

AN ORDINANCE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, APPROVING A FIRST AMENDMENT TO THE BRENTWOOD BOULEVARD/CLAYTON ROAD REDEVELOPMENT PLAN AND AN AMENDED AND RESTATED REDEVELOPMENT AGREEMENT BY AND BETWEEN THE MULLENIX RICHMOND HEIGHTS REDEVELOPMENT CORPORATION AND THE CITY OF RICHMOND HEIGHTS, MISSOURI, IN ORDER TO AUTHORIZE THE USE OF LIMITED TAX ABATEMENT TO FINANCE AND CAUSE THE CONSTRUCTION OF THE REDEVELOPMENT PROJECT AT BRENTWOOD BOULEVARD AND CLAYTON ROAD IN THE CITY OF RICHMOND HEIGHTS.

WHEREAS, on April 21, 2003, the City Council passed Ordinance No. 4972 adopting the Brentwood Boulevard/Clayton Road Redevelopment Plan and Blight Study (the "Plan"), declaring the need for the City to approve a redevelopment project, authorizing the Mayor to enter into an agreement with private developers to redevelop the Redevelopment Area described in the Plan, and finding all of the foregoing to be in the best interests of the City to eliminate blighted conditions within the redevelopment area and to benefit the health, safety, morals and welfare of its residents; and

WHEREAS, the City and Mullenix Richmond Heights Redevelopment Corporation ("Developer") entered into a Redevelopment Agreement dated as of June 2, 2003 (as amended, the "Agreement"), providing for the redevelopment of the Redevelopment Area; and

WHEREAS, the Developer has proposed amendments to the Plan and the Agreement that includes the authorization of limited tax abatement, the granting of which will provide the financing required to complete the proposed redevelopment project and will ensure a comprehensive and unified development within the Redevelopment Area;

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

SECTION 1. The City Council hereby approves the First Amendment to Brentwood Boulevard/Clayton Road Redevelopment Plan attached hereto as **Exhibit A**.

SECTION 2. The City Council hereby approves the Amended and Restated Redevelopment Agreement in substantially the form attached hereto as **Exhibit B**, with such changes therein as shall be approved by the officers of the City executing the same. The Mayor is hereby authorized and directed to execute, on behalf of the City, the Amended and Restated Redevelopment Agreement between the City and the Developer, and the City Clerk is hereby authorized and directed to attest to the Amended and Restated Redevelopment Agreement and to affix the seal of the City thereto.

SECTION 3. 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 4. 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 5. 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 Amended and Restated Redevelopment Agreement within 15 days after such date, all rights conferred by this Ordinance on the Developer shall terminate.

PASSED and SIGNED this 16th day of November, 2009.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: November 2, 2009
Second reading: November 16, 2009

EXHIBIT A

[First Amendment to Brentwood Boulevard/Clayton Road Redevelopment Plan]

EXHIBIT B

[Amended and Restated Redevelopment Agreement]