

**IN THE CIRCUIT COURT OF JACKSON COUNTY
STATE OF MISSOURI**

**IN RE THE CREATION OF THE
I-470 WESTERN GATEWAY
TRANSPORTATION
DEVELOPMENT DISTRICT.**

CITY OF LEE’S SUMMIT, MISSOURI,
220 S.E. Green Street
Lee’s Summit, Missouri 64063
a Missouri constitutional charter city

Petitioner,

vs.

**I-470 AND VIEW HIGH COMMUNITY
IMPROVEMENT DISTRICT,**
a Missouri political subdivision
c/o Bushyhead, LLC
315 SE Main Street
Lee’s Summit, MO 64063

JACKSON COUNTY, MISSOURI,
c/o County Legislative Clerk
415 E. 12th Street
Kansas City, MO 64106

-and-

**MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION,**

SERVE:
Pamela Harlan
Secretary to the Commission
Highways and Transportation Office Building
105 West Capitol Avenue
Jefferson City, Missouri 65101
Telephone: 573-751-2824

Respondents.

Case No. _____

Division _____

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

COMES NOW, Petitioner, by and through its attorneys, pursuant to the Missouri Transportation Development District Act, Sections 238.200 to 238.280 of the Revised Statutes of Missouri, as amended ("**TDD Act**") (all statutory references are to RSMo unless otherwise indicated), and files this Petition for the purpose of creating a transportation development district ("**District**"), and in support thereof states as follows:

I. The Parties

1. Petitioner, City of Lee's Summit, Missouri ("**City**"), a constitutional charter city of the state in which the District will be located, is a "local transportation authority" within the meaning of Section 238.202.1(4) of the TDD Act, and for purposes of filing a petition for creation of the District pursuant to Section 238.207.5 of the TDD Act.
2. Respondent, the Board of Directors of the I-470 and View High Community Improvement District, (the "**CID**"), a community improvement district and political subdivision of the state in which the District will be located, is a "local transportation authority" within the meaning of Section 238.202.1(4) of the TDD Act.
3. Respondent, Jackson County, Missouri (the "**County**"), is a political subdivision of the state in which the District will be located and is a "local transportation authority" within the meaning of Section 238.202.1(4) of the TDD Act.
4. Respondent, Missouri Highways and Transportation Commission ("**MHTC**"), is the state agency constitutionally responsible for constructing and maintaining the Missouri highway system and is a necessary party under Section 238.207.5(3)(c) of the TDD Act.
5. All necessary respondents have been joined.

II. Jurisdiction and Venue

6. Jurisdiction is proper in this Court pursuant to Section 238.207.5, of the TDD Act.
7. Venue is proper in this Court pursuant to Section 238.207.5, of the TDD Act, in that the proposed District lies entirely within Jackson County, Missouri.

III. Petition Requirements

8. Petitioner City is the governing body of a local transportation authority acting in its official capacity calling for the joint establishment of the District pursuant to Section 238.207.5 of the TDD Act. A resolution of the City Council of the City calling for the establishment of

the District is attached hereto as **Exhibit D**.

9. Respondent CID is an affected local transportation authority within the District and supports the formation of the District. A resolution of the board of directors of the CID calling for the establishment of the District is attached hereto as **Exhibit D**.
10. Respondent County is an affected local transportation authority within the District because it will have jurisdiction over one or more of the Transportation Projects (as defined below).
11. The name and address of each Respondent, including the Missouri Highways and Transportation Commission and each “affected” local transportation authority within the boundaries of the District (except the Petitioner), is listed as follows:

I-470 & View High Community Improvement District
315 SE Main Street
Lee’s Summit, MO 64063

Jackson County, Missouri
415 E. 12th Street
Kansas City, MO 64106

Missouri Highways and Transportation Commission
105 West Capitol Avenue
Jefferson City, Missouri 65101

12. The District is composed of contiguous land pursuant to Section 238.207.5(2) of the TDD Act.
13. The property to be included in the proposed District is specifically described in **Exhibit A**, attached hereto and incorporated herein, and the boundaries of the proposed District are illustrated on the map that is **Exhibit B**, attached hereto and incorporated herein.
14. The name of the proposed District will be the “I-470 Western Gateway Transportation Development District.”
15. The board of directors of the District will have six (6) members which shall be comprised of the presiding officer of each affected local transportation authority and one person designated by the governing body of each affected local transportation authority within the District pursuant to Section 238.220.3(1) of the TDD Act; provided that upon the dissolution of any affected local transportation authority, the board of directors of the District shall be comprised of the presiding officer and the authorized designee of each remaining affected local transportation authority within the District.

16. The terms of office of the board members who are the presiding officers of the City, CID and County shall coincide with their terms as a presiding officer for the appropriate affected local transportation authority. The terms of office of the board members who are appointed by the governing body of each of the City, CID and County shall be as designated by the appropriate governing body, and such persons may be removed by the appropriate governing body at any time with or without cause.
17. The transportation projects to be undertaken by the District (each a “**Transportation Project**” or collectively the “**Transportation Projects**”) shall consist of funding and assistance in funding of certain bridge, street, road, highway, access road, interchange, signing, signalization, parking lot, parking garage, or other related improvements and infrastructure, along with engineering and other professional costs associated with the improvements, all as more particularly described in **Exhibit C**. The approximate location of the Transportation Projects are set forth in the map in **Exhibit C**.
18. The Transportation Projects will be funded from the proceeds of a transportation development district sales tax (the “**TDD Sales Tax**”) to be imposed by the District pursuant to Section 238.235 of the TDD Act. Under the TDD Act, the District may impose the TDD Sales Tax upon approval of the “qualified voters” (as defined in Section 238.202.2(2) of the TDD Act) of the District in increments of one-eighth of one percent up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the District, if such property or service are subject to taxation by the State of Missouri pursuant to the provisions of Section 144.010 to 144.525 of the Revised Statutes of Missouri, as amended, except the TDD Sales Tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities, including the sale of electricity or electrical current, water and gas, natural or artificial, nor to sales of services to telephone subscribers, either local or long distance.
19. The Petitioners desire to seek qualified voter approval of the imposition of the TDD Sales Tax at a rate not to exceed one percent (1.0%) on all transactions subject to sales taxes imposed by the District pursuant to Sections 238.235 of the Act (“**TDD Sales Tax**”) to (i) pay costs of financing or refinancing the Transportation Projects; (ii) reimburse the Petitioners for the costs of filing and defending this Petition authorized by Section 238.217 of the TDD Act; and (iii) pay the principal of, premium, if any and interest on bonds, notes

or other obligations issued pursuant to Section 238.240 or 238.242 of the TDD Act (the “**TDD Obligations**”); and (iv) to fund the costs of financing or refinancing the Transportation Projects.

20. The TDD Sales Tax is the only funding method that is planned for the District.
21. Portions of the proposed Transportation Projects are intended to be merged with the state highways and transportation system and therefore are under the Commission’s jurisdiction (the “**State Portion of the Transportation Projects**”). The remaining portions of the Transportation Projects are not intended to be so merged (the “**Local Portion of the Transportation Projects**”). Approval authority for the Local Portion of the Transportation Projects pursuant to Section 238.225, of the TDD Act, will vest with the City, or other local transportation authority, respectively, subject to all necessary permitting requirements of the applicable local transportation authorities.
22. [The District’s proposed boundaries will overlap the Southwest I-470 Transportation Development District (the “**Southwest I-470 TDD**”). The Southwest I-470 TDD will be terminated concurrently with or immediately following a successful election establishing the District.]

IV. Dissolution of the District and Repeal of the TDD Sales Tax

23. After the development and initial maintenance costs of the Transportation Projects have been paid, the District shall transfer ownership and control thereof to MHTC, or the City or another appropriate political subdivision of the state, as applicable, provided in Section 238.275 of the TDD Act, unless such transfer is made sooner with the consent of the recipient.
24. The District shall be dissolved only in compliance with Section 238.275 of the TDD Act. In no event shall the TDD 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 TDD Act.
25. The proposed District will not be an undue burden on any owner of property within the District and is not unjust or unreasonable.

WHEREFORE, the Petitioners request that the Court enter a judgment and decree:

- (a) Finding and certifying that this Petition is not legally defective and that the Respondents have been duly served with process in this action, or otherwise properly appeared in this action;

- (b) Finding and certifying that the District is contiguous pursuant to Section 238.207.5(2) of the TDD Act;
- (c) Finding and certifying that the District is neither illegal nor unconstitutional and certifying the creation of the District for qualified voter approval;
- (d) Finding and certifying that the proposed funding method and mechanism is neither illegal nor unconstitutional and certifying such funding mechanism for qualified voter approval;
- (e) 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;
- (f) Finding and certifying that each Transportation Project is an authorized "project" within the meaning of Section 238.202.1(5) of the Act;
- (g) Finding and certifying the question regarding District creation, Transportation Projects development, and proposed funding for voter approval pursuant to Section 238.210.2 of the TDD Act;
- (h) Finding and certifying that the Circuit Court Clerk provided notice to the public by causing one or more newspapers of general circulation serving Jackson County to publish once a week for four consecutive weeks a notice substantially in the form set forth in Section 238.212.1 of the Act;
- (i) Ordering the Circuit Court Clerk, pursuant to Section 238.216 of the TDD Act, to prepare a ballot containing a single question regarding the creation of the District, the development of the Transportation Projects, and the imposition of the TDD Sales Tax in substantially the form set forth in Section 238.215.3(1) of the TDD Act;
- (j) Ordering the Circuit Court Clerk, pursuant to Section 238.216 of the TDD Act, to cause the conduct of a mail-in election, including but not limited to, the mailing of a ballot to each qualified voter who applied for a ballot pursuant to Section 238.216 of the TDD Act, providing specific mail-in election instructions, and specifying the date voted ballots shall be returned to the Circuit Court Clerk's office by mail or hand delivery;
- (k) Ordering the Circuit Court Clerk to transmit a certified copy of the results of the election to the Clerk of Jackson County, and ordering the Clerk of Jackson County to cause the same to be spread upon the records of the Jackson County Commission; and
- (l) for such other orders and findings as the Court may deem necessary and proper.

Respectfully submitted,

GILMORE & BELL, P.C.

By: _____

David W. Bushek, MO #42645
Richard W. Wood, MO #43718
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*Attorneys for Petitioner City of Lee's Summit,
Missouri*

EXHIBIT A
LEGAL DESCRIPTION

[Attached]

TRACT 1

Owners:

City of Lee's Summit
Target Corporation
Summit Woods, SPE, LLC
Summit Woods Global, LLC
Blue Ridge Bank & Trust
Cole OB Lee's Summit, MO
Rare Hospitality International, Inc.
Flint Investment Company, LLC

Parcel ID:

51-800-54-04-00-0-00-000
51-800-54-06-00-0-00-000
51-700-03-09-00-0-00-000
51-700-03-12-00-0-00-000
51-700-03-13-00-0-00-000
51-700-03-14-00-0-00-000
51-700-03-15-00-0-00-000
51-700-03-16-00-0-00-000
51-700-03-17-00-0-00-000
51-700-03-18-00-0-00-000
51-700-03-19-00-0-00-000
51-700-03-23-00-0-00-000
51-700-03-24-00-0-00-000

All of CHIPMAN-HWY 50 FINAL PLAT, a subdivision of land in Lee's Summit, Jackson County, Missouri, EXCEPT Tract C, Tract D, Lot 17 and Lot 18.

TRACT 2

Owner:

Summit Woods Global, LLC
BEF Reit, Inc.
Midamerican Investments, LLC

Parcel ID:

51-700-03-20-00-0-00-000
51-700-03-21-00-0-00-000
51-700-03-22-00-0-00-000

All of CHIPMAN-HWY 50 2ND PLAT, a subdivision of land in Lee's Summit, Jackson County, Missouri.

TRACT 3

Owner:

DHC Partners, LLC
Summit Woods, SPE, LLC

Parcel ID:

51-800-54-07-00-0-00-000
51-800-54-08-00-0-00-000

All of CHIPMAN-HWY 3RD PLAT LOT 14A & TRACT B1, a subdivision of land in Lee's Summit, Jackson County, Missouri.

TRACT 4

Owner:

The Family Ranch, LLC

Parcel ID:

51-800-02-11 -00-0-00-000

All that part of Section 35, Township 48, Range 32, In Lee's Summit, Jackson County, Missouri, described as follows:

From the center of said Section 35, run South 43 rods (709.5 feet); thence North 75 degrees West 9 rods (148.5 feet) to the point of beginning of the tract described herein; thence North 30 degrees East 97 rods (1600.5 feet); thence North 58 degrees West 44-3/4 rods (738.38 feet); to the East line of the Southeast 1/4 of the Northwest 1/4 of said Section 35; thence North along said East line IO rods (165 feet) to the Northeast corner of said 1/4 1/4 section; thence West along the North line of said 1/4 1/4 section 970 feet; more or less to a point 350 feet East of the Northwest corner of said 1/4 1/4 section; thence South parallel with the West line of said 1/4 1/4 section 124 feet; thence West parallel with the North line of said 1/4 1/4 section 350 feet to the West line of said 1/4 1/4 section; thence South along said West line, 1225.31 feet to a point 29.31 feet South of the Northwest corner of the Northeast 1/4 of Southwest 1/4 of said Section 35; thence East parallel with the North line of said 1/4 1/4 section, 265.30 feet; thence South parallel with the West line of said 1/4 1/4 section, 441.15 feet to a point in a line bearing South 75 degrees East end passing through the point of beginning, thence South 75 degrees East along said line to the point of beginning

EXCEPTING that part described as follows: All that part of the Southeast Quarter of the Northwest 1/4 of Section 35, Township 48, Range 32, described as follows: Beginning at a point 124 feet South of the Northwest corner of said Quarter Quarter Section; thence East 350 feet; thence South 124 feet; thence West 350 feet to the West line of said Quarter Quarter Section; thence North 124 feet to the point of beginning.

Also EXCEPTING all that part South of the North R/W line of Interstate Route 470 by Suit No. 741042 in the Circuit Court of Jackson County, Missouri.

TRACT 5

Owner:

The Family Ranch, LLC

Parcel ID:

51-800-01-03-00-0-00-000

A tract of land in the Southwest Quarter of the Northeast Quarter of Section 35, Township 48, Range 32, City of Lee's Summit, Jackson County, Missouri, more particularly described as follows:

Commencing at the Southwest corner of the Northeast Quarter of said Section 35; thence South 86 degrees 35 minutes 26 seconds East along the South line of said Northeast Quarter Section, a distance of 1311.71 feet to the Southeast corner of the Southwest Quarter of said Northeast Quarter Section, thence North 2 degrees 28 minutes 04 seconds East along the East line of the Southwest Quarter of said Northeast Quarter Section and parallel with the West line of said Northeast Quarter Section, a distance of 282.38 feet (282.15 feet Deed); thence North 52 degrees 58 minutes 43 seconds West, a distance of 1 8.00 feet (North 53 degrees 45 minutes 21 seconds West, a distance of 22.33 feet Deed) to a point on the North right of way line of Interstate No. 470 as now established. said point being the point of beginning; thence continuing North 52 degrees 58 minutes 43 seconds West, a distance of 833.08 feet (North 53 degrees 45 minutes 21 seconds West, a distance of 841.82 feet Deed); thence South 33 degrees 03 minutes 26 seconds West, a distance of 526.71 feet (South 31 degrees 23 minutes 25 seconds West, a distance of 517.25 feet, Deed) to a point on the North right of way line of said Interstate 470; thence South 84 degrees 53 minutes 05 seconds East, a distance of 561.37 feet (South 85 degrees 06 minutes 10 seconds East along said North Highway right of way line, a distance of 561.58 feet, Deed); thence North 87 degrees 59 minutes 25 seconds East, a distance of 201.56 feet (North 87 degrees 46 minutes 20 seconds East along said North right of way line, a distance of 201.56 feet, Deed); thence South 84 degrees 53 minutes 05 seconds East, a distance of 192.65 feet (South 85 degrees 06 minutes 10 seconds East along said North right of way line, a distance of 188.09 feet, Deed); to the point of beginning, subject to that part thereof in roads.

TRACT 6

Owner:

Captain Fancy Two, LLC

Parcel ID:

51-800-02-06-00-0-00-000

Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 48 North, Range 32 West in Lee's Summit, Jackson County, Missouri, more particularly described as follows:

Beginning at the Northwest corner of said Quarter Quarter Section; thence South 86 degrees 36 minutes 33 seconds East along the North line of said Quarter Quarter Section, a distance of 1308.17 feet to a point being 20.00 feet Westerly of the East line of said Quarter Quarter Section; thence

South 02 degrees 29 minutes 11 seconds West (South 03 degrees 00 minutes 16 seconds West-Deed) parallel with the East line of the Southwest Quarter of the Northwest Quarter of said Section 35, a distance 980.90 feet to a point on the existing North right of way line of I-470 Highway; thence North 85 degrees 08 minutes 16 seconds West (North 85 degrees 02 minutes 17 seconds West-Deed) along said existing North right of way line, a distance of 145.28 feet (127.64 feet-Deed) to a point being 150 feet left of Highway Station 354+00; thence North 78 degrees 00 minutes 46 seconds West (North 77 degrees 54 minutes 47 seconds West-Deed) continuing along said existing North right of way line of I-470 Highway, a distance of 201.56 feet to a point being 175 feet left of Highway Station 352+00; thence North 85 degrees 08 minutes 16 seconds West (North 85 degrees 02 minutes 17 seconds West-Deed) continuing along said existing North right of way line of I-470 Highway, a distance of 966.76 feet (967.23 feet-Deed) to a point on the West line of said Quarter Quarter Section; thence North 02 degrees 36 minutes 11 seconds East (North 02 degrees 37 minutes 26 seconds East-Deed) along said West line, a distance of 922.17 feet (923.46 feet-Deed) to the point of beginning.

AND ALSO, the East 20.00 feet of said Quarter Quarter, bounded on the South by the North R/W line of Interstate Route 470 by Suit No. 741042 in the Circuit Court of Jackson County, Missouri, and bounded on the North by the Westerly extension of the South line of a Tract described in a warranty deed recorded in Book 1123 at Page 1716 in the recorder's office of Jackson County, Missouri.

TRACT 7

Owner:

The Family Ranch, LLC

Parcel ID:

51-900-01-11-00-0-00-000

The North half of the Southeast Quarter of the Northeast Quarter of Section 34, Township 48, Range 32, Lee's Summit, Jackson County, Missouri, except part in roads.

TRACT 8

Owner:

City of Lee's Summit

Parcel ID:

51-900-02-06-02-0-00-000

All that part of the Northeast Quarter of Section 34, Township 48, Range 32, in the City of Lee's Summit, Jackson County, Missouri, described as follows:

Beginning on the West line of said Quarter Section, and 420.99 feet North of the Southwest Corner thereof, said point being an angle point in the right of way of the Chicago, Rock Island and Pacific Railroad Company, and said point lying opposite Station 761+95 thereof; thence North 79°12'09" East, this and subsequent bearings referring to the West line of the Northwest Quarter of said Section 34 as having a bearing of North 02°29'42" East, along the Southerly line of a jog in said

Railroad right of way, a distance of 263.10 feet, to a point lying 50 feet from the centerline of the main track of said Railroad Company, measured at right angles thereto; thence North 09°16' 45" West, and parallel to said centerline of main track, a distance of 416.73 feet; thence North 87°30'18" West a distance of 171.02 feet, to a point on the West line of said Quarter Section; thence South 02°29'42" West, a distance of 468.45 feet, to the point of beginning. Except that part in Highway Right-of-Way.

TRACT 9

Owner:

Rock Island Railroad

All that part of Railroad Right-of-Way in the North half of Section 34, Township 48, Range 32, lying North of and adjacent to Interstate 470, in the City of Lee's Summit, Jackson County, Missouri.

TRACT10

Owner:

City of Lee's Summit

Parcel ID:

51-900-02-01-00-0-00-000

All of the North 500 feet of the following described Tract of land:

The North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 34, Township 48, Range 32, in Jackson County, Missouri, except that part of said $\frac{1}{2}$ of $\frac{1}{4}$ Section conveyed to Robert McKay by deed dated April 6, 1903 and recorded in the Office of the Recorder of Deeds for Jackson County, Missouri, at Independence, in Book 244 at Page 193, and except that part of said $\frac{1}{2}$ of $\frac{1}{4}$ Section conveyed to the Kansas City Rock Island Railway Company by deed recorded in the Office of the Recorder of Deeds for Jackson County, Missouri, at Independence, in Book 244 at Page 79, containing 76.402 acres.

TRACT 11

Owner:

State of Missouri

All of the Right-of-Way of Interstate 470, beginning at the North- South Centerline of Section 34; thence Easterly to the East line of Section 35, all in Township 48, Range 32, in the City Lee's Summit, Jackson County, Missouri.

Owner:

Jacomo Trucking, Inc.
Jacomo Trucking, Inc.
Jacomo Trucking, Inc.
Jacomo Trucking, Inc.

Parcel #:

51-800-01-04-01-1-00-000
51-800-01-04-01-2-00-000
51-800-01-04-02-1-00-000
51-800-01-06-01-2-00-000

Legal Descriptions to be provided prior to filing Petition.

TRACT 1

Owner:

The Family Ranch, LLC

Parcel ID:

51-400-03-08-00-0-00-000

The Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 27, Township 48, Range 32, except 6.97 acres heretofore sold and except beginning 25 feet West of the Southeast corner of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section; thence East 25 feet; thence North 88.8 feet; thence Southwest to beginning, in Kansas City, Jackson County, Missouri.

TRACT 2

Owner:

The Family Ranch, LLC

Parcel ID:

51-440-06-01-00-0-00-000

All of Lot 6, TOWN OF VALE, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

TRACT 3

Owner:

The Family Ranch, LLC

Parcel ID:

51-440-01-00-0-00-000

All of Lot 7, TOWN OF VALE, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

TRACT 4

Owner:

Short Family Properties, LLC

Parcel ID:

51-400-03-06-00-0-00-000

The Southwest Quarter of the Southwest Quarter of Section 27, Township 48, Range 32, in Kansas City, Jackson County, Missouri except the West 10 acres and except the North 40 feet thereof in road.

TRACT 5

Owner:

Lee's Summit I, LLC

Parcel ID:

51-400-03-15-00-0-00-000

All of Lot 2, MASONIC HOME OF MISSOURI-WESTERN UNIT, a subdivision in Kansas City, Jackson County, Missouri according to the recorded plat thereof.

TRACT 6

Owner:

RBTL Industries, LLC

Parcel ID:

51-400-03-02-00-0-00-000

A tract of land in the Southwest Quarter of Section 27, Township 48, Range 32, in Kansas City, Jackson County, Missouri described as beginning at the Southeast corner of the North half of said Quarter Section and running thence North 0 degree 54 minutes 31 seconds West along the East line of said Quarter Section, 976.94 feet to the centerline of Bannister Road; thence Northwesterly along said centerline, 459.5 feet; thence South 0 degree 54 minutes 31 seconds East along a line which is 384.73 feet West of and parallel to the said East line of the Southwest Quarter of said Section, a distance of 1717.23 feet; thence along a line described in previous deeds as bearing North 38 degrees 15 minutes East, but actually bearing North 37 degrees 08 minutes 41 seconds East, a distance of 624.08 feet to the point of beginning, except that part in roads, if any.

ALSO

Except that part lying within 50.00 feet of the centerline of Bannister Road, as it presently exists.

TRACT 7

Owner:

RBTL Industries, LLC

Parcel ID:

51-440-03-01-00-0-00-000

That part of the Northwest Quarter of the Southeast Quarter of Section 27, Township 48, Range 32, Kansas City, Jackson County, Missouri, described as follows: beginning at a point on the West line of the Northwest Quarter of the Southeast Quarter of said Section 27, said point being located 392.80 feet Southerly from the Northwest corner of the Northwest Quarter of the Southeast Quarter of Section 27, said point also being in the Southerly right of way line of Bannister Road 40 feet from the center line as now established; thence continuing Southerly along said West line of said Northwest Quarter of said Southeast Quarter of said Section 27, 930.77 feet of the Southwest corner of said Northwest Quarter of said Southeast Quarter of said Section 27; thence Easterly along the South line of said Northwest Quarter of said Southeast Quarter of said Section 27, 387.57

feet to a point in the Westerly right of way line of the Chicago Rock Island and Pacific Railroad; thence Northerly along said Westerly right of way line of said Railroad parallel to the center line of said Railroad, 390.95 feet to a point; thence Easterly and perpendicular to the last described course 100.00 feet to a point; thence Northerly and perpendicular to the last described course along the Westerly right of way line of said Railroad, parallel to the center line of said Railroad 369.76 feet to a point in the Southerly right of way line of Bannister Road, 40 feet from the center line of said Bannister Road, as now established; thence Northwesterly along said Southerly right of way line and along a curve to the right having a radius of 1,482.76 feet, an arc distance of 745.75 feet to the point of beginning, except that part in roads, if any.

ALSO

Except that part lying within 50.00 feet of the centerline of Bannister Road, as it presently exists.

TRACT 9

Owner:

City of Kansas City

Parcel ID:

No ID No.

All of East 97th Street Right-of-Way dedicated per MASONIC HOME OF MISSOURI-WESTERN UNIT, a subdivision in Kansas City, Jackson County, Missouri according to the recorded plat thereof.

TRACT 10

Owner:

City of Kansas City

Parcel ID:

No ID No.

All that part of East 97th Street (Wood Street) Right-of-Way, lying West of Rock Island Right-of-Way, dedicated per TOWN OF VALE, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

TRACT 11

Owner:

City of Kansas City

Parcel ID:

No ID No.

All that part of East 98th Street (Gabbert Street) Right-of-Way, lying West of Rock Island Right-of-Way, dedicated per TOWN OF VALE, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

RPA-1 TIF Legal Description:

A tract of land situated in Section 34, Township 48 North, Range 32 West, in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Owner:

Jackson County, MO
Happy Valley Properties, LLC
Happy Valley Properties, LLC
Happy Valley Properties, LLC
Happy Valley Properties, LLC
Jackson County, MO
City of Lee's Summit, MO
Jackson County, MO
City of Lee's Summit, MO

Parcel No.

51-900-02-02-01-0-00-000
51-900-02-07-00-0-00-000
51-900-02-10-00-0-00-000
51-900-02-09-00-0-00-000
51-900-02-08-00-0-00-000
51-900-02-02-03-0-00-000
51-900-02-01-00-0-00-000
51-900-02-06-01-0-00-000
51-900-02-06-02-0-00-000

Beginning at the Southwest corner of the Northwest Quarter of said Section 34; thence North 02°25'47" East, along the West line of said Quarter, a distance of 2632.77 feet, to the Northwest Corner of said Quarter; thence South 86°33'45" East, departing said West line, and along the North line of said Quarter, a distance of 2611.90 feet, to a point on the West line of the Kansas City Rock Island Railway right-of-way as recorded in Book 244, Page 79 in the recorder's office of Jackson County, Missouri, as now established; thence South 18°46'13" West, departing said North line, and along said West right-of-way line, a distance of 76.95 feet to a point of curvature; thence Southerly, continuing along said West right-of-way, and along a curve to the left, having a radius of 2508.01 feet, and a central angle of 28°06'45", a distance of 1230.57 feet, to a point of tangency; thence South 09°20'32" East, continuing along said West right-of-way line, a distance of 30.31 feet; thence South 86°26'21" East, continuing along said right-of-way line, a distance of 16.41 feet, thence South 09°20'32" East, continuing along said right-of-way line, a distance of 354.98 feet, to a point on the East line of said Quarter; thence South 02°29'17" West, continuing along said West right-of-way line, and along said East line, a distance of 468.48 feet, to a point on the North right-of-way line of Interstate Route 470, as now established; thence departing said West right-of-way line and said East line, and along said North right-of-way line the following courses; North 85°05'37" West, a distance of 899.87 feet; thence North 75°10'03" West, a distance of 203.04 feet; thence South 77°15'22" West, a distance of 228.92 feet, to a point on the West line of the Southeast Quarter of said Quarter; thence South 02°29'01" West, departing said North right-of-way line, and along said West line of the Southeast Quarter, a distance of 410.64 feet, to a point

on the South right-of-way line of Interstate Route 470, as now established; thence departing said West line of the Southeast Quarter, and along said South right-of-way line the following courses; North 71°05'22" West, 205.31 feet; thence North 85°05'37" West, 50.00 feet; thence South 85°33'47" West, 991.68 feet; thence South 19°44'16" West, 196.72 feet; thence South 21°11'08" West, 85.21 feet, to a point on the West line of the Southwest Quarter of said Section 34; thence North 02°27'40" East, along said West line, a distance of 265.01 feet to the Point of Beginning.

ALSO

all that part of the Kansas City Rock Island Railway right-of-way as recorded in Book 244, Page 79 in the recorder's office of Jackson County, Missouri, lying in the North Half of said Section 34, and North of the North right-of-way line of Interstate Route 470, as now established.

Owner:

McCambridge Pat R & Michael

Parcel #:

50-700-01-14-01-0-00-000

Part of the Northeast Quarter of Section Thirty-three (33), Township Forty-eight (48), Range Thirty-two (32), described as follows: Beginning 476.56 feet South and 40 feet West of the Northeast corner of said Northeast Quarter; thence West 800 feet; thence South 290 feet; thence West 430 feet to the Easterly right-of-way of View High Drive; thence Southeasterly 300 feet more or less along said right-of-way curve; thence Southeasterly 600 feet more or less along said right-of-way; thence North 19 degrees East 10 feet; thence South 70 degrees East 250 feet; thence South 77 degrees East 194.33 feet; thence North 2 degrees East 350 feet; thence North 10 degrees East 296.94 feet; thence North 25 degrees East 100.48 feet to the point of beginning.

Owner:

Greenway Holdings, LLC

Parcel #:

50-700-01-07-03-0-00-000

All that part of the East one-half of the Northeast Quarter of Section 33, Township 48, Range 32, in Kansas City, Jackson County, Missouri, described as follows: Beginning at a point in the center of Old Bannister Road, said point being 1762.11 feet South of the Northeast corner of Section 33, thence South 64.89 feet, thence North 73 degrees West 264 feet, thence South 86 degrees West 302.28 feet, thence North 599.73 feet to the center of Old Bannister Road, thence South 74 degrees 24 minutes East along the center of said road 158.48 feet, thence Southeasterly along the center of said road 229.98 feet, thence South 28 degrees 51 minutes East 467.26 feet along the center of said road to beginning, less that part taken pursuant to Report of Commissions dated October 3, 1984, as Case No. CV84-18863 filed October 30, 1984 as Document No. 1597857 in Book 11367 at page 573.

Owner:

Pete & Sherry’s Land Co, LLC

Parcel #:

50-700-04-29-00-0-00-000

50-700-04-30-00-0-00-000

50-700-04-31-00-0-00-000

All that part of the North Half of the Northeast Quarter of the Southeast Quarter and all that part of the Southeast Quarter of the Northeast Quarter of Section 33, Township 48, Range 32, in Kansas City, Jackson County, Missouri, and being more particularly described as follows: Commencing at the Northeast corner of the North Half of said Quarter Quarter Section; thence South 02 degrees, 27 minutes, 41 seconds West (deed= South 02 degrees, 34 minutes, 39 seconds West), along the East line of said Quarter Quarter Section, a distance of 165.58 feet; thence North 87 degrees, 29 minutes, 01 seconds West (deed= North 89 degrees, 17 minutes, 52 seconds West), departing the East Line of said Quarter Quarter Section, a distance of 160.88 feet to a point on the Northerly Right-of-Way line of Meers Road as established by Document No. I-1104739 in Book I-2240, Page 32 and to the POINT OF BEGINNING of the tract of land to be herein described; thence the following courses along said Northerly Right-of-Way line: Westerly and Southwesterly along a curve to the left, having an initial tangent bearing of North 73 degrees, 13 minutes, 53 seconds West (deed= North 73 degrees, 18 minutes, 04 seconds West), a radius of 200.00 feet, a central angle of 64 degrees, 53 minutes, 56 seconds (deed= 64 degrees, 43 minutes, 40 seconds), an arc distance of 226.54 feet (deed= 225.94'); thence South 41 degrees, 52 minutes, 12 seconds West (deed= South 41 degrees, 58 minutes, 16 seconds West), a distance of 432.17 feet; thence Southwesterly and Westerly, along a curve to the right, tangent to the last described course, having a radius of 170.00 feet, a central angle of 51 degrees, 05 minutes, 57 seconds, an arc distance of 151.61 feet; thence South 02 degrees, 55 minutes, 28 seconds West (deed= South 03 degrees, 01 minutes, 32 seconds West), a distance of 20.84 feet; thence North 87 degrees, 04 minutes, 32 seconds West (deed= North 86 degrees, 58 minutes, 28 seconds West), a distance of 297.19 feet to a point on the East line of a tract of land conveyed by Document No. I-532889, in Book I-1236, Page 174; thence North 02 degrees, 24 minutes, 43 seconds East (deed= North 02 degrees, 30 minutes, 47 seconds East), departing the Northerly line of said Meers Road, along the East line of said tract of land, a distance of 653.89 feet to a point on the North line of said Quarter Quarter Section; thence South 87 degrees, 09 minutes, 35 seconds East (deed= South 87 degrees, 03 minutes, 31 seconds East), along the North line of said Quarter Quarter Section, continuing along said East line, a distance of 50.00 feet; thence North 02 degrees, 25 minutes, 08 seconds East (deed= North 02 degrees, 31 minutes, 12 seconds East), departing the North line of said Quarter Quarter Section, continuing along said East line, a distance of 174.76 feet to a point on the Southerly Right-of-Way line of Interstate Route No. 470 as established by Document No. I-1100228 in Book I-2232 at Page 593, said point being 200.00 feet Right of Station 279+59.1; thence the following courses along said Southerly Right-of-Way line: South 85 degrees, 05 minutes, 59 seconds East (deed= South 84 degrees, 59 minutes, 55 seconds East), a distance of 140.90 feet to a point 200.00 feet Right of Station 281+00; thence South 75 degrees, 10 minutes, 25 seconds East (deed= South 75 degrees, 04 minutes, 21 seconds East), a distance of 406.08 feet to a point 270.00 feet Right of Station 285+00; thence South 79 degrees, 46 minutes, 03 seconds East (deed= South 79 degrees, 39 minutes, 59 seconds East, a distance of 376.62 feet to a point 305.00 feet Right of Station 288+75; thence South 07 degrees, 02 minutes, 25 seconds East (deed=

South 06 degrees, 56 minutes, 21 seconds East), a distance of 17.64 feet to a point 322.26 feet Right of Station 288+78.65; thence South 18 degrees, 27 minutes, 59 seconds West (deed= South 18 degrees, 34 minutes, 03 seconds West), a distance of 159.36 feet to a point 477.17 feet Right of Station 288+41.27; thence South 20 degrees, 04 minutes, 12 seconds West (deed= South 21 degrees, 10 minutes, 05 seconds West), a distance of 34.22 feet (deed= 34.26 feet) to the point of beginning, containing 12.051 acres, more or less.

The undersigned proprietors of the above described tract of land to be subdivided in the manner shown on the accompanying plot, which subdivision and plat shall hereafter be known as

“HEARTLAND NURSERY”

An easement is hereby granted to Kansas City, Missouri, for the purpose of locating, constructing, operating, and maintaining facilities for water, gas, electricity, sewage, telephone, cable TV and surface drainage, including, but not limited to, underground pipes and conduits, pad mounted transformers, service pedestals, any or all of them upon, under and along the strips of land designated utility easement (U/E). Where other easements are designated for a particular purpose, the use thereof shall be limited to that purpose only. All the above easements shall be kept from any and all obstructions which would interfere with the construction or reconstruction and proper, safe and continuous maintenance of the aforesaid uses and specifically there shall not be built thereon or thereover any structure (except driveways, paved areas, grass, shrubs and fences) nor shall there be any obstruction to interfere with the agents and employees of Kansas City, Missouri, and its franchised utilities from going upon said easement and as much of the adjoining lands as may be reasonably necessary in exercising the rights granted by the easement. No excavation or fill shall be made or operation of any kind or nature shall be perfected which will reduce or increase the earth coverage over the utilities above stated or the appurtenances thereto without the written approval of the Director of Public Works or the Director of Water Services where applicable.

All streets and avenues outlined on this plat and not heretofore dedicated to public use are hereby so dedicated.

Building lines or setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be built between this line and the street right-of-way line.

RIGHT OF ENTRANCE:

The right of entrance and egress in travel along any street or drive within the boundaries of the property is hereby granted to Kansas City, Missouri, for the purpose of fire and police protection, maintenance of water mains, sanitary and storm sewer lines, collection of garbage and refuse and to the United States Postal Services for the delivery of mail; provided, however, such right of ingress and egress does not include any obligation to contribute for any damage to any private street or drive by virtue of the exercise of the rights stated herein and specifically, neither Kansas City, Missouri nor the U.S. Postal Service shall incur any liability by virtue of the exercise of such rights.

RPA-2 TIF Legal Description:

A tract of land situated in the West Half of the Southwest Quarter, and in the Southwest Quarter of the Northwest Quarter all in Section 34, Township 48 North, Range 32 West, in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Owner:

Happy Valley Properties, LLC
Happy Valley Properties, LLC
Happy Valley Properties, LLC

Parcel No.

51-900-03-06-00-0-00-000
51-900-03-02-00-0-00-000
51-900-02-05-00-0-00-000

Commencing at the Northwest corner of the Southwest Quarter of said Section 34: thence South $02^{\circ}27'40''$ West, along the West line of said Southwest Quarter, a distance of 265.01 feet to a point on the South right-of-way line of Interstate Route 470, as now established; thence departing said West line, and along said South right-of-way line the following courses; North $21^{\circ}11'08''$ East, 85.21 feet; thence North $19^{\circ}44'16''$ East, 196.72 feet; thence North $85^{\circ}33'47''$ East, 991.68 feet; thence South $85^{\circ}05'37''$ East, 50.00 feet; thence South $71^{\circ}05'22''$ East, 205.31 feet, to a point on the East line of the Southwest Quarter of the Northwest Quarter of said Section 34; thence South $02^{\circ}29'01''$ West, departing said South right-of-way line, and along said East line, a distance of 91.17 feet, to the Southeast corner of the said Quarter Quarter; thence South $02^{\circ}25'07''$ West, along the East line of the Northwest Quarter of the Southwest Quarter, a distance of 1315.49 feet, to the Southeast corner of said Quarter Quarter; thence North $86^{\circ}55'02''$ West, departing said East line of the Northwest Quarter of the Southwest Quarter, and along the South line of said Quarter Quarter, a distance of 190.87 feet, to the Northeast corner of Lot 2, Berkman Estates, a Subdivision in said City, County and State; thence South $02^{\circ}20'24''$ West, departing said South line of said Quarter Quarter, and along the East line of said Lot 2, a distance of 788.05 feet, to the Southeast corner of said Lot 2, said corner also being the Northeast corner of Lot 3 of said Subdivision; thence North $87^{\circ}34'12''$ West, departing said East line of said Lot 2, and along the North line of said Lot 3, a distance of 104.54 feet, to the Northwest corner of said Lot 3; thence South $02^{\circ}28'35''$ West, departing said North line of Lot 3 and along the West line of said Lot 3, a distance of 345.61 feet, to the Southwest corner of said Lot 3, said corner also being on the Northerly right-of-way line of Chipman Road, as now established; thence Southwesterly, departing said West line of Lot 3, and along said Northerly right-of-way line of Chipman Road, and along a curve to the left, having a radius of 349.62 feet, a central angle of $08^{\circ}02'32''$, and whose initial tangent bearing is South $64^{\circ}38'25''$ West, a distance of 49.07 feet; thence South $56^{\circ}47'29''$ West, continuing along said Northerly right-of-way line of Chipman Road, a distance of 9.51 feet, to the Southeast corner of Lot 1 in said Subdivision; thence North $02^{\circ}22'36''$ East, departing said Northerly right-of-way line of Chipman Road, and along the East line of said Lot 1, a distance of 376.90 feet, to the Northeast corner of said Lot 1; thence North $87^{\circ}31'35''$ West, departing said East line of Lot 1, and along the North line of said Lot 1, a distance of 115.09 feet, to the Northwest corner of said Lot 1, said point also being the Southwest corner of said Lot 2; thence North $02^{\circ}22'54''$ East, departing said North line of Lot 1, and along the West line of said Lot 2, a distance of 791.12 feet,

to the Northwest corner of said Lot 2; thence North $86^{\circ}55'02''$ West, departing said West line of Lot 2, and along the South line of the Northwest Quarter of the Southwest Quarter, a distance of 858.18 feet, to the Southwest corner of said Quarter Quarter; thence North $02^{\circ}27'40''$ East, departing said South line, and along the West line of said Quarter Quarter, a distance of 30.67 feet; thence Northeasterly, departing said West line, and along a curve to the right, having a radius of 236.70 feet, a central angle of $08^{\circ}09'33''$, and whose initial tangent bearing is North $54^{\circ}17'14''$ East, a distance of 33.71 feet; thence North $62^{\circ}19'09''$ East, a distance of 456.02 feet; thence Northerly, along a curve to the left, having a radius of 180.00 feet, and a central angle of $83^{\circ}28'00''$, a distance of 262.22 feet; thence North $21^{\circ}08'51''$ West, a distance of 127.10 feet; thence Northwesterly, along a curve to the left, having a radius of 170.00 feet, and a central angle of $73^{\circ}48'00''$, and whose initial tangent bearing is North $21^{\circ}03'21''$ West, a distance of 218.97 feet; thence South $85^{\circ}16'28''$ West, a distance of 47.25 feet; thence Westerly, along a curve to the right, having a radius of 210.00 feet, a central angle of $27^{\circ}16'41''$, and whose initial tangent bearing is South $84^{\circ}45'20''$ West, a distance of 99.98 feet; thence South $55^{\circ}18'29''$ West, a distance of 144.15 feet; thence North $88^{\circ}44'22''$ West, a distance of 8.10 feet, to the West line of said Quarter Quarter; thence North $02^{\circ}27'40''$ East, along the West line of said Quarter Quarter, a distance of 424.35 feet, to the Point of Beginning.

Exhibit B to the TDD Petition District Boundaries

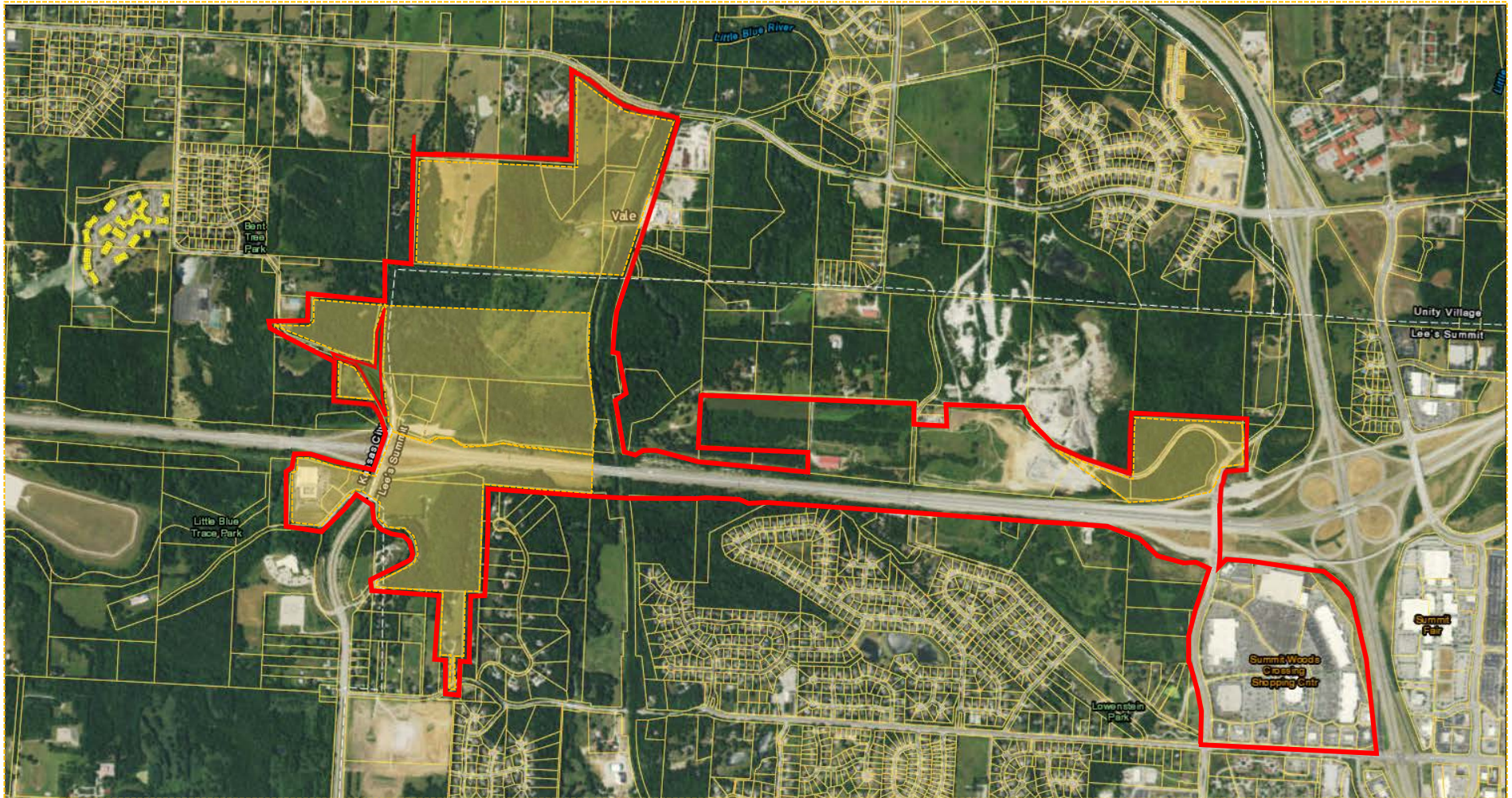


EXHIBIT C

TRANSPORTATION PROJECT LIST

The Transportation Project generally consists of the following improvements and activities, any of which may be completed in phases at the discretion of the District:

The construction, reconstruction, installation, repair, and maintenance of the following public infrastructure improvements:

- 1 The construction of that portion of View High within Lee's Summit city limits from a roundabout, north approximately 1500 LF to and including another proposed roundabout.
- 2 The construction of River Road approximately 1500 LF from a proposed roundabout, southeast to and including another roundabout at the intersection with Paragon Parkway.
- 3 The construction of Paragon Parkway approximately 1600 LF from the View High Drive roundabout, to the roundabout mentioned in #4, including the two bridges required to cross the little blue river.
- 4 The construction of a North Drive from a roundabout, traveling towards the northeast.
- 5 Mass grading of land adjacent to infrastructure improvements described above.
- 6 The construction of surface parking lots on the land adjacent to the infrastructure improvements described above.
- 7 Construction of improvements to I-470 and View High interchange.
- 8 Any earthwork, landscape, bridges, utility relocations and extensions, street lighting, wetland identification and mitigation, professional consultant costs associated with the described improvements.
- 9 Alternative Routes North to be owned and maintained by Transportation Development District
- 10 Right of Way for Alternative Routes North
- 11 Mass grading for Alternative Routes North
- 12 East of Sports Complex North/South Access Road
- 13 Parking Lots, North (2)
- 14 Shared Trail, in Rock Island railbed, approximately 1/2 mile
- 15 Parking Garage
- 16 Quarry Park Road Access from Pryor Road
- 17 Engineering Costs and other Professional Fees for improvements listed above.
- 18 Financing Costs and Interest for improvements
- 19 Contingency on new Projects listed above.

Paragon Star

Master Plan
January 2018

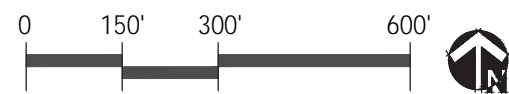


EXHIBIT C to the TDD PETITION
APPROXIMATE LOCATION OF CERTAIN TRANSPORTATION PROJECTS

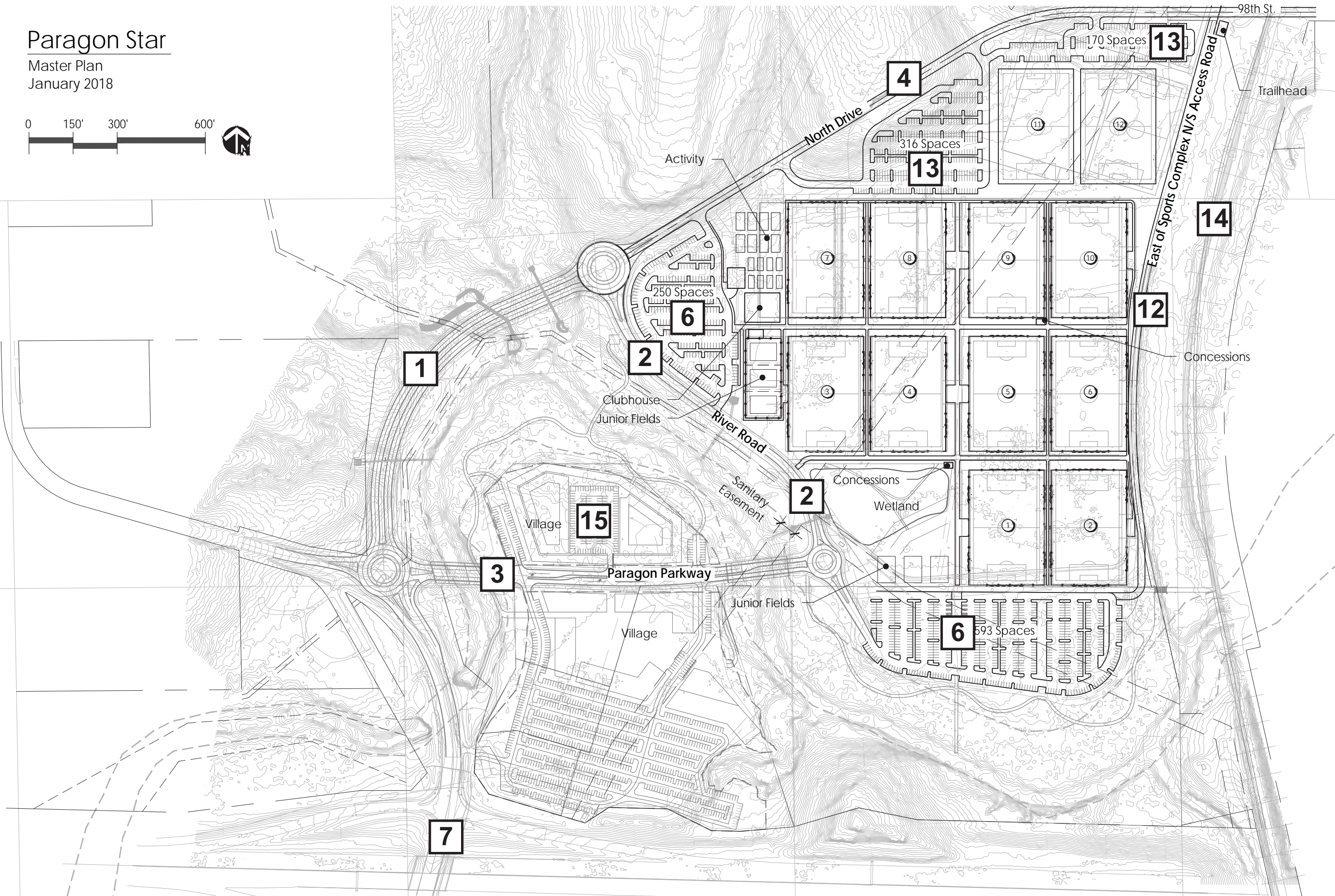


EXHIBIT D

**RESOLUTIONS OF CITY OF LEE'S SUMMIT AND
I-470 & VIEW HIGH COMMUNITY IMPROVEMENT DISTRICT**

[*ATTACHED*]