

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY

IN THE MATTER OF:

KANSAS CITY DOWNTOWN STREETCAR  
TRANSPORTATION DEVELOPMENT  
DISTRICT

)  
)  
) Case Number: 1216-CV02419  
)  
) Division No. 10  
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)

ORDER CALLING FOR A SALES TAX AND SPECIAL ASSESSMENT ELECTION

THIS MATTER IS BEFORE THE COURT on motion of the Kansas City Downtown Streetcar Transportation Development District (the “District”) to submit to the “Qualified Voters,” as defined in Missouri’s Transportation Development District Act, § 238.200, *et seq.*, RSMo, (the “Act”), for their approval, the questions whether to approve the imposition and levy by the District of a sales tax and certain special assessments as more particularly described in the District’s Resolutions 2012-11 and 2012-12, which were annexed to the Motion (collectively, the “Questions”).

NOW, THEREFORE, it is ORDERED, JUDGED, and DECREED that:

1. The Court certifies the Questions for voter approval, and calls a mail-in election pursuant to § 238.216 of the Act as further ordered herein;
2. The Court Administrator of the Circuit Court of Jackson County, Missouri (the “Court Administrator”) shall cause to be submitted by mail-in ballot to the Qualified Voters within the limits of the District, in accordance with the schedule and procedure set out in section 3 below, the Questions, which shall be submitted to the Qualified Voters through the ballot questions (collectively, the “Ballot”) substantially in the form attached hereto as Exhibit A and incorporated herein by reference;

3. The election called by this Order (the “**Funding Election**”) shall be conducted in accordance with the following schedule and procedures:

(a) Individuals that are Qualified Voters at the time of application for a Ballot shall have from 9:00 a.m. on Friday August 31, 2012 until 5:00 pm on Tuesday October 2, 2012 to apply to the Court Administrator for a Ballot. Application for a Ballot shall be conducted in accordance with § 238.216.2 of the Act using substantially the form of Application attached hereto as Exhibit B and incorporated herein by reference;

(b) The Court Administrator shall give notice of the Funding Election, substantially in the form attached hereto as Exhibit C and incorporated herein by reference, by publication in a newspaper of general circulation, five (5) times, each at least five (5) days apart, the last of which shall be published no later than September 29, 2012;

(c) Ballots shall be mailed by the Court Administrator via United States first class mail, postage prepaid, on October 30, 2012 to Qualified Voters who timely applied for a Ballot;

(d) Voted Ballots shall be returned to the Court Administrator’s office by mail or hand delivery no later than 5:00 p.m. on December 11, 2012;

(e) The Court Administrator shall transmit all voted purportedly voted Ballots to a team of at least four (4) judges, with an equal number from each of the two major political parties (the “**Election Judges**”). Prior to November 20, 2012, the Court shall by Order select the Election Judges from lists compiled by the election authority, after the parties to this matter have been provided notice and an opportunity to be heard thereon. Upon receipt of the voted Ballots, the Election Judges shall verify the authenticity of the

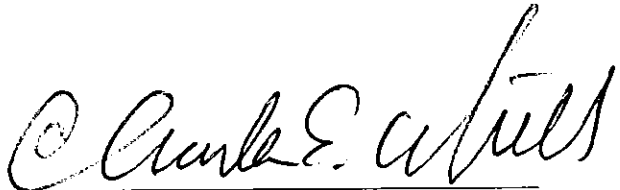
Ballots, canvass the votes, and certify the results. Certification by the Election Judges shall be final and shall be immediately transmitted to the Court. Any Qualified Voter who voted in such election may contest the result in the same manner as provided in chapter 115, RSMo;

(f) The Court Administrator shall maintain a list, updated weekly, of the name and address of each individual that has applied for a Ballot (the "Application List"), and shall after review of such application note on the Application List whether such individual's application satisfied the requirements of § 238.222 of the Act. The Court Administrator shall also note on the Application List those Qualified Voters who have returned purportedly-voted Ballots. The Application List shall be an open record under Chapter 610, RSMo; and

(g) The costs of the Funding Election shall be borne by the District.

4. In the event that the Election Judges certify that the Ballot was approved through the Funding Election, then the results of the election shall be entered upon the records of the Circuit Court of Jackson County. Also, a certified copy thereof shall be immediately filed by the Court Administrator with the county clerk of Jackson County, who shall cause the same to be spread upon the records of the county commission.

Dated: 8-24-12

  
Hon. Charles E. Atwell, Circuit Court Judge

**EXHIBIT A TO ORDER**  
**FORM OF BALLOT QUESTION**  
**(SEE ATTACHED)**

## QUESTION 1

Provided that Question 2 below is certified to have been approved, shall the Kansas City Downtown Streetcar Transportation Development District impose a transportation development district-wide sales tax at the rate of up to one percent (1.00%) for a period of twenty-five (25) years from the date on which such tax first becomes effective by law, for the purpose of providing revenue for the development of the following transportation project: the design, construction, ownership and/or operation of a downtown fixed rail streetcar line, and all elements thereof, including without limitation a maintenance facility, operating within the boundaries of, or serving and benefiting, the District, on all retail sales made in the District that are subject to taxation by the State of Missouri pursuant to the provisions of Sections 144.010 through 144.525 of the Act, 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".*

## QUESTION 2

Provided that Question 1 above is certified to have been approved, shall the Kansas City Downtown Streetcar Transportation Development District be authorized to levy special assessments against property benefitted within the District for the purpose of providing revenue for the development of the following transportation project: the design, construction, ownership and/or operation of a downtown fixed rail streetcar line, and all elements thereof, including without limitation a maintenance facility, operating within the boundaries of, or serving and benefiting, the District, said special assessments to be levied ratably at the following maximum annual rates against each tract, lot or parcel of property within the District which is benefitted by such project:

(1) Commercial real property - \$0.48 per each \$100 of market value of the property for real property tax purposes, multiplied by 0.32 (subject to the cap described below);

(2) Residential real property - \$0.70 per each \$100 of market value of the property for real property tax purposes, multiplied by 0.19;

(3) City real property - \$1.04 per each \$100 of market value of the property for real property tax purposes, multiplied by 0.32;

(4) Constitutionally exempt real property - \$0.40 per each \$100 of market value of the property for real property tax purposes, multiplied by 0.32 for constitutionally exempt commercial

property or multiplied by 0.19 for constitutionally exempt residential property (subject to the floor and cap described below); and

(5) Pay Parking Spaces in Surface Pay Parking Lots - \$54.75 multiplied by the number of Pay Parking Spaces in such Surface Pay Parking Lot (as defined below),

all as more specifically described in subparagraphs (a) and (b) below?

(a) **Real Property Assessments:** Levy of special assessments upon real property within the District (the "Real Property Assessments") based upon the following schedule:

(i) **Residential Property:** With respect to real property categorized on January 1 of any "Assessment Year" (as defined below) by the "County Assessor" (as defined below) as residential real property or agricultural or horticultural real property for ad valorem tax purposes under applicable Missouri law ("Residential Property") (unless subject on January 1 of the applicable Assessment Year to an "Exemption", as defined below, in which event the provisions of subsection (a)(iv) below shall apply), the Real Property Assessment may be imposed for each applicable Assessment Year, in an annual amount not to exceed the sum obtained by (x) multiplying the market value of such Residential Property, as determined by the County Assessor as of January 1 of the applicable Assessment Year, by 0.0019 (such product being referred to as the "Residential Assessable Value"), and then (y) multiplying the Residential Assessable Value of such Residential Property by a rate established from time to time by the Board of Directors of the District, such rate not to exceed Seventy Cents (\$0.70) with respect to any Assessment Year (the "Residential Property Assessment").

(ii) **Commercial Property:** With respect to real property categorized on January 1 of any Assessment Year by the County Assessor as utility, industrial, commercial or railroad for ad valorem tax purposes under applicable Missouri law, and all other real property not included in subclasses (1) and (2) of class 1 within the meaning of Article X, Section 4(b) of the Missouri Constitution, Rev. 2006, as amended ("Non-Residential Property") (unless subject on January 1 of the applicable Assessment Year to an Exemption, in which event the provisions of subsection (a)(iv) below shall apply), the Real Property Assessment may be imposed for each applicable Assessment Year, in an annual amount not to exceed the sum obtained by (x) multiplying the lesser of (A) One Hundred Fifty Million and 00/100 Dollars (\$150,000,000.00) increased by two percent (2%) cumulatively commencing on January 1, 2013, and continuing on each second January 1 thereafter, and (B) the market value of such Non-Residential Property, as determined by the County Assessor as of January 1 of the applicable Assessment Year, by 0.0032 (such product being referred to as the "Commercial Assessable Value"), and then (y) multiplying the Commercial Assessable Value of such Non-Residential Property by a rate established from time to time by the Board of Directors of the District, such rate not to exceed Forty-Eight Cents (\$0.48) with respect to any Assessment Year (the "Commercial Property Assessment").

(iii) **City Property:** Notwithstanding the provisions of subsections (i) and (ii) above, with respect to real property owned on January 1 of any Assessment Year by the City or

any agency or authority established by the City, including without limitation, the Tax Increment Financing Commission, the Planned Industrial Expansion Authority and the Land Clearance for Redevelopment Authority, that is otherwise exempt from the imposition of an ad valorem real property tax ("City Property"), the City will pursuant to a Cooperation Agreement to be entered into between the District and the City, agree to pay, subject to annual appropriation, a Real Property Assessment imposed for each applicable Assessment Year, in an annual amount equal to the sum obtained by (x) multiplying the market value of such City Property, as determined by the County Assessor as of January 1 of the applicable Assessment Year by 0.0032 (such product being referred to as the "City Assessable Value"), and then (y) multiplying the City Assessable Value of such City Property by One and 04/100 Dollars (\$1.04) (the "City Property Assessment").

(iv) ***Tax Exempt Property:*** With respect to real property subject on January 1 of any Assessment Year to an Exemption ("Tax Exempt Property"), the Real Property Assessment may be imposed for each applicable Assessment Year, in an annual amount not to exceed the sum obtained by (x) multiplying the "Tax Exempt Property Market Value" (as defined below) as of January 1 of the applicable Assessment Year by (A) 0.0032 in the case of Tax Exempt Property that is Non-Residential Property, and (B) 0.0019 in the case of Tax Exempt Property that is Residential Property (such product being referred to as the "Tax Exempt Assessable Value"), and then (y) multiplying the Tax Exempt Assessable Value of such Tax Exempt Property by a rate established from time to time by the Board of Directors of the District, such rate not to exceed Forty Cents (\$0.40) with respect to any Assessment Year (the "Tax Exempt Property Assessment").

For purposes of this ballot question, the following terms have the following meanings:

(A) "**Assessment Year**" means each respective period from January 1 through December 31 while the Real Property Assessment is in effect;

(B) "**County Assessor**" means the Director of Records for Jackson County, Missouri (or any successor officer with the same or similar duties in the event the office of Director of Records for Jackson County, Missouri is abolished);

(C) "**Exemption**" means an exemption from ad valorem taxation on the basis that such real property is not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, for purposes purely charitable, for agricultural and horticultural societies, or for veterans' organizations, according to the official records of the County Assessor as of January 1 of the applicable Assessment Year; and

(D) "**Tax Exempt Property Market Value**" means that portion, and only that portion, of the market value of such Tax Exempt Property, as determined by the County Assessor as of January 1 of the applicable Assessment Year that is (A) equal to or less than Fifty Million and 00/100 Dollars (\$50,000,000.00) increased by two percent (2%) cumulatively commencing on January 1, 2013, and continuing on each second January 1 thereafter, but (2) greater than Three Hundred Thousand and 00/100 Dollars (\$300,000.00).

(b) **Surface Pay Parking Lot Assessment:** In addition to the Commercial Property Assessment, the Residential Property Assessment, the City Property Assessment, and the Tax Exempt Property Assessment, the levy of special assessments upon real property within the District used as a "Surface Pay Parking Lot" (as defined below) during the applicable Assessment Year in an annual amount not to exceed for any Assessment Year the sum of Fifty-Four and 75/100 Dollars (\$54.75) multiplied by the number of "Pay Parking Spaces" (as defined below) located on each such Surface Pay Parking Lot during such Assessment Year (the "Surface Parking Assessment"). A Surface Pay Parking Lot shall be exempt from the Surface Parking Assessment if it is in, under or otherwise a part of a multi-story structure, or if it shares common or affiliated ownership with and primarily exists to serve the employees or patrons of a business enterprise or place of interest such as (by way of example and not as a limitation) a museum, train station, or theater, which business enterprise or place of interest is located on the same or a neighboring property as the parking area under consideration.

For purposes of this ballot question, the following terms have the following meanings:

(A) **"Pay Parking Space"** means an off-street parking space on a Surface Pay Parking Lot for which a fee (whether hourly, daily, weekly or monthly, or some multiple thereof) is charged for the ability to park a motor vehicle thereon; and

(B) **"Surface Pay Parking Lot"** means an off-street place, parcel of ground, or yard that is made available in whole or in part for the parking of motor vehicles on the surface thereof and for which a fee (whether hourly, daily, weekly or monthly, or some multiple thereof) is charged for the ability to park a motor vehicle thereon.

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".*



**EXHIBIT B TO ORDER**  
**FORM OF APPLICATION**  
**(SEE ATTACHED)**



**EXHIBIT C TO ORDER**  
**NOTICE OF FUNDING ELECTION**  
**(SEE ATTACHED)**

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI**  
**AT KANSAS CITY**

IN THE MATTER OF: )  
KANSAS CITY DOWNTOWN STREETCAR ) Case Number: 1216-CV02419  
TRANSPORTATION DEVELOPMENT DISTRICT )

**NOTICE OF ELECTION AND REQUIREMENT TO APPLY FOR BALLOT IN ADVANCE**

TAKE NOTICE that by Order of the Circuit Court of Jackson County, Missouri, Hon. Charles E. Atwell, Presiding, an election by mail-in ballot has been called for the purpose of considering the questions of imposing a one percent sales tax and levying certain special assessments in that area specifically described in the Amended Petition in this proceeding on file in the office of the Court Administrator of the Circuit Court of Jackson County, Missouri and located generally (but the specific legal description controls) in those areas of Kansas City, Jackson County, Missouri commonly referred to as River Market, the Downtown Loop, Crossroads and Crown Center/Union Station, for the purpose of funding the development of the following transportation project: the design, construction, ownership and/or operation of a downtown fixed rail streetcar line, and all elements thereof, including without limitation a maintenance facility, operating within the boundaries of, or serving and benefiting, the District.

In order to vote in this mail-in election, you must

- Reside within the boundary of the District
- Apply for a ballot
- Be a registered voter at the time you apply for a ballot
- Provide proof of voter registration at the time you apply for a ballot as discussed below
- Return the application for a ballot no later than 5:00 p.m. on October 2, 2012

Applications for a ballot are available as follows:

- Download from <http://www.16thcircuit.org/streetcar> (internet access required), or
- Pick up at the Jackson County Courthouse, 415 East 12th Street, Kansas City, Missouri 64106, Third Floor, Room 303, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays

You will not receive a ballot unless

- you submit a valid application in accordance with the instructions on the application, and
- your application is received by the Circuit Court Administrator's office before 5:00 p.m. on October 2, 2012

Ballots will be mailed on October 30, 2012, only to those who have timely and validly applied for a ballot. Ballots will be due for return no later than 5 p.m. on December 11, 2012 in accordance with instructions on the ballot.

You must include proof of voter registration from the election authority when returning the application.

**IMPORTANT:** You must be a registered voter residing within the boundary of the Transportation Development District in order to submit an application for a ballot. A map of the boundary of the District may be obtained at the Jackson County Courthouse, 415 East 12th Street, Kansas City, Missouri 64106, Third Floor, Room 303, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays, or view the map online at <http://www.16thcircuit.org/streetcar>. Contact the Kansas City Board of Election Commissioners at (816) 842-4820 if you wish to register to vote. Proof of voter registration includes a copy of the applicant's official Voter ID card, or a written statement from the Kansas City Board of Election Commissioners confirming voter registration status of the applicant, or go to [www.kceb.org](http://www.kceb.org) to print proof of registration using the "Check Your Voter Status" box. Voter registration will be confirmed prior to mailing of ballots.

Questions should be addressed to (816) 881-1300.