

**AN ORDINANCE APPROVING THE SETTLEMENT OF THE LITIGATION BETWEEN THF REALTY, INC. AND OTHER THF NAMED ENTITIES AND THE CITY OF CHESTERFIELD**

**WHEREAS**, THF Chesterfield Development, Inc. filed suit against the City on August 2, 2002, claiming Release of Hold-Backs, Declaratory Judgment, Reformation and Breach of Contract arising out of a Redevelopment Agreement between THF and other THF related entities and City calling for the development of the Chesterfield Commons Shopping Center; and

**WHEREAS**, the City and THF are now desirous of settling and resolving this dispute; and

**WHEREAS**, The City Council of Chesterfield, Missouri, after careful consideration of the matter and through discussion with the City's attorney, authorized the Mayor of Chesterfield to enter into the attached Settlement Agreements after review of the legal descriptions and maps which will be furnished by THF;

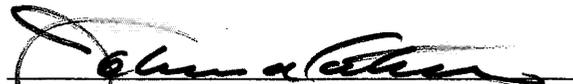
**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.** The Mayor is hereby authorized to sign the Settlement Agreement signed by THF with the legal descriptions and maps attached if said legal descriptions and maps accurately reflect the land, which THF is to convey to the City and otherwise adequately set forth the obligations of the City and THF.

**Section 2.** The Mayor, City Administrator and the City Attorney are authorized to perform on behalf of the City all obligations required of the City and accept all benefits accruing to the City as a result of the attached Settlement and Mutual Release and specifically to release said Hold-Back to THF in accordance with the attached Settlement and Mutual Release.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 5<sup>th</sup> day of DECEMBER 2005.

  
MAYOR

ATTEST:

  
CITY CLERK