

AN ORDINANCE DESIGNATING A CERTAIN TRACT OF LAND IN THE CITY OF RICHMOND HEIGHTS, MISSOURI AS A “BLIGHTED AREA” PURSUANT TO CHAPTER 353, REVISED STATUTES OF MISSOURI, AS AMENDED AND CHAPTER 425 OF THE MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI; APPROVING THE DEVELOPMENT PLAN SUBMITTED FOR THE REDEVELOPMENT OF THAT “BLIGHTED AREA”; APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF RICHMOND HEIGHTS, MISSOURI, AND THE CHESHIRE INN REDEVELOPMENT CORPORATION; AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH; AND CONTAINING A SEVERABILITY CLAUSE.

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WHEREAS, the City of Richmond Heights, Missouri (the “City”), is authorized to undertake certain redevelopment projects pursuant to Chapter 353 of the Revised Statutes of Missouri, as amended (“Chapter 353”), and Chapter 425 of the Municipal Code of the City of Richmond Heights, Missouri, as amended (“Chapter 425”); and

WHEREAS, on February 21, 2011, the Cheshire Inn Redevelopment Corporation (the “Corporation”) and its affiliate, CI, LLC (the “Developer”) submitted a Development Plan (the “Development Plan”) to the City for the redevelopment of the Cheshire Inn located at 6300 Clayton Road in the City (as legally described in Exhibit A hereto, the “Redevelopment Area”); and

WHEREAS, a blighting study has been prepared by Development Strategies, Inc. (the “Blighting Study”) to assist the City Council in determining whether the Redevelopment Area is blighted pursuant to the requirements of Chapter 353 and Chapter 425, and a duly noticed public hearing was held on March 21, 2011, at the Richmond Heights City Hall for the stimulation of comment concerning the Blighting Study and Development Plan (the “Public Hearing”); and

WHEREAS, following closure of the Public Hearing and upon due consideration of the testimony presented, the City Council has determined that it is necessary and in the interest of the public health, safety, morals and general welfare of the people of the City that the City Council take appropriate official action respecting the findings and determinations set forth in the Blighting Study; and

WHEREAS, by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, the Redevelopment Area has become an economic and social liability, and such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes; and

WHEREAS, the clearance, replanning, rehabilitation or reconstruction of the Redevelopment Area, and the provision for such retail, commercial and public structures and spaces as may be appropriate is necessary to and in the interest of the public health, safety, morals and general welfare of the people of the City; and

WHEREAS, the City Council finds that the redevelopment of the Redevelopment Area in accordance with the Development Plan is in the public interest and serves a public purpose; and

WHEREAS, the City desires to enter into a development agreement (the “Development Agreement”) with the Corporation to set forth the terms upon which the Development Plan, including the granting of limited tax abatement contemplated therein, may be implemented;

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

SECTION 1. Upon due consideration of the Blighting Study and the testimony presented at the Public Hearing, it is hereby found, determined and declared that the Redevelopment Area described on Exhibit A attached hereto is “blighted” and is a “blighted area” as those terms are used and defined in Chapter 353 and Chapter 425 and the findings of the Blighting Study are hereby adopted by the City Council.

SECTION 2. Pursuant to Section 425.110.4 of Chapter 425, property within the Redevelopment Area may be acquired by the Corporation pursuant to the Development Plan no later than December 31, 2012 (provided that extensions to such time limit may be granted for reasons outside the control of the Corporation, as described in the Development Agreement). If the Corporation fails to acquire such property within the time limit specified above, all development rights, including the grant of limited tax abatement, shall expire.

SECTION 3. It is hereby determined, found and declared that the Development Plan, attached hereto as Exhibit B and incorporated herein by reference, for the redevelopment of the Redevelopment Area is necessary for the preservation of the public peace, property, health, safety, morals and welfare of the community and as such is approved in accordance with the provisions of this Ordinance.

SECTION 4. The City Council finds and determines that it is necessary and desirable to enter into an agreement with the Corporation to set forth the terms upon which the Development Plan, including the granting of limited tax abatement contemplated therein, may be implemented. The Mayor is hereby authorized and directed to execute, on behalf of the City, the Development Agreement between the City and the Corporation, and the Deputy City Clerk is hereby authorized and directed to attest to the Development Agreement and to affix the seal of the City thereto. The Development Agreement shall be in substantially the form attached hereto as Exhibit C, which Development Agreement 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 5. 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 6. 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 7. 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 4<sup>th</sup> day of April, 2011.

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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:        March 21, 2011  
Second reading:     April 4, 2011

**EXHIBIT A**  
**LEGAL DESCRIPTION OF REDEVELOPMENT AREA**

The Western 36 feet of Lot No. 4, all of Lots No. 5, 6, 7, 8 and the Eastern 10 feet of Lot 9 in Block "E" of Hi-Point, according to the plat thereof recorded in Plat Book 11 page 30 of the Recorder's Office of St. Louis County, Missouri and according to the plat recorded in Plat Book 20 page 6 of the Recorder's Office of the City of St. Louis, Missouri and in Block 5429-D of the City of St. Louis, Missouri and that portion of the alley 12 feet wide and former right of way of the St. Louis Public Service Company which adjoins said Lots on the South, being partly in Block No. 5429-D of the City of St. Louis, Missouri and partly in the County of St. Louis, together fronting 206 feet 1/8 inch, more or less, on the South line of Clayton Avenue, by a depth Southwardly of 192 feet, more or less, to the South line of said former right of way of the St. Louis Public Service Company and having a width thereon of 206 feet, more or less; bounded East by a line parallel with and 10.57 feet West of the East line of Lot No. 4 and its direct prolongation Southwardly and West by a line parallel with and 25 feet East of the West line of Lot 9 and its direct prolongation Southwardly.

Provided, however, that only that portion located in the City of Richmond Heights, Missouri, shall be included in the Area.

<b>Locator ID</b>	<b>Address</b>	<b>Current Owner</b>
<a href="#"><u>20H430027</u></a>	6300 Clayton Road	CI, LLC

**EXHIBIT B  
DEVELOPMENT PLAN**

(On file with the Deputy City Clerk)

**EXHIBIT C**  
**DEVELOPMENT AGREEMENT**

(On file with the Deputy City Clerk)