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NEIGHBORHOOD IMPROVEMENT DISTRICTS

- I. What is a Neighborhood Improvement District?
 - A. An area in which an improvement is made that is benefited by and assessed to pay for that improvement.
 - B. Created by a petition circulated within the proposed district.
 - C. An area of land to be assessed, *not* a separate legal entity.
- II. Authority.
 - A. Article III, Section 38(c) of the Constitution of Missouri.
 - B. Neighborhood Improvement District Act, Sections 67.453-67.475, Revised Statutes of Missouri.
 - C. Maximum general obligation indebtedness incurred by a city or county for improvements under the Neighborhood Improvement District Act: Ten percent of assessed value of all taxable tangible property, as shown by the last completed assessment.
- III. What kinds of projects can be financed through neighborhood improvement districts?
 - A. *Public* facilities, improvements or reimprovements.
 - B. Must confer a benefit on property within the district.
 - C. May include, but are not limited to,
 1. Acquisition of property.
 2. Improvement of streets, gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, drainage works incidental thereto and service connections from sewer, water, gas and other utility mains, conduits or pipes.

3. Improvement of storm and sanitary sewer systems.
4. Improvement of street lights and street lighting systems.
5. Improvements of waterworks systems.
6. Improvement of parks, playgrounds and recreational systems.
7. Landscaping streets or other public facilities.
8. Improvement of flood control works.
9. Improvement of pedestrian and vehicle bridges, overpasses and tunnels.
10. Improvement of retaining walls and area walls on public ways.
11. Improvement of property for off-street parking.
12. Acquisition and improvement of other public facilities or improvements.
13. Improvements for public safety.

D. Improvements must be for public, not private use.

IV. How is a Neighborhood Improvement District formed and how does the financing work?

A. Creation by petition.

1. Petition.
 - a. Creation by resolution or ordinance of the governing body upon **petition signed by owners of record of at least two-thirds by area** of all real property located within the proposed district. The State Auditor requires a certification of the acreage or square footage in the district and the acreage or square footage owned by the signers of the petition.
 - b. Petition must include the following information:
 - i. Project Name.
 - ii. General nature of proposed improvement.
 - iii. Estimated cost.

- iv. Boundaries of proposed district.
 - v. Proposed method of assessment, including any provision for the annual assessment of maintenance costs for the improvement in each year after the bonds issued for the original improvements are paid in full.
 - vi. Number of years over which the assessments for the improvement can be paid.
 - vii. Notice that names of signers may not be withdrawn later than seven days after petition filed.
- c. Signatures.
- i. All owners of record of a parcel of property must sign in order for that parcel to be counted against the requirement.
 - ii. In case of property owned by a corporation or partnership, evidence of the authority of the person signing on behalf of such entity should be presented with the petition.
 - iii. Affidavit of person or persons circulating the petition should be submitted with the petition.
- B. Preparation of plans and specifications.
- C. Preparation of preliminary assessment roll.
- D. Public hearing.
- 1. Notice published not more than 20 days and not less than 10 days before the hearing must include the following information:
 - a. Project name.
 - b. Date, time and place of hearing.
 - c. General nature of improvements.
 - d. Revised estimated cost (or, if available, final cost).
 - e. Boundaries of district.
 - f. Statement that written and oral objections will be considered at the hearing.

2. Notice mailed to owners of record or property within district.
 - a. Mailed to last known post office address.
 - b. Notice of hearing.
 - c. Statement of cost proposed to be assessed against the property.

- E. Governing Body orders improvements to be made.
- F. Temporary Notes, if needed.
- G. Construction.
- H. Computation of final costs and assessments.
- I. Assessment of final costs.
- J. Mailing of notice of assessments and opportunity to pay up front to property owners.
- K. Issuance of bonds.

****Provided courtesy of Nancy Lear, Gilmore & Bell, Attorneys at Law, 700 West 47th Street, Suite 400, Kansas City, Missouri 64112, 816/931-7500****

[All petitions should be reviewed by Gilmore & Bell or other Bond Counsel before they are circulated]

**PETITION FOR THE CREATION OF A
NEIGHBORHOOD IMPROVEMENT DISTRICT**

To the Governing Body of Cole County, Missouri:

The undersigned, being the owners of record of more than two-thirds (2/3) by area of all real property within the hereinafter described neighborhood improvement district, do hereby petition and request that the County create a neighborhood improvement district as described herein and incur indebtedness and issue general obligation bonds of the County to pay for all or part of the cost of public improvements within such district, the cost of all indebtedness so incurred to be assessed against the real property within said district benefited by such improvements, under the authority of Sections 67.453 to 67.475, inclusive RSMo (the "Neighborhood Improvements District Act").

A. The project name for the proposed improvements is:

[Project Name]

B. The general nature of the improvements proposed to be made is as follows:

C. The estimated cost of the proposed improvements is \$_____. The final cost of such improvements assessed against the property within the district (and the amount of general obligation bonds of the County issued therefor) shall not exceed such estimated cost by more than 25%.

[The estimated cost should include all costs, including financing costs, legal fees and administrative fees, not only construction costs. It does not include interest on the general obligation bonds, but does include interest on temporary notes, if any.]

D. The special assessments will be assessed in substantially equal annual installments over a period of [not to exceed] _____ years.

[Not to exceed 20 years.]

E. A boundary description and map of the proposed neighborhood improvement district are attached hereto as **Exhibit A**. The district is located entirely within Cole County, Missouri.

[The boundaries may be described by metes and bounds, streets of other sufficiently specific description. Be sure to

describe the area to be assessed, and not just the improvement. A map is sufficient for the petition if it clearly shows the boundaries, but a written description will be necessary for the notice of public hearing, and a legal description will be necessary to file the assessments in the County's real property records.]

- F. The proposed method of assessment is as follows [Insert method of assessment, including any provision for the annual assessment of maintenance costs for the improvement in each year after the bonds issued for the original improvement are paid in full]: _____

[The cost of the improvements must be apportioned against the property in the district in accordance with the benefits accruing thereto by reason of the improvement and may be assessed equally per front foot or per square foot or any other reasonable assessment plan.]

G. THE NAMES OF THE SIGNERS OF THIS PETITION MAY NOT BE WITHDRAWN FROM THIS PETITION LATER THAN SEVEN (7) DAYS AFTER THE FILING HEREOF WITH THE [CLERK].

<u>Printed Name of Owner of Record</u>	<u>Signature of Owner of Record*</u>	<u>Property Owned Within Proposed Improvement District</u>
_____	_____	Address: _____
_____	_____	_____ Lot # _____
		Subdivision: _____
_____	_____	Address: _____
_____	_____	_____ Lot # _____
		Subdivision: _____
_____	_____	Address: _____
_____	_____	_____ Lot # _____
		Subdivision: _____
_____	_____	Address: _____
_____	_____	_____ Lot # _____
		Subdivision: _____

*Persons signing on behalf of a corporation or other legal entity or as representative of the owner must attach documentation of the signer's authority.

AFFIDAVIT OF CIRCULATOR

I, _____, a property owner of record of the proposed neighborhood improvement district described herein, being first duly sworn, hereby say that the above and foregoing signed this petition and each of them signed his/her name thereto personally in my presence; I believe that each has accurately stated his/her name and property location, and that each signer is a property owner of record of the proposed neighborhood improvement district herein described.

Signature of Affiant: _____
Printed Name & _____
Address of Affiant: _____

Subscribed to and sworn to me this ____ day of _____, 20__.

(NOTARY SEAL)

Signed: _____
My commission expires: _____
Notary Certificate:

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[CLERK]'S RECEIPT OF PETITION:

This Petition was filed in my office on _____, 20__.

(SEAL)

[Clerk]

EXHIBIT A

Boundary Description and Map of
Neighborhood Improvement District for
[Project Name]

CERTIFICATE OF AREA OWNED BY PETITIONERS

I, [Clerk] of Cole County, Missouri, hereby certify as follows:

- (1) I have examined the Petition requesting the creation of a neighborhood improvement district for the proposed [Project Name] filed in my office on _____, 20__.
- (2) At least seven days have passed since said Petition was filed and none of the signers have withdrawn their names from the Petition.
- (3) The total area of all real property within the proposed neighborhood improvement district is _____.
- (4) The total area owned by the signers of the Petition is _____.

DATED: _____, 20__

[Clerk]
Cole County, Missouri

**MEETINGS OF THE COUNTY COMMISSION REQUIRED IN CONNECTION
WITH THE ISSUANCE OF NEIGHBORHOOD IMPROVEMENT DISTRICT
BONDS BY A COUNTY**

(Petition Method)

1. Meeting to adopt resolution determining the advisability of the project and creating the district. *[Held not sooner than 7 days following the filing of the petition.]*
2. Meeting to adopt resolution ordering assessments to be made, preliminary assessment roll to be prepared and hearing to be held. *[This meeting may be combined with the first meeting if the plans and specifications for the project have been prepared at that time.]*
3. Meeting to hold public hearing and adopt resolution ordering the improvements to be made. *[Notice for the public must be mailed and posted not less than 10 days and not more than 20 days before the hearing. If any changes are made as a result of the public hearing, a separate meeting may need to be held to adopt the resolution.]*
4. Meeting to authorize the issuance of temporary notes, if needed.
5. Meetings to adopt resolution finding the project to be complete and assess final costs. *[This meeting is held after all costs are final. After this meeting, the final assessments will be filed against the property in the district and the County Clerk will mail notices to the property owners advising them of their right to pay up front for some defined period of time, usually 30 days.]*
6. Meeting to authorize the issuance of general obligation bonds. *[This meeting is held after the time period for property owners to pay up front has expired.]*