

AN ORDINANCE TERMINATING THE 370/MISSOURI BOTTOM ROAD/TAUSSIG ROAD COMMUNITY IMPROVEMENT DISTRICT; APPROVING AND AUTHORIZING THE EXECUTION OF A TERMINATION OF INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE CITY AND THE DISTRICT; AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

WHEREAS, the City of Hazelwood, Missouri (the "*City*") is authorized and empowered pursuant to the Community Improvement District Act, Sections 67.1401 to 67.1571 of the Revised Statutes of Missouri, as amended (the "*CID Act*"), to establish a community improvement district; and

WHEREAS, on August 25, 2003, a Petition for Creation of a Community Improvement District (the "*Original Petition*") was filed with the City Clerk; and

WHEREAS, on September 3, 2003, the City Council passed Resolution No. 0307 acknowledging verification of the Original Petition by the City Clerk and directing that a public hearing be held regarding the Petition pursuant to Section 67.1421.1 of the CID Act; and

WHEREAS, after notice of public hearing by publication and individually to each owner of record of real property within the proposed 370/Missouri Bottom Road/Taussig Road Community Improvement District (the "*District*") via correspondence, a public hearing was held on October 1, 2003, regarding the creation of the District; and

WHEREAS, on October 15, 2003, the City Council approved Ordinance No. 3474-03 establishing the District; and

WHEREAS, on December 6, 2004, a Petition for the Adjustment of the Boundaries of the District (the "*Boundary Adjustment Petition*") was filed with the Clerk of the City pursuant to the CID Act; and

WHEREAS, on December 15, 2004, the City Council passed Resolution No. 0407 acknowledging verification of the Boundary Adjustment Petition by the City Clerk and directing that a public hearing be held regarding the Boundary Adjustment Petition pursuant the CID Act; and

WHEREAS, in accordance with Section 67.1431 of the CID Act and after notice by publication and individually to each owner of record of real property within the District and real property proposed to be added to the District via correspondence, a public hearing was held on January 5, 2005, regarding the addition of real property to the boundaries of the District; and

WHEREAS, on February 2, 2005, the City Council approved Ordinance No. 3615-05 adjusting the boundaries of the District; and

WHEREAS, on April 30, 2024, a Petition for the Termination of the 370/Missouri Bottom Road/Taussig Road Community Improvement District (the "*Termination Petition*") was filed with the Clerk of the City pursuant to the CID Act, a copy of which Termination Petition is set forth as **Exhibit A**, attached hereto and incorporated herein by reference; and

WHEREAS, in accordance with Section 67.1431 of the CID Act and after notice by publication and individually to each owner of record of real property within the District's adjusted boundaries, a public hearing was held on May 15, 2024, regarding the Termination Petition; and

WHEREAS, pursuant to Section 67.1481 of the CID Act, the City may by ordinance of the City Council terminate the District prior to the expiration of its term if the District has no outstanding obligations; and

WHEREAS, the City and the District have entered into an Intergovernmental Cooperation Agreement dated as of December 1, 2003 (the "*Cooperation Agreement*"), pursuant to which the District is obligated to transfer CID Revenues (as defined in the Cooperation Agreement) to the City for fire protection services; and

WHEREAS, in conjunction with its consideration of the Termination Petition, the City Council desires to approve and authorize the execution of a Termination of Intergovernmental Cooperation Agreement in substantially the form of **Exhibit B**, attached hereto and incorporated herein by reference; and

WHEREAS, upon execution of the Termination of Intergovernmental Cooperation Agreement by the City and the District, the City Council finds that the District will have no outstanding obligations and that it is desirable and in the best interest of the City to terminate the District.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAZELWOOD AS FOLLOWS:

SECTION 1. The City Council hereby approves and authorizes the City to enter into the Termination of Intergovernmental Cooperation Agreement in substantially the form of **Exhibit B**, attached hereto and incorporate herein by reference, with such changes therein as shall be approved by the officers of the City executing the documents, such officers' signatures thereon being conclusive evidence of their approval thereof. The City Manager is hereby authorized and directed to execute the Termination of Intergovernmental Cooperation Agreement and deliver for and on behalf of and as the act and deed of the City and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance. The City Clerk is hereby authorized and directed to execute and attest to the City Manager's execution of the Termination of Intergovernmental Cooperation Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 2. Upon execution of the Termination of Intergovernmental Cooperation Agreement by the City and the District, the 370/Missouri Bottom Road/Taussig Road Community Improvement District is hereby terminated. The Plan for Dissolution and Distribution of the Assets of the 370/Missouri Bottom Road/Taussig Road Community Improvement District (the “*Dissolution Plan*”) set forth in the Termination Petition is hereby approved. The City Manager, City Finance Director and any other appropriate City officials are hereby directed to distribute the remaining assets of the District in accordance with the Dissolution Plan.

SECTION 3. The City Clerk is hereby directed to prepare and file with the Missouri Department of Economic Development a copy of this Ordinance in accordance with Section 67.1481 of the CID Act.

SECTION 4. The sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be severable. If any such section, paragraph, sentence, clause or phrase of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council has enacted the valid portions without the void one, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

The City shall, and the officers, agents and employees of the City are hereby authorized and directed to take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 5. The Mayor is hereby authorized and directed to execute this Ordinance for and on behalf of and as the act and deed of the City. The City Clerk is hereby authorized and directed to attest hereto.

SECTION 6. This Ordinance shall be in full force and effect from and after its passage and adoption.

(The remainder of this page is left intentionally blank.)

**PASSED this _____ day of _____, _____ by the
Council of the City of Hazelwood, Missouri.**

ATTEST:

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

Julie Lowery, CMC - City Clerk
City of Hazelwood, Missouri

APPROVED AS TO FORM:

Kevin M. O'Keefe - City Attorney
City of Hazelwood, Missouri

EXHIBIT A
TERMINATION PETITION

(Attached hereto.)

EXHIBIT B

**FORM OF TERMINATION OF
INTERGOVERNMENTAL COOPERATION AGREEMENT**

(Attached hereto.)