

## **RESOLUTION NO. 25-21**

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A RESOLUTION EXPRESSING SUPPORT FOR A REVISED PETITION FOR FORMATION OF THE OLDHAM VILLAGE TRANSPORTATION DEVELOPMENT DISTRICT IN JACKSON COUNTY CIRCUIT COURT.

WHEREAS, the City of Lee's Summit, Missouri (the "City") desires to facilitate certain transportation-related projects consisting of funding and assistance in funding of certain street, road, access road, signalization, parking lot, or other related improvements and infrastructure all within the City which are connected with the Oldham Village Redevelopment Project that was considered by the City Council on January 7, 2025, for which other economic development incentives have been approved by the City Council; and,

WHEREAS, the City Council hereby finds that the transportation improvements to be funded by a transportation development district in connection with the Oldham Village Redevelopment Project will significantly improve the safety and welfare of the citizens of the City, enhance the economic viability of development along such roads and highway and connecting streets and properties within the City, and otherwise benefit the residents and businesses within the City; and,

WHEREAS, the City Council finds and determines that the creation and implementation of a transportation development district, to be known as the Oldham Village Transportation Development District (the "TDD") pursuant to the Missouri Transportation Development District Act as set forth in Chapter 238 of the Revised Statutes of Missouri (the "TDD Act"), as amended, will provide a source of revenue to fund said improvements, and therefore the creation and implementation of the TDD is in the best interests of the citizens of the City; and,

WHEREAS, the City Council adopted Resolution 25-01 on January 7, 2025, which authorized staff to support formation of the TDD in accordance with the form of petition attached to such Resolution; and,

WHEREAS, the developer of the Oldham Village Project has proposed a revised petition for formation of the TDD, and the City Council now desires to authorize staff to support formation of the TDD through the proposed revised petition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT AS FOLLOWS:

SECTION 1. The City finds and determines that it is in the best interests of the City to create the TDD for the purpose of funding the costs of the transportation-related improvements as described in the revised form of Petition for the Creation of the Oldham Village Transportation Development District (the "Petition"), which is attached hereto as Exhibit A and incorporated herein by reference.

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SECTION 2. City staff and appropriate City officials are hereby authorized and directed to file the petition and other pleadings and documents in circuit court that supports formation of the TDD in accordance with the draft form of petition which is attached hereto as Exhibit A, and take such other steps as are necessary to facilitate the creation and implementation of the transportation development district in accordance with the TDD Act, and executing and delivering for and on behalf of the City all pleadings, amended pleadings and petitions, answers, motions, court filings, certificates, instruments, consents and agreements or other documents as may be necessary, desirable, convenient, or proper to perform all matters authorized herein. The City's support for formation of the TDD is limited to the geographic boundaries for the TDD as shown on the revised draft petition which is attached hereto as Exhibit A, and City staff shall not support a TDD which exceeds the boundaries as shown on the attached draft petition.

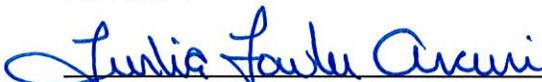
SECTION 3. Should any section, sentence, or clause of this resolution be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

SECTION 4. That this Resolution shall be in full force and effect from and after its passage and approval.

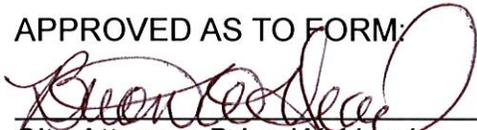
Passed by the City Council of the City of Lee's Summit, Missouri, this 23<sup>rd</sup> day of September, 2025.

  
\_\_\_\_\_  
Mayor William A. Baird

ATTEST:

  
\_\_\_\_\_  
City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney Brian W. Head



**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** )  
 5841 W. 135<sup>TH</sup> STREET, SUITE 200 )  
 OVERLAND PARK, KANSAS 66223 )  
 )  
 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. )

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

**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 5841 W. 135<sup>th</sup> Street, Suite 200, Overland Park, Kansas 66223.

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 of 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 Section 238.220.2, RSMo.

18. The Board of Directors shall hold their first meeting at a time and place designated by this Court pursuant to Section 238.222.2, RSMo.

19. Petitioners propose that the Project be funded or reimbursed from the proceeds resulting from the imposition of a transportation development district sales and use tax, not in excess of one percent (1%), and for a period no longer than forty (40) years from the date such sales and use 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 and use 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 and Use Tax”).

20. The Petitioners desire to seek qualified voter approval of the imposition of the District Sales and Use Tax at a rate of one-half percent (0.5%) on all transactions subject to sales and use 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 and Use 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 and Use 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 AND USE TAX**

25. The District shall be dissolved only in compliance with Section 238.275 of the Act. In no event shall the District Sales and Use 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 and Use 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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Robert W. Tormohlen MO# 40024  
Ralph E. Bellar, Jr. MO# 38840  
Ashlyn Lewis MO# 65501  
LEWIS RICE, LLC  
1010 Walnut, Suite 500  
Kansas City, MO 64106  
Telephone: (816) 421-2500  
Facsimile: (816) 472-2500  
[rwormohlen@lewisricekc.com](mailto:rwormohlen@lewisricekc.com)  
[rebellar@lewisricekc.com](mailto:rebellar@lewisricekc.com)  
[alewis@lewisricekc.com](mailto:alewis@lewisricekc.com)  
*Attorneys for Petitioner*  
*Oldham Investors, LLC*

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David Bushek MO# 42645  
Erin Kelly MO# 73790  
Jo Leigh Fischer MO# 48054  
City of Lee's Summit, MO  
Office of the City Attorney  
220 SE Green Street,  
Lee's Summit MO 64063  
Telephone: (816) 969-1403  
Facsimile: (816) 969-1401  
[David.Bushek@cityofls.net](mailto:David.Bushek@cityofls.net)  
[Erin.Kelly@cityofls.net](mailto:Erin.Kelly@cityofls.net)  
[joleigh.fischer@cityofls.net](mailto:joleigh.fischer@cityofls.net)  
*Attorneys 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

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 1102.40 feet; thence N87°49'29"W, a distance of 272.80 feet; thence S48°54'38"W, a distance of 103.51 feet; thence along a curve to the left having an initial tangent bearing of N41°05'22"W and a radius of 330.00 feet, an arc distance of 19.16 feet; thence N44°24'57"W, a distance of 143.50 feet; thence along a curve to the right tangent to the preceding course and having a radius of 210.00 feet, an arc distance of 191.98 feet; thence along a curve to the right having an initial tangent bearing of N7°57'50"E and a radius of 23.00 feet, an arc distance of 35.87 feet; thence along a curve to the left having an initial tangent bearing of S82°40'21"E and a radius of 423.04 feet, an arc distance of 35.67 feet; thence S87°50'52"E, a distance of 373.25 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)

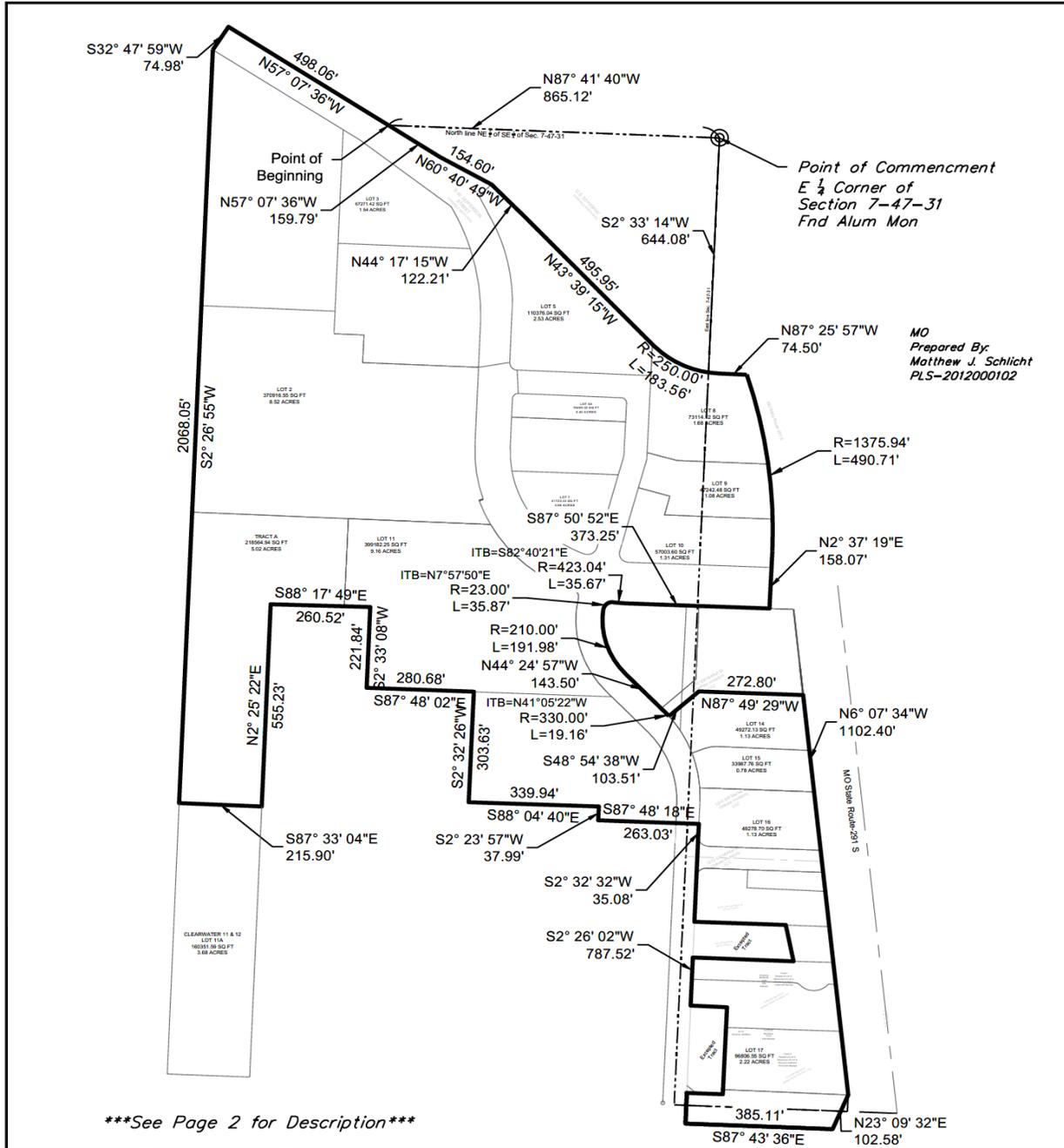
And,

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.

Containing 2,444,681.05 sf (56.12 acres more or less)

# EXHIBIT A-2

## MAP ILLUSTRATING PROPOSED DISTRICT BOUNDARIES



MO  
Prepared By:  
Matthew J. Schlicht  
PLS-2012000102

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

DATE:	9/9/2025
PROJECT NUMBER:	Oldham
REV. TO DWG.:	N/A
SCALE:	1"=350'

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



**ENGINEERING**  
ENGINEERING & SURVEYING  
**SOLUTIONS**

50 SE 30TH STREET  
LEE'S SUMMIT, MO 64082  
P:(816) 623-9888 F:(816) 623-9849

## **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 within and adjacent to the District; 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	\$1,462,092
Professional Services (Eng / Arch / Consult / Legal / PM / Development Fees / Other)	\$194,946
Financing Costs (Interest Carry / Closing / Fees / Other)	\$97,472
<b>Total Estimated Costs</b>	<b>\$1,754,510</b>

NOTES:

1. Approximately one-half of the revenues generated by the District’s sales and use 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 and Use 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.