COUNCIL BILL NO. 2020-530 ORDINANCE NO.

AN ORDINANCE approving a Petition to Amend Boundaries and Remove Property from the 32nd Street Place Community Improvement District and setting a date when this Ordinance shall become effective.

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 by virtue of the Constitution and the laws of the State of Missouri; and

WHEREAS, by Ordinance No. 2020-113 adopted by the City Council on August 3, 2020, and in accordance with the Missouri Community Improvement District Act, Sections 67.1401-67.1571, Revised Statutes of Missouri, as amended (the "CID Act)", the 32nd Street Place Community Improvement District (the "District") was established as a political subdivision of the State of Missouri to fund certain public and private facilities and improvements within the project area, including improvements to Hammons Boulevard, which is currently a private road that intersects with Range Line Road on the western boundary of the District and with 32nd Street on the northern boundary of the District; and

WHEREAS, a portion of the existing northern section of Hammons Boulevard, including its intersection with 32nd Street, is intended to be vacated and replaced with new and re-aligned Hammons Boulevard. Upon completion, the Hammons Boulevard improvements will be dedicated to the City; and

WHEREAS, pursuant to Section 67.1441.1 of the CID Act, an owner of property seeking to remove its property from the District signed a petition, which petition was consented to by the District's Board of Directors by Resolution 2020:09 dated October 28, 2020; and

WHEREAS, a Petition to Amend Boundaries and Remove Property from the District was filed with the City Clerk on October 29, 2020, (the "Deannexation Petition"), a copy of the Deannexation Petition is attached hereto as **Exhibit A**; and

WHEREAS, the Deannexation Petition requests that the City Council amend the District's boundaries by removing one (1) tract, as legally described and depicted in **Exhibit B** attached hereto (the "Deannexed Property"); and

WHEREAS, the Deannexed Property is that portion of the existing Hammons Boulevard that crosses the site of a proposed Menards store and was annexed into the District by Ordinance No. _____ dated December 7, 2020, to enable the District to utilize District funds to assist in the re-alignment of Hammons Boulevard. Once the Hammons Boulevard improvements are complete and accepted by the City, the Deannexed Property it will no longer be necessary for the Deannexed Property to be in the District; and

WHEREAS, the City Clerk verified that the Deannexation Petition substantially complies with the CID Act, submitted the verified Deannexation 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 Deannexation Petition were withdrawn within seven (7) days after the Deannexation Petition was filed with the City Clerk; and

WHEREAS, all of the Deannexed Property is located within the City of Joplin; and

WHEREAS, on December 7, 2020, the City Council held a public hearing at which all persons interested in the amendment of the District's boundaries 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 Deannexation Petition and amend the District's boundaries by removing the Deannexed Property from the District and make such other findings as necessary, subject to the completion and acceptance of the Hammons Boulevard improvements by the City.

BE IT ORDAINED BY THE COUNIL 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 Deannexation Petition.

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

Section 3. The boundaries of the District are amended to exclude the Deannexed Property in accordance with Section 67.1441.1 of the CID Act and the Deannexation Petition, subject, however, to the completion of the Hammons Boulevard improvements and the City's acceptance thereof, as described in Section 6 below. On the effective date of this Ordinance as described in Section 6 below, the boundaries of the District, as amended by the removal of the Deannexed Property, will be contiguous.

Section 4. 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 5. 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 6. This Ordinance relating to the amendment of the District's boundaries to remove the Deannexed Property, if passed, adopted and approved by the Mayor, shall become effective on the date that the new alignment of Hammons Boulevard is completed and accepted by the City, as evidenced by a Certificate of Completion signed by the District and the City and filed with the City Clerk or such other instrument as the District and the City may mutually agree conclusively establishes the completion of the Hammons Boulevard improvements and the City's acceptance thereof. On such completion and acceptance date, this Ordinance shall become effective and the boundaries of the District shall then be amended to exclude the Deannexed Property.

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

of _____, 2020.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

Exhibit A

Amended Petition to Amend Boundaries and Remove Property

Exhibit B

Legal Description and Maps of Property to be Removed

ALL THAT PART OF FRACTIONAL SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING FROM THE NORTHWEST CORNER OF SAID SECTION 19 (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE); THENCE SOUTH 88°29'34" EAST, ALONG THE NORTH LINE OF THE SAID FRACTIONAL SECTION 19, A DISTANCE OF 916.30 FEET; THENCE SOUTH 01°29'03" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF MISSOURI ROUTE FF (A.K.A. 32ND STREET) AND THE INTERSECTION OF SAID SOUTH RIGHT OF WAY LINE AND THE WEST RIGHT OF WAY LINE OF HAMMONS BLVD, AS PREVIOUSLY ESTABLISHED; THENCE CONTINUING SOUTH 01°29'03" WEST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 99.99 FEET TO THE BEGINNING OF A CURVE TO THE LEFT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE, HAVING A CHORD BEARING OF SOUTH 14°06'27" EAST, A RADIUS OF 834.27 FEET, FOR AN ARC DISTANCE OF 454.04 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 88°25'36" EAST, A DISTANCE OF 71.23 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID HAMMONS BLVD, SAID POINT BEING ON A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT AND ALONG SAID EAST RIGHT OF WAY LINE, HAVING A CHORD BEARING OF SOUTH 42°24'50" EAST, A RADIUS OF 774.27 FEET FOR AN ARC DISTANCE OF 269.67 FEET; THENCE SOUTH 52°23'30" EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 30.39 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT AND ALONG SAID EAST RIGHT OF WAY LINE, HAVING A CHORD BEARING OF SOUTH 36°44'33" EAST, A RADIUS OF 830.54 FEET, FOR AN AR DISTANCE OF 453.69 FEET; THENCE NORTH 88°25'36" WEST, A DISTANCE OF 65.47 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID HAMMONS BLVD, SAID POIUNT BEING ON A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT AND ALONG SAID WEST RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 37°40'51" WEST, A RADIUS OF 770.54 FEET, FOR AN ARC DISTANCE OF 365.68 FEET; THENCE NORTH 52°23'30" WEST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 30.39 TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF NORTH 41°02'43" WEST, A RADIUS OF 834.27 FEET, FOR AN ARC DISTANCE OF 330.42 FEET TO THE **POINT OF BEGINNING**. CONTAINING 45,314.80 SQ. FEET (1.04 ACRES).

MAPS SHOWING PROPERTY TO BE REMOVED AND FULL BOUNDARY MAP WITH DEANNEXED PROEPRTY REMOVED ATTACHED ON FOLLOWING PAGES