

BILL NO. 2728

ORDINANCE NO. 2545

**AN ORDINANCE PROVIDING FOR THE ACQUISITION, BY PURCHASE OR CONDEMNATION, OF 36,747 SQ. FT. OF PERMANENT AND 36,747 SQ. FT. OF TEMPORARY EASEMENT AT MONARCH TRACE, CHESTERFIELD, MISSOURI 63005 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 easements as being necessary for the installation of said storm water culvert and associated grading, said easements being approximately **36,747** square feet of permanent landscaping and signage easement and **36,747** square feet of temporary construction easement of that parcel of real property commonly known and numbered as Locator Number **18T330752**, in Monarch Trace of Chesterfield, Missouri 63005, titled in the name of **J & F Parkplace, LLC**.

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 landscaping and signage easement containing approximately **36,747** square feet and a temporary construction easement containing approximately **36,747** square feet on property located in **Monarch Trace** of Chesterfield, MO Locator No. **18T330752**, 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 easements from the current owner, **J & F Parkplace, LLC**, 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.

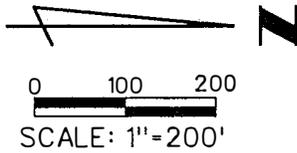
Passed and approved this 15<sup>th</sup> day of JUNE, 2009.

  
MAYOR

ATTEST:

  
CITY CLERK

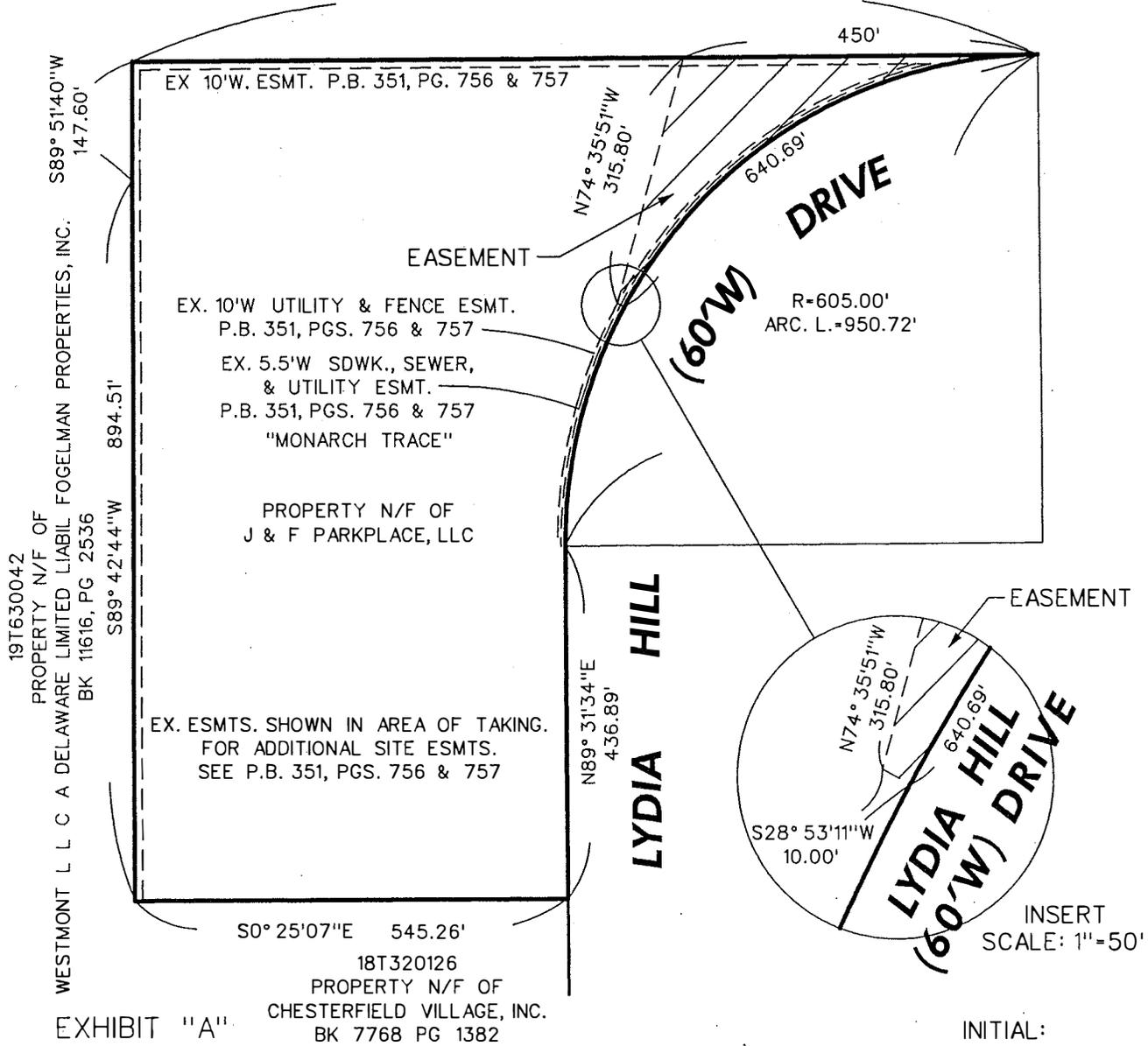
[FIRST READING HELD: \_\_\_\_\_]



MONARCH TRACE  
 ORIGINAL AREA 645,138 SF  
 RIGHT OF WAY TAKING 0 SF  
 TEMPORARY ESMT. 36,747 SF  
 REMAINING AREA 645,138 SF

18T330752  
 PROPERTY N/F OF  
 CHESTERFIELD VILLAGE, INC.  
 6395/237

NO° 26'14"W 1146.87'



EASEMENT PLAT  
 A TRACT OF LAND BEING PART OF LOT 6 OF THOMAS K.  
 HUMPREY'S ESTATE SUBD., A SUBD. RECORDED IN DEED BOOK 348  
 PAGE 492 OF THE ST. LOUIS CITY (FORMER COUNTY) RECORDS.  
 IN SEC.9, T.45N., R.4E., ST. LOUIS COUNTY, MISSOURI