

AN ORDINANCE APPROVING A PETITION TO AMEND AND RESTATE THE PETITION FOR THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT BY ALTERING THE BOUNDARIES OF THE CROSSINGS AT RICHMOND HEIGHTS COMMUNITY IMPROVEMENT DISTRICT AND AUTHORIZING A PETITION FOR SPECIAL ASSESSMENT.

WHEREAS, Sections 67.1401 to 67.1571 of the Revised Statutes of Missouri, as amended (the “CID Act”) authorize the governing body of any municipality, upon a proper petition requesting the formation and after a public hearing, to adopt an ordinance establishing a community improvement district; and

WHEREAS, on November 21, 2016, the City Council, in accordance with the CID Act, adopted Ordinance No. 5346, creating The Crossings at Richmond Heights Community Improvement District (the “District”); and

WHEREAS, the petition attached as **Exhibit A** hereto and incorporated herein by reference, which seeks to alter the District’s boundaries by adding certain real property to the District and authorizes a petition for special assessment on real property within the District, has been filed with the City Clerk (the “Amended and Restated Petition”); and

WHEREAS, the City Clerk verified that the Amended and Restated Petition complied with the CID Act and set a public hearing with all proper notice being given in accordance with the CID Act; and

WHEREAS, the Board of Directors of the District has consented to the addition of certain real property described in the Amended and Restated Petition to the District, as required by Section 67.1441 of the CID Act; and

WHEREAS, the City Council held a public hearing on July 17, 2017, at which all persons interested in the Amended and Restated Petition were allowed an opportunity to speak and at which time the City Council heard all protests and received all endorsements; and

WHEREAS, the City Council finds that notice of the Amended and Restated Petition has been duly given and the public hearing thereon has been held in which all reasonable protests, objections and endorsements have been heard, all in accordance with the CID Act; and

WHEREAS, the City Council further finds that the Amended and Restated Petition satisfies the requirements of the CID Act and that the approval thereof will further the purposes for which the District was created.

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

SECTION 1. The Amended and Restated Petition is hereby approved in its entirety. The District shall include all of the real property described in the Amended and Restated Petition, shall exist for the term described in the Amended and Restated Petition and shall be governed in accordance with the provisions of the Amended and Restated Petition.

SECTION 2. The officers of the City are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions to the documents herein approved, authorized and confirmed which they may approve, and the execution of such action shall be conclusive evidence of such necessity or advisability. All actions taken to date by the officers of the City with respect to the Amended and Restated Petition and the District, including, without limitation, the provision of notices for the public hearing regarding the Amended and Restated Petition, are hereby ratified.

SECTION 3. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance is separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. If any part, section or subsection of this Ordinance is 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 4. This Ordinance shall take effect and be in full force on the thirty-first day following its passage and being signed as provided by law.

PASSED and SIGNED this 7th day of August, 2017.

JIM THOMSON
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: July 17, 2017

Second reading: August 7, 2017

EXHIBIT A

AMENDED AND RESTATED PETITION

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