

AN ORDINANCE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, GRANTING A TIME EXTENSION FOR THE COMPLETION OF THE REDEVELOPMENT PROJECT DESCRIBED IN THE BRENTWOOD BOULEVARD/CLAYTON ROAD REDEVELOPMENT PLAN, AS AMENDED; AND APPROVING A FIRST AMENDMENT TO AMENDED AND RESTATED REDEVELOPMENT AGREEMENT BY AND BETWEEN THE MULLENIX RICHMOND HEIGHTS REDEVELOPMENT CORPORATION AND THE CITY OF RICHMOND HEIGHTS, MISSOURI.

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WHEREAS, on April 21, 2003, the City Council passed Ordinance No. 4972 adopting the Brentwood Boulevard/Clayton Road Redevelopment Plan (the "Original Plan"), declaring the need for the City to approve a redevelopment project, authorizing the Mayor to enter into an agreement with private developers to redevelop the Redevelopment Area described in the Original Plan, and finding all of the foregoing to be in the best interests of the City to eliminate blighted conditions within the redevelopment area and to benefit the health, safety, morals and welfare of its residents; and

WHEREAS, on November 16, 2009, the City Council passed Ordinance No. 5221 approving a first amendment to the Original Plan (the "Plan Amendment" and together with the Original Plan, the "Plan") and authorizing the execution of an Amended and Restated Redevelopment Agreement (the "Agreement") by and between the City of Richmond Heights, Missouri (the "City") and Mullenix Richmond Heights Redevelopment Corporation (the "Developer") providing for the redevelopment and financing of the redevelopment area described therein; and

WHEREAS, the Developer has requested an amendment to the Agreement to extend certain performance deadlines set forth therein and to clarify certain terms related thereto; and

WHEREAS, the Developer has shown good cause why such extension should be approved and the City Council is authorized under Section 425.140 of the City Code to grant such time extension;

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

SECTION 1. The City Council hereby grants an extension of time to the Developer to complete the redevelopment project described in the Plan. The development of the buildings and site improvements described in the Plan shall be completed no later than July 1, 2013, unless such time for performance is further extended by the City Council.

SECTION 2. The City Council hereby approves the First Amendment to Amended and Restated Redevelopment Agreement in substantially the form attached hereto as **Exhibit A**, with such changes therein as shall be approved by the officers of the City executing the same. The Mayor is hereby authorized and directed to execute, on behalf of the City, the First Amendment

to Amended and Restated Redevelopment Agreement between the City and the Developer, and the City Clerk is hereby authorized and directed to attest to the First Amendment to Amended and Restated Redevelopment Agreement and to affix the seal of the City thereto.

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; provided, if the Developer has not executed the First Amendment to Amended and Restated Redevelopment Agreement within 15 days after such date, all rights conferred by this Ordinance on the Developer shall terminate.

PASSED and SIGNED this 15th day of November, 2010.

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JAMES J. BECK  
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: November 1, 2010  
Second reading: November 15, 2010

EXHIBIT A

First Amendment to Amended and Restated Redevelopment Agreement