

AN ORDINANCE APPROVING A PETITION TO ESTABLISH THE BEACH DRIVE COMMUNITY IMPROVEMENT DISTRICT, APPROVING A COOPERATION AND TRANSPORTATION PROJECT AGREEMENT IN CONNECTION WITH THE DEVELOPMENT OF PROPERTY WITHIN THE COMMUNITY IMPROVEMENT DISTRICT, AND AUTHORIZING AND DIRECTING FURTHER ACTIONS IN CONNECTION THEREWITH.

WHEREAS, Sections 67.1401 to 67.1571 of the Revised Statutes of Missouri (the “CID Act”) authorize the governing body of any municipality, upon a proper petition requesting the formation and after a public hearing, to adopt an ordinance establishing a community improvement district; and

WHEREAS, the City has received the Petition to Establish a Community Improvement District attached hereto as Exhibit A (the “CID Petition”), which seeks to establish the Beach Drive Community Improvement District (the “CID”) on approximately 74 acres of property located between Osage Beach Parkway and the Lake of the Ozarks and in the vicinity of Beach Drive; and

WHEREAS, the City Clerk has verified the CID Petition complies with the CID Act; and

WHEREAS, the City held a duly-noticed public hearing on March 16, 2023, at which all persons interested in the formation of the CID were allowed an opportunity to speak and at which time the Board of Aldermen heard all protests and received all endorsements; and

WHEREAS, Section 70.220 of the Revised Statutes of Missouri authorizes the City to cooperate with other political subdivisions and political entities for the planning, development, construction, acquisition or operation of any public improvement or facility; and

WHEREAS, the property owners within the District are also seeking the creation of the Beach Drive Transportation Development District (the “TDD”) through a petition filed with the Circuit Court of Camden County, Missouri pursuant to Sections 238.200 to 238.280 of the Revised Statutes of Missouri (the “TDD Act”); and

WHEREAS, the City desires to enter into a Cooperation and Transportation Project Agreement with the CID, the TDD and Arapaho LLC (the “Developer”) in substantially the form of Exhibit B attached hereto (the “Cooperation Agreement”) to set forth the terms and conditions upon which certain community improvement and transportation projects will be financed, constructed and maintained;

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

Section 1. Creation of CID. The Beach Community Improvement District is hereby created within the City as a political subdivision of the State of Missouri having the powers and

purposes set forth in the CID Petition. The CID shall include the contiguous tracts of real estate described in **Exhibit A** of the CID Petition. Subject to further approvals by the CID and its qualified voters, the District is authorized to impose a sales tax, as described in the CID Petition.

Section 2. CID Term. The term of the existence of the CID shall be 27 years beginning on the effective date of this Ordinance.

Section 3. CID Board of Directors. The CID shall be governed by a board of directors consisting of five (5) members hereafter appointed by the Mayor with the consent of the Board of Aldermen in accordance with the CID Act, subject to the qualifications set forth in the CID Petition. The initial members of the District's board of directors are hereby appointed as follows:

<u>Name</u>	<u>Initial Term</u>
Andy Prewitt	4 years
Gary Prewitt	4 years
Michael Harmison	2 years
Richard Ross	2 years
Jeana Woods	2 years

Successor members of the District's board of directors shall be appointed for four-year terms.

Section 4. Notice to Department of Economic Development. 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 5. Approval of Cooperation Agreement. The Board of Aldermen finds and determines that it is necessary and desirable to enter into the Cooperation Agreement. The Cooperation Agreement, in substantially the form of Exhibit B attached hereto, is hereby approved with such changes therein as shall be approved by the Mayor, the Mayor's signature thereon being conclusive evidence of his approval thereof. The Mayor is hereby authorized and directed to execute the Cooperation Agreement on behalf of the City. The City Clerk is hereby authorized and directed to affix the seal of the City to the Cooperation Agreement and to attest said seal.

Section 6. Further Authority. The officers of the City are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions to the documents herein approved, authorized and confirmed which they may approve, and the execution of such action shall be conclusive evidence of such necessity or advisability. All actions taken to date by the officers of the City with respect to the CID Petition, the CID and the TDD, including, without limitation, the provision of notices for the public hearing regarding the creation of the CID, are hereby ratified.

Section 7. Severability. The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the

EXHIBIT A

CID PETITION

[On file in the City Clerk's Office]

EXHIBIT B

COOPERATION AGREEMENT

[On file in the City Clerk's Office]

remaining sections shall remain valid, unless the court finds that: (a) the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the Board of Aldermen has or would have enacted the valid sections without the void one; and (b) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 8. Effective Date. This Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: March 16, 2023

READ SECOND TIME: April 6, 2023

I hereby certify that Ordinance No. 23.15 was duly passed on April 6, 2023, 2023 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 6

Nays: 0

Abstentions: 0

Absent: 0

This Ordinance is hereby transmitted to the Mayor for his signature.

April 6, 2023
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Cole Bradbury
Cole Bradbury, City Attorney

I hereby approved Ordinance No. 23.15.

Michael Harmison
Michael Harmison, Mayor

April 6, 2023
Date

Tara Berreth
Tara Berreth, City Clerk