

1 **BOARD BILL NO. 64**      **INTRODUCED BY: ALDERMAN JOSEPH D. RODDY**

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3            **AN ORDINANCE AMENDING ORDINANCE NO. 66222 ADOPTED BY**  
4            **THE BOARD OF ALDERMEN ON MARCH 21, 2004; AUTHORIZING**  
5            **THE EXECUTION OF AN AMENDMENT TO REDEVELOPMENT**  
6            **AGREEMENT BY AND BETWEEN THE CITY AND WRT HIGHLANDS**  
7            **HOTEL, LLC; PRESCRIBING THE FORM AND DETAILS OF SAID**  
8            **AMENDMENT; MAKING CERTAIN FINDINGS WITH RESPECT**  
9            **THERETO; AUTHORIZING OTHER RELATED ACTIONS; AND**  
10           **CONTAINING A SEVERABILILTY CLAUSE.**

11           **WHEREAS**, pursuant to Ordinance No. 66221, the City designated a portion of the City  
12 a Redevelopment Area and approved the Hampton Inn and Suites @ the Highlands @ Forest  
13 Park TIF Redevelopment Plan (the “Redevelopment Plan”) and the Redevelopment Project, all  
14 as described therein; and

15           **WHEREAS**, pursuant to Ordinance No. 66221, the City adopted tax increment  
16 allocation financing within the Redevelopment Area, and established the Special Allocation  
17 Fund for the Redevelopment Project, all as provided for and in accordance with the TIF Act and  
18 described therein; and

19           **WHEREAS**, pursuant to Ordinance No. 66222, the City authorized the execution of a  
20 TIF Redevelopment Agreement (the “Redevelopment Agreement”) between the City and  
21 Highlands Hotel, LLC, in furtherance of the Redevelopment Plan, with such Redevelopment  
22 Agreement to be in the form attached thereto, which Redevelopment Agreement was  
23 subsequently executed by both the City and Highlands Hotel, LLC, as provided in and in  
24 accordance with Ordinance No. 66222; and

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1           **WHEREAS**, pursuant to the terms of Ordinance No. 66222 and the Redevelopment  
2 Agreement, Highlands Hotel, LLC, did subsequently assign any and all of its rights, duties and  
3 obligations under said Redevelopment Agreement to WRT Highlands Hotel, LLC, with the  
4 approval and consent of the City; and

5           **WHEREAS**, WRT Highlands Hotel, LLC did accept such assignment and in so doing  
6 did assume the obligations of the Developer under the Redevelopment Agreement, as such term  
7 is defined therein; and

8           **WHEREAS**, Section 3.4 the Redevelopment Agreement as authorized by the City  
9 provides that, absent any event of Force Majeure, the Developer shall complete or cause the  
10 Substantial Completion of the Work, as those terms are defined therein, not later than January 1,  
11 2006; and

12           **WHEREAS**, it is hereby found and determined that it is necessary and advisable and in the  
13 best interest of the City and of its inhabitants to authorize the City to execute an Amendment to the  
14 Redevelopment Agreement, in order to amend the Redevelopment Agreement as it concerns the  
15 date by which the Work must be complete or substantially complete; and

16           **WHEREAS**, the Board of Aldermen hereby determines that the terms of the Amendment  
17 to Redevelopment Agreement attached as **Exhibit A** hereto and incorporated herein by reference  
18 are acceptable and that the execution, delivery and performance by the City and WRT Highlands  
19 Hotel, LLC are necessary and desirable and in the best interests of the City and the health,  
20 safety, morals and welfare of its residents, and in accord with the public purposes specified in  
21 the TIF Act.

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1           **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

2           **SECTION ONE.** The Board of Aldermen hereby approves, and the Mayor and  
3 Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the  
4 Amendment to Redevelopment Agreement by and between the City and the Developer attached  
5 hereto as **Exhibit A**, and the City Register is hereby authorized and directed to attest to the  
6 Amendment to Redevelopment Agreement and to affix the seal of the City thereto. The  
7 Amendment to Redevelopment Agreement shall be in substantially the form attached, with such  
8 changes therein as shall be approved by said Mayor and Comptroller executing the same and as  
9 may be consistent with the intent of this Ordinance and necessary and appropriate in order to  
10 carry out the matters herein authorized.

11           **SECTION TWO.** The Mayor and Comptroller of the City or their designated  
12 representatives are hereby authorized and directed to take any and all actions to execute and  
13 deliver for and on behalf of the City any and all additional certificates, documents, agreements or  
14 other instruments as may be necessary and appropriate in order to carry out the matters herein  
15 authorized, with no such further action of the Board of Aldermen necessary to authorize such  
16 action by the Mayor and the Comptroller or their designated representatives.

17           **SECTION THREE.** The Mayor and the Comptroller or their designated  
18 representatives, with the advice and concurrence of the City Counselor and after approval by the  
19 Board of Estimate and Apportionment, are hereby further authorized and directed to make any  
20 changes to the documents, agreements and instruments approved and authorized by this  
21 Ordinance as may be consistent with the intent of this Ordinance and necessary and appropriate

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1 in order to carry out the matters herein authorized, with no such further action of the Board of  
2 Aldermen necessary to authorize such changes by the Mayor and the Comptroller or their  
3 designated representatives.

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

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**EXHIBIT A**

**Amendment to Redevelopment Agreement**