

RESOLUTION NO. 299

**A RESOLUTION CALLING FOR THE JOINT ESTABLISHMENT OF A TRANSPORTATION DEVELOPMENT DISTRICT; APPROVING A TRANSPORTATION PROJECT AND AUTHORIZING THE CITY OF CHESTERFIELD, MISSOURI, TO JOIN THE COUNTY OF ST. LOUIS, MISSOURI, IN A 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**, the City wishes to join the County in filing a Petition for the Creation of a Transportation Development District in substantially the form of **Exhibit A**, attached hereto and incorporated herein by reference (the "TDD Petition") to create the Chesterfield Valley Transportation Development District (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 "Transportation Project"); 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 Transportation 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 following words and terms as used in this Resolution shall have the following meanings, unless some other meaning is plainly intended:

“City” means the City of Chesterfield, Missouri, a political subdivision of the State of Missouri and a local transportation authority within the meaning of Section 238.202.1(4) of the TDD Act.

“Commission” means the Missouri Highways and Transportation Commission, created pursuant to the provisions of Sections 226.010 to 226.190 of the Revised Statutes of Missouri, as amended.

“County” means the County of St. Louis, Missouri, a political subdivision of the State of Missouri and a local transportation authority within the meaning of Section 238.202.1(4) of the TDD Act.

“District” means the proposed Chesterfield Valley Transportation Development District to be created by the City and the County, which District would assist in funding one or more projects identified in the Petition.

“TDD Act” means the Missouri Transportation Development District Act, Sections 238.200 to 238.275 of the Revised Statutes of Missouri, as amended.

“TDD Petition” means the Petition for the Creation of a Transportation Development District, which TDD Petition shall be in substantially the form of **Exhibit A**, attached hereto and incorporated herein by reference.

“Transportation Project” means: (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, as more particularly described in the TDD Petition.

**Section 2.** The City Council hereby calls for the joint establishment of the District with the County in accordance with the TDD Petition 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 Act.

**Section 3.** The City Council hereby approves of the Transportation Project.

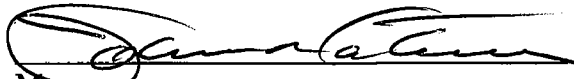
**Section 4.** The City Council hereby authorizes the City to join in the filing of the TDD Petition for the purpose of creating the District to fund, promote, plan, design, construct, improve, maintain and operate the Transportation Project or assist in one or more of such activities in connection with the Transportation Project.

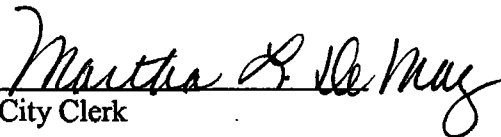
**Section 5.** The City Council hereby authorizes and directs Armstrong Teasdale LLP to execute the TDD Petition and to take such other steps as are necessary to create and implement the District in accordance with the TDD Act.

**Section 6.** 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 7.** 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 3rd DAY OF May, 2004.**

  
Mayer

Attest:   
City Clerk

**EXHIBIT A**  
**Form of Petition for the Creation of a Transportation Development District**

(Attached hereto.)

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI  
21<sup>ST</sup> JUDICIAL CIRCUIT

IN RE: THE CREATION OF THE )  
CHESTERFIELD VALLEY )  
TRANSPORTATION DEVELOPMENT )  
DISTRICT, )  
)  
CITY OF CHESTERFIELD, MISSOURI, )  
acting by and through its City Council, )  
) Cause No.  
And )  
) Division:  
COUNTY OF ST. LOUIS, MISSOURI, acting )  
by and through its County Council, )  
)  
Petitioners, )  
)  
vs. )  
)  
MISSOURI HIGHWAYS AND )  
TRANSPORTATION COMMISSION, )  
)  
SERVE: Mari Ann Winters )  
Secretary to the Missouri )  
Highways and Transportation )  
Commission )  
105 West Capitol Avenue )  
Jefferson City, Missouri 65102 )  
)  
Respondent. )

**PETITION FOR THE CREATION OF A  
TRANSPORTATION DEVELOPMENT DISTRICT**

COME NOW Petitioners and, pursuant to the Missouri Transportation Development District Act, Sections 238.200 to 238.275 of the Revised Statutes of Missouri, as amended (the "TDD Act"), petition the Court for the purpose of creating a transportation development district (the "District"), and in support state as follows:

**THE PARTIES**

1. Petitioner City of Chesterfield, Missouri ("*Chesterfield*"), acting by and through its City Council and in its capacity as a "local transportation authority" within the meaning of

Section 238.202.1(4) of the TDD Act, is acting in its official capacity pursuant to Section 238.207.5 of the TDD Act.

2. Petitioner County of St. Louis, Missouri ("*St. Louis County*"), acting by and through its County Council and in its capacity as a "local transportation authority" within the meaning of Section 238.202.1(4) of the TDD Act, is acting in its official capacity pursuant to Section 238.207.5 of the TDD Act.

3. Respondent Missouri Highways and Transportation Commission (the "*Commission*") is the constitutional authority responsible for constructing and maintaining the Missouri highway system and is a necessary party under Section 238.207.5(3)(c) of the TDD Act.

### **PETITION REQUIREMENTS**

4. Petitioners desire to create the District for the sole purpose of funding a "project" within the meaning of Section 238.202.1(5) of the TDD Act (the "*Transportation Project*").

5. The name of each local transportation authority within the proposed District is as follows: the County of St. Louis, Missouri, the City of Chesterfield, Missouri, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District d/b/a Metro and the Monarch-Chesterfield Levee District.

6. The names of the local transportation authorities affected by the Transportation Project are as follows: the County of St. Louis, Missouri, and the City of Chesterfield, Missouri.

7. The resolution of the governing body of each local transportation authority calling for the joint establishment of the District is set forth as **Exhibits A and B**, attached hereto and incorporated herein by reference.

8. The name and address of each Respondent is as follows:

The Missouri Highways and Transportation Commission  
105 West Capitol Avenue  
P.O. Box 270  
Jefferson City, Missouri 65102

9. A legal description of the proposed boundaries of the proposed District and a map depicting such boundaries are set forth in **Exhibits C and D**, respectively, attached hereto and incorporated herein by reference.

10. The proposed District is contiguous.

11. Petitioners propose that the Transportation Project be undertaken by the District. A general description of the Transportation Project is set forth as **Exhibit E**, attached hereto and incorporated herein by reference. The approximate location of the Transportation Project is as follows: generally south of Interstate 64, west of Chesterfield Parkway, east of Chesterfield

Industrial Boulevard and north of and including Wildhorse Creek Road and that portion of Kehrs Mill Road approaching Wildhorse Creek Road.

12. The name of the proposed District will be the Chesterfield Valley Transportation Development District.

13. The board of directors of the District will be composed of four (4) members, which shall consist of the presiding officers of the two affected local transportation authorities and one person designated by the governing body of each of the two affected local transportation authorities.

14. The terms of office of each presiding officer serving as director of the District shall coincide with the terms of office of such presiding officer and, upon the assumption of office of a new presiding officer, such individual shall automatically succeed his predecessor as a member of the board of directors of the District. The term of office of each person designated by the governing body of a local transportation authority to serve as a director of the District shall be at the pleasure of the governing body appointing such person, and such person designated by the governing body of a local transportation authority may be removed by such governing body at any time with or without cause. Upon the removal, resignation or disqualification of such person, the governing body designating such person shall designate a successor director.

15. The Respondent shall appoint one or more advisors to the board of directors of the District as provided in Section 238.220.4 of the TDD Act.

16. The Transportation Project will be funded initially through the imposition of a transportation development district sales tax (the "Sales Tax") pursuant to Section 238.235 of the TDD Act. Pursuant to the TDD Act, the District may impose the Sales Tax upon approval of the qualified voters within the District in increments of one eighth of one percent up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the District, if such property and services are subject to taxation by the State of Missouri pursuant to the provisions of Sections 144.010 to 144.525 of the Revised Statutes of Missouri, as amended, except such Sales Tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. The Petitioners desire to seek the approval of the qualified voters of the imposition of the Sales Tax at a rate not to exceed one quarter of one percent (1/4%) for a period of up to 25 years to (a) pay the costs of the Transportation Project; (b) reimburse the Petitioners for the costs of filing and defending this Petition as authorized by Section 238.217 of the TDD Act; (c) pay the principal of, premium, if any, and interest on bonds, notes or other obligations issued pursuant to Sections 238.240 or 238.242 of the TDD Act to fund the costs of the Transportation Project; and (d) pay the District's reasonable and actual cost of administering, collecting, enforcing and operating the District, including costs incurred pursuant to Section 238.222, 238.252, 238.255 and 238.272 of the TDD Act.

17. The proposed District will not be an undue burden on any owner of property within the District and is not unjust or unreasonable.

WHEREFORE, the Petitioners request that the Court enter a judgment and decree pursuant to the TDD Act as follows:

- A. Finding and certifying that the Petition is not legally defective and that the Respondent has been duly served with process in this action;
- B. Finding and certifying that the proposed District is contiguous;
- C. Finding and certifying that the proposed District is not an undue burden on any owner of property within the District and is not unjust or unreasonable;
- D. Finding and certifying that the proposed District, the development of the proposed Transportation Project and the proposed funding method are neither illegal nor unconstitutional;
- E. Certifying the single question regarding creation of the proposed District, development of the proposed Transportation Project and proposed funding of the Sales Tax for qualified voter approval pursuant to Section 238.210.2 of the TDD Act, which single question shall be in substantially the form provided in Section 238.215.3 of the TDD Act;
- F. Calling for the single question to appear on ballots at a mail-in election pursuant to Section 238.216 of the TDD Act and specifying a date on which ballots for the election shall be mailed, which date shall be a Tuesday and shall not be earlier than the eighth Tuesday from the issuance of the Court's order and shall not be on the same day as an election conducted under the provisions of Chapter 115 of the Revised Statutes of Missouri, as amended;
- G. Ordering the Circuit Clerk of St. Louis County, Missouri, to give notice to the public by causing one or more newspapers of general circulation serving the counties contained in the proposed District to publish once a week for four consecutive weeks a notice substantially in the form provided in Section 238.212.1 of the TDD Act;
- H. Ordering public hearing(s) on the single question of creation of the proposed District, development of the proposed Transportation Project and proposed funding of the Sales Tax, which public hearing(s) shall be held at the following date(s), time(s) and place(s):

[Insert time, date and place of public hearing]

Petitioners further request the Court make any additional findings and orders and grant such other further relief which the Court deems necessary and proper.

ARMSTRONG TEASDALE LLP

COUNTY OF ST. LOUIS, MISSOURI

By: \_\_\_\_\_

Robert D. Klahr, #42718  
 James Mello, #37734  
 One Metropolitan Square, Suite 2600  
 St. Louis, Missouri 63102  
 (314) 621-5070  
 (314) 621-5065 (facsimile)  
 Attorneys for Petitioner City of  
 Chesterfield, Missouri

By: \_\_\_\_\_

Patricia Redington, # \_\_\_\_\_  
 [insert name and bar # of other attorney]  
 41 South Central Avenue  
 Clayton, Missouri 63105  
 (314) 615-7042  
 (314) 615-3732 (facsimile)  
 Attorneys for Petitioner County of St.  
 Louis, Missouri



**EXHIBIT A**  
**TO FORM OF PETITION FOR THE CREATION OF THE DISTRICT**

**Resolution of Petitioner City of Chesterfield, Missouri**

(To be attached hereto upon adoption by the City.)

**EXHIBIT B**  
**TO FORM OF PETITION FOR THE CREATION OF THE DISTRICT**

**Resolution of Petitioner County of St. Louis, Missouri**

(To be attached hereto upon adoption by the County.)

**EXHIBIT C**  
**TO FORM OF PETITION FOR THE CREATION OF THE DISTRICT**

**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 D**  
**TO FORM OF PETITION FOR THE CREATION OF THE DISTRICT**

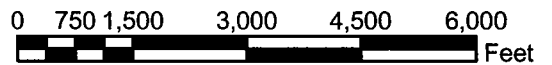
**Boundary Map of the Proposed District**

(Attached hereto.)


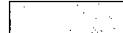




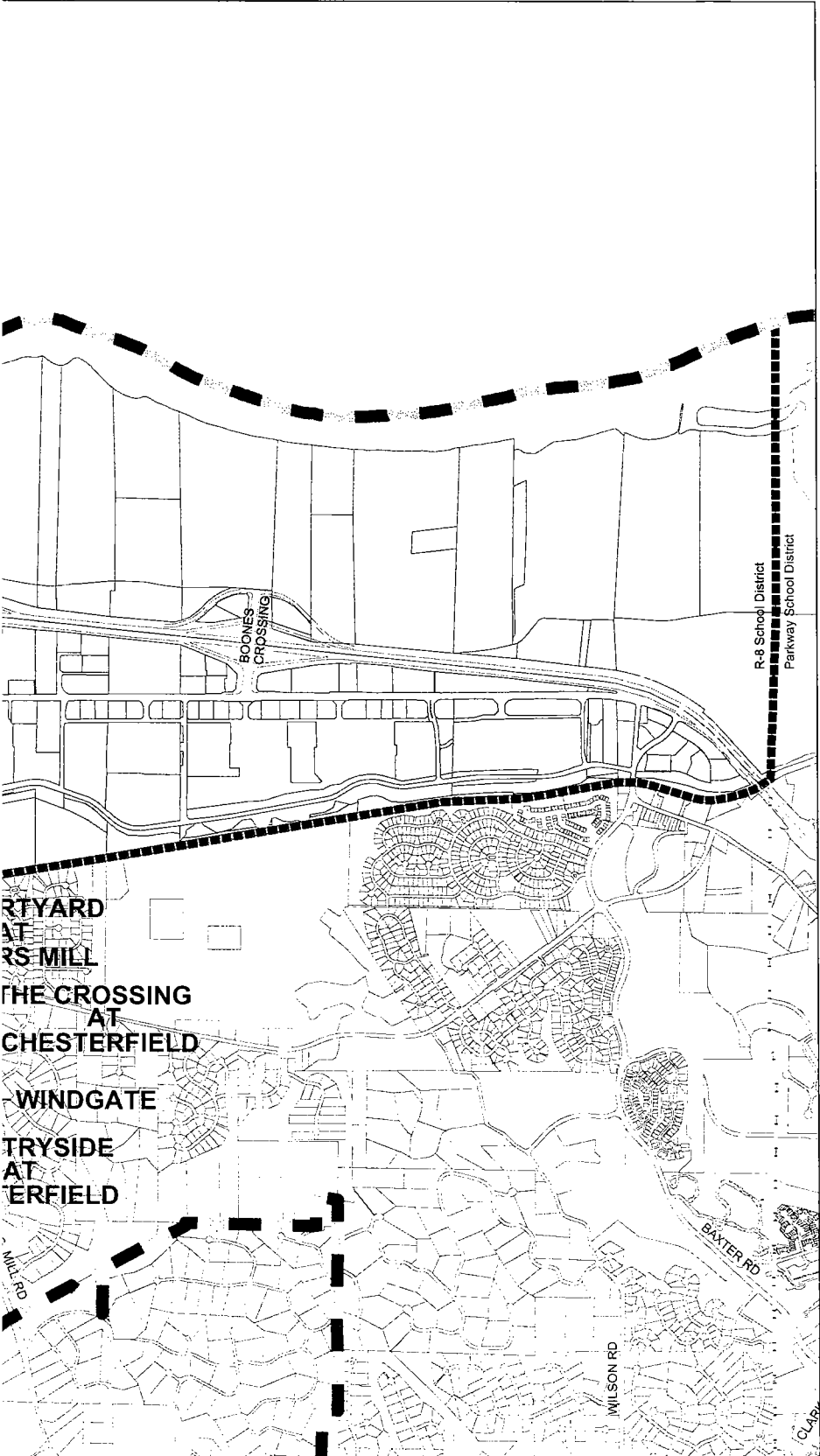
**City of  
Chesterfield**

# PROPOSED CHESTERFIELD TDD VOTING DISTRICT



## Legend

-  CITY LIMITS
-  TIF DISTRICT
-  SUBDIVISION
-  TDD VOTING DISTRICT



**EXHIBIT E**  
**TO FORM OF PETITION FOR THE CREATION OF THE DISTRICT**

**General Description of the Transportation Project**

The Transportation Project generally consists of the following: (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.

The Transportation Project shall also include without limitation costs associated with the following: (a) the operation and maintenance of the Transportation Project; (b) land acquisition, settlement and transfer, including relocation costs, taxes, surveys and other professional fees related to the Transportation Project; (c) demolition, earth work, erosion control, including without limitation paving, storm sewers, storm drainage, water systems, and retention basins related to the Transportation Project; (d) relocation of utilities as necessary, including sanitary sewer, gas, electric, telephone and fiber optic cable related to the Transportation Project; (e) environmental engineering, mitigation and abatement related to the Transportation Project; (f) 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; (g) 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 (h) the administrative, legal and accounting fees and costs related to the creation and administration of the District.



ARMSTRONG TEASDALE LLP

MISSOURI

KANSAS

ILLINOIS

WASHINGTON, DC

SHANGHAI

SYDNEY

ATTORNEYS AT LAW

Privileged and Confidential  
Attorney-Client Communication

**To:** Mayor John Nations  
Michael Herring  
Douglas Beach  
Michael Geiscl

**From:** James E. Mello

**Date:** April 15, 2004

**Re:** Proposed Transportation Development District within the Chesterfield Valley and  
Areas along Wildhorse Creek Road

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**BACKGROUND**

Over the past two years, City staff has discussed the possibility of creating a transportation development district to fund various transportation projects within the Chesterfield Valley and areas along Wildhorse Creek Road (the "*District*"). In September 2003, City staff renewed these discussions and requested that Armstrong Teasdale LLP develop a proposal for the creation of the District. This memorandum identifies how the City may join with St. Louis County, Missouri (the "*County*") to create the District.

Pursuant to the Missouri Transportation Development District Act, Sections 238.200 to 238.275 of the Revised Statutes of Missouri, as amended (the "*TDD Act*"), the City, as a local transportation authority within the meaning of the TDD Act, has the ability to petition the Court for the creation of a transportation development district by adopting a joint resolution with one or more other local transportation authorities. In this instance, City staff has recently engaged in discussions with various County officials regarding the possibility of the City and County cooperating to establish a District that would be jointly controlled by each of the affected local transportation authorities.

If the City is able to obtain the agreement of the County, the following are the relevant considerations for the establishment of a District by joint petition with the County:



- The boundaries of the District would include the entire Chesterfield Valley and the residential areas along Wildhorse Creek Road, including specifically the Grand Coteau, Countryside at Chesterfield, Courtyard at Kehrs Mill, The Crossing at Chesterfield, Country Lake Estates and Windgate subdivisions, as identified on the boundary map set forth as **Exhibit A**, attached hereto and incorporated herein by reference. Accordingly, the question regarding creation of the District, development of its proposed projects and authorization of its proposed funding method(s) would be subject to the approval of the registered voters residing within the District at a mail-in election held in accordance with the TDD Act.

- The transportation projects to be funded by the District and the preliminary estimated costs for such projects (based upon a review of information generated by the County, and upon discussions with the Director of the St. Louis County Department of Highways and Traffic and the City's Public Works Director) are as follows:

Project Description	Preliminary Cost Estimate (including contingencies)
Alignment and improvement of a single signalized intersection of Wildhorse Creek Road, Long Road and Kehrs Mill Road	\$5,200,000 (includes only the District's share; the remaining \$2,800,000 to be funded by the County)
Widening of Long Road from Chesterfield Airport Road to Wildhorse Creek Road (includes right-of-way acquisition)	\$3,000,000
Construction of a full diamond interchange at Interstate 64 and Long Road	\$5,625,000 (includes local share only)
Construction of a levee trail/bikeway system along the Monarch Levee	\$3,475,000
Wildhorse Creek Road realignment at/near Chesterfield Airport Road and Chesterfield Parkway	\$1,200,000 (the County will match with \$1,200,000 in funds already appropriated for this project)
Conducting a study addressing the mass transit needs of the Chesterfield Valley	\$1,625,000
Improvements to Chesterfield Airport Road – intersection at Spirit of St. Louis Blvd. and intersection at Old Olive-Street Road	\$1,000,000
<b>Total</b>	<b>\$21,125,000</b>

- According to preliminary estimates of TDD sales tax revenues prepared by the City's Finance Director and debt service calculations prepared by the City's Financial Advisor, a TDD sales tax rate of  $\frac{1}{4}\%$  would fund approximately \$12,600,000 in project costs over 25 years. This assumes that there will be a 1.20 debt coverage ratio for any TDD obligations and that the TIF will capture 50% of the TDD sales tax revenues through 2017. The Sources & Uses, Debt Service Schedule and Coverage Ratio for the TDD obligations are set forth as **Exhibit B**, attached hereto and incorporated herein by reference. Therefore, of the approximately \$21,125,000 in project costs, approximately \$8,525,000 would be funded by sources other than TDD sales tax revenues collected by the District, as discussed below.

- The County is currently developing plans to undertake the alignment and improvement of the new signalized intersection of Wildhorse Creek Road, Long Road and Kehrs Mill Road. As part of the joint resolution for creation of the District, the City and County would agree that the County will provide \$2,800,000 to fund the remaining portion of the \$8,000,000 project.

- The City could leverage the 50% of TDD sales revenues that would be captured pursuant to the existing Chesterfield Valley Tax Increment Financing (TIF) District Redevelopment Plan (the "*Chesterfield Valley TIF*") by issuing the additional \$5,000,000 of TIF bonds that are authorized under the existing Trust Indenture relating to the TIF bonds, which additional TIF bonds would be issued on a parity basis with the outstanding TIF bonds but would be paid first by the 50% of TDD sales tax revenues that are captured by the TIF, since the projects identified above are all eligible for TIF funding under the existing TIF redevelopment plan. The Debt Service Schedule, Sources & Uses and Coverage Ratio for the additional TIF bonds are set forth as **Exhibit C**, attached hereto and incorporated herein by reference. The issuance of the additional \$5,000,000 in TIF bonds would create approximately \$4,400,000 to fund project costs, thereby leaving approximately \$4,125,000 in project costs to be paid from other sources, as discussed below.

- The approximately \$4,125,000 in remaining project costs could be funded by the City contributing additional TIF revenues (over and above the 50% of TDD sales tax revenues captured by the TIF), either on a "pay-as-you-go" basis or by issuing subordinated TIF obligations. Except for possibly the alignment and improvement of a single signalized intersection of Wildhorse Creek Road, Long Road and Kehrs Mill Road, all of the projects identified above are eligible for funding under the existing Chesterfield Valley TIF and no modifications to the Chesterfield Valley TIF would be required. In this manner, the City can effectively use excess TIF revenues to stretch the projected TDD revenues, thereby allowing the entire Transportation Project to be financed without incurring significant additional transaction costs.

- A table summarizing the sources of funds available to pay for the transportation projects is provided below:



ARMSTRONG TEASDALE LLP

MISSOURI | KANSAS | ILLINOIS | WASHINGTON, DC | SHANGHAI | SYDNEY

ATTORNEYS AT LAW

Source of Funds	Amount
TDD Revenues (1/4% sales tax)	\$12,600,000
Parity TIF Bonds (funded with that portion of the TDD sales tax captured by the TIF)	\$4,400,000
Subordinate TIF/TDD obligations (funded with bonds, notes or on a "pay-as-you-go" basis)	\$4,125,000
<b>Total</b>	<b>\$21,125,000</b>

- The advantages of this District over a transportation development district limited to a particular development within the Chesterfield Valley are as follows: (a) allows for a lower sales tax rate, which gives the City more flexibility to adopt its own sales taxes for other purposes (e.g. parks); (b) City representation on the board of directors of the District provides the City with control over the priority and timing of the transportation projects and more assurance that the design and construction of the transportation projects will conform to the City's requirements; (c) assures that public funds in the form of TDD sales tax revenues are used for public projects and not for private benefit; (d) ensures a more appropriate sharing of the benefits and burdens of the transportation projects; and (e) allows the City to leverage that portion of the TDD sales tax revenues captured by the TIF.

- The disadvantages of this District when compared to a transportation development district limited to a particular development within the Chesterfield Valley are as follows: (a) requires the City to be an active participant in the process of forming and administering the District, including promoting the TDD sales tax to the qualified voters; and (b) requires that the City, the County and the Missouri Highways and Transportation Commission are able to reach a consensus regarding the priority and timing of the transportation projects and the design and construction of the transportation projects.

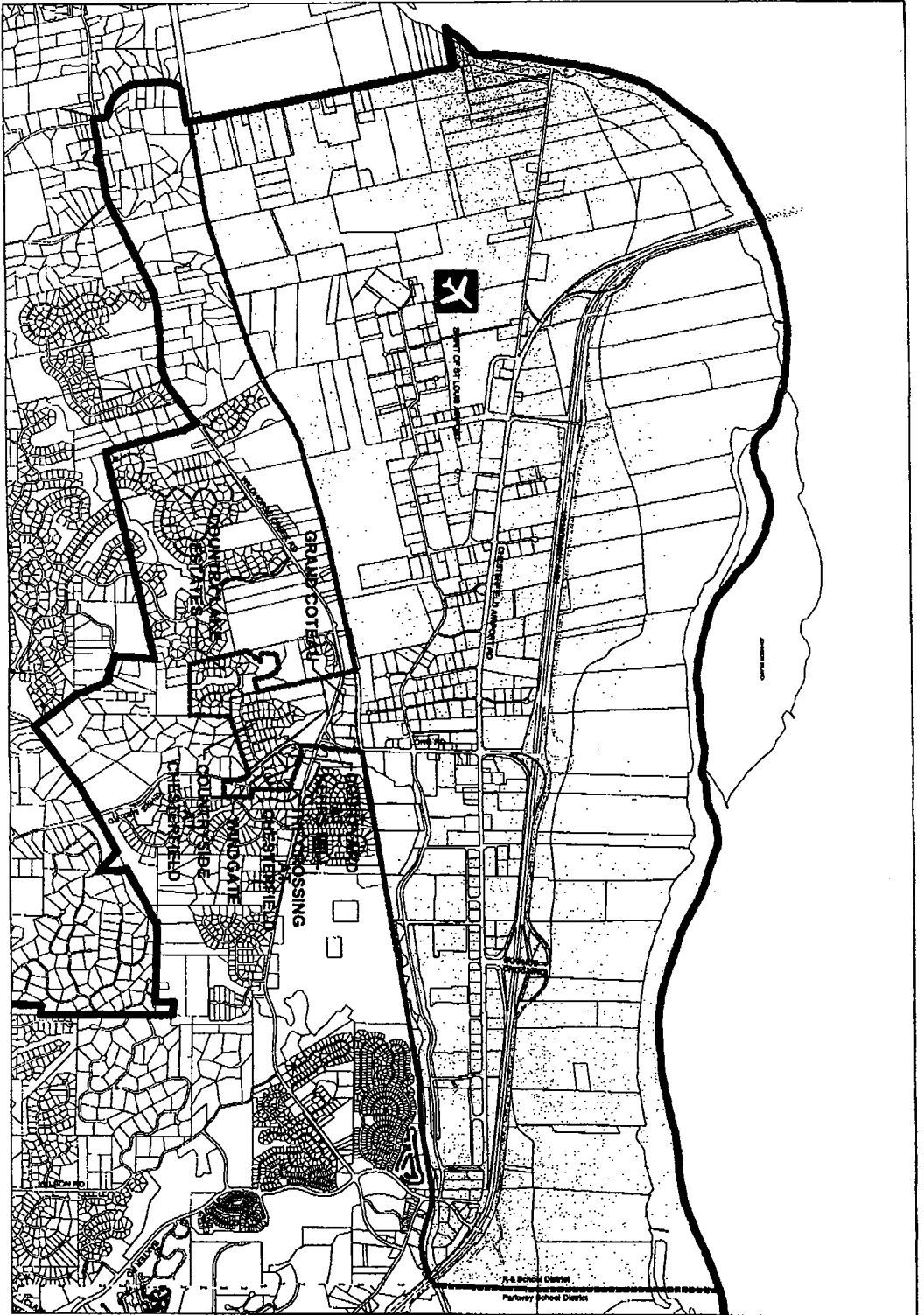
- A form of the petition for the creation of the District is set forth as **Exhibit D**, attached hereto and incorporated herein by reference. A form of joint resolution to be adopted by the City and the County is set forth as **Exhibit E**, attached hereto and incorporated herein by reference.

RDK

**EXHIBIT A**

**BOUNDARY MAP OF THE DISTRICT**


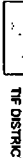
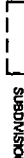

(Attached hereto.)



**PROPOSED  
CHESTERFIELD  
TDD VOTING DISTRICT**



**Legend**

-  CITY LIMITS
-  TIF DISTRICT
-  SUBDIVISION
-  TDD VOTING DISTRICT

**EXHIBIT B**

**SOURCES & USES, DEBT SERVICE SCHEDULE AND COVERAGE RATIO  
FOR THE TDD OBLIGATIONS**

(Attached hereto.)

**City of Chesterfield, Missouri**

**Transportation Development District Revenue Bonds**

1/4 cent

Series 2004 - \$14,500,000

**Sources & Uses**

Dated 06/01/2004 | Delivered 06/01/2004

**Sources Of Funds**

Par Amount of Bonds	\$14,500,000.00
<b>Total Sources</b>	<b>\$14,500,000.00</b>

**Uses Of Funds**

Costs of Issuance	362,500.00
Deposit to Debt Service Reserve Fund (DSRF)	1,450,000.00
Rounding Amount	12,687,500.00
<b>Total Uses</b>	<b>\$14,500,000.00</b>

Series 2004 TDD 1/4 cent | SINGLE PURPOSE | 1/7/2004 | 1:05 PM

**U.S. Bancorp Piper Jaffray**  
Public Finance

Page 1

**City of Chesterfield, Missouri**

**Transportation Development District Revenue Bonds**

1/4 cent

Series 2004 - \$14,500,000

**Debt Service Schedule**

Date	Principal	Coupon	Interest	Total P+I
12/01/2004	-	-	398,797.50	398,797.50
12/01/2005	-	-	797,595.00	797,595.00
12/01/2006	-	-	797,595.00	797,595.00
12/01/2007	-	-	797,595.00	797,595.00
12/01/2008	-	-	797,595.00	797,595.00
12/01/2009	-	-	797,595.00	797,595.00
12/01/2010	-	-	797,595.00	797,595.00
12/01/2011	-	-	797,595.00	797,595.00
12/01/2012	-	-	797,595.00	797,595.00
12/01/2013	-	-	797,595.00	797,595.00
12/01/2014	-	-	797,595.00	797,595.00
12/01/2015	-	-	797,595.00	797,595.00
12/01/2016	-	-	797,595.00	797,595.00
12/01/2017	-	-	797,595.00	797,595.00
12/01/2018	680,000.00	5.200%	788,885.00	1,468,885.00
12/01/2019	760,000.00	5.450%	752,016.25	1,512,016.25
12/01/2020	850,000.00	5.450%	709,370.00	1,559,370.00
12/01/2021	945,000.00	5.450%	661,818.75	1,606,818.75
12/01/2022	1,055,000.00	5.450%	608,817.50	1,663,817.50
12/01/2023	1,165,000.00	5.450%	549,821.25	1,714,821.25
12/01/2024	1,280,000.00	5.550%	484,515.00	1,764,515.00
12/01/2025	1,410,000.00	5.550%	411,671.25	1,821,671.25
12/01/2026	1,550,000.00	5.550%	331,473.75	1,881,473.75
12/01/2027	1,695,000.00	5.550%	243,506.25	1,938,506.25
12/01/2028	3,110,000.00	5.550%	130,008.75	3,240,008.75
<b>Total</b>	<b>\$14,500,000.00</b>	-	<b>\$16,439,436.25</b>	<b>\$30,939,436.25</b>

**Yield Statistics**

Bond Year Dollars	\$298,320.00
Average Life	20.574 Years
Average Coupon	5.5106718%
Net Interest Cost (NIC)	5.5106718%
True Interest Cost (TIC)	5.5066079%
Bond Yield for Arbitrage Purposes	5.5066079%
All Inclusive Cost (AIC)	5.7162376%
<b>IRS Form 8038</b>	
Net Interest Cost	5.5106718%
Weighted Average Maturity	20.574 Years

Series 2004 TDD 1/4 cent | SINGLE PURPOSE | 1/7/2004 | 1:05 PM

**U.S. Bancorp Piper Jaffray**  
Public Finance



**City of Chesterfield, Missouri**

**Transportation Development District Revenue Bonds**

1/4 cent

Series 2004 - \$14,500,000

**Coverage Ratio**

Date	Total Revenues	Total D/S	Coverage*
12/01/2004	654,284.00	398,797.50	1.6406422x
12/01/2005	725,910.00	797,595.00	0.9101236x
12/01/2006	752,814.00	797,595.00	0.9438550x
12/01/2007	773,668.00	797,595.00	0.9700011x
12/01/2008	795,141.00	797,595.00	0.9969233x
12/01/2009	817,247.00	797,595.00	1.0246391x
12/01/2010	840,031.00	797,595.00	1.0532049x
12/01/2011	863,488.00	797,595.00	1.0826146x
12/01/2012	887,645.00	797,595.00	1.1129019x
12/01/2013	912,544.00	797,595.00	1.1441195x
12/01/2014	938,172.00	797,595.00	1.1762511x
12/01/2015	964,578.00	797,595.00	1.2093581x
12/01/2016	991,782.00	797,595.00	1.2434657x
12/01/2017	1,019,791.00	797,595.00	1.2785825x
12/01/2018	1,870,365.00	1,468,885.00	1.2733230x
12/01/2019	1,924,748.00	1,512,016.25	1.2729678x
12/01/2020	1,980,738.00	1,559,370.00	1.2702168x
12/01/2021	2,038,417.00	1,606,818.75	1.2686042x
12/01/2022	2,097,822.00	1,663,817.50	1.2608486x
12/01/2023	2,159,031.00	1,714,821.25	1.2590414x
12/01/2024	2,222,061.00	1,764,515.00	1.2593041x
12/01/2025	2,287,008.00	1,821,671.25	1.2554450x
12/01/2026	2,353,876.00	1,881,473.75	1.2510810x
12/01/2027	2,422,771.00	1,938,506.25	1.2498134x
12/01/2028	3,943,696.00	3,240,008.75	1.2171868x
<b>Total</b>	<b>\$37,237,628.00</b>	<b>\$30,939,436.25</b>	

\* Depending on final revenue projections, the TDD may need to capitalize some interest to allow for greater coverage

Series 2004 TDD 1/4 cent | SINGLE PURPOSE | 1/7/2004 | 1:05 PM

**U.S. Bancorp Piper Jaffray**  
Public Finance

**EXHIBIT C**

**DEBT SERVICE SCHEDULE, SOURCES & USES AND COVERAGE RATIO  
FOR THE ADDITIONAL TIF BONDS**

(Attached hereto.)

**\$5,000,000**

City of Chesterfield, Missouri  
Tax Increment Financing Bonds  
Series 2004

## Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
12/01/2004	170,000.00	5.500%	229,166.67	399,166.67
12/01/2005	165,000.00	5.500%	265,650.00	430,650.00
12/01/2006	190,000.00	5.500%	256,575.00	446,575.00
12/01/2007	215,000.00	5.500%	246,125.00	461,125.00
12/01/2008	240,000.00	5.500%	234,300.00	474,300.00
12/01/2009	265,000.00	5.500%	221,100.00	486,100.00
12/01/2010	295,000.00	5.500%	206,525.00	501,525.00
12/01/2011	325,000.00	5.500%	190,300.00	515,300.00
12/01/2012	360,000.00	5.500%	172,425.00	532,425.00
12/01/2013	395,000.00	5.500%	152,625.00	547,625.00
12/01/2014	435,000.00	5.500%	130,900.00	565,900.00
12/01/2015	475,000.00	5.500%	106,975.00	581,975.00
12/01/2016	520,000.00	5.500%	80,850.00	600,850.00
12/01/2017	950,000.00	5.500%	52,250.00	1,002,250.00
<b>Total</b>	<b>\$5,000,000.00</b>		<b>\$2,545,766.67</b>	<b>\$7,545,766.67</b>

### Yield Statistics

Bond Year Dollars	\$46,286.67
Average Life	9.257 Years
Average Coupon	5.5000000%
Net Interest Cost (NIC)	5.5000000%
True Interest Cost (TIC)	5.4942216%
Bond Yield for Arbitrage Purposes	5.4942216%
All Inclusive Cost (AIC)	5.7869570%
<b>IRS Form 8038</b>	
Net Interest Cost	5.5000000%
Weighted Average Maturity	9.257 Years

2004 TIF | SINGLE PURPOSE | 1/7/2004 | 1:15 PM

U.S. Bancorp Piper Jaffray  
Public Finance

Page 1

**\$5,000,000**

City of Chesterfield, Missouri  
Tax Increment Financing Bonds  
Series 2004

## Sources & Uses

Dated 02/01/2004 | Delivered 02/01/2004

### Sources Of Funds

Par Amount of Bonds	\$5,000,000.00
<b>Total Sources</b>	<b>\$5,000,000.00</b>

### Uses Of Funds

Costs of Issuance	100,000.00
Deposit to Debt Service Reserve Fund (DSRF)	500,000.00
Rounding Amount	4,400,000.00
<b>Total Uses</b>	<b>\$5,000,000.00</b>

2004 TIF | SINGLE PURPOSE | 1/7/2004 | 1:15 PM

U.S. Bancorp Piper Jaffray  
Public Finance

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**\$5,000,000**

City of Chesterfield, Missouri  
Tax Increment Financing Bonds  
Series 2004

### Coverage Ratio

Date	Total Revenues	Total D/S	Coverage
12/01/2004	-	399,166.67	-
12/01/2005	519,834.00	430,650.00	1.2070916x
12/01/2006	556,133.00	446,575.00	1.2453295x
12/01/2007	576,330.00	461,125.00	1.2498346x
12/01/2008	593,629.00	474,300.00	1.2515897x
12/01/2009	611,442.00	486,100.00	1.2578523x
12/01/2010	629,777.00	501,525.00	1.2557240x
12/01/2011	648,677.00	515,300.00	1.2588337x
12/01/2012	668,133.00	532,425.00	1.2548866x
12/01/2013	688,169.00	547,625.00	1.2566428x
12/01/2014	708,824.00	565,900.00	1.2525605x
12/01/2015	730,080.00	581,975.00	1.2544869x
12/01/2016	751,983.00	600,850.00	1.2515320x
12/01/2017	1,274,549.00	1,002,250.00	1.2716877x
12/01/2018	797,782.00	-	-
<b>Total</b>	<b>\$9,755,342.00</b>	<b>\$7,545,766.67</b>	<b>-</b>

2004 TIF | SINGLE PURPOSE | 1/7/2004 | 1:15 PM

U.S. Bancorp Piper Jaffray  
Public Finance

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**EXHIBIT D**

**FORM OF PETITION FOR THE CREATION OF THE DISTRICT**

(Attached hereto.)

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI  
21<sup>ST</sup> JUDICIAL CIRCUIT

IN RE: THE CREATION OF THE )  
CHESTERFIELD VALLEY )  
TRANSPORTATION DEVELOPMENT )  
DISTRICT, )

CITY OF CHESTERFIELD, MISSOURI, )  
acting by and through its City Council, )

And )

COUNTY OF ST. LOUIS, MISSOURI, acting )  
by and through its County Council, )

Petitioners, )

vs. )

MISSOURI HIGHWAYS AND )  
TRANSPORTATION COMMISSION, )

SERVE: Mari Ann Winters )  
Secretary to the Missouri )  
Highways and Transportation )  
Commission )  
105 West Capitol Avenue )  
Jefferson City, Missouri 65102 )

Respondent. )

Cause No.

Division:

**PETITION FOR THE CREATION OF A  
TRANSPORTATION DEVELOPMENT DISTRICT**

COME NOW Petitioners and, pursuant to the Missouri Transportation Development District Act, Sections 238.200 to 238.275 of the Revised Statutes of Missouri, as amended (the "TDD Act"), petition the Court for the purpose of creating a transportation development district (the "District"), and in support state as follows:

**THE PARTIES**

1. Petitioner City of Chesterfield, Missouri ("*Chesterfield*"), acting by and through its City Council and in its capacity as a "local transportation authority" within the meaning of

Section 238.202.1(4) of the TDD Act, is acting in its official capacity pursuant to Section 238.207.5 of the TDD Act.

2. Petitioner County of St. Louis, Missouri ("*St. Louis County*"), acting by and through its County Council and in its capacity as a "local transportation authority" within the meaning of Section 238.202.1(4) of the TDD Act, is acting in its official capacity pursuant to Section 238.207.5 of the TDD Act.

3. Respondent Missouri Highways and Transportation Commission (the "*Commission*") is the constitutional authority responsible for constructing and maintaining the Missouri highway system and is a necessary party under Section 238.207.5(3)(c) of the TDD Act.

#### **PETITION REQUIREMENTS**

4. Petitioners desire to create the District for the sole purpose of funding a "project" within the meaning of Section 238.202.1(5) of the TDD Act (the "*Transportation Project*").

5. The name of each local transportation authority within the proposed District is as follows: the County of St. Louis, Missouri, the City of Chesterfield, Missouri, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District d/b/a Metro and the Monarch-Chesterfield Levee District.

6. The names of the local transportation authorities affected by the Transportation Project are as follows: the County of St. Louis, Missouri, and the City of Chesterfield, Missouri.

7. The resolution of the governing body of each local transportation authority calling for the joint establishment of the District is set forth as **Exhibits A and B**, attached hereto and incorporated herein by reference.

8. The name and address of each Respondent is as follows:

- a. The Missouri Highways and Transportation Commission  
105 West Capitol Avenue  
P.O. Box 270  
Jefferson City, Missouri 65102



9. A legal description of the proposed boundaries of the proposed District and a map depicting such boundaries are set forth in Exhibits C and D, respectively, attached hereto and incorporated herein by reference.

10. The proposed District is contiguous.

11. Petitioners propose that the Transportation Project be undertaken by the District. A general description of the Transportation Project is set forth as Exhibit E, attached hereto and incorporated herein by reference. The approximate location of the Transportation Project is as follows: generally south of Interstate 64, west of Chesterfield Parkway, east of Chesterfield Industrial Boulevard and north of and including Wildhorse Creek Road and that portion of Kehrs Mill Road approaching Wildhorse Creek Road.

12. The name of the proposed District will be the Chesterfield Valley Transportation Development District.

13. The board of directors of the District will be composed of four (4) members, which shall consist of the presiding officers of the two affected local transportation authorities and one person designated by the governing body of each of the two affected local transportation authorities.

14. The terms of office of each presiding officer serving as director of the District shall coincide with the terms of office of such presiding officer and, upon the assumption of office of a new presiding officer, such individual shall automatically succeed his predecessor as a member of the board of directors of the District. The term of office of each person designated by the governing body of a local transportation authority to serve as a director of the District shall be at the pleasure of the governing body appointing such person, and such person designated by the governing body of a local transportation authority may be removed by such governing body at any time with or without cause. Upon the removal, resignation or disqualification of such person, the governing body designating such person shall designate a successor director.

15. The Respondent shall appoint one or more advisors to the board of directors of the District as provided in Section 238.220.4 of the TDD Act.

16. The Transportation Project will be funded initially through the imposition of a transportation development district sales tax (the "Sales Tax") pursuant to Section 238.235 of the TDD Act. Pursuant to the TDD Act, the District may impose the Sales Tax upon approval of the qualified voters within the District in increments of one eighth of one percent up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the District, if such property and services are subject to taxation by the State of Missouri pursuant to the provisions of Sections 144.010 to 144.525 of the Revised Statutes of Missouri, as amended, except such Sales Tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. The Petitioners desire to seek the approval of the qualified voters of the imposition of the Sales Tax at a rate not to exceed one quarter of one percent (1/4%) for a period of up to 25 years to (a) pay the costs of the Transportation Project; (b) reimburse the Petitioners for the costs of filing and defending this Petition as authorized by Section 238.217 of the TDD Act; (c) pay the principal of, premium, if any, and interest on bonds, notes or other obligations issued pursuant to Sections 238.240 or 238.242 of the TDD Act to fund the costs of the Transportation Project; and (d) pay the District's reasonable and actual cost of administering, collecting, enforcing and operating the District, including costs incurred pursuant to Section 238.222, 238.252, 238.255 and 238.272 of the TDD Act.

17. The proposed District will not be an undue burden on any owner of property within the District and is not unjust or unreasonable.

WHEREFORE, the Petitioners request that the Court enter a judgment and decree pursuant to the TDD Act as follows:

- A. Finding and certifying that the Petition is not legally defective and that the Respondent has been duly served with process in this action;
- B. Finding and certifying that the proposed District is contiguous;
- C. Finding and certifying that the proposed District is not an undue burden on any owner of property within the District and is not unjust or unreasonable;
- D. Finding and certifying that the proposed District, the development of the proposed Transportation Project and the proposed funding method are neither illegal nor unconstitutional;
- E. Certifying the single question regarding creation of the proposed District, development of the proposed Transportation Project and proposed funding of the Sales Tax for qualified voter approval pursuant to Section 238.210.2 of the TDD Act, which single question shall be in substantially the form provided in Section 238.215.3 of the TDD Act;
- F. Calling for the single question to appear on ballots at a mail-in election pursuant to Section 238.216 of the TDD Act and specifying a date on which ballots for the election shall be mailed, which date shall be a Tuesday and shall not be earlier than the eighth Tuesday from the issuance of the Court's order and shall not be on the same day as an election conducted under the provisions of Chapter 115 of the Revised Statutes of Missouri, as amended;
- G. Ordering the Circuit Clerk of St. Louis County, Missouri, to give notice to the public by causing one or more newspapers of general circulation serving the counties contained in the proposed District to publish once a week for four consecutive weeks a notice substantially in the form provided in Section 238.212.1 of the TDD Act;
- H. Ordering public hearing(s) on the single question of creation of the proposed District, development of the proposed Transportation Project and proposed funding of the Sales Tax, which public hearing(s) shall be held at the following date(s), time(s) and place(s):
- [Insert time, date and place of public hearing]
- Petitioners further request the Court make any additional findings and orders and grant

such other further relief which the Court deems necessary and proper.

ARMSTRONG TEASDALE LLP

COUNTY OF ST. LOUIS, MISSOURI

By: \_\_\_\_\_

Robert D. Klahr, #42718  
James Mello, #37734  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102  
(314) 621-5070  
(314) 621-5065 (facsimile)  
Attorneys for Petitioner City of  
Chesterfield, Missouri

By: \_\_\_\_\_

Patricia Redington, # \_\_\_\_\_  
[insert name and bar # of other attorney]  
41 South Central Avenue  
Clayton, Missouri 63105  
(314) 615-7042  
(314) 615-3732 (facsimile)  
Attorneys for Petitioner County of St.  
Louis, Missouri

**EXHIBIT A**  
**TO FORM OF PETITION FOR THE CREATION OF THE DISTRICT**  
**RESOLUTION OF PETITIONER CITY OF CHESTERFIELD, MISSOURI**

**(To be attached hereto upon adoption by the City.)**

**EXHIBIT B**  
**TO FORM OF PETITION FOR THE CREATION OF THE DISTRICT**  
**RESOLUTION OF PETITION COUNTY OF ST. LOUIS, MISSOURI**

(To be attached hereto upon adoption by the County.)

**EXHIBIT C**  
**TO FORM OF PETITION FOR THE CREATION OF THE DISTRICT**  
**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 D**  
**TO FORM OF PETITION FOR THE CREATION OF THE DISTRICT**  
**BOUNDARY MAP OF THE PROPOSED DISTRICT**

(Attached hereto.)

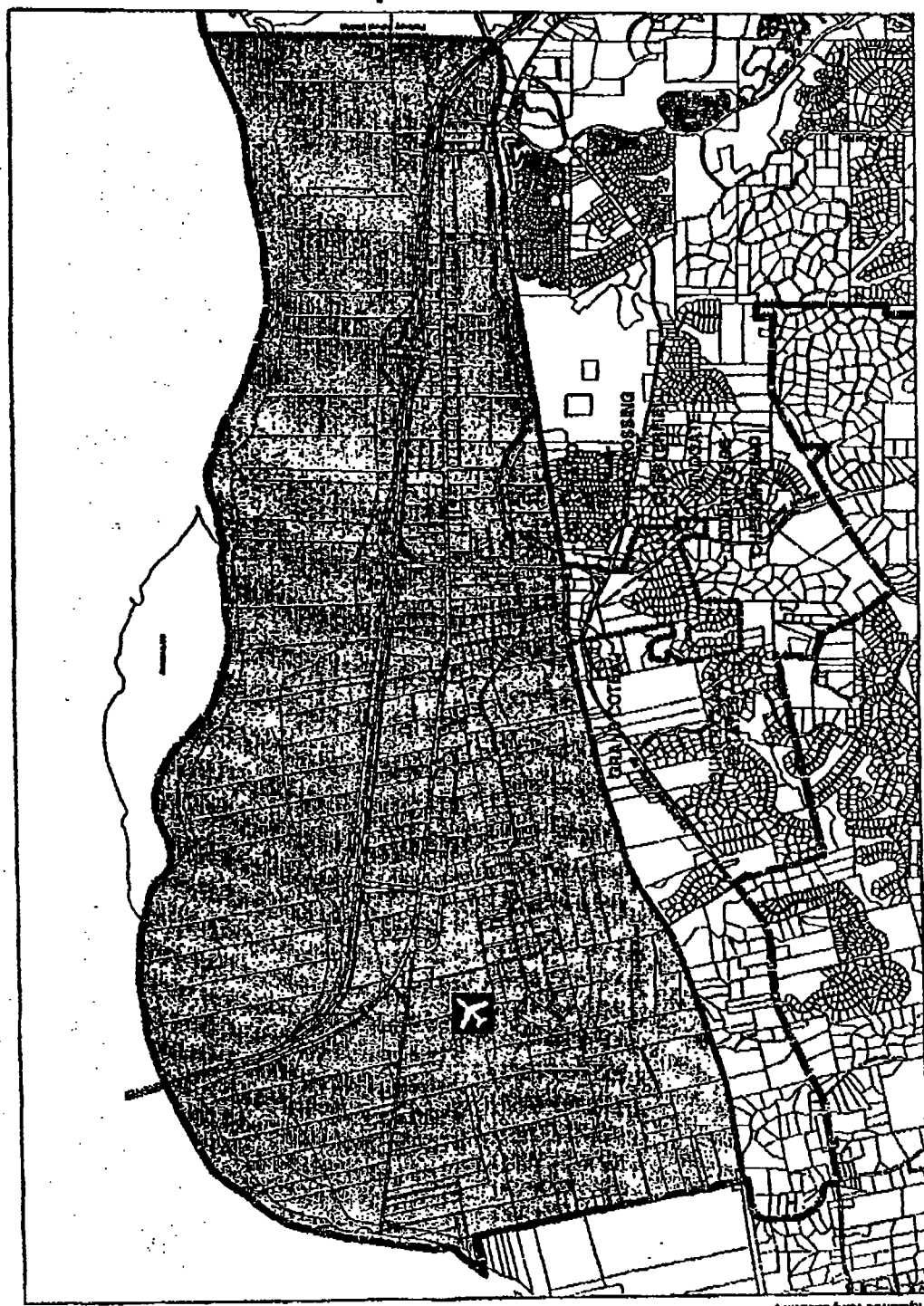


**PROPOSED  
CHESTERFIELD  
TDD VOTING DISTRICT**



**Legend**

- CITY UNITS
- TDD DISTRICT
- SUBSECTOR
- TDD VOTING DISTRICT



Rich's Registered Voting Districts.mxd

**EXHIBIT E**  
**TO FORM OF PETITION FOR THE CREATION OF THE DISTRICT**

**GENERAL DESCRIPTION OF THE TRANSPORTATION PROJECT**

The Transportation Project generally consists of the following: (a) widening of Long Road from Chesterfield Airport Road to Wildhorse Creek Road; (b) alignment and improvement of a single signalized intersection of Wildhorse Creek Road, Long Road and Kehrs Mills 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 and 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-intersection at Spirit of St. Louis Blvd. and intersection at Old Olive Street Road.

The Transportation Project shall also include without limitation costs associated with the following: (a) the operation and maintenance of the Transportation Project; (b) land acquisition, settlement and transfer, including relocation costs, taxes, surveys and other professional fees related to the Transportation Project; (c) demolition, earth work, erosion control, including without limitation paving, storm sewers, storm drainage, water systems, and retention basins related to the Transportation Project; (d) relocation of utilities as necessary, including sanitary sewer, gas, electric, telephone and fiber optic cable related to the Transportation Project; (e) environmental engineering, mitigation and abatement related to the Transportation Project; (f) 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; (g) 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 (h) the administrative, legal and accounting fees and costs related to the creation and administration of the District.

**EXHIBIT E**

**FORM OF JOINT RESOLUTION TO BE ADOPTED BY  
THE CITY AND THE COUNTY**

(Attached hereto.)

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION CALLING FOR THE JOINT ESTABLISHMENT OF A TRANSPORTATION DEVELOPMENT DISTRICT; APPROVING A TRANSPORTATION PROJECT AND AUTHORIZING THE CITY OF CHESTERFIELD, MISSOURI, TO JOIN THE COUNTY OF ST. LOUIS, MISSOURI, IN A 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**, the City wishes to join the County in filing a Petition for the Creation of a Transportation Development District in substantially the form of **Exhibit A**, attached hereto and incorporated herein by reference (the "TDD Petition") to create the Chesterfield Valley Transportation Development District (the "District") for the purpose of funding, promoting, planning, designing, constructing, improving, maintaining and operating or assisting in (a) widening of Long Road from Chesterfield Airport Road to Wildhorse Creek Road; (b) alignment and improvement of a single signalized intersection of Wildhorse Creek Road, Long Road and Kehrs Mill 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) widening of the Baxter Road overpass at Interstate 64; and (f) conducting a study addressing the mass transit needs of the Chesterfield Valley (collectively, the "Transportation Project"); 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 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 Projects.

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

**Section 1.** The following words and terms as used in this Resolution shall have the following meanings, unless some other meaning is plainly intended:

(a) "City" means the City of Chesterfield, Missouri, a political subdivision of the State of Missouri and a local transportation authority within the meaning of Section 238.202.1(4) of the TDD Act.

(b) "Commission" means the Missouri Highways and Transportation Commission, created pursuant to the provisions of Sections 226.010 to 226.190 of the Revised Statutes of Missouri, as amended.

(c) "County" means the County of St. Louis, Missouri, a political subdivision of the State of Missouri and a local transportation authority within the meaning of Section 238.202.1(4) of the TDD Act.

(d) "District" means the proposed Chesterfield Valley Transportation Development District to be created by the City and the County, which District would assist in funding one or more projects identified in the Petition.

(e) "TDD Act" means the Missouri Transportation Development District Act, Sections 238.200 to 238.275 of the Revised Statutes of Missouri, as amended.

(f) "TDD Petition" means the Petition for the Creation of a Transportation Development District, which TDD Petition shall be in substantially the form of **Exhibit A**, attached hereto and incorporated herein by reference.

(g) "Transportation Project" means: (a) widening of Long Road from Chesterfield Airport Road to Wildhorse Creek Road; (b) alignment and improvement of a single signalized intersection of Wildhorse Creek Road, Long Road and Kehrs Mill 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 to Chesterfield Parkway; (f) conducting a study addressing the mass transit needs of the Chesterfield Valley, as more particularly described in the TDD Petition; and (g) improvements to Chesterfield Airport Road-intersection at Spirit of St. Louis Blvd. and intersection at Old Olive Street Road.

**Section 2.** The City Council hereby calls for the joint establishment of the District with the County in accordance with the TDD Petition 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 Act.

**Section 3.** The City Council hereby approves of the Transportation Project.

**Section 4.** The City Council hereby authorizes the City to join in the filing of the TDD Petition for the purpose of creating the District to fund, promote, plan, design, construct, improve, maintain and operate the Project or assist in one or more of such activities in connection with the Project.

**Section 5.** The City Council hereby authorizes and directs Armstrong Teasdale LLP to execute the TDD Petition and to take such other steps as are necessary to create and implement the District in accordance with the TDD Act.

**Section 6.** 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 7.** 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004.**

**EXHIBIT A  
TO FORM OF JOINT RESOLUTION  
TO BE ADOPTED BY THE CITY AND THE COUNTY**

**Form of Petition for the Creation of a Transportation Development District**

(See Exhibit D)