

**A RESOLUTION AUTHORIZING THE INITIATION OF CONDMENATION 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, THF Chesterfield Development, LLC (the "Developer"), owns certain real property within the Redevelopment Area, and has constructed certain improvements thereon; and

WHEREAS, pursuant to the provisions of the TIF Act, the Redevelopment Plan, and Ordinance No. 953 adopted 10-17-94, relating to the Developer's improvements, the City requires that certain local valley road and storm water improvements be constructed, including Edison Road (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 for the construction and improvement of streets and roads; and

WHEREAS, the acquisition of right-of-way easements, temporary construction easements and storm water easements affecting the properties set forth herein (collectively, the "Easements") are 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 CIYT 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 right-of-way dedication, temporary slope and construction license and storm water easement in substantially the form set forth on **Exhibit A**, attached hereto and incorporated herein by reference.

**Section 2.** 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 right-of-way dedication, temporary slope and construction license and storm water easement in substantially the form as set forth on **Exhibit B**, attached hereto and incorporated herein by reference.

**Section 3.** 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 right-of-way dedication and temporary slope and construction license in substantially the form as set forth on **Exhibit C**, attached hereto and incorporated herein by reference.

**Section 4.** The City has been unable to acquire the Easements through good faith negotiations.

**Section 5.** 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.

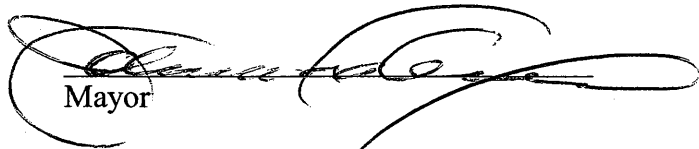
**Section 6.** The City Attorney, City's Special Counsel and other appropriate City officials are hereby authorized to take any and all actions as may be deemed necessary or convenient to carry out and comply with the intent of this Resolution and to execute and deliver for and on behalf of the City all certificates, instruments, agreements or other documents as may be necessary, desirable, convenient or proper to perform all matters herein authorized.

**Section 7.** 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 8.** 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 20<sup>th</sup> DAY OF August, 2001.

(SEAL)

  
Mayor

Attest:

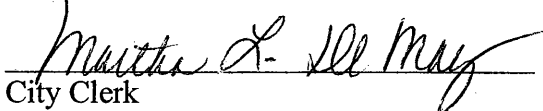
  
City Clerk

EXHIBIT A

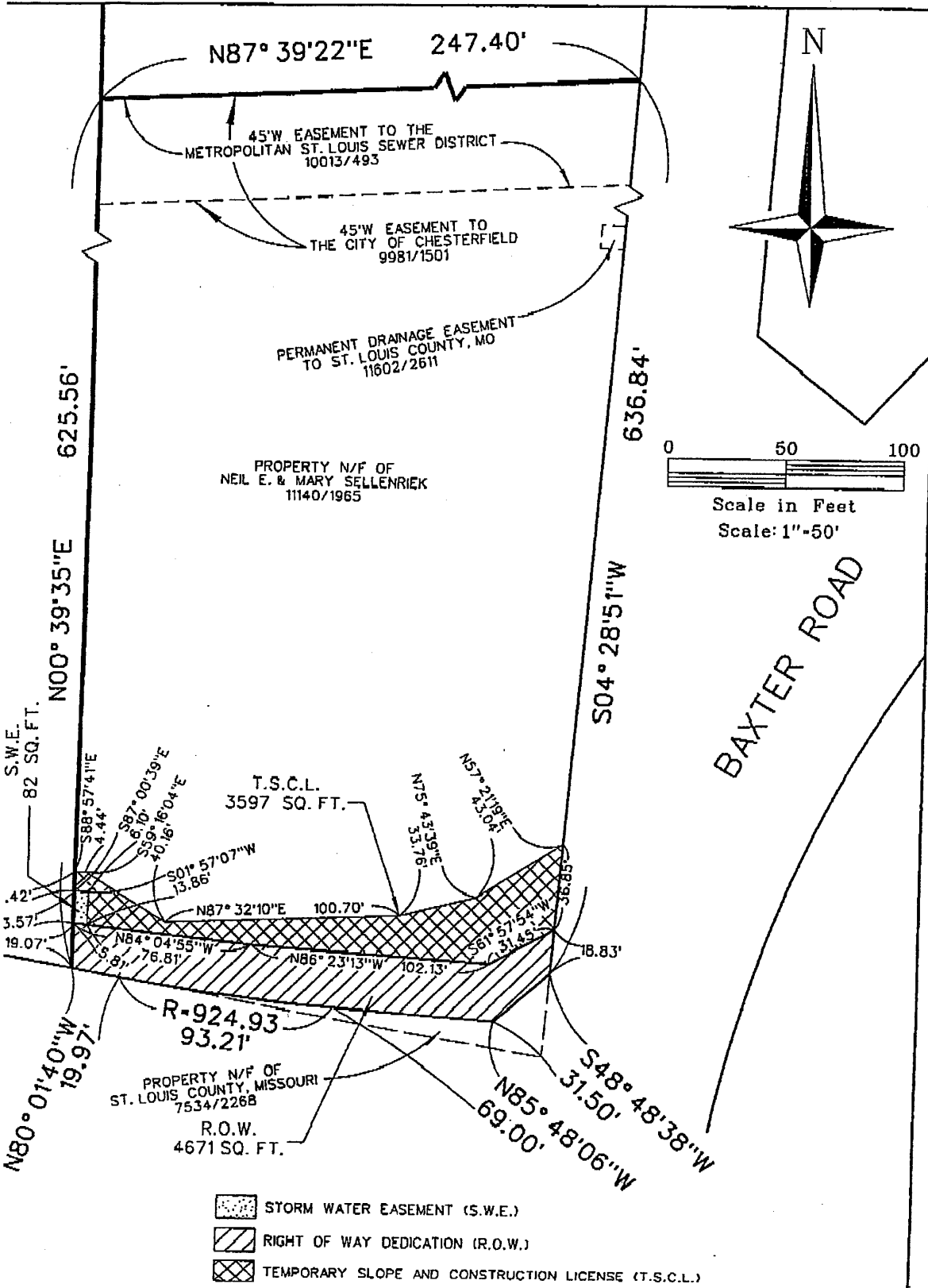
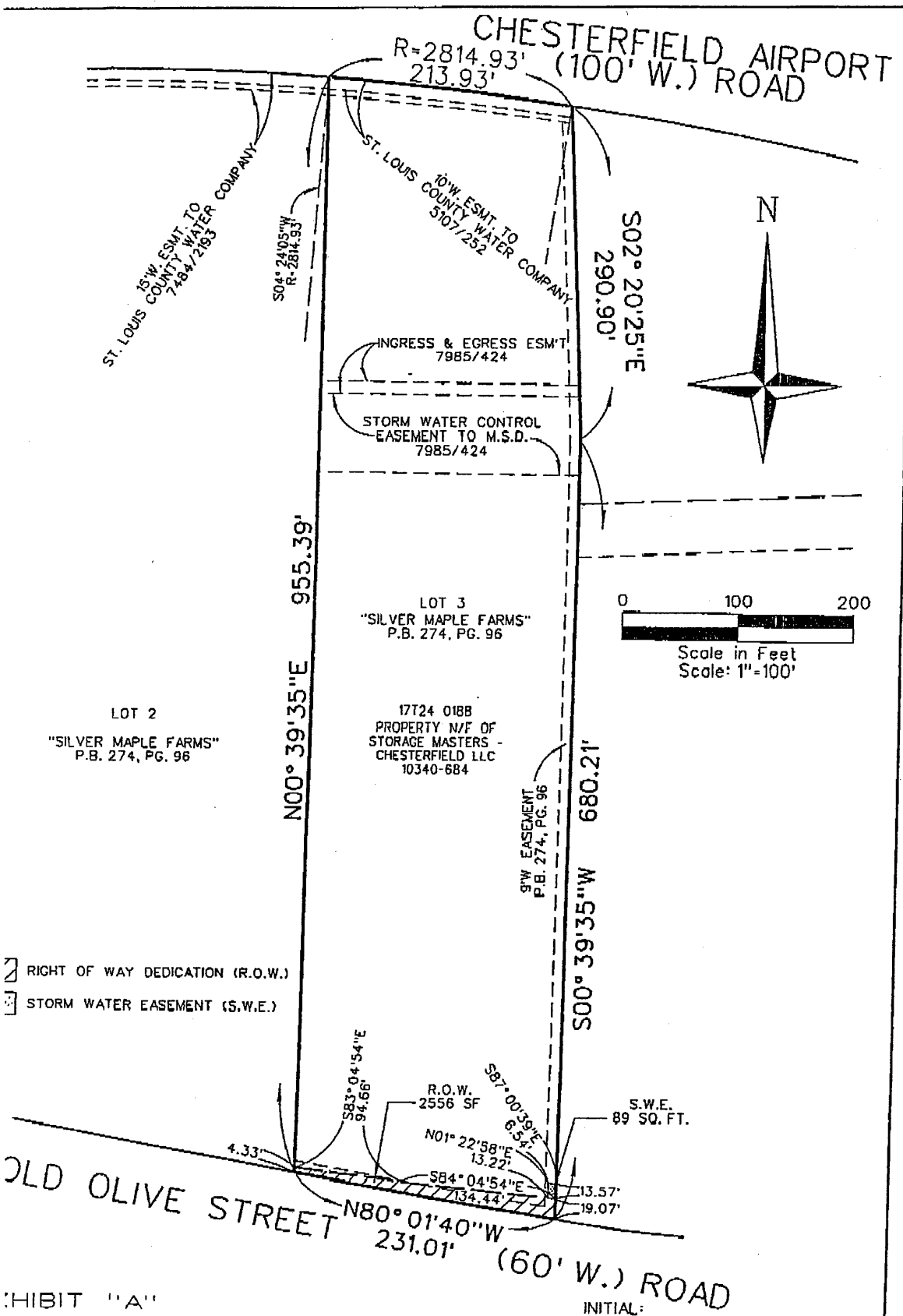


EXHIBIT "A"

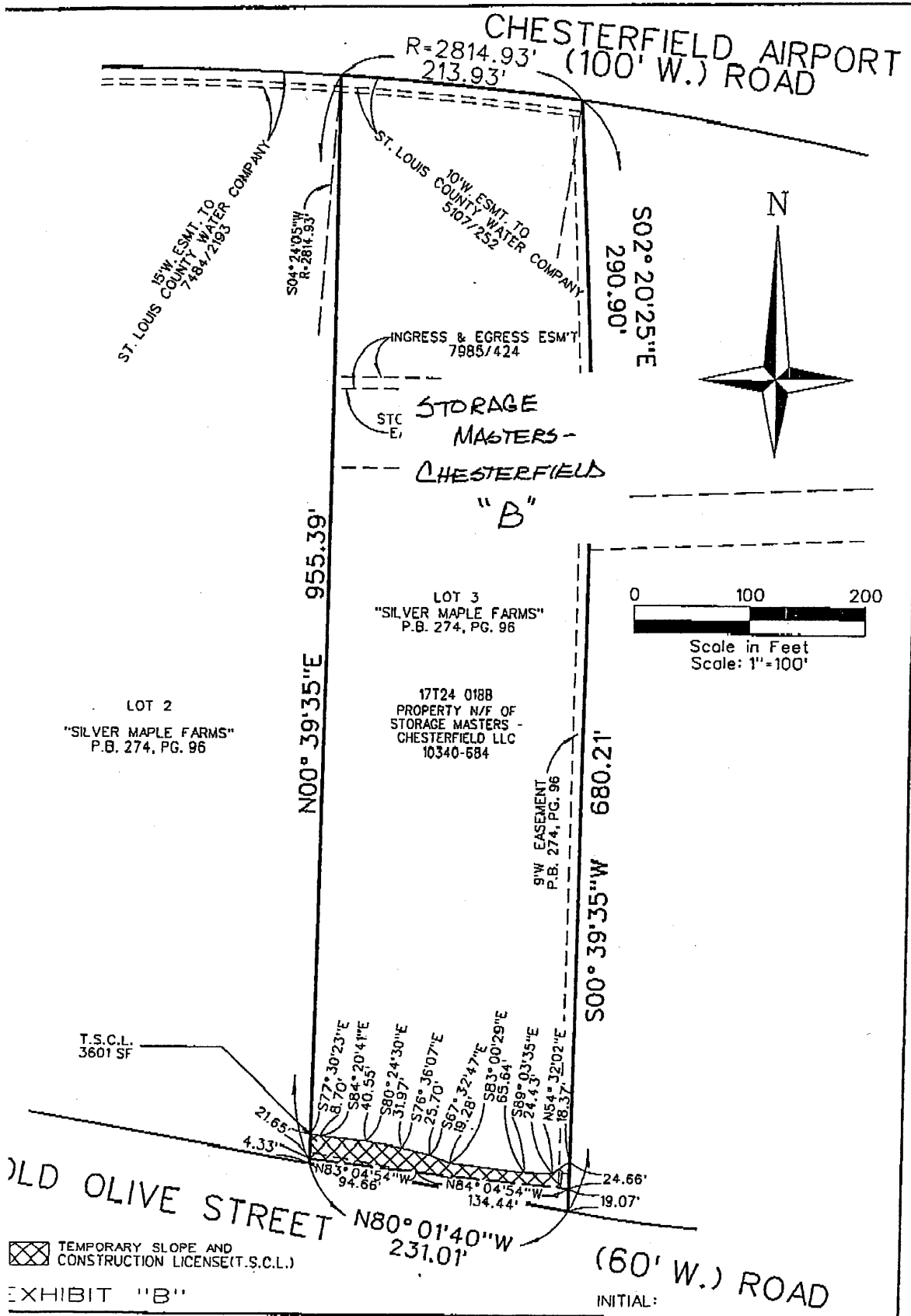
INITIAL:

A TRACT OF LAND BEING PART OF  
 U.S. SURVEY 2031, T. 45 N. - R. 4 E.  
 ST. LOUIS COUNTY, MISSOURI

EXHIBIT B



A TRACT OF LAND BEING PART OF  
 LOT 3 OF "SILVER MAPLE FARMS"  
 U.S. SURVEY 2031, T. 45 N. - R. 4 E.  
 ST. LOUIS COUNTY, MISSOURI



A TRACT OF LAND BEING PART OF  
 LOT 3 OF "SILVER MAPLE FARMS"  
 U.S. SURVEY 2031, T. 45 N. - R. 4 E.  
 ST. LOUIS COUNTY, MISSOURI

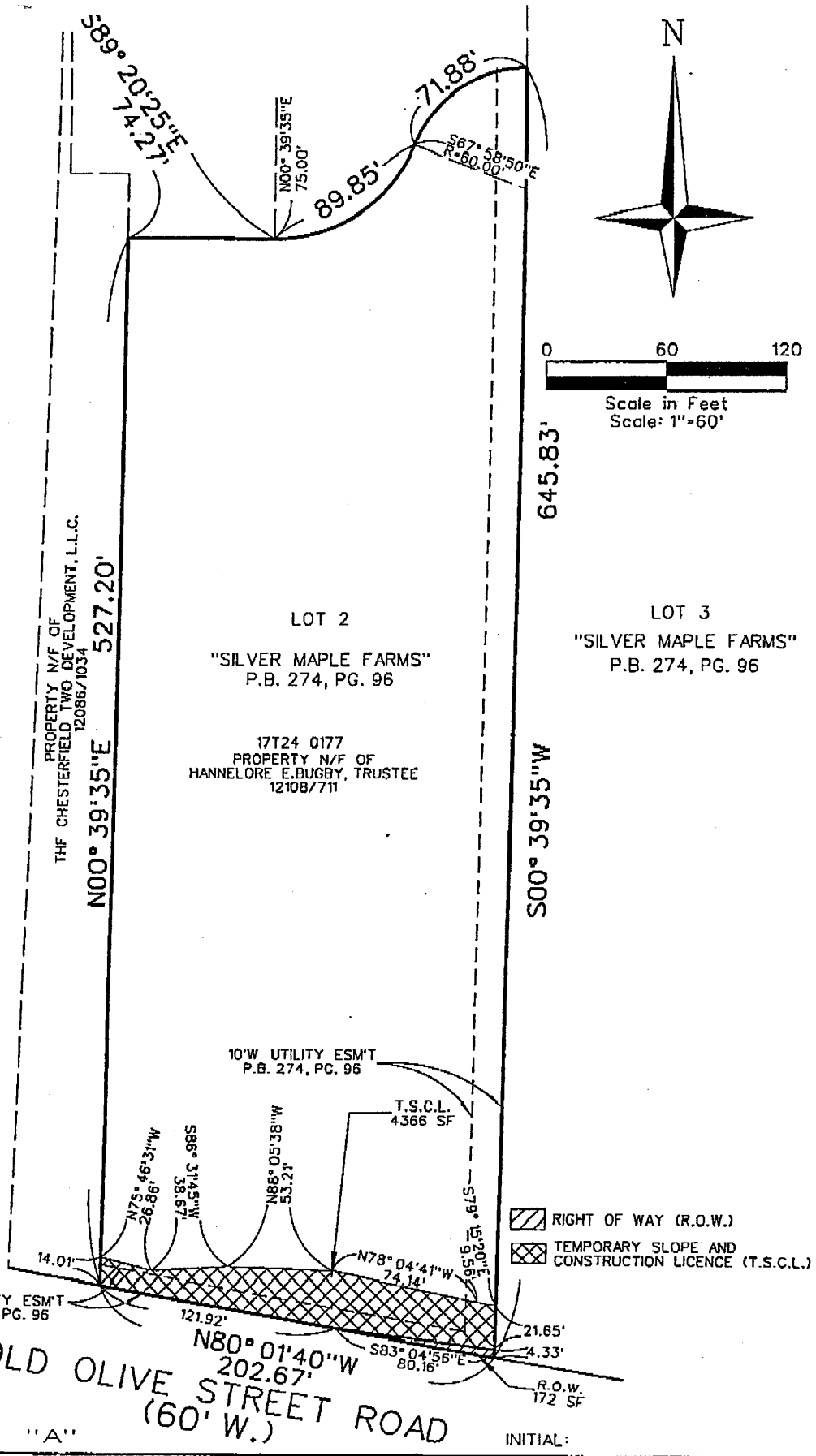


EXHIBIT "A"

INITIAL:

A TRACT OF LAND BEING PART OF  
 LOT 2 OF "SILVER MAPLE FARMS"  
 U.S. SURVEY 2031, T. 45 N. - R. 4 E.  
 ST. LOUIS COUNTY, MISSOURI