

BILL NO. 2677

ORDINANCE NO. 2484

AN ORDINANCE PROVIDING FOR THE ACQUISITION, BY PURCHASE OR CONDEMNATION, OF APPROXIMATELY 17.00 ACRES OF THE PARCELS LOCATED AT 1627 AND 1657 OLD BAXTER ROAD, CHESTERFIELD, MISSOURI 63017, TITLED IN THE NAME OF EARL O. EBERWEIN AND VIRGINIA EBERWEIN, FOR USE AS A PUBLIC PARK.

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 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 land for a public park and for other public purposes; and,

WHEREAS, the City has determine that the approximately 17.00 acres of land at 1627 and 1657 Old Baxter Road, titled in the name of Earl O. Eberwein and Virginia Eberwein, is needed as a public park and for other public uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, AS FOLLOWS:

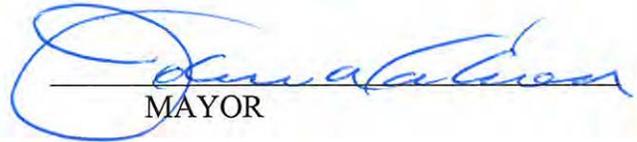
Section 1. The City has determined that it is necessary and proper for the City to acquire approximately 17.00 acres at 1627 and 1657 Old Baxter Road, Locator Nos. 19S420547 and 19S420558, legally described as set forth on Exhibit A, attached hereto and incorporated herein by this reference, for the purpose of establishing and maintaining a public park and for other public purposes.

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 land from the current owners, Earl O. Eberwein and Virginia Eberwein, 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 land 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 6th day of OCTOBER, 2008.


MAYOR

ATTEST:


CITY CLERK

[FIRST READING HELD: 10/6/08]

EXHIBIT A

Parcel 1:

A tract of land in U.S. Survey 2002, Township 45 North, Range 4 East and more particularly described as follows:

Beginning at a point in the center line of the Baxter Road, being also the Northeast line of a tract of land conveyed to Ernest Eberwein by deed recorded in Book 65 page 37 of the St. Louis County Records, distant North 34 degrees 34 minutes West 360.16 feet from the most Eastern corner of said tract; thence along the center line of Baxter Road, North 34 degrees 34 minutes West 207 feet to a point; thence leaving said road and running South 56 degrees 01 minutes West 320.03 feet to an iron pipe; thence South 33 degrees 59 minutes East 207 feet to an iron pipe; thence North 56 degrees 01 minutes East 322.14 feet to the place of beginning. LESS AND EXCEPTING the property conveyed in Book 17720 page 1442.

Parcel 2:

A tract of land situated in U.S. Survey 2002, Township 45 North, Range 4 East, in St. Louis County, Missouri and described as follows, to wit;

Commencing at a stone in the Western boundary line of said Survey 2002 being the most Southern corner of a tract conveyed by N. Long to Henry Woerther; thence North 68 degrees 55 minutes East with said Woerther's line 44.89 ½ chains to a stone in the center of the Clarkson Road; thence along center line of said Clarkson Road South 34 degrees 34 minutes East 12.74 ¼ chains to a stone in the Southern boundary line of said Survey 2002; thence South 57 degrees 49 minutes West 12.30 chains to the Northwest corner of Survey 1978; thence along the Survey line South 55 degrees 52 minutes West 14.89 chains to a point in the line between Section 15 and 16, Township 45 North, Range 4 East; thence South 57 ½ degrees West 13.78 ¼ chains to a stone in the center of Clarkson Road; thence along center of said road with following courses and distances North 12 degrees East 0.81 ½ chains, North 0 degrees 39 minutes East 4.10 chains, North 14 degrees 09 minutes East 2.82 ¾ chains North 36 degrees 09 minutes East 1.84 ¼ chains to a stone; thence South 89 degrees 15 minutes West 16.42 chains to the Northwest corner of Miss McQuerry's land; thence North 0 degrees 20 minutes East 8.21 ¼ chains to the place of beginning. EXCEPTING THEREFROM that part thereof conveyed to Earl O. Eberwein and wife by deed recorded in Book 3967 page 530 of the St. Louis County Records. ALSO EXCEPTING that part conveyed to Raymond A. Osher Jr., and his wife in Book 5352 page 611.

EXCEPTING from the above described parcels all that part located North and West of New Clarkson Road and the tracts conveyed by the following deeds recorded in Book 8035 page 2092, Book 8035 page 2094, Book 7971 page 230, Book 7492 page 1919, Book 7638 page 613. Book 8035 page 2091, Book 14986 page 539 and Book 17720 page 1437.



1657 Old Baxter Road	1.53 acres
1627 Old Baxter Road	15.47 acres
Total	17.00 acres