

BILL NO. 2757

ORDINANCE NO. 2578

**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 Terra Vista Subdivision that was set aside for the expansion of Highway 141; and

**WHEREAS**, the City wishes to assign it 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 12 day of NOV, 2009.

  
MAYOR

ATTEST:

  
CITY CLERK

FIRST READING HELD: 11-2-2009

## ASSIGNMENT OF HIGHWAY 141 ROAD TERRA VISTA 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 in the Terra Vista Subdivision along the future Highway 141 corridor as a result of the passage of City of Chesterfield Ordinance 1690 on November 20, 2000, attached as Exhibit A and the recording of the a site plan approved by the City on April 28, 2004 and recorded in the St. Louis County Recorder of Deeds in Book 352 Pages 296-297.

B. The owner of the property that was rezoned in City of Chesterfield Ordinance 1690 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 1690.

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 1690 and the site plan filed for the Terra Vista Subdivision.
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 TERRA VISTA

A tract of land being all of Reserve Tract "A" as platted within the Common Ground on "TERRA VISTA - PLAT ONE" (Plat Book 354 Pages 545 and 546), and reported as subject to conditions stated near the upper left corner of Plat Book 354 Page 546; being situated in U.S. Surveys 923 and 367, Township 46 North, Range 5 East, City of Chesterfield, Saint Louis County, Missouri; and being more particularly described as:

Commencing at the Northwest corner of Lot 9 of "TERRA VISTA - PLAT ONE" (Plat Book 354 Pages 545 and 546); thence Westerly along the North line of said "TERRA VISTA - PLAT ONE" and along the South line of property shown as Lot 33 on the plat of "TERRA VISTA-PLAT ONE" (Plat Book 354 Page 545) but described thereon as not part of said subdivision South  $68^{\circ}37'35''$  West 40.09 feet to the Northeast corner of the aforesaid Reserve Tract "A" and the actual point of beginning; 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" South  $25^{\circ}11'40''$  East 326.29 feet to a point being the Southwest corner of Lot 10 of said "TERRA VISTA-PLAT ONE"; thence continuing along said new limited access right-of-way and along the East line of Reserve Tract "A" South  $25^{\circ}11'40''$  East 595.23 feet more or less to a point in the approximate meanders of Creve Coeur Creek flowing Northwesterly as shown located by Clayton Engineering in 1993 on Plat Book 332 Page 29 and on the aforesaid "TERRA VISTA - PLAT ONE" (Plat Book 354 Pages 545 and 546), and also as shown on an aerial orthophoto prepared by Surdex specifically for Saint Louis County Project AR-1236 and photographed in 2009; thence downstream Northwesterly descending along the approximate meanders of Creve Coeur Creek as shown on the aforesaid 2009 orthophoto by Surdex, and along the Southwest lines of the aforesaid Plat Book 332 Page 29 and the aforesaid Plat Book 354 Page 545 the following seven courses: North  $65^{\circ}18'01''$  West 172.14 feet more or less; North  $45^{\circ}30'50''$  West 58.64 feet; North

$58^{\circ}33'13''$  West 311.79 feet; North  $27^{\circ}28'51''$  West 128.51 feet; North  $11^{\circ}33'30''$  West 96.62 feet to a point of tangent curve; along a curve to the left having a radius of 150.00 feet, which curve has a chord bearing and distance of North  $46^{\circ}50'07''$  West 173.26 feet, an arc distance of 184.71 feet to a point of tangency; and North  $82^{\circ}06'44''$  West 60.93 feet more or less to a point in the West line of the aforesaid Reserve Tract "A"; thence leaving the meanders of Creve Coeur Creek along the West line of said Reserve Tract "A" North  $25^{\circ}11'40''$  West 84.56 feet more or less to the Northwest corner of said Reserve Tract "A"; thence Easterly along the aforesaid North line of "TERRA VISTA-PLAT ONE" North  $68^{\circ}37'35''$  East 400.89 feet to the aforesaid Northeast corner of Reserve Tract "A" and the actual point of beginning, per calculations based on right of way plans for Saint Louis County Project No. AR-1236, and containing 226239 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. Surveys 923 and 367, Township 46 North, Range 5 East, City of Chesterfield, Saint Louis County, Missouri.