

IN THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI

**AN ORDINANCE REGULATING USE OF TANEY COUNTY
AIRPORT/GRAHAM CLARK FIELD AND DESIGNATING
AIRPORT MANAGER TO SUPERVISE USE OF AIRPORT
PROPERTY**

WHEREAS, Taney County Airport/Graham Clark Field is owned and operated by Taney County, Missouri; and,

WHEREAS, the Taney County Commission is a Missouri county of the first classification; and

WHEREAS, Section 49.266 of the Revised Statutes of Missouri sets forth that the county commission in first class counties may by order or ordinance, promulgate reasonable regulations concerning the use of county property; and,

WHEREAS, Section 49.270 of the Revised Statutes of Missouri sets forth that the county commission shall have control and management of the property, real and personal, belonging to the county; and,

WHEREAS, the efficient and economically prudent operation of the Taney County Airport/Graham Clark Field is in the best financial interests of Taney County, Missouri and its taxpayers; and,

WHEREAS, Taney County, Missouri enters into contracts with vendors to operate certain businesses at the airport that are normally associated with the operation of an airport; and,

WHEREAS, the proceeds from contracts with vendors help to offset the expense to the taxpayers of Taney County, Missouri in operating the airport;

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF THE COUNTY OF TANEY, MISSOURI, AS FOLLOWS:

SECTION 1. County Ordinances are hereby added to by the adoption of this ordinance regulating the use of certain Taney County property known as the Taney County Airport/Graham Clark Field as follows:

A. Trespassing.

Airport property is devoted to the use of the passengers, passenger guests, airport employees, airport tenants, and other persons who have business at the airport. No person shall enter upon airport property who does not have business at the airport. The airport manager, law enforcement personnel, or other personnel authorized by the airport manager may request any person who does not have business at the airport or who is in violation of

any rules or regulations of the airport to leave airport property. Any person who fails to comply with this request to leave airport property or fails to abide by regulations on file with the county clerk shall be a trespasser.

B. Tenants and vendors.

Only those persons or entities that have prior written approval from the airport manager or that have a written contract with Taney County, Missouri may engage in activities on the property of the Taney County Airport. Any person or entity that is seeking to engage in business activity or is engaging in business activity on Taney County Airport property shall not be deemed to fit within the definition of those having business at the airport as set forth above in paragraph A, unless such person or entity has first obtained the written permission of the Taney County Airport Manager or entered into a written contract with Taney County, Missouri to conduct business on Taney County Airport property.

SECTION 2. *Effective date.*

This ordinance shall be in full force and effect from and after its passage.

SECTION 3. *Other remedies.*

This ordinance does not preclude or prevent Taney County, Missouri from taking all other actions available to it against trespassers or others who violate rules or regulations concerning county property.

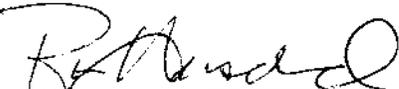
**PASSED AND SO ORDAINED AT THE COURTHOUSE IN FORSYTH,
MISSOURI ON THIS 3rd DAY OF JULY, 2006.**

VOTE: AYE 3

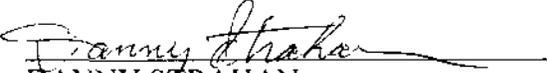
NAY 0



CHUCK PENNEL
PRESIDING COMMISSIONER



RON HERSCHEND
WESTERN COMMISSIONER



DANNY STRAHAN
EASTERN COMMISSIONER

CITY OF FORSYTH
TANEY COUNTY, MISSOURI

BILL NO. 423

ORDINANCE NO. 423

AN ORDINANCE ANNEXING CERTAIN ADJACENT TERRITORY INTO THE CITY OF FORSYTH, MISSOURI.

WHEREAS, on August 17, 2009 a verified petition signed by all the owners of real estate hereinafter described requesting annexation of said territory into the City of Forsyth, Missouri was filed with the City Clerk; and

WHEREAS, said real estate as hereinafter described is adjacent and contiguous to the present corporate limits of the said City of Forsyth, Missouri; and

WHEREAS, said verified petition was presented to the Board of Aldermen of the City of Forsyth at its regular meeting held August 17, 2009; and

WHEREAS, a public hearing concerning said matter was held at the Forsyth Municipal Building, 15405 U. S. Highway 160, Forsyth, Missouri, at the hour of 7:00 p.m. on September 21, 2009; and

WHEREAS, notice of said public hearing was given by publication of notice thereof, on September 9, 2009 in the Branson Tri Lakes Newspaper a newspaper of general circulation in the County of Taney, State of Missouri; and

WHEREAS, at said public hearing all interested person, corporations, or political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation; and

WHEREAS, no certified written objection to the proposed annexation was filed with the Board of Aldermen of the City of Forsyth, Missouri, within fourteen days after the public hearing; and

WHEREAS, the Board of Aldermen of the City of Forsyth, Missouri does now find and determine that said annexation is reasonable and necessary to the proper development of the said City of Forsyth; and

WHEREAS, the City is able to furnish municipal services to said area within a reasonable time after annexation. The Road right of way will not be the responsibility of the City of Forsyth but will remain private streets.

NOW THEREFORE, be it ordained by the Board of Aldermen of the City of Forsyth, Missouri, that:

SECTION I: pursuant to the provisions of Section 17.012 RSMo, 1976 as amended, the following described real estate is hereby annexed into the City of Forsyth, Missouri, to-wit:

Legal Description

RESERVE ON SKYLINE. Lot 1, 2, 9 and 10 of Phase I, the Reserve on Skyline, Lot 3, 4, 5, 6, 7, 8 and 11 of Phase II, the Reserve on Skyline.

SECTION II: The boundaries of the City of Forsyth, Missouri are hereby altered so as to encompass the above-described tract of land lying adjacent and contiguous to the present corporate limits.

SECTION III: The City Clerk of the City of Forsyth is hereby ordered to cause three (3) certified copies of this ordinance to be filed with the Taney County Clerk.

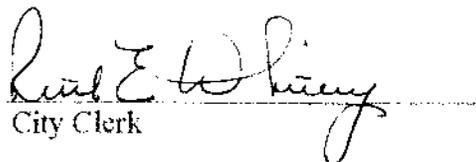
SECTION IV: This ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED by the Board of Aldermen of the City of Forsyth this 19 day of Oct, 2009.



Mayor of the City of Forsyth

SEAL

Attest: 

City Clerk

I hereby certify that the foregoing is a true and correct copy of Ordinance Number _____ as same appears in the official records of the City of Forsyth, County of Taney, State of Missouri.

City Clerk

IN THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI

AN ORDINANCE TO REGULATE VICIOUS DOGS, STRAY DOGS AND DOGS AT LARGE, TO ENHANCE THE PUBLIC HEALTH AND PREVENT INFECTIOUS, CONTAGIOUS, COMMUNICABLE OR DANGEROUS DISEASES WITHIN THE COUNTY

WHEREAS, vicious dogs, stray dogs, and dogs at large endanger the public health and pose a risk of infectious, contagious, communicable or dangerous diseases within the County; and,

WHEREAS, Section 192.300 of the Revised Statutes of Missouri permits the County Commission to make and promulgate ordinances as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into the County; and,

WHEREAS, Section 192.300 of the Revised Statutes of Missouri provides that the County Commission may establish reasonable fees to pay for any costs incurred in carrying out the ordinance.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. **Definitions.** For the purposes of this Ordinance, the following terms shall have the following meanings:
 - a. **Vicious dog.** Any dog of any breed which without provocation or command bites or injures a human being or exhibits a pattern of behavior of biting or attacking human beings, or which habitually attacks other dogs, cats or animals.
 - b. **Stray Dog.** A dog of any breed or mixture of breeds found off or outside of the real property owned or possessed by its owner.
 - c. **Dog at Large.** A dog of any breed or mixture of breeds found off or outside of the real property owned or possessed by its owner.
 - d. **Designated Person.** Any person designated by the Taney County Commission to implement or enforce this Ordinance.
 - e. **Impound.** A place for keeping or confining dogs taken up pursuant to this Ordinance.
 - f. **Impounded Dog.** A dog taken up or impounded pursuant to this Ordinance.

2. After complaint is made to the Taney County Commission or to any Designated Person, any Vicious Dog, Stray Dog, or Dog at Large may be taken up and impounded by any Designated Person.
3. Any Designated Person taking up or impounding a dog pursuant to this Ordinance shall immediately notify the office of the Taney County Commission of the following information:
 - a. the date, time and place such dog was taken up;
 - b. a description of said dog;
 - c. the owner's name, address, and telephone number, if known; and
 - d. the place where said dog is impounded.
4. Any Designated Person that takes up or impounds a dog pursuant to this Ordinance shall make a diligent inquiry as to the identity of the dog's owner.
5. If any dog is found with identification, or if a Designated Person determines the identity of the owner, the Designated Person shall make reasonable efforts to notify the owner that the dog has been taken up and impounded, and of the location of the Impound where such dog was taken.
6. Impounded Dogs shall be kept for a period of at least seven days in a suitable place designated by the Taney County Commission or the Designated Person. Such suitable places may include, but are not limited to animal shelters owned, operated or maintained by:
 - a. Taney County; or
 - b. any person or entity designated by the Taney County Commission;
 - c. or by any city or village; or
 - d. by a humane society, animal welfare society, society for the prevention of cruelty to animals, or other not for profit organization devoted to the welfare, protection and humane treatment of animals.
7. The owner of an Impounded Dog shall be responsible to pay the charges imposed by the Taney County Commission for taking up, transporting, keeping and caring for an Impounded Dog.
8. An Impounded Dog may be redeemed by its owner as follows:

- a. On the first occasion that a dog is impounded pursuant to this ordinance, the owner may redeem it by paying the usual and ordinary charges imposed by the animal shelter for taking up, transporting, keeping and caring for such dog.
 - b. On the second occasion that a Stray Dog or Dog at Large is impounded pursuant to this ordinance, the owner of an Impounded Dog may redeem it by paying the usual and ordinary charges imposed by the animal shelter for taking up, transporting, keeping and caring for such dog, plus a penalty of fifty dollars.
 - c. On the third or subsequent occasion that a Stray Dog or Dog at Large is impounded pursuant to this ordinance, the Taney County Commission and/or its Designated Person may in his or her discretion determine that the owner of an Impounded Dog may redeem it by paying the usual and ordinary charges imposed by the animal shelter for taking up, transporting, keeping and caring for such dog, plus a penalty of seventy-five dollars.
9. After being impounded for seven days, an Impounded Dog that has not been redeemed may be put up for adoption or put to death by a humane method.
10. On any occasion that a Vicious Dog is impounded pursuant to this Ordinance, the Taney County Commission may apply to the Circuit Court or to the Associate Division of the Circuit Court in a civil proceeding, in a quasi criminal proceeding, or in a criminal proceeding, for a determination that the dog is vicious as defined in this Ordinance, and for an order that said dog be put to death by a humane method. However, the Taney County Commission may in its discretion release a dog adjudged vicious to its owner upon payment of the costs set forth in paragraph 8(a) above, and upon proof of compliance with the conditions set forth in paragraph 11 below.
11. No person shall own, keep, harbor or allow to be in or upon his premises any dog of a cross, dangerous, vicious, or ferocious disposition, or which habitually snaps at or bites or manifests a disposition to bite or attack persons or animals or pets, unless such dog is securely confined upon such premises; the following will apply:
 - a. All dogs described in paragraph 11 and 12 shall be securely confined indoors or in a securely enclosed and locked kennel. The kennel shall be of a size appropriate to the size of the dog kept therein and shall provided adequate ventilation, shade from the sun and protection from the elements. In the event of a dispute over the appropriate size, the guidelines of the USDA (APHIS 9 CFR) shall apply. The kennel must have secure sides at sufficient height and a secure top attached to the sides to prevent escape. Such kennel must have a secure bottom or

floor attached to the sides of the kennel, or the sides of the kennel must be embedded in the ground no less than two (2) feet. The kennel must be locked with a key or combination lock when such animals are within the structure. Any such kennel must be located at least ten (10) feet from any property line and must comply with all zoning and building regulations of the county;

- b. When confined indoors, no such dog may be kept on a porch, patio or in any part of a house, building or structure that would allow the dog to exit such building of its own volition. No such dog may be kept in a house, building or structure when the windows or screen doors are not sufficient to prevent the dog from exiting the structure;
- c. No person shall permit a dog as described in subsection (a) of this section to go outside its kennel or secure structure unless that person has the dog securely leashed on a leash no longer than four (4) feet in length and that person has physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, buildings, etc. Additionally, all such dogs on a leash outside the animal's kennel or a secure structure must be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals;
- d. As directed by the animal control officer, a sign or signs shall be conspicuously posted upon the kennel of such dogs with letters at least two (2) inches high containing the following: "Beware of Dangerous Dog."
- e. All owners, keepers or harborers of any dog as described in subsection (a) of this section must present to the animal control officer proof of public liability insurance in a single incident amount of fifty thousand dollars (\$50,000) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the animal control officer.
- f. Upon conviction of any person of a violation of this section, the circuit court judge may, in addition to the usual judgment upon conviction, order the animal control officer to forthwith take up and put to death such dog
- g. Any person who violates any requirement or provision of these regulations shall be deemed guilty of a misdemeanor and shall be punished as provided in Section 192.300, RSMo., including but not limited to imposition of civil fines up to \$1,000.00 for violations of these regulations and/or incarceration in the County Jail for up to 180 days. The penal remedy provided herein shall not be exclusive and the County may seek

Amendment

and obtain in their own name any other judicial relief provided for in equity or at law, including, but not limited to declaratory and injunctive relief as may be appropriate under the circumstances.

12. On the second or subsequent occasion that a Vicious Dog is impounded pursuant to this Ordinance, the dog may be put to death by a humane method.
13. Notwithstanding any other provision of this Ordinance, any dog suspected of being contaminated with the rabies virus shall be kept in isolation for observation for at least ten days.
14. The Taney County Commission shall have the authority to make rules and regulations to carry out the purposes of this Ordinance, as follows:
 - a. The Taney County Commission may propose rules based upon substantial evidence on the record and a finding by the Taney County Commission that the rule is necessary to carry out the purposes of this Ordinance.
 - b. No rule or regulation promulgated by the Taney County Commission shall be valid in the event that:
 - (1) There is an absence of legal authority for the rule or any portion thereof; or
 - (2) The rule is in conflict with state law; or
 - (3) The rule is so arbitrary and capricious as to create such substantial inequity as to be unreasonably burdensome on persons affected.
 - c. To promulgate rules or regulations under this Ordinance, the Taney County Commission shall adopt procedures by which it will determine whether a rule is necessary to carry out the purposes of this Ordinance. Such criteria and rulemaking shall be based upon reasonably available empirical data and shall include an assessment of the effectiveness and the cost of rules both to the County and to any private or public person or entity affected by such rules.
 - d. No rule shall hereafter be proposed, adopted, amended or rescinded by the Taney County Commission unless the Taney County Commission shall first file with the Clerk of the County Commission a notice of proposed rulemaking and a subsequent final order of rulemaking both of which shall be published in a newspaper of general circulation within the County qualified as a legal publication as soon as practicable after the filing thereof with the Clerk of the County

Commission. Neither the Taney County Commission nor the Clerk of the County Commission shall publish any proposed rulemaking or final order of rulemaking that does not fully comply with the provisions of Chapter 536 of the Revised Statutes of Missouri. No proposed order of rulemaking, final order of rulemaking or portion thereof shall take effect, or be published.

- e. A notice of proposed rulemaking shall contain:
- (1) An explanation of any proposed rule or any change in an existing rule, and the reasons therefore;
 - (2) The legal authority upon which the proposed rule is based;
 - (3) The text of the entire proposed rule or the entire text of any affected section or subsection of an existing rule which is proposed to be amended, with all new matter underlined or printed in boldface type and with all deleted matter placed in brackets, except that when a proposed rule consists of material so extensive that the publication thereof would be unduly cumbersome or expensive, the Clerk of the County Commission need publish only a summary and description of the substance of the proposed rule so long as a complete copy of the rule is made immediately available to any interested person upon application to the adopting state agency at a cost not to exceed the actual cost of reproduction. A proposed rule may incorporate by reference only if the material so incorporated is retained by the Clerk of the County Commission and made available to any interested person at a cost not to exceed the actual cost of the reproduction of a copy. When a proposed amendment to an existing rule is to correct a typographical or printing error, or merely to make a technical change not affecting substantive matters, the amendment may be described in general terms without reprinting the entire existing rule, section or subsection;
 - (4) The number and general subject matter of any existing rule proposed to be rescinded;
 - (5) Notice that anyone may file a statement in support of or in opposition to the proposed rulemaking at a specified place and within a specified time not less than thirty days after publication of the notice of proposed rulemaking; and
 - (6) Notice of the time and place of a hearing on the proposed rulemaking if a hearing is ordered, which hearing shall be not less than thirty days after publication of the notice of proposed rulemaking in a newspaper of general circulation within the

County qualified as a legal publication; or a statement that no hearing has been ordered if such is the case.

- f. The Taney County Commission, after issuing a notice of proposed rulemaking, may order a hearing thereon, but no such hearing shall be necessary unless otherwise required by law.
- g. The Taney County Commission, after publication of the notice of proposed rulemaking in a newspaper of general circulation within the County qualified as a legal publication of proposed rulemaking to be made without a hearing, if the Taney County Commission thereafter concludes that a hearing is desirable, shall withdraw the earlier notice and file a new notice of proposed rulemaking, and shall not schedule the hearing for a time less than thirty days following the publication of the new notice.
- h. Within ninety days after the expiration of the time for filing statements in support of or in opposition to the proposed rulemaking, or within ninety days after the hearing on such proposed rulemaking if a hearing is held thereon, the Taney County Commission shall file with the Clerk of the County Commission a final order of rulemaking either adopting the proposed rule, with or without further changes, or withdrawing the proposed rule, which order of rulemaking shall be published in a newspaper of general circulation within the County qualified as a legal publication. If the Taney County Commission fails to file the order of rulemaking as indicated in this subsection, the proposed rule shall lapse and shall be null, void and unenforceable.
- i. The final order of rulemaking shall contain:
 - (1) Reference to the date and page or pages where the notice of proposed rulemaking was published in a newspaper of general circulation within the County qualified as a legal publication;
 - (2) An explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change;
 - (3) The full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking;
 - (4) A brief summary of the general nature and extent of comments submitted in support of or in opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if

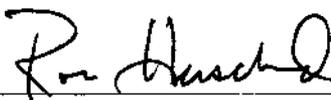
any, held in connection with said rulemaking, together with a concise summary of the Taney County Commission's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule; and

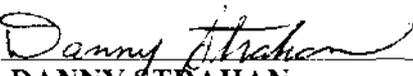
- (5) The legal authority upon which the order of rulemaking is based.
 - j. Any rule, or amendment or rescission thereof, shall be null, void and unenforceable unless made in accordance with the provisions of this section.
 - k. No rule, except an emergency rule, shall become effective before the thirtieth day after the date of publication in a newspaper of general circulation within the County qualified as a legal publication.
15. This Ordinance shall be printed and be made available for distribution to the public in the office of the Clerk of the County Commission and in the office of the Taney County Commission. The Clerk of the County Commission shall cause a copy of this Ordinance to be published in a newspaper of general circulation within the County qualified as a legal publication for three successive weeks, not later than thirty days after the entry of this Ordinance.

DONE AT THE COURTHOUSE IN FORSYTH, MISSOURI ON THIS 20th DAY OF FEBRUARY, 2007.

**THE COUNTY COMMISSION OF
TANEY COUNTY, MISSOURI**

BY: 
CHUCK PENNEL
PRESIDING COMMISSIONER

BY: 
RON HERSCHEND
WESTERN COMMISSIONER

BY: 
DANNY STRAHAN
EASTERN COMMISSIONER

ATTEST:

Donna Neeley
DONNA NEELEY,
TANEY COUNTY CLERK

192.290. State regulations supersede local rules — additional local rules. — All rules and regulations authorized and made by the department of health in accordance with this chapter shall supersede as to those matters to which this chapter relates, all local ordinances, rules and regulations and shall be observed throughout the state and enforced by all local and state health authorities. Nothing herein shall limit the right of local authorities to make such further ordinances, rules and regulations not inconsistent with the rules and regulations prescribed by the department of health which may be necessary for the particular locality under the jurisdiction of such local authorities.

(RSMo 1959 § 9748)

Prior revisions: 1929 § 9028; 1919 § 5754

192.300. Counties may make additional health rules — fees may be charged, deposit in county treasury, purpose — individuals unable to pay not to be denied health services — records and publication — violation a misdemeanor. — The county commissions and the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the department of health in accordance with this chapter or by the department of social services under chapter 198, RSMo. The county commissions and the county health center boards of the several counties may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury. All fees generated under the provisions of this section shall be used to support the public health activities for which they were generated. After the promulgation and adoption of such orders, ordinances, rules or regulations by such county commission or county health board, such commission or county health board shall make and enter an order or record declaring such orders, ordinances, rules or regulations to be printed and available for distribution to

the public in the office of the county clerk, and shall require a copy of such order to be published in some newspaper in the county in three successive weeks, not later than thirty days after the entry of such order, ordinance, rule or regulation. Any person, firm, corporation or association which violates any of the orders or ordinances adopted, promulgated and published by such county commission is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county commission or county health board of any such county has full power and authority to initiate the prosecution of any action under this section.

Publication after Order

Misdemeanor

Prosecution

(L. 1945 p. 974 § 9748a, A.L. 1973 H.B. 627, A.L. 1987 S.B. 397, A.L. 1989 S.B. 68 merged with S.B. 112, et al.)

192.310. Cities of 75,000 or over excepted from sections 192.260 to 192.320. — Nothing in sections 192.260 to 192.320 shall apply to cities which now have, or may hereafter have, a population of seventy-five thousand or over which are maintaining organized health departments; provided, that such cities shall furnish the department of health reports of contagious, infectious, communicable or dangerous diseases, which have been designated by them as such and such other statistical information as the board may require.

(RSMo 1949 § 9749)

Prior revisions: 1929 § 9029; 1919 § 5785

192.320. Violation of law or quarantine — penalty. — Any person or persons violating any of the provisions of sections 192.010, 192.020 to 192.490, 192.600 to 192.620 or who shall leave any pesthouse, or isolation hospital, or quarantined house or place without the consent of the health officer having jurisdiction, or who evades or breaks quarantine or knowingly conceals a case of contagious, infectious, or communicable disease, or who removes, destroys, obstructs from view, or tears down any quarantine card, cloth or notice posted by the attending physician or by the health officer, or by direction of a proper health officer, shall be deemed guilty of a class A misdemeanor.

(RSMo 1939 § 9750, A.L. 1951 p. 784, A.L. 1961 p. 463, A.L. 1978 S.B. 509)

Prior revisions: 1929 § 9030; 1919 § 5786

192.323. Department of health document services fund created — funding by certain fees — purpose — amount from fund exempt from lapse into general revenue. — 1. The "Depart-

90-7-15

TANEY COUNTY COMMISSION

ORDER

WHEREAS the Taney County Commission having determined it advisable to propound an order relating to protection against rabies hereby, pursuant to Chapter 322 of the Revised Statutes of Missouri, finds and orders as follows:

1. Whenever rabies becomes prevalent in any part of the county it shall be the duty of the County Commission or, when the Commission is not in session, the Presiding Commissioner, to take cognizance thereof; and is hereby empowered and ordered to issue a quarantine order according to the necessity of the case, that each and every owner or person in charge of any dog or dogs, in the territory affected, shall either kill or impound every dog owned, or for the time possessed by him, or have such dog or dogs immunized. Said order shall be published as provided in section 322.040. Such County Commission or Presiding Commissioner is authorized by order to terminate any such quarantine whenever, in their judgment the necessity for it no longer exists.

2. Whenever any animal bites, scratches, or otherwise breaks the skin of any person, the County Health Director shall investigate the incident and order the animal impounded or otherwise kept up for observation until it can be conclusively determined that the animal is not infected with rabies; and to take all other reasonable and necessary action to protect human life and safety from rabies infection.

3. The provisions of this order shall be enforced, and any person violating it shall be punished, in accordance with chapter 322 of the Revised Statutes of Missouri.

SO ORDERED, This 15 day of July 1996.

Finnis A. Keys
Finnis A. Keys
Presiding Commissioner

Wade Meadows
Wade Meadows
Western District Commissioner

E. F. Gann
E. F. Gann
Eastern District Commissioner

Bill No. 2004-16

Ordinance No. 04-15

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF HOLLISTER, MISSOURI TO EXECUTE AN AGREEMENT WITH TANEY COUNTY TO ENABLE THE CITY TO UTILIZE THE RESOURCES AND THE TRAINED STAFF OF THE COUNTY ANIMAL SHELTER.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HOLLISTER, MISSOURI AS FOLLOWS:

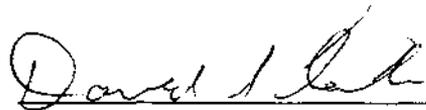
Section 1: The Mayor of the City of Hollister, Missouri is hereby authorized on behalf of the City to execute an agreement between the City of Hollister and Taney County.

Section 2: Said agreement to enable the City to utilize the resources and the trained staff of the County for temporary shelter of any indigent animals and the humane euthanasia of unadoptable animals is incorporated herein and made a part hereof by reference the same as if fully set out herein.

Section 3: This ordinance shall take effect and be in full force and effect from and after its passage and adoption by the Board of Aldermen and its signature by the Mayor of the City of Hollister, Missouri.

Section 4: All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed.

READ THIS FIRST AND SECOND TIME AND PASSED AND APPROVED BY THE BOARD OF ALDERMEN OF THE CITY OF HOLLISTER, MISSOURI THIS 04 DAY OF MARCH, 2004.



David G. Tate, Mayor

ATTEST:



Sheryl Beard, City Clerk

AGREEMENT

THIS AGREEMENT, made and entered into by and between the City of Hollister, a political subdivision under the laws of the State of Missouri ("The City") and the County of Taney, a political subdivision under the laws of the State of Missouri ("The County");

WITNESSETH:

WHEREAS, The City and the County enter into this Agreement to enable the City to utilize the resources and the trained staff of the County for temporary shelter of any indigent animals and the humane euthanasia of unadoptable animals as required by the Animal Welfare Act of 1994.

WHEREAS, The City will have from time to time stray or homeless animals in its jurisdiction; and

WHEREAS, The County operates an animal shelter for the purpose of providing care of lost, stray, unwanted, vicious, sick and injured animals; and

WHEREAS, The County has trained, certified staff to administer a shelter and contracts for the humane euthanasia for sick, injured or otherwise unadoptable animals; and

WHEREAS, The County desires to provide this service to the City; and

WHEREAS, The City and the County desire to set forth their respective duties and responsibilities in the funding and execution of this service; and

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereto agree as follows:

The City has lawful power and authority to enter into this Agreement and to carry out its obligations hereunder.

The County has lawful power and authority to enter into this Agreement and to carry out its obligations hereunder.

As consideration for the County accepting animals from the City, the City shall pay to the County a fee of Twenty-five Dollars (\$25.00), for a minimum holding period of seven (7) days, toward the boarding of each animal and a fee of Thirty Dollars (\$30.00) for the humane euthanasia for sick, injured or otherwise unadoptable animals. Upon acceptance of this fee, (billed monthly) the County agrees to accept the animals delivered by the City, to its current facility, located at 255 Critter Trail, Hollister, MO 65672 and to attempt to locate the rightful owner, and if no owner is found to place the animal for adoption or to provide the animal a humane euthanasia.

The City further agrees to pay any reasonable veterinarian's treatment costs required to stabilize the life of the animal if injured and prevent suffering of the animal.

The County agrees that in the event any animal is claimed or adopted the Twenty-five Dollar (\$25.00) fee associated with the care and boarding of that animal will be paid by the party taking custody of the animal.

Neither the City nor the County shall assign or delegate any interest in this Agreement and shall not transfer any interest in the Agreement, whether by assignment or notation, without the prior written consent of the other party to this Agreement.

All notices or other communications required or desired to be given hereunder shall be in writing and shall be deemed duly given when mailed by first class, registered or certified mail, postage prepaid, addresses as follows:

- (a) To Hollister:
City of Hollister
P.O. Box 638
Hollister, MO 65673

- (b) To Tancy County:
Tancy County Commission
P.O. Box 1086
Forsyth, MO 65653

All notices given by first class, certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed. A duplicate copy of each notice or other communication given hereunder by any part hereto shall also be given to the other party. The City and the County may from time to time designate, by notice given hereunder to the other party, another address to which subsequent notices or other communications shall be sent.

No recourse shall be had upon any representation, obligation, covenant, or agreement in this Agreement contained against any past, present or future officer, member, employee, director or agent of the City or the County, ors respectively, of any successor public entity thereto, under any rule of law or equity, statute or constitution or by the enforcement of any assessment or penalty or otherwise, and all such liability of any such officers, members, employees, directors or agents as such is hereby expressly waived and released as a condition of and consideration for the execution of this Agreement.

This Agreement may be amended or supplemented from time to time by the mutual agreement of the authorized City Representative and the Authorized County Representative, subject to the terms of authority granted to them.

(End of Agreement, The following space was intentionally left blank)

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers or officials.

CITY OF HOLLISTER

By: David G. Tate
DAVID G. TATE
MAYOR

[SEAL]

ATTEST:

Sheryl Brashear
SHERYL BRASHEAR
CITY CLERK

TANEY COUNTY

By: Chuck Parnell
Name:
Title:

[SEAL]

ATTEST:

Donna Neeley
DONNA NEELEY,
TANEY COUNTY CLERK

CERTIFICATION OF BUDGET OFFICER PER SECTION 50.660 RSMo

The undersigned, as Budget Officer and Accounting Officer for the County of Taney, Missouri certifies that there is a balance otherwise unencumbered in the county treasury to the credit of the appropriation to which the financial obligation imposed upon the county by this contract is to be charged, and there is a cash balance otherwise unencumbered in the county treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred by this agreement for the current and for several future years, and a sales tax has been authorized by the voters of Taney County, Missouri for road and bridge purposes, and based upon annual revenues from this tax it is anticipated that a sufficient unencumbered amount is also available in the future from this sales tax to meet the obligation incurred by this agreement.

By: Rick Findley
RICK FINDLEY
TANEY COUNTY AUDITOR

APPROVED AS TO FORM:

Robert R. Paulson II
ROBERT R. PAULSON II,
TANEY COUNTY COUNSELOR

AN ORDINANCE APPROVING AN ANIMAL IMPOUNDMENT SERVICES AGREEMENT BETWEEN TANEY COUNTY, AND THE VILLAGE OF TABLE ROCK, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF TRUSTEES TO ENTER INTO THE AGREEMENT.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF TABLE ROCK, AS FOLLOWS:

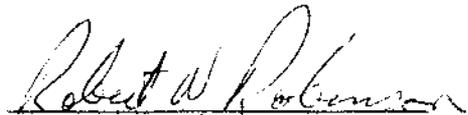
Section 1: The Board of Trustees hereby authorizes the Chairman of the Board of Trustees to execute an Animal Impoundment Services Agreement with the Taney County Commission in substantially the form attached as Exhibit "A".

Section 2: The Board of Trustees hereby authorizes the Village to terminate any previous contracts and agreements, written or oral, for animal impoundment services entered into with the Taney County Health Department as operators of the Taney County Animal Control Facility.

Section 3: This ordinance shall be in full force and effect upon and after its passage and approval.

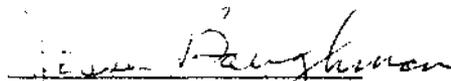
Read, this first time on this 13th day of March, 2001.

Read, this second time, passed and truly agreed to by the Board of Trustees of the Village of table Rock, Missouri, this 13th day of March, 2001.



Robert W. Robinson, Chairman
Board of Trustees
Table Rock, Missouri

ATTEST:


Jesse Baughman, Clerk

APPROVED AS TO FORM;


Larry G. Lona
Village Attorney

BILL NO. 2008-64

ORDINANCE NO. 2008-64

AN ORDINANCE APPROVING AN ANIMAL IMPOUNDMENT SERVICES AGREEMENT BETWEEN TANEY COUNTY, AND THE VILLAGE OF BULL CREEK, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF DIRECTORS TO ENTER INTO THE AGREEMENT.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE VILLAGE OF BULL CREEK, AS FOLLOWS:

Section 1: The Board of Directors hereby authorizes the Chairman of the Board to execute an Animal Impoundment Services Agreement with the Taney County Commission in substantially the form attached as Exhibit "A".

Section 2: The Board of Directors hereby authorizes the Village to terminate any previous contracts and agreements, written or oral, for animal impoundment services entered into with the with the Taney County Health Department as operators of the Taney County Animal Control Facility.

Section 3: This ordinance shall be in full force and effect upon and after its passage and approval.

Read, this first time on this 6 day of November, 2008

Read, this second time, passed and truly agreed to by the Board of Directors of the Village of Bull Creek, Missouri this 6 day of November, 2008.



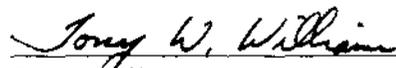
REVA ALDEN, CHAIRMAN OF THE BOARD OF DIRECTORS

ATTEST:

APPROVED AS TO FORM:



Village Clerk



Tony Williams, Village Attorney

BILL NO. 324

ORDINANCE NO. 324

AN ORDINANCE APPROVING AN ANIMAL IMPOUNDMENT SERVICES AGREEMENT BETWEEN TANEY COUNTY, AND THE CITY OF FORSYTH, AND AUTHORIZING THE MAYOR TO ENTER INTO THE AGREEMENT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE City OF FORSYTH, AS FOLLOWS:

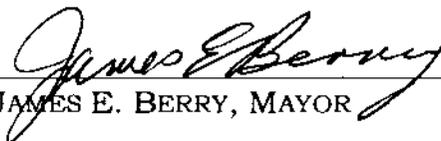
Section 1: The Board of Aldermen hereby authorizes the Mayor to execute an Animal Impoundment Services Agreement with the Taney County Commission in substantially the form attached as Exhibit "A".

Section 2: The Board of Aldermen hereby authorizes the City to terminate any previous contracts and agreements, written or oral, for animal impoundment services entered into with the with the Taney County Health Department as operators of the Taney County Animal Control Facility.

Section 3: This ordinance shall be in full force and effect upon and after its passage and approval.

Read, this first time on this 14 day of Nov, 2000.

Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Forsyth, Missouri this 14 day of Nov, 2000.



JAMES E. BERRY, MAYOR

ATTEST:



Ruth Whitley, City Clerk

BEFORE THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI

**ORDINANCE AUTHORIZING BALLOT OF SUBMISSION
REGARDING BUILDING CODES**

ORDINANCE NO. 06-0117-01

WHEREAS, several citizens have stated their belief that building codes would be beneficial to Taney County; and,

WHEREAS, Taney County is a county of the first classification that did not enact a building code prior to August 28, 2001, therefore requiring the voters of the unincorporated areas of the county to approve building codes prior to enactment by the Taney County Commission of any such building code; and,

WHEREAS, several citizens have requested the Taney County Commission submit the issue of building codes to the voters pursuant to Section 64.170.3 RSMo; and,

WHEREAS, there is a scheduled election on April 4, 2006;

NOW THEREFORE, BE IT ORDAINED AND ORDERED BY THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI, AS FOLLOWS:

NOTICE OF BUILDING CODE ELECTION

Notice is hereby given that at an election to be held in the unincorporated areas of Taney County, Missouri, on Tuesday, the 4th day of April, 2006, there will be submitted to the qualified electors of those unincorporated areas of the county pursuant to Section 64.170.3 and 64.170.4 RSMo, the following proposition:

PROPOSITION

Shall Taney County have authority to create, adopt and impose a county building code?

..... YES

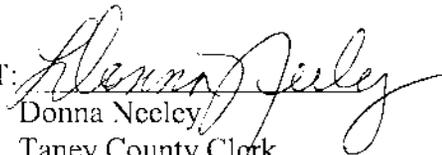
..... NO

This ordinance shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 17th day of January, 2006.



Chuck Pennel
Presiding Commissioner

ATTEST: 
Donna Neeley
Taney County Clerk

BEFORE THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI

**ORDINANCE AUTHORIZING CONDEMNATION OF PROPERTY
TO EXTEND RIGHT OF WAY OF BOY'S CAMP ROAD**

ORDINANCE NO. 06-0117-02

WHEREAS, Taney County, Missouri needs to make improvements to Boy's Camp Road; and

WHEREAS, Taney County, Missouri intends to widen and realign the ditch line of said road for safety purposes; and

WHEREAS, the location of said road makes it necessary that Taney County, Missouri obtain certain Right of Way, more particularly described in Exhibit "A" to this Ordinance; and

WHEREAS, the acquisition of said road is for a public use and purpose; and

WHEREAS, the Taney County Commission has negotiated with the owners of said road and a good faith offer has been made for the subject property described in Exhibit "A" that is needed to expand the Right of Way; and

WHEREAS, Section 49.300 RSMo, authorizes Taney County to institute proceedings in the Circuit Court of Taney County, Missouri for the purposes of condemning land or other property for public uses; and

WHEREAS, Taney County, Missouri and the owner of the property have been unable to agree on the proper compensation for the required property described in Exhibit "A"; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI, as follows:

The use of condemnation powers as granted to Taney County by the State of Missouri in Section 49.300 RSMo is hereby approved in order to obtain fee simple title to the property described in Exhibit "A" to this Ordinance so that said road may be used for the expansion and construction of new ditch lines and guardrails for the safety of the public.

This Ordinance shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 17th day of January, 2006.



Chuck Pennel,
Presiding Commissioner

ATTEST:


Donna Neeley,
Taney County Clerk

**AN ORDINANCE SUBMITTING A BALLOT QUESTION FOR THE
NOVEMBER 6, 2007 GENERAL MUNICIPAL ELECTION IN TANEY
COUNTY, MISSOURI**

WHEREAS, Taney County, Missouri is a non-charter county of the first classification, duly organized and existing under the laws of the State of Missouri, and

WHEREAS, Taney County is a fast growing area with considerable new residential and commercial growth; and

WHEREAS, residents living in the County need an effective and safe method of crossing Lake Taneycomo on their way to work on East Highway 76, and a convenient way of returning home after work; and

WHEREAS, a more effective road system over Lake Taneycomo and the development of other significant transportation projects, such as the east-west corridor road, will promote economic development in Taney County; and

WHEREAS, recreational facilities that attract visitors to Taney County constitute economic development and bring additional monies to the businesses of Taney County, and to Taney County Government; and

WHEREAS, quality of life in a community is a major factor in businesses relocating to an area, and a major contributor to quality of life for the citizens of Taney County would be the development of recreational facilities to be utilized not only for attracting tourists, but serving as a county-wide parks system enhancing quality of life in Taney County, Missouri; and

WHEREAS, a sales tax of one-half of one percent (1/2 of 1%) available pursuant to Section 67.1305 of the Revised Statutes of Missouri would serve to create and promote the above-stated economic purposes and needs of Taney County and its citizens;

NOW, THEREFORE, BE IT ORDERED, RESOLVED AND ORDAINED BY THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI, AS FOLLOWS:

Section 1. It is hereby ordered that a ballot question be submitted for placement on the ballot for the General Election to be held in Taney County, Missouri, on the 6th day of November, 2007, and the question to be submitted is the following question to impose a sales tax for economic development purposes pursuant to Section 67.1305 of the Revised Statutes of Missouri.

**SPECIAL ELECTION
SALES TAX PROPOSITION
TUESDAY, NOVEMBER 6, 2007 TANEY COUNTY, MO**

PROPOSITION A

Shall the county of Taney impose a countywide sales tax at the rate of one-half of one percent (1/2 of 1%) for a period of fifteen (15) years from the date on which such tax is first imposed for economic development purposes?

 Yes
 No

Instructions to Voters: 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".

Note: Commission priorities include, but are not limited to "Taneycomo Bridge and community recreation facilities." All expenditures under this tax are subject to the final approval of the Commission.

Section 2. The Presiding Commissioner is hereby authorized and directed to notify the County Clerk of Taney County, Missouri, of the adoption of this Ordinance no later than 2:00 p.m. on the 28th day of August, 2007, and to include in said notification all of the terms and provisions required by Chapter 115 of the Revised Statutes of Missouri, as amended.

Section 3. This order is hereby certified to the Clerk of the County Commission of Taney County, Missouri, as election authority for the County, and the Taney County Clerk is hereby requested to conduct the election by paper ballot.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the County Commission this 27 day of August, 2007.

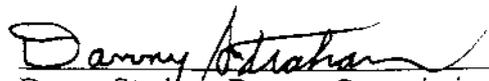
(SEAL)



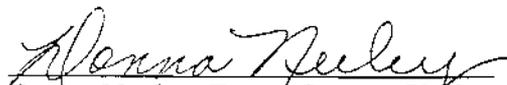
Chuck Pennel, Presiding Commissioner



Ron Herschend, Western Commissioner


Danny Strahan, Eastern Commissioner

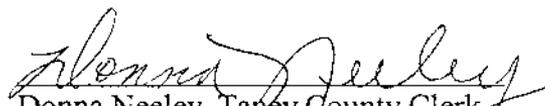
ATTEST:


Donna Neeley, Taney County Clerk

CERTIFICATE REGARDING NOTICE OF MEETING

I hereby certify that the attached notice of meeting of the County Commission of Taney County, Missouri, held on the 27th day of August, 2007, was posted at least 24 hours prior to the commencement of the meeting on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for posting notices at the County Courthouse, the principal office and meeting place of the County Commission, and was made available at least 24 hours prior to the commencement of said meeting to any representative of the news media who requested notice of the meeting.

DATED: August 27, 2007.


Donna Neeley, Taney County Clerk

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE SEWER SERVICES AND EXCLUSIVE TERRITORIAL AGREEMENT WITH THE TANEY COUNTY REGIONAL SEWER DISTRICT, THE TANEY COUNTY COMMISSION AND THE CITY OF BRANSON.

WHEREAS, in October of 2006, Sewer Services and Exclusive Territorial Agreement was completed with the Taney County Regional Sewer District, the Taney County Commission and the City of Branson; and

WHEREAS, the City of Branson committed to allow any structure in existence on October 3, 2006, that was shown to be served by the original Burns and McDonnell design, as amended by Archer and approved by the District and the Taney County Commission to be entitled to connect to the Bee Creek collection system and should not be subject to City capacity fees (connection fees) if said structure was connected to the Bee Creek Sewer collection system within (6 months) after the commencement of operation of that sewer collection line; and

WHEREAS, due to unforeseen circumstances with the weather conditions of early 2008 and for good and valuable consideration the parties agree to amend the period of time for connection without capacity fees (connection fee) from six (6) months to nine (9) months after the commencement of operation of that sewer collection line.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, AS FOLLOWS:

Section 1: The Mayor is authorized to execute an amendment to the Sewer Services and Exclusive Territorial Agreement with the Taney County Regional Sewer District, the Taney County Commission and the City of Branson in substantially the form attached as Exhibit "A".

Section 2: This ordinance shall be in full force and effect from and after its passage and approval.

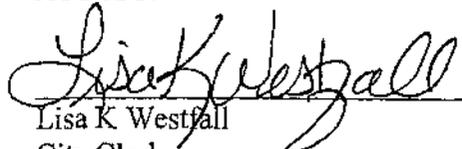
Read this first time on 12th day of May, 2008.

Read this second time, passed, and truly agreed to by the Board of Aldermen of the City of Branson, Missouri, on this 27th day of May, 2008.



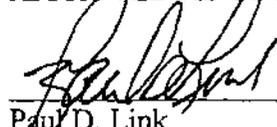
Raeanne Presley
Mayor

ATTEST:



Lisa K. Westfall
City Clerk

APPROVED AS TO FORM:



Paul D. Link
City Attorney

ADDENDUM TO THE AMENDED SEWER SERVICES AND
EXCLUSIVE TERRITORIAL AGREEMENT

Pursuant to Paragraph 15 of the Amended Sewer Services and Exclusive Territorial Agreement dated the 23rd day of October, 2006 by and between the Taney County Commission, the Taney County Regional Sewer District and the City of Branson, the parties to that agreement wish to enter into this addendum to that agreement.

Due to weather conditions during early 2008, the parties wish to amend by this addendum that portion of Paragraph eight (8) of the original Amended Agreement of October 23, 2006 that states as follows:

Any structure in existence on October 3, 2006 that was shown to be served by the original Burns and McDonnell design, as amended by Archer and approved by the District, shall be entitled to connect to the Bee Creek collection system and shall not be subject to City capacity fees (connection fee) if said structure is connected to the Bee Creek sewer collection system no later than six (6) months after the commencement of operation of that sewer collection line. Property owners of existing structures that were to be served by the aforementioned design who fail to connect their structure to the system within the allotted six (6) months shall be responsible to pay the capacity (connection) fee provided for in the City of Branson Municipal Code, as amended from time to time.

Due to the weather conditions of early 2008 and for good and valuable consideration the parties agree to amend the period of time for connection without capacity fee (connection fee) from six (6) months to an extended nine (9) months and it is agreed that the relevant portion of Paragraph eight (8) shall now read as follows:

*Any structure in existence on October 3, 2006 that was shown to be served by the original Burns and McDonnell design, as amended by Archer and approved by the District, shall be entitled to connect to the Bee Creek collection system and shall not be subject to City capacity fees (connection fee) if said structure is connected to the Bee Creek sewer collection system no later than **nine (9) months** after the commencement of operation of that sewer collection line. Property owners of existing structures that were to be served by the aforementioned design who fail to connect their structure to the system within the allotted **nine (9) months** shall be responsible to pay the capacity (connection) fee provided for in the City of Branson Municipal Code, as amended from time to time.*

IN WITNESS WHEREOF, the parties have caused this Addendum to the Amended Sewer Services And Exclusive Territorial Agreement to be signed by their duly authorized representatives, the day and year set forth below.

TANEY COUNTY COMMISSION

BY: Chuck Pennel
Chuck Pennel
Presiding Commissioner

Attest: Donna Neeley
Donna Neeley
Taney County Clerk

CERTIFICATION OF TANEY COUNTY ACCOUNTING OFFICER

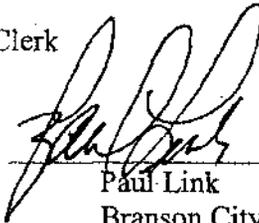
The undersigned, as Budget Officer and Accounting Officer for the County of Taney, State of Missouri, hereby certifies, pursuant to Section 50.660 RSMo, that there is a balance otherwise unencumbered in the county treasury to the credit of the appropriation to which the financial obligation imposed upon the county by this Agreement is to be charged, and there is a cash balance otherwise unencumbered in the county treasury to the credit of the fund from which payment is to be made, when taken together with expected revenues from the sewer sales tax, each sufficient to meet the obligation, if any, incurred by this Addendum to the Amended Sewer Services and Exclusive Territorial Agreement with the City of Branson, Missouri and the Taney County Regional Sewer District.

BY: Rick Findley
Rick Findley
Taney County Auditor

CITY OF BRANSON, MISSOURI

By: _____
Rae Anne Presley
Mayor, City of Branson, Missouri

Attest: _____
Lisa Westfall
Branson City Clerk

Approved as to form:  _____
Paul Link
Branson City Attorney

TANEY COUNTY REGIONAL SEWER DISTRICT

By: _____
William Cummings
Chairman, Board of Trustees

Attest: _____
Susie Braden
Secretary, Board of Trustees

STATE OF MISSOURI)
) ss.
COUNTY OF TANEY)

On this ____ day of April, in the year 2008, before me
_____, a Notary Public in and for said state, personally
appeared, _____, Chairman of the Board of the Taney
County Regional Sewer District, known to me to be the person who executed the within
Addendum to the Amended Sewer Services and Exclusive Territorial Agreement and
acknowledged to me that he executed the same by the authority of the said Board for the
purposes therein stated.

Notary Public

My Commission Expires:

IN THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI

ORDINANCE NO. 09-0602

**AN ORDINANCE AUTHORIZING TWO DOLLAR SURCHARGE
FOR FUNDING DEVELOPMENT OF BIOMETRIC VERIFICATION
SYSTEMS**

WHEREAS, Taney County wishes to develop a biometric verification system to ensure that inmates can be properly identified and tracked within the local jail system; and,

WHEREAS, Section 488.5026 of the Revised Statutes of Missouri authorizes an assessment of an additional two dollars as costs in any court within Taney County in the types of cases specified in said section, including violations of county ordinances, and any violation of the criminal or traffic laws of the State of Missouri; and,

WHEREAS, it is the intent of the Taney County Commission to authorize and receive funding under Section 488.5026 RSMo, for the development of biometric verification systems in Taney County, Missouri, and to pay any expenses related to custody and housing and other expenses for prisoners,

**NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF
THE COUNTY OF TANEY, MISSOURI, AS FOLLOWS:**

1. The Taney County Commission approves, adopts and authorizes a surcharge of two dollars that shall be assessed as court costs for the development of biometric verification systems, and to pay any expenses related to custody and housing and other expenses for prisoners as authorized by Section 488.5026 RSMo; and,
2. The two dollar surcharge shall be assessed in all cases in any applicable court in Taney County, Missouri in every case where a county ordinance was violated, where the criminal and traffic laws of the State of Missouri were violated and in every other case where such surcharge is permitted under Section 488.5026 RSMo; and
3. The moneys collected by the clerks of the applicable courts shall be collected and disbursed pursuant to the provisions of subsection 1 of Section 488.020, and pursuant to Sections 488.010 to 488.020 RSMo, and said moneys shall be payable to the Taney County Treasurer,

4. This Ordinance takes effect immediately and shall be in full force and effect from and after its passage.

PASSED AND ORDAINED AT THE COURTHOUSE IN FORSYTH, MISSOURI ON THIS _____ DAY OF JUNE, 2009.

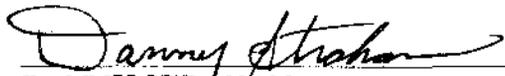
VOTE: AYE 3 NAY 0



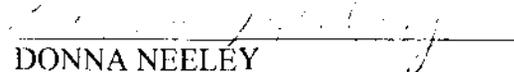
CHUCK PENNEL
PRESIDING COMMISSIONER



JIM STRAFUSS
WESTERN COMMISSIONER



DANNY STRAHAN
EASTERN COMMISSIONER

ATTEST: 

DONNA NEELEY
TANEY COUNTY CLERK

IN THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI

**AN ORDINANCE TO PROHIBIT CARRYING OF
CONCEALED FIREARMS IN COUNTY BUILDINGS, AND
FIXING THE TIME WHEN EFFECTIVE**

WHEREAS, the recently passed House Bill 349 was enacted as Section 571.094 of the Revised Statutes of Missouri, after an override of the Governor of Missouri's veto; and,

WHEREAS, Section 571.094(20)(4) does not clearly prohibit the carrying of concealed firearms in parts of the courthouse not solely occupied by the courts; and,

WHEREAS, it is in the best interest of the safety and well-being of the employees of the court system, the Sheriff's Department, the Prosecutor's Office, and of all county employees working in and around the courthouse, as well as the safety and well-being of visitors to the courthouse and other county buildings, that carrying of concealed firearms be prohibited inside the Taney County Courthouse and in other county buildings; and,

WHEREAS, Section 571.094(6) empowers the Taney County Commission to enact an ordinance prohibiting the carrying of concealed firearms in that portion of a building owned or controlled by the Taney County Commission; and,

WHEREAS, the Taney County Commission has authority over all buildings owned and/or operated by Taney County, Missouri; and,

WHEREAS, the Taney County Commission desires to prohibit the carrying of concealed firearms in all county buildings pursuant to the authorization provided by state law:

**NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF
THE COUNTY OF TANEY, MISSOURI, AS FOLLOWS:**

SECTION 1. County Ordinances are hereby added to by the adoption of this ordinance prohibiting concealed firearms in county buildings as follows:

(a) No person who has been issued a concealed carry endorsement by the Missouri director of revenue under Section 571.094 RSMo or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the county.

(b) Signs shall be posted at each entrance of a building entirely owned, leased or controlled by the county stating that carrying of firearms is prohibited.

Where the county owns, leases or controls only a portion of a building, signs shall be posted at each entrance to that portion of the building stating that carrying of firearms is prohibited.

(c) This section shall not apply to buildings used for public housing by private persons; highways or rest areas; firing ranges; or private dwellings owned, leased or controlled by the county, unless used for law enforcement or correctional purposes.

(d) Any person violating this section may be denied entrance to the building or ordered to leave the building. Any county employee violating this section may be disciplined. No other penalty shall be imposed for a violation of this section.

(e) No person who has been issued a certificate of qualification which allows the person to carry a concealed firearm before the director of revenue begins issuing concealed carry endorsements in July, 2004, shall, by authority of that certificate, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled in whole or part by the county.

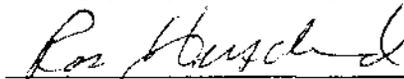
SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED AND SO ORDAINED AT THE COURTHOUSE IN FORSYTH, MISSOURI ON THIS 22 DAY OF MARCH, 2004.

VOTE: AYE 3 NAY 0



CHUCK PENNEL
PRESIDING COMMISSIONER



RON HERSCHEND
WESTERN COMMISSIONER



DON SWAN
EASTERN COMMISSIONER

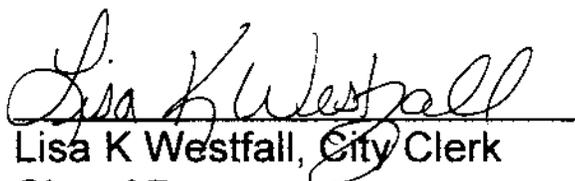
ATTEST:


DONNA NEELEY
TANEY COUNTY CLERK

CERTIFICATION

I the undersigned City Clerk of the City of Branson, Missouri, do hereby certify that the within instrument of writing is the true and correct copy of ordinance number 2006-108 approved by the Board of Alderman of the City of Branson, Missouri.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Branson, Missouri, this 16th day of August, 2006.


Lisa K Westfall, City Clerk
City of Branson

AN ORDINANCE OF THE BOARD OF ALDERMEN OF BRANSON, MISSOURI, APPROVING THE PETITION FOR AND ESTABLISHING THE BRANSON HILLS INFRASTRUCTURE AND RECREATIONAL FACILITY COMMUNITY IMPROVEMENT DISTRICT AND CONTAINING A SEVERABILITY CLAUSE.

WHEREAS, Sections 67.1401 to 67.1571 RSMo, 2000, as amended (the "CID Act"), authorize the governing body of any city, upon presentation of a proper petition requesting the formation and after a public hearing, to adopt an ordinance establishing a community improvement district; and

WHEREAS, the City of Branson, Missouri (the "City") is a city of the fourth class and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and

WHEREAS, on July 7, 2006, the property owners within a proposed community improvement district filed with the Branson City Clerk (the "City Clerk") a petition for the establishment of a community improvement district pursuant to the CID Act (the "Petition"), entitled The Branson Hills Infrastructure and Recreational Facility Community Improvement District (the "District"); and

WHEREAS, the City Clerk verified that the Petition substantially complies with the CID Act, submitted the verified Petition to the Board of Aldermen and set a public hearing with all proper notice being given in accordance with the CID Act or other applicable law; and

WHEREAS, none of the signatures of the signers of the Petition were withdrawn within seven days after the Petition was filed with the City Clerk; and

WHEREAS, all the real property included in the District is entirely located within the City of Branson; and

WHEREAS, on July 24, 2006, the Board of Aldermen held a public hearing at which all persons interested in the formation of the District were allowed an opportunity to speak and at which time the Board of Aldermen heard all protests and received all endorsements; and

WHEREAS, Petition to establish the District being fully heard before the Board of Aldermen, the City now desires to establish the District and make such other findings as necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI AS FOLLOWS:

Section 1: All terms used in this Ordinance shall be construed as defined in the CID Act, and the Petition.

Section 2: The City Clerk has verified that the Petition for the Establishment of The Branson Hills Infrastructure and Recreational Facility Community Improvement District substantially complies with all submission requirements of the CID Act.

Section 3: The District is hereby approved and shall be established within the City as a political subdivision of the State of Missouri, as provided in the Petition filed with the City Clerk on July 7, 2006, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference. The District includes the contiguous tracts of real estate as described in Exhibit B, and shown on a map as depicted in Exhibit C, both of which are incorporated herein by reference.

Section 4: The District shall be governed by a board of directors consisting of five (5) members. The names and terms of office of the initial Board of Directors were stated in the Petition and the following individuals shall serve as the Board of Directors for the District for the initial terms set forth below:

Richard Huffman – Director, 4 years

Marc Williams – Director, 4 years

Barry Schwartz – Director, 2 years

Gary Fultz – Director, 2 years

Mark Elgin – Director, 2 years

Section 5: The District’s Board of Directors shall have authority to establish a sales tax in an amount not to exceed one percent (1%), as set forth in the Petition and in conformance with the CID Act.

Section 6: The District shall have and possess without limitation, such powers authorized under the CID Act and as set forth or otherwise limited in the Petition.

Section 7: Unless otherwise extended by action of the Board of Aldermen, the existence of the District shall automatically terminate if the District and the appropriate entity created by the developer of the area directly related to the District have not, within six months after the effective date of this ordinance, duly approved and executed a binding cooperative agreement with the City in substance and form acceptable to the City.

Section 8: Subject to Section 6, the term of the existence of the District shall be sixty-five (65) years. The petition process must be repeated for the District to continue beyond sixty-five (65) years.

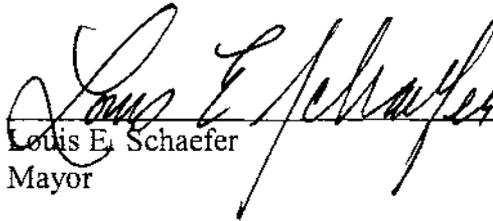
Section 9: The City Clerk is hereby directed to prepare and file with the Missouri Department of Economic Development (the “Department”) the report specified in subsection 6 of Section 67.1421 of the CID Act, substantially in the form provided by the Department.

Section 10: It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

Section 11: This Ordinance shall be in full force and effect from and after its passage and approval.

Read this first time on this 24th day of July, 2006.

Read this second time, passed, and truly agreed to by the Board of Aldermen of the City of Branson, Missouri on this 24th day of July, 2006.

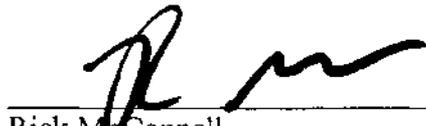


Louis E. Schaefer
Mayor

ATTEST:



Lisa K. Westfall
City Clerk



Rick M. Connell
Gilmore & Bell, P.C.
Special CID Counsel to the City of Branson

EXHIBIT A

**PETITION TO ESTABLISH THE
BRANSON HILLS INFRASTRUCTURE AND RECREATIONAL FACILITY COMMUNITY
IMPROVEMENT DISTRICT**

SEE ATTACHED

**PETITION FOR THE CREATION OF
BRANSON HILLS INFRASTRUCTURE AND RECREATIONAL FACILITY
COMMUNITY IMPROVEMENT DISTRICT**

To the Board of Aldermen of the City of Branson, Taney County, Missouri (the "City"):

The undersigned, collectively representing:

(1) the owners collectively owning more than fifty percent by assessed value of the real property within the boundaries of the hereinafter described community improvement district and

(2) more than fifty percent per capita of all owners of real property within the boundaries of the hereinafter described community improvement district,

do hereby petition and request that the Board of Aldermen of The City of Branson (the "City") create a community improvement district as described herein under the authority of Sections 67.1401 to 67.1571, inclusive, RSMo (the "Community Improvement District Act").

A. Proposed District Name. The name for the proposed community improvement district (the "District") is:

**Branson Hills Infrastructure and Recreational Facility
Community Improvement District**

B. Legal Description and Map. A legal description and map of the District are attached hereto as Exhibit A. The proposed district is located entirely within corporate boundaries of the City.

C. Five Year Plan. A five-year plan stating a description of the purposes of the District, the services it will provide, the improvements it will make and an estimate of costs of these services and improvements to be incurred is attached hereto as Exhibit D.

D. Establishment as Political Subdivision. The District will be established as a political subdivision under the Community Improvement District Act.

E. Appointment of Directors; Terms of Office. The proposed district will be governed by a Board of Directors which will consist of 5 members. The names of the initial directors and their terms are as follows:

<u>Name</u>	<u>Initial Term</u>
Richard Huffman	Four Years
Marc Williams	Four Years
Barry Schwartz	Two Years
Gary Fultz	Two Years
Mark Elgin	Two Years

Each successor director shall serve for a term of four years. Successor directors shall be appointed by the Mayor with the consent of the Board of Aldermen of the City.

- F. Total Assessed Value. The total assessed value of all real property in the proposed district is \$204,220.00. Parcel ownership and assessed value information is set forth in Exhibit C.
- G. No Blighted Area Determination. The undersigned are not currently seeking a determination that any portion of the District is blighted under the Community Improvement District Act.
- H. Term of Existence. The proposed maximum length of time for the existence of the district is 65 years from the date of the ordinance approving the petition.
- I. Sales Tax. Qualified voters of the CID may be asked to approve a sales tax of up to one percent (1%) ("**District Sales Tax**"), in accordance with the CID Act, to assist in the funding of certain public improvements that serve the property within the District. Additional details about the District Sales Tax are set forth in the Five Year Plan attached as Exhibit D.
- J. Real Estate Tax and Business License Tax. Petitioners will not seek to submit to qualified voters any proposition for approval of a real property tax levy or business license taxes.
- K. Maximum Special Assessment. The property owners will submit one or more petitions for special assessments. Residential and commercial properties will be assessed at the maximum rates and on the basis of the classifications of property and units of measure as set forth in Exhibit B. The rates for special assessment in Exhibit B is a maximum only, and it is fully anticipated that the special assessments actually imposed will be less than the listed maximum special assessment.
- L. No Borrowing Capacity Limitation. Petitioners do not seek limitations on the borrowing capacity of the District.
- M. No Revenue Limitations. Petitioners do not seek limitations on the revenue generation of the District.
- N. No Power Limitation. Petitioners do not seek limitations on the powers of the District.
- O. Petitioner Withdrawal Right Notice. **THE SIGNATURES OF THE SIGNERS OF THIS PETITION MAY NOT BE WITHDRAWN FROM THIS PETITION LATER THAN SEVEN (7) DAYS AFTER THE FILING HEREOF WITH THE CITY CLERK.**

**EXECUTION PAGE FOR PETITION FOR THE CREATION OF
BRANSON HILLS INFRASTRUCTURE AND RECREATIONAL FACILITY COMMUNITY
IMPROVEMENT DISTRICT**

Name of owner: Branson Hills Development Company, LLC
Owner's telephone number: 417-332-3443
Owner's mailing address: 3027 W. Highway 76, Suite B, Branson, Mo. 65616

IF SIGNER IS DIFFERENT FROM OWNER:

Name of signer: Richard E. Huffman
State basis of legal authority to sign: Signer is the Manager of the owner and has been generally authorized under the owner's bylaws to sign on its behalf.
Signer's telephone number: 417-332-3443
Signer's mailing address: 3027 W. Highway 76, Suite B, Branson, Mo. 65616

If owner is an individual: Single Married
If owner is not an individual, state what type of entity: Corporation General Partnership
 Limited Partnership Limited Liability Company
 Partnership Urban Redevelopment Corporation
 Not-for-profit Corporation Other _____

Map and parcel numbers:

08-4.0-18-000-000-012.000
08-4.0-18-000-000-010.000
08-4.0-18-000-000-005.005
08-4.0-18-000-000-005.003
08-4.0-18-000-000-011.000
08-4.0-20-000-000-069.000
08-4.0-19-000-000-001.000
08-4.0-17-000-000-004.000
08-4.0-17-000-000-007.000
08-4.0-20-000-000-063.000
08-4.0-19-000-000-001.007
08-4.0-19-000-000-001.004
08-4.0-19-000-000-001.001
08-4.0-19-000-000-001.006
08-4.0-17-000-000-024.000

(Special Note: All tract numbers listed above represent those parcel taxation identification numbers assigned to those tracts by Taney County, Missouri and represent those legal descriptions referenced therein, which are incorporated herein by this reference.)

Assessed value: \$194,080.00.

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above.

Date: 7/7/06

Signature: [Handwritten Signature]

STATE OF MISSOURI)
COUNTY OF TANEY)

Before me personally appeared Richard E Huffman, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this 7 day of July, 2006.

JL Ryle
Notary Public

My Commission Expires:
8/12/07

J. L. ENGLE
Notary Public - Notary Seal
STATE OF MISSOURI
Taney County
My Commission Expires Aug. 12, 2007

**EXECUTION PAGE FOR PETITION FOR THE CREATION OF
BRANSON HILLS INFRASTRUCTURE AND RECREATIONAL FACILITY COMMUNITY
IMPROVEMENT DISTRICT**

Name of owner: Cedar Greens, LLC
Owner's telephone number: (417) 334-2294
Owner's mailing address: P.O. Box 2250, Branson, MO, 65615

IF SIGNER IS DIFFERENT FROM OWNER:

Name of signer: Ralph Z. Miller Jr
State basis of legal authority to sign: Signer is the Managing Member of the owner and has been generally authorized under the owner's operating agreement to sign on its behalf.
Signer's telephone number: (417) 334-2294
Signer's mailing address: P.O. Box 2250, Branson, MO, 65615

If owner is an individual: Single Married
If owner is not an individual, state what type of entity: Corporation General Partnership
 Limited Partnership Limited Liability Company
 Partnership Urban Redevelopment Corporation
 Not-for-profit Corporation Other _____

Map and parcel number: **Parcel:** 08-4.0-18-000-000-001.000

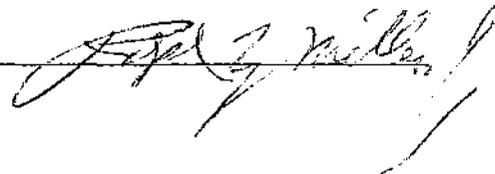
(Special Note: The tract number above represents the parcel taxation identification number assigned to that tract by Taney County, Missouri and represent the legal description referenced therein, which is incorporated herein by this reference.)

Assessed value: \$2,350.00

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above.

Date: _____

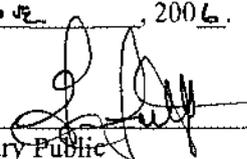
Signature: _____



STATE OF MISSOURI)
COUNTY OF TANEY)

Before me personally appeared RALPH W. MILLER JR., to me personally known to be the individual described in and who executed the foregoing instrument.

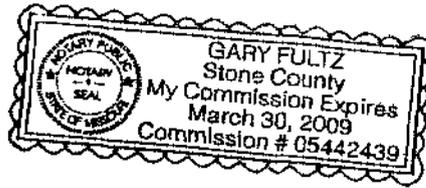
WITNESS my hand and official seal this 14TH day of June, 2006.



Notary Public

My Commission Expires:

3/30/09



**EXECUTION PAGE FOR PETITION FOR THE CREATION OF
BRANSON HILLS INFRASTRUCTURE AND RECREATIONAL FACILITY COMMUNITY
IMPROVEMENT DISTRICT**

Name of owner: Marc Williams
Owner's telephone number: (417) 332-3443
Owner's mailing address: 3027 W. Hwy. 76, Branson, MO, 65616

IF SIGNER IS DIFFERENT FROM OWNER:

Name of signer: Marc Williams
State basis of legal authority to sign: Signer is an individual with sole authority to sign on his behalf.
Signer's telephone number: (417) 332-3443
Signer's mailing address: 3027 W. Hwy. 76, Branson, MO, 65616

If owner is an individual: Single Married
If owner is not an individual, state what type of entity: Corporation General Partnership
 Limited Partnership Limited Liability Company
 Partnership Urban Redevelopment Corporation
 Not-for-profit Corporation Other _____

Map and parcel number: **Parcel:** 08-4.0-18-000-000-005.001*
Assessed value: \$1,510.00*

(Special Note: The tract number listed above represents the parcel taxation identification number assigned to the tract by Taney County, Missouri and represents the legal description referenced therein, which is incorporated herein by this reference. The parcel identification number and assessed value amount are accurate as reflected on the tax records of the County Clerk of Taney County as of the last completed assessment as required by the CID Act. The property referenced by this parcel taxation identification number has been divided and transferred to five different grantees, including the Owner. Each of the five grantees has signed this petition. A revised parcel taxation identification number and assessed value is not yet available from the Taney County Assessor).

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above.

Date: 06/15/06 Signature: Marc Williams

STATE OF MISSOURI)
COUNTY OF TANEY)

Before me personally appeared Marcia L. Williams, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this 15th day of June, 2006.



Notary Public

My Commission Expires:

3/30/09

**EXECUTION PAGE FOR PETITION FOR THE CREATION OF
BRANSON HILLS INFRASTRUCTURE AND RECREATIONAL FACILITY COMMUNITY
IMPROVEMENT DISTRICT**

Name of owner: Mark Elgin
Owner's telephone number: (417) 332-3443
Owner's mailing address: 3027 W. Hwy. 76, Branson, MO, 65616

IF SIGNER IS DIFFERENT FROM OWNER:

Name of signer: Mark Elgin
State basis of legal authority to sign: Signer is an individual with sole authority to sign on his behalf.
Signer's telephone number: (417) 332-3443
Signer's mailing address: 3027 W. Hwy. 76, Branson, MO, 65616

If owner is an individual: Single Married
If owner is not an individual, state what type of entity: Corporation General Partnership
 Limited Partnership Limited Liability Company
 Partnership Urban Redevelopment Corporation
 Not-for-profit Corporation Other _____

Map and parcel number: Parcel: 08-4.0-18-000-000-005.001*
Assessed value: \$1,510.00*

(Special Note: The tract number listed above represents the parcel taxation identification number assigned to the tract by Taney County, Missouri and represents the legal description referenced therein, which is incorporated herein by this reference. The parcel identification number and assessed value amount are accurate as reflected on the tax records of the County Clerk of Taney County as of the last completed assessment as required by the CID Act. The property referenced by this parcel taxation identification number has been divided and transferred to five different grantees, including the Owner. Each of the five grantees has signed this petition. A revised parcel taxation identification number and assessed value is not yet available from the Taney County Assessor).

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above.

Date: 5/25/06

Signature: Mark D. Elgin

STATE OF MISSOURI)
COUNTY OF TANEY)

Before me personally appeared Mark D. Elgin, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this 25th day of May, 2006.

Orlyla A Chapman
Notary Public

My Commission Expires:

NOTARY PUBLIC, ALABAMA STATE AT LARGE
MY COMMISSION EXPIRES 3 / 8 / 08

**EXECUTION PAGE FOR PETITION FOR THE CREATION OF
BRANSON HILLS INFRASTRUCTURE AND RECREATIONAL FACILITY COMMUNITY
IMPROVEMENT DISTRICT**

Name of owner: Gary L. Fultz
Owner's telephone number: (417) 332-3443
Owner's mailing address: 3027 W. Hwy. 76, Branson, MO, 65616

IF SIGNER IS DIFFERENT FROM OWNER:

Name of signer: Gary L. Fultz
State basis of legal authority to sign: Signer is an individual with sole authority to sign on his behalf.
Signer's telephone number: (417) 332-3443
Signer's mailing address: 3027 W. Hwy. 76, Branson, MO, 65616

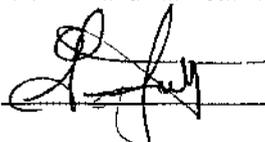
If owner is an individual: Single Married
If owner is not an individual, state what type of entity: Corporation General Partnership
 Limited Partnership Limited Liability Company
 Partnership Urban Redevelopment Corporation
 Not-for-profit Corporation Other _____

Map and parcel number: **Parcel:** 08-4.0-18-000-000-005.001*
Assessed value: \$1,510.00*

(Special Note: The tract number listed above represents the parcel taxation identification number assigned to the tract by Taney County, Missouri and represents the legal description referenced therein, which is incorporated herein by this reference. The parcel identification number and assessed value amount are accurate as reflected on the tax records of the County Clerk of Taney County as of the last completed assessment as required by the CID Act. The property referenced by this parcel taxation identification number has been divided and transferred to five different grantees, including the Owner. Each of the five grantees has signed this petition. A revised parcel taxation identification number and assessed value is not yet available from the Taney County Assessor).

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above.

Date: 6/14/06

Signature:  _____

STATE OF MISSOURI)
COUNTY OF TANEY)

Before me personally appeared Gary Fultz, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this 14 day of June, 2006.

JL Engle
Notary Public

My Commission Expires:

8/12/07

J. L. ENGLE
Notary Public - Notary Seal
STATE OF MISSOURI
Taney County
My Commission Expires Aug. 12, 2007

**EXECUTION PAGE FOR PETITION FOR THE CREATION OF
BRANSON HILLS INFRASTRUCTURE AND RECREATIONAL FACILITY COMMUNITY
IMPROVEMENT DISTRICT**

Name of owner: Richard E. Huffman
Owner's telephone number: (417) 332-3443
Owner's mailing address: 3027 W. Hwy. 76, Branson, MO, 65616

IF SIGNER IS DIFFERENT FROM OWNER:

Name of signer: Richard E. Huffman
State basis of legal authority to sign: Signer is an individual with sole authority to sign on his behalf.
Signer's telephone number: (417) 332-3443
Signer's mailing address: 3027 W. Hwy. 76, Branson, MO, 65616

If owner is an individual: Single Married
If owner is not an individual, state what type of entity: Corporation General Partnership
 Limited Partnership Limited Liability Company
 Partnership Urban Redevelopment Corporation
 Not-for-profit Corporation Other _____

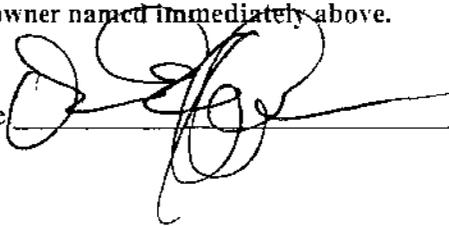
Map and parcel number: **Parcel:** 08-4.0-18-000-000-005.001*
Assessed value: \$1,510.00*

(Special Note: The tract number listed above represents the parcel taxation identification number assigned to the tract by Taney County, Missouri and represents the legal description referenced therein, which is incorporated herein by this reference. The parcel identification number and assessed value amount are accurate as reflected on the tax records of the County Clerk of Taney County as of the last completed assessment as required by the CID Act. The property referenced by this parcel taxation identification number has been divided and transferred to five different grantees, including the Owner. Each of the five grantees has signed this petition. A revised parcel taxation identification number and assessed value is not yet available from the Taney County Assessor).

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above.

Date: 6/14/06

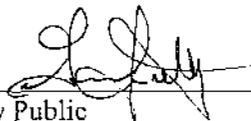
Signature



STATE OF MISSOURI)
COUNTY OF TANEY)

Before me personally appeared Richard E. Hoffman, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this 14TH day of June, 2006.



Notary Public

My Commission Expires:
3/30/09



STATE OF MISSOURI)
COUNTY OF TANEY)

Before me personally appeared BARRY SCHWARTZ, to me personally known to be the individual described in and who executed the foregoing instrument.

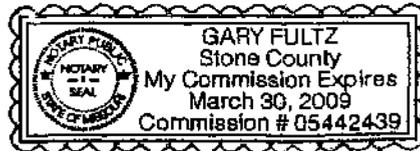
WITNESS my hand and official seal this 14TH day of JUNE, 2006.



Notary Public

My Commission Expires:

3/30/06



**EXECUTION PAGE FOR PETITION FOR THE CREATION OF
BRANSON HILLS INFRASTRUCTURE AND RECREATIONAL FACILITY COMMUNITY
IMPROVEMENT DISTRICT**

Name of owner: WC Eleven, LLC
Owner's telephone number: (417) 332-3443
Owner's mailing address: 3027 W. Hwy. 76, Branson, MO, 65616

IF SIGNER IS DIFFERENT FROM OWNER:

Name of signer: Gary L. Fultz
State basis of legal authority to sign: Signer is the organizer and registered agent of the LLC and is authorized to sign on the owner's behalf.
Signer's telephone number: (417) 332-3443
Signer's mailing address: 3027 W. Hwy. 76, Branson, MO, 65616

If owner is an individual: Single Married
If owner is not an individual, state what type of entity: Corporation General Partnership
 Limited Partnership Limited Liability Company
 Partnership Urban Redevelopment Corporation
 Not-for-profit Corporation Other _____

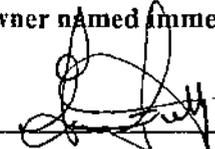
Map and parcel number: **Parcel:** 08-4.0-19-000-000-001.002

(Special Note: The tract number above represents the parcel taxation identification number assigned to that tract by Taney County, Missouri and represent the legal description referenced therein, which is incorporated herein by this reference.)

Assessed value: \$4,180.00

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above.

Date: 6/14/06

Signature:  _____

STATE OF MISSOURI)
COUNTY OF TANEY)

Before me personally appeared Gary Fultz, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this 14 day of June, 2006.

JL Engle
Notary Public

My Commission Expires:
8/17/07

J. L. ENGLE
Notary Public - Notary Seal
STATE OF MISSOURI
Taney County
My Commission Expires Aug. 12, 2007

Description of Property South of Branson Hills Parkway for CID:

A tract of land situated in the Southeast Quarter (SE1/4); part of the North Half (N1/2) of the fractional Southwest Quarter (SW1/4), Section 18; Part of the Northeast Quarter (NE1/4); part of the North Half (N1/2) of the Southeast Quarter (SE1/4) of Section 19; Part of the West Half (W1/2) of the Northwest Quarter (NW1/4) and the North Half (N1/2) of the Southwest Quarter (SW1/4) of Section 20, all in Township 23 North, Range 21 West of the fifth principal meridian, City of Branson, County of Taney, State of Missouri, being more particularly described as follows:

Commencing at an existing sand stone marking the quarter corner of Section 19 and 20 of said Township 23 North, Range 21 West; Thence South $01^{\circ}15'45''$ West a distance of 1319.47 feet to an existing lime stone marking the Southwest corner of the NW1/4 of the SW1/4 of Section 20 for the Point of Beginning; Thence North $88^{\circ}26'23''$ West a distance of 1326.72 feet to an existing $\frac{1}{2}$ " iron pin marking the southwest corner of the NE1/4 of the SE1/4 of said Section 19; Thence North $01^{\circ}39'55''$ East, along the west line of the NE1/4 of the SE1/4 of said Section 19, a distance of 708.45 feet to an existing $\frac{5}{8}$ " iron pin set by L.S. 1918; Thence South $88^{\circ}18'39''$ East a distance of 449.95 feet to an existing $\frac{5}{8}$ " iron pin set by L.S. 1918; Thence North $38^{\circ}50'30''$ East a distance of 237.12 feet to an existing $\frac{5}{8}$ " iron pin set by L.S. 1918; Thence North $50^{\circ}27'16''$ West a distance of 669.48 feet to the point of curvature; Thence northwesterly along a segment of a curve to the left having an arc length of 77.58 feet, (said segment having a chord bearing and distance of North $55^{\circ}26'57''$ West, 77.49 feet and a radius of 445.00 feet) to a point on the east line of the W1/2 of the of the NE1/4 of Section 19; Thence South $01^{\circ}21'14''$ West, along non-tangent east line of the W1/2 of the NE1/4 of said Section 19, a distance of 28.36 feet to the Southeast corner of the W1/2 of the NE1/4 of said Section 19; along the south line of the SW1/4 of the NE1/4 of Section 19, a distance of 1005.22 feet to a point on the east line of O'Leary Addition, a subdivision recorded in Plat Book/Slide "G", at Page 190 of the records of Taney County, Missouri; Along the east and north boundary of said O'Leary Addition as follows: Thence North $01^{\circ}35'48''$ East a distance of 71.81 feet to a point on a curve; Thence southwesterly along a segment of a non-tangent curve to the left having an arc length of 203.81 feet, (said segment having a chord bearing and distance of South $63^{\circ}08'08''$ West, 202.03 feet and a radius of 445.00 feet); Thence South $50^{\circ}00'54''$ West a distance of 183.29 feet to a point on the west line of the NW1/4 of the SE1/4 of Section 19; Thence North $01^{\circ}50'29''$ East, leaving the north boundary of O'Leary Addition and along the west line of the NW1/4 of the SE1/4, a distance of 145.11 feet to an existing $\frac{1}{2}$ " iron pin set by LS 1458 marking the Southwest corner of the SW1/4 of the NE1/4 of said Section 19; Thence North $01^{\circ}16'28''$ East, along the west line of the W1/2 of the NE1/4 of Section 19 a distance of 256.17 feet; Thence South $89^{\circ}02'05''$ East a distance of 317.33 feet to a point on a curve; Thence northeasterly along a segment of a curve to the right having an arc length of 39.98 feet, (said segment having a chord bearing and distance of North $08^{\circ}52'17''$ East, 39.97 feet and a radius of 540.02 feet); Thence North $10^{\circ}59'33''$ East a distance of 204.93 feet to an existing $\frac{5}{8}$ " iron pin set by LS 1918; Thence North $83^{\circ}22'44''$ West a distance of 358.77 feet to a point on the west line of the W1/2 of the NE1/4 of said Section 19; Thence North $01^{\circ}16'28''$ East, along the west line of the W1/2 of the NE1/4 a distance of 2115.54 feet

to an existing sand stone marking the Southwest corner of the SW1/4 of the SE1/4 of said Section 18; Thence North 01°36'02" East a distance of 1332.70 feet to an existing lime stone marking the Northwest corner of the SW1/4 of the SE1/4 of Section 18; Thence North 89°00'56" West, along the south line of the N1/2 of the fraction SW1/4 of Section 18, a distance of 699.91 feet to a point on the east right-of-way line of M.S.H.D. Route 248, said point being on a curve; Thence northerly along the easterly right-of-way line of M.S.H.D. Route 248 through a segment of a non-tangent curve to the left having an arc length of 5.93 feet, (said having a chord bearing and distance of North 08°54'20" East, 5.93 feet segment and a radius of 995.37 feet) to a point on the southerly right-of-way line of Branson Hills Parkway; Along the southerly right-of-way line of Branson Hills Parkway as follows: Thence North 47°10'14" East a distance of 213.68 feet; Thence North 89°33'59" East a distance of 408.36 feet; Thence easterly along a curve to the left having an arc length of 222.89 feet, and a radius of 1250.00 feet, (said curve having a chord bearing and distance of North 84°27'30" East, 222.59 feet); Thence North 79°21'01" East a distance of 431.03 feet; Thence southeasterly along a curve to the right having an arc length of 955.75 feet, and a radius of 850.00 feet, (said curve having a chord bearing and distance of South 68°26'16" East, 906.19 feet); Thence South 36°13'32" East a distance of 700.03 feet; Thence easterly along a curve to the left having an arc length of 148.62 feet, and a radius of 750.00 feet, (said curve having a chord bearing and distance of South 41°54'09" East, 148.38 feet) to the northwest corner of the Branson City Park Property; Along the westerly boundary of the Branson City Park Property as follows: Thence South 01°38'50" West a distance of 886.48 feet; Thence South 88°38'56" East a distance of 337.89 feet; Thence South 01°38'50" West a distance of 178.51 feet to an existing iron pin marking a corner on the boundary of a parcel described in Book 351, at Page 8050 of the records of Taney County, Missouri; Leaving the boundary of the Branson City Park Property and along the boundary of said Parcel "W" as follows: Thence South 12°32'13" West a distance of 285.68 feet; Thence South 54°37'46" East a distance of 242.62 feet; Thence South 32°18'54" West a distance of 402.48 feet; Thence South 34°50'05" East a distance of 711.64 feet; Thence South 08°06'40" East a distance of 151.65 feet; Thence South 44°31'01" East a distance of 371.03 feet; Thence South 63°05'55" East a distance of 426.58 feet; Thence North 80°02'28" East a distance of 72.17 feet; Thence North 21°34'34" East a distance of 462.17 feet; Thence North 08°41'08" East a distance of 591.85 feet to a point on a non-tangent curve; Thence westerly along a non-tangent segment of a curve to the left having an arc length of 251.88 feet, (said segment having a chord bearing and distance of North 85°56'11" West, 248.12 feet and a radius of 420.00 feet) to a point of reverse curve; Thence northwesterly along a reverse segment of a curve to the right having an arc length of 257.32 feet, (said segment having a chord bearing and distance of North 87°45'33" West, 254.25 feet; and a radius of 480.00 feet) to a point on the easterly boundary of said Branson City Park Property; Along the easterly boundary of the City of Branson Park Property as follows: Thence North 28°52'43" East a distance of 613.09 feet; Thence North 66°37'25" East a distance of 379.08 feet to a point on the westerly right-of-way line of Branson Hills Parkway; Leaving the easterly boundary of the Branson City Park Property and along the westerly right-of-way line of Branson Hills Parkway as follows: Thence South 23°22'35" East a distance of 266.65 feet; Thence southerly along a curve to the right having an arc length of 575.29 feet, and a radius of 850.00 feet, (said curve

having a chord bearing and distance of South 03°59'14" East, 564.37 feet); Thence South 15°24'07" West a distance of 823.90 feet; Thence southeasterly along a curve to the left having an arc length of 1440.22 feet, and a radius of 1550.00 feet, (said curve having a chord bearing and distance of South 11°13'01" East, 1388.96 feet); Thence South 30°06'54" East a distance of 7.04 feet to a point on a segment of non-tangent curve; Thence westerly along a non-tangent curve to the left having an arc length of 29.12 feet, (said segment having chord bearing and distance of North 69°46'23" West 29.12 feet and having a radius of 905.00 feet) to a point on the east line of the NW1/4 of the SW1/4 of said Section 20; Thence South 00°26'39" East, along the east line of the NW1/4 of the SW1/4, a distance of 409.59 feet to an existing 3/8" iron pin marking the Southeast corner of said NW1/4 of the SW1/4 of Section 20; Thence North 89°00'29" West, along the south line of the NW1/4 of the SW1/4 of Section 20, a distance of 1301.41 feet to the said Point of Beginning, Containing 298.18 acres of land.

Except:

A tract of land situated in the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4); the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 19; the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) and the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 20, all in Township 23 North, Range 21 West of the fifth principal meridian, Taney County, Missouri, being more particularly described as follows:

Commencing at an existing sand stone marking the quarter corner of Section 19 and 20 of said Township 23 North, Range 21 West; Thence North 01°19'52" East, along the west line of the SW1/4 of the NW1/4 of said Section 20 a distance of 143.61 feet to the Point of Beginning; Thence South 81°06'34" East a distance of 142.15 feet; Thence South 57°50'16" East a distance of 302.55 feet; Thence South 00°20'03" East a distance of 400.62 feet to a point on a curve; Thence westerly along a non-tangent segment of a curve to the left having an arc length of 374.16 feet, (said segment having a chord bearing and distance of South 83°12'21" West, 369.79 feet and a radius of 705.00 feet) to a point of reverse curvature; Thence westerly along a curve to the right having an arc length of 746.75 feet, and a radius of 695.00 feet, (said curve having a chord bearing and distance of North 81°13'03" West, 711.34 feet); Thence North 50°26'11" West a distance of 645.97 feet; Thence North 36°20'35" East a distance of 181.16 feet; Thence South 63°08'41" East a distance of 98.01 feet; Thence North 87°17'28" East a distance of 776.95 feet; Thence South 81°06'34" East a distance of 200.82 feet to the said Point of Beginning, Containing 18.46 acres of land, more or less, 804105.52 square feet of land, more or less.

Also, Except:

Pinnacle Lots 18-21 described as follows:

A tract of land situated in the W1/2 of the SE1/4 of Section 18, Township 23 North, Range 21 West of the fifth principal meridian, Taney County, Missouri, Being more particularly described as follows:

Commencing at an existing sand stone marking the quarter corner of Sections 19 and 20, Township 23, Range 21 West; Thence North $88^{\circ}19'47''$ West, a distance of 1317.54 feet to an existing 1/2" iron pin marking the Southeast corner of the SW1/4 of the NE1/4 of Section 19; Thence North $88^{\circ}35'18''$ West, a distance of 1319.32 feet to an existing 1/2" iron pin set by RLS 1258, marking the Southwest corner of the SW1/4 of the NE1/4 of Section 19; Thence North $01^{\circ}16'28''$ West, along the West line of the W1/2 of the NE1/4 of Section 19, a distance of 2648.46 feet to an existing sand stone marking the Southwest corner of the W1/2 of the SE1/4 of Section 18; Thence South $88^{\circ}33'27''$ East, along the South line of the W1/2 of the SE1/4 of Section 18, a distance of 450.04 feet; Thence North $01^{\circ}27'03''$ East, a distance of 936.30 feet to the Point of Beginning; Thence North $24^{\circ}51'18''$ East a distance of 434.83 feet to a point on a non-tangent curve; Thence Southeasterly along a non-tangent segment of a curve to the left having an arc length of 104.90 feet, (said segment having a chord bearing and distance of South $69^{\circ}28'36''$ East, 104.73 feet and a radius of 525.00 feet); Thence South $75^{\circ}12'03''$ East a distance of 170.17 feet; Thence Easterly along a curve to the left having an arc length of 54.57 feet, and a radius of 151.37 feet, (said curve having a chord bearing and distance of South $85^{\circ}31'42''$ East, 54.27 feet) to a point of reverse curvature; Thence Southerly along a curve to the right having an arc length of 141.09 feet, and a radius of 97.74 feet, (said curve having a chord bearing and distance of South $54^{\circ}30'03''$ East, 129.16 feet) to a point of reverse curvature; Thence Southerly along a curve to the left having an arc length of 211.39 feet, and a radius of 1262.95 feet, (said curve having a chord bearing and distance of South $17^{\circ}56'27''$ East, 211.14 feet) to a point of reverse curvature; Thence Southerly along a curve to the right having an arc length of 23.47 feet, and a radius of 15.00 feet, (said curve having a chord bearing and distance of South $22^{\circ}05'32''$ West, 21.15 feet); Thence South $66^{\circ}55'13''$ West a distance of 17.62 feet; Thence Southwesterly along a curve to the left having an arc length of 139.62 feet, and a radius of 175.00 feet, (said curve having a chord bearing and distance of South $44^{\circ}03'53''$ West, 135.94 feet) to a point of reverse curvature; Thence Southerly along a curve to the right having an arc length of 221.42 feet, and a radius of 125.00 feet, (said curve having a chord bearing and distance of South $71^{\circ}57'14''$ West, 193.58 feet); Thence North $57^{\circ}18'04''$ West a distance of 81.06 feet; Thence Northwesterly along a curve to the left having an arc length of 139.26 feet, and a radius of 225.00 feet, (said curve having a chord bearing and distance of North $75^{\circ}01'57''$ West, 137.05 feet) to a point of reverse curvature; Thence Westerly along a curve to the right having an arc length of 126.20 feet, and a radius of 175.00 feet, (said curve having a chord bearing and distance of North $72^{\circ}06'18''$ West, 123.48 feet) to a point of reverse curvature; Thence Northwesterly along a curve to the left having an arc length of 58.83 feet, and a radius of 361.16 feet, (said curve having a chord bearing and distance of North $56^{\circ}06'46''$ West, 58.77 feet) to the Point of Beginning; Containing 5.55 acres of land more or less, Together with and subject to all easements and restrictions of record.

Description of Property North of Branson Hills Parkway for CID:

A tract of land situated in the West Half (W1/2) of the NE1/4; the West Half (W1/2) of the Southeast Quarter (SE1/4); part of the Southwest Quarter (SW1/4) and part of the Northwest Quarter (NW1/4) of Section 17; Part of the Northeast Quarter (NE1/4); part of the Southeast Quarter (SE1/4); and part of the North Half (N1/2) of the fractional Southwest Quarter (SW1/4) of Section 18; The West Half (W1/2) of the Northeast Quarter (NE1/4), part of the North Half (N1/2) of the Southeast Quarter (SE1/4), part of the North Half (N1/2) of the Southwest Quarter (SW1/4) and part of the Northwest Quarter (NW1/4) of Section 20, All in Township 23 North, Range 21 West of the fifth principal meridian, in the City of Branson, Taney County, Missouri, Being more particularly described as follows:

Commencing at an existing sand stone marking the Southwest corner of the Northwest Quarter of said Section 20; Thence North $01^{\circ}19'52''$ East a distance of 2648.27 feet to the computed Northwest corner of said Section 20; Thence North $02^{\circ}01'11''$ East, along the west line of the SW1/4 of the SW1/4 of said Section 17, a distance of 491.43 feet to a point on the northerly right-of-way line of Branson Hills Parkway for the Point of Beginning; Along the northerly right-of-way line of Branson Hills Parkway as follows: Thence North $76^{\circ}49'49''$ West a distance of 404.51 feet; Thence northwesterly along a curve to the right having an arc length of 460.65 feet, and a radius of 650.00 feet, (said curve having a chord bearing and distance of North $56^{\circ}31'41''$ West, 451.07 feet); Thence North $36^{\circ}13'32''$ West a distance of 700.03 feet; Thence northwesterly along a curve to the left having an arc length of 1068.19 feet, and a radius of 950.00 feet, (said curve having a chord bearing and distance of North $68^{\circ}26'16''$ West, 1012.80 feet); Thence South $79^{\circ}21'01''$ West a distance of 431.03 feet; Thence westerly along a curve to the right having an arc length of 205.05 feet, and a radius of 1150.00 feet, (said curve having a chord bearing and distance of South $84^{\circ}27'30''$ West, 204.78 feet); Thence South $89^{\circ}33'59''$ West a distance of 402.61 feet; Thence North $44^{\circ}51'41''$ West a distance of 213.89 feet to a point on the east right-of-way line of M.S.H.D. Route 248, said point being on a non-tangent curve; Leaving the northerly right-of-way line of Branson Hills Parkway and along the easterly right-of-way line of M.S.H.D. Route 248 as follows: Thence northerly along a non-tangent segment of a curve to the right having an arc length of 315.11 feet, (said segment having a chord bearing and distance of North $17^{\circ}13'49''$ East, 312.27 feet and a radius of 676.78 feet); Thence North $30^{\circ}34'08''$ East a distance of 83.73 feet; Thence South $88^{\circ}50'32''$ East, leaving the east line of M.S.H.D. Route 248, a distance of 459.30 feet; Thence North $01^{\circ}09'28''$ East a distance of 327.98 feet; Thence North $70^{\circ}51'51''$ West a distance of 246.10 feet to a point on the east right-of-way line of M.S.H.D. Route 248, said point being on a curve; Thence northeasterly along the easterly right-of-way line of M.S.H.D. Route 248 through a non-tangent curve to the left having an arc length of 124.78 feet, (said segment having a chord bearing and distance of North $16^{\circ}18'45''$ East, 124.32 feet and a radius of 423.06 feet) to a point on the north line of the fractional SW1/4 of Section 18; Thence South $88^{\circ}50'32''$ East, along the north line of the fractional SW1/4 of Section 18, a distance of 317.95 feet to the Southwest corner of the SW1/4 of the NE1/4 of said Section 18; Thence North $01^{\circ}32'00''$ East, along the west line of the SW1/4 of the NE1/4 of Section 18, a distance of 522.89 feet to the Southwest

corner of a Parcel described in Book 310, at Page 17 of the records of Taney County, Missouri for a Point of Beginning; Thence South $88^{\circ}28'00''$ East a distance of 320.00 feet to the Southeast corner of said Book 310, at Page 17 of the records of Taney County, Missouri; Thence North $01^{\circ}32'00''$ East along parallel with the west line of the NE1/4 of Section 18 and along the east line of Book 310, at Page 17, a distance of 1356.36 feet to a point on the south right-of-way line of Buchanan Road; Thence northeasterly along a segment of a non-tangent curve to the left, being the south right-of-way line of said Buchanan Road, and having an arc length of 61.31 feet, and a radius of 308.18 feet, (said segment having a chord bearing and distance of North $80^{\circ}08'11''$ East, 61.21 feet); Thence South $01^{\circ}32'00''$ West a distance of 204.83 feet; Thence South $88^{\circ}28'00''$ East a distance of 158.76 feet; Thence North $66^{\circ}05'50''$ East a distance of 406.67 feet; Thence South $88^{\circ}57'30''$ East a distance of 872.53 feet; Thence South $45^{\circ}51'06''$ East a distance of 617.06 feet; Thence North $85^{\circ}35'16''$ East a distance of 405.27 feet to a point on the east line of the N1/2 of the NE1/4 of Section 18; Thence North $01^{\circ}51'13''$ East, along the west line of the NW1/4 of the NW1/4 of Section 17, a distance of 1133.42 feet to a point on the south right-of-way line of Buchanan Road, said point being on a non-tangent curve; Along the southerly right-of-way line of Buchanan Road as follows: Thence southeasterly along a non-tangent segment of a curve to the right having an arc length of 268.70 feet, (said segment having a chord bearing and distance of South $79^{\circ}03'03''$ East, 268.48 feet; and a radius of 1933.99 feet), Thence South $75^{\circ}04'15''$ East a distance of 341.87 feet; Thence southeasterly along a non-tangent segment of a curve to the right having an arc length of 306.70 feet, (said segment having a chord bearing and distance of South $65^{\circ}45'33''$ East, 305.35 feet and a radius of 943.60 feet); Thence South $56^{\circ}26'52''$ East a distance of 166.58 feet; Thence southeasterly along a curve to the left having an arc length of 106.62 feet, and a radius of 520.78 feet, (said curve having a chord bearing and distance of South $62^{\circ}18'46''$ East, 106.43 feet); Thence South $68^{\circ}10'40''$ East a distance of 130.02 feet; Thence easterly along a segment of a curve to the left having an arc length of 72.22 feet, (said segment having a chord bearing and distance of South $74^{\circ}09'49''$ East, 72.09 feet and a radius of 345.65 feet) to a point on the east line of the NW1/4 of the NW1/4 of said Section 17; Thence South $01^{\circ}40'53''$ West, leaving the southerly right-of-way line of Buchanan Road and along the east line of said NW1/4 of the NW1/4, a distance of 851.54 feet to an existing wagon tire iron; Thence South $01^{\circ}15'20''$ West, along the east line of the SW1/4 of the NW1/4 of said Section 17 a distance of 997.04 feet to the southwest corner of property owned by the Branson R IV School District; Thence South $88^{\circ}20'31''$ East a distance of 1316.14 feet to the Southeast corner of the parcel owned by the Branson R IV School district, said point being on the east line of the SE1/4 of the NW1/4 of Section 17; Thence North $01^{\circ}15'50''$ East, along the east line of the SE1/4 if the NW1/4 of Section 17, a distance of 1000.45 feet to an existing wagon tire iron marking the Southeast corner of the NE1/4 of he NW1/4 of Section 17; Thence North $01^{\circ}25'18''$ East, along the east line of the NE1/4 of the NW1/4 of Section 17, a distance of 664.53 feet to a point of deflection in the Branson R IV School district property; Thence North $66^{\circ}10'50''$ West, along the northerly line of the Branson R IV School District Property, a distance of 1021.27 feet, to a point on the southerly right-of-way line of Buchanan Road, said point being on a curve; Along the southerly right-of-way line of Buchanan Road as follows: Thence easterly along a non-tangent segment of a curve to the left having an arc length of 138.98 feet, (said segment

having a chord bearing and distance of North $64^{\circ}30'22''$ East, 138.81 feet and a radius of 794.00 feet); Thence North $59^{\circ}29'29''$ East a distance of 84.80 feet; Thence easterly along a curve to the right having an arc length of 411.09 feet, and a radius of 734.00 feet, (said curve having a chord bearing and distance of North $75^{\circ}32'10''$ East, 405.74 feet); Thence South $88^{\circ}25'08''$ East a distance of 910.18 feet; Thence southeasterly along a curve to the right having an arc length of 386.20 feet, and a radius of 970.00 feet, (said curve having a chord bearing and distance of South $77^{\circ}00'47''$ East, 383.65 feet); Thence South $65^{\circ}36'26''$ East a distance of 925.04 feet; Thence southeasterly along a curve to the right having an arc length of 158.83 feet, and a radius of 376.01 feet, (said curve having a chord bearing and distance of South $53^{\circ}24'28''$ East, 157.65 feet); Thence South $41^{\circ}06'26''$ East a distance of 79.03 feet; Thence easterly along a curve to the left having an arc length of 126.30 feet, and a radius of 230.00 feet, (said curve having a chord bearing and distance of South $56^{\circ}50'20''$ East, 124.72 feet); Thence South $72^{\circ}37'28''$ East a distance of 78.31 feet to a point on the west right-of-way line of SW Outer Road said point being on a curve; Thence southerly along a non-tangent segment of a curve to the left having an arc length of 80.00 feet, (said segment having a chord bearing and distance of South $13^{\circ}09'32''$ West, 79.98 feet and a radius of 1190.92 feet); Thence South $09^{\circ}56'39''$ West, continuing along the westerly right-of-way line of SW Outer Road, a distance of 53.63 feet; Thence North $78^{\circ}56'50''$ West, leaving the westerly right-of-way line of the SW Outer Road, a distance of 822.71 feet to a point on the east line of the W1/2 of the NE1/4 of Section 17; Thence South $01^{\circ}25'02''$ West, along the east line of the W1/2 of the NE1/4 of Section 17, a distance of 1936.93 feet to an existing 5/8" iron pin marking the Southeast corner of the W1/2 of the NE1/4 of said Section 17; Thence South $01^{\circ}35'33''$ West a distance of 1318.63 feet to an existing wagon tire iron marking the Southeast corner of the NW1/4 of the SE1/4 of Section 17; Thence South $01^{\circ}11'33''$ West a distance of 1326.10 feet to the Northwest corner of the NE1/4 of the NE1/4 of Section 20; Thence South $01^{\circ}05'37''$ West a distance of 1323.18 feet to an existing lime stone marking the Southeast corner of NW1/4 of the NE1/4 of Section 20; Thence South $01^{\circ}17'58''$ West a distance of 1333.47 feet to an existing stone marking the Southeast corner of the SW1/4 of the NE1/4 of Section 20; Thence South $88^{\circ}18'11''$ East, along the south line of the SE1/4 of the NE1/4 of Section 20, a distance of 654.93 feet to an existing 5/8" iron pin set by L.S. 1918; Thence South $01^{\circ}22'11''$ West a distance of 102.88 feet to an existing 5/8" iron pin set by L.S. 1918; Thence South $16^{\circ}56'46''$ East a distance of 237.32 feet; Thence South $25^{\circ}19'50''$ East a distance of 335.06 feet to an existing 5/8" iron pin set by L.S. 1918; Thence South $18^{\circ}12'55''$ East a distance of 256.63 feet; Thence North $88^{\circ}38'10''$ West a distance of 412.95 feet; Thence South $01^{\circ}21'04''$ West a distance of 222.30 feet to a point on the Northwest corner of Lot 14 Branson Hills, a subdivision plat recorded in Plat Book/Slide "D", at Pages 414-432 of the records of Taney County, Missouri; Thence North $88^{\circ}38'56''$ West, along the north boundary of lots 13-1 and 13-2 of said Branson Hills, a distance of 848.83 feet to the Northwest corner of said Lot 13-2; Thence North $43^{\circ}49'08''$ West a distance of 352.51 feet to a corner of Lot 13-3 Branson Hills; Thence South $89^{\circ}17'15''$ West a distance of 1105.72 feet to the Northwest corner of said Lot 13-3 Branson Hills, marked by an existing 5/8" iron pin set by L.S. 1918; Thence North $88^{\circ}42'35''$ West a distance of 79.91 feet to an existing 5/8" iron pin set by L.S. 1918; Thence North $66^{\circ}56'06''$ West a distance of 641.65 feet; Thence South $36^{\circ}55'13''$ West a distance of 33.29 feet to an existing 5/8"

iron pin set by L.S. 1918; Thence South $74^{\circ}51'37''$ West a distance of 265.97 feet to a point on the easterly right-of-way line of Branson Hills Parkway, said point being on a curve; Along the easterly right-of-way line of Branson Hills Parkway as follows: Thence northerly along a non-tangent segment of a curve to the right having an arc length of 1272.43 feet, (said segment having a chord bearing and distance of North $09^{\circ}44'16''$ West, 1232.00 feet and a radius of 1450.00 feet); Thence North $15^{\circ}24'07''$ East a distance of 823.90 feet; Thence northerly along a curve to the left having an arc length of 642.97 feet, and a radius of 950.00 feet, (said curve having a chord bearing and distance of North $03^{\circ}59'14''$ West, 630.77 feet); Thence North $23^{\circ}22'35''$ West a distance of 871.96 feet; Thence westerly along a curve to the left having an arc length of 699.71 feet, and a radius of 750.00 feet, (said curve having a chord bearing and distance of North $50^{\circ}06'12''$ West, 674.61 feet); Thence North $76^{\circ}49'49''$ West a distance of 361.07 feet to the said Point of Beginning, Containing 837.62 acres of land, more or less, Subject to all easement and restrictions of record.

BRANSON HILLS INFRASTRUCTURE AND RECREATIONAL FACILITY CID

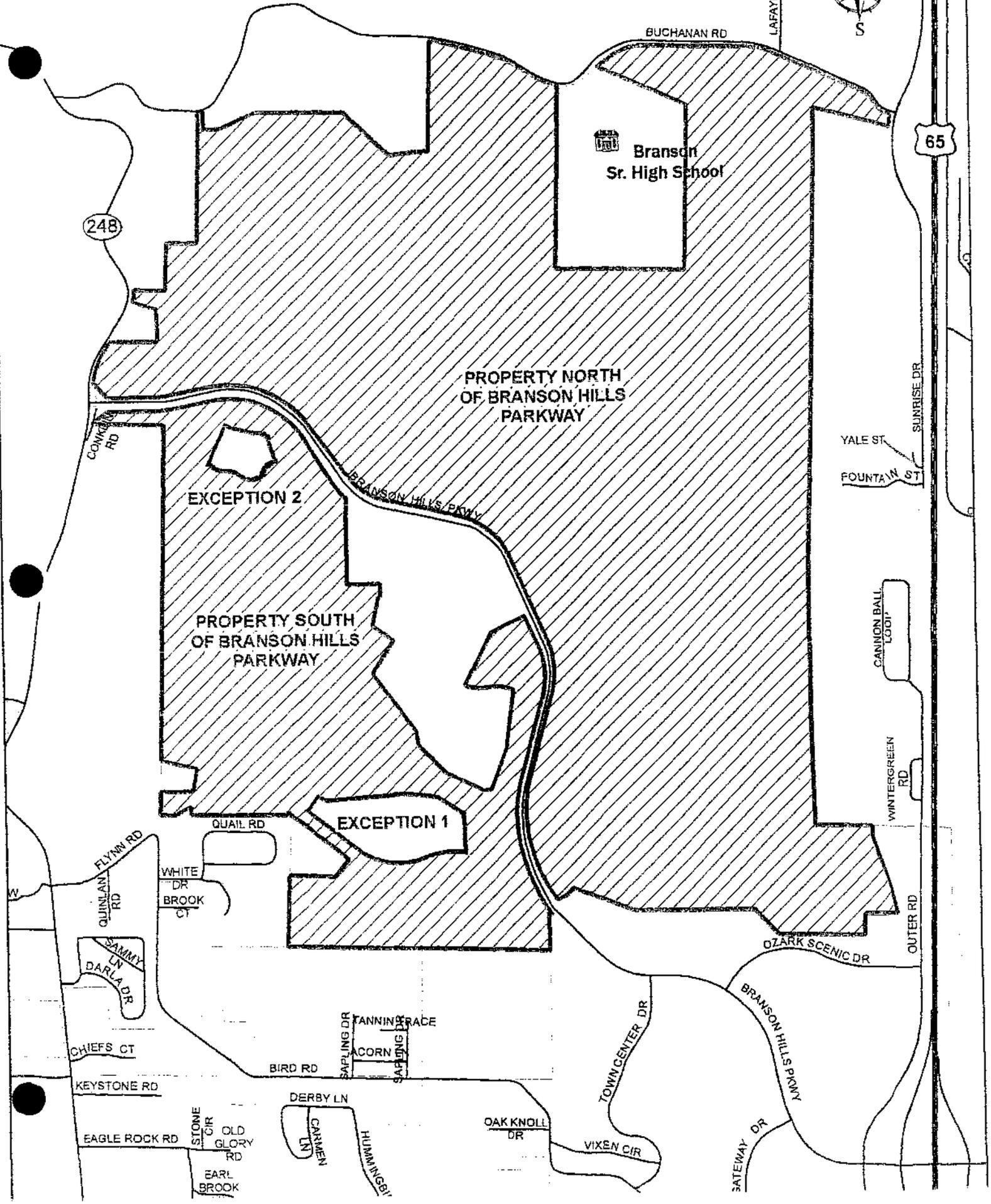
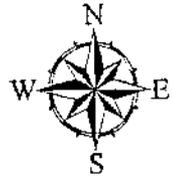


EXHIBIT B
METHOD AND MAXIMUM RATE OF SPECIAL ASSESSMENTS

Method of Assessment: Residential and commercial properties will be assessed on the basis of the classifications of property and units of measure as set forth in the charts below.

Definitions that apply to terms used in these charts:

“**Exterior Lot**” means a lot which borders or touches upon golf course property.

“**Interior Lot**” means a lot which does not border or touch upon golf course property.

“**Location of Property**” references the Final Subdivision Plat approved by the City of Branson, or other general location if the property is not yet platted.

Residential Property			
Classification of Property	Location of Property	Method of Assessment (unit of measure)	Maximum Rate of Assessment (per year)
Standard Residential - Exterior Lot	Phase 1, 2, 4-7 Plats	Per Lot	\$2,500
Standard Residential - Interior Lot	Phase 1, 2, 4-7 Plats	Per Lot	\$2,500
Estate Residential - Exterior Lot	Phase 3, 8 Plats	Per Lot	\$2,500
Estate Residential - Interior Lot	Phase 3, 8 Plats	Per Lot	\$2,500
Senior Residence	South of Branson Hills Parkway	Per Acre until plat or condo plat filed, then Per Lot (in case of plat) or Per Unit (in case of condo plat)	\$3,500 per acre \$2,500 per unit or per lot
Apartment	Apartments Plat	Per Acre	\$3,500
Golf Casitas	Phase 2 Plat	Per Acre until condo plat filed, then Per Unit	\$3,500 per acre \$2,500 per unit
Condominium Units	Phase 2 Plat	Per Acre until condo plat filed, then Per Unit	\$3,500 per acre \$2,500 per unit

Commercial Property			
Classification of Property	Location	Method of Assessment (unit of measure)	Maximum Rate of Assessment (per year)
Town Center Commercial	Phase 2 Plat	Per Acre	\$3,500
North East Commercial	Northeast portion of development	Per Acre	\$3,500

**EXHIBIT C
PROPERTY OWNERSHIP AND ASSESSED VALUE**

**Branson Hills Infrastructure and
Recreational Facility Community Improvement District**

Owner	Parcel Number	Assessed Value
Branson Hills Development Company, L.L.C	08-4.0-18-000-000-012.000	\$720
	08-4.0-18-000-000-010.000	\$6,720
	08-4.0-18-000-000-005.005	\$370
	08-4.0-18-000-000-005.003	\$1,130
	08-4.0-18-000-000-011.000	\$11,930
	08-4.0-20-000-000-069.000	\$4,370
	08-4.0-19-000-000-001.000	\$32,300
	08-4.0-17-000-000-004.000	\$2,570
	08-4.0-17-000-000-007.000	\$42,180
	08-4.0-20-000-000-063.000	\$74,780
	08-4.0-20-000-000-044.003	\$2,100
	08-4.0-19-000-000-001.007	\$3,420
	08-4.0-19-000-000-001.004	\$510
	08-4.0-19-000-000-001.001	\$380
	08-4.0-19-000-000-001.006	\$10,750
08-4.0-17-000-000-024.000	\$1,950	
WC Eleven, LLC	08-4.0-19-000-000-001.002	\$4,180
Gary L. Fultz Barry S. Schwartz Richard E. Huffman Marc L. Williams Mark D. Elgin	08-4.0-18-000-000-005.001	\$1,510
Cedar Greens, LLC	08-4.0-18-000-000-001.000	\$2,350
Total		\$204,220

EXHIBIT D
TO THE PETITION FOR ESTABLISHMENT
OF
BRANSON HILLS INFRASTRUCTURE AND RECREATIONAL FACILITY
COMMUNITY IMPROVEMENT DISTRICT
CITY OF BRANSON, MISSOURI

DISTRICT MANAGEMENT PLAN

The information and details outlined in the following pages represent the strategies, activities, services and improvements that will be undertaken during the initial five-year duration of a Community Improvement District in The City of Branson. It is an integral and composite part of the petition to establish Branson Hills Infrastructure and Recreational Facility Community Improvement District.

Introduction

The Branson Hills Infrastructure and Recreational Facility Community Improvement District (the "District") is created pursuant to Section 67.1401 through 67.1571 of the Revised Statutes of Missouri (the "CID Act"). Section 67.1421, RSMo, requires that the petition for the creation of the District be accompanied by a five-year plan which includes a description of the purposes of the proposed district, the services it will provide, the improvements it will make and an estimate of the costs of these services and improvements to be incurred. This Five-Year District Management Plan (the "Plan") is designed to comply with this statutory requirement, and is appended to the Petition for Formation of the District.

Section 1

Why Create a Community Improvement District?

The District is proposed to provide funding for the construction of public improvements and the production and promotion of recreational services for the Branson Hills mixed-use development. It is anticipated that the District will issue bonds, the proceeds of which will be used to fund all or a certain portion of the costs associated with the construction of the projects. The District will impose special assessments that will be used to repay the bonds. **The bonds will not be a financial obligation of the City of Branson.** The District may also impose a sales tax on the commercial uses within the project.

Section 2

What is a Community Improvement District?

A community improvement district ("CID") is an entity that is separate from the City of Branson and is formed by the adoption of an ordinance by the City of Branson Board of Aldermen following a public hearing before the Board of Aldermen regarding formation of the District. A CID may take the form of a political subdivision of the State of Missouri, or a nonprofit corporation that is formed and operated under Missouri corporation laws. CIDs are empowered to provide a variety of public services and to finance a number of different public improvements. CIDs derive their revenue from taxes and assessments levied within the boundaries of the CID. Such revenues are then used for the benefit of the properties within the CID. A CID is operated and managed by a board of directors, whose members may be appointed or elected. Board members serve for a designated period of time, and the Board positions are again elected or appointed at the expiration of each term.

Section 3

Management Plan Summary

This Plan is proposed to improve and convey special benefits to properties located within the boundaries of the District by providing assistance in the construction of certain public improvements that serve the District, and for the production and promotion of recreational activities in the District. The District in this case will take the form of a separate political subdivision of the State of Missouri, which will be governed by a Board of Directors that will consist of five members.

District Formation:

CID formation requires submission of signed petitions from a group of property owners:

- collectively owning more than fifty percent (50%) by assessed value of the real property within the District, and

- representing more than fifty percent (50%) per capita of all owners of real property within the District.

The Petition to which this Plan is attached meets these signature requirements.

Location:

The Project is located generally west of U.S. Highway 65 and east of Highway 248, and is bisected by the Branson Hills Parkway in Branson, Missouri. The Development will cover approximately 1120 acres of land, and is represented on the map included as Exhibit 1 of this Plan.

Assessed Value of District:

The total assessed value of the properties within the District on the date of the Petition is \$204,220.00.

Improvements and Services:

A. The District will assist in the funding of the construction of certain public improvements (the "Public Improvements"), which are more particularly described in Exhibit 2 of this Plan.

B. The District will provide certain services authorized under the CID Act (the "District Services"), which are more particularly described in Exhibit 3 of this Plan.

Method of Financing:

It anticipated that the District may issue bonds or incur other obligations, as defined in Section 67.1401.2(10) of the Revised Statutes of Missouri, to pay for the Public Improvements. The District will impose special assessments on the property within the District (the "Special Assessments"), in accordance with the benefits provided to each classification of property from the Public Improvements. The Special Assessments will be imposed on the basis of the classifications of property and units of measure as set forth in Exhibit B to the petition for creation of the District. The District may also impose a sales and use tax on all retail sales made in the District which are subject to taxation pursuant to sections 144.010 to 144.525 of the Revised Statutes of Missouri, except the sale of motor vehicles, trailers, boats or outboard motors and sales to public utilities, all as allowed by Sections 67.1461 and 67.1545 of the Revised Statutes of Missouri (the "District Sales Tax"). The revenue collected from the Special Assessments and the District Sales Tax will be used to repay the bonds or other obligations that are issued to fund the costs of construction of the Public Improvements and/or acquisition of equipment necessary to provide the District Services, as well as payment of administrative costs of the District.

Cost:

The total estimated cost of the Public Improvements and the provision of District Services is set forth in Exhibit 2 and Exhibit 3, respectively.

City Services:

The CID Act mandates that existing City services will continue to be provided within a CID at the same level as before the District was created (unless services are decreased throughout the City) and

that District services shall be in addition to existing City services. The District anticipates that City services will continue to be provided within the District at the same level as before the District was created, and the District will not cause the level of City services within the District to diminish.

Duration:

The District will operate for a maximum term of sixty-five (65) years beginning 2006, which is the time period that it is estimated for the Special Assessments and District Sales Tax to remain in place to fully fund the costs to be funded by the District. The petition process must be repeated for the CID to continue beyond 65 years. No plan for distribution of assets on dissolution may be approved unless the title to assets of the District are to be owned by the State of Missouri or a political subdivision of the State of Missouri. If title to the assets of the District vest in the State of Missouri or a political subdivision of the State of Missouri, the District may be dissolved prior to 65 years.

Governance:

The District's budgets and policies will be refined annually, within the limitations set forth in this Plan, by District Board of Directors. The District will enter into a contract with the City to coordinate construction, maintenance and financing activities of the District with the City. Budgets and reports will be submitted annually to the City for review and comment. The District will operate at all times in accordance with the District Rules and Regulations (Section 8) and the Bylaws of the District.

**Section 4
District Boundaries**

Approximate 1120 acres has been identified for the District. The map of the District is attached as **Exhibit 1** to the Plan.

**Section 5
Facilities and Services to Be Provided**

As summarized above, during the first five years, the District will be used as a mechanism to finance the cost of constructing the Public Improvements and providing or contracting for the provision of District Services.

**Section 6
Governing the Community Improvement District**

Board of Aldermen

Following the submission of the Petition, the Board of Aldermen will conduct a public hearing and then consider an ordinance to create the District.

Board of Directors for CID:

CID budgets and policies will be refined annually, within the limitations set forth in the Plan, by the District Board of Directors. Annual budgets will be submitted annually to the City of Branson for review and comment.

Contract with the City:

The District will enter into a contract with the City of Branson regarding the operation of the District, the imposition and collection of the Special Assessments and the District Sales Tax, the issuance of bonds to fund the provision of District Services and construction and maintenance of the Public Improvements and any other relevant aspects of the overall financing for the Project. Pursuant to Section 67.1461.3, RSMo, the contract between the District and the City will also provide for the annual reimbursement to the City for the reasonable and actual expenses incurred by the City to establish the District and review annual budgets and reports of the District which are required to be submitted to the City. It is expected that water service will be provided by a water district, and the District may enter into a contract for such water service.

**Section 8
District Rules and Regulations**

1. The District shall operate at all times in accordance with Bylaws that shall be adopted by the Board of Directors. The initial Bylaws to be adopted by the Board of Directors shall be in accordance with the Bylaws attached to this Plan as **Exhibit 4**. The District shall at all times conduct its proceedings in accordance with Robert's Rules of Order, except as otherwise provided in the Bylaws.
2. The District will meet on an annual or more frequent basis. The District shall hold meetings when so requested by the City.
3. The District will annually prepare a budget, and an annual report describing the major activities of the District during the preceding year and upcoming year. The Budget and Report shall be submitted to the City Finance Director for review and comment not less than thirty (30) days prior to the intended date of approval of the Budget. The Budget shall not be approved without the prior written consent of the City.

EXHIBIT 1
to Five Year Management Plan

DISTRICT MAP

BRANSON HILLS INFRASTRUCTURE AND RECREATIONAL FACILITY CID



248

65

Branson Sr. High School

PROPERTY NORTH OF BRANSON HILLS PARKWAY

EXCEPTION 2

PROPERTY SOUTH OF BRANSON HILLS PARKWAY

EXCEPTION 1

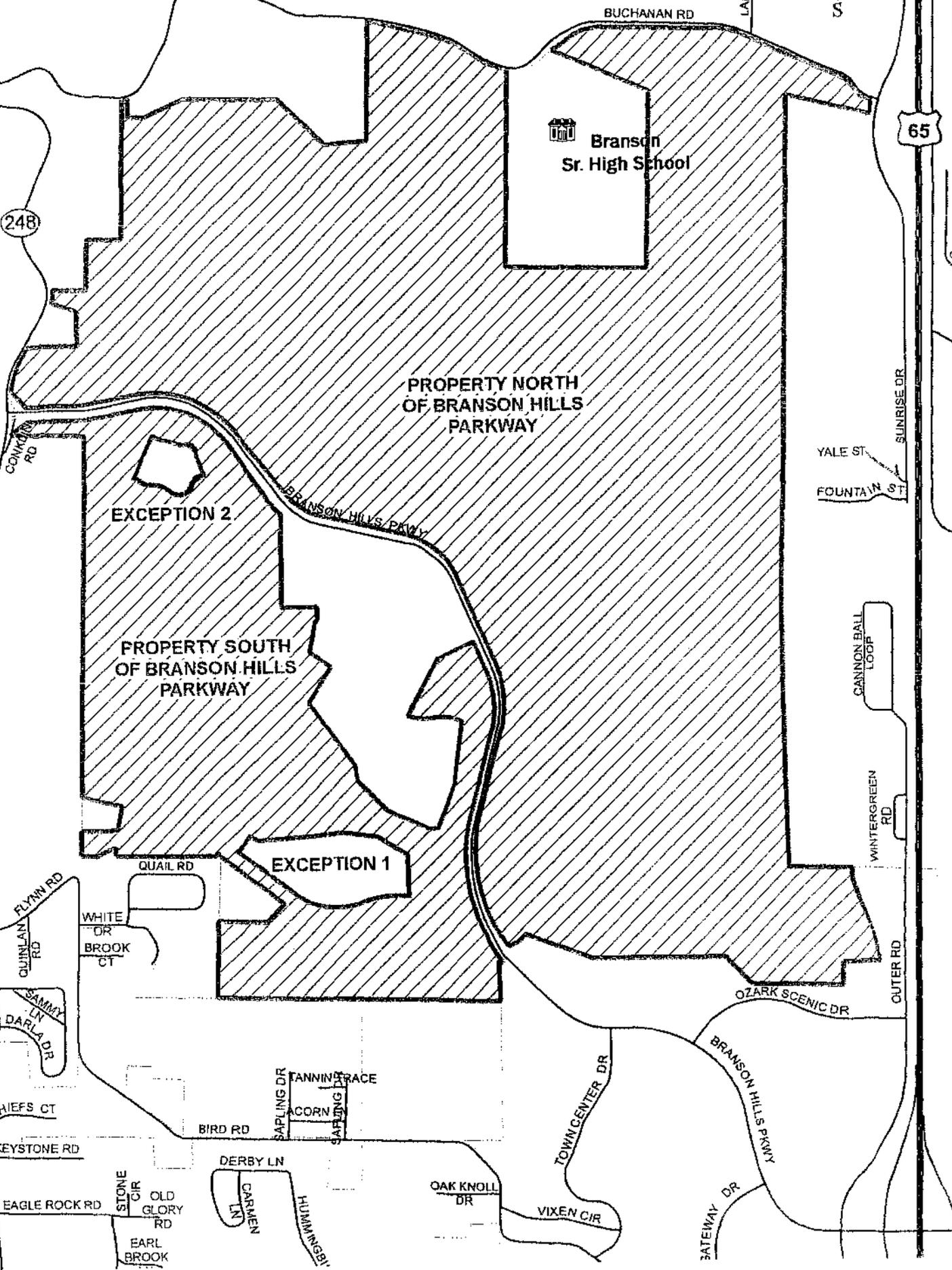


EXHIBIT 2
to Five Year Management Plan

DESCRIPTION AND ESTIMATED COST OF PUBLIC IMPROVEMENTS

Roads	\$12,000,000
Water	\$7,300,000
Wastewater	\$2,000,000
Walking Trails, Landscaping and other infrastructure	\$2,000,000
Golf Course and Related Recreational Facilities	\$15,000,000
Professional Services related to public improvements: Administrative, Accounting, Legal and other	\$2,000,000

In order to maintain the public character of the golf course, to the extent that the golf course is funded with CID funds, the CID will prepare an annual report which verifies that the golf course and related recreational facilities are being operated as public recreational facilities in accordance with all applicable state laws and federal tax laws. This report will analyze all relevant factors, including use of the facilities, events, memberships, passes, green fees and access by the public.

**EXHIBIT 3
to Five Year Management Plan**

DESCRIPTION AND ESTIMATED COST OF DISTRICT SERVICES

The District will provide golf course and related recreational services to the District and the general public. A description of the estimated costs to provide these services are set forth in the attached spreadsheet.

Net Operating Income-- The summary of operating revenues and costs for the proposed Tribute Golf Course are shown in the following table. These calculations present the net operating income of the golf course before any debt service payments, depreciation, land costs, etc.

The net operating income will increase from about \$479,000 in 2008 to \$877,000 in 2012. The net operating income experiences a small dip in 2011, because the non-resident memberships sold out in 2010, eliminating the initiation fee revenue.

Net Operating Income for the Tribute Golf Club (1,000's)

	Income	Expense	Net Operating Income
2008	\$2,351	\$1,872	\$479
2009	\$2,511	\$2,000	\$510
2010	\$3,342	\$2,588	\$754
2011	\$3,445	\$2,706	\$740
2012	\$3,639	\$2,762	\$877
2013	\$3,748	\$2,806	\$942
2014	\$3,860	\$2,890	\$970
2015	\$3,976	\$2,973	\$1,004
2016	\$4,095	\$3,058	\$1,038
2017	\$4,218	\$3,145	\$1,073

**EXHIBIT 4
to Five Year Management Plan**

**BYLAWS
OF THE
BRANSON HILLS INFRASTRUCTURE AND RECREATIONAL FACILITY
COMMUNITY IMPROVEMENT DISTRICT**

**ARTICLE I
OFFICES, RECORDS, SEAL**

1. **Principal Office.** The principal office of the District shall be located within the bounds of Branson, Missouri, at such place as may from time to time be designated by the Board of Directors.
2. **Records.** The District shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of the Board of Directors and each committee of the Board of Directors. The District shall keep at its principal office a record of the name and place of residence of each director and each officer.
3. **Seal.** The District shall not have a corporate seal unless it is otherwise required by law to obtain or use such a seal.

**ARTICLE II
PURPOSES**

The purposes of the District shall be to provide those services and improvements set forth in the petition for creation of the District and the Five Year Management Plan, and for all other lawful purposes that may be authorized by the Board of Directors and allowed by Section 67.1461 of the Revised Statutes of Missouri.

**ARTICLE III
BOARD OF DIRECTORS**

1. **Powers of Board of Directors.** The Board of Directors shall have and is vested with all powers and authorities granted by Section 67.1401 through 67.1571, RSMo, except as it may be expressly limited by law or these Bylaws, to supervise, control, direct and manage the property, affairs and activities of the District, to determine the policies of the District, to do or cause to be done any and all lawful things for and on behalf of the District, to exercise or cause to be exercised any or all of its powers, privileges or franchises, and to seek the effectuation of its objects and purposes.
2. **Official Actions.** In accordance with Section 67.1451, RSMo, all official acts of the Board of Directors shall be by written resolution approved by the Board.
3. **Number of Directors; Qualifications.** The number of directors of the District to constitute the Board of Directors shall be five (5), whose names and initial terms of office were stated in

the Petition for the Establishment of the District (the "Petition"). The number of directors may not be increased or decreased. Each director shall be at least twenty-one (21) years of age and a property owner, or representative of a property owner, within the boundaries of the District.

4. Initial Board of Directors. The initial Board of Directors is as follows:

Richard Huffinan - Director

Marc Williams - Director

Barry Schwartz - Director

Gary Fultz - Director

Mark Elgin - Director

Thereafter, successor directors shall be selected in the manner and for the terms provided for in paragraph 6 of this Article III.

5. Commencement of Term of Office of Directors. A director shall not be deemed to have commenced his or her term of office or to have any of the powers or responsibilities of a director (i) unless such director is qualified to act as such, and (ii) until the time such director accepts the office of director either by a written acceptance or by participating in the affairs of the District at a meeting of the Board of Directors or otherwise.

6. Successor Directors. In all cases except where the Board of Directors is filling a vacancy for the remainder of a term pursuant to this Article III, the Mayor of the City shall appoint successor directors, subject to the consent of the Board of Aldermen. Successor Directors appointed pursuant to this section shall serve for a term of four years.

7. Removal for Cause. In accordance with Section 67.1451.7, RSMo, any director may be removed for cause by a two-thirds affirmative vote of the Directors of the Board (four Directors). Written notice of the proposed removal shall be given to all directors prior to action thereon.

8. Resignation. Any director may resign from the Board of Directors. Such resignation shall be in writing addressed to the Secretary of the District and shall be effective immediately or upon its acceptance by the Board of Directors as such resignation may provide.

9. Vacancy. In accordance with Section 67.1451.4, RSMo, in the event of a vacancy on the Board of Directors prior to the expiration of a director's term, the remaining directors shall elect an interim director to fill the vacancy for the unexpired term. Unless otherwise provided by law, in the event that there are less than two remaining directors to fill the vacancies for the respective unexpired terms, the remaining director, if any, and Branson Hills shall recommend to the Mayor individuals to serve as interim directors, who shall be appointed in the same manner as successor directors as provided in paragraph 6 of this Article III. At the expiration of the remaining term of the interim director, a new director shall be selected as provided in paragraph 6 of this Article III.

10. Compensation of Directors. No director shall receive compensation from the District for any service such director may render to it as a director. A director may be reimbursed for his or her

actual expenses reasonably incurred in and about such director's performance of his or her duties as a director.

11. Committees. The Board of Directors shall have no authority to appoint an executive committee or any other committee having the authority of the Board of Directors. The Board of Directors may create and appoint any committees it deems necessary and advisable to conduct studies and reviews and provide advice and recommendations to the Board of Directors.

ARTICLE IV **MEETINGS AND PROCEDURES**

1. Procedural Rules. All meetings and proceedings of the District shall be in accordance with Robert's Rules of Order except as otherwise directed by these Bylaws.

2. Place. Meetings of the Board of Directors of the District shall be held at the principal office of the District, as designated by the Board of Directors, or at any other place within Taney County, Missouri, as may be determined from time to time by the Board of Directors.

3. Notice of Meetings. Meetings may be called by the Chairman, the Vice Chairman or the Secretary or by a majority of the Board of Directors by notice duly signed by the officer or directors calling the same and given in the manner hereinafter provided. Written notice stating the time, date, place and tentative agenda of a meeting shall be delivered to each director not less than twenty four (24) hours before the time of the meeting, either personally, by mail or by facsimile. If mailed, such notice shall be deemed to be delivered three days after depositing such notice in the United States mail addressed to the director at such director's address as it appears on the records of the District, with postage thereon prepaid.

4. Waiver of Notice. Any notice provided or required to be given to the directors may be waived in writing by any of them whether before or after the time stated therein. Attendance of a director at any meeting shall constitute a waiver of notice of such meeting except where the director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

5. Quorum. The presence of a majority of the Board of Directors shall be requisite for and shall constitute a quorum for the transaction of business at all meetings. Vacant positions are not counted in determining a majority of the Board of Directors. The acts of directors, in accordance with Robert's Rules of Order, who are present at a meeting at which a quorum is present shall be valid as the act of the Board of Directors except in those specific instances in which a larger vote may be required according to Robert's Rules of Order, by law or these Bylaws.

6. Adjournment. Whether or not a quorum shall be present at any such meeting, the directors present shall have power to adjourn the meeting, without notice other than announcement at the meeting, to a specified date. At any such adjourned meeting at which a quorum shall be present, any business may be transacted that could have been transacted at the original session of the meeting.

7. Voting. Each director present at any meeting shall be entitled to cast one vote on each matter coming before such meeting for decision. If a roll call is taken, all votes shall be recorded so as to attribute each "aye" and "nay" vote, or abstinence if not voting, to the name of the respective director.

8. **Official Actions.** In accordance with Section 67.1451.8, RSMo, all official acts of the Board of Directors shall be by written resolution approved by the Board.

9. **Meeting by Conference Telephone.** Members of the Board of Directors may participate in a meeting of the Board of Directors by means of conference telephone or similar communications equipment whereby all persons participating in the meeting can hear each other, and participation in a meeting in this manner shall constitute presence in person at the meeting. Notice for such meetings shall designate a place where members of the public may hear the conference call for purposes of complying with Chapter 610 of the Revised Statutes of Missouri, as amended (the "Sunshine Law").

10. **Compliance with State Sunshine Law.** The District is a "public governmental body" pursuant to the Sunshine Law; therefore, notwithstanding any other provision of these Bylaws and in addition to any requirements of these Bylaws, the District shall give notice of and conduct all meetings of the Board of Directors in accordance with the Sunshine Law.

ARTICLE V OFFICERS

1. **General.** The officers of the District shall be a Chairman, a Vice Chairman, an Executive Director, a Secretary, a Treasurer and such other officers as the Board of Directors may appoint. The officers shall be appointed from among the members of the Board of Directors and shall at all times while holding such offices be members of the Board of Directors. Any two or more offices may be held by the same person.

2. **Election and Terms of Office.** Initially, the officers shall be appointed by the Board of Directors named in these Bylaws at the first meeting of that body, to serve until the first annual meeting of the Board of Directors and until their successors are duly elected and qualified.

At the first and each subsequent annual meeting of the Board of Directors, the Board of Directors shall appoint officers to serve until the next annual meeting of the Board of Directors and until their successors are duly appointed and qualified.

An officer shall be deemed qualified when such officer enters upon the duties of the office to which such officer has been appointed and furnishes any bond required by the Board of Directors or these Bylaws; but the Board of Directors may also require of such person a written acceptance and promise faithfully to discharge the duties of such office.

The term of office of each officer of the District shall terminate at the annual meeting of the Board of Directors next succeeding his or her appointment and at which any officer of the District is appointed unless the Board of Directors provides otherwise at the time of his or her appointment.

3. **Removal.** If for any reason any officer who is also a member of the Board of Directors ceases to be a member, then such officer shall be deemed automatically removed from office in the District.

4. **Compensation of Officers.** No officer who is also a member of the Board of Directors shall receive any salary or compensation from the District for any services such officer may render to it as an officer. Salaries and compensation of all other officers, agents and employees of the District, if any, may be fixed, increased or decreased by the Board of Directors, but until action is taken with respect thereto by the Board of Directors, the same may be fixed, increased or decreased by the Chairman, or

such other officer or officers as may be empowered by the Board of Directors to do so; provided, however, that no person may fix, increase or decrease his or her own salary or compensation. Each officer may be reimbursed for such officer's actual expenses if they are reasonable and incurred in connection with the purposes and activities of the District.

5. Vacancies. Vacancies caused by the death, resignation, incapacity, removal or disqualification of an officer of the District shall be filled by the Board of Directors at any annual or other regular meeting or at any special meeting called for that purpose, and such person or persons so elected to fill any such vacancy shall serve at the pleasure of the Board of Directors until the next annual meeting of the Board of Directors, and until such officer's successor is duly elected and qualified.

6. The Chairman. The Chairman shall be the chief executive officer of the District, shall have such general executive powers and duties of supervision and management as are usually vested in the office of the chief executive officer of a District, and shall carry into effect all directions and resolutions of the Board of Directors. The Chairman may serve as the Executive Director pursuant to paragraph 10 of this Article V. The Chairman shall preside at all meetings of the Board of Directors at which he or she may be present.

The Chairman may execute all bonds, notes, debentures, mortgages, and other contracts requiring a seal, under the seal of the District and may cause the seal to be affixed thereto, and all other instruments for and in the name of the District.

The Chairman shall have the right to attend any meeting of any committee of the Board of Directors and to express his or her opinion and make reports at such meeting; provided, however, that unless the Chairman shall be specifically appointed to any committee, the Chairman shall not be considered to be a committee member or have the right to vote or be counted for the purpose of determining a quorum at any such meeting.

The Chairman shall have such other duties, powers and authority as may be prescribed elsewhere in these Bylaws or by the Board of Directors.

7. The Vice Chairman. The Vice Chairman shall work in cooperation with the Chairman and shall perform such duties as the Board of Directors may assign to him or her. In the event of the death, and during the absence, incapacity, inability or refusal to act of the Chairman, the Vice Chairman shall be vested with all the powers and perform all of the duties of the office of Chairman. In the absence of the Chairman, the Vice Chairman shall preside at all meetings of the Board of Directors at which he or she may be present. The Vice Chairman shall have such other or further duties or authority as may be prescribed elsewhere in these Bylaws or from time to time by the Board of Directors.

8. The Secretary. The Secretary shall attend the meetings of the Board of Directors and shall record or cause to be recorded all votes taken and the minutes of all proceedings in the minute book of the District to be kept for that purpose. The Secretary shall perform like duties for any committee established pursuant to these Bylaws when requested by such committee to do so. The Secretary shall be the custodian of all the books, papers and records of the District and shall, at such reasonable times as may be requested, permit an inspection of such books, papers and records by any director of the District. The Secretary shall upon reasonable demand furnish a full, true and correct copy of any book, paper or record in his or her possession. The Secretary shall be the administrative and clerical officer of the District under the supervision of the Chairman and the Board of Directors.

If the District has a seal, the Secretary shall keep in safe custody the seal of the District and when authorized to do so shall affix the same to any instrument requiring the seal, and when so affixed, the Secretary shall attest the same by his or her signature.

The Secretary shall have the general duties, powers and responsibilities of a secretary of a district and shall have such other or further duties or authority as may be prescribed elsewhere in these Bylaws or from time to time by the Board of Directors.

9. Treasurer. The Treasurer shall have supervision and custody of all moneys, funds and credits of the District and shall cause to be kept full and accurate accounts of the receipts and disbursements of the District in books belonging to it. The Treasurer shall keep or cause to be kept all other books of account and accounting records of the District as shall be necessary, and shall cause all moneys and credits to be deposited in the name and to the credit of the District in such accounts and depositories as may be designated by the Board of Directors. The Treasurer shall disburse or supervise the disbursement of funds of the District in accordance with the authority granted by the Board of Directors, taking proper vouchers therefor. The Treasurer shall be relieved of all responsibility for any moneys or other valuable property or the disbursement thereof committed by the Board of Directors to the custody of any other person or district, or the supervision of which is delegated by the Board of Directors to any other officer, agent or employee.

The Treasurer shall render to the Chairman or the Board of Directors, whenever requested by them, an account of all transactions as Treasurer and of those under the Treasurer's jurisdiction and the financial condition of the District.

The Treasurer shall have the general duties, powers and responsibilities of a treasurer of a district, shall be the chief financial and accounting officer of the District and shall have and perform such other duties, responsibilities and authorities as may be prescribed from time to time by the Board of Directors.

10. The Executive Director. The Executive Director shall execute documents, take any action and perform any further duties as may be prescribed from time to time by the Board of Directors.

11. Other Agents. The Board of Directors from time to time may also appoint such other agents for the District as it shall deem necessary or advisable, each of whom shall serve at the pleasure of the Board of Directors or for such period as the Board of Directors may specify, and shall exercise such powers, have such titles and perform such duties as shall be determined from time to time by the Board of Directors or by an officer empowered by the Board of Directors to make such determinations.

ARTICLE VI **GENERAL PROVISIONS**

1. Contracts. The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the District. All contracts shall be approved by written resolution of the Board of Directors.

2. Depositories and Checks. The moneys of the District shall be deposited in such manner as the Board of Directors shall direct in such banks or trust companies as the Board of Directors may designate and shall be drawn out by checks or drafts signed in such manner as may be provided by resolution adopted by the Board of Directors.

3. **Bonds.** The Board of Directors may require that any officer or employee handling money of the District be bonded at the District's expense, in such amounts as may be determined by the Board of Directors.

4. **Custodian of Securities.** The Board of Directors may from time to time appoint one or more banks or trust companies to act for reasonable compensation as custodian of all securities and other valuables owned by the District, and to exercise in respect thereof such powers as may be conferred by resolution of the Board of Directors. The Board of Directors may remove any such custodian at any time.

5. **Fiscal Year.** The Board of Directors shall have the power to fix and, from time to time, change the fiscal year of the District. In the absence of action by the Board of Directors, however, the fiscal year of the District shall end each year on the date which the District treated as the close of its first fiscal year, until such time, if any, as the fiscal year shall be changed by the Board of Directors.

6. **Certain Loans Prohibited.** The District shall not make any loan to any officer or director of the District. No loans shall be contracted on behalf of the District and no evidence of any financial obligation shall be issued in its name unless authorized by resolutions of the Board of Directors of the District.

7. **Indemnification and Liability of Directors and Officers.** Each person who is or was a director or officer of the District (including the heirs, executors, administrators and estate of such person) shall be indemnified by the District as of right to the full extent permitted or authorized by the laws of Missouri, as now in effect and as hereafter amended, against any liability, judgment, fine, amount paid in settlement, cost and expense (including attorneys' fees) asserted or threatened against or incurred by such person in such person's capacity as or arising out of such person's status as a director or officer of the District. The indemnification provided by this Bylaw provision shall not be exclusive of any other rights to which those indemnified may be entitled under any other bylaw provision or under any agreement, vote of disinterested directors or otherwise, and shall not limit in any way any right which the District may have to make different or further indemnifications with respect to the same or different persons or classes of persons.

No person shall be liable to the District for any loss, damage, liability or expense suffered by it on account of any action taken or omitted to be taken by such person as a director or officer of the District if such person (i) exercised the same degree of care and skill as a prudent person would have exercised under the circumstances in the conduct of his or her own affairs, or (ii) took or omitted to take such action in reliance upon advice of counsel for the District, or upon statements made or information furnished by directors, officers, employees or agents of the District which such person had no reasonable grounds to disbelieve.

8. **Absence of Personal Liability.** The directors and officers of the District are not individually or personally liable for the debts, liabilities or obligations of the District.

9. **Budgets.** The District will annually prepare a budget, and an annual report describing the major activities of the District during the preceding year and upcoming year. The Budget and Report shall be submitted to the City Finance Director for review and comment not less than thirty (30) days prior to the intended date of approval of the Budget. The Budget shall not be approved without the prior written consent of the City. Not later than the first day of each fiscal year, the Board of Directors shall adopt a budget for the District for the ensuing budget year, for every fund of the District of any kind, in such a manner as may be provided by law. If the Board of Directors fails to adopt a budget by the first day of a fiscal year, the District shall be deemed to have adopted a budget for such fiscal year which

provides for application of the District's sales tax revenues collected in such fiscal year in accordance with the budget for the prior fiscal year.

ARTICLE VII
AMENDMENTS

The Board of Directors of the District shall have the power to make, alter, amend and repeal the Bylaws of the District and to adopt new Bylaws, which power may be exercised by a vote of a majority of the members of the full Board of Directors. The District shall keep at its principal office a copy of the Bylaws, as amended, which shall be open to inspection by any member of the Board of Directors at all reasonable times during office hours.

CERTIFICATE TO BYLAWS

The foregoing Bylaws were duly adopted as and for the Bylaws of the Branson Hills Infrastructure and Recreational Facility Community Improvement District by the Board of Directors of said District at its first meeting held on _____, 2006.

Secretary of the Board of Directors

EXHIBIT B

LEGAL DESCRIPTION OF DISTRICT BOUNDARIES

Description of Property South of Branson Hills Parkway for CID:

A tract of land situated in the Southeast Quarter (SE1/4); part of the North Half (N1/2) of the fractional Southwest Quarter (SW1/4), Section 18; Part of the Northeast Quarter (NE1/4); part of the North Half (N1/2) of the Southeast Quarter (SE1/4) of Section 19; Part of the West Half (W1/2) of the Northwest Quarter (NW1/4) and the North Half (N1/2) of the Southwest Quarter (SW1/4) of Section 20, all in Township 23 North, Range 21 West of the fifth principal meridian, City of Branson, County of Taney, State of Missouri, being more particularly described as follows:

Commencing at an existing sand stone marking the quarter corner of Section 19 and 20 of said Township 23 North, Range 21 West; Thence South $01^{\circ}15'45''$ West a distance of 1319.47 feet to an existing lime stone marking the Southwest corner of the NW1/4 of the SW1/4 of Section 20 for the Point of Beginning; Thence North $88^{\circ}26'23''$ West a distance of 1326.72 feet to an existing $\frac{1}{2}$ " iron pin marking the southwest corner of the NE1/4 of the SE1/4 of said Section 19; Thence North $01^{\circ}39'55''$ East, along the west line of the NE1/4 of the SE1/4 of said Section 19, a distance of 708.45 feet to an existing $\frac{5}{8}$ " iron pin set by L.S. 1918; Thence South $88^{\circ}18'39''$ East a distance of 449.95 feet to an existing $\frac{5}{8}$ " iron pin set by L.S. 1918; Thence North $38^{\circ}50'30''$ East a distance of 237.12 feet to an existing $\frac{5}{8}$ " iron pin set by L.S. 1918; Thence North $50^{\circ}27'16''$ West a distance of 669.48 feet to the point of curvature; Thence northwesterly along a segment of a curve to the left having an arc length of 77.58 feet, (said segment having a chord bearing and distance of North $55^{\circ}26'57''$ West, 77.49 feet and a radius of 445.00 feet) to a point on the east line of the W1/2 of the of the NE1/4 of Section 19; Thence South $01^{\circ}21'14''$ West, along non-tangent east line of the W1/2 of the NE1/4 of said Section 19, a distance of 28.36 feet to the Southeast corner of the W1/2 of the NE1/4 of said Section 19; along the south line of the SW1/4 of the NE1/4 of Section 19, a distance of 1005.22 feet to a point on the east line of O'Leary Addition, a subdivision recorded in Plat Book/Slide "G", at Page 190 of the records of Taney County, Missouri; Along the east and north boundary of said O'Leary Addition as follows: Thence North $01^{\circ}35'48''$ East a distance of 71.81 feet to a point on a curve; Thence southwesterly along a segment of a non-tangent curve to the left having an arc length of 203.81 feet, (said segment having a chord bearing and distance of South $63^{\circ}08'08''$ West, 202.03 feet and a radius of 445.00 feet); Thence South $50^{\circ}00'54''$ West a distance of 183.29 feet to a point on the west line of the NW1/4 of the SE1/4 of Section 19; Thence North $01^{\circ}50'29''$ East, leaving the north boundary of O'Leary Addition and along the west line of the NW1/4 of the SE1/4, a distance of 145.11 feet to an existing $\frac{1}{2}$ " iron pin set by LS 1458 marking the Southwest corner of the SW1/4 of the NE1/4 of said Section 19; Thence North $01^{\circ}16'28''$ East, along the west line of the W1/2 of the NE1/4 of Section 19 a distance of 256.17 feet; Thence South $89^{\circ}02'05''$ East a distance of 317.33 feet to a point on a curve; Thence northeasterly along a segment of a curve to the right having an arc length of 39.98 feet, (said segment having a chord bearing and distance of North $08^{\circ}52'17''$ East, 39.97 feet and a radius of 540.02 feet); Thence North $10^{\circ}59'33''$ East a distance of 204.93 feet to an existing $\frac{5}{8}$ " iron pin set by LS 1918; Thence North $83^{\circ}22'44''$ West a distance of 358.77 feet to a point on the west line of the W1/2 of the NE1/4 of said Section 19; Thence North $01^{\circ}16'28''$ East, along the west line of the W1/2 of the NE1/4 a distance of 2115.54 feet

to an existing sand stone marking the Southwest corner of the SW1/4 of the SE1/4 of said Section 18; Thence North 01°36'02" East a distance of 1332.70 feet to an existing line stone marking the Northwest corner of the SW1/4 of the SE1/4 of Section 18; Thence North 89°00'56" West, along the south line of the N1/2 of the fraction SW1/4 of Section 18, a distance of 699.91 feet to a point on the east right-of-way line of M.S.H.D. Route 248, said point being on a curve; Thence northerly along the easterly right-of-way line of M.S.H.D. Route 248 through a segment of a non-tangent curve to the left having an arc length of 5.93 feet, (said having a chord bearing and distance of North 08°54'20" East, 5.93 feet segment and a radius of 995.37 feet) to a point on the southerly right-of-way line of Branson Hills Parkway; Along the southerly right-of-way line of Branson Hills Parkway as follows: Thence North 47°10'14" East a distance of 213.68 feet; Thence North 89°33'59" East a distance of 408.36 feet; Thence easterly along a curve to the left having an arc length of 222.89 feet, and a radius of 1250.00 feet, (said curve having a chord bearing and distance of North 84°27'30" East, 222.59 feet); Thence North 79°21'01" East a distance of 431.03 feet; Thence southeasterly along a curve to the right having an arc length of 955.75 feet, and a radius of 850.00 feet, (said curve having a chord bearing and distance of South 68°26'16" East, 906.19 feet); Thence South 36°13'32" East a distance of 700.03 feet; Thence easterly along a curve to the left having an arc length of 148.62 feet, and a radius of 750.00 feet, (said curve having a chord bearing and distance of South 41°54'09" East, 148.38 feet) to the northwest corner of the Branson City Park Property; Along the westerly boundary of the Branson City Park Property as follows: Thence South 01°38'50" West a distance of 886.48 feet; Thence South 88°38'56" East a distance of 337.89 feet; Thence South 01°38'50" West a distance of 178.51 feet to an existing iron pin marking a corner on the boundary of a parcel described in Book 351, at Page 8050 of the records of Taney County, Missouri; Leaving the boundary of the Branson City Park Property and along the boundary of said Parcel "W" as follows: Thence South 12°32'13" West a distance of 285.68 feet; Thence South 54°37'46" East a distance of 242.62 feet; Thence South 32°18'54" West a distance of 402.48 feet; Thence South 34°50'05" East a distance of 711.64 feet; Thence South 08°06'40" East a distance of 151.65 feet; Thence South 44°31'01" East a distance of 371.03 feet; Thence South 63°05'55" East a distance of 426.58 feet; Thence North 80°02'28" East a distance of 72.17 feet; Thence North 21°34'34" East a distance of 462.17 feet; Thence North 08°41'08" East a distance of 591.85 feet to a point on a non-tangent curve; Thence westerly along a non-tangent segment of a curve to the left having an arc length of 251.88 feet, (said segment having a chord bearing and distance of North 85°56'11" West, 248.12 feet and a radius of 420.00 feet) to a point of reverse curve; Thence northwesterly along a reverse segment of a curve to the right having an arc length of 257.32 feet, (said segment having a chord bearing and distance of North 87°45'33" West, 254.25 feet; and a radius of 480.00 feet) to a point on the easterly boundary of said Branson City Park Property, Along the easterly boundary of the City of Branson Park Property as follows: Thence North 28°52'43" East a distance of 613.09 feet; Thence North 66°37'25" East a distance of 379.08 feet to a point on the westerly right-of-way line of Branson Hills Parkway; Leaving the easterly boundary of the Branson City Park Property and along the westerly right-of-way line of Branson Hills Parkway as follows: Thence South 23°22'35" East a distance of 266.65 feet; Thence southerly along a curve to the right having an arc length of 575.29 feet, and a radius of 850.00 feet, (said curve

having a chord bearing and distance of South 03°59'14" East, 564.37 feet); Thence South 15°24'07" West a distance of 823.90 feet; Thence southeasterly along a curve to the left having an arc length of 1440.22 feet, and a radius of 1550.00 feet, (said curve having a chord bearing and distance of South 11°13'01" East, 1388.96 feet); Thence South 30°06'54" East a distance of 7.04 feet to a point on a segment of non-tangent curve; Thence westerly along a non-tangent curve to the left having an arc length of 29.12 feet, (said segment having chord bearing and distance of North 69°46'23" West 29.12 feet and having a radius of 905.00 feet) to a point on the east line of the NW1/4 of the SW1/4 of said Section 20; Thence South 00°26'39" East, along the east line of the NW1/4 of the SW1/4, a distance of 409.59 feet to an existing 3/8" iron pin marking the Southeast corner of said NW1/4 of the SW1/4 of Section 20; Thence North 89°00'29" West, along the south line of the NW1/4 of the SW1/4 of Section 20, a distance of 1301.41 feet to the said Point of Beginning, Containing 298.18 acres of land.

Except:

A tract of land situated in the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4); the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 19; the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) and the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 20, all in Township 23 North, Range 21 West of the fifth principal meridian, Taney County, Missouri, being more particularly described as follows:

Commencing at an existing sand stone marking the quarter corner of Section 19 and 20 of said Township 23 North, Range 21 West; Thence North 01°19'52" East, along the west line of the SW1/4 of the NW1/4 of said Section 20 a distance of 143.61 feet to the Point of Beginning; Thence South 81°06'34" East a distance of 142.15 feet; Thence South 57°50'16" East a distance of 302.55 feet; Thence South 00°20'03" East a distance of 400.62 feet to a point on a curve; Thence westerly along a non-tangent segment of a curve to the left having an arc length of 374.16 feet, (said segment having a chord bearing and distance of South 83°12'21" West, 369.79 feet and a radius of 705.00 feet) to a point of reverse curvature; Thence westerly along a curve to the right having an arc length of 746.75 feet, and a radius of 695.00 feet, (said curve having a chord bearing and distance of North 81°13'03" West, 711.34 feet); Thence North 50°26'11" West a distance of 645.97 feet; Thence North 36°20'35" East a distance of 181.16 feet; Thence South 63°08'41" East a distance of 98.01 feet; Thence North 87°17'28" East a distance of 776.95 feet; Thence South 81°06'34" East a distance of 200.82 feet to the said Point of Beginning, Containing 18.46 acres of land, more or less, 804105.52 square feet of land, more or less.

Also, Except:

Pinnacle Lots 18-21 described as follows:

A tract of land situated in the W1/2 of the SE1/4 of Section 18, Township 23 North, Range 21 West of the fifth principal meridian, Taney County, Missouri, Being more particularly described as follows:

Commencing at an existing sand stone marking the quarter corner of Sections 19 and 20, Township 23, Range 21 West, Thence North $88^{\circ}19'47''$ West, a distance of 1317.54 feet to an existing 1/2" iron pin marking the Southeast corner of the SW1/4 of the NE1/4 of Section 19; Thence North $88^{\circ}35'18''$ West, a distance of 1319.32 feet to an existing 1/2" iron pin set by RLS 1258, marking the Southwest corner of the SW1/4 of the NE1/4 of Section 19; Thence North $01^{\circ}16'28''$ West, along the West line of the W1/2 of the NE1/4 of Section 19, a distance of 2648.46 feet to an existing sand stone marking the Southwest corner of the W1/2 of the SE1/4 of Section 18; Thence South $88^{\circ}33'27''$ East, along the South line of the W1/2 of the SE1/4 of Section 18, a distance of 450.04 feet; Thence North $01^{\circ}27'03''$ East, a distance of 936.30 feet to the Point of Beginning; Thence North $24^{\circ}51'18''$ East a distance of 434.83 feet to a point on a non-tangent curve; Thence Southeasterly along a non-tangent segment of a curve to the left having an arc length of 104.90 feet, (said segment having a chord bearing and distance of South $69^{\circ}28'36''$ East, 104.73 feet and a radius of 525.00 feet); Thence South $75^{\circ}12'03''$ East a distance of 170.17 feet; Thence Easterly along a curve to the left having an arc length of 54.57 feet, and a radius of 151.37 feet, (said curve having a chord bearing and distance of South $85^{\circ}31'42''$ East, 54.27 feet) to a point of reverse curvature; Thence Southerly along a curve to the right having an arc length of 141.09 feet, and a radius of 97.74 feet, (said curve having a chord bearing and distance of South $54^{\circ}30'03''$ East, 129.16 feet) to a point of reverse curvature; Thence Southerly along a curve to the left having an arc length of 211.39 feet, and a radius of 1262.95 feet, (said curve having a chord bearing and distance of South $17^{\circ}56'27''$ East, 211.14 feet) to a point of reverse curvature; Thence Southerly along a curve to the right having an arc length of 23.47 feet, and a radius of 15.00 feet, (said curve having a chord bearing and distance of South $22^{\circ}05'32''$ West, 21.15 feet); Thence South $66^{\circ}55'13''$ West a distance of 17.62 feet; Thence Southwesterly along a curve to the left having an arc length of 139.62 feet, and a radius of 175.00 feet, (said curve having a chord bearing and distance of South $44^{\circ}03'53''$ West, 135.94 feet) to a point of reverse curvature; Thence Southerly along a curve to the right having an arc length of 221.42 feet, and a radius of 125.00 feet, (said curve having a chord bearing and distance of South $71^{\circ}57'14''$ West, 193.58 feet); Thence North $57^{\circ}18'04''$ West a distance of 81.06 feet; Thence Northwesterly along a curve to the left having an arc length of 139.26 feet, and a radius of 225.00 feet, (said curve having a chord bearing and distance of North $75^{\circ}01'57''$ West, 137.05 feet) to a point of reverse curvature; Thence Westerly along a curve to the right having an arc length of 126.20 feet, and a radius of 175.00 feet, (said curve having a chord bearing and distance of North $72^{\circ}06'18''$ West, 123.48 feet) to a point of reverse curvature; Thence Northwesterly along a curve to the left having an arc length of 58.83 feet, and a radius of 361.16 feet, (said curve having a chord bearing and distance of North $56^{\circ}06'46''$ West, 58.77 feet) to the Point of Beginning; Containing 5.55 acres of land more or less, Together with and subject to all easements and restrictions of record.

Description of Property North of Branson Hills Parkway for CID:

A tract of land situated in the West Half (W1/2) of the NE1/4; the West Half (W1/2) of the Southeast Quarter (SE1/4); part of the Southwest Quarter (SW1/4) and part of the Northwest Quarter (NW1/4) of Section 17; Part of the Northeast Quarter (NE1/4); part of the Southeast Quarter (SE1/4); and part of the North Half (N1/2) of the fractional Southwest Quarter (SW1/4) of Section 18; The West Half (W1/2) of the Northeast Quarter (NE1/4), part of the North Half (N1/2) of the Southeast Quarter (SE1/4), part of the North Half (N1/2) of the Southwest Quarter (SW1/4) and part of the Northwest Quarter (NW1/4) of Section 20, All in Township 23 North, Range 21 West of the fifth principal meridian, in the City of Branson, Taney County, Missouri, Being more particularly described as follows:

Commencing at an existing sand stone marking the Southwest corner of the Northwest Quarter of said Section 20; Thence North $01^{\circ}19'52''$ East a distance of 2648.27 feet to the computed Northwest corner of said Section 20; Thence North $02^{\circ}01'11''$ East, along the west line of the SW1/4 of the SW1/4 of said Section 17, a distance of 491.43 feet to a point on the northerly right-of-way line of Branson Hills Parkway for the Point of Beginning; Along the northerly right-of-way line of Branson Hills Parkway as follows: Thence North $76^{\circ}49'49''$ West a distance of 404.51 feet; Thence northwesterly along a curve to the right having an arc length of 460.65 feet, and a radius of 650.00 feet, (said curve having a chord bearing and distance of North $56^{\circ}31'41''$ West, 451.07 feet); Thence North $36^{\circ}13'32''$ West a distance of 700.03 feet; Thence northwesterly along a curve to the left having an arc length of 1068.19 feet, and a radius of 950.00 feet, (said curve having a chord bearing and distance of North $68^{\circ}26'16''$ West, 1012.80 feet); Thence South $79^{\circ}21'01''$ West a distance of 431.03 feet; Thence westerly along a curve to the right having an arc length of 205.05 feet, and a radius of 1150.00 feet, (said curve having a chord bearing and distance of South $84^{\circ}27'30''$ West, 204.78 feet); Thence South $89^{\circ}33'59''$ West a distance of 402.61 feet; Thence North $44^{\circ}51'41''$ West a distance of 213.89 feet to a point on the east right-of-way line of M.S.H.D. Route 248, said point being on a non-tangent curve; Leaving the northerly right-of-way line of Branson Hills Parkway and along the easterly right-of-way line of M.S.H.D. Route 248 as follows: Thence northerly along a non-tangent segment of a curve to the right having an arc length of 315.11 feet, (said segment having a chord bearing and distance of North $17^{\circ}13'49''$ East, 312.27 feet and a radius of 676.78 feet); Thence North $30^{\circ}34'08''$ East a distance of 83.73 feet; Thence South $88^{\circ}50'32''$ East, leaving the east line of M.S.H.D. Route 248, a distance of 459.30 feet; Thence North $01^{\circ}09'28''$ East a distance of 327.98 feet; Thence North $70^{\circ}51'51''$ West a distance of 246.10 feet to a point on the east right-of-way line of M.S.H.D. Route 248, said point being on a curve; Thence northeasterly along the easterly right-of-way line of M.S.H.D. Route 248 through a non-tangent curve to the left having an arc length of 124.78 feet, (said segment having a chord bearing and distance of North $16^{\circ}18'45''$ East, 124.32 feet and a radius of 423.06 feet) to a point on the north line of the fractional SW1/4 of Section 18; Thence South $88^{\circ}50'32''$ East, along the north line of the fractional SW1/4 of Section 18, a distance of 317.95 feet to the Southwest corner of the SW1/4 of the NE1/4 of said Section 18; Thence North $01^{\circ}32'00''$ East, along the west line of the SW1/4 of the NE1/4 of Section 18, a distance of 522.89 feet to the Southwest

corner of a Parcel described in Book 310, at Page 17 of the records of Taney County, Missouri for a Point of Beginning; Thence South 88°28'00" East a distance of 320.00 feet to the Southeast corner of said Book 310, at Page 17 of the records of Taney County, Missouri; Thence North 01°32'00" East along parallel with the west line of the NE1/4 of Section 18 and along the east line of Book 310, at Page 17, a distance of 1356.36 feet to a point on the south right-of-way line of Buchanan Road; Thence northeasterly along a segment of a non-tangent curve to the left, being the south right-of-way line of said Buchanan Road, and having an arc length of 61.31 feet, and a radius of 308.18 feet, (said segment having a chord bearing and distance of North 80°08'11" East, 61.21 feet); Thence South 01°32'00" West a distance of 204.83 feet; Thence South 88°28'00" East a distance of 158.76 feet; Thence North 66°05'50" East a distance of 406.67 feet; Thence South 88°57'30" East a distance of 872.53 feet; Thence South 45°51'06" East a distance of 617.06 feet; Thence North 85°35'16" East a distance of 405.27 feet to a point on the east line of the N1/2 of the NE1/4 of Section 18; Thence North 01°51'13" East, along the west line of the NW1/4 of the NW1/4 of Section 17, a distance of 1133.42 feet to a point on the south right-of-way line of Buchanan Road, said point being on a non-tangent curve; Along the southerly right-of-way line of Buchanan Road as follows: Thence southeasterly along a non-tangent segment of a curve to the right having an arc length of 268.70 feet, (said segment having a chord bearing and distance of South 79°03'03" East, 268.48 feet; and a radius of 1933.99 feet), Thence South 75°04'15" East a distance of 341.87 feet; Thence southeasterly along a non-tangent segment of a curve to the right having an arc length of 306.70 feet, (said segment having a chord bearing and distance of South 65°45'33" East, 305.35 feet and a radius of 943.60 feet); Thence South 56°26'52" East a distance of 166.58 feet; Thence southeasterly along a curve to the left having an arc length of 106.62 feet, and a radius of 520.78 feet, (said curve having a chord bearing and distance of South 62°18'46" East, 106.43 feet); Thence South 68°10'40" East a distance of 130.02 feet; Thence easterly along a segment of a curve to the left having an arc length of 72.22 feet, (said segment having a chord bearing and distance of South 74°09'49" East, 72.09 feet and a radius of 345.65 feet) to a point on the east line of the NW1/4 of the NW1/4 of said Section 17; Thence South 01°40'53" West, leaving the southerly right-of-way line of Buchanan Road and along the east line of said NW1/4 of the NW1/4, a distance of 851.54 feet to an existing wagon tire iron; Thence South 01°15'20" West, along the east line of the SW1/4 of the NW1/4 of said Section 17 a distance of 997.04 feet to the southwest corner of property owned by the Branson R IV School District; Thence South 88°20'31" East a distance of 1316.14 feet to the Southeast corner of the parcel owned by the Branson R IV School district, said point being on the east line of the SE1/4 of the NW1/4 of Section 17; Thence North 01°15'50" East, along the east line of the SE1/4 of the NW1/4 of Section 17, a distance of 1000.45 feet to an existing wagon tire iron marking the Southeast corner of the NE1/4 of the NW1/4 of Section 17; Thence North 01°25'18" East, along the east line of the NE1/4 of the NW1/4 of Section 17, a distance of 664.53 feet to a point of deflection in the Branson R IV School district property; Thence North 66°10'50" West, along the northerly line of the Branson R IV School District Property, a distance of 1021.27 feet, to a point on the southerly right-of-way line of Buchanan Road, said point being on a curve; Along the southerly right-of-way line of Buchanan Road as follows: Thence easterly along a non-tangent segment of a curve to the left having an arc length of 138.98 feet, (said segment

having a chord bearing and distance of North 64°30'22" East, 138.81 feet and a radius of 794.00 feet); Thence North 59°29'29" East a distance of 84.80 feet; Thence easterly along a curve to the right having an arc length of 411.09 feet, and a radius of 734.00 feet, (said curve having a chord bearing and distance of North 75°32'10" East, 405.74 feet); Thence South 88°25'08" East a distance of 910.18 feet; Thence southeasterly along a curve to the right having an arc length of 386.20 feet, and a radius of 970.00 feet, (said curve having a chord bearing and distance of South 77°00'47" East, 383.65 feet); Thence South 65°36'26" East a distance of 925.04 feet; Thence southeasterly along a curve to the right having an arc length of 158.83 feet, and a radius of 376.01 feet, (said curve having a chord bearing and distance of South 53°24'28" East, 157.65 feet); Thence South 41°06'26" East a distance of 79.03 feet; Thence easterly along a curve to the left having an arc length of 126.30 feet, and a radius of 230.00 feet, (said curve having a chord bearing and distance of South 56°50'20" East, 124.72 feet); Thence South 72°37'28" East a distance of 78.31 feet to a point on the west right-of-way line of SW Outer Road said point being on a curve; Thence southerly along a non-tangent segment of a curve to the left having an arc length of 80.00 feet, (said segment having a chord bearing and distance of South 13°09'32" West, 79.98 feet and a radius of 1190.92 feet); Thence South 09°56'39" West, continuing along the westerly right-of-way line of SW Outer Road, a distance of 53.63 feet; Thence North 78°56'50" West, leaving the westerly right-of-way line of the SW Outer Road, a distance of 822.71 feet to a point on the east line of the W1/2 of the NE1/4 of Section 17; Thence South 01°25'02" West, along the east line of the W1/2 of the NE1/4 of Section 17, a distance of 1936.93 feet to an existing 5/8" iron pin marking the Southeast corner of the W1/2 of the NE1/4 of said Section 17; Thence South 01°35'33" West a distance of 1318.63 feet to an existing wagon tire iron marking the Southeast corner of the NW1/4 of the SE1/4 of Section 17; Thence South 01°11'33" West a distance of 1326.10 feet to the Northwest corner of the NE1/4 of the NE1/4 of Section 20; Thence South 01°05'37" West a distance of 1323.18 feet to an existing lime stone marking the Southeast corner of NW1/4 of the NE1/4 of Section 20; Thence South 01°17'58" West a distance of 1333.47 feet to an existing stone marking the Southeast corner of the SW1/4 of the NE1/4 of Section 20; Thence South 88°18'11" East, along the south line of the SE1/4 of the NE1/4 of Section 20, a distance of 654.93 feet to an existing 5/8" iron pin set by L.S. 1918; Thence South 01°22'11" West a distance of 102.88 feet to an existing 5/8" iron pin set by L.S. 1918; Thence South 16°56'46" East a distance of 237.32 feet; Thence South 25°19'50" East a distance of 335.06 feet to an existing 5/8" iron pin set by L.S. 1918; Thence South 18°12'55" East a distance of 256.63 feet; Thence North 88°38'10" West a distance of 412.95 feet; Thence South 01°21'04" West a distance of 222.30 feet to a point on the Northwest corner of Lot 14 Branson Hills, a subdivision plat recorded in Plat Book/Slide "D", at Pages 414-432 of the records of Taney County, Missouri; Thence North 88°38'56" West, along the north boundary of lots 13-1 and 13-2 of said Branson Hills, a distance of 848.83 feet to the Northwest corner of said Lot 13-2; Thence North 43°49'08" West a distance of 352.51 feet to a corner of Lot 13-3 Branson Hills; Thence South 89°17'15" West a distance of 1105.72 feet to the Northwest corner of said Lot 13-3 Branson Hills, marked by an existing 5/8" iron pin set by L.S. 1918; Thence North 88°42'35" West a distance of 79.91 feet to an existing 5/8" iron pin set by L.S. 1918; Thence North 66°56'06" West a distance of 641.65 feet; Thence South 36°55'13" West a distance of 33.29 feet to an existing 5/8"

iron pin set by L.S. 1918; Thence South $74^{\circ}51'37''$ West a distance of 265.97 feet to a point on the easterly right-of-way line of Branson Hills Parkway, said point being on a curve; Along the easterly right-of-way line of Branson Hills Parkway as follows: Thence northerly along a non-tangent segment of a curve to the right having an arc length of 1272.43 feet, (said segment having a chord bearing and distance of North $09^{\circ}44'16''$ West, 1232.00 feet and a radius of 1450.00 feet); Thence North $15^{\circ}24'07''$ East a distance of 823.90 feet; Thence northerly along a curve to the left having an arc length of 642.97 feet, and a radius of 950.00 feet, (said curve having a chord bearing and distance of North $03^{\circ}59'14''$ West, 630.77 feet); Thence North $23^{\circ}22'35''$ West a distance of 871.96 feet; Thence westerly along a curve to the left having an arc length of 699.71 feet, and a radius of 750.00 feet, (said curve having a chord bearing and distance of North $50^{\circ}06'12''$ West, 674.61 feet); Thence North $76^{\circ}49'49''$ West a distance of 361.07 feet to the said Point of Beginning, Containing 837.62 acres of land, more or less, Subject to all easement and restrictions of record.

BRANSON HILLS INFRASTRUCTURE AND RECREATIONAL FACILITY CID

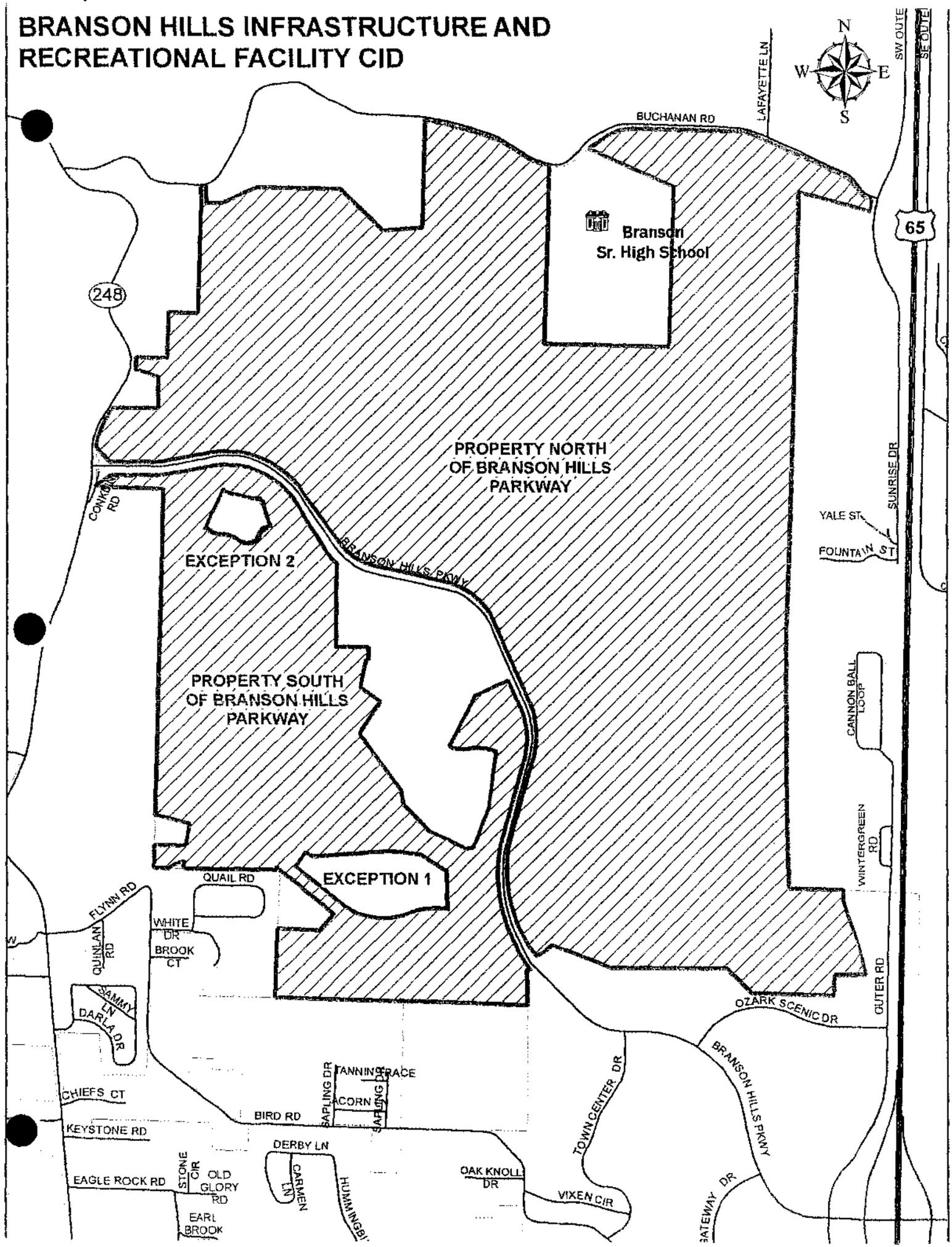
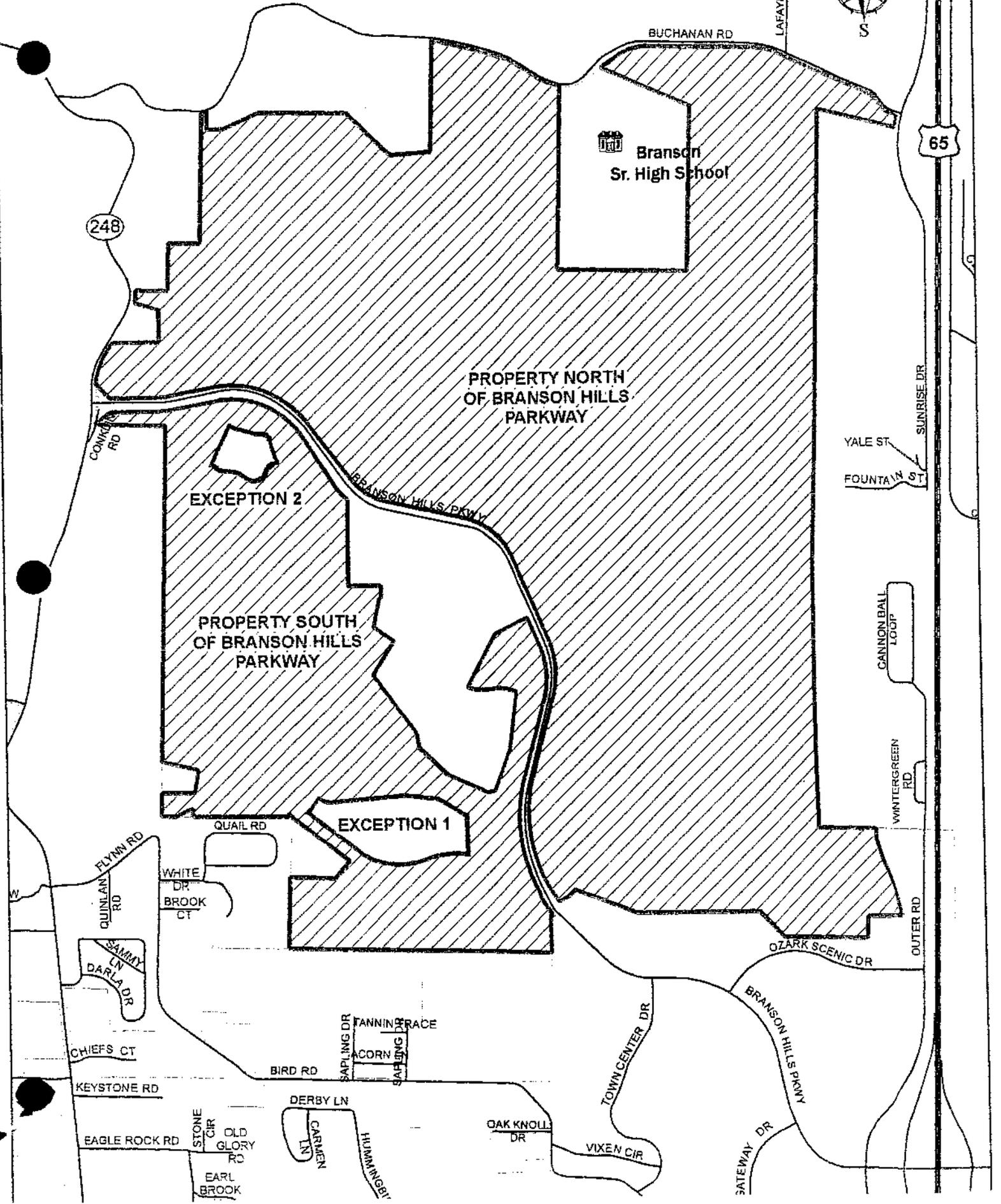


EXHIBIT C

MAP OF DISTRICT BOUNDARIES

BRANSON HILLS INFRASTRUCTURE AND RECREATIONAL FACILITY CID



ORDINANCE NO. 2009-10-08-2

**ORDINANCE REGULATING THE HOURS FOR CERTAIN
CONSTRUCTION RELATED ACTIVITIES**

Section 1. General Provisions

- 1.1 **Purpose and Findings.** The County Commission of Taney County, Missouri finds that in order to protect the citizens of Taney County and its visitors from the nuisance of construction noise at unreasonable hours and to prevent endangering the health, safety and welfare of the community at large it is in the best interests of the citizens of Taney County, Missouri that an ordinance be enacted regulating outdoor construction activities.
- 1.2 **Severability.** If any section, subsection, sentence, clause, phrase or portion of the Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The County Commission declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, clause, phrase, or portion would be declared invalid or unconstitutional.
- 1.3 **Enactment Clause and Short Title.** The County Commission of Taney County, Missouri, pursuant to the authority vested by law, hereby adopts and enacts this County Ordinance to be known by the short title of the Construction Hours Ordinance of Taney County, Missouri.

Section 2. Hours of operation for certain construction related activities.

- 2.1 The exterior construction, demolition, alteration or repair of buildings involving the operation of machinery or equipment or the repair or maintenance of such machinery or equipment, which causes loud or disturbing noise such that a reasonable person of normal sensitivities would be adversely affected, except between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday is hereby prohibited within 1,000 feet of any inhabited residential structure. Any such activity set forth in this paragraph is prohibited all day on Sundays.

Section 3. Variances.

- 3.1 **Temporary variances for emergencies.** Exceptions to this prohibition may be granted in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Taney County Commission, which permit may be granted for a period not to exceed three days while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues.
- 3.2 **Variance for entire project.** When proposed construction is in a rural setting where there is less residential density, or when similar conditions exist which would make the strict application of the provisions of this ordinance devoid of substantial benefit to the community, application may be made to the Taney County Commission for a variance to conduct exterior construction between the hours of 7:00 p.m. and 7:00 a.m.
- 3.3 **Hearing requirement.** Upon application for a variance pursuant to Section 3.2, a hearing shall be scheduled before the Taney County Commission.
- 3.4 **Notice.** Notice of the hearing required in Section 3.3 must be sent by certified mail, return receipt requested to every residence within 1,000 feet of the proposed construction site giving notice of the date, time and place of the hearing.

- 3.5 **Special conditions.** Any such variance may be granted by the Taney County Commission in its discretion, and the Commission may include any special conditions with the variance so long as the conditions are not arbitrary and capricious given the totality of the circumstances involved.
- 3.6 **Revocation of variance.** If at any time it appears to the Taney County Commission that the variance granted under Section 3.2 should be revoked, the Taney County Commission shall cause to be posted a revocation of variance notice at the construction site, and all construction between the hours of 7:00 p.m. and 7:00 a.m. shall immediately cease.
- 3.7 **Appeal.** The person or entity granted a variance under Section 3.2 or their successor in interest, may appeal to the Taney County Commission any revocation of a variance under this ordinance. If the revocation is appealed a hearing may be held before the Taney County Commission if a request for hearing is filed. The filing of an appeal will not grant any right or privilege in favor of the appealing entity to continue construction activities during the prohibited hours.

Section 4. Governmental Entity Exemption

- 4.1 The provisions of this ordinance do not apply to county or municipal governmental entities such as public works or road and bridge. Also exempt from the provisions of this ordinance are special district political subdivisions including but not limited to the sewer district and the various water districts.

Section 5. Peace Disturbance Prohibited

- 5.1 This Ordinance is designed to protect the citizens of Taney County from the adverse effects of exterior construction related noise between the hours of 7:00 p.m. and 7:00 a.m., and is not intended to abrogate or in any way diminish the effectiveness of any state statute. Section 574.010 of the Revised Statutes of Missouri sets forth the offense of disturbing the peace, and violations of that statute remain violations of law, despite any provision of this ordinance.

Section 6. Effective Date

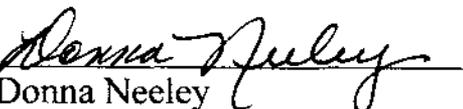
6.1 This ordinance designated the Construction Hours Ordinance of Taney County, Missouri and dated the 8th day of October, 2009, shall be effective from and after its approval.

SO PASSED, APPROVED AND ORDAINED THIS 8th DAY OF OCTOBER, 2009.



Chuck Pennel
Presiding Commissioner

Attest:


Donna Neeley
Taney County Clerk

FLOODPLAIN MANAGEMENT ORDINANCE (AMENDED)

60.3(d)

ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Missouri has in Missouri Revised Statute – 49.600 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the County Commission of Taney County, Missouri ordains as follows:

SECTION B. FINDINGS OF FACT

1. *Flood Losses Resulting from Periodic Inundation*

The special flood hazard areas of Taney County, Missouri are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

2. *General Causes of the Flood Losses*

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

3. *Methods Used To Analyze Flood Hazards*

The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards, which consist of a series of interrelated steps.

- a. Selection of a base flood that is based upon engineering calculations, which permit a consideration of such, flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this ordinance is representative of large floods, which are characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated for Taney County, Missouri dated September 29, 2006 as amended, and any future revisions thereto.
- b. Calculation of water surface profiles is based on a standard hydraulic engineering analysis of the capacity of the stream channel and over bank areas to convey the regulatory flood.

- c. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
- d. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
- e. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare; to minimize those losses described in Article 1, Section B (1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this ordinance to:

1. restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
2. require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
3. protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

ARTICLE 2 GENERAL PROVISIONS

SECTION A. LANDS TO WHICH ORDINANCE APPLIES

This ordinance shall apply to all lands within the jurisdiction of the Taney County identified as numbered and unnumbered A zones, AE, AO, and AH Zones, on the Flood Insurance Rate Map (FIRM) Taney County Index Panel 29213CINOA dated September 29, 2006 as amended, and any future revisions thereto. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the County Commission or its duly designated representative under such safeguards and restrictions as the County Commission or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article 4.

SECTION B. FLOODPLAIN ADMINISTRATOR

The Planning and Zoning Administrator is hereby designated as the Floodplain Administrator under this ordinance.

SECTION C. COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION D. ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

SECTION E. INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

SECTION F. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create a liability on the part of Taney County, any officer, or employee thereof, for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION G. SEVERABILITY

If a court of appropriate jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

ARTICLE 3 ADMINISTRATION

SECTION A. FLOODPLAIN DEVELOPMENT PERMIT (REQUIRED)

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article 2, Section A. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

SECTION B. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Planning and Zoning Administrator is hereby appointed to administer and implement the provisions of this ordinance.

SECTION C. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the Planning and Zoning Administrator shall include, but not be limited to:

1. review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;
2. review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
3. review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. issue floodplain development permits for all approved applications;
5. notify adjacent communities and the State Emergency Management Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.
7. verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
8. verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
9. when floodproofing techniques are utilized for a particular non-residential structure, the Planning and Zoning Administrator shall require certification from a registered professional engineer or architect.

SECTION D. APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

1. describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
2. identify and describe the work to be covered by the floodplain development permit;
3. indicate the use or occupancy for which the proposed work is intended;
4. indicate the assessed value of the structure and the fair market value of the improvement;
5. specify whether development is located in designated flood fringe or floodway;
6. identify the existing base flood elevation and the elevation of the proposed development;
7. give such other information as reasonably may be required by the Planning and Zoning Administrator;
8. be accompanied by plans and specifications for proposed construction; and
9. be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

ARTICLE 4 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

1. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones, AE, AO, and AH zones, unless the conditions of this section are satisfied.
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.

3. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A zone or AE zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
4. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
 - a. design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. construction with materials resistant to flood damage;
 - c. utilization of methods and practices that minimize flood damages;
 - d. all electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. new or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
 - f. subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - (1) all such proposals are consistent with the need to minimize flood damage;
 - (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - (3) adequate drainage is provided so as to reduce exposure to flood hazards; and
 - (4) all proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

5. *Agricultural Structures*

Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this ordinance; and a floodplain development permit has been issued

6. *Storage, material, and equipment*

- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

7. *Accessory Structures*

Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

SECTION B. SPECIFIC STANDARDS

1. In all areas identified as numbered and unnumbered A zones, AE, and AH Zones, where base flood elevation data have been provided, as set forth in Article 4, Section A (2), the following provisions are required:

- a. *Residential Construction*

New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.

*[*In all unnumbered and numbered A zones and AE zones, the FEMA, Region VII office recommends elevating to one foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.]*

- b. *Non-Residential Construction*

New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation

the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 3, Section C (9).

*[*The FEMA, Region VII office recommends elevating to one foot above the base flood elevation to qualify for flood insurance rates based upon floodproofing.]*

- c. Require, for all new construction and substantial-improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer, architect, meet, or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
 - (2) the bottom of all opening shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

SECTION C. MANUFACTURED HOMES

1. All manufactured homes to be placed within all unnumbered and numbered A zones, AE, and AH zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
2. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones, AE, and AH zones, on the community's FIRM on sites:
 - a. outside of manufactured home park or subdivision;
 - b. in a new manufactured home park or subdivision;
 - c. in an expansion to and existing manufactured home park or subdivision; or

- d. in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones, AE and AH zones, on the community's FIRM, that are not subject to the provisions of Article 4, Section C(2) of this ordinance, be elevated so that either:
 - a. the lowest floor of the manufactured home is at one (1) foot above the base flood level; or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

*[*In all unnumbered and numbered A zones and AE zones, the FEMA, Region VII office recommends elevating to one foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.]*

SECTION D. AREAS OF SHALLOW FLOODING (AO and AH zones)

Located within the areas of special flood hazard as described in Article 2, Section A are areas designated as AO zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:

1. *AO Zones*
 - a. All new construction and substantial-improvements of residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
 - b. All new construction and substantial-improvements of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community FIRM (at least two feet if no depth number is specified) or together with attendant utilities and sanitary facilities be completely floodproofed to that so that the structure is watertight with walls substantially impermeable to the passage of water and with

structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

2. *All Zones*

a. The specific standards for all areas of special flood hazard where base flood elevation has been provided shall be required as set forth in Article 4, Section B.

b. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

SECTION E. FLOODWAY

Located within areas of special flood hazard established in Article 2, Section A are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
2. The community shall prohibit any encroachments, including fill, new construction, substantial- improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in **any** increase in flood levels within the community during the occurrence of the base flood discharge.
3. If Article 4, Section E(2) is satisfied, all new construction and substantial- improvements shall comply with all applicable flood hazard reduction provisions of Article 4.
4. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Article 4, Section A(2).

SECTION F. RECREATIONAL VEHICLES

1. Require that recreational vehicles placed on sites within all unnumbered and numbered A zones, AO, AE, and AH zones on the community's FIRM either:
 - a. be on the site for fewer than 180 consecutive days, **or**
 - b. be fully licensed and ready for highway use*; **or**
 - c. meet the permitting, elevation, and the anchoring requirements for manufactured homes of this ordinance.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

ARTICLE 5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

SECTION A. ESTABLISHMENT OF APPEAL BOARD

The Taney County Board of Adjustment as established by Taney County shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

SECTION B. RESPONSIBILITY OF APPEAL BOARD

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Planning and Zoning Administrator, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board, as defined in Article 5, Section A.

The Taney County Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Planning and Zoning Administrator in the enforcement or administration of this ordinance.

SECTION C. FURTHER APPEALS

Any person aggrieved by the decision of the Taney County Board of Adjustment or any taxpayer may appeal such decision to the Taney County Circuit Court as provided in Missouri Revised Statute – 49.615.

SECTION D. FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Taney County Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

1. the danger to life and property due to flood damage;
2. the danger that materials may be swept onto other lands to the injury of others;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the community;
5. the necessity to the facility of a waterfront location, where applicable;
6. the availability of alternative locations, not subject to flood damage, for the proposed use;
7. the compatibility of the proposed use with existing and anticipated development;
8. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
10. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
11. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

SECTION E. CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

1. Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of

Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.

3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

SECTION F. CONDITIONS FOR APPROVING VARIANCES FOR AGRICULTURAL STRUCTURES

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article 5, Sections D and E of this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

1. All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.
2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance.

4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Article 4, Section A (4)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (4)(d) of this ordinance.
6. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article 4, Section B (1)(c) of this ordinance.
7. The agricultural structures must comply with the floodplain management floodway encroachment provisions of Article 4, Section E(2) of this ordinance. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
8. Major equipment, machinery, or other contents must be protected from any flood damage.
9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.
10. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
11. Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

SECTION G. CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES

Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article 5, Sections D and E of this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.

1. Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance.
3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Article 4, Section A (4)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (4)(d) of this ordinance.
5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article 4, Section B (1)(c) of this ordinance.
6. The accessory structures must comply with the floodplain management floodway encroachment provisions of Article 4, Section E (2) of this ordinance. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
7. Equipment, machinery, or other contents must be protected from any flood damage.
8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
9. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

10. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

ARTICLE 6 PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$ 1,000.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Taney County Commission or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 7 AMENDMENTS

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Taney County. At least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this ordinance are in compliance with the National Flood Insurance Program (NFIP) regulations.

ARTICLE 8 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

"100-year Flood" *see "base flood."*

"Accessory Structure" means the same as *"appurtenant structure."*

"Actuarial Rates" *see "risk premium rates."*

"Administrator" means the Federal Insurance Administrator.

"Agency" means the Federal Emergency Management Agency (FEMA).

"Agricultural Commodities" means agricultural products and livestock.

"Agricultural Structure" means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

"Appeal" means a request for review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

"Appurtenant Structure" means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

"Area of Shallow Flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the structure having its floor subgrade (below ground level) on all sides.

"Building" *see "structure."*

"Chief Executive Officer" or "Chief Elected Official" means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

"Community" means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Elevated Building" means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Eligible Community" or "Participating Community" means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

"Existing Construction" means for the purposes of determining rates, structures for which the *"start of construction"* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *"existing construction"* may also be referred to as *"existing structures."*

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards.

"Flood Fringe" means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (*see "flooding"*).

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

"Floodplain Management Regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floodway Encroachment Lines" means the lines marking the limits of floodways on Federal, State and local floodplain maps.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. *"Freeboard"* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *"manufactured home"* **does not include** a *"recreational vehicle."*

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

"Market Value" or "Fair Market Value" means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

"Mean Sea Level" means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

"New Construction" means, for the purposes of determining insurance rates, structures for which the *"start of construction"* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *"new construction"* means structures for which the *"start of construction"* commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

"(NFIP)" means the National Flood Insurance Program (NFIP).

"Participating Community" also known as an *"eligible community,"* means a community in which the Administrator has authorized the sale of flood insurance.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

"Recreational Vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Remedy A Violation" means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

"Risk Premium Rates" means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. *"Risk premium rates"* include provisions for operating costs and allowances.

"Special Flood Hazard Area" see *"area of special flood hazard."*

"Special Hazard Area" means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A, AO, AE, or AH.

"Start of Construction" includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within

180 days of the permit date. The *actual start* means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the *actual start of construction* means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

"Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *"Structure"* for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

"Substantial-Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial-Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before *"start of construction"* of the improvement. This term includes structures which have incurred *"substantial-damage,"* regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a *"historic structure,"* provided that the alteration will not preclude the structure's continued designation as a *"historic structure."*

"Variance" means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

ARTICLE 9 CERTIFICATE OF ADOPTION

This Floodplain Management Ordinance for the County of Taney, of the State of Missouri is:

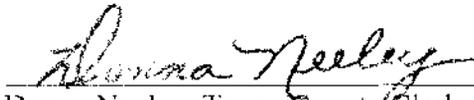
ADOPTED AND APPROVED by the Taney County Commission, the Governing Body of Taney County, Missouri.

This 13th day of September, 2006.



Chuck Pennel, Presiding Commissioner
County Commission of Taney County, Missouri

ATTEST:



Donna Neeley, Taney County Clerk

JUN 19 2006

JUN 19 2006

RECEIVED

RECEIVED

IN THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI

AN ORDINANCE REGULATING USE OF RIGHTS-OF-WAY AND EASEMENTS THAT ARE POSSESSED BY TANEY COUNTY IN RELATION TO THE COUNTY MAINTAINED ROAD SYSTEM

WHEREAS, the County of Taney, State of Missouri, has an extensive county road system, maintained and supervised by Taney County; and,

WHEREAS, in connection with said roads and road system, Taney County also possesses easements, rights-of-way in fee simple, and other property interests adjacent to the roads in the Taney County maintained road system; and

WHEREAS, the safety of the traveling public and the safety of the citizens and pedestrians of Taney County, Missouri are well served by promulgating reasonable regulations concerning the use of said properties; and,

WHEREAS, the Taney County Commission is a Missouri county of the first classification; and

WHEREAS, Section 49.266 of the Revised Statutes of Missouri sets forth that the county commission in first class counties may by order or ordinance, promulgate reasonable regulations concerning the use of county property; and,

WHEREAS, Section 49.266 of the Revised Statutes of Missouri also provides for the Taney County Commission to promulgate by order or ordinance reasonable regulations controlling pedestrian and vehicular traffic, and to control parking on county property; and,

WHEREAS, Section 49.270 of the Revised Statutes of Missouri sets forth that the county commission shall have control and management of the property, real and personal, belonging to the county; and,

WHEREAS, Taney County, Missouri enters into contracts with vendors to operate certain businesses on county property from time to time, when said activity is not adverse to the interests of the public or Taney County taxpayers; and,

WHEREAS, at least one entity has the right to the exclusion of all others by terms of an acquired easement to operate a business, and to be a vendor on one particular county right-of-way so long as said use does not interfere with safety and use of the road; and

WHEREAS, Taney County, Missouri may control the activities on county property by vendors or tenants by contract, and said contracts are designed to also regulate the use of county property to insure the safety of the public;

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF THE COUNTY OF TANEY, MISSOURI, AS FOLLOWS:

SECTION 1. County Ordinances are hereby added to by the adoption of this ordinance regulating the use of certain Taney County easements, rights-of-way, and other property interests held in relation to the county road system, and for the purpose of operating and maintaining safely and efficiently said county road system as follows:

A. *Trespassing.*

Easements, rights-of-way and other property interests held by Taney County in connection with the operation and maintenance of its county road system are held for road purposes and are not open to use by the public for vending or selling products, produce or any other items. Most of the property held by Taney County, Missouri for use in connection with the county road system is not suitable for use by the public for any purpose other than pedestrian or vehicular travel. No person shall use the Taney County rights-of-way, easements or any other property held in connection with the operation or maintenance of the county road system for any purpose other than pedestrian or vehicular travel unless said individual has valid written permission from the Taney County Commission. Taney County road personnel, law enforcement personnel, or other personnel authorized by the Taney County Commission may request any person using the county roads, or rights-of-way or easements held in relation thereto for purposes other than travel, to leave said property. Any person who fails to comply with this request to leave county property or fails to abide by regulations on file with the county clerk shall be a trespasser.

B. *Tenants and vendors.*

Only those persons or entities that have prior written approval from the Taney County Commission, or the Taney County Road and Bridge Department, or that have a written contract with Taney County, Missouri may engage in activities other than pedestrian or vehicular travel, on the property, rights-of-way and easements of Taney County, Missouri.

SECTION 2. *County Park System.*

This ordinance relates to the county roads, rights-of-way, easements and other property interests held in relation to the county road system and its

operation and maintenance, and this ordinance does not effect use of county property held for recreational park purposes.

SECTION 2. *Effective date.*

This ordinance shall be in full force and effect from and after its passage.

SECTION 3. *Other remedies.*

This ordinance does not preclude or prevent Taney County, Missouri from taking all other actions available to it against trespassers or others who violate rules or regulations concerning county property.

**PASSED AND SO ORDAINED AT THE COURTHOUSE IN FORSYTH,
MISSOURI ON THIS 10th DAY OF JULY, 2006.**

VOTE:

AYE

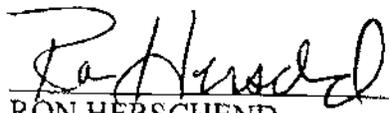
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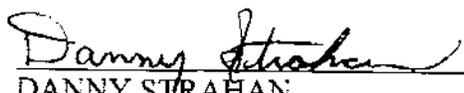
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CHUCK PENNEL
PRESIDING COMMISSIONER



RON HERSCHEND
WESTERN COMMISSIONER



DANNY STRAHAN
EASTERN COMMISSIONER



Donald Feuley *attestation*



County of **TANEY** State of Missouri

TANEY COUNTY COURTHOUSE
FORSYTH, MO 65653
(417) 546-2241

OFFICE OF
RONALD D. HOUSEMAN
COUNTY CLERK

DEPUTY CLERKS:
DIANA NELSON
TRESSA LUTTRELL
DIXIE WAGNER

NOTICE OF ORDINANCE ADOPTION

The Taney County Commission during their regularly scheduled meeting November 16, 1992, approved and adopted Ordinance Number 92-5.

Ordinance 92-5 provides for the designation of all roads and streets and for the numbering of all structures outside the City Limits of all municipalities in Taney County, Missouri.

A copy of Ordinance 92-5 is included for your perusal.

Sincerely,

A handwritten signature in cursive script that reads "Ronald D. Houseman".

Ronald D. Houseman,
Taney County Clerk

ORDINANCE NO 92-5

A TANEY COUNTY ORDINANCE TO IMPLEMENT THE COUNTY WIDE 911 PHONE SERVICE BY PROVIDING FOR THE DESIGNATION OF ALL ROADS AND STREETS AND FOR THE NUMBERING OF ALL STRUCTURES OUTSIDE THE CITY LIMITS OF ALL MUNICIPALITIES IN TANEY COUNTY, MISSOURI.

WHEREAS, the people of Taney County, Missouri have approved a system of 911 emergency phone service; and

WHEREAS, it is necessary that all roads and streets be named for such purpose and that all structures occupied as a dwelling or place of business be designated by a numbering system in order that such places may be quickly located for such emergency services;

THEREFORE BE IT RESOLVED By the Taney County Commission, Missouri as follows:

ARTICLE I

1. The title of this ordinance shall be referred to as Ordinance No. 92-5, the 911 phone service ordinance.

ARTICLE II

1. In order to implement and carry out the 911 emergency phone service all inhabitable structures for human habitation and all buildings in which private and public business is conducted shall be designated by a numerical system of numbers and alphabetical letters or a combination thereof.

2. All such numbers shall be placed on all new and existing structures as designated in Article II, Section 1, beside or near the front entrance thereof on the street or road side of the building. The numbers shall be no less than 4" in height and shall be increased by 1" in height for every 50 feet the structure sets back from the street or road. The numbers shall contrast with the background color and shall be visible from the street or road, day or night.

3. If the structure is not visible from the street or road, the numbers shall be placed at the driveway entrance and street or road, either on the mailbox or on a separate post or support. If a separate post is used, the numbers shall be placed no less than 7' or more than 7' from ground level to provide optimum visibility.

4. Primary and secondary numbers.

a. All structures shall be designated by a primary number.

If the structure is divided into separate units such as apartments in one structure, the overall structure shall be given a primary numerical designation and each unit thereof shall have an alphabetical letter added to the primary number in sequence.

ARTICLE III

1. This ordinance shall only apply to structures, streets and roads within Taney County, Missouri outside the boundaries of any municipalities thereof.

ARTICLE IV

1. The designation and naming of all streets and roads shall be initiated by the 911 Administrator and approved thereafter by this commission before becoming effective.

ARTICLE V

1. This ordinance shall be effective on the date of signing.

Dated this 16TH day of NOVEMBER, 1992.

Taney County Commission

By: John Strahan Jr.
John Strahan, Jr., Presiding Commissioner

By: Jerry Gideon
Jerry Gideon, Commissioner

By: Harold Hall
Harold Hall, Commissioner

ATTEST:

BY: Ronald D. Houseman
Ronald D. Houseman, County Clerk
Taney County, Missouri

**ORDINANCE PROHIBITING THE ACCUMULATION OF
WASTE MATERIAL AND PROHIBITING OTHER NUISANCES
IN THE COUNTY OF TANEY, MISSOURI**

This ordinance is adopted pursuant to Section 49.650 RSMo, Section 67.400 et seq. RSMo, Section 260 RSMo, and Section 192.300 RSMo and establishes minimum regulations governing the conditions of all property, buildings and structures, and prohibits and regulates various nuisances, including the control of rubbish and garbage in order to enhance the public health, safety and welfare.

WHEREAS, in order to promote the public safety, health and general welfare of the citizens of Taney County, Missouri, it is necessary to adopt a Nuisance Ordinance regulating the following nuisances:

INOPERABLE MOTOR VEHICLES, PARTS OF VEHICLES, GARBAGE,
RUBBISH, SCRAP AND/OR USED BUILDING MATERIALS, SOLID
WASTES, TIRES, APPLIANCES, FURNITURE, UNCLEAN DRAIN AND
SEPTIC SYSTEMS, ABANDONED/VACANT STRUCTURES; AND;

WHEREAS, the Taney County Commission desires to establish a restriction against the foregoing nuisances and provide for penalties for allowing said nuisances to persist; and;

WHEREAS, the Taney County Commission has full power and authority to initiate the prosecution of actions pursuant to Section 49.650 RSMo, Section 67.400 RSMo, Section 260 RSMo and Section 192.300 RSMo; therefore;

BE IT ORDAINED BY the Taney County Commission, Taney County, Missouri as follows:

SECTION 1. Nuisances Forbidden.

No person, including corporations, partnerships, associations and/or other entities shall cause, maintain or permit on premises owned or controlled by such person or entity, a nuisance as defined by the laws of the State of Missouri or by this Ordinance.

SECTION 2. Definitions.

- A. "Inoperable motor vehicle" means any vehicle that has been inoperable for more than ninety (90) days or in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. To be considered operable a motor vehicle must be able to move on its own power, be listed as personal property by the owner with the Taney County Assessor and must be properly titled.

Exception: One vehicle; agricultural equipment; or vehicles on the premises of a duly licensed automobile/truck repair or sales business; or in a duly licensed salvage yard or not visible from a public road or more than four hundred (400) feet from a public roadway and property line. At no time shall vehicles be stacked. Any more than one (1) vehicle must be fenced from sight or covered with a vehicle cover.

- B. "Used building materials" means any scrap or used: lumber, insulation, drywall, wiring, metal, shingles or other materials used in the construction of residences or commercial buildings deposited in such quantity or in such condition as to be offensive to the sight or smell or to be a menace to health or safety.
- C. "Accumulation" means to gather or pile up.
- D. "Nuisance" means a use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.
- E. "Putrescible" means liable to be putrefied. Chemical decomposition of animal or vegetable tissue, caused by bacteria.
- F. "Abate" means to eliminate, or to reduce the magnitude to such a degree that the stated condition no longer violates any provision contained in this ordinance.
- G. "Garbage" means any putrescible animal or vegetable waste.
- H. "Rubbish" means non-putrescible solid wastes, consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, wood, glass, crockery, furniture, appliances and similar materials.
- I. "Solid waste" means unwanted or discarded waste materials in a solid or semi-solid state resulting from industrial, commercial, governmental and domestic activities.
- J. "Menace" means something that threatens, or causes annoyance.
- K. "Tire," means a ring of rubber that was designed to be placed over the rim of a wheel to provide traction or resistance to wear.
- L. "Abandoned/vacant structures" means any abandoned structure not being maintained in a safe, secure condition so as not to cause a blighting problem or adversely affect the public health and safety.
- M. "Unclean drain or septic systems means any unclean, stinking, foul, defective, or filthy drain, including septic tanks or systems, outfalls, and laterals, or an improper sewer lagoon or other improper on-site sewage disposal system, and any drains therefrom.

N. "On-site sewage disposal system", means any system handling or any treatment facility receiving domestic sewage which discharges into a subsurface soil absorption system and discharges less than three thousand (3,000) gallons per day.

O. Abandoned – this means to give up control, to cease from maintaining or using.

SECTION 3. Rubbish and garbage.

A. Accumulation of rubbish or garbage. All exterior property and premises shall be free from any accumulation of rubbish or garbage.

Exception: Properties of two (2) acres or more where accumulation is not visible from a public road or adjacent property and does not create a public health hazard.

B. Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in covered containers.

C. Rubbish storage containers. The owner/occupant of every occupied premise whether single family or multi-family shall supply covered containers for rubbish and the owner/occupant of the premises shall be responsible for the removal of rubbish.

D. Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in a covered garbage disposal facility or covered garbage containers.

E. Garbage facilities. The owner/occupant of every dwelling whether single family or multi-family storing garbage outside, shall supply a covered outside garbage container for all accumulated rubbish or garbage.

F. Containers. The operator of every commercial establishment producing garbage or rubbish shall provide and at all times cause to be utilized, containers provided with close-fitting covers for the safe and sanitary containment of such materials until removed from the premises for disposal.

G. Compost. A person does not commit a violation of this Ordinance if vegetable waste is accumulated in a non-commercial home composting operation maintained in such manner as to control noxious odors, discourage the growth of harmful bacteria and limit access by animals and vermin.

SECTION 4.

It is a violation of this ordinance to allow on one's property any condition described in Section 2 (M) of this ordinance, and it is also a violation of this ordinance when any sewage, human excreta, or other human organic waste is discharged or exposed on an owner's land or any other land from an on-site disposal system in a manner that makes it a potential instrument or medium for the breeding of flies and mosquitoes, the production of odors, or the transmission of disease to or between a person or persons, or which contaminates surface waters or ground water.

SECTION 5.

Any motor vehicle inoperable for more than ninety (90) days, an accumulation of solid waste, used building materials or ten (10) tires on any property as defined in Section 2 is a violation of this ordinance.

SECTION 6.

Any structure or building which is abandoned and not being maintained in a safe and secure condition that creates a blighting problem or adversely effects the public health, safety or welfare shall be deemed a nuisance and a violation of this ordinance.

SECTION 7. Criminal Remedy.

Any person violating or failing to comply with any provision of this ordinance or with any lawful order of the Taney County Commission or its representatives made pursuant to the provisions of this ordinance shall be subject to the criminal penalties set forth in the applicable state statute upon conviction. Any person convicted of maintaining a nuisance shall within five (5) days thereafter remove such nuisance and failure to do so shall be a second offense and every like neglect for each succeeding five (5) day period thereafter shall be an additional offense.

SECTION 8. Civil Remedy.

In addition to the remedies set forth in Section 4, if any person shall fail to comply with a lawful notice to abate under such section, the County Commission may bring a civil action to enjoin the alleged violation. In the event that the County Commission is successful in obtaining an injunction under this section it shall be entitled to be reimbursed for the costs incurred in obtaining the injunction, as well as a reasonable attorney's fee. Cost for cleanup and any other cost required to bring a property into compliance with this ordinance shall be assessed against the landowner and/or violator. The County may incur the expense, and upon completion of cleanup and/or other required compliance action, the County may file a lien against said property to recoup costs so expended.

SECTION 9. Transportation.

Any motor or transportation vehicle used for the purpose of transporting solid waste or hazardous waste, whether a licensed vehicle utilized by a solid waste transportation business or a private individual or entity, shall provide a closed container cover, covers or be sufficiently secured to prevent any of the materials being transported from spilling upon the private or public lands within the unincorporated areas of Taney County.

SECTION 10. Applicability.

No accumulation of any of the nuisances listed in this ordinance, which exists upon the effective date of this ordinance, and no person who keeps or permits such an accumulation upon the effective date of this ordinance shall be exempt from the provisions of this ordinance.

SECTION 11. Notice to Abate.

- A. Whenever the Taney County Commission or its representative has reason to believe that a person is keeping or permitting an accumulation of any nuisance listed in this ordinance they shall give written notice to such person to abate the accumulation.
- B. Such written notice shall include:
 1. The location of the nuisance.
 2. A description and a photograph of the nuisance.
 3. A statement of suggested action necessary to abate the nuisance.
- C. If the nuisance has not been abated within forty-five (45) days, a second letter with the same information as the first and including "D" below will be sent.
- D. Response required as of receipt of written notice.
 1. A comprehensive plan for the abatement of the nuisance must be submitted in writing to the Taney County Commission within fourteen (14) days of receipt of the written notice.
 2. The nuisance must be abated within ninety (90) days of the receipt of the written plan, unless otherwise approved by the Taney County Commission.
 3. Receipts from the appropriate disposal facility must be submitted to the Taney County Commission.
 4. Any person or persons having received a notice to abate may at any

time schedule an appointment with the full Commission to discuss the notice or receive assistance with development of their abatement plan.

SECTION 12.

It is not the intent of this Ordinance to conflict with any rules or regulations authorized or made by the State Department of Health pursuant to Chapter 192.300 of the Revised Statutes of Missouri, nor is it the intent of this Ordinance to conflict with any such rules or regulations made by the State Department of Social Services pursuant to Chapter 198 of the Revised Statutes of Missouri. Further, it is not the intent that this ordinance should directly contradict any provision in the Missouri Constitution or of any Missouri Statute. It is also not the intent that this ordinance should directly contradict any applicable state rule or regulation. Should any provision in this Ordinance conflict with Section 192.300 RSMo or directly contradict any of the other above-mentioned provisions, or should this ordinance in any way be unenforceable, vague or overbroad, said Ordinance should be read as if it did not include the specific provision that would make this ordinance unenforceable.

Section 13.

This current or any future Taney County Commission may not amend this ordinance without first conducting a public hearing on the amendment.

Section 14.

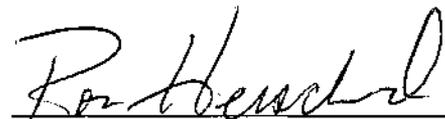
This Ordinance will sunset December 31, 2006, and shall be of no further effect unless readopted at that time.

This Ordinance is accepted and enacted by the undersigned Taney County Commission and shall become enforceable immediately upon its enactment, this 17th day of Feb. 2004.

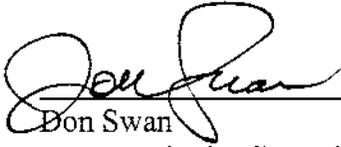
Taney County Commission



Chuck Pennel
Presiding Commissioner



Ron Herschend
Western District Commissioner



Don Swan
Eastern District Commissioner

Attest:



Donna Neeley
County Clerk

BEFORE THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI

**ORDINANCE AUTHORIZING CONDEMNATION OF PARKING
LOT FOR PUBLIC PURPOSE AND USE**

ORDINANCE NO. 05-1114

WHEREAS, Taney County, Missouri needs to expand its currently existing courthouse including providing additional and better jail and law enforcement facilities; and

WHEREAS, Taney County, Missouri intends to erect and construct new buildings in the expansion of its courthouse facilities, thereby requiring additional real estate; and

WHEREAS, the design and location of said new buildings makes it necessary that Taney County, Missouri obtain certain real property, including a lot currently used for parking at Main Street East of Shorty Cooper Street in Forsyth, Missouri that is more particularly described in Exhibit "A" to this Ordinance; and

WHEREAS, the acquisition of said real property is for a public use and purpose; and

WHEREAS, the Taney County Commission has negotiated with the owners of said real estate and a good faith offer to purchase the real property has been made to said owner; and

WHEREAS, Section 49.300 RSMo, authorizes Taney County to institute proceedings in the Circuit Court of Taney County, Missouri for the purposes of condemning land or other property for a courthouse or jail site and for other public uses; and

WHEREAS, Taney County, Missouri and the owner of the property have been unable to agree on the proper compensation for the required property described in Exhibit "A"; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI, as follows:

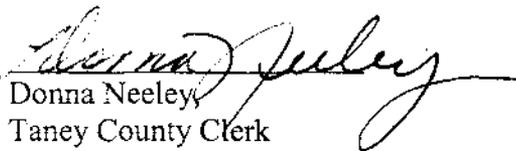
The use of condemnation powers as granted to Taney County by the State of Missouri in Section 49.300 RSMo is hereby approved in order to obtain fee simple title to the property described in Exhibit "A" to this Ordinance so that said real property may be used in the site for the expansion and construction of the law enforcement and jail facilities.

This Ordinance shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 14th day of ~~October~~
November, 2005.



Chuck Pennel,
Presiding Commissioner

ATTEST: 
Donna Neeley,
Taney County Clerk

AN ORDINANCE AMENDING THE REGULATIONS AUTHORIZING A POLICE OFFICER OF THE CITY OF BRANSON, MISSOURI TO ACT IN AN EMERGENCY SITUATION OUTSIDE THE CORPORATE CITY LIMITS OF THE CITY OF BRANSON, MISSOURI.

WHEREAS, the Mayor and Board of Aldermen of the City of Branson, Missouri have become aware of a difficulty in the interpretation of the Revised Statutes of Missouri 1988, section 70.815, subsection 2; and

WHEREAS, the Mayor and Board of Aldermen of the City of Branson, Missouri deem further clarification and regulation of the authorization for Mutual Aid assistance,

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI AS FOLLOWS:

Section 1: That Ordinance Number 88-74, Section 2, be amended by adding there to the following:

As a further part of this ordinance, the City of Branson hereby grants to the City of Hollister Police Department, the right and authority to respond to emergency situations within the City of Branson, Missouri when requested for Mutual Aid.

Section 2: All ordinances in conflict with the provisions of this ordinance are hereby repealed. All provisions of this ordinance are separable, and the invalidity of any part of this ordinance shall not affect the validity of the remainder of the ordinance.

Section 3: This ordinance shall be in full force and effect from and after its passage and approval.

Read this first time on this 9th day of October, 1989.

Read this second time on this 9th day of October, 1989.

Read this third time and truly agreed to and passed this 23rd day of October, 1989.

A. Lou Meadows
Mayor

ATTEST: *Audrey Kellar*
City Clerk

AN ORDINANCE AUTHORIZING A POLICE OFFICER OF THE CITY OF BRANSON, MISSOURI TO ACT IN AN EMERGENCY SITUATION OUTSIDE THE CORPORATE CITY LIMITS OF THE CITY OF BRANSON, MISSOURI.

WHEREAS, the Missouri General Assembly enacted in 1986, a law known as Senate Bill 450, which among other provisions provided that a police officer could act in an emergency situation outside the corporate limits of said officer's municipality; and

WHEREAS, the Missouri Municipal League has endorsed Senate Bill 450 and has encouraged municipalities to adopt this legislation in the spirit of cooperation between City law enforcement departments and other law enforcement departments for the benefit of the citizens of our area; and

WHEREAS, the City of Branson, Missouri desires to provide emergency assistance or aid to any citizen whose life could be in danger or to other police officers outside our jurisdiction who need immediate, responsive emergency back up; and

WHEREAS, it is deemed by the Board of Aldermen of the City of Branson, Missouri to be in the best interest of the health, safety and welfare of the residents of the City to permit police officers to respond outside our municipal boundaries under certain circumstances; and

WHEREAS, all police officers employed by the City of Branson designated to respond to emergency situations outside the corporate city limits will be in compliance with Chapter 590 of the Revised Statutes of Missouri;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI THAT:

Section 1. Definitions: For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Municipal Police Officer: Any peace officer of the City of Branson, Missouri possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of Branson City Ordinances.

Emergency Situation: Any unforeseen combination of circumstances or events involving danger to human life or property which requires immediate action.

Section 2. A municipal police officer of the City of Branson shall have the authority in accordance with the departmental procedures to respond to an emergency situation outside the boundaries of the City of Branson while on duty.

Section 3. The authority contained herein shall permit the response by one or more municipal police officers to an emergency situation within any incorporated area whose corporate limits are common with the City of Branson, or within a one (1) mile radius from the corporate limits of Branson in an unincorporated area. The chief of the police department or his designee may in his discretion authorize response beyond this designated area.

Section 4. Police officers shall not leave the City inhabitants with inadequate police protection or be absent for extended periods of time. When requested, response shall be in aid of, and to assist, the authorities of the State, County or the municipality in which the emergency is located. No police officer of the City shall be authorized to make an arrest by reason of this authorization to respond nor shall he/she be authorized to use his/her weapon except to respond to a threat of serious physical harm to himself or others or to make an arrest for a felony violation involving the infliction or threatened infliction of serious physical harm.

Section 5. Every response to an emergency situation outside the City's boundaries shall be approved by the Chief of Police or his designee and shall be reported to the Chief of Police as soon as practical and in accordance with departmental policies and procedures, if approval for response is by other than the Chief of Police.

Section 6. This Ordinance shall be in full force and effect from and after the date of its final passage and approval.

Read this first time on this 14th day of November, 1988.

Read this second time on this 14th day of November, 1988.

Read this third time, and truly agreed to and passed on this 28th day of November, 1988.

ATTEST:



City Clerk



Mayor

It be transferred from the casualty
1.
(1993)

**Political subdivisions delinquent in
lien—mandamus—state aid with-
out**—any political subdivision fails to
payment due the system for a period
s after the payment is due, the po-
vision shall become delinquent and
of the delinquency shall constitute
n the funds of the political subdivi-
he board is authorized to compel
application for a writ of manda-
in addition, such delinquency shall
by the board to the state treasurer
or of the department of revenue.
delinquency, together with regular
satisfied, the state treasurer and di-
e department of revenue shall with-
neys due the political subdivision
etc.

1 § 25, A.L. 1988 H.B. (1998)

Board may invest funds.—The
be the trustees of the funds of the
ject to the provisions of any appli-
al state laws, the board shall
well to invest and reinvest the mon-
system, and to hold, purchase, sell,
ster or dispose of any of the securi-
vestments in which such moneys
been invested, as well as the pro-
ch investments and such moneys.

1 § 30, A.L. 1974 S.B. 419, A.L. 1984 H.B.
283 H.B. (1998)

**PROTECTION COOPERATION
N POLITICAL SUBDIVISIONS**

**Political subdivisions and boards of
missioners of St. Louis and Kansas
ntract to provide police services for
cal subdivisions—powers of arrest
ty—definitions.**—1. As used in this

governing body” means the board,
cil, or persons in which the powers
al subdivision as a body corporate,
e, are vested:

litical subdivision” means any
nit of this state empowered by law
a law enforcement agency.

governing body of any political sub-
y by ordinance, order or other rul-
nto a contract or agreement with
olitical subdivision, with the board
t by section 84.020, RSMo.

177 POWERS OF POLITICAL SUBDIVISIONS TO COOPERATE OR CONTRACT § 70.835

or with the board of police commissioners es-
tablished by section 84.350, RSMo, for the
provision of police services by one political
subdivision to another on request. The scope of
the agreement may be general or specific, and
may or may not provide for compensation for
such services. Officers providing police services
in another jurisdiction pursuant to such an
agreement shall have the same powers of ar-
rest as officers of the requesting political sub-
division, and shall have the same immunity as
if acting within their own jurisdiction.

(L. 1985 H.B. 460 § 1, A.L. 1987 S.B. 372)

**70.820. Authority of peace officers to re-
spond to emergencies outside jurisdiction—def-
initions.**—1. Any peace officer of a county or a
peace officer of any political subdivision who
has completed the basic police training pro-
gram as promulgated by chapter 590, RSMo,
shall have the authority to respond to an emer-
gency situation outside the boundaries of the
political subdivision from which he derives his
authority.

2. Before a peace officer shall have the au-
thority to respond to an emergency situation
outside the boundaries of the political subdivi-
sion from which the officer derives his author-
ity pursuant to subsection 1 of this section, the
authority shall be first authorized by ordi-
nance, order, or other ruling by the governing
body of the political subdivision from which
the officer derives his authority and by the
governing body of the political subdivision in
which the emergency situation is alleged to be
occurring and by the board of police estab-
lished by section 84.020, RSMo, or by the
board of police commissioners established by
section 84.350, RSMo, if the officer derives his
authority from either board or if the emer-
gency situation is alleged to be occurring
within the jurisdiction of either board.

3. As used in this section, “**emergency situa-
tion**” means any situation in which the peace
officer has a reasonable belief that a crime is
about to be committed, is being committed, or
has been committed involving injury or threat
of injury to any person, property, or govern-
mental interest and his response is reasonably
necessary to prevent or end such emergency
situation or mitigate the likelihood of injury
involved in such emergency situation. The de-
termination of the existence of any emergency
situation shall be in the discretion of the peace
officer making the response or in the discretion
of a peace officer or governmental officer of

the political subdivision in which the emer-
gency situation is alleged to be occurring.

4. As used in this section, “**response**” shall
mean to take any and all action which the
peace officer may lawfully take as if exercising
his powers within his own jurisdiction.

5. Any peace officer who responds to an
emergency situation, pursuant to the provi-
sions of this section, shall not be liable for civil
damages for acts or omissions other than dam-
ages caused by the negligence or by willful or
wanton acts or omissions by the peace officer
in responding to the emergency situation.

(L. 1986 S.B. 450 § 19, A.L. 1987 S.B. 372)

**70.835. Formation of major case squads
authorized.**—1. The governing body of any po-
litical subdivision and the board of police es-
tablished by section 84.020, RSMo, and the
board of police commissioners established by
section 84.350, RSMo, may by ordinance, or-
der, or other ruling agree to cooperate with
one another in the formation of a major case
squad for the purpose of intensive professional
investigation of a certain individual crime
which may occur in their general geographical
area.

2. Expenses of a major case squad may be
paid by the individual political subdivisions
and by the board of police established by sec-
tion 84.020, RSMo, or by the board of police
commissioners established by section 84.350,
RSMo.

3. The major case squad shall operate and
be activated upon the request of the county
sheriff or police chief of the political subdivi-
sion where the crime occurred.

4. Notwithstanding other provisions of law
to the contrary, whenever any peace officer is
duly authorized as a member of a major case
squad, he shall have the power to arrest any-
where within this state. This power shall only
be exercised during the time the peace officer
is an active member of an active major case
squad and only within the scope of the investi-
gation on which the squad is working.

5. Prior to the initiation of a major case
squad investigation in a political subdivision
other than where the crime occurred, a mem-
ber of the major case squad shall notify the
chief law enforcement officer of the political
subdivision in which the investigation is to be
conducted, or a designated agent thereof.

(L. 1986 S.B. 450 § 20, A.L. 1987 S.B. 372)

TANEY COUNTY CLERK

AUG 15 2006

ORDINANCE NO. 06-0710

RECEIVED

IN THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI

AN ORDINANCE REGULATING USE OF RIGHTS-OF-WAY AND EASEMENTS THAT ARE POSSESSED BY TANEY COUNTY IN RELATION TO THE COUNTY MAINTAINED ROAD SYSTEM

WHEREAS, the County of Taney, State of Missouri, has an extensive county road system, maintained and supervised by Taney County; and,

WHEREAS, in connection with said roads and road system, Taney County also possesses easements, rights-of-way in fee simple, and other property interests adjacent to the roads in the Taney County maintained road system; and

WHEREAS, the safety of the traveling public and the safety of the citizens and pedestrians of Taney County, Missouri are well served by promulgating reasonable regulations concerning the use of said properties; and,

WHEREAS, the Taney County Commission is a Missouri county of the first classification; and

WHEREAS, Section 49.266 of the Revised Statutes of Missouri sets forth that the county commission in first class counties may by order or ordinance, promulgate reasonable regulations concerning the use of county property; and,

WHEREAS, Section 49.266 of the Revised Statutes of Missouri also provides for the Taney County Commission to promulgate by order or ordinance reasonable regulations controlling pedestrian and vehicular traffic, and to control parking on county property; and,

WHEREAS, Section 49.270 of the Revised Statutes of Missouri sets forth that the county commission shall have control and management of the property, real and personal, belonging to the county; and,

WHEREAS, Taney County, Missouri enters into contracts with vendors to operate certain businesses on county property from time to time, when said activity is not adverse to the interests of the public or Taney County taxpayers; and,

WHEREAS, at least one entity has the right to the exclusion of all others by terms of an acquired easement to operate a business, and to be a vendor on one particular county right-of-way so long as said use does not interfere with safety and use of the road; and

WHEREAS, Taney County, Missouri may control the activities on county property by vendors or tenants by contract, and said contracts are designed to also regulate the use of county property to insure the safety of the public;

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF THE COUNTY OF TANEY, MISSOURI, AS FOLLOWS:

SECTION 1. County Ordinances are hereby added to by the adoption of this ordinance regulating the use of certain Taney County easements, rights-of-way, and other property interests held in relation to the county road system, and for the purpose of operating and maintaining safely and efficiently said county road system as follows:

A. Trespassing.

Easements, rights-of-way and other property interests held by Taney County in connection with the operation and maintenance of its county road system are held for road purposes and are not open to use by the public for vending or selling products, produce or any other items. Most of the property held by Taney County, Missouri for use in connection with the county road system is not suitable for use by the public for any purpose other than pedestrian or vehicular travel. No person shall use the Taney County rights-of-way, easements or any other property held in connection with the operation or maintenance of the county road system for any purpose other than pedestrian or vehicular travel unless said individual has valid written permission from the Taney County Commission. Taney County road personnel, law enforcement personnel, or other personnel authorized by the Taney County Commission may request any person using the county roads, or rights-of-way or easements held in relation thereto for purposes other than travel, to leave said property. Any person who fails to comply with this request to leave county property or fails to abide by regulations on file with the county clerk shall be a trespasser.

B. Tenants and vendors.

Only those persons or entities that have prior written approval from the Taney County Commission, or the Taney County Road and Bridge Department, or that have a written contract with Taney County, Missouri may engage in activities other than pedestrian or vehicular travel, on the property, rights-of-way and easements of Taney County, Missouri.

SECTION 2. *County Park System.*

This ordinance relates to the county roads, rights-of-way, easements and other property interests held in relation to the county road system and its

operation and maintenance, and this ordinance does not effect use of county property held for recreational park purposes.

SECTION 2. *Effective date.*

This ordinance shall be in full force and effect from and after its passage.

SECTION 3. *Other remedies.*

This ordinance does not preclude or prevent Taney County, Missouri from taking all other actions available to it against trespassers or others who violate rules or regulations concerning county property.

PASSED AND SO ORDAINED AT THE COURTHOUSE IN FORSYTH, MISSOURI ON THIS 10th DAY OF JULY, 2006.

VOTE: AYE 2 NAY 1


CHUCK PENNEL
PRESIDING COMMISSIONER


RON HERSCHEND
WESTERN COMMISSIONER


DANNY STRAHAN
EASTERN COMMISSIONER


Alexandra Feley *attestation*

AN ORDINANCE DESIGNATING A RECOVERY ZONE PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 FOR THE PURPOSE OF ISSUING RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS AND RECOVERY ZONE FACILITY BONDS.

WHEREAS, Taney County, Missouri (the "Public Entity") has received an allocation of the national Recovery Zone Economic Development Bonds limitation in the amount of \$ 335,000 and an allocation of the national Recovery Zone Facility Bonds limitation in the amount of \$ 503,000 pursuant to the American Recovery and Reinvestment Tax Act of 2009, codified in Title 26 of the United States Code and Internal Revenue Service, Notice 2009-50, issued on June 12, 2009 (collectively, the "Allocations"); and

WHEREAS, the Public Entity understands that the Allocations are to be used for the issuance of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds pursuant to Section 1400U-2 or 1400U-3, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"), such bonds referred to collectively as "Recovery Zone Bonds"; and

WHEREAS, the Public Entity understands that Recovery Zone Bonds are to be issued with respect to or to finance certain expenditures located in or attributable to an area within the jurisdiction of the Public Entity determines has a significant level of one or more of the following factors: poverty, unemployment, home foreclosures, or general distress (such factors referred to herein as the "Distress Factors"); and

WHEREAS, the Public Entity has determined that the Distress Factors have been caused by one or more of the "Underlying Conditions of Distress" described in Section 1 hereof; and

WHEREAS, the Public Entity desire to designate the area described in Section 3 as a "Recovery Zone" to provide for the possible issuance of Recovery Zone Bonds (such area being referred to herein as the "Recovery Zone");

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE PUBLIC ENTITY, AS FOLLOWS:

Section 1. Underlying Conditions of Distress. The governing body of the Public Entity, Taney County Commission, (hereinafter "Governing Body") hereby finds and determines that the Recovery Zone identified in Section 3 suffers from one or more of the following conditions (each an "Underlying Condition of Distress"):

Check those that apply	
<input checked="" type="checkbox"/>	The recovery Zone has experienced significant increases in unemployment during the calendar years 2008 and 2009.
<input checked="" type="checkbox"/>	The recovery Zone has experienced significant increases in home foreclosures and business failures [during calendar years 2008 and 2009].
<input type="checkbox"/>	The Recovery Zone has suffered from significant poverty.
<input type="checkbox"/>	Within the entire Recovery Zone there is a significant number of buildings and improvements which, by reason of dilapidation, deterioration, age or obsolescence, illegal use of individual structures, presence of structures below minimum code standards, abandonment, excessive vacancies, inadequate provision for ventilation, light, air sanitation, utilities or open spaces, high density of population and overcrowding of buildings, overcrowding of land, the existence of conditions which endanger life or property by fire and other causes, excessive land coverage, deleterious land use or layout, depreciation of physical maintenance, and lack of community planning, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare of the Recovery Zone.
<input type="checkbox"/>	There are substantial real properties on which there is a vacant structure and on which real property taxes have been delinquent for one year or more and orders have been issued by the Recovery Zone's fire official, building official or health official, and there has been no compliance with those orders within the prescribed time given by such official or within ninety days, whichever is longer, or the owner has declared in writing to the building official that the property is abandoned or there has been a determination by the Governing Body that the vacant structure contributes to housing blight.
<input checked="" type="checkbox"/>	The Recovery Zone has generally suffered from declining population or an increase in property tax delinquency.
<input type="checkbox"/>	The Recovery Zone has suffered from a material decline (using historical numbers) in retail sales.
<input type="checkbox"/>	The Recovery Zone has experienced a decline in property tax or sales tax revenues, resulting in budget cuts and an ensuing reduction in the governmental services provided by the Public Entity within the Recovery Zone since 2008.
<input type="checkbox"/>	The Recovery Zone has experienced economic distress by reason of the closer or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990.

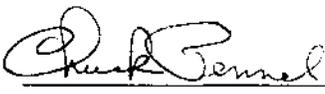
Section 2. Distress Factors. The Governing Body hereby finds and determines that, as a result of the Underlying Condition (s) of Distress, the Recovery Zone has experienced a significant level of one or more of the Distress Factors (i.e. poverty, unemployment, home foreclosures, or general distress).

Section 3. Designation of Recovery Zone. Based upon the findings and determinations of the Underlying Condition (s) of Distress and the resulting Distress Factors, the Governing Body hereby designates the following area as the "Recovery Zone" for the Public Entity:

Check one	
<input checked="" type="checkbox"/>	The Recovery Zone includes the <u>entire area</u> within the jurisdictional boundaries of the Public Entity.
<input type="checkbox"/>	The Recovery Zone includes the entire area within the jurisdictional boundaries of the Public Entity, <u>excluding</u> the area (s) identified in the attachment hereto.
<input type="checkbox"/>	The Recovery Zone includes only the area (s) identified in the attachment hereto.

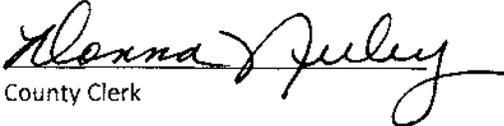
Section 4. Further Action. The appropriate staff and officers of the Public Entity are authorized and directed: to take all necessary steps to identify appropriate projects for which the issuance of bonds will further the goals established for Recovery Zone Bonds in order to cure the Distress Factors within the Recovery Zone; to identify other economic development incentives and programs which may be available under Federal or Missouri laws for such projects which will further the goals established for Recovery Zone Bonds; and to work with the Missouri Department of Economic Development to plan for the issuance of Recovery Zone Bonds for identified projects.

Adopted by the County Commission of Taney County this 8th day of Oct., 2009.



 Presiding Commissioner

ATTEST:



 County Clerk

2006L48061
REC. FEE: 30.00
NON-STD FEE:
PAGES: 3



ROBERT A DIXON, RECORDER
OF TANEY COUNTY, MO, DO HEREBY
CERTIFY THAT THE WITHIN
INSTRUMENT OF WRITING, WAS
ON 09/12/2006 AT 10:45:12AM
DULY FILED FOR RECORD AND IS
RECORDED IN THE RECORDS OF
THIS OFFICE BOOK: 498
PAGE: 5366-5368
WHEREOF, I HAVE HEREUNTO
SET MY HAND AND AFFIXED MY
OFFICIAL SEAL AT FORSYTH, MO,
Sammi Jo Nowak DEPUTY

*City of Forsyth
P.O. Box 545
Forsyth, MO*

Bill No. 400 65653

Ordinance No. 400

BOARD OF ALDERMEN CITY OF FORSYTH, MISSOURI

AN ORDINANCE VACATING SHORTY COOPER STREET, AS SAID STREET IS NOW PLATTED, AND RENAMING HILLCREST STREET AS SHORTY COOPER STREET

Whereas, the County of Taney, a Missouri county of first classification, a body politic and corporate, and a subdivision of the State of Missouri ("the County"), owns property on either side of Shorty Cooper Street, as said street is now platted; and

Whereas, the County intends to construct a new courthouse facility on property owned by the County, and over Shorty Cooper Street, as said street is now platted; and

Whereas, the County has agreed that, after the new courthouse facility is constructed, the County will bear the cost for opening and constructing to the City's standards and specifications, Hillcrest Street, as said street is now platted; or, in the alternative, will request that the Board of Aldermen adjust or relocate the course of Hillcrest Street, as said street is now platted; and will bear the cost for opening and constructing a street over said new or relocated course, to the City's standards and specifications; to provide a street between Highway 160 and Felkins Ave;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF FORSYTH, MISSOURI, AS FOLLOWS:

1. Shorty Cooper Street, lying between Highway 160 and Main Street, as said street is now platted, is vacated.
2. Hillcrest Street, lying between Highway 160 and Felkins Ave, as said street is now platted, is renamed Shorty Cooper Street.

This Ordinance shall be in full force and effect from and after the date of its passage and adoption.

The City Clerk is directed to cause this Ordinance to be published and included in the City Code.

ADOPTED AND APPROVED BY THE BOARD OF ALDERMEN OF THE CITY OF FORSYTH, MISSOURI AT A REGULAR MEETING HELD ON August 21, 2006 AT THE CITY HALL IN FORSYTH, MISSOURI.

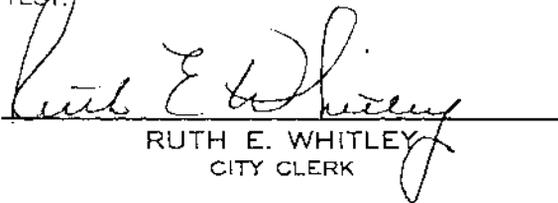


BOARD OF ALDERMEN
CITY OF FORSYTH, MISSOURI

BY


JOHN ELLIOTT
MAYOR

ATTEST:


RUTH E. WHITLEY
CITY CLERK

ROAD RELOCATION AGREEMENT

WHEREAS, Taney County is building a new Law Enforcement Facility; and

WHEREAS, the planned location of the Law Enforcement Facility requires the relocation of Shorty Cooper Street to the present location of the platted, but not constructed, Hillcrest Street; and

WHEREAS, the design of the Law Enforcement Facility may change necessitating the further relocation of Shorty Cooper Street from the present platted Hillcrest Street to another location; and

WHEREAS, the City of Forsyth requires access to State Highway 160 from Main Street on the east side of downtown Forsyth;

NOW THEREFORE IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

In the event Shorty Cooper Street is not built at the present platted Hillcrest Street location, Taney County agrees to build a road of similar nature, dimensions and characteristics of the current Shorty Cooper Street, connecting Felkins Avenue to State Highway 160 at or near the east side of the new Law Enforcement Facility.

The City of Forsyth in reliance upon this agreement will allow the vacation of the currently existing Shorty Cooper Street, and allow the new street to be constructed at such a time as construction of the Law Enforcement Facility will allow.

AGRED TO BY AND BETWEEN TANEY COUNTY, MISSOURI AND THE CITY OF FORSYTH, MISSOURI ON THIS 18th DAY OF JULY, 2006.

TANEY COUNTY, MISSOURI

**CITY OF FORSYTH,
MISSOURI**

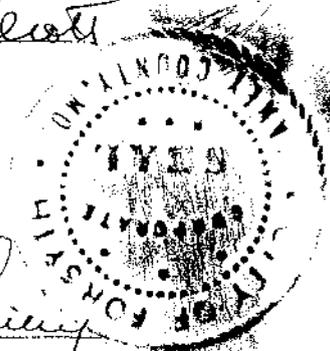
By: *Chuck Pennel*
Chuck Pennel
Presiding Commissioner

John Elliott
John Elliott
Mayor



Attest: *Donna Neeley*
Donna Neeley
Taney County Clerk

Ruth E. Whitley
Ruth Whitley
Forsyth City Clerk





County of **TANEY** State of *Missouri*

TANEY COUNTY COURTHOUSE
P. O. BOX 1086 • FORSYTH, MO 65653
(417) 546-7204 • FAX: (417) 546-3931

OFFICE OF
CHUCK PENNEL
PRESIDING COMMISSIONER
RON HERSCHEND
WESTERN DIST. COMMISSIONER
DON SWAN
EASTERN DIST. COMMISSIONER
TRESSA LUTTRELL
COUNTY COMMISSION
ADMINISTRATOR

**AN ORDINANCE TO OPT OUT
OF STATE IMPOSED SALES TAX HOLIDAY**

Whereas, the Missouri General Assembly has passed and the Governor has signed, Senate Bill 11 that establishes a so-called "sales tax holiday" for the second weekend in August, 2004, and

Whereas, the legislation does not provide for the reimbursement to local governments for lost revenues, and

Whereas, the sales tax holiday will significantly reduce local revenues, and

Whereas, counties depend on sales tax revenues to provide essential services for the citizens, including law enforcement, property assessment, roads, tax collection, etc., and

Whereas, these sales taxes were approved by a vote of the people who expect the promised services, and

Whereas, the legislation authorizes local governments to opt out of the sales tax holiday by ordinance of the governing body,

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION
OF THE COUNTY OF TANEY AS FOLLOWS:

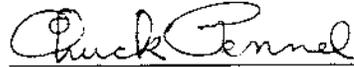
Section One. The County of Taney hereby determines that it will prohibit the provisions of Section 144.049 RSMo., 2003, from exempting sales of certain clothing, personal computers, certain computer software, and school supplies that occur within the boundaries of said County during August 13, 2004 through August 15, 2004 from local sales taxes.

COPY

Section Two. The County Clerk is hereby directed to send written notice to the State of Missouri Department of Revenue¹ as soon as possible, but no later than July 9, 2004, of the decision to opt out of the "Sales Tax Holiday," by forwarding a cover letter and certified copy of this ordinance.

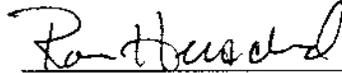
Section Three. This ordinance shall be in full force and effect from and after the date of its passage and approval.

ADOPTED AND APPROVED THIS 15TH DAY OF DECEMBER, 2003.

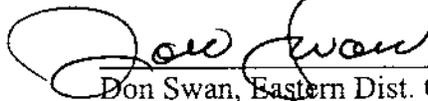


Chuck Pannel, Presiding Commissioner

ATTEST:



Ron Herschend, Western Dist. Commissioner



Don Swan, Eastern Dist. Commissioner



Donna Neelley, County Clerk

BE IT REMEMBERED that on passage of this ordinance, the roll call vote for approval was the following persons voting "Aye"

Chuck Pannel Ron Herschend Don Swan

And the following voting "Nay"

¹ The correct mailing address is PO Box 3380, Jefferson City, MO 65105-3380

AN ORDINANCE CALLING A SPECIAL ELECTION IN TANEY
COUNTY, MISSOURI.

BE IT ORDAINED BY THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI,
AS FOLLOWS:

Section 1. An election is hereby ordered to be held in Taney County, Missouri, on November 8, 2005, on the following question to impose a sales tax pursuant to R.S.Mo. Section 67.582:

QUESTION

Shall Taney County, Missouri be authorized to impose a sales tax pursuant to Section 67.582 R.S.Mo. in the amount of one-eighth (1/8) of one percent for the purpose of providing law enforcement services consisting of constructing, equipping, improving, operating and maintaining a county jail and law enforcement center, such sales tax to continue until December 31, 2022?

Section 2. The form of the Notice of Election for said election, a copy of which is attached hereto and made a part hereof, is hereby approved.

Section 3. The Presiding Commissioner is hereby authorized and directed to notify the County Clerk of Taney County, Missouri, of the adoption of this Ordinance no later than 4:00 P.M. on August 30, 2005, and to include in said notification all of the terms and provisions required by Chapter 115 of the Revised Statutes of Missouri, as amended.

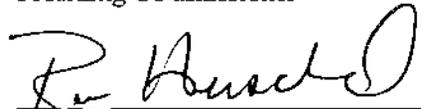
Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

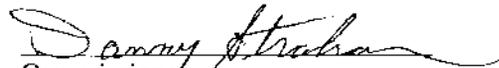
PASSED by the County Commission this 29th day of August, 2005.

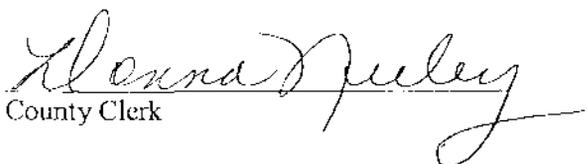
(SEAL)

ATTEST:


Presiding Commissioner


Commissioner


Commissioner


County Clerk

**AN ORDINANCE SUBMITTING A BALLOT QUESTION FOR THE
NOVEMBER 6, 2007 GENERAL MUNICIPAL ELECTION IN TANEY
COUNTY, MISSOURI**

WHEREAS, Taney County, Missouri is a non-charter county of the first classification, duly organized and existing under the laws of the State of Missouri, and

WHEREAS, Taney County is a fast growing area with considerable new residential and commercial growth; and

WHEREAS, residents living in the County need an effective and safe method of crossing Lake Taneycomo on their way to work on East Highway 76, and a convenient way of returning home after work; and

WHEREAS, a more effective road system over Lake Taneycomo and the development of other significant transportation projects, such as the east-west corridor road, will promote economic development in Taney County; and

WHEREAS, recreational facilities that attract visitors to Taney County constitute economic development and bring additional monies to the businesses of Taney County, and to Taney County Government; and

WHEREAS, quality of life in a community is a major factor in businesses relocating to an area, and a major contributor to quality of life for the citizens of Taney County would be the development of recreational facilities to be utilized not only for attracting tourists, but serving as a county-wide parks system enhancing quality of life in Taney County, Missouri; and

WHEREAS, a sales tax of one-half of one percent (1/2 of 1%) available pursuant to Section 67.1305 of the Revised Statutes of Missouri would serve to create and promote the above-stated economic purposes and needs of Taney County and its citizens;

NOW, THEREFORE, BE IT ORDERED, RESOLVED AND ORDAINED BY THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI, AS FOLLOWS:

Section 1. It is hereby ordered that a ballot question be submitted for placement on the ballot for the General Election to be held in Taney County, Missouri, on the 6th day of November, 2007, and the question to be submitted is the following question to impose a sales tax for economic development purposes pursuant to Section 67.1305 of the Revised Statutes of Missouri.

FILED

NOV 28 2007

CLERK OF THE CO. COURT
TANEY COUNTY, MO

**SPECIAL ELECTION
SALES TAX PROPOSITION
TUESDAY, NOVEMBER 6, 2007 TANEY COUNTY, MO**

PROPOSITION A

Shall the county of Taney impose a countywide sales tax at the rate of one-half of one percent (1/2 of 1%) for a period of fifteen (15) years from the date on which such tax is first imposed for economic development purposes?

Yes
 No

Instructions to Voters: 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".

Note: Commission priorities include, but are not limited to "Taneycomo Bridge and community recreation facilities." All expenditures under this tax are subject to the final approval of the Commission.

Section 2. The Presiding Commissioner is hereby authorized and directed to notify the County Clerk of Taney County, Missouri, of the adoption of this Ordinance no later than 2:00 p.m. on the 28th day of August, 2007, and to include in said notification all of the terms and provisions required by Chapter 115 of the Revised Statutes of Missouri, as amended.

Section 3. This order is hereby certified to the Clerk of the County Commission of Taney County, Missouri, as election authority for the County, and the Taney County Clerk is hereby requested to conduct the election by paper ballot.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the County Commission this 27 day of August, 2007.

(SEAL)



Chuck Pennel, Presiding Commissioner



Ron Herschend, Western Commissioner



County of **TANEY** State of Missouri

TANEY COUNTY COURTHOUSE
P. O. BOX 1086 • FORSYTH, MO 65653
(417) 546-7204 • FAX: (417) 546-3931

OFFICE OF
CHUCK PENNEL
PRESIDING COMMISSIONER
RON HERSCHEND
WESTERN DIST. COMMISSIONER
DON SWAN
EASTERN DIST. COMMISSIONER
TRESSA LUTTRELL
COUNTY COMMISSION
ADMINISTRATOR

**AN ORDINANCE TO OPT OUT
OF STATE IMPOSED SALES TAX HOLIDAY**

Whereas, the Missouri General Assembly has passed and the Governor has signed, Senate Bill 11 that establishes a so-called "sales tax holiday" for the second weekend in August, 2004, and

Whereas, the legislation does not provide for the reimbursement to local governments for lost revenues, and

Whereas, the sales tax holiday will significantly reduce local revenues, and

Whereas, counties depend on sales tax revenues to provide essential services for the citizens, including law enforcement, property assessment, roads, tax collection, etc., and

Whereas, these sales taxes were approved by a vote of the people who expect the promised services, and

Whereas, the legislation authorizes local governments to opt out of the sales tax holiday by ordinance of the governing body,

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF THE COUNTY OF TANEY AS FOLLOWS:

Section One. The County of Taney hereby determines that it will prohibit the provisions of Section 144.049 RSMo., 2003, from exempting sales of certain clothing, personal computers, certain computer software, and school supplies that occur within the boundaries of said County during August 13, 2004 through August 15, 2004 from local sales taxes.

COPY

Section Two. The County Clerk is hereby directed to send written notice to the State of Missouri Department of Revenue¹ as soon as possible, but no later than July 9, 2004, of the decision to opt out of the "Sales Tax Holiday," by forwarding a cover letter and certified copy of this ordinance.

Section Three. This ordinance shall be in full force and effect from and after the date of its passage and approval.

ADOPTED AND APPROVED THIS 15TH DAY OF DECEMBER, 2003.

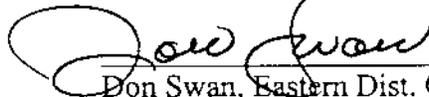


Chuck Pennel, Presiding Commissioner

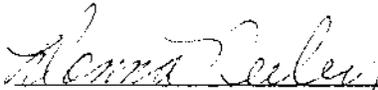
ATTEST:



Ron Herschend, Western Dist. Commissioner



Don Swan, Eastern Dist. Commissioner



Donna Neeley, County Clerk

BE IT REMEMBERED that on passage of this ordinance, the roll call vote for approval was the following persons voting "Aye"

Chuck Pennel Ron Herschend Don Swan

And the following voting "Nay"

¹ The correct mailing address is PO Box 3380, Jefferson City, MO 65105-3380



TANEY COUNTY CLERK

Donna J. Veeley



AN ORDINANCE TO OPT OUT OF STATE IMPOSED SALES TAX HOLIDAY

Whereas, the Missouri General Assembly has passed and the Governor has signed, Senate Bill 11 that establishes a so-called "sales tax holiday" for the second weekend in August, 2006 and

Whereas, the legislation does not provide for the reimbursement to local governments for lost revenues, and

Whereas, the sales tax holiday will reduce local revenues, and

Whereas, counties depend on sales tax revenues to provide essential services for the citizens, including law enforcement, property assessment, roads, tax collection, et., and

Whereas, these sales taxes were approved by a vote of the people who expect the promised services, and

Whereas, the legislation authorizes local governments to opt out of the sales tax holiday by ordinance of the governing body,

NOW THEREFORE BE IT ORDAINED BY THE COUNTY
COMMISSION OF THE COUNTY OF TANEY AS FOLLOWS:

Section One. The County of Taney hereby determines that it will prohibit the provisions of Section 144.049 RSMo., 2003, from exempting sales of certain clothing, personal computers, certain computer software, and school supplies that occur within the boundaries of said County during August 4, 2006 through August 6, 2006 from local sales taxes.

Section Two. The County Clerk is hereby directed to send written notice to the State of Missouri Department of Revenue as soon as possible, but no later than June 20, 2006, of the decision to opt out of the "Sales Tax Holiday," by forwarding a cover letter and certified copy of this ordinance.

Section Three. This ordinance shall be in full force and effect from and after the date of its passage and approval.

ADOPTED AND APPROVED THIS 15TH DAY OF MAY, 2006.



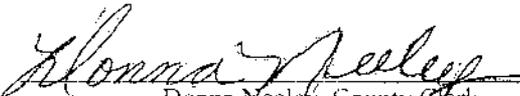
Chuck Pennel, Presiding Commissioner

Attest:

Ron Herschend, Western Dist. Commissioner

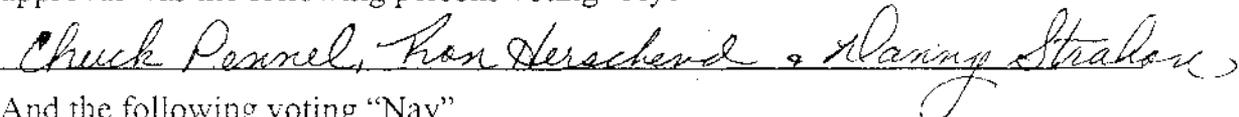


Danny Strahan, Eastern Dist. Commissioner



Donna Neelley, County Clerk

BE IT REMEMBERED that on passage of this ordinance, the roll call vote for approval was the following persons voting "Aye"


And the following voting "Nay"



**AN ORDINANCE SUBMITTING A BALLOT QUESTION FOR THE APRIL 3,
2007 GENERAL MUNICIPAL ELECTION IN TANEY COUNTY, MISSOURI**

WHEREAS, Taney County, Missouri is a non-charter county of the first classification, duly organized and existing under the laws of the State of Missouri, and

WHEREAS, Taney County is a fast growing area with considerable new residential and commercial growth; and

WHEREAS, Taney County hosts millions of tourists per year, and those tourists and our local citizens travel the county's network of roads and increase the need for further road development; and

WHEREAS, building much needed roads and bridges to alleviate traffic congestion and improving the roads and bridges of the county are required for continued safety and economic growth of the county; and

WHEREAS, the County's current sales tax of one-half of one percent (1/2 of 1%) that expires in 2008 provides much needed money for the roads and bridges of Taney County;

NOW, THEREFORE, BE IT ORDERED, RESOLVED AND ORDAINED BY THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI, AS FOLLOWS:

Section 1. It is hereby ordered that a ballot question be submitted for placement on the ballot for the General Municipal Election to be held in Taney County, Missouri, on April 3, 2007, and the question to be submitted is the following question to re-impose the sales tax currently collected pursuant to Section 67.700 of the Revised Statutes of Missouri, that is set to expire next year:

QUESTION

Shall the County of Taney reimpose a county-wide sales tax (by extending the existing current sales tax) at the rate of one-half of one percent (1/2 of 1%) for a period of ten years from the date on which such tax is first reimposed for the purpose of improvement and construction of Roads and Bridges in Taney County?

_____ **Yes**

_____ **No**

The passage of this Proposition will not increase the current Sales Tax rate in Taney County.

Instructions to Voters: 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."

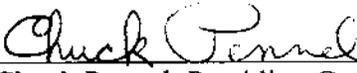
Section 2. The Presiding Commissioner is hereby authorized and directed to notify the County Clerk of Taney County, Missouri, of the adoption of this Ordinance no later than 4:00 P.M. on January 23, 2007, and to include in said notification all of the terms and provisions required by Chapter 115 of the Revised Statutes of Missouri, as amended.

Section 3. This order is hereby certified to the Clerk of the County Commission of Taney County, Missouri, as election authority for the County.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

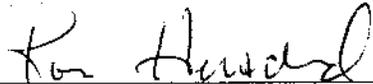
PASSED by the County Commission this 22nd day of January, 2007.

(SEAL)

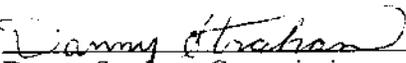


Chuck Pennel, Presiding Commissioner

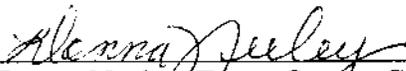
ATTEST:



Ron Herschend, Commissioner



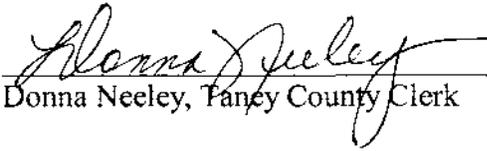
Danny Strahan, Commissioner



Donna Neclay, Taney County Clerk

There being no other business to come before the meeting, on motion duly made, seconded, and carried, the meeting was adjourned.

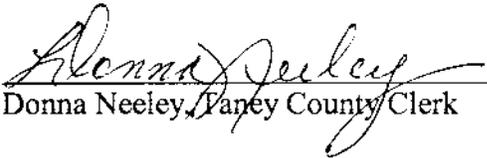
(Seal)


Donna Neeley, Fancy County Clerk

CERTIFICATE REGARDING NOTICE OF MEETING

I hereby certify that the attached notice of meeting of the County Commission of Taney County, Missouri, held on January 22, 2007, was posted at least 24 hours prior to the commencement of the meeting on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for posting notices at the County Courthouse, the principal office and meeting place of the County Commission, and was made available at least 24 hours prior to the commencement of said meeting to any representative of the news media who requested notice of the meeting

DATED: January 22, 2007


Donna Neeley, Taney County Clerk

EXCERPT OF MINUTES OF MEETING

The County Commission of Taney County, Missouri, met in regular session on January 22, 2007 at the County Courthouse in Forsyth, Missouri. The following officers were present or absent as indicated:

	Present/Absent
Chuck Pennel, Presiding Commissioner	<u>Present</u>
Ron Herschend, Western District Commissioner	<u>Present</u>
Danny Strahan, Eastern District Commissioner	<u>Present</u>
Donna Neeley, County Clerk	<u>Present</u>

The Presiding Commissioner declared that a quorum was present and called the meeting to order.

(Other Proceedings)

The matter of calling an election came on for consideration. Commissioner Danny Strahan introduced an Ordinance entitled as follows:

AN ORDINANCE SUBMITTING A BALLOT QUESTION FOR THE APRIL 3, 2007 GENERAL MUNICIPAL ELECTION IN TANEY COUNTY, MISSOURI

On motion duly made and seconded, the Ordinance was read by title, considered and discussed, and was put to a roll call vote, and the vote thereon was as follows:

Aye: Presiding Commissioner Chuck Pennel, Ron Herschend & Danny Strahan

Nay: _____

The Presiding Commissioner declared said Ordinance duly passed and was signed and approved by the Presiding Commissioner and attested by the County Clerk.

(Other Proceedings)



CLAIRE C. McCASKILL
Missouri State Auditor

December 1, 2004

County Clerk
Taney County Courthouse
P.O. Box 156
Forsyth, MO 65653

Dear County Clerk:

We would like to bring to your attention a couple of issues regarding tax rates and petition audits for which we are seeking your assistance.

SB960, which requires each political subdivision in the county to calculate a separate property tax rate for each subclass of property (residential, agricultural, commercial, and personal) will automatically be implemented for the 2005 tax year, unless your county commission opts-out prior to **January 1, 2005**. By opting-out of SB960, your county commission intends that every political subdivision in the county will continue to calculate a single tax rate for all property.

If opting-out, please send us a copy of the county commission minutes documenting its vote to opt-out of the SB960 provisions.

Section 29.230 RSMo discusses the requisite number of signatures for petition audits and requires either registered voters or actual votes of a political subdivision at the last gubernatorial election. While this information is relatively current and to hopefully minimize issues during the next four years, we are asking that you generate such information for all political subdivisions of your county.

We would appreciate you sending us both the number of registered voters and number of actual votes by political subdivision of your county for the November 2004 election.

All information can be sent to Becky Webb of my office. If you have any questions, please feel free to contact Tom Kremer, Director of Local Government Audits or Becky Webb, Tax Rate Supervisor at (573) 751-4213. Thanks for your cooperation.

TANEY COUNTY CLERK

DEC 06 2004

RECEIVED

Sincerely,

Claire C. McCaskill
State Auditor

**DONNA NEELEY
LEVIES**

Donna Neeley, County Clerk, presented the finalized levies to the Commission. A general discussion ensued.

**DONNA NEELEY
DELEGATES FOR MAC CONFERENCE**

Donna Neeley, County Clerk, stated that the Commission needed to appoint one Commissioner as a delegate for the upcoming MAC conference. A general discussion ensued. Commissioner Swan moved to appoint Commissioner Herschend as a delegate for the MAC conference. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Swan (yes), Herschend (abstain).

**DONNA NEELEY
OPT OUT – HOUSE BILL 960**

Donna Neeley, County Clerk, addressed the Commission regarding their previous motion to opt out of House Bill 960. Commissioner Herschend moved to ratify and/or approve the previous decision made by the Commission to opt out of HB 960 which would create multiple tax levels within the County. Commissioner Swan seconded the motion. Sheila Wyatt, Collector, stated that Bradleyville School District encompassed four counties and added that if one of those other counties decided to opt in, Taney County would then be forced to opt in the properties in the Bradleyville School District. Additional discussion ensued. The motion passed by vote: Pennel (yes), Swan (yes), Herschend (yes).

**DONNA NEELEY
ABANDONED PROPERTY ORDINANCE**

Donna Neeley, County Clerk, addressed the Commission concerning the need to adopt an Abandoned Property Ordinance. Neeley stated that there was a vehicle that had been abandoned and the Sheriff's office had done research on what the County could do to remove said vehicle. Neeley added that the Department of Revenue had informed her that an abandoned property ordinance needed to be in place prior to removal of any abandoned vehicle. A general discussion ensued. Bob Paulson, Counselor, stated that he would like to review the issue prior to advising the Commission on that issue.

**CLAY CANTWELL
ROAD VACATION – LAKEWAY #3**

Clay Cantwell addressed the Commission on behalf of Dave & Cheryl Altis, petitioners, to vacate Lakeway Village, Inc. #3. Commissioner Swan presented the reading of the

Taney County

An Ordinance to Opt-Out of the State Assessment Requirements

WHEREAS, the Missouri General Assembly passed and the Governor signed Senate Bill 960 that authorizes an opt-out provision for counties from legislation establishing a new way for counties to set tax rates which the General Assembly enacted in HB 1150 in 2002 in an attempt to correct problems in property tax assessments in Missouri, and more specifically St. Louis County, and

WHEREAS, HB 1150 does not provide for the reimbursement to local governments for lost revenues, and

WHEREAS, the new tax rate rollback provisions will significantly reduce local revenues used to provide necessary public services by the County, and

WHEREAS, these new requirements will add significant additional cost to the County, which already has limited financial resources, and

WHEREAS, the legislation authorizes counties to opt out of the legislation revising the way property tax is assessed in the state by requiring separate tax rates for each class of property by ordinance of the governing body,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF THE COUNTY OF TANEY AS FOLLOWS:

Section One. The County of Taney hereby exercises its statutory right to opt out of the provisions of Section 137.073, *RSMo*, which establishes the way property tax is assessed in the state by requiring separate tax rates for each class of property.

Section Two. This ordinance shall be in full force and effect from and after the date of its passage and approval.

Section Three. For the purposes of applying the opt-out provision of this bill, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate the separate rates for the three subclasses of real property and the aggregate class of personal property as required by Section 137.073, *RSMo*, provided that such political subdivision shall also provide a single blended rate, in accordance with the procedure for determining a blended rate for school districts in subdivision (1) of subsection 6 of Section 137.073, *RSMo*. Such blended rate shall be used for the portion of such political subdivision that is situated within any county that has opted out. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and Sections 137.073, 138.060, and 138.100, *RSMo*, as enacted by House Bill 1150 of the Ninety-First General Assembly, Second Regular Session, and Section 137.073 *RSMo*, as modified by this act, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

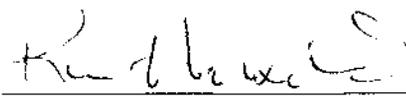
ADOPTED AND APPROVED THIS 4th DAY OF OCTOBER, 2004



Presiding Commissioner



Eastern Commissioner



Western Commissioner

ATTEST:



Donna Neeley, Taney County Clerk

BE IT REMEMBERED that on final passage of this ordinance, the roll call vote for approval was the following persons voting "Aye", Presiding Commissioner, Chuck Pennel, Eastern Commissioner, Don Swan, and Western Commissioner, Ron Herschend.

BILL NO. 3508**ORDINANCE NO. 2008-018****AN ORDINANCE APPROVING THE PETITION FOR AND ESTABLISHING THE FORSYTHE ROAD COMMUNITY IMPROVEMENT DISTRICT AND CONTAINING A SEVERABILITY CLAUSE.**

WHEREAS, Sections 67.1401 to 67.1571 RSMo, 2000, as amended (the "CID Act"), authorize the governing body of any city, upon presentation of a proper petition requesting the formation and after a public hearing, to adopt an ordinance establishing a community improvement district; and

WHEREAS, the City of Branson, Missouri (the "City") is a city of the fourth class and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and

WHEREAS, on January 25, 2008, the property owners within a proposed community improvement district filed with the Branson City Clerk (the "City Clerk") an amended petition for the establishment of a community improvement district pursuant to the CID Act (the "Petition"), entitled The Forsythe Road Community Improvement District (the "District"); and

WHEREAS, the City Clerk verified that the Petition substantially complies with the CID Act, submitted the verified Petition to the Board of Aldermen and set a public hearing with all proper notice being given in accordance with the CID Act or other applicable law; and

WHEREAS, none of the signatures of the signers of the Petition were withdrawn within seven days after the Petition was filed with the City Clerk; and

WHEREAS, all the real property included in the District is entirely located within the City of Branson; and

WHEREAS, the Board of Aldermen held a public hearing at which all persons interested in the formation of the District were allowed an opportunity to speak and at which time the Board of Aldermen heard all protests and received all endorsements; and

WHEREAS, Petition to establish the District being fully heard before the Board of Aldermen, the City now desires to establish the District and make such other findings as necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, AS FOLLOWS:

Section 1: All terms used in this Ordinance shall be construed as defined in the CID Act and the Petition.

Section 2: The City Clerk has verified that the Amended Petition to the City of Branson, Taney County, Missouri for the creation of The Forsythe Road Community Improvement District substantially complies with all submission requirements of the CID Act.

Section 3: The District is hereby approved and shall be established within the City as a political subdivision of the State of Missouri, as provided in the Petition, a copy of which is attached hereto as Exhibit 1 and incorporated herein by this reference. The District includes the contiguous tracts of real estate as described in the Petition, and shown on a map as depicted in the Petition, both of which are incorporated herein by reference.

Section 4: The District shall be governed by a board of directors consisting of five (5) members. The names and terms of office of the initial Board of Directors were stated in the Petition and the following individuals shall serve as the Board of Directors for the District for the initial terms set forth below:

Russell L. Cook – Director, 4 years

Bryan Starkey – Director, 4 years

Wanda Cook – Director, 2 years

Inez Starkey – Director, 2 years

Russell W. Cook – Director, 2 years

Section 5: The District's Board of Directors shall have authority to establish a sales tax in an amount not to exceed one-half of one percent (.5%), as set forth in the Petition and in conformance with the CID Act.

Section 6: The District shall have and possess without limitation, such powers authorized under the CID Act and as set forth or otherwise limited in the Petition.

Section 7: Unless otherwise extended by action of the Board of Aldermen, the existence of the District shall automatically terminate if the District has not, within six months after the effective date of this ordinance, duly approved and executed a binding cooperative agreement with the City in substance and form acceptable to the City.

Section 8: Subject to Section Seven, the term of the existence of the District shall be a period of twenty-five (25) years or until the entire cost of the CID Project (as defined in the Petition) is reimbursed by the CID Sales Tax Revenue (as defined in the Petition). The petition process must be repeated for the District to continue beyond twenty-five (25) years.

Section 9: The City Clerk is hereby directed to prepare and file with the Missouri Department of Economic Development (the "Department") the report specified in subsection 6 of Section 67.1421 of the CID Act, substantially in the form provided by the Department.

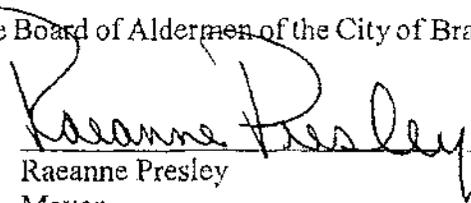
Section 10: It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of

Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

Section 11: This Ordinance shall be in full force and effect from and after its passage and approval.

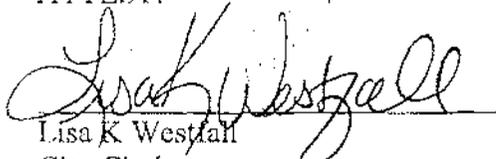
Read, this first time on this 11th day of February, 2008.

Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri this 25th day of February, 2008.



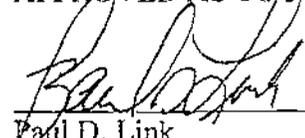
Raeanne Presley
Mayor

ATTEST:



Lisa K. Westfall
City Clerk

APPROVED AS TO FORM:



Paul D. Link
City Attorney

LATHROP GAGE

1845 South National
P.O. Box 4288
Springfield, Missouri 65808-4288
(417) 886-2000, Fax (417) 886-9126

Direct Dial Number
J. Jeffries: (417) 877-5927

www.lathropgage.com

2345 Grand Boulevard, Suite 2800
Kansas City, MO 64108-2612
(816) 292-2000, Fax (816) 292-2001

230 Park Avenue, Suite 1847
New York, NY 10169
(212) 850-6220, Fax (212) 850-6221

314 East High Street
Jefferson City, MO 65101
(573) 893-4336, Fax (573) 893-5398

10551 Mastin Blvd.
Building 82, Suite 1000
Overland Park, KS 66210-1669
(913) 451-5100, Fax (913) 451-0875

370 17th Street, Suite 4650
Denver, CO 80202-5607
(720) 931-3200, Fax (720) 932-3201

4845 Pearl East Circle, Suite 300
Boulder, CO 80301
(720) 931-3000, Fax (720) 931-3001

The Equitable Building, Suite 1300
10 South Broadway
St. Louis, MO 63102-1708
(314) 613-2500, Fax (314) 613-2550

Pierre Laclède Center
7701 Forsyth Boulevard, Suite 400
Clayton, MO 63105
(314) 613-2800, Fax (314) 613-2801

Franklin Square, Suite 1050
1300 Eye Street, N.W.
Washington, D.C. 20005
(202) 962-0032, Fax (202) 962-0357

June 16, 2008

From: James H. Jeffries

Matter No.: 474300

To:	Company:	Phone Number:	Fax Number:
Mr. Jim Yust	Tancy County, MO		417-546-2519

Number of Pages Transmitted (including this cover sheet): 27

Message:

If you have a problem receiving this facsimile, please call: (417) 877-5953

Fax Attendant: S. R. Dodds

CONFIDENTIALITY NOTE:

The information in this facsimile message ("fax") is sent by an attorney or his/her agent, is intended to be confidential and for the use of only the individual or entity named above. The information may be protected by attorney/client privilege, work product immunity or other legal rules. If the reader of this message is not the intended recipient, you are notified that retention, dissemination, distribution or copying of this fax is strictly prohibited. If you receive this fax in error, please notify us immediately by telephone and return it to the address above. Thank you.

SPFD00CS 259199v1



LATHROP & GAGE
1845 SOUTH NATIONAL
P.O. BOX 4388
SPRINGFIELD, MISSOURI 65808-4388
(417) 886-2000 FAX (417) 886-0126

1845 SOUTH NATIONAL
P.O. BOX 4388
SPRINGFIELD, MISSOURI 65808-4388
(417) 886-2000 FAX (417) 886-0126

June 16, 2008

VIA FACSIMILE

Facsimile Telephone No.
417-546-2519

Mr. James Yust
Taney County Clerk
Taney County Courthouse
132 David Street
Forsyth, MO 65653

Re: Forsythe Road Community Improvement District

Dear Mr. Yust:

Thank you for your assistance regarding the sales tax mail-in election for the Forsythe Road Community Improvement District. Attached is the ordinance establishing the district. I represent the property owner who petitioned to have the district formed. The board of directors has not yet authorized a sales tax, but could do so at their first meeting, which has been scheduled for Thursday of this week.

Best regards,

LATHROP & GAGE L.C.

By:

James H. Jeffries

JHJ:srd

Enclosure

68667 474300

SPF1DDOCS 292365v1

TANEY COUNTY ORDINANCE NO. 08-0616

AN ORDINANCE AUTHORIZING THE COUNTY COMMISSION TO ESTABLISH STREET SIGN LOCATIONS AND REGULATE PARKING AND SNOW REMOVAL WITHIN TANEY COUNTY, MISSOURI

THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAINS AS FOLLOWS:

1. *Purpose.* The Taney County Commission, in the interest of public safety, welfare and convenience, hereby ordains that the County Highway Administrator and the employees of the Taney County Road and Bridge Department may place street signs for the control of traffic flow and parking, at locations designated by the County Commission from time to time.
2. *Commercial and Freight Vehicles.* It shall be unlawful for any person or any owner to leave, park, or let stand any road tractor, truck trailer, semi-trailer or box truck, or any vehicle exceeding twenty five (25') in length, upon any public street or public right of way within any part of the county. This section shall not prevent the parking or standing of the above-described vehicles in such zoned areas for the purpose of loading and unloading passengers, freight or merchandise.
3. *Residential Restrictions.* It shall be unlawful for any person or any owner to leave, park, or let stand any mobile home, motor home, travel trailer, boat trailer, stock trailer, or any other type of trailer upon any public street or public right-of-way in the county within any residential area or where the primary use is residential, except a recreational vehicle owned by an out-of-town guest of a residential property owner may be parked on the street in front of the property owned by such person for a period not to exceed five (5) days, providing such parking does not impair the regular flow of traffic. A property owner may park a trailer (not a semi-trailer) in front of property owned by such person for a period not to exceed 24 hours, for a maximum of 72 hours in a year, providing that such parking does not impair the regular flow of traffic.
4. *Narrow Roadways.* The County Commission may cause to be erected signs indicating no parking upon any street or parking on one side only when the width of the roadway does not exceed thirty (30) feet. The general rule to be followed by the County Highway Administrator is that when parking is permitted only on one side of a street that runs east/west, there shall be no parking along the eastbound side, which is the south side of the street. When a street runs north/south and parking is permitted only on one side of the street, parking shall be prohibited along the northbound side, which is the east side of the street. The County Commission may depart from the general rule in placing said signs when supported by the existing circumstances. The

provisions of this ordinance apply only to those parking signs or areas designated as such by the Taney County Commission or its authorized representative.

5. *No Parking.* It shall be a violation of this ordinance to park a vehicle within 10 feet of a fire hydrant, within 10 feet of a crosswalk at an intersection, or within 20 feet of a flashing beacon, stop sign, or traffic control signal device located at the side of a roadway. Any curbing painted red at the direction of the County Commission shall be considered a no parking zone at all times. The presence or absence of such red curbing shall, however, not affect the enforcement of the other parking regulations contained in this ordinance.
6. *Exemptions.* Sections 2, 3, 4 and 5 above shall not apply to street construction, maintenance and repair equipment used by public service utility companies and governmental entities engaged in repairing or extending public service utilities or other infrastructure and to motor buses when taking on or discharging passengers at customary bus stops.
7. *Unregistered and inoperable vehicles.* No unregistered or inoperable vehicle may be parked, left or let stand upon a county road for more than forty-eight (48) hours.
8. *Penalty.* The owner of record of any vehicle violating this ordinance shall be charged with the violation by means of a citation, and it shall not be a defense to a parking violation to show that a party other than the owner actually placed the vehicle in the location. This shall apply in all cases except where the vehicle has been stolen and reported as such prior to receiving the citation. Anyone violating this ordinance shall be guilty of a misdemeanor, punishable by a fine of not less than fifty (\$50.00) dollars, nor more than one hundred (\$100.00) dollars.
9. *Enforcement.* The Taney County Sheriff's Department is hereby charged to enforce the provisions of this ordinance.
10. *Towing authorization.* Vehicles violating this ordinance, which pose a danger to the public, constitute an obstruction to emergency vehicles, interfere with County maintenance activity such as street sweeping, snow plowing, or street repair, or pose a nuisance to any citizen by reason of blocking access to or from the citizen's private driveway, may be towed by the County at the owner's expense. The vehicle may be impounded until all parking fines, towing, and storage charges have been paid. Any vehicle, which is not claimed after abandoned vehicle notice procedures required by state law have been accomplished by the county, shall be sold at the discretion of the county.
11. *Winter Parking Regulations.* Except in compliance with the directions of a law enforcement officer or in compliance with regulatory parking signs placed

by law enforcement officers or employees of the County, no vehicles(s) shall be parked on any street or highway in an unincorporated area of the County during the period of time commencing 2 hours after the accumulation thereon of two or more inches of snow and continuing thereafter until snow removal or plowing has been completed. If vehicle(s), trailer(s), or other obstacle(s) are not removed within two (2) hours of the first two (2) inches of snow, said obstruction will be ticketed. If said vehicle(s) or obstruction is not removed within twelve (12) hours of being ticketed, said vehicle(s) or obstruction(s) will be towed and impounded at the owner's expense.

12. *No Liability.* The County and its agent shall not be liable for any damage or loss to a vehicle or its contents if said vehicle is towed and impounded for reason of a violation of this ordinance.
13. *State statutes.* The incorporation of state statutes within this ordinance shall also include any amendments or replacement for said statutes.

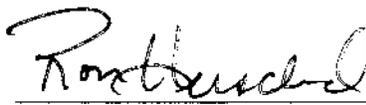
This ordinance shall become effective immediately upon enactment.

ENACTED, ORDERED AND ORDAINED THIS 16 DAY OF JUNE, 2008.

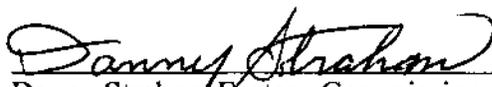
TANEY COUNTY COMMISSION



Chuck Pennel, Presiding Commissioner



Ron Herschend, Western Commissioner



Danny Strahan, Eastern Commissioner

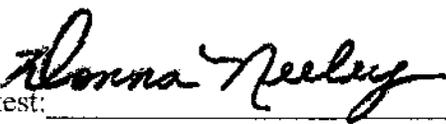

Attest: _____
Donna Neeley
Taney County Clerk

EXHIBIT 1

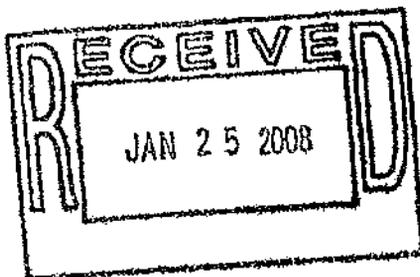
**PETITION TO ESTABLISH THE
FORSYTHE ROAD COMMUNITY IMPROVEMENT DISTRICT COMMUNITY
IMPROVEMENT DISTRICT**

SEE ATTACHED

Exhibit 1

AMENDED PETITION TO THE CITY OF BRANSON, TANEY COUNTY, MISSOURI
FOR THE CREATION OF THE
FORSYTHE ROAD COMMUNITY IMPROVEMENT DISTRICT

Originally Submitted November 26, 2007
Amended Petition Submitted January 11, 2008
Refiled *January* 25, 2008



Bryan Starkey	4 years
Wanda Cook	2 years
Incz Starkey	2 years
Russell W. Cook	2 years

Successive directors shall be appointed by the City.

7. Number of Directors.

Five voting directors shall serve on the Board. Each voting director shall, during his or her entire term, be a natural person, at least eighteen (18) years of age, a property owner or a business owner within the District, or otherwise qualified for Board membership under the Act.

8. Total Assessed Value.

The total assessed value of all real property located within the District is \$122,980.00.

9. Determination of Blight.

The District does not seek a determination of blight.

10. Life of District.

Subject to the provisions of Section 13 of this Petition, the District will continue to exist and function for a period of twenty-five (25) years following the effective date of the ordinance establishing the District, or until the entire cost of the CID Project, as such term is defined on Exhibit C attached hereto and as amended by the Board, is reimbursed by the CID Sales Tax Revenue, as hereinafter defined, whichever occurs first.

11. Maximum Rates of Business License Tax, Real Property Tax and Sales Tax.

A. License and Real Estate Taxes.

The District will not impose business license taxes or real estate taxes.

B. Sales Taxes.

The District will impose a sales and use tax up to a maximum of one half of one percent (0.5%).

12. Maximum Rates of Special Assessments and the Method of Assessment.

No special assessments shall be imposed.

13. Limitations on Borrowing Capacity.

The District will not be limited in its authority to borrow funds or issue obligations.

14. Limitations on Revenue Generation.

The District will only have authority to levy sales and use taxes within the limitations described in this Petition.

15. Other Limitations on District Powers.

The District will have the authority and powers granted to community improvement districts as a political subdivision under the Act and as otherwise provided by law. The District may enter into agreements with the City, other political subdivisions, for profit or nonprofit organizations in order to carry out the District purposes and contribute to and/or receive funds from such entities for the purposes approved herein.

16. Annual Reports and Meetings.

The District shall comply with the reporting and meeting requirements described in RSMo § 67.1471, and acknowledges that such meetings shall be open to the public.

17. Request for Establishment.

The parties who have executed this Petition respectfully request the Board of Aldermen of the City of Branson, Missouri to establish the District.

19. Severability.

If any provision of this Petition shall be held or deemed to be invalid, inoperative or unenforceable as applied in any particular case, or in all cases, because it conflicts with any other provision or provisions of this Petition or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision contained in this Petition invalid, inoperative or unenforceable to any extent whatsoever.

20. Signatures of all Petitioners. Following are the signature pages for each property owner. By executing this Petition, the undersigned represent and warrant that they are authorized to execute this Petition on behalf of the property owners named immediately below. Signatures may not be withdrawn later than seven days after filing of this Petition with the City Clerk.

Name of Owner	The TanStone Group, LLC
Owner's Telephone Number	479-621-1000
Owner's Mailing Address	18942 State Hwy 13 Suite F #372, Branson ^{West} MO 65737
Name, Title of Signer	Managers of the Member LLCs: - WARBAL Properties, LLC by Chris DeJohn - RWCK, L.L.C. by Russell Cook or authorized signatory - M&B Development, LLC by Bryan Starkey
Basis of Signer's Legal Authority to Sign	Members of LLC by their manager or authorized signatory
Signer's Telephone Number	479-621-1000
Signer's Mailing Address	18942 State Hwy 13 Suite F #372, Branson ^{West} MO 65737
Owner's Type of Entity	Limited Liability Company

Owner's Property within District:

Parcel Number	Assessed Value
18-1.0-01-001-001-001.000	\$61,690.00
18-1.0-01-001-001-003.000	\$2,080.00
18-1.0-01-001-001-003.001	\$41,220.00
07-7.0-36-000-000-028.002	\$9,600.00
07-7.0-36-000-000-028.000	\$4,370.00
07-7.0-36-000-000-028.001	\$2,550.00
08-9.0-31-003-002-003.001	\$1,470.00

TOTAL ASSESSED VALUE FOR OWNER: \$122,980.00

Signature Pages for LLC Members of The TanStone Group, LLC Follow

The TanStone Group, L.L.C. by the managing members thereof:

WARBAL Properties, LLC, an Arkansas limited liability company

By: Chris DeJohn
Chris DeJohn, Manager

STATE OF Missouri
COUNTY OF Stone) ss.

On this 25 day of January, 2008, before me, a Notary Public in and for said state, personally appeared Chris J. DeJohn, Manager of WARBAL Properties, LLC, itself a managing member of The TanStone Group, L.L.C., a Missouri limited liability company, by me personally known, who states that he executed this petition on behalf of WARBAL Properties, LLC, and with the express consent and direction of the Members thereof.

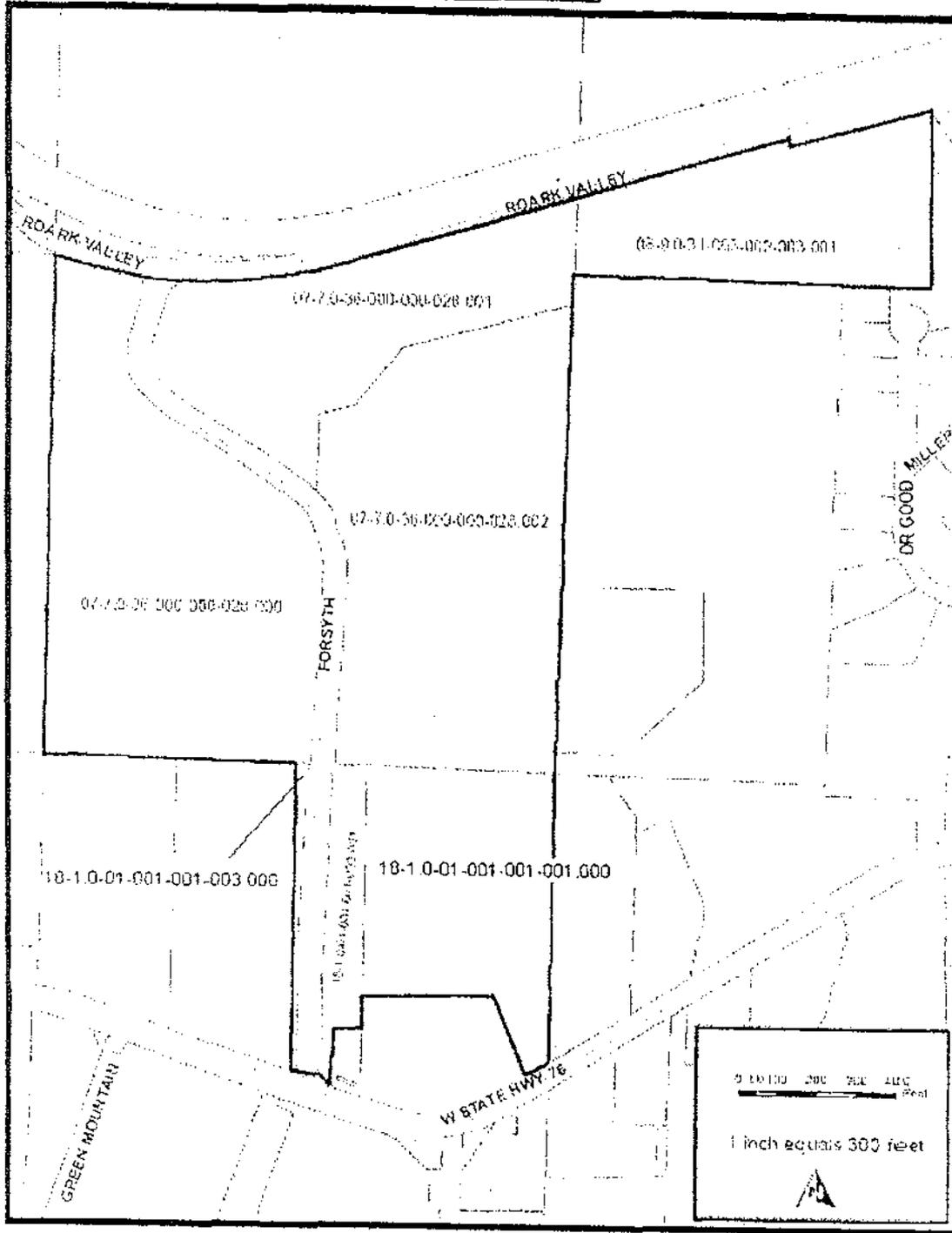
Crystal Marie Cramblett
Notary Public

Printed Name: Crystal Marie Cramblett

My Commission Expires: 11-14-09

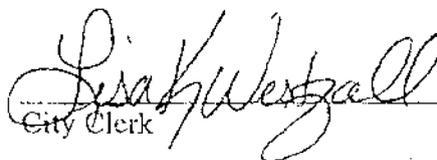
CRYSTAL MARIE CRAMBLETT
Notary Public - Notary Seal
STATE OF MISSOURI
Stone County - Comm.#05784076
My Commission Expires Nov. 14, 2009

OWNERSHIP MAP



CLERK'S RECEIPT OF PETITION

This Petition was filed in the office of the City Clerk of Branson, Missouri on the 25th day of Jan, 2008.



City Clerk

[SEAL]



EXHIBIT A - DISTRICT LEGAL DESCRIPTION

FORSYTHE ROAD COMMUNITY IMPROVEMENT DISTRICT

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 23 NORTH, RANGE 21 WEST, FIFTH PRINCIPLE MERIDIAN, AND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 23 NORTH, RANGE 22 WEST, FIFTH PRINCIPLE MERIDIAN; AND ALSO A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 23 NORTH, RANGE 21 WEST, FIFTH PRINCIPLE MERIDIAN; AND ALSO A PIECE OF LAND IN LOT 2 OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 1, TOWNSHIP 22 NORTH, RANGE 22 WEST, FIFTH PRINCIPLE MERIDIAN, AND ALSO THE WHOLE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 36, BRANSON, TANEY COUNTY, MISSOURI, EXCEPT FOR ROADS, AND ALL THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIN AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER SECTION 31, TOWNSHIP 23 NORTH, RANGE 21 WEST,

THENCE S01°24'17"W, ALONG THE COMMON LINE BETWEEN SECTIONS 36 AND 31, 1309.40 FEET TO AN EXISTING IRON PIN AT A COMMON CORNER FOR SECTION 36 TOWNSHIP 23 NORTH, RANGE 22 WEST, SECTION 31 OF TOWNSHIP 23 NORTH, RANGE 21 WEST, SECTION 6 TOWNSHIP 22 NORTH, RANGE 21 WEST AND SECTION 1 OF TOWNSHIP 22 NORTH, RANGE 22 WEST;

THENCE ALONG THE EAST LINE OF SAID SECTION 1, S01°34'30"W, 736.78 FEET; THENCE LEAVING SAID EAST LINE, S57°26'36"W, 89.98 FEET; THENCE N20°51'09"W, 225.95 FEET; THENCE N88°23'10"W, 331.44 FEET; THENCE S01°36'35"W, 108.01 FEET;

THENCE N88°25'09"W, 74.99 FEET; THENCE S01°38'12"W, 150.09 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF HIGHWAY 76;

THENCE ALONG SAID NORTHERLY LINE, N70°29'06"W, 17.21 FEET; THENCE N70°30'07"W, 87.69 FEET;

THENCE LEAVING SAID NORTHERLY LINE, N01°42'47"E, 802.61 FEET TO A POINT ON THE SOUTH LINE OF SECTION 36;

THENCE ALONG SAID SOUTH LINE OF SECTION 36, N88°36'33"W, 650.15 FEET; THENCE LEAVING SAID SOUTH LINE, N01°43'29"E, AND GOING ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 36, 1303.39 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ROARK VALLEY ROAD;

THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING EIGHT (8) COURSES,

90.69 FEET ALONG A 382.98 FOOT RADIUS, NON-TANGENT CURVE LEFT,
WHOSE CHORD BEARS S75°04'11"E, 90.48 FEET;

S81°28'17"E, 132.54 FEET;

S82°32'03"E, 61.21 FEET;

166.63 FEET ALONG A 796.73 FOOT RADIUS, NON-TANGENT CURVE LEFT,
WHOSE CHORD BEARS N89°59'01"E, 166.32 FEET;

N84°13'40"E, 104.36 FEET; 226.36 FEET ALONG A 1154.88 FOOT RADIUS,
TANGENT CURVE LEFT, WHOSE CHORD BEARS N78°37'55"E, 226.00 FEET;

N72°58'10"E, 566.59 FEET;

N72°58'41"E, 952.11 FEET;

THENCE LEAVING SAID RIGHT OF WAY LINE, S01°16'37"W, 497.70 FEET;

THENCE N88°35'22"W, 904.40 FEET TO THE POINT OF BEGINNING;

CONTAINING 2,504,028 SQUARE FEET 57.48 ACRES MORE OR LESS, AND
BEING SUBJECT TO ALL EASEMENTS, RESERVATIONS, COVENANTS, RIGHT
OF WAYS, RESTRICTIONS, AND RIGHTS OF WAY OF RECORD.

EXHIBIT B - CID BOUNDARY MAP

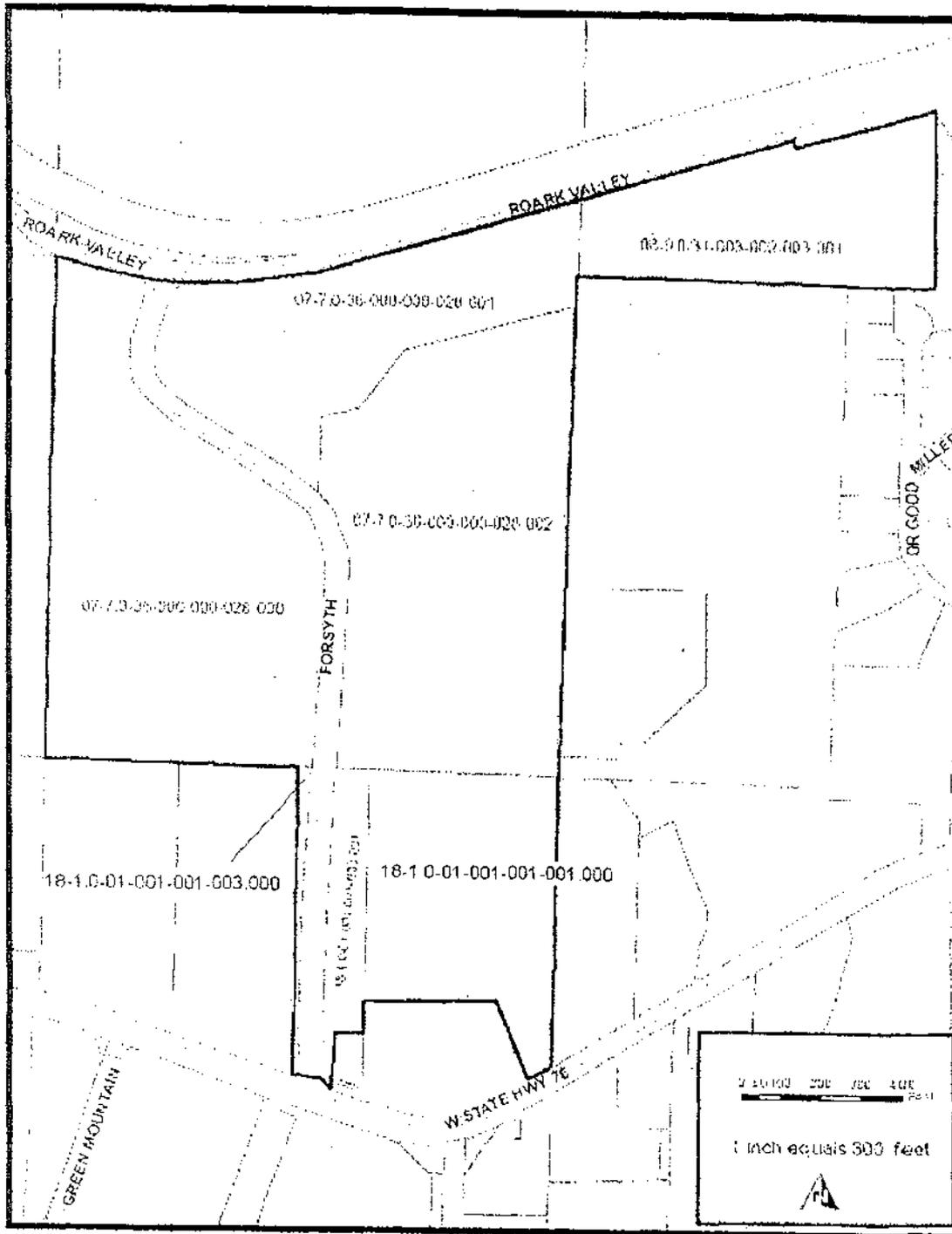


EXHIBIT C

5-Year Plan

Forsythe Road Community Improvement District

Branson, Missouri

The information and details outlined in the following pages represents the strategies and activities to be undertaken during the initial five-years of the proposed Forsythe Road Community Improvement District (CID) in the City of Branson, Missouri.

October 2007

TABLE OF CONTENTS

1. Overview
2. District Mission, Goals and Objectives
3. Five-Year Plan
4. Project Budget

I. OVERVIEW

Property proposed for inclusion in the Forsythe Road Community Improvement District (the "CID") is owned by the Tanstone Group, LLC. The property is in the City of Branson, Taney County, Missouri and is located on Forsythe Road near Highway 76. The Tanstone Group will be acting as the developer (the "Developer") of the site.

In order to remediate certain difficult conditions within the CID boundaries and to help recover extraordinary development cost such as those identified later in this Plan, the Developer proposes the use of a CID. The District intends to impose a CID Sales Tax of up to one half of one percent (0.5%) on all retail sales within the District to be reinvested in eligible project costs.

To help facilitate the development, a number of improvements must be made to the site. More specifically; these improvements include:

1. Site preparation and grading;
2. Infrastructure improvements and construction (road, water, sewer, storm water, electric, telecommunications, etc...);
3. Installation of landscaping and lighting; and
4. Accompanying professional fees, including without limitation engineering (civil, traffic, road design and geotechnical), surveying, soil testing, legal, architectural, planning, and administrative (project management, contract administration and administration of the proposed District).

The property owner has developed a plan for implementing the project improvements utilizing a community improvement district. This five-year plan outlines the goals and objectives for the District and the activities to achieve them.

II. MISSION, GOALS AND OBJECTIVES

MISSION

The mission of the District is:

To transform the undeveloped property into a vibrant, multi-tenant commercial development; improve business development opportunities; and enhance property values by the implementation of coordinated project improvements that will benefit the community, property owners, business owners, residents, and visitors to the District

GOALS AND OBJECTIVES

A. ORGANIZATIONAL GOAL

Provide for the effective administration and financial sustainability of the District to support the development and any complimentary activities.

1. OBJECTIVE:

- a. Create the District as a means to establish a financially sustainable funding base for project improvements identified in the five-year plan.
- b. Prepare notifications and obtain approvals from local government entities regarding formation of the District to allow for implementation of funding mechanisms.

2. OBJECTIVE:

- a. Develop communications strategies to convey information regarding the direction and activities of the District.
- b. Facilitate coordination among the developer, businesses, and local government.

B. COMMUNITY CHARACTER IMPROVEMENT GOAL

Establish the District as an inviting place for residents, shoppers, and businesses by enhancing visual appeal, sense of place, and safety throughout the District.

1. OBJECTIVE:

- a. Address development conditions present within the District.
- b. Enhance user-friendly elements and features into the District, including enhancements to site furnishings, site lighting, and landscaping treatments, building elevations, entrances, parking improvements, etc.

2. OBJECTIVE:

Integrate design features into the development that encourages community-wide use.

C. INFRASTRUCTURE AND IMPROVEMENT GOAL

- a. Enhance the visual appeal, sense of place, and safety throughout the District.
- b. Provide or cause to be provided for the benefit of the District, certain improvements and services described below.

1. OBJECTIVE:

- a. Prepare the development site with improved entrances, parking surfaces, and landscaping to present a street level appearance that will draw customers and improve the visual appearance of the District;
- b. Develop and construct infrastructure for utilities, access to and circulation within the District;
- c. Develop and implement a comprehensive image, marketing and promotions program;

Forsythe Road Community Improvement District
Five-Year Plan

- d. Plan, organize, and fund annual and special events benefiting the District;
- e. Make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to the Act;
- f. Provide assistance to or to construct, reconstruct, install, repair, maintain, and equip certain public improvements, including, but not limited to, reconstruction of Forsythe Road between Highway 76 and Roark Valley Road, reconstruction of portions of Roark Valley Road more or less along the northern boundary of the district, other roads connecting to external roadways, all internal roadways, utility extensions, and intersection improvements all as necessary to provide access to the District. The scope of the improvements include:
 1. Site preparation and grading;
 2. Infrastructure improvements and construction (road, water, sewer, storm water, electric, telecommunications, cost of utility relocation, traffic control during and after construction, etc...); and
 3. Installation of landscaping, signage and lighting; and
- g. Support business activity and economic development in the District, including but not limited to the promotion of business activity, development, and retention.

III. Five-Year Plan

A. YEAR ONE:

In its first year, the District will oversee initiation of the engineering and design of project improvements. City approval for appropriate elements of the project list will be obtained in order to proceed to construction.

The District will monitor progress of project improvements and perform on-going administration and oversight of the District funds. It is anticipated that notes may be issued to finance the projects after their completion. The District anticipates that it will issue notes for any costs associated with the authorized projects. The District will contract for administrative duties that include registration of property owners, new tenants, and ongoing oversight and monitoring of District activities.

B. YEAR TWO:

Implementation of the CID sales tax is expected to occur in 2008. In the second year of existence, the District will monitor progress on the continued marketing and development of the retail uses within the District. The District will also monitor any unfinished projects listed in year one.

The District will also remit any net proceeds of sales tax collections to the Trustee for note payments.

C. YEAR THREE:

Forsythe Road Community Improvement District
Five-Year Plan

In the third year of existence, the District will monitor progress on the continued marketing and development of the retail uses within the District.

The District will also remit collected net sales tax proceeds to the Trustee for note payments. Beginning in 2009, the District will closely monitor cash flow in anticipation of issuing bonds to refund the notes. Cash flow projections will be updated as part of this review. The District will issue bonds to refund its notes.

D. YEAR FOUR:

In the fourth year of existence, the District will monitor progress on the continued marketing and development and the District.

The District will also remit net proceeds of sales tax collections to the Trustee for payment of its obligations.

E. YEAR FIVE:

In the fifth year of existence, the District will monitor progress on the continued marketing and development of the District. The District will also remit collected net sales tax proceeds to the Trustee for payment of its obligations. Once the District repays any outstanding obligations, it is anticipated the CID sales tax will be eliminated.

IV. Project Improvement Budget

<u>Project Descriptions</u>	<u>Estimated Cost</u>
1. Improvement Project 1 – Site Preparation	\$ 2,000,000
(Grading, blasting, hauling, and site preparation costs)	
2. Improvement Project 2 – Road Construction	\$ 1,650,000
(Land and construction for roadways, retaining walls, and roundabout)	
3. Improvement Project 3 – Infrastructure Construction	\$ 750,000
(Construction of storm sewers, sidewalks, sewer, water, electric, and telecommunication lines)	
4. Improvement Project 4 - Landscaping Features and Enhancements	\$ 250,000
5. Professional Fees	\$ 250,000

Forsythe Road Community Improvement District
Five-Year Plan

(Legal, planning, engineering, architectural, and other professional fees)

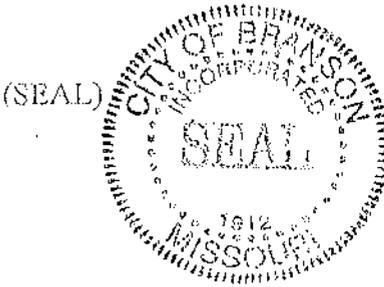
6. General Conditions, Overhead, and Contingency (7%) \$ 350,000

Preliminary Project Cost Total: \$5,250,000

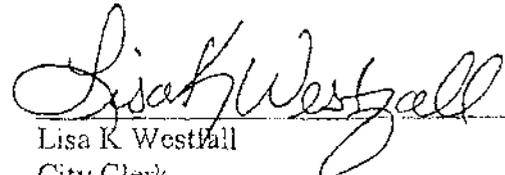
City Clerk Verification

Pursuant to sections 67.1401 to 67.1571 of the Revised Statutes of Missouri (the "CID Act"), I, Lisa Westfall, City Clerk of the City of Branson, Missouri, state the following:

1. A petition to form the Forsythe Road Community Improvement District was filed with the City Clerk on the 25th day of January 2008.
2. I have reviewed the petition and have determined on the 6th day of February 2008, which does not exceed ninety days after receipt of the petition, that the petition substantially complies with the requirements of Section 67.1421.2 of the CID Act.
3. On the 7th day of February, 2008, I delivered the verified petition to the City Council.



Date: February 7, 2008



Lisa K Westfall
City Clerk
City of Branson, Missouri