

# Memorandum

## Department of Public Works



**TO:** Michael O. Geisel, P.E.  
City Administrator

**FROM:** James A. Eckrich, P.E. *JAE*  
Public Works Dir. / City Engineer

**DATE:** December 23, 2020

**RE:** Monarch - Chesterfield Levee Trail Easements

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As you know, the Public Works Staff has been pursuing the construction of Phase VI of the Monarch-Chesterfield Levee Trail for some time. This section of the Levee Trail will fill the missing gap from I-64 to the northeast corner of Top Golf (see the attached map). Please note that once constructed Phase VI will complete the City's plans for the Levee Trail, allowing trail users to travel on or near the Monarch-Chesterfield Levee from Long Road (near Edison Avenue) to Centaur Road. It is worth noting that if the railroad tracks connecting Centaur Road / Eatherton Road to Long Road (near Edison Avenue) are ever abandoned that section of railroad could potentially be converted to a trail, creating a full "loop" around Chesterfield Valley. However, such a "loop" is impractical at this time, with the railroad in operation. Accordingly, the City of Chesterfield has no additional plans for the Levee Trail once Phase VI is constructed.

Engineering plans for Phase VI of the Levee Trail are complete, and these plans have been approved by the US Army Corp of Engineers, the Monarch-Chesterfield Levee District, MSD, and MODOT. Once the Monarch-Chesterfield Levee District completes its project to the improve and enhance the Levee, the Levee will be prepared for trail construction. However, the City cannot award a project or commence construction of the trail until it acquires the necessary easements.

Phase VI of the Monarch-Chesterfield Levee Trail affects six properties, as detailed in the attached memorandum from Civil Engineer Steve Merk. The majority of Phase VI will be located on four parcels, each of which is owed in part by four separate trusts. The appraised value of the easements required over these four parcels is \$25,335. The easements required over the remaining two parcels are much smaller and are appraised at \$2,423 and \$200. The total appraised value of the easements required is \$27,958. These easements are all located within the limits of the Monarch-Chesterfield Levee.

Previous correspondence with the property owners leads the City Staff to believe that it will be difficult, if not impossible, to negotiate easement terms over these properties. Accordingly, we have consulted with the City Attorney to ensure that any and all actions taken by the City are proper and lawful should the matter proceed to condemnation. In response, the City Attorney has recommended that the City Council pass an ordinance authorizing the City Staff to make a financial offer and negotiate terms for the acquisition of these easements. Further, if the City Staff cannot acquire the necessary easements, the ordinance authorizes the City Attorney to file a petition of condemnation.

Please be advised that, if approved, condemnation will be a “last resort” regarding the acquisition of these easements. The City Staff will attempt to acquire the easements by paying the appraised value and will offer to negotiate with the property owners. That said, if the property owners will not negotiate, or we cannot come to terms, the matter will proceed to condemnation.

There is simply no way for the City to construct Phase VI of the Monarch-Chesterfield Levee Trail without acquiring easements from the underlying property owners. Accordingly, if the City Council desires to fill the 1.5 mile gap of the Levee Trail from I64 to Top Golf it is my recommendation that the City Council pass the attached ordinances authorizing Staff to negotiate for these easements and initiate condemnation if necessary.

**Action Recommended**

This matter should be forwarded to the Planning and Public Works Committee for consideration. Should PPW concur with Staff’s recommendation it should vote to recommend approval of the attached ordinances to the full City Council.

Please forward to PPW for review and consideration.

 2020-12-23

# Memorandum

## Department of Public Works



TO: Jim Eckrich, P.E.  
Public Works Director / City Engineer

FROM: Steve Merk, P.E. *SM*  
Civil Engineer

DATE: December 22, 2020

RE: Monarch Levee Trail – Phase VI (2013-PW-08)  
Easement Acquisition Memo

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As you are aware, the City is planning to construct Phase VI of the Monarch Chesterfield Levee Trail after the Levee District finishes construction of their planned improvements to the levee. This phase of the Levee Trail will fill a 1.5 mile gap in the existing levee trail from I-64 to the northeast corner of Top Golf. Once completed, the only remaining gap in the trail around Chesterfield Valley will be between Long Road and Centaur Road. See attached exhibit.

The Levee District will be widening the top of the levee and constructing a wider base with a flat bench area on the north side of the levee, approximately 15' lower than the levee top. The proposed 10' wide, asphalt trail is designed to transition from the top of the levee to the river-side bench area for approximately 0.5 mile behind an adjacent residence and nursery. The trail location on the bench area will provide a visual buffer so that trail users will not be able to directly see into those adjacent properties from the trail. Locating the trail on the bench is also intended to help in easement acquisition by addressing this primary concern of the adjacent homeowner.

The total construction cost for the 1.5 mile trail project is estimated to be \$800,000. Note that all costs associated with the Levee Trail are funded by the Chesterfield Valley Transportation Development District (TDD).

The proposed alignment is located on private property, so easements will be required from the property owners prior to construction of the trail. City Staff will be working with them to obtain both a permanent 12' trail easement and a 30' Temporary Construction License on either side of the trail to allow for construction access.

Staff obtained title reports and property appraisals for each of the affected properties. The title reports were necessary to ensure that all legal owners of record were properly notified of the City's desire to acquire said easements and were properly compensated. The property appraisals established values for each of the required easements.

The majority of the proposed trail will be located on four separate parcels that are owned by the Graeler family. The title reports showed that the four affected parcels are each owned by four separate ownership entities, each with  $\frac{1}{4}$  equal interest – Jo Ann Graeler Revocable Living Trust, Walter E. Graeler Revocable Living Trust, Judith A Graeler Revocable Living Trust, and Clarence E. Graeler Revocable Living Trust. The permanent trail easement on these properties contains 71,987 square feet, and the temporary construction license contains 362,073 square feet. The total fair market value of the easements on the four Graeler properties was appraised to be \$25,335.

The City approached Mr. Walter Graeler in 2015 to discuss the possibility of obtaining an easement for the proposed trail, but Mr. Graeler objected to the project and was not interested in granting an easement at that time. When Staff reached out to Mr. Graeler again in 2020 with a phone call and letter describing the City's interest in obtaining an easement, the City received a response from Mr. Graeler's attorney requesting all future correspondence to be directed to his office as he expects a condemnation suit to be filed by the City.

The remainder of the trail will be located on property owned by Clarkson Valley Property Company, LLP and Chesterfield Topsoil, LLC. The permanent easement on the Clarkson Valley Property covers 15,771 square feet, and the temporary construction license covers 76,322 square feet. The fair market value of these easements was appraised to be \$2,423. Note that Clarkson Valley Property Company, LLP is actually controlled by Mr. Walter Graeler, so the acquisition of this easement may also be contentious.

There is already a permanent easement for the proposed trail that exists on the Chesterfield Topsoil property, so only a temporary construction license is required. That temporary construction license covers 6,512 square feet, and the value was appraised to be \$200.

Note that construction of Phase VI of the Levee Trail cannot commence until the Levee District project is complete and all necessary easements are obtained.

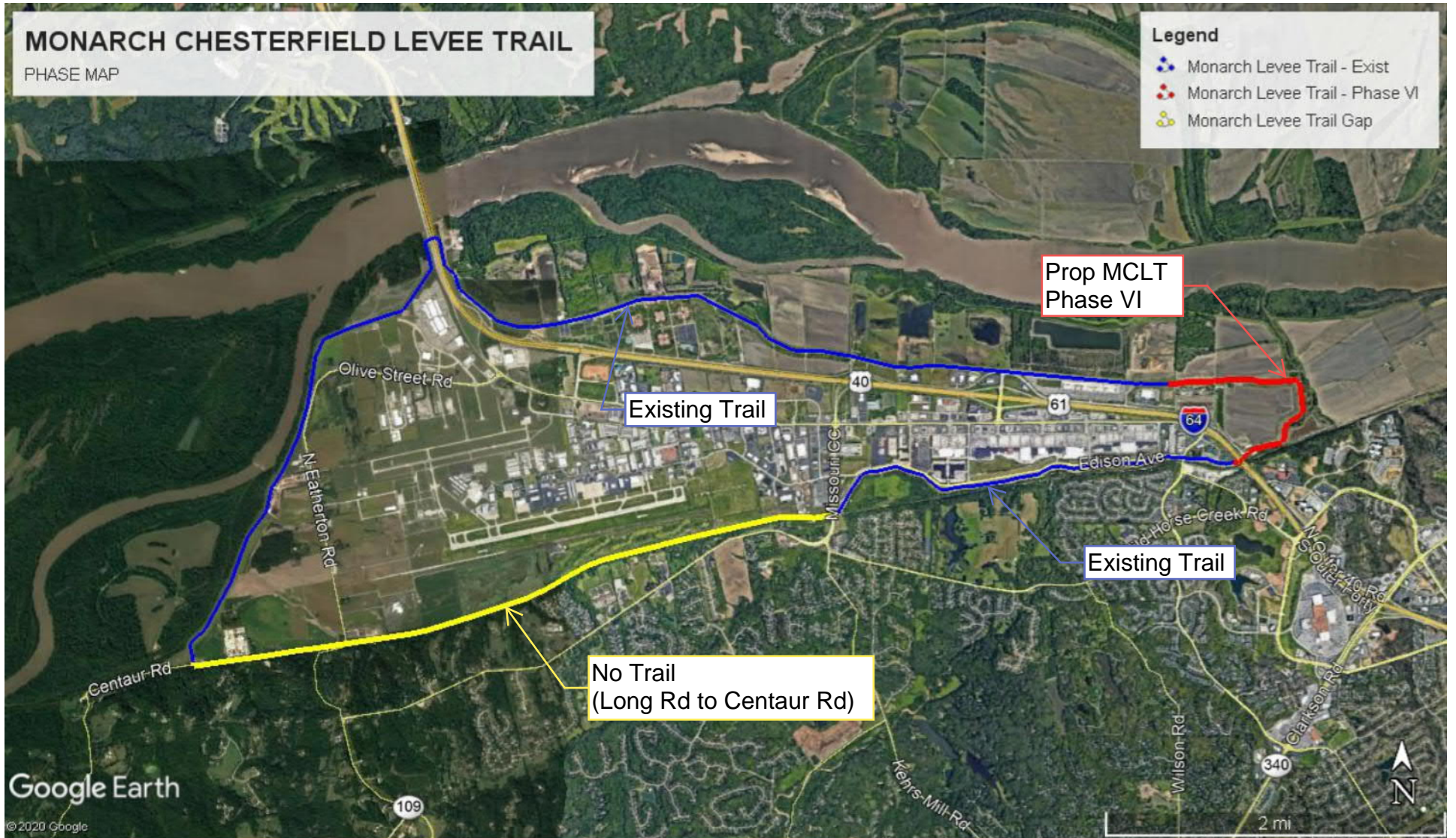
cc: Zachary S. Wolff, P.E. – Assistant City Engineer  
2013-PW-08 MCLT Phase VI Project

# MONARCH CHESTERFIELD LEVEE TRAIL

PHASE MAP

## Legend

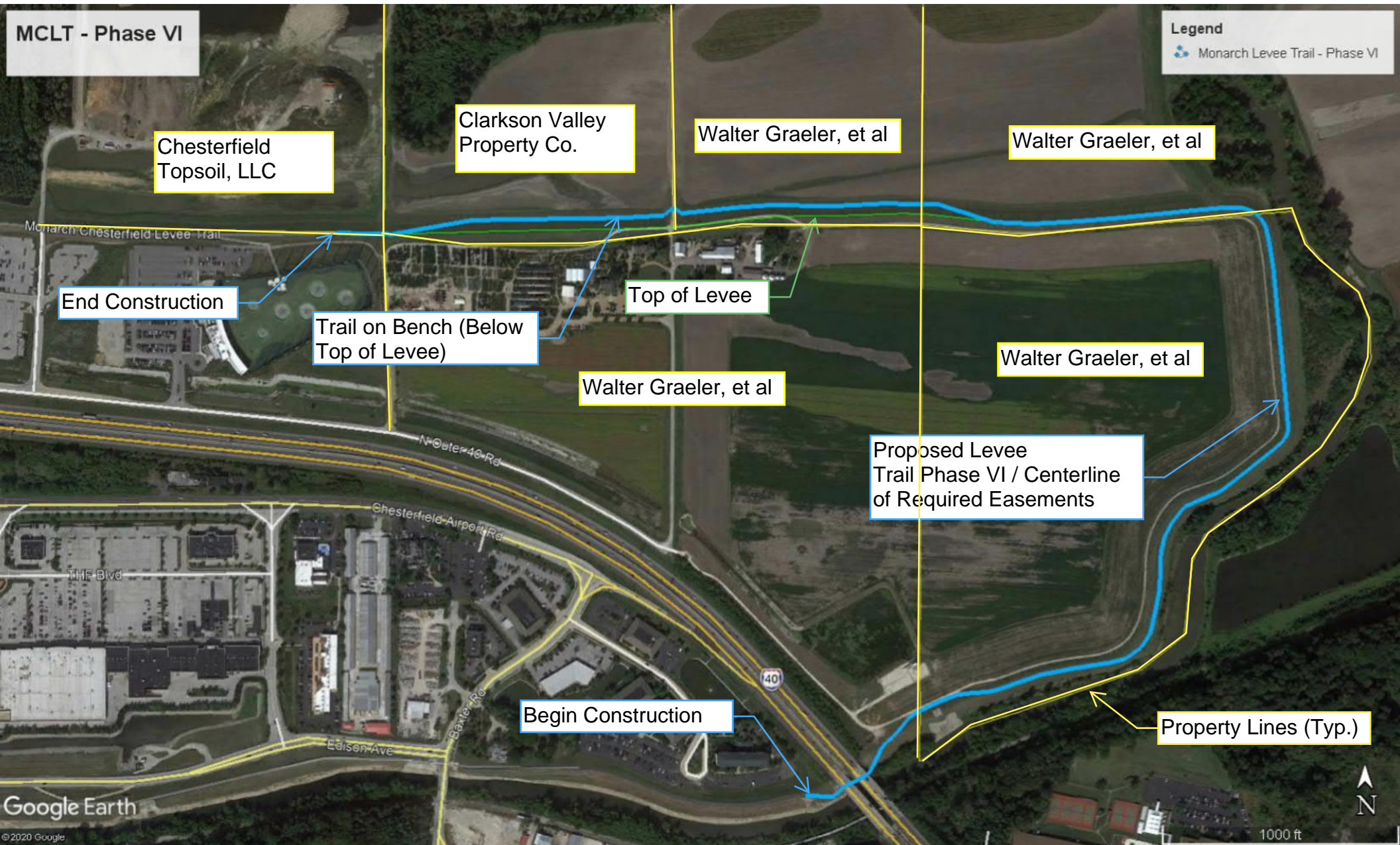
- Monarch Levee Trail - Exist
- Monarch Levee Trail - Phase VI
- Monarch Levee Trail Gap



Google Earth

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# MONARCH CHESTERFIELD LEVEE TRAIL - PHASE VI PROPERTY OWNERSHIP / EASEMENT EXHIBIT



**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI (THE “CITY”) AUTHORIZING CONDEMNATION OF CERTAIN INTERESTS IN REAL PROPERTY LOCATED IN THE CITY FOR THE PURPOSE OF CONSTRUCTING PHASE VI OF THE MONARCH-CHESTERFIELD LEVEE TRAIL EXTENDING THE EXISTING TRAIL.**

**WHEREAS**, the City is a third class city organized and operated pursuant to Chapter 77 of the Revised Statutes of Missouri (RSMo.) with authority under §88.497 RSMo. (2014) as amended, *inter alia*, to condemn all necessary lands within the City limits for the purpose of establishing, opening, widening, extending or altering any street, avenue, public park and for any other necessary public use; and

**WHEREAS**, the City needs certain property interests in, on and over certain parcels legally described in Exhibit A and which interests are illustrated in Exhibit B, attached hereto and incorporated herein by reference (collectively, the “Property Interests”), to acquire interests to allow for the construction and improvement of the City’s infrastructure for public use; and

**WHEREAS**, the Jo Ann Graeler Revocable Living Trust dated November 29, 2017, the Walter E. Graeler Revocable Living Trust dated November 29, 2017, the Judith A. Graeler Revocable Living Trust dated February 22, 2001, and the Clarence E. Graeler Revocable Living Trust dated February 22, 2001 are the owners of record of real property identified as Locator No. 17S410018 located at 16703A North Outer Road in the City which is legally described in Exhibit A and over which the City seeks a permanent easement and a temporary construction license as shown in Exhibit B; and

**WHEREAS**, the condemnation of the Property Interests for the construction and improvement of the City’s infrastructure is a public use and a public purpose and is for the benefit of those residents within the City and St. Louis County; and

**WHEREAS**, the Monarch-Chesterfield Levee District (the “MCLD”) has awarded a contract to construct improvements to the Monarch-Chesterfield Levee which will allow the City to complete Phase VI of the Monarch-Chesterfield Levee Trail (the “Levee Trail”); and

**WHEREAS**, the City has previously engaged in negotiations with the owners of record of the real property to acquire the Property Interests without resorting to condemnation but have thus far been unsuccessful, and the City will continue to engage in negotiations throughout the condemnation process to acquire the Property Interests so long as such Property Interests can still be acquired in the time necessary to begin work on Phase VI of the Levee Trail.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI, AS FOLLOWS:**

**Section 1:** The City Council hereby determines that it is necessary and in the public interest for the public purpose to acquire the Property Interests to allow construction and

improvement of the City's infrastructure, all to promote and regulate the health, safety and general welfare of the City and to obtain property to be put to public use and purpose.

**Section 2:** The City Council hereby authorizes the City Administrator, Director of Public Works, Director of Parks, Recreation & Arts, Mayor and City Attorney to take all necessary actions to acquire the Property Interests referenced herein including filing a petition condemning the Property Interests not less than thirty (30) days after the date of the City's written offer to the property owners, continuing to seek voluntary sale, or such other actions necessary to acquire the necessary interests identified herein and such other interests by condemnation or voluntary sale.

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

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Bob Nation, MAYOR

ATTEST:

\_\_\_\_\_  
Vickie McGownd, CITY CLERK



## Exhibit A

A tract of land in U.S. Survey 123, Township 45 North, Range 4 East, and described as: Beginning at a point on the North bank of Bonhomme Creek, distant 76 degrees 19 minutes East, 123.3 feet from a point in the West line of said U.S. Survey 123, which point in said West line of U.S. Survey 123 bears North 0 degree 17 minutes West, 243.8 feet from the intersection of said West line with the South line of the Right-of-Way of Chicago, Rock Island & Pacific Railroad, and from which point of beginning a stone bears North 0 degree 17 minutes West, 10 feet, and said point of beginning being also the Southeast corner of tract of 9.43 acres allotted to George Andreas by Commissioners' in Partition Suit entitled Edmund P. Andreas, et al, Plaintiffs, vs. George Andreas, Defendant, being Cause No. 36868 of the Circuit Court of St. Louis County, Missouri, and running thence North 0 degree 17 minutes West along the East line of said 9.43 acre tract, 3428.7 feet to a point on old bank of Missouri River; thence North 84 degrees 38 minutes East along said old bank of Missouri River, 814.5 feet to the East line of U.S. Survey 123; thence along said East line of U.S. Survey 123, South 33 degrees 17 minutes East, 1243.5 feet to a point on the North bank of Bonhomme Creek; thence up said Bank of Bonhomme Creek with the meanders of same to the place of beginning, according to a plat of survey made by Edgar Rapp, Surveyor, and attached to Commissioners' Report in aforementioned Partition Suit, a copy of which said Report and Survey is recorded in Book 535 page 74 of the St. Louis County Records. EXCEPTING FROM the three above tracts of property that part thereof condemned by the State of Missouri, ex rel, Missouri State Highway Commission in Cause No. 286044 of the Circuit Court of St. Louis County, Missouri.

**Legal Description**  
**Graeler Bike Trail Easement and TCL**

A 12 Foot Wide **PERMANENT BIKE TRAIL EASEMENT** across Part of U. S. Survey 2031, and Part of U. S. Survey 123, Township 45 North, Range 4 East of the 5<sup>th</sup> P.M., the centerline of said easement being more particularly described as follows:

**Permanent Bike Trail Easement “A”**

**Commencing** at the intersection of the Northerly right of way line of Interstate 64 (State Route 40TR) and the easterly line of a tract of land conveyed to Clarence E. Graeler and Judith Ann Graeler, his wife, and Walter E. Graeler and Jo Ann Graeler, in Deed Book 9049 on Page 1848; THENCE North 47 degrees 28 minutes 31 seconds West along said northerly right of way line, 130.51 feet to the point of beginning; THENCE, leaving said right of way, along a non-tangent curve to the right, having a radius of 99.99 feet, a chord bearing of North 44 degrees 09 minutes 44 seconds East, and an arc length of 22.91 feet; THENCE North 50 degrees 43 minutes 31seconds East, 53.21 feet; THENCE along a curve to the left, having a radius of 122.89 feet, and an arc length of 18.63 feet; THENCE North 42 degrees 02 minutes 14 seconds East, 93.77 feet; THENCE along a curve to the right, having a radius of 350.00 feet, and an arc length of 270.02 feet; THENCE North 86 degrees 14 minutes 26 seconds East, 69.78 feet; THENCE along a curve to the left, having a radius of 152.98 feet, and an arc length of 49.46 feet; THENCE North 67 degrees 42 minutes 58 seconds East, 66.84 feet; THENCE along a curve to the right, having a radius of 200.00 feet, and an arc length of 6.12 feet; THENCE North 69 degrees 28 minutes 08 seconds East, 72.17 feet; THENCE along a curve to the right, having a radius of 1007.39 feet, and an arc length of 219.60 feet; THENCE North 81 degrees 57 minutes 32 seconds East, 158.80 feet; THENCE along a curve to the left, having a radius of 191.63 feet, and an arc length of 193.88 feet; THENCE North 23 degrees 59 minutes 26 seconds East, 86.12; THENCE along a curve to the left, having a radius of 157.87 feet, and an arc length of 47.63 feet; THENCE North 06 degrees 42 minutes 11 seconds East, 236.53 feet; THENCE along a curve to the right, having a radius of 341.86 feet, and an arc length of 172.51 feet; THENCE North 35 degrees 37 minutes 00 seconds East, 22.02 feet; THENCE along a curve to the right, having a radius of 188.15 feet, and an arc length of 124.27 feet; THENCE North 73 degrees 27 minutes 33 seconds East, 55.10 feet; THENCE along a curve to the left, having a radius of 353.25 feet, and an arc length of 65.10 feet; THENCE along a curve to the left, having a radius of 564.92 feet, and an arc length of 70.40 feet; THENCE North 55 degrees 45 minutes 37 seconds East, 78.48 feet; THENCE along a curve to the left, having a radius of 263.58 feet, and an arc length of 25.27 feet; THENCE North 50 degrees 16 minutes 00 seconds West, 152.73 feet; THENCE along a curve to the left, having a radius of 84.22 feet, and an arc length of 81.88 feet; THENCE North 05 degrees 26 minutes 18 seconds West, 582.35 feet; THENCE along a curve to the left, having a radius of 385.46 feet, and an arc length of 202.21 feet; THENCE along a curve to the left, having a radius of 403.40 feet, and an arc length of 418.13 feet; THENCE South 85 degrees 07 minutes 01 seconds West, 414.14 feet; THENCE along a curve to the right, having a radius of 2591.76, and an arc length of 255.06 feet; THENCE North 89 degrees 14 minutes 38 seconds West, 50.43 feet; THENCE along a curve to the right, having a radius of 121.97 feet, and an arc length of 27.82 feet; THENCE North 76 degrees 10 minutes 27 seconds West, 369.38 feet; THENCE along a curve to the left, having a radius of 104.09 feet, and an arc length of 26.38 feet; THENCE South 89 degrees 03 minutes 36 seconds West, 530.42 feet; THENCE along a curve to the right, having a radius of 200.00 feet, and an arc length of 16.74 feet; THENCE North 86 degrees 08 minutes 36 seconds West 74.88 feet; THENCE along a curve to the left, having a radius of 400.00 feet, and an arc length of 78.04 feet; THENCE South 82 degrees 40 minutes 40 seconds West, 317.57 feet; THENCE along a curve to the right, having a radius of 20.00 feet, and an arc length of 25.09 feet; THENCE North 25 degrees 27 minutes 06 seconds West, 48.67 feet; THENCE along a curve to the left, having a radius of 15.00 feet, and an arc length of 19.42 feet; THENCE South 80 degrees 22 minutes 54 seconds West, 7.68 feet; THENCE along a curve to the left, having a radius of 14.84 feet, and an arc length of 5.55 feet to the terminus of said easement.

**ALSO**

**Permanent Bike Trail Easement “B”**

**Commencing** at the Northwest corner of a tract of land conveyed to Clarence E. Graeler and Judith Ann Graeler, his wife, and Walter E. Graeler and Jo Ann Graeler, in Deed Book 9049 on Page 1848; THENCE South 02 degrees 21 minutes 00 seconds East, 2.23 feet along the east line of said tract to the point of beginning; THENCE along a non-tangent curve to the left, having a radius of 200.00 feet, a chord bearing of North 85 degrees 15 minutes 52 seconds East, and an arc length of 14.22 feet to the point of terminus of said easement.

Said PERMANENT BIKE TRAIL EASEMENT containing 71,987 square feet, more or less, and being situated in the City of Chesterfield, St. Louis County, Missouri.

A 30 Foot Wide **TEMPORARY CONSTRUCTION LICENSE** on both sides of the Permanent Bike Trail Easement, across Part of U. S. Survey 2031, and Part of U. S. Survey 123, Township 45 North, Range 4 East of the 5<sup>th</sup> P.M., said Temporary Construction License being more particularly described as follows:

**Commencing** at the intersection of the Northerly right of way line of Interstate 64 (State Route 40TR) and the easterly line of a tract of land conveyed to Clarence E. Graeler and Judith Ann Graeler, his wife, and Walter E. Graeler and Jo Ann Graeler, in Deed Book 9049 on Page 1848; THENCE North 47 degrees 28 minutes 31 seconds West along said northerly right of way line, 94.38 feet to the point of beginning; THENCE, continuing along said right of way, North 47 degrees 28 minutes 31 seconds West, 72.31 feet; THENCE leaving said right of way, along a non-tangent curve to the right, having a radius of 135.99 feet, a chord bearing of North 44 degrees 48 minutes 55 seconds East, and an arc length of 28.05 feet; THENCE North 50 degrees 43 minutes 31 seconds East, 53.21 feet; THENCE along a curve to the left, having a radius of 86.89 feet, and an arc length of 13.18 feet; THENCE North 42 degrees 02 minutes 14 seconds East, 100.35 feet; THENCE along a curve to the right, having a radius of 386.00 feet, and an arc length of 297.80 feet; THENCE North 86 degrees 14 minutes 26 seconds East, 69.78 feet; THENCE along a curve to the left, having a radius of 116.98 feet, and an arc length of 37.82 feet; THENCE North 67 degrees 42 minutes 58 seconds East, 66.84 feet; THENCE along a curve to the right, having a radius of 236.00 feet, and an arc length of 7.22 feet; THENCE North 69 degrees 28 minutes 08 seconds East, 72.17 feet; THENCE along a curve to the right, having a radius of 1043.39 feet, and an arc length of 227.45 feet; THENCE North 81 degrees 57 minutes 32 seconds East, 158.80 feet; THENCE along a curve to the left, having a radius of 155.63 feet, and an arc length of 157.46 feet; THENCE North 23 degrees 59 minutes 26 seconds East, 86.12; THENCE along a curve to the left, having a radius of 121.87 feet, and an arc length of 36.77 feet; THENCE North 06 degrees 42 minutes 11 seconds East, 236.53 feet; THENCE along a curve to the right, having a radius of 377.86 feet, and an arc length of 190.68 feet; THENCE North 35 degrees 37 minutes 00 seconds East, 22.02 feet; THENCE along a curve to the right, having a radius of 224.15 feet, and an arc length of 148.04 feet; THENCE North 73 degrees 27 minutes 33 seconds East, 55.10 feet; THENCE along a curve to the left, having a radius of 317.25 feet, and an arc length of 58.47 feet; THENCE along a curve to the left, having a radius of 528.92 feet, and an arc length of 65.91 feet; THENCE North 55 degrees 45 minutes 37 seconds East, 78.48 feet; THENCE along a curve to the left, having a radius of 227.58 feet, and an arc length of 21.82 feet; THENCE North 50 degrees 16 minutes 00 seconds East, 152.73 feet; THENCE along a curve to the left, having a radius of 48.22 feet, and an arc length of 46.88 feet; THENCE North 05 degrees 26 minutes 18 seconds West, 582.35 feet; THENCE along a curve to the left, having a radius of 349.46 feet, and an arc length of 183.32 feet;

THENCE along a curve to the left , having a radius of 367.40 feet, and an arc length of 380.82 feet; THENCE South 85 degrees 07 minutes 01 seconds West, 414.14 feet; THENCE along a curve to the right, having a radius of 2627.76, and an arc length of 258.63 feet; THENCE North 89 degrees 14 minutes 38 seconds West, 50.43 feet; THENCE along a curve to the right, having a radius of 157.97 feet, and an arc length of 36.03 feet; THENCE North 76 degrees 10 minutes 27 seconds West, 369.38 feet; THENCE along a curve to the left, having a radius of 68.09 feet, and an arc length of 17.55 feet; THENCE South 89 degrees 03 minutes 36 seconds West, 530.42 feet; THENCE along a curve to the right, having a radius of 236.00 feet, and an arc length of 19.76 feet; THENCE North 86 degrees 08 minutes 36 seconds West 74.88 feet; THENCE along a curve to the left, having a radius of 364.00 feet, and an arc length of 71.02 feet; THENCE South 82 degrees 40 minutes 40 seconds West, 317.57 feet; THENCE along a curve to the right, having a radius of 56.00 feet, and an arc length of 70.25 feet; THENCE North 25 degrees 27 minutes 06 seconds West, 7.72 feet; THENCE South 19 degrees 55 minutes 16 seconds West, 13.16 feet; THENCE along a curve to the right, having a radius of 56.00 feet, and an arc length of 20.37 feet; THENCE North 00 degrees 32 minutes 06 seconds East, 76.05 feet; THENCE North 80 degrees 22 minutes 54 seconds East, 6.48 feet; THENCE along a curve to the right, having a radius of 51.00 feet, and an arc length of 66.02 feet; THENCE South 25 degrees 27 minutes 06 seconds East, 37.08 feet; THENCE North 82 degrees 40 minutes 40 seconds East, 305.97 feet; THENCE along a curve to the right, having a radius of 436.00 feet, and an arc length of 85.07 feet; THENCE South 86 degrees 08 minutes 36 seconds East, 74.88 feet; THENCE along a curve to the left, having a radius of 164.00 feet, and an arc length of 13.73 feet; THENCE North 89 degrees 03 minutes 36 seconds East, 530.42 feet; THENCE along a curve to the right, having a radius of 140.09 feet, and an arc length of 36.10 feet; THENCE South 76 degrees 10 minutes 27 seconds East, 369.38 feet; THENCE along a curve to the left, having a radius of 85.97 feet, and an arc length of 19.61 feet; THENCE South 89 degrees 14 minutes 38 seconds East, 50.43 feet; THENCE along a curve to the left, having a radius of 2555.76 feet, and an arc length of 251.54 feet; THENCE North 85 degrees 07 minutes 01 seconds East, 414.14 feet; THENCE along a curve to the right, having a radius of 439.40 feet, and an arc length of 455.45 feet; THENCE along a curve to the right, having a radius of 421.46 feet, and an arc length of 221.09 feet; THENCE South 05 degrees 26 minutes 18 seconds East, 582.35 feet; THENCE along a curve to the right, having a radius of 120.22 feet, and an arc length of 116.88 feet; THENCE South 50 degrees 16 minutes 00 seconds West, 152.73 feet; THENCE along a curve to the right, having a radius of 299.58 feet, and an arc length of 28.73 feet; THENCE South 55 degrees 45 minutes 37 seconds West, 78.48 feet; THENCE along a curve to the right, having a radius of 600.92 feet, and an arc length of 74.88 feet; THENCE along a curve to the right, having a radius of 389.25 feet, and an arc length of 71.74 feet; THENCE South 73 degrees 27 minutes 33 seconds West, 55.10 feet; THENCE along a curve to the left, having a radius of 152.15 feet, and an arc length of 100.49 feet; THENCE South 35 degrees 37 minutes 00 seconds West, 22.02 feet; THENCE along a curve to the left, having a radius of 305.86 feet, and an arc length of 154.35 feet; THENCE South 06 degrees 42 minutes 11 seconds West, 236.53 feet; THENCE along a curve to the right, having a radius of 193.87 feet, and an arc length of 58.50 feet; THENCE South 23 degrees 59 minutes 26 seconds West, 86.12 feet; THENCE along a curve to the right, having a radius of 227.64 feet, and an arc length of 230.31 feet; THENCE South 81 degrees 57 minutes 32 seconds West, 158.80 feet; THENCE along a curve to the left, having a radius of 227.64 feet, and an arc length of 211.76 feet; THENCE South 69 degrees 28 minutes 08 seconds West, 72.17 feet; THENCE along a curve to the left, having a radius of 164.00 feet, and an arc length of 5.02 feet; THENCE South 67 degrees 42 minutes 58 seconds West, 66.84 feet; THENCE along a curve to the right, having a radius of 188.98 feet, and an arc length of 61.10 feet; THENCE South 86 degrees 14 minutes 26 seconds West, 69.78 feet; THENCE along a curve to the left, having a radius of 314.00 feet, and an arc length of 242.25 feet; THENCE South 42 degrees 02 minutes 14 seconds West, 93.77 feet; THENCE along a curve to the right, having a radius of 158.89 feet, and an arc length of 24.09 feet; THENCE South 50 degrees 43 minutes 31 seconds West, 53.21 feet; THENCE along a curve to the left, having a radius of 63.99 feet, and an arc length of 17.77 feet to the point of beginning of said Temporary Construction License "A".

Less and Excepting that part conveyed as PERMANENT BIKE TRAIL EASEMENT "A" above.

**ALSO**

**Commencing** at the Northwest corner of a tract of land conveyed to Clarence E. Graeler and Judith Ann Graeler, his wife, and Walter E. Graeler and Jo Ann Graeler, in Deed Book 9049 on Page 1848; THENCE South 85 degrees 45 minutes 16 seconds East, 144.82 feet along the north line of said tract to the point of beginning; THENCE South 79 degrees 55 minutes 07 seconds West, 30.46 feet; THENCE along a curve to the left, having a radius of 164.00 feet and an arc length of 9.00 feet; THENCE South 76 degrees 46 minutes 32 seconds West, 62.62 feet; THENCE along a curve to the right, having a radius of 236.00 feet and an arc length of 43.58 feet; THENCE North 02 degrees 21 minutes 00 seconds West, 38.24 feet to the point of beginning of said Temporary Construction License "B".

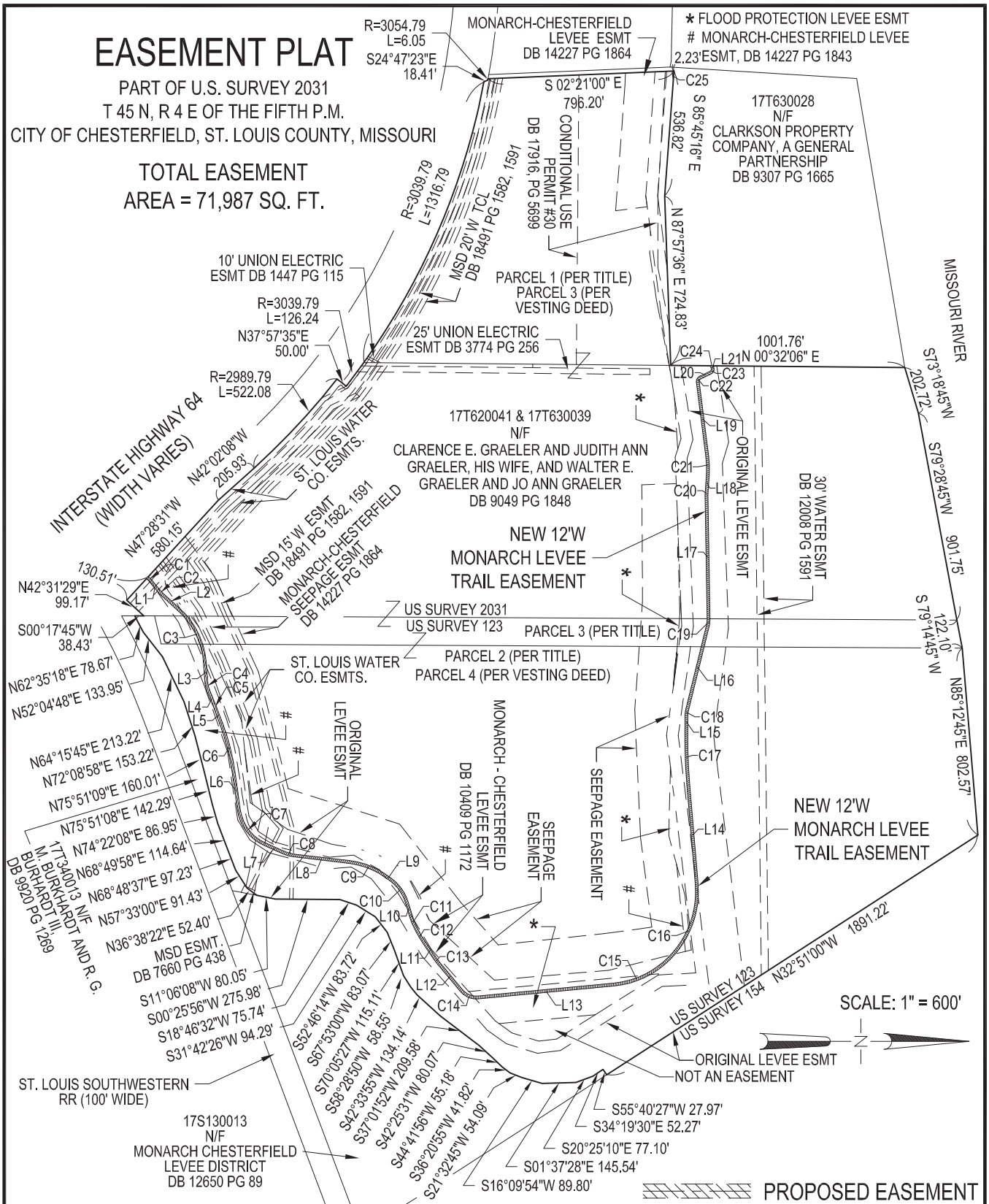
Less and Excepting that part conveyed as PERMANENT BIKE TRAIL EASEMENT "B" above.

Said TEMPORARY CONSTRUCTION LICENSE containing 362,073 square feet, more or less, and being situated in the City of Chesterfield, St. Louis County, Missouri.

# EASEMENT PLAT

PART OF U.S. SURVEY 2031  
T 45 N, R 4 E OF THE FIFTH P.M.  
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

TOTAL EASEMENT  
AREA = 71,987 SQ. FT.



DATE:  
1/21/20

SHEET 1 OF 2

**KdG** Kuhlmann Design Group, Inc.  
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2043 Woodland Pkwy  
Suite 201  
St. Louis, Missouri 63146  
tel.(314) 434-8898  
St. Louis, Missouri  
Belleville, Illinois

**EXHIBIT  
A**

# EASEMENT PLAT

PART OF U.S. SURVEY 2031  
 T 45 N, R 4 E OF THE FIFTH P.M.  
 CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

LINE TABLE

LINE	LENGTH	BEARING
L1	53.21	N50°43'31"E
L2	93.77	N42°02'14"E
L3	69.78	N86°14'26"E
L4	66.84	N67°42'58"E
L5	72.17	N69°28'08"E
L6	158.80	N81°57'32"E
L7	86.12	N23°59'26"E
L8	236.53	N06°42'11"E
L9	22.02	N35°37'00"E
L10	55.10	N73°27'33"E
L11	78.48	N55°45'37"E
L12	152.73	N50°16'00"W
L13	582.35	N05°26'18"W
L14	414.14	S85°07'01"W
L15	50.43	N89°14'38"W
L16	369.38	N76°10'27"W
L17	530.42	S89°03'36"W
L18	74.88	N86°08'36"W
L19	317.57	S82°40'40"W
L20	48.67	N25°27'06"W
L21	7.68	S80°22'54"W

CURVE TABLE

CURVE	LENGTH	RADIUS
C1	22.91	99.99
C2	18.63	122.89
C3	270.02	350.00
C4	49.46	152.98
C5	6.12	200.00
C6	219.60	1007.39
C7	193.88	191.63
C8	47.63	157.87
C9	172.51	341.86
C10	124.27	188.15
C11	65.10	353.25
C12	70.40	564.92
C13	25.27	263.58
C14	81.88	84.22
C15	202.21	385.46
C16	418.13	403.40
C17	255.08	2591.76
C18	27.82	121.97
C19	26.38	104.09
C20	16.74	200.00
C21	78.04	400.00
C22	25.09	20.00
C23	19.42	15.00
C24	5.55	14.84
C25	14.22	200.00

DATE:  
1/21/20



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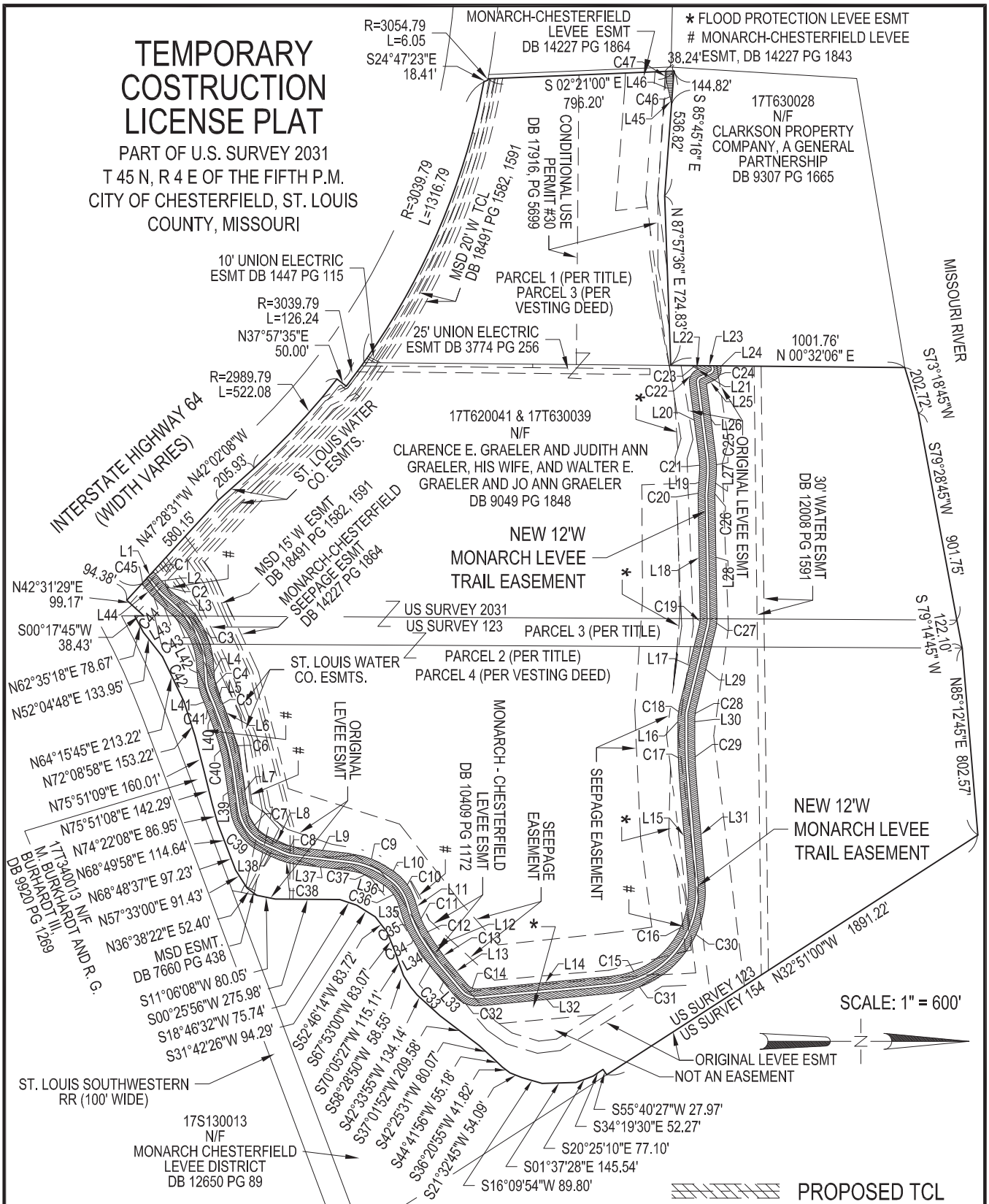
2043 Woodland Parkway  
Suite 201  
St. Louis, Missouri 63146  
tel.(314) 434-8898  
St. Louis, Missouri  
Belleville, Illinois

EXHIBIT  
A1

SHEET 2 OF 2

# TEMPORARY CONSTRUCTION LICENSE PLAT

PART OF U.S. SURVEY 2031  
T 45 N, R 4 E OF THE FIFTH P.M.  
CITY OF CHESTERFIELD, ST. LOUIS  
COUNTY, MISSOURI



DATE:  
4/20/20

SHEET 1 OF 3

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Suite 201  
St. Louis, Missouri 63146  
tel.(314) 434-8898

St. Louis, Missouri  
Belleville, Illinois

## EXHIBIT A



# TEMPORARY CONSTRUCTION LICENSE

PART OF U.S. SURVEY 2031

T 45 N, R 4 E OF THE FIFTH P.M.

CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

LINE TABLE		
LINE	LENGTH	BEARING
L1	72.31	N47°28'31"W
L2	53.21	N50°43'31"E
L3	100.35	N42°02'14"E
L4	69.78	N86°14'26"E
L5	66.84	N67°42'58"E
L6	72.17	N69°28'08"E
L7	158.80	N81°57'32"E
L8	86.12	N23°59'26"E
L9	236.53	N06°42'11"E
L10	22.02	N35°37'00"E
L11	55.10	N73°27'33"E
L12	78.48	N55°45'37"E
L13	152.73	N50°16'00"E
L14	582.35	N05°26'18"W
L15	414.14	S85°07'01"W
L16	50.43	N89°14'38"W
L17	369.38	N76°10'27"W
L18	530.42	S89°03'36"W
L19	74.88	N86°08'36"W
L20	317.57	S82°40'40"W
L21	7.72	N25°27'06"W
L22	13.16	S19°55'16"W
L23	76.05	N00°32'06"E
L24	6.48	N80°22'54"E
L25	37.08	S25°27'06"E
L26	305.97	N82°40'40"E
L27	74.88	S86°08'36"E
L28	530.42	N89°03'36"E
L29	369.38	S76°10'27"E
L30	50.43	S89°14'38"E
L31	414.14	N85°07'01"E
L32	582.35	S05°26'18"E
L33	152.73	S50°16'00"W
L34	78.48	S55°45'37"W
L35	55.10	S73°27'33"W
L36	22.02	S35°37'00"W
L37	236.53	S06°42'11"W
L38	86.12	S23°59'26"W
L39	158.80	S81°57'32"W
L40	72.17	S69°28'08"W
L41	66.84	S67°42'58"W
L42	69.78	S86°14'26"W
L43	93.77	S42°02'14"W
L44	53.21	S50°43'31"W

CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	28.05	135.99
C2	13.18	86.89
C3	297.80	386.00
C4	37.82	116.98
C5	7.22	236.00
C6	227.45	1043.39
C7	157.46	155.63
C8	36.77	121.87
C9	190.68	377.86
C10	148.04	224.15
C11	58.47	317.25
C12	65.91	528.92
C13	21.82	227.58
C14	46.88	48.22
C15	183.32	349.46
C16	380.82	367.40
C17	258.63	2627.76
C18	36.03	157.97
C19	17.55	68.09
C20	19.76	236.00
C21	71.02	364.00
C22	70.25	56.00
C23	20.37	56.00
C24	66.02	51.00
C25	85.07	436.00
C26	13.73	164.00
C27	36.10	140.09
C28	19.61	85.97
C29	251.54	2555.76
C30	455.45	439.40
C31	221.09	421.46
C32	116.88	120.22
C33	28.73	299.58
C34	74.88	600.92
C35	71.74	389.25
C36	100.49	152.15
C37	154.35	305.86
C38	58.50	193.87
C39	230.31	227.64
C40	211.76	227.64
C41	5.02	164.00
C42	61.10	188.98
C43	242.25	314.00
C44	24.09	158.89
C45	17.77	63.99

DATE:  
4/20/20

SHEET 2 OF 3



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2043 Woodland Parkway  
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St. Louis, Missouri  
Belleville, Illinois

EXHIBIT  
A1

# TEMPORARY CONSTRUCTION LICENSE

PART OF U.S. SURVEY 2031  
T 45 N, R 4 E OF THE FIFTH P.M.  
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

LINE TABLE		
LINE	LENGTH	BEARING
L45	30.46	S79°55'07"W
L46	62.62	S76°46'32"W

CURVE TABLE		
CURVE	LENGTH	RADIUS
C46	9.00	164.00
C47	43.58	236.00

DATE:  
4/20/20

SHEET 3 OF 3

**K d G**

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St. Louis, Missouri  
Belleville, Illinois

**EXHIBIT**  
**A2**

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI (THE “CITY”) AUTHORIZING CONDEMNATION OF CERTAIN INTERESTS IN REAL PROPERTY LOCATED IN THE CITY FOR THE PURPOSE OF CONSTRUCTING PHASE VI OF THE MONARCH-CHESTERFIELD LEVEE TRAIL EXTENDING THE EXISTING TRAIL.**

**WHEREAS**, the City is a third class city organized and operated pursuant to Chapter 77 of the Revised Statutes of Missouri (RSMo.) with authority under §88.497 RSMo. (2014) as amended, *inter alia*, to condemn all necessary lands within the City limits for the purpose of establishing, opening, widening, extending or altering any street, avenue, public park and for any other necessary public use; and

**WHEREAS**, the City needs certain property interests in, on and over certain parcels legally described in Exhibit A and which interests are illustrated in Exhibit B, attached hereto and incorporated herein by reference (collectively, the “Property Interests”), to acquire interests to allow for the construction and improvement of the City’s infrastructure for public use; and

**WHEREAS**, the Jo Ann Graeler Revocable Living Trust dated November 29, 2017, the Walter E. Graeler Revocable Living Trust dated November 29, 2017, the Judith A. Graeler Revocable Living Trust dated February 22, 2001, and the Clarence E. Graeler Revocable Living Trust dated February 22, 2001 are the owners of record of real property identified as Locator No. 17T640038 located at 16703 North Outer Road in the City which is legally described in Exhibit A and over which the City seeks permanent easement and a temporary construction license as shown in Exhibit B; and

**WHEREAS**, the condemnation of the Property Interests for the construction and improvement of the City’s infrastructure is a public use and a public purpose and is for the benefit of those residents within the City and St. Louis County; and

**WHEREAS**, the Monarch-Chesterfield Levee District (the “MCLD”) has awarded a contract to construct improvements to the Monarch-Chesterfield Levee which will allow the City to complete Phase VI of the Monarch-Chesterfield Levee Trail (the “Levee Trail”); and

**WHEREAS**, the City has previously engaged in negotiations with the owners of record of the real property to acquire the Property Interests without resorting to condemnation but have thus far been unsuccessful, and the City will continue to engage in negotiations throughout the condemnation process to acquire the Property Interests so long as such Property Interests can still be acquired in the time necessary to begin work on Phase VI of the Levee Trail.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI, AS FOLLOWS:**

**Section 1:** The City Council hereby determines that it is necessary and in the public interest for the public purpose to acquire the Property Interests to allow construction and

improvement of the City's infrastructure, all to promote and regulate the health, safety and general welfare of the City and to obtain property to be put to public use and purpose.

**Section 2:** The City Council hereby authorizes the City Administrator, Director of Public Works, Director of Parks, Recreation & Arts, Mayor and City Attorney to take all necessary actions to acquire the Property Interests referenced herein including filing a petition condemning the Property Interests not less than thirty (30) days after the date of the City's written offer to the property owners, continuing to seek voluntary sale, or such other actions necessary to acquire the necessary interests identified herein and such other interests by condemnation or voluntary sale.

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

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Bob Nation, MAYOR

ATTEST:

\_\_\_\_\_  
Vickie McGownd, CITY CLERK

## Exhibit A

A tract of land in U.S. Survey 123, Township 45 North, Range 4 East, and described as: Beginning at a point on the North bank of Bonhomme Creek, distant 76 degrees 19 minutes East, 123.3 feet from a point in the West line of said U.S. Survey 123, which point in said West line of U.S. Survey 123 bears North 0 degree 17 minutes West, 243.8 feet from the intersection of said West line with the South line of the Right-of-Way of Chicago, Rock Island & Pacific Railroad, and from which point of beginning a stone bears North 0 degree 17 minutes West, 10 feet, and said point of beginning being also the Southeast corner of tract of 9.43 acres allotted to George Andreas by Commissioners' in Partition Suit entitled Edmund P. Andreas, et al, Plaintiffs, vs. George Andreas, Defendant, being Cause No. 36868 of the Circuit Court of St. Louis County, Missouri, and running thence North 0 degree 17 minutes West along the East line of said 9.43 acre tract, 3428.7 feet to a point on old bank of Missouri River; thence North 84 degrees 38 minutes East along said old bank of Missouri River, 814.5 feet to the East line of U.S. Survey 123, thence along said East line of U.S. Survey 123, South 33 degrees 17 minutes East, 1243.5 feet to a point on the North bank of Bonhomme Creek; thence up said Bank of Bonhomme Creek with the meanders of same to the place of beginning, according to a plat of survey made by Edgar Rapp, Surveyor, and attached to Commissioners' Report in aforementioned Partition Suit, a copy of which said Report and Survey is recorded in Book 535 page 74 of the St. Louis County Records. EXCEPTING FROM the three above tracts of property that part thereof condemned by the State of Missouri, ex rel, Missouri State Highway Commission in Cause No. 286044 of the Circuit Court of St. Louis County, Missouri. AND EXCEPTING THEREFROM that part South of the levee conveyed by deed recorded in Book 13965 page 1031 and Book 13965 page 1031 and Book 13965 page 1037.

**Legal Description**  
**Graeler Bike Trail Easement and TCL**

A 12 Foot Wide **PERMANENT BIKE TRAIL EASEMENT** across Part of U. S. Survey 2031, and Part of U. S. Survey 123, Township 45 North, Range 4 East of the 5<sup>th</sup> P.M., the centerline of said easement being more particularly described as follows:

**Permanent Bike Trail Easement “A”**

**Commencing** at the intersection of the Northerly right of way line of Interstate 64 (State Route 40TR) and the easterly line of a tract of land conveyed to Clarence E. Graeler and Judith Ann Graeler, his wife, and Walter E. Graeler and Jo Ann Graeler, in Deed Book 9049 on Page 1848; THENCE North 47 degrees 28 minutes 31 seconds West along said northerly right of way line, 130.51 feet to the point of beginning; THENCE, leaving said right of way, along a non-tangent curve to the right, having a radius of 99.99 feet, a chord bearing of North 44 degrees 09 minutes 44 seconds East, and an arc length of 22.91 feet; THENCE North 50 degrees 43 minutes 31seconds East, 53.21 feet; THENCE along a curve to the left, having a radius of 122.89 feet, and an arc length of 18.63 feet; THENCE North 42 degrees 02 minutes 14 seconds East, 93.77 feet; THENCE along a curve to the right, having a radius of 350.00 feet, and an arc length of 270.02 feet; THENCE North 86 degrees 14 minutes 26 seconds East, 69.78 feet; THENCE along a curve to the left, having a radius of 152.98 feet, and an arc length of 49.46 feet; THENCE North 67 degrees 42 minutes 58 seconds East, 66.84 feet; THENCE along a curve to the right, having a radius of 200.00 feet, and an arc length of 6.12 feet; THENCE North 69 degrees 28 minutes 08 seconds East, 72.17 feet; THENCE along a curve to the right, having a radius of 1007.39 feet, and an arc length of 219.60 feet; THENCE North 81 degrees 57 minutes 32 seconds East, 158.80 feet; THENCE along a curve to the left, having a radius of 191.63 feet, and an arc length of 193.88 feet; THENCE North 23 degrees 59 minutes 26 seconds East, 86.12; THENCE along a curve to the left, having a radius of 157.87 feet, and an arc length of 47.63 feet; THENCE North 06 degrees 42 minutes 11 seconds East, 236.53 feet; THENCE along a curve to the right, having a radius of 341.86 feet, and an arc length of 172.51 feet; THENCE North 35 degrees 37 minutes 00 seconds East, 22.02 feet; THENCE along a curve to the right, having a radius of 188.15 feet, and an arc length of 124.27 feet; THENCE North 73 degrees 27 minutes 33 seconds East, 55.10 feet; THENCE along a curve to the left, having a radius of 353.25 feet, and an arc length of 65.10 feet; THENCE along a curve to the left, having a radius of 564.92 feet, and an arc length of 70.40 feet; THENCE North 55 degrees 45 minutes 37 seconds East, 78.48 feet; THENCE along a curve to the left, having a radius of 263.58 feet, and an arc length of 25.27 feet; THENCE North 50 degrees 16 minutes 00 seconds West, 152.73 feet; THENCE along a curve to the left, having a radius of 84.22 feet, and an arc length of 81.88 feet; THENCE North 05 degrees 26 minutes 18 seconds West, 582.35 feet; THENCE along a curve to the left, having a radius of 385.46 feet, and an arc length of 202.21 feet; THENCE along a curve to the left, having a radius of 403.40 feet, and an arc length of 418.13 feet; THENCE South 85 degrees 07 minutes 01 seconds West, 414.14 feet; THENCE along a curve to the right, having a radius of 2591.76, and an arc length of 255.06 feet; THENCE North 89 degrees 14 minutes 38 seconds West, 50.43 feet; THENCE along a curve to the right, having a radius of 121.97 feet, and an arc length of 27.82 feet; THENCE North 76 degrees 10 minutes 27 seconds West, 369.38 feet; THENCE along a curve to the left, having a radius of 104.09 feet, and an arc length of 26.38 feet; THENCE South 89 degrees 03 minutes 36 seconds West, 530.42 feet; THENCE along a curve to the right, having a radius of 200.00 feet, and an arc length of 16.74 feet; THENCE North 86 degrees 08 minutes 36 seconds West 74.88 feet; THENCE along a curve to the left, having a radius of 400.00 feet, and an arc length of 78.04 feet; THENCE South 82 degrees 40 minutes 40 seconds West, 317.57 feet; THENCE along a curve to the right, having a radius of 20.00 feet, and an arc length of 25.09 feet; THENCE North 25 degrees 27 minutes 06 seconds West, 48.67 feet; THENCE along a curve to the left, having a radius of 15.00 feet, and an arc length of 19.42 feet; THENCE South 80 degrees 22 minutes 54 seconds West, 7.68 feet; THENCE along a curve to the left, having a radius of 14.84 feet, and an arc length of 5.55 feet to the terminus of said easement.

**ALSO**

**Permanent Bike Trail Easement “B”**

**Commencing** at the Northwest corner of a tract of land conveyed to Clarence E. Graeler and Judith Ann Graeler, his wife, and Walter E. Graeler and Jo Ann Graeler, in Deed Book 9049 on Page 1848; THENCE South 02 degrees 21 minutes 00 seconds East, 2.23 feet along the east line of said tract to the point of beginning; THENCE along a non-tangent curve to the left, having a radius of 200.00 feet, a chord bearing of North 85 degrees 15 minutes 52 seconds East, and an arc length of 14.22 feet to the point of terminus of said easement.

Said PERMANENT BIKE TRAIL EASEMENT containing 71,987 square feet, more or less, and being situated in the City of Chesterfield, St. Louis County, Missouri.

A 30 Foot Wide **TEMPORARY CONSTRUCTION LICENSE** on both sides of the Permanent Bike Trail Easement, across Part of U. S. Survey 2031, and Part of U. S. Survey 123, Township 45 North, Range 4 East of the 5<sup>th</sup> P.M., said Temporary Construction License being more particularly described as follows:

**Commencing** at the intersection of the Northerly right of way line of Interstate 64 (State Route 40TR) and the easterly line of a tract of land conveyed to Clarence E. Graeler and Judith Ann Graeler, his wife, and Walter E. Graeler and Jo Ann Graeler, in Deed Book 9049 on Page 1848; THENCE North 47 degrees 28 minutes 31 seconds West along said northerly right of way line, 94.38 feet to the point of beginning; THENCE, continuing along said right of way, North 47 degrees 28 minutes 31 seconds West, 72.31 feet; THENCE leaving said right of way, along a non-tangent curve to the right, having a radius of 135.99 feet, a chord bearing of North 44 degrees 48 minutes 55 seconds East, and an arc length of 28.05 feet; THENCE North 50 degrees 43 minutes 31 seconds East, 53.21 feet; THENCE along a curve to the left, having a radius of 86.89 feet, and an arc length of 13.18 feet; THENCE North 42 degrees 02 minutes 14 seconds East, 100.35 feet; THENCE along a curve to the right, having a radius of 386.00 feet, and an arc length of 297.80 feet; THENCE North 86 degrees 14 minutes 26 seconds East, 69.78 feet; THENCE along a curve to the left, having a radius of 116.98 feet, and an arc length of 37.82 feet; THENCE North 67 degrees 42 minutes 58 seconds East, 66.84 feet; THENCE along a curve to the right, having a radius of 236.00 feet, and an arc length of 7.22 feet; THENCE North 69 degrees 28 minutes 08 seconds East, 72.17 feet; THENCE along a curve to the right, having a radius of 1043.39 feet, and an arc length of 227.45 feet; THENCE North 81 degrees 57 minutes 32 seconds East, 158.80 feet; THENCE along a curve to the left, having a radius of 155.63 feet, and an arc length of 157.46 feet; THENCE North 23 degrees 59 minutes 26 seconds East, 86.12; THENCE along a curve to the left, having a radius of 121.87 feet, and an arc length of 36.77 feet; THENCE North 06 degrees 42 minutes 11 seconds East, 236.53 feet; THENCE along a curve to the right, having a radius of 377.86 feet, and an arc length of 190.68 feet; THENCE North 35 degrees 37 minutes 00 seconds East, 22.02 feet; THENCE along a curve to the right, having a radius of 224.15 feet, and an arc length of 148.04 feet; THENCE North 73 degrees 27 minutes 33 seconds East, 55.10 feet; THENCE along a curve to the left, having a radius of 317.25 feet, and an arc length of 58.47 feet; THENCE along a curve to the left, having a radius of 528.92 feet, and an arc length of 65.91 feet; THENCE North 55 degrees 45 minutes 37 seconds East, 78.48 feet; THENCE along a curve to the left, having a radius of 227.58 feet, and an arc length of 21.82 feet; THENCE North 50 degrees 16 minutes 00 seconds East, 152.73 feet; THENCE along a curve to the left, having a radius of 48.22 feet, and an arc length of 46.88 feet; THENCE North 05 degrees 26 minutes 18 seconds West, 582.35 feet; THENCE along a curve to the left, having a radius of 349.46 feet, and an arc length of 183.32 feet;

THENCE along a curve to the left , having a radius of 367.40 feet, and an arc length of 380.82 feet; THENCE South 85 degrees 07 minutes 01 seconds West, 414.14 feet; THENCE along a curve to the right, having a radius of 2627.76, and an arc length of 258.63 feet; THENCE North 89 degrees 14 minutes 38 seconds West, 50.43 feet; THENCE along a curve to the right, having a radius of 157.97 feet, and an arc length of 36.03 feet; THENCE North 76 degrees 10 minutes 27 seconds West, 369.38 feet; THENCE along a curve to the left, having a radius of 68.09 feet, and an arc length of 17.55 feet; THENCE South 89 degrees 03 minutes 36 seconds West, 530.42 feet; THENCE along a curve to the right, having a radius of 236.00 feet, and an arc length of 19.76 feet; THENCE North 86 degrees 08 minutes 36 seconds West 74.88 feet; THENCE along a curve to the left, having a radius of 364.00 feet, and an arc length of 71.02 feet; THENCE South 82 degrees 40 minutes 40 seconds West, 317.57 feet; THENCE along a curve to the right, having a radius of 56.00 feet, and an arc length of 70.25 feet; THENCE North 25 degrees 27 minutes 06 seconds West, 7.72 feet; THENCE South 19 degrees 55 minutes 16 seconds West, 13.16 feet; THENCE along a curve to the right, having a radius of 56.00 feet, and an arc length of 20.37 feet; THENCE North 00 degrees 32 minutes 06 seconds East, 76.05 feet; THENCE North 80 degrees 22 minutes 54 seconds East, 6.48 feet; THENCE along a curve to the right, having a radius of 51.00 feet, and an arc length of 66.02 feet; THENCE South 25 degrees 27 minutes 06 seconds East, 37.08 feet; THENCE North 82 degrees 40 minutes 40 seconds East, 305.97 feet; THENCE along a curve to the right, having a radius of 436.00 feet, and an arc length of 85.07 feet; THENCE South 86 degrees 08 minutes 36 seconds East, 74.88 feet; THENCE along a curve to the left, having a radius of 164.00 feet, and an arc length of 13.73 feet; THENCE North 89 degrees 03 minutes 36 seconds East, 530.42 feet; THENCE along a curve to the right, having a radius of 140.09 feet, and an arc length of 36.10 feet; THENCE South 76 degrees 10 minutes 27 seconds East, 369.38 feet; THENCE along a curve to the left, having a radius of 85.97 feet, and an arc length of 19.61 feet; THENCE South 89 degrees 14 minutes 38 seconds East, 50.43 feet; THENCE along a curve to the left, having a radius of 2555.76 feet, and an arc length of 251.54 feet; THENCE North 85 degrees 07 minutes 01 seconds East, 414.14 feet; THENCE along a curve to the right, having a radius of 439.40 feet, and an arc length of 455.45 feet; THENCE along a curve to the right, having a radius of 421.46 feet, and an arc length of 221.09 feet; THENCE South 05 degrees 26 minutes 18 seconds East, 582.35 feet; THENCE along a curve to the right, having a radius of 120.22 feet, and an arc length of 116.88 feet; THENCE South 50 degrees 16 minutes 00 seconds West, 152.73 feet; THENCE along a curve to the right, having a radius of 299.58 feet, and an arc length of 28.73 feet; THENCE South 55 degrees 45 minutes 37 seconds West, 78.48 feet; THENCE along a curve to the right, having a radius of 600.92 feet, and an arc length of 74.88 feet; THENCE along a curve to the right, having a radius of 389.25 feet, and an arc length of 71.74 feet; THENCE South 73 degrees 27 minutes 33 seconds West, 55.10 feet; THENCE along a curve to the left, having a radius of 152.15 feet, and an arc length of 100.49 feet; THENCE South 35 degrees 37 minutes 00 seconds West, 22.02 feet; THENCE along a curve to the left, having a radius of 305.86 feet, and an arc length of 154.35 feet; THENCE South 06 degrees 42 minutes 11 seconds West, 236.53 feet; THENCE along a curve to the right, having a radius of 193.87 feet, and an arc length of 58.50 feet; THENCE South 23 degrees 59 minutes 26 seconds West, 86.12 feet; THENCE along a curve to the right, having a radius of 227.64 feet, and an arc length of 230.31 feet; THENCE South 81 degrees 57 minutes 32 seconds West, 158.80 feet; THENCE along a curve to the left, having a radius of 227.64 feet, and an arc length of 211.76 feet; THENCE South 69 degrees 28 minutes 08 seconds West, 72.17 feet; THENCE along a curve to the left, having a radius of 164.00 feet, and an arc length of 5.02 feet; THENCE South 67 degrees 42 minutes 58 seconds West, 66.84 feet; THENCE along a curve to the right, having a radius of 188.98 feet, and an arc length of 61.10 feet; THENCE South 86 degrees 14 minutes 26 seconds West, 69.78 feet; THENCE along a curve to the left, having a radius of 314.00 feet, and an arc length of 242.25 feet; THENCE South 42 degrees 02 minutes 14 seconds West, 93.77 feet; THENCE along a curve to the right, having a radius of 158.89 feet, and an arc length of 24.09 feet; THENCE South 50 degrees 43 minutes 31 seconds West, 53.21 feet; THENCE along a curve to the left, having a radius of 63.99 feet, and an arc length of 17.77 feet to the point of beginning of said Temporary Construction License "A".

Less and Excepting that part conveyed as PERMANENT BIKE TRAIL EASEMENT "A" above.



**ALSO**

**Commencing** at the Northwest corner of a tract of land conveyed to Clarence E. Graeler and Judith Ann Graeler, his wife, and Walter E. Graeler and Jo Ann Graeler, in Deed Book 9049 on Page 1848; THENCE South 85 degrees 45 minutes 16 seconds East, 144.82 feet along the north line of said tract to the point of beginning; THENCE South 79 degrees 55 minutes 07 seconds West, 30.46 feet; THENCE along a curve to the left, having a radius of 164.00 feet and an arc length of 9.00 feet; THENCE South 76 degrees 46 minutes 32 seconds West, 62.62 feet; THENCE along a curve to the right, having a radius of 236.00 feet and an arc length of 43.58 feet; THENCE North 02 degrees 21 minutes 00 seconds West, 38.24 feet to the point of beginning of said Temporary Construction License "B".

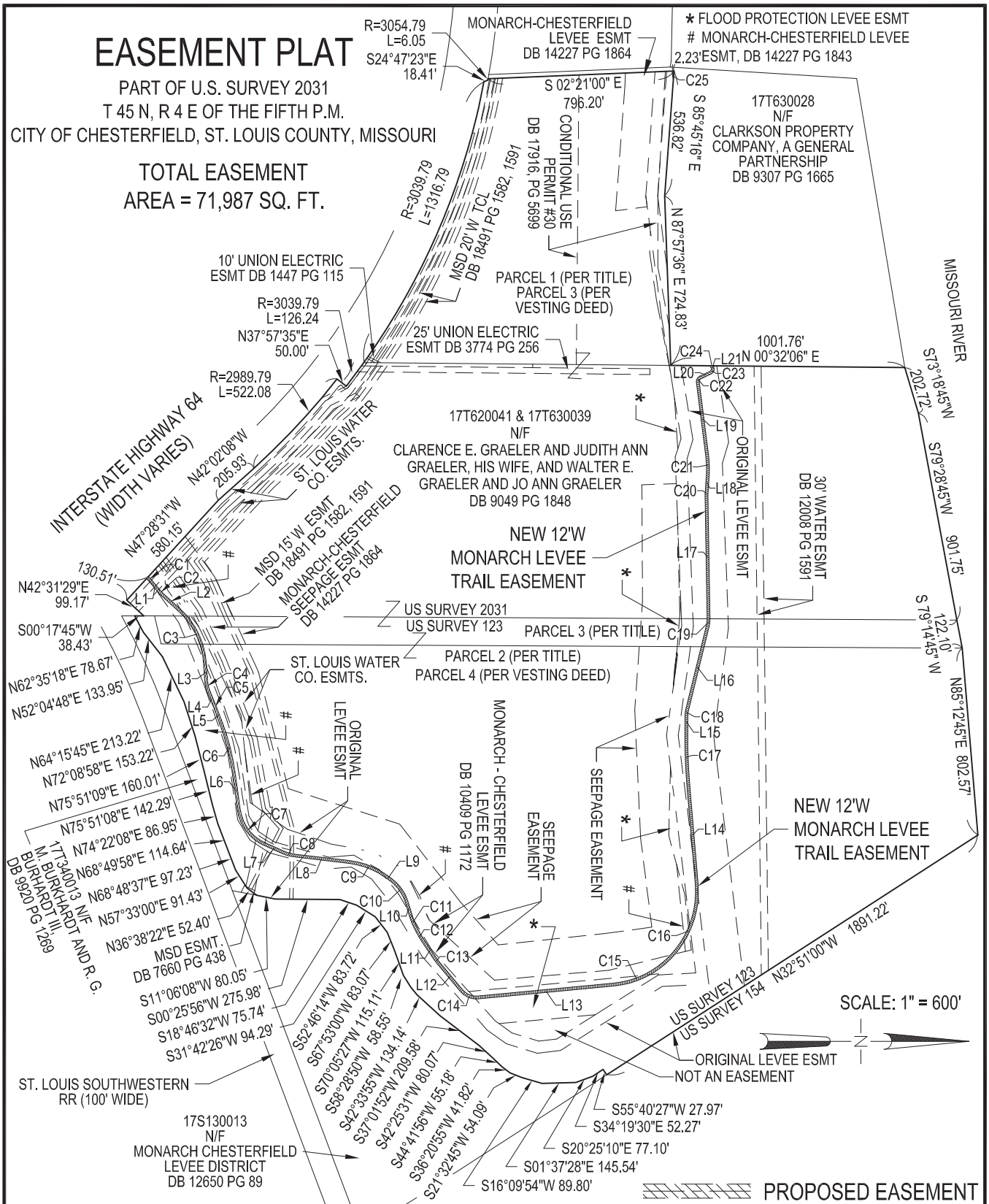
Less and Excepting that part conveyed as PERMANENT BIKE TRAIL EASEMENT "B" above.

Said TEMPORARY CONSTRUCTION LICENSE containing 362,073 square feet, more or less, and being situated in the City of Chesterfield, St. Louis County, Missouri.

# EASEMENT PLAT

PART OF U.S. SURVEY 2031  
T 45 N, R 4 E OF THE FIFTH P.M.  
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

TOTAL EASEMENT  
AREA = 71,987 SQ. FT.



DATE:  
1/21/20

SHEET 1 OF 2

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St. Louis, Missouri 63146  
tel.(314) 434-8898

St. Louis, Missouri  
Belleville, Illinois

**EXHIBIT  
A**

# EASEMENT PLAT

PART OF U.S. SURVEY 2031  
 T 45 N, R 4 E OF THE FIFTH P.M.  
 CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

LINE TABLE

LINE	LENGTH	BEARING
L1	53.21	N50°43'31"E
L2	93.77	N42°02'14"E
L3	69.78	N86°14'26"E
L4	66.84	N67°42'58"E
L5	72.17	N69°28'08"E
L6	158.80	N81°57'32"E
L7	86.12	N23°59'26"E
L8	236.53	N06°42'11"E
L9	22.02	N35°37'00"E
L10	55.10	N73°27'33"E
L11	78.48	N55°45'37"E
L12	152.73	N50°16'00"W
L13	582.35	N05°26'18"W
L14	414.14	S85°07'01"W
L15	50.43	N89°14'38"W
L16	369.38	N76°10'27"W
L17	530.42	S89°03'36"W
L18	74.88	N86°08'36"W
L19	317.57	S82°40'40"W
L20	48.67	N25°27'06"W
L21	7.68	S80°22'54"W

CURVE TABLE

CURVE	LENGTH	RADIUS
C1	22.91	99.99
C2	18.63	122.89
C3	270.02	350.00
C4	49.46	152.98
C5	6.12	200.00
C6	219.60	1007.39
C7	193.88	191.63
C8	47.63	157.87
C9	172.51	341.86
C10	124.27	188.15
C11	65.10	353.25
C12	70.40	564.92
C13	25.27	263.58
C14	81.88	84.22
C15	202.21	385.46
C16	418.13	403.40
C17	255.08	2591.76
C18	27.82	121.97
C19	26.38	104.09
C20	16.74	200.00
C21	78.04	400.00
C22	25.09	20.00
C23	19.42	15.00
C24	5.55	14.84
C25	14.22	200.00

DATE:  
1/21/20



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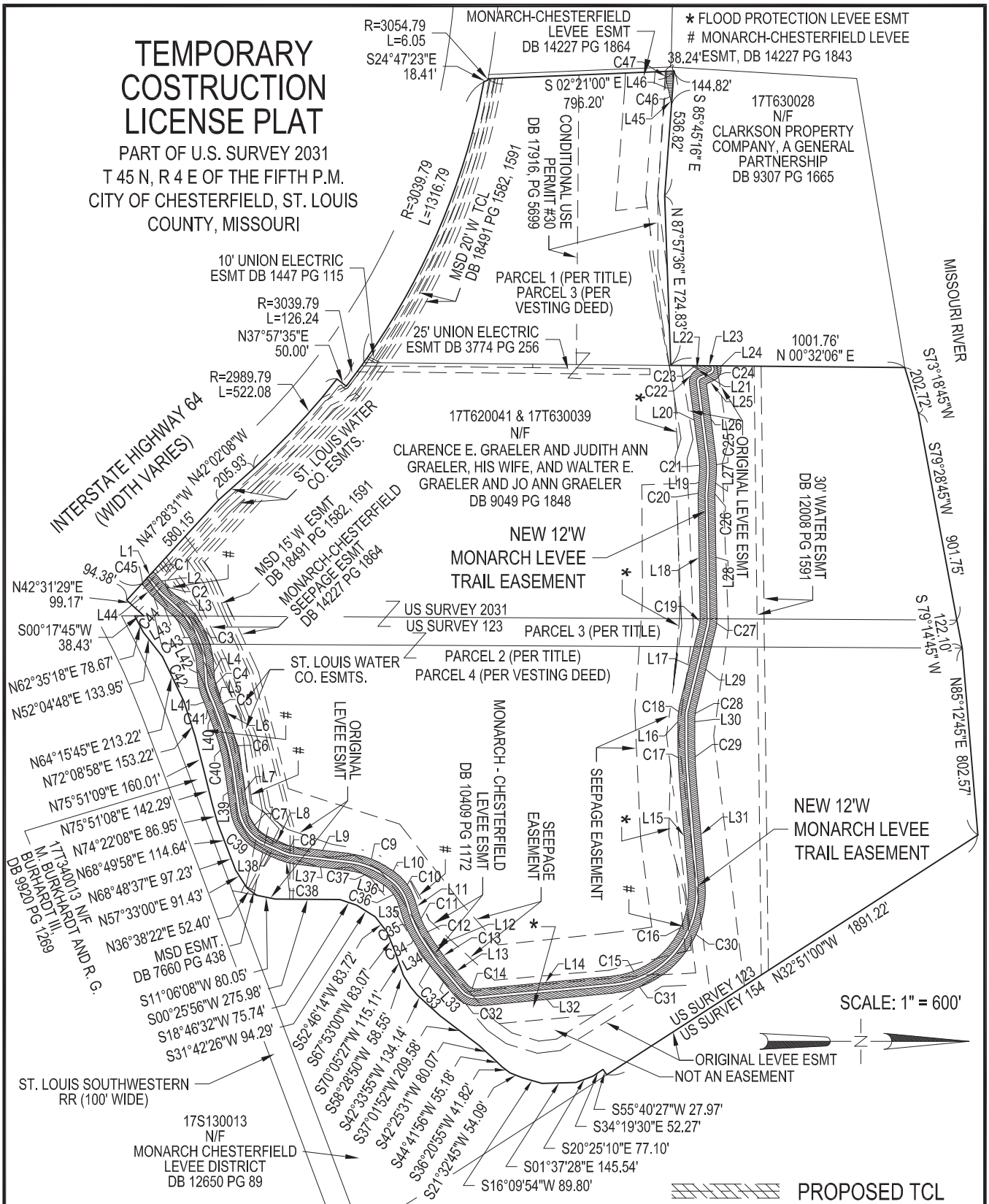
2043 Woodland Parkway  
Suite 201  
St. Louis, Missouri 63146  
tel.(314) 434-8898  
St. Louis, Missouri  
Belleville, Illinois

EXHIBIT  
A1

SHEET 2 OF 2

# TEMPORARY CONSTRUCTION LICENSE PLAT

PART OF U.S. SURVEY 2031  
T 45 N, R 4 E OF THE FIFTH P.M.  
CITY OF CHESTERFIELD, ST. LOUIS  
COUNTY, MISSOURI



DATE:  
4/20/20

SHEET 1 OF 3

**KdG**

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tel.(314) 434-8898

St. Louis, Missouri  
Belleville, Illinois

**EXHIBIT  
A**

# TEMPORARY CONSTRUCTION LICENSE

PART OF U.S. SURVEY 2031

T 45 N, R 4 E OF THE FIFTH P.M.

CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

LINE TABLE		
LINE	LENGTH	BEARING
L1	72.31	N47°28'31"W
L2	53.21	N50°43'31"E
L3	100.35	N42°02'14"E
L4	69.78	N86°14'26"E
L5	66.84	N67°42'58"E
L6	72.17	N69°28'08"E
L7	158.80	N81°57'32"E
L8	86.12	N23°59'26"E
L9	236.53	N06°42'11"E
L10	22.02	N35°37'00"E
L11	55.10	N73°27'33"E
L12	78.48	N55°45'37"E
L13	152.73	N50°16'00"E
L14	582.35	N05°26'18"W
L15	414.14	S85°07'01"W
L16	50.43	N89°14'38"W
L17	369.38	N76°10'27"W
L18	530.42	S89°03'36"W
L19	74.88	N86°08'36"W
L20	317.57	S82°40'40"W
L21	7.72	N25°27'06"W
L22	13.16	S19°55'16"W
L23	76.05	N00°32'06"E
L24	6.48	N80°22'54"E
L25	37.08	S25°27'06"E
L26	305.97	N82°40'40"E
L27	74.88	S86°08'36"E
L28	530.42	N89°03'36"E
L29	369.38	S76°10'27"E
L30	50.43	S89°14'38"E
L31	414.14	N85°07'01"E
L32	582.35	S05°26'18"E
L33	152.73	S50°16'00"W
L34	78.48	S55°45'37"W
L35	55.10	S73°27'33"W
L36	22.02	S35°37'00"W
L37	236.53	S06°42'11"W
L38	86.12	S23°59'26"W
L39	158.80	S81°57'32"W
L40	72.17	S69°28'08"W
L41	66.84	S67°42'58"W
L42	69.78	S86°14'26"W
L43	93.77	S42°02'14"W
L44	53.21	S50°43'31"W

CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	28.05	135.99
C2	13.18	86.89
C3	297.80	386.00
C4	37.82	116.98
C5	7.22	236.00
C6	227.45	1043.39
C7	157.46	155.63
C8	36.77	121.87
C9	190.68	377.86
C10	148.04	224.15
C11	58.47	317.25
C12	65.91	528.92
C13	21.82	227.58
C14	46.88	48.22
C15	183.32	349.46
C16	380.82	367.40
C17	258.63	2627.76
C18	36.03	157.97
C19	17.55	68.09
C20	19.76	236.00
C21	71.02	364.00
C22	70.25	56.00
C23	20.37	56.00
C24	66.02	51.00
C25	85.07	436.00
C26	13.73	164.00
C27	36.10	140.09
C28	19.61	85.97
C29	251.54	2555.76
C30	455.45	439.40
C31	221.09	421.46
C32	116.88	120.22
C33	28.73	299.58
C34	74.88	600.92
C35	71.74	389.25
C36	100.49	152.15
C37	154.35	305.86
C38	58.50	193.87
C39	230.31	227.64
C40	211.76	227.64
C41	5.02	164.00
C42	61.10	188.98
C43	242.25	314.00
C44	24.09	158.89
C45	17.77	63.99

DATE:  
4/20/20

SHEET 2 OF 3



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2043 Woodland Parkway  
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tel.(314) 434-8898  
St. Louis, Missouri  
Belleville, Illinois

EXHIBIT  
A1

# TEMPORARY CONSTRUCTION LICENSE

PART OF U.S. SURVEY 2031  
T 45 N, R 4 E OF THE FIFTH P.M.  
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

LINE TABLE		
LINE	LENGTH	BEARING
L45	30.46	S79°55'07"W
L46	62.62	S76°46'32"W

CURVE TABLE		
CURVE	LENGTH	RADIUS
C46	9.00	164.00
C47	43.58	236.00

DATE:  
4/20/20

SHEET 3 OF 3

**K d G**

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St. Louis, Missouri  
Belleville, Illinois

**EXHIBIT**  
**A2**

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI (THE “CITY”) AUTHORIZING CONDEMNATION OF CERTAIN INTERESTS IN REAL PROPERTY LOCATED IN THE CITY FOR THE PURPOSE OF CONSTRUCTING PHASE VI OF THE MONARCH-CHESTERFIELD LEVEE TRAIL EXTENDING THE EXISTING TRAIL.**

**WHEREAS**, the City is a third class city organized and operated pursuant to Chapter 77 of the Revised Statutes of Missouri (RSMo.) with authority under §88.497 RSMo. (2014) as amended, *inter alia*, to condemn all necessary lands within the City limits for the purpose of establishing, opening, widening, extending or altering any street, avenue, public park and for any other necessary public use; and

**WHEREAS**, the City needs certain property interests in, on and over certain parcels legally described in Exhibit A and which interests are illustrated in Exhibit B, attached hereto and incorporated herein by reference (collectively, the “Property Interests”), to acquire interests to allow for the construction and improvement of the City’s infrastructure for public use; and

**WHEREAS**, the Jo Ann Graeler Revocable Living Trust dated November 29, 2017, the Walter E. Graeler Revocable Living Trust dated November 29, 2017, the Judith A. Graeler Revocable Living Trust dated February 22, 2001, and the Clarence E. Graeler Revocable Living Trust dated February 22, 2001 are the owners of record of real property identified as Locator No. 17T620041 located at 16801 North Outer Road in the City which is legally described in Exhibit A and over which the City seeks a permanent easement and a temporary construction license as shown in Exhibit B; and

**WHEREAS**, the condemnation of the Property Interests for the construction and improvement of the City’s infrastructure is a public use and a public purpose and is for the benefit of those residents within the City and St. Louis County; and

**WHEREAS**, the Monarch-Chesterfield Levee District (the “MCLD”) has awarded a contract to construct improvements to the Monarch-Chesterfield Levee which will allow the City to complete Phase VI of the Monarch-Chesterfield Levee Trail (the “Levee Trail”); and

**WHEREAS**, the City has previously engaged in negotiations with the owners of record of the real property to acquire the Property Interests without resorting to condemnation but have thus far been unsuccessful, and the City will continue to engage in negotiations throughout the condemnation process to acquire the Property Interests so long as such Property Interests can still be acquired in the time necessary to begin work on Phase VI of the Levee Trail.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI, AS FOLLOWS:**

**Section 1:** The City Council hereby determines that it is necessary and in the public interest for the public purpose to acquire the Property Interests to allow construction and

improvement of the City's infrastructure, all to promote and regulate the health, safety and general welfare of the City and to obtain property to be put to public use and purpose.

**Section 2:** The City Council hereby authorizes the City Administrator, Director of Public Works, Director of Parks, Recreation & Arts, Mayor and City Attorney to take all necessary actions to acquire the Property Interests referenced herein including filing a petition condemning the Property Interests not less than thirty (30) days after the date of the City's written offer to the property owners, continuing to seek voluntary sale, or such other actions necessary to acquire the necessary interests identified herein and such other interests by condemnation or voluntary sale.

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

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Bob Nation, MAYOR

ATTEST:

\_\_\_\_\_  
Vickie McGownd, CITY CLERK



### **Exhibit A**

A tract of land, being part of US. Survey 2031, Township 45 North, Range 4 East, in St. Louis County, Missouri, and being more particularly described as follows: Beginning at a point, said point being at the intersection of the Northern line of the U.S. Highway 40 T.R., 100 feet wide, with the Eastern line of of tract of land described in deed to Edmund P. Andreas and recorded in Book 127 page 498 of the St. Louis County Records; thence along said Eastern line North 0 degrees 6 -1/2 minutes West , 1590.59 feet to a pipe; thence South 87 degrees 19 minutes west, 724.90 feet to a pipe; thence being distant South 86 degrees 24 1/2 minutes East, 18.09 feet from an old stone in the Western line of said tract of land conveyed to Edmund P. Andreas by deed recorded in Book 127 page 498 of the St. Louis County Records, as aforesaid; thence along a line 18 feet East of and parallel with said Western line, South 3 degrees East, 1147.56 feet to its intersection with the Northern line of said U.S. Highway 40 T.R.; thence along the Norther line of said highway, Southeastwardly along the arc of a curve to the right having a radius of 2914.90 feet, a distance of 1293.20 feet (chord of said arc bears South 69 degrees 44 minutes East, 1282.48 feet) to the point of beginning, according to a survey by Rapp & Rapp, made on the 24th day of June, 1946. Excepting therefrom all right, title and interest and to that part conveyed to the State of Missouri for highway purposes, or condemned by the State of Missouri for highway purposes.

**Legal Description**  
**Graeler Bike Trail Easement and TCL**

A 12 Foot Wide **PERMANENT BIKE TRAIL EASEMENT** across Part of U. S. Survey 2031, and Part of U. S. Survey 123, Township 45 North, Range 4 East of the 5<sup>th</sup> P.M., the centerline of said easement being more particularly described as follows:

**Permanent Bike Trail Easement “A”**

**Commencing** at the intersection of the Northerly right of way line of Interstate 64 (State Route 40TR) and the easterly line of a tract of land conveyed to Clarence E. Graeler and Judith Ann Graeler, his wife, and Walter E. Graeler and Jo Ann Graeler, in Deed Book 9049 on Page 1848; THENCE North 47 degrees 28 minutes 31 seconds West along said northerly right of way line, 130.51 feet to the point of beginning; THENCE, leaving said right of way, along a non-tangent curve to the right, having a radius of 99.99 feet, a chord bearing of North 44 degrees 09 minutes 44 seconds East, and an arc length of 22.91 feet; THENCE North 50 degrees 43 minutes 31 seconds East, 53.21 feet; THENCE along a curve to the left, having a radius of 122.89 feet, and an arc length of 18.63 feet; THENCE North 42 degrees 02 minutes 14 seconds East, 93.77 feet; THENCE along a curve to the right, having a radius of 350.00 feet, and an arc length of 270.02 feet; THENCE North 86 degrees 14 minutes 26 seconds East, 69.78 feet; THENCE along a curve to the left, having a radius of 152.98 feet, and an arc length of 49.46 feet; THENCE North 67 degrees 42 minutes 58 seconds East, 66.84 feet; THENCE along a curve to the right, having a radius of 200.00 feet, and an arc length of 6.12 feet; THENCE North 69 degrees 28 minutes 08 seconds East, 72.17 feet; THENCE along a curve to the right, having a radius of 1007.39 feet, and an arc length of 219.60 feet; THENCE North 81 degrees 57 minutes 32 seconds East, 158.80 feet; THENCE along a curve to the left, having a radius of 191.63 feet, and an arc length of 193.88 feet; THENCE North 23 degrees 59 minutes 26 seconds East, 86.12; THENCE along a curve to the left, having a radius of 157.87 feet, and an arc length of 47.63 feet; THENCE North 06 degrees 42 minutes 11 seconds East, 236.53 feet; THENCE along a curve to the right, having a radius of 341.86 feet, and an arc length of 172.51 feet; THENCE North 35 degrees 37 minutes 00 seconds East, 22.02 feet; THENCE along a curve to the right, having a radius of 188.15 feet, and an arc length of 124.27 feet; THENCE North 73 degrees 27 minutes 33 seconds East, 55.10 feet; THENCE along a curve to the left, having a radius of 353.25 feet, and an arc length of 65.10 feet; THENCE along a curve to the left, having a radius of 564.92 feet, and an arc length of 70.40 feet; THENCE North 55 degrees 45 minutes 37 seconds East, 78.48 feet; THENCE along a curve to the left, having a radius of 263.58 feet, and an arc length of 25.27 feet; THENCE North 50 degrees 16 minutes 00 seconds West, 152.73 feet; THENCE along a curve to the left, having a radius of 84.22 feet, and an arc length of 81.88 feet; THENCE North 05 degrees 26 minutes 18 seconds West, 582.35 feet; THENCE along a curve to the left, having a radius of 385.46 feet, and an arc length of 202.21 feet; THENCE along a curve to the left, having a radius of 403.40 feet, and an arc length of 418.13 feet; THENCE South 85 degrees 07 minutes 01 seconds West, 414.14 feet; THENCE along a curve to the right, having a radius of 2591.76, and an arc length of 255.06 feet; THENCE North 89 degrees 14 minutes 38 seconds West, 50.43 feet; THENCE along a curve to the right, having a radius of 121.97 feet, and an arc length of 27.82 feet; THENCE North 76 degrees 10 minutes 27 seconds West, 369.38 feet; THENCE along a curve to the left, having a radius of 104.09 feet, and an arc length of 26.38 feet; THENCE South 89 degrees 03 minutes 36 seconds West, 530.42 feet; THENCE along a curve to the right, having a radius of 200.00 feet, and an arc length of 16.74 feet; THENCE North 86 degrees 08 minutes 36 seconds West 74.88 feet; THENCE along a curve to the left, having a radius of 400.00 feet, and an arc length of 78.04 feet; THENCE South 82 degrees 40 minutes 40 seconds West, 317.57 feet; THENCE along a curve to the right, having a radius of 20.00 feet, and an arc length of 25.09 feet; THENCE North 25 degrees 27 minutes 06 seconds West, 48.67 feet; THENCE along a curve to the left, having a radius of 15.00 feet, and an arc length of 19.42 feet; THENCE South 80 degrees 22 minutes 54 seconds West, 7.68 feet; THENCE along a curve to the left, having a radius of 14.84 feet, and an arc length of 5.55 feet to the terminus of said easement.

**ALSO**

**Permanent Bike Trail Easement “B”**

**Commencing** at the Northwest corner of a tract of land conveyed to Clarence E. Graeler and Judith Ann Graeler, his wife, and Walter E. Graeler and Jo Ann Graeler, in Deed Book 9049 on Page 1848; THENCE South 02 degrees 21 minutes 00 seconds East, 2.23 feet along the east line of said tract to the point of beginning; THENCE along a non-tangent curve to the left, having a radius of 200.00 feet, a chord bearing of North 85 degrees 15 minutes 52 seconds East, and an arc length of 14.22 feet to the point of terminus of said easement.

Said PERMANENT BIKE TRAIL EASEMENT containing 71,987 square feet, more or less, and being situated in the City of Chesterfield, St. Louis County, Missouri.

A 30 Foot Wide **TEMPORARY CONSTRUCTION LICENSE** on both sides of the Permanent Bike Trail Easement, across Part of U. S. Survey 2031, and Part of U. S. Survey 123, Township 45 North, Range 4 East of the 5<sup>th</sup> P.M., said Temporary Construction License being more particularly described as follows:

**Commencing** at the intersection of the Northerly right of way line of Interstate 64 (State Route 40TR) and the easterly line of a tract of land conveyed to Clarence E. Graeler and Judith Ann Graeler, his wife, and Walter E. Graeler and Jo Ann Graeler, in Deed Book 9049 on Page 1848; THENCE North 47 degrees 28 minutes 31 seconds West along said northerly right of way line, 94.38 feet to the point of beginning; THENCE, continuing along said right of way, North 47 degrees 28 minutes 31 seconds West, 72.31 feet; THENCE leaving said right of way, along a non-tangent curve to the right, having a radius of 135.99 feet, a chord bearing of North 44 degrees 48 minutes 55 seconds East, and an arc length of 28.05 feet; THENCE North 50 degrees 43 minutes 31 seconds East, 53.21 feet; THENCE along a curve to the left, having a radius of 86.89 feet, and an arc length of 13.18 feet; THENCE North 42 degrees 02 minutes 14 seconds East, 100.35 feet; THENCE along a curve to the right, having a radius of 386.00 feet, and an arc length of 297.80 feet; THENCE North 86 degrees 14 minutes 26 seconds East, 69.78 feet; THENCE along a curve to the left, having a radius of 116.98 feet, and an arc length of 37.82 feet; THENCE North 67 degrees 42 minutes 58 seconds East, 66.84 feet; THENCE along a curve to the right, having a radius of 236.00 feet, and an arc length of 7.22 feet; THENCE North 69 degrees 28 minutes 08 seconds East, 72.17 feet; THENCE along a curve to the right, having a radius of 1043.39 feet, and an arc length of 227.45 feet; THENCE North 81 degrees 57 minutes 32 seconds East, 158.80 feet; THENCE along a curve to the left, having a radius of 155.63 feet, and an arc length of 157.46 feet; THENCE North 23 degrees 59 minutes 26 seconds East, 86.12; THENCE along a curve to the left, having a radius of 121.87 feet, and an arc length of 36.77 feet; THENCE North 06 degrees 42 minutes 11 seconds East, 236.53 feet; THENCE along a curve to the right, having a radius of 377.86 feet, and an arc length of 190.68 feet; THENCE North 35 degrees 37 minutes 00 seconds East, 22.02 feet; THENCE along a curve to the right, having a radius of 224.15 feet, and an arc length of 148.04 feet; THENCE North 73 degrees 27 minutes 33 seconds East, 55.10 feet; THENCE along a curve to the left, having a radius of 317.25 feet, and an arc length of 58.47 feet; THENCE along a curve to the left, having a radius of 528.92 feet, and an arc length of 65.91 feet; THENCE North 55 degrees 45 minutes 37 seconds East, 78.48 feet; THENCE along a curve to the left, having a radius of 227.58 feet, and an arc length of 21.82 feet; THENCE North 50 degrees 16 minutes 00 seconds East, 152.73 feet; THENCE along a curve to the left, having a radius of 48.22 feet, and an arc length of 46.88 feet; THENCE North 05 degrees 26 minutes 18 seconds West, 582.35 feet; THENCE along a curve to the left, having a radius of 349.46 feet, and an arc length of 183.32 feet;

THENCE along a curve to the left , having a radius of 367.40 feet, and an arc length of 380.82 feet; THENCE South 85 degrees 07 minutes 01 seconds West, 414.14 feet; THENCE along a curve to the right, having a radius of 2627.76, and an arc length of 258.63 feet; THENCE North 89 degrees 14 minutes 38 seconds West, 50.43 feet; THENCE along a curve to the right, having a radius of 157.97 feet, and an arc length of 36.03 feet; THENCE North 76 degrees 10 minutes 27 seconds West, 369.38 feet; THENCE along a curve to the left, having a radius of 68.09 feet, and an arc length of 17.55 feet; THENCE South 89 degrees 03 minutes 36 seconds West, 530.42 feet; THENCE along a curve to the right, having a radius of 236.00 feet, and an arc length of 19.76 feet; THENCE North 86 degrees 08 minutes 36 seconds West 74.88 feet; THENCE along a curve to the left, having a radius of 364.00 feet, and an arc length of 71.02 feet; THENCE South 82 degrees 40 minutes 40 seconds West, 317.57 feet; THENCE along a curve to the right, having a radius of 56.00 feet, and an arc length of 70.25 feet; THENCE North 25 degrees 27 minutes 06 seconds West, 7.72 feet; THENCE South 19 degrees 55 minutes 16 seconds West, 13.16 feet; THENCE along a curve to the right, having a radius of 56.00 feet, and an arc length of 20.37 feet; THENCE North 00 degrees 32 minutes 06 seconds East, 76.05 feet; THENCE North 80 degrees 22 minutes 54 seconds East, 6.48 feet; THENCE along a curve to the right, having a radius of 51.00 feet, and an arc length of 66.02 feet; THENCE South 25 degrees 27 minutes 06 seconds East, 37.08 feet; THENCE North 82 degrees 40 minutes 40 seconds East, 305.97 feet; THENCE along a curve to the right, having a radius of 436.00 feet, and an arc length of 85.07 feet; THENCE South 86 degrees 08 minutes 36 seconds East, 74.88 feet; THENCE along a curve to the left, having a radius of 164.00 feet, and an arc length of 13.73 feet; THENCE North 89 degrees 03 minutes 36 seconds East, 530.42 feet; THENCE along a curve to the right, having a radius of 140.09 feet, and an arc length of 36.10 feet; THENCE South 76 degrees 10 minutes 27 seconds East, 369.38 feet; THENCE along a curve to the left, having a radius of 85.97 feet, and an arc length of 19.61 feet; THENCE South 89 degrees 14 minutes 38 seconds East, 50.43 feet; THENCE along a curve to the left, having a radius of 2555.76 feet, and an arc length of 251.54 feet; THENCE North 85 degrees 07 minutes 01 seconds East, 414.14 feet; THENCE along a curve to the right, having a radius of 439.40 feet, and an arc length of 455.45 feet; THENCE along a curve to the right, having a radius of 421.46 feet, and an arc length of 221.09 feet; THENCE South 05 degrees 26 minutes 18 seconds East, 582.35 feet; THENCE along a curve to the right, having a radius of 120.22 feet, and an arc length of 116.88 feet; THENCE South 50 degrees 16 minutes 00 seconds West, 152.73 feet; THENCE along a curve to the right, having a radius of 299.58 feet, and an arc length of 28.73 feet; THENCE South 55 degrees 45 minutes 37 seconds West, 78.48 feet; THENCE along a curve to the right, having a radius of 600.92 feet, and an arc length of 74.88 feet; THENCE along a curve to the right, having a radius of 389.25 feet, and an arc length of 71.74 feet; THENCE South 73 degrees 27 minutes 33 seconds West, 55.10 feet; THENCE along a curve to the left, having a radius of 152.15 feet, and an arc length of 100.49 feet; THENCE South 35 degrees 37 minutes 00 seconds West, 22.02 feet; THENCE along a curve to the left, having a radius of 305.86 feet, and an arc length of 154.35 feet; THENCE South 06 degrees 42 minutes 11 seconds West, 236.53 feet; THENCE along a curve to the right, having a radius of 193.87 feet, and an arc length of 58.50 feet; THENCE South 23 degrees 59 minutes 26 seconds West, 86.12 feet; THENCE along a curve to the right, having a radius of 227.64 feet, and an arc length of 230.31 feet; THENCE South 81 degrees 57 minutes 32 seconds West, 158.80 feet; THENCE along a curve to the left, having a radius of 227.64 feet, and an arc length of 211.76 feet; THENCE South 69 degrees 28 minutes 08 seconds West, 72.17 feet; THENCE along a curve to the left, having a radius of 164.00 feet, and an arc length of 5.02 feet; THENCE South 67 degrees 42 minutes 58 seconds West, 66.84 feet; THENCE along a curve to the right, having a radius of 188.98 feet, and an arc length of 61.10 feet; THENCE South 86 degrees 14 minutes 26 seconds West, 69.78 feet; THENCE along a curve to the left, having a radius of 314.00 feet, and an arc length of 242.25 feet; THENCE South 42 degrees 02 minutes 14 seconds West, 93.77 feet; THENCE along a curve to the right, having a radius of 158.89 feet, and an arc length of 24.09 feet; THENCE South 50 degrees 43 minutes 31 seconds West, 53.21 feet; THENCE along a curve to the left, having a radius of 63.99 feet, and an arc length of 17.77 feet to the point of beginning of said Temporary Construction License “A”.

Less and Excepting that part conveyed as PERMANENT BIKE TRAIL EASEMENT “A” above.

**ALSO**

**Commencing** at the Northwest corner of a tract of land conveyed to Clarence E. Graeler and Judith Ann Graeler, his wife, and Walter E. Graeler and Jo Ann Graeler, in Deed Book 9049 on Page 1848; THENCE South 85 degrees 45 minutes 16 seconds East, 144.82 feet along the north line of said tract to the point of beginning; THENCE South 79 degrees 55 minutes 07 seconds West, 30.46 feet; THENCE along a curve to the left, having a radius of 164.00 feet and an arc length of 9.00 feet; THENCE South 76 degrees 46 minutes 32 seconds West, 62.62 feet; THENCE along a curve to the right, having a radius of 236.00 feet and an arc length of 43.58 feet; THENCE North 02 degrees 21 minutes 00 seconds West, 38.24 feet to the point of beginning of said Temporary Construction License "B".

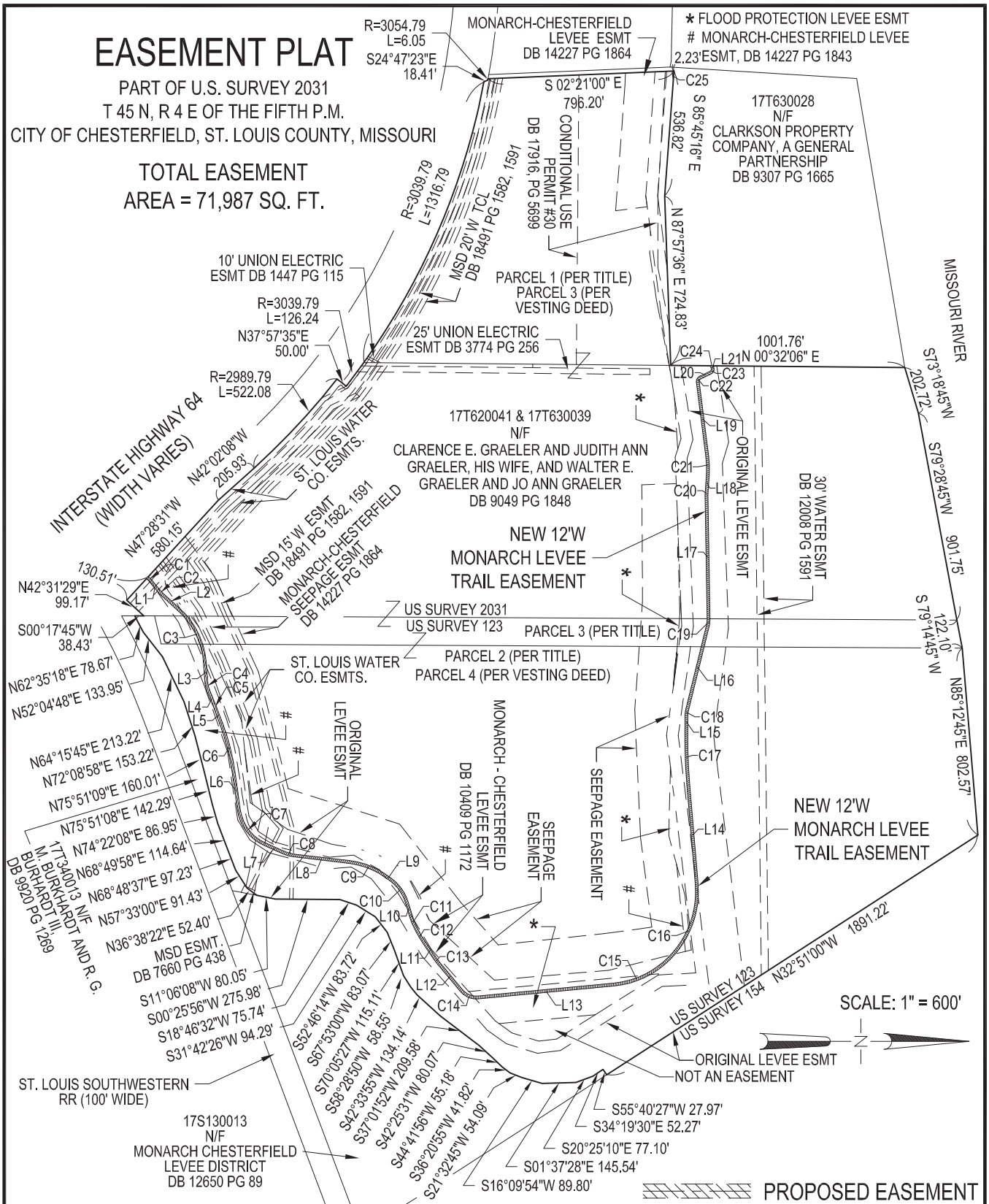
Less and Excepting that part conveyed as PERMANENT BIKE TRAIL EASEMENT "B" above.

Said TEMPORARY CONSTRUCTION LICENSE containing 362,073 square feet, more or less, and being situated in the City of Chesterfield, St. Louis County, Missouri.

# EASEMENT PLAT

PART OF U.S. SURVEY 2031  
T 45 N, R 4 E OF THE FIFTH P.M.  
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

TOTAL EASEMENT  
AREA = 71,987 SQ. FT.



DATE:  
1/21/20

SHEET 1 OF 2

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Suite 201  
St. Louis, Missouri 63146  
tel.(314) 434-8898  
St. Louis, Missouri  
Belleville, Illinois

**EXHIBIT A**

# EASEMENT PLAT

PART OF U.S. SURVEY 2031  
 T 45 N, R 4 E OF THE FIFTH P.M.  
 CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

LINE TABLE

LINE	LENGTH	BEARING
L1	53.21	N50°43'31"E
L2	93.77	N42°02'14"E
L3	69.78	N86°14'26"E
L4	66.84	N67°42'58"E
L5	72.17	N69°28'08"E
L6	158.80	N81°57'32"E
L7	86.12	N23°59'26"E
L8	236.53	N06°42'11"E
L9	22.02	N35°37'00"E
L10	55.10	N73°27'33"E
L11	78.48	N55°45'37"E
L12	152.73	N50°16'00"W
L13	582.35	N05°26'18"W
L14	414.14	S85°07'01"W
L15	50.43	N89°14'38"W
L16	369.38	N76°10'27"W
L17	530.42	S89°03'36"W
L18	74.88	N86°08'36"W
L19	317.57	S82°40'40"W
L20	48.67	N25°27'06"W
L21	7.68	S80°22'54"W

CURVE TABLE

CURVE	LENGTH	RADIUS
C1	22.91	99.99
C2	18.63	122.89
C3	270.02	350.00
C4	49.46	152.98
C5	6.12	200.00
C6	219.60	1007.39
C7	193.88	191.63
C8	47.63	157.87
C9	172.51	341.86
C10	124.27	188.15
C11	65.10	353.25
C12	70.40	564.92
C13	25.27	263.58
C14	81.88	84.22
C15	202.21	385.46
C16	418.13	403.40
C17	255.08	2591.76
C18	27.82	121.97
C19	26.38	104.09
C20	16.74	200.00
C21	78.04	400.00
C22	25.09	20.00
C23	19.42	15.00
C24	5.55	14.84
C25	14.22	200.00

DATE:  
1/21/20



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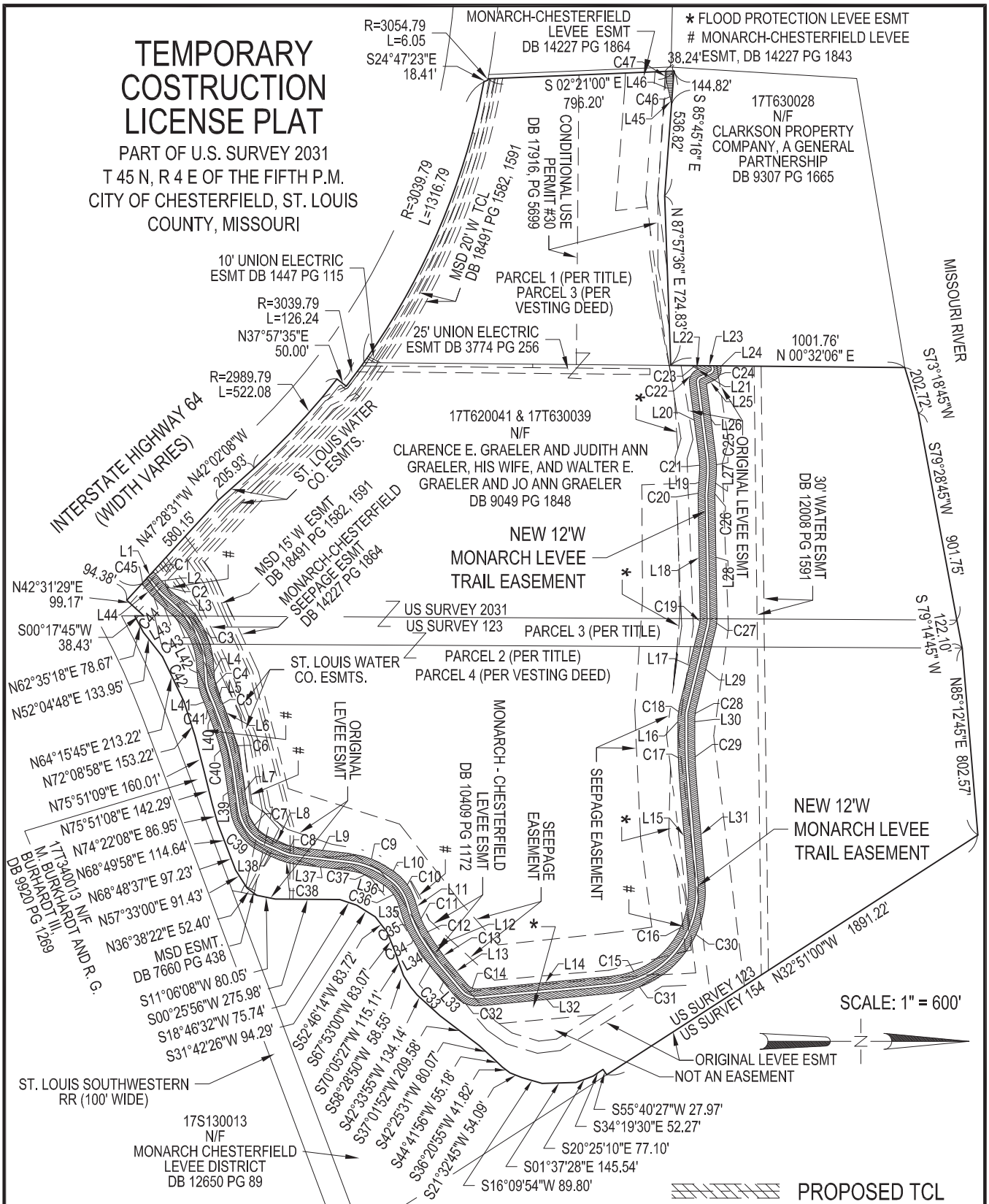
2043 Woodland Parkway  
Suite 201  
St. Louis, Missouri 63146  
tel.(314) 434-8898  
St. Louis, Missouri  
Belleville, Illinois

EXHIBIT  
A1

SHEET 2 OF 2

# TEMPORARY CONSTRUCTION LICENSE PLAT

PART OF U.S. SURVEY 2031  
T 45 N, R 4 E OF THE FIFTH P.M.  
CITY OF CHESTERFIELD, ST. LOUIS  
COUNTY, MISSOURI



DATE:  
4/20/20

SHEET 1 OF 3

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St. Louis, Missouri  
Belleville, Illinois

**EXHIBIT  
A**



# TEMPORARY CONSTRUCTION LICENSE

PART OF U.S. SURVEY 2031

T 45 N, R 4 E OF THE FIFTH P.M.

CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

LINE TABLE		
LINE	LENGTH	BEARING
L1	72.31	N47°28'31"W
L2	53.21	N50°43'31"E
L3	100.35	N42°02'14"E
L4	69.78	N86°14'26"E
L5	66.84	N67°42'58"E
L6	72.17	N69°28'08"E
L7	158.80	N81°57'32"E
L8	86.12	N23°59'26"E
L9	236.53	N06°42'11"E
L10	22.02	N35°37'00"E
L11	55.10	N73°27'33"E
L12	78.48	N55°45'37"E
L13	152.73	N50°16'00"E
L14	582.35	N05°26'18"W
L15	414.14	S85°07'01"W
L16	50.43	N89°14'38"W
L17	369.38	N76°10'27"W
L18	530.42	S89°03'36"W
L19	74.88	N86°08'36"W
L20	317.57	S82°40'40"W
L21	7.72	N25°27'06"W
L22	13.16	S19°55'16"W
L23	76.05	N00°32'06"E
L24	6.48	N80°22'54"E
L25	37.08	S25°27'06"E
L26	305.97	N82°40'40"E
L27	74.88	S86°08'36"E
L28	530.42	N89°03'36"E
L29	369.38	S76°10'27"E
L30	50.43	S89°14'38"E
L31	414.14	N85°07'01"E
L32	582.35	S05°26'18"E
L33	152.73	S50°16'00"W
L34	78.48	S55°45'37"W
L35	55.10	S73°27'33"W
L36	22.02	S35°37'00"W
L37	236.53	S06°42'11"W
L38	86.12	S23°59'26"W
L39	158.80	S81°57'32"W
L40	72.17	S69°28'08"W
L41	66.84	S67°42'58"W
L42	69.78	S86°14'26"W
L43	93.77	S42°02'14"W
L44	53.21	S50°43'31"W

CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	28.05	135.99
C2	13.18	86.89
C3	297.80	386.00
C4	37.82	116.98
C5	7.22	236.00
C6	227.45	1043.39
C7	157.46	155.63
C8	36.77	121.87
C9	190.68	377.86
C10	148.04	224.15
C11	58.47	317.25
C12	65.91	528.92
C13	21.82	227.58
C14	46.88	48.22
C15	183.32	349.46
C16	380.82	367.40
C17	258.63	2627.76
C18	36.03	157.97
C19	17.55	68.09
C20	19.76	236.00
C21	71.02	364.00
C22	70.25	56.00
C23	20.37	56.00
C24	66.02	51.00
C25	85.07	436.00
C26	13.73	164.00
C27	36.10	140.09
C28	19.61	85.97
C29	251.54	2555.76
C30	455.45	439.40
C31	221.09	421.46
C32	116.88	120.22
C33	28.73	299.58
C34	74.88	600.92
C35	71.74	389.25
C36	100.49	152.15
C37	154.35	305.86
C38	58.50	193.87
C39	230.31	227.64
C40	211.76	227.64
C41	5.02	164.00
C42	61.10	188.98
C43	242.25	314.00
C44	24.09	158.89
C45	17.77	63.99

DATE:  
4/20/20

SHEET 2 OF 3



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2043 Woodland Parkway  
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St. Louis, Missouri 63146  
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St. Louis, Missouri  
Belleville, Illinois

EXHIBIT  
A1

# TEMPORARY CONSTRUCTION LICENSE

PART OF U.S. SURVEY 2031  
T 45 N, R 4 E OF THE FIFTH P.M.  
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

LINE TABLE		
LINE	LENGTH	BEARING
L45	30.46	S79°55'07"W
L46	62.62	S76°46'32"W

CURVE TABLE		
CURVE	LENGTH	RADIUS
C46	9.00	164.00
C47	43.58	236.00

DATE:  
4/20/20

SHEET 3 OF 3

**K d G**

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St. Louis, Missouri  
Belleville, Illinois

**EXHIBIT**  
**A2**

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI (THE “CITY”) AUTHORIZING CONDEMNATION OF CERTAIN INTERESTS IN REAL PROPERTY LOCATED IN THE CITY FOR THE PURPOSE OF CONSTRUCTING PHASE VI OF THE MONARCH-CHESTERFIELD LEVEE TRAIL EXTENDING THE EXISTING TRAIL.**

**WHEREAS**, the City is a third class city organized and operated pursuant to Chapter 77 of the Revised Statutes of Missouri (RSMo.) with authority under §88.497 RSMo. (2014) as amended, *inter alia*, to condemn all necessary lands within the City limits for the purpose of establishing, opening, widening, extending or altering any street, avenue, public park and for any other necessary public use; and

**WHEREAS**, the City needs certain property interests in, on and over certain parcels legally described in Exhibit A and which interests are illustrated in Exhibit B, attached hereto and incorporated herein by reference (collectively, the “Property Interests”), to acquire interests to allow for the construction and improvement of the City’s infrastructure for public use; and

**WHEREAS**, the Jo Ann Graeler Revocable Living Trust dated November 29, 2017, the Walter E. Graeler Revocable Living Trust dated November 29, 2017, the Judith A. Graeler Revocable Living Trust dated February 22, 2001, and the Clarence E. Graeler Revocable Living Trust dated February 22, 2001 are the owners of record of real property identified as Locator No. 17T630039 located at 16801 North Outer Road, Unit A in the City which is legally described in Exhibit A and over which the City seeks a permanent easement and a temporary construction license as shown in Exhibit B; and

**WHEREAS**, the condemnation of the Property Interests for the construction and improvement of the City’s infrastructure is a public use and a public purpose and is for the benefit of those residents within the City and St. Louis County; and

**WHEREAS**, the Monarch-Chesterfield Levee District (the “MCLD”) has awarded a contract to construct improvements to the Monarch-Chesterfield Levee which will allow the City to complete Phase VI of the Monarch-Chesterfield Levee Trail (the “Levee Trail”); and

**WHEREAS**, the City has previously engaged in negotiations with the owners of record of the real property to acquire the Property Interests without resorting to condemnation but have thus far been unsuccessful, and the City will continue to engage in negotiations throughout the condemnation process to acquire the Property Interests so long as such Property Interests can still be acquired in the time necessary to begin work on Phase VI of the Levee Trail.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI, AS FOLLOWS:**

**Section 1:** The City Council hereby determines that it is necessary and in the public interest for the public purpose to acquire the Property Interests to allow construction and

improvement of the City's infrastructure, all to promote and regulate the health, safety and general welfare of the City and to obtain property to be put to public use and purpose.

**Section 2:** The City Council hereby authorizes the City Administrator, Director of Public Works, Director of Parks, Recreation & Arts, Mayor and City Attorney to take all necessary actions to acquire the Property Interests referenced herein including filing a petition condemning the Property Interests not less than thirty (30) days after the date of the City's written offer to the property owners, continuing to seek voluntary sale, or such other actions necessary to acquire the necessary interests identified herein and such other interests by condemnation or voluntary sale.

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

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Bob Nation, MAYOR

ATTEST:

\_\_\_\_\_  
Vickie McGownd, CITY CLERK

## Exhibit A

A tract of land, being part of U.S. Survey 2031, Township 45 North, Range 4 East, described as follows, to-wit: Commencing at a stake set in the East line of U.S. Survey 2031 on the North side of Bonhomme Creek, said stake being North 0 degree 17 minutes West, 249.40 feet from an old stone on said Survey line and the South line of the Right of way of the Chicago Rock Island & Pacific Railroad; thence with the east line of said Survey North 0 degree 17 minutes west, 3443.83 feet to a stake on old bank of Missouri River; thence with said old bank of Missouri River, South 78 degrees 54 minutes West, 901.75 feet, and South 72 degrees 44 minutes West, 197 feet to an old stone set on the East line of tract of land now or formerly of Edmund P. Andreas; thence with Andreas' East line, South 0 degrees 3 minutes West, 3516.78 feet to a stake on bank of Bonhomme Creek; thence continuing South 0 degree 3 minutes West to the center of Bonhomme Creek; thence continuing South 0 degree 3 minutes West to the center of Bonhomme Creek; thence with the center line of said creek Eastwardly downstream to a point in the West line of a strip of land conveyed to Chicago, Rock Island & Pacific Railroad by deed recorded in Book 316 page 329; thence along said West line to the Northwest corner of said strip; thence eastwardly along the North line of said strip and parallel to the center line of said Railroad, 495 feet to the Northeast corner of said strip; thence Southwardly along the East line of said strip to the center line of Bonhomme Creel; thence Eastwardly with the center line of said creek to the East line of U.S. Survey 2031; thence with said Survey line North 0 degrees 17 minutes West, 40 feet, more or less, to the place of beginning. Excepting therefrom a strip of land conveyed to State of Missouri for State Highway by deed recorded in Book 1270 page 408 of the St. Louis County Records. Also Excepting therefrom, a tract of land conveyed to Edmund P. Andreas et al by deed dated July 26, 1946 in Book 2190 page 427 of the St. Louis County Records. AND EXCEPTING THEREFROM that part South of the levee conveyed by deed recorded in Book 13965 page 1031 and Book 13965 page 1037.

**Legal Description**  
**Graeler Bike Trail Easement and TCL**

A 12 Foot Wide **PERMANENT BIKE TRAIL EASEMENT** across Part of U. S. Survey 2031, and Part of U. S. Survey 123, Township 45 North, Range 4 East of the 5<sup>th</sup> P.M., the centerline of said easement being more particularly described as follows:

**Permanent Bike Trail Easement “A”**

**Commencing** at the intersection of the Northerly right of way line of Interstate 64 (State Route 40TR) and the easterly line of a tract of land conveyed to Clarence E. Graeler and Judith Ann Graeler, his wife, and Walter E. Graeler and Jo Ann Graeler, in Deed Book 9049 on Page 1848; THENCE North 47 degrees 28 minutes 31 seconds West along said northerly right of way line, 130.51 feet to the point of beginning; THENCE, leaving said right of way, along a non-tangent curve to the right, having a radius of 99.99 feet, a chord bearing of North 44 degrees 09 minutes 44 seconds East, and an arc length of 22.91 feet; THENCE North 50 degrees 43 minutes 31 seconds East, 53.21 feet; THENCE along a curve to the left, having a radius of 122.89 feet, and an arc length of 18.63 feet; THENCE North 42 degrees 02 minutes 14 seconds East, 93.77 feet; THENCE along a curve to the right, having a radius of 350.00 feet, and an arc length of 270.02 feet; THENCE North 86 degrees 14 minutes 26 seconds East, 69.78 feet; THENCE along a curve to the left, having a radius of 152.98 feet, and an arc length of 49.46 feet; THENCE North 67 degrees 42 minutes 58 seconds East, 66.84 feet; THENCE along a curve to the right, having a radius of 200.00 feet, and an arc length of 6.12 feet; THENCE North 69 degrees 28 minutes 08 seconds East, 72.17 feet; THENCE along a curve to the right, having a radius of 1007.39 feet, and an arc length of 219.60 feet; THENCE North 81 degrees 57 minutes 32 seconds East, 158.80 feet; THENCE along a curve to the left, having a radius of 191.63 feet, and an arc length of 193.88 feet; THENCE North 23 degrees 59 minutes 26 seconds East, 86.12; THENCE along a curve to the left, having a radius of 157.87 feet, and an arc length of 47.63 feet; THENCE North 06 degrees 42 minutes 11 seconds East, 236.53 feet; THENCE along a curve to the right, having a radius of 341.86 feet, and an arc length of 172.51 feet; THENCE North 35 degrees 37 minutes 00 seconds East, 22.02 feet; THENCE along a curve to the right, having a radius of 188.15 feet, and an arc length of 124.27 feet; THENCE North 73 degrees 27 minutes 33 seconds East, 55.10 feet; THENCE along a curve to the left, having a radius of 353.25 feet, and an arc length of 65.10 feet; THENCE along a curve to the left, having a radius of 564.92 feet, and an arc length of 70.40 feet; THENCE North 55 degrees 45 minutes 37 seconds East, 78.48 feet; THENCE along a curve to the left, having a radius of 263.58 feet, and an arc length of 25.27 feet; THENCE North 50 degrees 16 minutes 00 seconds West, 152.73 feet; THENCE along a curve to the left, having a radius of 84.22 feet, and an arc length of 81.88 feet; THENCE North 05 degrees 26 minutes 18 seconds West, 582.35 feet; THENCE along a curve to the left, having a radius of 385.46 feet, and an arc length of 202.21 feet; THENCE along a curve to the left, having a radius of 403.40 feet, and an arc length of 418.13 feet; THENCE South 85 degrees 07 minutes 01 seconds West, 414.14 feet; THENCE along a curve to the right, having a radius of 2591.76, and an arc length of 255.06 feet; THENCE North 89 degrees 14 minutes 38 seconds West, 50.43 feet; THENCE along a curve to the right, having a radius of 121.97 feet, and an arc length of 27.82 feet; THENCE North 76 degrees 10 minutes 27 seconds West, 369.38 feet; THENCE along a curve to the left, having a radius of 104.09 feet, and an arc length of 26.38 feet; THENCE South 89 degrees 03 minutes 36 seconds West, 530.42 feet; THENCE along a curve to the right, having a radius of 200.00 feet, and an arc length of 16.74 feet; THENCE North 86 degrees 08 minutes 36 seconds West 74.88 feet; THENCE along a curve to the left, having a radius of 400.00 feet, and an arc length of 78.04 feet; THENCE South 82 degrees 40 minutes 40 seconds West, 317.57 feet; THENCE along a curve to the right, having a radius of 20.00 feet, and an arc length of 25.09 feet; THENCE North 25 degrees 27 minutes 06 seconds West, 48.67 feet; THENCE along a curve to the left, having a radius of 15.00 feet, and an arc length of 19.42 feet; THENCE South 80 degrees 22 minutes 54 seconds West, 7.68 feet; THENCE along a curve to the left, having a radius of 14.84 feet, and an arc length of 5.55 feet to the terminus of said easement.

**ALSO**

**Permanent Bike Trail Easement “B”**

**Commencing** at the Northwest corner of a tract of land conveyed to Clarence E. Graeler and Judith Ann Graeler, his wife, and Walter E. Graeler and Jo Ann Graeler, in Deed Book 9049 on Page 1848; THENCE South 02 degrees 21 minutes 00 seconds East, 2.23 feet along the east line of said tract to the point of beginning; THENCE along a non-tangent curve to the left, having a radius of 200.00 feet, a chord bearing of North 85 degrees 15 minutes 52 seconds East, and an arc length of 14.22 feet to the point of terminus of said easement.

Said PERMANENT BIKE TRAIL EASEMENT containing 71,987 square feet, more or less, and being situated in the City of Chesterfield, St. Louis County, Missouri.

A 30 Foot Wide **TEMPORARY CONSTRUCTION LICENSE** on both sides of the Permanent Bike Trail Easement, across Part of U. S. Survey 2031, and Part of U. S. Survey 123, Township 45 North, Range 4 East of the 5<sup>th</sup> P.M., said Temporary Construction License being more particularly described as follows:

**Commencing** at the intersection of the Northerly right of way line of Interstate 64 (State Route 40TR) and the easterly line of a tract of land conveyed to Clarence E. Graeler and Judith Ann Graeler, his wife, and Walter E. Graeler and Jo Ann Graeler, in Deed Book 9049 on Page 1848; THENCE North 47 degrees 28 minutes 31 seconds West along said northerly right of way line, 94.38 feet to the point of beginning; THENCE, continuing along said right of way, North 47 degrees 28 minutes 31 seconds West, 72.31 feet; THENCE leaving said right of way, along a non-tangent curve to the right, having a radius of 135.99 feet, a chord bearing of North 44 degrees 48 minutes 55 seconds East, and an arc length of 28.05 feet; THENCE North 50 degrees 43 minutes 31 seconds East, 53.21 feet; THENCE along a curve to the left, having a radius of 86.89 feet, and an arc length of 13.18 feet; THENCE North 42 degrees 02 minutes 14 seconds East, 100.35 feet; THENCE along a curve to the right, having a radius of 386.00 feet, and an arc length of 297.80 feet; THENCE North 86 degrees 14 minutes 26 seconds East, 69.78 feet; THENCE along a curve to the left, having a radius of 116.98 feet, and an arc length of 37.82 feet; THENCE North 67 degrees 42 minutes 58 seconds East, 66.84 feet; THENCE along a curve to the right, having a radius of 236.00 feet, and an arc length of 7.22 feet; THENCE North 69 degrees 28 minutes 08 seconds East, 72.17 feet; THENCE along a curve to the right, having a radius of 1043.39 feet, and an arc length of 227.45 feet; THENCE North 81 degrees 57 minutes 32 seconds East, 158.80 feet; THENCE along a curve to the left, having a radius of 155.63 feet, and an arc length of 157.46 feet; THENCE North 23 degrees 59 minutes 26 seconds East, 86.12; THENCE along a curve to the left, having a radius of 121.87 feet, and an arc length of 36.77 feet; THENCE North 06 degrees 42 minutes 11 seconds East, 236.53 feet; THENCE along a curve to the right, having a radius of 377.86 feet, and an arc length of 190.68 feet; THENCE North 35 degrees 37 minutes 00 seconds East, 22.02 feet; THENCE along a curve to the right, having a radius of 224.15 feet, and an arc length of 148.04 feet; THENCE North 73 degrees 27 minutes 33 seconds East, 55.10 feet; THENCE along a curve to the left, having a radius of 317.25 feet, and an arc length of 58.47 feet; THENCE along a curve to the left, having a radius of 528.92 feet, and an arc length of 65.91 feet; THENCE North 55 degrees 45 minutes 37 seconds East, 78.48 feet; THENCE along a curve to the left, having a radius of 227.58 feet, and an arc length of 21.82 feet; THENCE North 50 degrees 16 minutes 00 seconds East, 152.73 feet; THENCE along a curve to the left, having a radius of 48.22 feet, and an arc length of 46.88 feet; THENCE North 05 degrees 26 minutes 18 seconds West, 582.35 feet; THENCE along a curve to the left, having a radius of 349.46 feet, and an arc length of 183.32 feet;

THENCE along a curve to the left , having a radius of 367.40 feet, and an arc length of 380.82 feet; THENCE South 85 degrees 07 minutes 01 seconds West, 414.14 feet; THENCE along a curve to the right, having a radius of 2627.76, and an arc length of 258.63 feet; THENCE North 89 degrees 14 minutes 38 seconds West, 50.43 feet; THENCE along a curve to the right, having a radius of 157.97 feet, and an arc length of 36.03 feet; THENCE North 76 degrees 10 minutes 27 seconds West, 369.38 feet; THENCE along a curve to the left, having a radius of 68.09 feet, and an arc length of 17.55 feet; THENCE South 89 degrees 03 minutes 36 seconds West, 530.42 feet; THENCE along a curve to the right, having a radius of 236.00 feet, and an arc length of 19.76 feet; THENCE North 86 degrees 08 minutes 36 seconds West 74.88 feet; THENCE along a curve to the left, having a radius of 364.00 feet, and an arc length of 71.02 feet; THENCE South 82 degrees 40 minutes 40 seconds West, 317.57 feet; THENCE along a curve to the right, having a radius of 56.00 feet, and an arc length of 70.25 feet; THENCE North 25 degrees 27 minutes 06 seconds West, 7.72 feet; THENCE South 19 degrees 55 minutes 16 seconds West, 13.16 feet; THENCE along a curve to the right, having a radius of 56.00 feet, and an arc length of 20.37 feet; THENCE North 00 degrees 32 minutes 06 seconds East, 76.05 feet; THENCE North 80 degrees 22 minutes 54 seconds East, 6.48 feet; THENCE along a curve to the right, having a radius of 51.00 feet, and an arc length of 66.02 feet; THENCE South 25 degrees 27 minutes 06 seconds East, 37.08 feet; THENCE North 82 degrees 40 minutes 40 seconds East, 305.97 feet; THENCE along a curve to the right, having a radius of 436.00 feet, and an arc length of 85.07 feet; THENCE South 86 degrees 08 minutes 36 seconds East, 74.88 feet; THENCE along a curve to the left, having a radius of 164.00 feet, and an arc length of 13.73 feet; THENCE North 89 degrees 03 minutes 36 seconds East, 530.42 feet; THENCE along a curve to the right, having a radius of 140.09 feet, and an arc length of 36.10 feet; THENCE South 76 degrees 10 minutes 27 seconds East, 369.38 feet; THENCE along a curve to the left, having a radius of 85.97 feet, and an arc length of 19.61 feet; THENCE South 89 degrees 14 minutes 38 seconds East, 50.43 feet; THENCE along a curve to the left, having a radius of 2555.76 feet, and an arc length of 251.54 feet; THENCE North 85 degrees 07 minutes 01 seconds East, 414.14 feet; THENCE along a curve to the right, having a radius of 439.40 feet, and an arc length of 455.45 feet; THENCE along a curve to the right, having a radius of 421.46 feet, and an arc length of 221.09 feet; THENCE South 05 degrees 26 minutes 18 seconds East, 582.35 feet; THENCE along a curve to the right, having a radius of 120.22 feet, and an arc length of 116.88 feet; THENCE South 50 degrees 16 minutes 00 seconds West, 152.73 feet; THENCE along a curve to the right, having a radius of 299.58 feet, and an arc length of 28.73 feet; THENCE South 55 degrees 45 minutes 37 seconds West, 78.48 feet; THENCE along a curve to the right, having a radius of 600.92 feet, and an arc length of 74.88 feet; THENCE along a curve to the right, having a radius of 389.25 feet, and an arc length of 71.74 feet; THENCE South 73 degrees 27 minutes 33 seconds West, 55.10 feet; THENCE along a curve to the left, having a radius of 152.15 feet, and an arc length of 100.49 feet; THENCE South 35 degrees 37 minutes 00 seconds West, 22.02 feet; THENCE along a curve to the left, having a radius of 305.86 feet, and an arc length of 154.35 feet; THENCE South 06 degrees 42 minutes 11 seconds West, 236.53 feet; THENCE along a curve to the right, having a radius of 193.87 feet, and an arc length of 58.50 feet; THENCE South 23 degrees 59 minutes 26 seconds West, 86.12 feet; THENCE along a curve to the right, having a radius of 227.64 feet, and an arc length of 230.31 feet; THENCE South 81 degrees 57 minutes 32 seconds West, 158.80 feet; THENCE along a curve to the left, having a radius of 227.64 feet, and an arc length of 211.76 feet; THENCE South 69 degrees 28 minutes 08 seconds West, 72.17 feet; THENCE along a curve to the left, having a radius of 164.00 feet, and an arc length of 5.02 feet; THENCE South 67 degrees 42 minutes 58 seconds West, 66.84 feet; THENCE along a curve to the right, having a radius of 188.98 feet, and an arc length of 61.10 feet; THENCE South 86 degrees 14 minutes 26 seconds West, 69.78 feet; THENCE along a curve to the left, having a radius of 314.00 feet, and an arc length of 242.25 feet; THENCE South 42 degrees 02 minutes 14 seconds West, 93.77 feet; THENCE along a curve to the right, having a radius of 158.89 feet, and an arc length of 24.09 feet; THENCE South 50 degrees 43 minutes 31 seconds West, 53.21 feet; THENCE along a curve to the left, having a radius of 63.99 feet, and an arc length of 17.77 feet to the point of beginning of said Temporary Construction License "A".

Less and Excepting that part conveyed as PERMANENT BIKE TRAIL EASEMENT "A" above.



**ALSO**

**Commencing** at the Northwest corner of a tract of land conveyed to Clarence E. Graeler and Judith Ann Graeler, his wife, and Walter E. Graeler and Jo Ann Graeler, in Deed Book 9049 on Page 1848; THENCE South 85 degrees 45 minutes 16 seconds East, 144.82 feet along the north line of said tract to the point of beginning; THENCE South 79 degrees 55 minutes 07 seconds West, 30.46 feet; THENCE along a curve to the left, having a radius of 164.00 feet and an arc length of 9.00 feet; THENCE South 76 degrees 46 minutes 32 seconds West, 62.62 feet; THENCE along a curve to the right, having a radius of 236.00 feet and an arc length of 43.58 feet; THENCE North 02 degrees 21 minutes 00 seconds West, 38.24 feet to the point of beginning of said Temporary Construction License "B".

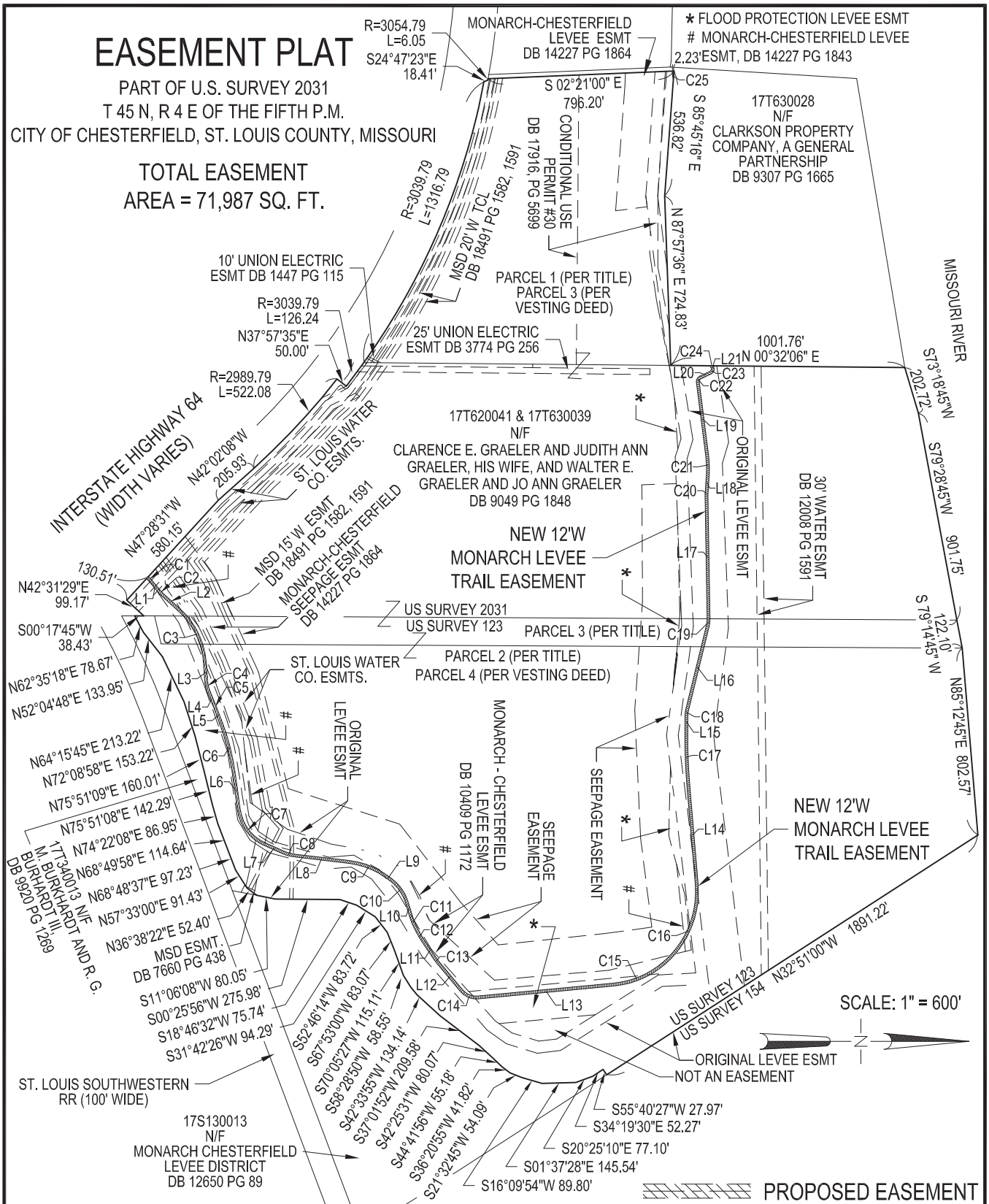
Less and Excepting that part conveyed as PERMANENT BIKE TRAIL EASEMENT "B" above.

Said TEMPORARY CONSTRUCTION LICENSE containing 362,073 square feet, more or less, and being situated in the City of Chesterfield, St. Louis County, Missouri.

# EASEMENT PLAT

PART OF U.S. SURVEY 2031  
T 45 N, R 4 E OF THE FIFTH P.M.  
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

TOTAL EASEMENT  
AREA = 71,987 SQ. FT.



DATE:  
1/21/20

SHEET 1 OF 2

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St. Louis, Missouri 63146  
tel.(314) 434-8898

St. Louis, Missouri  
Belleville, Illinois

**EXHIBIT  
A**

# EASEMENT PLAT

PART OF U.S. SURVEY 2031  
 T 45 N, R 4 E OF THE FIFTH P.M.  
 CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

LINE TABLE

LINE	LENGTH	BEARING
L1	53.21	N50°43'31"E
L2	93.77	N42°02'14"E
L3	69.78	N86°14'26"E
L4	66.84	N67°42'58"E
L5	72.17	N69°28'08"E
L6	158.80	N81°57'32"E
L7	86.12	N23°59'26"E
L8	236.53	N06°42'11"E
L9	22.02	N35°37'00"E
L10	55.10	N73°27'33"E
L11	78.48	N55°45'37"E
L12	152.73	N50°16'00"W
L13	582.35	N05°26'18"W
L14	414.14	S85°07'01"W
L15	50.43	N89°14'38"W
L16	369.38	N76°10'27"W
L17	530.42	S89°03'36"W
L18	74.88	N86°08'36"W
L19	317.57	S82°40'40"W
L20	48.67	N25°27'06"W
L21	7.68	S80°22'54"W

CURVE TABLE

CURVE	LENGTH	RADIUS
C1	22.91	99.99
C2	18.63	122.89
C3	270.02	350.00
C4	49.46	152.98
C5	6.12	200.00
C6	219.60	1007.39
C7	193.88	191.63
C8	47.63	157.87
C9	172.51	341.86
C10	124.27	188.15
C11	65.10	353.25
C12	70.40	564.92
C13	25.27	263.58
C14	81.88	84.22
C15	202.21	385.46
C16	418.13	403.40
C17	255.08	2591.76
C18	27.82	121.97
C19	26.38	104.09
C20	16.74	200.00
C21	78.04	400.00
C22	25.09	20.00
C23	19.42	15.00
C24	5.55	14.84
C25	14.22	200.00

DATE:  
1/21/20



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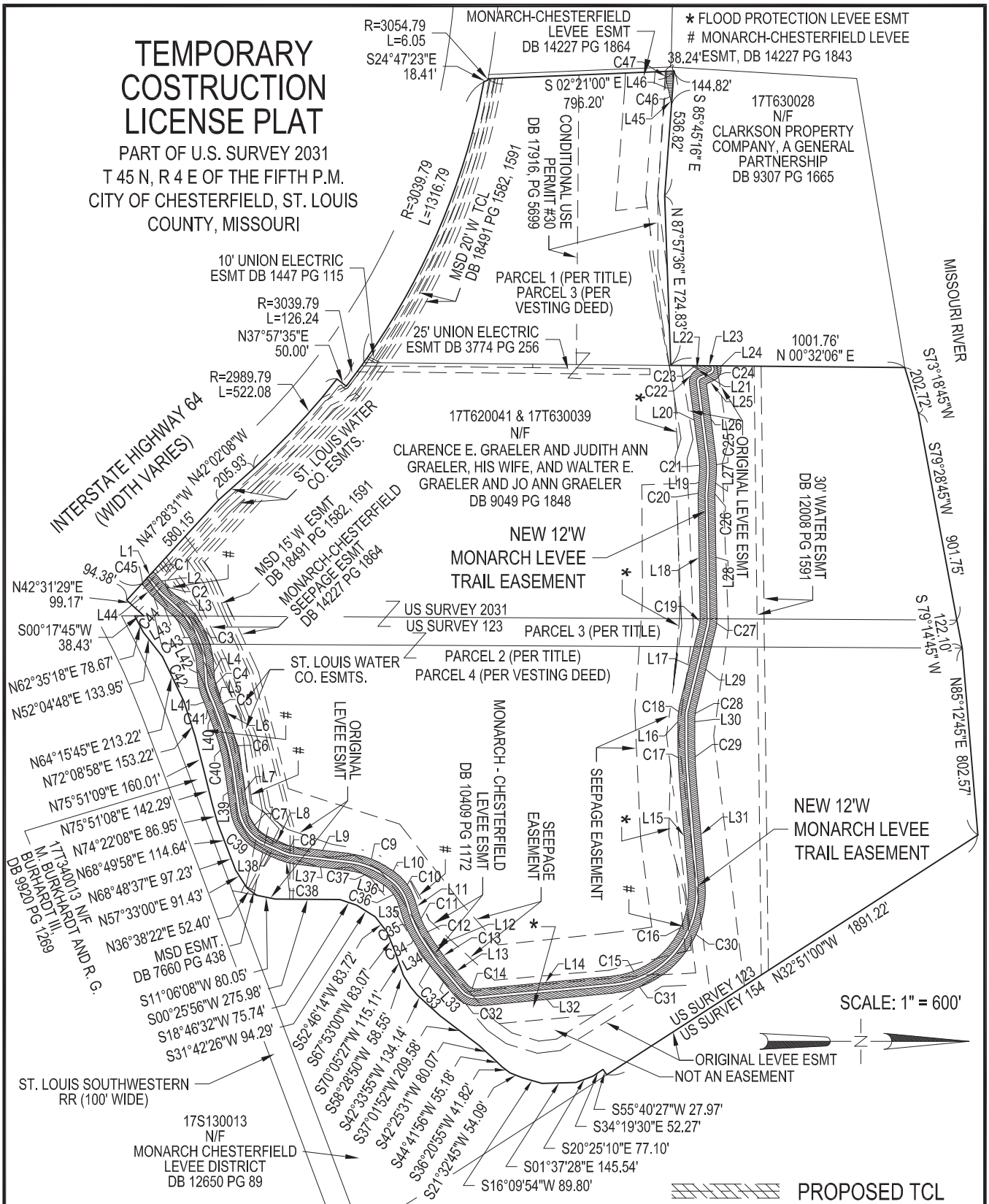
2043 Woodland Parkway  
Suite 201  
St. Louis, Missouri 63146  
tel.(314) 434-8898  
St. Louis, Missouri  
Belleville, Illinois

EXHIBIT  
A1

SHEET 2 OF 2

# TEMPORARY CONSTRUCTION LICENSE PLAT

PART OF U.S. SURVEY 2031  
T 45 N, R 4 E OF THE FIFTH P.M.  
CITY OF CHESTERFIELD, ST. LOUIS  
COUNTY, MISSOURI



DATE:  
4/20/20

SHEET 1 OF 3

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St. Louis, Missouri  
Belleville, Illinois

**EXHIBIT  
A**

# TEMPORARY CONSTRUCTION LICENSE

PART OF U.S. SURVEY 2031

T 45 N, R 4 E OF THE FIFTH P.M.

CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

LINE TABLE		
LINE	LENGTH	BEARING
L1	72.31	N47°28'31"W
L2	53.21	N50°43'31"E
L3	100.35	N42°02'14"E
L4	69.78	N86°14'26"E
L5	66.84	N67°42'58"E
L6	72.17	N69°28'08"E
L7	158.80	N81°57'32"E
L8	86.12	N23°59'26"E
L9	236.53	N06°42'11"E
L10	22.02	N35°37'00"E
L11	55.10	N73°27'33"E
L12	78.48	N55°45'37"E
L13	152.73	N50°16'00"E
L14	582.35	N05°26'18"W
L15	414.14	S85°07'01"W
L16	50.43	N89°14'38"W
L17	369.38	N76°10'27"W
L18	530.42	S89°03'36"W
L19	74.88	N86°08'36"W
L20	317.57	S82°40'40"W
L21	7.72	N25°27'06"W
L22	13.16	S19°55'16"W
L23	76.05	N00°32'06"E
L24	6.48	N80°22'54"E
L25	37.08	S25°27'06"E
L26	305.97	N82°40'40"E
L27	74.88	S86°08'36"E
L28	530.42	N89°03'36"E
L29	369.38	S76°10'27"E
L30	50.43	S89°14'38"E
L31	414.14	N85°07'01"E
L32	582.35	S05°26'18"E
L33	152.73	S50°16'00"W
L34	78.48	S55°45'37"W
L35	55.10	S73°27'33"W
L36	22.02	S35°37'00"W
L37	236.53	S06°42'11"W
L38	86.12	S23°59'26"W
L39	158.80	S81°57'32"W
L40	72.17	S69°28'08"W
L41	66.84	S67°42'58"W
L42	69.78	S86°14'26"W
L43	93.77	S42°02'14"W
L44	53.21	S50°43'31"W

CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	28.05	135.99
C2	13.18	86.89
C3	297.80	386.00
C4	37.82	116.98
C5	7.22	236.00
C6	227.45	1043.39
C7	157.46	155.63
C8	36.77	121.87
C9	190.68	377.86
C10	148.04	224.15
C11	58.47	317.25
C12	65.91	528.92
C13	21.82	227.58
C14	46.88	48.22
C15	183.32	349.46
C16	380.82	367.40
C17	258.63	2627.76
C18	36.03	157.97
C19	17.55	68.09
C20	19.76	236.00
C21	71.02	364.00
C22	70.25	56.00
C23	20.37	56.00
C24	66.02	51.00
C25	85.07	436.00
C26	13.73	164.00
C27	36.10	140.09
C28	19.61	85.97
C29	251.54	2555.76
C30	455.45	439.40
C31	221.09	421.46
C32	116.88	120.22
C33	28.73	299.58
C34	74.88	600.92
C35	71.74	389.25
C36	100.49	152.15
C37	154.35	305.86
C38	58.50	193.87
C39	230.31	227.64
C40	211.76	227.64
C41	5.02	164.00
C42	61.10	188.98
C43	242.25	314.00
C44	24.09	158.89
C45	17.77	63.99

DATE:  
4/20/20

SHEET 2 OF 3



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St. Louis, Missouri  
Belleville, Illinois

EXHIBIT  
A1

# TEMPORARY CONSTRUCTION LICENSE

PART OF U.S. SURVEY 2031  
T 45 N, R 4 E OF THE FIFTH P.M.  
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

LINE TABLE		
LINE	LENGTH	BEARING
L45	30.46	S79°55'07"W
L46	62.62	S76°46'32"W

CURVE TABLE		
CURVE	LENGTH	RADIUS
C46	9.00	164.00
C47	43.58	236.00

DATE:  
4/20/20

SHEET 3 OF 3

**K d G**

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**EXHIBIT**  
**A2**

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI (THE “CITY”) AUTHORIZING CONDEMNATION OF CERTAIN INTERESTS IN REAL PROPERTY LOCATED IN THE CITY FOR THE PURPOSE OF CONSTRUCTING PHASE VI OF THE MONARCH-CHESTERFIELD LEVEE TRAIL EXTENDING THE EXISTING TRAIL.**

**WHEREAS**, the City is a third class city organized and operated pursuant to Chapter 77 of the Revised Statutes of Missouri (RSMo.) with authority under §88.497 RSMo. (2014) as amended, *inter alia*, to condemn all necessary lands within the City limits for the purpose of establishing, opening, widening, extending or altering any street, avenue, public park and for any other necessary public use; and

**WHEREAS**, the City needs certain property interests in, on and over certain parcels legally described in Exhibit A and which interests are illustrated in Exhibit B, attached hereto and incorporated herein by reference (collectively, the “Property Interests”), to acquire interests to allow for the construction and improvement of the City’s infrastructure for public use; and

**WHEREAS**, Clarkson Valley Property Company LLP is the owner of record of real property identified as Locator No. 17T630028, located at 16827 North Outer 40 Road in the City which is legally described in Exhibit A and over which the City seeks a permanent easement and a temporary construction license as shown in Exhibit B; and

**WHEREAS**, the condemnation of the Property Interests for the construction and improvement of the City’s infrastructure is a public use and a public purpose and is for the benefit of those residents within the City and St. Louis County; and

**WHEREAS**, the Monarch-Chesterfield Levee District (the “MCLD”) has awarded a contract to construct improvements to the Monarch-Chesterfield Levee which will allow the City to complete Phase VI of the Monarch-Chesterfield Levee Trail (the “Levee Trail”); and

**WHEREAS**, the City has previously engaged in negotiations with the owners of record of the real property to acquire the Property Interests without resorting to condemnation but have thus far been unsuccessful, and the City will continue to engage in negotiations throughout the condemnation process to acquire the Property Interests so long as such Property Interests can still be acquired in the time necessary to begin work on Phase VI of the Levee Trail.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI, AS FOLLOWS:**

**Section 1:** The City Council hereby determines that it is necessary and in the public interest for the public purpose to acquire the Property Interests to allow construction and improvement of the City’s infrastructure, all to promote and regulate the health, safety and general welfare of the City and to obtain property to be put to public use and purpose.

**Section 2:** The City Council hereby authorizes the City Administrator, Director of Public Works, Director of Parks, Recreation & Arts, Mayor and City Attorney to take all necessary actions to acquire the Property Interests referenced herein including filing a petition condemning the Property Interests not less than thirty (30) days after the date of the City's written offer to the property owners, continuing to seek voluntary sale, or such other actions necessary to acquire the necessary interests identified herein and such other interests by condemnation or voluntary sale.

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

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Bob Nation, MAYOR

ATTEST:

\_\_\_\_\_  
Vickie McGownd, CITY CLERK



## **Exhibit A**

### Parcel 1:

Situated in the County of St. Louis, State of Missouri, to-wit: A tract of land in U.S. Survey 2031, Township 45 North, Range 4 East and bounded as follows: North by the original North line of said Survey 2031, being the former bank of the Missouri River, as shown on Plat of Original Government Survey East by property now or formerly of Clifford A. Wilmas and wife, South by the North line of the right of way of State Highway No. 40 T.R. as conveyed to the State of Missouri by deed recorded in Book 1264 page 423 and west by the East line of Lot 7 of James Long's Subdivision of a part of said Survey, being property now or formerly of William H. Long. Excepting therefrom that part of a 1/2 parcel conveyed to George A. Andreas by deed recorded in Book 320 page 385. Also excepting therefrom that part conveyed to William H. Duenke by deed recorded in Book 2212 page 400 and also excepting therefrom that part conveyed to the State of Missouri by deed recorded in Book 6305 page 1856.

### Parcel 2:

Situated in the County of St. Louis, State of Missouri, to-wit: A tract of land containing 1/2 acre in U.S survey 2031 in the accretions attached to deed from Edmund P. Andreas to George A. Andreas dated May 22, 1913 and recorded in Book 320 page 385 of the St. Louis County Records. Appurtenant to said property is an easement over a private road running from the Northwest corner of said property to the Missouri River.

**Legal Description**  
**Clarkson Bike Trail Easement and TCL**

A 12 Foot Wide **PERMANENT BIKE TRAIL EASEMENT** across Part of U. S. Survey 2031, Township 45 North, Range 4 East of the 5<sup>th</sup> P.M., the centerline of said easement being more particularly described as follows:

**Commencing** at the southeast corner of a tract of land conveyed to Clarkson Valley Property Company LLP in Deed Book 22771 on Page 1112; THENCE North 00 degrees 32 minutes 06 seconds East, 176.16 feet along the east line of said tract to the point of beginning; THENCE along a non-tangent curve to the left, having a radius of 14.84 feet, a chord bearing of South 39 degrees 25 minutes 55 seconds West, and an arc length of 10.11 feet; THENCE South 19 degrees 55 minutes 16 seconds West, 53.23 feet; THENCE along a curve to the right, having a radius of 20.00 feet, and an arc length of 23.96 feet; THENCE South 88 degrees 34 minutes 12 seconds West, 813.83 feet; THENCE along a curve to the left, having a radius of 100.00 feet, and an arc length of 15.10 feet; THENCE South 79 degrees 55 minutes 07 seconds West, 286.33 feet; THENCE along a curve to the left, having a radius of 200.00 feet, and an arc length of 10.97 feet; THENCE South 76 degrees 46 minutes 32 seconds West, 62.62 feet; THENCE along a curve to the right, having a radius of 200.00 feet, and an arc length of 53.26 feet to the point of terminus of said easement.

Said PERMANENT BIKE TRAIL EASEMENT containing 15,771 square feet, more or less, and being situated in the City of Chesterfield, St. Louis County, Missouri.

A 30 Foot Wide **TEMPORARY CONSTRUCTION LICENSE** on both sides of the Permanent Bike Trail Easement, across Part of U. S. Survey 2031, Township 45 North, Range 4 East of the 5<sup>th</sup> P.M., said Temporary Construction License being more particularly described as follows:

**Commencing** at the southeast corner of a tract of land conveyed to Clarkson Valley Property Company LLP in Deed Book 22771 on Page 1112; THENCE North 00 degrees 32 minutes 06 seconds East, 88.71 feet along the east line of said tract to the point of beginning; THENCE along a non-tangent curve to the right, having a radius of 56.00 feet, a chord bearing of South 64 degrees 39 minutes 49 seconds West, and an arc length of 46.73 feet; THENCE South 88 degrees 34 minutes 12 seconds West, 813.83 feet; THENCE along a curve to the left, having a radius of 64.00 feet, and an arc length of 9.66 feet; THENCE South 79 degrees 55 minutes 07 seconds West, 255.86 feet; THENCE North 85 degrees 45 minutes 16 seconds West, 144.82 feet; THENCE South 02 degrees 21 minutes 00 seconds East, 38.24 feet; THENCE along a curve to the right, having a radius of 236.00 feet, and an arc length of 18.01 feet; THENCE North 02 degrees 21 minutes 00 seconds West, 21.36 feet; THENCE North 03 degrees 30 minutes 46 seconds East, 50.72 feet; THENCE along a curve to the left, having a radius of 164.00 feet, and an arc length of 42.74 feet; THENCE North 76 degrees 46 minutes 32 seconds East, 62.62 feet; THENCE along a curve to the right, having a radius of 236.00 feet, and an arc length of 12.95 feet; THENCE North 79 degrees 55 minutes 07 seconds East, 286.33 feet; THENCE along a curve to the right, having a radius of 136.00 feet, and an arc length of 20.54 feet; THENCE North 88 degrees 34 minutes 12 seconds East, 802.90 feet; THENCE North 19 degrees 55 minutes 16 seconds East, 42.31 feet; THENCE along a curve to the right, having a radius of 50.84 feet, and an arc length of 53.65 feet; THENCE North 80 degrees 22 minutes 54 seconds East, 1.21 feet; THENCE South 00 degrees 32 minutes 06 seconds West, 125.07 feet to the point of beginning of said Temporary Construction License.

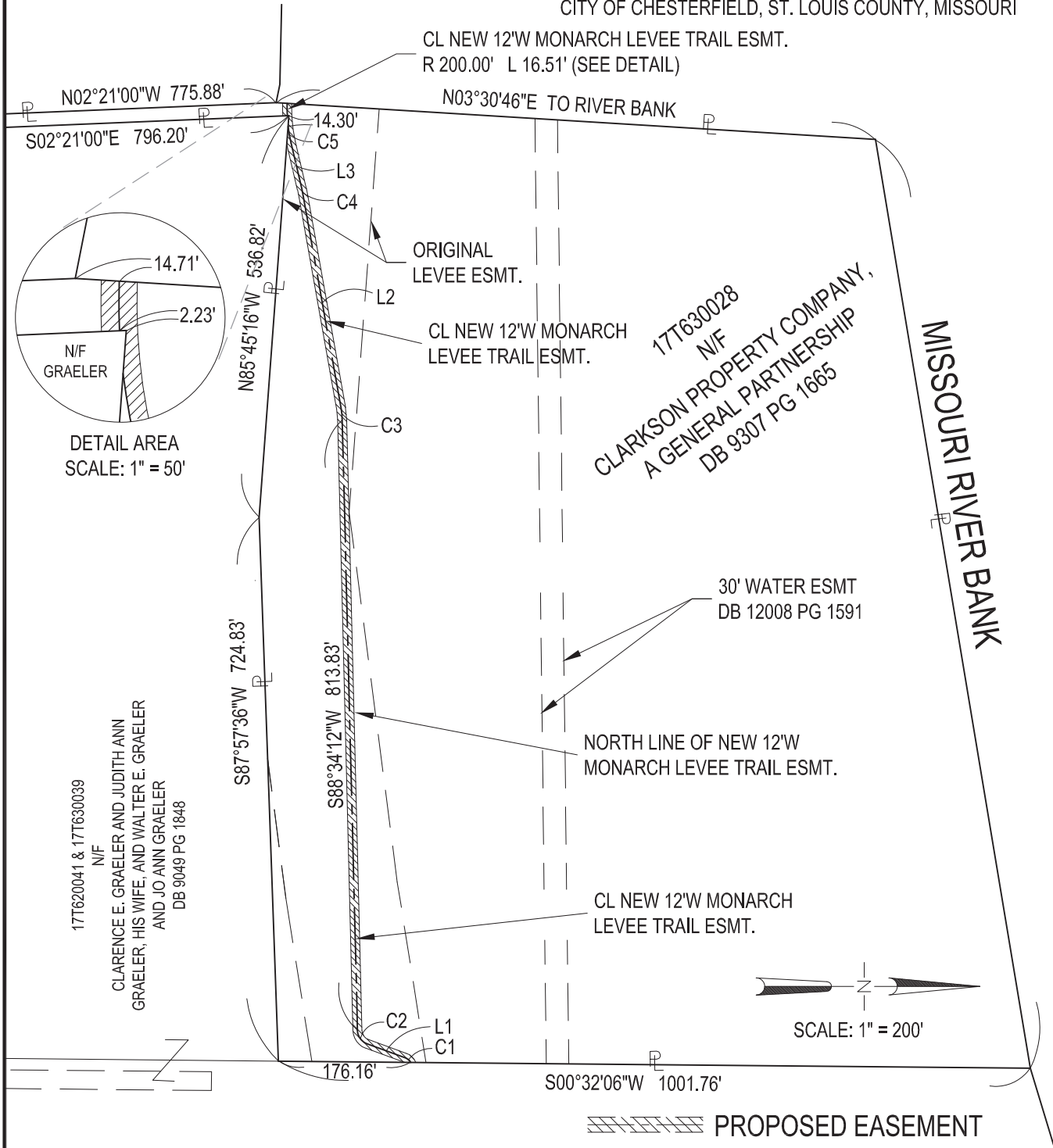
Less and Excepting that part conveyed as PERMANENT BIKE TRAIL EASEMENT above.

Said TEMPORARY CONSTRUCTION LICENSE containing 76,322 square feet, more or less, and being situated in the City of Chesterfield, St. Louis County, Missouri.

TOTAL EASEMENT  
AREA = 15,771 SQ. FT.

# EASEMENT PLAT

PART OF LOT 3 OF U.S. SURVEY 2031  
T 45 N, R 4 E OF THE FIFTH P.M.  
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI



DATE:  
4/20/20

SHEET 1 OF 2

**K d G**

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66 Progress Parkway  
St. Louis, Missouri 63043  
Tel: (314) 621-8898  
(618) 234-8898  
St. Louis, Missouri  
Belleville, Illinois

**EXHIBIT**  
**"A"**

# EASEMENT PLAT

PART OF LOT 3 OF U.S. SURVEY 2031  
T 45 N, R 4 E OF THE FIFTH P.M.  
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

LINE TABLE		
LINE	LENGTH	BEARING
L1	53.23	S19°55'16"W
L2	286.33	S79°55'07"W
L3	62.62	S76°46'32"W

CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	10.11	14.84
C2	23.96	20.00
C3	15.10	100.00
C4	10.97	200.00
C5	53.26	200.00

DATE:  
4/20/20

SHEET 2 OF 2

**K d G**

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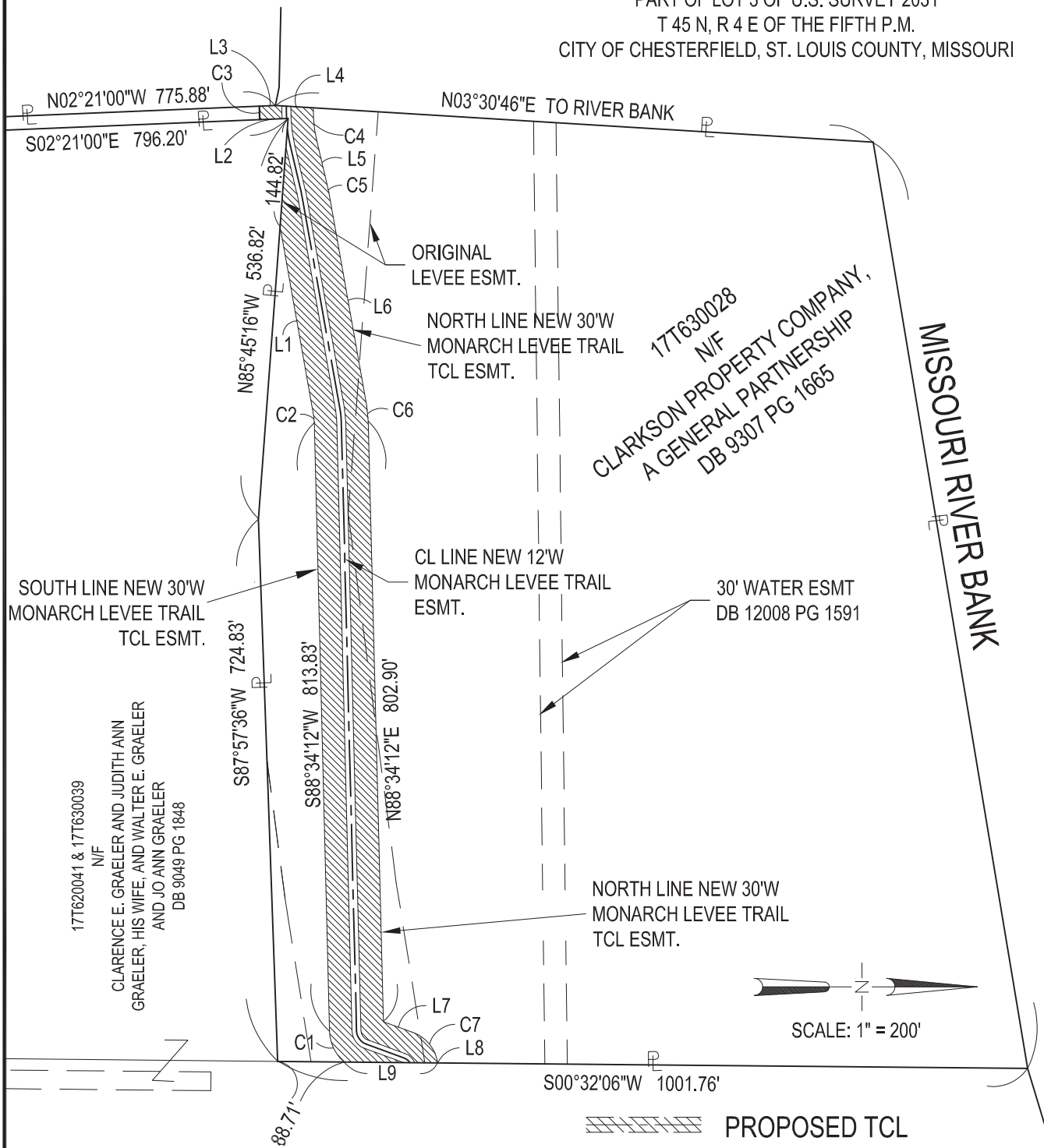
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Belleville, Illinois

**EXHIBIT**  
**"A1"**

# TEMPORARY CONSTRUCTION LICENSE

PART OF LOT 3 OF U.S. SURVEY 2031  
 T 45 N, R 4 E OF THE FIFTH P.M.  
 CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI



17T630028  
 N/F  
 CLARKSON PROPERTY COMPANY,  
 A GENERAL PARTNERSHIP  
 DB 9307 PG 1665

17T620041 & 17T630039  
 N/F  
 CLARENCE E. GRAELER AND JUDITH ANN  
 GRAELER, HIS WIFE, AND WALTER E. GRAELER  
 AND JO ANN GRAELER  
 DB 9049 PG 1848

DATE:  
 4/20/20

SHEET 1 OF 2

**KdG**

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2043 WOODLAND PKWY,  
 SUITE 201  
 ST. LOUIS, MO 63146  
 (314) 434-8898  
 St. Louis, Missouri

**EXHIBIT**  
**"A"**

# TEMPORARY CONSTRUCTION LICENSE

PART OF LOT 3 OF U.S. SURVEY 2031  
T 45 N, R 4 E OF THE FIFTH P.M.  
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

LINE TABLE		
LINE	LENGTH	BEARING
L1	255.86	S79°55'07"W
L2	38.24	S02°21'00"E
L3	21.36	N02°21'00"W
L4	50.72	N03°30'46"E
L5	62.62	N76°46'32"E
L6	286.33	N79°55'07"E
L7	42.31	N19°55'16"E
L8	1.21	N80°22'54"E
L9	125.07	S00°32'06"W

CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	46.73	56.00
C2	9.66	64.00
C3	18.01	236.00
C4	42.74	164.00
C5	12.95	236.00
C6	20.54	136.00
C7	53.65	50.84

DATE:  
4/20/20

SHEET 2 OF 2

**K d G**

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(314) 434-8898  
St. Louis, Missouri

**EXHIBIT**  
**"A1"**

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI (THE “CITY”) AUTHORIZING CONDEMNATION OF CERTAIN INTERESTS IN REAL PROPERTY LOCATED IN THE CITY FOR THE PURPOSE OF CONSTRUCTING PHASE VI OF THE MONARCH-CHESTERFIELD LEVEE TRAIL EXTENDING THE EXISTING TRAIL.**

**WHEREAS**, the City is a third class city organized and operated pursuant to Chapter 77 of the Revised Statutes of Missouri (RSMo.) with authority under §88.497 RSMo. (2014) as amended, *inter alia*, to condemn all necessary lands within the City limits for the purpose of establishing, opening, widening, extending or altering any street, avenue, public park and for any other necessary public use; and

**WHEREAS**, the City needs certain property interests in, on and over certain parcels legally described in Exhibit A and which interests are illustrated in Exhibit B, attached hereto and incorporated herein by reference (collectively, the “Property Interests”), to acquire interests to allow for the construction and improvement of the City’s infrastructure for public use; and

**WHEREAS**, Chesterfield Topsoil, LLC is the owner of record of real property identified as Locator No. 17T540059, located at 16849 North Outer 40 Road in the City which is legally described in Exhibit A and over which the City seeks a temporary construction license as shown in Exhibit B; and

**WHEREAS**, the condemnation of the Property Interests for the construction and improvement of the City’s infrastructure is a public use and a public purpose and is for the benefit of those residents within the City and St. Louis County; and

**WHEREAS**, the Monarch-Chesterfield Levee District (the “MCLD”) has awarded a contract to construct improvements to the Monarch-Chesterfield Levee which will allow the City to complete Phase VI of the Monarch-Chesterfield Levee Trail (the “Levee Trail”); and

**WHEREAS**, the City has previously engaged in negotiations with the owners of record of the real property to acquire the Property Interests without resorting to condemnation but have thus far been unsuccessful, and the City will continue to engage in negotiations throughout the condemnation process to acquire the Property Interests so long as such Property Interests can still be acquired in the time necessary to begin work on Phase VI of the Levee Trail.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI, AS FOLLOWS:**

**Section 1:** The City Council hereby determines that it is necessary and in the public interest for the public purpose to acquire the Property Interests to allow construction and improvement of the City’s infrastructure, all to promote and regulate the health, safety and general welfare of the City and to obtain property to be put to public use and purpose.

**Section 2:** The City Council hereby authorizes the City Administrator, Director of Public Works, Director of Parks, Recreation & Arts, Mayor and City Attorney to take all necessary actions to acquire the Property Interests referenced herein including filing a petition condemning the Property Interests not less than thirty (30) days after the date of the City's written offer to the property owners, continuing to seek voluntary sale, or such other actions necessary to acquire the necessary interests identified herein and such other interests by condemnation or voluntary sale.

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

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Bob Nation, MAYOR

ATTEST:

\_\_\_\_\_  
Vickie McGownd, CITY CLERK



## **Exhibit A**

### **PARCEL 1:**

Adjusted Lot 2 of Haynes Boundary Adjustment Plat, a subdivision in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 357 page 3 of the St. Louis County Records.

### **PARCEL 2:**

A non-exclusive easement for the benefit of parcel 1 as created by Easement Agreement dated July 31, 1991 and recorded August 1, 1991 in Book 9054 page 2047 and as amended by Book 20091 page 1350, for ingress and egress for roadway and utility purposes subject to the terms, provisions and conditions set forth in said instrument.

### **PARCEL 3:**

A non-exclusive easement for the benefit of parcel 1 as created by Easement Agreement dated July 31, 1991 and recorded August 1, 1991 in Book 17434 page 242, for ingress and egress purposes subject to the terms, provisions and conditions set forth in said instrument.

**Legal Description**  
**Chesterfield Topsoil, LLC Bike Trail Temporary Construction License**

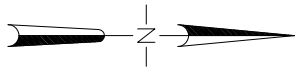
A 30 Foot Wide **TEMPORARY CONSTRUCTION LICENSE** on the north side of the Permanent Bike Trail Easement as recorded in Book 17132 on Page 396, across Part of Lots 5, 6, and 7 in the James Long Estate Partition, Township 45 North, Range 4 East of the 5<sup>th</sup> P.M., said Temporary Construction License being more particularly described as follows:

**Commencing** at the southeast corner of Grantor's property; **THENCE** North 03 degrees 30 minutes 46 seconds East, 28.50 feet along the east line of said tract to the point of beginning; **THENCE** North 89 degrees 37 minutes 14 seconds West, 216.26 feet; **THENCE** North 00 degrees 22 minutes 46 seconds East, 30.00 feet; **THENCE** South 89 degrees 37 minutes 14 seconds East, 217.92 feet; **THENCE** South 03 degrees 30 minutes 46 seconds West, 30.04 feet to the point of beginning of said Temporary Construction License.

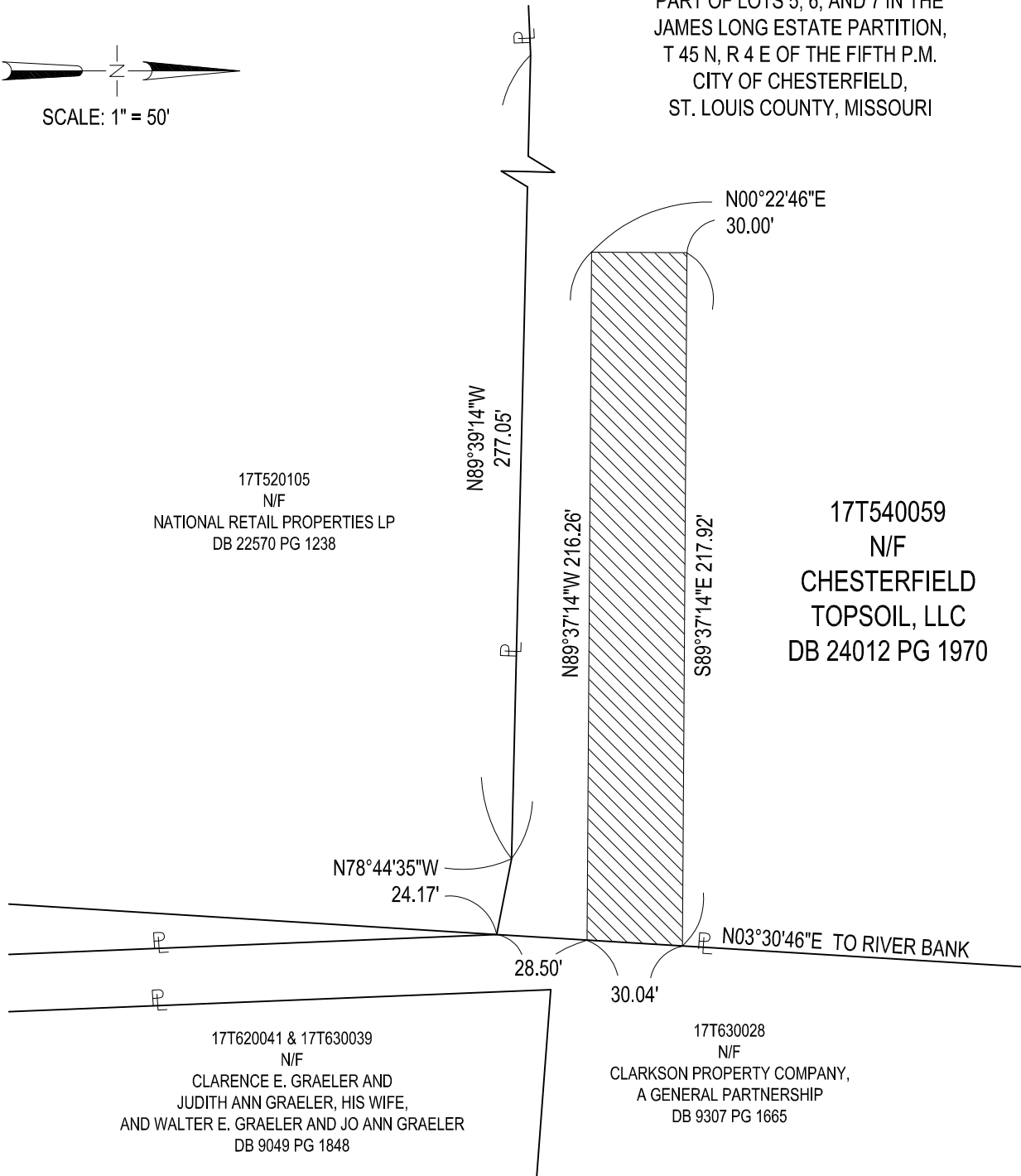
Said **TEMPORARY CONSTRUCTION LICENSE** containing 6,512 square feet, more or less, and being situated in the City of Chesterfield, St. Louis County, Missouri.

# TEMPORARY CONSTRUCTION LICENSE

PART OF LOTS 5, 6, AND 7 IN THE  
 JAMES LONG ESTATE PARTITION,  
 T 45 N, R 4 E OF THE FIFTH P.M.  
 CITY OF CHESTERFIELD,  
 ST. LOUIS COUNTY, MISSOURI



SCALE: 1" = 50'



PROPOSED TCL

DATE:  
12/21/20

SHEET 1 OF 1

**KdG**

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**EXHIBIT**  
**"A"**