

AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI AUTHORIZING CONDEMNATION OF CERTAIN INTERESTS IN REAL PROPERTY LOCATED IN THE CITY FOR THE PURPOSE OF SECURING A PERMANENT DRAINAGE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WILSON ROAD.

WHEREAS, the City of Chesterfield ("City") is a third class city organized and operated pursuant to Chapter 77 of the Revised Statutes of Missouri (RSMo.) with authority under Section 88.497 RSMo. (2000) as amended, *inter alia*, to condemn land and interests in land for public use and to provide for the public safety and welfare; and,

WHEREAS, the City of Chesterfield needs certain property interests in, on and over certain parcels which are illustrated in Exhibit A and Exhibit C, and legally described in Exhibit B and Exhibit D, attached hereto and incorporated herein by reference (collectively, the "Property Interests"), to acquire interests to allow for the construction and improvement of Wilson Road; and,

WHEREAS, Country Edge, LLC is the owner of record of real property identified as 1425 Wilson Road, Chesterfield, MO 63005 (Tax Locator Number 19T53-0139) and located along Wilson Road in the City and over which the City seeks a permanent drainage easement and a temporary construction easement as shown on Exhibits A and C, and as legally described in Exhibits B and D; and,

WHEREAS, the condemnation of the Property Interests for the construction and improvement of Wilson Road and other public improvements is a public use and a public purpose and is for the benefit and safety of those residents within the City and St. Louis County; and,

WHEREAS, the City has negotiated in good faith with the owners of the Property and/or their representatives and has been unable to come to an agreement to purchase the Property Interests for the property referenced herein; and

WHEREAS, the City has fully complied with the requirements of Chapter 523 RSMo, including, but not limited to, properly and timely giving all notices to the property owners, making an offer to purchase that was no lower than the amount provided in the basis for the City's determination of the value of the property as provided to the property owner, giving the property owner an opportunity to obtain their own appraisal from a state-licensed or state-certified appraiser of their choice, and considering an alternate location suggested by the property owner, if any;

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

Section 1: The City Council hereby determines that it is necessary to acquire the Property Interests to allow construction and improvement of Wilson Road and other public purposes, all to promote and regulate the health, safety and general welfare of the City and to obtain property to be put to a vital and necessary public use and purpose.

Section 2: The City Council hereby authorizes the Public Works Director, Interim City Administrators, Mayor and City Attorney to take all necessary actions to acquire the Property Interests referenced herein including filing a petition condemning the Property Interests not less

than thirty (30) days after the date of the City's written offer to the property owners, continuing to seek voluntary sale, or such other actions necessary to acquire the necessary interests identified herein and such other interests by condemnation or voluntary sale.

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

Passed and approved this 7th day of September, 2016.

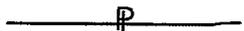
Bob Nation
Bob Nation, MAYOR

ATTEST:

Vickie Hass
Vickie Hass, CITY CLERK

FIRST READING HELD: 8/15/2016

LEGEND

-  FOUND IRON PIPE OR BAR
-  EX RIGHT OF WAY LINE
-  EX EASEMENT LINE
-  SECTION LINE
-  PROPERTY LINE
-  PR PERMANENT DRAINAGE EASEMENT
-  POC POINT OF COMMENCEMENT
-  POB POINT OF BEGINNING

"CHESTERFIELD LAKES"
PB 150, PG 78-80

LOT 46

N/F
YAKOV D. SVIRNOVSKIY
& IRINA S. SVIRNOVSKAYA
LOC # 18T210050
DB 12260, PG 0393
1415 WILSON AVE.

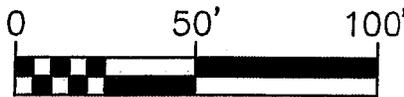
"BAXTER CROSSINGS"
PB 283, PG 87-94

LOT 6

POB
+01.32
35.00' RT
N89°47'30"E 119.80'
106.43'
PDE
N35°27'55"W 73.68'
S35°05'47"E 66.97'
N/F
COUNTRY EDGE, LLC
LOC # 19T530139
DB 12485, PG 1204
1425 WILSON AVE.
PDE=748 SF (0.017 AC)

LINE TABLE

LINE	BEARING	DISTANCE
L1	N89°47'30"E	13.37'
L2	S54°32'05"W	10.49'



GRAPHIC SCALE

1"=50'

EXHIBIT "A" SHEET 1 OF 1

**PERMANENT DRAINAGE EASEMENT
PART OF SECTION 16, TOWNSHIP 45 NORTH, RANGE
4 EAST OF THE 5TH PRINCIPAL MERIDIAN,
ST. LOUIS COUNTY, MISSOURI**

STATE OF MISSOURI
STEVEN M. KEHL
LICENSE NUMBER
PLS-2008016660
PROFESSIONAL LAND SURVEYOR
12/19/14
EXPIRES 12/31/14

PROJECT: Wilson Ave. Culverts
PARCEL NO.: 1
OWNER: Country Edge, LLC
November 7, 2014
Page 1 of 2

PERMANENT DRAINAGE EASEMENT

A tract of land being part of Section 16, Township 45 North, Range 4 East of the 5th Principal Meridian, St Louis County, Missouri, being more particularly described as follows:

Commencing at a 3/4 inch iron pipe marking the southeast corner of Lot 46 of CHESTERFIELD LAKES, a Subdivision filed for record in Plat Book 150, Pages 78 through 80 of the St. Louis County Records; thence on an assumed bearing of North 01 degree 27 minutes 14 seconds East along the east line of said Lot 46, said line also being the west line of said Section 16, a distance of 126.20 feet; thence North 89 degrees 47 minutes 30 seconds East along the north line of a tract of land described in the deed to Country Edge, LLC as recorded in Deed Book 12485, Page 1204 of the St. Louis County Records, 106.43 feet to the Point of Beginning.

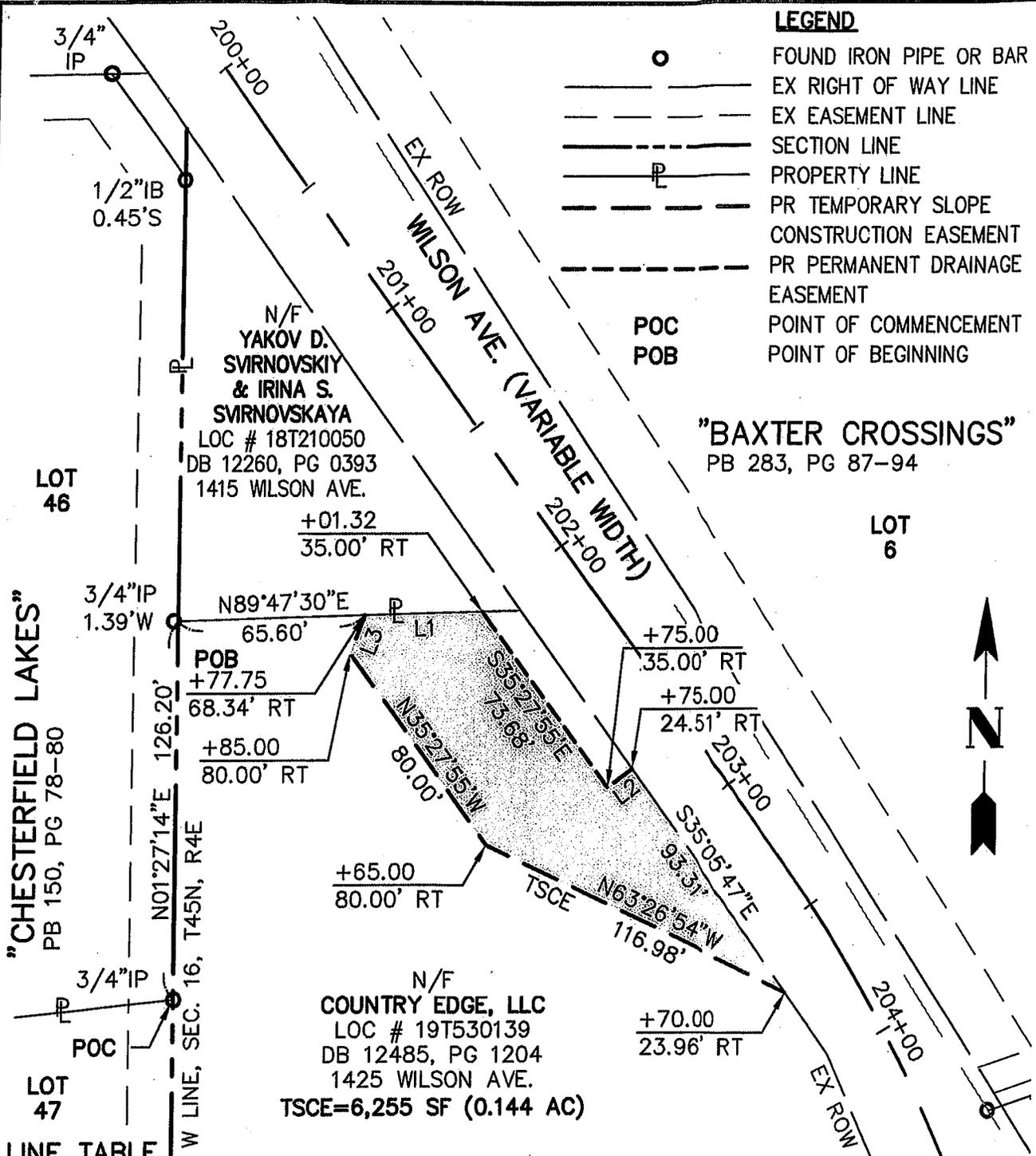
From said Point of Beginning; thence continuing North 89 degrees 47 minutes 30 seconds East along said north line, 13.37 feet to the southwest right of way line of Wilson Avenue; thence South 35 degrees 05 minutes 47 seconds East along said southwest right of way line, 65.97 feet; thence South 54 degrees 32 minutes 05 seconds West, 10.49 feet; thence North 35 degrees 27 minutes 55 seconds West, 73.68 feet to the Point of Beginning.

Said tract contains 748 square feet or 0.017 acre, more or less.



11/11/14

EXP 12/31/14



LINE TABLE

LINE	BEARING	DISTANCE
L1	N89°47'30"E	40.83'
L2	N54°32'05"E	10.49'
L3	N22°39'50"E	13.73'

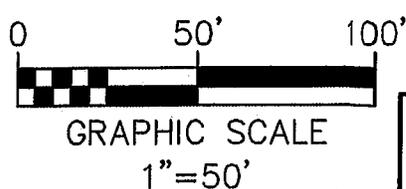


EXHIBIT "A" SHEET 1 OF 1

**TEMPORARY SLOPE CONSTRUCTION EASEMENT
PART OF SECTION 16, TOWNSHIP 45 NORTH, RANGE
4 EAST OF THE 5TH PRINCIPAL MERIDIAN,
ST. LOUIS COUNTY, MISSOURI**

STATE OF MISSOURI
 STEVEN M. KE...
 NUMBER
 PLS-2008016660
 PROFESSIONAL LAND SURVEYOR
 12/19/14
 EXPIRES 12/31/14

PROJECT: Wilson Ave. Culverts
PARCEL NO.: 2
OWNER: Country Edge, LLC
November 7, 2014
Page 1 of 2

TEMPORARY SLOPE CONSTRUCTION EASEMENT

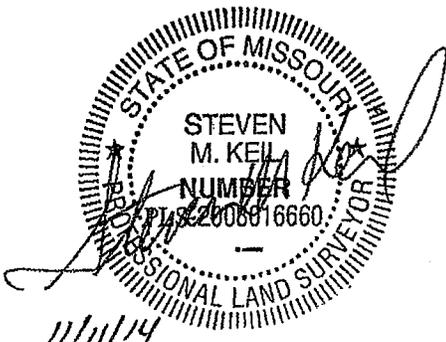
A tract of land being part of Section 16, Township 45 North, Range 4 East of the 5th Principal Meridian, St Louis County, Missouri, being more particularly described as follows:

Commencing at a 3/4 inch iron pipe marking the southeast corner of Lot 46 of CHESTERFIELD LAKES, a Subdivision filed for record in Plat Book 150, Pages 78 through 80 of the St. Louis County Records; thence on an assumed bearing of North 01 degree 27 minutes 14 seconds East along the east line of said Lot 46, said line also being the west line of said Section 16, a distance of 126.20 feet; thence North 89 degrees 47 minutes 30 seconds East along the north line of a tract of land described in the deed to Country Edge, LLC as recorded in Deed Book 12485, Page 1204 of the St. Louis County Records, 65.60 feet to the Point of Beginning.

From said Point of Beginning; thence continuing North 89 degrees 47 minutes 30 seconds East along said north line, 40.83 feet; thence South 35 degrees 27 minutes 55 seconds East, 73.68 feet; thence North 54 degrees 32 minutes 05 seconds East, 10.49 feet to the southwest right of way line of Wilson Avenue; thence South 35 degrees 05 minutes 47 seconds East along said southwest right of way line, 93.31 feet; thence North 63 degrees 26 minutes 54 seconds West, 116.98 feet; thence North 35 degrees

27 minutes 55 seconds West, 80.00 feet; thence North 22 degrees 39 minutes 50 seconds East, 13.73 feet to the Point of Beginning.

Said tract contains 6,255 square feet or 0.144 acre, more or less.



11/11/14

EXP 12/31/14