

AN ORDINANCE REPEALING ORDINANCE NO. 5241; APPROVING A PETITION TO ESTABLISH THE HADLEY TOWNSHIP SOUTH 2 COMMUNITY IMPROVEMENT DISTRICT; ESTABLISHING THE DISTRICT AS A POLITICAL SUBDIVISION OF THE STATE OF MISSOURI; FINDING THAT THE DISTRICT IS IN A BLIGHTED AREA; AND DIRECTING THE CITY CLERK TO NOTIFY THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT OF THE CREATION OF THE DISTRICT.

WHEREAS, Sections 67.1401 to 67.1571 of the Revised Statutes of Missouri, as amended (the “CID Act”) authorize the governing body of any municipality, upon a proper petition requesting the formation and after a public hearing, to adopt an ordinance establishing a community improvement district; and

WHEREAS, on December 24, 2013, a petition to establish the Hadley Township South Community Improvement District (the “Original District”) was filed with the City of Richmond Heights, Missouri (the “City”); and

WHEREAS, on March 3, 2014, the City Council adopted Ordinance No. 5241 creating the Original District; and

WHEREAS, it has subsequently been determined that the petition to establish the Original District was not signed by more than 50% of the owners of real property within the Original District, as required by the CID Act; and

WHEREAS, because the creation of the Original District is void, the City Council desires to repeal Ordinance No. 5241; and

WHEREAS, on January 26, 2015, a petition to establish the Hadley Township South 2 Community Improvement District (the “District”) was filed with the City; and

WHEREAS, the City Clerk verified that the petition complied with the CID Act and set a public hearing with all proper notice being given in accordance with the CID Act; and

WHEREAS, the City Council held a public hearing on February 17, 2015, at which all persons interested in the formation of the District were allowed an opportunity to speak and at which time the City Council heard all protests and received all endorsements; and

WHEREAS, the City Council finds that notice of the formation of the District has been duly given and the public hearing thereon has been held in which all reasonable protests, objections and endorsements have been heard, all in accordance with Section 67.1431 of the CID Act; and

WHEREAS, the City Council further finds that the petition to form the District is proper in that it meets all of the requirements of Section 67.1421 of the CID Act.

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

SECTION 1. Ordinance No. 5241 is hereby repealed in its entirety because the creation of the Original District contemplated by such ordinance is void.

SECTION 2. The Hadley Township South 2 Community Improvement District is hereby created within the City as a political subdivision of the State of Missouri having the powers and purposes set forth in the petition, a copy of which is attached hereto as **Exhibit A** and is incorporated herein by reference (the "CID Petition"). The District shall include the contiguous tracts of real estate described in **Exhibit A** of the CID Petition, and shall be governed by a board of directors consisting of five (5) members hereafter appointed by the Mayor with the consent of the City Council, subject to the qualifications set forth in the CID Petition. The District is authorized to impose a sales tax in the amount not to exceed the rate set forth in the CID Petition.

SECTION 3. The City hereby finds that the area described in **Exhibit A** of the CID Petition is a "blighted area" within the meaning of Section 67.1401.2(3) of the CID Act because it has been declared blighted or found to be a blighted area pursuant to Chapter 353 of the Revised Statutes of Missouri by the City Council by adoption of Ordinance No. 5218. The City hereby further finds that the proposed uses of the District proceeds, as provided for in the CID Petition, will serve a public purpose by remediating blight and encouraging the redevelopment of real property within the District. The District shall have such additional available powers available to community improvement districts in blighted areas as described in Section 67.1461.2 of the CID Act.

SECTION 4. The term of the existence of the District shall be for a maximum of twenty-three (23) years from the effective date of this Ordinance.

SECTION 5. The Mayor hereby appoints and the City Council hereby consents to the appointment of the following Board of Directors for the District to their respective initial terms of office:

<u>Director</u>	<u>Length of Initial Term</u>
Amy Hamilton	4 years
Sara Fox	4 years
David Reary	2 years
James Beck	2 years
Ryan Gawinski	2 years

SECTION 6. The City Clerk is hereby directed to prepare and file with the Missouri Department of Economic Development the report specified in Section 67.1421.6 of the CID Act.

SECTION 7. The officers of the City are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions to the documents herein approved, authorized and confirmed which they may approve, and the execution of such action shall be conclusive evidence of such necessity or advisability. All actions taken to date by the officers of the City with respect to the CID Petition and the District, including, without limitation, the provision of notices for the public hearing regarding the creation of the District, are hereby ratified.

SECTION 8. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

SECTION 9. 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 17th day of February, 2015.

JAMES BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: February 2, 2015
Second reading: February 17, 2015

EXHIBIT A

CID PETITION

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