

RESOLUTION NO. 22-64

A RESOLUTION APPROVING A MODIFICATION OF THE TRANSPORTATION PROJECT DESCRIPTION, AS CONTAINED IN THE PETITION FOR THE CREATION OF THE ARNOLD RETAIL CORRIDOR TRANSPORTATION DEVELOPMENT DISTRICT, TO CONFORM WITH THE DESCRIPTION OF THE TRANSPORTATION PROJECT AS PREVIOUSLY APPROVED BY THE DISTRICT VOTERS.

WHEREAS, on September 25, 2007, pursuant to Section 238.216 of the Missouri Transportation Development District Act, Sections 238.200 to 238.280 of the Revised Statutes of Missouri, as amended (the "Act"), the City of Arnold, Missouri (the "City"), and the Arnold Triangle Transportation Development District filed a joint Petition for the Creation of a Transportation Development District (the "Petition") with the Circuit Court of Jefferson County to form the Arnold Retail Corridor Transportation Development District (the "District"); and

WHEREAS, on March 11, 2008, more than a simple majority of the qualified voters of the District voted in favor of the creation of the District, the development of certain transportation-related improvements (the "Transportation Project") and the imposition of a sales tax to finance the costs of the Transportation Project; and

WHEREAS, the description of the Transportation Project approved by the qualified voters of the District was slightly different than the description contained in the Petition (as shown in Exhibit A); and

WHEREAS, Section 238.257(4) of the Act provides that the board of directors of any transportation development district "may modify the project previously approved by the district voters, if the modification is approved by the commission and, where appropriate, a local transportation authority; and


WHEREAS, the City Council finds and determines that the modification of the Transportation Project description as set forth in the Petition to conform to the description approved by the voters of the District is appropriate to reflect the intent of the District voters and is in the best interest of the residents and businesses within the City.

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

Section 1. The City Council hereby approves the modification of the description of the Transportation Project as set forth in the Petition to conform to the description approved by the qualified voters of the District as shown in Exhibit A.

Section 2. Gilmore & Bell, P.C., and Robert Sweeney, Esq., are hereby authorized and directed to take such steps as are necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be in full force and effect after its passage and approval.


Presiding Officer of the City Council


Mayor Ron Counts

ATTEST:


City Clerk Tammi Casey

Date: 12/19/2022



EXHIBIT A

DESCRIPTION OF THE TRANSPORTATION PROJECT¹

The Transportation Project consists of the design and construction of the following road improvements in and adjacent to the District: (1) a new connection road between Highway 141 and Michigan, (2) relocation of Church Road, (3) a new intersection at Church Road, Missouri State Road and Old Lemay Ferry Road, (4) a new intersection at Church Road and Big Bill Road, (5) acceleration and de-acceleration lanes along the south side of Highway 141, (6) relocation of Big Bill Road, (7) landscaping and beautification of the intersection at Highway 141 and Interstate 55 and (8) improvements to Jeffco Boulevard, Highway 141 and other publicly accessible roadways, parking facilities and transportation-related improvements ~~within~~ benefitting the District.

The Transportation Project shall also include: (1) the costs associated with the operation and maintenance of the Transportation Project; (2) costs of right-of-way and other land acquisition, settlement and transfer, including relocation costs, taxes, surveys and other professional fees; (3) costs for demolition, earth work, erosion control, including paving, sanitary sewers, storm drainage, water systems and retention basins, provisions for the construction and/or relocation of utilities, including electric, gas, telephone, fiber optic cable, as well as landscaping, street lighting and environmental engineering and abatement; (4) costs for replacement of existing roadway surfaces, curbs and gutters, replacement or installation of sidewalks, traffic/pedestrian signalization, signage, street lighting and landscaping; (5) costs for legal and engineer's fees, construction cost financing, placement fees, interest, builder's risk insurance, design, engineering, development, project management, architect and contractor fees, as well as all other professional costs associated with the Transportation Project, including accounting and appraisal fees; and (6) the administrative, legal and accounting costs associated with the creation, administration and existence of the District and costs associated with the collection and enforcement of the TDD Sales Tax.

¹ Stricken language was contained in the Petition. Double underlined language was contained in the Notice of Election and Procedures for Application to Obtain Ballot (published and mailed to each property owner within the District prior to the Election) and in the Ballot and approved by the District voters.