COUNCIL BILL NO. 2018-510 **ORDINANCE NO.**

AN ORDINANCE approving a Petition to add real property to and remove real property from the Northpark Lane Community Improvement District.

WHEREAS, Sections 67.1401 to 67.1571 RSMo, 2000, as amended (the "CID Act"), authorize the governing body of any city, upon presentation of a proper petition requesting the addition of real property to and removal of real property from a Community Improvement District, to adopt an ordinance approving the addition of real property to and removal of real property from a Community Improvement District; and

WHEREAS, the City of Joplin, Missouri (the "City") is a charter city and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and

WHEREAS, the Northpark Lane Community Improvement District (the "District") was established pursuant to Joplin City Ordinance No. 2014-90 on or about June 16, 2014 ("2014 Ordinance"), a copy of which is included as Exhibit B to the 2018 Petition, as hereinafter defined; and

WHEREAS, on May 30, 2018, property owners within the District, collectively owning one hundred percent (100%) by assessed value of the real property and one hundred percent (100%) per capita of all owners of real property within the District filed with the City Clerk a petition for the addition of real property to and removal of real property from the District pursuant to the CID Act (the "2018 Petition"), said 2018 Petition recites the following facts:

(a) That the Petitioners are requesting the City Council to amend the boundaries of the District;

(b) The amended legal description of the District, including a map illustrating the updated district boundaries;

(c) A five-year plan stating that the District's Five-Year Plan included in the May 2014 petition (the "2014 Petition"), a copy of which is included as Exhibit A to the 2018 Petition, to establish the District, remain unchanged by the 2018 Petition;

(d) A notice that the signatures of the signers may not be withdrawn later than seven (7) days after the 2018 Petition is filed with the City Clerk;

(e) A statement that the District will remain a political subdivision governed by a five (5) member board appointed by the Mayor with the consent of the City Council;

(f) The total assessed value of all real property within the District;

(g) That the Petitioners are not seeking a determination that the District, or any legally described portion thereof, is a blighted area;

(h) The length of time for the existence of the District remains unchanged from the 2014 Ordinance and 2014 Petition;

(i) The method of financing for the District projects and services by implementation of a District Sales Tax on all retail sales made within the District which are subject to taxation pursuant to Sections 144.010 to 144.525, RSMo, at a rate not to exceed one percent (1%), upon an affirmative vote of the qualified voters of the District and in accordance with the CID Act remains unchanged from the 2014 Ordinance and 2014 Petition;

(j) That the District, pursuant to its Resolution No. 2016-02, will continue to impose a sales tax in the amount of 1%, which amount shall remain unchanged upon adoption of this Ordinance;

(k) That the District will continue to have no power to submit a real property tax to the qualified voters for approval;

(l) That the District will continue to have no power to submit a special assessment to the qualified voters for approval;

(m) That the District will submit certain financial information of the District to the City as provided in the 2018 Petition;

(n) That the District will make an annual payment of a $2,500 as an administrative payment to the City;

(o) The consent of the District to add property to and remove real property from the boundaries of the District;

(p) The limitations, if any, on the borrowing capacity of the District, the limitations, if any, on the revenue generated by the District, and any other limitations on the powers of the District remain unchanged from the 2014 Petition; and

WHEREAS, the City Clerk verified that the 2018 Petition substantially complies with the CID Act, submitted the verified 2018 Petition to the City Council and set a public hearing with all proper notice being given in accordance with the CID Act or other applicable law; and

WHEREAS, none of the signatures of the signers of the Petition were withdrawn within seven (7) days after the Petition was filed with the City Clerk; and

WHEREAS, all the real property included in the District is entirely located within the City of Joplin; and

WHEREAS, on June 18, 2018, the City Council held a public hearing at which all persons interested in the formation of the District were allowed an opportunity to speak; and

WHEREAS, the City Council having considered the evidence and testimony given at the public hearing, desires to approve the 2018 Petition and amend the boundaries of the District to reflect the additions of real property to and removal of real property from the District and make such other findings as necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. All terms used in this Ordinance shall be construed as defined in the CID Act and the 2018 Petition.

Section 2. The City Clerk has verified the 2018 Petition substantially complies with all submission requirements of the CID Act.

Section 3. The amendment to the boundaries of the District to reflect the addition of real property to and removal of real property from the District is hereby approved, as provided in the 2018 Petition, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference. The District includes the contiguous tracts of real estate as described and shown in the attached 2018 Petition.

Section 4. As set forth in the 2014 Petition, the District shall continue to be governed by a board of directors consisting of five (5) members, appointed by the Mayor with the consent of the City Council in accordance with Section 67.1451.5 of the CID Act.

Section 5. The District's Board of Directors shall have the authority to impose a sales tax as set forth in the 2014 Petition and in conformance with the CID Act.

Section 6. The District shall have and possess without limitation such powers authorized under the CID Act and as set forth or otherwise limited in the 2014 Petition.

Section 7. Pursuant to the 2014 Ordinance, the maximum length of time for the existence of the District shall continue to be be until the earlier of: (a) twenty (20) years following the effective date of the District Sales Tax; or (b) upon redemption or maturity of all District Obligations issued by the District to fund the District Project and the District Services.

Section 8. The City Manager, City Clerk and any other appropriate City officials are hereby authorized to take any action as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance and to execute and deliver for and on behalf of the City all certificates, instruments or other documents as may be necessary, desirable, convenient or proper to perform all matters herein authorized.

Section 9. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance 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 Ordinance 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 accord with the legislative intent.

Section 10. This Ordinance shall become effective immediately upon approval by the City Council and execution of the Ordinance by the Mayor.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2018.

_____
Gary L. Shaw, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney