavement. Improvements also include new curb and gutter on both sides of each street to improve stormwater drainage.

The anticipated life of the new pavement is approximately 30 years with proper maintenance.

It is estimated that construction of the initial improvements will commence during the summer of 2022 and will also be completed during the summer of 2022.

**C. *Ongoing Street Maintenance***

An ongoing street maintenance plan will be established to maintain an acceptable minimum pavement rating and provide regular maintenance, including regular crack sealing, addressing new drainage issues early to prevent subgrade deterioration, and provide basic pavement repairs each year where needed. Starting at the end of year five, the CID should plan to crack seal all streets every three years and make basic pavement spot repairs where needed.

**D. *Funding***

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. Subject to approval by the qualified voters within the District and the governing Board, it is estimated that the total assessment per property will include the costs related to initial construction and an annual maintenance assessment. It is estimated that the annual assessment will be \$1,117.99 per year for a period of twenty years.

Any assessment will be subject to the limitations set forth in this Petition and any Special Assessment Petition submitted to authorized the imposition of such assessments.

**E. *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.

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

**G. Project Timeline and Cost Estimate.** It is anticipated that the Improvements will be completed during the summer of 2022 and, in the event of construction delays, prior to the end of 2022. It is anticipated that the Improvements will not cost more than \$1,650,000. It is anticipated that the financing for the initial construction will be paid in full within twenty (20) years following establishment of the District.

It is anticipated that the District will continue to exist for a total of thirty (30) years and that the streets and Improvements will be maintained with an annual maintenance assessment for thirty (30) years. The estimated cost for future maintenance for 30 years is \$350,000.

#### **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 City Administrator of the City of Frontenac shall be a City Liaison to the Board and he or she shall participate in all meetings and discussions, but 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. SALES AND USE TAXES**

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

## **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.

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.

Special Assessments shall attach to the real property within the District and shall be collected in the same or similar manner as ad valorem real estate taxes. The owner of the property shall be responsible for payment of the Special Assessment. In the event that a property is conveyed to a different party, the new owner shall assume responsibility for payment of the Special Assessment including any delinquent Special Assessments.

## **8. ASSESSED VALUE**

As of the date of this Petition, the total assessed value of all of the real property within the District is \$11,161,430.00. 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) Twenty-seven years following the effective date of the ordinance adopting and approving this Petition and establishing the District, subject to extension by the City's governing body following a public hearing and provided that all indebtedness of the District has been paid in full; 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.

## **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 NORTH WEST END PARK COMMUNITY IMPROVEMENT DISTRICT ACCORDING TO THE PRECEDING PETITION AND AUTHORIZE THE CREATION OF THE DISTRICT.**

**THE UNDERSIGNED ADDITIONALLY REQUEST THAT THE SPECIAL ASSESSMENT PETITION BE PRESENTED TO THE INITIAL BOARD OF DIRECTORS ALLOWING THE BOARD TO LEVY THE ASSESSMENTS AUTHORIZED BY SUCH SPECIAL ASSESSMENT PETITION.**

**SPECIAL ASSESSMENT PETITION**  
**NORTH WEST END PARK**  
**COMMUNITY IMPROVEMENT DISTRICT**

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

The annual special assessment per parcel shall not exceed \$1,200.00 per year.

It is anticipated that the special assessment will be reduced when the indebtedness attributable to the initial construction of the Improvements has been paid. It is anticipated that such indebtedness will be paid within twenty (20) years following establishment of the District. Following the payment of all indebtedness, it is anticipated that the annual assessment will consist only of such amount necessary for maintenance of the streets and rights-of-way.

In the event that a property owner wishes to pay an assessment in a lump sum to avoid the obligation to make annual payments, the Board of Directors may provide such owner with the pay-off amount upon request of the property owner. Such lump sum assessment shall take into account the parcel's share of the costs of initial construction and future maintenance.

The special assessments shall be levied on a per parcel basis (equal amount for each parcel) against each tract, lot or parcel of real property within the district. Provided, however, that vacant parcels under common ownership with an adjoining parcel shall not be subject to such special assessments until sold to a different owner.

In the event that a parcel is later subdivided, the special assessment will attach to all lots resulting from such subdivision at such time that the lots are no longer under common ownership.

Special Assessments shall attach to the real property within the District and shall be collected in the same or similar manner as ad valorem real estate taxes. The owner of the property shall be responsible for payment of the Special Assessment. In the event that a property is conveyed to a different party, the new owner shall assume responsibility for payment of the Special Assessment including any delinquent Special Assessments.

**EXHIBIT A**

**LEGAL DESCRIPTION OF DISTRICT**

Commencing at the southwest corner of the district which is the southwest corner of 10455 German Blvd. and proceeding northward along the eastern (rear) property lines of 16, 18, 31, 29, and 27 Glen Abbey Drive and then proceeding eastward in a jagged line along the northern (rear) property lines of 10479, 10475, 10471, 10469, 10467, 10459, 10447, and 10438 Garibaldi Place and then proceeding northward along the western property line of 10434 Donoho Place to the northern right-of-way line of Donoho Place and proceeding eastward along said northern right-of-way line to its intersection with Lindbergh Blvd., then directly south along the eastern right-of-way line of Donoho Place to the southern right-of-way line Donoho Place and proceeding westward along the southern line of Donoho Place to the northeast corner 10314 Donoho Place, then proceeding southward in a jagged line along the eastern property lines of 10314 Donoho Place, 10329 Garibaldi Place, 10324 Garibaldi Place, 10315 Anzeiger Avenue, 10310 Anzeiger Avenue, 10331 Savannah Avenue, 10324 Savannah Avenue, 10317 Arthur Place, 10316 Arthur Place, 10313 Cable Avenue and continuing directly south across Cable Avenue to the southern right-of-way line of Cable Avenue and then proceeding westward along said southern right-of-way line to its intersection with Leela Avenue, then proceeding south along the eastern right-of-way line of Leela Avenue to its intersection with German Blvd. and then westward along the northern right-of-way line of German Blvd. to the southwest corner of 10435 German Blvd., and then proceeding northward along the western property line of 10435 German Blvd. to the northwest corner of such property line then directly west across Dwyer Avenue to the eastern line of 10455 German Blvd. and then proceeding south and west along the eastern and southern property lines of 10455 German Blvd. to the point of beginning.

**EXHIBIT B**

**DISTRICT BOUNDARY MAP**

**EXHIBIT C**

**ASSESSED VALUATION BY PARCEL**