

**RESOLUTION # 501**

**AN AMENDED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI, AMENDING RESOLUTION NO. 501 OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI; AND STATING ITS INTENTION TO ESTABLISH THE DOWNTOWN CHESTERFIELD SPECIAL BUSINESS DISTRICT.**

**WHEREAS**, the City of Chesterfield, Missouri (the “City”), is a political subdivision duly organized and existing under the Constitution and laws of the State of Missouri; and

**WHEREAS**, upon petition by one or more owners of real property on which is paid the ad valorem real property taxes within a proposed special business district, the governing body of the City may adopt a resolution of intention to establish a special business district pursuant to the Special Business Districts Act, Sections 71.790 to 71.808 of the Revised Statutes of Missouri, as amended (the “SBD Act”), and

**WHEREAS**, the City has received a Petition to Establish the Downtown Chesterfield Special Business District (the “Petition”), filed by an owner of real property subject to real property taxes within the proposed boundaries of the Downtown Chesterfield Special Business District (the “District”), which Petition is attached hereto and incorporated herein by reference as Exhibit A, and

**WHEREAS**, on September 3, 2024, the City’s City Council (the “City Council”) adopted its Resolution No. 501, which is a resolution of intention to establish the District in accordance with the SBD Act (the “Resolution 501”), and

**WHEREAS**, the City Council desires to amend Resolution 501, to update the date and time of the public hearing described therein; and

**WHEREAS**, the City’s City Council (the “City Council”) desires to adopt an amended resolution of intention to establish the District in accordance with the SBD Act, which specifically changes the date and time of the public hearing.


**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CHESTERFIELD, MISSOURI, AS FOLLOWS:**

1. The City Council hereby finds and states that except as stated herein, the provisions of Resolution 501 are hereby confirmed, approved, and affirmed.
2. In accordance with the SBD Act, the City Council states that it will hold a public hearing to consider the establishment of the District on Monday, October 7, 2024 at 7:00 p.m. at Chesterfield City Hall, 690 Chesterfield Parkway W, Chesterfield, Missouri 63017. In accordance with the SBD Act, the City Council shall cause notice of the public hearing to be published on two separate occasions in at least one newspaper of general circulation not more than fifteen days nor less than ten days before the public hearing; and shall cause to be mailed a notice by United States mail of the public hearing to all owners of record of real property and licensed businesses located in the proposed District. At the public hearing the City Council shall hear all

protests and receive evidence for or against the proposed action; rule upon all protests which determination shall be final; and continue the public hearing from time to time, all in accordance with the SBD Act.

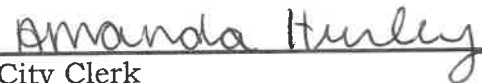
3. The WHEREAS clauses of this Resolution are hereby incorporated herein by reference.
4. The Mayor of the City or his designated representatives are hereby authorized to take any and all actions as may be necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the City Council being necessary to authorize such action by the Mayor or his designated representatives.
5. It is hereby declared to be the intention of the City Council that each and every part, section, and subsection of this Resolution shall be separate and severable from each and every other part, section, and subsection hereof and that the City Council 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 Resolution 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 accordance with the legislative intent.
6. This Resolution shall be in full force and effect from and after its passage and approval.

**Passed and adopted this** 17<sup>th</sup> **day of** September, **2024.**

  
\_\_\_\_\_  
Presiding Officer

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Deputy City Clerk

**EXHIBIT A**

Petition

*(Attached hereto.)*

**PETITION TO THE CITY OF CHESTERFIELD, MISSOURI  
TO ESTABLISH THE  
DOWNTOWN CHESTERFIELD SPECIAL BUSINESS  
DISTRICT**

**Submitted July 22, 2024**

**PETITION TO ESTABLISH THE DOWNTOWN  
CHESTERFIELD SPECIAL BUSINESS DISTRICT**

To: The City Council, City of Chesterfield, Missouri (the "City", and the "Council"):

The undersigned, being an owner of real property subject to real property taxes and within the proposed boundaries of the Downtown Chesterfield Special Business District (the "SBD"), do hereby petition and request that the Council establish the SBD as described herein, pursuant to Sections 71.790 through 71.808 of the Revised Statutes of Missouri, as amended (the "Act").

**1. Description of the SBD**

**A. Map of SBD Boundaries**

A map illustrating the SBD boundaries is attached hereto as **EXHIBIT A**, and incorporated herein by reference.

**B. Name of SBD**

The name of the proposed special business district, to be established pursuant to the Act, will be the "Downtown Chesterfield Special Business District".

**2. Purposes of the SBD**

The SBD may generally provide for certain services and public improvements listed in the Act. The SBD's revenues may be put to use for all qualified and allowable expenditures allowed under the Act including, but not limited to:

- A. maintenance, repair, and replacement of streets, street lighting, bike paths, and pedestrian pathways;
- B. maintenance, repair, and replacement of landscaped center medians within City accepted streets, including irrigation (to the extent they are separable from systems serving other areas not to be maintained by the City);
- C. security;
- D. maintenance, repair and replacement of the public parking garage;
- E. maintenance, repair and replacement of the public park including programming for marketing and events;
- F. legal, insurance, administration, and financial oversight; and
- G. all other qualified and allowable expenditures of any other special district located within the City, established in accordance with the Special District Act.

All of the foregoing qualified and allowable expenditures shall be spent exclusively within the boundaries of the SBD, provided, however, that legal, insurance, administration, and financial oversight expenditures may be spent outside the boundaries of SBD so long as they directly relate to the geographical area of the SBD.

Also, the SBD may:

- A. Cooperate with other public agencies and with any industry or business located within the SBD in the implementation of projects within the SBD.

- B. Enter into agreements with any other public agency, any person, firm, or corporation to effect any of the provisions contained in the Act.
- C. Contract and be contracted with.
- D. Accept gifts, grants, loans, or contributions from the City, the State of Missouri, political subdivisions, foundations, other public or private agencies, individuals, partnerships or corporations.
- E. Employ or contract engineering, legal, technical, clerical, accountant, and other assistance as it may deem advisable.

### 3. Type of SBD

The SBD is a political subdivision of the State of Missouri with the power to impose a real property tax pursuant to the Act.

### 4. The SBD's Advisory Board

- A. In accordance with the Act, the Council will have sole discretion as to how the revenue derived from any tax to be imposed within the SBD, or any revenue derived from disposition of assets of the SBD, will be used within the scope of the purposes of the SBD, as described in this Petition to Establish the Downtown Chesterfield Special Business District (this "**Petition**") and the Act.
- B. In accordance with the Act, the Mayor of the City, with consent of the Council, will appoint a seven-member advisory board (the "**Board**"), in accordance with the qualifications as established by law and as set forth herein, to make recommendations as to the use of the SBD.
- C. *Qualifications*
  - i. Members of the Board must be at least 18 years of age.
  - ii. All seven members of the Board will be selected by the City, appointed by the Mayor, and consented to by the Council. Two of the seven members of the Board will be designees of TSG Downtown Chesterfield Redevelopment, LLC, a Missouri limited liability company, or its permitted successors or assigns in interest (under that certain Redevelopment Agreement for RPA-1 by and between the City and TSG Downtown Chesterfield Redevelopment, LLC dated as of March 1, 2024). The Mayor shall appoint, and the Council shall approve, the designees selected by TSG Downtown Chesterfield Redevelopment LLC, unless such designee shall have previously been properly removed from the Board in accordance with the process described in Section 4.F. below. Five of the seven members of the Board will be designees of the City.
- D. *Term of Office:* Each member of the Board will serve for a four-year term (except as provided herein with respect to the initial members), with terms expiring as of December 31<sup>st</sup> of the designated year or when their successors are appointed as provided herein, whichever is later.
- E. *Initial Members and Terms:* The initial members will be appointed for the terms set forth as follows: (a) one member will be appointed for a term expiring December 31, 2025; (b) two members will be appointed for a term expiring December 31, 2026; (c) two members

will be appointed for a term expiring December 31, 2027; and (d) two members will be appointed for a term expiring December 31, 2028.

- F. *Removal:* The Mayor, with consent of the Council, may remove any member of the Board for misconduct or neglect of duty upon written charges and after a public hearing.
- G. *Vacancies:* Vacancies on the Board occasioned by removal, resignation, expiration of term, or otherwise will be reported in writing to the City Administrator of the City by the Board. The vacancy will be filled in like manner as an original appointment. Appointments to fill vacancies will be for the unexpired portion of a term only.

**5. Life of the SBD**

The SBD will continue to exist and function until dissolved by an ordinance of the Council. If approved by qualified voters in accordance with Section 71.800 of the Act, the levy of tax on real property will go into effect in the tax year in which the election is held, and will remain in effect until repealed in accordance with the Act.

**6. Maximum Rates and the Method of Assessment**

The ballot question will be in substantially the following form:

Shall the special business district of the Downtown Chesterfield Special Business District ("**SBD**") be authorized to impose a tax on owners of real property in a sum not to exceed \$0.85 per \$100 assessed valuation on real property, tracts, lots, or parcels of real property for the purpose of providing revenue to the SBD. For purposes of property receiving tax abatement, the assessed value for each is at the current rate until abatement ends. The amount levied annually will be set by the City Council of the City of Chesterfield, Missouri each calendar year by resolution of the City Council of the City of Chesterfield, Missouri.

**7. Limitations on Revenue Generations**

The SBD will have no additional authority to levy taxes except as provided herein, or as provided by amendments to this Petition.

**8. Reports and Meetings**

The SBD will comply with requirements of reporting and meetings described in Section 67.1471 of the Revised Statutes of Missouri, as amended. Meetings will be open to the public.

**9. Severability**

If any provision of this Petition is held or deemed 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 will 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.

TSG Downtown Chesterfield Redevelopment, LLC.  
a Missouri limited liability company

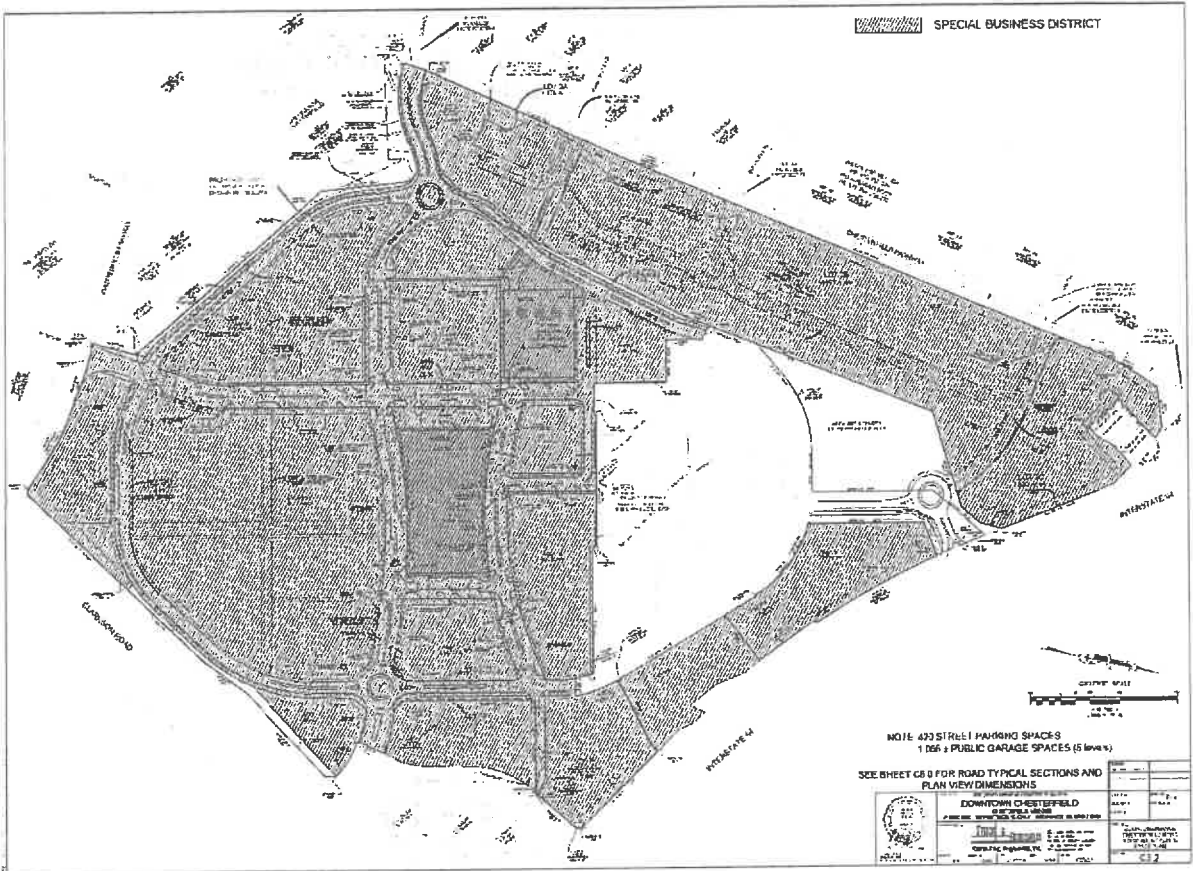
By:

Michael H. Staenberg  
Manager



# EXHIBIT A

## Map of SBD Boundaries



No.	Task	Statutory Authority	Proposed Dates <sup>1</sup>	Assigned To
1	Petition by "one or more owners of real property on which is paid the ad valorem real property taxes within the proposed district" filed with the City of Chesterfield, Missouri (the "City") to adopt a resolution of intention to establish the Downtown Chesterfield Special Business District ("SBD")	71.794.(1), RSMo.	Filed 7/22/24	TSG
2	City submits resolution to City Council for 9/17/24 meeting		By 5 p.m. on 9/11/24	Planning
3	The City Council may adopt a resolution declaring its intention to establish the SBD, which resolution must contain specifics required by statute	71.794.(1), RSMo.	9/17/2024	Planning
4	Publication proof submitted for SBD public hearing notice in general circulation newspaper (The Countian publishes every day)		9/18/2024 by 11 a.m.	Planning
5	The City Council shall mail a notice by certified mail of the hearing to all owners of record of real property and licensed businesses located in the proposed district	71.794.(2), RSMo.	9/23/2024 Not more than 15 days nor less than 10 days before the hearing date	Planning
6	Publication of first SBD public hearing notice in general circulation newspaper	71.794.(2), RSMo.	9/23/2024 Not more than 15 days nor less than 10 days before the hearing date.	Planning
7	Publication of second SBD public hearing notice in general circulation newspaper	71.794.(2), RSMo.	9/24/2024 Not more than 15 days nor less than ten days before the hearing date.	Planning
8	The City shall conduct a survey and investigation. <sup>2</sup>	71.792, RSMo.	By 9/30/24	MOG
9	A written report of the survey and investigation shall be filed in the office of the City Clerk and shall be available for public inspection.	71.792, RSMo.	By 9/30/24	MOG
10	City Council holds formation public hearing <sup>3</sup>		10/7/2024	Planning
11	City Council gives first reading of ordinance establishing the SBD <sup>4</sup>		10/7/2024	Planning

<b>No.</b>	<b>Task</b>	<b>Statutory Authority</b>	<b>Proposed Dates<sup>1</sup></b>	<b>Assigned To</b>
12	City Council gives second reading and adopts ordinance establishing the SBD <sup>5</sup> , which, among other things, states the initial rate of levy to be imposed upon the property lying within the boundaries of the district <sup>6</sup> , and orders election of qualified voters to approve the property tax. <sup>7</sup> The order shall state the election date as 4/15/25.	71.792, RSMo., 71.794.(4), RSMo., & 71.800.5	1/6/2025	Planning
13	Record ordinance.		1/7/2025	Planning
14	City Council requests mail-in election for imposition of property tax from election authority		1/7/2025	City Clerk
15	To determine qualified voters, City Clerk to request registered voter check from the St. Louis County Board of Elections for RPA-1A & B		1/7/2025	City Clerk
16	To determine qualified voters, City Clerk to check St. Louis County, Missouri land records for RPA-1A & B		1/7/2025	City Clerk
17	City Clerk mails by certified mail notice of the mail-in election and opportunity to apply for mail-in ballot to all qualified voters	71.800.6, RSMo.	1/15/2025	City Clerk
18	City Clerk to verify list of qualified voters is still accurate and submit notice of the mail-in election and opportunity to apply for mail-in ballot by certified mail to any newly identified qualified voters		1/22/2025	City Clerk
19	Persons entitled to apply for a ballot <sup>8</sup> apply for mail- in ballot.	71.800.6(1), RSMo. & 71.800.6(4), RSMo.	By 2/4/25 Per 71.800.6(4), no person shall apply for such ballot later than the fourth Tuesday before the date for mailing ballots specified in the ordinance	City Clerk
20	City Clerk to verify list of qualified voters is still accurate		3/4/2025	City Clerk

No.	Task	Statutory Authority	Proposed Dates <sup>1</sup>	Assigned To
21	The City Clerk mails a ballot to each applicant of the district along with a return addressed envelope directed to the City Clerk's office with a sworn affidavit on the reverse side of such envelope for the voter's signature <sup>9</sup>	71.800.7, RSMo. & 71.800.5, RSMo.	3/4/2025  Per, 71.800.5, the ordinance shall specify a date on which ballots for the election shall be mailed. Such date shall be a Tuesday, and shall not be earlier than the eighth Tuesday from the issuance of the order, nor later than August 15th of the year the order is issued and shall not be on the same day as an election conducted under the provisions of Chapter 115	City Clerk
22	Voted ballots shall be returned to the City Clerk's office by mail or hand delivery	71.800.10, RSMo.	4/15/2025  No later than 5:00 p.m. on the sixth Tuesday after the date for mailing the ballots as set forth in the ordinance	City Clerk
23	City Clerk transmits all voted ballots to a team of judges (that the City Clerk selects) of not less than 4, with an equal number from each of the two major political parties	71.800.10, RSMo.	4/15/2025	City Clerk
24	Upon receipt of the voted ballots the judges shall verify the authenticity of the ballots, canvas the votes, and certify the results	71.800.10, RSMo.	Certification by 4/29/25 Certification by the election judges shall be final and shall be immediately transmitted to the governing body.	City Clerk
25	If approved, the property tax is effective for the tax year in which the election is held	71.800.11, RSMo.		Planning
26	City to transmit election results to St. Louis County Assessor		Immediately following receipt of certification	Planning

1 "Proposed Dates" are a best case scenario and, among other things, are reliant on the working group's cooperation.

2 The cost of the survey and investigation shall be included as a part of the cost of establishing the business district. 71.792, RSMo.

3 Should the City Council decide to change the boundaries of the proposed District, the hearing shall be continued 15 days from said decision and notice of such continued hearing shall comply with 71.794.(3).

4 Proposed schedule assumes City Council will conduct the first reading on same day as public hearing. To be confirmed with City Council.

5 Proposed schedule assumes ordinance becomes effective on date of final passage. To be confirmed with City Council.

6 Such property tax is subject to a majority of qualified voters voting in favor of such imposition of the tax pursuant to a mail-in election held in accordance with 71.800, RSMo.

7 The ordinance adopted by the City Council shall "order" the election and specify the date when such election will be held/ballots mailed. 71.800.5, RSMo.

8 Per 71.900.6(1), "[p]ersons entitled to apply for a ballot in an election to approve a property tax imposed pursuant to subsection 1 ... of this section shall be: (a) [a] resident individual of the district; or (b) [a] person, including an individual, partnership, limited partnership, corporation, estate, or trust, which owns real property within the special business district.

9 71.800.7, RSMo. provides the form for the affidavit.