

BILL NO. 2640

ORDINANCE NO. 2457

**AN ORDINANCE PROVIDING FOR THE APPROVAL OF A LOT SPLIT FOR DELMAR GARDENS SUBDIVISION, AN 8.477 ACRE TRACT OF LAND ZONED "PC" PLANNED COMMERCIAL DISTRICT, LOCATED AT 14805 NORTH OUTER FORTY, WEST OF THE INTERSECTION OF CHESTERFIELD PARKWAY AND NORTH OUTER FORTY.**

WHEREAS, Mel Kosanchick, of Volz Inc. on behalf of Delmar Gardens Enterprises, Inc., has submitted for review and approval the Lot Split for Delmar Gardens Subdivision an 8.477 acre parcel, located at 14805 North Outer Forty; and,

WHEREAS, the purpose of said Lot Split is to subdivide the 8.477 acre parcel of land into a 5.015 acre parcel and a 3.462 acre parcel; and

WHEREAS, the City of Chesterfield has reviewed the Lot Split in accordance with the Subdivision Ordinance of the City of Chesterfield and has found it to be in compliance with all applicable ordinances and has forwarded said Lot Split to the City Council.

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

Section 1. The Lot Split for Delmar Gardens Subdivision, which is made a part hereof and attached hereto as Exhibit 1, is hereby approved; the owner is directed to record the plat with the St. Louis County Recorder of Deeds Office.

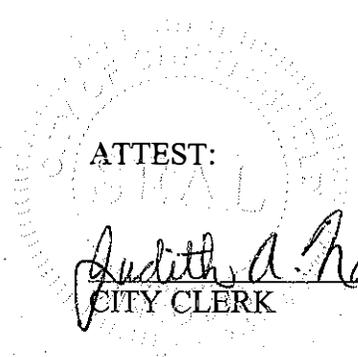
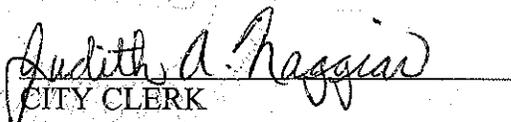
Section 2. The Mayor and City Clerk are authorized and directed to evidence the approval of the said Lot Split by affixing their signatures and the official seal of the City of Chesterfield as required on the said document.

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

Passed and approved this 5th day of May, 2008.

  
MAYOR

ATTEST:

  
  
CITY CLERK

We have during the month of April 2006, by order of Delmar Gardens at Conway Ridge, L.L.C., made a Survey and Subdivision of "A tract of land being Adjusted Parcel B of 'Boundary Adjustment Plat of Lots 15, 16, 17, 18, 19 and part of Lot 20 of Highland on Conway Plat 2,' according to the plat thereof recorded in Plat Book 350 pages 103 and 104 of the St. Louis County records, in U.S. Surveys 1911 and 370, Township 45 North - Range 4 East, City of Chesterfield, St. Louis County, Missouri and the results of said Survey are represented hereon. This survey was executed in compliance with the current Missouri Minimum Standards for Property Boundary Surveys adopted by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects and The Missouri Department of Natural Resources, and meets the accuracy requirements set forth for Urban Property.

IN WITNESS WHEREOF, I have signed and sealed the foregoing this 29th day of April, 2008.

VOLZ INCORPORATED



Richard W. Norvell, P.L.S.  
Professional Land Surveyor  
No. P.L.S. #1437

DELMAR GARDENS ENTERPRISES SUBDIVISION  
A TRACT OF LAND BEING ADJUSTED PARCEL B OF  
BOUNDARY ADJUSTMENT PLAT OF LOTS 15, 16, 17, 18, 19 AND PART OF LOT 20 OF  
HIGHLAND ON CONWAY PLAT 2  
IN U.S. SURVEYS 1911 AND 370, TOWNSHIP 45 NORTH - RANGE 4 EAST  
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI  
Zoned "PC" Planned Commercial

Overall

A tract of land being Adjusted Parcel B of the "Boundary Adjustment Plat of Lots 15, 16, 17, 18, 19 and part of Lot 20 of Highland on Conway Plat No. 2," a subdivision according to the plat thereof recorded in Plat Book 350 page 103 of the St. Louis County Records, in U.S. Surveys 370 and 1911, Township 45 North - Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as:

Beginning at the Southeast corner of said Adjusted Parcel B of the "Boundary Adjustment Plat of Lots 15, 16, 17, 18, 19 and part of Lot 20 of Highland on Conway Plat No. 2," said point being also a point in the North right-of-way line of Interstate 64 and U.S. Highway 40 & 61; thence Westwardly along said North right-of-way line South 88 degrees 49 minutes 07 seconds West 13.41 feet, North 67 degrees 43 minutes 09 seconds West 283.13 feet and North 86 degrees 10 minutes 35 seconds West 145.35 feet to the Southwest corner of said Adjusted Parcel B; thence Northwestwardly along the Southwest line of said Adjusted Parcel B North 32 degrees 17 minutes 32 seconds West 539.76 feet to the most Western corner thereof; thence Eastwardly along the North line of said Adjusted Parcel B along a curve to the right, whose radius point bears South 30 degrees 18 minutes 52 seconds East 861.00 feet from the last mentioned point, a distance of 657.78 feet to the most Northern corner thereof; thence eastwardly along the boundary line of said Adjusted Parcel B the following courses and distances: South 07 degrees 41 minutes 00 seconds West 195.70 feet, South 77 degrees 22 minutes 00 seconds East 317.00 feet and South 27 degrees 24 minutes 00 seconds West 454.89 feet to the point of beginning and containing 8.477 acres according to calculations by Volz Incorporated.

Notes:

- 1. This property is referenced from Commonwealth Land Title Insurance Company Commitment No. IT-23938-06-DR, with a report date of March 29, 2006. We are relying upon this commitment to disclose all easements and restrictions affecting this property.
- 2. Bearing system is adopted from the Boundary Adjustment Plat of Lots 15, 16, 17, 18, 19 and part of Lot 20 of Highland on Conway Plat 2, as recorded in Plat Book 350, pages 103 and 104 of the St. Louis County Records.
- 3. We have determined the horizontal location of this tract of land in the City of Chesterfield, Missouri, by setting the property in reference to the "Flood Insurance Rate Map (FIRM), St. Louis County, Missouri and Incorporated Areas," Panel 145 of 420, Map Number 2182C0145-11 with effective date of August 2, 1995. By express reference to the map and its legend, this tract is indicated to be within Zone X unshaded area. The evaluation provided in this note is confined to simply indicating the apparent physical, horizontal location of the property with respect to the features displayed on the map. No field study of the drainage characteristics to which this property may be subject has been conducted or assumed and no representation concerning the insurability of this property or the potential of this property to be susceptible to flooding or subject to any flood hazard has been made. We make no representation concerning the accuracy of this FIRM which includes a note that, "This map is for use in administering the National Flood Insurance Program; it does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size, or all plasticine features outside Special Flood Hazard Areas." All related reference material and all specific limitations contained in the FIRM and any limitations upon any interference that can be drawn from the horizontal location of this property in relation to the features of this map are incorporated herein. This note is not intended for reliance by any party other than the addressee nor for any purpose other than expressly stated herein.
- 4. May be subject to Amendment to Declaration of Trust and Restrictions according to instrument recorded in Book 10865 page 2014 - however, said restrictions were to expire on January 1, 2000. The Declaration of Residential Covenants and Conditions and Restrictions for August Hill on Conway, according to instrument recorded in Book 13939 page 1732 - however, the reference to Plat Book 350 pages 103 and 104 appears to be erroneous.
- 5. Subject to quit claim deeds to the State of Missouri by instruments recorded in Book 8703 page 1397 and Book 8707 page 862 which release the right of direct access to I-64 and U.S. Highway 40 & 61 from property described in easement recorded in Book 4715 page 366. Excepts and reserves the right of direct access to the north outer road as specifically set out.
- 6. Subject to quit claim deed to the State of Missouri by instrument recorded in Book 8715 page 1958 which releases the right of direct access to I-64 and U.S. Highway 40-61 from property subject to a written unrecorded lease. There is reserved and excepted the right of direct access in the north outer road as specifically set out.
- 7. Easement to the Metropolitan St. Louis Sewer District according to instrument recorded in Book 8912 page 1764 does not affect this property.
- 8. Subject to an easement for ingress and egress in favor of Delmar Gardens Enterprises, Inc., a Missouri Corporation as set forth in Book 9132 page 545.
- 9. Subject to a perpetual encroachment easement in favor of Delmar Gardens Enterprises, Inc. as set forth in Book 9132 page 550. (Reference is made to "Easement Termination Agreement" recorded February 6, 2007 in Book 17445 page 4565 regarding the termination of this easement.)
- 10. Subject to an easement for construction of a storm water detention/retention facility in favor of Delmar Gardens at Conway Ridge, L.L.C., a Missouri Limited Liability Company as set forth in Book 13702 page 397.
- 11. Subject to construction of a retaining wall in favor of Delmar Gardens at Conway Ridge, L.L.C., a Missouri Limited Liability Company as set forth in Book 14241 page 1972.
- 12. Various easement strips on Lots 15, 16, 17, 18, 19 and 20 of "Highland on Conway Plat No. 2" have been vacated as follows: Metropolitan St. Louis Sewer District by Ordinance No. 11350 recorded in Book 14311 page 2065; Missouri American Water Company by letter; Laclede Gas Company by letter; Southwestern Bell Telephone Company by recorded instrument; AmeronUE by letter; Charter Communications by letter; The City of Chesterfield by the City Council. (Reference is made to "Easement Termination Agreement" recorded February 6, 2007 in Book 17445 page 4565 regarding the termination of these easements.)
- 13. Subject to an easement in favor of The Metropolitan St. Louis Sewer District as set forth in Book 14414 page 1015.
- 14. Subject to an agreement to encroach on sewer easement in favor of Delmar Gardens at Conway Ridge, L.L.C., a Missouri Limited Liability Company as set forth in Book 14552 page 1706.
- 15. Subject to an easement for ingress and egress in favor of Chesterfield Village, Inc. as set forth in Book 14565 page 382.
- 16. Subject to an easement in favor of The Metropolitan St. Louis Sewer District as set forth in Book 16231 page 2576.
- 17. Subject to an agreement and license to encroach on sewer easement in favor of Delmar Gardens at Conway Ridge, L.L.C., a Missouri Limited Liability Company as set forth in Book 16297 page 194.
- 18. Subject to easements, dedications, building lines and setbacks set out on Adjusted Parcel B of Boundary Adjustment Plat of Lots 15, 16, 17, 18, 19 and part of Lot 20 of Highland on Conway Plat No. 2 recorded in Plat Book 350 pages 103 and 104 of the St. Louis County records.
- 19. Subject to relinquishment of a user's rights of direct access to State Highway 40TR, except that there is reserved and excepted the usual right of direct access to any adjacent outer roadway if and while it may be maintained by proper authority (except alongside any ramp or grade connection to an intersecting road or street) and along it to and from the nearest lane of the thruway or public highway. At all times while an outer roadway is being so maintained, there shall be no right of access over any part of an entrance which lies between said outer roadway and the thruway, as set out in instrument recorded in Book 5832 page 346.
- 20. Subject to prohibition and limitation of abutter's rights of direct access to a thruway of Route 40TR, except there shall be the usual right of direct access between the abutting land and an outer roadway, and over it to and from the thruway or any public highway as set forth in instrument recorded to Book 6077 page 408.

We, the undersigned owners of the tract of land plated and further described in the foregoing surveyor's certificate have caused the same to be surveyed and subdivided in the manner shown on this plat, which subdivision shall hereafter be known as "Delmar Gardens Enterprises Subdivision."

The Ingress and Egress Easements, which for better identification are shown hatched hereon, are hereby dedicated to the present and future owners of Lot 2, their successors and assigns, for the purpose of ingress and egress.

The 10 foot wide easements shown cross hatched hereon are hereby dedicated to The Metropolitan St. Louis Sewer District, their successors and assigns as their interests may appear for the purpose of improving, constructing, maintaining and repairing public utilities and sewer and drainage facilities, with the right of temporary use of adjacent ground not occupied by improvements for the excavation and storage of materials during installation, repair, or replacement of said utilities, sewers and drainage facilities.

The retaining wall maintenance easement as shown hereon is hereby dedicated to the present and future owners of Lots 1 and 2, their successors and assigns, for the purpose of constructing, maintaining and repairing a retaining wall, with the right of temporary use of adjacent ground not occupied by improvements for the excavation and storage of materials during installation, repair or replacement of said retaining wall.

Building lines as shown on this plat are hereby established.

This subdivision is subject to conditions and restrictions recorded on \_\_\_\_\_ as Daily Number \_\_\_\_\_ of the St. Louis County records.

It is hereby certified that all existing easements are shown on this plat as of the time and date of recording.

IN WITNESS WHEREOF, I have signed the foregoing this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Delmar Gardens at Conway Ridge, L.L.C.

By: \_\_\_\_\_  
Howard Oppenheimer, Executive Vice President

STATE OF MISSOURI }  
COUNTY OF ST. LOUIS }SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 2008, before me personally appeared Howard Oppenheimer, who being by me duly sworn did say that he is the Executive Vice President of Delmar Gardens at Conway Ridge, L.L.C., a limited liability company of the State of Missouri, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed in behalf of said limited liability company.

In testimony whereof, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Notary Public  
My Commission Expires: \_\_\_\_\_

The undersigned holder or legal owner of notes secured by a deed of trust recorded in Book \_\_\_\_\_, page \_\_\_\_\_, of the St. Louis County records, joins in and approves in every detail this plat of "Delmar Gardens Enterprises Subdivision."

IN WITNESS WHEREOF, it has signed and sealed the foregoing this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

STATE OF MISSOURI }  
COUNTY OF ST. LOUIS }SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 2008, before me personally appeared \_\_\_\_\_, to me known, who being by me duly sworn, did say that he is the \_\_\_\_\_ of \_\_\_\_\_, a Corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors and the said \_\_\_\_\_ acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have signed and sealed the foregoing the day and year first above written.

Notary Public  
My Commission Expires: \_\_\_\_\_

This is to certify that this plat of "Delmar Gardens Enterprises Subdivision" was approved by the City Council of The City of Chesterfield, Missouri by Ordinance Number \_\_\_\_\_ on \_\_\_\_\_, 2008 and hereby authorizes the recording of this plat with the office of the St. Louis County Recorder of Deeds.

John Nations, Mayor  
Martha DeMay, City Clerk

Lot 1

A tract of land being part of Adjusted Parcel B of the "Boundary Adjustment Plat of Lots 15, 16, 17, 18, 19 and part of Lot 20 of Highland on Conway Plat No. 2," a subdivision according to the plat thereof recorded in Plat Book 350 page 63 of the St. Louis County Records, in U.S. Surveys 370 and 1911, Township 45 North - Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as:

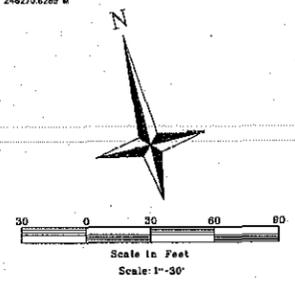
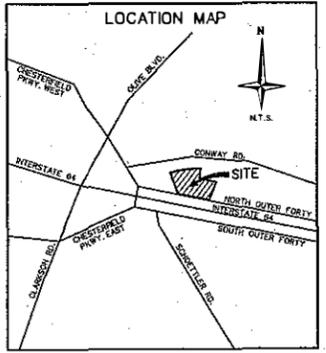
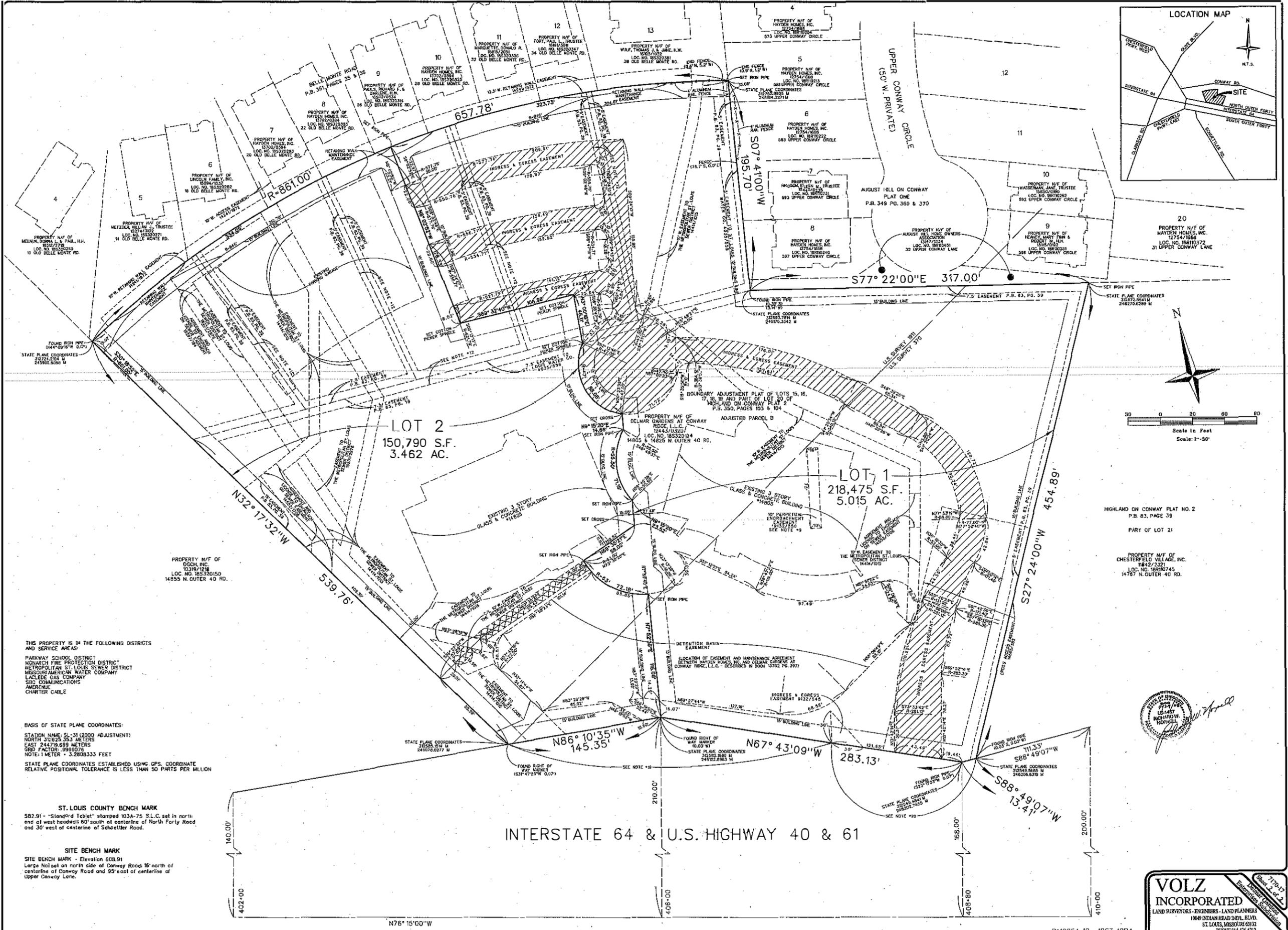
Beginning at the Southeast corner of said Adjusted Parcel B of the "Boundary Adjustment Plat of Lots 15, 16, 17, 18, 19 and part of Lot 20 of Highland on Conway Plat No. 2," said point being also a point in the North right-of-way line of Interstate 64 and U.S. Highway 40 & 61; thence Westwardly along said North right-of-way line South 88 degrees 49 minutes 07 seconds West 13.41 feet and North 67 degrees 43 minutes 09 seconds West 283.13 feet to a point; thence North 07 degrees 52 minutes 36 seconds East 115.08 feet to a point; thence along a curve to the right, whose radius point bears North 07 degrees 59 minutes 40 seconds East 63.00 feet from the last mentioned point, a distance of 72.18 feet to a point; thence North 69 degrees 35 minutes 21 seconds East 58.02 feet to a point; thence North 09 degrees 15 minutes 20 seconds East 23.52 feet to a point; thence along a curve to the right, whose radius point bears North 59 degrees 46 minutes 36 seconds East 55.50 feet from the last mentioned point, a distance of 71.16 feet to a point; thence North 09 degrees 15 minutes 20 seconds East 14.66 feet to a point; then along a curve to the right, whose radius point bears North 20 degrees 23 minutes 39 seconds East 47.00 feet from the last mentioned point, a distance of 88.08 feet to a point; thence North 03 degrees 00 minutes 18 seconds East 46.11 feet to a point; thence South 89 degrees 32 minutes 40 seconds West 108.98 feet to a point; thence North 08 degrees 02 minutes 52 seconds West 176.33 feet to a point in the North line of aforesaid Adjusted Parcel B; thence Eastwardly along said North line along a curve to the right, whose radius point bears South 08 degrees 05 minutes 05 seconds East 851.00 feet from the last mentioned point, a distance of 323.73 feet to the most Northern corner thereof; thence continuing along the boundary line of said Adjusted Parcel B the following courses and distances: South 07 degrees 41 minutes 00 seconds West 195.70 feet, South 77 degrees 22 minutes 00 seconds East 317.00 feet and South 27 degrees 24 minutes 00 seconds West 454.89 feet to the point of beginning and containing 5.015 acres according to calculations by Volz Incorporated.

Lot 2

A tract of land being part of Adjusted Parcel B of the "Boundary Adjustment Plat of Lots 15, 16, 17, 18, 19 and part of Lot 20 of Highland on Conway Plat No. 2," a subdivision according to the plat thereof recorded in Plat Book 350 page 63 of the St. Louis County Records, in U.S. Surveys 370 and 1911, 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 said Adjusted Parcel B of the "Boundary Adjustment Plat of Lots 15, 16, 17, 18, 19 and part of Lot 20 of Highland on Conway Plat No. 2," said point being also a point in the North right-of-way line of Interstate 64 and U.S. Highway 40 & 61; thence Northwardly along the Southwest line of said Adjusted Parcel B North 32 degrees 17 minutes 32 seconds West 539.76 feet to the most Western corner thereof; thence Eastwardly along the North line of said Adjusted Parcel B along a curve to the right, whose radius point bears South 30 degrees 18 minutes 52 seconds East 861.00 feet from the last mentioned point, a distance of 334.05 feet to a point; thence South 08 degrees 02 minutes 52 seconds East 176.33 feet to a point; thence North 89 degrees 32 minutes 40 seconds East 108.98 feet to a point; thence South 03 degrees 00 minutes 18 seconds West 46.11 feet to a point; thence along a curve to the left, whose radius point bears South 52 degrees 13 minutes 46 seconds East 47.00 feet from the last mentioned point, a distance of 88.08 feet to a point; thence South 09 degrees 15 minutes 20 seconds West 14.66 feet to a point; thence along a curve to the left, whose radius point bears South 46 degrees 45 minutes 37 seconds East 55.50 feet from the last mentioned point, a distance of 71.16 feet to a point; thence South 09 degrees 15 minutes 20 seconds West 23.52 feet to a point; thence South 69 degrees 35 minutes 21 seconds West 58.02 feet to a point; thence along a curve to the left, whose radius point bears North 73 degrees 38 minutes 20 seconds East 63.00 feet from the last mentioned point, a distance of 72.18 feet to a point; thence South 07 degrees 52 minutes 36 seconds West 115.08 feet to a point in the aforementioned North right-of-way line of Interstate 64 and U.S. Highway 40 & 61; thence Westwardly along said North right-of-way line North 86 degrees 10 minutes 35 seconds West 145.35 feet to the point of beginning and containing 3.462 acres according to calculations by Volz Incorporated.

**VOLZ INCORPORATED**  
LAND SURVEYORS - ENGINEERS - LAND PLANNERS  
10849 INDIAN HEAD ENCL. BLVD.  
ST. LOUIS, MISSOURI 63132  
PHONE 314-426-6212



THIS PROPERTY IS IN THE FOLLOWING DISTRICTS AND SERVICE AREAS:  
 PARKWAY SCHOOL DISTRICT  
 MONARCH FIRE PROTECTION DISTRICT  
 METROPOLITAN ST. LOUIS SEWER DISTRICT  
 MISSOURI AMERICAN WATER COMPANY  
 LAKELOE GAS COMPANY  
 SBC COMMUNICATIONS  
 AMERICABLE  
 CHARTER CABLE

BASIS OF STATE PLANE COORDINATES:  
 STATION NAME: 51-31 (2000 ADJUSTMENT)  
 NORTH 312,823.353 METERS  
 EAST 2,447,959.659 METERS  
 GRID FACTOR: 999,975  
 NOTE: 1 METER = 3.2808333 FEET  
 STATE PLANE COORDINATES ESTABLISHED USING GPS. COORDINATE RELATIVE POSITIONAL TOLERANCE IS LESS THAN 50 PARTS PER MILLION

ST. LOUIS COUNTY BENCH MARK  
 582.91' - "Standard Tower" slanted 103A-75 S.L.C. set in north end of west head of 80' south of centerline of North Forty Road and 30' west of centerline of Schoettler Road.

SITE BENCH MARK  
 SITE BENCH MARK - Elevation 808.91  
 Large Nail set on north side of Conway Road 15' north of centerline of Conway Road and 95' east of centerline of Upper Conway Lane.

HIGHLAND ON CONWAY PLAT NO. 2  
 P.B. 83, PAGE 39  
 PART OF LOT 21  
 PROPERTY N/E OF CHESTERFIELD VILLAGE, INC.  
 P.B. 82/232  
 LOC. NO. 18810745  
 14767 N. OUTER 40 RD.



INTERSTATE 64 & U.S. HIGHWAY 40 & 61

**VOLZ INCORPORATED**  
 LAND SURVEYORS - ENGINEERS - LAND PLANNERS  
 1840 INDIAN HEAD BLVD.  
 ST. LOUIS, MISSOURI 63132  
 PHONE 314-424-4212