

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 IN CONNECTION THEREWITH; 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 February 28, 2014, D&K Real Estate Service Corporation (the “Developer”), submitted the Manhasset Village Redevelopment Area Development Plan (the “Development Plan”), a copy of which is attached as **Exhibit A** hereto, to the City for the redevelopment of the former site of the Manhasset Village apartment complex located at the intersection of Eager Road and McCutcheon Road in the City (as legally described in the Development Plan, the “Redevelopment Area”); and

WHEREAS, a blighting study has been prepared by PGAV Planners (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 opened on March 3, 2014 and completed on March 18, 2014 at the Richmond Heights City Hall for the stimulation of comment concerning the Blighting Study and Development Plan (the “Public Hearing”); 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 is necessary 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 in substantially similar form to **Exhibit B** attached hereto (the “Development Agreement”) with the Developer and the MV Redevelopment Corporation (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. The City Council hereby finds that, upon due consideration of the Blighting Study and the testimony presented at the Public Hearing, the Redevelopment Area is a “blighted area” as

those terms are used and defined in Chapter 353 and Chapter 425. The findings of the Blighting Study are hereby adopted by the City Council.

SECTION 2. The City Council hereby finds that (a) the Development Plan is necessary for the preservation of the public peace, property, health, safety, morals and welfare of the community, (b) redevelopment of the Redevelopment Area in the manner described in the Development Plan is in the public interest and (c) the Development Plan materially conforms to the requirements for development plans set forth in Chapter 425. The Development Plan is hereby approved by the City Council.

SECTION 3. The City Council finds and determines that it is necessary and desirable to enter into an agreement with the Developer and 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 among the City, the Developer 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 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 4. Pursuant to Section 425.110.4 of Chapter 425, property associated with each phase of the redevelopment project described in the Development Plan may be acquired by the Corporation no later than the respective dates for the phases specified in the Development Agreement (subject to any extension of such dates pursuant to the terms of the Development Agreement). If the Corporation fails to acquire such property associated with a phase within the applicable time limit specified in the Development Agreement, all development rights, including the grant of limited tax abatement for that phase, shall expire.

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 21st day of April, 2014.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: April 7, 2014
Second reading: April 21, 2014

EXHIBIT A

DEVELOPMENT PLAN

(On file with the Deputy City Clerk)

EXHIBIT B
DEVELOPMENT AGREEMENT

(On file with the Deputy City Clerk)