

IN THE CIRCUIT COURT OF THE COUNTY OF JEFFERSON,
STATE OF MISSOURI

IN RE THE FORMATION OF THE ARNOLD TRIANGLE)
TRANSPORTATION DEVELOPMENT DISTRICT,)

CITY OF ARNOLD, MISSOURI,)
a Missouri political subdivision,)

Petitioner,)

v.)

MISSOURI HIGHWAYS AND)
TRANSPORTATION COMMISSION,)

Respondent.)

Cause No. 06JE-CC00120

CONSENT JUDGMENT AND ORDER

On this 16 day of August, 2006, pursuant to the Petitioner's, Motion for Entry of Consent Judgment and Order, this Court takes up the matter of organizing the Arnold Triangle Transportation Development District (the "District") pursuant to the Petitioner's Petition for the Formation of a Transportation Development District (the "Petition"). Respondent, the Missouri Highways and Transportation Commission, has filed no objections to the Petition and is not opposed to entry of this order. This Court, in consideration of the pleadings before it, the facts and the law, hereby enters its Findings, Certifications and Conclusions and its Consent Judgment and Order as follows:

FINDINGS, CERTIFICATIONS AND CONCLUSIONS

1. The proposed District consists of land on which there are no residential structures; accordingly, there are no persons eligible to be registered voters residing within the proposed District. The Petitioner is currently the owner of record of all real property located within the District (the "Property") and as such has standing to present the Petition for forming the District.

2. The Petitioner, as the owner of record of the Property, constitutes the only "qualified voter" for purposes of the Transportation Development District Act, Sections 238.200 to 238.275 of the Revised Statutes of Missouri, as amended (the "Act").

3. The Petition is not legally defective and the Respondent has been duly served with process in this action, or otherwise properly appeared in this action.

4. No objections to the Petition, timely or otherwise, have been filed.

5. The District is neither illegal nor unconstitutional.

6. The District is composed of contiguous land pursuant to Section 238.207.3 of the Act and includes the property legally described in **Exhibit A**, and incorporated herein by reference, as depicted on the map attached as **Exhibit B**, and incorporated herein by reference.

7. The District is properly, duly and lawfully organized and is established as a political subdivision pursuant to and in accordance with the Act for the sole purpose of funding the Transportation Project (as defined in the Petition).

8. The proposed funding method and mechanism (*i.e.*, the imposition of a sales tax at a rate of up to one percent (1%) (the "Sales Tax") pursuant to Section 238.235 of the Act) is neither illegal nor unconstitutional and the question of imposing the Sales Tax is hereby certified for qualified voter approval pursuant to Section 238.210.2 of the Act and, upon submission of a unanimous petition approving the measure submitted to the Petitioner, as the qualified voter, pursuant to Section 238.216.1(3) of the Act and approval and adoption of a resolution by the board of directors of the District, the District may impose the Sales Tax for a period of forty years from the date such tax is first imposed.

9. The District is not an undue burden on any owner of real property within the District and it not unjust or unreasonable.

10. A portion of the proposed Transportation Project described in the Petition is intended to be merged into the state highways and transportation system under the Respondent's jurisdiction (the "State Portion of the Transportation Project") and therefore, before construction or funding of the State Portion of the Transportation Project, the District shall submit the State Portion of the Transportation Project, together with the proposed plans and specification, to the Respondent for its prior approval. Upon submission of the State Portion of the Transportation Project, if the Respondent by minute finds that the State Portion of the Transportation Project will improve or is necessary or desirable extension of

the state highways and transportation system, the Respondent may approve the State Portion of the Transportation Project subject to the District making any revisions in the plans and specifications required by the Respondent, and the District and the Respondent entering into a mutually satisfactory agreement regarding development and future maintenance of the State Portion of the Transportation Project.

11. The remaining portion of the Transportation Project described in the Petition is under the Petitioner's jurisdiction (the "City Portion of the Transportation Project") and therefore, the District shall submit the City Portion of the Transportation Project, together with the proposed plans and specifications, to the Petitioner for its prior approval which shall be subject to the District making any revisions in the plans and specifications required by the Petitioner and the District and the Petitioner entering into a mutually satisfactory agreement regarding development and future maintenance of the City Portion of the Transportation Project.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that:

A. The Petition is not legally defective and the Sales Tax is neither illegal nor unconstitutional.

B. The District is hereby established as a political subdivision pursuant to and in accordance with the Act for the sole purpose of funding the Transportation Project through the imposition of the Sales Tax and includes in its boundaries all the real property described in **Exhibit A** attached to this Judgment and Order.

C. The District shall have only those powers, rights and obligations set forth in the Petition and the Act, and such implied powers, rights and obligations as are necessary to the execution thereof and necessary and appropriate to its purpose described in the Petition and not inconsistent with the Act.

D. Upon approval and adoption of a resolution by the board of directors of the District and submission of a unanimous petition approving the measure submitted to them as voters pursuant to Section 238.216.1(3) of the Act, the District may impose a sales tax at a rate up to one percent (1%) pursuant to Section 238.235 of the Act for a period of forty years from the date such tax is first imposed for the sole purpose of funding the Transportation Project.

E. The Circuit Court Clerk is ordered to and shall give notice of and call a meeting of all owners of record of the Property pursuant to Section 238.220.2 of the Act, said meeting to be held at _____ .m., on August __, 2006 at the Arnold City Hall, 2101 Jeffco Boulevard, Arnold, Missouri, to elect the initial board of directors of the District (which shall consist of five (5) owners or representatives of owners of the Property) and a chairman and secretary of the meeting to conduct the election.

F. The board of directors of the District shall have its first meeting at _____ .m., on August __, 2006 at the Arnold City Hall, 2101 Jeffco Boulevard, Arnold, Missouri.

G. The Circuit Court Clerk is ordered to and shall verify the authenticity of all signatures submitted on a unanimous petition of the property owners within the District approving any measure submitted to them as voters in accordance with Section 238.216.1(3) of the Act by acknowledging and certifying that such signatures have been duly notarized in accordance with Missouri law.

H. The Petitioner and the District will enter into an agreement whereby the Petitioner shall construct or cause to be constructed the Transportation Project and the District shall remit to the Petitioner all revenues from the Sales Tax as reimbursement to the Petitioner for the costs incurred in constructing and implementing the Transportation Project.

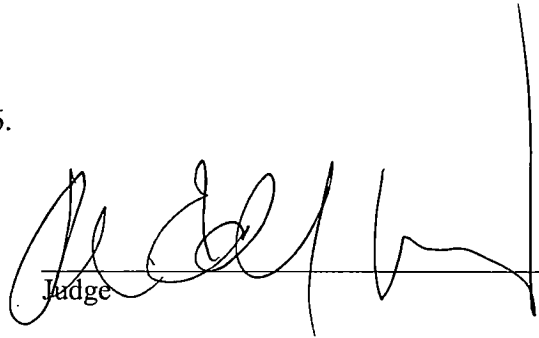
I. Before construction or funding of the State Portion of the Transportation Project, the District shall submit the State Portion of the Transportation Project, together with the proposed plans and specifications, to the Respondent for its approval. If the Respondent by minute finds that the State Portion of the Transportation Project will improve or is a necessary or desirable extension of the state highways and transportation system, the Respondent may approve the State Portion of the Transportation Project, subject to the District making any revisions in the plans and specifications required by the Respondent, and the District and the Respondent entering into a mutually satisfactory agreement regarding development and future maintenance of the State Portion of the Transportation Project.

J. The City Portion of the Transportation Project is subject to the approval of the Petitioner, subject to all necessary permitting requirements of the Respondent for connections of the City Portion of

the Transportation Project to the state highways and transportation system and subject to the District submitting the City Portion of the Transportation Project, together with the proposed plans and specifications, to the Petitioner, the District making any revisions in the plans and specifications required by the Petitioner and the District and the Petitioner entering into a mutually satisfactory agreement regarding development and future maintenance of the City Portion of the Transportation Project.

K. The costs of filing and defending the Petition and all publication and incidental costs incurred in obtaining this Court's certification of the Petition for voter approval shall be paid by the District.

SO ORDERED, this 17 day of August, 2006.


Judge