

**A RESOLUTION AUTHORIZING THE INITIATION OF CONDEMNATION PROCEEDINGS IN CONNECTION WITH THE REDEVELOPMENT OF THE CHESTERFIELD VALLEY REDEVELOPMENT AREA.**

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Section 99.800 to 99.865, RSMo. 1994 (the "TIF Act") and upon recommendation of the City's Tax Increment Financing Commission, the City Council adopted Ordinance Nos. 953, 954 and 955 on October 17, 1994, (1) approving a redevelopment plan pursuant to the TIF Act (the "Redevelopment Plan"), (2) designating the Chesterfield Valley area within the City as the Redevelopment Area (as defined in the Redevelopment Plan), and (3) establishing the Special Allocation Fund for the payment of redevelopment project costs and obligations; and

WHEREAS, GHH Investments, L.L.C. (the "Developer"), owns certain real property within the Redevelopment Area, and intends to construct thereon certain improvements; and

WHEREAS, pursuant to provisions of the TIF Act, the Redevelopment Plan, and Ordinance No. 1454, adopted September 23, 1998, relating to Developer's improvements, the City requires that certain local valley road improvements be constructed, including the four-way intersection of Edison and Long Roads and the signalization of that intersection (the "Project"); and

WHEREAS, the City Council hereby determines that construction of the Project is in the best interests of the City and the health, safety, morals and welfare of its residents, and in accord with the TIF Act and the public purposes specified in the Redevelopment Plan; and

WHEREAS, the TIF Act and the Redevelopment Plan authorize the City to acquire private property through the City's power of eminent domain when such property is necessary to achieve the purposes of the Redevelopment Plan; and

WHEREAS, pursuant to the TIF Act and Section 88.497, RSMo, the City is authorized to condemn property for the construction and improvement of streets and roads; and

WHEREAS, the acquisition of the two right of way easements, one temporary construction easement and one stormwater, drainage and retention easement affecting the property located to the east of Long Road and shown as the four hatched parcels on the attached **Exhibit A**, in furtherance of the Project, (hereinafter referred to collectively as the "Easements") is necessary for the furtherance of the Redevelopment Plan and for the construction and improvement of the Project; and

WHEREAS the City has engaged in good faith negotiations for the acquisition of the Easements but has been unable to reach an agreement with the owners of the property on the price to be paid for the Easements;

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

**Section 1.** It is hereby deemed necessary for the purposes of carrying out the Redevelopment Plan and for the construction and improvement of the Project that the City acquire the Easements.

**Section 2.** The City has been unable to acquire the Easements through good faith negotiations.

**Section 3.** The Easements are to be acquired by the City through its powers of eminent domain authorized by Section 99.820, RSMo and Section 88.497 RSMo, as amended.

**Section 4.** The City Attorney, City's Special Counsel and other appropriate City officials are hereby authorized to take any and all actions as may be deemed necessary or convenient to carry out and comply with the intent to this Resolution and to execute and deliver for and on behalf of the City all certificates, instruments, agreements or other documents as may be necessary, desirable, convenient or proper to perform all matters herein authorized.

**Section 5.** The sections, paragraphs, phrases, clauses and words of this Resolution shall be severable. In the event that any portion of this Resolution is found by a court of competent jurisdiction to be invalid, the remaining portion of this Resolution shall be valid unless the court finds the valid portions of this Resolution are so essential and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

**Section 6.** This Resolution shall take effect and be in full force from and after its passage of the City Council and approval by the Mayor.

PASSED AND APPROVED THIS 30<sup>th</sup> DAY OF AUGUST, 2000.

(SEAL)

Daniel J. Hunt  
Mayor (ACTING)

Attest:

Martha A. DeMay  
City Clerk

**EXHIBIT A**  
**EASEMENTS**  
(Attached hereto.)

-  RIGHT OF WAY DEDICATION FOR LONG ROAD
-  RIGHT OF WAY DEDICATION FOR EDISON AVE.
-  TEMPORARY SLOPE & CONSTRUCTION LICENSE

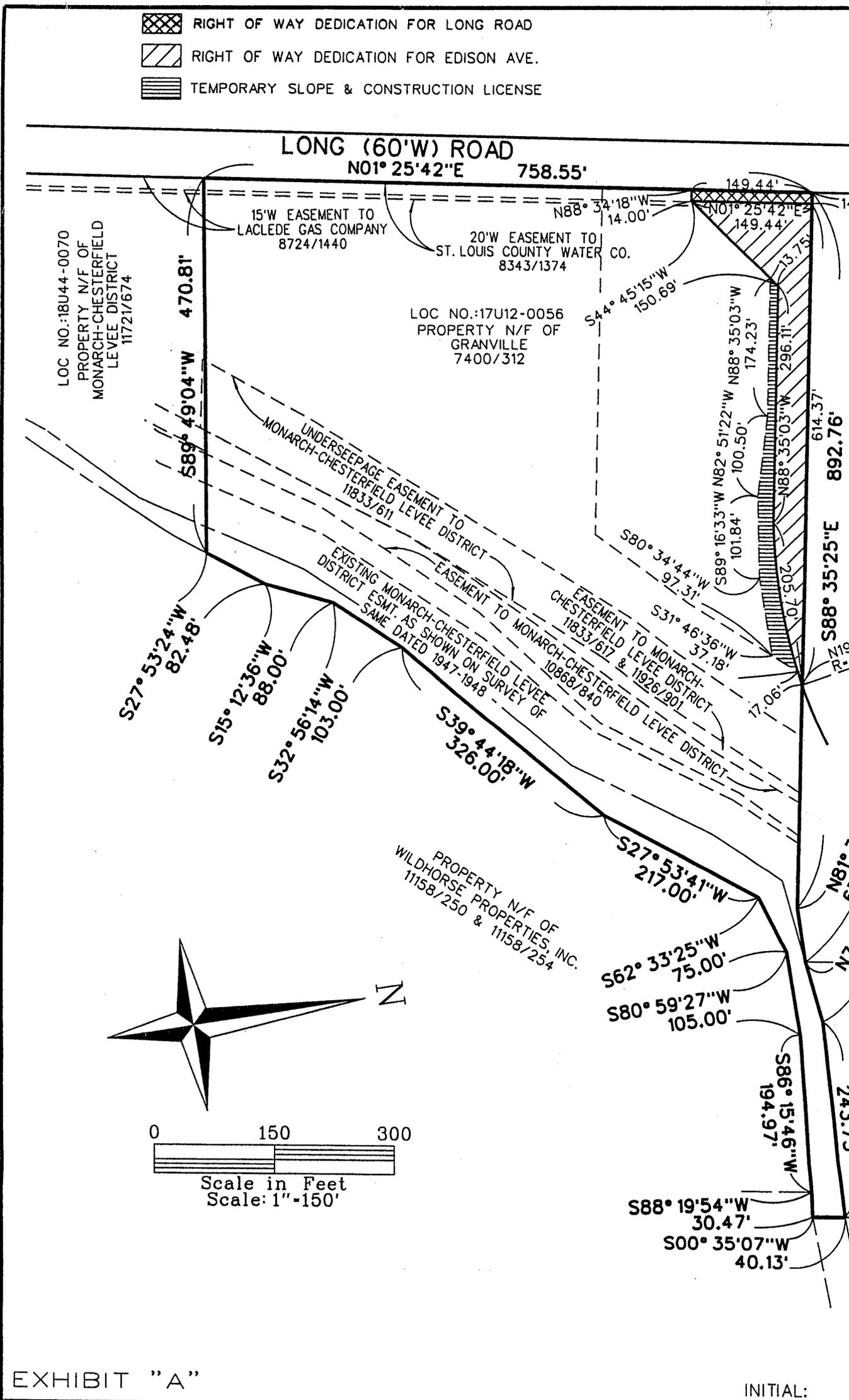


EXHIBIT "A"

INITIAL:

A TRACT OF LAND BEING PART OF LOT 1 OF THE PARTITION OF DAMIAN KROUNUNGS ESTATE AND PART OF LOT 2 OF THE SUBD. OF U.S. SURVEY 126 & PART OF SHARE 7 OF THE PETER STEFFAN ESTATE, U.S. SURVEY 126 TOWNSHIP 45 NORTH - RANGE 4 EAST ST. LOUIS COUNTY, MISSOURI

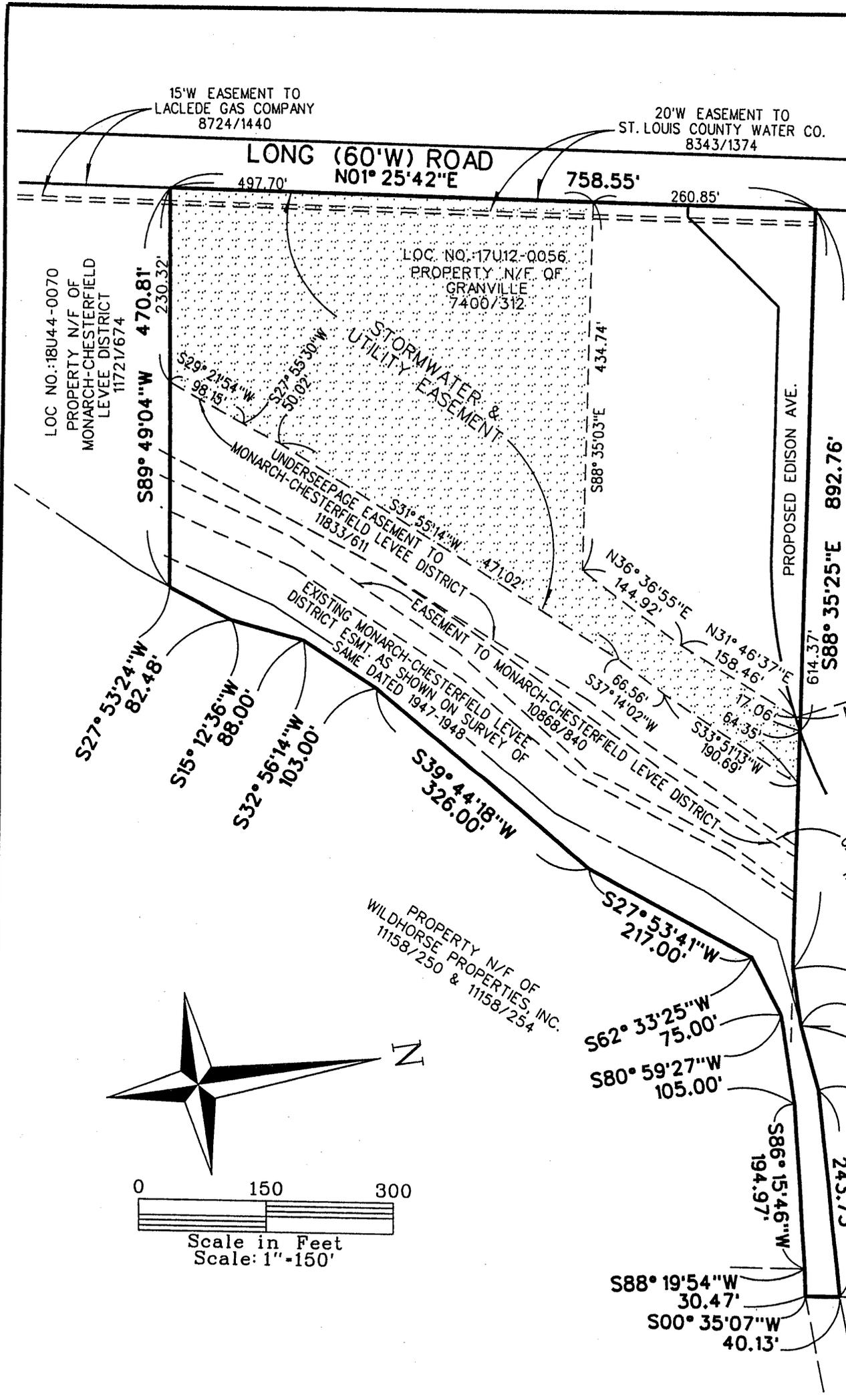


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A TRACT OF LAND BEING PART OF LOT 1 OF THE PARTITION OF DAMIAN KROUNUNGS ESTATE AND PART OF LOT 2 OF THE SUBD. OF U.S. SURVEY 126 & PART OF SHARE 7 OF THE PETER STEFFAN ESTATE, U.S. SURVEY 1 TOWNSHIP 45 NORTH - RANGE 4 EAST ST. LOUIS COUNTY, MISSOURI