

AN ORDINANCE VACATING THE RIGHT-OF-WAY OF OLIVE STREET ROAD AND OLD EATHERTON ROAD AS DEPICTED ON THE EXHIBIT "A" PART OF LOTS 4, 5, 6 AND 7 OF E. KROENUNG EST. PLAT BOOK 11, PAGE 11 PART OF AMELIA BOISSELIER EST. LOCATED IN U.S. SURVEY 1937 TOWNSHIP 45 NORTH, RANGE 3 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI.

WHEREAS, a petition has been filed by the City of Chesterfield to vacate a portion of the right-of-way of the above-referenced tract of land as shown on an attached Exhibit "A"; and,

WHEREAS, the portion of the right-of-way that is to be vacated is not necessary for public use as new rights-of-way have been constructed; and,

WHEREAS, the right-of-way shown on the attached plat, marked on Exhibit "A" and a separate legal description has been prepared and provided herein; and,

WHEREAS, the vacation herein petitioned for is in the interest of the public necessity, convenience and general welfare, and will not interfere with the best interest of the public use; and,

WHEREAS, the City of Chesterfield has reviewed the petition and determined that said petition meets all applicable regulations and determined that the vacation will have no adverse effect on the City of Chesterfield and has forwarded said right-of-way vacation to the City Council.

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

Section 1. The City Council of the City of Chesterfield hereby approves the right-of-way vacation of Olive Street Road and Old Eatherton Road, as depicted in Exhibit "A", which is attached hereto and made part of hereof, and,

Section 2. The Mayor and City Clerk are authorized and directed to evidence the approval of this vacation of this right-of-way by affixing their signatures and the Official Seal of the City of Chesterfield to a Certificate of Approval as required on said documents. The petitioner is required and directed to record this right-of-way vacation with the Saint Louis County Recorder of Deeds Office.

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

Passed and approved this _____ day of _____, 2011.

ACTING MAYOR

ATTEST:

CITY CLERK

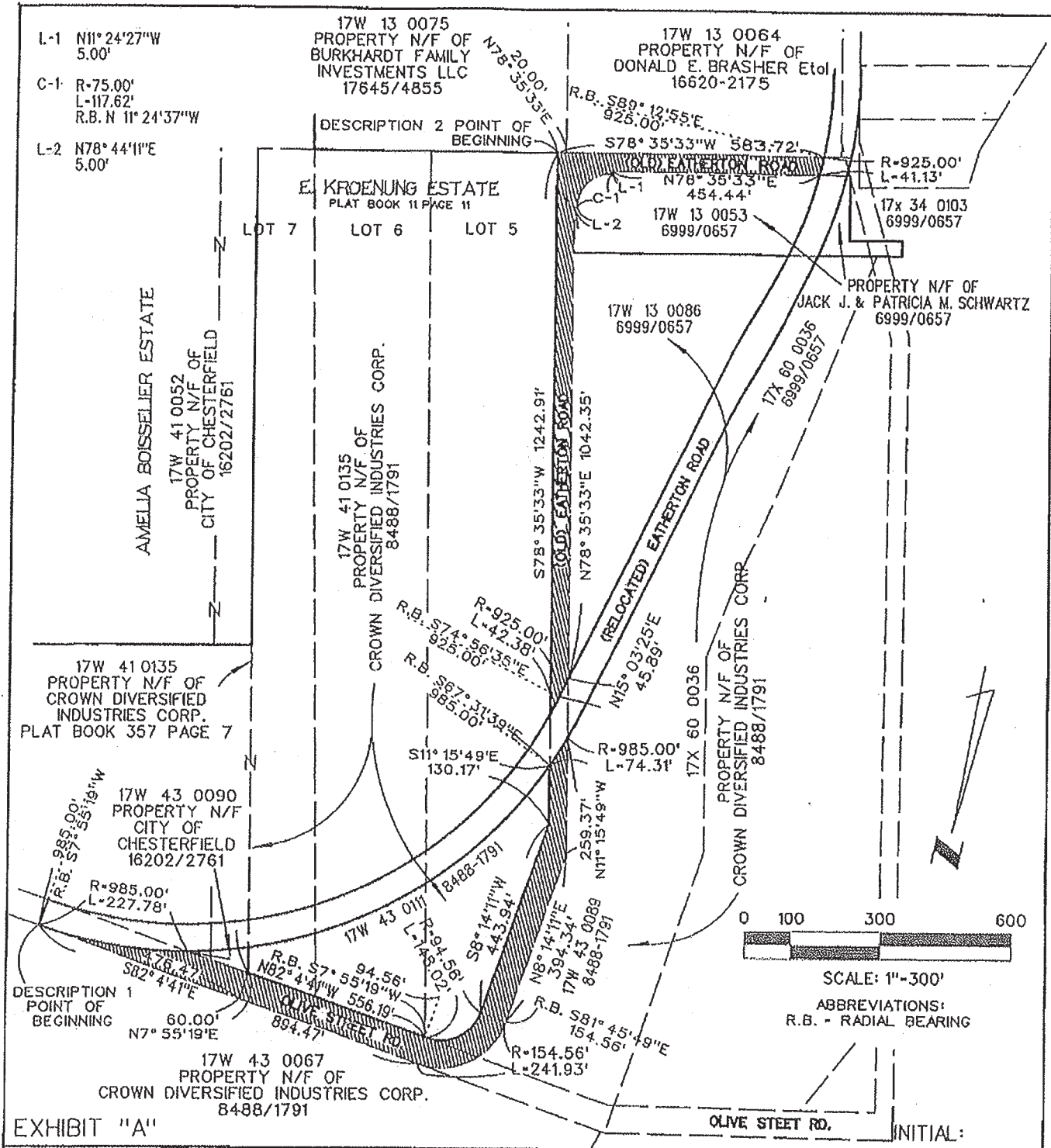


EXHIBIT "A"
 RIGHT OF WAY VACATION OF OLIVE & OLD EARTHERTON ROAD
 PART OF LOTS 4, 5, 6 AND 7 OF E. KROENUNG EST.
 PLAT BOOK 11, PAGE 11 - PART OF AMELIA BOISSELIER EST.
 IN U.S. SURVEY 1937 TOWNSHIP 45 NORTH - RANGE 3 EAST
 CITY OF CHESTERFIELD - ST. LOUIS COUNTY, MISSOURI

South Portion: Description 1

A strip of land in part of Lots 5, 6 and 7 of the E. Kroenung Estate, per Plat Book 11 page 11, also being part of the Amelia Boisselier Estate, being in U.S. Survey 1937, Township 45 North – Range 3 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

Commencing on the South right-of-way line of Olive Street Road (60 feet wide), being the Northeast corner of a tract of land as described in instrument recorded in Book 8488 page 1719 of Crown Diversified Industries; thence North 07 degrees 55 minutes 19 seconds East 60.00 feet to a point in the North right-of-way line of Olive Street Road; thence along said North line of Olive Street Road, South 82 degrees 04 minutes 41 seconds East 476.47 feet to a point where said North line of Olive Street Road intersects the North line of Eatherton Road (60 feet wide) and being the point of beginning of the strip herein described, and around the strip the following courses and distances: along a curve to the left, whose radius point bears South 07 degrees 55 minutes 19 seconds West 985.00 feet from the last mentioned point, a distance of 227.78 feet to the point of intersection with the South line of Olive Street Road; thence North 82 degrees 04 minutes 41 seconds West 556.19 feet to a point; thence along a curve to the left, whose radius point bears South 07 degrees 55 minutes 19 seconds West 94.56 feet from the last mentioned point, a distance of 148.02 feet to a point; thence South 08 degrees 14 minutes 11 seconds West 443.94 feet to a point; thence South 11 degrees 15 minutes 49 seconds East 130.17 feet to a point in the North line of the aforementioned Eatherton Road; thence along said North line, along a curve to the left, whose radius point bears, South 67 degrees 31 minutes 39 seconds East 985.00 feet from the last mentioned point, a distance of 74.31 feet to a point; thence North 11 degrees 15 minutes 49 seconds West 259.37 feet to a point; thence North 08 degrees 14 minutes 11 seconds East 394.34 feet to a point; thence along a curve to the right, whose radius point bears, South 81 degrees 45 minutes 49 seconds East 154.56 feet from the last mentioned point, a distance of 241.93 feet to a point on the aforementioned North line of Olive Street Road; thence South 82 degrees 04 minutes 41 seconds East 894.47 feet to the point of beginning and containing 1.944 acres according to calculations by Volz Inc. during May 2010.

North Portion: Description 2

A strip of land in part of Lots 5, 6 and 7 of the E. Kroenung Estate, per Plat Book 11 page 11, being in U.S. Survey 1937, Township 45 North – Range 3 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

Commencing at the Northwest corner of property described in instrument recorded in Book 17645 page 4855 of the Burkhardt Family Investments, LLC, said point also being in the South right-of-way line of Old Eatherton Road (40 feet wide); thence along said South right-of-way line, North 78 degrees 35 minutes 33 seconds East 20.00 feet to the point of beginning of the strip herein described, and around said strip the following courses and distances: along the South line of Old Eatherton Road, South 78 degrees 35 minutes 33 seconds West 583.72 feet to the point of intersection with the East right-of-

way line of Relocated Eatherton Road (60 feet wide); thence along said West line along the arc of a curve to the right, whose radius point bears, South 89 degrees 12 minutes 55 seconds East 925.00 feet from the last mentioned point, a distance of 41.13 feet to a point in the North right-of-way line of the aforementioned Old Eatherton Road; thence North 78 degrees 35 minutes 33 seconds East 454.44 feet to a point; thence North 11 degrees 24 minutes 27 seconds West 5.00 feet to a point; thence along the arc of a curve to the left, whose radius point bears North 11 degrees 24 minutes 27 seconds West 75.00 feet from the last mentioned point, a distance of 117.62 feet to a point; thence North 78 degrees 44 minutes 11 seconds East 5.00 feet to a point in the West right-of-way line of Old Eatherton Road; thence North 78 degrees 35 minutes 33 seconds East 1042.35 feet to a point in the aforementioned East right-of-way line of the Relocated Eatherton Road; thence along said East line, North 15 degrees 03 minutes 25 seconds East 45.89 feet to a point; thence along an arc of a curve to the right, whose radius point bears South 74 degrees 56 minutes 35 seconds East 925.00 feet from the last mentioned point, a distance of 42.38 feet to a point on the East right-of-way line of Old Eatherton Road; thence along said line, South 78 degrees 35 minutes 33 seconds West 1242.91 feet to the point of beginning and containing 1.6443 acres according to calculations by Volz Inc. during May 2010.