

AN ORDINANCE APPROVING A REDEVELOPMENT AGREEMENT IN CONNECTION WITH THE HADLEY TOWNSHIP SOUTH TAX INCREMENT FINANCING (TIF) REDEVELOPMENT PLAN AND THE HADLEY TOWNSHIP REDEVELOPMENT PLAN.

WHEREAS, the City has approved the Hadley Township South Tax Increment Financing (TIF) Redevelopment Plan (the “Hadley South Redevelopment Plan”) and the Hadley Township Redevelopment Plan (including all amendments thereto, the “Hadley Redevelopment Plan”) pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended; and

WHEREAS, the City desires to enter into a redevelopment agreement (the “Redevelopment Agreement”) with Menard, Inc. (the “Developer”) relating to the implementation of the redevelopment project described in the Hadley South Redevelopment Plan and the redevelopment project described in the Hadley Redevelopment Plan for the area described therein as “Sub-Area A” (collectively, the “Redevelopment Project”);

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

SECTION 1. The City Council finds and determines that it is necessary and desirable to enter into an agreement with the Developer to implement the Redevelopment Project. The Mayor is hereby authorized and directed to execute, on behalf of the City, the Redevelopment Agreement between the City and the Developer. The City Clerk is hereby authorized and directed to attest to the Redevelopment Agreement and to affix the seal of the City thereto. The Redevelopment Agreement shall be in substantially the form attached hereto as **Exhibit A**, which Redevelopment 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 2. The officers, agents and employees of the City are hereby authorized and directed to execute all documents and take such steps as they deem necessary and advisable in order to carry out and perform the purpose of this Ordinance.

SECTION 3. 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: (i) 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 (ii) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance 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; provided, if the Developer has not executed the Redevelopment Agreement within 30 days after such date, all rights conferred by this Ordinance on the Developer shall terminate and the City may designate another entity as developer of the Redevelopment Project.

PASSED and SIGNED this 16th day of September, 2013.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: September 3, 2013
Second reading: September 16, 2013

EXHIBIT A

REDEVELOPMENT AGREEMENT

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