

IN THE CIRCUIT COURT OF THE COUNTY OF BOONE, STATE OF MISSOURI

**IN RE: THE ADJUSTMENT OF THE BOUNDARIES)
OF THE SHOPPES AT STADIUM)
TRANSPORTATION DEVELOPMENT DISTRICT,)**

**TKG BISCAYNE, L.L.C.,)
a Missouri limited liability company,)**

**TKG STADIUM, L.L.C.,)
a Missouri limited liability company,)**

**TKG 7th STREET, L.L.C.,)
a Missouri limited liability company)**

**TKG San Jacinto Place Development, L.P.)
a Missouri limited partnership)**

Petitioners)

vs.)

Case No. 22BA-CV01784

**MISSOURI HIGHWAYS AND TRANSPORTATION)
COMMISSION,)**

and)

THE CITY OF COLUMBIA, MISSOURI,)

Respondents.)

**JUDGMENT, ORDER, AND DECREE
GRANTING PETITION TO ADJUST THE BOUNDARIES OF THE
SHOPPES AT STADIUM TRANSPORTATION DEVELOPMENT DISTRICT**

The Circuit Court of Boone County, Missouri, hereby enters this as its Judgment, Order, and Decree pursuant to the Missouri Transportation Development District Act, Sections 238.200 through 238.280 of the Revised Statues of Missouri, as amended (the "Act"), granting the Petitioners' Petition for the expansion of the Boundaries and the inclusion of additional real estate within the Shoppes at Stadium Transportation Development District (the "District"). Based on the record before the Court and the evidence adduced by the Petitioners on the 13 day of

September, 2022, the Court hereby makes the following determinations and findings of fact, i.e., the Court finds and determines that:

1. Petitioners (hereinafter sometimes referred to as the "Owners") constitute the only Owners of the real property within the expanded district.

2. Respondent Missouri Highways and Transportation Commission (the "Commission") 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 Act, and Respondent City of Columbia, Missouri (the "City"), a constitutional charter city in which the proposed District will be located, is the "local transportation authority" within the meaning of Section 238.202.1(4) of the Act, and is a necessary party under Section 238.207.4(2) of the Act.

3. The record reflects that no objections to the Petition, timely or otherwise, have been filed.

4. The real property which will comprise the expanded district is owned by TKG Biscayne, L.L.C. ("Biscayne"), a Missouri limited liability company, TKG Stadium, L.L.C. ("Stadium"), a Missouri limited liability company, TKG 7th Street, L.L.C., a Missouri limited liability company ("7th Street"), and TKG San Jacinto Place Development, L.P. ("SJPD"). Biscayne owns the tract which presently comprises the real estate within the District, consisting of 32.36 acres of real property. Stadium owns the property previously annexed into the District, consisting of 3.28 acres of real property. 7th Street owns the property previously annexed into the District, consisting of 1.49 acres of real property. SJPD owns the additional property to be added to the District, consisting of 0.56 acres of real property. All said parcels of real property are accurately described in the Petitioners' Petition.

5. The real estate owned by SJPD (the "New Property") is located south of the property owned by Biscayne, Stadium, and 7th Street (the "Existing Property"). The Existing Property and New Property are within the city limits of the City of Columbia. The New Property is contiguous to the Existing Property, and therefore it is proper to be included in a single transportation development district as prescribed in the Act.

6. There are no residential structures located within either the Existing Property or the New Property and there are no persons eligible to be registered voters residing within the District (including the New Property). A legal description of the Existing Property is attached hereto as "Exhibit A" and it is shown on the map attached as "Exhibit B." The New Property is legally

described on Exhibit C, which is attached hereto and incorporated herein by reference and is depicted on the map which is attached hereto as Exhibit D, also incorporated herein by reference and the new boundaries depicted on Exhibit E and incorporated here and by reference.

7. The District was duly organized and established by this Court's Decree entered September 27, 2004, in Case No. 04CV168817 (the "Initial Order") which is attached hereto and incorporated herein by reference as Exhibit F. Thereafter this Court amended its Decree with additional amendments respect to the District on August 14, 2007, and a copy of said amendment to said Decree is attached hereto as Exhibit G and incorporated herein by reference (the "Amended Decree").

8. The purposes of the District are as stated in the Amended Decree (Exhibit G) (the "Transportation Projects").

9. The Petitioners' Petition is not legally defective and the Respondents have been duly served with process in this action and have filed their respective answers to the Petitioners' Petition.

10. The proposed District, as expanded, will be neither illegal nor unconstitutional.

11. The District was established as a political subdivision pursuant to and in accordance with the Act for the purposes set forth in the Amended Decree.

12. The primary source of funding for the Transportation Projects is through the imposition of a TDD Sales Tax (although the District retains the right to impose and levy real estate taxes and special assessments).

13. A portion of the Transportation Projects has been or will be merged into the state highways and transportation system under the Commission's jurisdiction and the other portion of the Transportation Projects not intended to be so merged will become part of the City's transportation infrastructure, all as set forth in the Amended Decree.

14. The Transportation Projects will be funded in part through proceeds of bonds, notes, or other obligations of the District (the "TDD Obligations") which are secured by the District's revenues as set forth in the Amended Decree.

15. The Initial Order and Amended Decrees are not intended to be replaced and are amended or modified only as set forth in this Order. This Order is intended to include within the District the New Property and to subject to the New Property to the same terms and conditions as

are set forth in the Initial Order and Amended Decrees as though the New Property were part of the Existing Property.

16. The New Property is within contiguous to the Existing Property as is required for annexation pursuant to Sections 238.207 and 238.208 RSMo.

17. There are no persons eligible to be registered voters residing within the District or the New Property and the owners of record of the real property located within the District and the New Property are the "qualified voters" pursuant to the Act and have unanimously consented to the addition of the New Property to the District.

18. All property within the District, including the New Property, will benefit from the Transportation Projects.

BASED ON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, it is the Judgment, Order, and Decree of this Court that:

A. The New Property is hereby added to and incorporated within the District and the boundaries of the District are hereby adjusted accordingly.

B. Upon the adjustment of the boundaries of the District to include the New Property, the District will continue to have the right to impose and collect the TDD sales tax from retail sales within the District, as expanded;

C. Upon this adjustment of the boundaries of the District to include the New Property, the District remains properly, duly, and lawfully organized;

D. Upon this adjustment of the boundaries of the District to include the New Property, the District will continue to exist as a political subdivision pursuant to and in accordance with the Act with the sole purpose of funding the Transportation Projects to the imposition of the TDD sales tax;

E. Upon this adjustment of the boundaries of the District to include the New Property, the TDD sales tax will extend to the New Property, in accordance with Section 238.208 of the Act, and such extension of the TDD sales tax shall not require any further action on the part of the District;

F. Upon this adjustment of the boundaries of the District to include the New Property, the proposed funding method and mechanism for the funding of the District's Projects will be neither illegal nor unconstitutional;

G. Upon this adjustment of the boundaries of the District to include the New Property, the District will no be an undue burden on any owner of property within the District and is not unjust nor unreasonable;

H. The boundaries of the District shall be and are hereby adjusted to include the New Property pursuant to Sections 238.207 and 238.208, and the New Property is subject to all obligations and restrictions placed thereon by the Act;

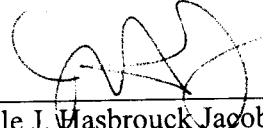
I. The Board of Directors of the District shall continue to be composed of the five (5) representatives and owners of real property in the District previously elected at annual meetings of the owners of record of the real property located within the District until their successors are duly elected in accordance with the provisions of the Act; and

J. Except as modified by this Order and Decree, the Initial Order and Amended Decree as previously entered by this Court with respect to the District shall remain in full force and effect.

Costs of filing and defending this Petition and other court costs shall be paid by Petitioners (subject to reimbursement by the District as permitted by the Act).

SO ORDERED:





Honorable J. Masbrouck Jacobs, Judge
Division 1, Circuit Court of Boone County, MO
Dated: 9/12/22