

RESOLUTION #139

RESOLUTION DECLARING THE SUSPENSION OF THE ZONING REGULATIONS OF THE CITY OF CHESTERFIELD AS IT RELATES TO BUSINESSES DISPLACED BY THE FLOODING OF THE CHESTERFIELD VALLEY.

WHEREAS, the Mayor of the City of Chesterfield, pursuant to Chapter 44 RSMo. and Chapter 11 of the Ordinances of the City of Chesterfield has the authority to take all steps necessary to assure the health, safety and welfare of all of those within the city limits of the City of Chesterfield; and

WHEREAS, as Mayor of the City of Chesterfield, I have declared a natural disaster based upon the flooding of the Chesterfield Valley; and

WHEREAS, based upon the displacement of some 500 businesses from their business locations and the need of the businesses to maintain a place of operation to carry on their businesses in the best means possible to maintain jobs and businesses in the City, I take the following actions:

NOW THEREFORE BE IT RESOLVED BY THE MAYOR OF THE CITY OF CHESTERFIELD as follows:

1. That I hereby declare a suspension of the enforcement of the zoning ordinances of the City of Chesterfield as it relates to the relocation within the City of those businesses which were doing business in the Chesterfield Valley at the time of the flood on July 31, 1993.

2. That the Department of Planning, in conjunction with the Department of Public Works, on a case-by-case basis may make decisions to allow the relocation of certain businesses to areas which are not currently zoned for the specific zoning category required for said business on a temporary basis until time as the flood waters may have receded but in no event for a period of longer than six (6) months from the date of this resolution.

3. Each said business that is to be relocated must have written authorization of the property owners and shall sign an Acknowledgement indicating that they have knowledge that they are not being granted any specific rights to said zoning at any new or subsequent location and that they shall return said property to the same condition as generally found at the time that they relocated because of this natural disaster.

This Resolution is hereby approved and is effective this 3rd
day of August, 1993.

Jack Leonard
MAYOR

ATTEST:

Maitha L. de May
CITY CLERK

ACKNOWLEDGEMENT

WHEREAS, the Mayor of the City of Chesterfield has declared, as a result of the flood disaster, the suspension of the enforcement of the zoning ordinances in the City of Chesterfield for those businesses which have been displaced as a result of the flood; and

WHEREAS, the City of Chesterfield requires an acknowledgement on the part of all parties that this suspension is temporary and that no additional rights are being acquired as a result of any relocation by any such businesses and that any variances, special exemptions or conditional considerations which are granted are to be on a case-by-case basis and are only temporary and in conjunction with the Resolution as signed by the Mayor of the City of Chesterfield.

NOW THEREFORE KNOW ALL MEN AT THESE PRESENTS:

1. That in consideration of the natural disaster and the mutual promises and agreements of each of the parties hereto and in consideration of the City of Chesterfield allowing for the suspension of its current zoning regulations and in order to accommodate the needs of the undersigned business the parties agree that the relocation shall not be understood nor accepted by the undersigned business as a vested right in acquiring a change in zoning nor in maintaining said property after the flood waters have receded and the Mayor specifically terminates the disaster or the rights as set out in his Resolution.

2. That the undersigned business agrees to release, acquit and discharge the City from all manners of actions, causes of action, judgments, executions, debts, claims, demands or losses of any kind arising out of the use of the property to which they are going to relocate and the City does not extend any guarantees, personal guarantees, sureties, express warranties, implied warranties, or claims as a result of the waiver of the enforcement of said ordinance.

3. Each of the undersigned parties state that they have carefully read the foregoing acknowledgement and they each now know and understand the contents thereof.

4. Each of the undersigned parties warrant and represent that they have the authority to enter into this agreement and to bind themselves, their respective associations, corporations or other entities.

5. It is hereby acknowledged by the undersigned parties that neither the execution of this agreement nor the taking of any actions pursuant to the provisions hereof shall constitute a valid change in zoning nor grant any vested rights or interests in the undersigned in any future use of said property.

IN WITNESS WHEREOF, the parties hereto have executed this acknowledgement on the date set forth opposite their respective signatures.

Date: _____

CITY OF CHESTERFIELD

Dated: _____