

ORDINANCE NO. 15020

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 Creve Coeur Creek Sanitary Trunk Sewer Relief Phase VI (SKME-021) (11729) in the City of Chesterfield, 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 Creve Coeur Creek 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 Creve Coeur Creek Sanitary Trunk Sewer Relief Phase VI (SKME-021) (11729) as hereinafter set forth, said easements and temporary easements being more particularly described below:

Parcel #11

A VARIABLE WIDTH EASEMENT across Lot 227 of Claymont Woods Plat 3 as recorded in Plat Book 130, Page 70 of the St. Louis County, Missouri Recorder's Office and being more particularly described as follows:

Commencing at the northern corner of said Lot 227, said northern corner also being on the southeastern right-of-way line of Islevue (60.00 foot wide) Drive; THENCE South 32 degrees 13 minutes 15 seconds East along the common line between said Lot 227 and the Park area of said Claymont Woods Plat 3 a distance of 93.10 feet to the Point of Beginning of herein described VARIABLE WIDTH EASEMENT; THENCE South 32 degrees 13 minutes 15 seconds East along the said common line a distance of 26.00 feet to a point; THENCE South 16 degrees 31 minutes 30 seconds West a distance of 62.03 feet to a point; THENCE South 57 degrees 46 minutes 45 seconds West along the southeastern line of said Lot 227 a distance of 15.17 feet to a point, said southeastern line also being the northwestern line of Park Area in Claymont Woods Plat 8 as recorded in Plat Book 154, Page 77 of said Recorder's Office; THENCE North 16 degrees 31 minutes 30 seconds East a distance of 80.58 feet to a point; THENCE North 73 degrees 28 minutes 30 seconds West a distance of 10.00 feet to a point; THENCE North 16 degrees 31 minutes 30 seconds East a distance of 10.00 feet to a point; THENCE South 73 degrees 28 minutes 30 seconds East a distance of 0.46 feet to the Point of Beginning; excepting therefrom those portions covered by the existing easement recorded in said Plat Book 130, Page 70.

Also two (2) TEMPORARY CONSTRUCTION EASEMENTS for use during the construction of any sewer in the above described sewer easement, said TEMPORARY CONSTRUCTION EASEMENTS being more particularly described as follows:

Commencing at the said northern corner of Lot 227; THENCE South 32 degrees 13 minutes 15 seconds East along the said common line a distance of 65.89 feet to the Point of Beginning of herein described VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT #1; THENCE South 32 degrees 13 minutes 15 seconds East along the said common line a distance of 27.21 feet to a point; THENCE along the northern, western and southern lines of herein described VARIABLE WIDTH EASEMENT the following bearing and distances: North 73 degrees 28 minutes 30 seconds

West a distance of 0.46 feet to a point, South 16 degrees 31 minutes 30 seconds West a distance of 10.00 feet to a point, South 73 degrees 28 minutes 30 seconds East a distance of 10.00 feet to a point and South 16 degrees 31 minutes 30 seconds West a distance of 80.58 feet to a point; THENCE South 57 degrees 46 minutes 45 seconds West along the said southeastern line of Lot 227 a distance of 30.33 feet to a point; THENCE North 16 degrees 31 minutes 30 seconds East a distance of 83.38 feet to a point; THENCE North 73 degrees 28 minutes 30 seconds West a distance of 10.00 feet to a point; THENCE North 16 degrees 31 minutes 30 seconds East a distance of 47.94 feet to the Point of Beginning; excepting therefrom those portions covered by the existing easement recorded in said Plat Book 130, Page 70.

A 20.00 FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT #2 lying adjacent to the eastern line of herein described VARIABLE WIDTH EASEMENT, bounded on the northeast by the said common line and bounded on the southeast by the said southeastern line of Lot 227, excepting therefrom those portions covered by the existing easement recorded in Plat Book 130 Page 70.

The two (2) TEMPORARY CONSTRUCTION EASEMENTS will become null and void upon completion of the above described construction.

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.