

BILL NO. 2405

ORDINANCE NO. 2216

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY PURCHASE OR CONDEMANATION OF PROPERTY CONTAINING APPROXIMATELY 32.62 ACRES LOCATED AT 17867 N. OUTER 40 ROAD, CHESTERFIELD, MISSOURI 63005 AND OWNED BY DANA HOLTZMAN POHLMAN, LOUIS BARTFIELD HOLTZMAN, JILL ANN STARR, AND ANY UNKNOWN HEIRS, BENEFICIARIES AND OTHER PERSONS, AND LEGAL ENTITIES CLAIMING A LEGAL INTEREST IN THE PROPERTY LOCATED ON THE NORTH SIDE OF I-64/US 40 AND EAST OF THE CHESTERFIELD VALLEY ATHLETIC COMPLEX IN THE CITY OF CHESTERFIELD FOR USE AS A PUBLIC PARK.

WHEREAS, the City of Chesterfield is a political subdivision located in St. Louis county, Missouri and duly incorporated under the Revised Statutes of Missouri; and,

WHEREAS, the City Council, having been duly elected and qualified and empowered to acquire property for public parks within the City under Section 77.140 Revised Statutes of Missouri; and,

WHEREAS, the City, pursuant to Chapters 88 and 523 of the Revised Statutes of Missouri has the power, authority, and privilege to condemn private property for public use and to take said property for the public purposes designated therein; and,

WHEREAS, the City Council has determined that the City requires the acquisition of real property to provide grounds for establishment/expansion of the Chesterfield Valley Athletic Park, a public park and to install, operate, and maintain facilities in said park; and,

WHEREAS, the City, in order to provide for said park, has identified certain parcels of private property as being necessary for the establishment and/or extension of the Chesterfield Valley Athletic Complex which property includes all of the designated tract of property that is currently owned by Dana Holtzman Pohlman, Louis Bartfield Holtzman, Jill Ann Starr, and any unknown heirs, beneficiaries and other persons, and legal entities claiming a legal interest in the subject property containing approximately 32.62 acres and located at 17867 N. Outer 40 Road, Chesterfield, Missouri 63005.

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

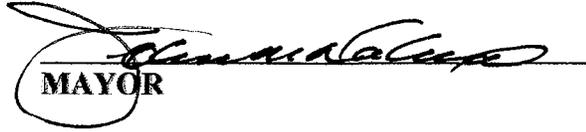
Section 1. The City has determined that it is necessary and proper for the City to acquire the entire tract of approximately 32.62 acres of property located at 17867 N. Outer 40 Road, legally described as set forth on Exhibit A attached hereto and made a part hereof, for the purpose of establishing and maintaining a public park for the benefit of the citizens of the City of Chesterfield.

Section 2. The City Attorney on behalf of the City Council is authorized to take such action as is necessary to acquire said property from the current owners, Dana Holtzman Pohlman, Louis Bartfield Holtzman, Jill Ann Starr, and any unknown heirs, beneficiaries and other persons, and legal entities claiming a legal interest in the subject property for such sum as may be established under condemnation proceedings instituted by the City or negotiated, pursuant to the Revised Statutes of Missouri and Supreme Court Rule 86.

Section 3. The City Administrator on behalf of the City Council is authorized to take such action as is necessary to institute condemnation proceedings through the City's power of eminent domain and to acquire said property pursuant to the authority granted to the City by the Revised Statutes of Missouri.

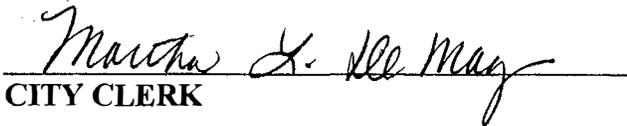
Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 22nd day of NOVEMBER, 2005.



MAYOR

ATTEST:



CITY CLERK