

BILL NO. 2451

ORDINANCE NO. 2260

**AN ORDINANCE PROVIDING FOR THE ACQUISITION BY PURCHASE OR CONDEMNATION OF EASEMENTS, BOTH PERMANENT AND TEMPORARY, CONTAINING 0.461 ACRES LOCATED AT 17697 N. OUTER 40 ROAD, CHESTERFIELD, MISSOURI 63005 AND OWNED BY THE 1602 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 The 1602, LLC, and any unknown heirs, beneficiaries and other persons, and legal entities claiming a legal interest in the subject property containing approximately 0.461 acres and located at 17697 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 0.046 acres, a temporary construction license containing 0.415 acres on property located at 17697 N. Outer 40 Road, Locator No. 16V320045, 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, The 1602, 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.

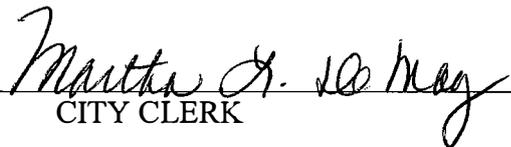
Section 3. The City Administrator on behalf of the City Council is authorized to take such action as is necessary to institute condemnation proceedings through the City's power of eminent domain and to acquire said property pursuant to the authority granted to the City by the Revised Statutes of Missouri.

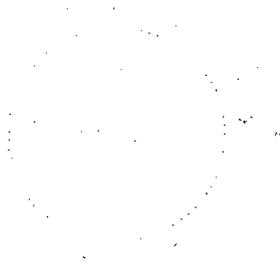
Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 1<sup>st</sup> day of May, 2006.

  
MAYOR

ATTEST:

  
CITY CLERK



## **Legal Description**

### **Permanent Easement Parcel 28 B**

A Variable Width **PERMANENT BIKE TRAIL EASEMENT** in U.S. Survey 1010, Township 45 North, Range 3 East of the 5<sup>th</sup> P.M., and being more particularly described as follows:

**Commencing** on Grantor's southwest property corner, also being a point on the west line said U.S. Survey 1010, where said west line intersects with the northerly right of way line of Interstate 64 (State Route 40TR); **THENCE** North 10 degrees 57 minutes 44 seconds West on Grantor's westerly property line, 1,603.06 feet to the **Actual Point Of Beginning** of said Variable width Permanent Bike Trail Easement; **THENCE** continuing on said westerly property line, North 10 degrees 57 minutes 44 seconds West, 15.50 feet; **THENCE** leaving said westerly property line, South 61 degrees 40 minutes 48 seconds East, 165.79 feet to a point on the westerly line of the Chesterfield Group property as recorded in Book 11244, Page 1914 of the St. Louis County Records; **THENCE** South 10 degrees 59 minutes 06 seconds East on said westerly line of the Chesterfield Group Property, 15.51 feet; **THENCE** leaving said westerly line, North 61 degrees 40 minutes 48 seconds West, 165.80 feet to the Point Of Beginning.

Said **PERMANENT BIKE TRAIL EASEMENT** containing **1,990 square feet**, more or less, and being situated in the City of Chesterfield, St. Louis County, Missouri.



## **Legal Description**

### **Temporary Construction License Parcel 28 B**

A **TEMPORARY CONSTRUCTION LICENSE** in U.S. Survey 1010, Township 45 North, Range 3 East of the 5<sup>th</sup> P.M., and being more particularly described as follows:

**Commencing** on Grantor's southwest property corner, also being a point on the west line said U.S. Survey 1010, where said west line intersects with the northerly right of way line of Interstate 64 (State Route 40TR); **THENCE** North 10 degrees 57 minutes 44 seconds West on Grantor's westerly property line, 1,540.31 feet to the **Actual Point Of Beginning** of said Temporary Construction License; **THENCE** continuing on said westerly property line, North 10 degrees 57 minutes 44 seconds West, 156.52 feet; **THENCE** leaving said westerly property line, South 61 degrees 01 minutes 08 seconds East, 167.34 feet to a point on the westerly line of the Chesterfield Group property as recorded in Book 11244, Page 1914 of the St. Louis County Records; **THENCE** South 10 degrees 59 minutes 06 seconds East on said westerly line of the Chesterfield Group Property, 156.57 feet; **THENCE** leaving said westerly line, North 61 degrees 01 minutes 08 seconds West, 167.42 feet to the Point Of Beginning. Less and excepting that part conveyed as a PERMANENT BIKE TRAIL EASEMENT above.

Said **TEMPORARY CONSTRUCTION LICENSE** containing **18,096 square feet**, more or less, and being situated in the City of Chesterfield, St. Louis County, Missouri.

