

**AN ORDINANCE APPROVING THE SETTLEMENT OF THE LITIGATION BETWEEN STORAGE MASTER – CHESTERFIELD, L.L.C. AND THE CITY OF CHESTERFIELD**

**WHEREAS**, Storage Master – Chesterfield, L.L.C. filed suit against the City claiming inverse condemnation of a portion of their property located at 16824 Chesterfield Airport Road, Chesterfield, Missouri 63005; and

**WHEREAS**, during the period of 1999 to 2001 the City of Chesterfield was acquiring property for the purpose of building Edison Avenue; and

**WHEREAS**, Storage Master – Chesterfield had frontage along Old Olive Street Boulevard, which replaced Edison Avenue; and

**WHEREAS**, the City of Chesterfield negotiated with Storage Master for the acquisition, by easement, of the right-of-way for the installation of Edison Avenue. After the construction of Edison Avenue, the level of the road was approximately five (5) feet above the original grade; and

**WHEREAS**, as a result of the increase in the height, the rear entrance to Storage Master along Old Olive Street Road has been eliminated and a suit was instituted relative to whether or not the City of Chesterfield in its acquisition of the right-of-way also acquired the access to said property.

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

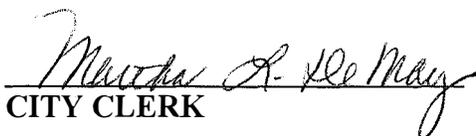
**Section 1.** The City Administrator and the City Attorney are authorized to enter into a settlement with Storage Master – Chesterfield, L.L.C. to settle the lawsuit as styled, *Storage Master-Chesterfield, L.L.C. vs. City of Chesterfield, Missouri, A City of the Third Class, Cause No. 04CC-002855* for a sum not to exceed Two Hundred Ten Thousand Dollars (\$210,000) in accordance with the attached Settlement and Release.

**Section 2.** This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 17<sup>th</sup> day of OCTOBER, 2005.

  
MAYOR

**ATTEST:**

  
CITY CLERK