

BILL NO. 2153

ORDINANCE NO. 1929

AN ORDINANCE APPROVING THE PUBLIC PURPOSE AND PUBLIC NECESSITY FOR THE DAVIS STREET PROJECT AND AUTHORIZING CONSTRUCTION OF DAVIS STREET

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHESTERFIELD AS FOLLOWS:

**Section 1.** The City of Chesterfield is a city of the third class, with authority under Section 88.667 and 88.673 R.S.Mo. 1994, as amended, to condemn property for roadway improvement purposes in order to provide for public safety and welfare.

**Section 2.** The City of Chesterfield, in order to construct and make available to the public a street to be known as Davis Street, must obtain the necessary rights-of-way over and temporary slope and construction licenses on certain tracts of land owned by Dierbergs Heritage, Inc and Caparco Two Inc. as set out and described in Exhibit A, (collectively, the "Property").

**Section 3.** Acquisition of the Property by negotiated purchase or eminent domain is for public use and public purposes and is necessary to carry out the Davis Street Project.

**Section 4.** The City authorizes the construction of Davis Street including the acquisition of rights-of-way and permanent roadway improvement, maintenance, utility and sewer easements described in Exhibit A, respectively, attached hereto and incorporated herein by this reference.

**Section 5.** The officers, agents and employees of the City are hereby authorized and directed to execute all documents and take such steps as they deem necessary and advisable in order to carry out and perform the purpose of this Ordinance.

**Section 6.** The Sections of this Ordinance shall be severable. In the event that any Section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining Sections of the Ordinance are and shall be deemed valid, unless the court finds that the valid Sections of the Ordinance are so essential to and inseparably connected with and dependent upon the void Section that is cannot be presumed that the City Council has or would have enacted the valid Sections without the void ones, or unless the court finds that the valid Sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

**Section 7.** This Ordinance shall be in full force from and after the date of its passage by

the City Council and approval by the Mayor.

PASSED BY THE CITY COUNCIL THIS 5th DAY OF May, 2003.

  
MAYOR

ATTEST:

  
CITY CLERK