

AN ORDINANCE ESTABLISHING THE SEMO INDUSTRIAL PARK COMMUNITY IMPROVEMENT DISTRICT; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, the Community Improvement District Act, Sections 67.1401 to 67.1571 of the Revised Statutes of Missouri (the "CID Act"), authorizes the governing body of any municipality, upon receipt of a proper petition and a public hearing, to adopt an ordinance establishing a community improvement district; and

WHEREAS, on January 5, 2024, the sole property owner within the below-defined District filed a Petition for the Establishment of the SEMO Industrial Community Improvement District (the "Petition") with the City Clerk of the City of Scott City, Missouri (the "City"), pursuant to the CID Act, which Petition is attached as **Exhibit A** hereto and incorporated herein by reference; and

WHEREAS, the Petition proposes the formation of the SEMO Industrial Park Community Improvement District (the "District") to pay the costs associated with certain public improvements and services within the proposed District's boundaries; and

WHEREAS, after proper notice was given, the City Council held a public hearing regarding the creation of the District and all persons interested in the formation of the District were allowed an opportunity to speak and the City Council heard all protests and received all endorsements; and

WHEREAS, following closure of the public hearing and upon due consideration of the comments received at the hearing, the City Council has determined that it is in the interest of the public health, safety and general welfare of the people of the City to create the District and authorize certain actions and documents in connection therewith;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF SCOTT CITY, MISSOURI, AS FOLLOWS:

SECTION ONE. Creation of the District. Pursuant to Section 67.1411.3 of the CID Act, the SEMO Industrial Park Community Improvement District is hereby formed as a political subdivision of the State of Missouri having the powers and purposes set forth in the Petition, subject to the provisions of this Ordinance and the CID Act.

SECTION TWO. Term of the District. The length of time for the existence of the District shall not exceed December 31, 2046, unless extended by the City Council pursuant to the CID Act.

SECTION THREE. Initial Board of Directors of the District. Pursuant to Section 67.1451.5 of the CID Act, the District's initial Board of Directors are as follows:

<u>Name</u>	<u>Initial Term</u>
1. Gregg Erb	4 years
2. Carrie Roider	4 years
3. Dave Heisel	2 years
4. Larry Chasteen	2 years
5. Dustin Whitworth	2 years

SECTION FOUR. Authorization of the District Project Agreement. The City is hereby authorized to enter into the District Project Agreement (the “District Project Agreement”) by and among the City, REC Investments II LLC and the District, in substantially the form attached as **Exhibit B** hereto and incorporated herein by reference, with such changes therein as shall be approved by the officials of the City executing the document, such officials’ signatures thereon being conclusive evidence of their approval thereof. The Mayor is hereby authorized to execute the District Project Agreement, for and on behalf of and as the act and deed of the City. The City Clerk is hereby authorized to attest to and affix the seal of the City to the District Project Agreement.

SECTION FIVE. Notice of District’s Creation. Pursuant to Section 67.1421.6 of the CID Act, the City Clerk shall notify the Missouri Department of Economic Development and the State Auditor in writing of the District’s creation.

SECTION SIX. Ratification and Further Authority. All actions taken by the City staff and consultants associated with the provision of notices related to the Petition are hereby ratified. The City shall, and the officials, agents and employees of the City are hereby authorized 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 and to carry out, comply with and perform the duties of the City with respect to the District Project Agreement. The Mayor and the City Administrator are hereby authorized, through the term of the District Project Agreement, to execute all documents on behalf of the City as may be required to carry out and comply with the intent of this Ordinance and the District Project Agreement. The Mayor and the City Administrator are further authorized, on behalf of the City, to grant such consents, estoppels and waivers relating to the District Project Agreement as may be requested during the term thereof; provided, such consents, estoppels and/or waivers shall not increase the term of the District, waive an event of default or materially change the nature of the transaction unless otherwise approved by the City Council. The City Clerk is authorized to attest to and affix the seal of the City to any document authorized by this Section.

SECTION SEVEN. Savings. Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

SECTION EIGHT. Severability. If any term, condition or provision of this Ordinance is, to any extent, held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective, and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provision. If, due to a subsequent change in applicable law, the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION NINE. Effective Date. This Ordinance shall take effect and be in full force from and after its passage and approval.

Read first time this 16th day of January, 2024.

Read second time this 16th day of January, 2024.

The bill was thereupon placed on its final passage and put to a roll call vote this 16th day of January, 2024 with the following results:

K. Page A/E
Phillips A/E
Howard A/E
C. Page Absent

Rhymer Absent
Ingvalson A/E
Brashear Absent
Morse A/E

WHEREUPON, the Mayor declared that Bill No. ~~1337~~ passed and that the same had become Ordinance No. 1338.

Norman Brant
Norman Brant, Mayor

[SEAL]

ATTEST:

Christine Oswald
Christine Oswald, City Clerk

EXHIBIT A

**PETITION FOR THE ESTABLISHMENT OF THE
SEMO INDUSTRIAL PARK COMMUNITY IMPROVEMENT DISTRICT**

(On file in the office of the City Clerk)

EXHIBIT B

DISTRICT PROJECT AGREEMENT

(On file in the office of the City Clerk)