

[FORM OF DRAFT PETITION]

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

IN THE MATTER OF: )

**OLDHAM VILLAGE** )  
**TRANSPORTATION** )  
**DEVELOPMENT DISTRICT** )

**CITY OF LEE’S SUMMIT** )  
220 SE GREEN STREET )  
LEE’S SUMMIT, MISSOURI 64063 )

and )

**OLDHAM INVESTORS, LLC** )  
7200 W. 132<sup>ND</sup> STREET, SUITE 150 )  
OVERLAND PARK, KANSAS 66213 )

Case No. \_\_\_\_\_

and )

[ADDITIONAL DEVELOPER AFFILIATED )  
ENTITIES WHO OWN PROPERTY AT TIME )  
PETITION IS FILED WILL BE ADDED AS )  
NECESSARY] )

Petitioners, )

v. )

**MISSOURI HIGHWAYS AND** )  
**TRANSPORTATION COMMISSION** )  
105 WEST CAPITOL AVENUE )  
JEFFERSON CITY, MISSOURI 65101 )

SERVE: )

\_\_\_\_\_  
Secretary to the Commission )  
105 West Capitol Avenue )  
Jefferson City, Missouri 65102, )

Respondent. )

**PETITION FOR THE FORMATION OF A  
TRANSPORTATION DEVELOPMENT DISTRICT**

**COME NOW** Petitioners, for their Petition, pursuant to the Missouri Transportation Development District Act (the “Act”), Sections 238.200 to 238.275, as amended, of the Revised Statutes of Missouri (“RSMo”), respectfully petition the Court for the purpose of forming the Oldham Village Transportation Development District (the “District”) and state as follows:

**THE PARTIES**

1. Petitioner Oldham Investors, LLC is a Missouri limited liability company whose principal place of business is located at 7200 West 132<sup>nd</sup> Street, Suite 150, Overland Park, Kansas 66213. [ADDITIONAL DEVELOPER AFFILIATED ENTITIES WHO OWN PROPERTY IN THE TDD AT THE TIME THE PETITION IS FILED WILL BE ADDED AS PARTIES.]

2. Petitioner City of Lee’s Summit (the “City”) is a municipal corporation of the State of Missouri, located at 220 SE Green Street, Lee’s Summit, Missouri 64063, acting in its capacity as property owner. The City is an “affected local transportation authority” as defined in the Act, but does not need to be named as a respondent in this action pursuant to Section 238.207.4(2), RSMo (“Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority...”).

3. There are no persons eligible to be registered voters residing within the boundaries of the proposed District.

4. Petitioners are all the owners of record of all real property located within the proposed District.

5. Respondent State of Missouri Highways and Transportation Commission (the “Commission”) is the state agency constitutionally responsible for constructing and maintaining the Missouri highway system, with its principal place of business at 105 West Capitol Avenue,

Jefferson City, Missouri 65102. The Commission is a required Respondent to this Petition pursuant to Section 238.207.4(2) of the Act.

### **JURISDICTION AND VENUE**

6. Jurisdiction is proper in this Court pursuant to Section 238.207.1 of the Act.

7. Venue is proper in this Court pursuant to Section 238.207.1 of the Act, in that the District lies entirely within Jackson County, Missouri.

### **PETITION REQUIREMENTS**

8. A specific description of the proposed District's boundaries, and a map illustrating such boundaries, are attached hereto as **Exhibit A-1** and **Exhibit A-2**, respectively, and incorporated herein by reference.

9. The area of the District is contiguous within the meaning of the Act.

10. A general description of the project (the "Project") proposed to be undertaken by the proposed District is set forth in **Exhibit B** hereto and incorporated herein by reference.

11. The estimated net costs of the Project are approximately One Million Seven Hundred Fifty-Four Thousand Five Hundred Ten and No/100 Dollars (\$1,754,510) and the estimated details of the estimated costs are as shown on **Exhibit C** hereto and incorporated herein by reference.

12. It is not anticipated that there will be revenues collected from the Project.

13. The name of the proposed District will be the "Oldham Village Transportation Development District".

14. Pursuant to RSMo 238.212 Petitioners request this Court order a public hearing and the Circuit Court Clerk shall publish notice of the public hearing once per week for four consecutive

weeks. Since there are no property owners or registered voters residing within the proposed District that are not already a party to this action, the published notice will be modified to reflect the same.

15. The Board of Directors of the District (the “Board of Directors”) will be comprised of five (5) members to be elected in accordance with the Act.

16. The terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years as provided by the Act.

17. The Board of Directors shall be elected at a meeting of the owners of the District held at a time and place designated by this Court pursuant to Mo. Rev. Stat. § 238.220.2.

18. The Board of Directors shall hold their first meeting at a time and place designated by this Court pursuant to Mo. Rev. Stat. § 238.222.2.

19. Petitioners propose that the Project be funded from the proceeds resulting from the imposition of a transportation development district sales tax, not in excess of one percent (1%), and for a period no longer than forty (40) years from the date such sales tax is first collected, on all retail sales made in the District that are subject to taxation by the State of Missouri pursuant to the provisions of Sections 144.010 through 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance (the “District Sales Tax”).

20. The Petitioners desire to seek qualified voter approval of the imposition of the District Sales Tax at a rate of one-half percent (0.5%) on all transactions subject to sales taxes imposed by the District pursuant to Sections 238.235 of the Act to (i) pay costs of the Project; (ii) reimburse the Petitioners for the costs of filing and defending this Petition authorized by Section

238.217 of the Act; and (iii) pay the principal of, premium, if any and interest on bonds, notes or other obligations issued in connection with the Project that are permitted to be repaid using revenues from the District Sales Tax under the Act (the “**TDD Obligations**”); (iv) to fund the costs of financing or refinancing the Project; and (v) to fund the operating costs and administrative costs of the District.

21. The District Sales Tax is the only funding method that is planned for the District.

22. No portion of the proposed Project is intended to be merged with the state highways and transportation system and therefore the Project is not intended to be under the Commission’s jurisdiction. Consequently, approval authority for the Project pursuant to Section 238.225 of the Act will vest with the City and shall be subject to all necessary permitting requirements of the City. The District and the City shall enter into a cooperative agreement to arrange for the construction and dedication of the Project improvements.

23. Details of the budgeted expenditures for the Project, including estimated expenditures for real physical improvements, estimated land acquisition expenses, if any, estimated expenses for professional services and estimated interest charges are set forth on **Exhibit C**.

24. The proposed District will not be an undue burden on any owner of property within the District and is not unjust or unreasonable.

**DISSOLUTION OF THE DISTRICT AND REPEAL OF THE DISTRICT SALES TAX**

25. The District shall be dissolved only in compliance with Section 238.275 of the Act. In no event shall the District Sales Tax be repealed, in whole or in part, nor shall the District be dissolved, until payment in full and satisfaction of all obligations, except in accordance with the Act.

**WHEREFORE**, Petitioners respectfully request that the Court enter a judgment declaring, decreeing and:

(a) finding and certifying that this Petition is not legally defective, that the proposed District is not illegal or unconstitutional and that the Respondents have been duly served with process in this action;

(b) finding and certifying that the proposed funding methods and mechanisms are neither illegal nor unconstitutional;

(c) finding and certifying that the proposed District is not an undue burden on any owner of real property within the District and is not unjust or unreasonable;

(d) finding and certifying that the District is contiguous pursuant to Section 238.207.3 of the Act;

(e) finding and certifying that the Oldham Village Transportation Development District is properly, duly and lawfully organized;

(f) finding and certifying that the Project is an authorized “project” within the meaning of Section 238.202.1(5) of the Act;

(g) finding and certifying that the Circuit Court Clerk provided notice of the public hearing required by Section 238.212.2 of the Act by causing one or more newspapers of general circulation serving Jackson County to publish once a week for four consecutive weeks a notice of the public hearing required by Section 238.212.2 of the Act;

(h) certifying the proposed District Sales Tax for approval by the “Qualified Voters” in the District (as defined in the Act) pursuant to Section 238.210.2 of the Act;

(i) calling for an election of the Board of Directors of the District, to be held at a place, date and time to be specified in the Court’s Order; and

(j) for such other and further additional findings, orders and judgments that the Court deems necessary and proper.

Respectfully submitted,

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*Attorney for Petitioners*  
*Oldham Investors, LLC*

*[ADDITIONAL PETITIONER PARTIES WILL BE  
ADDED AS NECESSARY]*

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*Attorney for Petitioner*  
*City of Lee's Summit*

### **CERTIFICATE OF SERVICE**

I hereby certify that on \_\_\_\_\_, 2025, I electronically filed the foregoing with the Clerk of the Court by using the Court's electronic filing system, which will automatically send a notice of electronic filing to interested parties.

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Attorney for Petitioner

## EXHIBIT A-1

### SPECIFIC DESCRIPTION OF PROPOSED DISTRICT BOUNDARIES

#### Tract Description

*A tract of land being located in Sections 7 & 8, Township 47, Range 31, Lee's Summit, Jackson County Missouri, being more particularly described as follows:  
Commencing at the East Quarter Corner of said Section 7; thence N87°41'40"W along the North line of said Section 7, a distance of 865.12 feet to the Point of Beginning;; thence N57°07'36"W, a distance of 498.06 feet; thence S32°47'59"W, a distance of 74.98 feet; thence S2°26'55"W, a distance of 2068.05 feet; thence S87°33'04"E, a distance of 215.90 feet; thence N2°25'22"E, a distance of 555.23 feet; thence S88°17'49"E, a distance of 260.52 feet; thence S2°33'08"W, a distance of 221.84 feet; thence S87°48'02"E, a distance of 280.68 feet; thence S2°32'26"W, a distance of 303.63 feet; thence S88°04'40"E, a distance of 339.94 feet; thence S2°23'57"W, a distance of 37.99 feet; thence S87°48'18"E, a distance of 263.03 feet; thence S2°32'32"W, a distance of 35.08 feet; thence S2°26'02"W, a distance of 787.52 feet; thence S87°43'36"E, a distance of 385.11 feet; thence N23°09'32"E, a distance of 102.58 feet; thence N6°07'34"W, a distance of 1338.91 feet; thence N87°50'52"W, a distance of 62.60 feet; thence N2°37'19"E, a distance of 158.07; thence along a curve to the left tangent to the preceding course and having a radius of 1375.94 feet, an arc distance of 490.71 feet; thence N87°25'57"W, a distance of 74.50 feet; thence along a curve to the right tangent to the preceding course and having a radius of 250.00 feet, an arc distance of 183.56 feet; thence N43°39'15"W, a distance of 495.95 feet; thence N44°17'15"W, a distance of 122.21 feet; thence N60°40'49"W, a distance of 154.60 feet; thence N57°07'36"W, a distance of 159.79 feet to the Point of Beginning.*

*Except for the following described areas:*

*SIMONIN ADDITION---S 250' W 100' LOT 4 (EX PT IN ROW)*

*And,*

*Commencing at the Southwest Corner of said Section 8; thence S87°43'36"E along the South line of said Section 8, a distance of 31.24 feet; thence N2°26'02"E, a distance of 406.95 feet to the Point of Beginning; thence N2°26'02"E, a distance of 97.27 feet; thence S87°48'35"E, a distance of 238.48 feet; thence S11°44'25"E, a distance of 100.46 feet; thence N87°45'27"W, a distance of 263.08 feet to the Point of Beginning.*

CONTAINS APPROXIMATELY 2,563,302.99 SF, 58.85 ACRES, MORE OR LESS.



**EXHIBIT A-2**

**MAP ILLUSTRATING PROPOSED DISTRICT BOUNDARIES**

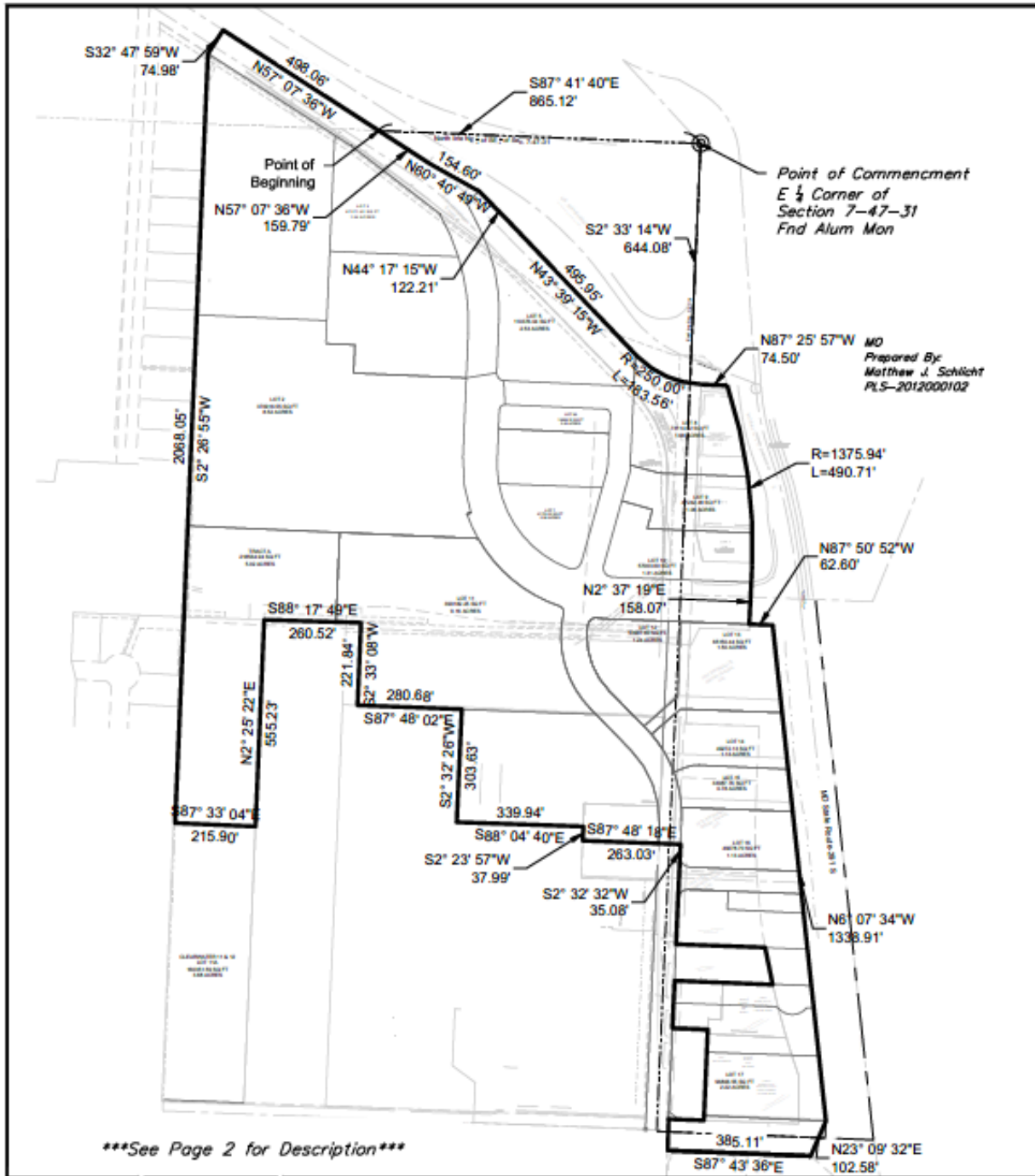


Exhibit
<b>Exhibit</b>
SHEET 1 OF 2

DATE:	8/26/2024
PROJECT NUMBER:	Oldham
REV. TO DWG:	N/A
SCALE:	1"=350'

Exhibit	<b>Oldham Village</b>
TDD	Lee's Summit, Jackson County, Missouri



**ENGINEERING SOLUTIONS**  
ENGINEERING & SURVEYING

50 SE 10TH STREET  
LEE'S SUMMIT, MO 64082  
P: (816) 621-9885 F: (816) 621-9889

## **EXHIBIT B**

### **DESCRIPTION OF PROJECT**

The Project will be constructed on property generally located south of US Highway 50 and west of Highway 291 South in the City of Lee's Summit, Missouri. The Project generally consists of improvements to and reconfiguration of access drives, roads, pedestrian walkways and crossings and parking facilities including but not limited to the relocation, reconstruction and construction of portions of Oldham Road within or adjacent to the District, and may include but shall not be limited to (a) the construction, reconstruction, installation, repair and maintenance of public street improvements, access roads, pedestrian walkways and crossings, signalization, interchanges, intersections, signage, parking, and any similar or related improvements or infrastructure; and (b) land acquisition, landscaping, public utilities, streetlights, professional fees, engineering costs, consultant costs, financing costs and interest costs associated with the improvements.

**EXHIBIT C**

**ESTIMATED COSTS**

Roads, Streets, related public infrastructure improvements, and Land	\$1,403,608
Professional Services (Eng / Arch / Consult / Legal / PM / Development Fees / Other)	\$263,177
Financing Costs (Interest Carry / Closing / Fees / Other)	\$87,725
<b>Total Estimated Costs</b>	<b>\$1,754,510</b>

NOTES:

1. Approximately one-half of the revenues generated by the District’s sales tax will be captured as economic activities taxes (“EATS”) pursuant to Missouri’s Real Property Tax Increment Allocation Redevelopment Act set forth in Sections 99.800 to 99.865 RSMo. The District’s revenues captured as EATS will not be used to fund the estimated costs of the Project and will instead be used in accordance with the Oldham Village Tax Increment Financing Plan approved by the City of Lee’s Summit, Missouri.
2. Actual District revenues from the District Sales Tax will be higher than the estimated costs above. The amounts set forth above totaling approximately \$1.75 million are net estimated project cost reimbursements and do not include (other than certain limited interest and financing costs during the construction and ramp-up period to stabilization) interest expenses, financing expenses, fees, or costs of issuance for bonds or any other financing instrument, all of which are additional eligible costs associated with the Project.
3. The cost estimates set forth above are estimates at the time of filing of this Petition and such estimates are subject to change. The amounts set forth above are not caps or limitations on reimbursement. Any such limitation shall only be subject to statutory restrictions imposed by the Act and as provided in any development or cooperative agreement between the District and the City of Lee’s Summit, Missouri.