



Bill No. 4177

Ordinance No. _____

INTRODUCED BY

ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, WEAVER, SIEGEL, BULLINGTON

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN TO EXECUTE A DECLARATION OF DEED RESTRICTION FOR HOLLOWAY PARK.

WHEREAS, the City of Ballwin was selected as a 2023 grant recipient for the Land and Water Conservation Grant Program, in order to partially fund the renovation of facilities at Holloway Park; and

WHEREAS, the Land and Water Conservation Fund Act and federal regulations require perpetual stewardship of Holloway Park as a recreational facility, consistent with the terms of the grant; and

WHEREAS, the City of Ballwin is required to record a Deed Restriction, affirming the City’s obligation to operate New Ballwin Park in a manner consistent with federal regulations, in perpetuity and setting forth the potential remedies for noncompliance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1: The Mayor of the City of Ballwin is authorized to execute the Declaration of Deed Restriction attached hereto as Exhibit A.

Section 2: This ordinance shall be in full force and effect from after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Aldermen.

PASSED this ____ day of _____, 2023.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2023.

TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR

Space above line reserved for recorder's use

DECLARATION OF DEED RESTRICTION

THIS DECLARATION made this _____ day of _____, 2023, by City of Ballwin, Missouri, 1 Government Center, Ballwin, Missouri 63011 (hereinafter referred to as "Grantor"). Grantor hereby declares that the below-described real property ("Property") is and shall be held transferred, sold, and conveyed subject to the following conditions and restrictions in accordance with the covenants made for the award of grant funds in Project 29-01723 administered by the Missouri Department of Natural Resources ("Grantee"), P.O. Box 176, Jefferson City, MO 65102, through funds made available by the United States Grantee of Interior, National Park Service, Land and Water Conservation Fund (LWCF):

SEE ATTACHED EXHIBIT A

In accordance with the LWCF grant award and 2 CFR 200.316, the Property has been improved with grant funds and must be held in trust as trustees for the beneficiaries of the program funds used to develop the Property by limiting use of the Property to outdoor recreational use, and maintaining and operating the Property consistent with 43 CFR Part 17 (civil rights laws), in perpetuity. This Declaration shall be binding upon Grantor and Grantor's heirs, successors, assigns and other transferees in interest (hereinafter "Transferees"), and shall run with the land. Each instrument hereafter conveying any interest in the Property or anyportion of the Property, shall contain a notice of this Declaration. Grantor, on its behalf and on behalf of all Transferees, grants to the Grantee's representatives the right of access at reasonable times in a reasonable manner for the purpose of inspection to determine compliance with these limitations.

Any act, conveyance, contract, or authorization by Grantor or Transferee, whether written or oral which would cause to be used, or would permit use of, the Property contrary to the terms of this Declaration, will be deemed a violation and breach. In accordance with the terms and conditions of the LWCF award, such other use without prior approval may constitute a conversion that will require purchase of replacement property. Proposals related to any portion of the Property for a different use must be approved in advance by National Park Service.

Requests may be directed to Missouri Department of Natural Resources, Division of State Parks, attn.: Grants Management.

Failure to timely identify or enforce compliance with these activity and use limitations shall not bar subsequent enforcement or be deemed a waiver of right to take action. If any provision of this Declaration is found to be unenforceable in any respect, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2023.

CITY OF BALLWIN, MISSOURI

By: _____ Date: _____
TIM POGUE, MAYOR

STATE OF MISSOURI

COUNTY OF ST. LOUIS _____

On this ____ day of _____, 2023, before me personally appeared Tim Pogue to me personally known, who, being by me duly sworn, did say that he is the Mayor of Ballwin, Missouri, and that the foregoing instrument is acknowledged to be the free act and deed of the Grantor, and has been executed for the purposes stated herein.

Notary Public

Printed Name or seal

My Commission expires:

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

tract of land in Sections 34, 35 and 26, Township 45 North, Range 4 East, St. Louis County, Missouri, and being more particularly described as follows: Beginning at a point in the West line of Holloway Road, 30 feet wide, at its intersection with the South line of Section 26, Township 45 North, Range 4 East, said point being 30 feet West, measured at right angles, of the North and South center line of Section 26; thence Westwardly along the South line of Section 26, North 89 degrees 52 minutes West 10.01 feet to a point, said point being the Northwest corner of property of Julius Koebel; thence Southwardly along Julius Koebel's West line, South 0 degrees 15 minutes 20 seconds West 399.38 feet to Julius Koebel's Southwest corner; thence Eastwardly along Julius Koebel's South line South 89 degrees 49 minutes 20 seconds East 540.02 feet to a point in the West line of Holloway Road, 30 feet wide; thence Southwardly along the West line of Holloway Road, 30 feet wide, South 0 degrees 15 minutes 20 seconds East 744.12 feet to a point; thence Southwestwardly along the cutoff at turn in Holloway Road, South 89 degrees 04 minutes 20 seconds West 63.27 feet to a point; thence Westwardly along the North line of Holloway Road North 89 degrees 36 minutes 20 seconds West 617.67 feet to a turn in said road; thence Southwestwardly along the Northwest line of said Holloway Road South 35 degrees 00 minutes 40 seconds West 77.35 feet to a point; thence leaving said road and running along the North line of property now or formerly of Oliver, North 89 degrees 42 minutes 40 seconds West 639.84 feet to a point; thence continuing along Oliver's property line North 50 degrees 26 minutes 40 seconds West 306.84 feet to a point of curve; thence Northwestwardly along a curve to the left having a radius of 100 feet 637.05 feet to a point of tangency; thence continuing Westwardly along the North line of said Oliver's property and its prolongation North 86 degrees 56 minutes 20 seconds West 524.09 feet to a point; thence North 89 degrees 01 minutes 40 seconds West 183.83 feet to a point of curve; thence Northwestwardly along a curve to the left having a radius of 525 feet, 331.09 feet to a point of tangency; thence North 82 degrees 53 minutes 40 seconds West 277.74 feet to a point in the East line of Kohrs Mill View Plat 2; thence Northwardly along the East line of said Kohrs Mill View Plat 2 North 0 degrees 13 minutes West 25.15 feet to a point; thence North 78 degrees 00 minutes 40 seconds East 634.54 feet to a point; thence North 89 degrees 51 minutes 40 seconds East 500 feet to a point; thence North 45 degrees 21 minutes 40 seconds East 37.88 feet to a point; thence South 44 degrees 38 minutes 20 seconds East 267.58 feet to a point; thence South 78 degrees 37 minutes 20 seconds East 325 feet to a point; thence South 31 degrees 37 minutes 20 seconds East 295 feet to a point; thence South 6 degrees 37 minutes 20 seconds East 155 feet to a point; thence North 76 degrees 22 minutes 40 seconds East 190 feet to a point; thence North 1 degree 22 minutes 40 seconds East 210 feet to a point; thence North 31 degrees 37 minutes 20 seconds West 530.73 feet to a point; thence North 48 degrees 51 minutes 40 seconds East 545 feet to a point; thence North 74 degrees 22 minutes 40 seconds East 190 feet to a point; thence North 77 degrees 22 minutes 40 seconds East 550 feet to a point; thence North 9 degrees 37 minutes 20 seconds West 550 feet to a point; thence North 0 degrees 02 minutes 20 seconds West 412 feet to a point; thence North 25 degrees 57 minutes 30 seconds East 137.72 feet to a point; thence North 88 degrees 34 minutes 40 seconds East 267.53 feet to a point in the West line of Holloway Road, 30 feet wide; thence Southwardly along the West line of said Holloway Road South 0 degrees 02 minutes 20 seconds East 778.66

PARCEL 2:

A grant of land in Sections 34, 35 and 36, Township 45 North, Range 4 East, St. Louis County, Missouri, and being more particularly described as follows: Beginning at a point in the West line of Holloway Road, 30 feet wide, at its intersection with the South line of Section 26, Township 45 North, Range 4 East, said point being 30 feet West, measured at right angles, of the North and South center line of Section 26; thence Westwardly along the South line of Section 26, North 89 degrees 38 minutes West, 540.01 feet to a point, said point being the Northwest corner of property of Julius Koebel; thence Southwardly along Julius Koebel's West line, South 0 degrees 15 minutes 20 seconds West, 399.38 feet to Julius Koebel's Southwest corner; thence Eastwardly along Koebel's South line South 89 degrees 49 minutes 20 seconds East 540.02 feet to a point in the West line of Holloway Road, 30 feet wide; thence Southwardly along the West line of Holloway Road, 30 feet wide, South 0 degrees 15 minutes 20 seconds East 784.12 feet to a point; thence Southwestwardly along the cutoff at turn in Holloway Road, South 43 degrees 04 minutes 20 seconds West 63.27 feet to a point; thence Westwardly along the North line of Holloway Road, North 89 degrees 36 minutes 20 seconds West 617.67 feet to a turn in said road; thence Southwestwardly along the Northwest line of said Holloway Road, South 35 degrees 00 minutes 40 seconds West 77.35 feet to a point; thence leaving said road and running along the North line of property now or formerly of Oliver, North 84 degrees 42 minutes 40 seconds West, 699.84 feet to a point; thence continuing along Oliver's property line North 30 degrees 26 minutes 40 seconds West 305.84 feet to a point of curve; thence Northwestwardly along a curve to the left having a radius of 1000 feet, 627.05 feet to a point of tangency; thence continuing Westwardly along the North line of said Oliver's property and its prolongation North 86 degrees 36 minutes 40 seconds West 524.09 feet to a point; thence North 89 degrees 01 minutes 40 seconds West 182.83 feet to a point of curve; thence Northwestwardly along a curve to the right having a radius of 385 feet, 391.09 feet to a point of tangency; thence North 82 degrees 33 minutes 40 seconds West 277.74 feet to a point in the East line of Kohrs Mill View Plat 2; thence Northwardly along the East line of said Kohrs Mill View Plat 2, North 0 degrees 13 minutes West 25.15 feet to a point; thence North 70 degrees 00 minutes 40 seconds East, 424.54 feet to a point; thence North 89 degrees 51 minutes 40 seconds East 500 feet to a point; thence North 45 degrees 31 minutes 40 seconds East 237.86 feet to a point; thence South 64 degrees 38 minutes 20 seconds East 267.56 feet to a point; thence South 70 degrees 27 minutes 20 seconds East 235 feet to a point; thence South 31 degrees 37 minutes 20 seconds East 395 feet to a point; thence South 76 degrees 37 minutes 20 seconds East 155 feet to a point; thence North 76 degrees 22 minutes 46 seconds East, 190 feet to a point; thence North 1 degree 22 minutes 40 seconds East 210 feet to a point; thence North 21 degrees 37 minutes 20 seconds West 330.73 feet to a point; thence North 48 degrees 31 minutes 40 seconds East 145 feet to a point; thence North 74 degrees 23 minutes 40 seconds East, 190 feet to a point; thence North 67 degrees 23 minutes 40 seconds East 350 feet to a point; thence North 9 degrees 37 minutes 20 seconds West 350 feet to a point; thence North 0 degrees 02 minutes 20 seconds West 412 feet to a point; thence North 33 degrees 37 minutes 30 seconds East, 297.72 feet to a point; thence North 88 degrees 24 minutes 40 seconds East, 267.53 feet to a point in the West line of Holloway Road 30 feet wide; thence Southwardly along the West line of said Holloway Road, South 0 degrees 03 minutes 20 seconds East, 778.86 feet to the point of beginning.