

Bill No. 4128

Ordinance No. _____

INTRODUCED BY

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

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

WHEREAS, the City of Ballwin was selected as a 2020 grant recipient for the Land and Water Conservation Grant Program, in order to partially fund the renovation of facilities at New Ballwin Park; and

WHEREAS, the Land and Water Conservation Fund Act and federal regulations require perpetual stewardship of New Ballwin 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, 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 take effect and be in full force from and after its passage and approval.

PASSED this ____ day of _____, 2022.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2022.

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 _____, 2022, 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):

A tract of land in the East ½ of the Northeast ¼ of the Southwest ¼ of Section 3, Township 44 North, Range 4 East, being more particularly described as follows: Beginning at the Southwest corner of the tract of land acquired by Union Electric Company by deed recorded in Book 6685 at Page 1133 of the Deed Records of St. Louis County, Missouri; thence South 89° 30' 26" East 435.18 feet to a point; thence North 00° 45' 00" East 505.00 feet to a point; thence North 89° 22' 26" East to the West lone of said Union Electric Company land; thence, along said West line, South 01° 21' 33" East to the point of beginning.

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 any

EXHIBIT

A

portion 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 _____, 2022.

CITY OF BALLWIN, MISSOURI

By: _____ Date: _____
TIM POGUE, MAYOR

STATE OF MISSOURI

COUNTY OF _____

On this ____ day of _____, 2022, 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: