ORDINANCE NO.
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AN ORDINANCE PROVIDING FOR THE APPROVAL OF A LOT SPLIT FOR A 11.184 ACRE TRACT OF LAND ZONED "PC" PLANNED COMMERCIAL DISTRICT LOCATED IN THE SOUTHEAST CORNER OF LONG ROAD AND EDISON AVENUE. (EDISON CROSSING)

**WHEREAS**, Holthaus Realty and Development Inc., has submitted for review and approval a Lot Split for the above referenced property located on the southeast corner of Long Road and Edison Avenue; and,

**WHEREAS**, the purpose of said Lot Split is to subdivide a 11.184 acre tract of land into two (2) lots to be known as Edison Crossing; and,

WHEREAS, the Department of Planning and Public Works has reviewed the Lot Split in accordance with the Subdivision Ordinance of the City of Chesterfield and have found it to be in compliance with all applicable ordinances and has forwarded said Lot Split to the City Council.

**WHEREAS**, the City Council of the City of Chesterfield having considered the request, voted to approve said Lot Split.

# NOW THEREFORE BE IT ORDANINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1, The Lot Split for the tract of land in Lot 1 of the subdivision in partition of the Damian Kroenungs Estate and part of share 7 of the subdivision in partition of the Peter Steffan Estate in U.S. Survey 126 Township 45 North, Range 4 East, City of Chesterfield, St. Louis County, Missouri, which is made a part hereof and attached hereto as Exhibit 1, is hereby approved; the owner is directed to record the plat with the St. Louis County Recorder of Deeds Office.

<u>Section 2.</u> The Mayor and City Clerk are authorized and directed to evidence the approval of the said Lot Split by affixing their signatures and the official seal of the City of Chesterfield as required on the said document.

<u>Section 3.</u> This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this	day of	, 2010
	MAYOR	
ATTEST:		
CITY CLERK		

# EDISON CROSSING LOT SPLIT

# A TRACT OF LAND BEING PART OF LOT 1 OF THE SUBDIVISION IN PARTITION OF THE DAMIAN KROENUNGS ESTATE AND PART OF SHARE 7 OF THE SUBDIVISION IN PARTITION OF THE PETER STEFFAN ESTATE

IN U.S. SURVEY 126
TOWNSHIP 45 NORTH, RANGE 4 EAST

CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

### GENERAL NOTE:

- 1) Source of Title: A First American Title Insurance Company Commitment for Title Insurance No. 816469 dated January 4, 2007 issued by First American Title, as agent. Easements and restrictions occurring after the above mentioned date are considered unknown by the Surveyor. All calls to Deed and Plat Books are for those books in the St. Louis County Records. Plotable easements are as shown, others are as follows:
- A) As evidenced by the descriptions contained therein, the following instruments do not affect the subject property: Temporary Slope and Construction License to St. Louis County recorded in Deed Book 7534, Page 2270, Easements to St. Louis County recorded in Deed Book 7534, Page 2272 and Deed Book 8217, Page 2367; Monarch-Chesterfield Levee District recorded in Deed Book 11153, Page 2303.
- B) There are terms and provisions of the Agreement to convey right of way to Missouri and Meramec Water Company recorded in Deed Book 130, Page 625 and Deed Book 133, Page 66, the status of which, as to its affect on the subject property, can not be determined as described therein
- C) There is a possible Easement of the Chicago Rock Island and Pacific Railroad Company recorded in Deed Book 2388, Page 595, the status of which, as to its affect on the subject property, can not be determined as described therein.
- 2) There is an Easement, fifteen feet wide, for a hiking, biking, and walking trail according to "Permanent, Hiking, Biking, and Walking Trail Easement Agreement" dated May 15, 2008 recorded in Deed Book 17932, Page 2210 which affects the subject property and is plotted approximate hereon. Said easement is defined as "a fifteen (15) foot wide permanent, nonexclusive easement centered atop the *existing* Monarch-Chesterfield levee structure (the "Levee")". The exact position of said easement can not be located since the existing levee is currently being raised to provide for additional protection. Said instrument was not shown on the aforementioned title commitment.
- 3) The property is subject to the terms, conditions, and easements according to Special Warranty Deed by and between Edison Crossing, LLC (Grantor) and St. Louis County, Missouri, (Grantee) dated April 9, 2008 recorded in Deed Book 17849, Page 973; the plotable portions of which are shown hereon. Said instrument was not shown on the aforementioned title commitment.
- 4) The subject property is situated within the corporate limits of the City of Chesterfield and currently lies within the "PC" Planned Commercial Zoning District in accordance with City of Chesterfield Ordinance No. 2448 passed and approved on March 19, 2008.

# **LEGAL DESCRIPTION** (Lot 1 of Edison Crossing)

A tract of land being part of property conveyed to Edison Crossing, LLC, by deed recorded in Deed Book 17849, Page 967 of the St. Louis County Records, being part of Lot 1 of the Subdivision in Partition of the Damian Kroenungs Estate according to the plat accompanying Commissioner's Report recorded in Plat Book 5, Page 28 of the St. Louis County Records, situated in U.S. Survey 126, Township 45 North, Range 4 East, in the City of Chesterfield, St. Louis County Missouri, being more particularly described as follows:

Beginning at the Northeastern corner of property conveyed to St. Louis County, Missouri, for the widening of Long Road, by deed recorded in Deed Book 17849, Page 973 of the St. Louis County Records, being a point on the Southern line of property conveyed to the City of Chesterfield for the establishment of Edison Avenue according to Condemnation Suit Cause No. 00CC003064 of the Circuit Court for St. Louis County according to "Notice of Payment of Condemnation Award" recorded in Deed Book 12841, Page 777 of the St. Louis County Records; thence Northeasterly, along the Southern line of said property conveyed to the City of Chesterfield for the establishment of Edison Avenue, North 44 degrees 45 minutes 15 seconds East, 150.63 feet to a point; thence Southeasterly, continuing along the Southern line of said property conveyed to the City of Chesterfield for the establishment of Edison Avenue, South 88 degrees 35 minutes 03 seconds East, 103.23 feet to a point; thence Southwesterly, departing the Southern line thereof, South 01 degree 24 minutes 57 seconds West, 234.01 feet to a point; thence North 88 degrees 35 minutes 03 seconds West, 206.63 feet to its intersection with a point on the Eastern line of property conveyed to St. Louis County, Missouri, for the widening of Long Road, as aforementioned; thence Northeasterly, along the Eastern line thereof, North 01 degree 25 minutes 27 seconds East, 124.45 feet to the point of beginning and containing 0.980 acres, more or less (42,687 square feet).

## LEGAL DESCRIPTION (Lot 2 of Edison Crossing)

A tract of land being part of property conveyed to Edison Crossing, LLC, by deed recorded in Deed Book 17849, Page 967 of the St. Louis County Records, being part of Lot 1 of the Subdivision in Partition of the Damian Kroenungs Estate according to the plat accompanying Commissioner's Report recorded in Plat Book 5, Page 28 of the St. Louis County Records, situated in U.S. Survey 126, Township 45 North, Range 4 East, in the City of Chesterfield, St. Louis County Missouri, being more particularly described as follows:

Commencing at the Northeastern corner of property conveyed to St. Louis County, Missouri, for the widening of Long Road, by deed recorded in Deed Book 17849, Page 973 of the St. Louis County Records, being a point on the Southern line of property conveyed to the City of Chesterfield for the establishment of Edison Avenue according to Condemnation Suit Cause No. 00CC003064 of the Circuit Court for St. Louis County according to "Notice of Payment of Condemnation Award" recorded in Deed Book 12841, Page 777 of the St. Louis County Records, thence Northeasterly and Southeasterly, along the Southern line of said property conveyed to the City of Chesterfield, North 44 degrees 45 minutes 15 seconds East, 150.63 feet to a point; thence South 88 degrees 35 minutes 03 seconds East, 103.23 feet to the Point Of Beginning of the tract of land hereon described; thence Southeasterly, continuing along said Southern line, South 88 degrees 35 minutes 03 seconds East, 192.88 feet to a point on curve; thence along a curve to the left having a radius of 635.37 feet and an arc distance of 206.20 feet (North 80 degrees 09 minutes 22 seconds East, 205.29 feet on its chord) to a point on curve on the South line of Adjusted Parcel 2 of Boundary Adjustment Plat of Plat 4 of The Valley Center and Part of Share 7 of the Estate of Peter Steffan and Part of Lot 1 of Kroenung Estate recorded in Plat Book 347, Page 13 of the St. Louis County Records; thence Southeasterly, along the Southern line of said Adjusted Parcel 2, South 88 degrees 36 minutes 24 seconds East, 277.65 feet to a point; thence North 81 degrees 37 minutes 36 seconds East 67.01 feet to its intersection with a point on the Eastern line of Lot 1 of the Subdivision in Partition of the Damian Kroenungs Estate, as aforementioned; thence Northeasterly, along the Southern line of said Adjusted Parcel 2, North 74 degrees 13 minutes 36 seconds East 77.55 feet to a point; thence North 83 degrees 54 minutes 36 seconds East 243.10 feet to the Southeastern corner of said Adjusted Parcel 2; thence Southwesterly, along the Eastern line of Share 7 of said Subdivision in Partition of the Peter Steffan Estate, South 00 degrees 33 minutes 36 seconds West 39.00 feet to a point; thence Southwesterly, along the approximate centerline of Bonhomme Creek as located by Volz Engineering and Surveying, Inc., on October 30, 1981 according to Deed Book 7400, Page 312 of the St. Louis County Records, South 86 degrees 14 minutes 47 seconds West 224.88 feet to a point; thence South 80 degrees 58 minutes 28 seconds West 105.00 feet to a point; thence South 62 degrees 32 minutes 26 seconds West 75.00 feet to a point; thence South 27 degrees 52 minutes 42 seconds West 217.00 feet to a point; thence South 39 degrees 43 minutes 19 seconds West 326.00 feet to a point; thence South 32 degrees 55 minutes 15 seconds West 103.00 feet to a point; thence South 15 degrees 11 minutes 37 seconds West 88.00 feet to a point; thence South 27 degrees 52 minutes 25 seconds West 84.12 feet to a point; thence Southwesterly, along the Northern line of property conveyed to the Monarch-Chesterfield Levee District by deed recorded in Deed Book 11721, Page 724 of the St. Louis County Records, South 89 degrees 58 minutes 47 seconds West 456.51 feet to the Southeastern corner of property conveyed to St. Louis County, Missouri, for the widening of said Long Road per Deed Book 17849, Page 973, as aforementioned; thence Northeasterly, along the Eastern line of said property conveyed to St. Louis County, North 01 degree 25 minutes 27 seconds East, 484.35 feet to a point; thence Southeasterly, departing the Eastern line thereof, South 88 degrees 35 minutes 03 seconds East, 206.63 feet to a point; thence North 01 degree 24 minutes 57 seconds East, 234.01 feet to the point of beginning, containing 10.204 acres, more or less (444,501 square feet).

We the undersigned owners of the tracts of land hereon platted and further described in the foregoing Surveyor's Certificate, have caused the same to be surveyed and resubdivided in the manner shown on this plat, which resubdivision plat shall be subject to any easements, restrictions or covenants of record and hereafter be known as

EDISON CROSSING LOT SPLIT

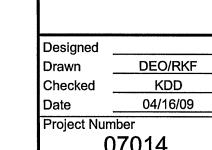
The building setbacks shown hereon are hereby established. The ten and thirteen-foot wide sewer and utility easements, shown hereon, are hereby granted to The Metropolitan Saint Louis Sewer District, Union Electric Company d/b/a/ AmerenUE, Missouri-American Water Company, AT&T, Laclede Gas Company, and Charter Communications as their interests may appear for the construction, installation, maintenance and repair of sewer and public utilities. The ten-foot wide Permanent Roadway Improvement, Maintenance, Utility, Sewer and Sidewalk Easement, shown hereon, is hereby granted to The Metropolitan St. Louis Sewer District, Union Electric Company d/b/a/ AmerenUE, Missouri-American Water Company, AT&T, Laclede Gas Company, Charter Communications, and St. Louis County, Missouri, their heirs and assigns, as their interests may appear, for the construction, installation, maintenance and repair of roadway improvements, utilities, stormwater and sanitary sewers and sidewalks. There is also granted to the aforementioned utility companies and The Metropolitan St. Louis Sewer District the right to use such additional space adjacent to the aforementioned easements so granted as may be required for working room during construction, reconstruction, maintenance, or repair of the aforementioned sewer or utilities. The right is also granted the aforementioned utility companies and The Metropolitan St. Louis Sewer District to enter, from time to time, upon the land hereon platted, to construct, reconstruct, maintain or repair the aforesaid sewer(s) or utilities, and may assign their rights herein to the State, County, City, or other political subdivisions of the State of Missouri. There is hereby granted to the owners, tenants, guests, invitees and assigns of Lots 1 and 2, the non-exclusive right of ingress and egress to Edison Avenue and Lots 1 and 2, platted hereon, in and over the cross access easement, shown hachured for better identification, for the purpose of pedestrian and vehicular traffic over the drives or roads as may now or from time to time be constructed within said easement. The sidewalk

easement, 6 feet wide, shown hereon, is hereby dedicated to The City of Chesterfield for public walkway purposes.

IN WITNESS WHEREOF, we have	hereunto set our hand this day of	, 2010.
	Edison Crossing, LLC (a Missouri limited liability company)	
Ву	: Holthaus Realty and Development, Manager	
Ву:	Corporate Officer	
	Corporate Officer	
	(Printed name of Corporate Officer, Title)	
STATE OF MISSOURI )		
)SS. COUNTY OF ST. LOUIS)		
On this day of who being by me duly sworn, did say that , duly org	, 2010, before me appeared  he is the of Holthaus Realty a ganized and existing under the laws of the State of Mis and he further acknowledges said ins and he further declared that said souri limited liability company, and he further acknowledges	, to me personally known and Development, a Missour souri, and that said instrume
was signed in behalf of said	and he further acknowledges said ins	trument to be the free act ar
manager of Edison Crossing, LLC, a Mis free act and deed of said	ssouri limited liability company, and he further acknowle	edged said instrument to be the
IN TESTIMONY WHEREOF, I h My Commission expires	nave herewith set my hand and affixed my notarial seal th	e day and year above written
(Printed name of Notary Pub	olic) (Notary Public)	
	HOLDER OF NOTES	
We the undersigned legal owners and Deed Book 17849, Page 1005 ReSubdivision, as shown on this Plat.	nd holder of notes for Enterprise Bank & Trust, secured of the St. Louis County Records, do hereby join in	l by Deed of Trust recorded and approve the foregoin
IN WITNESS WHEREOF, we have	ve hereunto set our hand this day of	, 2009.
	Enterprise Bank & Trust (Corporation)	
Ву:	(Corporate Officer)	
•	(Corporate Officer)	
	(printed name of Corporate Officer, Title)	

ration duly organized the Corporate Seal of its Board of D	, 2010, before me appeared d say that (s)he is the l and existing under the laws of the of said Corporation and that said in orectors and (s)he further acknowle	State of Missouri, and that strument was signed and s
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(Printed name	of Corporate Officer, Title)	
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Public)	(Notary Public)	<del></del>
ITY OF CHESTER	FIELD	
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by Ordinance NO.	on the	_ day of
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	Southwest (a Missouri By:  Con  (Printed name of the second of the secon	Southwest Bank, an M&I Bank (a Missouri Banking Corporation)  By:  Corporate Officer  (Printed name of Corporate Officer, Title)  y me duly sworn, did say that (s)he is the ganized and existing under the laws of the State of Misby authority of its Board of Directors and (s)he further on.  To the herewith set my hand and affixed my notarial set of Misby authority of the Misby authority of





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