

AN ORDINANCE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI APPROVING A FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT BY AND BETWEEN MENARD, INC. AND THE CITY OF RICHMOND HEIGHTS, MISSOURI, FOR REDEVELOPMENT AREA NAMED HADLEY TOWNSHIP SOUTH REDEVELOPMENT AREA.

---

WHEREAS, the Menard, Inc. and the City of Richmond Heights, Missouri (the “Parties”) entered into a certain Redevelopment Agreement on October 17, 2013 setting forth certain conditions with respect to the development of property owned by the Parties (the “Redevelopment Agreement”); and

WHEREAS, the Parties desire to amend the Redevelopment Agreement through this First Amendment by removing Exhibit I-2-E to the Redevelopment Agreement and replacing it with page I-2-E as attached to this First Amendment in Exhibit A; and

WHEREAS, the City wishes to grant the Developer a license to conduct the Work; and,

WHEREAS, the Parties desire to amend the Redevelopment Agreement through this First Amendment by providing Menard with a limited license to conduct the Work.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. The First Amendment to the Redevelopment Agreement attached hereto as Exhibit “A” is approved and the Mayor and the Clerk of the City of Richmond Heights, Missouri are hereby authorized and directed to sign and attest to same on behalf of the City of Richmond Heights.

SECTION 2. The Amendment authorized for execution and attestation shall be in substantially the form and contain the words and figures as per Exhibit “A” which is attached hereto and made a part of this Ordinance as if fully set out herein.

SECTION 3. 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 18th day of March, 2014.

---

JAMES J. BECK  
MAYOR

ATTEST:

---

PATRICIA S. VILLMER  
DEPUTY CITY CLERK

APPROVED AS TO FORM:

---

KENNETH J. HEINZ  
CITY ATTORNEY

First reading:           March 3, 2014  
Second reading:        March 18, 2014

**EXHIBIT A**  
**FIRST AMENDMENT TO THE REDEVELOPMENT AGREEMENT**

This FIRST AMENDMENT TO THE REDEVELOPMENT AGREEMENT (“First Amendment”) is made and entered into by and between the City of Richmond Heights, Missouri, an incorporated political subdivision of the State of Missouri (the “City”) and Menard, Inc., a Wisconsin corporation (“Menard”). In this First Amendment, the City and Menard shall be collectively referred to as the “Parties”.

WHEREAS, the Parties entered into a certain Redevelopment Agreement on October 17, 2013 setting forth certain conditions with respect to the development of property owned by the Parties (the “Redevelopment Agreement”); and,

WHEREAS, the Parties desire to amend the Redevelopment Agreement through this First Amendment by removing Exhibit I-2-E to the Redevelopment Agreement and replacing it with page I-2-E as attached to this First Amendment in Exhibit A; and

WHEREAS, the City wishes to grant the Developer a license to conduct the Work; and,

WHEREAS, the Parties desire to amend the Redevelopment Agreement through this First Amendment by providing Menard with a limited license to conduct the Work;

NOW THEREFORE, in consideration of the foregoing, the Parties hereby agree as follows:

1. All undefined terms present in this First Amendment will be defined as in the Redevelopment Agreement.
2. The above-listed “Whereas” clauses are hereby inserted into this First Amendment.
3. Exhibit I-2-E to the Redevelopment Agreement and will be replaced with page I-2-E as attached to this First Amendment in Exhibit A and dated March 18, 2014.
4. The City hereby grants the Developer a limited license to Developer for the property located at 7943 Elinor Avenue and 8011 Elinor Avenue to complete the Work.
5. The Redevelopment Agreement shall not be affected in any other respects, and the Redevelopment Agreement is hereby ratified and confirmed.
6. Except as amended in this First Amendment, all other terms and agreements found in the Redevelopment Agreement remain in full force and effect and are hereby ratified by this First Amendment.

IN WITNESS HEREOF, the executing parties, by their respective duly authorized agents, have entered into this First Amendment effective on the date of the last signature.

City of Richmond Heights, Missouri, an incorporated political subdivision of the State of Missouri

By: \_\_\_\_\_  
James Beck, Mayor

\_\_\_\_\_ Date

Menard, Inc.

By: \_\_\_\_\_  
Theron J. Berg  
Real Estate Manager

\_\_\_\_\_ Date

[Acknowledgements on the next page]

**A C K N O W L E D G E M E N T S**

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

On this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, before me a Notary Public in and for the County and State aforesaid, personally appeared Hon. James Beck, to me personally known, who being by me duly sworn did say that he/she is the Mayor of the City of Richmond Heights, Missouri, an incorporated political subdivision of the State of Missouri, named in the foregoing instrument, and that the instrument was signed on behalf of and acknowledged to be the free act and deed of the City of Richmond Heights, Missouri, an incorporated political subdivision of the State of Missouri.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County  
My Commission expires \_\_\_\_\_.

STATE OF WISCONSIN                 )  
  )ss.  
COUNTY OF EAU CLAIRE             )

On this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, before me a Notary Public within and for said County and State, personally appeared Theron J. Berg, to me personally known, who being by me duly sworn did say that he is the Real Estate Manager of Menard, Inc., the corporation named in the foregoing instrument, and that the instrument was signed on behalf of the corporation by authority of its Board of Directors and Theron J. Berg acknowledged the instrument to be the free act and deed of the corporation.

\_\_\_\_\_  
Notary Public, Eau Claire County  
My Commission is permanent