

AN ORDINANCE DESIGNATING A CERTAIN TRACT OF LAND IN THE CITY OF RICHMOND HEIGHTS, MISSOURI AS A “BLIGHTED AREA” PURSUANT TO CHAPTER 353 OF THE 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”; DESIGNATING THE DEVELOPMENT PLAN AS THE MASTER PLAN FOR SUCH AREA; APPROVING A DEVELOPMENT AGREEMENT FOR SUCH AREA; AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH; AND CONTAINING A SEVERABILITY CLAUSE.

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 March 15, 2013, Menard, Inc. (the “Developer”), a Wisconsin corporation, submitted the Hadley Township South Redevelopment Area Chapter 353 Development Plan attached hereto as Exhibit A (the “Development Plan”) for approximately 17.2 acres (excluding rights-of-way) of residential and commercial property at the southeast quadrant of the intersection of Hanley Road and Elinor Avenue within the City (as further described in Appendix A to the Development Plan, the “353 Area”), in accordance with Chapter 353 and Chapter 425; and

WHEREAS, by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, the 353 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 353 Area, and the provision for such retail, commercial and public structures and spaces as may be appropriate, is necessary and in the interest of the public health, safety, morals and general welfare of the people of the City; and

WHEREAS, the Development Plan includes a blighting study prepared by Development Strategies, Inc. (the “Blighting Study”), which provides a detailed, parcel-by-parcel analysis of the blighted conditions in the 353 Area; and

WHEREAS, the City Council held a duly noticed public hearing on April 1, 2013 for the stimulation of comment concerning the Blighting Study and Development Plan (the “Public Hearing”), at which all political subdivisions whose boundaries for ad valorem taxation purposes include any portion of the real property within the 353 Area had the opportunity to be heard; 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 Development Plan and the Blighting Study; and

WHEREAS, the City Council finds that the redevelopment of the 353 Area by the Developer in accordance with the Development Plan is in the public interest and serves a public purpose; and

WHEREAS, the City Council finds that the Developer has substantively complied with the procedural requirements of Chapter 425; and

WHEREAS, the City desires to enter into a development agreement in substantially similar form to Exhibit B attached hereto (the “Development Agreement”) with the Developer to implement the Development Plan;

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 353 Area 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. The Development Plan is hereby designated as the master plan for the redevelopment of the 353 Area.

SECTION 3. It is hereby determined, found and declared that the Development Plan 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. Development rights for the 353 Area shall be conditioned on the execution of the Development Agreement by the City and the Developer and shall terminate as set forth therein. Property within the 353 Area shall be acquired for the purposes set forth in the Development Plan within the timeframe stated in the Development Agreement. The findings set forth in Section II of the Development Plan are hereby confirmed and adopted by the City Council. Pursuant to Section 425.080 of Chapter 425, the City Council hereby waives any irregularity or omission, if any, in the Development Plan.

SECTION 4. It is hereby determined, found and declared that the exercise of the power of eminent domain by the City, on behalf of the Developer, is necessary to accomplish the purposes of Chapter 353 and Chapter 425.

SECTION 5. The City Council finds and determines that it is necessary and desirable to enter into the Development Agreement with the Developer to set forth the terms upon which the Development Plan will be implemented. The Mayor is hereby authorized and directed to execute, on behalf of the City, the Development Agreement 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 B, 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 6. 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 7. 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 8. 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 29th day of April, 2013.

JAMES BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: April 1, 2013
Second reading: April 15, 2013 (amended)
Third reading: April 29, 2013 (vote only)

EXHIBIT A

DEVELOPMENT PLAN

(On file with the City Clerk)

EXHIBIT B

DEVELOPMENT AGREEMENT

(On file with the City Clerk)