

RESOLUTION NO. 320

A RESOLUTION AMENDING RESOLUTION NO. 299 CALLING FOR THE JOINT ESTABLISHMENT OF A TRANSPORTATION DEVELOPMENT DISTRICT; APPROVING AN ADDITIONAL TRANSPORTATION PROJECT AND A TRANSPORTATION DEVELOPMENT DISTRICT SALES TAX AT A RATE OF THREE EIGHTHS OF ONE PERCENT; AUTHORIZING THE CITY OF CHESTERFIELD, MISSOURI, TO JOIN THE COUNTY OF ST. LOUIS, MISSOURI, IN AN AMENDED PETITION TO CREATE THE CHESTERFIELD VALLEY TRANSPORTATION DEVELOPMENT DISTRICT; AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO.

WHEREAS, the City of Chesterfield, Missouri (the "City") is a local transportation authority within the meaning of Section 238.202.1(4) of the Missouri Transportation Development District Act, Section 238.200 to 238.275 of the Revised Statutes of Missouri, as amended (the "TDD Act"); and

WHEREAS, the County of St. Louis, Missouri (the "County") is a local transportation authority within the meaning of Section 238.202.1(4) of the TDD Act; and

WHEREAS, two or more local transportation authorities are authorized under Section 238.207.5 of the TDD Act to adopt resolutions calling for the joint establishment of a transportation development district for the purpose of funding, promoting, planning, designing, constructing, improving, maintaining and operating or assisting in one or more projects approved in accordance with the TDD Act; and

WHEREAS, on May 3, 2004, the City adopted Resolution No. 299 calling for the establishment of a transportation development district, approving a transportation project and authorizing the City to join the County in a petition to create the Chesterfield Valley Transportation Development District (the "District"), the boundaries of which are legally described on **Exhibit A**, attached hereto and incorporated herein by reference; and

WHEREAS, on May 18, 2004, the County adopted Resolution No. 4689 calling for the establishment of a transportation development district, approving a transportation project and authorizing the County to join the City in a petition to create the District; and

WHEREAS, the City and the County joined in filing a Petition for the Creation of a Transportation Development District (the "Petition") to create the District for the purpose of funding, promoting, planning, designing, constructing, improving, maintaining and operating or assisting in (a) alignment and improvement of a single signalized intersection of Wildhorse Creek Road, Long Road and Kehrs Mill Road; (b) widening of Long Road from Chesterfield Airport Road to Wildhorse Creek Road; (c) construction of a full diamond interchange at Interstate 64 and Long Road; (d) construction of a levee trail/bikeway system along the Monarch Levee; (e) Wildhorse Creek Road realignment at/near Chesterfield Airport Road and Chesterfield Parkway; (f) conducting a study addressing the mass transit needs of the Chesterfield Valley; and (g) improvements to Chesterfield Airport Road at its intersection with Spirit of St. Louis Boulevard and at its intersection with Old Olive Street Road (collectively, the "Original Project"); and

WHEREAS, the Petition provided that, subject to approval of the qualified voters within the District, the Transportation Project will be funded initially through the imposition of a transportation development district sales tax (the "TDD Sales Tax") at a rate of up to one quarter of one percent (1/4%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the District that are subject to taxation pursuant to Section 238.235 of the TDD Act; and

WHEREAS, the City and the County desire to amend the Petition to (a) increase the scope of the Original Project by adding an additional project generally consisting of improvements to local roads and rights-of-way and acquisition of public easements in an amount of up to \$2,150,000 within the area bounded by and including Long Road on the west, Baxter Road on the east, Interstate 64 on the north and Edison Avenue on the south (the "Additional Project"); and (b) authorize the TDD Sales Tax at a rate of up to three eighths of one percent (3/8%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the District that are subject to taxation pursuant to Section 238.235 of the TDD Act ; and

WHEREAS, the City and the County desire to cooperate with one another and, upon its formation, with the District for the purpose of carrying out the planning, development, acquisition, construction and financing of the Original Project and the Additional Project; and

WHEREAS, the City and the County intend to enter into an agreement whereby the City and the County will each contribute funds to complete certain portions of the Transportation Project.

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

Section 1. The City Council hereby amends Resolution No. 299 to authorize the City and the County to amend the Petition to (a) increase the scope of the Original Project by adding an additional project generally consisting of improvements to local roads and rights-of-way and acquisition of public easements in an amount of up to \$2,150,000 within the area bounded by and including Long Road on the west, Baxter Road on the east, Interstate 64 on the north and Edison Avenue on the south (the "Additional Project"); and (b) authorize the TDD Sales Tax at a rate of up to three eighths of one percent (3/8%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the District that are subject to taxation pursuant to Section 238.235 of the TDD Act.

Section 2. The City hereby calls for the joint establishment of the District with the County for the purpose of funding, promoting, planning, designing, constructing, improving, maintaining and operating or assisting the projects identified on **Exhibit B**, attached hereto and incorporated herein by reference (the "Transportation Project").

Section 3. The City Council hereby calls for the joint establishment of the District with the County in accordance with Resolution No. 299 as amended by this Resolution, together with all further City actions as may be necessary or convenient to cause to the District to be so formed and established under the TDD Act.

Section 4. The City Council hereby authorizes and directs the City Attorney and Armstrong Teasdale LLP to execute an amendment to the Petition in accordance with this Resolution and to take such other steps as are necessary to create and implement the District in accordance with the TDD Act.

Section 5. The portions of this Resolution shall be severable. In the event that any portion of this Resolution is found by a court of competent jurisdiction to be invalid, the remaining portions of this Resolution are valid, unless the court finds the valid portions of this Resolution are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council 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 6. This Resolution shall be in effect from and after its passage by the City Council.

**READ AND PASSED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD,
MISSOURI, THIS 18th DAY OF JULY, 2005.**


Mayor

Attest: 
City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE DISTRICT

Chesterfield Valley Redevelopment Area

A Tract of Land in Township 45 North, Ranges 3 and 4 East, City of Chesterfield, St. Louis County, Missouri, and being more particularly described as follows: The point of beginning located in U.S. Survey 132, Township 45 North, Range 3 East and being the intersection of the northwestern boundary of St. Louis County, as per the revised Statutes of the State of Missouri, 1978, Chapter 46.145 with the westerly prolongation of the southern line of a parcel conveyed to Kenneth G. Matthews and wife, and described in Deed Book 7080, Page 460 of the St. Louis County Records; thence along the city limits of the City of Chesterfield as described in an ordinance adopted April 21, 1988, the following courses: continuing along a line according to the survey by Edgar Rapp on September 3, 1925, north 77 degrees 33 minutes 00 seconds east along said prolongation and southern line of said parcel to a point on the west line of Eatherton Road, irregular width; thence southwardly along the westward line of said Eatherton Road to a point, said point also being a point on the southern line of the right-of-way conveyed to the St. Louis Southwestern Railway Company, as described in Deed Book 7289, Page 1114, St. Louis County Records; thence along the southern right-of-way line of said St. Louis Southwestern Railway, northeastwardly to its intersection with the western line on the parcel conveyed to Marie Burkhardt as described in Deed Book 9920, Page 1269, of the St. Louis County Records; thence northwestwardly along the western line of said parcel to a point on the western line of a parcel conveyed to Walter Graeler et al. as described in Deed Book 9049, Page 1848 of the St. Louis County Records; thence northwardly along the western line of said parcel to its prolongation to the middle of the main channel of the Missouri River and also the boundary of St. Louis County, as per Revised Statutes of State of Missouri, 1978, Chapter 46.145, then continuing along said boundary of St. Louis County in a westwardly direction to the point of beginning.

Country Lake Estates

A Tract on Land in U.S. Survey 1010 and Fractional Section 12, Township 45 North, Range 4 East, City of Chesterfield, St. Louis County, Missouri, recorded in St. Louis County Recorder of Deeds Plat Book 345, Page 41 thru 43.

The Courtyard at Kehrs Mill

A Tract on Land in U.S. Survey 126 and 1010, Township 45 North, Range 4 East, St. Louis County, Missouri, recorded in St. Louis County Recorder of Deeds Plat Book 347, Page 541.

Countryside at Chesterfield Plat One

A Tract on Land Partly in U.S. Survey 126 and 1010, and Partly in Fractional Section 7, Township 45 North, Range 4 East, City of Chesterfield, St. Louis County, Missouri, a Planned Environment Unit Procedure Ordinance No. 732, Zoned R-1, recorded in St. Louis County Recorder of Deeds Plat Book 314, Page 94 and 95.

Countryside at Chesterfield Plat Two

A Tract on Land in U.S. Survey 1010, in both Township 45 North, Range 3 East, and Township 45 North, Range 4 East, City of Chesterfield, St. Louis County, Missouri, a Planned Environment Unit

Procedure Ordinance No. 732, Zoned R-1, recorded in St. Louis County Recorder of Deeds Plat Book 324, Page 4.

Countryside at Chesterfield Plat Three

A Tract on Land in U.S. Survey 1010, in Both Township 45 North, Range 3 East, and Township 45 North, Range 4 East, City of Chesterfield, St. Louis County, Missouri, a Planned Environment Unit Procedure Ordinance No. 732, Zoned R-1, recorded in St. Louis County Recorder of Deeds Plat Book 325, Page 72 and 73.

The Crossing at Chesterfield

A Tract on Land in U.S. Survey 126 and 1010, and a Tract of Land in U.S. Survey 126, Township 45 North, Range 4 East, City of Chesterfield, St. Louis County, Missouri, a Planned Environmental Unit Procedure Ordinance No. 1041, Zoned R-1 and FPRI, recorded in St. Louis County Recorder of Deeds Plat Book 346, Page 623 and 624.

Windgate

A Tract on Land in U.S. Survey 126, Township 45 North, Range 4 East, City of Chesterfield, St. Louis County, Missouri, recorded in St. Louis County Recorder of Deeds Plat Book 349, Page 193.

Grand Coteau

A Subdivision of Part of Lot 4 of Damian Kroenung Estates, U.S. Survey 1010, Township 45 North, Range 3 and 4 East, recorded in St. Louis County Recorder of Deeds Plat Book 108, Page 63.

EXHIBIT B

GENERAL DESCRIPTION OF THE TRANSPORTATION PROJECT

The Transportation Project generally consists of the following: (1) alignment and improvement of a single signalized intersection of Wildhorse Creek Road, Long Road and Kehrs Mills Road; (2) widening of Long Road from Chesterfield Airport Road to Wildhorse Creek Road; (3) partial funding for a full diamond interchange at Interstate 64 and Long Road; (4) construction of a levee trail/bikeway system along the Monarch Levee; (5) Wildhorse Creek Road realignment at/near Chesterfield Airport Road and Chesterfield Parkway; (6) conducting a study addressing the mass transit needs of the Chesterfield Valley; (7) improvements to Chesterfield Airport Road at its intersection with Spirit of St. Louis Boulevard and at its intersection with Old Olive Street Road; and (8) improvements to local roads and rights-of-way and acquisition of public easements in an amount of up to \$2,150,000 within the area bounded by and including Long Road on the west, Baxter Road on the east, Interstate 64 on the north and Edison Avenue on the south, which improvements may include (a) acquisition of Public Works Drive immediately south of Chesterfield Airport Road; (b) acquisition of the north/south road adjacent to Target, commonly known as Chesterfield Commons East Road; (c) improvements along RHL Drive; (d) improvements to the intersection of RHL Drive and Chesterfield Airport Road; (e) acquisition of a public easement along THF Boulevard between Public Works Drive and Chesterfield Commons East Road and improvements within same; and (f) street lighting, landscape medians, landscaping, sidewalks, bike paths and signage within public rights-of-way within the bounded area described in this paragraph (8).

The Transportation Project shall also include without limitation costs associated with the following: (i) the operation and maintenance of the Transportation Project; (ii) land acquisition, settlement and transfer, including relocation costs, taxes, surveys and other professional fees related to the Transportation Project; (iii) demolition, earth work, erosion control, including without limitation paving, storm sewers, storm drainage, water systems, and retention basins related to the Transportation Project; (iv) relocation of utilities as necessary, including sanitary sewer, gas, electric, telephone and fiber optic cable related to the Transportation Project; (v) environmental engineering, mitigation and abatement related to the Transportation Project; (vi) replacement or installation of existing or new roadway/bikeway/pedestrian surfaces, curbs and gutters, sidewalks, traffic/bikeway/pedestrian signalization, signage, street lighting and landscaping related to the Transportation Project; (viii) construction financing, placement fees and interest, builder's risk insurance, design fees, engineering fees, legal fees, development fees, project management fees, architect and contractor fees, accounting and appraisal fees, as well as all other professional fees and costs related to the Transportation Project; and (ix) the administrative, legal and accounting fees and costs related to the creation and administration of the District.