

BILL NO. 2723

ORDINANCE NO. 2540

**AN ORDINANCE PROVIDING FOR THE ACQUISITION, BY PURCHASE OR CONDEMNATION, OF TEMPORARY CONSTRUCTION EASEMENT COMPRISING APPROXIMATELY 3,134 SQ. FT. OF 608 STONEBROOK COURT IN CHESTERFIELD, MISSOURI TO FACILITATE THE INSTALLATION OF A STORMWATER CULVERT AND ASSOCIATED GRADING TO SUPPORT THE FUTURE CONSTRUCTION OF A RIPARIAN TRAIL AND LYDIA HILL DRIVE PAVEMENT EXTENSION.**

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 streets 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 facilitate the installation of a storm water culvert and associated grading to support the future construction of a riparian trail and Lydia Hill Drive pavement extension; and,

WHEREAS, the City has identified certain temporary construction easement as being necessary for the installation of said storm water culvert and associated grading, said easement comprised of approximately 3,134 square feet of that parcel of real property commonly known and numbered as **608 Stonebrook Court**, Chesterfield, Missouri 63005, titled in the name of **Donald R. and Connie L. Gerdes**.

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 temporary construction easement containing approximately 3,134 square feet on property located at **608 Stonebrook Court**, Locator No. **18T330521**, legally described as set forth on Exhibit A attached hereto and incorporated herein by this reference, for the purpose of installing of a storm water culvert and associated grading to support the future construction of a riparian trail and Lydia Hill Drive pavement extension.

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 easement from the current owners, **Donald R. and Connie L. Geerdes**, 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.

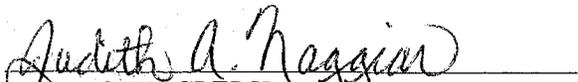
Section 3. In the event the City is unable to acquire the necessary easement through negotiated purchase, the City's Attorney(s) and/or the City Administrator on behalf of the City Council are authorized to take such action as may be necessary to institute condemnation proceedings to acquire said property 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.

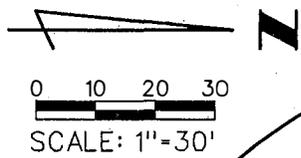
Passed and approved this 15<sup>th</sup> day of June, 2009.

  
MAYOR

ATTEST:

  
CITY CLERK

[FIRST READING HELD: \_\_\_\_\_ ]



**STONEBROOK COURT  
 (PRIVATE)**

R=62.00' ARC.L.=59.98'  
 CH.B.=N12° 09'56"W CH.L.=57.67

R=32.00' ARC.L.=18.53'  
 CH.B.=N32° 08'22"E  
 CH.L.=18.27'

N15° 32'53"E 66.19'  
 EX. 8' SDWK ESMT. P.B. 347, PGS. 511 & 512  
 EX. 15' ESMT. P.B. 347, PGS. 511 & 512

EX. 5' W. PERMANENT  
 ROADWAY IMPROVEMENT,  
 MAINTENANCE, UTILITY,  
 SEWER AND SIDEWALK  
 EASEMENT  
 P.B. 344, PG. 365

EX. 20' ESMT.

**35C**  
 18T330510  
 PROPERTY OF N/F  
 JACQUELYN K. MCCRAINE  
 TRUSTEE ETAL  
 BK 12709 PG 2475  
 612 STONEBROOK CT, 63005

C.L. 10' W EX. ESMT  
 P.B. 345, PGS. 365 & 366

**36C**  
 18T330521  
 PROPERTY OF N/F  
 GEERDES DONALD R CONNIE L, H/W  
 BK 13731 PG 1178  
 608 STONEBROOK CT, 63005

N32° 46'45"W

R=545.00' ARC. L.=138.93'  
 CH.B.=S77° 53'36"E CH.L.=138.55'

**AUGUST HILL (60' W) DRIVE**  
 P.B. 344, PGS. 365 & 366

**34C**

LOT 36C  
 ORIGINAL AREA 12653 SF  
 RIGHT OF WAY TAKING 0 SF  
 TEMPORARY ESMT. 3134 SF  
 REMAINING AREA 12653 SF

C.L. 10' W EX. ESMT  
 P.B. 155 PGS. 22,23

EX. ESMT.

PROPERTY N/F OF  
 CHESTERFIELD VILLAGE, INC.  
 6395/237

S32° 46'45"E  
 12.08'

EASEMENT

EXHIBIT "A"

INITIAL:

**EASEMENT PLAT  
 LOT 36C OF STONEHILL VILLAGE C  
 PLAT BOOK 347, PAGES 511 & 512  
 CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI**