RESOLUTION NO. 374

A RESOLUTION ACCEPTING THE PLANS AND SPECIFICATIONS AND ORDERING THE PREPARATION OF A PROPOSED ASSESSMENT ROLL FOR THE CHESTERFIELD HILL NEIGHBORHOOD IMPROVEMENT DISTRICT IMPROVEMENT PROJECT, CALLING A PUBLIC HEARING TO CONSIDER THE PROPOSED IMPROVEMENTS AND PROPOSED ASSESSMENTS, AND DIRECTING THE CITY CLERK TO GIVE NOTICE OF SUCH HEARING

WHEREAS, the City of Chesterfield, Missouri (the "City"), is authorized and empowered pursuant to the Neighborhood Improvement District Act, Sections 67.453 to 67.475 of the Revised Statutes of Missouri, as amended (the "NID Act"), to establish a neighborhood improvement district when a proper petition has been signed by the owners of record of at least two-thirds by area of all real property located within the proposed district and filed with the city clerk; and

WHEREAS, such a proper petition was filed with the City Clerk of Chesterfield, Missouri, on July 21, 2010 (the "Petition"), pursuant to the NID Act, proposing the creation of the Chesterfield Hill Neighborhood Improvement District (the "District"), described in more detail in the Petition; and

WHEREAS, the City Council of the City has reviewed the Petition proposing the creation of the District for the purpose of revitalizing certain detention facilities within the boundaries of the proposed District and carrying out the Chesterfield Hill Neighborhood Improvement District Improvement Project (the "Improvements"); and

WHEREAS, on September 1, 2010, pursuant to Ordinance No. 2622, the City Council established the District and ordered plans and specifications for the Improvements to be prepared; and

WHEREAS, plans and specifications for the Improvements, including an estimated cost, were prepared by the City; and

WHEREAS, the plans and specifications have been filed with the City Clerk and are open for public inspection;

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

Section 1. The plans and specifications for the Improvements providing for an estimated cost not to exceed $135,000 are hereby accepted by the City and are on file with the City Clerk and are open to public inspection. A breakout of the total estimated project costs, including construction, engineering, legal fees and other costs totaling $170,000 are outlined in Exhibit A.

Section 2. It is hereby ordered that: (a) assessments be made against each parcel of real property deemed to be benefitted by the Improvements based on the estimated cost of the

Improvements, and (b) a proposed assessment roll be prepared, filed with the City Clerk and made open for public inspection.

Section 3. The City Council will conduct a public hearing at 6:45 pm, November 15, 2010, to consider the proposed Improvements and proposed assessments.

Section 4. The City Clerk is hereby directed to publish notice of the public hearing in a newspaper of general circulation at least once not more than twenty days and not less than ten days before the hearing and shall state the name of the Improvements, the date, time and place of such hearing, the general nature of the Improvements, the boundaries of the neighborhood improvement district to be assessed, and that written or oral objections will be considered at the hearing. The notice of public hearing shall be substantially in the form attached hereto as Exhibit B.

Section 5. The City Clerk, at the time of publishing notice of the public hearing, shall mail to the owners of record of the property made liable to pay the assessments, at their last know post office address, a notice of hearing and a statement of the cost proposed to be assessed against the property so owned and assessed. The failure of any owner to receive such notice shall not invalidate the proceedings. The notice to property owners shall be substantially in the form attached hereto as Exhibit C.

Section 6. This Resolution shall be in full force and effect from and after its passage of the City Council and approval by the Mayor.

Passed and approved this 18th day of October, 2010.

John Nations, MAYOR

(SEAL)

ATTEST:

Judy Naggiar, CITY CLERK

Exhibit A

Estimated Project Costs, based on Construction Bid

Submitted October 5, 2010

Description	**Cost**
Clearing/Grading	$ 5,000
Erosion Control	2,550
Draining	17,000
Earthwork/Hauling	44,400
Outfall Structure Modifications	5,000
Rip Rap at Flared Ends	3,500
Seeding	7,650
Mobilization	3,000
Construction Staking	7,000
Construction Washdown Area	1,800
Aquatic Vegetation	9,500
Legal Fees	10,000
Engineering Fees	25,000
Contingency (Construction NTE)	28,600
Total Costs	**$170,000**

EXHIBIT B
Publication Notice of NID Public Hearing

PUBLIC HEARING NOTICE

Public notice is hereby given that the City Council of the City of Chesterfield, Missouri, will hold a public hearing on November 15, 2010, at 6:45 p.m. in its chambers at 690 Chesterfield Parkway West, Chesterfield, Missouri, for the purpose of considering proposed neighborhood improvement assessments in the Chesterfield Hill Neighborhood Improvement District and taking written and oral objections to same. The District was formed by the City on September 1, 2010, pursuant to 67.457.3 RSMo., for the purpose of financing improvements known as the Chesterfield Hill Neighborhood Improvement District Improvement Project (the "Improvements"). The general nature of the Improvements is the remediation of two existing detention facilities, the first located near 1559, 1563 and 1567 Yarmouth Point Drive, and the second located near 1533 and 1537 Candish Lane, all within the Chesterfield Hill subdivision and within the City, as necessary to improve the drainage and detention system and confer other benefits on the properties located within the District that use them, as provided in Section 67.453(5) of the Act, together with the costs associated with the establishment of the District, exclusive of the costs of issuance, debt service reserves, and accrued interest on associated temporary notes or neighborhood improvement district bonds issued with respect to any and all portions of the Project.

The boundaries of the District to be assessed are as follows:

> All of the real property within the Chesterfield Hill Subdivision, the plat of which is recorded with the St. Louis County Recorder of Deed's office in Plat Book 155, Page 10.

The estimated cost of the Improvements (less contingency) is $141,400 and shall be divided and assessed equally against each parcel of property or lot located in the District and benefited by the Improvements. Actual assessment cannot exceed the estimated costs by more than 25% ($176,750), are payable in not more than twenty (20) annual installments, and shall bear interest at rates to be determined by the City Council. The cost of the Improvements shall be financed with the proceeds of neighborhood improvement district bonds to be issued by the City under the provisions of the Act.

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City Clerk

EXHIBIT C
Property Owner Notice of NID Public Hearing

[Date]

[Addressee]
[Street Address]
[City, State ZIP]

RE: Chesterfield Hill Neighborhood Improvement District and proposed special assessment affecting Lots 1 through 161 (the "Property")

Dear Property Owner:

According to the St. Louis County Assessor's Office, you are the owner of record of the Property described above, which is located within the Chesterfield Hill Neighborhood Improvement District (the "District"). On September 1, 2010, the City of Chesterfield established the District and authorized the preparation of plans and specifications to remediate two detention facilities within the Chesterfield Hill subdivision (the "Improvements"). Now that the plans and specifications have been prepared and a preliminary assessment roll calculated, the City Council has set a public hearing on the consideration of the plans and assessments.

Enclosed please find a Public Hearing Notice describing the Improvements and the special assessments proposed to be levied to finance the Improvements.

Based on the City's preliminary calculations, the Property is expected to be subject to an estimated aggregate special assessment of $141,400. Once the Improvements have been constructed and final costs are determined, the assessment will be finalized and assessed against the Property as a special tax bill payable in not more than 20 equal annual installments plus accrued interest. The tax bill shall constitute a lien against the Property and will be recorded as such with the St. Louis County Recorder of Deeds. Actual project costs shall not exceed the cost estimated in the enclosed notice by more than 25% ($176,750) and may be less than the estimated costs. Written objections to the Improvements can be submitted to the office of the City Clerk, 690 Chesterfield Parkway West, Chesterfield, Missouri, on or before the hearing date.

Please feel free to contact Libbey Malberg-Tucker, at (636) 537-6721, with any questions.

Sincerely,

Judy Naggiar, City Clerk

Enclosure: Public Hearing Notice

PUBLIC HEARING NOTICE

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The boundaries of the District to be assessed are as follows:

> All of the real property within the Chesterfield Hill Subdivision, the plat of which is recorded with the St. Louis County Recorder of Deed's office in Plat Book 155, Page 10.

The estimated cost of the Improvements is $141,400 (without contingencies) and shall be divided and assessed equally against each parcel of property or lot located in the District and benefited by the Improvements. Actual assessment cannot exceed the estimated costs by more than 25% ($176,750), are payable in not more than twenty (20) annual installments, and shall bear interest at rates to be determined by the City Council. The cost of the Improvements shall be financed utilizing the City's fund reserves, under the provisions of the Act.

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Judy Naggiar, City Clerk