

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF PROPOSITION P BOND PROCEEDS AND FUND RESERVES, TO ACCEPT THE DONATION OF LAND AND A ROAD DEDICATION AND PROPERTY EXCHANGE AGREEMENT WITH VARIOUS PARTIES TO CONSTRUCT CENTRAL PARK ROAD

WHEREAS, the City of Chesterfield wishes to provide recreational and park facilities for the use of the residents, and is desirous of entering into a Road Dedication and Property Exchange Agreement, on behalf of the City, to accept the donation of land for the construction of Central Park Road in order to provide access to and from the City's Central Park, expenditure of fund reserves and Proposition P Bond Proceeds for construction costs and preserve the possible reimbursement of funds expended for the construction of Central Park Road; and

WHEREAS, the City of Chesterfield, by and through its Public Works and Planning Department, has negotiated for the construction of Central Park Road and donation of certain tracts of land needed to construct Central Park Road; and

WHEREAS, the utilization of Fund Reserves and Proposition P Bond Proceeds are available for the City's costs to construct Central Park Road; and

WHEREAS, the construction of Central Park Road will connect Lydia Hill Drive with Burkhardt Place and provide for the smooth flow of traffic into and from Central Park and will allow for potential construction of a veterans memorial and a future proposed amphitheater.

WHEREAS, the City of Chesterfield met in Executive Session on March 19, 2008 and authorized the expenditure of up to One Million Three Hundred Fifty Seven Thousand Dollars (\$ 1,357,000.00) from Fund Reserves and up to Two Million Three Hundred Eighty Seven Thousand Dollars (\$ 2,387,000.00) pay for the City's share of Central Park Road construction costs; and

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

Section 1. The Mayor of the City of Chesterfield is hereby authorized to sign a Road Dedication and Property Exchange Agreement, in a form similar to that which is attached hereto and marked Exhibit 1 and undertake all other actions, including granting a landscaping easement, as are needed to fulfill the City's obligations under the agreement.

Section 2. The City is authorized to expend up to One Million Three Hundred Fifty Seven Thousand Dollars (\$ 1,357,000.00) from Fund Reserves and up to Two

Million Three Hundred Eighty Seven Thousand Dollars (\$ 2,387,000.00) pay for the City's share of Central Park Road construction costs.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 19th day of March, 2008.



MAYOR

ATTEST:



CITY CLERK

FIRST READING HELD: 3/19/08

ROAD DEDICATION AND PROPERTY EXCHANGE AGREEMENT

AGREEMENT made this 7TH day of JULY, 2008, by and among the City of Chesterfield, Missouri, a municipal corporation (the "City"), The Saint Louis County Library District, a body politic of the State of Missouri (the "Library District"), Central Park Square, Inc., a Missouri corporation ("CPS"), and The Young Men's Christian Association of Greater St. Louis, a Missouri pro forma corporation (the "YMCA").

RECITALS

A. The City desires to construct a public road (known for these purposes as Central Park Road) through City's Central Park and properties owned by the other parties hereto, as shown on Exhibit A.

B. Central Park Road, as shown on Exhibit A, encroaches upon land owned by CPS and the YMCA, and it bisects property owned by the Library District rendering the northern portion of such property unusable by the Library District for its intended purpose.

C. CPS, the YMCA and the Library District desire to accommodate the needs of City.

NOW, THEREFORE, it is agreed by the parties as follows:

1. The Recitals set forth above are incorporated into this Agreement by this reference.
2. (a) All of the parties hereto will execute for recording in the Records of St. Louis County, Missouri, a Road Dedication Plat to establish "Central Park Road" (over its entire length) as a public road. Such plat will be prepared by Volz Incorporated in cooperation with the Public Works Department of the City. By means of such plat: Library District will dedicate to the City properties identified as P2 and P3 on Exhibit A and described in Exhibit B-1; YMCA will dedicate to the City property identified as P4 on Exhibit A and described in Exhibit B-2; CPS will dedicate to the City properties identified as P5 and P6 on Exhibit A and described in Exhibit B-3.
 - (b) Central Park Road will be built by the City at its cost. To the extent necessary, the City will, at its cost, (i) remove any part of CPS' existing road which is needed for Central Park Road, and (ii) rebuild CPS' existing road so that it will conform with the Road Dedication Plat.
 - (c) Central Park Road will afford a means of ingress to and egress from the YMCA's parking garage when it is built at the location shown on Exhibit A.

3. In order to adjust other property considerations made necessary by the dedication of "Central Park Road," the Library District and CPS agree as follows:

(a) The Library District will convey to the City the parcel of ground identified as P1 on Exhibit A and described in Exhibit C.

(b) The Library District will convey to CPS the triangular parcel of ground identified as P7 on Exhibit A and described in Exhibit D.

(c) CPS will convey to the Library District the parcel of ground identified as P9 on Exhibit A and described in Exhibit E.

4. Notwithstanding anything herein to the contrary, the obligations of CPS and the YMCA hereunder are made contingent upon their receipt of a variance from the City's Zoning Ordinance: (a) to reduce the Set Back line on the north side of CPS' proposed parking structure for its Building II in so-called "Downtown Chesterfield Phase I" from 50 feet to 15 feet in order to permit construction of a larger parking structure, and (b) to reduce the Set Back line on the southeast side of YMCA's proposed parking structure from 50 feet to 0 feet in order to accommodate such structure.

5. The City agrees to convey to CPS at Closing a non-exclusive easement for that portion of its Central Park abutting Lydia Hill Drive, as shown in Exhibit F and containing 1.096 acres. Said parcel is undevelopable but is useful for landscaping purposes.

6. The area of Downtown Chesterfield Phase I which is shown on Exhibit G shall be common property under the Indenture of Covenants and Restrictions for Central Park Square, recorded in Book 12804 page 1424 in the Records of St. Louis County, Missouri. Such area may be set aside in the future as the location for a farmers' market or a sculpture garden. To facilitate the use of such area for either such future use, the City authorizes CPS currently (a) to remove the trees thereon, (b) to grade and fill the area with dirt, (c) to seed the area, and (d) to plant landscaping.

7. Five (5) access points to and from Central Park Road relating to the YMCA and Downtown Chesterfield Phase I are identified on Exhibit G at approximate locations. The City agrees to grant curb cuts to accommodate these access points upon request. The curb cuts will be located on the ground and designed by Volz Incorporated (except that the YMCA may choose to engage the services of its own engineer).

8. The City agrees that, within ninety (90) days after Closing hereunder, it will, at its expense, bury the existing overhead utility line which crosses Lydia Hill Road and abuts the City's Central Park and Monarch Trace subdivision. The utility line will be removed to the second pole south of Lydia Hill Road.

9. Each of the conveyances specified in Paragraph 3 above will be evidenced by a special warranty deed duly executed by authorized officers of the grantor and acknowledged for recording. Titles to the dedicated tracts specified in Paragraph 2 above and the conveyed tracts will each be marketable in fact, free of all liens and encumbrances (except the lien for real estate taxes for the current year, if any), and insurable at the time of conveyance without exceptions, except for exceptions acceptable to the grantee in each case. CPS will be responsible for payment of current real estate taxes due and owing for the entire year of Closing, if any, on the parcels conveyed by CPS; and CPS will pay all title insurance costs and recording fees for all of the parties hereto, except the City shall pay for title insurance, if purchased, and recording costs related to the Road Dedication Plat.

10. Closing will occur on the thirtieth (30th) day following the date on which the Amendment to City Ordinance No. 1617 provided for in Paragraph 4 above is made final. Closing shall take place at 10:00 a.m. on the resulting date at a title company reasonably acceptable to the parties.

11. Miscellaneous.

(a) Notices. Any notice required or desired to be given under this Agreement shall be in writing and shall be given by certified mail, return receipt requested, or by facsimile transmission, and shall be effective as of the date of mailing or transmission. It shall be directed to the parties at the following addresses:

City of Chesterfield, Missouri
Attn: City Administrator
690 Chesterfield Parkway West
Chesterfield, Missouri 63017
Fax: (636) 537-4798

The Saint Louis County Library District
Attn: Interim Director and Comptroller
1640 S. Lindbergh Boulevard
St. Louis, Missouri 63131
Fax: (314) 997-2896

Central Park Square, Inc.
Attn: Kathleen Higgins, Vice President
400 Chesterfield Center, Suite 600
St. Louis, Missouri 63017
Fax: (636) 537-0718

The Young Men's Christian Association of Greater St. Louis
Attn: President, CEO
1528 Locust Street
St. Louis, Missouri 63103
Fax: (314) 436-1001

(b) Each party to this Agreement represents to the other parties that execution of this Agreement has been duly authorized by its board of directors, as to CPS and the Library District, and by appropriate ordinances or resolution of the City Council of City. Evidence of such authorization will be presented at Closing.

(c) All Exhibits attached hereto are incorporated herein by reference.

(d) This Agreement will inure to the benefit of and be binding upon the parties hereto and their successors and assigns.

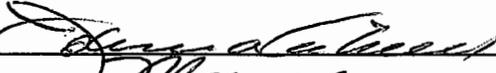
(e) Whenever it is provided in this Agreement that days shall be counted, the first day to be counted shall be the day following the date on which the event causing the period to commence occurs.

(f) If the last day for the giving of notice or performance of any obligation or condition hereunder is a Saturday, Sunday or legal holiday in the State of Missouri, then such last day shall be extended to the next succeeding business day thereafter.

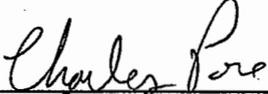
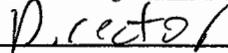
[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

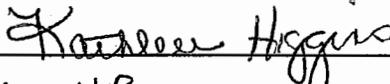
CITY OF CHESTERFIELD, MISSOURI

By: 
Title: 

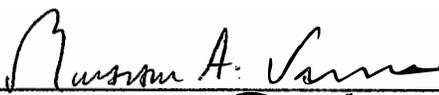
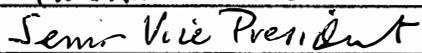
THE SAINT LOUIS COUNTY LIBRARY DISTRICT

By: 
Title: 

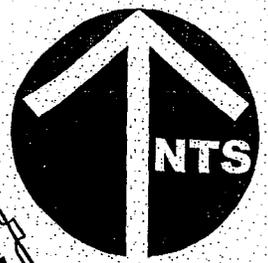
CENTRAL PARK SQUARE, INC.

By: 
Title: 

THE YOUNG MEN'S CHRISTIAN ASSOCIATION
OF GREATER ST. LOUIS

By: 
Title: 

[SIGNATURE PAGE TO ROAD DEDICATION
AND PROPERTY EXCHANGE AGREEMENT]



YMCA

BURKHARDT PLACE

CITY PARK

ST. LOUIS COUNTY LIBRARY (ST.L.C.L.)

Central Park Road

DOWNTOWN CHESTERFIELD PHASE I (CPS)

P1
17,335 sf

P2
12,437 sf

P4 4,042 SF
P5 7,140 SF

P3
86 sf

P6
229 sf

P8
21,618 sf

P9
32,524 sf

P7
504 sf

LAND SWAP EXHIBIT "A" REVISED 5-5-2008

ST.L.C.L. TO CITY PARK: (P1)	17,335 SF
ST.L.C.L. TO CITY FOR PARK ROAD: (P2+P3)	12,523 SF
YMCA TO CITY FOR PARK ROAD: (P4)	4,042 SF
CPS TO CITY FOR PARK ROAD: (P5+P6)	7,140 SF
ST.L.C.L. TO CPS: (P7)	504 SF
ST.L.C.L. TO RETAIN: (P8)	21,618 SF
CPS TO ST.L.C.L.: (P9)	32,524 SF

April 22, 2008

BET

Re: P2
St. Louis County Library to
City of Chesterfield for Park Road

A tract of land being part of Adjusted Parcel B of "Boundary Adjustment Plat of Lot C114 and C121 of Chesterfield Village Area A Phase One Plat Two and part of Lot 4 of the Boundary Adjustment Plat of Chesterfield Village Area A," being part of U.S. Surveys 415 and 2002, in Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 348 pages 759 and 760 of the St. Louis Records, in U.S. Survey 415, Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as:

Beginning at the Southwest corner of property described in deed to St. Louis County Library District, as recorded in Deed Book 13766 Page 1888 of the St. Louis County Records, said corner also being in the East line of property described in deed to City of Chesterfield, as recorded in Deed Book 11138 page 427 (Parcel 2,) of the St. Louis County Records; thence around said tract the following courses and distances: along the West line of the aforesaid St. Louis County Library District tract, North 00 degrees 40 minutes 13 seconds East 85.31 feet to a point; thence along a curve to the right, whose radius point bears South 52 degrees 27 minutes 35 seconds East 250.00 feet from the last mentioned point, a distance of 91.72 feet to a point; thence North 58 degrees 33 minutes 40 seconds East 121.45 feet to a point in the Eastern line of the aforesaid St. Louis County Library District tract; thence along said Eastern line South 54 degrees 37 minutes 51 seconds East 37.54 feet to a point; thence along a curve to the left, whose radius point bears South 65 degrees 59 minutes 50 seconds East 104.87 feet from the last mentioned point, a distance of 23.66 feet to a point; thence South 58 degrees 33 minutes 40 seconds West 118.43 feet to a point; thence along a curve to the left, whose radius point bears South 31 degrees 26 minutes 20 seconds East 200.00 from the last mentioned point, a distance of 136.26 feet to a point in the South line of the aforesaid St. Louis County Library District tract; thence North 88 degrees 58 minutes 42 seconds West 10.73 feet to the point of beginning and containing 12,437 square feet according to calculations by Volz Incorporated during April 2008.

Bruce E. Thomas, P.L.S.
Professional Land Surveyor
MO. P.L.S. #2220

Exhibit B-1
Page 1

April 22, 2008

BET

Re: P3
St. Louis County Library to
City of Chesterfield for Park Road

A tract of land being part of Adjusted Parcel C of "Boundary Adjustment Plat of Lot C114 and C121 of Chesterfield Village Area A Phase One Plat Two of Lot 4 of the Boundary Adjustment Plat of Chesterfield Village Area A," being part of U.S. Surveys 415 and 2002, in Township 45 North - Range 4 East, City of Chesterfield, St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 348 pages 759 and 760 of the St. Louis County Records, in U.S. Survey 415, Township 45 North - Range 4 East, City of Chesterfield, St. Louis County, Missouri and more particularly described as:

Beginning at the Northeastern corner of said Adjusted Parcel C, being also on the Western line of Burkhardt Place, 43 feet wide where said Burkhardt Place intersects the Northern line of property described in deed to St. Louis County Library District, recorded in Deed Book 12905 page 1816 of the St. Louis County Records; thence around said tract the following courses and distances: South 31 degrees 26 minutes 20 seconds East 20.00 feet along the aforesaid Western Line of Burkhardt Place to a point; thence along a curve to the left, whose radius point bears South 58 degrees 33 minutes 40 seconds West 20.00 from the last mentioned point, a distance of 31.42 feet to a point on the Northern line of said St. Louis County Library District property; thence along said Northern line North 58 degrees 33 minutes 40 seconds East 20.00 feet to the point of beginning and containing 86 square feet according to calculations by Volz Incorporated during April 2008.

Bruce E. Thomas, P.L.S.
Professional Land Surveyor
MO. P.L.S. #2220

Exhibit B-1
Page 2

May 2, 2008

BET

Re P4

YMCA Tract to
City of Chesterfield for Park Road

A tract of land being part of Adjusted Parcel A of Boundary Adjustment Plat of Lot C114 and C121 of Chesterfield Village Area A Phase One Plat Two and part of Lot 4 of the Boundary Adjustment Plat of Chesterfield Village Area A, being part of U.S. Surveys 416 and 2002, in Township 42 North - Range 4 East, City of Chesterfield, St. Louis County, Missouri, according to the plat thereon recorded in Plat Book 243 pages 759 and 760 of the St. Louis County Records, in U.S. Survey 416, Township 42 North - Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as:

Beginning at the Southeastern corner of property described in deed to Young Men's Christian Association of St. Louis, recorded in Deed Book 17704 page 182A, where said corner intersects the Western line of Burkhardt Place 43 feet wide; thence around said tract the following courses and distances: South 52 degrees 32 minutes 40 seconds West 149.80 feet; thence along a curve to the left whose radius bears South 31 degrees 26 minutes 20 seconds East 104.87 feet from the last mentioned point a distance of 63.26 feet to a point in the Eastern line of property as described to St. Louis County Library District, recorded in Deed Book 18706 page 188B of the St. Louis County Records; thence along said Eastern line North 54 degrees 37 minutes 51 seconds West 27.54 feet to a point; thence North 58 degrees 33 minutes 40 seconds East 204.07 feet to a point; thence along a curve to the left, whose radius point bears North 21 degree 26 minutes 20 seconds West 20.00 feet from the last mentioned point, a distance of 31.42 feet to a point in the Western line of the aforesaid Burkhardt Place; thence along said Western line South 31 degrees 26 minutes 20 seconds East 36.00 feet to the point of beginning and containing 4,042 square feet according to calculations by Volz Incorporated during April 2008.

Bruce B. Thomas, P.L.S.,
Professional Land Surveyor
MO. P.L.S. #2220

Exhibit B-2

May 2, 2008

BET

Re: P5
Road from Central Park Square to
City of Chesterfield for Park Road

A tract of land being part of a 34 foot wide roadway easement within Adjusted Parcel A as shown on the plat of "Boundary Adjustment Plat of a tract of land being Lot C114 and C121 of Chesterfield Village Area A Phase One Plat Two and part of Lot 4 of the Boundary Adjustment plat of Chesterfield Village Area A," being part of U.S. Surveys 415 and 2002, in Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri, according to the plat thereof as recorded in Plat Book, pages 759 and 760 of the St. Louis County Records in U.S. Survey 415, Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri, and more particularly described as:

Beginning at the Northeastern corner of Adjusted Parcel C, being also in the Western line of Burkhardt Place, 43 foot wide, where Burkhardt Place intersects the Northern line of property described in deed to St. Louis County Library District, as recorded in Deed Book 12905 page 1816 of the St. Louis County Records; thence around said tract the following courses and distances: South 58 degrees 33 minutes 40 seconds West 227.10 feet along the Northern line of the aforesaid St. Louis County Library District parcel; thence along a curve to the right, whose radius point bears South 78 degrees 55 minutes 21 seconds East 104.87 feet from the last mentioned point, a distance of 86.92 feet to a point, same said point being in the Southern line of property described in deed to Young Men's Christian Association of St. Louis, as recorded in Deed Book 17104 page 1524 of the St. Louis County Records; thence North 58 degrees 33 minutes 40 seconds East 149.80 feet to a point in the Western line of the aforesaid Burkhardt Place; thence South 31 degrees 26 minutes 20 seconds East 34.00 feet to the point of beginning and containing 6,911 square feet according to calculations by Volz Incorporated during April 2008.

Bruce E. Thomas, P.L.S.
Professional Land Surveyor
MO. P.L.S. #2220

May 2, 2008

BET

Re: P6
Central Park Square to
City of Chesterfield for Park Road

A tract of land being part of Adjusted Parcel A of "Boundary Adjustment of Lot C114 and C121 of Chesterfield Village Area A Phase One Plat Two and part of Lot 4 of the Boundary Adjustment Plat of Chesterfield Village Area A," being part of U.S. Surveys 415 and 2002, in Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 348 pages 759 and 760 of the St. Louis County Records, in U.S. Survey 415, Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as:

Beginning at the Northwestern most corner of said Adjusted Parcel A, as shown on the aforesaid plat, said corner also being in the East line of property described in deed to City of Chesterfield, recorded in Deed Book 11138 page 427 (Parcel 2) of the St. Louis County Records, and being the Southwest corner of property as described in deed to St. Louis County Library District, recorded in Deed Book 13766 page 1888 of the St. Louis County Records; thence around said tract the following courses and distances: South 88 degrees 58 minutes 42 seconds East 10.73 feet; thence along a curve to the left, whose radius point bears South 70 degrees 28 minutes 37 seconds East 200.00 feet from the last mentioned point, a distance of 65.81 feet to a point in the aforesaid East line of the City of Chesterfield property; thence along said East line, North 00 degrees 40 minutes 13 seconds East 64.69 feet to the point of beginning and containing 229 square feet according to calculations by Volz Incorporated during April 2008.

Bruce E. Thomas, P.L.S.
Professional Land Surveyor
MO. P.L.S. #2220

Exhibit B-3
Page 2

April 22, 2008

BET

Re: P1
St. Louis County Library to
City of Chesterfield for Park

A tract of land being part of Adjusted Parcel B of "Boundary Adjustment Plat of Lot C114 and C121 of Chesterfield Village Area A Phase One Plat Two and part of Lot 4 of the Boundary Adjustment Plat of Chesterfield Village Area A," being part of U.S. Surveys 415 and 2002, in Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 348 pages 759 and 760 of the St. Louis County Records, in U.S. Survey 415, Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri, and more particularly described as:

Commencing at the Southwest corner of property described in deed to St. Louis County Library District, as recorded in Deed Book 13766 page 1888 of the St. Louis County Records, said corner also being in the East line of property described in deed to City of Chesterfield, as recorded in Deed Book 11138 page 427 (Parcel 2,) of the St. Louis County records; thence along said East line North 00 degrees 40 minutes 13 seconds East 85.31 feet to the POINT OF BEGINNING of the tract herein described; thence around said tract the following courses and distances: continuing along said East line of the City of Chesterfield property, North 00 degrees 40 minutes 13 seconds East 171.46 feet to a point; thence North 82 degrees 02 minutes 20 seconds East 12.44 feet to a point; thence North 71 degrees 50 minutes 00 seconds East 12.50 feet to a point; thence North 64 degrees 16 minutes 32 seconds East 10.42 feet to a point; thence North 55 degrees 06 minutes 38 seconds East 10.84 feet to a point; thence North 47 degrees 25 minutes 01 second East 8.50 feet to a point; thence North 44 degrees 00 minutes 54 seconds East 12.61 feet to a point; thence along a curve to the right, whose radius point bears South 45 degrees 59 minutes 06 seconds East 27.20 feet from the last mentioned point, a distance of 6.20 feet to a point in the Southwestern line of property described in deed to the Young Men's Christian Association of St. Louis, as shown in Plat Book 283 page 37, of the St. Louis County Records; thence along said line South 51 degrees 51 minutes 31 seconds East 103.57 feet to a point; thence South 54 degrees 37 minutes 51 seconds East 31.55 feet to a point; thence South 58 degrees 33 minutes 40 seconds West 121.45 feet to a point; thence along a curve to the left, whose radius point bears South 31 degrees 26 minutes 20 seconds East 250.00 feet from the last mentioned point, a distance of 91.72 feet to the point of beginning and containing 17,335 square feet according to calculations by Volz Incorporated during April 2008.

Bruce E. Thomas, P.L.S.
Professional Land Surveyor
MO. P.L.S. #2220

Exhibit C

May 2, 2008

BET

Re: P7
St. Louis County Library to
Central Park Square
For DTC – Phase 1

A tract of land being part of Adjusted Parcel B of “Boundary Adjustment Plat of Lot C114 and C121 of Chesterfield Village Area A Phase One Plat Two and part of Lot 4 of the Boundary Adjustment Plat of Chesterfield Village Area A,” being part of U.S. Surveys 415 and 2002, in Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 348 pages 759 and 760 of the St. Louis County Records, in U.S. Survey 415, Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as:

Commencing at the Southwest corner of property described in deed to St. Louis County Library District, as recorded in Deed Book 13766 page 1888, of the St. Louis County Records, said corner also being in the East line of property described in deed to City of Chesterfield, as recorded in Deed Book 11138 page 427 (parcel 2,) of the St. Louis County Records; thence along the South line of the St. Louis County Library District’s property, South 88 degrees 58 minutes 42 seconds East 10.73 feet to the POINT OF BEGINNING of the tract herein described; thence around the tract the following courses and distances: along a curve to the right, whose radius point bears South 70 degrees 28 minutes 37 seconds East 200.00 feet from the last mentioned point, a distance of 40.90 feet; thence along a curve to the left, whose radius point bears South 58 degrees 45 minutes 32 seconds East 20.00 feet from the last mentioned point, a distance of 33.62 feet to a point; thence South 65 degrees 04 minutes 46 seconds East 21.83’ feet to a point on the South line of the aforesaid St. Louis County Library District tract; thence North 88 degrees 58 minutes 42 seconds West 45.98 feet to the point of beginning and containing 504 square feet according to calculations by Volz Incorporated during April 2008.

Bruce E. Thomas, P.L.S.
Professional Land Surveyor
MO. P.L.S. #2220

Exhibit D

May 2, 2008

BET

Re: P9
Central Park Square to
St. Louis County Library
for Reading Garden

A tract of land being part of Adjusted Parcel A of "Boundary Adjustment Plat of Lot C114 and C121 of Chesterfield Village Area A Phase One Plat Two and part of Lot 4 of the Boundary Adjustment Plat of Chesterfield Village Area A," being part of U.S. Surveys 415 and 2002, in Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 348 page 759 and 760 of the St. Louis County Records, in U.S. Survey 415, Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as:

Beginning at the Southwestern corner of Adjusted Parcel C of the aforesaid plat; thence around the tract the following courses and distances: continuing along the prolongation of the South line of said Adjusted Parcel C, North 79 degrees 56 minutes 27 seconds West 53.25 feet to a point; thence along a curve to the left, whose radius point bears South 83 degrees 46 minutes 13 seconds West 184.00 feet from the last mentioned point, a distance of 231.87 feet to a point; thence North 78 degrees 25 minutes 56 seconds West 158.91 feet to a point; thence along a curve to the right, whose radius point bears North 11 degrees 34 minutes 04 seconds East 126.00 feet from the last mentioned point, a distance of 29.36 feet to a point; thence North 65 degrees 04 minutes 46 seconds West 48.15 feet to a point on the South line of property described in deed to St. Louis County Library District, as described in Deed Book 13766 page 1888 of the St. Louis County Records; thence along the South line of said property, South 88 degrees 58 minutes 42 seconds East 204.34 feet to a point; thence along a curve to the right, whose radius point bears North 45 degrees 05 minutes 03 seconds East 270.54 feet from the last mentioned point, a distance of 65.54 feet to a point; thence continuing along a curve to the right, whose radius point bears North 58 degrees 57 minutes 54 seconds East 187.25 feet from the last mentioned point, a distance of 105.53 feet to a point; thence continuing along a curve to the right, whose radius point bears South 88 degrees 44 minutes 40 seconds East 104.87 feet from the last mentioned point, a distance of 17.98 feet to a point; thence North 58 degrees 33 minutes 40 seconds East 77.30 feet to a point in the Northern line of the aforesaid Adjusted Parcel C; thence along a curve to the left, whose radius point bears South 31 degrees 26 minutes 20 seconds East 70.87 feet from the last mentioned point, a distance of 42.75 feet to the Northwestern corner of the aforesaid Adjusted Parcel C; thence along the Western line of said Adjusted Parcel C, South 31 degrees 26 minutes 20 seconds East 475.85 feet to the point of beginning and containing 32,524 square feet according to calculations by Volz Incorporated in April 2008.

Bruce E. Thomas, P.L.S.
Professional Land Surveyor
MO. P.L.S. #2220

Exhibit E

