

PLEADINGS IN RE AMENDMENT OF BOUNDARIES TRIANGLE TDD

NAME OF DOCUMENT	DATE	NUMBER
Petition	04/09/07	1
Affidavit of Mark Powell	05/ /07	2
Motion for Entry of Judgment & Order		3
Norman Moss Affidavit	07/09/07	4
Notice - Motion for Entry of Judgment	07/18/07	5
Amended Notice	08/03/07	6
Judgment & Order	08/13/07	7
		8
		9
		10
		11
		12
		13
		14
		15
		16
		17
		18
		19
		20



“TDD Act”). Respondent Missouri Highway and Transportation Commission has filed no objections to the Petition and has consented to entry of this order. This Court, in consideration of the evidence presented, the pleadings and law, hereby enters its Findings, Certifications and Conclusions and its final Judgment and Order as follows:

**Findings, Certifications and Conclusions**

1. The Arnold Triangle Transportation Development District (the “District”) was organized and established by a Consent Judgment and Order entered on August 16, 2006 by the Circuit Court of Jefferson County in Cause No. 06JE-CC00120 (the “Initial Order”). This Court takes judicial notice of the record of proceedings and all pleadings, papers and documents filed in that Cause No. 06JE-CC00120, and the same are incorporated herein by this reference.

2. On September 13, 2006, a meeting of the owners of record of real property located within the District was held in accordance with Section 238.200.2 of the TDD Act and the Initial Order for the purpose of electing the initial board of directors of the District.

3. On September 13, 2006, a meeting of the District’s board of directors was held in accordance with Section 238.222.2 of the TDD Act, at which the board of directors of the District passed a resolution (i) imposing, upon majority approval of the “qualified voters” (as defined in the TDD Act) of the District, a transportation development district-wide sales tax at the rate of up to one percent (1.0%) for a period not to exceed forty (40) years from the date on which such tax is first imposed (the “TDD Sales Tax”) and (ii) calling an election within the boundaries of the District on the question of whether to impose the TDD Sales Tax.

4. On January 8, 2007, the City of Arnold, Missouri, (the “City”) pursuant to Sections 238.215 and 238.216 of the TDD Act, filed its verified Unanimous Petition of the Property Owners (the “Election Results”) regarding the imposition of the TDD Sales Tax with the Clerk of this Court, thereby constituting an “election” under the TDD Act, and the Clerk of

this Court certified the Election Results and, in accordance with Sections 238.215 and 238.216 of the TDD Act, entered the same upon the records of this Court.

5. On January 8, 2007, pursuant to Sections 238.215 and 238.216 of the TDD Act, the Clerk of Jefferson County spread the Election Results upon the records of the Jefferson County Commission.

6. No TDD Sales Tax revenues are currently being collected within the District.

7. On January 30, 2007, the District, acting through its board of directors, adopted Resolution 2007-007, authorizing the District to join the City in the Petition to amend the boundaries of the District through the removal of the Excluded Property and the addition of the Added Property, as further described herein.

8. On February 1, 2007, the City, by Ordinance No. 14.403 duly passed and approved by its City council, authorized the City to join in the Petition to amend the boundaries of the District by the removal of the Excluded Property and the addition of the Added Property, as further described herein.

9. THF Arnold Triangle Development, LLC, ("THF") is duly authorized by authority of its manager and members to join in the Petition to amend the boundaries of the District by the removal of the Excluded Property and addition of the Added Property, as further described herein.

10. Dierbergs Arnold, LLC, ("Dierbergs Arnold") is duly authorized by authority of its manager and members to join in the Petition to amend the boundaries of the District by the removal of the Excluded Property and the addition of the Added Property, as further described herein.

11. Moss Enterprise Inc., shown as "Moss Enterprises Inc" on the records of the Jefferson County Assessors Office, ("Moss") is duly authorized by authority of its board of

directors to join in the Petition to amend the boundaries of the District by the removal of the Excluded Property and the addition of the Added Property, as further described herein.

12. The District, the City, THF, Dierbergs Arnold, and Moss, as the property owners within the transportation development district, have standing to present the Petition.

13. The amendment of the boundaries of the District set forth herein removes certain real property and adds certain real property. Specifically, the amendment excludes from the District the property as legally described in and illustrated in **Exhibit A**, and adds to the District the property as legally described in and illustrated in **Exhibit B**.

14. The City is the record owner of all of the Excluded Property.

15. The District, THF, Dierbergs Arnold and Moss are the record owners of all of the Added Property.

16. There are no persons eligible to be registered voters residing within the District, as it currently exists or upon amendment, and the owners of record of all real property located within the District constitute the "qualified voters" pursuant to the TDD Act.

17. Upon the amendment of the District's boundaries, the name of the District will remain the Arnold Triangle Transportation Development District.

18. The Petition is not legally defective and the Missouri Highways and Transportation Commission has been duly served with process and otherwise properly appeared in this action. The Missouri Highways and Transportation Commission has not filed any objections opposing the amendment of the District's boundaries and has consented to the entry of this Order.

19. The District is and, upon the amendment of the District's boundaries, will remain contiguous.

20. The District is and, upon the amendment of the District's boundaries, will remain

properly, duly and lawfully organized.

21. The District is and, upon the amendment of the District's boundaries, will continue to be a political subdivision pursuant to and in accordance with the TDD Act for the sole purpose of funding the Transportation Project (as defined in the Initial Order and as set forth as **Exhibit C** attached hereto and incorporated herein by reference) through the imposition of the TDD Sales Tax. The Transportation Project described in the Initial Order will not change as a result of the amendment of the boundaries of the District.

22. Upon the amendment of the District's boundaries, the Added Property shall be subject to the TDD Sales Tax.

23. Upon the amendment of the District's boundaries, the Excluded Property shall no longer be subject to the TDD Sales Tax.

24. Upon the amendment of the District's boundaries, (i) the owners of record of the Added Property shall be allowed to vote at the next election scheduled for the District to fill vacancies on the board of directors and on any other question submitted to them by the board of directors in accordance with the TDD Act and (ii) the owners of record of the Added Property shall have one vote per acre in the same manner as provided in subdivision (2) of subsection 2 of 238.220 of the TDD Act.

25. The District is not, and upon the amendment of the District's boundaries, will not be illegal or unconstitutional.

26. The District does not, and upon amendment of the District's boundaries, will not constitute an undue burden on any owner of real property within the District and currently is not, and upon amendment of the District's boundaries, will not be unjust or unreasonable.

27. Currently, and upon amendment of the District's boundaries, no portion of the Transportation Project will occur on right-of-way of the state highways and transportation

system, and no portion of the Transportation Project is intended to be merged into the state highways and transportation system.

**JUDGMENT AND ORDER**

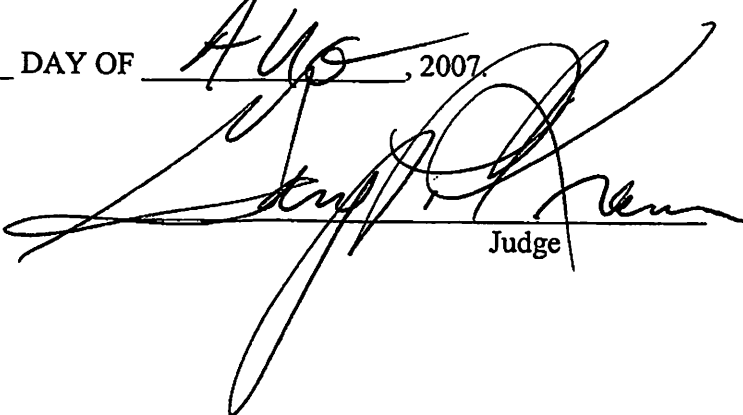
**IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that:**

A. The boundaries of the Arnold Triangle Transportation Development District are hereby amended by the removal of the Excluded Property as described in **Exhibit A** and the addition of the Added Property described in **Exhibit B**. Upon such amendment of the District's boundaries, the District shall remain a political subdivision pursuant to and in accordance with the TDD Act for the sole purpose of funding the Transportation Project, initially through the imposition of the TDD Sales Tax.

B. The real property included within the District upon amendment of its boundaries is described in the attached **Exhibit D** to this Judgment and Order, which legal description is incorporated herein by this reference. The exterior boundaries of the adjusted District area are also shown on the map contained in **Exhibit D**.

C. Upon amendment of the District's boundaries, the board of directors of the District shall continue to be composed of five (5) representatives of owners of real property in the District.

SO ORDERED THIS 13 DAY OF AUG, 2007.

  
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Judge

## **EXHIBIT A**

### **LEGAL DESCRIPTION AND MAP OF THE EXCLUDED PROPERTY (PROPERTY TO BE REMOVED FROM THE DISTRICT)**

#### **TDD AREA 1**

A tract of land being part of larger tracts of land as conveyed to the City of Arnold by instruments recorded in Book 1087, Page 1254, Book 1108, Page 828 and as Document No. 020046133 of the Recorder of Deeds Office of Jefferson County, Missouri being located in Lot 17 of U.S. Survey 2991, Township 43 North, Ranges 5 and 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

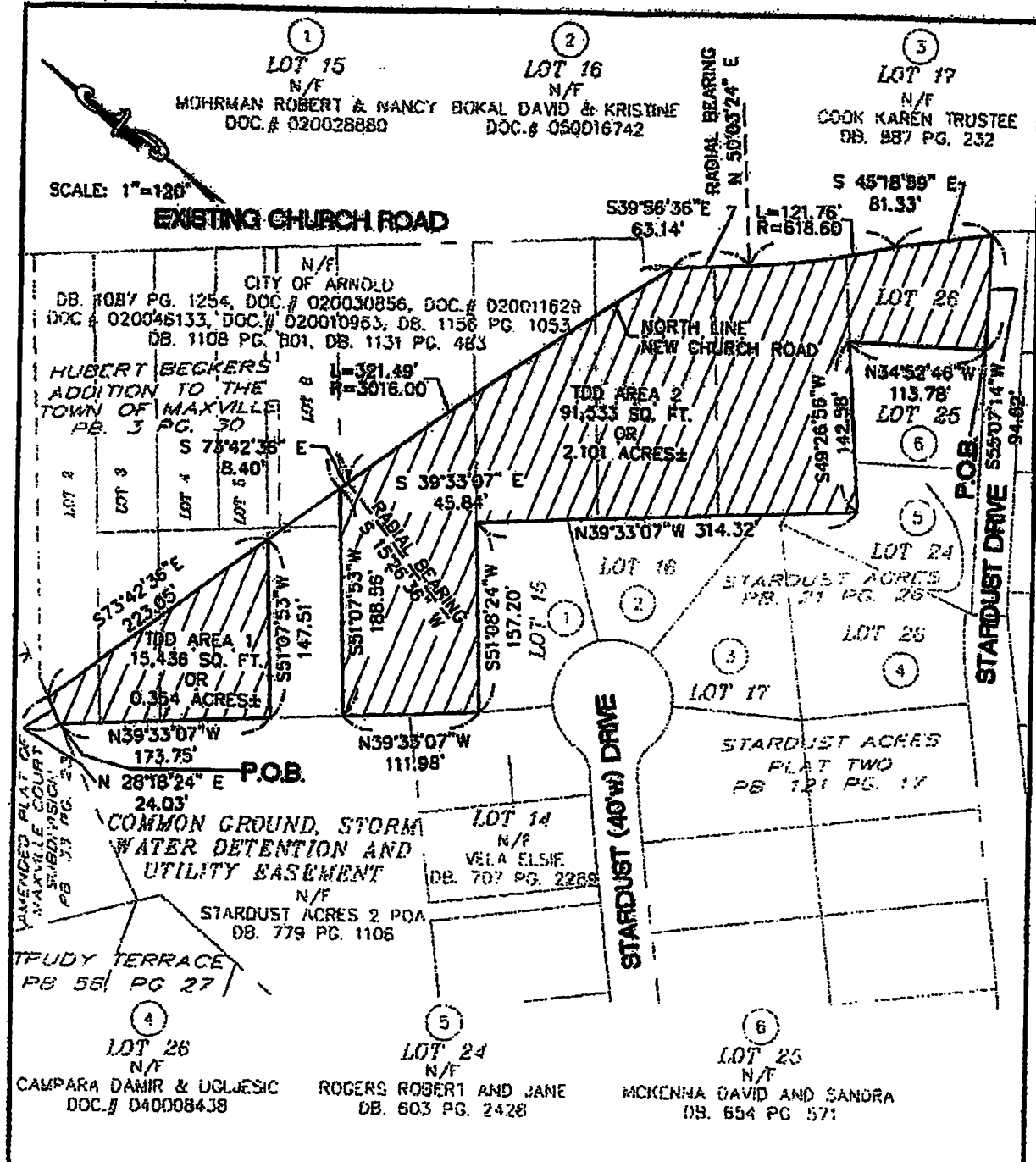
Beginning at the Northwestern most corner of Stardust Acres Plat Two, a subdivision according to the plat thereof as recorded in Plat Book 121, Page 17 of the above said records, said point also being located on the Southeasterly line of Amended Plat of Maxville Court Subdivision, a subdivision according to the plat thereof as recorded in Plat Book 33, Page 23 of above said records; thence along said Southeasterly line North 28 degrees 18 minutes 24 seconds East 24.03 feet to the Northerly line of New Church Road, variable width; thence along said Northerly line South 73 degrees 42 minutes 36 seconds East 223.05 feet to a point on the Northwesterly line of Lot 6 of Hubert Beckers Addition to the Town of Maxville, a subdivision according to the plat thereof as recorded in Plat Book 3, Page 30 of above said records; thence along said Northwesterly line South 51 degrees 07 minutes 53 seconds West 147.51 feet to the Northerly line of above said Stardust Acres Plat Two; thence North 39 degrees 33 minutes 07 seconds West 173.75 feet to the POINT OF BEGINNING and containing 15,436 square feet or 0.354 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on January 22, 2007.

#### **TDD AREA 2**

A tract of land being part of Lot 26 of Star Dust Acres, a subdivision as recorded in Plat Book 21, Page 26, and parts of larger tracts of land as conveyed to the City of Arnold by instruments recorded in Book 1108, Page 801, Book 1156, Page 1053, recorded as Document No. 020010963, Document No. 020011629, all of the Recorder of Deeds Office of Jefferson County, Missouri being located in Lot 17 of U.S. Survey 2991, Township 43 North, Ranges 5 and 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

Beginning at the Southwesterly corner of above said Lot 26, said point also being located on the Northwesterly line of Stardust Drive 30 feet wide, thence along the Southwesterly line of said Lot 26 North 34 degrees 52 minutes 46 seconds West 113.78 feet to the Northwesterly line of above said Star Dust Acres; thence along the Northwesterly and Northeasterly lines of said Star Dust Acres and Star Dust Acres Plat Two, a subdivision according to the plat thereof as recorded in Plat Book 121, Page 17 of the above said records the following courses and distances; South 49 degrees 26 minutes 56 seconds West 142.58 feet; North 39 degrees 33 minutes 07 seconds West 314.32 feet; South 51 degrees 08 minutes 24 seconds West 157.20 feet and North 39 degrees 33 minutes 07 seconds West 111.98 feet to the Southeasterly line of Lot 6 of Hubert Beckers Addition to the Town of Maxville, a subdivision according to the plat thereof

as recorded in Plat Book 3, Page 30 of above said records; thence along said Southeasterly line North 51 degrees 07 minutes 53 seconds East 188.56 feet to the Northerly line of New Church Road, variable width; thence along said Northerly line the following courses and distances: South 73 degrees 42 minutes 36 seconds East 8.40 feet to a point on a non-tangent curve to the right for which the radius point bears South 15 degrees 26 minutes 36 seconds West 3016.00 feet and along said curve with a chord which bears South 71 degrees 30 minutes 11 seconds East 321.34 feet, an arc length of 321.49 feet to the Southwesterly line of Existing Church Road, variable width; thence departing last said curve and along said Southwesterly line the following courses and distances: South 39 degrees 56 minutes 36 seconds East 63.14 feet to a point of curvature to the left for which the radius point bears North 50 degrees 03 minutes 24 seconds East 618.60 feet; thence along said curve with a chord which bears South 45 degrees 34 minutes 56 seconds East 121.56 feet, an arc length of 121.76 feet and departing said curve South 45 degrees 18 minutes 59 seconds East 81.33 feet to the Northwesterly line of above said Stardust Drive; thence along said Northwesterly line South 55 degrees 07 minutes 14 seconds West 94.52 feet to the POINT OF BEGINNING and containing 91,533 square feet or 2.101 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on January 22, 2007.



**EXHIBIT**

**TDD EXHIBIT**

A TRACT OF LAND BEING PART OF LOT 17 OF  
U.S. SURVEY 2991,  
TOWNSHIP 43 NORTH, RANGES 5 AND 6 EAST OF THE 5TH PRINCIPAL MERIDIAN,  
CITY OF ARNOLD, ST. LOUIS COUNTY, MISSOURI

## **EXHIBIT B**

### **LEGAL DESCRIPTION AND MAP OF THE ADDED PROPERTY (PROPERTY TO BE ADDED TO THE DISTRICT)**

A tract of land being part of Lot 1, Lots 2 through 15, 17, 18 and Part of Lot 19 of Arnold Commons Plat One, a subdivision according to the plat thereof as recorded in Plat Book 242, Page 16 and 17 of the Recorder of Deeds Office of Jefferson County, Missouri being located in Part of Lots 16 and 17 of U.S. Survey 2991, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

Beginning at the point of intersection of the Westerly line of Missouri Interstate 55, variable width, and the Northerly line of Church Road, variable width; thence along the Northerly line of said Church Road the following courses and distances: South 88 degrees 35 minutes 31 seconds West 114.02 feet; North 76 degrees 09 minutes 10 seconds West 70.40 feet; North 64 degrees 38 minutes 18 seconds West 281.15 feet; South 48 degrees 34 minutes 00 seconds West 7.44 feet; North 52 degrees 05 minutes 59 seconds West 12.95 feet; North 52 degrees 50 minutes 06 seconds West 89.36 feet; South 50 degrees 05 minutes 50 seconds West 45.00 feet; thence crossing said Church Road South 50 degrees 04 minutes 51 seconds West 34.02 feet to a point on the Southerly line of above said Church Road; thence along said Southerly line North 39 degrees 33 minutes 07 seconds West 553.09 feet and North 43 degrees 23 minutes 07 seconds West 119.46 feet to the Southeasterly line of a tract of land as conveyed to the Charles and Sylvia Robinson by instrument recorded as Document No. 030080041 of above said records; thence along said Southeasterly line South 46 degrees 31 minutes 53 seconds West 220.35 feet to the Northeasterly line of Amended Plat of Maxville Court Subdivision, a subdivision according to the plat thereof as recorded in Plat Book 33, Page 23 of above said records; thence along the Northeasterly and Southeasterly lines of said Amended Plat of Maxville Court Subdivision South 39 degrees 15 minutes 36 seconds East 100.30 feet and South 28 degrees 18 minutes 24 seconds West 149.61 feet to the Northerly line of proposed New Church Road; thence along said Northerly line the following courses and distances: North 73 degrees 42 minutes 36 seconds West 16.69 feet; North 71 degrees 33 minutes 44 seconds West 160.11 feet; North 73 degrees 42 minutes 36 seconds West 168.90 feet and North 19 degrees 37 minutes 50 seconds West 106.91 feet to a point on the Easterly line of proposed Church Road, variable width, said point also being located on a non-tangent curve to the left for which the radius point bears North 46 degrees 01 minutes 57 seconds West 1100.00 feet; thence along said Easterly line the following courses and distances: thence along last said a curve with a chord which bears North 34 degrees 56 minutes 17 seconds East 345.27 feet, an arc length of 346.71 feet and North 20 degrees 36 minutes 34 seconds East 31.76 feet; thence departing last said Easterly line the following courses and distances: North 56 degrees 07 minutes 10 seconds East 98.40 feet; South 87 degrees 02 minutes 11 seconds East 26.38 feet to a point on a non-tangent curve to the left for which the radius point bears North 08 degrees 30 minutes 24 seconds East 562.00 feet; thence along said curve with a chord which bears South 86 degrees 26 minutes 13 seconds East 96.86 feet, an arc length of 96.98 feet to a point on the Northeasterly line of above said Church Road; thence departing last said curve and along said Northeasterly line North 41 degrees 26 minutes 51 seconds West 50.11 feet to a point on the Southeasterly line of Old

Highway 141, 60 feet wide; thence along said Southerly line North 51 degrees 47 minutes 44 seconds East 511.86 feet to a point on Missouri State Highway 141, variable width; thence along the Southerly and Southeasterly lines of said Missouri State Highway 141 the following courses and distances: South 73 degrees 05 minutes 59 seconds East 160.13 feet; North 50 degrees 59 minutes 30 seconds East 25.00 feet; North 03 degrees 52 minutes 11 seconds West 69.17 feet; North 84 degrees 52 minutes 44 seconds East 215.28 feet; North 63 degrees 46 minutes 44 seconds East 129.03 feet; North 43 degrees 52 minutes 38 seconds East 255.80 feet; North 53 degrees 57 minutes 42 seconds East 256.45 feet and North 44 degrees 53 minutes 13 seconds East 115.11 feet to the Northwesterly corner of a tract of land as conveyed to Homer and Julie Tourkakis by instrument recorded in Book 406, Page 1246 of the above said records; thence departing last said Southeasterly line and along the Southwesterly, Southerly, and Northeasterly lines of said Homer and Julie Tourkakis tract the following courses and distances: South 37 degrees 16 minutes 04 seconds East 121.27 feet; North 51 degrees 47 minutes 23 seconds East 114.59 feet and North 37 degrees 36 minutes 13 seconds West 186.51 feet to a point on the aforementioned Southeasterly line of Highway 141; thence along said Southeasterly line the following courses and distances: North 36 degrees 33 minutes 58 seconds East 66.52 feet; South 86 degrees 52 minutes 38 seconds East 53.74 feet and South 49 degrees 35 minutes 16 seconds East 89.44 feet to a point on the Westerly line of above said Missouri Interstate 55; thence along said Westerly line the following courses and distances: South 06 degrees 22 minutes 40 seconds East 202.48 feet; South 01 degrees 40 minutes 29 seconds West 173.91 feet; South 18 degrees 19 minutes 56 seconds West 341.04 feet; South 04 degrees 45 minutes 25 seconds West 253.18 feet; South 13 degrees 50 minutes 50 seconds West 400.00 feet; South 27 degrees 14 minutes 28 seconds West 431.69 feet and South 00 degrees 51 minutes 27 seconds West 133.47 feet to the POINT OF BEGINNING and containing 1,715,062 square feet or 39.372 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on January 25, 2007.

Also and Including Lot 16 of above said Arnold Commons Plat One, as described below:

A tract of land being Lot 16 of Arnold Commons Plat One, a subdivision according to the plat thereof as recorded in Plat Book 242, Page 16 and 17 of the Recorder of Deeds Office of Jefferson County, Missouri being located in Part of Lots 16 and 17 of U.S. Survey 2991, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

Beginning at the Easternmost corner of a tract of land as conveyed to Gloss, LLC by instrument recorded in Book 716, Page 696 of above said records, said point also being located on the Northerly line of Old Highway 141, variable width; thence along the Northeasterly line of said Gloss, LLC tract North 37 degrees 50 minutes 33 seconds West 207.79 feet to a point on the Southerly line of Missouri State Highway 141, variable width, said point also being located on a curve to the left for which the radius point bears North 04 degrees 00 minutes 06 seconds East 1398.24 feet; thence along said curve with a chord which bears North 89 degrees 39 minutes 03 seconds East 212.15 feet, an arc length of 212.35 feet; thence departing last said curve South 39 degrees 47 minutes 03 seconds East 77.63 feet to the Northerly line of above said Old Highway 141; thence along said Northerly line South 51 degrees 47 minutes 44 seconds West, a distance of 170.96 feet to the POINT OF BEGINNING and containing 23,551 square feet or 0.541 acres

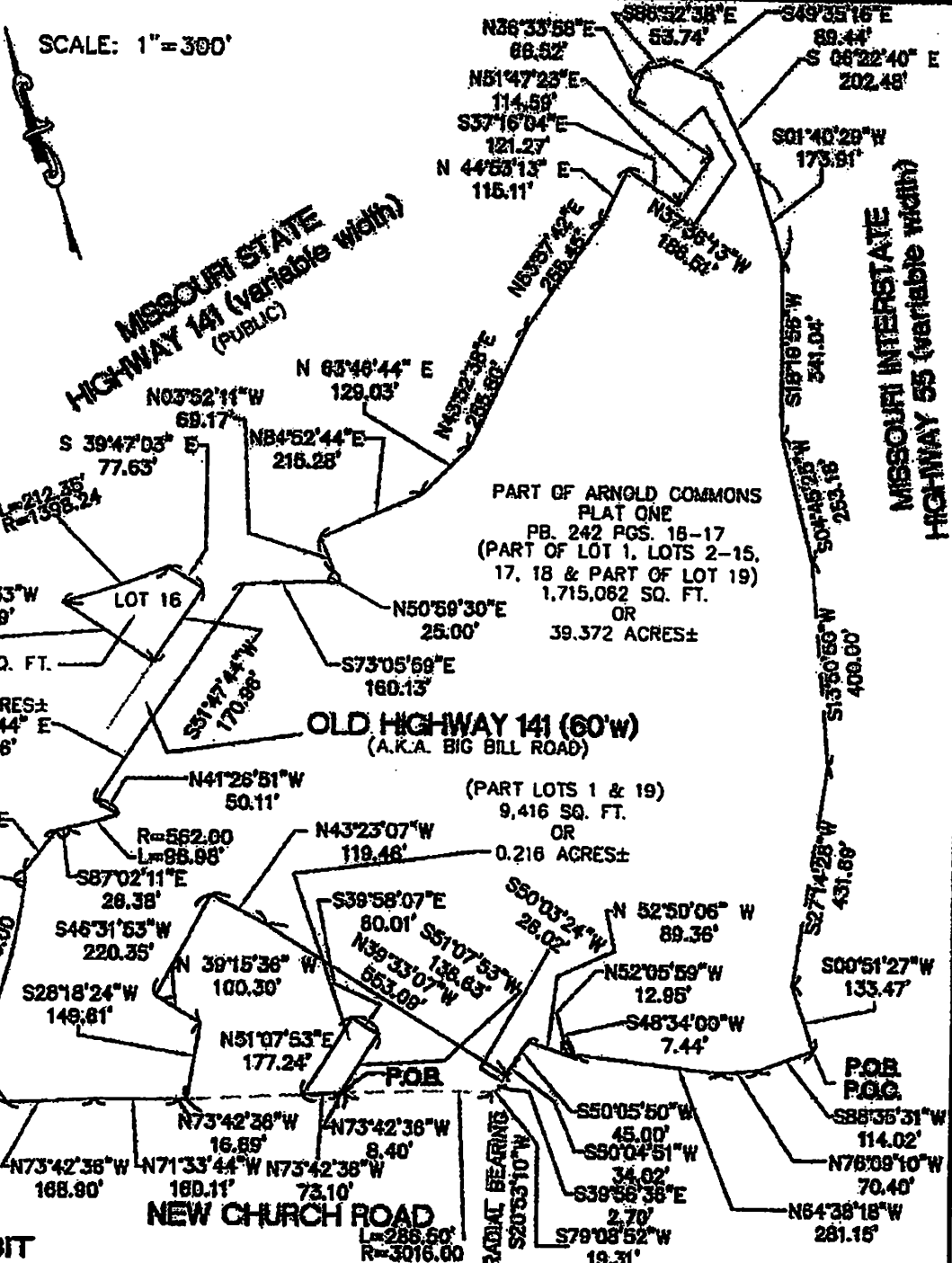
more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on November 22, 2006.

Also and Including Part of Lots 1 and 19 of above said Arnold Commons Plat One, as described below:

A tract of land being part of Lots 1 and 19 of Arnold Commons Plat One, a subdivision according to the plat thereof as recorded in Plat Book 242, Pages 16 and 17 of the Recorder of Deeds Office of Jefferson County, Missouri being located in Part of Lots 16 and 17 of U.S. Survey 2991, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

Commencing at the point of intersection of the Westerly line of Missouri Interstate 55, variable width, and the Northerly line of Church Road, variable width; thence along the Northerly line of said Church Road the following courses and distances: South 88 degrees 35 minutes 31 seconds West 114.02 feet; North 76 degrees 09 minutes 10 seconds West 70.40 feet; North 64 degrees 38 minutes 18 seconds West 281.15 feet; South 48 degrees 34 minutes 00 seconds West 7.44 feet; North 52 degrees 05 minutes 59 seconds West 12.95 feet; North 52 degrees 50 minutes 06 seconds West 89.36 feet; South 50 degrees 05 minutes 50 seconds West 45.00 feet; thence crossing said Church Road South 50 degrees 04 minutes 51 seconds West 34.02 feet to a point on the Southerly line of above said Church Road; thence along said Southerly line South 50 degrees 03 minutes 24 seconds West 26.02 feet and South 39 degrees 56 minutes 36 seconds East 2.70 feet to a point on the Northerly line of proposed New Church Road; thence departing last said Southerly line and along said Northerly line the following courses and distances: South 79 degrees 08 minutes 52 seconds West 19.31 to a point on a non-tangent curve to the left for which the radius point bears South 20 degrees 53 minutes 10 seconds West 3016.00 feet; thence along said curve with a chord which bears North 71 degrees 50 minutes 07 seconds West 286.39 feet, an arc length of 286.50 feet; North 73 degrees 42 minutes 36 seconds West 8.40 feet to the POINT OF BEGINNING of the herein described tract; thence continuing along last said Northerly line North 73 degrees 42 minutes 36 seconds West 73.10 feet; thence departing last said Northerly line the following courses and distances: North 51 degrees 07 minutes 53 seconds East 177.24 feet; South 39 degrees 58 minutes 07 seconds East 60.01 feet and South 51 degrees 07 minutes 53 seconds West 136.63 feet to the POINT OF BEGINNING and containing 9,416 square feet 0.216 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on January 25, 2007.

SCALE: 1"=300'



### TDD-EXHIBIT

A TRACT OF LAND BEING PART OF LOT 1, LOTS 2-18,  
AND PART OF LOT 19 OF ARNOLD COMMONS PLAT ONE  
AS RECORDED IN PLAT BOOK 242 PAGES 16 AND 17  
AND BEING LOCATED IN LOTS 16 AND 17 OF U.S. SURVEY 2991,  
TOWNSHIP 45 AND 46 NORTH, RANGE 5 AND 6 EAST OF THE 5TH PRINCIPAL MERIDIAN,  
CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI

DATE 1/23/07

3384\SURVEY\DEDICATION-EXHIBITS\TDD-EXHIBIT-4.DWG

## **EXHIBIT C**

### **TRANSPORTATION PROJECT DESCRIPTION**

The Transportation Project consists of the construction of various road improvements in and around the District, including but no limited to, the construction of a relocated Church Road, the construction of a new intersection of Church Road, Missouri State Road and Old Lemay Ferry Road, the construction of a new intersection of Church Road and Big Bill Road, acceleration and de-acceleration lanes along the south side of Highway 141, the construction of a relocated Big Bill Road and the construction of internal roads, all as depicted on Exhibits J1 and J2 attached hereto.

The Transportation Project shall also include the following costs, to the extent related to the above improvements: (1) costs for demolition, earth work, utility construction and relocation; (2) right-of-way and other land acquisition costs required for the above improvements; (3) costs associated with the operation and maintenance of the Transportation Project; (4) costs for replacement of existing roadway surfaces, curbs and gutters or replacement or installation of sidewalks, traffic/pedestrian signalization, signage, street lighting and landscaping; (5) costs for professional fees, financing costs and insurance; and (6) the administrative, legal and accounting costs associated with the creation and continuation of the District.

**EXHIBIT D**

**MAP AND LEGAL DESCRIPTION OF THE BOUNDARIES OF THE DISTRICT  
FOLLOWING THE REMOVAL OF THE EXCLUDED PROPERTY AND  
THE ADDITION OF THE ADDED PROPERTY (THE "AMENDED BOUNDARY")**

Lots 1 through 15 and 17 through 19

A tract of land being part of Lots 16 and 17 of U.S. Survey 2991, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

Beginning at the point of intersection of the Westerly line of Missouri Interstate 55, variable width, and the Northerly line of Church Road, variable width; thence along the Northerly line of said Church Road the following courses and distances: South 88 degrees 35 minutes 31 seconds West 114.02 feet; North 76 degrees 09 minutes 10 seconds West 70.40 feet; North 64 degrees 38 minutes 18 seconds West 281.15 feet; South 48 degrees 34 minutes 00 seconds West 7.44 feet; North 52 degrees 05 minutes 59 seconds West 12.95 feet; North 52 degrees 50 minutes 06 seconds West 89.36 feet; South 50 degrees 05 minutes 50 seconds West 45.00 feet; thence crossing said Church Road South 50 degrees 04 minutes 51 seconds West 34.02 feet to a point on the Southerly line of above said Church Road; thence along said Southerly line South 50 degrees 03 minutes 24 seconds West 26.02 feet and South 39 degrees 56 minutes 36 seconds East 2.70 feet to a point on the Northerly line of proposed New Church Road; thence departing last said Southerly line and along said Northerly line the following courses and distances: South 79 degrees 08 minutes 52 seconds West 19.31 to a point on a non-tangent curve to the left for which the radius point bears South 20 degrees 53 minutes 10 seconds West 3016.00 feet; thence along said curve with a chord which bears North 71 degrees 50 minutes 07 seconds West 286.39 feet, an arc length of 286.50 feet; North 73 degrees 42 minutes 36 seconds West 321.24 feet; North 71 degrees 33 minutes 44 seconds West 160.11 feet; North 73 degrees 42 minutes 36 seconds West 168.90 feet and North 19 degrees 37 minutes 50 seconds West 106.91 feet to a point on the Easterly line of proposed Church Road, variable width, said point also being located on a non-tangent curve to the left for which the radius point bears North 46 degrees 01 minutes 57 seconds West 1100.00 feet; thence along said Easterly line the following courses and distances: thence along last said a curve with a chord which bears North 34 degrees 56 minutes 17 seconds East 345.27 feet, an arc length of 346.71 feet and North 20 degrees 36 minutes 34 seconds East 31.76 feet; thence departing last said Easterly line the following courses and distances: North 56 degrees 07 minutes 10 seconds East 98.40 feet; South 87 degrees 02 minutes 11 seconds East 26.38 feet to a point on a non-tangent curve to the left for which the radius point bears North 08 degrees 30 minutes 24 seconds East 562.00 feet; thence along said curve with a chord which bears South 86 degrees 26 minutes 13 seconds East 96.86 feet, an arc length of 96.98 feet to a point on the Northeasterly line of above said Church Road; thence departing last said curve and along said Northeasterly line North 41 degrees 26 minutes 51 seconds West 50.11 feet to a point on the Southeasterly line of Old Highway 141, 60 feet wide; thence along said Southerly line North 51 degrees 47 minutes 44 seconds East 511.86 feet to a point on Missouri State Highway 141, variable width; thence along the Southerly and Southeasterly lines of said Missouri State Highway 141 the following courses and distances: South 73 degrees 05 minutes 59 seconds East 160.13 feet; North 50 degrees 59 minutes 30

seconds East 25.00 feet; North 03 degrees 52 minutes 11 seconds West 69.17 feet; North 84 degrees 52 minutes 44 seconds East 215.28 feet; North 63 degrees 46 minutes 44 seconds East 129.03 feet; North 43 degrees 52 minutes 38 seconds East 255.80 feet; North 53 degrees 57 minutes 42 seconds East 256.45 feet and North 44 degrees 53 minutes 13 seconds East 115.11 feet to the Northwesterly corner of a tract of land as conveyed to Homer and Julie Tourkakis by instrument recorded in Book 406, Page 1246 of the above said records; thence departing last said Southeasterly line and along the Southwesterly, Southerly, and Northeasterly lines of said Homer and Julie Tourkakis tract the following courses and distances: South 37 degrees 16 minutes 04 seconds East 121.27 feet; North 51 degrees 47 minutes 23 seconds East 114.59 feet and North 37 degrees 36 minutes 13 seconds West 186.51 feet to a point on the aforementioned Southeasterly line of Highway 141; thence along said Southeasterly line the following courses and distances: North 36 degrees 33 minutes 58 seconds East 66.52 feet; South 86 degrees 52 minutes 38 seconds East 53.74 feet and South 49 degrees 35 minutes 16 seconds East 89.44 feet to a point on the Westerly line of above said Missouri Interstate 55; thence along said Westerly line the following courses and distances: South 06 degrees 22 minutes 40 seconds East 202.48 feet; South 01 degrees 40 minutes 29 seconds West 173.91 feet; South 18 degrees 19 minutes 56 seconds West 341.04 feet; South 04 degrees 45 minutes 25 seconds West 253.18 feet; South 13 degrees 50 minutes 50 seconds West 400.00 feet; South 27 degrees 14 minutes 28 seconds West 431.69 feet and South 00 degrees 51 minutes 27 seconds West 133.47 feet to the POINT OF BEGINNING and containing 1,855,444 square feet or 42.595 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on November 22, 2006.

#### Lot 16

A tract of land being part of a larger tract as conveyed to Ervin G. Rott by instrument recorded in Book 292, Page 193 of the Recorder of Deeds Office of Jefferson County, Missouri and being part of Lot 16 of U.S. Survey 2991, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

Beginning at the Easternmost corner of a tract of land as conveyed to Gloss, LLC by instrument recorded in Book 716, Page 696 of above said records, said point also being located on the Northerly line of Old Highway 141, variable width; thence along the Northeasterly line of said Gloss, LLC tract North 37 degrees 50 minutes 33 seconds West 207.79 feet to a point on the Southerly line of Missouri State Highway 141, variable width, said point also being located on a curve to the left for which the radius point bears North 04 degrees 00 minutes 06 seconds East 1398.24 feet; thence along said curve with a chord which bears North 89 degrees 39 minutes 03 seconds East 212.15 feet, an arc length of 212.35 feet; thence departing last said curve South 39 degrees 47 minutes 03 seconds East 77.63 feet to the Northerly line of above said Old Highway 141; thence along said Northerly line South 51 degrees 47 minutes 44 seconds West, a distance of 170.96 feet to the POINT OF BEGINNING and containing 23,551 square feet or 0.541 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on November 22, 2006.

SCALE: 1"=300'

MISSOURI STATE  
HIGHWAY 141 (variable width)  
(PUBLIC)

MISSOURI INTERSTATE  
HIGHWAY 55 (variable width)

ARNOLD COMMONS PLAT ONE  
PB. 242 PGS. 16-17  
1,855,444 SQ. FT.  
OR  
42.595 ACRES±

OLD HIGHWAY 141 (60'W)  
(A.K.A. BIG BILL ROAD)

NEW CHURCH ROAD

P.O.B.

### TDD-EXHIBIT

A TRACT OF LAND BEING ALL OF ARNOLD COMMONS PLAT ONE  
AS RECORDED IN PLAT BOOK 242 PAGES 16 AND 17  
AND BEING LOCATED IN LOTS 16 AND 17 OF U.S. SURVEY 2991,  
TOWNSHIP 45 AND 46 NORTH, RANGE 5 AND 6 EAST OF THE 5TH PRINCIPAL MERIDIAN,  
CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI

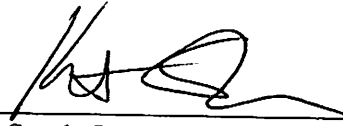
DATE 1/23/07

3384\SURVEY\DEDICATION-EXHIBITS\TDD-EXHIBIT-3.DWG



Respectfully submitted,

HUSCH & EPPENBERGER, LLC

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

Sarah C. Hellman, #50373  
Kurt J. Schafers, #57849  
190 Carondelet Plaza, Suite 600  
St. Louis, MO 63015  
314-480-1500 Phone  
314-480-1505 Facsimile

Attorneys for Petitioner Arnold Triangle  
Transportation Development District and  
THF Arnold Triangle Development, LLC

**CERTIFICATE OF SERVICE**

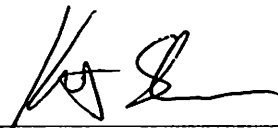
The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 3rd day of August, 2007, by first class mail, postage prepaid to:

Bryce Gamblin  
Senior Administrative Counsel  
Missouri Highways and Transportation Commission  
P.O. Box 270  
105 West Capitol  
Jefferson City, MO 65102

Mark D. Grimm  
Shannon W. Creighton  
Gilmore & Bell, PC  
One Metropolitan Square  
Suite 2350  
St. Louis, MO 63102  
*Attorneys for Petitioner City of Arnold, Missouri*

Robert Sweeney  
9806 Big Bend Road  
Kirkwood, MO 63122  
*Attorney for Petitioners City of Arnold, Missouri  
and Moss Enterprise Inc.*

Dee Joyce-Hayes  
Sonnenschein Nath & Rosenthal, LLP  
One Metropolitan Square  
Suite 3000  
St. Louis, MO 63102-2741  
*Attorneys for Petitioner Dierbergs Arnold, LLC*



---

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

IN RE THE AMENDMENT OF THE )  
BOUNDARIES OF THE ARNOLD )  
TRIANGLE TRANSPORTATION )  
DEVELOPMENT DISTRICT THROUGH )  
THE REMOVAL OF CERTAIN REAL )  
PROPERTY AND THE ADDITION OF )  
OTHER REAL PROPERTY, )

CITY OF ARNOLD, MISSOURI, et al., )

Petitioners, )

vs. )

THE MISSOURI HIGHWAYS AND )  
TRANSPORTATION COMMISSION, )

Respondent. )

) Cause No. 07JE-CC00460

) Division 2

**NOTICE OF HEARING CONCERNING PETITIONERS' MOTION**  
**FOR ENTRY OF JUDGMENT AND ORDER AMENDING THE BOUNDARIES**  
**OF THE ARNOLD TRIANGLE TRANSPORTATION DEVELOPMENT DISTRICT**

Please take notice that the undersigned will call for hearing the Motion for Entry of Judgment and Order Amending the Boundaries of the Arnold Triangle Transportation Development District filed by Petitioners Arnold Triangle Transportation Development District, the City of Arnold, Missouri, THF Arnold Triangle Development, LLC, Dierbergs Arnold, LLC, and Moss Enterprise, Inc., on the 13<sup>th</sup> day of August, 2007, at 1:00 p.m., or as soon thereafter as counsel may be heard, in the Circuit Court of the County of Jefferson, State of Missouri, Division 2.

Respectfully submitted,

HUSCH & EPPENBERGER, LLC

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

Sarah C. Hellman, #50373  
Kurt J. Schafers, #57849  
190 Carondelet Plaza, Suite 600  
St. Louis, MO 63015  
314-480-1500 Phone  
314-480-1505 Facsimile

Attorneys for Petitioner Arnold Triangle  
Transportation Development District and  
THF Arnold Triangle Development, LLC

**CERTIFICATE OF SERVICE**

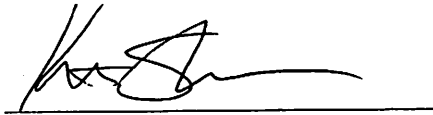
The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 18<sup>th</sup> day of July, 2007, by first class mail, postage prepaid to:

Bryce Gamblin  
Senior Administrative Counsel  
Missouri Highways and Transportation Commission  
P.O. Box 270  
105 West Capitol  
Jefferson City, MO 65102

Mark D. Grimm  
Shannon W. Creighton  
Gilmore & Bell, PC  
One Metropolitan Square  
Suite 2350  
St. Louis, MO 63102  
*Attorneys for Petitioner City of Arnold, Missouri*

Robert Sweeney  
9806 Big Bend Road  
Kirkwood, MO 63122  
*Attorney for Petitioners City of Arnold, Missouri  
and Moss Enterprise Inc.*

Dee Joyce-Hayes  
Sonnenschein Nath & Rosenthal, LLP  
One Metropolitan Square  
Suite 3000  
St. Louis, MO 63102-2741  
*Attorneys for Petitioner Dierbergs Arnold, LLC*

A handwritten signature in black ink, appearing to be "K. S.", is written above a horizontal line.

**ROBERT K. SWEENEY, L.L.C.**  
*A Limited Liability Company of Attorneys*

Robert Sweeney

P.O. Box 20  
503 Main Street  
Hillsboro, MO 63050  
(636) 797-5600  
(fax) 797-4900

rks122659@aol.com

July 9, 2007

Mr. Kurt Schafers  
Husch & Eppenberger, LLC  
190 Carondelet Plaza, Suite 600  
St. Louis, Missouri 63105

RE: Arnold v. MoDOT - TDD

Dear Kurt:

Enclosed please find the Affidavit of Norman Moss with regard to the above styled matter.

Very truly yours,

Robert K. Sweeney

RKS:lf

C:\My Documents\Arnold\TDD\Schafers.let.wpd

Enclosure: Affidavit



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

4. Moss is the owner of record of a portion of the real property located within the proposed boundaries of the District, which portion is legally described in **Exhibit 1** attached hereto and incorporated herein by reference.

5. On September 13, 2006, a meeting of the owners of record of real property located within the District was held in accordance with Section 238.200.2 of the TDD Act and the Initial Order for the purpose of electing the initial board of directors of the District.

6. Thereafter, by unanimous petition of the property owners, the District imposed a transportation development district-wide sales tax at the rate of up to one percent for a period not to exceed forty years from the date the tax was first imposed.

7. The Arnold Triangle Transportation Development District, the City of Arnold, Missouri, THF Arnold Triangle Development, LLC, Dierbergs Arnold, LLC, and Moss Enterprise, Inc., have filed a Petition for the Amendment of the Arnold Triangle Transportation Development District Through the Removal of Certain Real Property and the Addition of Other Real Property (“Petition”) in the above-referenced case.

8. The real property to be removed from the District (the “Excluded Property”) is legally described in and illustrated on **Exhibit H** attached to the Motion for Entry of Judgment and Order Amending the Boundaries of the Arnold Triangle Transportation Development District (“Motion”) and incorporated herein by this reference.

9. The real property to be added to the District (the “Added Property”) is legally described in and illustrated on **Exhibit I** attached to the Motion and incorporated herein by this reference.

10. A map and legal description of the proposed boundaries of the District following the removal of the Excluded Property and the addition of the Added Property (the "Amended Boundary"), are attached to the Motion as **Exhibit J** and incorporated herein by reference. The proposed adjustment of the District boundaries will not change the transportation project described in the petition and order in Cause No. 06JE-CC00120.

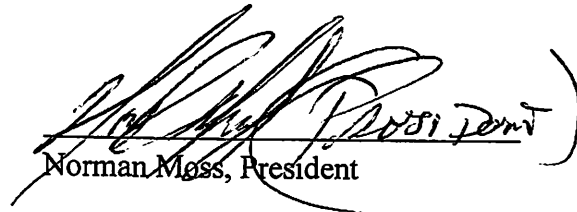
11. No TDD Sales Tax revenues are currently being collected within the District.

12. There are no persons eligible to be registered voters currently residing within the boundaries of the existing District or the proposed amended boundaries of the District.

13. The proposed District is contiguous and, upon amendment of the District's boundaries, will continue to be contiguous.

14. I have reviewed the factual allegations of the Petition and all such statements therein are true to the best of my knowledge and belief.

Further affiant sayeth not.

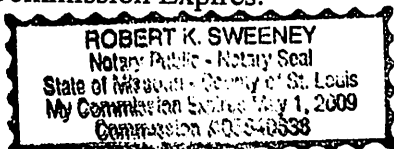
  
Norman Moss, President

STATE OF MISSOURI     )  
                                  ) ss.  
COUNT OF JEFFERSON    )

Subscribed and sworn to before me this 5<sup>th</sup> day of July, 2007.

  
Notary Public

My Commission Expires:





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

4. Moss is the owner of record of a portion of the real property located within the proposed boundaries of the District, which portion is legally described in **Exhibit 1** attached hereto and incorporated herein by reference.

5. On September 13, 2006, a meeting of the owners of record of real property located within the District was held in accordance with Section 238.200.2 of the TDD Act and the Initial Order for the purpose of electing the initial board of directors of the District.

6. Thereafter, by unanimous petition of the property owners, the District imposed a transportation development district-wide sales tax at the rate of up to one percent for a period not to exceed forty years from the date the tax was first imposed.

7. The Arnold Triangle Transportation Development District, the City of Arnold, Missouri, THF Arnold Triangle Development, LLC, Dierbergs Arnold, LLC, and Moss Enterprise, Inc., have filed a Petition for the Amendment of the Arnold Triangle Transportation Development District Through the Removal of Certain Real Property and the Addition of Other Real Property (“Petition”) in the above-referenced case.

8. The real property to be removed from the District (the “Excluded Property”) is legally described in and illustrated on **Exhibit H** attached to the Motion for Entry of Judgment and Order Amending the Boundaries of the Arnold Triangle Transportation Development District (“Motion”) and incorporated herein by this reference.

9. The real property to be added to the District (the “Added Property”) is legally described in and illustrated on **Exhibit I** attached to the Motion and incorporated herein by this reference.

10. A map and legal description of the proposed boundaries of the District following the removal of the Excluded Property and the addition of the Added Property (the "Amended Boundary"), are attached to the Motion as **Exhibit J** and incorporated herein by reference. The proposed adjustment of the District boundaries will not change the transportation project described in the petition and order in Cause No. 06JE-CC00120.

11. No TDD Sales Tax revenues are currently being collected within the District.

12. There are no persons eligible to be registered voters currently residing within the boundaries of the existing District or the proposed amended boundaries of the District.

13. The proposed District is contiguous and, upon amendment of the District's boundaries, will continue to be contiguous.

14. I have reviewed the factual allegations of the Petition and all such statements therein are true to the best of my knowledge and belief.

Further affiant sayeth not.

  
Name

STATE OF MISSOURI     )  
  ) ss.  
CITY OF ST. LOUIS     )

Subscribed and sworn to before me this \_\_\_\_\_ day of May, 2007.

\_\_\_\_\_  
Notary Public

My Commission Expires:



Development District, which portion is legally described in **Exhibit A** attached hereto and incorporated herein by reference.

2. Petitioner the City of Arnold, Missouri, (“City”), a political subdivision of the State of Missouri, is the owner of record of a portion of the real property located within the current boundaries of the District, which portion is legally described in **Exhibit B** attached hereto and incorporated herein by reference. The City is also a “local transportation authority” within the meaning of Section 238.202.1(4) of the Transportation Development District Act, Sections 238.200 to 238.275 of the Revised Statutes of Missouri, as amended (the “TDD Act”) and an “affected local transportation authority” under Section 238.207.4(2) of the TDD Act.

3. Petitioner THF Arnold Triangle Development, LLC, (“THF”) is a limited liability company organized under the laws of the state of Missouri and is the owner of record of a portion of the real property located within the proposed boundaries of the District, which portion is legally described in **Exhibit C** attached hereto and incorporated herein by reference.

4. Petitioner Dierbergs Arnold LLC (“Dierbergs Arnold”) is a limited liability company organized under the laws of the State of Missouri and is the owner of record of a portion of the real property located within the proposed boundaries of the District, which portion is legally described in **Exhibit D** attached hereto and incorporated herein by reference.

5. Petitioner Moss Enterprise, Inc., shown as “Moss Enterprises Inc” on the records of the Jefferson County Assessors Office, (“Moss”) is a corporation organized under the laws of the State of Missouri and is the owner of record of a portion of the real property located within the proposed boundaries of the District, which portion is legally described in **Exhibit E** attached hereto and incorporated herein by reference.

6. The District, the City, THF, Dierbergs Arnold, and Moss are, collectively, the owners of all real property within the proposed District.

7. Petitioners have presented to the court their Petition for Amendment of the Boundaries of the Arnold Triangle Transportation Development District Through the Removal of Certain Real Property and the Addition of Other Real Property (“Petition”).

8. The District was organized and established by that certain Consent Judgment and Order entered on August 16, 2006, by this Court in Cause No. 06JE-CC00120 (the “Initial Order”). A map of the District as created pursuant to the Initial Order is attached hereto and incorporated herein as **Exhibit F**, and a legal description of the District as created pursuant to the Initial Order is attached hereto and incorporated herein as **Exhibit G**.

9. The real property to be removed from the District is legally described in and illustrated on **Exhibit H** attached hereto and incorporated herein by this reference (the “Excluded Property”).

10. The real property to be added to the District is legally described in and illustrated on **Exhibit I** attached hereto and incorporated herein by this reference (the “Added Property”).

11. A map and legal description of the proposed boundaries of the District following the removal of the Excluded Property and the addition of the Added Property (the “Amended Boundary”), are attached hereto and incorporated herein by reference as **Exhibit J**.

12. Respondent the Missouri Highways and Transportation Commission has filed an Answer to the Petition.

13. The Missouri Highways and Transportation Commission has not filed an answer opposing the amendment of the boundaries of the District or reciting legal reasons why the petition is defective, why the proposed District would be illegal or unconstitutional upon amendment of the District’s boundaries, or why the proposed method for funding the District would be illegal or unconstitutional upon the amendment of the District’s boundaries.

14. Pursuant to Section 238.210(2), if no objections to the petition for creation of the transportation development district are timely filed, the court may enter judgment and make the certifications required in the TDD Act based upon the pleadings before it without any hearing.

15. In further support of the Motion, the District attaches the affidavit of Alan Bornstein, Chairman of the Board of Directors, attached hereto as **Exhibit K** and incorporated herein.

16. In further support of the Motion, the City attaches the affidavit of Mark Powell, Mayor of the City of Arnold, attached hereto as **Exhibit L** and incorporated herein.

17. In further support of the Motion, THF attaches the affidavit of \_\_\_\_\_, attached hereto as **Exhibit M** and incorporated herein.

18. In further support of the Motion, Dierbergs Arnold attaches the affidavit of \_\_\_\_\_, attached hereto as **Exhibit N** and incorporated herein.

19. In further support of the Motion, Moss attaches the affidavit of \_\_\_\_\_, attached hereto as **Exhibit O** and incorporated herein.

20. Petitioners are requesting this Court to enter its judgment adjusting the boundaries of the Arnold Triangle Transportation Development District in the form attached hereto as **Exhibit P** based upon the pleadings and attached affidavits. Counsel for Respondent Missouri Highway and Transportation Commission has reviewed the attached order and consents to its entry by this Court without hearing.

WHEREFORE, Petitioners Arnold Triangle Transportation Development District, the City of Arnold, THF Arnold Triangle Development, LLC, Dierbergs Arnold, LLC, and Moss Enterprise, Inc., request this Court to enter its judgment adjusting the boundaries of the Arnold Triangle Transportation Development District in the form attached hereto as **Exhibit P**.

Respectfully submitted,

GILMORE & BELL, P.C.

By: \_\_\_\_\_  
Mark D. Grimm #34660  
Shannon W. Creighton #52465  
One Metropolitan Square, Suite 2350  
St. Louis, MO 63102  
314-436-1000  
314-436-1166 fax

AND

ROBERT SWEENEY, ESQ.

By: \_\_\_\_\_  
Robert Sweeney, #38322  
9806 Big Bend Road  
Kirkwood, MO 63122  
314-821-9882

Attorneys for Petitioner City of Arnold, Missouri

HUSCH & EPPENBERGER, LLC

By: \_\_\_\_\_  
Sarah C. Hellman # 50373  
Kurt J. Schafers # 57849  
190 Carondelet Plaza, Suite 600  
St. Louis, MO 63105  
314-480-1500  
314-480-1505 fax

Attorneys for Petitioner Arnold Triangle  
Transportation Development District and THF  
Arnold Triangle Development, L.L.C.

SONNENSCHN NATH & ROSENTHAL  
LLP

By: \_\_\_\_\_  
Dee Joyce-Hayes # 30741  
One Metropolitan Square  
Suite 3000  
St. Louis, MO 63102-2741  
314-241-1800

Attorney for Petitioner Dierbergs Arnold LLC

ROBERT SWEENEY, ESQ.

By: \_\_\_\_\_  
Robert Sweeney, #38322  
9806 Big Bend Road  
Kirkwood, MO 63122  
314-821-9882

Attorney for Moss Enterprise Inc.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this \_\_\_\_ day of \_\_\_\_, 2007, by first class mail, postage prepaid to:

Bryce Gamblin  
Senior Administrative Counsel  
Missouri Highways and Transportation Commission  
P.O. Box 270  
105 West Capitol  
Jefferson City, MO 65102

---

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

IN RE THE AMENDMENT OF THE	)	
BOUNDARIES OF THE ARNOLD	)	
TRIANGLE TRANSPORTATION	)	
DEVELOPMENT DISTRICT THROUGH	)	
THE REMOVAL OF CERTAIN REAL	)	
PROPERTY AND THE ADDITION OF	)	
OTHER REAL PROPERTY,	)	
	)	
CITY OF ARNOLD, MISSOURI, et al.,	)	
	)	
Petitioners,	)	
	)	
vs.	)	Cause No. 07JE-CC00460
	)	
THE MISSOURI HIGHWAYS AND	)	
TRANSPORTATION COMMISSION,	)	
	)	
Respondent.	)	
	)	
	)	

**AFFIDAVIT OF MARK POWELL**

I, Mark Powell, having been duly sworn and upon my oath, and competent to testify herein, state:

1. My name is Mark Powell. I am over the age of twenty-one (21). I have personal knowledge of the matters set forth in this affidavit and am competent to testify thereto. I am the Mayor of the City of Arnold, Missouri, (the "City").

2. The Arnold Triangle Transportation Development District (the "District") was organized and established by a Consent Judgment and Order entered on August 16, 2006 by the Circuit Court of Jefferson County in Cause No. 06JE-CC00120 (the "Initial Order").

3. The sole purpose of the District is to fund a transportation project through the imposition of a transportation development district sales tax pursuant to Section 238.235 of the

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

4. The City is the owner of record of a portion of the real property located within the current boundaries of the District, which portion is legally described in **Exhibit 1** attached hereto and incorporated herein by reference.

5. On September 13, 2006, a meeting of the owners of record of real property located within the District was held in accordance with Section 238.200.2 of the TDD Act and the Initial Order for the purpose of electing the initial board of directors of the District.

6. Thereafter, by unanimous petition of the property owners, the District imposed a transportation development district-wide sales tax at the rate of up to one percent for a period not to exceed forty years from the date the tax was first imposed.

7. The Arnold Triangle Transportation Development District, the City of Arnold, Missouri, THF Arnold Triangle Development, LLC, Dierbergs Arnold, LLC, and Moss Enterprise, Inc., have filed a Petition for the Amendment of the Arnold Triangle Transportation Development District Through the Removal of Certain Real Property and the Addition of Other Real Property (“Petition”) in the above-referenced case.

8. The real property to be removed from the District (the “Excluded Property”) is legally described in and illustrated on **Exhibit H** attached to the Motion for Entry of Judgment and Order Amending the Boundaries of the Arnold Triangle Transportation Development District (“Motion”) and incorporated herein by this reference.

9. The real property to be added to the District (the “Added Property”) is legally described in and illustrated on **Exhibit I** attached to the Motion and incorporated herein by this reference.

10. A map and legal description of the proposed boundaries of the District following the removal of the Excluded Property and the addition of the Added Property (the "Amended Boundary"), are attached to the Motion as **Exhibit J** and incorporated herein by reference. The proposed adjustment of the District boundaries will not change the transportation project described in the petition and order in Cause No. 06JE-CC00120.

11. No TDD Sales Tax revenues are currently being collected within the District.

12. There are no persons eligible to be registered voters currently residing within the boundaries of the existing District or the proposed amended boundaries of the District.

13. The proposed District is contiguous and, upon amendment of the District's boundaries, will continue to be contiguous.

14. I have reviewed the factual allegations of the Petition and all such statements therein are true to the best of my knowledge and belief.

Further affiant sayeth not.

\_\_\_\_\_  
Mark Powell  
Mayor/City of Arnold, Missouri

STATE OF MISSOURI     )  
  ) ss.  
CITY OF ST. LOUIS     )

Subscribed and sworn to before me this \_\_\_\_\_ day of May, 2007.

\_\_\_\_\_  
Notary Public

My Commission Expires:

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

**COPY**

IN RE THE AMENDMENT OF THE  
BOUNDARIES OF THE ARNOLD  
TRIANGLE TRANSPORTATION  
DEVELOPMENT DISTRICT THROUGH  
THE REMOVAL OF CERTAIN REAL  
PROPERTY AND THE ADDITION OF  
OTHER REAL PROPERTY,

CITY OF ARNOLD, MISSOURI,  
a Missouri political subdivision, acting by and  
through its City Council,

ARNOLD TRIANGLE TRANSPORTATION  
DEVELOPMENT DISTRICT, a Missouri  
political subdivision acting by and through its  
Board of Directors,

) Cause No.

THE ARNOLD TRIANGLE  
DEVELOPMENT, L.L.C., a Missouri limited  
liability company, acting by and through its  
Manager,

DIERBERGS ARNOLD LLC, a Missouri  
limited liability company, acting by and  
through its Manager, AND

MOSS ENTERPRISE INC., a Missouri  
corporation acting by and through its board of  
directors,

Petitioners,

vs.

THE MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION,

Serve: Mari Ann Winters  
Secretary  
105 West Capitol Avenue  
Jefferson City, Missouri 65102

Respondent.

**PETITION FOR AMENDMENT OF THE BOUNDARIES OF THE ARNOLD  
TRIANGLE TRANSPORTATION DEVELOPMENT DISTRICT THROUGH THE  
REMOVAL OF CERTAIN REAL PROPERTY AND THE ADDITION OF OTHER  
REAL PROPERTY**

COME NOW Petitioners and, pursuant to the Missouri Transportation Development District Act, Sections 238.200 to 238.275 of the Revised Statutes Missouri, as amended (the “TDD Act”), petition the Court for the purpose of amending the boundaries of the Arnold Triangle Transportation Development District through (i) the removal of certain property as legally described in and illustrated on **Exhibit A** attached hereto and incorporated herein by this reference (the “Excluded Property”); and (ii) pursuant to Section 238.208 of the TDD Act, the addition of other real property as legally described in and illustrated on **Exhibit B** attached hereto and incorporated herein by this reference (the “Added Property”), and in support thereof state as follows:

**THE PARTIES**

1. Petitioner Arnold Triangle Transportation Development District (the “District”) is a political subdivision of the State of Missouri authorized to sue and be sued in its own name pursuant to Section 238.252 of the TDD Act and is, as of the date of this Petition, the owner of record of a portion of the real property located within the boundaries of the District, which portion is legally described in **Exhibit C** attached hereto and incorporated herein by reference.

2. Petitioner the City of Arnold, Jefferson County, Missouri, (the “City”) is a political subdivision of the state of Missouri and is, as of the date of this Petition, the owner of record of a portion of the real property located within the boundaries of the District, which portion is legally described in and illustrated on **Exhibit D** attached hereto and incorporated herein by reference. The City is also a “local transportation authority” within the meaning of

Section 238.202.1(4) of the TDD Act and an “affected local transportation authority” under Section 238.207.4(2) of the TDD Act.

3. Petitioner THF Arnold Triangle Development, L.L.C. (“THF”) is a limited liability company organized under the laws of the State of Missouri and is, as of the date of this Petition, the owner of record of a portion of the real property located within the boundaries of the District, which portion is legally described in **Exhibit E** attached hereto and incorporated herein by reference.

4. Petitioner Dierbergs Arnold LLC (“Dierbergs Arnold”) is a limited liability company organized under the laws of the State of Missouri and is, as of the date of this Petition, the owner of record of a portion of the real property located within the boundaries of the District, which portion is legally described in **Exhibit F** attached hereto and incorporated herein by reference.

5. Petitioner Moss Enterprise Inc., shown as “Moss Enterprises Inc” on the records of the Jefferson County Assessors Office, (“Moss”) is a corporation organized under the laws of the State of Missouri and is, as of the date of this Petition, the owner of record of a portion of the real property located within the boundaries of the District, which portion is legally described in **Exhibit G** attached hereto and incorporated herein by reference.

6. The City, the District, THF, Dierbergs Arnold, and Moss are, collectively, the owners of all real property within the District.

7. 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 238.207.4(2) of the TDD Act.

## BACKGROUND

8. The District was organized and established by that certain Consent Judgment and Order entered on August 16, 2006, by this Court in Cause No. 06JE-CC00120 (the “Initial Order”). A map of the District as created pursuant to the Initial Order is attached hereto and incorporated herein as **Exhibit H**, and a legal description of the District as created pursuant to the Initial Order is attached hereto and incorporated herein as **Exhibit I**.

9. At the time of entry of the Initial Order, the City was the owner of all real property within the boundaries of the District.

10. On September 13, 2006, a meeting of the owners of record of real property located within the District was held in accordance with Section 238.220.2 of the TDD Act and an order entered on September 12, 2006, by this Court for the purpose of electing the initial board of directors of the District.

11. On September 13, 2006, a meeting of the District’s board of directors was held in accordance with Section 238.222.2 of the TDD Act, at which the board of directors of the District passed a resolution (i) imposing, upon majority approval of the “qualified voters” (as defined in the TDD Act) of the District, a transportation development district-wide sales tax at the rate of up to one percent (1.0%) for a period not to exceed forty (40) years from the date on which such tax is first imposed (the “TDD Sales Tax”) and (ii) calling an election within the boundaries of the District on the question of whether to impose said TDD Sales Tax.

12. On January 8, 2007, the City, pursuant to Sections 238.215 and 238.216 of the TDD Act, filed its verified Unanimous Petition of Property Owners (the “Election Results”) regarding the imposition of the TDD Sales Tax with the Clerk of this Court, thereby constituting an “election” under the TDD Act.

13. On January 8, 2007, the Clerk of this Court certified the Election Results and, in accordance with Sections 238.215 and 238.216 of the TDD Act, entered the same upon the records of this Court.

14. On January 8, 2007, the City, pursuant to Sections 238.215 and 238.216 of the TDD Act, filed the Election Results with the Clerk of Jefferson County, and the Clerk of Jefferson County spread the same upon the records of the Jefferson County Commission.

15. No TDD Sales Tax revenues are currently being generated within the District.

16. THF is duly authorized by authority of its manager and members to join in this petition to amend the boundaries of the District by the removal of the Excluded Property and addition of the Added Property as further described herein.

17. Dierbergs Arnold is duly authorized by authority of its manager and members to join in this Petition to amend the boundaries of the District by the removal of the Excluded Property and addition of the Added Property as further described herein.

18. Moss is duly authorized by authority of its board of directors to join in this Petition to amend the boundaries of the District by the removal of the Excluded Property and addition of the Added Property as further described herein.

19. On January 30, 2007, the District, acting through its board of directors, adopted Resolution 2007-007, authorizing the District to join the City in this Petition to amend the boundaries of the District the removal of the Excluded Property and addition of the Added Property, as further described herein.

20. On February 1, 2007, the City, by Ordinance No. 14.403 duly passed and approved by its City Council, authorized the City to join in this Petition to amend the boundaries of the District by the removal of the Excluded Property and addition of the Added Property, as further described herein.

21. Pursuant to the TDD Act, the City, the District, THF, Dierbergs Arnold and Moss, as the property owners within the transportation development district, have unanimously approved of the removal of the Excluded Property and addition of the Added Property, as further described herein.

**PETITION REQUIREMENTS: AMENDMENT OF DISTRICT BOUNDARIES**

22. Petitioners, collectively, (a) are the owners of all real property within the boundaries of the District, currently and as amended as set forth herein, and (b) desire to amend the boundaries of the District through the removal of the Excluded Property and the addition of the Added Property, all of which is located within the corporate limits of the City.

23. The City is the record owner of all of the Excluded Property.

24. The District, THF, Dierbergs Arnold and Moss are the record owners of all of the Added Property.

25. The proposed boundary amendment as described above will increase the overall acreage of the District as created pursuant to the Initial Order.

26. Removal of the Excluded Property from the jurisdictional boundaries of the District will not have any effect on the amount of revenues anticipated to be generated by the TDD Sales Tax, nor will it have any effect on the Transportation Project (as such term is defined in the Initial Order and as set forth as **Exhibit J** attached hereto and incorporated herein by reference).

27. Addition of the Added Property from the jurisdictional boundaries of the District will have a positive impact on the amount of revenues anticipated to be generated by the TDD Sales Tax, but will not have any effect on the Transportation Project.

28. The description of the Transportation Project to be undertaken by the District shall remain the same.

29. There are currently, and upon the amendment of the District's boundaries as set forth herein, no persons eligible to be registered voters currently residing within the District.

30. The name and address of each Petitioner, each of which are also an owner of record of real property located within the District, are, as of the date of this Petition, as follows:

THF Arnold Triangle Development, L.L.C.  
2127 Innerbelt Business Center Drive  
Suite 200  
St. Louis, MO 63143  
Attn: Jeffrey P. Otto

Dierbergs Arnold LLC  
c/o 16690 Swingley Ridge Rd.  
Chesterfield, MO 63017  
Attn: Mr. Jerry Ebest  
Vice President, Real Estate

Moss Enterprise Inc.  
1616 Big Bill Rd.  
Arnold, Missouri  
Attn: Norman R. Moss, Jr.

Arnold Triangle Transportation Development District  
2127 Innerbelt Business Center Drive, Suite 200  
St. Louis, Missouri 63114  
Attn: Chairman

AND

City of Arnold, Missouri  
2101 Jeffco Boulevard  
Arnold, MO 63010

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

The Missouri Highways and Transportation Commission  
105 West Capitol Avenue  
Jefferson City, MO 65102

32. Upon the amendment of the District's boundaries as set forth herein, the jurisdictional boundaries of the District will remain contiguous.

33. A map and legal description of the proposed boundaries of the District following the removal of the Excluded Property and the addition of the Added Property (the “Amended Boundary”), are attached hereto and incorporated herein by reference as **Exhibit K**.

34. Upon the amendment of the District’s boundaries, the name of the District will remain the Arnold Triangle Transportation Development District.

35. Upon the amendment of the District’s boundaries, the board of directors of the District will continue to be composed of five (5) members.

36. Upon the amendment of the District’s boundaries as set forth herein, the terms of office of the initial members of the board of directors of the District will continue to be staggered, with the two members receiving the highest number of votes having an initial three-year term, the two members receiving the next highest number of votes having an initial two-year term, and the member receiving the fewest votes having an initial one-year term. After the initial terms, all members of the board of directors of the District will be elected for three-year terms. The City and the Commission shall each appoint one advisor to the board of directors of the District as provided in Sections 238.220.4 and 238.220.5 of the TDD Act.

37. Upon the amendment of the District’s boundaries as set forth herein, the Transportation Project will continue to be funded from the proceeds of the TDD Sales Tax. Pursuant to the TDD Act, all proceeds of the TDD Sales Tax shall be applied for the sole purpose of funding the Transportation Project; provided that, the District may deduct from the proceeds of the TDD Sales Tax the District’s reasonable and actual cost of administering, collecting, enforcing and operating the TDD Sales Tax in the reasonable exercise of its discretion.

38. Upon the amendment of the District’s boundaries as set forth herein and pursuant to Section 238.208 of the TDD Act, the Added Property shall be subject to the TDD Sales Tax.

39. Upon the amendment of the District's boundaries as set forth herein, the Excluded Property shall no longer be subject to the TDD Sales Tax.

40. Pursuant to Section 238.208 of the TDD Act, upon the amendment of the District's boundaries as set forth herein, the owners of record of the Added Property shall be allowed to vote at the next election scheduled for the District to fill vacancies on the board of directors and on any other question submitted to them by the board of directors of the District in accordance with the TDD Act. The owners of record of the Added Property shall have one vote per acre in the same manner as provided in subdivision (2) of subsection 2 of section 238.220 of the TDD Act.

41. Upon the amendment of the District's boundaries as set forth herein, the TDD Sales Tax shall continue to be imposed solely to pay the initial costs of constructing the Transportation Project and the repayment of obligations as and when issued with respect thereto. The District shall impose no other tax, assessment, toll or charge whatsoever without the prior written consent of the City.

42. The District does not, and upon amendment of District's boundaries, will not constitute an undue burden on any owner of property within the District and currently is not, and upon amendment of the boundaries, will not be unjust or unreasonable.

#### **DISSOLUTION OF THE DISTRICT AND REPEAL OF THE SALES TAX**

43. The District shall be dissolved only in compliance with Section 238.275 of the TDD Act.

44. In no event shall the TDD Sales Tax be repealed, in whole or in part, nor the District dissolved, until payment in full and satisfaction of all transportation development revenue bonds, transportation development revenue notes or other obligations, singly or in series,

issued by the District (which may include tax increment revenue notes or bonds issued by a third party that are payable in part from the TDD Sales Tax), except in accordance with the TDD Act.

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

1. Finding and certifying that this Petition is not legally defective and that the Respondent has been duly served with process in this action;
2. Finding and certifying that, upon the proposed amendment of the boundaries of the District as set forth herein, the District will remain contiguous;
3. Finding and certifying that the proposed boundary amendment of the boundaries of the District as set forth herein is neither illegal nor unconstitutional;
4. Finding and certifying that, upon the proposed amendment of the boundaries of the District as set forth herein, the District is not an undue burden on any owner of property within the District and is not unjust or unreasonable;
5. Finding and certifying that, upon the proposed amendment of the boundaries of the District as set forth herein, there are no persons eligible to be registered voters residing within the District and that the owners of record of the real property located within the District are the “qualified voters” pursuant to the TDD Act;
6. Finding and certifying that, upon the proposed amendment of the boundaries of the District as set forth herein, the District remains properly, duly, and lawfully organized;
7. Finding and certifying that, upon the proposed amendment of the boundaries of the District as set forth herein, the District remains a political subdivision pursuant to and in accordance with the TDD Act for the sole purpose of funding the Transportation Project through the imposition and collection of the TDD Sales Tax;

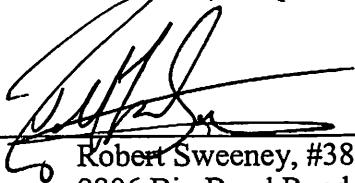
8. Finding and certifying that, upon the amendment of the District's boundaries as set forth herein, the Added Property shall be subject to the TDD Sales Tax;
9. Finding and certifying that, upon the amendment of the District's boundaries as set forth herein, the Excluded Property shall no longer be subject to the TDD Sales Tax;
10. Finding and certifying that, upon the amendment of the District's boundaries as set forth herein, (i) the owners of record of the Added Property shall be allowed to vote at the next election scheduled for the District to fill vacancies on the board of directors and on any other question submitted to them by the board of directors in accordance with the TDD Act and (ii) the owners of record of the Added Property shall have one vote per acre in the same manner as provided in subdivision (2) of subsection 2 of section 238.220 of the TDD Act;
11. Ordering that the boundaries of the District be amended through the removal of the Excluded Property as described in **Exhibit A** and the addition of the Added Property as described in **Exhibit B** so that the boundaries of the District are as shown and described in **Exhibit K**.
12. Ordering that, upon amendment of the boundaries of the District as set forth herein, the board of directors of the District shall continue to be composed of the five (5) representatives of owners of real property in the District; and
13. Petitioners further request that the Court make any additional findings and orders and grant such further relief that the Court deems necessary and proper.

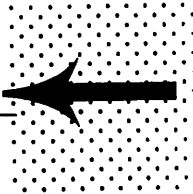
Respectfully submitted,  
GILMORE & BELL, P.C.

By: \_\_\_\_\_  
Mark D. Grimm #34660  
Shannon W. Creighton #52465  
One Metropolitan Square, Suite 2350  
St. Louis, MO 63102  
314-436-1000  
314-436-1166 fax

AND

ROBERT SWEENEY, ESQ.

By:  \_\_\_\_\_  
Robert Sweeney, #38322  
9806 Big Bend Road  
Kirkwood, MO 63122  
314-821-9882



Attorneys for Petitioner City of Arnold, Jefferson  
County, Missouri

HUSCH & EPPENBERGER, LLC

By: \_\_\_\_\_  
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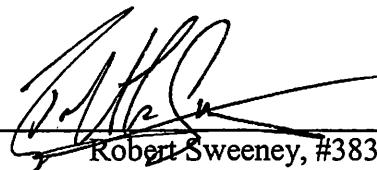
Attorneys for Petitioner Arnold Triangle  
Transportation Development District and THF  
Arnold Triangle Development, L.L.C.

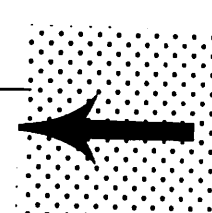
SONNENSCHN NATH & ROSENTHAL  
LLP

By: \_\_\_\_\_  
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One Metropolitan Square  
Suite 3000  
St. Louis, MO 63102-2741  
314-241-1800

Attorney for Petitioner Dierbergs Arnold LLC

ROBERT SWEENEY, ESQ.

By:  \_\_\_\_\_  
Robert Sweeney, #38322  
9806 Big Bend Road  
Kirkwood, MO 63122  
314-821-9882



Attorney for Moss Enterprise Inc.

## EXHIBIT A

### LEGAL DESCRIPTION AND MAP OF THE EXCLUDED PROPERTY (PROPERTY TO BE REMOVED FROM THE DISTRICT)

#### TDD AREA 1

A tract of land being part of larger tracts of land as conveyed to the City of Arnold by instruments recorded in Book 1087, Page 1254, Book 1108, Page 828 and as Document No. 020046133 of the Recorder of Deeds Office of Jefferson County, Missouri being located in Lot 17 of U.S. Survey 2991, Township 43 North, Ranges 5 and 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

Beginning at the Northwestern most corner of Stardust Acres Plat Two, a subdivision according to the plat thereof as recorded in Plat Book 121, Page 17 of the above said records, said point also being located on the Southeasterly line of Amended Plat of Maxville Court Subdivision, a subdivision according to the plat thereof as recorded in Plat Book 33, Page 23 of above said records; thence along said Southeasterly line North 28 degrees 18 minutes 24 seconds East 24.03 feet to the Northerly line of New Church Road, variable width; thence along said Northerly line South 73 degrees 42 minutes 36 seconds East 223.05 feet to a point on the Northwesterly line of Lot 6 of Hubert Beckers Addition to the Town of Maxville, a subdivision according to the plat thereof as recorded in Plat Book 3, Page 30 of above said records; thence along said Northwesterly line South 51 degrees 07 minutes 53 seconds West 147.51 feet to the Northerly line of above said Stardust Acres Plat Two; thence North 39 degrees 33 minutes 07 seconds West 173.75 feet to the POINT OF BEGINNING and containing 15,436 square feet or 0.354 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on January 22, 2007.

#### TDD AREA 2

A tract of land being part of Lot 26 of Star Dust Acres, a subdivision as recorded in Plat Book 21, Page 26, and parts of larger tracts of land as conveyed to the City of Arnold by instruments recorded in Book 1108, Page 801, Book 1156, Page 1053, recorded as Document No. 020010963, Document No. 020011629, all of the Recorder of Deeds Office of Jefferson County, Missouri being located in Lot 17 of U.S. Survey 2991, Township 43 North, Ranges 5 and 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

Beginning at the Southwesterly corner of above said Lot 26, said point also being located on the Northwesterly line of Stardust Drive 30 feet wide, thence along the Southwesterly line of said Lot 26 North 34 degrees 52 minutes 46 seconds West 113.78 feet to the Northwesterly line of above said Star Dust Acres; thence along the Northwesterly and Northeasterly lines of said Star Dust Acres and Star Dust Acres Plat Two, a subdivision according to the plat thereof as recorded in Plat Book 121, Page 17 of the above said records the following courses and distances; South 49 degrees 26 minutes 56 seconds West 142.58 feet; North 39 degrees 33 minutes 07 seconds West 314.32 feet; South 51 degrees 08 minutes 24 seconds West 157.20 feet and North 39 degrees 33 minutes 07 seconds West 111.98 feet to the Southeasterly line of Lot 6

of Hubert Beckers Addition to the Town of Maxville, a subdivision according to the plat thereof as recorded in Plat Book 3, Page 30 of above said records; thence along said Southeasterly line North 51 degrees 07 minutes 53 seconds East 188.56 feet to the Northerly line of New Church Road, variable width; thence along said Northerly line the following courses and distances: South 73 degrees 42 minutes 36 seconds East 8.40 feet to a point on a non-tangent curve to the right for which the radius point bears South 15 degrees 26 minutes 36 seconds West 3016.00 feet and along said curve with a chord which bears South 71 degrees 30 minutes 11 seconds East 321.34 feet, an arc length of 321.49 feet to the Southwesterly line of Existing Church Road, variable width; thence departing last said curve and along said Southwesterly line the following courses and distances: South 39 degrees 56 minutes 36 seconds East 63.14 feet to a point of curvature to the left for which the radius point bears North 50 degrees 03 minutes 24 seconds East 618.60 feet; thence along said curve with a chord which bears South 45 degrees 34 minutes 56 seconds East 121.56 feet, an arc length of 121.76 feet and departing said curve South 45 degrees 18 minutes 59 seconds East 81.33 feet to the Northwesterly line of above said Stardust Drive; thence along said Northwesterly line South 55 degrees 07 minutes 14 seconds West 94.52 feet to the POINT OF BEGINNING and containing 91,533 square feet or 2.101 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on January 22, 2007.

## EXHIBIT B

### LEGAL DESCRIPTION AND MAP OF THE ADDED PROPERTY (PROPERTY TO BE ADDED TO THE DISTRICT)

A tract of land being part of Lot 1, Lots 2 through 15, 17, 18 and Part of Lot 19 of Arnold Commons Plat One, a subdivision according to the plat thereof as recorded in Plat Book 242, Page 16 and 17 of the Recorder of Deeds Office of Jefferson County, Missouri being located in Part of Lots 16 and 17 of U.S. Survey 2991, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

Beginning at the point of intersection of the Westerly line of Missouri Interstate 55, variable width, and the Northerly line of Church Road, variable width; thence along the Northerly line of said Church Road the following courses and distances: South 88 degrees 35 minutes 31 seconds West 114.02 feet; North 76 degrees 09 minutes 10 seconds West 70.40 feet; North 64 degrees 38 minutes 18 seconds West 281.15 feet; South 48 degrees 34 minutes 00 seconds West 7.44 feet; North 52 degrees 05 minutes 59 seconds West 12.95 feet; North 52 degrees 50 minutes 06 seconds West 89.36 feet; South 50 degrees 05 minutes 50 seconds West 45.00 feet; thence crossing said Church Road South 50 degrees 04 minutes 51 seconds West 34.02 feet to a point on the Southerly line of above said Church Road; thence along said Southerly line North 39 degrees 33 minutes 07 seconds West 553.09 feet and North 43 degrees 23 minutes 07 seconds West 119.46 feet to the Southeasterly line of a tract of land as conveyed to the Charles and Sylvia Robinson by instrument recorded as Document No. 030080041 of above said records; thence along said Southeasterly line South 46 degrees 31 minutes 53 seconds West 220.35 feet to the Northeasterly line of Amended Plat of Maxville Court Subdivision, a subdivision according to the plat thereof as recorded in Plat Book 33, Page 23 of above said records; thence along the Northeasterly and Southeasterly lines of said Amended Plat of Maxville Court Subdivision South 39 degrees 15 minutes 36 seconds East 100.30 feet and South 28 degrees 18 minutes 24 seconds West 149.61 feet to the Northerly line of proposed New Church Road; thence along said Northerly line the following courses and distances: North 73 degrees 42 minutes 36 seconds West 16.69 feet; North 71 degrees 33 minutes 44 seconds West 160.11 feet; North 73 degrees 42 minutes 36 seconds West 168.90 feet and North 19 degrees 37 minutes 50 seconds West 106.91 feet to a point on the Easterly line of proposed Church Road, variable width, said point also being located on a non-tangent curve to the left for which the radius point bears North 46 degrees 01 minutes 57 seconds West 1100.00 feet; thence along said Easterly line the following courses and distances: thence along last said a curve with a chord which bears North 34 degrees 56 minutes 17 seconds East 345.27 feet, an arc length of 346.71 feet and North 20 degrees 36 minutes 34 seconds East 31.76 feet; thence departing last said Easterly line the following courses and distances: North 56 degrees 07 minutes 10 seconds East 98.40 feet; South 87 degrees 02 minutes 11 seconds East 26.38 feet to a point on a non-tangent curve to the left for which the radius point bears North 08 degrees 30 minutes 24 seconds East 562.00 feet; thence along said curve with a chord which bears South 86 degrees 26 minutes 13 seconds East 96.86 feet, an arc length of 96.98 feet to a point on the Northeasterly line of above said Church Road; thence departing last said curve and along said Northeasterly line North 41 degrees 26 minutes 51 seconds West 50.11 feet to a point on the Southeasterly line of Old

Highway 141, 60 feet wide; thence along said Southerly line North 51 degrees 47 minutes 44 seconds East 511.86 feet to a point on Missouri State Highway 141, variable width; thence along the Southerly and Southeasterly lines of said Missouri State Highway 141 the following courses and distances: South 73 degrees 05 minutes 59 seconds East 160.13 feet; North 50 degrees 59 minutes 30 seconds East 25.00 feet; North 03 degrees 52 minutes 11 seconds West 69.17 feet; North 84 degrees 52 minutes 44 seconds East 215.28 feet; North 63 degrees 46 minutes 44 seconds East 129.03 feet; North 43 degrees 52 minutes 38 seconds East 255.80 feet; North 53 degrees 57 minutes 42 seconds East 256.45 feet and North 44 degrees 53 minutes 13 seconds East 115.11 feet to the Northwestern corner of a tract of land as conveyed to Homer and Julie Tourkakis by instrument recorded in Book 406, Page 1246 of the above said records; thence departing last said Southeasterly line and along the Southwesterly, Southerly, and Northeasterly lines of said Homer and Julie Tourkakis tract the following courses and distances: South 37 degrees 16 minutes 04 seconds East 121.27 feet; North 51 degrees 47 minutes 23 seconds East 114.59 feet and North 37 degrees 36 minutes 13 seconds West 186.51 feet to a point on the aforementioned Southeasterly line of Highway 141; thence along said Southeasterly line the following courses and distances: North 36 degrees 33 minutes 58 seconds East 66.52 feet; South 86 degrees 52 minutes 38 seconds East 53.74 feet and South 49 degrees 35 minutes 16 seconds East 89.44 feet to a point on the Westerly line of above said Missouri Interstate 55; thence along said Westerly line the following courses and distances: South 06 degrees 22 minutes 40 seconds East 202.48 feet; South 01 degrees 40 minutes 29 seconds West 173.91 feet; South 18 degrees 19 minutes 56 seconds West 341.04 feet; South 04 degrees 45 minutes 25 seconds West 253.18 feet; South 13 degrees 50 minutes 50 seconds West 400.00 feet; South 27 degrees 14 minutes 28 seconds West 431.69 feet and South 00 degrees 51 minutes 27 seconds West 133.47 feet to the POINT OF BEGINNING and containing 1,715,062 square feet or 39.372 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on January 25, 2007.

Also and Including Lot 16 of above said Arnold Commons Plat One, as described below:

A tract of land being Lot 16 of Arnold Commons Plat One, a subdivision according to the plat thereof as recorded in Plat Book 242, Page 16 and 17 of the Recorder of Deeds Office of Jefferson County, Missouri being located in Part of Lots 16 and 17 of U.S. Survey 2991, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

Beginning at the Easternmost corner of a tract of land as conveyed to Gloss, LLC by instrument recorded in Book 716, Page 696 of above said records, said point also being located on the Northerly line of Old Highway 141, variable width; thence along the Northeasterly line of said Gloss, LLC tract North 37 degrees 50 minutes 33 seconds West 207.79 feet to a point on the Southerly line of Missouri State Highway 141, variable width, said point also being located on a curve to the left for which the radius point bears North 04 degrees 00 minutes 06 seconds East 1398.24 feet; thence along said curve with a chord which bears North 89 degrees 39 minutes 03 seconds East 212.15 feet, an arc length of 212.35 feet; thence departing last said curve South 39 degrees 47 minutes 03 seconds East 77.63 feet to the Northerly line of above said Old Highway 141; thence along said Northerly line South 51 degrees 47 minutes 44 seconds West, a distance

of 170.96 feet to the POINT OF BEGINNING and containing 23,551 square feet or 0.541 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on November 22, 2006.

Also and Including Part of Lots 1 and 19 of above said Arnold Commons Plat One, as described below:

A tract of land being part of Lots 1 and 19 of Arnold Commons Plat One, a subdivision according to the plat thereof as recorded in Plat Book 242, Pages 16 and 17 of the Recorder of Deeds Office of Jefferson County, Missouri being located in Part of Lots 16 and 17 of U.S. Survey 2991, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

:

Commencing at the point of intersection of the Westerly line of Missouri Interstate 55, variable width, and the Northerly line of Church Road, variable width; thence along the Northerly line of said Church Road the following courses and distances: South 88 degrees 35 minutes 31 seconds West 114.02 feet; North 76 degrees 09 minutes 10 seconds West 70.40 feet; North 64 degrees 38 minutes 18 seconds West 281.15 feet; South 48 degrees 34 minutes 00 seconds West 7.44 feet; North 52 degrees 05 minutes 59 seconds West 12.95 feet; North 52 degrees 50 minutes 06 seconds West 89.36 feet; South 50 degrees 05 minutes 50 seconds West 45.00 feet; thence crossing said Church Road South 50 degrees 04 minutes 51 seconds West 34.02 feet to a point on the Southerly line of above said Church Road; thence along said Southerly line South 50 degrees 03 minutes 24 seconds West 26.02 feet and South 39 degrees 56 minutes 36 seconds East 2.70 feet to a point on the Northerly line of proposed New Church Road; thence departing last said Southerly line and along said Northerly line the following courses and distances: South 79 degrees 08 minutes 52 seconds West 19.31 to a point on a non-tangent curve to the left for which the radius point bears South 20 degrees 53 minutes 10 seconds West 3016.00 feet; thence along said curve with a chord which bears North 71 degrees 50 minutes 07 seconds West 286.39 feet, an arc length of 286.50 feet; North 73 degrees 42 minutes 36 seconds West 8.40 feet to the POINT OF BEGINNING of the herein described tract; thence continuing along last said Northerly line North 73 degrees 42 minutes 36 seconds West 73.10 feet; thence departing last said Northerly line the following courses and distances: North 51 degrees 07 minutes 53 seconds East 177.24 feet; South 39 degrees 58 minutes 07 seconds East 60.01 feet and South 51 degrees 07 minutes 53 seconds West 136.63 feet to the POINT OF BEGINNING and containing 9,416 square feet 0.216 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on January 25, 2007.

**EXHIBIT C**

**LEGAL DESCRIPTION OF THE PROPERTY OWNED BY  
ARNOLD TRIANGLE TRANSPORTATION DEVELOPMENT DISTRICT**

Lot 19 of Arnold Commons Plat One, per subdivision plat thereof, recorded in the Plat Book 242  
Pages 16 and 17 of the recorder of deed for Jefferson County, Missouri.

**EXHIBIT D**

**LEGAL DESCRIPTION AND MAP OF THE PROPERTY OWNED BY  
THE CITY OF ARNOLD**

**TDD AREA 1**

A tract of land being part of larger tracts of land as conveyed to the City of Arnold by instruments recorded in Book 1087, Page 1254, Book 1108, Page 828 and as Document No. 020046133 of the Recorder of Deeds Office of Jefferson County, Missouri being located in Lot 17 of U.S. Survey 2991, Township 43 North, Ranges 5 and 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

Beginning at the Northwestern most corner of Stardust Acres Plat Two, a subdivision according to the plat thereof as recorded in Plat Book 121, Page 17 of the above said records, said point also being located on the Southeasterly line of Amended Plat of Maxville Court Subdivision, a subdivision according to the plat thereof as recorded in Plat Book 33, Page 23 of above said records; thence along said Southeasterly line North 28 degrees 18 minutes 24 seconds East 24.03 feet to the Northerly line of New Church Road, variable width; thence along said Northerly line South 73 degrees 42 minutes 36 seconds East 223.05 feet to a point on the Northwesterly line of Lot 6 of Hubert Beckers Addition to the Town of Maxville, a subdivision according to the plat thereof as recorded in Plat Book 3, Page 30 of above said records; thence along said Northwesterly line South 51 degrees 07 minutes 53 seconds West 147.51 feet to the Northerly line of above said Stardust Acres Plat Two; thence North 39 degrees 33 minutes 07 seconds West 173.75 feet to the POINT OF BEGINNING and containing 15,436 square feet or 0.354 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on January 22, 2007.

**TDD Area 2**

A tract of land being part of Lot 26 of Star Dust Acres, a subdivision as recorded in Plat Book 21, Page 26, and parts of larger tracts of land as conveyed to the City of Arnold by instruments recorded in Book 1108, Page 801, Book 1156, Page 1053, recorded as Document No. 020010963, Document No. 020011629, all of the Recorder of Deeds Office of Jefferson County, Missouri being located in Lot 17 of U.S. Survey 2991, Township 43 North, Ranges 5 and 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

Beginning at the Southwesterly corner of above said Lot 26, said point also being located on the Northwesterly line of Stardust Drive 30 feet wide, thence along the Southwesterly line of said Lot 26 North 34 degrees 52 minutes 46 seconds West 113.78 feet to the Northwesterly line of above said Star Dust Acres; thence along the Northwesterly and Northeasterly lines of said Star Dust Acres and Star Dust Acres Plat Two, a subdivision according to the plat thereof as recorded in Plat Book 121, Page 17 of the above said records the following courses and distances; South 49 degrees 26 minutes 56 seconds West 142.58 feet; North 39 degrees 33

minutes 07 seconds West 314.32 feet; South 51 degrees 08 minutes 24 seconds West 157.20 feet and North 39 degrees 33 minutes 07 seconds West 111.98 feet to the Southeasterly line of Lot 6 of Hubert Beckers Addition to the Town of Maxville, a subdivision according to the plat thereof as recorded in Plat Book 3, Page 30 of above said records; thence along said Southeasterly line North 51 degrees 07 minutes 53 seconds East 188.56 feet to the Northerly line of New Church Road, variable width; thence along said Northerly line the following courses and distances: South 73 degrees 42 minutes 36 seconds East 8.40 feet to a point on a non-tangent curve to the right for which the radius point bears South 15 degrees 26 minutes 36 seconds West 3016.00 feet and along said curve with a chord which bears South 71 degrees 30 minutes 11 seconds East 321.34 feet, an arc length of 321.49 feet to the Southwesterly line of Existing Church Road, variable width; thence departing last said curve and along said Southwesterly line the following courses and distances: South 39 degrees 56 minutes 36 seconds East 63.14 feet to a point of curvature to the left for which the radius point bears North 50 degrees 03 minutes 24 seconds East 618.60 feet; thence along said curve with a chord which bears South 45 degrees 34 minutes 56 seconds East 121.56 feet, an arc length of 121.76 feet and departing said curve South 45 degrees 18 minutes 59 seconds East 81.33 feet to the Northwesterly line of above said Stardust Drive; thence along said Northwesterly line South 55 degrees 07 minutes 14 seconds West 94.52 feet to the POINT OF BEGINNING and containing 91,533 square feet or 2.101 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on January 22, 2007.

**EXHIBIT E**

**LEGAL DESCRIPTION OF THE PROPERTY OWNED BY  
THE ARNOLD TRIANGLE DEVELOPMENT, L.L.C.**

Lots 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 17 and 18 of Arnold Commons Plat One, per subdivision plat thereof, recorded in the Plat Book 242 Pages 16 and 17 of the recorder of deed for Jefferson County, Missouri.

**EXHIBIT F**

LEGAL DESCRIPTION OF THE PROPERTY OWNED BY  
DIERBERGS ARNOLD LLC

Lots 8 and 9 of Arnold Commons Plat One, per subdivision plat thereof, recorded in the Plat Book 242 Pages 16 and 17 of the recorder of deed for Jefferson County, Missouri.

**EXHIBIT G**

**LEGAL DESCRIPTION OF THE PROPERTY OWNED BY  
MOSS ENTERPRISE INC.**

Lot 16

A tract of land being part of a larger tract as conveyed to Ervin G. Rott by instrument recorded in Book 292, Page 193 of the Recorder of Deeds Office of Jefferson County, Missouri and being part of Lot 16 of U.S. Survey 2991, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

Beginning at the Easternmost corner of a tract of land as conveyed to Gloss, LLC by instrument recorded in Book 716, Page 696 of above said records, said point also being located on the Northerly line of Old Highway 141, variable width; thence along the Northeasterly line of said Gloss, LLC tract North 37 degrees 50 minutes 33 seconds West 207.79 feet to a point on the Southerly line of Missouri State Highway 141, variable width, said point also being located on a curve to the left for which the radius point bears North 04 degrees 00 minutes 06 seconds East 1398.24 feet; thence along said curve with a chord which bears North 89 degrees 39 minutes 03 seconds East 212.15 feet, an arc length of 212.35 feet; thence departing last said curve South 39 degrees 47 minutes 03 seconds East 77.63 feet to the Northerly line of above said Old Highway 141; thence along said Northerly line South 51 degrees 47 minutes 44 seconds West, a distance of 170.96 feet to the POINT OF BEGINNING and containing 23,551 square feet or 0.541 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on November 22, 2006.

**EXHIBIT H**

MAP OF THE DISTRICT PURSUANT TO THE INITIAL ORDER

**EXHIBIT I**

LEGAL DESCRIPTION OF THE DISTRICT PURSUANT TO THE INITIAL ORDER

## **EXHIBIT J**

### **TRANSPORTATION PROJECT DESCRIPTION**

The Transportation Project consists of the construction of various road improvements in and around the District, including but no limited to, the construction of a relocated Church Road, the construction of a new intersection of Church Road, Missouri State Road and Old Lemay Ferry Road, the construction of a new intersection of Church Road and Big Bill Road, acceleration and de-acceleration lanes along the south side of Highway 141, the construction of a relocated Big Bill Road and the construction of internal roads, all as depicted on Exhibits J1 and J2 attached hereto.

The Transportation Project shall also include the following costs, to the extent related to the above improvements: (1) costs for demolition, earth work, utility construction and relocation; (2) right-of-way and other land acquisition costs required for the above improvements; (3) costs associated with the operation and maintenance of the Transportation Project; (4) costs for replacement of existing roadway surfaces, curbs and gutters or replacement or installation of sidewalks, traffic/pedestrian signalization, signage, street lighting and landscaping; (5) costs for professional fees, financing costs and insurance; and (6) the administrative, legal and accounting costs associated with the creation and continuation of the District.

## EXHIBIT K

### MAP AND LEGAL DESCRIPTION OF THE BOUNDARIES OF THE DISTRICT FOLLOWING THE REMOVAL OF THE EXCLUDED PROPERTY (THE "AMENDED BOUNDARY")

Lots 1 through 15 and 17 through 19

A tract of land being part of Lots 16 and 17 of U.S. Survey 2991, Township 43 North, Range 6 East of the Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri and being more particularly described as follows:

Beginning at the point of intersection of the Westerly line of Missouri Interstate 55, variable width, and the Northerly line of Church Road, variable width; thence along the Northerly line of said Church Road the following courses and distances: South 88 degrees 35 minutes 31 seconds West 114.02 feet; North 76 degrees 09 minutes 10 seconds West 70.40 feet; North 64 degrees 38 minutes 18 seconds West 281.15 feet; South 48 degrees 34 minutes 00 seconds West 7.44 feet; North 52 degrees 05 minutes 59 seconds West 12.95 feet; North 52 degrees 50 minutes 06 seconds West 89.36 feet; South 50 degrees 05 minutes 50 seconds West 45.00 feet; thence crossing said Church Road South 50 degrees 04 minutes 51 seconds West 34.02 feet to a point on the Southerly line of above said Church Road; thence along said Southerly line South 50 degrees 03 minutes 24 seconds West 26.02 feet and South 39 degrees 56 minutes 36 seconds East 2.70 feet to a point on the Northerly line of proposed New Church Road; thence departing last said Southerly line and along said Northerly line the following courses and distances: South 79 degrees 08 minutes 52 seconds West 19.31 to a point on a non-tangent curve to the left for which the radius point bears South 20 degrees 53 minutes 10 seconds West 3016.00 feet; thence along said curve with a chord which bears North 71 degrees 50 minutes 07 seconds West 286.39 feet, an arc length of 286.50 feet; North 73 degrees 42 minutes 36 seconds West 321.24 feet; North 71 degrees 33 minutes 44 seconds West 160.11 feet; North 73 degrees 42 minutes 36 seconds West 168.90 feet and North 19 degrees 37 minutes 50 seconds West 106.91 feet to a point on the Easterly line of proposed Church Road, variable width, said point also being located on a non-tangent curve to the left for which the radius point bears North 46 degrees 01 minutes 57 seconds West 1100.00 feet; thence along said Easterly line the following courses and distances: thence along last said a curve with a chord which bears North 34 degrees 56 minutes 17 seconds East 345.27 feet, an arc length of 346.71 feet and North 20 degrees 36 minutes 34 seconds East 31.76 feet; thence departing last said Easterly line the following courses and distances: North 56 degrees 07 minutes 10 seconds East 98.40 feet; South 87 degrees 02 minutes 11 seconds East 26.38 feet to a point on a non-tangent curve to the left for which the radius point bears North 08 degrees 30 minutes 24 seconds East 562.00 feet; thence along said curve with a chord which bears South 86 degrees 26 minutes 13 seconds East 96.86 feet, an arc length of 96.98 feet to a point on the Northeasterly line of above said Church Road; thence departing last said curve and along said Northeasterly line North 41 degrees 26 minutes 51 seconds West 50.11 feet to a point on the Southeasterly line of Old Highway 141, 60 feet wide; thence along said Southerly line North 51 degrees 47 minutes 44 seconds East 511.86 feet to a point on Missouri State Highway 141, variable width; thence along the Southerly and Southeasterly lines of said Missouri State Highway 141 the following courses and distances:

South 73 degrees 05 minutes 59 seconds East 160.13 feet; North 50 degrees 59 minutes 30 seconds East 25.00 feet; North 03 degrees 52 minutes 11 seconds West 69.17 feet; North 84 degrees 52 minutes 44 seconds East 215.28 feet; North 63 degrees 46 minutes 44 seconds East 129.03 feet; North 43 degrees 52 minutes 38 seconds East 255.80 feet; North 53 degrees 57 minutes 42 seconds East 256.45 feet and North 44 degrees 53 minutes 13 seconds East 115.11 feet to the Northwesterly corner of a tract of land as conveyed to Homer and Julie Tourkakis by instrument recorded in Book 406, Page 1246 of the above said records; thence departing last said Southeasterly line and along the Southwesterly, Southerly, and Northeasterly lines of said Homer and Julie Tourkakis tract the following courses and distances: South 37 degrees 16 minutes 04 seconds East 121.27 feet; North 51 degrees 47 minutes 23 seconds East 114.59 feet and North 37 degrees 36 minutes 13 seconds West 186.51 feet to a point on the aforementioned Southeasterly line of Highway 141; thence along said Southeasterly line the following courses and distances: North 36 degrees 33 minutes 58 seconds East 66.52 feet; South 86 degrees 52 minutes 38 seconds East 53.74 feet and South 49 degrees 35 minutes 16 seconds East 89.44 feet to a point on the Westerly line of above said Missouri Interstate 55; thence along said Westerly line the following courses and distances: South 06 degrees 22 minutes 40 seconds East 202.48 feet; South 01 degrees 40 minutes 29 seconds West 173.91 feet; South 18 degrees 19 minutes 56 seconds West 341.04 feet; South 04 degrees 45 minutes 25 seconds West 253.18 feet; South 13 degrees 50 minutes 50 seconds West 400.00 feet; South 27 degrees 14 minutes 28 seconds West 431.69 feet and South 00 degrees 51 minutes 27 seconds West 133.47 feet to the POINT OF BEGINNING and containing 1,855,444 square feet or 42.595 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on November 22, 2006.

#### Lot 16

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Beginning at the Easternmost corner of a tract of land as conveyed to Gloss, LLC by instrument recorded in Book 716, Page 696 of above said records, said point also being located on the Northerly line of Old Highway 141, variable width; thence along the Northeasterly line of said Gloss, LLC tract North 37 degrees 50 minutes 33 seconds West 207.79 feet to a point on the Southerly line of Missouri State Highway 141, variable width, said point also being located on a curve to the left for which the radius point bears North 04 degrees 00 minutes 06 seconds East 1398.24 feet; thence along said curve with a chord which bears North 89 degrees 39 minutes 03 seconds East 212.15 feet, an arc length of 212.35 feet; thence departing last said curve South 39 degrees 47 minutes 03 seconds East 77.63 feet to the Northerly line of above said Old Highway 141; thence along said Northerly line South 51 degrees 47 minutes 44 seconds West, a distance of 170.96 feet to the POINT OF BEGINNING and containing 23,551 square feet or 0.541 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on November 22, 2006.