

BILL NO. 2450

ORDINANCE NO. 2259

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY PURCHASE OR CONDEMNATION OF EASEMENTS, BOTH PERMANENT AND TEMPORARY, CONTAINING 1.82 ACRES LOCATED AT 17331 N. OUTER 40 ROAD, CHESTERFIELD, MISSOURI 63005 AND OWNED BY JORDAN II LLC, 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 Jordan II, LLC, and any unknown heirs, beneficiaries and other persons, and legal entities claiming a legal interest in the subject property containing approximately 1.82 acres and located at 17331 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 .30 acres, a temporary construction license containing 1.52 acres on property located at 17331 N. Outer 40 Road, Locator No. 17U630050, 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, Jordan II, LLC, 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.

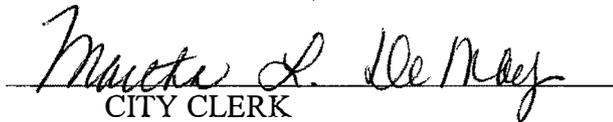
Section 3. The City Administrator on behalf of the City Council is authorized to take such action as is necessary to institute condemnation proceedings through the City's power of eminent domain and to acquire said property pursuant to the authority granted to the City by the Revised Statutes of Missouri.

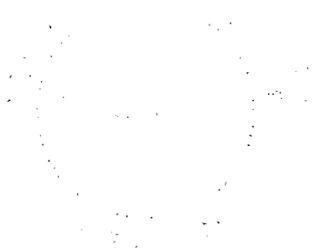
Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 1st day of May, 2006.


MAYOR

ATTEST:


CITY CLERK



Legal Description

Parcel 10: -17331 North Outer 40 Road – Locator # 17U630050

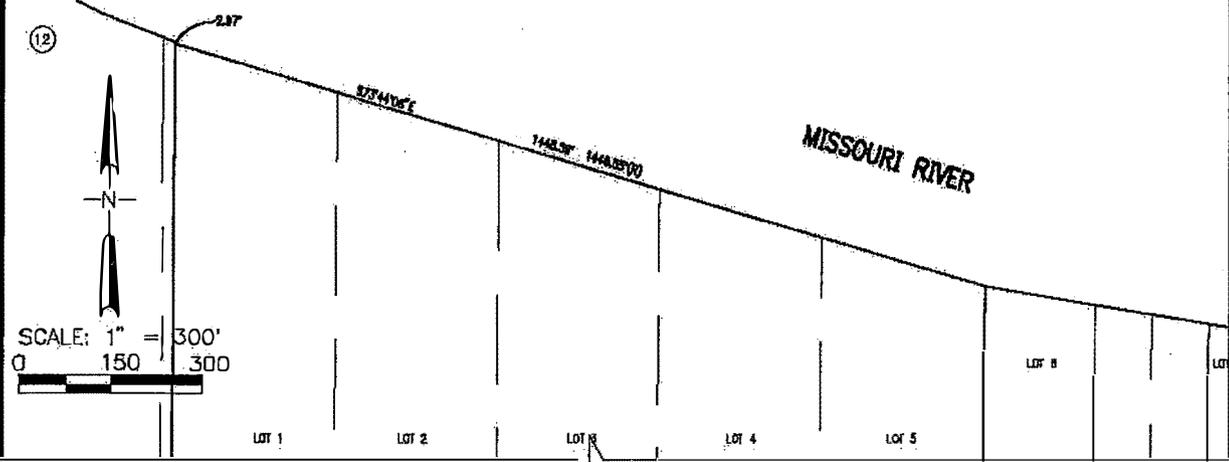
A Variable Width **PERMANENT BIKE TRAIL EASEMENT** across Part of Lots 1, 2, 3, 4, and 5 in the **Subdivision of the Estate of Herman Ficke** in U. S. Surveys 125 and 2031, Township 45 North, Range 4 East of the 5th P.M., and being more particularly described as follows:

Beginning on Grantor's easterly property line, being a point on the easterly line of said Lot 5 where said line intersects with the northerly right of way line of Interstate 64 (State Route 40TR); THENCE North 84 degrees 42 minutes 25 seconds West on Grantor's southerly property line, 106.14 feet; THENCE leaving said southerly property line, North 04 degrees 29 minutes 13 seconds East, 6.44 feet; THENCE North 85 degrees 11 minutes 22 seconds West, 384.16 feet to a point on said southerly property line; THENCE continuing of said southerly property line, North 02 degrees 05 minutes 50 seconds East, 5.71 feet; THENCE continuing on said southerly property line, North 85 degrees 11 minutes 22 seconds West, 905.18 feet to Grantor's southwest property corner, said point also being on the westerly line of said Lot 1; THENCE North 00 degrees 20 minutes 53 seconds East on said westerly line, 6.31 feet; THENCE leaving said westerly line, South 85 degrees 11 minutes 22 seconds East, 1,290.02 feet; THENCE North 04 degrees 27 minutes 52 seconds East, 10.79 feet; THENCE South 85 degrees 32 minutes 08 seconds East, 103.94 feet to the easterly line of said Lot 5; THENCE South 00 degrees 24 minutes 44 seconds West on said easterly line, 30.84 feet to the Point Of Beginning.

Said **PERMANENT BIKE TRAIL EASEMENT** containing **13,459 square feet**, more or less, and being situated in the City of Chesterfield, St. Louis County, Missouri.

EASEMENT PLAT

PART OF LOTS 1-5 OF SUBD. OF HERMAN FICKE ESTATE
TOWNSHIP 45 NORTH, RANGE 4 EAST OF THE FIFTH P.M.
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI



17331 North Outer 40 Road, Chesterfield, MO
63005
Parcel 10 - 17U630050 - 13,459 SF

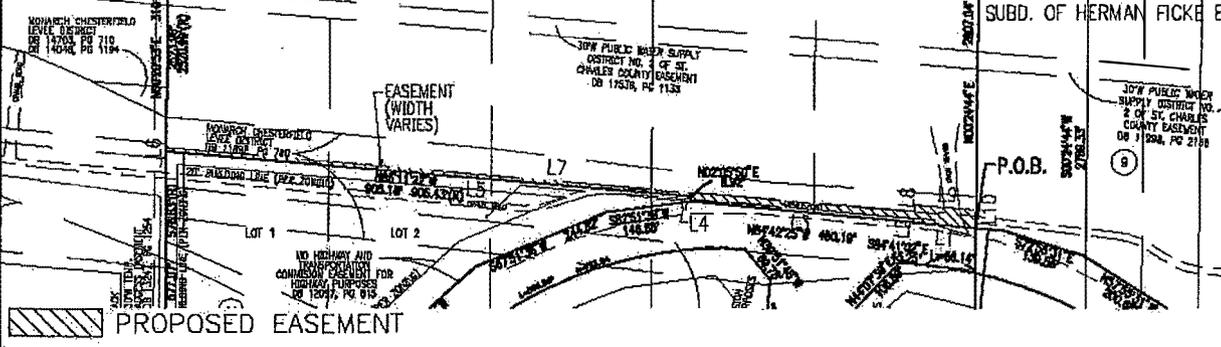
ENTERPRISES
NCH HUMMER
BDIVISION
52, PG.135

- L1 N64°42'25"W 108.14'
- L2 N64°29'13"E 6.44'
- L3 N85°11'22"W 384.15'
- L4 N02°05'50"E 5.71'
- L5 N85°11'22"W 905.18'
- L6 N00°20'53"E 8.31'
- L7 S85°11'22"E 1290.02'
- L8 N64°27'52"E 10.79'
- L9 S85°23'08"E 103.84'
- L10 S00°24'44"W 30.84'

SUBD. OF HERMAN FICKE ESTATE

(10)

SUBD. OF HERMAN FICKE E



DATE:
12-30-05

SHEET 1 OF 1

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66 Progress Parkway
St. Louis, Missouri 63043
Tel: (314) 671-8898
(618) 234-8898
St. Louis, Missouri
Belleville, Illinois

LEGEND
(C) CALCULATED
(R) RECORDED PLAT
(D) RECORDED DEED

EXHIBIT "A"

Legal Description

Parcel 10: 17331 North Outer 40 Road – Locator # 17U630050

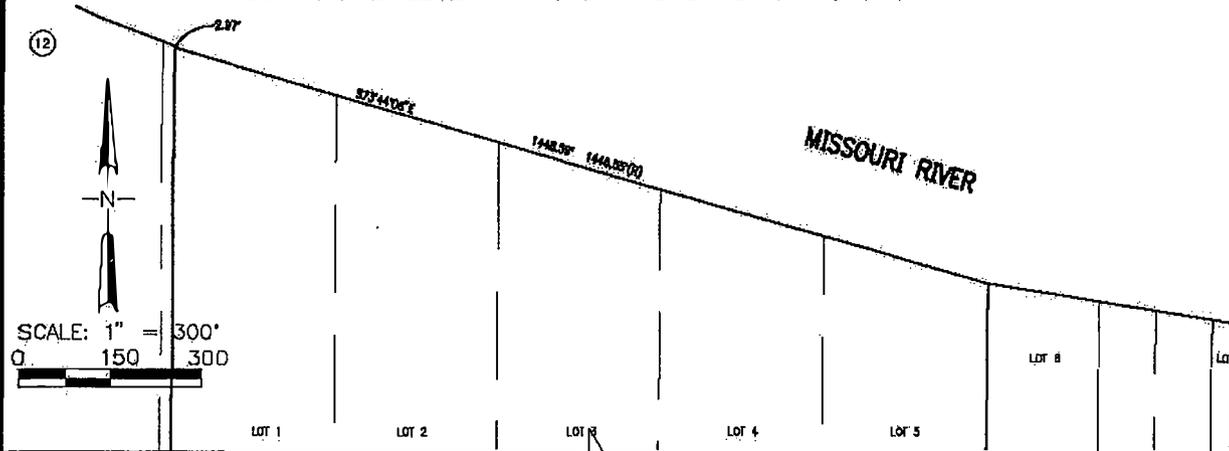
A **TEMPORARY CONSTRUCTION LICENSE** across Part of Lots 1, 2, 3, 4, and 5 in the **Subdivision of the Estate of Herman Ficke** in U. S. Surveys 125 and 2031, Township 45 North, Range 4 East of the 5th P.M., and being more particularly described as follows:

Beginning on Grantor's easterly property line, being a point on the easterly line of said Lot 5 where said line intersects with the northerly right of way line of Interstate 64 (State Route 40TR); THENCE North 84 degrees 42 minutes 25 seconds West on Grantor's southerly property line, 490.19 feet; THENCE continuing on said southerly property line, North 02 degrees 05 minutes 50 seconds East, 8.92 feet; THENCE continuing on said southerly property line, North 85 degrees 11 minutes 22 seconds West, 905.18 feet to Grantor's southwest property corner, said point also being on the westerly line of said Lot 1; THENCE North 00 degrees 20 minutes 53 seconds East on said westerly line, 53.67 feet; THENCE leaving said westerly line, South 84 degrees 40 minutes 06 seconds East, 7.68 feet; THENCE South 85 degrees 14 minutes 08 seconds East, 279.76 feet; THENCE South 84 degrees 25 minutes 39 seconds East, 271.00 feet; THENCE South 86 degrees 15 minutes 29 seconds East, 332.21 feet; THENCE South 84 degrees 42 minutes 25 seconds East, 504.39 feet to the easterly line of said Lot 5; THENCE South 00 degrees 24 minutes 44 seconds West on said easterly line, 65.24 feet to the Point Of Beginning. **Less and Excepting** that part conveyed as a PERMANENT BIKE TRAIL EASEMENT above.

Said TEMPORARY CONSTRUCTION LICENSE containing **66,310 square feet**, more or less, and being situated in the City of Chesterfield, St. Louis County, Missouri.

TEMPORARY CONSTRUCTION LICENSE PLAT

PART OF LOTS 1-5 OF SUBD. OF HERMAN FICKE ESTATE
 TOWNSHIP 45 NORTH, RANGE 4 EAST OF THE FIFTH P.M.
 CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI



17331 North Outer 40 Road,
 Chesterfield, MO 63005
 Parcel 10 - 17U630050 - 66,310 SF

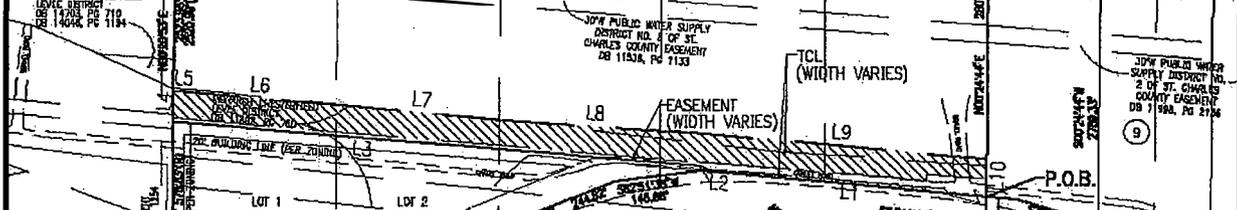
ENTERPRISES
 NCH HUMMER
 DIVISION
 52, PG.135

SUBD. OF HERMAN FICKE ESTATE

- L1 N84°42'25"W 490.19'
- L2 N02°05'50"E 8.92'
- L3 N85°11'22"W 905.19'
- L4 N07°20'33"E 53.67'
- L5 S84°40'00"E 7.68'
- L6 S85°14'08"E 279.78'
- L7 S84°25'39"E 271.00'
- L8 S86°15'29"E 332.21'
- L9 S84°42'25"E 504.38'
- L10 S00°24'44"W 65.24'

MARCH CHESTERFIELD
 PLAT NO. 1428, PG. 710
 PG. 1408, PG. 714

SUBD. OF HERMAN FICKE E



PROPOSED TEMPORARY CONSTRUCTION LICENSE

DATE:
 12-30-05

SHEET 1 OF 1

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 05D119-00D1 (EASEMENT_BDR)

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 St. Louis, Missouri 63043
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 (618) 234-8898

St. Louis, Missouri
 Belleville, Illinois

LEGEND
 (C) CALCULATED
 (R) RECORDED PLAT
 (D) RECORDED DEED

EXHIBIT "B"