# IN THE CIRCUIT COURT OF ST. LOUIS COUNTY STATE OF MISSOURI

HOWARD BEND LEVEE DISTRICT,	)	
	)	Cause No.:
Petitioner,	)	
	)	Div. No.:

#### PETITION TO AMEND PLAN OF RECLAMATION

COME NOW Ed Ortmann, Jim Carver, Thomas Ott, and Doug Jones, the duly elected Supervisors of the Howard Bend Levee District, by and through their Counsel, and for their Petition to Amend Plan of Reclamation, state and allege as follows:

- 1. Ed Ortmann, Jim Carver, Thomas Ott, and Doug Jones are the duly elected Supervisors of the Howard Bend Levee District, a Missouri Levee District formed pursuant to R.S.Mo. § 245.010, *et. seq.* located within St. Louis County, Missouri.
- 2. Prior to this Petition, from time to time, the Howard Bend Levee District has filed Plans of Reclamation and Amended Plans of Reclamation; the most recent of which having been the Second Amendment to the Fifth Supplemental Plan of Reclamation filed in November 19, 2019.
- 3. On June 3, 2021, the duly elected Supervisors stated above adopted the Third Amendment to the Fifth Supplemental Plan of Reclamation for the Howard Bend Levee District. See attached Exhibit A.
- 4. Pursuant to R.S.Mo. § 245.140.1, they now file this Petition to amend the Plan of Reclamation for the Levee District by filing and approving the Third Amendment to the Fifth Supplemental Plan of Reclamation as aforesaid.
- 5. Benefits and damages have heretofore been assessed upon the land of the Levee District from time to time; the most recent reassessment thereof having been

ordered by this Court's Final Order and Judgment of February 24, 2021 in Cause 19SL-CC05348 of this Court approving the Commissioner's Report filed therein and this Courts Final Order and Judgment of July 16, 2012 in Cause 11SL-CC00045 of this Court approving the Commissioner's Report filed therein. Such benefits and damages of lands previously assessed will not be altered by changes in the Plan for Reclamation presented by the Third Amendment to the Fifth Supplemental Plan for Reclamation presented.

- 6. The lands affected by the Howard Bend Levee District are described in <a href="Exhibit B">Exhibit B</a> attached hereto and incorporated herein.
- 7. The owners of the lands described in paragraph 6 to this Petition are set forth upon Exhibit C attached hereto and incorporated herein.

WHEREFORE, Petitioner prays this Court enter the following Orders:

- 1. An Order approving and filing the Third Amendment to the Fifth Supplemental Plan for Reclamation for the Howard Bend Levee District as aforesaid.
- 2. An Order finding and declaring that the changes and amendments represented by the Third Amendment to the Fifth Supplemental Plan of Reclamation do not alter the benefits and damages which have previously been assessed for the Howard Bend Levee District and, consequently, pursuant to R.S.Mo. § 245.140.5, the appointment of Commissioners to make assessments to lands previously assessed is not necessary.
- 3. An Order providing, pursuant to R.S.Mo. § 245.140.2, the last date for filing objections, if any, to this Petition, being a date not less than 45 nor exceeding 60 days from the date of filing this Petition, and the date of the hearing upon any such objections filed.

- 4. An Order that notice be published pursuant to R.S.Mo. § 245.140.2, to be published as provided for by such Section.
- 5. For such other and further Orders as this Court deems appropriate in the circumstances.

## Respectfully Submitted

### HUSCH BLACKWELL, LLP

#### /s/ Michael J. Tolles

David R. Human #32788 JoAnn T. Sandifer #38602 Michael J. Tolles #61606 190 Carondelet Plaza, 6<sup>th</sup> Floor St. Louis, MO 63105 (314) 480-1500

Attorneys for Plaintiff