

COUNCIL BILL NO. 2021-502

ORDINANCE NO.

AN ORDINANCE approving an Amended Petition to Amend Boundaries and Remove Property from the 32nd Street Place Community Improvement District and rescinding Ordinance No. 2020-205; and, containing an emergency clause.

WHEREAS, the City of Joplin, Missouri (the “City”) is a charter city and a political subdivision of the State of Missouri, duly created, organized and existing under the by virtue of the Constitution and the laws of the State of Missouri; and

WHEREAS, by Ordinance No. 2020-113 adopted by the City Council on August 3, 2020, and in accordance with the Missouri Community Improvement District Act, Sections 67.1401-67.1571, Revised Statutes of Missouri, as amended (the “CID Act”), the 32nd Street Place Community Improvement District (the “District”) was established as a political subdivision of the State of Missouri to fund certain public and private facilities and improvements within the project area, including improvements to Hammons Boulevard, which is currently a private road that intersects with Range Line Road on the western boundary of the District and with 32nd Street on the northern boundary of the District; and

WHEREAS, on December 7, 2020, the City Council adopted Ordinance No. 2020-193 (“Annexation Ordinance”) approving the addition of certain property to the District in accordance with the CID Act and as provided in the Amended Petition to Amend Boundaries and Add Property to the District filed with the City Clerk on November 12, 2020; and

WHEREAS, on December 21, 2020, the City Council adopted Ordinance No. 2020-205 (“Deannexation Ordinance”) approving the removal of certain property from the District in accordance with the CID Act and as provided in the Petition to Amend Boundaries and Remove Property from the District filed with the City Clerk on October 29, 2020; and

WHEREAS, a portion of the existing northern section of Hammons Boulevard, including its intersection with 32nd Street, is intended to be conveyed to the City and will ultimately be replaced by a new and re-aligned Hammons Boulevard. Upon completion, the Hammons Boulevard improvements will be dedicated to the City; and

WHEREAS, pursuant to Section 67.1441.1 of the CID Act, the owners of property seeking to remove its property from the District signed a petition, which petition was consented to by the District’s Board of Directors by Resolution 2020:15 dated December 29, 2020; and

WHEREAS, an Amended Petition to Amend Boundaries and Remove Property from the District was filed with the City Clerk on December 29, 2020, (the “Amended Deannexation Petition”), a copy of the Amended Deannexation Petition is attached hereto as **Exhibit A**; and

WHEREAS, the Amended Deannexation Petition requests that the City Council amend the District’s boundaries by removing the tracts, as legally described and depicted in **Exhibit B** attached hereto (the “Amended Deannexed Property”); and

WHEREAS, the Amended Deannexed Property includes that portion of the existing Hammons Boulevard that crosses the site of a proposed Menards store and was annexed into the District by

Ordinance No. 2020-193 dated December 7, 2020, which is legally described as Tract 1 on the attached **Exhibit B**, to enable the District to utilize District funds to assist in the re-alignment of Hammons Boulevard. It has since been determined that the District will not expend any District funds with respect to such Tract 1 and that additional property must be removed from the District to accommodate the location of a proposed Menards store. Accordingly, the Amended Deannexed Property includes the property that is the subject of the original Deannexation Petition, plus the additional property to be removed to accommodate the proposed Menards store when built, all as legally described and depicted on the attached **Exhibit B**;

WHEREAS, once the Hammons Boulevard improvements are complete and accepted by the City, such improvements will be dedicated to the City; and

WHEREAS, the City Clerk verified that the Amended Deannexation Petition substantially complies with the CID Act, submitted the verified Amended Deannexation Petition to the City Council and set a public hearing with all proper notice being given in accordance with the CID Act or other applicable law; and

WHEREAS, none of the signatures of the signers of the Amended Deannexation Petition were withdrawn within seven (7) days after the Amended Deannexation Petition was filed with the City Clerk; and

WHEREAS, all of the Amended Deannexed Property is located within the City of Joplin; and

WHEREAS, on January 19, 2021, the City Council held a public hearing at which all persons interested in the amendment of the District's boundaries were allowed an opportunity to speak; and

WHEREAS, the City Council having considered the evidence and testimony given at the public hearing, desires to approve the Amended Deannexation Petition and amend the District's boundaries by removing the Amended Deannexed Property from the District and make such other findings as necessary.

BE IT ORDAINED BY THE COUNIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. All terms used in this Ordinance shall be construed as defined in the CID Act and the Amended Deannexation Petition.

Section 2. The City Clerk has verified the Amended Deannexation Petition substantially complies with all submission requirements of the CID Act.

Section 3. The boundaries of the District are further amended to exclude the Amended Deannexed Property in accordance with Section 67.1441.1 of the CID Act and the Amended Deannexation Petition. The boundaries of the District, as amended by the removal of the Amended Deannexed Property, will be contiguous.

Section 4. The City Manager, City Clerk and any other appropriate City officials are hereby authorized to take any action as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance and to execute and 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 5. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

Section 6. To the extent that Ordinance No. 2020-205 is inconsistent with this Ordinance, Ordinance No. 2020-205 is rescinded. The property removed from the District on a contingent basis by Ordinance 2020-205 is also removed by this Ordinance, except that such property, along with the remainder of the Amended Deannexed Property, is being removed by this Ordinance immediately.

Section 7. This Ordinance relating to the amendment of the District's boundaries to remove the Amended Deannexed Property is declared by the City Council to be an emergency within this meaning of Section 2.12, subparagraph (6), of the Home Rule Charter of the City of Joplin, Missouri, and as such shall become effective immediately upon its passage. The Amended Deannexation Petition needs to be approved to advance the District's project and the boundaries of the District are hereby amended to exclude the Amended Deannexed Property.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day
of _____, 2021, by a _____ vote.

Ryan D. Stanley, Mayor

ATTEST:

Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

Peter C. Edwards, City Attorney

Exhibit A

Amended Petition to Amend Boundaries and Remove Property

Exhibit B

Legal Description and Maps of Property to be Removed

Tract 1:

ALL THAT PART OF FRACTIONAL SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID SECTION 19 (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE); THENCE SOUTH 88°29'34" EAST, ALONG THE NORTH LINE OF THE SAID FRACTIONAL SECTION 19, A DISTANCE OF 916.30 FEET; THENCE SOUTH 01°29'03" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF MISSOURI ROUTE FF (A.K.A. 32ND STREET) AND THE INTERSECTION OF SAID SOUTH RIGHT OF WAY LINE AND THE WEST RIGHT OF WAY LINE OF HAMMONS BLVD, AS PREVIOUSLY ESTABLISHED; THENCE CONTINUING SOUTH 01°29'03" WEST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 99.99 FEET TO THE BEGINNING OF A CURVE TO THE LEFT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE, HAVING A CHORD BEARING OF SOUTH 14°06'27" EAST, A RADIUS OF 834.27 FEET, FOR AN ARC DISTANCE OF 454.04 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 88°25'36" EAST, A DISTANCE OF 71.23 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID HAMMONS BLVD, SAID POINT BEING ON A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT AND ALONG SAID EAST RIGHT OF WAY LINE, HAVING A CHORD BEARING OF SOUTH 42°24'50" EAST, A RADIUS OF 774.27 FEET FOR AN ARC DISTANCE OF 269.67 FEET; THENCE SOUTH 52°23'30" EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 30.39 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT AND ALONG SAID EAST RIGHT OF WAY LINE, HAVING A CHORD BEARING OF SOUTH 36°44'33" EAST, A RADIUS OF 830.54 FEET, FOR AN AR DISTANCE OF 453.69 FEET; THENCE NORTH 88°25'36" WEST, A DISTANCE OF 65.47 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID HAMMONS BLVD, SAID POIUNT BEING ON A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT AND ALONG SAID WEST RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 37°40'51" WEST, A RADIUS OF 770.54 FEET, FOR AN ARC DISTANCE OF 365.68 FEET; THENCE NORTH 52°23'30" WEST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 30.39 TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF NORTH 41°02'43" WEST, A RADIUS OF 834.27 FEET, FOR AN ARC DISTANCE OF 330.42 FEET TO THE **POINT OF BEGINNING**. CONTAINING 45,314.80 SQ. FEET (1.04 ACRES).

Tract 2:

ALL THAT PART OF FRACTIONAL SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID SECTION 19 (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE); THENCE SOUTH 88°29'34" EAST, ALONG THE NORTH LINE OF THE SAID FRACTIONAL SECTION 19, A DISTANCE OF 916.30 FEET; THENCE SOUTH 01°29'03" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF MISSOURI ROUTE FF (A.K.A. 32ND STREET) AND THE INTERSECTION OF SAID SOUTH RIGHT OF WAY LINE AND THE WEST RIGHT OF WAY LINE OF HAMMONS BLVD, AS PREVIOUSLY ESTABLISHED; THENCE

CONTINUING SOUTH 01°29'03" WEST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 99.99 FEET TO THE BEGINNING OF A CURVE TO THE LEFT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE, HAVING A CHORD BEARING OF SOUTH 02°52'54" EAST, A RADIUS OF 834.27 FEET, FOR AN ARC DISTANCE OF 127.13 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING ON NON-TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF NORTH 83°56'35" EAST, A RADIUS OF 209.04 FEET, FOR AN ARC DISTANCE OF 55.95 FEET; THENCE SOUTH 88°36'47" EAST, A DISTANCE OF 605.51 FEET; THENCE SOUTH 01°37'40" EAST, A DISTANCE OF 76.59 FEET; THENCE SOUTH 88°22'20" EAST, A DISTANCE OF 11.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT, HAVING A CHORD BEARING OF SOUTH 08°53'10" EAST, A RADIUS OF 503.07 FEET, FOR AN ARC DISTANCE OF 158.86 FEET TO A POINT OF REVERSE CURVATURE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF SOUTH 08°01'02" EAST, A RADIUS OF 485.00 FEET, FOR AN ARC DISTANCE OF 83.62 FEET; THENCE NORTH 88°25'36" WEST, A DISTANCE OF 962.36 FEET; THENCE SOUTH 01°34'24" WEST, A DISTANCE OF 562.48 FEET; THENCE SOUTH 88°25'36" EAST, A DISTANCE OF 954.46 FEET; THENCE SOUTH 04°07'26" WEST, A DISTANCE OF 4.42 FEET; THENCE NORTH 88°36'06" WEST, A DISTANCE OF 1015.66 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF NORTH 06°43'32" WEST, A RADIUS OF 320.00 FEET, FOR AN ARC DISTANCE OF 86.44 FEET; THENCE NORTH 00°49'44" EAST, A DISTANCE OF 623.79 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF NORTH 33°50'51" EAST, A RADIUS OF 112.00 FEET, FOR AN ARC DISTANCE OF 128.37 FEET; THENCE SOUTH 88°40'47" EAST, A DISTANCE OF 19.16 FEET; THENCE NORTH 01°20'14" EAST, A DISTANCE OF 4.70 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF NORTH 84°12'52" EAST, A RADIUS OF 110.31 FEET, FOR AN ARC DISTANCE OF 28.32 FEET; THENCE SOUTH 88°25'13" EAST, A DISTANCE OF 44.20 FEET TO THE BEGINNING OF A CURVE TO THE LEFT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE LEFT, HAVING A CHORD BEARING OF NORTH 76°18'30" EAST, A RADIUS OF 241.50 FEET, FOR AN ARC DISTANCE OF 128.74 FEET; THENCE NORTH 63°34'59" EAST, A DISTANCE OF 18.43 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF NORTH 71°11'32" EAST, A RADIUS OF 209.04 FEET, FOR AN ARC DISTANCE OF 37.09 FEET TO THE **POINT OF BEGINNING**. CONTAINING 346,498.22 SQ. FEET (7.95 ACRES).

MAPS SHOWING PROPERTY TO BE REMOVED AND FULL BOUNDARY MAP WITH DEANNEXED PROEPRTY
REMOVED ATTACHED ON FOLLOWING PAGES