

COUNCIL BILL NO. 2021-532

ORDINANCE NO.

AN ORDINANCE approving a Second Amended Petition to Amend Boundaries and Add Property to the 32nd Street Place Community Improvement District; 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 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; and

WHEREAS, the boundaries of the District have been subsequently amended in accordance with the CID Act as evidenced by the multiple annexation and deannexation petitions approved by the City Council by Ordinance No. 2020-193 dated December 7, 2020, Ordinance No. 2020-205, dated December 21, 2020, and Ordinance No. 2021, dated January 19, 2021; and

WHEREAS, pursuant to Section 67.1441.2 of the CID Act, the owners of property representing: (a) more than 50% of the assessed value of the property proposed to be added to the District; and (b) more than 50% per capita of all property owners of the property proposed to be added to the District, signed a Second Amended Petition to Amend Boundaries and Add Property to the District (the “Second Amended Annexation Petition”), which petition was consented to by the District’s Board of Directors by Resolution 2021:16 dated October 25, 2021; and

WHEREAS, the Second Amended Petition to Amend Boundaries was filed with the City Clerk on November 1, 2021, and a copy of the Second Amended Annexation Petition is attached hereto as **Exhibit A**; and

WHEREAS, the Second Amended Annexation Petition requests that the City Council amend the District’s boundaries by adding the property, including existing public right-of-way, as legally described and depicted in **Exhibit B** attached hereto (the “Annexed Property”); and

WHEREAS, the Second Amended Annexation Petition also allows for automatically adding property to the District at such later time as such property is dedicated to the City or the Missouri Department of Transportation as public right-of-way by plat or other conveyance, which would include the expected dedication of property to the City for a right turn lane from 36th Street to Rangeline Road; and

WHEREAS, the City Clerk verified that the Second Amended Annexation Petition substantially complies with the CID Act, submitted the verified Second Amended Annexation 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 Second Amended Annexation Petition were withdrawn within seven (7) days after the Second Amended Annexation Petition was filed with the City Clerk; and

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

WHEREAS, on this date December 6, 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 Second Amended Annexation Petition and amend the District's boundaries by adding the Annexed Property to 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 Second Amended Annexation Petition.

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

Section 3. The boundaries of the District are amended to include the Annexed Property in accordance with Section 67.1441.2 of the CID Act and the Second Amended Annexation Petition. The boundaries of the District, as amended by the addition of the Annexed Property, are contiguous. In addition, at such time as such other property is dedicated to the City or the Missouri Department of Transportation as public right-of-way for Rangeline Road, 32nd Street, or 36th Street as part of the District's planned project, the boundaries of the District will be automatically amended to include such dedicated public right-of-way, which includes, but not limited to, the anticipated dedication of property for a right turn lane on 36th Street to Rangeline Road.

Section 4. Pursuant to Section 67.1401.2(3)(b) of the CID Act, the City Council hereby finds, determines, and declares that the Annexed Property, which share substantially similar characteristics as the property in the original boundaries of the District, is a blighted area based on information included in testimony related to the blight study submitted and presented at the public hearing on July 20, 2020, in connection with the establishment of the District, which information and testimony was affirmed at the public hearing on December 7, 2020, in connection with amendment of the District's boundaries to add the Annexed Property.

Pursuant to Section 67.1401.2(3)(b) of the CID Act, the City Council hereby finds, determines, and declares that the Annexed Property, constitute a blighted area based on information included

in testimony related to the blight study submitted and presented at the public hearing on December 6, 2021, in connection with the Second Amended Petition.

The City Council further finds and determines that the use of District revenues related to the construction of the improvements and services described in the District's formation petition, and as amended by the Second Amended Annexation Petition, are reasonably anticipated to remediate blighting conditions within the District, including the Annexed Property, and will serve a public purpose.

Section 5. 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 6. 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 7. This Ordinance relating to the amendment of the District's boundaries to add the Annexed 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 Second Amended Annexation Petition needs to be approved to advance the District's project and the boundaries of the District are hereby amended to include the Annexed 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

Second Amended Petition to Amend Boundaries and Add Property

Exhibit B

Legal Description and Maps of Property to be Added

WOODSONIA CID ANNEXATION BOUNDARY DESCRIPTION – 10-27-2021

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 18 AND ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 19, ALL IN TOWNSHIP 27 NORTH, RANGE 32 WEST, IN THE CITY OF JOPLIN, IN JASPER AND NEWTON COUNTIES, MISSOURI, BEING GENERALLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWESTERLY CORNER OF PARCEL 20401800000047000 (3323 E 32ND STREET), SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF KANSAS CITY SOUTHERN RAILWAY; THENCE SOUTHEASTERLY, WITH THE NORTHEASTERLY LINE OF SAID PARCEL 20401800000047000 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF THE KANSAS CITY SOUTHERN RAILWAY AND THEIR SOUTHEASTERLY PROLONGATION TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 18 AND THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19; THENCE WESTERLY, WITH THE NORTH LINE OF SAID SECTION 19, TO A POINT ON THE NORTHERLY PROLONGATION OF THE EAST LINE OF PARCEL 04401900000000900; THENCE SOUTHERLY, WITH THE NORTHERLY PROLONGATION OF SAID EAST LINE, TO THE SOUTH RIGHT-OF-WAY LINE OF E. 32ND STREET; THENCE WESTERLY AND SOUTHWESTERLY, WITH THE SOUTHERLY RIGHT-OF-WAY LINE ON E. 32ND STREET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF S. RANGE LINE ROAD; THENCE NORTHERLY, WITH THE NORTHERLY PROLONGATION OF THE EAST RIGHT-OF-WAY LINE OF S. RANGE LINE ROAD, THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF S. RANGE LINE ROAD AND THE NORTH RIGHT-OF-WAY LINE OF E. 32ND STREET; THENCE SOUTHEASTERLY AND EASTERLY, WITH THE NORTH RIGHT-OF-WAY LINE OF E. 32ND STREET, TO THE SOUTHWEST CORNER OF PARCEL 20401800000047000 (3323 E 32ND STREET); THENCE NORTHERLY, WITH THE WEST LINE OF SAID PARCEL 20401800000047000 (3323 E 32ND STREET) TO THE POINT OF BEGINNING.

AND ALSO,

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, AND ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 27 NORTH, RANGE 33 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI, BEING GENERALLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF PARCEL 4, DRURY 1, A SUBDIVISION IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF E. 36TH STREET, THENCE SOUTHERLY WITH THE SOUTHERLY PROLONGATION OF THE EAST LINE OF SAID PARCEL 4, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF E. 36TH STREET; THENCE WESTERLY WITH THE SOUTH RIGHT-OF-WAY LINE OF E. 36TH STREET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF E. 36TH STREET AND THE EAST RIGHT-OF-WAY LINE OF S. RANGE LINE ROAD; THENCE SOUTHERLY, WITH THE EAST RIGHT-OF-WAY LINE OF S. RANGE LINE ROAD, 75 FEET; THENCE WESTERLY, AND NO LONGER WITH THE EAST RIGHT-OF-WAY OF S. RANGE LINE ROAD TO A POINT ON THE WEST RIGHT-OF-WAY OF S. RANGE LINE ROAD; THENCE NORTHERLY, WITH THE WEST RIGHT-OF-WAY OF S. RANGE LINE ROAD, 190 FEET; THENCE EASTERLY, AND NO LONGER WITH THE WEST RIGHT-OF-WAY OF S. RANGE LINE ROAD TO A POINT ON THE EAST RIGHT-OF-WAY OF S. RANGE LINE ROAD; THENCE SOUTHERLY, WITH THE EAST RIGHT-OF-WAY LINE OF S. RANGE LINE ROAD 75 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF S. RANGE LINE ROAD AND THE NORTH RIGHT-OF-WAY LINE OF E. 36TH STREET; THENCE EASTERLY, WITH THE NORTH RIGHT-OF-WAY OF E. 36TH STREET, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 291,167 SQ. FEET (6.68 ACRES).

MAPS SHOWING PROPERTY TO BE ADDED AND FULL BOUNDARY MAP WITH ANNEXED PROEPRTY
ADDED ATTACHED ON FOLLOWING PAGES