

**PETITION TO AMEND AND RESTATE
THE PETITION TO ESTABLISH THE
DOWNTOWN SPRINGFIELD
COMMUNITY IMPROVEMENT DISTRICT**

Springfield, Greene County, Missouri

Submitted _____

**PETITION TO AMEND AND RESTATE THE PETITION TO ESTABLISH THE
DOWNTOWN SPRINGFIELD COMMUNITY IMPROVEMENT DISTRICT**

To the City Council of the City of Springfield, Greene County, Missouri (the “City”)

The undersigned (the “Owners”), being the owners of record of more than fifty percent (50%) by assessed value of the real property within the boundaries of the Downtown Springfield Community Improvement District (the “District”) and the owners of record of more than fifty percent (50%) per capita of all owners of real property within the boundaries of the District, do hereby petition and request that the City approve and establish the Downtown Springfield Community Improvement District in order to fund all or part of the cost of services and public improvements provided and made within the District under the authority of Sections 67.1401 to 67.1571, RSMo. (the “Community Improvement District Act” or “Act”) in accordance with this Petition.

1. Legal Description and Map of District Boundaries; Property Areas; Ownership.

The legal description of the District is attached hereto as Exhibit A. A map illustrating the District boundaries is attached hereto as Exhibit B. The boundaries of the District are contiguous. The Owners are the owners of more than 50% by assessed value of the real estate within the District and the owners of more than 50% per capita of all owners of real property within the boundaries of the District. A listing of all the owners of real estate is attached hereto as Exhibit C.

2. Name of District.

The name of the District is the “Downtown Springfield Community Improvement District.”

3. Signatures May Not Be Withdrawn Later Than Seven Days After Submittal.

Notice has been provided to all Petition signers that their signatures may not be withdrawn later than seven (7) days after the filing of this Petition with the City Clerk. This notice is included on each signature page attached to this Petition.

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 is attached hereto as Exhibit D and includes Exhibits D-1 and D-2.

5. Type of District.

The District will be a political subdivision of the State of Missouri.

6. Board of Directors.

The District will be governed by a fifteen (15) member board of directors (the “**Board**”), whose members shall be appointed by the Mayor of the City of Springfield (the “**Mayor**”) with the consent of the City Council of Springfield (the “**City Council**”) in accordance with the qualifications as established by law and as set forth below.

A. Qualifications.

Each Director shall meet the following requirements:

1. Be at least eighteen (18) years of age; and
2. Be either an owner of real property within the District as defined in the Act (“**Property Owner**”), the legally authorized representative of an owner of real property in the District (“**Property Owner Representative**”), an owner of a business operating within the District (“**Business Owner**”), or a registered voter residing in the District (“**Registered Voter**”); and
3. Be nominated pursuant to a slate submitted by the Board to the City Council pursuant to the nominating procedures set forth below.

B. Representation

1. A minimum of seven (7) directors must be either Property Owners or Property Owner Representatives that are not exempt from real property taxes;
2. A minimum of two (2) directors must be Business Owners or Business Owner Representatives and must not own real property located within the District;
3. A minimum of one (1) director must be a Registered Voter, so long as there are registered voters living in the District; and
4. A minimum of one (1) director must be the authorized representative of a Property Owner that is exempt from real property taxes, so long as such owners exist.

Each director may represent more than one of the foregoing categories.

The failure of the Board to meet representation requirements set forth in this **Section 6.D.** shall not affect the Board’s authority to hold meetings, exercise any of the District’s powers or take any action otherwise lawful.

C. Nominating Committee

The Board shall appoint a nominating committee of five (5) persons, with:

1. At least one (1) owner of real property within the District, having a cumulative assessed value in the top one-half by assessed value of all owners of real property in the District;
2. At least one (1) owner of real property within the District having a cumulative assessed value in the bottom one-half by assessed value of all owners of real property within the District;
3. At least one (1) registered voter living within the District; and
4. At least one (1) business owner owning a business in the District.

In addition to the aforementioned criteria, all such persons must be at least eighteen (18) years of age. Each member of the nominating committee may represent more than one of the foregoing categories.

D. Nominating Process

1. The nominating committee shall submit a slate to the Board for its approval. In preparing each slate, the nominating committee shall adhere to the following criteria:
 - a. Each person nominated must meet the qualifications specified in **Section 6.A.** of this Petition; and
 - b. The nominating committee must ensure that slate submitted maintains the Board representation as set forth in **Section 6.B.** of this Petition.
2. Once a slate has been approved by the Board, the slate shall be submitted to the City Clerk by the Board. The City Clerk shall immediately deliver the slate to the Mayor. The Mayor may appoint the successor Directors according to the slate submitted, and the City Council shall consent by resolution to the appointment; or the Mayor or the City Council may reject the slate submitted and request in writing, with written reasons for rejection of the slate, that the Board submit an alternate slate.
3. If an alternate slate is requested, the Board shall submit an alternate slate to the City Clerk. The City Clerk shall immediately deliver the alternate slate to the Mayor. The Mayor may appoint the successor Directors according to the alternate slate submitted, and the City Council shall consent by resolution to the appointment; or, the Mayor or the City Council may reject the alternate slate submitted and request that the Board submit another alternate slate.
4. The procedure described above shall continue until the successor Directors are appointed by the Mayor with the consent of the City Council.

E. Successor Directors.

Successor directors shall be appointed as provided herein. The proposed directors shall meet the qualifications and satisfy the representation criteria set for in Sections 6.A. and B. of this Petition. The initial Board was duly constituted, serving such terms as provided by law. Hereafter, all successor directors shall serve three (3)- year terms.

F. Removal

Any director may be removed for cause or to ensure the representation requirements set forth in **Section 6.B.** of this Petition are met, pursuant to the provisions of the Act.

In the event for any reason a Director is not able to serve his or her full term or is removed from the Board for any reason (“Exiting Director”), any vacancy to the Board shall be filled by appointment of an interim director (“Interim Director”) which shall be nominated by the remaining Directors and appointed by the Mayor as described below. Notwithstanding anything to the contrary, any Director’s failure to meet the qualification requirements set forth in this Article, either in a Director’s individual capacity or in a Director’s representative capacity, shall constitute cause for the Board to take appropriate action to remove said Director. Provided, however, that the failure to meet such representation requirements shall not affect the Board’s authority to hold meetings, exercise any of the District’s powers or take any otherwise lawful action, assuming a lawful quorum to do so.

7. Total Assessed Value.

As of the date of submittal, the total assessed value of all real property located within the District is \$47,698,420.

8. Determination of Blight.

The District does not seek a determination of blight.

10. Life of District.

The District will continue to exist and function for a period of fifteen (15) years following the effective date of the ordinance establishing the District or until December 31, 2030, whichever last occurs.

11. Maximum Rates of Business License Tax, Real Property Tax and Sales Tax.

A. License and Real Estate Taxes.

The District will not impose business license taxes or real estate taxes.

B. Sales and Use Taxes.

The District may impose a sales and use tax, at a maximum rate of one-half (1/2) cent, on all retail sales made in the District which are subject to taxation pursuant to Sections 144.010 to 144.525, R.S.Mo., except sales of motor vehicles, trailers, boats or outboard motors and sales to or by public utilities (the "CID Sales Tax").

12. Maximum Rates of Special Assessments and the Method of Assessment.

- A. The District may impose a special assessment against real property within its boundaries at a maximum rate of seventy-five cents (\$0.75) per one hundred dollars (\$100) of assessed value upon receipt of a petition that is signed by:
 - 1. Owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district; and
 - 2. More than fifty percent per capita of the owners of all real property within the boundaries of the district.

- B. The special assessment petition shall be in substantially the following form:

The Downtown Springfield Community Improvement District ("***District***") shall be authorized to levy special assessments against real property benefited within the District for the purpose of providing revenue to complete the services identified here. Such special assessments to be levied against each tract, lot or parcel of real property listed below within the district which receives special benefit as a result of such service and/or projects, the cost of which shall be allocated among this property per one hundred dollars (\$100) of assessed value in an amount not to exceed \$0.75 dollars per \$100 assessed valuation. Such authorization to levy the special assessment shall expire on December 31, 2030. The tracts of land, with common addresses and legal descriptions, located in the district which will receive special benefit from this service and/or projects are attached hereto on **Exhibit D**. Beginning in the year 2015, such maximum rates may, at the discretion of the Board of Directors of the District, increase by the lesser of 3% per year or the percentage increase in the U.S. Consumer Price Index for all Urban Consumers: U.S. City Average for all items (prepared by the United States Department of Labor Bureau of Labor Statistics) for the twelve (12) month period ending on the last day of the two months preceding the date on which the District determines new levy rates of the assessment. For purposes of property that is entitled to real property tax abatement, the assessed value of such property shall be deemed to be that assessed value which

such property would have had if it were not entitled to such tax abatement as determined by the county assessor.

13. Limitations on Borrowing Capacity.

The District will have the authority to borrow funds from any public or private source and issue obligations and provide security for the repayment of same as provided by the Act and as otherwise provided by law.

14. Limitations on Revenue Generation.

The parties who have executed this Petition do not desire to establish any limitations on the revenue generation of the District.

15. Other Limitations on District Powers.

The District will have the authority and powers granted to community improvement districts and political subdivisions under the Act and as otherwise provided by law.

16. Annual Reports and Meetings.

The District shall comply with the reporting and meeting requirements described in Sections 67.1471 and 105.145, R.S.Mo., and acknowledges that such meetings shall be open to the public.

17. Request for Ordinance Establishing District.

The parties who have executed this Petition respectfully request the City Council to establish the District in accordance with this document.

18. Severability.

If any provision of this Petition shall be held or deemed 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 or 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.

[Remainder of page left intentionally blank. Signature Pages follow]

**Signature Page to Petition to Establish the
Downtown Springfield Community Improvement District**

The undersigned requests that the City Council of the City of Springfield, Missouri establish Downtown Springfield Community Improvement District according to the preceding Petition.

Name of Owner:
Owner's Telephone Number:
Owner's Mailing Address:

Name, Title of Signer:
Basis of Signer's Legal Authority to Sign:
Signer's Telephone Number:
Signer's Mailing Address:

Owner's Type of Entity:

Owner's Property within District

Parcel Number	Assessed Value	Map
_____	_____	<i>[Attach map of parcel to sig. page]</i>
_____	_____	<i>[Attach map of parcel to sig. page]</i>
_____	_____	<i>[Attach map of parcel to sig. page]</i>

By executing this Petition, the undersigned represents and warrants that he or she is authorized to execute this Petition on behalf of the property owner named immediately above. Signatures may not be withdrawn later than seven days after this Petition is filed with the City Clerk.

By: _____
 Signature of Person Signing for Owner

_____ Date

STATE OF MISSOURI)
) ss.
 COUNTY OF GREENE)

Before me personally appeared _____, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this ___ day of _____, 20__.

 Notary Public

My commission expires: _____

CLERK'S RECEIPT OF PETITION

This Petition to Establish the Downtown Springfield Community Improvement District was filed in the office of the City Clerk of Springfield, Missouri on the ____ day of _____, 20____.

City Clerk

[SEAL]

EXHIBIT A

District Legal Description

EXHIBIT B

Map of District Boundaries

EXHIBIT C

List of Owners of Real Property within District

EXHIBIT D

Five-Year Plan

A. Purpose of the District. The purposes of the District are to:

;

- 1) Provide or cause to be provided for the benefit of the District, certain improvements and services described in Paragraphs B and C of this Exhibit;
- 2) To levy and collect the CID Sales Tax and Special Assessments against real property in order to provide a source of repayment for the CID Projects and related expenses; and
- 3) Such other purposes as authorized by the Act.

B. Services. The services to be performed by the District shall include, but not be limited to, the following:

- 1) The District will generally provide for:
 - a. The cleaning and maintenance of public sidewalks, alleys, and parking lots;
 - b. The removal of litter and sweeping of sidewalks as well as biannual sidewalk cleaning, and snow removal on snow routes as needed;
 - c. The removal of trash from public sidewalk receptacles;
 - d. The operation of shared private trash collection;
 - e. The enforcement of parking on public ways and public lots;
 - f. The creation of information and image enhancement, such as maintaining a website, publishing visitor guides and maps, installing and maintaining street furniture and banners on public property , as well as additional services approved by the Board, and;
 - g. The administrative services and personnel (contracted and/or hired employees) necessary to manage the District as approved by the Board.
- 2) Adopting bylaws, passing resolutions, and otherwise governing the District in the manner required by the Act and the revised statutes of the State of Missouri;
- 3) Developing funding sources, including the levying of the CID Sales Tax and Special Assessments against real property, necessary in order to pay for the required expenses, costs and expenses of the District and to pay for the CID Projects in a manner authorized by the Act;
- 4) Providing such accountings, reports and communications as are required by the Act and the Agreement; and,
- 5) Providing such other services as are authorized by the Act.

C. Budget. The estimated five-year budget for the District is attached to and made a part of this Petition as Exhibit D-2.

EXHIBIT D-1

Estimated Costs

TOTAL ESTIMATED COSTS (Exclusive of Interest and Administrative Fees)

2016-17	\$560,500
2017-18	\$571,200
2018-19	\$579,200
2019-20	\$591,500
2020-21	<u>\$602,000</u>

Total **\$2,904,400 (See Five-Year Budget in Exhibit D-2)**

EXHIBIT D-2

Five-Year Budget

	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>
Revenue						
Sales Tax	\$145,000	\$290,000	\$295,800	\$301,700	\$308,000	\$314,000
Special Assessment	\$170,000	\$220,000	\$224,400	\$229,000	\$234,000	\$238,000
Extended Parking						
Passes	\$10,000	\$8,000	\$8,000	\$5,500	\$5,500	\$6,000
Guide & Banner Ads	\$3,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Voluntary Contributions	\$22,000	\$35,500	\$36,000	\$36,000	\$37,000	\$37,000
<u>Interest Income</u>	<u>\$2,000</u>	<u>\$2,000</u>	<u>\$2,000</u>	<u>\$2,000</u>	<u>\$2,000</u>	<u>\$2,000</u>
Total Revenues	\$352,000	\$560,500	\$571,200	\$579,200	\$591,500	\$602,000
Expense						
Administration	\$7,500	\$7,500	\$8,000	\$8,000	\$8,500	\$8,500
Management Contract	\$60,000	\$60,000	\$61,200	\$62,200	\$63,600	\$65,000
Renewal Reserve	\$2,600	\$2,750	\$3,000	\$3,000	\$3,000	\$3,000
Image Enhancement	\$52,500	\$111,000	\$113,000	\$114,000	\$116,000	\$118,000
Maintenance	\$152,000	\$240,500	\$245,000	\$249,000	\$254,000	\$259,000
Parking	\$35,400	\$26,750	\$27,000	\$27,500	\$28,000	\$28,500
<u>Safety & Security</u>	<u>\$42,000</u>	<u>\$112,000</u>	<u>\$114,000</u>	<u>\$115,500</u>	<u>\$118,400</u>	<u>\$120,000</u>
Total Expenses	\$352,000	\$560,500	\$571,200	\$579,200	\$591,500	\$602,000
Net Revenue	\$0	\$0	\$0	\$0	\$0	\$0

Note: Property special assessments were calculated using the 2014 rate of \$0.402 per \$100 of assessed value. The sales and use taxes were based on a rate of one-half (1/2) cent.

The maximum rates are \$0.75 per \$100 of assessed valuation for property and one-half (1/2) cent for the sales and use tax. Beginning in 2016, the property rate may be adjusted by the lesser of 3% per year or the percentage increase of the U.S. Consumer Price Index.