

AN ORDINANCE APPROVING A FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN THE CITY OF RICHMOND HEIGHTS, MISSOURI AND P&M HOLDINGS LLC AND P&M REDEVELOPMENT CORPORATION; AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH; AND CONTAINING A SEVERABILITY CLAUSE.

WHEREAS, the City of Richmond Heights, Missouri (the "City") and P&M Holdings LLC and P&M Redevelopment Corporation (the "Developer") are parties to that certain Development Agreement dated as of September 7, 2017 (the "Development Agreement"); and

WHEREAS, the City and the Developer have proposed to enter into a First Amendment to the Development Agreement attached hereto as **Exhibit A** (the "First Amendment"), which First Amendment will amend and modify the terms of the Development Agreement as set forth in such First Amendment; and

WHEREAS, the City Council finds that it is in the best interest of the City to enter into such First Amendment;

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

SECTION 1. The City Council hereby finds that is in the best interest of the City to enter into the First Amendment.

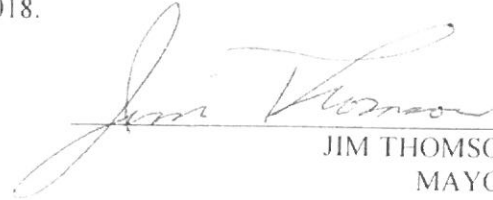
SECTION 2. The Mayor is hereby authorized and directed to execute, on behalf of the City, the First Amendment, and the Deputy City Clerk is hereby authorized and directed to attest to the First Amendment and to affix the seal of the City thereto. The First Amendment shall be in substantially the form attached hereto as **Exhibit A**, which First 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 3. The officers, agents and employees of the City are hereby authorized and directed to execute all documents and take such necessary steps as they deem necessary and advisable in order to carry out and perform the purpose of this Ordinance.

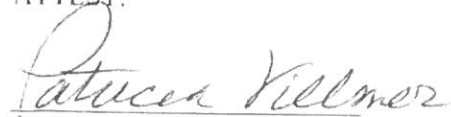
SECTION 4. The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that: (a) the valid sections are so essential to and inseparably connected with 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 (b) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION 5. 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.

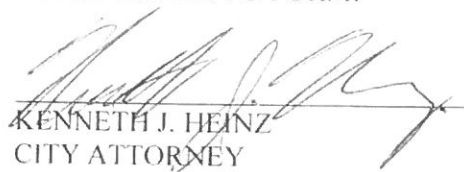
PASSED and SIGNED this 17th day of December, 2018.


JIM THOMSON
MAYOR

ATTEST:


PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:


KENNETH J. HEINZ
CITY ATTORNEY

First reading: December 3, 2018
Second reading: December 17, 2018

EXHIBIT A
FIRST AMENDMENT

(On file with the Deputy City Clerk)

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT
FOR THE
BOLAND PLACE REDEVELOPMENT AREA
AMONG THE
CITY OF RICHMOND HEIGHTS, MISSOURI,
P&M HOLDINGS, LLC
AND THE
P&M REDEVELOPMENT CORPORATION

Dated: January 17, 2019

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT is made and entered into as of this ____ day of _____, 2019 (this "Agreement"), by and among the **CITY OF RICHMOND HEIGHTS, MISSOURI** (the "City"), a municipal corporation and political subdivision of the state of Missouri, **P&M HOLDINGS, LLC**, a Missouri limited liability company (the "Project Owner") and the **P&M REDEVELOPMENT CORPORATION** (the "Corporation"), a Missouri urban redevelopment corporation (the City, the Project Owner and the Corporation may each be referred to herein as a "Party," and collectively as the "Parties").

SECTION 2.04 SCHEDULE is hereby amended to state as follows:

Section 2.04 Schedule. The Project Owner shall cause the completion of the Redevelopment Project in accordance with the following schedule (subject to any Excusable Delay permitted by Section 3.01):

Activity	Deadline for Performance
Approval or deemed approval of a Certificate of Substantial Completion	June 30, 2020
Transfer title to the Property to the Corporation	June 1, 2021
Date of Substantial Completion:	June 30, 2020

In all other respects the Development Agreement is hereby confirmed and ratified.

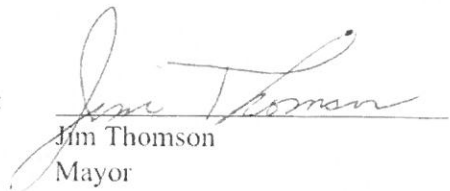
IN WITNESS WHEREOF, the Parties have set their hands and seals the day and year first above written.

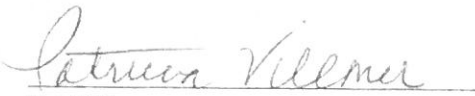
CITY OF RICHMOND HEIGHTS, MISSOURI

(SEAL)

Attest:

By:


Jim Thomson
Mayor


Pat Villmer
Deputy City Clerk

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

On this 14th day of January, 2019, before me appeared **JIM THOMSON**, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the **CITY OF RICHMOND HEIGHTS, MISSOURI**, an incorporated political subdivision of the State of Missouri, and that the seal affixed to the foregoing instrument is the seal of said City, and said instrument was signed and sealed in behalf of said City by authority of its City Council, and said **JIM THOMSON** acknowledged said instrument to be the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.



KLFair
Name: K L Fairgrieve
Notary Public - State of Missouri
Commissioned in St. Louis county

(SEAL)

My Commission Expires: July 31, 2021