

BILL NO. 2426

ORDINANCE NO. 2243

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY PURCHASE OR CONDEMNATION OF EASEMENTS, BOTH PERMANENT AND TEMPORARY, CONTAINING 2.45 ACRES LOCATED AT 17553 N. OUTER 40 ROAD, CHESTERFIELD, MISSOURI 63005 AND OWNED BY THE SAVE GASOLINE CORPORATION, AND ANY UNKNOWN HEIRS, BENEFICIARIES AND OTHER PERSONS, AND LEGAL ENTITIES CLAIMING LEGAL INTEREST IN THE PROPERTY LOCATED ON THE NORTH SIDE OF I-64/US 40 IN THE CITY OF CHESTERFIELD FOR USE AS A PUBLIC RECREATIONAL TRAIL.

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 recreational trails 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 easements necessary to establish the Monarch Chesterfield Levee Trail, a public recreational trail and to install, operate, and maintain said trail; and,

WHEREAS, the City, in order to provide for said recreational trail, has identified easements, both permanent and temporary, located on parcels of private property as being necessary for the establishment of said recreational trail, which said easements are required on a tract of property that is currently owned by Save Gasoline Corporation, and any unknown heirs, beneficiaries and other persons, and legal entities claiming a legal interest in the subject property containing approximately 2.45 acres and located at 17553 N. Outer 40 Road, Chesterfield, Missouri 63005.

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

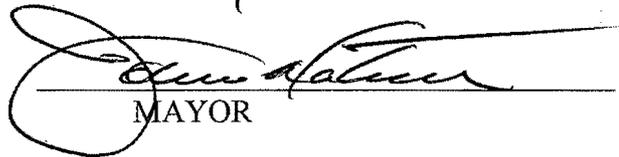
Section 1. The City has determined that it is necessary and proper for the City to acquire a permanent easement containing approximately .199 acres, a temporary construction license containing 1.461 acres on property located at 17553 N. Outer 40 Road, Locator No. 17U530059; a permanent easement containing approximately .105 acres, a temporary construction license containing .685 acres on property located at 17553 N. Outer 40 Road, Locator No. 17U530060, legally described as set forth on Exhibit A attached hereto and made a part hereof, for the purpose of establishing and maintaining a public recreational trail 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 easements from the current owners, Save Gasoline Corporation, 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 February, 2006.


MAYOR

ATTEST:


CITY CLERK