AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
COMMUNITY CENTER
JULY 6, 2015
7:00 PM

1. Call to Order & Pledge of Allegiance

2. Roll Call

- **A. Roll Call**

3. Ceremonial Matters

4. Public Participation

5. Approval of Minutes

- **A. Board of Aldermen - Regular Meeting - Jun 1, 2015 7:00 PM**
- **B. Board of Aldermen - Regular Meeting - Jun 15, 2015 7:00 PM**

6. Agenda Items

- **A. Temporary Approval for Pawn Shop Location**
- **B. Public Hearing for Special Use Permit for Beck Event Space**
- **C. Council Bill 052: AN ORDINANCE OF THE CITY OF HARRISONVILLE, MISSOURI, GRANTING A SPECIAL USE PERMIT FOR THE PURPOSE OF ESTABLISHING AN EVENT SPACE LOCATED AT 210 S. INDEPENDENCE IN HARRISONVILLE, CASS COUNTY, MISSOURI.**
- **D. Council Bill 051: A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI TO AUTHORIZE THE CITY ADMINISTRATOR TO MAKE PAYMENT OF $510,000 TO THE MISSOURI DIRECTOR OF REVENUE AS STIPULATED IN THE COST SHARE SUPPLEMENTAL AGREEMENT FOR MISSOURI DEPARTMENT OF TRANSPORTATION PROJECT J4P2257.**
- **E. Public Hearing for Love's CID Petition**

F. Council Bill 053: Ordinance for Love's CID Petition

G. Public Hearing for Love's Drainage Easement Vacation

H. Council Bill 054: AN ORDINANCE VACATING A DRAINAGE EASEMENT LYING NORTH OF SOUTH COMMERCIAL STREET AND BROOKHART IN HARRISONVILLE, CASS COUNTY, MISSOURI.

7. Aldermen and Committee Reports

8. Report from the City Administrator

9. Report from the Mayor

10. Questions from the Media

11. Adjourn to Executive Session

12. Adjourn From Regular Session

Posted on City Hall Bulletin Board this 2nd day of July 2015

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Kim Hubbard, City Clerk

The Board of Aldermen meeting is an open meeting but is not a meeting of the public. There is a place on the agenda for comments of citizens under PUBLIC PARTICIPATION. Our rule is that comments by any individual or group shall not exceed (4) minutes. The Board of Aldermen request that concerns be initially addressed at the appropriate action level before coming to the Board of Alderman

City of Harrisonville est. 1836

DRAFT

MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
JUNE 1, 2015
7:00 PM

1. Call to Order & Pledge of Allegiance

Meeting was called to order at 7:09 pm

2. Roll Call

Attendee Name	Title	Status	Arrived
Judy Bowman	Board Member	Present	
Clint Long	Board Member	Present	
Josh Stafford	Board Member	Present	
David Dickerson	Board Member	Present	
Ivan Stull	Board Member	Present	
Marcia Milner	Board Member	Present	
Morris Coburn	Board Member	Present	
Stacey Dahlman	Board Member	Present	
Brian Hasek	Mayor	Present	

Others Present: City Administrator Keith Moody, City Attorney Steve Mauer, Finance Director Mike Tholen, Community Development Director Rick DeLuca, Police Chief John Hofer, City Clerk Kim Hubbard, Public Information Officer Sheryl Stanley, EMS Director Larry Francis, and Assistant Public Works Director Eric Patterson.

3. Ceremonial Matters

A. A Service Award to Honor Mike Tholen for 15 Years of Loyal Service to the City of Harrisonville

Mayor Hasek presented Finance Director Tholen with a certificate for his fifteen (15) years of service.

B. Appointments to the Planning & Zoning Commission

Mayor Hasek recommended Rusty Bennett and Brad Bockelman to serve on the Planning and Zoning Commission, Mr. Bennett to serve until November 2015 and Mr. Bockelman to serve until November 2017.

Alderman Milner asked Mayor Hasek if he had taken into consideration the opinions of the Board of Aldermen when making his decision and he stated he had.

A roll call vote was taken with four ayes and four nays, Mayor Hasek broke the tie by voting aye. The appointments were approved.

RESULT:	**APPROVED [4 TO 4]**
MOVER:	David Dickerson, Board Member
SECONDER:	Morris Coburn, Board Member
AYES:	Clint Long, Josh Stafford, David Dickerson, Morris Coburn
NAYS:	Judy Bowman, Ivan Stull, Marcia Milner, Stacey Dahlman

4. Public Participation

Jack Cotton, 876 Locust, asked the Board to look into van accessible handicap parking and expressed his support for the Love's project.

Tim Soulis, owner of Golden Classics, shared his support of the Love's project and that Harrisonville needs more jobs to keep the kids in town.

Phil Zaroor, expressed his support of the Love's project and shared advice regarding appointments to committees.

Mark Hense, owner of IFIL, expressed his support of the Love's project and that the Boards support of the Love's project would have an affect on his decision to do a 3 to 5 million dollar addition.

Vanessa Zaroor Hargrave, 504 N. Independence shared her support of the Love's project and what a vital impact this could have on the community.

Cynthia Warner, attorney in town, shared her support of the Love's project and her disappointment in the Board for the business opportunities that have been missed.

Lonnie Cook, owner of Trade Fair Mall, shared her support of the Love's project and how beneficial she believes it will be for the community.

5. Approval of Minutes

A. Board of Aldermen - Regular Meeting - May 18, 2015 7:00 PM

Minutes were approved.

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Morris Coburn, Board Member
SECONDER:	David Dickerson, Board Member
AYES:	Bowman, Long, Stafford, Dickerson, Stull, Milner, Coburn, Dahlman

6. Agenda Items

A. Approve Special Event Permit for Wal-Mart 5K for CMN

Police Chief Hofer reviewed the Wal-Mart 5K event permit and recommended approval.

Wal-Mart 5K for Children's Medical Network was approved.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Morris Coburn, Board Member
SECONDER:	Ivan Stull, Board Member
AYES:	Bowman, Long, Stafford, Dickerson, Stull, Milner, Coburn, Dahlman

B. Approve Special Event Permit for Boutique VII - Love the Square Fundraiser

Police Chief Hofer reviewed event permit requested by Boutique VII for Love the Square Fundraiser and recommended approval.

Boutique VII-Love the Square Fundraiser was approved.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Marcia Milner, Board Member
SECONDER:	Stacey Dahlman, Board Member
AYES:	Bowman, Long, Stafford, Dickerson, Stull, Milner, Coburn, Dahlman

C. MoDot Work Zone Enforcement Agreement

This item was postponed to the next meeting.

RESULT:	**SCHEDULED**

D. A RESOLUTION AMENDING SECTION II, ARTICLE G.2, EMPLOYEE TOBACCO USE, OF THE CITY OF HARRISONVILLE PERSONNEL POLICIES MANUAL, EFFECTIVE JUNE 1, 2015.

City Attorney Mauer read Council Bill 041 by title only.

City Clerk Hubbard reviewed the recommended policy change prohibiting smoking in city vehicles.

Council Bill 041 became Resolution 026

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Stacey Dahlman, Board Member
SECONDER:	Marcia Milner, Board Member
AYES:	Bowman, Long, Stafford, Dickerson, Stull, Milner, Coburn, Dahlman

E. A RESOLUTION AMENDING SECTION V, ARTICLE B, TIME KEEPING AND ATTENDANCE, OF THE CITY OF HARRISONVILLE PERSONNEL POLICIES MANUAL, EFFECTIVE JULY 1, 2015.

City Attorney Mauer read Council Bill 042 by title only.

City Clerk Hubbard reviewed the recommended amendment to the personnel policy regarding the keeping of time due to the outsourcing of payroll project.

Council Bill 042 became Resolution 027.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Morris Coburn, Board Member
SECONDER:	Judy Bowman, Board Member
AYES:	Bowman, Long, Stafford, Dickerson, Stull, Milner, Coburn, Dahlman

F. A RESOLUTION AMENDING SECTION V, ARTICLE J, ANNUAL MILITARY TRAINING LEAVE, OF THE CITY OF HARRISONVILLE PERSONNEL POLICIES MANUAL, EFFECTIVE IMMEDIATELY.

City Attorney Mauer read Council bill 043 by title only.

City Clerk Hubbard reviewed the recommended amendment to the military leave section in the City's employee personnel policy.

Council Bill 043 became Resolution 028.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Morris Coburn, Board Member
SECONDER:	Stacey Dahlman, Board Member
AYES:	Bowman, Long, Stafford, Dickerson, Stull, Milner, Coburn, Dahlman

G. A RESOLUTION AMENDING SECTION VI, ARTICLE C, SAFETY-SENSITIVE EMPLOYEES, OF THE CITY OF HARRISONVILLE PERSONNEL POLICIES MANUAL, EFFECTIVE OCTOBER 1, 2015.

City Attorney Mauer read Council Bill 044 by title only.

City Clerk Hubbard reviewed the recommended change to the personnel policy and explained the change would include animal control personnel random testing process.

Council Bill 044 became Resolution 029.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Morris Coburn, Board Member
SECONDER:	Ivan Stull, Board Member
AYES:	Bowman, Long, Stafford, Dickerson, Stull, Milner, Coburn, Dahlman

7. Aldermen and Committee Reports

Alderman Bowman reminded everyone of the upcoming town hall meeting scheduled for June 6. Alderman Bowman thanked the Love's representatives for coming to the work session and expressed her appreciation to staff for the work they have done with the Love's project. Alderman Bowman made the motion to schedule the Public Hearing for the Love's Project July 6th. Alderman Dahlman seconded the motion and it was approved by a voice vote.

Alderman Dahlman thanked the Love's representatives for coming to tonight's work session and those who came and showed their support.

Alderman Milner also thanked the Love's representatives for attending the work session and for their interest in the community. Alderman Milner expressed her disappointment that the Board's input was not considered when the Mayor made his decisions on the Planning and Zoning recommendations. Alderman Milner made the motion to dissolve the Standing Committees (Public Works, Finance/Personnel, Transportation, and Public Safety) and that work sessions would take the place which would give each alderman input. Alderman Stull seconded the motion. It was discussed this would give all the aldermen equal representation, that there was no policy which established the committees, and the work sessions could be held prior to Board of Aldermen meeting. Alderman Bowman made the motion to call the question, Alderman Dahlman seconded the motion. Alderman Stafford asked that discussion continue. The motion to call the question was withdrawn. Alderman Stafford stated he thought this is an extreme action but understood the reasons behind it, Alderman Dahlman stated she thought this a good opportunity to hear everything. Alderman Long said he thought the Mayor had done everything that was asked regarding the standing committees. Alderman Stafford shared that he did have an issue with Mayor Hasek appointing himself as chair to all of the standing committees. Alderman Coburn called the question; Alderman Milner seconded the motion and was approved by the following roll call vote:

Ayes: Aldermen Long, Milner, Coburn, Dahlman, Bowman, Stafford and Stull.

Nays: Dickerson

Absent: None

Abstain: None

The motion to dissolve the committees was made by Alderman Milner, seconded by Alderman Bowman and approved by the following roll call vote:

Ayes: Aldermen Stull, Stafford, Bowman, Milner, and Dahlman

Nays: Aldermen Coburn, Dickerson, and Long

Absent: None

Abstain: None

The standing committees were dissolved, 5 to 3.

Alderman Stull reported he had attended the West Gate Dinner last Thursday.

Alderman Stafford reported that there was good turnout at the Chamber Economic Development meeting.

8. Report from the City Administrator

No report.

9. Report from the Mayor

Mayor Hasek thanked the Love's representatives for their interest in the community and expressed his appreciation to those in attendance for their questions

10. Questions from the Media

Asked when the standing committees were originally formed and Ms. Stanley stated she would research.

11. Adjourn to Executive Session

Alderman Stull moved to adjourn to Executive Session for the purpose of Section 610.021 (3) Personnel. Alderman Milner seconded the motion which was approved with the following roll call vote:

Ayes: Aldermen Bowman, Dahlman, Coburn, Milner, Stull and Stafford

Nays: Aldermen Dickerson and Long

Abstain: None

Absent: None

The Board adjourned to Executive Session at 8:13 PM

The Board reconvened to regular session at 8:55 PM

12. Adjourn From Regular Session

Alderman Milner made the motion adjourn the meeting. Alderman Dahlman seconded the motion and it was approved by a voice vote.

Meeting adjourned at 8:55pm

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Brian Hasek, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

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Kim Hubbard, City Clerk

City of Harrisonville est. 1836

DRAFT

MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
JUNE 15, 2015
7:00 PM

1. Call to Order & Pledge of Allegiance

2. Roll Call

Attendee Name	Title	Status	Arrived
Judy Bowman	Board Member	Present	
Clint Long	Board Member	Present	
Josh Stafford	Board Member	Present	
David Dickerson	Board Member	Present	
Ivan Stull	Board Member	Present	
Marcia Milner	Board Member	Present	
Morris Coburn	Board Member	Present	
Stacey Dahlman	Board Member	Present	
Brian Hasek	Mayor	Present	

Others Present: City Attorney Steve Mauer, Assistant City Administrator Mike Tholen, Community Development Director Rick DeLuca, Police Chief John Hofer, City Clerk Kim Hubbard, Parks & Recreation Director Chris Deal, Street Superintendent Rodney Jacobs, Public Works Director Jerry Gibbs, and Assistant Public Works Director Eric Patterson.

3. Ceremonial Matters

A. Re-appointments to Park Board

Mayor Hasek made the recommendation of re-appointing Phil Rogers, David Atkinson, and Cathy Faris to the Park Board.

Re-appointments were approved.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	David Dickerson, Board Member
SECONDER:	Marcia Milner, Board Member
AYES:	Bowman, Long, Stafford, Dickerson, Stull, Milner, Coburn, Dahlman

4. Public Participation

Virgil Bulter, 606 N King Terrace, updated the Board that the required number of signatures has been collected for the state audit petition. Mr. Butler also shared that he considered Harrisonville as a bedroom community and that companies that pay $40 an hour will not locate here.

5. Agenda Items

A. Hearing on Business License suspension

Director Tholen reviewed the process and Tracy Goth, owner of Morgan Ann addressed the Board that she took responsibility for the delinquent taxes. Ms. Goth explained she has been working with state on a payment plan. Alderman Dickerson made the motion to allow the business to remain in operation but that an update was needed prior to the next meeting. Alderman Long seconded the motion and it was approved by a voice vote.

B. AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A SALE AGREEMENT BY AND BETWEEN THE CITY OF HARRISONVILLE AND MFA OIL COMPANY FOR THE SALE OF CERTAIN CITY PROPERTY LOCATED IN HARRISONVILLE, MISSOURI.

City Attorney Mauer read Council Bill 045 by title only. Director DeLuca reviewed Council Bill 045 and 046, the sale of property to MFA and the purchase of property from MFA.

Alderman Dahlman made the motion to suspend the rules and move Council Bill 045 to it's second reading. Alderman Coburn seconded the motion and it was approved by the following roll call vote:

Ayes: Aldermen Stull, Coburn, Long, Dickerson, Dahlman, Bowman, Milner, and Stafford

Nays: None

Absent: None

Abstain: None

City Attorney read Council Bill 045 for a second time by title only.

Council Bill 045 became Ordinance 3313.

RESULT:	**ADOPTED [UNANIMOUS]**
AYES:	Bowman, Long, Stafford, Dickerson, Stull, Milner, Coburn, Dahlman

C. AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A SALE AGREEMENT BY AND BETWEEN THE CITY OF HARRISONVILLE AND MFA OIL COMPANY FOR THE PURCHASE OF CERTAIN CITY PROPERTY LOCATED IN HARRISONVILLE, MISSOURI.

City Attorney Mauer read Council Bill 046 by title only. This item was reviewed by Director DeLuca with Council Bill 045.

Alderman Bowman moved to suspend the rules and move Council Bill 046 to it's next reading. Alderman Milner seconded the motion and it was approved by the following roll call vote:

Ayes: Aldermen Dickerson, Dahlman, Stull, Stafford, Bowman, Long, Milner, and Coburn

Nays: None

Absent: None

Abstain: None

City Attorney Mauer read Council Bill 046 by title only for a second time.

Council Bill 046 became Ordinance 3314.

RESULT:	**ADOPTED [UNANIMOUS]**
AYES:	Bowman, Long, Stafford, Dickerson, Stull, Milner, Coburn, Dahlman

D. Review Mission, Goals and Values

Mayor Hasek asked the Aldermen if there were any changes to the Mission, Goals, and Values, there were no changes.

Mission, Goals and Values were approved as presented.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	David Dickerson, Board Member
SECONDER:	Clint Long, Board Member
AYES:	Bowman, Long, Stafford, Dickerson, Stull, Milner, Coburn, Dahlman

E. A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CHANGE ORDER TO YOUNG'S WATERPROOFING AND CONSTRUCTION IN AN AMOUNT NOT TO EXCEED $90,000.00

City Attorney Mauer read Council Bill 047 by title only. Mr. Patterson reviewed the change order and reported this was discussed at the June 4th work session.

Council Bill 047 became Resolution 030

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Morris Coburn, Board Member
SECONDER:	Stacey Dahlman, Board Member
AYES:	Bowman, Long, Stafford, Dickerson, Stull, Milner, Coburn, Dahlman

F. A RESOLUTION OF THE CITY OF HARRISONVILLE APPROVING THE PRELIMINARY PLAT OF CASEY'S GENERAL STORE A SUBDIVISION OF LAND IN THE WEST ONE-HALF OF THE WEST ONE-HALF OF LOT 4 OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 44 NORTH, RANGE 31 WEST IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.

City Attorney Mauer reviewed Council Bill 048. Director DeLuca reviewed and reported Council Bill 048 and Council 049 go together and noted the business will be located on the same lot that the bowling alley was. Director DeLuca also reported this comes to the Board with a recommendation from the Planning and Zoning Commission and Staff for approval.

Council Bill 048 became Resolution 031.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David Dickerson, Board Member
SECONDER:	Judy Bowman, Board Member
AYES:	Bowman, Long, Stafford, Dickerson, Stull, Milner, Coburn, Dahlman

G. AN ORDINANCE TO ACCEPT THE FINAL PLAT OF CASEY'S GENERAL STORE, A SUBDIVISION OF LAND IN THE WEST ONE-HALF OF THE WEST ONE-HALF OF LOT 4 OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 44 NORTH, RANGE 31 WEST, IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI

City Attorney Mauer read Council Bill 049 by title only. Director DeLuca reviewed with Council Bill 048. Alderman Dickerson moved to suspend the rules and move Council Bill 049 to it's second reading. Alderman Long seconded and it was approved by the following roll call vote:

Ayes: Aldermen Dahlman, Stull, Bowman, Coburn, Milner, Dickerson, Long and Stafford.

Nays: None

Absent: None

Abstain: None

City Attorney Mauer read Council Bill 049 by title only for a second time.

Council Bill 049 became Ordinance 3315

RESULT:	**ADOPTED [UNANIMOUS]**
AYES:	Bowman, Long, Stafford, Dickerson, Stull, Milner, Coburn, Dahlman

H. AN ORDINANCE TO ALLOW THE CITY OF HARRISONVILLE TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE MISSOURI DEPARTMENT OF TRANSPORTATION TO ALLOW THE CITY OF HARRISONVILLE POLICE DEPARTMENT TO PROVIDE TRAFFIC CONTROL IN WORK ZONES WITHIN THE CITY AND TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE THE ATTACHED AGREEMENT

City Attorney Mauer read Council Bill 050 by title only. Chief Hofer reviewed the agreement and explained the City will be reimbursed for the overtime paid out to officers who work the traffic control.

Alderman Milner motioned to suspend the rules and move Council Bill 050 to its second reading. Alderman Bowman seconded and it was approved by the following roll call vote:

Ayes: Aldermen Stafford, Long, Stull, Bowman, Milner, Dickerson, Coburn, and Dahlman.

Nays: None

Absent: None

Abstain: None

City Attorney Mauer read Council Bill 050 by title only for a second time. Council Bill 050 became Ordinance 3316

RESULT:	**ADOPTED [UNANIMOUS]**
AYES:	Bowman, Long, Stafford, Dickerson, Stull, Milner, Coburn, Dahlman

6. Aldermen and Committee Reports

Alderman Bowman commented on how great the town hall meeting was on the 6th of June, thanked Alderman Stafford for participating and announced the next town hall meeting is scheduled for August 1 at the Methodist Church. Alderman Bowman reported she attended the MML Elected Officials Conference and what a great time she had.

Alderman Dahlman reported she and her family recently traveled to Chicago and they stopped at every Love's along the way. Alderman Dahlman commented that she liked the way the cars and large trucks were separated and noted the number of businesses around the establishment.

Alderman Coburn reported on the great time he had at the MML Elected Officials Conference, that it was productive, and there were presentations on CID's, TIF's and TDD's.

Alderman Dickerson reported how educational the MML Elected Officials Conference was, the speakers were good, and expressed his appreciation to the City for allowing him to go.

Alderman Long commented he had learned a lot also at the MML Elected Officials Conference and visiting with other elected officials was educational.

Alderman Stafford shared he had learned a lot from the other elected officials at the MML Elected Officials Conference and expressed his appreciation to Alderman Bowman for allowing him to participate in the town hall meeting on the 6th.

7. Report from the City Administrator

Mr. Tholen reminded everyone that city offices will be closed on Friday, July 3 in observance of the Fourth of July and the next Board meeting, Monday, July 6, will be held at the Community Center, work session at 6pm and regular meeting at 7pm.

8. Report from the Mayor

Mayor Hasek shared he had attended the MML Conference for Elected Officials and how much he enjoyed speaking to other colleagues from the other cities and learning that they are facing the same challenges as we do.

Mayor Hasek also reported he had attended the Country Dance at the Elks Lodge recently and how much he enjoyed himself.

Mayor Hasek reported he had read a proclamation for Flag Day, noted what a great celebration it was and how impressed he was with the Elks Lodge. Mayor Hasek also noted how lucky the community is to have organization like the Elks.

9. Questions from the Media

No questions.

10. Adjourn to Executive Session

Alderman Stull moved to adjourn to Executive Session for the purpose of Section 610.021 (1) Legal Actions. Alderman Milner seconded the motion which was approved with the following roll call vote:

Ayes: Aldermen Bowman, Dahlman, Coburn, Milner, Dickerson, Long, Stull and Stafford

Nays: None

Abstain: None

Absent: None

The Board adjourned to Executive Session at 7:38 PM

The Board reconvened to regular session at 8:14 PM

11. Adjourn From Regular Session

Alderman Dickerson moved to adjourn, Alderman Stafford seconded and it was approved by a voice vote. The meeting adjourned at 8:14pm

Brian Hasek, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Kim Hubbard, City Clerk

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Keith Moody, City Administrator**

DATE: **July 1, 2015**

SUBJECT: **Temporary Approval for Pawn Shop Location**

Type of Item: *Approval*

Background: Harrisonville Guns Gold & Pawn shop located on 291 has been looking for a new location in town for a couple of months. The City Zoning regulation requires that pawn shops be at 300' from residentially zoned property. This requirement limits options as many of the vacant spots along Commercial and 291 are within the 300'. The owner is requesting temporary approval to operate out of the Young's Lawn and Garden building (currently vacant) at 1602 N. Commercial. The lot is within 300' of residentially zoned land which is located to the north east. That land does not have a residence but is zoned residential, it is timber and farm land.

Section 630 of the City codes addresses pawn shops, with section 630.150 specifically addressing geographic location:

Section 630.150 Geographic Limitations.
<http://www.ecode360.com/27911850?highlight=pawned,pawn>

A. The following special conditions and regulations shall apply to pawnshop or small loan establishments to protect the character of residential and commercial areas and preserve the value of the property throughout the City.

1. A pawnshop or small loan establishment shall not be established or expanded within three hundred (300) feet of the property line of a church, school or public park or within three hundred (300) feet of the boundary line of a residential zoning district.

2. A pawnshop or small loan establishment shall not be established or expanded within two hundred (200) feet of any other pawnshop or small loan establishment.

3. A pawnshop or small loan establishment shall only be allowed in appropriate zoning districts as defined by the Harrisonville zoning ordinance.

4. A pawnshop or small loan establishment shall only be allowed with a special use permit.

Per operating regulations a pawn shop must remain open so many days in order to provide pawned property to be reclaimed. Staff recognizes this is a unique situation with a short introduction. We are presenting the agenda item for your consideration in order to aid the business in staying open in Harrisonville. We will contact the owner of the residentially zoned property prior to the meeting to inform them of the Boards pending action.

Recommendation: Staff recommends providing temporary approval for Harrisonville Guns Gold & Pawn to locate at 1602 N. Commercial for 90 days with the understanding that this in no way assures the owner that permanent approval will be provided at this location. A special use permit approval would be required to operate out of this location permanently and an amendment to section 630 concerning proximity to a residence as opposed to residentially zoned property would also be required.

A. Action Item (ID # 1935)

Temporary Approval for Pawn Shop Location

Attachments:

Request from Guns Gold & Pawn (PDF)

To: Mayor and Board of Alderman of Harrisonville

I Scott Gerken owner of Guns Gold and Pawn am asking to operate business as usual for 90 days, at 1602 N Commercial St. Basically giving some time to come into compliance with the city codes and regulations. I was at 1415 N 291, but the landlord has the property sold. That gives no time for compliance. With this I would have no shut down time.

Thank You, Scott Gerken

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Rick Deluca, Director**

DATE: **July 1, 2015**

SUBJECT: **Public Hearing for Special Use Permit for Beck Event Space**

Type of Item: *Public Hearing*

Issue: Request approval of a special use permit.

Background:

Request: Approval of a special use permit for an event space on a lot zoned "CBD-1" Downtown Core Business District

Location: 210 S. Independence Street

Applicant: Scott Beck & Mike Freeland

Owner: Scott Beck & Mike Freeland

Existing Zoning: "CBD-1" Downtown Core Business District

Adjacent Zoning: North: "CBD-1" Downtown Core Business District
South: "CDB-2" Downtown Fringe Business District
West: "CDB-2" Downtown Fringe Business District
Governmental
East: "CBD-1" Downtown Core Business District

The applicants are requesting a special use permit for an event space to be used for weddings, banquets, charity auctions and similar type of events. The applicant provided a detailed description of their intentions for the uses and the ultimate development of the site (see attached). The applicants would like to open for business in 2016.

From a land use perspective, an event center is compatible with the surrounding area. However, given the amount of potential occupants (400 +) in the event center, attention needs to be given to parking. It should be noted that the applicants have purchased the undeveloped property to the southeast of the site. The property is approximately 34,500 square feet and is located north of Mechanic Street and east of Independence Street. The applicant purchased the property for the development of a parking lot. The site can accommodate between 65 and 75 vehicles. For the larger events, overflow parking would be on-street or in one of the City parking lots around the Square. The condition for the parking includes a timeline for the development of the parking lot. Staff is comfortable deferring the requirement for the construction of the parking lot for the following reasons.

- The vacancy rate on the Square is still high. However, buildings are being sold and businesses are being established. Currently, ample public parking is generally available. Over the next few years, staff expects vacancy rates to drop and businesses to be established. In the future, parking will eventually be needed and may be in short supply.
- Construction for the Mechanic Street project will interfere with the construction of the parking lot.

CONDITIONS TO BE INCORPORATED INTO THE SPECIAL USE PERMIT:

The Use

This SUP authorizes the operation of an event space.

Parking Areas

The proposed parking area must be paved to meet or exceed City Standards. A parking lot of not less than 65 spaces shall be constructed and completed no later than December 1, 2018.

Compliance with City Codes and Ordinances

All City codes and ordinances shall be complied with.

Lighting

Any lighting used to illuminate the structure or parking area shall be directed away from adjacent properties.

Screening of Dumpster

Any outdoor storage of trash or waste (i.e. a dumpster) shall be 100% screened from view with a fence or wall.

Ownership

The event center use of this property is conditioned to these applicants. If the applicants wish to transfer ownership to a second party, the applicant(s) must re-submit an application for a special use permit to the City prior to the transfer of ownership.

Time Limit

Time Limit = 20 years (*Applicant may reapply for renewal of SUP)*

<u>Options:</u>

The City may:

- Approve the special use permit with the conditions as presented.
- Modify the conditions outlined in the special use permit and then approve the permit.
- Deny the request for special use permit.

<u>Recommendations:</u>

Planning and Zoning Commission: *(June 25, 2015)*

Approval contingent upon meeting the conditions as outlined in this Special Use Permit.

Staff Recommendation:

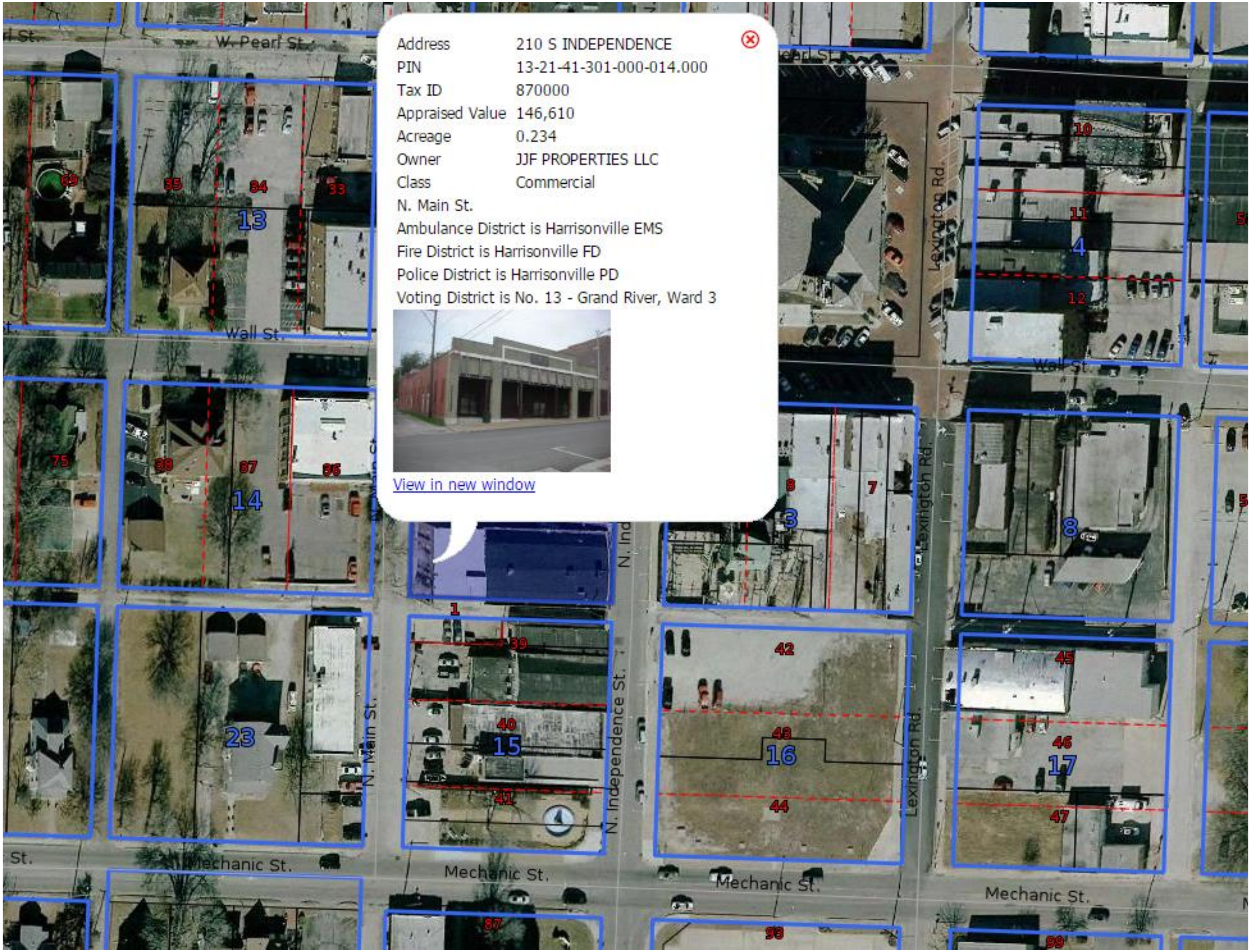
Approval contingent upon meeting the conditions as outlined in this Special Use Permit.

B. Discussion Item (ID # 1929)

Public Hearing for Special Use Permit for Beck Event Space

Attachments:

Beck Event Space Letter and attachments (1).7-6-15(PDF)


Address 210 S INDEPENDENCE
PIN 13-21-41-301-000-014.000
Tax ID 870000
Appraised Value 146,610
Acreage 0.234
Owner JJF PROPERTIES LLC
Class Commercial
N. Main St.
Ambulance District is Harrisonville EMS
Fire District is Harrisonville FD
Police District is Harrisonville PD
Voting District is No. 13 - Grand River, Ward 3
View in new window
W. Pearl St.
Wall St.
Lexington Rd.
N. Main St.
N. Independence St.
Mechanic St.
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City of Harrisonville,

Our goal is to build a first class event space for weddings, banquets and charity auctions that can be rented at a competitive price and be a top notch facility at the same time. This space will have the combination of urban charm, old world exposed brick, classic elegant lighting and modern video, sound and connectivity features.

Windows on the south wall will allow beautiful natural light to flow into our building and will illuminate the location of the head table at wedding receptions. A drop-down screen and projection system will display photos or videos for the guests.

Behind the north wall will be storage space and a coat rack. A nearby open space will be used to greet potential clients and, during events, will become a small lounge to watch sports or just escape the happenings of the main ballroom.

The glass front façade of our facility faces east. A small vestibule will help to keep unwanted hot or cold air from entering the facility, ensuring comfort for our guests and controlling heating and cooling costs.

As you enter the building from the east you will immediately have a view of the large, nicely appointed bar in the back of the room with wine racks, fine wood detail and the Beck Event Space logo painted on the wall. In addition there will be a staircase for the wedding party to make a grand entrance into the celebration.

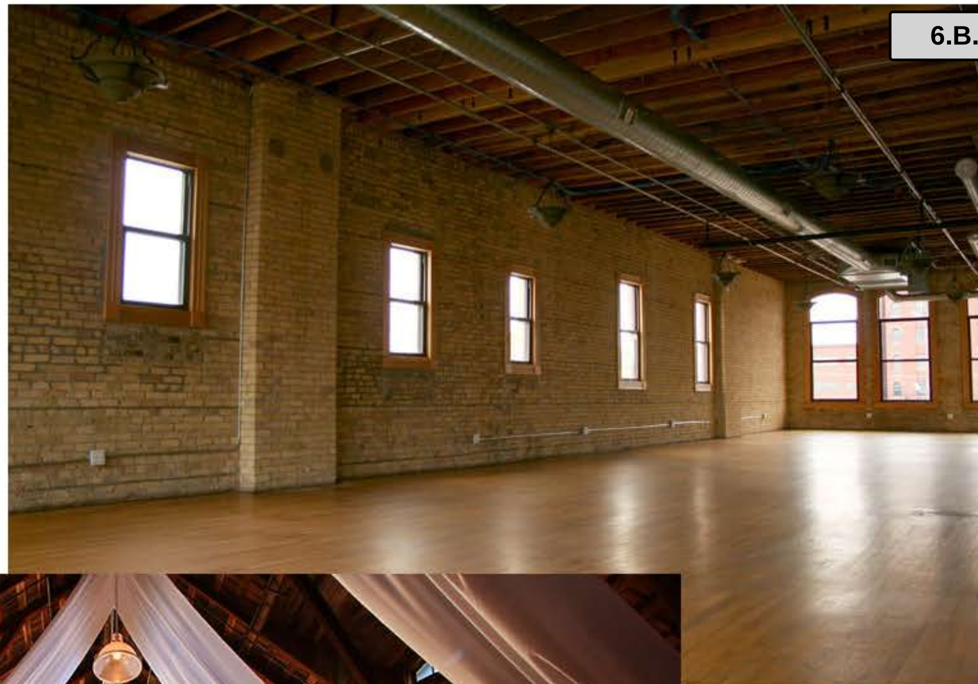
The rear of the building will hold large men's and women's restrooms and eventually a full kitchen to serve our 400+ guests. Above the bathrooms and kitchen will be an office space, groom's suite and a bridal suite. This area will be primarily used once we start having both the wedding service and the reception at our facility. These spacious suites will have ample counter and mirror space for large wedding parties to get ready for the big day. Sofas, tables and chairs will make the wedding party more comfortable.

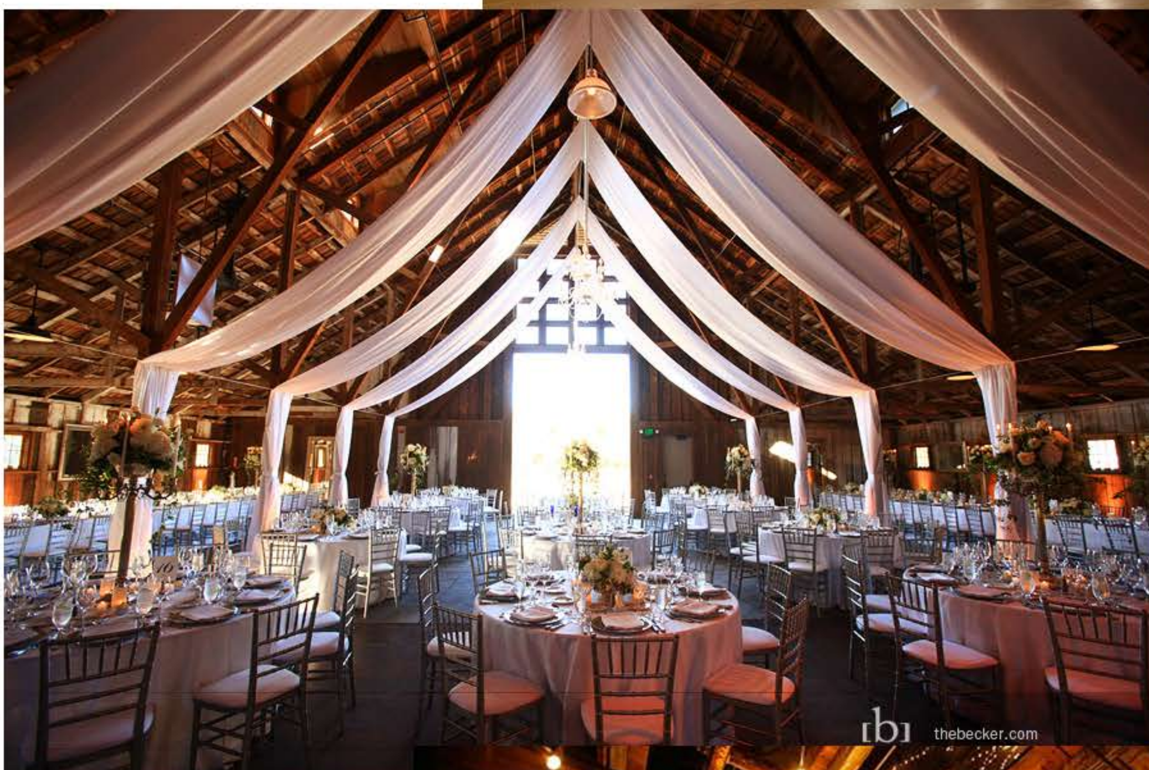
The ballroom will be open and spacious with no columns or corners to hide the view of the head table. It will be about 5,800 square feet and the overall facility will measure approximately 11,000 square feet after the addition of storage space outside the north wall.

Across the street we have purchased a large open lot that will eventually be a private, 70 space, parking lot for our guests and will also serve the 200 plus cars that visit the Harrisonville square. According to the City of Harrisonville, there are another 450 public parking spaces in the general vicinity of the Beck Event Space.

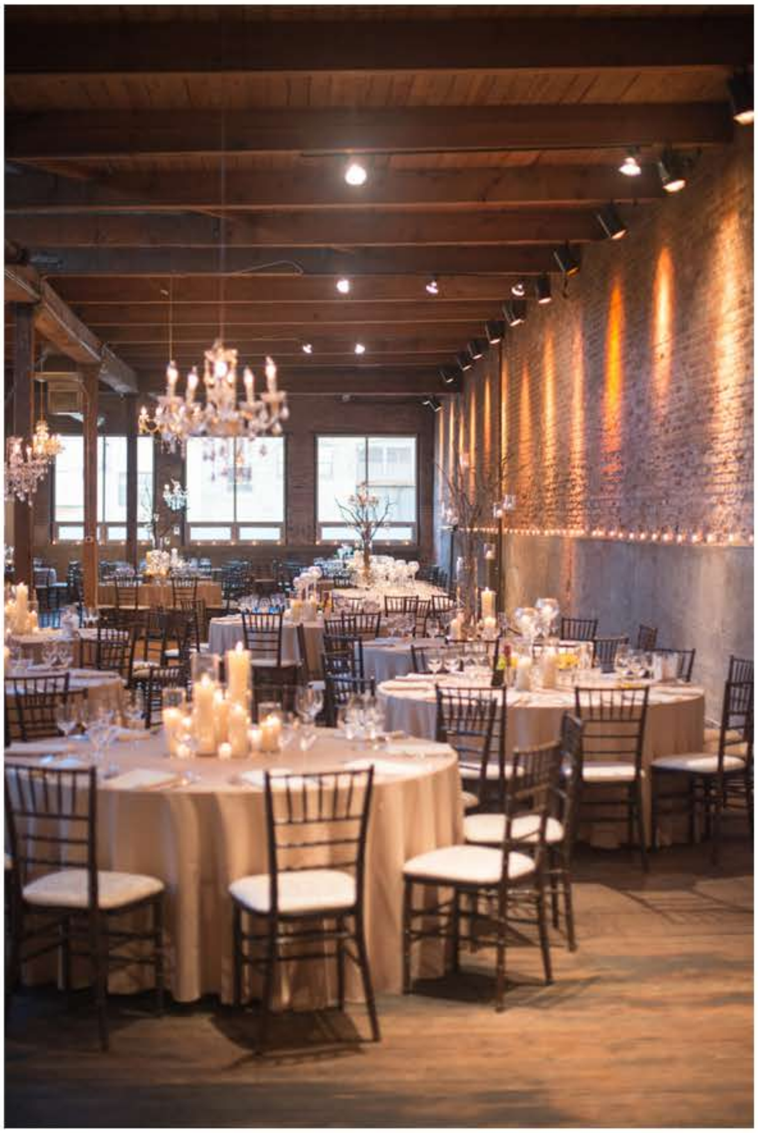
The City Administration and Chamber of Commerce are excited to see our space come to fruition and many people believe this is exactly what the downtown core needs to jumpstart the area's revival. We hope to provide a new venue to bring more visitors to Harrisonville and look forward to providing excellent service to our clients and to the community of Harrisonville.

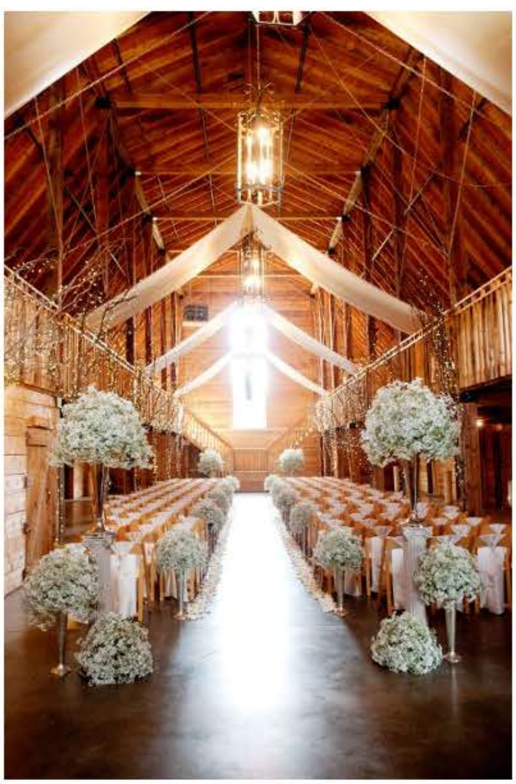
The Beck Event Space – The Beck's and Freeland's




[b]
thebecker.com


LOVE
LIFE
IMAGES






LOVE
LIFE
IMAGES


Corradetti
est. 1978
GLASSBLOWING
STUDIO
and
GALLERY


BURROUGHES

Plat of Survey

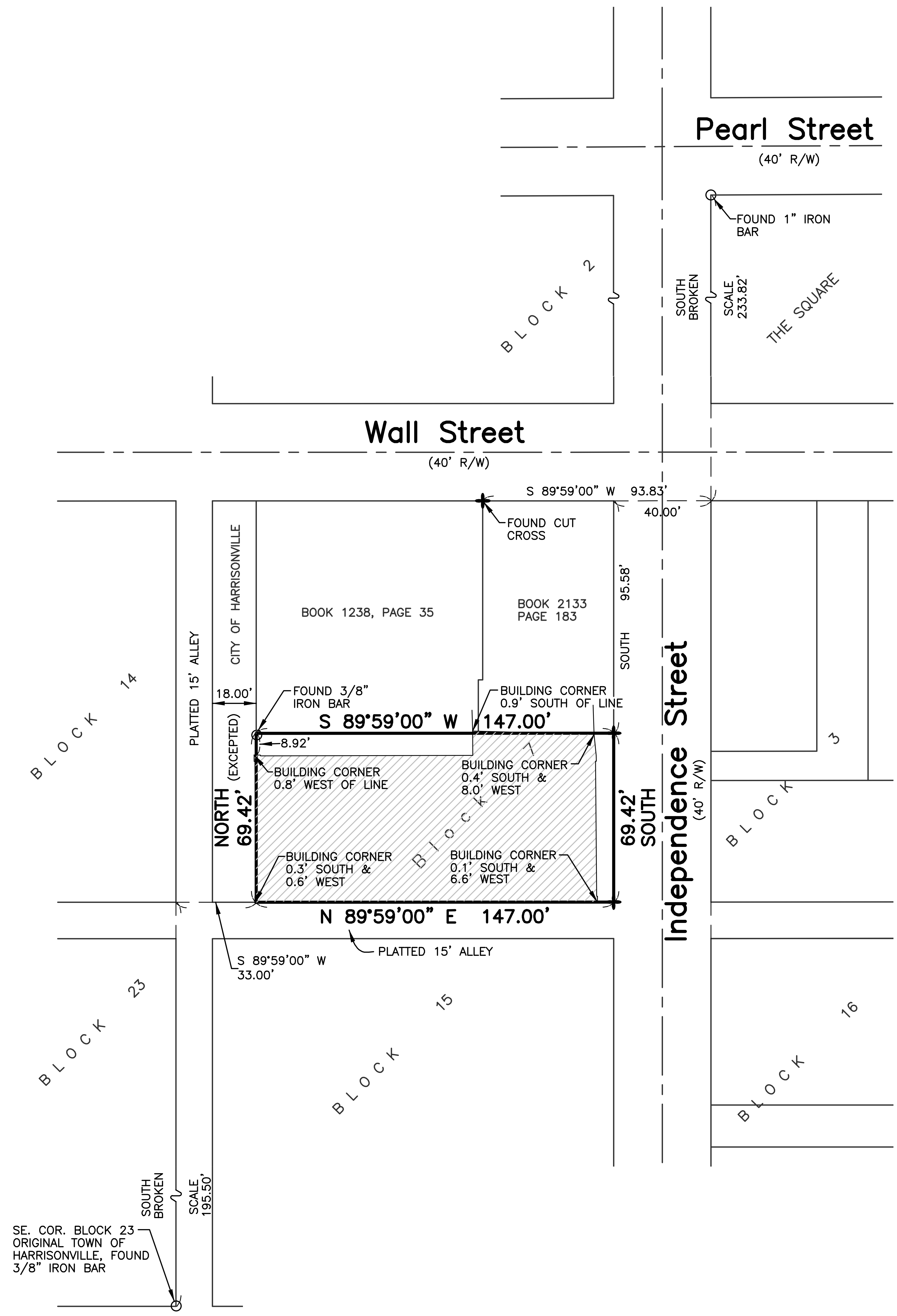
Record Description: BOOK 2131, PAGE 180

THE SOUTH 69 FEET AND 5 INCHES OF BLOCK 7, IN THE ORIGINAL TOWN OF HARRISONVILLE, CASS COUNTY, MISSOURI, EXCEPT THE WEST 18 FEET THEREOF DEEDED TO THE CITY OF HARRISONVILLE, MISSOURI, RECORDED IN BOOK 213, PAGE 344, RECORDER'S OFFICE, CASS COUNTY, MISSOURI.

40' 0 40' 80'
SCALE IN FEET SCALE: 1" = 40'

○ = FOUND MONUMENT AS NOTED.

✚ = CUT CROSS IN CONCRETE UNLESS OTHERWISE NOTED.



Notes:

BEARINGS SHOWN ARE BASED ON AN ASSUMED BEARING OF NORTH–SOUTH ALONG THE WEST RIGHT–OF–WAY LINE OF INDEPENDENCE STREET, AS LOCATED.

THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF AN URBAN CLASS SURVEY AS DEFINED BY THE MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL/PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES, CONTACT THE APPROPRIATE AGENCIES.

NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO DETERMINE WHETHER THIS PROPERTY LIES WITHIN THE LIMITS OF OR ADJACENT TO THE 100 YEAR FLOOD PLAIN AS DETERMINED BY FEMA.

THIS PLAT OF SURVEY WAS PREPARED FOR COUNTY SQUARE INVESTMENT GROUP AND IS EXPRESSLY FOR THEIR USE AND SAID PLAT OF SURVEY SHALL NOT BE TRANSFERRED TO PARTIES OTHER THAN THOSE HAVING A DIRECT INTEREST IN THE SUBJECT PREMISES AS OF THE DATE OF ISSUANCE OF THIS SURVEY. THE UNDERSIGNED REGISTERED LAND SURVEYOR HEREBY STATES THAT A SURVEY HAS BEEN COMPLETED UNDER HIS DIRECT SUPERVISION OF THE ABOVE DESCRIBED PREMISES AND ALL MEASUREMENTS SHOWN, ANGULAR AND LINEAR, WERE MEASURED ON THE GROUND AND MONUMENTS WERE SET OR FOUND AS SHOWN. THIS PLAT OF SURVEY HAS BEEN PREPARED FROM INFORMATION COMPILED IN THE FIELD AND OFFICE AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS, AND THE MISSOURI DEPARTMENT OF AGRICULTURE LAND SURVEY PROGRAM. I FURTHER CERTIFY THAT I HAVE COMPLIED WITH ALL STATUTES, ORDINANCES AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

THE FIELD WORK WAS COMPLETED ON MARCH 18 & 26, 2015.

FOR: COUNTY SQUARE INVESTMENT GROUP ORDERED BY: PAT THOMAS

Bowers Engineering & Surveying, Inc.
P.O. BOX 71
1908 W. MECHANIC STREET, SUITE 104
HARRISONVILLE, MISSOURI 64701
ENGINEERING: 816.380.2600 SURVEYING: 816.380.4821

SECTION	TOWNSHIP	RANGE	COUNTY	STATE	DATE	JOB NO.
4	44	31	CASS	MISSOURI	3/27/15	21077–15

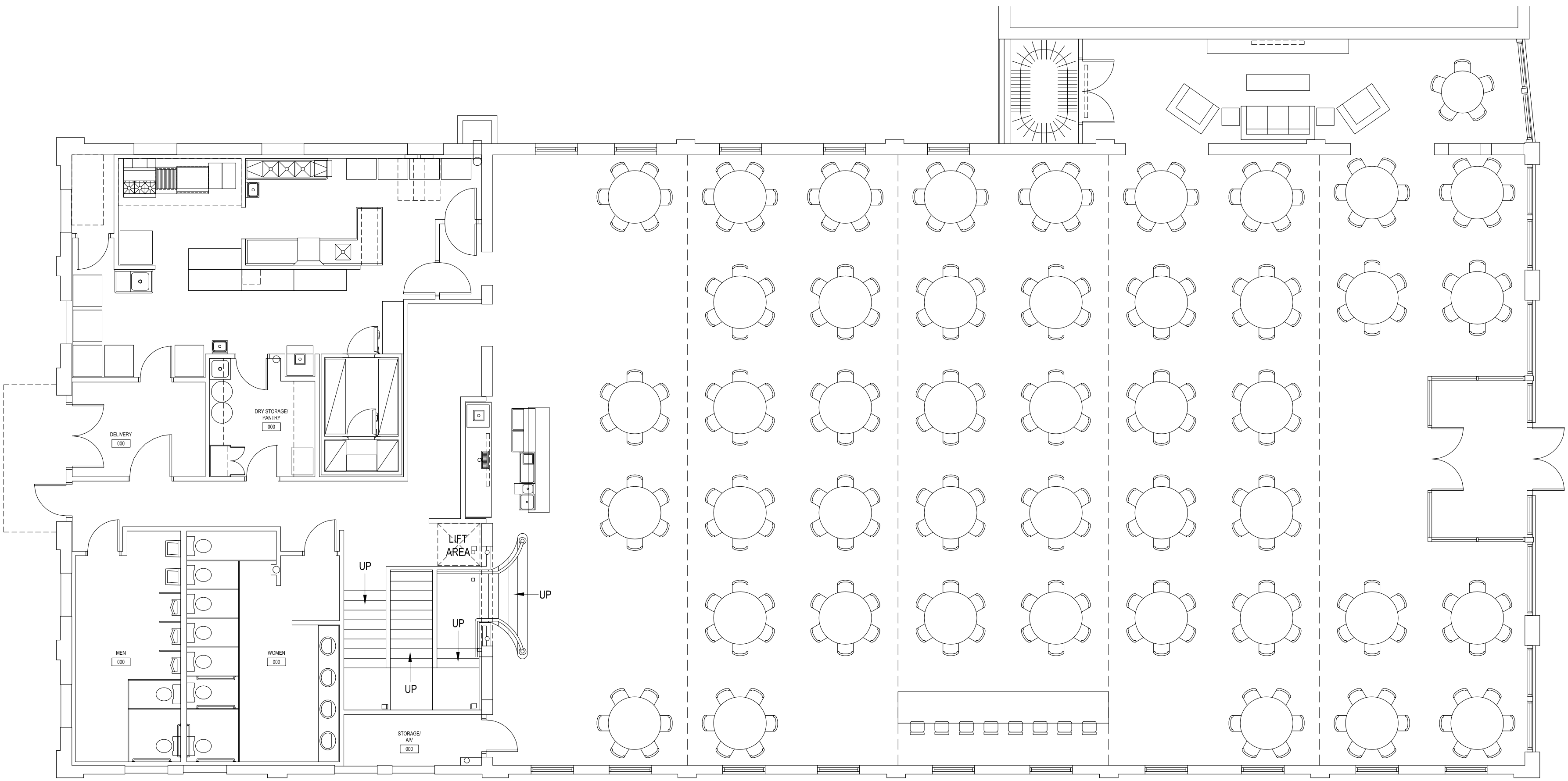
DRAWING NO. 21077F.DWG. DRAWN BY: RB CHECKED BY: TSB

PROFESSIONAL ENGINEERING CORPORATION, MISSOURI STATE CERTIFICATE OF AUTHORITY NO. 2002003141
PROFESSIONAL LAND SURVEYING CORPORATION, MISSOURI STATE CERTIFICATE OF AUTHORITY NO. 2008025770

STATE OF MISSOURI
TROY S. BOWERS
LS-2616
3-27-15
REGISTERED LAND SURVEYOR

TROY S. BOWERS
PROFESSIONAL LAND SURVEYOR
MO LS 2616

Attachment: Beck Event Space Letter and attachments (1).7-6-15 (1929 : Public Hearing for Special Use Permit for Beck Event Space)


DELIVERY
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PANTRY
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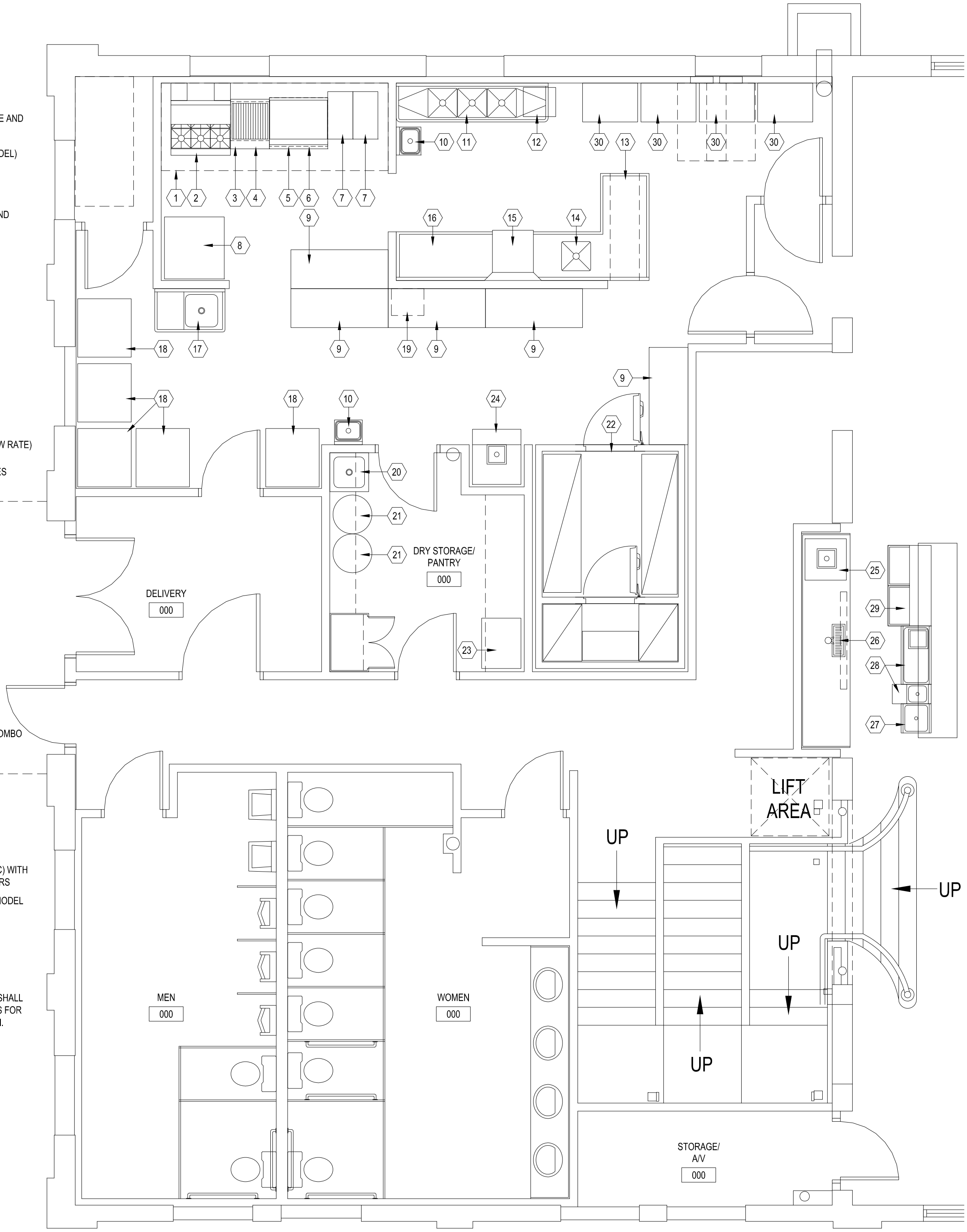
1. 11'-8" X 4'-6" DEEP TYPE I HOOD W/ LIGHT KIT ABOVE AND REQUIRED ANSUL SYSTEM
2. 48" GAS RANGE WITH (2) CONVECTION OVENS (MODEL)
3. 24" GAS CHARBROILER (WELLS MANUFACTURING HDCB-2430G)
4. STAINLESS STEEL CHARBROILER EQUIPMENT STAND (ADVANCE TABCO MODEL ES-242)
5. 36" GAS GRIDDLE (WOLF AGM36)
6. GRILL STAND (APW WYOTT MODEL HDS-36)
7. GAS FRYER (DEAN SR42G) - QTY. 2
8. GAS CONVECTION DOUBLE OVEN (MODEL)
9. STAINLESS STEEL PREP TABLE (24"x60") - QTY. 5
10. HAND SINK (REGENCY MODEL SEHS17) - QTY. 2
11. 3 COMPARTMENT SINK (ELKAY SSP MODEL S3C18X18-2-18-X)
12. GREASE TRAP (40 LB. CAPACITY WITH 20 GPM FLOW RATE)
13. DIRTY DISH TABLE WITH RACK ABOVE FOR GLASSES
14. RINSE SINK
15. DISHWASHER (ECOLAB APEX TSC SINGLE)
16. CLEAN DISH TABLE
17. STANDARD 'PREP' SINK (ELKAY SSP MODEL 14-1C18X18-L-18)
18. PAN AND TRAY TRUCK
19. MICROWAVE OVEN (PANASONIC MODEL NE-1757R)
20. MOP SINK
21. WATER HEATER
22. 11'-6" X 7'-8" WALK-IN REFRIGERATOR / FREEZER COMBO
23. BAG-IN-BOX
24. 30" ICE MACHINE (MODEL)
24. SODA FOUNTAIN DISPENSER
26. BEER TAP DISPENSER
27. FREESTANDING HAND SINK (KROWNE MODEL 18-1C) WITH COMMERCIAL SOAP AND PAPER TOWEL DISPENSERS
28. UNDERBAR ICE BIN COCKTAIL STATION (PERLICK MODEL UCS48)
29. BOTTLE COOLER (TRUE TD-50-24), (USED)
30. PLATE CART

GENERAL NOTE: KITCHEN EQUIPMENT PROVIDER SHALL SUBMIT SHOP DRAWINGS FOR ALL CUSTOM PIECES FOR OWNER'S FINAL APPROVAL PRIOR TO FABRICATION.



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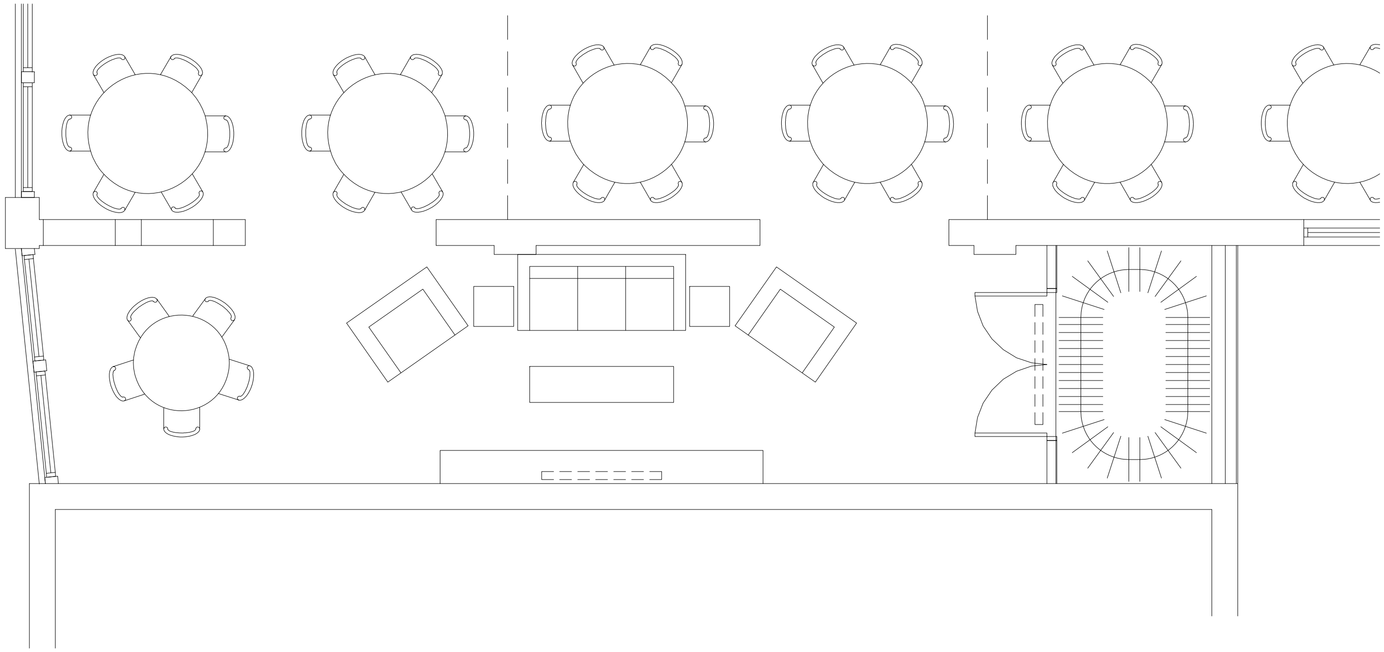

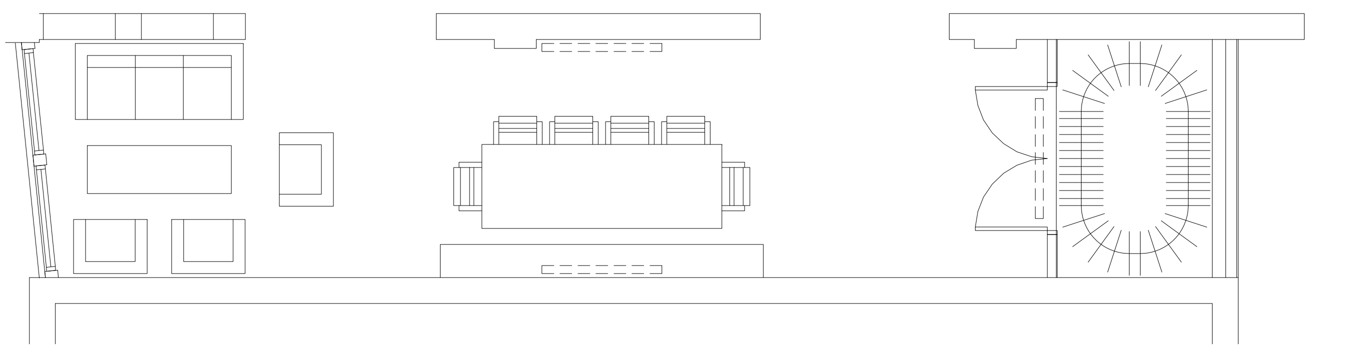

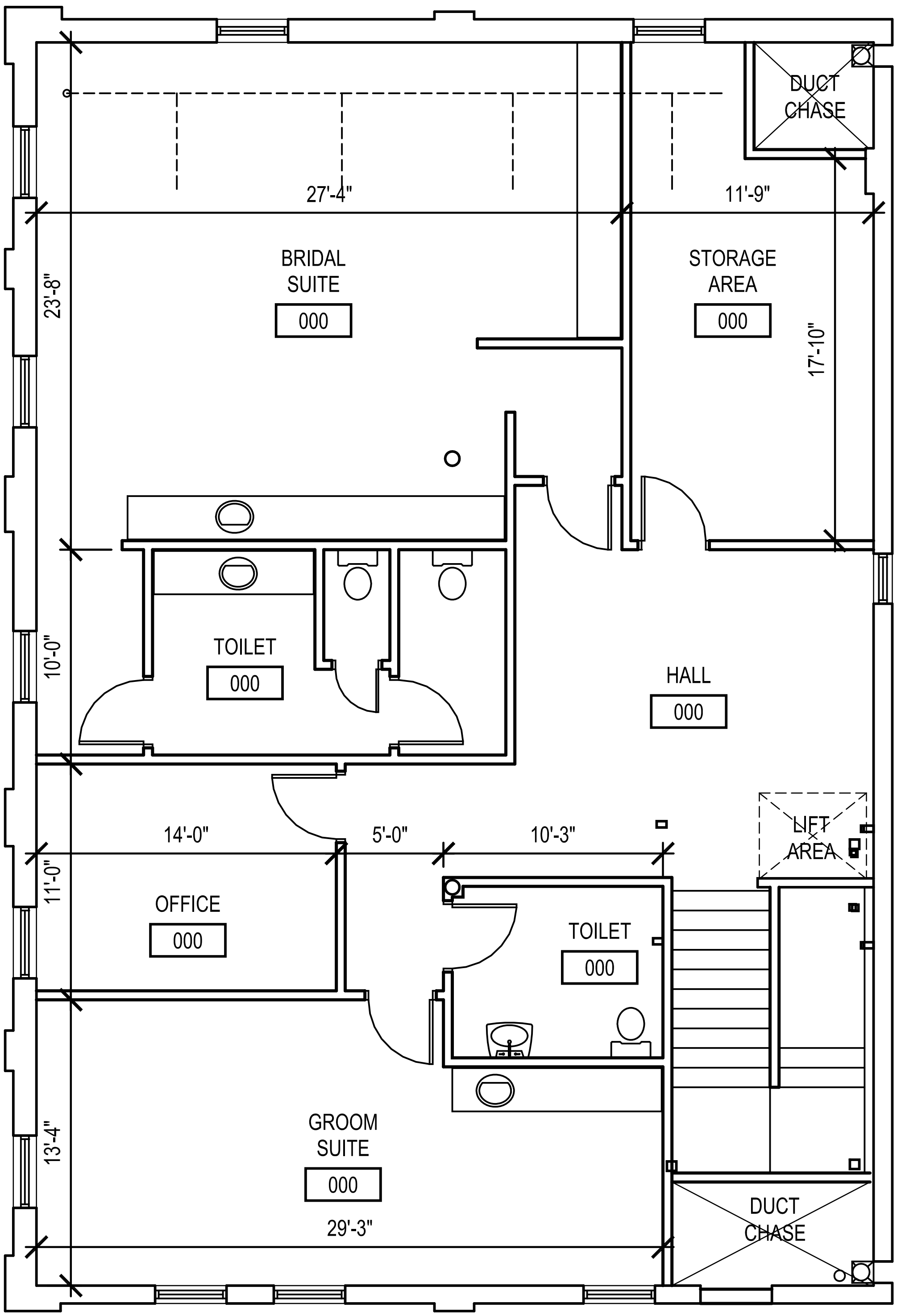

DUCT CHASE
27'-4"
11'-9"
BRIDAL SUITE
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STORAGE AREA
000
23'-8"
17'-10"
TOILET
000
10'-0"
HALL
000
LIFT AREA
14'-0"
5'-0"
10'-3"
11'-0"
OFFICE
000
TOILET
000
GROOM SUITE
000
13'-4"
29'-3"
DUCT CHASE

Coffelt Land Title, Inc
(P) (816)380-3441 **(F)** (816)380-3448
www.coffeltlandtitle.com

Planning and Zoning Commission

TRACT FOR WHICH REZONING IS REQUESTED:

Owner:

JJF Properties LLC

Prepared For:

JJF Properties LLC
1226 E. 25th Street
Independence, MO 64055

To whom it may concern:
An examination of the records of the Recorder of Deeds of Cass County, Missouri, indicates that the owners of the property adjacent to and within 200 feet of above-captioned are as listed below. As an accommodation to you, we have provided address as they appear in the County Tax Rolls:

1. David R. and Virginia W. Atkinson Trust
P. O. Box 603
Harrisonville, MO 64701

2. Debbie's Domiciles Dev. & Deals
P. O. Box 469
Harrisonville, MO 64701
and
P. O. Box K
Harrisonvlle, MO 64701

3. County Square Investment Corp.
P. O. Box 191
Grandview, MO 64030
and
P. O. Box 900
Grandview, MO 64030

4. Delbert L. Dunm ire
P. O. Box 900
Grandview, MO 64030

15002844

5. Cass County
102 E. Wall
Harrisonville, MO 64701

6.Cahtleen A. Shine
P. O. Box 342
Harrisonville, MO 64701

7. Harrisonville Investment Group Inc.
P. O. Box 469
Harrisonville, MO 64701
and
P. O. Box 309
Harrisonville, MO 64701

8. Kevin K. Anderson and Jacqueline S. Anderson
P. O. Box A
Harrisonville, MO 64701

9. JJF Properties LLC
1226 E. 25th Street S
Independence, MO 64055

10. City of Harrisonville
300 E. Pearl St.
Harrisonville, MO 64701

11. Samuel J. Styron and Patricia J. Styron
308 S. Independence
Harrisonville, MO 64701

12. Jerry A. Morris and Terri K. Morris
815 South Ash
Neveda, MO 64772

13. Cryderman Properties LLC
P. O. Box 918
Harrisonville, MO 64701

14. Mr. and Mrs. Kenneth J. Highley
105 E. Mechanic
Harrisonville, MO 64701

15. James L. Vallee and Marie L. Vallee
105 S. Price
Harrisonville, MO 64701

15002844

16. Mark W. Lockard and Susan E. Lockard
1418 Norfork Dr.
Harrisonville, MO 64701

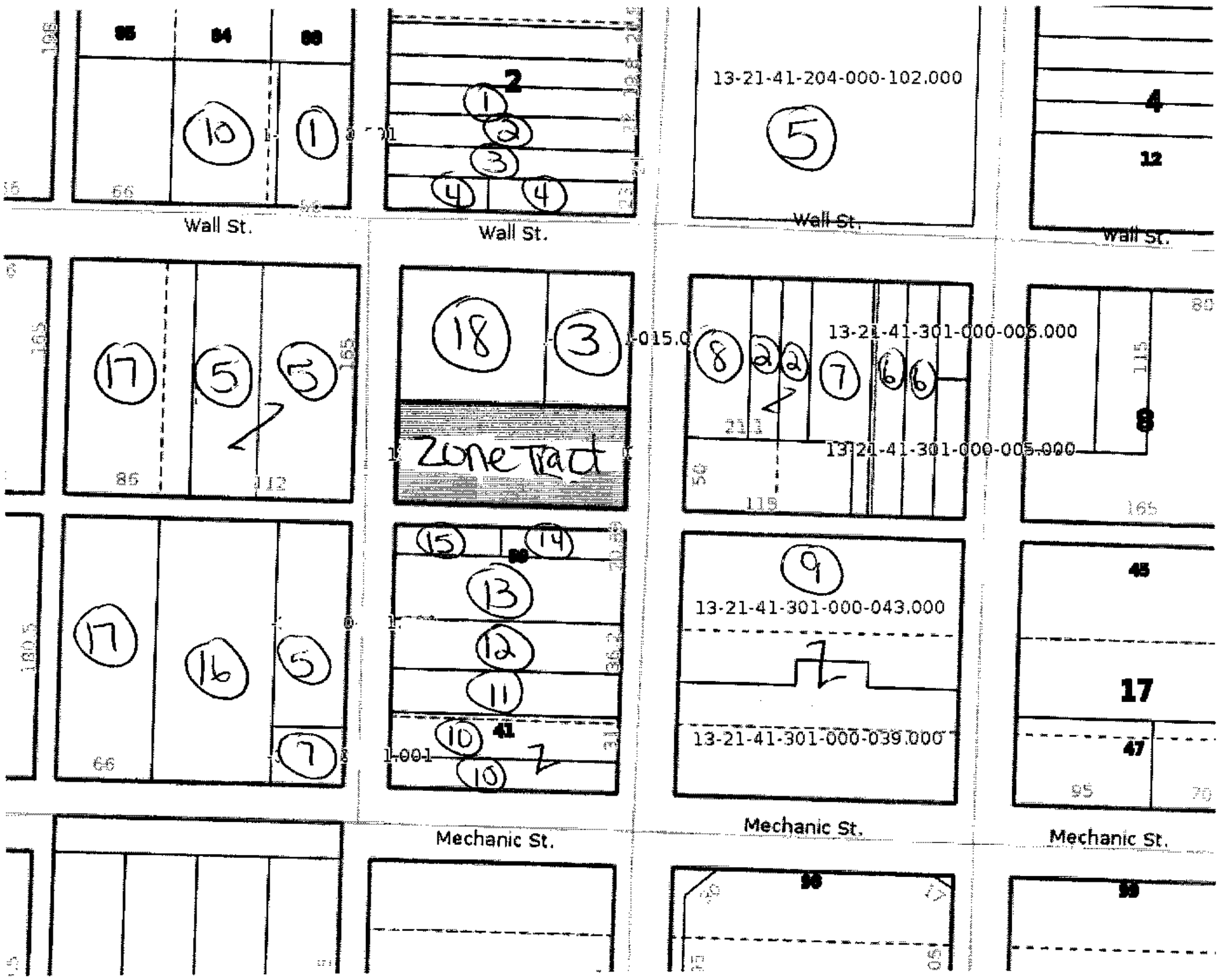
17. Phillip G. Zaroor
800 W. Wall
Harrisonville, MO 64701

18. Lynn K. Ballew and Janet S. Ballew Trust
5204 E. 202nd St.
Belton, MO 64012

Coffelt Land Title, Inc.

Rosemary Gentry

15002844


Wall St.
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Wall St.
Wall St.
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13-21-41-301-000-006.000
13-21-41-301-000-005.000
Zone Tract
13-21-41-301-000-043.000
13-21-41-301-000-039.000
Mechanic St.
Mechanic St.
Mechanic St.

FEE: #50.00
REC'D BY: JRD
(STAFF USE ONLY)

APPLICATION FOR SPECIAL USE PERMIT CITY OF HARRISONVILLE

PLEASE PRINT

CASE NO.: SUP-1503
PC DATE:
(STAFF USE ONLY)

REQUESTED SPECIAL USE PERMIT FOR: BECK EVENT SPACE

GENERAL LOCATION OR ADDRESS OF SUBJECT PROPERTY: 210 S Independence ST Harrisonville MO

LEGAL DESCRIPTION: Orig Town S-69'5" BLK 7 EX W18' Book 213 p 344 Original Town of Harrisonville

ACRES/SQ. FT.: 10,000

CURRENT ZONING ON PROPERTY: CBD-1 CURRENT LAND USE: Vacant

PROPERTY OWNER'S NAME(S): Scott Beck, Mike Freeland PHONE: 8166458480

COMPANY: JJF Properties FAX:

MAILING ADDRESS: 3328 S Arrowhead Dr Indep. Mo. 64057
STREET CITY STATE ZIP

E-MAIL ADDRESS: scott@freelandphotography.com

APPLICANT/AGENT'S NAME(S): Same as above - Scott Beck PHONE: 816-645-8480

COMPANY: FAX:

MAILING ADDRESS:
STREET CITY STATE ZIP

E-MAIL ADDRESS:

ENGINEER/ARCHITECT'S NAME(S): Mike Moores PHONE: 8165164866

COMPANY: M Design, LLC FAX:

MAILING ADDRESS: 201 L Street Lake Lotawana Mo 64086
STREET CITY STATE ZIP

E-MAIL ADDRESS: mmoores@mdesignllc.~~com~~ net

NOTE: *It is recommended that the applicant schedule a meeting with city staff prior to the submission of an application. An application will not be considered complete until all required material has been submitted. The Planning and Zoning Commission meeting will not be scheduled until the application is complete. It is the applicant's responsibility to obtain a copy of the agenda, staff report and staff recommendation prior to the scheduled meeting. It is the applicant's responsibility to be familiar with the applicable city land use ordinances and requirements prior to the submission of the application. See attached material for examples and instructions.*

RECEIVED
MAY 15 2015
CITY OF HARRISONVILLE

SIGNATURE OF OWNER OR AGENT: Scott Beck

NOTE: IF NOT SIGNED BY OWNER, AUTHORIZATION OF AGENT MUST ACCOMPANY APPLICATION

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Rick Deluca, Director**

DATE: **July 1, 2015**

SUBJECT: **Ordinance for Special Use Permit for Beck Event Space**

Type of Item: *Approval*

Council Bill No. 052

Ordinance No.

AN ORDINANCE OF THE CITY OF HARRISONVILLE, MISSOURI, GRANTING A SPECIAL USE PERMIT FOR THE PURPOSE OF ESTABLISHING AN EVENT SPACE LOCATED AT 210 S. INDEPENDENCE IN HARRISONVILLE, CASS COUNTY, MISSOURI.

WHEREAS, after a public hearing has been conducted by the Harrisonville Planning and Zoning Commission as required by Chapter 89 RSMo (1986) and the Harrisonville City Code, with said hearing being held June 25, 2015, the Commission has submitted its recommendation of approval contingent upon meeting the conditions as outlined in this Special Use Permit to the Board of Aldermen of the City of Harrisonville, Missouri; and

WHEREAS, the Board of Aldermen of the City of Harrisonville, Missouri, held a public hearing on July 6, 2015; and

WHEREAS, the legal description of the property is as follows: Record Description: Book 2131, Page 180. The south 69 feet and 5 inches of Block 7, in the Original Town of Harrisonville, Cass County, Missouri, except the west 18 feet thereof deeded to the City of Harrisonville, Missouri, Recorded in Book 213, Page 344, Recorder's Office, Cass County, Missouri.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

Section 1. A special use permit for the purpose of establishing an event center located at 210 S. Independence, contingent upon the following:

The Use

This SUP authorizes the operation of an event space.

Parking Areas

The proposed parking area must be paved to meet or exceed City Standards. A parking lot of not less than 65 spaces shall be constructed and completed no later than December 1, 2018.

Compliance with City Codes and Ordinances

All City codes and ordinances shall be complied with.

Lighting

Any lighting used to illuminate the structure or parking area shall be directed away from adjacent properties.

Screening of Dumpster

Any outdoor storage of trash or waste (i.e. a dumpster) shall be 100% screened from view with a fence or wall.

Ownership

The event center use of this property is conditioned to these applicants. If the applicants wish to transfer ownership to a second party, the applicant(s) must re-submit an application for a special use permit to the City prior to the transfer of ownership.

Time Limit

Time Limit = 20 years (*Applicant may reapply for renewal of SUP)*

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This ordinance shall become effective immediately upon its passage and approval.

Vote taken as follows:

Ayes:

Nays:

Absent:

Abstain:

READ ONE TIME BY TITLE ONLY ON JULY 6, 2015. READ FOR A SECOND TIME BY TITLE ONLY ON JULY 6, 2015 AND WAS DULY APPROVED BY THE BOARD OF ALDERMEN THIS 6RD DAY OF JULY, 2015.

____

Brian Hasek, Mayor and Ex-Officio

Chairman of the Board of Aldermen

ATTEST:

____

Kim Hubbard, City Clerk

APPROVED by the Mayor this 6th day of July 2015.

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Jerry Gibbs, Director**

DATE: **June 23, 2015**

SUBJECT: **MECHANIC STREET J4P2257**

<u>Type of Item:</u> *Budget*

BACKGROUND - J4P2257 is the MODOT designation for the Mechanic Street project from Independence Street to Stella Avenue. The project will replace the existing pavement, curb & gutter, storm sewer, sidewalks and city water, electric lights and sewer utilities. In 2009 the city anticipated funding the $3,000,000 construction project, design and acquiring R/W. In 2010 an application for Federal STP in the amount of $2,400,000 was submitted to MARC. The city was granted $2, 040,000. The grant requires a $510,000 local match.

A closer look at the project showed the initial estimates did not include any utility cost. Videoing the clay sewer lines within the roadway showed high deterioration. Structural cracks were significant to require replacing. Lining was determined not to be an option. Every sewer lateral and water service line also needed to be replaced. The estimated project cost is now approaching $3,800,000. MODOT is responsible for all over and under runs. City will have maintenance responsibility of any sidewalks installed.

ISSUE - The Municipal Agreement (January 20, 2014) adopted by the city and MODOT requires the city to make their $510,000 payment at least 5 days prior to the bid advertisement. Payment must be received prior to August 5th. The resolution authorizes the city staff to make the required payment. Payment will be made to the "Director of Revenue - Credit State Road Fund". The $510,000 payment has been budgeted in accounts 01-6-0907-1076, 08-6-0998-3052 and 07-6-0909-4009.

RECOMMENDATION - Authorize the City Administrator to make payment to Director of Revenue - Credit State Road Fund in the amount of $510,000 as agreed in the Cost Share Supplemental Agreement adopted by the Board of Alderman January 20, 2014.

Council Bill No. 051

Resolution No.

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI TO AUTHORIZE THE CITY ADMINISTRATOR TO MAKE PAYMENT OF $510,000 TO THE MISSOURI DIRECTOR OF REVENUE AS STIPULATED IN THE COST SHARE SUPPLEMENTAL AGREEMENT FOR MISSOURI DEPARTMENT OF TRANSPORTATION PROJECT J4P2257.

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

Section 1: That the City Administrator of the City of Harrisonville is hereby authorized and directed to make payment in the amount of $510,000 to the Missouri Director of Revenue as stipulated in the Cost Share Supplemental Agreement for Missouri Department of Transportation Project J4P2257.

Section 2: That this resolution shall become effective immediately upon its passage and approval.

PASSED AND RESOLVED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Harrisonville, Missouri, this 6th day of July 2015

____

Brian Hasek, Mayor and Ex-Officio

Chairman of the Board of Aldermen

ATTEST:

____

Kim Hubbard, City Clerk

WITNESS my hand and seal this 6th day of July 2015

CCO Form: DE11
Approved: 04/93 (CEH)
Revised: 03/10 (MRA)
Modified:

Municipal Agreement
Route: 7
County: Cass
Job No.: J4P2257

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
MUNICIPAL AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Harrisonville, Missouri, a municipal corporation (hereinafter, "City").

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) IMPROVEMENT DESIGNATION: The public improvement designated as Route 7, Cass County, Job No. J4P2257 shall consist of roadway improvements from Stella Street to Independence Street.

(2) IMPROVEMENT WITHIN CITY: The improvement within the City is located as follows:

Route 7 beginning approximately at Log Mile 35.593 (Stella Street) to Log Mile 36.248 (Independence Street) in Harrisonville, MO. The approximate length of the improvement is 0.655 miles.

(3) EXTENT OF AGREEMENT: This Agreement shall apply only to the portion of the improvement lying within the city limits as they exist on the date this Agreement is executed by the City.

(4) LOCATION: The general location of the public improvement is shown on an attached sketch marked "Exhibit A" and made a part of this Agreement. The detailed location of the improvement is shown on the plans prepared by the Commission for the above-designated route and project.

(5) PURPOSE: It is the intent of this Agreement that the Commission shall provide without cost to the City, except as otherwise provided in this Agreement, a highway for traffic in the City and the Commission shall so design and construct the highway to serve operating necessities and requirements of local and through traffic.

(6) RIGHT-OF-WAY USE: The City grants the right to use the right-of-way of public roads, streets, and alleys as necessary for construction and maintenance of said public improvement.

(7) CLOSE AND VACATE: The City shall temporarily close and vacate all streets or roads, or parts thereof, which may be necessary to permit the construction of the project in accordance with the detailed plans.

(8) RIGHT-OF-WAY ACQUISITION: Upon approval of all agreements, plans and specifications by the Commission and the Federal Highway Administration (FHWA), the Commission will file copies of the plans with the city clerk of the City and the county clerk of the county and proceed to acquire any necessary right-of-way required for the construction of the improvement. The City shall reimburse the Commission for actual costs incurred for right-of-way acquisition pursuant to the Payment Responsibilities section of this agreement.

(9) UTILITY RELOCATION:

(A) The Commission shall secure the removal, relocation, or adjustment of any public or private utilities located upon private easements and shall pay costs incurred therein.

(B) In cases of public utilities owned by the City which must be moved, adjusted, or altered to accommodate construction of this improvement, and such city-owned utilities, poles, wires, conduits, and pipes are located within the present city limits and located on an existing city street, not state highway right-of-way, but being taken over by the Commission as a part of its highway right-of-way, the City will perform the necessary removal, adjustment, alterations and relocation, and the Commission will reimburse the City except as otherwise provided. The City shall perform the removal, adjustment, alterations and relocation in accordance with the detail plans, estimates of costs and bills of materials prepared by the City in accordance with Federal Aid Policy Guide, Title 23 CFR Subchapter G, Part 645, Subpart A (FAPG 23 CFR 645A), dated December 9, 1991 and any revision of it, and approved by the Commission's district engineer, and shall perform all work and keep the records of the costs in accordance with FAPG 23 CFR 645A and its revisions. Upon the completion of any such work and on receipt by the Commission of the original and four copies of a bill for the actual costs incurred by the City in making any such removal, adjustment, alteration and relocation, the Commission shall reimburse the City for actual cost necessitated by construction of this public improvement. The Commission's obligation toward the cost of any such removal, adjustment, alteration and relocation shall extend only to those costs incurred in accordance with FAPG 23 CFR 645A and its revisions.

(C) The City agrees that any installation, removal, relocation, maintenance, or repair of public or private utilities involving work within highway right-of-way included in this project shall be done only in accordance with the general rules and regulations of the Commission and after a permit for the particular work has been obtained from the Commission's district engineer or his authorized representative. Similarly, the City will allow no work on the highway right-of-way involving excavation or alteration in any manner of the highway as constructed, including but not limited to driveway connections, except in accordance with the rules and regulations of the Commission and only after a permit for the specific work has been obtained from the Commission's district engineer or his authorized representative. The City shall take whatever actions that are necessary to assure compliance with this Subsection.

(D) City utility costs, including associated design and surveying, will be reimbursed to the City by the Commission through a separate Utility Agreement.

(10) LIGHTING

(A) The Commission will install a basic highway intersection lighting system at locations with the improvement at the cost and expense as outlined in the Cost Apportionment Agreement. The City shall operate and maintain the basic highway intersection lighting system improvement, as detailed in the project construction plans and in accordance with the Missouri Department of Transportation's Engineering Policy Guide, at its sole cost and expense, including the cost of electrical current for the operation of the lighting. The City shall provide and maintain power at the locations designated. The construction, installation, and maintenance of any future lighting system on the public improvement covered by this Agreement shall be only in accordance with the Commission's policy on highway lighting in effect, and to the extent deemed warranted by the Commission, at the time of any such installation. No lighting system shall be installed or maintained by the City on the improvement without approval of the Commission.

(B) MAINTENANCE BY CONTRACT:

(i) The City may have the maintenance work required pursuant to this Agreement performed by either its own maintenance personnel or by contract with qualified individuals or companies approved by the Commission to provide a fully functional and dependable lighting system.

(ii) The City shall respond to any emergency situation in which repair or maintenance of damage to the lighting is required immediately to correct a dangerous condition or restore the safe, unobstructed flow of traffic on the improvement.

(C) MAINTENANCE BY CITY WITHIN COMMISSION RIGHT OF WAY: In order to coordinate maintenance activities on the improvement, the City shall notify the Commission either by telephone, telefax, or in writing, prior to performing maintenance work within Commission right of way. Such notification shall be made to the District's Traffic Engineer or a designated assistant, and shall include the location and nature of the work to be performed. Any maintenance activities done by the City which involves closing one or more of the through lanes of the improvement, affects the safety of the traveling public, or which will cause permanent changes to the configuration of the improvement, may require a permit from the Commission. The City will be informed of whether or not a permit is required at the time the City notifies Commission of the proposed maintenance activities. The City shall comply with any additional condition placed upon the issuance of the permit.

(D) UTILITY LOCATING RESPONSIBILITY: The City shall be responsible for any utility locate request information concerning the cable(s) for the lighting system, including the pullbox(es) and conduit(s).

(E) NO INTEREST: By contributing to the cost of the maintenance of this lighting improvement, the City gains no interest in the constructed lighting improvements whatsoever. The Commission shall not be obligated to keep the constructed lighting in place if the Commission, in its sole discretion, determines removal or modification of the lighting is in the best interests of the state highway system. In the event the Commission decides to remove the lighting improvements, the City shall not be entitled to a refund of the funds contributed by the City pursuant to this Agreement.

(11) PAYMENT RESPONSIBILITIES: With regard to payment responsibilities under this Agreement, the parties agree to contribute as follows:

(A) The currently estimated cost of the project is Three Million Two Hundred and Twenty-seven Thousand dollars ($3,227,000). The details of the estimated cost breakdown may be seen in "Exhibit B," which is incorporated herein and attached hereto. The total project cost will include preliminary engineering, right of way acquisition, right of way incidentals, utility relocation, project construction, and work inspection.

(B) The City has been allocated Federal Surface Transportation Program (STP) funds of Eighty percent (80%) of the eligible total project costs, up to a maximum of Two Million Forty Thousand Dollars ($2,040,000). The funding from STP-Urban funds programmed through the Mid-America Regional Council. The City authorizes the Commission to use these funds on this project. The total federal allocation under this Agreement is subject to reduction, offset, levy, judgment, collection or withholding, if there is a reduction in the available federal funding.

(C) The City shall remit a check in the lump sum amount of Five Hundred Ten Thousand Dollars ($510,000), no more/no less, at least five days prior to the advertisement. This check should be made payable to *Director of Revenue - Credit State Road Fund*. If the City fails to make the deposit, the Commission is under no obligation to continue with the project. The City agrees that all funds deposited by the City, pursuant to this Agreement with the Commission, may be commingled by the Commission with other similar monies deposited from other sources. Any deposit may be invested at the discretion of the Commission in such investments allowed by its Investment Policy.

(D) The Commission is 100% responsible for the preliminary engineering costs associated with this project. In addition, the Commission is 100% responsible for the balance of the total project cost in excess of Two Million Five Hundred and Fifty Thousand Dollars ($2,550,000). In addition, any underruns on the project will be applied to the Commission's share of the project.

(12) ADDITIONAL FUNDING: In the event the Commission obtains additional federal, state, local, private or other funds to construct the improvement being constructed pursuant to this Agreement that are not obligated at the time of execution of this Agreement, the Commission, in its sole discretion, may consider any request by the City for an off-set for the deposited funds, a reduction in obligation, or a return of, a refund of, or a release of any funds deposited by the City with the Commission pursuant to this Agreement. In the event the Commission agrees to grant the City's request for a refund, the Commission, in its sole discretion, shall determine the amount and the timing of the refund. Any and all changes in the parties' financial responsibilities resulting from the Commission's determination of the City's request for a refund pursuant to this provision must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the City and the Commission.

(13) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the City with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the City, at least 7 days after the notice is issued.

(14) TRAFFIC CONTROL DEVICES: The installation, operation and maintenance of all traffic signals, pavement markings, signs, and devices on the improvement, including those between the highway and intersecting streets shall be under the exclusive jurisdiction and at the cost of the Commission. The City shall not install, operate, or maintain any traffic signals, signs or other traffic control devices on the highway or on streets and highways at any point where they intersect this highway without approval of the Commission.

(15) DRAINAGE: The Commission will construct drainage facilities along the improvement and may use any existing storm and surface water drainage facilities now in existence in the area. The City shall be responsible for receiving and disposing of storm and surface water discharged from those drainage facilities which the Commission constructs within the limits of highway right-of-way to the extent of the City's authority and control of the storm sewer facilities or natural drainage involved.

(16) PERMITS: The Commission shall secure any necessary approvals or permits from the Surface Transportation Board, the Public Service Commission of Missouri, or any other state or federal regulating authority required to permit the construction and maintenance of the highway.

(17) COMMENCEMENT OF WORK: After acquisition of the necessary right-of-way, the Commission shall construct the highway in accordance with final detailed plans approved by the Federal Highway Administration (or as they may be changed from time to time by the Commission with the approval of the FHWA) at such time as federal and state funds are allocated to the public improvement in an amount sufficient to pay for the federal and state government's proportionate share of construction and right-of-way costs. The obligation of the Commission toward the actual construction of the public improvement shall be dependent upon the completion of plans in time to obligate federal funds for such construction, upon approval of the plans by the FHWA, upon the award by the Commission of the contract for the construction, and upon the approval of the award by the FHWA.

(18) MAINTENANCE:

(A) Except as provided in this Agreement, upon completion of the public improvement, the Commission will maintain all portions of the improvement within the Commission owned right-of-way. Maintenance by the Commission shall not in any case include maintenance or repair of sidewalks whether new or used in place, water supply lines, sanitary or storm sewers (except those storm sewers constructed by the Commission to drain the highway), city-owned utilities within the right-of-way, lighting installed with the improvement (including power supplies, control boxes, conduit, pull boxes, poles, and luminaires), and decorative enhancements that may be installed with the improvement, or the removal of snow other than the machine or chemical removal from the traveled portion of the highway.

(B) When it is necessary to revise or adjust city streets, the right-of-way acquired for these adjustments and connections will be deeded to the City.

(C) The City shall inspect and maintain the sidewalks constructed by this project in a condition reasonably safe to the public and, to the extent allowed by law, shall indemnify and hold the Commission harmless from any claims arising from the construction and maintenance of said sidewalks.

(19) POLICE POWERS: It is the intent of the parties to this Agreement that the City shall retain its police powers with respect to the regulation of traffic upon the improvement contemplated. However, the City will enact, keep in force, and enforce only such ordinances relating to traffic movement and parking restrictions as may be approved by the Commission and as are not in conflict with any regulations for federal aid. The Commission shall not arbitrarily withhold approval of reasonable traffic regulations, signs, and markings which will permit the movement of traffic in accordance with accepted traffic regulation practices.

(20) RESTRICTION OF PARKING: Since the improvement is being designed and constructed to accommodate a maximum amount of traffic with a minimum amount of right-of-way, the City shall take whatever actions that are necessary to prevent parking upon the highway or any part of the area of the highway right-of-way within the

limits of the improvement.

(21) OUTDOOR ADVERTISING: No billboards or other advertising signs or devices or vending or sale of merchandise will be permitted within the right-of-way limits of the project and the City shall take whatever actions that are necessary to enforce this Section.

(22) WITHHOLDING OF FUNDS: In the event that the City fails, neglects, or refuses to enact, keep in force or enforce ordinances specified or enacts ordinances contrary to the provisions in this Agreement, or in any other manner fails, neglects or refuses to perform any of the obligations assumed by it under this Agreement, the Commission may, after serving written request upon the City for compliance and the City's failure to comply, withhold the expenditure of further funds for maintenance, improvement, construction, or reconstruction of the state highway system in the City.

(23) FEDERAL HIGHWAY ADMINISTRATION: This Agreement is entered into subject to approval by the Federal Highway Administration, and is further subject to the availability of federal and state funds for this construction.

(24) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

(1) To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the Missouri Department of Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities ($500,000 per claimant and $3,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(25) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved on or between the duly authorized representatives of the City and Commission.

(26) COMMISSION REPRESENTATIVE: The Commission's District Engineer, Kansas City District is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(27) CITY REPRESENTATIVE: The City's Mayor is designated as the City's representative for the purpose of administering the provisions of this Agreement. The City's representative may designate by written notice other persons having the authority to act on behalf of the City in furtherance of the performance of this Agreement.

(28) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

(A) To the City:

Mr. Kevin Wood, Mayor
300 E Pearl Avenue
Harrisonville, MO 64701
Phone No: (816) 380-8900
Fascimile No: (816) 380-8906

(B) To the Commission:

Mr. Dan Niec, District Engineer
Kansas City District
600 NE Colbern Road
Lee's Summit, MO 64086
Phone No: (816) 622-6500
Facsimile No: (816) 622-6323

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(29) ASSIGNMENT: The City shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(30) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of the contract.

(31) NO INTEREST: By contributing to the cost of this project or improvement, the City gains no interest in the constructed roadway or improvements whatsoever. The Commission shall not be obligated to keep the constructed improvements or roadway in place if the Commission, in its sole discretion, determines removal or modification of the roadway or improvements, is in the best interests of the state highway system. In the event the Commission decides to remove the landscaping, roadway, or improvements, the City shall not be entitled to a refund of the funds contributed by the City pursuant to this Agreement.

(32) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(33) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the City.

(34) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(35) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

(36) ENTIRE AGREEMENT: This Agreement represents the entire understanding between the parties regarding this subject and supersedes all prior written or oral communications between the parties regarding this subject.

(37) NO ADVERSE INFERENCE: This Agreement shall not be construed more strongly against one party or the other. The parties to this Agreement had equal access to, input with respect to, and influence over the provisions of this Agreement. Accordingly, no rule of construction which requires that any allegedly ambiguous provision be interpreted more strongly against one party than the other shall be used in interpreting this Agreement.

(38) VOLUNTARY NATURE OF AGREEMENT: Each party to this Agreement warrants and certifies that it enters into this transaction and executes this Agreement freely and voluntarily and without being in a state of duress or under threats or coercion.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this 3rd day of February, 2014.

Executed by the Commission this 10 day of March, 2014.

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

By: Kathryn P. Harvey

Title: Assistant Chief Engineer

ATTEST:

Pamela J. Harlan

Secretary to the Commission

APPROVED AS TO FORM:

Commission Counsel

CITY OF HARRISONVILLE

By: B. Woolard

Title: Mayor

ATTEST:

By: Kim Hubbard

Title: City Clerk

APPROVED AS TO FORM:

By: ______________________

Title: ______________________

Ordinance Number 3265

EXHIBIT A
Project Location

Project Limits:

- Harrisonville from Independence Street to Stella Street
- 0.655 miles
- SB Log Miles 35.593 to 36.248

Exhibit B

Project Name: Route 7 Improvements, City of Harrisonville
MoDOT Job #: 4P2257
Description: Roadway improvements; including widening, curb and gutter and sidewalk improvements

Total Project Cost Estimate:

	Current Estimate	Cost Apportionment Eligible
Preliminary Engineering	$409,000	$
Right of Way	$72,000	$72,000
Right of Way Incidentals	$10,000	$
Utilities	$117,000	$117,000
Construction	$2,403,000	$2,403,000
Construction Contingency	$48,000	$48,000
Inflation	-	-
Inspection and Letting	$168,000	$
Total	$3,227,000	$2,640,000

Project Responsibilities:

Design	Commission
Right of Way Acquisition	Commission
Letting	Commission
Inspection	Commission

Financial Responsibilities:

Commission	$677,000
City of Harrisonville	$510,000
Federal STP Funds	$2,040,000
Total:	$3,227,000

How are overruns and underruns handled? The Commission will be responsible for all over and underruns.

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Rick Deluca, Director**

DATE: **July 1, 2015**

SUBJECT: **Public Hearing for Love's CID Petition**

Type of Item: *Public Hearing*

The following is a summary of what has occurred or will be necessary for the completion of the project. The following is very general. A more detailed chart is included at the end of this report that, in general, summarizes the status of each item.

Attachments:

- Petition to Establish the Brookhart Community Improvement District
- Summary - List of Tasks and Steps
- Preliminary Plat of Love's Addition
- Love's Preliminary Plat Resolution
- South Harrisonville Conceptual Plan
- Enhanced Enterprise Zone Board - Recommendation
- Economic Development Committee - Harrisonville Chamber - Recommendation
- Rotary Club - Letter of Support

Overview:

Love's Travel Stop and Country Store is in the process of developing the area located north of the South Commercial and Brookhart Intersection. Their site would be approximately 12.1 acres. A total of 7 lots would be developed. The Love's site, Lot 1, would include a McDonalds and a Subway (tenants within the primary structure). Furthermore, a Tire Shop (affiliated with Michelin) would also be located north of the primary structure. The area to be developed (as shown on the preliminary plat) is 24.21 acres. Love's requested that the infrastructure and site improvements be constructed concurrently. Therefore, a development agreement was approved with the preliminary plat.

By bringing the infrastructure up to the interchange, the City will provide opportunities for additional commercial development (see South Harrisonville Conceptual Plan). The City has already had conversations with hotels and a restaurant (other than the tenants). The area to the south and west is planned for light industrial and/or office. This development is also the first step to connecting South Commercial Street with 267th Street.

Infrastructure:

The following is a summary of the infrastructure that would accompany this project. More precise figures for utility extensions will be available next week.

Water. Approximately 2,700 feet of water main would be constructed with this project. The Missouri Department of Natural resources will approve the plans for all public water lines. Fire flows must meet the requirements of the 2012 International Fire Code for Commercial buildings. Additional fire hydrants will be placed along Brookhart Drive and on the site as needed. The ultimate plan for the area is to loop the proposed water line to the existing water line at 267th Street at Brickplant to enhance water service and fire flows.

Sanitary Sewer. Approximately 1,600 feet of sanitary sewer main would be constructed with this project. The Missouri Department of Natural resources will have to approve the plans for all public sanitary sewer lines.

Electric. The electric line will have to be relocated due to the relocation of the roadway. Additional easements will be necessary to the transformers. Street lights will be incorporated along the roadway. The City, as is the case with all new development, will construct the additional electric distribution system infrastructure. The developer will be responsible for the cost of the transformer on the site. Additional easements will be necessary along Brookhart and running up to the transformer. These will be dedicated with the final plat.

Stormwater & Floodplain. A state DNR Land Disturbance Permit will be required prior to construction. A storm water management plan must be developed with the construction plans.

Roadways. The most notable infrastructure improvement would be the relocation of the Brookhart & Commercial Street intersection to the southwest. The South Harrisonville Conceptual Plan (see attached) further describes how the area would ultimately develop. The Commercial Street connection to 267th Street would *not* be constructed with this project, but is planned for the future. This roadway connection is critical to the development of the west side of Harrisonville. It is necessary in attracting industry and jobs and enhancing our chances of expanding our industrial base. Love's provided a traffic study that was submitted and approved (by the City, MoDOT and the Federal Highway Administration) with the Love's Travel Stop project. Some modifications to the geometrics around the interchange (at the off-ramps) will be constructed. It is important to note that the improvements to the geometrics to the interchange will benefit not only Love's, but our existing industries and any future employers that may locate in Harrisonville.

The City and developer must follow MoDOT's process for the changes to the roadway. The City passed an ordinance and signed off on a *Road Relinquishment Agreement*. After that the Jefferson City MoDOT office reviewed and approved the agreement. After the approval of the Road Relinquishment Agreement, MoDOT provides a *Change in Route Status Report*.

Vacations and Dedications:

A variety of different easements and rights-of-way will need to be vacated/dedicated. These may be done either before completion of the final plat or with the final plat.

The logistics surrounding the relocation of the existing roadway and relocation of an existing intersection will be challenging. The City cannot vacate the ROW prior to opening/completion of the relocated roadway. However, we don't want to delay the project by waiting for Board of Aldermen action. Therefore, we anticipate the Board of Aldermen conducting the necessary hearings and approving the vacation ordinance, while having the effective date of the vacation ordinance concurrent with the Mayor's signature or the opening of the new rerouted portion of the roadway. This should minimize any delays while fulfilling City and State requirements.

Zoning:

The portion of the site that is preliminary platted is zoned "C-2" Service Business District. A Love's Travel Center is a permitted use in this zoning district.

Gravel Pile - Excess Property:

The developer, adjacent property owners and the City are working towards removing MoDOTs gravel pile and acquiring the excess property for commercial development. This would be beneficial from the standpoint of marketability of the property and enhancing the performance of the TDD and CID. This part of the project is adjacent to, but not within, the boundaries of the preliminary plat. Therefore, this process will not delay the Love's project.

Limitations Imposed on CID and TDD:

1. Terms of the CID and TDD are currently the same. The terms in no way create a liability for the City.
2. A one cent CID sales tax and a one cent TDD sales tax is proposed to fund ONLY the public improvements (streets, water, sewer, electric) which is limited to the lesser of actual costs or $3,250,000.
3. The developer pays for all improvements, no financing provided by the City, and no interest paid to the developer. The City is in no way liable if the TDD/CID do not generate funds as projected.
4. The TDD and CID will be dissolved when the developer has been reimbursed per item 1 above.

Economic Impact:

1. Taxable value of land and improvements of the Loves lot alone at completion is $5.5 Million+-. This equates to $12,241 of additional property tax to the city and $99,321 of additional property tax to all other taxing jurisdictions. Total Property Tax Receipt for 2014 on subject property was $846.86. As development occurs on the other six lots additional property taxes will be generated. There is no tax abatement or incremental tax reallocation associated with the project, all taxes are paid on all of value to each of the taxing jurisdictions.
2. City sales taxes anticipated at just the Loves site is projected to be $93,750 annually (General Revenue $50,000; Parks & Recreation $25,000; Emergency Services $12,500; Law Enforcement $6,250). Loves indicates that 85% of their business is interstate traffic. Based on this information $80,000 of new sales tax is estimated from just the Love's lot. Additional sales taxes would be generated as the other 6 lots are built on.
3. The site will purchase water, sewer and electric utilities from the City.
4. Loves will employ 35-40 full time and McDonalds approximately 40 employees, totaling 75-80 employees.
5. The project creates 7 new commercial lots, extends commercial/industrial infrastructure to 40+ acres of additional developable land at an interstate interchange, and completes roadway improvements that makes extending Commercial Street west to the industrial park less expensive while also enhancing new and existing business expansion by providing complimentary and supportive businesses in close proximity to the industrial park.

Staff Recommendation: Staff recommends approval of the CID petition.

E. Discussion Item (ID # 1933)

Public Hearing for Love's CID Petition

Attachments:

Loves CID Attachments July 6, 2015.7-6-15 (PDF)

Love's - CID Petition (FINAL)-c-c.7-6-15 (PDF)

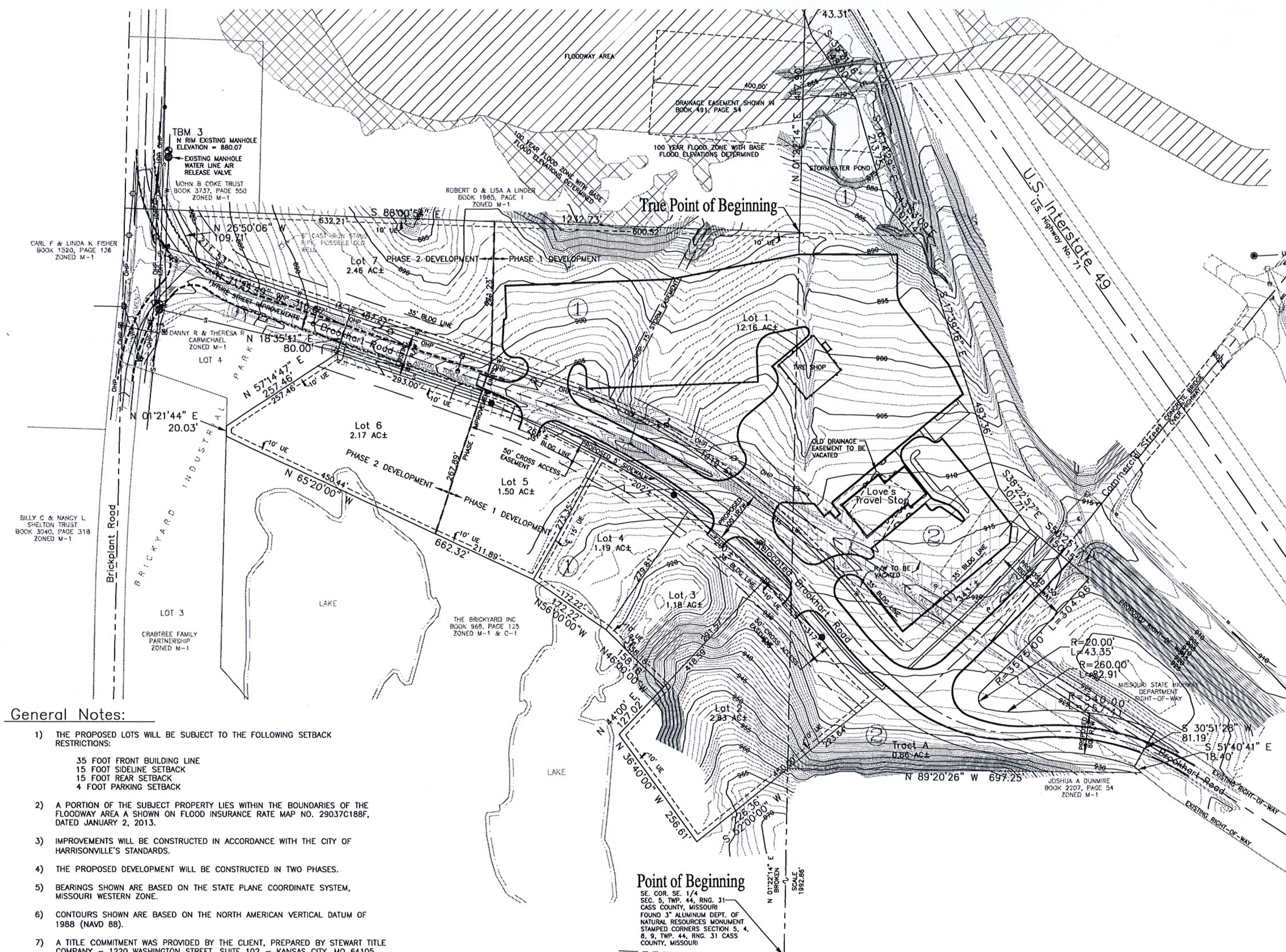
TASK	RESPONSIBLE PARTY	STATUS	NOTES
Preliminary Development Planning – Concept Plan	City	Complete	Expanding & refining to the west.
ALTA Survey	Love's	Complete	
Topographic Survey	Love's	Complete	
Geotech Report	Love's	Complete	
Title Work	Love's	Complete	
Environmental – Phase 1	Love's	Complete	
Water Demand Analysis	City	Complete	
Preliminary Water Plan	City	Complete	
Preliminary Fire Flow Analysis	City	Complete	
Conceptual Site Plan	Love's	Complete	
Rezoning – Loves	Love's & City	Complete	
Rezoning – Brickplant LLC	Brickplant LLC & City	Complete	
Sign Variance	Love's & City	Complete	
Traffic Study	Love's & TranSystems	Complete	
Preliminary Plat	Love's & City	Complete	
Development Agreement	Love's & City	Complete	
Business Attraction	Love's & City	Ongoing	
Establish New Roberd's Lot – Former Gravel Pile location	Roberd's Group & City	In process	Completion after roadway relocation
MoDOT Approvals	Love's & City	In process	Completion after roadway relocation
Federal Highway Admin Approvals	Love's	In process	Completion after roadway relocation
MoDOT Road Relinquishment Agreement	City & MoDOT	Complete	
Drainage Easement Vacation	City	Pending	July 6 BOA agenda
CID	Loves & City	Pending	
TDD	Loves	Pending	
Site Development Plan	Loves & City	Complete	Approved with stipulations
Construction Plans (Water & Sanitary Sewer)	Loves & City	Complete	Approved with stipulations
Construction Plans (Electric)	Loves & City	Complete	Approved with stipulations
Construction Plans (Roadway – City)	Loves & City	Pending	Approved with stipulations
Construction Plans (Roadway – MoDOT)	Loves & City	Complete	Approved with stipulations
Construction Plans (Storm Water & Erosion Control)	Loves & City	Complete	Approved with stipulations

Land Disturbance Permit	City	Submitted	Approved with stipulations
Land Disturbance Permit	DNR	Submitted	
Notice to Proceed with construction (infrastructure)	City	Pending	
DNR Approvals – Sanitary Sewer	Love's & DNR	Submitted	
DNR Approvals – Water	Love's & DNR	Submitted	
Transfer of Parcels	Love's, MoDOT, City, Roberd's Group, Brickplant Group	80% + complete	
Construction of Infrastructure – Off-Site	Love's		
Construction of Infrastructure – On Site	Love's		
ROW Vacations	MoDOT, City & Love's	Complete	
ROW Dedications	MoDOT, City & Love's		With final plat
Easement Dedications	Love's & City		With final plat & Instrument
Final Plat	Love's, Brickplant, City		
Building Permit	Love's & City		Plans submittal expected around September
Occupancy Permit	Love's & City		
Business License	Love's & City		

RECEIVED
JAN 09 2014
CITY OF HARRISONVILLE

Preliminary Plat of Love's Addition

a Proposed Subdivision of Land in The City of Harrisonville, Sections 4 & 5, Township 44, Range 31, Cass County, Missouri



Description:

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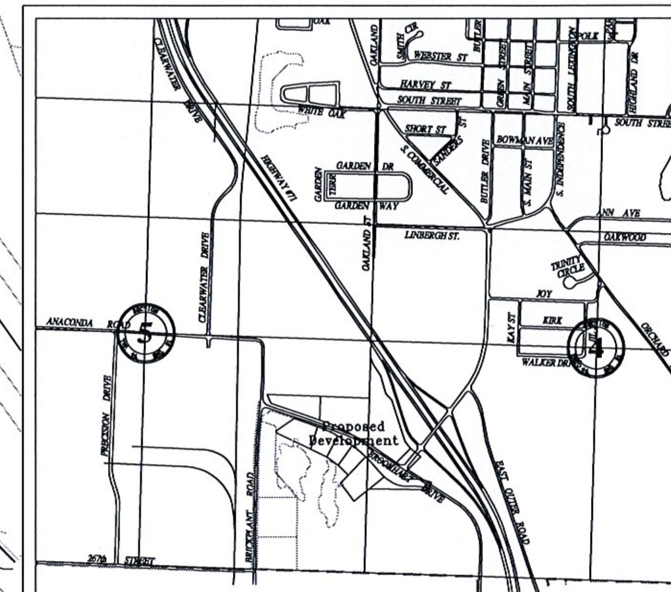
Vicinity Sketch

SCALE: 1" = 1000'



General Notes:

1) THE PROPOSED LOTS WILL BE SUBJECT TO THE FOLLOWING SETBACK RESTRICTIONS:

   35 FOOT FRONT BUILDING LINE
   15 FOOT SIDELINE SETBACK
   15 FOOT REAR SETBACK
   4 FOOT PARKING SETBACK

2) A PORTION OF THE SUBJECT PROPERTY LIES WITHIN THE BOUNDARIES OF THE FLOODWAY AREA A SHOWN ON FLOOD INSURANCE RATE MAP NO. 29037C188F, DATED JANUARY 2, 2013.

3) IMPROVEMENTS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF HARRISONVILLE'S STANDARDS.

4) THE PROPOSED DEVELOPMENT WILL BE CONSTRUCTED IN TWO PHASES.

5) BEARINGS SHOWN ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, MISSOURI WESTERN ZONE.

6) CONTOURS SHOWN ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).

7) A TITLE COMMITMENT WAS PROVIDED BY THE CLIENT, PREPARED BY STEWART TITLE COMPANY – 1220 WASHINGTON STREET, SUITE 102 – KANSAS CITY, MO 64105, DATED NOVEMBER 23, 2012.

Property Owners

① THE BRICKYARD INC
PO BOX A
HARRISONVILLE, MO 64701

② CJ ROBERDS MANUFACTURING INC
2611 ANOCONDA ROAD
HARRISONVILLE, MO 64701

REVISED 1/07/13 PER CITY COMMENTS

FOR: LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.

BOWERS SURVEY LLC
ESTABLISHED 1962
1908 W. MECHANIC STREET, SUITE 104
P.O. BOX 71
HARRISONVILLE, MISSOURI 64701
PHONE (816) 380-4821
bowerssurvey@embarqmail.com

SECTION	TOWNSHIP	RANGE	COUNTY	STATE	DATE	JOB NO.
4 & 5	44	31	CASS	MISSOURI	12/23/13	20740-13

DRAWING NO. 20740PP.DWG | DRAWN BY: GB | CH

Council Bill 008

Resolution 007-14

A RESOLUTION TO APPROVE PP-1402, THE PRELIMINARY PLAT OF LOVE'S ADDITION, LOCATED AT THE INTERSECTION OF COMMERCIAL STREET AND BROOKHART DRIVE.

WHEREAS, the above preliminary plat is located within the city limits of Harrisonville, Missouri, in a portion of Sections 4 & 5, Township 44, Range 31; and,

WHEREAS, after review by the city staff, the application was submitted to the Planning and Zoning Commission for their recommendation; and,

WHEREAS, the Planning and Zoning Commission reviewed the preliminary plat for the above proposed development on January 16, 2014 and hereby recommends approval to the Board of Aldermen contingent upon the staff recommendations as follows:

- Compliance with the improvements and standards as outlined in Harrisonville's land use regulations.
- Acceptance of the development agreement between the City and the applicant.
- Right-of-way and/or land dedication for the extension of South Commercial Street with, or accompanying, the final plat; and,

WHEREAS, after a recommendation of approval has been submitted by the Planning and Zoning Commission, the Board of Aldermen reviewed the proposed preliminary plat and has determined the preliminary plat is consistent with the City of Harrisonville Zoning Ordinance, Subdivision Regulation and Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

Section 1: That the preliminary plat of Love's Addition (with accompanying development agreement), filed with the City of Harrisonville, is hereby approved and comprises the following described real estate in Cass County, Missouri, to-wit:

PART OF THE SOUTHWEST QUARTER OF SECTION 4 AND PART OF THE SOUTHEAST QUARTER OF SECTION 5, IN TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 5, AFORESAID, RUN THENCE NORTH 1°22'14" EAST

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PASSED AND RESOLVED by the Board of Aldermen of the City of Harrisonville, Missouri this 3rd day of February, 2014.

Kevin W. Wood, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Kim Hubbard

Kim Hubbard, City Clerk

WITNESS my hand and seal this 3rd day of February, 2014.

South Harrisonville Conceptual

Phase 1

Lot	Area
1	10.3 +/- Acres
2	2.1 +/- Acres
3	2.1 +/- Acres
4	1.3 +/- Acre
5	1.3 +/- Acre
6	2.1 +/- Acres

Phase 2

Lo	Area
1	+/- 2.1 Acres
2	+/- 1.4 Acre
3	+/- 1.6 Acre
4	+/- 1.4 Acre
5	+/- 1.8 Acre

N

Legend

- Lots Phase 1
- Lots_2ndPhase
- BusinessPark
- Commercial
- Lake
- HARRISONVILLE_SEPT2012
- Future_Road
- HVILLE_ROADS
- Brick Plant Realignment

RESOLUTION EEZ 2015 - 01

A RESOLUTION OF THE HARRISONVILE ENHANCED ENTERPRISE ZONE BOARD RECOMMENDING THAT THE CITY OF HARRISONVILLE BOARD OF ALDERMEN TAKE THE FOLLOWING STEPS TO BECOME MORE COMPETITIVE WITH REGARDS TO ECONOMIC DEVELOPMENT.

WHEREAS, the Board of Aldermen of the City of Harrisonville established the Harrisonville Enhanced Enterprise Zone Board to provide a means and an opportunity for the City of Harrisonville and its partners to relieve economic distress and attract new jobs to the area; and

WHEREAS, it is in the interest of the City of Harrisonville, and its citizens, that the City attract employers that pay living wages; and

WHEREAS, certain deficiencies in Harrisonville's infrastructure exist and need to be remedied to allow Harrisonville to be more competitive in attracting businesses, thereby providing new jobs and economic relief; and

WHEREAS, the Harrisonville Enhanced Enterprise Zone Board has outlined three (3) recommendations to the Board of Aldermen that would enhance Harrisonville's chances of being successful with regards to attracting quality jobs, providing economic relief and being successful in economic development.

NOW, THEREFORE, BE IT RESOLVED BY THE ENHANCED ENTERPRISE ZONE BOARD OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

RECOMMENDATION 1. The Enhanced Enterprise Zone Board recommends that the City complete the South Commercial extension between the interchange at I-49 & South Commercial Street and 267th Street. This recommendation would include supporting the CID and TDD applications that will be necessary for the Love's development and result in the reconfiguration/upgrade of the South Commercial and Brookhart intersection. This roadway would provide better and safer access to I-49 for both existing and future businesses.

RECOMMENDATION 2. The Enhanced Enterprise Zone Board recommends that the City provide sanitary sewer service to the 4th interchange at I-49 and 275th Street. This would open up hundreds of acres for commercial and industrial development that is currently not developable due to the lack of sanitary sewer infrastructure.

RECOMMENDATION 3. The Enhanced Enterprise Zone Board recommends that the City complete an interconnect (water line) with Water District #9 along 267th Street. This interconnection between the City and Water District #9 would provide better water service and fire flows for both existing and future businesses.

PASSED and RESOLVED by the Harrisonville Enhanced Enterprise Zone Board this 23rd day of March, 2015.

Vanessa Zaroor Hargrave

Vanessa Zaroor Hargrave, Chairman

Attest: Kim Hubbard

Kim Hubbard, City Clerk

APPROVED by the Chairman of the Harrisonville Enhanced Enterprise Zone Board this 23rd Day of March 2015.

Economic Development Committee

Letter of Support

April 6, 2015

Dear Board of Aldermen:

Please accept this Letter of Support, for critical, key and necessary public infrastructure to competitively position Harrisonville to compete for quality, skilled jobs and new capital investment. As the Chamber of Commerce Economic Development Committee, comprised of business owners, property owners, bankers and other interested parties, interested in and concerned with the future of the Harrisonville community, we encourage and support the City in providing necessary public infrastructure to support new investment in the community. We understand that growth, through quality development, will provide benefit to the existing business community, while solidifying our future and providing opportunities to our citizens.

Please accept this Letter of Support for the following key public infrastructure recommendations:

<u>RECOMMENDATION 1</u>. The Chamber of Commerce Economic Development Committee recommends that the City complete the South Commercial extension between the interchange at I-49 & South Commercial Street and 267th Street. This recommendation would include supporting the Community Improvement District (CID) and Transportation Development District (TDD) applications that will be necessary for the Love's development and result in the reconfiguration/upgrade of the South Commercial and Brookhart intersection. This roadway would provide better and safer access to I-49 for both existing and future businesses.

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Respectfully Submitted,

Harrisonville Chamber of Commerce Economic Development Committee

106 S. Independence – Harrisonville Square, Harrisonville, Missouri 64701

Economic Development Committee

Letter of Support

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Harrisonville Chamber of Commerce Economic Development Committee

106 S. Independence – Harrisonville Square, Harrisonville, Missouri 64701

Harrisonville Rotary Club
Letter of Support

April 22, 2015

Dear Board of Aldermen:

Please accept this Letter of Support, for critical, key and necessary public infrastructure to competitively position Harrisonville to compete for quality, skilled and technologically advanced jobs and new capital investment. As the Harrisonville Rotary Club, comprised of business owners, property owners, bankers and other interested parties, interested in and concerned with the future of the Harrisonville community, we encourage and support the City in providing necessary public infrastructure to support new investment and quality job creation in the community. We understand that growth, through quality development and skilled jobs, will provide benefit to the existing business community, while solidifying our future and providing new opportunities to our citizens.

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Harrisonville Rotary Club Membership

Harrisonville Rotary Club
Letter of Support

April 22, 2015

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Harrisonville Rotary Club Membership

Judy M Franklin

Harrisonville Rotary Club
Letter of Support

April 22, 2015

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PETITION TO THE CITY OF HARRISONVILLE, MISSOURI, FOR
ESTABLISHMENT OF THE
BROOKHART
COMMUNITY IMPROVEMENT DISTRICT

dated as of

February 23, 2015

PETITION FOR THE CREATION OF HARRISONVILLE BROOKHART COMMUNITY IMPROVEMENT DISTRICT

To the Mayor and Board of Aldermen of the City of Harrisonville, Missouri:

The undersigned real property owners (the "Petitioners"), being the owners collectively

(1) Owning more than fifty percent (50%) by assessed value of the real property within the boundaries of the hereinafter described community improvement district, and

(2) Composing more than fifty percent (50%) per capita of all owners of real property within the boundaries of the hereinafter described community improvement district,

hereby petition and request that the Board of Aldermen of the City of Harrisonville, Missouri, create a community improvement district as described herein under the authority of Sections 67.1401 to 67.1571, RSMO (the "CID Act"). In support of this petition, the Petitioner sets forth the following information in compliance with the CID Act:

1. District Name. The name for the proposed community improvement district is the Brookhart Community Improvement District ("CID" or "District").

2. Legal Description. The District includes all of the real property legally described on **Exhibit A**. The proposed district is located entirely within the City of Harrisonville, Missouri.

3. Boundary Map. A map graphically depicting the boundaries of the District, which boundaries are contiguous, is attached hereto and made a part hereof as **Exhibit B**. The Petitioners specifically reserve the right to add or remove property pursuant to Section 67.1441 and 67.1431.

4. Five-Year Plan. A five-year plan stating a description of the purposes of the District, the services it will provide, the improvements it will make and an estimate of costs of these services and improvements to be incurred as required by the CID Act is attached hereto as **Exhibit C** (the "Five-Year Plan"). The following benchmarks are merely projections and are not intended to limit construction or compel action by the District or to result in consequences to the District:

    a) Property owners create petition and gather signatures for levy of sales tax – Prior to initial Board of Directors meeting;
    b) Notice of Initial District Board of Directors Meeting given to Directors and posted prior to initial Board of Directors meeting (per Sunshine Law);
    c) Initial District Board of Directors meeting;
    d) Board Resolution levying sales tax at initial Board of Directors meeting;
    e) Notify DOR of sales tax following passage of Resolution levying sales tax;
    f) Sales tax takes effect on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

5. Form of District. The proposed district will be established as a political subdivision of the State of Missouri under the CID Act. The District shall be governed by a six (6) person Board of Directors.

6. Initial Board of Directors; Director Qualifications. The Board of Directors will consist of six (6) members. Each director of the District ("Director") must meet the following requirements:

(a) be at least 18 years of age;

(b) be either (i) an owner, as defined in the Act, of real property within the District, (ii) an owner, as defined in the Act, of a business operating within the District, or (iii) a registered voter residing in the District; and

(c) be appointed by the City's mayor ("Mayor"), with the consent of the Board of Alderman as provided for in the Act and this Petition. Provided, however, the initial Directors ("Initial Director") shall be those individuals named below whom shall serve for the applicable term as specified below, or until their respective successor Director ("Successor Director") is appointed in accordance with the Act and this Petition. The following individuals shall serve as the Initial Directors:

i) Alexander Kuehling, for a term of four (4) years;
ii) Karl Kuehling, for a term of four (4) years;
iii) Mary Kuehling, for a term of four (4) years;
iv) Lara Kuehling, for a term of four (4) years;
v) Kyle Kuehling, for a term of four (4) years and
vi) The City Administrator or his/her designee, for a term of (4) years.

Notwithstanding anything to the contrary, any Director's failure to meet the qualification requirements set forth above, either in a Director's individual capacity or in a Director's representative capacity, shall constitute cause for the Board of Directors to take appropriate action to remove said Director and elect a Director to serve the remainder of such Director's term. The Bylaws of the District shall provide for the removal of a Director for cause.

7. <u>Director Terms; Successor Directors</u>. The Initial Directors shall serve for the terms described above or until Successor Directors are appointed. Successor Directors shall be appointed by the Mayor, and approved by the Board of Alderman, in accordance with the Act and this Petition according to a slate submitted by the Board of Directors to the City Clerk, as provided below in this Paragraph. The City Clerk shall immediately deliver the slate to the Mayor and the Board of Aldermen. The Board of Directors shall select the slate as follows:

(a) Individuals named as Successor Directors shall meet the qualifications defined in Section 6 of this Article.

(b) Individuals meeting the qualifications set out in this Petition for Successor Directors must be nominated by two sitting directors;

(c) The Directors shall then vote for a slate of nominees who shall consist of the number needed to fill vacancies and the seats of expiring terms.

Not later than 30 days following the date the slate is submitted to the City Clerk:

(a) the Mayor shall appoint the Successor Directors according to the slate submitted, and the Board of Aldermen shall consent by resolution to the appointment; or

(b) the Mayor, or the Board of Aldermen, may reject the slate submitted and request in writing, with written reasons for rejection of the slate, that the Board of Directors submit an alternate slate.

If no action is taken within the 30-day period, the Successor Directors shall be deemed to have been appointed by the Mayor with the consent of the Board of Aldermen according to the slate submitted.

If an alternate slate is requested, the Board of Directors shall, within 10 days following receipt of the written request, submit an alternate slate to the City Clerk. The City Clerk shall immediately deliver the alternate slate to the Mayor and the Board of Aldermen. Not later than 15 days following the date the alternate slate is submitted to the City Clerk:

(a) the Mayor shall appoint the Successor Directors according to the alternate slate submitted, and the Board of Aldermen shall consent by resolution to the appointment; or

(b) the Mayor, or the Board of Aldermen, may reject the alternate slate submitted and request in writing, with written reasons for rejection of the alternate slate, that the Board of Directors submit another alternate slate.

If no action is taken within the 15-day period, the Successor Directors shall be deemed to have been appointed by the Mayor with the consent of the Board of Aldermen according to the alternate slate submitted.

The procedure described above shall continue until the Successor Directors are appointed or deemed to be appointed by the Mayor with the consent of the Board of Aldermen; provided however, the time period for action by the Mayor and the Board of Aldermen following the submission of each successive alternate slate shall be reduced to 10 days.

In the event the Board of Directors fails to submit a slate of proposed Successor Directors to the City Clerk within sixty (60) days of the expiration of the term of any Director, the Mayor may submit the slate to the City Clerk in the manner as herein provided.

8. Blight. The Petitioners are not seeking a determination that a portion of the District is blighted under the CID Act.

9. Duration of District. The duration of the District is proposed to be a minimum of forty (40) years beginning from the date of the ordinance approved pursuant to the Petition. Notwithstanding that the District is at the time providing services, but subject to the contractual rights of any third parties, the District may be terminated at any time in accordance with the provisions of the CID Act if the District has no outstanding obligations.

10. Real Property and Business License Taxes. Petitioners will not seek to submit to qualified voters propositions for approval of a real property tax levy or business license taxes, unless it is necessary to assess such taxes because one or more non-sales tax generating businesses locate within the District.

11. Special Assessments. The District shall have no power to accept a petition for or to levy a special assessment within the District, unless the District determines it is necessary to make such an assessment because one or more non-sales tax generating businesses locate within the District.

12. Sales and Use Tax. Pursuant to Section 67.1545 RSMo, the District may, by resolution, impose a District sales and use tax on all retail sales made within the District which are subject to taxation pursuant to Sections 144.010 to 144.525 RSMo. Qualified voters of the CID will be asked to approve a sales tax of up

to one percent (1%) ("CID Sales Tax"), in accordance with the CID Act, to assist in the funding of certain public improvements that serve the property within the District. Additional details about the CID Sales Tax are set forth in the Five Year Plan attached as **Exhibit C**.

The District may repeal by resolution any sales tax imposed before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the District's ability to repay any liabilities the District has incurred, moneys the District has borrowed or obligations the District has issued to finance any improvements or services rendered for the District.

13. Request to Establish District. By execution and submittal of this Petition, the Petitioners request that the Board of Aldermen hold a public hearing in accordance with Section 67.1421 of the CID Act and adopt an ordinance to establish the District as set out in this Petition and in accordance with the CID Act and this Petition.

14. Borrowing Limits. Petitioner does not seek limitations on the borrowing capacity of the District.

15. Revenue Limits. Petitioner does not seek limitations on the revenue generation of the District.

16. Authority Limits. Petitioner does not seek any limitations on the powers of the District.

17. **Revocation of Signatures. THE PETITIONER ACKNOWLEDGES THAT THE SIGNATURE OF THE SIGNER OF THIS PETITION MAY NOT BE WITHDRAWN FROM THIS PETITION LATER THAN SEVEN (7) DAYS AFTER THE FILING HEREOF WITH THE CITY CLERK.**

Wherefore, Petitioner respectfully requests that the Board of Aldermen establish the requested Brookhart Community Improvement District in accordance with the information set forth in this Petition and that the Mayor appoint, and the Board of Aldermen consent to, the proposed members for the Board of Directors as set forth in this Petition, and take all other appropriate and necessary action that is consistent with the Community Improvement District Act to establish the requested district.

18. **Annual Reports and Meetings**. The District shall comply with the reporting and meeting requirements described in Section 67.1471, and acknowledges that such meetings shall be open to the public.

19. **Severability**. If any provision of this Petition shall be held or determined to be invalid, inoperative or unenforceable as applied in any particular case, or in all cases, because it conflicts with any other provision or provisions of this Petition or for any other reason such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision contained in this Petition invalid, inoperative or unenforceable to any extent whatsoever. Except where such provision is expressly required by the CID Act, if any provision of this Petition shall be in conflict with any provision of the Cooperative Agreement entered into with the Brookhart Transportation Development District, the provision of the Cooperative Agreement shall govern and this Petition shall be deemed amended accordingly. The undersigned request that the Board of Aldermen of the City of Harrisonville, Missouri, establish the Brookhart Community Improvement District according to the preceding Petition and authorize the creation of the District.

EXECUTION PAGE FOR PETITION FOR THE CREATION OF
BROOKHART COMMUNITY IMPROVEMENT DISTRICT

Name of Owner: The Brickyard, Inc.
Owner's Telephone Number: 816-380-3366
Owner's Mailing Address: 2502 West Mechanic, PO Box A, Harrisonville, MO 64701

IF SIGNER IS DIFFERENT FROM OWNER:
Name of signer: ____________
State basis of legal authority to sign: ____________
Signer's telephone number: ____________
Signer's mailing address: ____________
If owner is an individual: ________ Single ________ Married
If owner is not an individual, state what type of entity (Mark Applicable Box):

X	Corporation		General Partnership
	Limited Partnership		Limited Liability Company
	Partnership		Urban Redevelopment Corporation
	Not-for-Profit Corporation		Other

Map and parcel number(s)/assessed value of portion of parcel in proposed District: 1331050000000035000 $ 9,000 (29.3% of parcel assessed value, equivalent to portion of parcel in District)

Remaining property located within District is unplatted property that is either tax exempt property located within publicly dedicated right of way in which Petitioner hold reversionary interest to fee title or owned by Petitioner pending conveyance to the State of Missouri for highway purposes and currently not assessed for ad valorem tax purposes.

Total Assessed value within District: $ 24,480

By executing this petition, the undersigned represents and warrants that he is authorized to execute this petition on behalf of the property owner named immediately above.

By: Kevin K. Anderson, Vice President

Date: 2/12/15

Signature: KK And

STATE OF MISSOURI)
) ss:
COUNTY OF CASS)

On this 12th day of February, 2015, before me appeared KEVIN K. ANDERSON, to me personally known, who, being by me duly sworn, did say that he is the Vice President of the THE BRICKYARD, INC. and that said instrument was signed on behalf of said THE BRICKYARD, INC. by authority of its Board of Directors, and said KEVIN K. ANDERSON acknowledged said instrument to be the free act and deed of said entity.

WITNESS my hand and official seal this 12th day of February, 2015.

Lynette D Ramsey
Notary Public

My Commission Expires:

LYNETTE D. RAMSEY
Notary Public - Notary Seal
State of Missouri
Cass County
My Commission Expires: July 8, 2015
Commission No. 11024831

48758420.1

EXECUTION PAGE FOR PETITION FOR THE CREATION OF
BROOKHART COMMUNITY IMPROVEMENT DISTRICT

Name of Owner: C.J. Roberds Mfg., Inc.
Owner's Telephone Number: ______
Owner's Mailing Address: 2611 Anaconda Rd., Harrisonville, MO 64701

IF SIGNER IS DIFFERENT FROM OWNER:
Name of signer: ______
State basis of legal authority to sign: ______
Signer's telephone number: ______
Signer's mailing address: ______
If owner is an individual: ______ Single ______ Married
If owner is not an individual, state what type of entity (Mark Applicable Box):

X	Corporation		General Partnership
	Limited Partnership		Limited Liability Company
	Partnership		Urban Redevelopment Corporation
	Not-for-Profit Corporation		Other

Map and parcel number(s)/assessed value of portion of parcel in proposed District: 1321420000000105000 $ 2,920
______ $ ______

Remaining property located within District is unplatted property that is either tax exempt property located within publicly dedicated right of way in which Petitioner hold reversionary interest to fee title or owned by Petitioner pending conveyance to the State of Missouri for highway purposes and currently not assessed for ad valorem tax purposes.

Total Assessed value within District: $ 24,480

By executing this petition, the undersigned represents and warrants that he is authorized to execute this petition on behalf of the property owner named immediately above.

C.J. Roberds Mfg., Inc.
By: Gerrilyn Raffety, President

Date: 2/19/2015 Signature: Gerrilyn Raffety

STATE OF MISSOURI)
) ss:
COUNTY OF Cass)

On this 19th day of Feb., 2015 before me appeared Gerrilyn Raffety, to me personally known, who, being by me duly sworn, did say that he/she is the President, a ______, and that said instrument was signed on behalf of said Corp. by authority of its Board of Directors, and said President acknowledged said instrument to be the free act and deed of said entity.

WITNESS my hand and official seal this 19th day of February, 2015.

Kelley S. Weida
Notary Public

My Commission Expires:

Kelley S. Weida
Notary Public - Notary Seal
STATE OF MISSOURI
Cass County
Comm. #13523264
My Commission Expires December 1, 2017

48758420.1

Attachment: Love's - CID Petition (FINAL)-c-c.7-6-15 (1933 : Public Hearing for Love's CID Petition)

EXECUTION PAGE FOR PETITION FOR THE CREATION OF

BROOKHART COMMUNITY IMPROVEMENT DISTRICT

Name of Owner: Love's Travel Stops & Country Stores, Inc.
Owner's Telephone Number: 405-302-6646
Owner's Mailing Address: 10601 N Pennsylvania Ave., Oklahoma City, OK 73120

IF SIGNER IS DIFFERENT FROM OWNER:
Name of signer: ______
State basis of legal authority to sign: ______
Signer's telephone number: ______
Signer's mailing address: ______
If owner is an individual: ______ Single ______ Married
If owner is not an individual, state what type of entity (Mark Applicable Box):

X	Corporation		General Partnership
	Limited Partnership		Limited Liability Company
	Partnership		Urban Redevelopment Corporation
	Not-for-Profit Corporation		Other

Map and parcel number(s)/assessed value of portion of parcel in proposed District:

133105000000035005	$ 8,690
132142000000105001	$ 3,800
132142000000104000	$ 70

Remaining property located within District is unplatted property that is either tax exempt property located within publicly dedicated right of way in which Petitioner hold reversionary interest to fee title or owned by Petitioner pending conveyance to the State of Missouri for highway purposes and currently not assessed for ad valorem tax purposes.

Total Assessed value within District: $ 24,480

By executing this petition, the undersigned represents and warrants that he is authorized to execute this petition on behalf of the property owner named immediately above.

Love's Travel Stops + Country Stores, Inc.

[signature]

By: Rick Shufflel VP Real Estate

Date: 2-23-15 Signature: ______

STATE OF ~~MISSOURI~~ Oklahoma)
) ss:
COUNTY OF Oklahoma)

On this 23rd day of February, 2015, before me appeared Rick Shuffield, to me personally known, who, being by me duly sworn, did say that he/she is the VP of Real Estate, an Oklahoma company, and that said instrument was signed on behalf of said company by authority of its Board of Directors, and said ______ acknowledged said instrument to be the free act and deed of said entity.

WITNESS my hand and official seal this 23rd day of February, 2015.

[signature]
Notary Public

My Commission Expires: 05/27/15

MICHELLE L. WRIGHT NOTARY # 11004893 EXP. 05/27/15 PUBLIC STATE OF OKLAHOMA

48758420.1

Attachment: Love's - CID Petition (FINAL)-c-c.7-6-15 (1933 : Public Hearing for Love's CID Petition)

EXHIBIT A

Legal Description of Brookhart Community Improvement District

PART OF THE SOUTHWEST QUARTER OF SECTION 4 AND PART OF THE SOUTHEAST QUARTER OF SECTION 5, IN TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 5, AFORESAID, RUN THENCE NORTH 1°22'14" EAST ALONG THE EAST LINE THEREOF, 1992.86 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED: CONTINUING THENCE NORTH 1°22'14" EAST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, 417.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 49 AS NOW LOCATED; THENCE NORTH 54°38'42" EAST, 318.54 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE 49, ALSO BEING THE WESTERLY LINE OF LOT 1, HARRISONVILLE TOWN CENTER, A SUBDIVISION OF LAND IN HARRISONVILLE, MISSOURI, AS PREVIOUSLY PLATTED AND RECORDED; THENCE SOUTH 35°21'18" EAST ALONG SAID RIGHT-OF-WAY LINE, 441.75 FEET; THENCE SOUTH 62°49'46" EAST ALONG SAID RIGHT-OF-WAY LINE, 281.78 FEET; THENCE SOUTH 86°41'20" EAST ALONG SAID RIGHT-OF-WAY LINE, 238.72 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF COMMERCIAL STREET AS NOW LOCATED; THENCE SOUTH 62°42'28" EAST, 370.48 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF EAST OUTER ROAD AS NOW LOCATED; THENCE SOUTH 1°37'38" WEST ALONG SAID RIGHT-OF-WAY LINE, 110.12 FEET; THENCE ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 1116.28 FEET AND AN ARC LENGTH OF 262.06 FEET; THENCE SOUTH 46°14'15" WEST, 740.41 FEET; THENCE SOUTH 38°40'24" WEST, 165.67 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BROOKHART ROAD AS NOW LOCATED; THENCE NORTH 51°40'41" WEST ALONG SAID RIGHT-OF-WAY LINE, 67.54 FEET; THENCE NORTH 89°20'26" WEST, 697.25 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 4; THENCE SOUTH 52°00'00" WEST, 226.36 FEET; THENCE NORTH 36°40'00" WEST, 256.61 FEET; THENCE NORTH 44°00'00" EAST, 127.02 FEET; THENCE NORTH 46°00'00" WEST, 158.18 FEET; THENCE NORTH 56°00'00" WEST, 172.22 FEET; THENCE NORTH 65°20'00" WEST, 662.32 FEET TO A POINT ON THE EAST LINE OF LOT 3 IN BRICKYARD INDUSTRIAL PARK, A SUBDIVISION OF LAND IN THE CITY OF HARRISONVILLE, MISSOURI, AS PREVIOUSLY PLATTED AND RECORDED; THENCE NORTH 1°21'44" EAST ALONG THE EAST LINE OF SAID LOT 3, 20.03 FEET TO A SOUTHERLY CORNER OF LOT 4 IN SAID BRICKYARD INDUSTRIAL PARK; THENCE NORTH 57°14'47" EAST ALONG THE EASTERLY LINE OF SAID LOT 4, 257.46 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 4, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BROOKHART ROAD AS NOW LOCATED; THENCE NORTH 71°24'49" WEST ALONG THE NORTH LINE OF LOT 4 IN SAID BRICKYARD INDUSTRIAL PARK, 291.67 FEET; THENCE SOUTH 57°14'46" WEST ALONG THE WESTERLY LINE OF SAID BRICKYARD INDUSTRIAL PARK, 119.63 FEET, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF BRICKPLAND ROAD AS NOW LOCATED; THENCE NORTH 83°54'00" WEST, 60.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID BRICKPLANT ROAD; THENCE NORTH 6°06'00" EAST ALONG SAID RIGHT-OF-WAY LINE, 176.12 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 44, RANGE 31; THENCE NORTH 1°21'44" EAST ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5, 613.95 FEET; THENCE ALONG A CURVE TO THE LEFT, BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING A

RADIUS OF 60.00 FEET AND AN ARC LENGTH OF 93.59 FEET; THENCE NORTH 88°00'48" WEST, 40.65 FEET; THENCE NORTH 1°59'12" EAST, 60.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5; THENCE SOUTH 88°00'49" EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, 170.32 FEET; THENCE SOUTH 1°21'44" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF BRICKPLANT ROAD, 637.05 FEET; THENCE SOUTH 85°27'55" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF BROOKHART ROAD, 9.15 FEET; THENCE SOUTH 25°50'06" EAST ALONG SAID RIGHT-OF-WAY LINE, 30.31 FEET; THENCE SOUTH 88°00'54" EAST, 1232.73 FEET TO THE TRUE POINT OF BEGINNING; CONTAINS 56.42 ACRES, MORE OR LESS, SUBJECT TO ANY EXISTING EASEMENTS OR RIGHTS-OF-WAY.

EXHIBIT B

Boundary Map of the Brookhart Community Improvement District

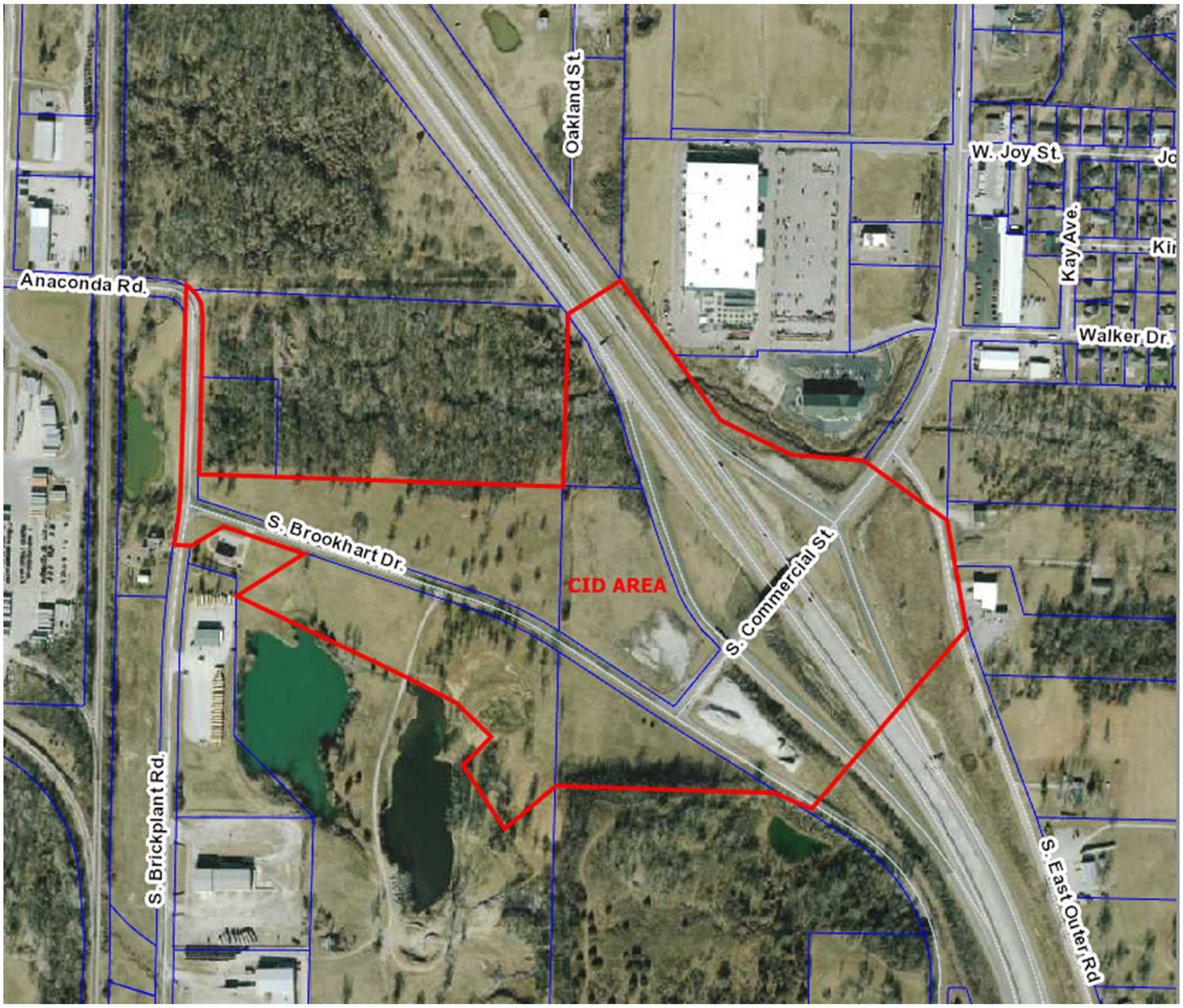


EXHIBIT C
FIVE YEAR PLAN

(Attached)

FIVE YEAR DISTRICT MANAGEMENT PLAN

OF THE

BROOKHART COMMUNITY IMPROVEMENT DISTRICT

CITY OF HARRISONVILLE, MISSOURI

The information and details outlined in the following pages represent the strategies and activities anticipated to be undertaken during the initial five-year duration of the Brookhart Community Improvement District in Harrisonville, Missouri. This Plan is an integral and composite part of the petition to establish the Brookhart Community Improvement District.

Introduction

The Brookhart Community Improvement District (the "District") is created pursuant to Section 67.1401 through 67.1571 of the Revised Statutes of Missouri (the "CID Act"). Section 67.1421, RSMo, requires that the petition for the creation of the District be accompanied by a five-year plan which includes a description of the purposes of the proposed district, the services it will provide, the improvements it will make and an estimate of the costs of these services and improvements to be incurred. This Five-Year District Management Plan (the "Plan") is intended to satisfy this statutory requirement, and is appended to the Petition for Formation of the District (the "Petition") as an integral part thereof.

Section 1 - Why Create a Community Improvement District?

The District will encompass a proposed retail development located in the general vicinity of Brickplant Road and Brookhart Road in Harrisonville, Missouri (the "Development"). The Development will be comprised of commercial retail uses, including but not limited to a fueling/travel stop establishment, restaurants, and a tire service center. The purpose of the District is to undertake certain improvements and services within the District, as discussed below, and to use or make available its revenue to pay the costs thereof, including without limitation debt service on any notes, bonds or other obligations issued and outstanding from time to time to finance all or any of such costs.

Section 2 - What is a Community Improvement District?

A community improvement district is an entity that is separate from the City of Harrisonville and is formed by the adoption of an ordinance by the Board of Aldermen following a public hearing before the Board of Aldermen regarding formation of the District. A CID may take the form of a political subdivision of the State of Missouri, or a nonprofit corporation that is formed and operated under Missouri corporation laws. CIDs are empowered to provide a variety of services and to construct and/or finance a number of different public improvements (and in a blighted area, private improvements), as set forth more particularly in the CID Act. CIDs derive their revenue from taxes and assessments levied within the boundaries of the CID. Such revenues are then used to pay the costs of the services or improvements. A CID is operated and managed by a board of directors, whose members may be appointed or elected. Board members serve for a designated period of time, and the Board positions are again elected or appointed at the expiration of each term as provided in the petition creating such CID.

Section 3 - Management Plan Summary

The District in this case will take the form of a separate political subdivision of the State of Missouri, which will be governed by a Board of Directors that will consist of six (6) members appointed by the Mayor of Harrisonville with the consent of the Board of Aldermen pursuant to a slate submitted in accordance with the Petition.

District Formation:

CID formation requires submission of signed petitions from a group of property owners:

- collectively owning more than fifty percent (50%) by assessed value of the real property within the District, and
- representing more than fifty percent (50%) per capita of all owners of real property within the District.

In this case, the Petition to which this Plan is attached has been signed by the owners of 100% of the assessed value and 100% of the per capita property owners within the District.

Location:

The Development is located in the general vicinity of Brickplant Road and Brookhart Road in Harrisonville, Missouri and consists of approximately 56.42 acres, more or less, subject to any existing easements or right-of-way. The District will include a proposed commercial development, with potential future residential uses.

Improvements and Services:

The purpose of the District is to provide funding for the construction of certain public improvements and the provision of certain services within the District's boundaries. The improvements initially contemplated include but are not limited to infrastructure improvements, including land acquisition, site clearance, land grading and associated site work, street paving, construction of storm drainage improvements, power line relocation, restoration of right-of-way, lawns, trees, water main extensions, sewer extensions, right-of-way improvements, highway ramp and interchange improvements, as well as any other improvements permitted by the CID Act (the "Improvements"). The Improvements are generally depicted on the Preliminary Plans attached hereto as **Exhibit A**. The particular items included within the Improvements may be modified from those listed herein from time to time with the approval of the District's Board of Directors, and the costs of the Improvements to be financed by the District shall include all associated design, architecture, engineering, financing costs incurred to finance such Improvements, legal and administrative costs of same.

The District may also provide funding for the District's formation and its ongoing operation and administration costs on an annual basis. Further, the District may at its discretion fund the provision of services within its boundaries for the benefit of the owner and tenants of the District related to the ongoing repair, replacement and/or maintenance of the Improvements (the "Services"). It is also anticipated that all costs, including attorneys fees, associated with formation of the District, including, but not limited to, the preparation of the CID Petition, the negotiation and drafting of any agreements entered into upon formation of the District in furtherance of the District's purposes, and the initial implementation of the District ("Formation Costs") will be reimbursed to the advancing party, or paid directly, from funds generated by the District. It is also anticipated that the District will enter into a Cooperative Agreement with the Brookhart Transportation Development District (the "TDD") for the sharing of costs pro rata associated with the Improvements, except for in circumstances where such costs are attributable only to the District or the TDD.

Notwithstanding that the District is at the time providing Services, but subject to the contractual rights of any third parties, the District may be terminated at any time in accordance with the provisions of the CID Act if there are no outstanding obligations of the District. Accordingly, the Petitioners anticipate that upon completion of the Improvements, the District will either i) be terminated in accordance with the provisions of the CID Act or ii) CID Sales Tax revenues will continue to be collected and thereafter directed for use in future related public infrastructure projects.

Method of Financing:

It is proposed that the District will impose a sales and use tax of up to one percent (1%) (the "CID Sales Tax"), which is in addition to any other state, county or city sales and use tax. The CID Sales Tax is payable on the same retail sales that are subject to taxation pursuant to Sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors, and sales to or by public utilities and providers of communications, cable, or video services. Upon collection, the CID Sales Tax revenue shall be deposited into an account specifically established for the purpose of depositing CID Sales Tax revenue (the "CID Sales Tax Account"). The City shall provide accounting services with regard to the amounts on deposit in the CID Sales Tax Account and from the proceeds of any notes or other obligations issued by the District. The City's role in providing accounting services to the District shall include administering the funds on deposit in the CID Sales Tax Account, as well as providing traditional accounting services in relation to CID Sales Tax revenues collected and disbursed as directed by the District. However, the City's role in administering CID Sales Tax revenues shall not provide the City discretion to control disbursement of said revenues. The City shall be compensated for these services through CID Sales Tax revenues in an amount to be agreed upon in a Cooperative Agreement between the City and the CID (such costs are included within the "Administrative Costs" line item in **Exhibit B** to this Plan). All costs and obligations of the District shall be financed in the manner and amount determined by the Board of Directors from the amounts on deposit in the CID Sales Tax Account. Amounts advanced to the District by the Petitioner, or its successors or assigns, to cover the costs contemplated hereunder will be reimbursed by the District upon the availability of funds, including but not limited to funds from the issuance of obligations of the District. All financing costs, including interest costs, associated with any loan obtained by the District, or notes, bonds, or other obligations issued by District to finance Improvements and/or Services may be paid from CID Sales Tax revenues.

Estimated Costs:

Attached as **Exhibit B** to this Plan is a table setting forth the estimated cost of the Improvements and the Services, and a table setting forth the projected cash flow for the first five years of the District's existence. The total amount of costs of the Improvements reimbursed through CID Sales Tax revenues shall be the lesser of i) actual costs of the Improvements or ii) $3,250,000. Notwithstanding the foregoing, the cap on the cost of the Improvements described in the preceding sentence shall not apply to limit the costs for ongoing administration and operations of the District, and for Services related to ongoing repair, replacement and/or maintenance of the Improvements.

City Services:

The CID Act mandates that existing City services will continue to be provided within a CID at the same level as before the District was created (unless services are decreased throughout the City) and that District services shall be in addition to existing City services. The District anticipates that City services will continue to be provided within the District at the same level as before the District was created, and the District will not cause the level of City services within the District to diminish.

Duration:

The duration of the District is proposed to be a minimum of forty (40) years beginning from the date of the ordinance approved the Petition. Notwithstanding that the District is at the time providing Services, but subject to the contractual rights of any third parties, the District may be terminated at any time in accordance with the provisions of the CID Act if there are no outstanding obligations of the District.

Section 4
District Boundaries

The legal description of the District is attached as Exhibit A to the Petition.

Section 5
Facilities and Services to Be Provided

As explained above, during the first five years, the purpose of the District is to provide revenue sources in support of contracting with any private property owner to effectuate the Improvements, and providing or contracting for the Services.

Section 6
Governing the Community Improvement District

Board of Aldermen:

Following the submission of the Petition, the Board of Aldermen will conduct a public hearing and then consider an ordinance to create the District.

Board of Directors for District:

The District will be governed by a Board of Directors that will consist of six (6) members set forth in the Petition with the Successor Directors to be appointed by the Mayor of Harrisonville with the consent of the Board of Alderman pursuant to a slate submitted in accordance with the Petition. It is anticipated that when the Board submits names of suggested Successor Directors to the City in writing at least thirty (30) days prior to the expiration date of the terms of the applicable directors, the Mayor shall appoint such directors as Successor Directors, with the consent of the Board of Aldermen, unless the Mayor provides the District with a reasonable written explanation that such suggested Successor Directors do not meet applicable legal requirements or lack the competency to serve as directors.

Annual Budget:

The District's budgets will be proposed and approved annually, within the limitations set forth in this Plan, by the District's Board of Directors. Budgets will be submitted annually to the Board of Aldermen of the City of Harrisonville for review and comment in accordance with the CID Act. The District will operate at all times in accordance with the District Rules and Regulations (Section 7) and the Bylaws of the District.

Section 7
District Rules and Regulations

1. The District shall operate at all times in accordance with Bylaws that may be adopted by the Board of Directors. The District shall at all times conduct its proceedings in accordance with Robert's Rules of Order, except as otherwise provided in any Bylaws.

2. The Board of Directors of the District will meet at least on an annual basis.

END OF DOCUMENT

EXHIBIT A TO FIVE YEAR PLAN OF THE BROOKHART COMMUNITY IMPROVEMENT DISTRICT

PRELIMINARY PLANS

(SEE ATTACHED)

EXHIBIT B TO FIVE YEAR PLAN OF THE

BROOKHART COMMUNITY IMPROVEMENT DISTRICT

ESTIMATED COSTS OF IMPROVEMENTS AND SERVICES[1]

CATEGORY	PROJECTED COST
Land Acquisition for ROW Dedication	$200,000
I-49 Commercial Interchange Improvements	$344,000
Earthwork	$270,000
Paving	$733,000
Storm Drainage	$213,000
Surveying/Staking	$8,000
Traffic Control	$30,000
Power Line Relocation	$50,000
Utility Relocations	$328,000
Engineering	$250,000
Construction Inspection	$200,000
Legal	$50,000
Financial Consultant	$50,000
Administrative Costs	$50,000
Contingency (15%)	$416,400
TOTAL	**$3,192,400**

CASH FLOW PROJECTION[2]

YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
$12,750	$25,500	$51,000	$51,510	$52,025

[1] These costs are estimates and may fluctuate based on actual costs incurred for purposes permitted under the CID Act. Costs may be moved between line items at the election of the Board of Directors.
[2] Any annual revenue generated will be utilized to pay any costs of the District in the discretion of the Board of Directors.

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Rick Deluca, Director**

DATE: **July 1, 2015**

SUBJECT: **Ordinance for Love's CID Petition**

Type of Item: *Approval*

Background: The CID petition is the formal document setting forth the terms and conditions for the CID's operation.

Review: The petition reflects language restrictions defining the limit of funding (no more than $3,250,000), how funds can be used (only public improvements), no financing or interest provided for, city representation on the CID board and termination of the district when funding reaches the defined limit. These limitations have not been part of other special assessment districts in the past. The petition also reflects the City serving as treasurer for the district, where the City will collect, deposit, account for and make payment of funds on behalf of the CID. A cooperative agreement will need to be adopted for these functions. The City provides these services to four other assessment districts in Harrisonville for a fee (percentage of collections). This ensures funds are being accounted for and used according to the petition and keeps the City apprized of the status of the district.

Recommendation: Staff recommends approval.

Council Bill No. 053

Ordinance No.

Ordinance for Love's CID Petition

Please see attachment for ordinance

BILL NO. ____________________
VOTED FOR: ____________________
VOTED AGAINST: ______________

ORDINANCE NO. ______________
FIRST READING: ________________
SECOND READING: ______________

AN ORDINANCE APPROVING A PETITION TO ESTABLISH THE BROOKHART COMMUNICTY IMPROVEMENT DISTRICT; APPOINTING THE INITIAL BOARD OF DIRECTORS OF THE BROOKHART COMMUNITY IMPROVEMENT DISTRICT AND ESTABLISHING THE DISTRICT AS A POLITICAL SUBDIVISION OF THE STATE OF MISSOURI;

WHEREAS, Sections 67.1401 to 67.1571 RSMo., (the CID Act) authorize the governing body of any municipality, upon the filing of a proper petition requesting the formation to adopt an ordinance establishing a Community Improvement District;

WHEREAS, on June 19, 2015, a Petition to establish the Brookhart Community Improvement District (hereafter the "Petition"), was filed with the City of Harrisonville, Missouri (hereafter the "City");

WHEREAS, the City Clerk of the City did review the Petition and determined that the Petition substantially complies with the requirements of the Act and set a public hearing with all proper notice being given in accordance with the CID Act;

WHEREAS, the Board of Aldermen held a public hearing on July 6, 2015, at which all persons interested in the formation of the Brookhart Community Improvement District (hereafter the "District") were allowed an opportunity to speak and at which time the Board of Aldermen heard all protests and received all endorsements;

WHEREAS, the Board of Aldermen finds that notice of the formation of the District has been duly given and the public hearing thereon has been held in which all reasonable protests, objections and endorsements have been heard, all in accordance with Section 67.1431 of the CID Act; and

WHEREAS, the Board of Aldermen further finds that the petition to form the District is proper in that it meets all of the requirements of Section 67.1421 of the CID Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

<u>SECTION ONE</u>: Pursuant to the power granted to the Board of Aldermen under the CID Act, the Board of Aldermen hereby approves the Petition to establish the Brookhart Community Improvement District, a copy of which is attached hereto as **Exhibit A**, as a political subdivision and hereby establishes the Brookhart Community Improvement District for the purposes set forth in the Petition. The District shall include the contiguous tracts of real estate described in Exhibit A. The District shall be governed by a board of directors consisting of six (6) members hereafter appointed by the Mayor and consented to by the Board of Aldermen. The District is authorized to impose a sales tax, in compliance with the CID Act and in the amount not to exceed the rate set forth in the CID Petition.

SECTION TWO: The term of the existence of the District shall be for a maximum of forty (40) years from the effective date of this Ordinance.

SECTION THREE: The Mayor hereby appoints and the Board of Aldermen hereby consents to the appointment of the following Board of Directors for the District to their respective initial terms of office:

Director	Length of Initial Term
Alexander Kuehling	4 years
Karl Kuehling	4 years
Mary Kuehling	4 years
Lara Kuehling	4 years
Kyle Kuehling	4years
The City Administrator or his/her designee	4 years

SECTION FOUR: The City Clerk is hereby directed to prepare and file with the Missouri Department of Economic Development the report specified in Section 67.1421.6 of the CID Act.

SECTION FIVE: The City Clerk and the officers of the City are hereby authorized to take any action as may be deemed necessary or advisable to carry out and comply with the intent of this Ordinance and to execute or deliver for and on behalf of the City all certificates, instruments or other documents as may be necessary, desirable, convenient or proper to perform all matters herein authorized.

SECTION SIX: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate, distinct and independent provision of this Ordinance, and such holding or holdings shall not affect the validity of the remaining portions of this Ordinance.

SECTION SEVEN: This Ordinance shall be in full force and effect both from and after its passage and approval by the Mayor.

Ayes:
Nays:
Absent:
Abstain:

Read two times by title only on the ___ day of July, 2015, and passed by the Board of Aldermen this ___ day of July, 2015.

____
Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

____
Kim Hubbard, City Clerk

APPROVED by the Mayor this ___ day of July, 2015.

PETITION TO THE CITY OF HARRISONVILLE, MISSOURI, FOR
ESTABLISHMENT OF THE
BROOKHART
COMMUNITY IMPROVEMENT DISTRICT

dated as of

February 23, 2015

PETITION FOR THE CREATION OF HARRISONVILLE BROOKHART COMMUNITY IMPROVEMENT DISTRICT

To the Mayor and Board of Aldermen of the City of Harrisonville, Missouri:

The undersigned real property owners (the "Petitioners"), being the owners collectively

(1) Owning more than fifty percent (50%) by assessed value of the real property within the boundaries of the hereinafter described community improvement district, and

(2) Composing more than fifty percent (50%) per capita of all owners of real property within the boundaries of the hereinafter described community improvement district,

hereby petition and request that the Board of Aldermen of the City of Harrisonville, Missouri, create a community improvement district as described herein under the authority of Sections 67.1401 to 67.1571, RSMO (the "CID Act"). In support of this petition, the Petitioner sets forth the following information in compliance with the CID Act:

1. District Name. The name for the proposed community improvement district is the Brookhart Community Improvement District ("CID" or "District").

2. Legal Description. The District includes all of the real property legally described on **Exhibit A**. The proposed district is located entirely within the City of Harrisonville, Missouri.

3. Boundary Map. A map graphically depicting the boundaries of the District, which boundaries are contiguous, is attached hereto and made a part hereof as **Exhibit B**. The Petitioners specifically reserve the right to add or remove property pursuant to Section 67.1441 and 67.1431.

4. Five-Year Plan. A five-year plan stating a description of the purposes of the District, the services it will provide, the improvements it will make and an estimate of costs of these services and improvements to be incurred as required by the CID Act is attached hereto as **Exhibit C** (the "Five-Year Plan"). The following benchmarks are merely projections and are not intended to limit construction or compel action by the District or to result in consequences to the District:

    a) Property owners create petition and gather signatures for levy of sales tax – Prior to initial Board of Directors meeting;
    b) Notice of Initial District Board of Directors Meeting given to Directors and posted prior to initial Board of Directors meeting (per Sunshine Law);
    c) Initial District Board of Directors meeting;
    d) Board Resolution levying sales tax at initial Board of Directors meeting;
    e) Notify DOR of sales tax following passage of Resolution levying sales tax;
    f) Sales tax takes effect on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

5. Form of District. The proposed district will be established as a political subdivision of the State of Missouri under the CID Act. The District shall be governed by a six (6) person Board of Directors.

6. Initial Board of Directors; Director Qualifications. The Board of Directors will consist of six (6) members. Each director of the District ("Director") must meet the following requirements:

(a) be at least 18 years of age;

(b) be either (i) an owner, as defined in the Act, of real property within the District, (ii) an owner, as defined in the Act, of a business operating within the District, or (iii) a registered voter residing in the District; and

(c) be appointed by the City's mayor ("Mayor"), with the consent of the Board of Alderman as provided for in the Act and this Petition. Provided, however, the initial Directors ("Initial Director") shall be those individuals named below whom shall serve for the applicable term as specified below, or until their respective successor Director ("Successor Director") is appointed in accordance with the Act and this Petition. The following individuals shall serve as the Initial Directors:

i) Alexander Kuehling, for a term of four (4) years;
ii) Karl Kuehling, for a term of four (4) years;
iii) Mary Kuehling, for a term of four (4) years;
iv) Lara Kuehling, for a term of four (4) years;
v) Kyle Kuehling, for a term of four (4) years and
vi) The City Administrator or his/her designee, for a term of (4) years.

Notwithstanding anything to the contrary, any Director's failure to meet the qualification requirements set forth above, either in a Director's individual capacity or in a Director's representative capacity, shall constitute cause for the Board of Directors to take appropriate action to remove said Director and elect a Director to serve the remainder of such Director's term. The Bylaws of the District shall provide for the removal of a Director for cause.

7. <u>Director Terms; Successor Directors</u>. The Initial Directors shall serve for the terms described above or until Successor Directors are appointed. Successor Directors shall be appointed by the Mayor, and approved by the Board of Alderman, in accordance with the Act and this Petition according to a slate submitted by the Board of Directors to the City Clerk, as provided below in this Paragraph. The City Clerk shall immediately deliver the slate to the Mayor and the Board of Aldermen. The Board of Directors shall select the slate as follows:

(a) Individuals named as Successor Directors shall meet the qualifications defined in Section 6 of this Article.

(b) Individuals meeting the qualifications set out in this Petition for Successor Directors must be nominated by two sitting directors;

(c) The Directors shall then vote for a slate of nominees who shall consist of the number needed to fill vacancies and the seats of expiring terms.

Not later than 30 days following the date the slate is submitted to the City Clerk:

(a) the Mayor shall appoint the Successor Directors according to the slate submitted, and the Board of Aldermen shall consent by resolution to the appointment; or

(b) the Mayor, or the Board of Aldermen, may reject the slate submitted and request in writing, with written reasons for rejection of the slate, that the Board of Directors submit an alternate slate.

If no action is taken within the 30-day period, the Successor Directors shall be deemed to have been appointed by the Mayor with the consent of the Board of Aldermen according to the slate submitted.

If an alternate slate is requested, the Board of Directors shall, within 10 days following receipt of the written request, submit an alternate slate to the City Clerk. The City Clerk shall immediately deliver the alternate slate to the Mayor and the Board of Aldermen. Not later than 15 days following the date the alternate slate is submitted to the City Clerk:

(a) the Mayor shall appoint the Successor Directors according to the alternate slate submitted, and the Board of Aldermen shall consent by resolution to the appointment; or

(b) the Mayor, or the Board of Aldermen, may reject the alternate slate submitted and request in writing, with written reasons for rejection of the alternate slate, that the Board of Directors submit another alternate slate.

If no action is taken within the 15-day period, the Successor Directors shall be deemed to have been appointed by the Mayor with the consent of the Board of Aldermen according to the alternate slate submitted.

The procedure described above shall continue until the Successor Directors are appointed or deemed to be appointed by the Mayor with the consent of the Board of Aldermen; provided however, the time period for action by the Mayor and the Board of Aldermen following the submission of each successive alternate slate shall be reduced to 10 days.

In the event the Board of Directors fails to submit a slate of proposed Successor Directors to the City Clerk within sixty (60) days of the expiration of the term of any Director, the Mayor may submit the slate to the City Clerk in the manner as herein provided.

8. Blight. The Petitioners are not seeking a determination that a portion of the District is blighted under the CID Act.

9. Duration of District. The duration of the District is proposed to be a minimum of forty (40) years beginning from the date of the ordinance approved pursuant to the Petition. Notwithstanding that the District is at the time providing services, but subject to the contractual rights of any third parties, the District may be terminated at any time in accordance with the provisions of the CID Act if the District has no outstanding obligations.

10. Real Property and Business License Taxes. Petitioners will not seek to submit to qualified voters propositions for approval of a real property tax levy or business license taxes, unless it is necessary to assess such taxes because one or more non-sales tax generating businesses locate within the District.

11. Special Assessments. The District shall have no power to accept a petition for or to levy a special assessment within the District, unless the District determines it is necessary to make such an assessment because one or more non-sales tax generating businesses locate within the District.

12. Sales and Use Tax. Pursuant to Section 67.1545 RSMo, the District may, by resolution, impose a District sales and use tax on all retail sales made within the District which are subject to taxation pursuant to Sections 144.010 to 144.525 RSMo. Qualified voters of the CID will be asked to approve a sales tax of up

to one percent (1%) ("CID Sales Tax"), in accordance with the CID Act, to assist in the funding of certain public improvements that serve the property within the District. Additional details about the CID Sales Tax are set forth in the Five Year Plan attached as **Exhibit C**.

The District may repeal by resolution any sales tax imposed before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the District's ability to repay any liabilities the District has incurred, moneys the District has borrowed or obligations the District has issued to finance any improvements or services rendered for the District.

13. Request to Establish District. By execution and submittal of this Petition, the Petitioners request that the Board of Aldermen hold a public hearing in accordance with Section 67.1421 of the CID Act and adopt an ordinance to establish the District as set out in this Petition and in accordance with the CID Act and this Petition.

14. Borrowing Limits. Petitioner does not seek limitations on the borrowing capacity of the District.

15. Revenue Limits. Petitioner does not seek limitations on the revenue generation of the District.

16. Authority Limits. Petitioner does not seek any limitations on the powers of the District.

17. **Revocation of Signatures. THE PETITIONER ACKNOWLEDGES THAT THE SIGNATURE OF THE SIGNER OF THIS PETITION MAY NOT BE WITHDRAWN FROM THIS PETITION LATER THAN SEVEN (7) DAYS AFTER THE FILING HEREOF WITH THE CITY CLERK.**

Wherefore, Petitioner respectfully requests that the Board of Aldermen establish the requested Brookhart Community Improvement District in accordance with the information set forth in this Petition and that the Mayor appoint, and the Board of Aldermen consent to, the proposed members for the Board of Directors as set forth in this Petition, and take all other appropriate and necessary action that is consistent with the Community Improvement District Act to establish the requested district.

18. **Annual Reports and Meetings**. The District shall comply with the reporting and meeting requirements described in Section 67.1471, and acknowledges that such meetings shall be open to the public.

19. **Severability**. If any provision of this Petition shall be held or determined to be invalid, inoperative or unenforceable as applied in any particular case, or in all cases, because it conflicts with any other provision or provisions of this Petition or for any other reason such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision contained in this Petition invalid, inoperative or unenforceable to any extent whatsoever. Except where such provision is expressly required by the CID Act, if any provision of this Petition shall be in conflict with any provision of the Cooperative Agreement entered into with the Brookhart Transportation Development District, the provision of the Cooperative Agreement shall govern and this Petition shall be deemed amended accordingly. The undersigned request that the Board of Aldermen of the City of Harrisonville, Missouri, establish the Brookhart Community Improvement District according to the preceding Petition and authorize the creation of the District.

EXECUTION PAGE FOR PETITION FOR THE CREATION OF
BROOKHART COMMUNITY IMPROVEMENT DISTRICT

Name of Owner: The Brickyard, Inc.
Owner's Telephone Number: 816-380-3366
Owner's Mailing Address: 2502 West Mechanic, PO Box A, Harrisonville, MO 64701

IF SIGNER IS DIFFERENT FROM OWNER:
Name of signer: __________
State basis of legal authority to sign: __________
Signer's telephone number: __________
Signer's mailing address: __________
If owner is an individual: ______ Single ______ Married
If owner is not an individual, state what type of entity (Mark Applicable Box):

X	Corporation		General Partnership
	Limited Partnership		Limited Liability Company
	Partnership		Urban Redevelopment Corporation
	Not-for-Profit Corporation		Other

Map and parcel number(s)/assessed value of portion of parcel in proposed District: 1331050000000035000 $ 9,000 (29.3% of parcel assessed value, equivalent to portion of parcel in District)

Remaining property located within District is unplatted property that is either tax exempt property located within publicly dedicated right of way in which Petitioner hold reversionary interest to fee title or owned by Petitioner pending conveyance to the State of Missouri for highway purposes and currently not assessed for ad valorem tax purposes.

Total Assessed value within District: $ 24,480

By executing this petition, the undersigned represents and warrants that he is authorized to execute this petition on behalf of the property owner named immediately above.

By: Kevin K. Anderson, Vice President

Date: 2/12/15 Signature: [signature]

STATE OF MISSOURI)
) ss:
COUNTY OF CASS)

On this 12th day of February, 2015, before me appeared KEVIN K. ANDERSON, to me personally known, who, being by me duly sworn, did say that he is the Vice President of the THE BRICKYARD, INC. and that said instrument was signed on behalf of said THE BRICKYARD, INC. by authority of its Board of Directors, and said KEVIN K. ANDERSON acknowledged said instrument to be the free act and deed of said entity.

WITNESS my hand and official seal this 12th day of February, 2015.

Lynette D Ramsey
Notary Public

My Commission Expires:

LYNETTE D. RAMSEY
Notary Public - Notary Seal
State of Missouri
Cass County
My Commission Expires: July 8, 2015
Commission No. 11024831

48758420.1

EXECUTION PAGE FOR PETITION FOR THE CREATION OF
BROOKHART COMMUNITY IMPROVEMENT DISTRICT

Name of Owner: C.J. Roberds Mfg., Inc.
Owner's Telephone Number: ______
Owner's Mailing Address: 2611 Anaconda Rd., Harrisonville, MO 64701

IF SIGNER IS DIFFERENT FROM OWNER:
Name of signer: ______
State basis of legal authority to sign: ______
Signer's telephone number: ______
Signer's mailing address: ______
If owner is an individual: ______ Single ______ Married
If owner is not an individual, state what type of entity (Mark Applicable Box):

X	Corporation		General Partnership
	Limited Partnership		Limited Liability Company
	Partnership		Urban Redevelopment Corporation
	Not-for-Profit Corporation		Other

Map and parcel number(s)/assessed value of portion of parcel in proposed District: 132142000000105000 $ 2,920
______ $ ______

Remaining property located within District is unplatted property that is either tax exempt property located within publicly dedicated right of way in which Petitioner hold reversionary interest to fee title or owned by Petitioner pending conveyance to the State of Missouri for highway purposes and currently not assessed for ad valorem tax purposes.

Total Assessed value within District: $ 24,480

By executing this petition, the undersigned represents and warrants that he is authorized to execute this petition on behalf of the property owner named immediately above.

C.J. Roberds Mfg., Inc.
By: Gerrilyn Raffety, President

Date: 2/19/2015 Signature: Gerrilyn Raffety

STATE OF MISSOURI)
) ss:
COUNTY OF Cass)

On this 19th day of Feb., 2015 before me appeared Gerrilyn Raffety, to me personally known, who, being by me duly sworn, did say that he/she is the President, a ______, and that said instrument was signed on behalf of said Corp. by authority of its Board of Directors, and said President acknowledged said instrument to be the free act and deed of said entity.

WITNESS my hand and official seal this 19th day of February, 2015.

Kelley S. Weida
Notary Public

My Commission Expires:

Kelley S. Weida
Notary Public - Notary Seal
STATE OF MISSOURI
Cass County
Comm. #13523264
My Commission Expires December 1, 2017

48758420.1

Attachment: Love's - CID Petition (FINAL)-c (1934 : Ordinance for Love's CID Petition)

EXECUTION PAGE FOR PETITION FOR THE CREATION OF

BROOKHART COMMUNITY IMPROVEMENT DISTRICT

Name of Owner: Love's Travel Stops & Country Stores, Inc.
Owner's Telephone Number: 405-302-6646
Owner's Mailing Address: 10601 N Pennsylvania Ave., Oklahoma City, OK 73120

IF SIGNER IS DIFFERENT FROM OWNER:
Name of signer: ____________
State basis of legal authority to sign: ____________
Signer's telephone number: ____________
Signer's mailing address: ____________
If owner is an individual: ________ Single ________ Married
If owner is not an individual, state what type of entity (Mark Applicable Box):

X	Corporation		General Partnership
	Limited Partnership		Limited Liability Company
	Partnership		Urban Redevelopment Corporation
	Not-for-Profit Corporation		Other

Map and parcel number(s)/assessed value of portion of parcel in proposed District:

1331050000000035005	$ 8,690
1321420000000105001	$ 3,800
132142000000104000	$ 70

Remaining property located within District is unplatted property that is either tax exempt property located within publicly dedicated right of way in which Petitioner hold reversionary interest to fee title or owned by Petitioner pending conveyance to the State of Missouri for highway purposes and currently not assessed for ad valorem tax purposes.

Total Assessed value within District: $ 24,480

By executing this petition, the undersigned represents and warrants that he is authorized to execute this petition on behalf of the property owner named immediately above.

Love's Travel Stops + Country Stores, Inc.

[signature]
By: Rick Shuffield VP Real Estate

Date: 2-23-15 Signature: ____________

STATE OF ~~MISSOURI~~ Oklahoma)
) ss:
COUNTY OF Oklahoma)

On this 23rd day of February, 2015, before me appeared Rick Shuffield, to me personally known, who, being by me duly sworn, did say that he/she is the VP of Real Estate, a n Oklahoma company, and that said instrument was signed on behalf of said company by authority of its Board of Directors, and said ____________ acknowledged said instrument to be the free act and deed of said entity.

WITNESS my hand and official seal this 23rd day of February, 2015.

[signature]
Notary Public

My Commission Expires: 05/27/15

MICHELLE L. WRIGHT NOTARY # 11004893 EXP. 05/27/15 PUBLIC STATE OF OKLAHOMA

48758420.1

EXHIBIT A

Legal Description of Brookhart Community Improvement District

PART OF THE SOUTHWEST QUARTER OF SECTION 4 AND PART OF THE SOUTHEAST QUARTER OF SECTION 5, IN TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 5, AFORESAID, RUN THENCE NORTH 1°22'14" EAST ALONG THE EAST LINE THEREOF, 1992.86 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED: CONTINUING THENCE NORTH 1°22'14" EAST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, 417.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 49 AS NOW LOCATED; THENCE NORTH 54°38'42" EAST, 318.54 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE 49, ALSO BEING THE WESTERLY LINE OF LOT 1, HARRISONVILLE TOWN CENTER, A SUBDIVISION OF LAND IN HARRISONVILLE, MISSOURI, AS PREVIOUSLY PLATTED AND RECORDED; THENCE SOUTH 35°21'18" EAST ALONG SAID RIGHT-OF-WAY LINE, 441.75 FEET; THENCE SOUTH 62°49'46" EAST ALONG SAID RIGHT-OF-WAY LINE, 281.78 FEET; THENCE SOUTH 86°41'20" EAST ALONG SAID RIGHT-OF-WAY LINE, 238.72 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF COMMERCIAL STREET AS NOW LOCATED; THENCE SOUTH 62°42'28" EAST, 370.48 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF EAST OUTER ROAD AS NOW LOCATED; THENCE SOUTH 1°37'38" WEST ALONG SAID RIGHT-OF-WAY LINE, 110.12 FEET; THENCE ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 1116.28 FEET AND AN ARC LENGTH OF 262.06 FEET; THENCE SOUTH 46°14'15" WEST, 740.41 FEET; THENCE SOUTH 38°40'24" WEST, 165.67 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BROOKHART ROAD AS NOW LOCATED; THENCE NORTH 51°40'41" WEST ALONG SAID RIGHT-OF-WAY LINE, 67.54 FEET; THENCE NORTH 89°20'26" WEST, 697.25 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 4; THENCE SOUTH 52°00'00" WEST, 226.36 FEET; THENCE NORTH 36°40'00" WEST, 256.61 FEET; THENCE NORTH 44°00'00" EAST, 127.02 FEET; THENCE NORTH 46°00'00" WEST, 158.18 FEET; THENCE NORTH 56°00'00" WEST, 172.22 FEET; THENCE NORTH 65°20'00" WEST, 662.32 FEET TO A POINT ON THE EAST LINE OF LOT 3 IN BRICKYARD INDUSTRIAL PARK, A SUBDIVISION OF LAND IN THE CITY OF HARRISONVILLE, MISSOURI, AS PREVIOUSLY PLATTED AND RECORDED; THENCE NORTH 1°21'44" EAST ALONG THE EAST LINE OF SAID LOT 3, 20.03 FEET TO A SOUTHERLY CORNER OF LOT 4 IN SAID BRICKYARD INDUSTRIAL PARK; THENCE NORTH 57°14'47" EAST ALONG THE EASTERLY LINE OF SAID LOT 4, 257.46 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 4, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BROOKHART ROAD AS NOW LOCATED; THENCE NORTH 71°24'49" WEST ALONG THE NORTH LINE OF LOT 4 IN SAID BRICKYARD INDUSTRIAL PARK, 291.67 FEET; THENCE SOUTH 57°14'46" WEST ALONG THE WESTERLY LINE OF SAID BRICKYARD INDUSTRIAL PARK, 119.63 FEET, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF BRICKPLAND ROAD AS NOW LOCATED; THENCE NORTH 83°54'00" WEST, 60.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID BRICKPLANT ROAD; THENCE NORTH 6°06'00" EAST ALONG SAID RIGHT-OF-WAY LINE, 176.12 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 44, RANGE 31; THENCE NORTH 1°21'44" EAST ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5, 613.95 FEET; THENCE ALONG A CURVE TO THE LEFT, BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING A

RADIUS OF 60.00 FEET AND AN ARC LENGTH OF 93.59 FEET; THENCE NORTH 88°00’48” WEST, 40.65 FEET; THENCE NORTH 1°59’12” EAST, 60.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5; THENCE SOUTH 88°00’49” EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, 170.32 FEET; THENCE SOUTH 1°21’44” WEST ALONG THE EAST RIGHT-OF-WAY LINE OF BRICKPLANT ROAD, 637.05 FEET; THENCE SOUTH 85°27’55” EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF BROOKHART ROAD, 9.15 FEET; THENCE SOUTH 25°50’06” EAST ALONG SAID RIGHT-OF-WAY LINE, 30.31 FEET; THENCE SOUTH 88°00’54” EAST, 1232.73 FEET TO THE TRUE POINT OF BEGINNING; CONTAINS 56.42 ACRES, MORE OR LESS, SUBJECT TO ANY EXISTING EASEMENTS OR RIGHTS-OF-WAY.

EXHIBIT B

Boundary Map of the Brookhart Community Improvement District

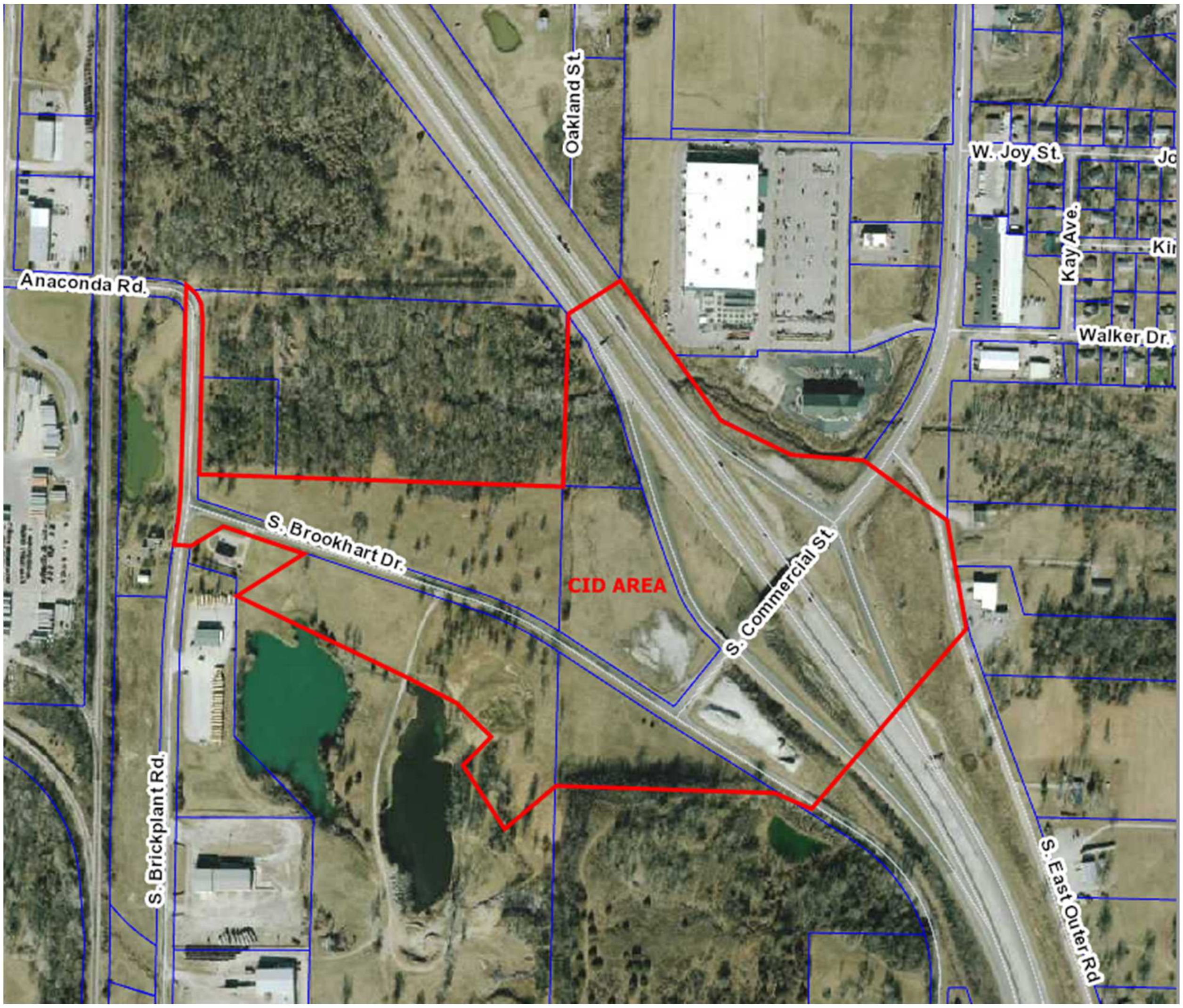


EXHIBIT C
FIVE YEAR PLAN

(Attached)

FIVE YEAR DISTRICT MANAGEMENT PLAN

OF THE

BROOKHART COMMUNITY IMPROVEMENT DISTRICT

CITY OF HARRISONVILLE, MISSOURI

The information and details outlined in the following pages represent the strategies and activities anticipated to be undertaken during the initial five-year duration of the Brookhart Community Improvement District in Harrisonville, Missouri. This Plan is an integral and composite part of the petition to establish the Brookhart Community Improvement District.

Introduction

The Brookhart Community Improvement District (the "District") is created pursuant to Section 67.1401 through 67.1571 of the Revised Statutes of Missouri (the "CID Act"). Section 67.1421, RSMo, requires that the petition for the creation of the District be accompanied by a five-year plan which includes a description of the purposes of the proposed district, the services it will provide, the improvements it will make and an estimate of the costs of these services and improvements to be incurred. This Five-Year District Management Plan (the "Plan") is intended to satisfy this statutory requirement, and is appended to the Petition for Formation of the District (the "Petition") as an integral part thereof.

Section 1 - Why Create a Community Improvement District?

The District will encompass a proposed retail development located in the general vicinity of Brickplant Road and Brookhart Road in Harrisonville, Missouri (the "Development"). The Development will be comprised of commercial retail uses, including but not limited to a fueling/travel stop establishment, restaurants, and a tire service center. The purpose of the District is to undertake certain improvements and services within the District, as discussed below, and to use or make available its revenue to pay the costs thereof, including without limitation debt service on any notes, bonds or other obligations issued and outstanding from time to time to finance all or any of such costs.

Section 2 - What is a Community Improvement District?

A community improvement district is an entity that is separate from the City of Harrisonville and is formed by the adoption of an ordinance by the Board of Aldermen following a public hearing before the Board of Aldermen regarding formation of the District. A CID may take the form of a political subdivision of the State of Missouri, or a nonprofit corporation that is formed and operated under Missouri corporation laws. CIDs are empowered to provide a variety of services and to construct and/or finance a number of different public improvements (and in a blighted area, private improvements), as set forth more particularly in the CID Act. CIDs derive their revenue from taxes and assessments levied within the boundaries of the CID. Such revenues are then used to pay the costs of the services or improvements. A CID is operated and managed by a board of directors, whose members may be appointed or elected. Board members serve for a designated period of time, and the Board positions are again elected or appointed at the expiration of each term as provided in the petition creating such CID.

Section 3 - Management Plan Summary

The District in this case will take the form of a separate political subdivision of the State of Missouri, which will be governed by a Board of Directors that will consist of six (6) members appointed by the Mayor of Harrisonville with the consent of the Board of Aldermen pursuant to a slate submitted in accordance with the Petition.

District Formation:

CID formation requires submission of signed petitions from a group of property owners:

- collectively owning more than fifty percent (50%) by assessed value of the real property within the District, and
- representing more than fifty percent (50%) per capita of all owners of real property within the District.

In this case, the Petition to which this Plan is attached has been signed by the owners of 100% of the assessed value and 100% of the per capita property owners within the District.

Location:

The Development is located in the general vicinity of Brickplant Road and Brookhart Road in Harrisonville, Missouri and consists of approximately 56.42 acres, more or less, subject to any existing easements or right-of-way. The District will include a proposed commercial development, with potential future residential uses.

Improvements and Services:

The purpose of the District is to provide funding for the construction of certain public improvements and the provision of certain services within the District's boundaries. The improvements initially contemplated include but are not limited to infrastructure improvements, including land acquisition, site clearance, land grading and associated site work, street paving, construction of storm drainage improvements, power line relocation, restoration of right-of-way, lawns, trees, water main extensions, sewer extensions, right-of-way improvements, highway ramp and interchange improvements, as well as any other improvements permitted by the CID Act (the "Improvements"). The Improvements are generally depicted on the Preliminary Plans attached hereto as **Exhibit A**. The particular items included within the Improvements may be modified from those listed herein from time to time with the approval of the District's Board of Directors, and the costs of the Improvements to be financed by the District shall include all associated design, architecture, engineering, financing costs incurred to finance such Improvements, legal and administrative costs of same.

The District may also provide funding for the District's formation and its ongoing operation and administration costs on an annual basis. Further, the District may at its discretion fund the provision of services within its boundaries for the benefit of the owner and tenants of the District related to the ongoing repair, replacement and/or maintenance of the Improvements (the "Services"). It is also anticipated that all costs, including attorneys fees, associated with formation of the District, including, but not limited to, the preparation of the CID Petition, the negotiation and drafting of any agreements entered into upon formation of the District in furtherance of the District's purposes, and the initial implementation of the District ("Formation Costs") will be reimbursed to the advancing party, or paid directly, from funds generated by the District. It is also anticipated that the District will enter into a Cooperative Agreement with the Brookhart Transportation Development District (the "TDD") for the sharing of costs pro rata associated with the Improvements, except for in circumstances where such costs are attributable only to the District or the TDD.

Notwithstanding that the District is at the time providing Services, but subject to the contractual rights of any third parties, the District may be terminated at any time in accordance with the provisions of the CID Act if there are no outstanding obligations of the District. Accordingly, the Petitioners anticipate that upon completion of the Improvements, the District will either i) be terminated in accordance with the provisions of the CID Act or ii) CID Sales Tax revenues will continue to be collected and thereafter directed for use in future related public infrastructure projects.

Method of Financing:

It is proposed that the District will impose a sales and use tax of up to one percent (1%) (the "CID Sales Tax"), which is in addition to any other state, county or city sales and use tax. The CID Sales Tax is payable on the same retail sales that are subject to taxation pursuant to Sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors, and sales to or by public utilities and providers of communications, cable, or video services. Upon collection, the CID Sales Tax revenue shall be deposited into an account specifically established for the purpose of depositing CID Sales Tax revenue (the "CID Sales Tax Account"). The City shall provide accounting services with regard to the amounts on deposit in the CID Sales Tax Account and from the proceeds of any notes or other obligations issued by the District. The City's role in providing accounting services to the District shall include administering the funds on deposit in the CID Sales Tax Account, as well as providing traditional accounting services in relation to CID Sales Tax revenues collected and disbursed as directed by the District. However, the City's role in administering CID Sales Tax revenues shall not provide the City discretion to control disbursement of said revenues. The City shall be compensated for these services through CID Sales Tax revenues in an amount to be agreed upon in a Cooperative Agreement between the City and the CID (such costs are included within the "Administrative Costs" line item in **Exhibit B** to this Plan). All costs and obligations of the District shall be financed in the manner and amount determined by the Board of Directors from the amounts on deposit in the CID Sales Tax Account. Amounts advanced to the District by the Petitioner, or its successors or assigns, to cover the costs contemplated hereunder will be reimbursed by the District upon the availability of funds, including but not limited to funds from the issuance of obligations of the District. All financing costs, including interest costs, associated with any loan obtained by the District, or notes, bonds, or other obligations issued by District to finance Improvements and/or Services may be paid from CID Sales Tax revenues.

Estimated Costs:

Attached as **Exhibit B** to this Plan is a table setting forth the estimated cost of the Improvements and the Services, and a table setting forth the projected cash flow for the first five years of the District's existence. The total amount of costs of the Improvements reimbursed through CID Sales Tax revenues shall be the lesser of i) actual costs of the Improvements or ii) $3,250,000. Notwithstanding the foregoing, the cap on the cost of the Improvements described in the preceding sentence shall not apply to limit the costs for ongoing administration and operations of the District, and for Services related to ongoing repair, replacement and/or maintenance of the Improvements.

City Services:

The CID Act mandates that existing City services will continue to be provided within a CID at the same level as before the District was created (unless services are decreased throughout the City) and that District services shall be in addition to existing City services. The District anticipates that City services will continue to be provided within the District at the same level as before the District was created, and the District will not cause the level of City services within the District to diminish.

Duration:

The duration of the District is proposed to be a minimum of forty (40) years beginning from the date of the ordinance approved the Petition. Notwithstanding that the District is at the time providing Services, but subject to the contractual rights of any third parties, the District may be terminated at any time in accordance with the provisions of the CID Act if there are no outstanding obligations of the District.

Section 4
District Boundaries

The legal description of the District is attached as Exhibit A to the Petition.

Section 5
Facilities and Services to Be Provided

As explained above, during the first five years, the purpose of the District is to provide revenue sources in support of contracting with any private property owner to effectuate the Improvements, and providing or contracting for the Services.

Section 6
Governing the Community Improvement District

Board of Aldermen:

Following the submission of the Petition, the Board of Aldermen will conduct a public hearing and then consider an ordinance to create the District.

Board of Directors for District:

The District will be governed by a Board of Directors that will consist of six (6) members set forth in the Petition with the Successor Directors to be appointed by the Mayor of Harrisonville with the consent of the Board of Alderman pursuant to a slate submitted in accordance with the Petition. It is anticipated that when the Board submits names of suggested Successor Directors to the City in writing at least thirty (30) days prior to the expiration date of the terms of the applicable directors, the Mayor shall appoint such directors as Successor Directors, with the consent of the Board of Aldermen, unless the Mayor provides the District with a reasonable written explanation that such suggested Successor Directors do not meet applicable legal requirements or lack the competency to serve as directors.

Annual Budget:

The District's budgets will be proposed and approved annually, within the limitations set forth in this Plan, by the District's Board of Directors. Budgets will be submitted annually to the Board of Aldermen of the City of Harrisonville for review and comment in accordance with the CID Act. The District will operate at all times in accordance with the District Rules and Regulations (Section 7) and the Bylaws of the District.

Section 7
District Rules and Regulations

1. The District shall operate at all times in accordance with Bylaws that may be adopted by the Board of Directors. The District shall at all times conduct its proceedings in accordance with Robert's Rules of Order, except as otherwise provided in any Bylaws.

2. The Board of Directors of the District will meet at least on an annual basis.

END OF DOCUMENT

EXHIBIT A TO FIVE YEAR PLAN OF THE
BROOKHART COMMUNITY IMPROVEMENT DISTRICT

PRELIMINARY PLANS

(SEE ATTACHED)

EXHIBIT B TO FIVE YEAR PLAN OF THE

BROOKHART COMMUNITY IMPROVEMENT DISTRICT

ESTIMATED COSTS OF IMPROVEMENTS AND SERVICES[1]

CATEGORY	PROJECTED COST
Land Acquisition for ROW Dedication	$200,000
I-49 Commercial Interchange Improvements	$344,000
Earthwork	$270,000
Paving	$733,000
Storm Drainage	$213,000
Surveying/Staking	$8,000
Traffic Control	$30,000
Power Line Relocation	$50,000
Utility Relocations	$328,000
Engineering	$250,000
Construction Inspection	$200,000
Legal	$50,000
Financial Consultant	$50,000
Administrative Costs	$50,000
Contingency (15%)	$416,400
TOTAL	**$3,192,400**

CASH FLOW PROJECTION[2]

YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
$12,750	$25,500	$51,000	$51,510	$52,025

[1] These costs are estimates and may fluctuate based on actual costs incurred for purposes permitted under the CID Act. Costs may be moved between line items at the election of the Board of Directors.
[2] Any annual revenue generated will be utilized to pay any costs of the District in the discretion of the Board of Directors.

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Rick Deluca, Director**

DATE: **July 1, 2015**

SUBJECT: **Public Hearing for Love's Drainage Easement Vacation**

Type of Item: *Public Hearing*

Issue: Vacation of a drainage easement - Love’s Development.

Background:

Love’s Travel Stop and Country Store are requesting to develop the area located north of the South Commercial and Brookhart Intersection. Their site would be approximately 12 acres. It is anticipated that the initial phase will be 5-7 lots. The Love’s site, Lot 1, would include a McDonalds and a Subway (tenants within the primary structure). Furthermore, a Tire Shop (affiliated with Michelin) would also be located north of the primary structure.

As part of this development, a drainage easement needs to be vacated. When developed, this easement will be in the interior of the Love’s site. The easement is currently entirely on the Love’s property. The City does not need the drainage easement. A survey showing the location of the easement is attached.

Options:

The City may:

- Approve the easement vacation.
- Conditionally approve the easement vacation.
- Deny the request for easement vacation.

Recommendations:

Planning and Zoning Commission: Approval (May 21, 2015)

Staff Recommendation: Approval

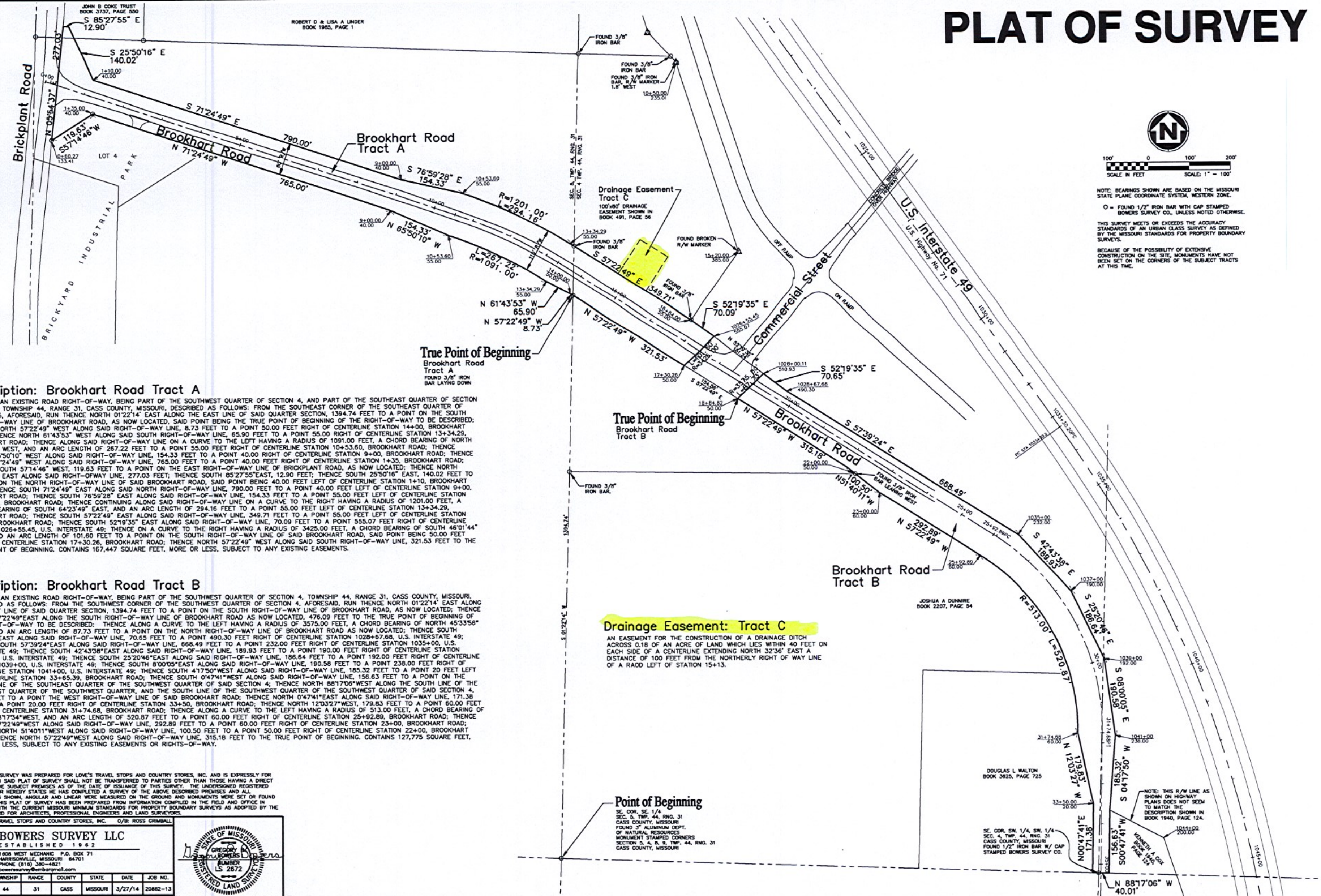
G. Discussion Item (ID # 1931)

Public Hearing for Love's Drainage Easement Vacation

Attachments:

Loves Easement Map - Exhibit.7-6-15 (PDF)

PLAT OF SURVEY



NOTE: BEARINGS SHOWN ARE BASED ON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WESTERN ZONE.

O = FOUND 1/2" IRON BAR WITH CAP STAMPED BOWERS SURVEY CO., UNLESS NOTED OTHERWISE.

THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF AN URBAN CLASS SURVEY AS DEFINED BY THE MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

BECAUSE OF THE POSSIBILITY OF EXTENSIVE CONSTRUCTION ON THE SITE, MONUMENTS HAVE NOT BEEN SET ON THE CORNERS OF THE SUBJECT TRACTS AT THIS TIME.

Description: Brookhart Road Tract A

PART OF AN EXISTING ROAD RIGHT-OF-WAY, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 4, AND PART OF THE SOUTHEAST QUARTER OF SECTION 5, ALL IN TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 5, AFORESAID, RUN THENCE NORTH 01°22'14' EAST ALONG THE EAST LINE OF SAID QUARTER SECTION, 1394.74 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BROOKHART ROAD, AS NOW LOCATED, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE RIGHT-OF-WAY TO BE DESCRIBED; THENCE NORTH 57°22'49" WEST ALONG SAID RIGHT-OF-WAY LINE, 8.73 FEET TO A POINT 50.00 FEET RIGHT OF CENTERLINE STATION 14+00, BROOKHART ROAD; THENCE NORTH 61°43'53" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 65.90 FEET TO A POINT 55.00 RIGHT OF CENTERLINE STATION 13+34.29, BROOKHART ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 1091.00 FEET, A CHORD BEARING OF NORTH 64°23'49" WEST, AND AN ARC LENGTH OF 267.22 FEET TO A POINT 55.00 FEET RIGHT OF CENTERLINE STATION 10+53.60, BROOKHART ROAD; THENCE NORTH 65°50'10" WEST ALONG SAID RIGHT-OF-WAY LINE, 154.33 FEET TO A POINT 40.00 RIGHT OF CENTERLINE STATION 9+00, BROOKHART ROAD; THENCE NORTH 71°24'49" WEST ALONG SAID RIGHT-OF-WAY LINE, 765.00 FEET TO A POINT 40.00 FEET RIGHT OF CENTERLINE STATION 1+35, BROOKHART ROAD; THENCE SOUTH 57°14'46" WEST, 119.63 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF BRICKPLANT ROAD, AS NOW LOCATED; THENCE NORTH 05°54'37" EAST ALONG SAID RIGHT-OFWAY LINE, 277.03 FEET; THENCE SOUTH 85°27'55"EAST, 12.90 FEET; THENCE SOUTH 25°50'16" EAST, 140.02 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID BROOKHART ROAD, SAID POINT BEING 40.00 FEET LEFT OF CENTERLINE STATION 1+10, BROOKHART ROAD; THENCE SOUTH 71°24'49" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 790.00 FEET TO A POINT 40.00 FEET LEFT OF CENTERLINE STATION 9+00, BROOKHART ROAD; THENCE SOUTH 76°59'28" EAST ALONG SAID RIGHT-OF-WAY LINE, 154.33 FEET TO A POINT 55.00 FEET LEFT OF CENTERLINE STATION 10+53.60, BROOKHART ROAD; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1201.00 FEET, A CHORD BEARING OF SOUTH 64°23'49" EAST, AND AN ARC LENGTH OF 294.16 FEET TO A POINT 55.00 FEET LEFT OF CENTERLINE STATION 13+34.29, BROOKHART ROAD; THENCE SOUTH 57°22'49" EAST ALONG SAID RIGHT-OF-WAY LINE, 349.71 FEET TO A POINT 55.00 FEET LEFT OF CENTERLINE STATION 16+84, BROOKHART ROAD; THENCE SOUTH 52°19'35" EAST ALONG SAID RIGHT-OF-WAY LINE, 70.09 FEET TO A POINT 555.07 FEET RIGHT OF CENTERLINE STATION 1026+55.45, U.S. INTERSTATE 49; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 3425.00 FEET, A CHORD BEARING OF SOUTH 46°01'44" WEST, AND AN ARC LENGTH OF 101.60 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID BROOKHART ROAD, SAID POINT BEING 50.00 FEET RIGHT OF CENTERLINE STATION 17+30.26, BROOKHART ROAD; THENCE NORTH 57°22'49" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 321.53 FEET TO THE TRUE POINT OF BEGINNING. CONTAINS 167,447 SQUARE FEET, MORE OR LESS, SUBJECT TO ANY EXISTING EASEMENTS.

Description: Brookhart Road Tract B

PART OF AN EXISTING ROAD RIGHT-OF-WAY, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: FROM THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 4, AFORESAID, RUN THENCE NORTH 01°22'14' EAST ALONG THE WEST LINE OF SAID QUARTER SECTION, 1394.74 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BROOKHART ROAD, AS NOW LOCATED; THENCE SOUTH 57°22'49"EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF BROOKHART ROAD AS NOW LOCATED, 476.09 FEET TO THE TRUE POINT OF BEGINNING OF THE RIGHT-OF-WAY TO BE DESCRIBED: THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 3575.00 FEET, A CHORD BEARING OF NORTH 45°33'56" EAST, AND AN ARC LENGTH OF 87.73 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BROOKHART ROAD AS NOW LOCATED; THENCE SOUTH 52°19'35"EAST ALONG SAID RIGHT-OF-WAY LINE, 70.65 FEET TO A POINT 490.30 FEET RIGHT OF CENTERLINE STATION 1028+67.68, U.S. INTERSTATE 49; THENCE SOUTH 57°39'24"EAST ALONG SAID RIGHT-OF-WAY LINE, 668.49 FEET TO A POINT 232.00 FEET RIGHT OF CENTERLINE STATION 1035+00, U.S. INTERSTATE 49; THENCE SOUTH 42°43'38"EAST ALONG SAID RIGHT-OF-WAY LINE, 189.93 FEET TO A POINT 190.00 FEET RIGHT OF CENTERLINE STATION 1037+00, U.S. INTERSTATE 49; THENCE SOUTH 25°20'46"EAST ALONG SAID RIGHT-OF-WAY LINE, 186.64 FEET TO A POINT 192.00 FEET RIGHT OF CENTERLINE STATION 1039+00, U.S. INTERSTATE 49; THENCE SOUTH 8°00'05"EAST ALONG SAID RIGHT-OF-WAY LINE, 190.58 FEET TO A POINT 238.00 FEET RIGHT OF CENTERLINE STATION 1041+00, U.S. INTERSTATE 49; THENCE SOUTH 4°17'50"WEST ALONG SAID RIGHT-OF-WAY LINE, 185.32 FEET TO A POINT 20 FEET LEFT OF CENTERLINE STATION 33+65.39, BROOKHART ROAD; THENCE SOUTH 0°47'41"WEST ALONG SAID RIGHT-OF-WAY LINE, 156.63 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 4; THENCE NORTH 88°17'06"WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 4, 40.01 FEET TO A POINT THE WEST RIGHT-OF-WAY LINE OF SAID BROOKHART ROAD; THENCE NORTH 0°47'41"EAST ALONG SAID RIGHT-OF-WAY LINE, 171.38 FEET TO A POINT 20.00 FEET RIGHT OF CENTERLINE STATION 33+50, BROOKHART ROAD; THENCE NORTH 12°03'27"WEST, 179.83 FEET TO A POINT 60.00 FEET RIGHT OF CENTERLINE STATION 31+74.68, BROOKHART ROAD; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 513.00 FEET, A CHORD BEARING OF NORTH 28°17'34"WEST, AND AN ARC LENGTH OF 520.87 FEET TO A POINT 60.00 FEET RIGHT OF CENTERLINE STATION 25+92.89, BROOKHART ROAD; THENCE NORTH 57°22'49"WEST ALONG SAID RIGHT-OF-WAY LINE, 292.89 FEET TO A POINT 60.00 FEET RIGHT OF CENTERLINE STATION 23+00, BROOKHART ROAD; THENCE NORTH 51°40'11"WEST ALONG SAID RIGHT-OF-WAY LINE, 100.50 FEET TO A POINT 50.00 FEET RIGHT OF CENTERLINE STATION 22+00, BROOKHART ROAD; THENCE NORTH 57°22'49"WEST ALONG SAID RIGHT-OF-WAY LINE, 315.18 FEET TO THE TRUE POINT OF BEGINNING. CONTAINS 127,775 SQUARE FEET, MORE OR LESS, SUBJECT TO ANY EXISTING EASEMENTS OR RIGHTS-OF-WAY.

Drainage Easement: Tract C

AN EASEMENT FOR THE CONSTRUCTION OF A DRAINAGE DITCH ACROSS 0.18 OF AN ACRE OF LAND WHICH LIES WITHIN 40 FEET ON EACH SIDE OF A CENTERLINE EXTENDING NORTH 32°36' EAST A DISTANCE OF 100 FEET FROM THE NORTHERLY RIGHT OF WAY LINE OF A RAOD LEFT OF STATION 15+13.

THIS PLAT OF SURVEY WAS PREPARED FOR LOVE'S TRAVEL STOPS AND COUNTRY STORES, INC. AND IS EXPRESSLY FOR THEIR USE AND SAID PLAT OF SURVEY SHALL NOT BE TRANSFERRED TO PARTIES OTHER THAN THOSE HAVING A DIRECT INTEREST IN THE SUBJECT PREMISES AS OF THE DATE OF ISSUANCE OF THIS SURVEY. THE UNDERSIGNED REGISTERED LAND SURVEYOR HEREBY STATES HE HAS COMPLETED A SURVEY OF THE ABOVE DESCRIBED PREMISES AND ALL MEASUREMENTS SHOWN, ANGULAR AND LINEAR WERE MEASURED ON THE GROUND AND MONUMENTS WERE SET OR FOUND AS SHOWN. THIS PLAT OF SURVEY HAS BEEN PREPARED FROM INFORMATION COMPILED IN THE FIELD AND OFFICE IN COMPLIANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ADOPTED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

FOR: LOVE'S TRAVEL STOPS AND COUNTRY STORES, INC. O/B: ROSS GRIMBALL

BOWERS SURVEY LLC
ESTABLISHED 1962
1606 WEST MECHANIC P.O. BOX 71
HARRISONVILLE, MISSOURI 64701
PHONE (816) 380-4821
bowerssurvey@embarqmail.com

SECTION	TOWNSHIP	RANGE	COUNTY	STATE	DATE	JOB NO.
4	44	31	CASS	MISSOURI	3/27/14	20862-13
DRAWING NO. 20862F.DWG			DRAWN BY: GB		CHECKED BY:	

STATE OF MISSOURI GREGORY B. BOWERS NUMBER LS 2672 REGISTERED LAND SURVEYOR

GREGORY B. BOWERS MO LS 2672

City of Harrisonville est. 1836

STAFF REPORT

TO: **Board of Aldermen**

FROM: **Rick Deluca, Director**

DATE: **July 1, 2015**

SUBJECT: **Ordinance for Love's Drainage Easement Vacation**

Type of Item: *Approval*

Council Bill No. 054

Ordinance No.

AN ORDINANCE VACATING A DRAINAGE EASEMENT LYING NORTH OF SOUTH COMMERCIAL STREET AND BROOKHART IN HARRISONVILLE, CASS COUNTY, MISSOURI.

WHEREAS, the Board of Aldermen, of the City of Harrisonville, Missouri, in accordance with the provision of Chapter 89 RSMo, has held a public hearing after notice of said hearing was published in a newspaper of general circulation in Harrisonville, Missouri, at least fifteen (15) days prior to said hearing and notices of the public hearing were sent via certified mail to the abutting property owners.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AS FOLLOWS:

SECTION 1. The Board of Aldermen of Harrisonville, Missouri, hereby declares it necessary, reasonable and proper to discontinue as an easement and forever vacate the following described easement.

> *AN EASEMENT FOR THE CONSTRUCTION OF A DRAINAGE DITCH ACROSS 0.18 OF AN ACRE OF LAND WHICH LIES WITHIN 40 FEET OF EACH SIDE OF A CENTERLINE EXTENDING NORTH 32 DEGREES, 36 MINUTES EAST A DISTANCE OF 100 FEET FROM THE NORTHERLY RIGHT-OF-WAY LINE OF A ROAD LEFT OF STATION 15+13.*

SECTION 2. *Severability*. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. *Effective Date*. The effective date of approval shall be coincidental with the Mayor's signature and attestation by the City Clerk.

Vote taken as follows:

AYES:

NAYS:

ABSENT:

ABSTAIN:

READ TWO TIMES BY TITLE ONLY ON JULY 6, 2015, AND PASSED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR THE 6th DAY OF JULY 2015.

____

Brian Hasek, Mayor and Ex-Officio
Chairman of the Board of Aldermen

____

Kim Hubbard, City Clerk
APPROVED by the Mayor this 6th day of July 2015.