

ORDINANCE NO. 15019

AN ORDINANCE, declaring the necessity for the acquisition of easements and temporary easements in certain real property within The Metropolitan St. Louis Sewer District for the purpose of construction of sewers and related appurtenances in the project known as 82nd Street to I-170 Sanitary Relief (UR-08 & UR-09) (11993) in the City of University City, Missouri to serve the needs of residents of the area, and authorizing staff to proceed with further condemnation efforts related to the project, including but not limited to the purchase and/or the filing of all necessary court pleadings or documents to commence and prosecute formal legal proceedings for the acquisition of said easements and temporary construction easements.

WHEREAS, there exists within The Metropolitan St. Louis Sewer District an area of the County of St. Louis within the River Des Peres Watershed wherein live and work numerous people; and

WHEREAS, sewage gathered from such area will have no adequate means of disposition, and will constitute a menace to public health and welfare of the general public and the residents of The Metropolitan St. Louis Sewer District; and

WHEREAS, it is the purpose and design of The Metropolitan St. Louis Sewer District to protect the public health and welfare by construction, reconstruction, maintenance or repair of sewers and related appurtenances on, over and across said area in order to relieve and alleviate these conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT:

Section One. In order to protect the public health and relieve dangerous conditions, it is necessary to appropriate and acquire by the exercise of eminent domain or otherwise easements and temporary construction easements in real property for the construction

of sewers and related appurtenances in the project known as 82nd Street to I-170 Sanitary Relief (UR-08 & UR-09) (11993) as hereinafter set forth, said easements and temporary easements being more particularly described below:

Parcel #18

A STRIP OF LAND BEING PART OF A LARGER TRACT CONVEYED TO CITY OF UNIVERSITY CITY PER INSTRUMENT RECORDED IN DEED BOOK 2184, PAGE 238 OF THE ST. LOUIS COUNTY RECORDS, LOCATED IN LOT 33 OF CHARLES H. GIER'S ESTATE IN PLAT BOOK 6, PAGE 3 OF THE ST. LOUIS COUNTY RECORDS, IN TOWNSHIP 45 NORTH, RANGE 6 EAST OF THE FIFTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 33 OF CHARLES H. GIER'S ESTATE IN PLAT BOOK 6, PAGE 3, THENCE, SOUTH 85 DEGREES 15 MINUTES 49 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 33 AND SAID DEED BOOK 2184, PAGE 238, 389.53 FEET; THENCE LEAVING SAID NORTH LINE, SOUTH 00 DEGREES 05 MINUTES 35 SECONDS WEST, ALONG THE EAST LINE OF SAID DEED BOOK 2184, PAGE 238, 15.05 FEET; THENCE LEAVING SAID EAST LINE AND PARALLEL WITH SAID NORTH LINE, NORTH 85 DEGREES 15 MINUTES 49 SECONDS WEST, 66.13 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUING, NORTH 85 DEGREES 15 MINUTES 49 SECONDS WEST, 115.17 FEET; THENCE, SOUTH 04 DEGREES 34 MINUTES 55 SECONDS WEST, 10.00 FEET; THENCE PARALLEL WITH SAID NORTH LINE, NORTH 85 DEGREES 15 MINUTES 49 SECONDS WEST, 35.03 FEET; THENCE, SOUTH 73 DEGREES 20 MINUTES 32 SECONDS WEST, 195.10 FEET TO THE CENTERLINE OF GRANT DRIVE (30.00 FEET WIDE) AS VACATED BY ORDINANCE 5544, RECORDED IN DEED BOOK 7950, PAGE 2460; THENCE, NORTH 00 DEGREES 04 MINUTES 21 SECONDS EAST ALONG THE CENTERLINE OF SAID VACATED GRANT DRIVE, 10.44 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B"; THENCE LEAVING SAID VACATED GRANT DRIVE CENTERLINE, NORTH 73 DEGREES 20 MINUTES 32 SECONDS EAST, 181.22 FEET; THENCE NORTH 16 DEGREES 39 MINUTES 28 SECONDS WEST, 5.00 FEET; THENCE PARALLEL WITH SAID NORTH LINE OF SAID LOT 33, NORTH 85 DEGREES 15 MINUTES 49 SECONDS WEST, 172.68 FEET TO SAID CENTERLINE OF SAID VACATED GRANT DRIVE; THENCE, NORTH 00 DEGREES 04 MINUTES 21 SECONDS EAST, ALONG SAID CENTERLINE, 15.05 FEET TO THE INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 33; THENCE, SOUTH 85 DEGREES 15 MINUTES 49 SECONDS EAST, ALONG SAID WESTERLY EXTENSION, 15.05 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING TEMPORARY CONSTRUCTION EASEMENTS:

TCE #1 - A TEMPORARY CONSTRUCTION EASEMENT OF VARYING WIDTH ABUTTING THE ABOVE DESCRIBED SEWER EASEMENT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED POINT "A"; THENCE, SOUTH 04 DEGREES 34 MINUTES 50 SECONDS WEST, 40.00 FEET; THENCE, NORTH 85 DEGREES 15 MINUTES 49 SECONDS WEST, 185.73 FEET; THENCE, SOUTH 73 DEGREES 20 MINUTES 32 SECONDS WEST, 155.65 FEET TO THE CENTERLINE OF GRANT DRIVE (30.00 FEET WIDE) AS VACATED BY ORDINANCE 5544, RECORDED IN DEED BOOK 7950, PAGE 2460; THENCE, NORTH 00 DEGREES 04 MINUTES 21 SECONDS EAST, ALONG THE CENTERLINE OF SAID VACATED GRANT DRIVE, 15.66 FEET; THENCE LEAVING SAID VACATED CENTERLINE, NORTH 73 DEGREES 20 MINUTES 32 SECONDS EAST, 195.10 FEET; THENCE, SOUTH 85 DEGREES 15 MINUTES 49 SECONDS EAST, 35.03 FEET; THENCE, NORTH 04 DEGREES 34 MINUTES 55 SECONDS EAST 10.00 FEET; THENCE, SOUTH 85 DEGREES 15 MINUTES 49 SECONDS EAST, 115.17 FEET TO POINT "A" BEING THE POINT OF BEGINNING.

TCE #2 - A TEMPORARY CONSTRUCTION EASEMENT OF VARYING WIDTH ABUTTING THE ABOVE DESCRIBED SEWER EASEMENT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED POINT "B", THENCE, NORTH 00 DEGREES 04 MINUTES 21 SECONDS EAST, ALONG THE CENTERLINE OF SAID VACATED GRANT DRIVE, 15.66 FEET; THENCE LEAVING SAID VACATED GRANT DRIVE CENTERLINE, NORTH 73 DEGREES 20 MINUTES 32 SECONDS EAST, 151.18 FEET; THENCE SOUTH 85 DEGREES 15 MINUTES 49 SECONDS EAST, 27.41 FEET; THENCE, SOUTH 16 DEGREES 39 MINUTES 28 SECONDS EAST, 5.00 FEET; THENCE, SOUTH 73 DEGREES 20 MINUTES 32 SECONDS WEST, 181.22 FEET TO THE CENTERLINE OF SAID VACATED GRANT DRIVE, THE AFOREMENTIONED POINT "B", BEING THE POINT OF BEGINNING.

THE TEMPORARY CONSTRUCTION EASEMENT WILL BECOME NULL AND VOID UPON COMPLETION OF CONSTRUCTION OF THE ABOVE DESCRIBED SEWER.

Parcel #20

A 10.00 WIDE STRIP OF LAND BEING PART OF A LARGER TRACT CONVEYED TO CITY OF UNIVERSITY CITY, DEED BOOK AND PAGE UNKNOWN, LOCATED IN LOTS 20 THROUGH 31 IN BLOCK 3 OF DARSTDALE NO. 3 IN PLAT BOOK 22, PAGE 40 OF THE ST. LOUIS COUNTY RECORDS, LOCATED IN TOWNSHIP 45 NORTH, RANGE 6 EAST OF THE FIFTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MISSOURI, AND THE CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 20 IN BLOCK 3 OF DARSTDALE NO. 3 IN PLAT BOOK 22, PAGE 40 OF THE ST. LOUIS COUNTY RECORDS; THENCE, SOUTH 89 DEGREES 54 MINUTES 25 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 20, 5.32 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID SOUTH LINE AND 5.00 FEET LEFT AND RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE: NORTH 20 DEGREES 04 MINUTES 13 SECONDS EAST, 124.21 FEET; THENCE, NORTH 10 DEGREES 23 MINUTES 13 SECONDS EAST, 107.07 FEET; THENCE, NORTH 16 DEGREES 56 MINUTES 55 SECONDS EAST, 147.70 FEET TO THE NORTH LINE OF SAID LOT 31, ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF RIVER DES PERES (15.00 FEET WIDE)

AND THE POINT OF TERMINUS.

Parcel #21

A STRIP OF LAND BEING PART OF A LARGER TRACT CONVEYED TO CITY OF UNIVERSITY CITY, DEED BOOK AND PAGE UNKNOWN, LOCATED IN LOTS 43 THRU 46 IN BLOCK 5 OF DARSTDALE NO. 3 IN PLAT BOOK 22, PAGE 40 OF THE ST. LOUIS COUNTY RECORDS, LOCATED IN TOWNSHIP 45 NORTH, RANGE 6 EAST OF THE FIFTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 43 OF DARSTDALE NO. 3 IN PLAT BOOK 22, PAGE 40, LOCATED ON THE EASTERLY RIGHT-OF-WAY LINE OF MCKNIGHT ROAD (60.00 FEET WIDE), THENCE, NORTH 20 DEGREES 04 MINUTES 13 SECONDS EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, AND ALONG THE WESTERLY LINE OF LOTS 43 THROUGH 46, 127.68 FEET TO THE NORTHWEST CORNER OF LOT 46 LOCATED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CABANNE AVENUE (50.00 FEET WIDE); THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 89 DEGREES 54 MINUTES 25 SECONDS EAST, 10.64 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 20 DEGREES 04 MINUTES 13 SECONDS WEST, PARALLEL WITH SAID EASTERLY RIGHT-OF-WAY LINE, 48.97 FEET; THENCE, SOUTH 16 DEGREES 56 MINUTES 55 SECONDS WEST, 77.30 FEET TO THE SOUTH LINE OF SAID LOT 43; THENCE, NORTH 89 DEGREES 54 MINUTES 25 SECONDS WEST ALONG SAID SOUTH LINE OF LOT 43, 15.12 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE, SAID SOUTHWEST CORNER OF SAID LOT 43, BEING THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING TEMPORARY CONSTRUCTION EASEMENT:

TCE - A TEMPORARY CONSTRUCTION EASEMENT OF VARYING WIDTH ABUTTING THE ABOVE DESCRIBED SEWER EASEMENT, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 43 OF DARSTDALE NO. 3 IN PLAT BOOK 22, PAGE 40, LOCATED ON THE EASTERLY RIGHT-OF-WAY LINE OF MCKNIGHT ROAD (60.00 FEET WIDE), THENCE, SOUTH 89 DEGREES 54 MINUTES 25 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 43, 15.12 FEET TO THE POINT OF BEGINNING. THENCE LEAVING SAID SOUTH LINE, NORTH 16 DEGREES 56 MINUTES 55 SECONDS EAST, 36.23 FEET; THENCE, SOUTH 89 DEGREES 49 MINUTES 47 SECONDS EAST, 35.73 FEET; THENCE, SOUTH 00 DEGREES 10 MINUTES 13 SECONDS WEST, 34.63 FEET TO SAID SOUTH LINE OF SAID LOT 43; THENCE, NORTH 89 DEGREES 54 MINUTES 25 SECONDS WEST, ALONG SAID SOUTH LINE, 46.19 FEET TO THE POINT OF BEGINNING.

THE TEMPORARY CONSTRUCTION EASEMENT WILL BECOME NULL AND VOID UPON COMPLETION OF CONSTRUCTION OF THE ABOVE DESCRIBED SEWER.

Parcel #22

A 5.00 WIDE STRIP OF LAND BEING PART OF A LARGER TRACT CONVEYED TO CITY OF UNIVERSITY CITY, DEED BOOK AND PAGE UNKNOWN, LOCATED IN LOT 2 OF JACOB KLEIN ESTATE, PLAT BOOK 13, PAGE 17 OF THE ST. LOUIS COUNTY RECORDS, IN TOWNSHIP 45 NORTH, RANGE 6 EAST OF THE FIFTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 17.00 FEET OF THE NORTH 5.00 FEET OF SAID LOT 2 OF JACOB KLEIN ESTATE, PLAT BOOK 13, PAGE 17.

TOGETHER WITH THE FOLLOWING TEMPORARY CONSTRUCTION EASEMENT:

TCE - A TEMPORARY CONSTRUCTION EASEMENT OF VARYING WIDTH ABUTTING THE ABOVE DESCRIBED SEWER EASEMENT ALONG THE SOUTHERLY AND WESTERLY SIDE IN THEIR ENTIRETY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2 OF SAID JACOB KLEIN ESTATE, PLAT BOOK 13, PAGE 17 OF THE ST. LOUIS COUNTY RECORDS, SAID CORNER BEING LOCATED ON THE EASTERLY RIGHT-OF-WAY LINE OF McKNIGHT ROAD (60.00 FEET WIDE), THENCE, SOUTH 89 DEGREES 54 MINUTES 25 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 2, 17.00 FEET TO THE POINT OF BEGINNING. THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 89 DEGREES 54 MINUTES 25 SECONDS EAST, 46.25 FEET; THENCE LEAVING SAID NORTH LINE, SOUTH 00 DEGREES 10 MINUTES 13 SECONDS WEST, 20.37 FEET; THENCE, NORTH 89 DEGREES 49 MINUTES 47 SECONDS WEST, 43.68 FEET; THENCE, SOUTH 00 DEGREES 10 MINUTES 13 SECONDS WEST, 5.00 FEET; THENCE, NORTH 89 DEGREES 49 MINUTES 47 SECONDS WEST, 19.43 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE; THENCE, NORTH 00 DEGREES 08 MINUTES 17 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE, 20.29 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 89 DEGREES 49 MINUTES 47 SECONDS EAST, 17.00 FEET; THENCE, NORTH 00 DEGREES 08 MINUTES 17 SECONDS WEST, PARALLEL WITH SAID EASTERLY RIGHT-OF-WAY LINE, 5.00 FEET TO THE POINT OF BEGINNING.

THE TEMPORARY CONSTRUCTION EASEMENTS WILL BECOME NULL AND VOID UPON COMPLETION OF CONSTRUCTION OF THE ABOVE DESCRIBED SEWER.

Parcel #26

A STRIP OF LAND BEING PART OF A LARGER TRACT CONVEYED TO CITY OF UNIVERSITY CITY PER INSTRUMENT RECORDED IN DEED BOOK 3875, PAGE 541 OF THE ST. LOUIS COUNTY RECORDS, LOCATED IN LOTS 5, 6, AND 7 OF DARSTDALE NO. 3 AMENDED IN PLAT BOOK 26, PAGE 31 OF THE ST. LOUIS COUNTY RECORDS, LOCATED IN TOWNSHIP 45 NORTH, RANGE 6 EAST OF THE FIFTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 5 OF DARSTDALE NO. 3 AMENDED IN PLAT BOOK 26, PAGE 31 OF THE ST. LOUIS COUNTY RECORDS, THENCE, NORTH 85 DEGREES 28 MINUTES 29 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOTS 5 AND 6, 61.28 FEET TO THE POINT OF BEGINNING. THENCE CONTINUING, NORTH 85 DEGREES 28 MINUTES 29 SECONDS WEST, ALONG THE SOUTH LINE OF LOTS 6 AND 7, 22.67 FEET; THENCE LEAVING SAID SOUTH LINE, NORTH 81 DEGREES 01 MINUTES 19 SECONDS EAST, 61.30 FEET; THENCE, SOUTH 73 DEGREES 20 MINUTES 32 SECONDS WEST, 39.61 FEET TO SAID SOUTH LINE OF SAID LOT 6 AND THE POINT OF BEGINNING.

THE TEMPORARY CONSTRUCTION EASEMENT WILL BECOME NULL AND VOID UPON COMPLETION OF CONSTRUCTION OF THE ABOVE DESCRIBED SEWER.

Section Two. Counsel for The Metropolitan St. Louis Sewer District be and is hereby authorized to enter into contracts to acquire by purchase to the extent possible or to continue with the condemnation process by preparing and/or filing all necessary court pleadings and documents to institute and prosecute legal actions in condemnation to acquire all easements for the above-referenced project, pursuant to the provisions of the Charter of The Metropolitan St. Louis Sewer District and the laws of the State of Missouri for the appropriation of private property rights as hereinabove set out.

The foregoing ordinance was adopted on October 11, 2018.