

1 **AN ORDINANCE AMENDING ORDINANCE NO. 66557 ADOPTED BY**
2 **THE BOARD OF ALDERMEN ON DECEMBER 10, 2004;**
3 **AUTHORIZING THE EXECUTION OF AN AMENDMENT TO**
4 **REDEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY AND**
5 **AD BROWN ACQUISITION, LLC; PRESCRIBING THE FORM AND**
6 **DETAILS OF SAID AMENDMENT; MAKING CERTAIN FINDINGS**
7 **WITH RESPECT THERETO; AUTHORIZING OTHER RELATED**
8 **ACTIONS; AND CONTAINING A SEVERABILILTY CLAUSE.**

9 **WHEREAS**, pursuant to Ordinance No. 66556, the City designated a portion of the City
10 a Redevelopment Area and approved the 1136 Washington TIF Redevelopment Plan (the
11 “Redevelopment Plan”) and the Redevelopment Project, all as described therein; and

12 **WHEREAS**, pursuant to Ordinance No. 66556, the City adopted tax increment allocation
13 financing within the Redevelopment Area, and established the Special Allocation Fund for the
14 Redevelopment Project, all as provided for and in accordance with the TIF Act and described
15 therein; and

16 **WHEREAS**, pursuant to Ordinance No. 66557, the City authorized the execution of a
17 TIF Redevelopment Agreement (the “Redevelopment Agreement”) between the City and AD
18 Brown Acquisition, LLC, in furtherance of the Redevelopment Plan, with such Redevelopment
19 Agreement to be in the form attached thereto; and

1 **WHEREAS**, the Redevelopment Agreement was subsequently executed by the City and
2 AD Brown Acquisition, LLC, as provided in and in accordance with Ordinance No. 66557,
3 which Redevelopment Agreement is dated as of _____, 2005 ; and

4 **WHEREAS**, Section 3.4 of the Redevelopment Agreement as authorized by the City
5 provides that, the Developer shall substantially complete or cause the Work to be substantially
6 complete, as those terms are defined therein, not later than February 1, 2006 absent any event of
7 Force Majeure and not later than February 1, 2007 in the event of a delay caused by an event of
8 Force Majeure; and

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

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

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

20 **SECTION ONE.** The Board of Aldermen hereby approves, and the Mayor and
21 Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the
22 Amendment to Redevelopment Agreement by and between the City and the Developer attached
23 hereto as **Exhibit A**, and the City Register is hereby authorized and directed to attest to the

1 Amendment to Redevelopment Agreement and to affix the seal of the City thereto. The
2 Amendment to Redevelopment Agreement shall be in substantially the form attached, with such
3 changes therein as shall be approved by said Mayor and Comptroller executing the same and as
4 may be consistent with the intent of this Ordinance and necessary and appropriate in order to
5 carry out the matters herein authorized.

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

12 **SECTION THREE.** The Mayor and the Comptroller or their designated representatives,
13 with the advice and concurrence of the City Counselor and after approval by the Board of
14 Estimate and Apportionment, are hereby further authorized and directed to make any changes to
15 the documents, agreements and instruments approved and authorized by this Ordinance as may
16 be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out
17 the matters herein authorized, with no such further action of the Board of Aldermen necessary to
18 authorize such changes by the Mayor and the Comptroller or their designated representatives.

19 **SECTION FOUR.** It is hereby declared to be the intention of the Board of Aldermen
20 that each and every part, section and subsection of this Ordinance shall be separate and severable
21 from each and every other part, section and subsection hereof and that the Board of Aldermen
22 intends to adopt each said part, section and subsection separately and independently of any other
23 part, section and subsection. In the event that any part, section or subsection of this Ordinance

1 shall be determined to be or to have been unlawful or unconstitutional, the remaining parts,
2 sections and subsections shall be and remain in full force and effect, unless the court making
3 such finding shall determine that the valid portions standing alone are incomplete and are
4 incapable of being executed in accord with the legislative intent.

EXHIBIT A

Amendment to Redevelopment Agreement