

**AN ORDINANCE APPROVING A FIFTH AMENDMENT TO REDEVELOPMENT AGREEMENT IN CONNECTION WITH THE REDEVELOPMENT PLAN FOR THE FRANCIS PLACE REDEVELOPMENT AREA.**

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WHEREAS, the City has approved the Redevelopment Plan for the Francis Place Redevelopment Area (as amended, the “Redevelopment Plan”) pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended; and

WHEREAS, the City and The Boulevard-St. Louis, L.L.C. (the “Developer”), as successor in interest to PACE-CDB, L.L.C., are parties to the Redevelopment Agreement dated as of April 18, 2003, as amended by the First Amendment to Redevelopment dated as of October 20, 2003, the Second Amendment to Redevelopment Agreement dated as of May 1, 2004, the Third Amendment to Redevelopment Agreement dated as of November 7, 2005, and the Fourth Amendment to Redevelopment Agreement dated as of March 3, 2008 (collectively, the “Redevelopment Agreement”); and

WHEREAS, the City and the Developer desire to enter into a Fifth Amendment to Redevelopment Agreement in substantially the form attached as **Exhibit A** hereto (the “Fifth Amendment”) for the purpose of clarifying the Developer’s ongoing rights and obligations under the Redevelopment Agreement;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council finds and determines that it is necessary and desirable to enter into the Fifth Amendment. The Mayor is hereby authorized and directed to execute, on behalf of the City, the Fifth Amendment between the City and the Developer. The City Clerk is hereby authorized and directed to attest to the Fifth Amendment and to affix the seal of the City thereto. The Fifth Amendment shall be in substantially the form attached hereto as **Exhibit A**, which Fifth Amendment is hereby approved by the City Council, with such changes therein as shall be approved by the officers of the City executing the same.

SECTION 2. The officers, agents and employees of the City are hereby authorized and directed to execute all documents and take such steps as they deem necessary and advisable in order to carry out and perform the purpose of this Ordinance.

SECTION 3. The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that: (i) the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has or would have enacted the valid sections without the void ones; and (ii) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION 4. This Ordinance shall take effect and be in full force on December 1, 2016.

PASSED and SIGNED this 3rd day of October, 2016.

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JIM THOMSON  
MAYOR

ATTEST:

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PATRICIA S. VILLMER  
DEPUTY CITY CLERK

APPROVED AS TO FORM:

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KENNETH J. HEINZ  
CITY ATTORNEY

First reading:           September 19, 2016  
Second reading:        October 3, 2016

**EXHIBIT A**

**FIFTH AMENDMENT TO REDEVELOPMENT AGREEMENT**

[On file in the Office of the Deputy City Clerk]