

Bill No. 13884

Ordinance No. 24-116

Sponsors: Mary West, Bridget Ohmes

AN ORDINANCE AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ST. CHARLES, MISSOURI TO ACCEPT A DONATION OF APPROXIMATELY 2.224 ACRES OF LAND LOCATED ALONG HAWKS NEST DRIVE AT LYNNBROOK DRIVE FOR A PUBLIC PURPOSE.

Be it Ordained by the Council of the City of Saint Charles, Missouri, as Follows:

SECTION 1. The City of St. Charles, Missouri hereby accepts a gift of approximately 2.224 acres of land located along Hawks Nest Drive at Lynnbrook Drive from the Pundmann Motor Company d/b/a Pundmann Ford Motor Company, to be used for a public purpose.

SECTION 2. The land is more particularly described in attached Exhibit A.

SECTION 3. The Mayor, City Clerk and City Staff are hereby authorized and directed to perform all acts necessary to acquire legal title to the property by quitclaim deed as set forth in Exhibit B.

SECTION 4. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Sept. 3, 2024
Date Passed

Michael Galba
Michael Galba, Presiding Officer

9-3-24
Date Approved by Mayor

Daniel J. Borgmeyer
Daniel J. Borgmeyer, Mayor

Approved as to Form:

Attest:

Holly Magdham 8/26/24
for Michael P. Cullen, City Attorney Date

Kimberly Hudson
City Clerk



EXHIBIT A

A tract of land in Lot 20 of Evans Survey in St. Charles Commons, Township 46 and 47 North, Range 4 East, of St. Charles County, Missouri, and being further described to wit: Beginning at the Western most corner of said Lot 20,; thence along the Northwestern line of said Lot 20, North 57 Degrees 05 minutes 47 Seconds East, a distance of 401.97 feet; thence South 36 degrees 27 minutes 47 seconds East, a distance of 104.57 feet to a rounding at the intersection of Hawks Nest Drive and Lynnbrook Drive; thence Easterly and Southerly along a curve to the right which radius bears South 36 degrees 27 minutes 47 seconds East, 20 feet to an arc distance of 39.80 feet; thence along the Western line of Lynnbrook Drive, South 12 degrees 26 minutes 21 seconds East, a distance of 116.67 feet to a point of curvature; thence along a curve to the left, which radius is 490 feet, and arc distance of 75.44 feet; then South 57 degrees, 58 minutes 36 seconds West a distance of 202.53 feet; thence Northwesterly along a curve to the right which radius bears North 65 degrees 35 minutes 49 seconds East, 690 feet, an arc distance of 10.28 feet; thence South 66 degrees 27 minutes 07 seconds West a distance of 172.37 feet to the Southwestern line of said Lot 20; thence along the said Southwestern line North 32 degrees, 01 minutes 24 seconds West a distance of 271.78 feet to the point of beginning. Containing 2.78 acres more or less.

LESS:

A tract of land being part of Lot 20 of Block 2 of Evans Survey of the St. Charles Commons, Township 46 and 47 North, Range 4 East, St. Charles County, Missouri, said tract being more particularly described as follows: Beginning at an old stone marking the common corner of Lots 11,12, 19 and 20 of Block 2 of Evans Survey of the St. Charles Commons; thence along the common line of said Lots 19 and 20 S 31 degrees 56' 02" E, 86.38 feet to the true point of beginning and a point of curvature; thence leaving said lot line and northeastwardly along a curve to the right having a radius of 330 feet, a central angle of 18 degrees 14' 57", a distance of 105.11 feet to a point; then N 53 degrees 37' 35" E, 304.54 feet to a point at the northwest right-of-way line of Hawk's Nest Drive (60 feet wide); thence S 36 degrees 22' 25" E, 60.00 feet to a point on the southeastern right-of-way line of said Hawk's Nest Drive; thence S 53 degrees 37' 35" W, 304.54 feet to a point of curvature; thence Southwestwardly along a curve to the left; having a radius of 270 feet, a central angle of 23 degrees 41'18", a distance of 111.63 feet to a point on the common lot line of Lots 19 and 20 of Block 2 of Evans Survey of the St. Charles Commons; thence along said lot line N 31 degrees 56' 02" W, 66.35 feet to the true point of beginning. Contains 0.57 acres more or less.

Subject to building lines, easements, restrictions now of record, if any.

The above property being the same as that surveyed by Bax Engineering Company, Inc. on April 30, 2020 as Project Number 18-17368, to wit:

TRACT 1 (1.682 ACRES)

A TRACT OF LAND BEING PART OF LOT 20 IN BLOCK 2 OF EVANS SURVEY OF THE ST. CHARLES COMMONS, TOWNSHIPS 46 & 47 NORTH, RANGE 4 EAST, CITY OF ST. CHARLES, ST. CHARLES COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF LOT 153 OF "LYNNBROOK PLAT 4", A SUBDIVISION ACCORDING TO THE INSTRUMENT RECORDED IN PLAT BOOK 25 PAGE 175 OF THE ST. CHARLES COUNTY RECORDS WITH THE NORTHEAST LINE OF PROPERTY CONVEYED TO THE TRUST AGREEMENT OF OLIVER L. WILKE, DATED AUGUST 20, 1987 ACCORDING THE INSTRUMENT RECORDED IN DEED BOOK 1319 PAGE 237 OF SAID RECORDS; THENCE NORTHWESTWARDLY ALONG SAID NORTHEAST LINE OF THE WILKE PROPERTY, NORTH 31 DEGREES 22 MINUTES 09 SECONDS WEST 119.80 FEET TO THE SOUTHEAST RIGHT OF WAY LINE OF HAWKS NEST DRIVE (60 FEET WIDE), AS DEDICATED BY THE INSTRUMENT RECORDED IN DEE BOOK 1297 PAGE 472 OF SAID RECORDS; THENCE NORTHEASTWARDLY ALONG SAID SOUTHEAST RIGHT OF WAY LINE OF HAWKS NEST DRIVE (60 FEET WIDE) THE FOLLOWING COURSES AND DISTANCE; ALONG A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS SOUTH 59 DEGREES 26 MINUTES 23 SECONDS EAST 270.00 FEET FROM THE LAST MENTIONED POINT, AND ARC DISTANCE OF 111. 72 FEET; NORTH 54 DEGREES 16 MINUTES 07 SECONDS EAST 304.42 FEET; AND ALONG A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS SOUTH 35 DEGREES 43 MINUTES 53 SECONDS EAST 20.00 FEET FROM THE LAST MENTIONED POINT, AND ARC DISTANCE OF 39.78 FEET TO THE WEST RIGHT OF WAY LINE OF LYNNBROOK DRIVE (50 FEET WIDE), FORMERLY KNOWN AS EAGLES PASS AND DEDICATED BY THE INSTRUMENT RECORDED IN PLAT BOOK 19 PAGES 68-70 OF SAID RECORDS; THENCE SOUTHWARDLY ALONG SAID WEST RIGHT OF WAY LINE OF LYNNBROOK DRIVE (50 FEET WIDE) THE FOLLOWING COURSES AND DISTANCES; SOUTH 11 DEGREES 47 MINUTES 02 SECONDS EAST 117.22 FEET; AND ALONG A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS NORTH 78 DEGREES 12 MINUTES 58 SECONDS EAST 490.00 FEET FROM THE LAST MENTIONED POINT, AN ARC DISTANCE OF 75.25 FEET TO THE NORTHWEST LINE OF THE LOT 151 OF AFORESAID "LYNNBROOK PLAT 4"; THENCE SOUTHWESTWARDLY ALONG THE NORTHWEST LINE OF SAID LOT 151 AND THE NORTHWEST LINE OF LOT 152 OF "LYNNBROOK PLAT 4", SOUTH 58 DEGREES 38 MINUTES 52 SECONDS WEST 202.39 FEET TO THE EAST RIGHT OF WAY LINE OF LYNNCOVE LANE (50 FEET WIDE); THENCE NORTHWARDLY ALONG THE EAST RIGHT OF WAY LINE OF SAID LYNNCOVE LANE (50 FEET WIDE), ALONG A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS NORTH 66 DEGREES 16 MINUTES 07 SECONDS EAST 690.00 FEET FROM THE LAST MENTIONED POINT AN ARC DISTANCE OF 10.29 FEET TO THE NORTH RIGHT OF WAY LINE OF LYNNCOVE LANE (50 FEET WIDE) AND ALONG THE AFORESAID NORTH LINE OF LOT 153, SOUTH 67 DEGREES 07 MINUTES 23 SECONDS WEST 172.37 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.682 ACRES, ACCORDING TO A SURVEY BY BAX ENGINEERING COMPANY DURING APRIL, 2020.

TRACT II (0.542 ACRES)

A TRACT OF LAND BEING PART OF LOT 20 IN BLOCK 2 OF EVANS SURVEY OF THE ST. CHARLES COMMONS, TOWNSHIPS 46 AND 47 NORTH, RANGE 4 EAST, CITY OF ST. CHARLES, ST. CHARLES COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF LOT 153 OF "LYNNBROOK PLAT 4", A SUBDIVISION ACCORDING TO THE INSTRUMENT RECORDED IN PLAT BOOK 25 PAGE 175 OF THE ST. CHARLES COUNTY RECORDS WITH THE NORTHEAST LINE OF PROPERTY CONVEYED TO THE TRUST AGREEMENT OF OLIVER L. WILKE, DATED AUGUST 20, 1987, ACCORDING TO THE INSTRUMENT RECORDED IN DEED BOOK 1319 PAGE 237 OF SAID RECORDS; THENCE NORTHWESTWARDLY ALONG SAID NORTHEAST LINE OF THE WILKE PROPERTY AND ALONG THE DIRECT NORTHWESTWARDLY PROLONGATION THEREOF, NORTH 31 DEGREES 22 MINUTES 09 SECONDS WEST 186.12 FEET TO THE INTERSECTION OF THE NORTHWEST RIGHT OF WAY LINE OF HAWKS NEST DRIVE (60 FEET WIDE), AS

DEDICATED BY THE INSTRUMENT RECORDED IN DEED BOOK 1297 PAGE 472 OF SAID RECORDS WITH THE NORTHEAST LINE OF PROPERTY CONVEYED TO THE CITY OF ST CHARLES ACCORDING TO THE INSTRUMENT RECORDED IN DEED BOOK 2473 PAGE 1079 OF SAID RECORDS AS PARCEL A, SAID POINT BEING THE ACTUAL POINT OF BEGINNING OF THE DESCRIPTION HEREIN; THENCE NORTHWESTWARDLY ALONG SAID NORTHEAST LINE OF THE CITY OF ST. CHARLES PROPERTY, NORTH 31 DEGREES 22 MINUTES 09 SECONDS WEST 86.24 TO A FOUND STONE MARKING THE COMMON CORNER TO LOTS 11,12, 19, AND 20 IN BLOCK 2 OF EVANS SURVEY OF ST. CHARLES COMMONS; THENCE NORTHEASTWARDLY ALONG THE NORTHWEST LINE OF AFORESAID LOT 20 IN BLOCK 2 OF EVANS SURVEY OF ST. CHARLES COMMONS, NORTH 57 DEGREES 47 MINUTES 56 SECONDS EAST 401.97 FEET TO THE SOUTHWEST LINE OF PROPERTY CONVEYED TO GREATER MISSOURI BUILDERS, INC. ACCORDING TO THE INSTRUMENT RECORDED IN DEED BOOK 1289 PAGE 1906 OF SAID RECORDS; THENCE SOUTHEASTWARDLY ALONG SAID SOUTHWEST LINE OF THE GREATER MISSOURI BUILDERS, INC. PROPERTY, SOUTH 35 DEGREES 49 MINUTES 30 SECONDS EAST 44.58 FEET TO THE AFORESAID NORTHWEST RIGHT OF WAY LINE OF HAWKS NEST DRIVE (60 FEET WIDE); THENCE SOUTHWESTWARDLY ALONG SAID NORTHWEST RIGHT OF WAY LINE OF HAWKS NEST DRIVE (60 FEET WIDE) THE FOLLOWING COURSES AND DISTANCES; SOUTH 54 DEGREES 16 MINUTES 07 SECONDS WEST 304.32 FEET; AND ALONG A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS SOUTH 35 DEGREES 43 MINUTES 53 SECONDS EAST 330.00 FEET FROM THE LAST MENTIONED POINT, AN ARC DISTANCE OF 105.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.542 ACRES, ACCORDING TO A SURVEY BY BAX ENGINEERING COMPANY DURING APRIL, 2020.

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

TITLE OF DOCUMENT: **QUITCLAIM DEED**

DATE OF DOCUMENT: August 22, 2024

GRANTOR: Pundmann Motor Company

GRANTOR'S ADDRESS: 2727 West Clay
 St. Charles, MO 63301

GRANTEE: City of Saint Charles, Missouri

GRANTEE'S ADDRESS: 200 North Second Street
 St. Charles, MO 63301

LEGAL DESCRIPTION: See **Exhibit A**

REFERENCE:

This cover page is attached solely for the purpose of complying with the requirements stated in Sections 59.310.2 RSMo. The information provided on this cover page shall not be construed as either modifying or supplementing the substantive provisions of the attached Quitclaim Deed. In the event of a conflict between the provisions of the attached Quitclaim Deed and the provisions of this cover page, the attached Quitclaim Deed shall prevail and control.

EXHIBIT B

QUITCLAIM DEED

THIS QUITCLAIM DEED, made on the 22nd day of August, 2024, by and between the PUNDMANN MOTOR COMPANY, a corporation duly organized and existing under the laws of the State of Missouri (“Grantor”), and the CITY OF ST. CHARLES, MISSOURI, a constitutional charter city and political subdivision of the state of Missouri (“Grantee”). Grantor’s mailing address is 2727 West Clay, St. Charles, Missouri 63301. Grantee’s mailing address is 200 North Second Street, St. Charles, Missouri 63301. The property address is Lynnbrook Drive, Parcel ID# 3-0003-3280-00-0001.3000000 and Parcel ID# 3-0003-3280-00-0001.3100000 in St. Charles, Missouri.

WITNESSETH, that the Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid by Grantee, the receipt and sufficiency of which are hereby acknowledged, does by these presents REMISE, RELEASE and forever QUIT CLAIM unto the Grantee, the following described land (“Real Property”) situated in the County of St. Charles and State of Missouri, to wit:

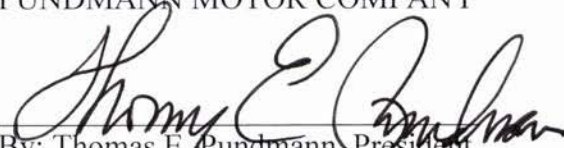
See legal description attached as **Exhibit A**

TO HAVE AND TO HOLD the Real Property, together with all rights, immunities, privileges and appurtenances thereto belonging, unto the Grantee and unto the successors or assigns forever, so that neither the Grantor nor its heirs or assigns, nor any other person or persons, for whom or in whose name or behalf, will hereinafter claim or demand any right or title to the Real Property or any part thereof, but they and each of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, the said Grantor has hereunto executed these presents the day and year first above written.

GRANTOR:

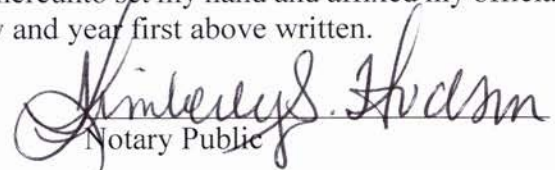
PUNDMANN MOTOR COMPANY


By: Thomas E. Pundmann, President

STATE OF MISSOURI)
) ss.
COUNTY OF ST. CHARLES)

On this 22nd day of August, 2024, before me appeared THOMAS E. PUNDMANN, to me personally known, who, being by me duly sworn did say that he is the president of PUNDMANN MOTOR COMPANY, d/b/a Pundmann Ford, a Missouri corporation, and that said instrument was signed in behalf of the corporation by authority of its board of directors, and said THOMAS E. PUNDMANN acknowledged said instrument to be the free act and deed of the corporation, and that said corporation has no corporate seal.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.


Notary Public

My commission expires:

KIMBERLY S. HUDSON
Notary Public - Notary Seal
St. Charles County
STATE OF MISSOURI
My Commission Expires April 17, 2027
#15367078

EXHIBIT A

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REAL PROPERTY CERTIFICATE OF VALUE - ST CHARLES COUNTY, MISSOURI
NOTE: *This form must be prepared by the Buyers or their representative*

RECORDER'S OFFICE	
Book _____ Page _____	Date Recorded _____ Deed Type _____
TITLE COMPANY or Party Recording Deed _____	
Phone # _____	

ASSESSOR'S OFFICE	
Map Number _____	Reviewed by _____
_____	Date _____
_____	Code _____

ALL QUESTIONS MUST BE ANSWERED. Type or print all information

1. GRANTOR'S (Seller) Name Pundmann Motor Company

2. GRANTEE'S (Buyer) Name City of St. Charles, Missouri

3. ADDRESS OF PROPERTY Hawks Nest Parcels 3-0003-3280-00-0001.3000000 & 3-0003-3280-00-0001.3100000

4. Mailing address if different from property 200 N. Second Street
St. Charles, MO ZIP 63301 PHONE (636) 949-3282

5. Did this transaction involve any of the following conditions?

a. Did this transaction involve a political or governmental taxing jurisdiction, cemetery lot, mineral interest, court order, lease or easement? YES or NO
 If YES which: political subdivision / municipality

b. Was the purpose of this transaction a correction deed, a release for deed of trust, or sale for delinquent taxes? YES or NO
 If YES which: _____

(If the answer to 5a or 5b is yes go to number 9)

c. A transaction between relatives or related businesses? YES or NO

d. A compulsory transaction in lieu of foreclosure, divorce, court order, probate? YES or NO

e. A transaction with one of the following types of deed: Quit Claim Deed, Trustee's Deed, Beneficiary Deed or Deed conveying less than the full fee simple interest in property? YES or NO

(If c, d, or e was answered yes, explain) _____

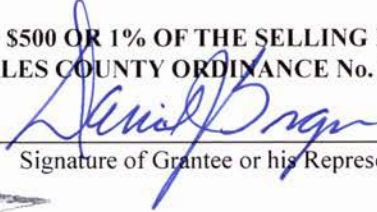
6. Full consideration (Total Sale Price) \$ _____
 Less Market Value of Personal Property included in Sale Price \$ (_____)
 Less Market Value of Handicapped Access Accommodations \$ (_____)
 Dollar amount of concessions paid by Seller \$ _____

7. Intended Use: _____

8. If you believe this transaction does not represent market value, please attach any additional information you want the County Assessor to consider.

9. I certify under penalties of law that this statement has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement.

THE PENALTY FOR FAILURE TO FILE THIS FORM IS \$500 OR 1% OF THE SELLING PRICE WHICH EVER IS GREATER, PURSUANT TO ST. CHARLES COUNTY ORDINANCE No. 145.010



 Signature of Grantee or his Representative

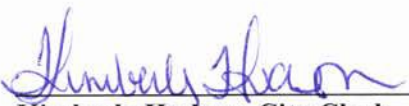
9-3-24

 Date



Daniel J. Borgmeyer, Mayor
 THIS CERTIFICATE TO BE FILED WITH THE _____ AT THE TIME OF RECORDING
 For assistance in filing this form call the Assessor's Office 636-949-7444
 201 N Second Street - Room 211 St. Charles, MO 63301

White Copy-Assessor Yellow Copy-Buyers

Attest:


 Kimberly Hudson, City Clerk

RCA FORM (OFFICE USE ONLY)

Bill # 13884

MEETING/DATE: 8/20/2024

Regular Special Work Session

ATTACHMENT: YES NO

Report Resolution Ordinance

Request for Council Action

Ward(s): 4

Sponsor(s): Mary West, Bridget Ohmes

Description:

An ordinance authorizing the Mayor on behalf of the City of St. Charles, Missouri to accept a donation of approximately 2.224 acres of land located along Hawks Nest Drive at Lynnbrook Drive for a public purpose.

Contract Extension/Renewal: Yes No

Information Paper Attached: Yes No

Staff Recommendation: Approve Disapprove

Board/Committee/Commission Recommendation: Approve Disapprove

Summary:

The Pundmann Motor Company is donating to the City approximately 2.224 acres of land which is located along Hawks Nest Drive at Lynnbrook Drive for a park.

Budget Impact: (revenue generated, estimated cost, CIP item, etc.)

Fiscal Impact: N/A

Account #: _____

Project #: _____

RCA prepared by: Legal Dept. Dir. [Signature] Finance Dir. [Signature] Dir. of Admin. [Signature]