



IN THE 38TH JUDICIAL CIRCUIT, CHRISTIAN COUNTY, MISSOURI

Judge or Division: LAURA J JOHNSON	Case Number: 21CT-CC00073	RECEIVED APR 28 2021 KAY BROWN COUNTY CLERK (Date File Stamp)
Plaintiff/Petitioner: OZARK CENTRE TRANSPORTATION DEVELOPMENT DISTRICT	Plaintiff's/Petitioner's Attorney/Address TARA ANN BAILES 2144 E REPUBLIC ROAD SUITE B300 SPRINGFIELD, MO 65804	
Defendant/Respondent: CITY OF OZARK, MISSOURI	Court Address: 110 WEST ELM STREET OZARK, MO 65721	
Nature of Suit: CC Declaratory Judgment		

Summons in Civil Case

The State of Missouri to: **CHRISTIAN COUNTY, MISSOURI**
Alias:

ATTN: KAY BROWN
100 WEST CHURCH, ROOM 304
OZARK, MO 65721

COURT SEAL OF

CHRISTIAN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

_____ 4-6-2021 _____ /S/BH _____
Date Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one) *

- delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- other: _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ 10.00

Supplemental Surcharge \$ _____

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY
STATE OF MISSOURI

OZARK CENTRE TRANSPORTATION)
DEVELOPMENT DISTRICT,)

Petitioner,)

Cause No.

v.)

Division No.

CITY OF OZARK, MISSOURI,)

SERVE: Amanda Callaway, City)
Attorney)
201 E Brick Street)
Ozark, MO 65721)

CHRISTIAN COUNTY, MISSOURI,)

SERVE: ATTN: KAY BROWN)
100 West Church, Room 304)
Ozark, MO 65721)

OZARK SPECIAL ROAD DISTRICT)

SERVE: 1106 W. Jackson St.)
Ozark, MO 65721)

MISSOURI HIGHWAYS AND)
TRANSPORTATION COMMISSION)

SERVE: Pamela J. Harlan, Secretary)
Missouri Highways and)
Transportation Commission)
105 West Capitol Avenue)
Jefferson City, MO 65102)

OZARK FIRE DISTRICT)

SERVE: 604 North 3rd Street)
Ozark, MO 65721)

OZARK RETAIL, LLC)

SERVE: Curtis Jared, Registered Agent)
2870-A S. Ingram Mill Rd.)
Springfield, MO 65804)

OZARK TOWN CENTER I, LLC)

SERVE: Curtis Jared, Registered Agent)
2870-A S. Ingram Mill Rd.)
Springfield, MO 65804)

JP OZARK LLC)

SERVE: Jason Pullman, Registered)
Agent)
1337 W. Sacket St.)
Springfield, MO 65807)

JADE PROPERTIES, LLC)

SERVE: Sam. F. Hamra, Registered)
Agent)
1855 S. Ingram Mill Rd., Suite)
100)
Springfield, MO 65804)

BROOKSHIRE VILLAGE, L.L.C.)

SERVE: Registered Office)
138 N. Meramec Avenue)
Suite 401)
Clayton, Missouri 63105)

WAL-MART REAL ESTATE BUSINESS)
TRUST)

SERVE: ATTN: SAM M. WALTON,)
DEVELOPMENT COMPLEX)
2001 Southeast 10th Street)
Benton, AR 72716)

1851 W MARLER, LLC)

SERVE: Curtis Jared, Registered Agent)
2870-A S. Ingram Mill Rd.)
Springfield, MO 65804)

MDC COAST 12, LLC)

SERVE: CSC-Lawyers Incorporating)
Service Company)
221 Bolivar Street)
Jefferson City, MO 65101)

IMO US SOUTH LLC)

SERVE: C T Corporation System)
120 South Central Ave.)
Clayton, MO 63105)

AUTOZONE DEVELOPMENT LLC)
)
SERVE: C T Corporation System)
120 South Central Ave.)
Clayton, MO 63105)
)
HURRICANE BAY CARWASH-OZARK, INC.)
)
SERVE: Cindy Templeton, Registered)
Agent)
2211 Mill Dam Rd.)
Marshfield, MO 65706)
)
WAL-MART STORES EAST, LP)
)
SERVE: C T Corporation System)
120 South Central Ave.)
Clayton, MO 63105)
)
OZARK CENTRE LLC)
)
SERVE: Rob Murray, Registered Agent)
1605 E. Sunshine)
Springfield, MO 65804)
)
CITIZENS NATIONAL BANK OF)
SPRINGFIELD)
)
SERVE: 1910 West Marler Lane)
Ozark, MO 65721)
)
FUENTES CANO, LLC)
)
SERVE: Leann C. Bailey, Registered)
Agent)
204 N. Massey Blvd.)
Nixa, MO 65714)
)
LOWE'S HOME CENTERS LLC, f/k/a)
LOWE'S HOME CENTERS, INC.,)
)
SERVE: Registered Office)
2626 Glenwood Ave., Suite 550)
Raleigh, NC 27608)
)
OZARK TOWN CENTER III, LLC)
)
SERVE: Curtis Jared, Registered Agent)
2870-A S. Ingram Mill Rd.)
Springfield, MO 65804)
)
)

2012 S 20TH, LLC,)
)
 SERVE: Curtis Jared, Registered Agent)
 2870-A S. Ingram Mill Rd.)
 Springfield, MO 65804)
)
 Respondents.)

**PETITION FOR DECLARATORY JUDGMENT, DECREE, AND ORDER CERTIFYING
 A BALLOT QUESTION AND CAUSING A MAIL-IN ELECTION**

COMES NOW Petitioner, Ozark Centre Transportation Development District, by and through the undersigned counsel, and in accordance with the Missouri Transportation Development District Act, Sections 238.200 to 238.280 of the Revised Statutes of Missouri, as amended (the "TDD Act"), petitions this Court to enter a declaratory judgment, decree, and order to certify a ballot question and cause a mail-in election on a question regarding funding and developing an additional transportation project, which question shall be submitted for qualified voter approval at a mail-in election held in accordance with the TDD Act, as follows:

PARTIES

1. Petitioner Ozark Centre Transportation Development District (the "Petitioner" or the "District"), acting by and through its Board of Directors, is a transportation development district and political subdivision organized and duly existing under the laws of the State of Missouri.

2. Respondent City of Ozark, Missouri (the "City"), a constitutional charter city and political subdivision of the State of Missouri, has an address of Busch Municipal Building, 840 Boonville, Springfield, MO 65802, and is a local transportation authority within the meaning of Section 238.202.1(4) of the TDD Act, and therefore, a necessary party under Section 238.207.4(2) of the TDD Act.

3. Respondent Christian County, Missouri Respondent is a constitutional charter county of the State of Missouri, and is a "local transportation authority" within the meaning of Section 238.202.1(4) of the TDD Act.

4. Respondent Ozark Special Road District, having an address of 1106 W. Jackson St., Ozark, MO 65721, is a special road district located in Christian County, Missouri.

5. Respondent Missouri Highways and Transportation Commission, having an address of 105 West Capitol Avenue, P.O. Box 270, Jefferson City, MO 65102, is the constitutional authority responsible for

constructing and maintaining the Missouri highway system and is a necessary party under Section 238.207.4(2) of the TDD Act.

6. Respondent Ozark Fire District, having an address of 604 North 3rd Street, Ozark, MO 65721, is a fire district located in Christian County, Missouri.

7. Respondent Ozark Retail, LLC, is a Missouri limited liability company with its registered agent located at 2870-A S. Ingram Mill Rd., Springfield, MO 65804.

8. Respondent Ozark Town Center I, LLC, is a Missouri limited liability company with its registered agent located at 2870-A S. Ingram Mill Rd., Springfield, MO 65804.

9. Respondent JP Ozark LLC, is a Missouri limited liability company with its registered agent located at 1337 W. Sacket St., Springfield, MO 65807.

10. Respondent Jade Properties, LLC, is a Missouri limited liability company with its registered agent located at 1855 A. Ingram Mill Rd., Suite 100, Springfield, MO 65804.

11. Respondent Brookshire Village, L.L.C., is a Missouri limited liability company with its registered agent located at 138 N. Meramec Avenue, Suite 401, Clayton, Missouri 63105.

12. Respondent Wal-Mart Real Estate Business Trust, upon information and belief, has an address of 2001 Southeast 10th Street, Bentonville, AR 72712.

13. Respondent 1851 W Marler LLC, is a Missouri limited liability company with its registered agent located at 2870-A S. Ingram Mill Rd., Springfield, MO 65804.

14. Respondent MDC Coast 12, LLC, is a foreign limited liability company with its registered agent located at 221 Bolivar Street, Jefferson City, MO 65101.

15. Respondent IMO US SOUTH, LLC, is a foreign limited liability company with a its registered agent located at 120 S. Central Ave., Clayton, MO 63105.

16. Autozone Development LLC, is a foreign limited liability company with its registered agent located at 120 S. Central Ave., Clayton, MO 63105.

17. Respondent Hurricane Bay Carwash-Ozark, Inc. is a Missouri corporation with its registered agent located at 2211 Mill Dam Rd., Marshfield, MO 65706.

18. Respondent Wal-Mart Stores East, LP, is a foreign limited partnership with its registered agent located at 120 S. Central Ave., Clayton, MO 63105.

19. Respondent Ozark Centre LLC, is a Missouri limited liability company with its registered agent located at 1605 E. Sunshine, Springfield, MO 65804.

20. Respondent Citizens National Bank of Springfield, upon information and belief, has an address of 1910 West Marler Lane, Ozark, MO 65721.

21. Respondent Fuentes Cano, LLC, is a Missouri limited liability company with its registered agent located at 204 N. Massey Blvd., Nixa, MO 65714.

22. Respondent Lowe's Home Centers, LLC, formerly known as Lowe's Home Centers Inc., is a North Carolina limited liability company with its registered agent located at 2626 Glenwood Avenue, Suite 550, Raleigh, NC 27608.

23. Respondent Ozark Town Center III, LLC, is a Missouri limited liability company with its registered agent located at 2870-A S. Ingram Mill Rd., Springfield, MO 65804.

24. Respondent 2010 S 20th, LLC, is a Missouri limited liability company with its registered agent located at 2870-A S. Ingram Mill Rd., Springfield, MO 65804.

STATEMENT OF THE FACTS

25. Petitioner was established pursuant to that certain Judgment and Order Organizing a Transportation Development District entered by this Court on April 25, 2003 (the "Formation Order") as a political subdivision of this State in accordance with the TDD Act for the sole purpose of funding the Transportation Project through the imposition of the TDD Sales Tax (each as defined in the Formation Order).

26. On June 13, 2003, pursuant to Section 238.235 of the TDD Act, the District adopted Resolution No. 6-16-03-04, authorizing the District to impose a transportation development district sales tax at a rate not to exceed three-eighths of one percent (3/8%) (the "Initial TDD Sales Tax"), which Initial TDD Sales Tax became effective April 1, 2004 following adoption by the qualified voters of the District at an election held in accordance with Section 238.216 of the TDD Act.

27. On December 12, 2013, the District adopted Resolution No. 13-005, to increase the rate of the Initial TDD Sales Tax from the current rate of three-eighths of one percent (3/8%) to the rate of one percent (1%) on all retail sales made in the District which are subject to taxation pursuant to the provisions of Sections 144.010 to 144.525 of the Revised Statutes of Missouri (as so revised, the "TDD Sales Tax").

28. On July 30, 2014, the election judges appointed by the Circuit Court of Christian County, Missouri and the Circuit Clerk of Christian County, Missouri duly certified the results of the mail-in election wherein the increase of the TDD Sales Tax to the rate of one percent (1%) on all retail sales made in the District was approved as required by law by the qualified voters of the District.

29. Pursuant to Section 238.205 of the TDD Act, the District is authorized and empowered under the TDD Act to fund, promote, plan, design, construct, improve, maintain, and operate certain transportation improvements, or to assist in any such activity.

30. Pursuant to Section 238.257.1 of the TDD Act, the District is authorized and empowered submit to the voters of the district a proposition to increase or decrease the number of projects which it is authorized to complete.

31. On February 12, 2021, the Petitioner's Board of Directors approved and adopted Resolution No. 21-003 ("Res. 21-003") authorizing the District to fund or develop an additional transportation projects [*sic*]; authorizing the District to submit a proposition to the qualified voters of the District at a mail-in election; and authorizing certain actions in connection therewith. A true and accurate copy of Res. 21-003 is attached hereto and incorporated herein by reference on **EXHIBIT 1**.

32. Pursuant to Section 238.216.1(2) of the TDD Act, in order to call a mail-in election, this Court shall order a specific date on which ballots for the election shall be mailed, which date shall be a Tuesday, and shall be not earlier than the eighth Tuesday from the issuance of the order, and shall not be on the same day as an election conducted under the provisions of Chapter 115 of the Revised Statutes of Missouri, as amended ("Chapter 115").

33. Petitioner proposes that this Court enter an order (i) certifying the ballot question as set forth on EXHIBIT A (the "Ballot Question") of **EXHIBIT 1**, attached hereto and incorporated herein by reference,

for qualified voter approval, and (ii) setting a specific date on which the ballots for the election shall be mailed, in accordance with Section 238.216.1(2) of the TDD Act.

34. There are no persons residing within the Petitioner who have registered to vote pursuant to Chapter 115 and, as such, pursuant to Section 238.202.2(2) of the TDD Act, the qualified voters are the owners of record of all real property located in the Petitioner, who shall receive one vote per acre.

35. The names and addresses of the owners of record of all real property located within the Petitioner are shown on a certified copy of the Petitioner's share ledger (the "Share Ledger"), attached hereto and incorporated herein by reference on **EXHIBIT 2**.

36. Pursuant to 238.216.4. of the TDD Act, as the qualified voters are the owners of record of all real property located in the Petitioner, each qualified voter is to determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an appropriate mechanism for the determination of the entity's vote. If the qualified voter has no such mechanism, then its vote shall be cast as determined by a majority of the persons who run the day-to-day affairs of the voter. Each voted ballot shall be signed with the authorized signature.

37. Pursuant to Section 238.216.3 for a mail-in election, the circuit court shall mail a ballot to each qualified voter who applied for a ballot pursuant to Section 238.216.2 of the TDD Act, along with a return address envelope directed to the circuit court clerk's office with a sworn affidavit on the reverse side of such envelope for the voter's signature, which affidavit shall be in the form set forth in Section 238.216.3 of the TDD Act.

38. Pursuant to Section 238.216.5 of the TDD Act, mail-in voted ballots shall be returned to the circuit court clerk's office by mail or hand delivery no later than 5:00 p.m. on the sixth Tuesday after the date for mailing the ballots as set forth in the circuit court's order. The circuit court's clerk shall transmit all voted ballots to a team of judges of not less than four, with an equal number from each of the two major political parties. The judges shall be selected by the circuit court from lists compiled by the Election Authority. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify

the results. Certification by the election judges shall be final and shall be immediately transmitted to the circuit court.

39. If the Election Order (defined herein) is granted, the qualified voters shall follow the ballot application procedure set forth in Section 238.216.2 of the TDD Act, as further described in the Election Order attached hereto on **EXHIBIT 3**, and incorporated herein by reference.

40. In the event this Court enters the Election Order, the results of the election shall be entered upon the records of this Court and a certified copy of the results of the election shall be filed with the circuit court clerk and the clerk of the County, who shall cause the same to be spread upon the records of the Christian County Council.

41. In consideration of the foregoing, Petitioner requests that this Court grant this Petition and that this Court enter the Election Order.

WHEREFORE, Petitioner requests that this Court enter a declaratory judgment, decree and order to certify the Ballot Question regarding funding and developing an additional transportation project relating to the Petitioner for qualified voter approval at a mail-in election on the Ballot Question held pursuant to the TDD Act, in substantially the form on **EXHIBIT 3**, attached hereto and incorporated herein by reference (the "Election Order").

Dated: April 1, 2021

Respectfully submitted,

SPENCER FANE LLP

By: /s/ Tara Bailes

Robert B. Preston #58499

Tara Bailes # 67936

One North Brentwood Blvd., Suite 1000

St. Louis, MO 63105

314.863.7733 / (fax) 314-862-4656

rpreston@spencerfane.com

tbailes@spencerfane.com

RESOLUTION NO. 21-003

A RESOLUTION OF THE OZARK CENTRE TRANSPORTATION DEVELOPMENT DISTRICT AUTHORIZING THE DISTRICT TO FUND OR DEVELOP AN ADDITIONAL TRANSPORTATION PROJECTS; AUTHORIZING THE DISTRICT TO SUBMIT A PROPOSITION TO THE QUALIFIED VOTERS OF THE DISTRICT AT A MAIL-IN ELECTION; AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

WHEREAS, on April 25, 2003, the Circuit Court of Christian County, Missouri issued a Judgment and Order Organizing a Transportation Development District (the "*Order*"), which established the Ozark Centre Transportation Development District (the "*District*") as a political subdivision pursuant to and in accordance with the Missouri Transportation Development District Act, Sections 238.200 to 238.280 of the Revised Statutes of Missouri, as amended (the "*TDD Act*"); and

WHEREAS, the Order provided that the District be established for the sole purpose of funding the Transportation Project, as described in the Order (the "*Transportation Project*"), through the imposition of a transportation development district sales tax; and

WHEREAS, on June 13, 2003, pursuant to Section 238.235 of the TDD Act, the District adopted Resolution No. 6-16-03-04, authorizing the District to impose a transportation development district sales tax at a rate not to exceed three-eighths of one percent (3/8%) (the "*Initial TDD Sales Tax*"), which Initial TDD Sales Tax became effective April 1, 2004 following adoption by the qualified voters of the District at an election held in accordance with Section 238.216 of the TDD Act; and

WHEREAS, on December 12, 2013, the District adopted Resolution No. 13-005, to increase the rate of the Initial TDD Sales Tax from the current rate of three-eighths of one percent (3/8%) to the rate of one percent (1%) on all retail sales made in the District which are subject to taxation pursuant to the provisions of Sections 144.010 to 144.525 of the Revised Statutes of Missouri (as so revised, the "*TDD Sales Tax*"); and

WHEREAS, on July 30, 2014, the election judges appointed by the Circuit Court of Christian County, Missouri and the Circuit Clerk of Christian County, Missouri duly certified the results of the mail-in election wherein the increase of the TDD Sales Tax to the rate of one percent (1%) on all retail sales made in the District was approved as required by law by the qualified voters of the District; and

WHEREAS, the District is authorized and empowered under the TDD Act to fund, promote, plan, design, construct, improve, maintain, and operate certain transportation improvements, or to assist in any such activity;

WHEREAS, the District has previously issued Bonds and the Subordinate Notes to fund the Transportation Project, which is located in the City of Ozark, Christian County, Missouri (the "*City*"); and

WHEREAS, pursuant to Section 349.050 of the Revised Statutes of Missouri, as amended, the City and the District contracted with The Industrial Development Authority of the City of Ozark, Missouri (the "*Authority*") to provide for the Authority to issue bonds on behalf of the District and to loan the proceeds of such bonds to the District for the purpose of paying all or any part of the cost of any project within the meaning of Section 349.010 of the Revised Statutes of Missouri, as amended, which includes without limitation the projects undertaken by the District pursuant to the Act; and

WHEREAS, the Bonds are payable solely out of TDD Sales Tax revenues received by the Authority from the District and certain proceeds loaned by the Authority to the District; and

WHEREAS, the District anticipates the Bonds will be fully redeemed in the first quarter of 2022 and, as such the City and District Property Owners have proposed that the District consider funding and developing an additional transportation projects; and

WHEREAS, there are no persons eligible to be registered voters residing within the District and, as such, the owners of record of real property located within the District constitute the "qualified voters" within the meaning of Section 238.202.2(2) of the TDD Act; and

WHEREAS, the District desires to submit a proposition to the qualified voters for consideration of the funding and development of additional transportation projects under the TDD Act (whether one or more, collectively, the "Additional Transportation Project"), which Additional Transportation Project will consist of certain transportation improvements related to:

- a) reconstruct, mill, crack seal, fill, and overlay the existing public streets within the District;
- b) extension of 19th Street from Tennison Drive to proposed Residential Collector Street;
- c) extension of 19th Street south of proposed Residential Collector Street;
- d) construction of public residential streets and residential collector streets, including lane widening, entrances, pedestrian and bicycle facilities, and retaining walls, and related infrastructure;
- e) signal cabinet upgrades;
- f) vehicular and pedestrian connections between 15th St. and the Marler Lane/17th Street Intersection;
- g) conduct a traffic study and additional projects identified in the traffic study and approved by the City and the District;
- h) land/right-of-way acquisition, settlement and transfer, including relocation costs, taxes, surveys and other professional fees related to the improvements identified in items (a) through (h) above;
- i) earth work, site improvements, utility relocations including street lighting, soil testing, surveying, general conditions and supervision, signage, stormwater drainage and water quality measures, soil stabilization and permit fees related to the improvements identified in items (a) through (h) above;
- j) professional fees, financing costs, engineering, testing and consulting fees, reasonable development fees, construction staking, legal fees, and wetlands mitigation fees related to the improvements and other work and items identified in items (a) through (j) above, and have the power to fund the proposed additional transportation projects through its existing 1% transportation development district sales tax on all retail sales made in the District which are subject to taxation pursuant to the provisions of Sections 144.010 to 144.525 of the Revised Statutes of Missouri, as amended, 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE OZARK CENTRE TRANSPORTATION DEVELOPMENT DISTRICT, AS FOLLOWS:

Section 1. Authorization for a Mail-In Election. The Board of Directors of the District hereby authorizes the District to propose and submit to the qualified voters of the District at a mail-in election, to be held in accordance with Section 238.216 of the TDD Act, a proposition on funding and developing the Additional Transportation Project.

Section 2. Form of Proposition. A proposition in substantially the form of Exhibit A, attached hereto and incorporated herein by reference (the "Ballot"), shall be submitted to the qualified voters of the District for approval at a mail-in election held in accordance with Section 238.216 of the TDD Act.

Section 3. Executive Director, District Administrator and General Counsel to Seek Authorization for Mail-In Election. The District's Executive Director, Administrator and General Counsel are hereby authorized and directed to take any and all actions needed on and on behalf of the District to obtain any approvals, authorizations or documentation from the Court and the applicable election authority in relation to the mail-in election relating to the Additional Transportation Project, in accordance with Section 238.216 of the TDD Act.

Section 4. District Officers to Execute Resolution. The Chair of the Board of Directors of the District is hereby authorized and directed to execute this Resolution for and on behalf of and as the act and deed of the District and the Secretary or Assistant Secretary of the District is hereby authorized and directed to attest to this Resolution.

Section 5. Further Authority. All actions heretofore taken by the authorized officials, officers, representatives, agents and employees of the District in connection with the transactions contemplated by this Resolution are hereby confirmed and approved, and the District shall, and the officials, officers, representatives, agents and employees of the District are hereby authorized and directed to, take such further action, and execute and deliver such other documents and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 6. Severability. The sections, paragraphs, sentences, clauses and phrases of this Resolution shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this Resolution is found by a court of competent jurisdiction to be invalid, the remaining portions of this Resolution are valid, unless the court finds the valid portions of this Resolution are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the District has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 7. Governing Law. This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 8. Effective Date. This Resolution shall take effect and be in full force upon its passage by the District's Board of Directors.

(Remainder of this page is intentionally left blank.)

Passed this 12th day of February, 2021.

I, the undersigned, Chair of the Ozark Centre Transportation Development District, hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the District at a meeting held, after proper notice, on February 12, 2021.



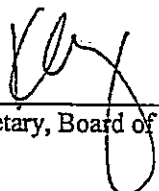
OZARK CENTRE
TRANSPORTATION DEVELOPMENT DISTRICT



Chair, Board of Directors

WITNESS my hand and official seal this 12th day of February, 2021.

ATTEST:



Secretary, Board of Directors

EXHIBIT A

FORM OF BALLOT

OZARK CENTRE TRANSPORTATION DEVELOPMENT DISTRICT

Shall the Ozark Centre Transportation Development District fund and develop the following additional transportation projects (a) reconstruct, mill, crack seal, fill, and overlay the existing public streets within the Ozark Center TDD; (b) extension of 19th Street from Tennison Drive to proposed Residential Collector Street; (c) extension of 19th Street south of proposed Residential Collector Street; (d) construction of public residential streets and residential collector streets, including lane widening, entrances, pedestrian and bicycle facilities, and retaining walls, and related infrastructure; (e) Signal Cabinet Upgrades; (f) vehicular and pedestrian connections between 15th St. and the Marler Lane/17th Street Intersection; (g) a traffic study and additional projects identified in the traffic study and approved by the City and the District; (h) land/right-of-way acquisition, settlement and transfer, including relocation costs, taxes, surveys and other professional fees related to the improvements identified in items (a) through (h) above; (i) earth work, site improvements, utility relocations including street lighting, soil testing, surveying, general conditions and supervision, signage, stormwater drainage and water quality measures, soil stabilization and permit fees related to the improvements identified in items (a) through (h) above; and (j) professional fees, financing costs, engineering, testing and consulting fees, reasonable development fees, construction staking, legal fees, and wetlands mitigation fees related to the improvements and other work and items identified in items (a) through (j) above, and have the power to fund the proposed additional transportation projects through its existing 1% transportation development district sales tax on all retail sales made in the District which are subject to taxation pursuant to the provisions of Sections 144.010 to 144.525 of the Revised Statutes of Missouri, as amended, 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?

YES

NO

If you are in favor of the question, place an "X" in the box opposite "YES." If you are opposed to the question, place an "X" in the box opposite "NO."

CERTIFICATION

I, Laura A. Lashley, Assistant Secretary of the Ozark Centre Transportation Development District (the "District"), do hereby certify that the District's Resolution No. 21-003,

A RESOLUTION OF THE OZARK CENTRE TRANSPORTATION DEVELOPMENT DISTRICT AUTHORIZING THE DISTRICT TO FUND OR DEVELOP AN ADDITIONAL TRANSPORTATION PROJECTS; AUTHORIZING THE DISTRICT TO SUBMIT A PROPOSITION TO THE QUALIFIED VOTERS OF THE DISTRICT AT A MAIL-IN ELECTION; AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

attached hereto and incorporated herein by reference, is a true and correct copy of that which appears in the records of the District.

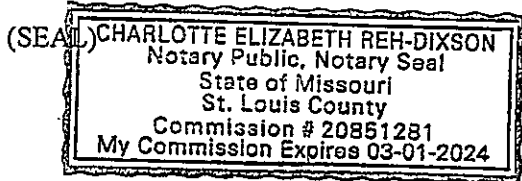
Dated: March 29, 2021

OZARK CENTRE TRANSPORTATION DEVELOPMENT DISTRICT



By: [Signature]
Name: Laura A. Lashley
Title: Assistant Secretary

On this 29th day of March, 2021, before me Charlotte Reh-Dixson, a Notary Public in and for said state personally appeared Laura A. Lashley, known to me to be the person who executed this Certification, and acknowledged to me that he executed the same for the purposes herein stated.



[Signature]
Notary Public

Printed Name: Charlotte Reh-Dixson

My commission expires:

3-1-2024

Transportation Development District
Share Ledger

Prepared per the bylaws of the Ozark Centre Transportation Development District for the meeting of the real property owners to be held on February 12, 2021.

Parcel ID #	Property Owner/Address	Property Address	Total Acreage
11-0.8-34-000-000-002.025	Ozark Fire District Darren White PO Box 917 Ozark, MO 65721	1921 South 19th Street	2.079
			2.079
11-0.8-34-000-000-002.014	Ozark Retail, LLC	South 19th Street	2.14
11-0.8-34-000-000-002.013	c/o OGS Properties, Inc. Kerry Rovig 2870 A South Ingram Mill Road Springfield, MO 65804	1920 South 20th Street	4.46
			6.6
11-0.8-34-000-000-002.026	Ozark Town Center I, LLC c/o OGS Properties, Inc. Kerry Rovig 2870 A South Ingram Mill Road Springfield, MO 65804	1721 South 20th Street	1.656
			1.656
11-0.8-34-000-000-002.015	JP Ozark LLC 1951 W Marler Lane Ozark, MO 65721	1951 West Marler Lane	1.47
			1.47
11-0.8-34-000-000-002.016	Jade Properties, LLC 1855 South Ingram Mill Road, Suite 100 Springfield, MO 65804	1931 West Marler Lane	1.01
			1.01
11-0.8-34-000-000-002.017	Brookshire village LLC Attn: Rich Ratkells 71 Corona Ave Long Beach, CA 90803	1915 West Marler Lane	0.88
			0.88
11-0.8-34-000-000-002.003	Wal-Mart Real Estate Business Trust Richard Martin, SR Corp Counsel 2001 SE 10th Street Bentonville, AR 72716-0550	1721 South 19th Street	0.978
*Murphy Oil Company owns Improvements on land			0.978
11-0.8-34-000-000-002.027	1851 W Marler LLC c/o OGS Properties, Inc. Kerry Rovig 2870 A South Ingram Mill Road Springfield, MO 65804	1851 West Marler Lane	2.11
			2.11
11-0.8-34-000-000-002.022	MDC Coast 12 LLC 11995 El Camino Real San Diego, CA 92130	1801 West Marler Lane	0.91
			0.91
11-0.8-34-000-000-002.021	IMO US SOUTH LLC c/o International Car Wash Group 6300 S Syracuse Way Ste 205 Centennial, CO 80111	1775 West Marler Lane	0.918
			0.918
11-0.8-34-000-000-002.020	Autozone Development Corporation #3956 123 South Front Street, Dept 8088 Memphis, TN 38103	1753 West Marler Lane	1.00
			1.00
11-0.8-34-000-000-002.019	Hurricane Bay Carwash-Ozark, Inc 2211 Mill Dam Road Marshfield, MO 65706 Lot 4B Ozark Centre, Ozark MO 65721	1721 West Marler Lane	1.00
			1.00
11-0.8-34-000-000-002.005	Wal-Mart Stores East, LP Sam M. Walton Development Complex 2001 Southeast 10th Street Bentonville, AR 72716	2004 West Marler Lane	17.41
			17.41
11-0.8-34-000-000-002.024	Ozark Centre LLC 1605 East Sunshine Springfield, MO 65804	1730-1762 South 20th Street	3.11
			3.11
11-0.8-34-000-000-002.007	Citizens National Bank of Springfield PO Box 3397 Springfield, MO 65808	1910 West Marler Lane	1.10
			1.10
11-0.8-34-000-000-002.028	Fuentes Cano LLC 5468 Faust Ave Springfield, MO 65810	1821 South 19th Street	1.19
			1.19
11-0.8-34-000-000-002.023	Lowe's Home Centers Inc. ATTN: TAX DEPARTMENT 1000 Lowe's Blvd Mooresville, NC 28117	1800 West Marler Lane	17.94
			17.94
11-0.8-34-000-000-002.009	Ozark Town Center III, LLC c/o OGS Properties, Inc. Kerry Rovig 2870 A South Ingram Mill Road Springfield, MO 65804	1966 West Retail Lane	5.07
			5.07
11-0.8-34-000-000-002.010	City of Ozark	1886 South 19th Street	0.258
11-0.8-34-000-000-002.011	PO Box 295 Ozark, MO 65721	2011 South 20th Street	
			0.258
11-0.8-34-000-000-002.012	2010 S 20th LLC c/o OGS Properties, Inc. Kerry Rovig 2870 A South Ingram Mill Road Springfield, MO 65804	2010 South 20th Street	5.06
			5.06
			71.749

Election Order

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY
STATE OF MISSOURI

OZARK CENTRE TRANSPORTATION DEVELOPMENT DISTRICT,)	
)	
Petitioner,)	Cause No.
)	
v.)	Division No.
)	
CITY OF OZARK, MISSOURI, et al.)	
)	
Respondents.)	

DECLARATORY JUDGMENT, DECREE AND ORDER CERTIFYING A BALLOT QUESTION AND CAUSING A MAIL-IN ELECTION

On this ____ day of _____ 2021, the Ozark Centre Transportation Development District (the "*District*" or the "*Petitioner*") appeared by and through counsel and, pursuant to the Missouri Transportation Development District Act, Sections 238.200 to 238.280 of the Revised Statutes of Missouri, as amended (the "*TDD Act*"), submitted its *Petition for Declaratory Judgment, Decree and Order Certifying a Ballot Question and Causing a Mail-in Election* (the "*Petition*"). The other parties to this matter did not appear. After a hearing on this matter, the Court, in consideration of the facts and law, hereby enters the following:

FINDINGS AND CONCLUSIONS

1. Pursuant to Section 238.216 of the TDD Act, the District filed the Petition attached hereto as **EXHIBIT 1**, and incorporated herein by reference, which seeks to certify a Ballot Question (as defined herein) and cause a mail-in election on the Ballot Question.
2. On February 12, 2021, the Petitioner’s Board of Directors approved and adopted Resolution No. 21-003 (the "*Resolution*") authorizing the Petitioner to submit to the Petitioner’s qualified voters a proposition to increase the number of transportation projects that the Petitioner is authorized to complete as set forth in the TDD Act. A certified copy of the Resolution is attached hereto and incorporated herein by reference as **EXHIBIT 2**.

EXHIBIT 3

3. There are currently no persons eligible to be registered voters residing within the District and, as such, the owners of record of real property located within the District are the qualified voters of the District pursuant to the TDD Act.

4. Pursuant to the TDD Act, each owner of record of real property within the District shall have one vote for each acre of real property owned and fractional votes shall be allowed.

5. The name and address of each owner of record of real property located within the District are as shown on a certified copy of the Petitioner's share ledger (the "*Share Ledger*"), attached hereto and incorporated herein by reference as **EXHIBIT 3**.

6. Pursuant to 238.216.4. of the TDD Act, as the qualified voters are the owners of record of all real property located in the District, each qualified voter is to determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an appropriate mechanism for the determination of the entity's vote. If the qualified voter has no such mechanism, then its vote shall be cast as determined by a majority of the persons who run the day-to-day affairs of the voter. Each voted ballot shall be signed with the authorized signature.

IT IS HEREBY ORDERED THAT:

A. The ballot question, attached hereto and incorporated herein by reference as **EXHIBIT 4** (the "*Ballot Question*"), is hereby certified for approval of the qualified voters within the District for a mail-in election to be held pursuant to Section 238.216 of the TDD Act.

B. The ballots for the election on the Ballot Question shall be mailed by the Circuit Clerk of Christian County, Missouri (the "*Circuit Clerk*") on _____, 2021 which date is a Tuesday and is not earlier than the eighth Tuesday from the issuance of this Declaratory Judgment, Decree and Order Certifying a Ballot Question and Causing a Mail-in Election (this "*Declaratory Judgment*"), and is not the same day as an election conducted under the provisions of Chapter 115 of the Revised Statutes of Missouri, as amended ("*Chapter 115*").

C. The Circuit Clerk shall mail a ballot to each qualified voter who applied for a ballot pursuant to Section 238.216.2 of the TDD Act, along with a return address envelope directed to the Circuit Clerk's

EXHIBIT 3

office with a sworn affidavit on the reverse side of such envelope for the voter's signature, which affidavit shall be in the form set forth in Section 238.216.3 of the TDD Act.

D. The qualified voters shall follow the ballot application procedure set forth in Section 238.216.2 of the TDD Act to receive a ballot from the Circuit Clerk, and shall apply no later than _____, 2021 for a ballot (a "*Ballot Application*"), which date is no later than the fourth Tuesday before the mailing date for the mailing of ballots specified in this Declaratory Judgment. The District will provide a Ballot Application to each qualified voter of the District.

E. Pursuant to Section 238.216.5 of the TDD Act, mail-in voted ballots shall be returned to the Circuit Clerk's office by mail or hand delivery no later than 5:00 p.m. on _____, 2021 which is the sixth Tuesday after the date for mailing the ballots as set forth in this Declaratory Judgment.

F. The Circuit Clerk shall transmit all voted ballots to a team of judges of not less than four, with an equal number from each of the two major political parties. The judges shall be selected by the Circuit Clerk from lists compiled by the Christian County Election Authority. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and shall be immediately transmitted to this Court and the Circuit Clerk.

G. The District shall bear all costs of submitting the Ballot Question to the qualified voters within the District, all subject to any applicable reimbursement set forth in the TDD Act.

H. The results of the mail-in election shall be entered upon the records of this Court and a certified copy thereof shall be filed with the Circuit Clerk and the Clerk of Christian County, Missouri, who shall cause the same to be spread upon the records of the Christian County Council.

SO ORDERED THIS _____ DAY OF _____, 2021.

Honorable _____, Division No.

EXHIBIT 3

Exhibit 1

Petition

(On file.)

Exhibit 2

Resolution 21-003

(On file.)

EXHIBIT 3

Exhibit 3
Share Ledger
(On file.)

Exhibit 4

Ballot Question

OZARK CENTRE TRANSPORTATION DEVELOPMENT DISTRICT

Shall the Ozark Centre Transportation Development District fund and develop the following additional transportation projects

- (a) reconstruct, mill, crack seal, fill, and overlay the existing public streets within the Ozark Center TDD;
- (b) extension of 19th Street from Tennison Drive to proposed Residential Collector Street;
- (c) extension of 19th Street south of proposed Residential Collector Street;
- (d) construction of public residential streets and residential collector streets, including lane widening, entrances, pedestrian and bicycle facilities, and retaining walls, and related infrastructure;
- (e) Signal Cabinet Upgrades;
- (f) vehicular and pedestrian connections between 15th St. and the Marler Lane/17th Street Intersection;
- (g) a traffic study and additional projects identified in the traffic study and approved by the City and the District;
- (h) and/right-of-way acquisition, settlement and transfer, including relocation costs, taxes, surveys and other professional fees related to the improvements identified in items (a) through (h) above;
- (i) earth work, site improvements, utility relocations including street lighting, soil testing, surveying, general conditions and supervision, signage, stormwater drainage and water quality measures, soil stabilization and permit fees related to the improvements identified in items (a) through (h) above; and
- (j) professional fees, financing costs, engineering, testing and consulting fees, reasonable development fees, construction staking, legal fees, and wetlands mitigation fees related to the improvements and other work and items identified in items (a) through (j) above,

and have the power to fund the proposed additional transportation projects through its existing 1% transportation development district sales tax on all retail sales made in the District which are subject to taxation pursuant to the provisions of Sections 144.010 to 144.525 of the Revised Statutes of Missouri, as amended, 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?

___ YES ___ NO

If you are in favor of the question, place an "X" on the line opposite "YES." If you are opposed to the question, place an "X" on the line opposite "NO."