

AN ORDINANCE DESIGNATING A PORTION OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, AS A REDEVELOPMENT AREA; APPROVING THE HADLEY TOWNSHIP SOUTH TAX INCREMENT FINANCING (TIF) REDEVELOPMENT PLAN AND THE REDEVELOPMENT PROJECT DESCRIBED THEREIN; MAKING FINDINGS RELATED THERETO; ADOPTING TAX INCREMENT FINANCING WITH RESPECT THERETO; AND AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS.

WHEREAS, the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “Act”), authorizes municipalities to undertake redevelopment projects in blighted, conservation or economic development areas, as defined in the Act; and

WHEREAS, the City of Richmond Heights, Missouri (the “City”) duly created the Tax Increment Financing Commission of the City of Richmond Heights, Missouri (the “TIF Commission”) pursuant to the Act; and

WHEREAS, the Act authorizes the TIF Commission to hold hearings with respect to proposed redevelopment areas, plans and projects and to make recommendations thereon to the City Council; and

WHEREAS, the TIF Commission has reviewed a plan for redevelopment known as the Hadley Township South Tax Increment Financing (TIF) Redevelopment Plan (the “Redevelopment Plan”), which calls for the redevelopment of approximately 15.4 acres of land in the City generally bounded by Elinor Avenue on the north, Hampton Creek and Berkley Avenue on the east, West Bruno Avenue on the south and Banneker Avenue on the west (as further described in Appendix A of the Redevelopment Plan, the “Redevelopment Area”); and

WHEREAS, the Redevelopment Plan envisions that the Redevelopment Area will be redeveloped to accommodate a Menards home improvement store and accompanying outlots (as further described in the Redevelopment Plan, the “Redevelopment Project”); and

WHEREAS, in response to a solicitation of proposals by the City, Menard, Inc. (the “Developer”) submitted a proposal for the redevelopment of the Redevelopment Area; and

WHEREAS, after all proper notice was given, the TIF Commission held a public hearing in conformance with the Act on May 8, 2013, and received comments from all interested persons and taxing districts relative to (1) the Redevelopment Plan, (2) the designation of the Redevelopment Area, and (3) the approval of the Redevelopment Project; and

WHEREAS, after conclusion of the public hearing, the TIF Commission passed a resolution (attached as **Exhibit A** hereto) recommending that the City Council approve the Redevelopment Plan, approve the designation of the Redevelopment Area, approve the Redevelopment Project and adopt tax increment financing 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 makes the following findings:

A. The Redevelopment Area on the whole is a “blighted area,” as defined in Section 99.805(1) of the Act, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. This finding includes, and the Redevelopment Plan sets forth and the City Council hereby finds and adopts by reference: (i) a detailed description of the factors that qualify the Redevelopment Area as a “blighted area” and qualify the Redevelopment Project as a “redevelopment project” and (ii) an affidavit, signed on behalf of the Developer and submitted with the Redevelopment Plan, attesting that the provisions of Section 99.810.1(1) have been met.

B. The Redevelopment Plan conforms to the comprehensive plan for the development of the City as a whole.

C. The estimated dates of completion of the Redevelopment Project and the retirement of obligations incurred to finance redevelopment project costs have been stated in the Redevelopment Plan and these dates will be no more than 23 years from the date of adoption of the ordinance approving the Redevelopment Project.

D. The City has developed a plan for relocation assistance for businesses and residences in conformity with the requirements of Sections 523.200 through 523.215 of the Revised Statutes of Missouri, as amended.

E. A cost-benefit analysis showing the economic impact of the Redevelopment Plan on each taxing district which is at least partially within the boundaries of the Redevelopment Area is attached as **Exhibit B** hereto (the “Cost-Benefit Analysis”) and is incorporated herein as if fully set forth herein, which Cost-Benefit Analysis shows the impact on the economy if the Redevelopment Project is not built and is built pursuant to the Redevelopment Plan. The Cost-Benefit Analysis also includes a fiscal impact study on every affected political subdivision, and sufficient information from the Developer for the TIF Commission to evaluate whether the Redevelopment Project as proposed is financially feasible.

F. The Redevelopment Plan does not include the initial development or redevelopment of any gambling establishment.

SECTION 2. The Redevelopment Area is hereby designated as a “redevelopment area” as defined in Section 99.805(12) of the Act.

SECTION 3. The Redevelopment Plan, a copy of which is attached hereto as **Exhibit C** and incorporated herein by reference, is hereby adopted and approved.

SECTION 4. The Redevelopment Project is hereby adopted and approved. The City Council finds that the Redevelopment Area includes only those parcels of real property and improvements thereon directly and substantially benefited by the proposed Redevelopment Project.

SECTION 5. Tax increment allocation financing is hereby adopted within the Redevelopment Area (as legally described in the Redevelopment Plan).

SECTION 6. After the total equalized assessed valuation of the taxable real property in the Redevelopment Area exceeds the certified total initial equalized assessed value of all taxable real property in the Redevelopment Area, as determined in accordance with the Act, the ad valorem taxes and payments in lieu of taxes, if any, arising from the levies upon taxable real property in the Redevelopment Area by taxing districts and tax rates determined in the manner provided in subsection 2 of Section 99.855 of the Act each year after the effective date of this Ordinance until the payment in full of all redevelopment project costs shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the Redevelopment Area shall be allocated to and, when collected, shall be paid by the County Collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing; and

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the Redevelopment Area and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the Redevelopment Area shall be allocated to and, when collected, shall be paid to the City's Finance Director, who shall deposit such payments in lieu of taxes into a special fund called the "Hadley Township South Special Allocation Fund" of the City for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the Redevelopment Area from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable.

SECTION 7. In addition, fifty percent (50%) of the total additional revenue from taxes, penalties and interest which are imposed by the City or other taxing districts, and which are generated by economic activities within the Redevelopment Area, over the amount of such taxes, penalties and interest in the calendar year prior to the adoption of this Ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, as amended, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, taxes levied pursuant to Section 94.660 of the Revised Statutes of Missouri, as amended, for the purpose of public transportation and any other tax or fee excluded by law, shall be allocated to and paid by the collecting officer to the City's Finance Director, who shall deposit such funds into a separate segregated account within the Hadley Township South Special Allocation Fund.

SECTION 8. The Hadley Township South Special Allocation Fund is hereby established. The Hadley Township South Special Allocation Fund shall have a "PILOTs Account," an "EATs Account" and such other accounts and subaccounts as may be necessary or desirable for the administration of the Redevelopment Plan. All moneys deposited in the Hadley Township South Special Allocation Fund shall be applied in such manner consistent with the Redevelopment Plan as determined by the City Council.

SECTION 9. The City Clerk is hereby directed to submit a certified copy of this Ordinance to the County Assessor, who is directed to determine the total equalized assessed value of all taxable real property within the Redevelopment Area as of the date of this Ordinance, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within the Redevelopment Area, and shall certify such amount as the total initial equalized assessed value of the taxable real property within the Redevelopment Area. The City Clerk is further directed to submit a certified copy of this Ordinance to the County Collector, and the City Finance Director is directed to

certify to the County Collector the amount of taxes derived from economic activities within the Redevelopment Area in the calendar year prior to the adoption of this Ordinance, as prescribed in **Section 7** hereof.

SECTION 10. 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 11. 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 3rd 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: August 19, 2013
Second reading: September 3, 2013

EXHIBIT A

TIF COMMISSION RESOLUTION

[On file in the Deputy City Clerk's Office]

EXHIBIT B

COST-BENEFIT ANALYSIS

[On file in the Deputy City Clerk's Office]

EXHIBIT C

REDEVELOPMENT PLAN

[On file in the Deputy City Clerk's Office]