

BILL NO. 2604

ORDINANCE NO. 2418

AN ORDINANCE PROVIDING FOR THE ACQUISITION, BY PURCHASE OR CONDEMNATION, OF PERMANENT AND TEMPORARY EASEMENTS COMPRISING APPROXIMATELY 8.50 ACRES OF THE PARCEL LOCATED AT 17971 N. OUTER 40 ROAD, CHESTERFIELD, MISSOURI 63005 TITLED IN THE NAME OF ST. CHARLES SAND COMPANY FOR USE AS A PUBLIC HIKING, BIKING OR RECREATIONAL TRAIL AS PART OF A DEDICATED SYSTEM OF TRAILS.

WHEREAS, the City of Chesterfield is a political subdivision, City of the Third Class, 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, is empowered to, among other things, acquire and hold property within the City for, among other things, public recreational trails, public parks and other public purposes pursuant to the Revised Statutes of Missouri; and,

WHEREAS, the City, pursuant to Chapters 77, 88, 90, 258 and 523 of the Revised Statutes of Missouri has the power, authority, and privilege to acquire, by condemnation or otherwise, private property for public use; and,

WHEREAS, the City Council has determined that the City requires the acquisition of certain easements necessary to establish and extend the Monarch Chesterfield Levee Trail, a public hiking, biking or recreational trail and to install, operate, and maintain said trail as part of a dedicated system of trails; and,

WHEREAS, the City has identified certain permanent and temporary easements as being necessary for the establishment or extension of said trail, said easements comprised of approximately 8.50 acres of that parcel of real property commonly known and numbered as 17971 N. Outer 40 Road, Chesterfield, Missouri 63005, titled in the name of St. Charles Sand Company.

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 1.38 acres and a temporary construction license containing approximately 7.12 acres on property located at 17971 N. Outer 40 Road, Locator Nos. 16W240030 and 16W310034, legally described as set forth on Exhibit A attached hereto and incorporated herein by this reference, for the purpose of establishing, extending and maintaining a public hiking, biking or recreational trail as part of a dedicated system of trails.

Section 2. The City's Attorney(s) and/or the City Administrator on behalf of the City Council are authorized to take such action as may be necessary to acquire said easements from the current owners, St. Charles Sand Company, and any unknown heirs, beneficiaries and other persons, and legal entities claiming a legal interest in the subject property through negotiated purchase or by condemnation proceedings instituted by the City pursuant to the Revised Statutes of Missouri and Missouri Supreme Court Rule 86.

Section 3. In the event the City is unable to acquire the necessary easements through negotiated purchase, the City's Attorney(s) and/or the City Administrator on behalf of the City Council are authorized to take such action as may be necessary to institute condemnation proceedings to acquire said property pursuant to the City's eminent domain authority under 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 7th day of JANUARY, 2008.


MAYOR

ATTEST:


CITY CLERK

[FIRST READING HELD: 1/7/08]