

November 18, 2020

VIA U.S. MAIL AND ELECTRONIC MAIL
CityClerk@indepmo.org

Rebecca Behrens
City Clerk
Independence City Hall
111 E Maple Avenue
Independence, MO 64050

Re: Susquehanna East Shopping Center CID Petition

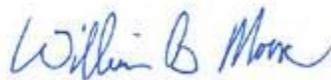
Dear Rebecca:

Enclosed is a Petition to the City of Independence, Missouri for the creation of the Susquehanna East Shopping Center Community Improvement District ("District") for filing. Pursuant to Sections 67.1401.2(3) and 67.4121.4. RSMo, we are requesting that the City Council determine that the area within the District is a blighted area.

Energy efficient LED lighting will be used for parking lot, exterior building security and interior improvements. Where necessary, doors and windows will be replaced with energy efficient replacements.

Please sign, date, and place your seal on the Clerk's Receipt of Petition page where indicated.

Very truly yours,



William B. Moore

WBM:krm
enclosures

cc: Mark Randall, via MRandall@indepmo.org
Tom Scannell, via TScannell@indepmo.org

{33813 / 70422; 901695. }

PETITION TO ESTABLISH
THE
SUSQUEHANNA EAST SHOPPING CENTER
COMMUNITY IMPROVEMENT DISTRICT

INDEPENDENCE, JACKSON COUNTY, MISSOURI

November 18, 2020

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**PETITION TO ESTABLISH THE
SUSQUEHANNA EAST SHOPPING CENTER COMMUNITY IMPROVEMENT
DISTRICT**

This petition (“Petition”) is submitted in accordance with Section 67.1401, RSMo, through Section 67.1571, RSMo, otherwise known as the Missouri Community Improvement District Act (the “Act”), by those persons and entities whose signatures appear below (the “Petitioners”). The Petitioners request that the City Council (the “City Council”) of the City of Independence, Missouri, establish a community improvement district (the “District”) in the City of Independence, Jackson County, Missouri (the “City”) in accordance with this Petition.

I. PETITIONERS

The Petitioners represent more than fifty percent (50%) per capita of all owners of the District Land and District Land owners collectively owning more than fifty percent (50%) by assessed value of the District Land.

II. DESCRIPTION OF THE DISTRICT

A. Legal Description

The District includes all of the real property (the “District Land”) legally described in Exhibit A (the “District Legal Description”) attached to this Petition.

B. Boundary Map

A map illustrating the general boundaries of the District is attached to this Petition as Exhibit B (the “District Boundary Map”).

C. Name of District

The name of the District shall be the Susquehanna East Shopping Center Community Improvement District.

D. Notice to Petitioners

The signatures of Petitioners signing this Petition may not be withdrawn later than seven days after this Petition is filed with the City Clerk.

III. FIVE YEAR PLAN

A. Purposes of the District

The District shall serve the following purposes (the “District Purposes”):

- (a) facilitating development within the District by providing, or causing to be provided, certain improvements and services (collectively, the “Eligible Services”) described in Paragraph B of this Article for the benefit of the District;

- (b) financing allowed under the Act to finance: (1) the costs of the Eligible Services, (2) other costs incurred by the District to carry out the District Purposes, and (3) costs of financing, including but not limited to: (a) costs of issuance, (b) capitalized interest, and (c) debt service reserves;
- (c) imposing and collecting a sales tax authorized pursuant to this Petition and the Act.

B. Improvements and Services

The Eligible Services shall include, but are not necessarily limited to, the following:

1. Capital Improvements and Maintenance

The District may construct, reconstruct, install, repair, maintain, and equip (or cause such services to be undertaken) capital improvements within the District including, but not limited to: streetscape, energy efficient LED lighting for parking lot and exterior building security, public benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, barriers, public parking lots and facilities, public art, and any other useful, necessary or desired improvement authorized under the Act. In accordance with the Act, the District may take such actions to remediate any blighting conditions within the District's boundaries, which may include contracting with private property owners within a blighted area to demolish and remove, renovate, or rehabilitate any building or structure owned by such private property owner and to spend District revenues or loan funds provided that the City Council determines that action to be taken pursuant to any such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

2. Administration and Operations

The District may provide and/or contract for managerial, engineering, legal, technical, clerical, accounting, financial consulting, and other assistance deemed necessary or desirable by the District to meet the District Purposes, including, but not necessarily limited to, the following:

- (a) financing the costs of creating and operating the District;
- (b) managing the District's budget and personnel;
- (c) maintaining insurance for the District;
- (d) contracting for legal counsel on matters pertaining to the District;

- (e) imposing and collecting a sales tax as authorized pursuant to this Petition and the Act; and
- (f) obtaining funds to pay for the costs incurred to meet the District Purposes;

3. Maintenance

The District may provide cleaning and maintenance services to public areas within the District to improve the appearance and image of the District. Such services may include, but are not necessarily limited to:

- (a) providing litter removal and cleaning of common areas, trash containers, alley ways, streets, and sidewalks within the District;
- (b) monitoring of City services;
- (c) providing landscaping care, maintenance, weed abatement, and providing and/or replacing landscaping;
- (d) providing cleaning, maintenance, and other services to public and private property;
- (e) providing graffiti removal; and
- (f) providing other beautification efforts designed to improve the District's appeal, and encourage private investment within the District.

4. Additional Improvements and Services

The District shall be authorized to provide for any and all desired services and improvements, and shall have all rights needed to provide those desired services and improvements, up to and including any desired service and improvement right not specifically limited, or prohibited, by this Petition or the Act.

C. Estimate of Revenues and Costs of Improvements and Services

The commencement of the Eligible Services and the levy and collection of the Sales Tax are anticipated to occur within the first year of the District's existence. The Five Year Plan's estimate of revenues from the collection of the Sales Tax, and estimated costs related to the provision of the Eligible Services are shown on Exhibit C attached to this Petition.

IV. GOVERNANCE OF THE DISTRICT

A. Type of District

The District shall be a separate political subdivision and shall have all of the powers granted to and/or exercisable by a community improvement district according to the Act, except as limited by this Petition. The District shall comply with all state statutory requirements of a political subdivision including, but not limited to: (1) State of Missouri open meeting and records law; (2) procurement and public improvement contracting laws, including prevailing wage requirements; and (3) annual comprehensive financial audit.

B. Board of Directors

1. Number

The District shall initially be governed by a Board of Directors (the “Board”) consisting of five (5) members.

2. Qualifications

The Initial Directors of the Board shall be comprised of those individuals listed in Paragraph 3 of this Article. Successor directors (“Successor Directors”) shall be appointed in accordance with Paragraph 5 of this Article. Each Initial Director and Successor Director shall meet the following requirements:

- (a) be at least 18 years of age;
- (b) be a Missouri resident for at least one year prior to taking office and as long as required by the Missouri Constitution or by state statute;
- (c) be either an owner of real property (“Owner”) within the District, or such Owner’s representative, or an owner of a business (“Operator”) operating within the District, or such Operator’s representative; and
- (d) except for the Initial Directors named in this Petition, be nominated according to a slate submitted by the Board to the Mayor of the City and the City Council according to the nominating procedures set out below.

3. Initial Directors

In accordance with Section 67.1451.6, RSMo of the Act, the Initial Directors to serve on the Board, and their respective terms, will be:

<i>NAME</i>	TERM (in years)
Robert G. Neds	4
Tom Lesnak	4
Richard Bryant	2
Jodi Krantz	2
Xander Winkel	2

4. Terms

Each Initial Director named above shall serve for the term set forth opposite his/her name or until his/her successor is appointed in accordance with this Petition. Each Successor Director shall serve a four-year term or until his/her successor is appointed in accordance with this Petition. If, for any reason, a director is not able to serve his/her full term, the remaining directors shall elect an interim director to fill the vacancy of the unexpired term.

Notwithstanding anything to the contrary, any Initial Director's or Successor Director's (collectively, "Director") failure to continually meet the qualification requirements set forth in Paragraph 2 of 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.

5. Slate

The Board shall select the slate of nominated individuals as follows:

- (a) Individuals meeting the qualifications set out in this Petition for Successor Directors must be nominated by at least two sitting Directors; and
- (b) The Directors shall then vote for a slate of nominees who shall consist of a number sufficient to fill all of the expiring terms and/or additional terms, as applicable, and the Board shall submit the approved slate to the City Clerk.

6. Successor Directors

Successor Directors shall be appointed by the Mayor of the City with the consent of the City Council by resolution, and the slate submitted by the Board to the City Clerk shall serve as recommendations for such

appointments. Such appointment shall be at the discretion of the Mayor, subject to each and every qualification stated in this Petition.

7. Termination

Any Director may be removed for cause by a two-thirds affirmative vote of the Board. Written notice of the proposed removal shall be given to all Directors prior to action thereon.

8. Compensation

No Director shall receive compensation for performing their official duties as a member of the Board, except that the District may reimburse Directors for reasonable and actual expenses incurred in the performance of their official duties as may be permitted in the Act.

V. ASSESSED VALUE

The total assessed value of all of the real property within the District is \$242,464.00.

VI. BLIGHT DETERMINATION

The petitioners are seeking a determination that the District Land is a blighted area. A blight analysis is attached to this petition.

VII. LIFE OF DISTRICT

The life of the District shall be for a minimum of thirty (30) years following the effective date of the Ordinance establishing the District, after which, the District shall continue in perpetual existence unless and until terminated in accordance with the Act.

VIII. REAL PROPERTY TAXES AND BUSINESS LICENSE TAXES

The District is not authorized to levy a real property tax or a business license tax.

IX. SPECIAL ASSESSMENTS

The District is not authorized to levy a special assessment.

X. SALES TAX

The District may by resolution of the Board, and in accordance with the Act, impose a District-wide sales tax not to exceed one percent (1.0%) upon all eligible retail sales within the District.

XI. LIMITATIONS ON BORROWING CAPACITY, REVENUE GENERATION AND DISTRICT POWERS

There shall be no limitations on the District’s borrowing capacity, revenue generation, or powers.

XII. REQUEST TO ESTABLISH DISTRICT

By execution and submission of this Petition, the Petitioners request that the City Council establish the District as set out in this Petition.

XIII. 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.

**EXHIBIT A
DISTRICT LEGAL DESCRIPTION**

PROPERTY DESCRIPTION

CONTAINING 98,869 SQUARE FEET OR 2.27 ACRES

ALL THAT PART OF LOT 144, AMENDED PLAT, LOTS 143 AND 144, SUSQUEHANNA VILLAGE, A SUBDIVISION IN JACKSON COUNTY, INDEPENDENCE, MISSOURI, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF LOT 144; THENCE EAST ALONG A CURVE TO THE LEFT, A DISTANCE OF 491.69 FEET TO THE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 11,509.20 FEET, INITIAL TANGENT BEARING OF NORTH 64 DEGREES 03 MINUTES 38 SECONDS EAST, A CENTRAL ANGLE OF 01 DEGREES 00 MINUTES 44 SECONDS, AND AN ARC LENGTH OF 203.30 FEET; THENCE SOUTH 26 DEGREES 12 MINUTES 08 SECONDS EAST A DISTANCE OF 150.00 FEET; THENCE NORTH 62 DEGREES 29 MINUTES 34 SECONDS EAST A DISTANCE 228.00 FEET; THENCE SOUTH 29 DEGREES 15 MINUTES 30 SECONDS EAST A DISTANCE OF 56.53 FEET; THENCE NORTH 61 DEGREES 00 MINUTES 32 SECONDS EAST A DISTANCE OF 135.08 FEET; THENCE ALONG A CURVE TO THE LEFT, A TANGENT BEARING OF NORTH 60 DEGREES 39 MINUTES 00 SECONDS EAST, HAVING A RADIUS OF 25.00 FEET, CENTRAL ANGLE OF 36 DEGREES 51 MINUTES 10 SECONDS, AN ARC LENGTH OF 16.08 FEET TO THE EAST LINE OF SAID LOT 144; THENCE SOUTH 29 DEGREES 20 MINUTES 30 SECONDS EAST A DISTANCE OF 41.34 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.0 FEET, WITH AN INITIAL TANGENT BEARING OF NORTH 83 DEGREES 07 MINUTES 26 SECONDS WEST, A CENTRAL ANGLE OF 36 DEGREES 05 MINUTES 47 SECONDS, AN ARC LENGTH OF 15.75 FEET; THENCE SOUTH 60 DEGREES 46 MINUTES 47 SECONDS WEST A DISTANCE OF 12.00 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, A CENTRAL ANGLE OF 88 DEGREES 52 MINUTES 18 SECONDS, AN ARC LENGTH OF 15.51 FEET; THENCE SOUTH 29 DEGREES 13 MINUTES 13 SECONDS EAST A DISTANCE OF 8.00 FEET; THENCE SOUTH 60 DEGREES 46 MINUTES 47 SECONDS WEST A DISTANCE OF 108.90 FEET; THENCE NORTH 29 DEGREES 13 MINUTES 13 SECONDS WEST A DISTANCE OF 20.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 67.28 FEET, WITH AN INITIAL TANGENT BEARING OF SOUTH 78 DEGREES 44 MINUTES 33 SECONDS WEST, A CENTRAL ANGLE OF 44 DEGREES 00 MINUTES 08 SECONDS, AN ARC LENGTH OF 51.67 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 53.38 FEET, WITH AN INITIAL TANGENT BEARING OF NORTH 59 DEGREES 17 MINUTES 39 SECONDS WEST, A CENTRAL ANGLE OF 06 DEGREES 25 MINUTES 07 SECONDS, AN ARC LENGTH OF 5.98 FEET, THENCE SOUTH 62 DEGREES 27 MINUTES 05 SECONDS WEST A DISTANCE OF 138.98 FEET; THENCE SOUTH 27 DEGREES 42 MINUTES 00 SECONDS EAST A DISTANCE OF 143.61 FEET TO THE NORTHEAST CORNER OF SUSQUEHANNA VILLAGE DUPLEXES, LOTS 1 THRU 6, A SUBDIVISION IN JACKSON COUNTY, INDEPENDENCE, MISSOURI; THENCE SOUTH 62 DEGREES 18 MINUTES 00 SECONDS WEST ALONG SAID NORTH LINE OF SUSQUEHANNA VILLAGE DUPLEXES, LOTS 1 - 6, A SUBDIVISION IN JACKSON COUNTY, INDEPENDENCE, MISSOURI, A DISTANCE OF 198.29 FEET; THENCE SOUTH 65 DEGREES 14 MINUTES 00 SECONDS WEST 73.03 FEET; THENCE NORTH 24 DEGREES 33 MINUTES 35 SECONDS WEST A DISTANCE OF 345.17 FEET TO THE POINT OF BEGINNING.

**EXHIBIT C
FIVE-YEAR PLAN
ESTIMATED COSTS OF IMPROVEMENTS AND SERVICES***

I. **General.** The District will be established to fund those items set forth below in the CID Project Budget, and also fund the initial start-up costs and ongoing operating costs of the District. The District Projects will serve the public purpose of remediating the blighting conditions found to exist within the District.

II. **District Purposes.** The purposes of the District are to:

- (1) Provide or cause to be provided for the benefit of the District, certain improvements more specifically described in this Petition;
- (2) Fund the costs, expenditures, and undertakings of the District;
- (3) To levy and collect the Sales Tax in order to provide a source of payment for the District Projects; and
- (4) Such other purposes and activities authorized by the Act and allowed by the Petition.

III. **Estimated Initial Five Year Budget.** The estimated revenue from the Sales Tax and expenditures are as follows for the initial five years of the District:

		Year 1 2020	Year 2 2021	Year 3 2022	Year 4 2023	Year 5 2024
A	Estimated Sales Tax Revenue (1.0%)	\$6,265	\$25,312	\$25,565	\$25,821	\$26,079
B	Expenditures	\$1,353,071	\$7,000	\$7,000	\$7,000	\$7,000
1	Capital Improvements	\$1,334,071	\$0	\$0	\$0	\$0
2	Insurance	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
3	Legal	\$15,000	\$2,500	\$2,500	\$2,500	\$2,500
4	Accounting	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500
5	Expenditure Total	\$1,353,071	\$7,000	\$7,000	\$7,000	\$7,000
C	Net of Revenue/Expenditures	<u>(\$1,347,806)</u>	<u>\$18,312</u>	<u>\$18,565</u>	<u>\$18,821</u>	<u>\$18,079</u>

Notes:

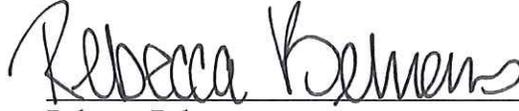
A The sales tax may only be levied after an approved board resolution and sales tax election in accordance with the CID Act. The sales tax is estimated to become effective October 1, 2020, subject to qualified voter approval in a mail-in ballot election. Any sales tax approved by qualified voters will not become effective until the first day of the second quarter following the approval of such tax.

B3 For the first year, this includes all legal costs associated with the formation of the District, drafting, filing and prosecuting this Petition, the negotiation of any and all agreements between the District and the City, and engineering, insurance and accounting fees.

* To the extent the actual revenue and costs of improvements vary from this five-year plan and CID Project Budget, the District's budget will be modified by the Board on an annual basis.

CLERK'S RECEIPT OF PETITION

This Petition was filed in the office of the City Clerk of the City of Independence, Missouri on the 18th day of November, 2020.



Rebecca Behrens
City Clerk

[SEAL]



**Signature Page for Petition to Establish the
Susquehanna East Shopping Center Community Improvement District**

I request that the City Council of the City of Independence, Missouri establish the Susquehanna East Shopping Center Community Improvement District according to the preceding Petition to Establish the Susquehanna East Shopping Center Community Improvement District (the "Petition").

Owner Name AS Real Estate, LLC
Property Address 17515 E. U.S. 24 Highway
Owner Telephone Number 913-271-9809
Owner Mailing Address 7603 N. Oak Trafficway
Gladstone, MO. 64118

If signer is different from owner:
Name of Signer: ASHARAF HUDDA
State basis of legal authority to sign: Managing Member
Signer's Telephone Number: 913-271-9809
Signer's Mailing Address: 7603 N. Oak Trafficway
Gladstone, MO. 64118

If the owner is an individual, state if the owner is single or married: N/A

If the owner is not an individual, state what type of entity: Missouri Limited Liability Corporation

The map and parcel numbers and assessed value of the property owned: 16-440-05-07-01-3-00-000

Map/Parcel Numbers/Assessed Value: \$242,464.00

By executing this signature page, the undersigned represents and warrants that he/she has received a copy of the Petition, has read the Petition, is authorized to execute this signature page on behalf of the property owner named immediately above, and authorizes this signature page to be attached to the original of the Petition to be filed in the Office of the City of Independence, Missouri Clerk. The undersigned also acknowledges that his/her signature may not be withdrawn later than seven days after this Petition is filed with the clerk of the City.

By: Asharaf Date 10/28/2020

State of Kansas)
County of Jackson) ss:

Before me personally appeared Asharaf Hudda, to me personally known to be the individual(s) described in and who executed the preceding Petition on behalf of said company/owner and acknowledged to me that he or she executed the same for the purposes therein stated as the free act and deed of said company/owner.

Witness my hand and official seal this 28 day of October 2020.

KATHY L. ROBERTS
Notary Public-State of Kansas
My Appt. Expires 04-21-2021

Kathy L Roberts
Notary Public

My Commission Expires: 04-21-2021