

BILL NO. 2756

ORDINANCE NO. 2577

**AN ORDINANCE TO ASSIGN CERTAIN PROPERTY RIGHTS TO
ST. LOUIS COUNTY FOR THE EXPANSION OF HIGHWAY 141**

WHEREAS, the City of Chesterfield acquired and has the right to acquire certain property in the Mill Ridge Villa Subdivision that was set aside for the expansion of Highway 141; and

WHEREAS, the City wishes to assign its rights to purchase the property needed for the Highway 141 expansion to St. Louis County since St. Louis County is constructing the Highway.

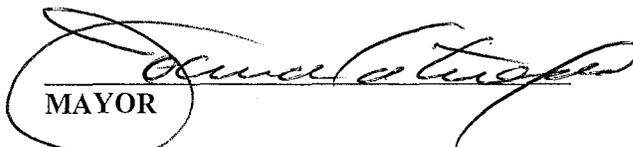
**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS
FOLLOWS:**

Section 1. The City hereby assigns its rights to purchase the property set out in Exhibit B to the Assignment Agreement.

Section 2. The City Administrator of the City of Chesterfield is authorized to sign the Assignment Agreement and to sign all such deeds, agreements and other documents as are reasonably necessary to complete the exchange.

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

Passed and approved this 16th day of NOV., 2009.


MAYOR

ATTEST:


CITY CLERK

FIRST READING HELD: 11-2-2009

**ASSIGNMENT OF HIGHWAY 141 ROAD MILL RIDGE VILLA PURCHASE
OPTION**

ASSIGNMENT made this ____ day of _____, 2009, by and among the City of Chesterfield, Missouri, a municipal corporation (the "City") and St. Louis County, State of Missouri, a body politic of the State of Missouri ("St. Louis County")

RECITALS

A. The City acquired certain rights to purchase land along the future Highway 141 corridor as a result of the passage of City of Chesterfield Ordinance 1995 on December 1, 2003, attached as Exhibit A and the recording of the a site plan approved by the City on July 8, 2004 and recorded in the St. Louis County Recorder of Deeds in Book 352, Pages 494-497.

B. The owner of the property that was rezoned in City of Chesterfield Ordinance 1995 agreed, on behalf of itself and all future owners, to reserve a certain part of the property for the expansion of Highway 141 and agreed to sell the property to the City or its assignee upon demand for One Dollar (\$ 1.00).

C. St. Louis County now desires to expand Highway 141 and needs to acquire title to the property reserved in the site plan and referenced in Ordinance 1995.

D. The City desires to accommodate the needs of St. Louis County.

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. The City assigns , transfers and set over to St. Louis County all rights it has under the terms of Ordinance 1995 and the site plan filed for the Mill Ridge Villas.
3. The City assigns it right to purchase the property described in Exhibit B to St. Louis County for One Dollar (\$ 1.00), receipt of which is hereby acknowledged.
- 4 All Exhibits attached hereto are incorporated herein by reference.
5. This Agreement will inure to the benefit of and be binding upon the parties hereto and their successors and assigns.

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

CITY OF CHESTERFIELD, MISSOURI

By: _____
Michael G. Herring, ICMA-CM
City Administrator

ST. LOUIS COUNTY, STATE OF MISSOURI

By: _____
Director of Highways & Traffic and Public Works

EXHIBIT B MILL RIDGE VILLA

A tract of land being all of Reserve Tract "A" as platted within the Common Ground on "MILL RIDGE VILLAS" (Plat Book 355 Page 758), and reported as subject to conditions stated on said Plat Book 355 Page 758; being situated in U.S. Survey 433, Township 46 North, Range 5 East, City of Chesterfield, Saint Louis County, Missouri; and being more particularly described as:

Beginning at the intersection of the meanders of Creve Coeur Creek, along the Northwest line of "MILL RIDGE VILLAS" (Plat Book 355 Page 758), with the East line of Reserve Tract "A" as platted within the Common Ground on said plat of "MILL RIDGE VILLAS"; thence Southerly along new limited access right-of-way for Maryland Heights Expressway (as the extension of Highway 141) and along the East line of said Reserve Tract "A" the following two courses: Southerly along a curve to the right which radius point bears South 54°33'14" West 2155.65 feet from the last mentioned point, and which curve has a chord bearing and distance of South 31°00'56" East 333.05 feet, an arc distance of 333.39 feet to a point of compound curvature; and Southerly along a curve to the right which radius point bears South 63°24'54" West 32566.37 feet from the last mentioned point, and which curve has a chord bearing and distance of South 25°57'36" East 710.53 feet, an arc distance of 710.55 feet to a point not being a point of tangency in the approximate meanders of Little Creve Coeur Creek flowing West as shown on an aerial orthophoto prepared by Surdex specifically for Saint Louis County Project AR-1236 and photographed in 2009 (Little Creve Coeur Creek being both a riparian boundary of the herein described tract of land and the dividing line between U.S. Survey 387 along the left descending side and U.S. Survey 433 along the right descending side of the creek.); thence Westerly downstream descending along the approximate meanders of Little Creve Coeur Creek as shown on the aforesaid 2009 orthophoto by Surdex the following two courses: South 59°21'21" West 22.72 feet; and South 32°42'00" West 180.94 feet to a point in the approximate meanders of Creve Coeur Creek flowing West as shown

on an aerial orthophoto prepared by Surdex specifically for Saint Louis County Project AR-1236 and photographed in 2009 (Creve Coeur Creek being both a riparian boundary of the herein described tract of land and the dividing line between U.S. Survey 387 along the left descending side and U.S. Survey 433 along the right descending side of the creek.); thence Westerly downstream descending along the approximate meanders of Creve Coeur Creek as shown on the aforesaid 2009 orthophoto by Surdex North 72°58'00" West 28.76 feet to a point labeled within a triangle as "13" on the aforesaid "MILL RIDGE VILLAS" (Plat Book 355 Page 758); thence continuing downstream along the approximate meanders of Creve Coeur Creek per said "MILL RIDGE VILLAS" and as shown on the aforesaid 2009 orthophoto by Surdex the following two courses: South 65°36'42" West 184.66 feet; and South 78°27'05" West 18.60 feet to a nontangent point of curve in the West line of the aforesaid Reserve Tract "A"; thence leaving the meanders of Creve Coeur Creek Northerly along the West line of said Reserve Tract "A" the following two courses: Northerly along a curve to the left which radius point bears South 64°47'30" West 32166.37 feet from the last mentioned point, and which curve has a chord bearing and distance of North 25°53'48" West 772.83 feet, an arc distance of 772.85 feet to a point of compound curvature; and Northerly along a curve to the left which radius point bears South 63°24'54" West 1755.65 feet from the last mentioned point, and which curve has a chord bearing and distance of North 27°01'31" West 26.97 feet, an arc distance of 26.97 feet to a point not being a point of tangency in the approximate meanders of Creve Coeur Creek flowing Northeasterly both as platted on

"MILL RIDGE VILLAS" (Plat Book 355 Page 758) and as shown on an aerial orthophoto prepared by Surdex specifically for Saint Louis County Project AR-1236 and photographed in 2009 (Creve Coeur Creek being both a riparian boundary of the herein described tract of land and the dividing line between U.S. Survey 387 along the left descending side and U.S. Survey 433 along the right descending side of the creek.); thence downstream Northeasterly descending along the approximate meanders of Creve Coeur Creek as shown on both the aforesaid 2009 orthophoto by Surdex and the aforesaid Plat Book 355 Page 758 the following two courses: North 21°02'41" East 119.79 feet; North 23°59'16" East 196.10 feet to a point estimated to be in the common line between U.S. Survey 387 and U.S. Survey 433 in the estimated last naturally flowing location of Creve Coeur Creek prior to an artificial realignment of said creek associated with St Louis County Project 70-1; thence leaving said common line of U.S. surveys along the meanders of Creve Coeur Creek as artificially realigned by St Louis County Project 70-1 and as shown on both the aforesaid 2009 orthophoto by Surdex and the aforesaid Plat Book 355 Page 758 the following three courses: North 23°59'16" East 84.98 feet to a point of tangent curve; along a curve to the right having a radius of 409.26 feet, which curve has a chord bearing and distance of North 29°24'09" East 77.24 feet, an arc distance of 77.35 feet to a point of tangency; and North 34°49'02" East 5.51 feet to the point of beginning, per calculations based on right of way plans for Saint Louis County Project No. AR-1236, and containing 383403 Square Feet more or less based upon the stated assumptions, and subject to fluctuation in area due to the rise and fall of water levels and the action of erosion and accretion along Creve Coeur Creek as well as possible variations in the calculation of area based upon the subjective interpretations inherent to describing the approximate meanders of watercourses.

Also, all abutters' rights of direct access between the highway now known as Maryland Heights Expressway (as the extension of Highway 141), and grantors' abutting land in U.S. Survey 433, Township 46 North, Range 5 East, City of Chesterfield, Saint Louis County, Missouri.