

RESOLUTION NO. 421

**A RESOLUTION ACCEPTING THE PLANS AND SPECIFICATIONS AND ORDERING THE PREPARATION OF A PROPOSED ASSESSMENT ROLL FOR THE BROADMOOR CONDOMINIUMS 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**, pursuant to the NID Act, a proper petition was filed with the City Clerk on March 17, 2015 (the "Petition") proposing the creation of the Broadmoor Condominiums Neighborhood Improvement District (the "District"), as described in more detail in the Petition; and

**WHEREAS**, the City Council has reviewed the Petition proposing the creation of the District for the purpose of funding the replacement of streets and parking areas within the boundaries of the proposed District and carrying out the Broadmoor Condominiums Neighborhood Improvement District Improvement Project (the "Improvements"); and

**WHEREAS**, on August 3, 2015, 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 construction cost of \$1,303,428 are hereby accepted by the City and are on file with the City Clerk and are open to public inspection. An itemized description of the total estimated project costs, including construction, engineering, legal fees and other costs totaling \$1,515,000 are outlined in Exhibit A, attached hereto and incorporated herein by reference.

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 on May 2, 2016 at 6:45 p.m. in its City Council Chambers at 690 Chesterfield Parkway West, Chesterfield, Missouri, 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 of Exhibit B, attached hereto and incorporated herein by reference.

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 known 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 of Exhibit C, attached hereto and incorporated herein by reference.

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 20<sup>th</sup> day of April 2016.

  
\_\_\_\_\_  
Bob Nation, MAYOR

(SEAL)

ATTEST:

  
\_\_\_\_\_  
Vickie Hass, CITY CLERK

**EXHIBIT A**

**Estimated Project Costs, based on Construction Bid  
Submitted by Amcon Municipal Concrete, March 8, 2016**

<u>Description</u>	<u>Cost</u>
Remove & Replace Pavement	\$955,067
Joint Sealant	\$33,816.75
4" Rolled Stone Base	\$90,178
Undergrading	\$300
Geotextile Fabric	\$20,495
Structural Geogrid	\$150
Seeding & Mulching	\$7.24
Traffic Control	\$15,000
Paved Approaches	\$95,816
Sawcutting	\$800
Pavement Lugs	\$50
Underdrains	\$8,002.50
Sidewalks	\$10,560
Detectable Warning Surface	\$4,400
Replace Inlet Sill	\$2,800
Adjustment of Inlet Sill	\$2,000
Drilling and Doweling	\$575
A2 Joints	\$5,200
Silt Fence	\$160
Inlet Protection	\$420
Asphalt Parking Lots	\$57,630.60
<b>TOTAL BID</b>	<b>\$1,303,428.09</b>
Schedule Incentive	\$13,000
Contingency	\$83,572
Inspection & Testing	\$35,000
Administrative (life of NID)	\$40,000
Legal	\$40,000
<b>TOTAL COST</b>	<b>\$1,515,000</b>

## **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 May 2, 2016, at 6:45 p.m. in its Council Chambers at 690 Chesterfield Parkway West, Chesterfield, Missouri, for the purpose of considering proposed neighborhood improvement assessments in the Broadmoor Condominiums Neighborhood Improvement District and taking written and oral objections to same. The District was formed by the City on August 3, 2015, pursuant to Section 67.457.3 of the Neighborhood Improvement District Act, Sections 67.453 to 67.475 of the Revised Statutes of Missouri, as amended (the "Act"), for the purpose of financing improvements known as the Broadmoor Condominiums Neighborhood Improvement District Improvement Project (the "Improvements"). The general nature of the Improvements is the replacement of streets and parking lots, all within the Broadmoor Condominiums subdivision and within the City of Chesterfield, including Claymoor Drive, Broadmoor Drive, Green Circle Drive and Green Circle Court, as provided in Section 67.453(5) of the Act, together with the costs associated with the establishment of the District.

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

All of the real property within the Broadmoor Condominiums Subdivision, the plat of which is recorded with the St. Louis County Recorder of Deed's office in Plat Book 199, Pages 66 and 67.

The estimated cost of the Improvements (less contingency and NID fees) is \$1,303,428 and shall be divided and assessed equally against each parcel of property or lot located in the District and benefited by the Improvements. Total estimated project costs, including contingency, incentives & administrative fees are \$1,515,000. Actual assessment payable to the City of Chesterfield cannot exceed the estimated costs by more than 25%, 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 by utilizing the City's fund reserves, as set forth by City Council, under the provisions of the Act.

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Vickie Hass, City Clerk

## EXHIBIT C

### Property Owner Notice of NID Public Hearing

[Date]

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

**RE: Broadmoor Condominiums Neighborhood Improvement District and proposed special assessment affecting Lots 1 through 216 (the "Property")**

Dear Property Owner:

According to the St. Louis County Assessor's Office, you are the owner of record of a portion of the Property described above, which is located within the Broadmoor Condominiums Neighborhood Improvement District (the "District"). On August 3, 2015, the City of Chesterfield established the District and authorized the preparation of plans and specifications to replace streets and parking lots within the Broadmoor Condominiums 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 \$1,515,000. 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 to the City of Chesterfield 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% 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, MO 63017 on or before the hearing date.

Please feel free to contact Libbey Tucker, Community Services & Economic Development Director at (636) 537-6721 or e-mail [ltucker@chesterfield.mo.us](mailto:ltucker@chesterfield.mo.us) with any questions.

Sincerely,

Vickie Hass, City Clerk

Enclosure: Public Hearing Notice

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City Clerk