

BILL NO. 2372

ORDINANCE NO. 2191

AN ORDINANCE APPROVING A BOUNDARY ADJUSTMENT PLAT OF HILLTOWN VILLAGE CENTER PARCEL C318, LOCATED AT OLIVE BOULEVARD AND CHESTERFIELD PARKWAY NORTH, CITY OF CHESTERFIELD, COUNTY OF ST. LOUIS, STATE OF MISSOURI.

WHEREAS, The owner, Chesterfield Village Inc., of Boundary Adjustment Plat of Hilltown Village Center Parcel C318 has proposed a Boundary Adjustment Plat for the aforementioned tracts moving the property line from the Original Adjusted Parcel C318 to a New Adjusted Parcel C318 for the purpose of absorbing a vacated Right-of-Way of Henry Hoch Drive; and,

WHEREAS, the Department of Planning has reviewed the Boundary Adjustment Plat in accordance with the Boundary Adjustment Plat regulations of the City of Chesterfield and has recommended approval of same and forwarded said Boundary Adjustment Plat to the City Council.

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

Section 1. The Boundary Adjustment Plat which is attached hereto as Exhibit "A" and made part hereof as if fully set out herein is hereby approved; the owner is directed to record the plat with the St. Louis County Recorder of Deeds Office.

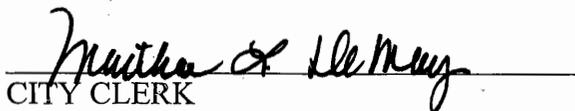
Section 2. The Mayor and City Clerk are authorized and directed to evidence the approval of said Boundary Adjustment Plat by affixing their signatures and the official seal of the City of Chesterfield as required on said documents.

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

Passed and approved this 1st day of AUGUST, 2005.


MAYOR

ATTEST:


CITY CLERK

C318 BOUNDARY ADJUSTMENT PLAT

C318 OF "BOUNDARY ADJUSTMENT PLAT OF NTER' AND PART OF U.S. SURVEY 154" (P.B. 352, PG. 239)
WNESHIP 45 NORTH - RANGE 4 EAST
LOUIS COUNTY, MISSOURI

COMMERCIAL DISTRICT

Survey Notes:

1. Bearing on the Northwest right of way line of Olive Boulevard (Missouri State Highway 340) was adopted from the plat of "Hilltown Village Center", recorded in Plat Book 189 pages 44 and 45.
2. Property referenced from First American Title Insurance Company's commitment for title insurance number NCS-99446-STLO Effective Date: June 10, 2004. The above referenced title commitment was relied upon to disclose all easements, restrictions and conditions of record, which affect this property.

urvey 154, Township 45 North - Range 4 East, St. Louis
articularly described as:

e of Chesterfield Parkway North, 80 feet wide; said plat being
t line along a curve to the left, having a radius of 948.49 feet, a
resection of said East line of Chesterfield Parkway North with
Htown Village Center", a subdivision according to the plat
page 44 of the St. Louis County Records; thence Northwrdly
Parkway North along a curve to the left, whose radius point
44 seconds West 948.49 feet from the last mentioned point, a
west corner of "Chesterfield Village, Northwest Quadrant,
ing to the plat thereof recorded in Plat Book 346 page 377 of
ce Eastwardly along the South line of said "Chesterfield
l C314" the following courses and distances: South 24
t 15.59, feet along a curve to the left, whose radius point bears
onds East 94.70 feet from the last mentioned point, a distance
minutes 02 seconds East 59.33 feet, along a curve to the left,
degrees 22 minutes 46 seconds East 250.90 feet from the last
42 feet, North 71 degrees 50 minutes 58 seconds East 189.73
se radius point bears South 18 degrees 08 minutes 58 seconds
ioned point, a distance of 62.54 feet, North 81 degrees 33
ad along a curve to the left, whose radius point bears South
West 369.28 feet from the last mentioned point, a distance of
hereof; said point being a point in the West line of Lot 2 of
ivision according to the plat thereof recorded in Plat Book 289
ords; thence Southwardly along said West line of Lot 2,
onds West 41.39 feet to the Southwest corner of said plat of
e of Adjusted Parcel C318 of "Boundary Adjustment Plat Of A
Htown Village Center' And Part of U.S. Survey 154", as
9 of the St. Louis County Records; thence Westwardly along
of Adjusted Parcel C316 of said "Boundary Adjustment Plat of
Htown Village Center' And Part of U.S. Survey 154" the
ong a curve to the left, whose radius point bears South 10
t 378.50 feet from the last mentioned point, a distance of
minutes 54 seconds West 147.76 feet, along a curve to the right,
degrees 52 minutes 06 seconds West 421.50 feet from the last
57 feet, along a curve to the left, whose radius point bears
onds West 20.00 feet from the last mentioned point, a
to the right, whose radius point bears North 03 degrees 50
et from the last mentioned point, a distance of 9.76 feet, South
West 30.05 feet, along a curve to the left, whose radius point
29 seconds East 286.46 feet from the last mentioned point, a
e to the left, whose radius point bears South 08 degrees 19
t from the last mentioned point, a distance of 86.00 feet and
onds West 12.46 feet to the point of beginning and containing
y Volz Inc.

"Hilltown Village Center" and part of U.S. Survey 154,
City of Chesterfield, St. Louis County, Missouri and being
ws:

ner of property described in the deed to Union Electric
page 370 of the St. Louis County Records, said beginning
inary line of Lot A of "Hilltown Village Center", a subdivision
ed in Plat Book 189 page 44 of the St. Louis County Records;
Northwest line of said Union Electric Company property,
onds West 80.00 feet to a point on the Northeast line of
Chesterfield Hilltown, Inc. recorded in Book 10925 page 212
ence Northwestwardly along said Northeast line, North 36
t 205.30 feet to a point; thence South 56 degrees 48 minutes
nt on the East line of Chesterfield Parkway North, 80 feet
id East line, along a curve to the right, whose radius point
22 seconds East 825.89 feet from the last mentioned point,
ence along a curve to the left, whose radius point bears North
East 20.00 feet from the last mentioned point, a distance of
a curve to the left, whose radius point bears North 04 degrees
t from the last mentioned point, a distance of 44.54 feet to
right, whose radius point bears South 06 degrees 42 minutes
e last mentioned point, a distance of 42.43 feet to a point;
t 37 seconds East 16.54 feet to a point; thence along a curve to
orth 01 degree 09 minutes 23 seconds East 60.66 feet from the
24.89 feet to a point; thence along a curve to the left, whose
40 minutes 43 seconds West 20.00 feet from the last
10 feet to a point; thence North 22 degrees 25 minutes 35
tence along a curve to the right, whose radius point bears
onds East 125.00 feet from the last mentioned point, a
ence North 06 degrees 00 minutes 00 seconds East 255.17 feet
the left, whose radius point bears North 84 degrees 00 minutes
e last mentioned point, a distance of 173.37 feet to a point;
ose radius point bears North 04 degrees 39 minutes 16 seconds
tioned point, a distance of 104.57 feet to a point; thence North
East 147.76 feet to a point; thence along a curve to the right,
degrees 52 minutes 06 seconds East 378.50 feet from the last
91 feet to a point; thence South 33 degrees 29 minutes 48
tence South 12 degrees 30 minutes 15 seconds West 37.86
e of Olive Boulevard (Missouri State Highway 340); thence
west line, South 56 degrees 19 minutes 39 seconds West
east line of aforesaid Union Electric Company property; thence
east line, North 36 degrees 14 minutes 59 seconds West 169.98
containing 9.870 acres according to a survey by Volz, Inc.

SCHEDULE B - PART II EXCEPTION NOTES

1. Terms, Provisions and Conditions of unrecorded St. Louis County Ordinance No. 7654, as amended by Ordinance 8921, a certified copy of same being recorded in Book 7111 page 931, and as further amended by ordinance No. 9244, a Certified Copy of same being recorded in Book 7181 page 124 is not shown.
2. Terms, Provisions and Conditions of St. Louis County Ordinance No. 9393. A Certified Copy of same being recorded in Book 7224 page 2339 are not shown.
3. An easement disclosed by an instrument recorded in Book 7310 page 1530 in favor of Union Electric Company is shown hereon.
4. Roadway Maintenance and utility easements as retained by St. Louis County, Missouri under Ordinance No. 11,010. A certified copy of same being recorded in Book 7482 page 2045 is shown hereon.
5. An easement disclosed by an instrument recorded in Book 7500 page 443 in favor of St. Louis County, Missouri is shown hereon.
6. An easement disclosed by an instrument recorded in Book 7500 page 453 in favor of St. Louis County, Missouri is shown hereon.
7. An easement disclosed by an instrument recorded in Book 7500 page 455 in favor of St. Louis County, Missouri is shown hereon.
8. An easement disclosed by an instrument recorded in Book 7800 page 671 in favor of The Metropolitan St. Louis Sewer District is shown hereon.
9. Easement for highway construction in favor of the State of Missouri according to instrument recorded in Book 8284 page 2364 is shown hereon.
10. Unrecorded lease dated June 28, 1978 by and between Chesterfield Hilltown, Inc., A Missouri Corporation (Lessor) and Schumck-Twenty-Five, Inc., A Missouri Corporation (Lessee) as evidenced of record by instrument recorded in Book 8774 1183 is not shown.
11. Agreement dated as of May 17, 1990 by and among Chesterfield Village, Inc., A Missouri Corporation, Chesterfield Hilltown, Inc., A Missouri Corporation, and Schumck Markata, Inc., A Missouri Corporation, Successor by merger to Schumck-Twenty-Five, Inc., A Missouri Corporation and concerning proposed lease to Pizzeria Uno, Inc., said agreement being recorded in Book 8774 page 1183 is not shown.
12. An easement for the purposes herein stated and incidental purposes, as disclosed by an instrument recorded in Book 8960 page 1744 for a perpetual road and driveway easement is shown hereon.
13. Terms, Provisions and conditions of unrecorded lease dated May 22, 1992 by and between Chesterfield Hilltown, Inc. (Landlord) and Blockbuster Video, Inc., A Texas Corporation (Tenant), as evidenced of record by Memorandum thereof recorded in Book 9529 page 1569. (Leasehold Title Not Examined) is not shown.
14. Subordination, Non-Disturbance and Attornment Agreement dated February 12, 1993 by and among Blockbuster Video, Inc. and State Farm Life Insurance Company and Chesterfield Hilltown, Inc. recorded in Book 9633 page 2294 is not shown.
15. Terms, Provisions and Conditions of Ordinance No. 484 of the City of Chesterfield, a certified copy of same being recorded in Book 9095 page 2280. The 15' wide Roadway and Utility Easement recorded in Deed Book 4405, page 1 has been vacated by the City of Chesterfield, Missouri by Ordinance No. 484, recorded in Deed Book 9095, page 2280.
16. Restrictions, conditions, and easements contained in instrument(s) recorded in Plat Book 189 pages 44 and 45 are shown hereon. The document recorded in Book 7182 page 1353 is an instrument of ratification and is not shown.
17. Roadway Maintenance and utility easements to St. Louis County, Missouri according to instrument recorded in Book 7167 page 411 is shown hereon.
18. An easement disclosed by an instrument recorded in Book 7170 page 1122 in favor of Laclede Gas Company is shown hereon.
19. Agreements with Fee Fee Trunk Sewer, Inc. as to treatment and disposal of sanitary sewage together with provisions for maintenance assessments thereunder according to instruments recorded in Book 6280 page 1490, Book 6280 page 1538 and Book 6280 page 1975 is not shown.
20. An easement disclosed by an instrument recorded in Book 800 page 354 (Note: Partial Release of said easement recorded in Book 7287 page 1632), in favor of Union Electric Light and Power Company. This property may be subject to a 5' wide easement granted to Union Electric Light and Power Company by deed recorded in Book 800 page 354. The description of said easement is too vague to be plotted. However, the portion of said 5' wide easement which affects Lot A of "Hilltown Village Center" has been vacated by deed recorded in Book 7297 page 1632.
21. An easement disclosed by an instrument recorded in Book 6394 page 592 in favor of Southwestern Bell Telephone Company (Note: The right to encroach upon said easement has been granted to the State of Missouri for highway purposes according to instrument recorded in Book 8270 page 2253. The easement granted to Southwestern Bell Telephone Company by deed recorded in Book 6394 page 592 lies within the existing right of way of Olive Boulevard (Missouri State Highway 340).)
22. An easement disclosed by an instrument recorded in Book 7151 page 2171 in favor of State of Missouri is shown hereon.
23. Roadway maintenance, utility and sidewalk easement according to plat recorded in Plat Book 188 page 73 is shown hereon.
24. An easement disclosed by an instrument recorded in Book 7216 page 1225 in favor of Union Electric Company. Lot A of "Hilltown Village Center" is subject to various 10' wide easements granted to Union Electric Company by deed recorded in Book 7216 page 1225. Per said document: (a) the centerlines of the easement strips shall be the centerline of the final installation of cable or conduit, and (b) said easement strips shall be deemed to terminate at the exterior surfaces and walls of any building improvements, it being the intent that such easement strips shall not underlie any building improvements.

25. Short Form and Notice of Lease executed by and between Chesterfield Hilltown, Inc., Lessor, and Mercantile National Bank of St. Louis County, Lessee, dated June 24, 1980 and recorded July 25, 1980 in Book 7263 page 714. (Leasehold Title Not Examined) is not shown.
26. Terms and provisions of Final Development Plans recorded in Plat Book 186 pages 30 and 31, Plat Book 189 pages 80 and 81, Plat Book 193 pages 44 and 45, Plat Book 197 pages 68 and 69, Plat Book 251 page 84 and Plat Book 339 pages 13 and 14 are not shown hereon.
27. An easement disclosed by an instrument recorded in Plat Book 308 page 88 in favor of Metropolitan St. Louis Sewer District is shown hereon.
28. An easement disclosed by an instrument recorded in Book 6255 page 628 in favor of Fee Fee Trunk Sewer, Inc. is shown hereon.
29. Agreement with Fee Fee Trunk Sewer, Inc. for sanitary sewer maintenance with assessments thereof recorded in Book 6280 page 1460 is not shown.
30. An easement disclosed by an instrument recorded in Book 7315 page 765 in favor of St. Louis County Water Company is shown hereon.
31. Easement to St. Louis County, Missouri created by Commission No. 469944 in the Circuit Court of St. Louis County, Missouri, the Report of Causee being recorded in Book 7411 page 1523 is shown hereon.
32. Relinquishment of all abutter's rights of direct access between the highway known as Relocated Route 340 and Chesterfield Village Parkway, Except Reservation of the usual right of direct access along the Northwest right of way of Relocated Route 340 from a point being opposite State 26 + 09 on the centerline of relocated Route 340. There right of way of Chesterfield Village Parkway opposite Station 114 + 50 Northerly to the Northwest property line of subject property by deed recorded in book 8040 page 359 is shown hereon.
33. An easement disclosed by an instrument recorded in Book 8312 page 1267 in favor of Union Electric Company is shown hereon.
34. Provision of development plan recorded in Plat Book 299 page 2 and Ordinance 13388 recorded in Book 8797 page 2080 are not shown.
35. Terms and conditions of the unrecorded lease to Pizzeria Uno of St. Louis, Inc. a memorandum of which is recorded in Book 9098 page 777. (Leasehold Title Not Examined) is not shown. Note: The Lessor's interest in said lease was assigned to Chesterfield Hilltown, Inc. by instrument recorded in Book 10925 page 2316.
36. Restrictions, conditions, and easements contained in instrument(s) recorded in Plat Book 188 page 73, Plat Book 289 page 63 and Book 8000 page 529 are shown hereon.
37. An easement disclosed by an instrument recorded in Book 8061 page 1311 and Book 8324 page 169 in favor of Union Electric Company is shown hereon.
38. An easement for the purpose herein stated and incidental purposes, as disclosed by an instrument recorded in Book 8564 page 334 for parking and driveway purposes is shown hereon.
39. Terms and conditions of the unrecorded lease dated September 1, 1988 from Chesterfield Hilltown, Inc., Lessor, to Kinder Care Learning Centers, Inc., Lessee, a Memorandum of which has been recorded in Book 8891 page 14, (Leasehold Title Not Examined) are not shown.
40. Assessments for sanitary sewer service, if any are not shown.
41. Terms and Provisions of unrecorded lease to Subway Real Estate Corp., according to Notice in Memorandum of Lease recorded in Book 13906 page 2130. LEASEHOLD TITLE NOT EXAMINED.
42. Terms and Provisions of Indenture of Covenants and Restrictions, according to instrument recorded in Book 11344 page 1987, as amended by instruments recorded in Book 11645 page 959 and Book 12265 page 450.
43. Easement granted Southwestern Bell Telephone Company by instrument recorded in Book 7655 page 1950 does not affect this property.
44. Terms and Provisions shown on Site Development Plans recorded in Plat Book 345 page 558 and Book 345 page 599 are not shown hereon.
45. Easements granted to Fee Fee Trunk Sewer, Inc. according to instruments recorded in Book 6263 page 156, Book 6263 page 160, Book 6263 page 604, Book 6267 page 606 and Book 6269 page 624 lie within the existing right of way of Olive Boulevard (Missouri State Highway 340).
46. Easements for sidewalk granted to the City of Chesterfield, according to instrument recorded in Book 15718 page 153 and is shown hereon. Easement for sidewalk granted by instrument recorded in Book 15718 page 145 does not affect this property.
47. Terms, Provisions and Agreements with Fee Fee Trunk Sewer, Inc. according to instruments recorded in Book 6280 page 1526 and Book 6280 page 1532.
48. Restrictions, Conditions and Easements as shown on Plat recorded in Plat Book 352 page 239. Easements are shown hereon.
49. Roadway Maintenance and Utility Easements to St. Louis County, Missouri according to instrument recorded in Book 7482 page 2045, including the vacation of Henry Hoch Drive. Utility easements on and over the right of way therein vacated has been retained by Union Electric Company and Southwestern Bell Telephone Company. Easements are shown hereon.
50. Easement to the Metropolitan St. Louis Sewer District, according to instrument recorded in Book 7800 page 677 does not affect this property.
51. Terms and provisions of Ordinance Number 10,842 according to instrument recorded in Book 11150 page 2073 and Ordinance Number 1266 according to instrument recorded in Book 11352 page 509 does not affect this property.
52. Property is subject to terms and provisions of Ordinance Number 1272 according to instrument recorded in Book 11335 page 346.
53. Easements granted to Union Electric Company according to instruments recorded in Book 3799 page 128 and Book 4372 page 565 do not affect his property.
54. Permanent Drainage Easement granted to St. Louis County according to instrument recorded in Book 7500 page 467 does not affect this property.
55. Right of way granted to St. Louis County according to instrument recorded in Book 7500 page 447 does not affect this property.
56. Roadway Maintenance and Utility Easements granted to St. Louis County according to instruments recorded in Book 7500 page 450 and Book 7500 page 464 do not affect this property.
57. Property is subject to Roadway Maintenance and Utility Easement according to instrument recorded in Book 7500 page 461 and is shown hereon.

VOLZ
INCORPORATED

LAND SURVEYORS - ENGINEERS - LAND PLANNERS
1060 INDIAN HEAD RD., B.V.D.
ST. LOUIS, MISSOURI 63121
PHONE 314-636-0212

2007-2
Book 7216
Page 1225
of C318