

**CITY OF TWIN OAKS
BOARD OF ALDERMEN MEETING
TWIN OAKS TOWN HALL
1381 BIG BEND ROAD
WEDNESDAY, OCTOBER 18, 2023, 7:00 p.m.**

Tentative Agenda

- 1) REGULAR MEETING CALLED TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) ROLL CALL
- 4) APPROVAL OF AGENDA
- 5) APPROVAL OF CONSENT AGENDA
 - a) Board of Aldermen Regular Meeting Minutes from October 4, 2023
 - b) Board of Aldermen Closed Meeting Minutes from October 4, 2023
 - c) Bills List from September 16 to October 13, 2023
 - d) Credit Card List from September 1 to September 30, 2023
- 6) REPORT OF COMMITTEES/COMMISSIONS/CONTRACTORS
 - a) Financial Statements — Dave Watson
 - b) Park Committee — Joe Krewson
- 7) PUBLIC HEARING
 - a) Recommendation of the Planning & Zoning Commission concerning amendments to Chapter 400 of the Twin Oaks Municipal Code, Section 400.280, relating to planned uses
 - b) Recommendation of the Planning & Zoning Commission concerning an amended development plan for Sav-On Liquor & Wine at 1142 Meramec Station Road
 - c) Recommendation of the Planning & Zoning Commission concerning an amended development plan for Bartolino’s Restaurant at 1304 Big Bend Road
- 8) NEW BUSINESS
 - a) **Bill No. 23-12:** AN ORDINANCE APPROVING TEXT AMENDMENT TO THE ZONING CODE OF THE CITY OF TWIN OAKS PERTAINING TO LIQUOR STORES
 - b) **Bill No. 23-13:** AN ORDINANCE APPROVING AN AMENDED FINAL DEVELOPMENT PLAN SUBMITTED ON BEHALF OF SAV-ON LIQUOR & WINE FOR A PORTION OF THE TWIN OAKS CENTER LOCATED AT 1100 MERAMEC STATION ROAD.
 - c) **Bill No. 23-14:** AN ORDINANCE APPROVING A THIRD AMENDED FINAL DEVELOPMENT PLAN FOR THE VILLAGES OF TWIN OAKS AND BIG BEND

SQUARE TO ALLOW FOR CERTAIN EXTERIOR CHANGES ASSOCIATED WITH BARTOLINO'S RESTAURANT

- d) **Bill No. 23-15:** AN ORDINANCE AMENDING THE EXCAVATION, GRADING AND FILL CODE, CHAPTER 515, OF THE TWIN OAKS MUNICIPAL CODE.
- e) **Resolution No. 2023-22:** A RESOLUTION APPROVING A PURCHASE AGREEMENT FOR CERTAIN PROPERTY INTERESTS NECESSARY FOR THE CRESCENT AVENUE PROJECT

9) DISCUSSION ITEMS

10) ATTORNEY'S REPORT

11) CITY CLERK'S REPORT

12) MAYOR AND ALDERMEN COMMENTS

13) FINAL CITIZEN COMMENTS

(Remarks shall be limited to three (3) minutes on any one subject unless time is extended by the Board)

14) CLOSED SESSION

Upon motion duly made and seconded, the Board of Aldermen will hold a closed session pursuant to Chapter 610 R.S.MO. for the reasons specifically set forth in Section 610.021 including, but not limited to, discussion pertaining to (1) legal actions, causes of action and litigation or confidential communications with the City's Attorney; (2) the lease, sale or purchase of real estate; and (13) individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment.

15) ADJOURNMENT

Frank Johnson
City Clerk/Administrator

POSTED: October 16, 2023, 10:00 a.m.

Please note: Any person requiring physical or verbal accommodations should contact the city office 12 hours prior to meeting at 636-225-7873. Copies of public records for this agenda are available for public inspection before and at the time of the meeting.

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF ALDERMEN OF TWIN OAKS,
TWIN OAKS TOWN HALL
ST. LOUIS COUNTY, MISSOURI
WEDNESDAY OCTOBER 4, 2023**

Mayor Russ Fortune called the meeting of the Twin Oaks Board of Aldermen to order at 7:00 p.m. Roll Call was taken:

Mayor: Russ Fortune – yea

Aldermen: April Milne – yea Lisa Eisenhauer – yea
Dennis Whitmore – yea Tim Stoeckl – yea

Also Present: Frank Johnson, City Clerk/Administrator
Paul Rost, City Attorney

Permanent records are kept of all minutes and ordinances. Each ordinance is read a minimum of two times by title, unless otherwise noted.

APPROVAL OF THE AGENDA

Mayor Fortune asked for a motion to approve the Agenda. Alderman Dennis Whitmore so motioned, seconded by Alderman Lisa Eisenhauer. The motion passed by a unanimous voice vote.

APPROVAL OF THE CONSENT AGENDA

Mayor Fortune asked for a motion to approve the Consent Agenda consisting of Regular Meeting Minutes from September 20, 2023; Board of Alderman Work Session Minutes from September 20, Board of Aldermen Closed Meeting Minutes from September 20, 2023; and the Bills List from September 16 to September 29, 2023. Alderman Tim Stoeckl motioned to approve the consent agenda, seconded by Alderman Eisenhauer. The motion passed by a unanimous voice vote.

REPORT OF COMMITTEES/COMMISSION/CONTRACTORS

Police Report: Officer John Wehner summarized the police activity for the month of September, including radio calls, written reports, traffic stops, crimes and auto accidents. There were seven Auto accidents in September, all were non-injury and five occurred at the 141/Big Bend intersection. The Board asked City Clerk/Administrator Frank Johnson to contact MODOT to have the striping repainted before fall to help with visibility at the intersection.

NEW BUSINESS

Resolution No. 2023-19: A Resolution of the Twin Oaks Board of Aldermen Approving an Auditing Services Agreement with Botz, Deal & Company, P.C. City Clerk/Administrator Johnson read Resolution No. 2023-19. He informed the Board that Botz, Deal & Company, the City's current auditor, was the only respondent to the City's RFP for auditing services. He explained that the contract details for services remain the same but there is a substantial fee increase. He attributed this to a labor shortage and economic factors that is creating a dwindling number of CPA firms willing to provide these kind of auditing services, particularly to smaller cities. He also noted that the approval date for Resolution No. 2023-19 will be updated to reflect the correct date of October 4, 2023. With no further questions, Alderman Milne motioned to approve Resolution No. 2023-19 as amended, seconded by Alderman Eisenhauer. Resolution No. 2023-19 passed by a vote of four yes and zero no.

Resolution No. 2023-20: A Resolution of the Twin oaks Board of Aldermen Approving an Agreement with Missouri Machinery and Engineering Co., DBA, The Pump Shop, for Repair of Recirculation Pump. City Clerk/Administrator Johnson read Resolution No. 2023-20. He explained to the Board that the small pump by the stone bridge needed repairs that resulted from the sludge that was accumulating in the pump, and that this small pump has been added to the existing inspection contract. Alderman Stoeckl motioned to approve Resolution No. 2023-20, seconded by Alderman Eisenhauer. Resolution No. 2023-20 passed by a vote of four yes and zero no.

Resolution No. 2023-21: A Resolution Approving the Purchase of Certain Property Interest. City Clerk/Administrator Frank Johnson read Resolution No. 2023-21. He explained that the purchase agreement is for acquiring the ROW at 140 Crescent Ave needed for the Crescent Avenue Improvement Project. Alderman Whitmore motioned to approve Resolution No. 2023-21, seconded by Alderman Eisenhauer. Resolution No. 2023-21 passed by a vote of four yes and zero no.

DISCUSSION ITEMS

There were no discussion items.

ATTORNEY'S REPORT

City Attorney Paul Rost reported that he will have Ordinance amended the ROW curb cut section of the City code ready for the October 18, 2023 meeting. He explained that the amendment will clarify that any development or redevelopment that requires access to the City streets will need to provide sidewalks and curbs.

CITY CLERK'S REPORT

City Clerk/Administrator Johnson referred the Board to his written report and provided a summary of its contents. He informed the Board that the Planning and Zoning Commission has

recommended approval of the amended development plans for Sav-On Liquor & Wine and Bartolino's Restaurant, and that Carreta's Restaurant has passed its final occupancy inspection. He also reported that BFA has finished drafting stormwater plans for Crescent Road/Laws Court and is ready to submit the Crescent Avenue Improvement Project to MSD for review and approval.

MAYOR & ALDERMEN COMMENTS

Mayor Fortune announced that he will not be in attendance at the October 18, 2023 BOA meeting.

Alderman Whitmore reported that the wall lighting for the CVS and US Bank within the Schnucks development were not lit and that there were several light standards that were out.

Alderman Stoeckl remarked that Family Fun Day was well-attended and well-run.

FINAL CITIZEN COMMENTS

There were no final citizen comments.

CLOSED SESSION

Mayor Fortune asked for a motion to move into closed session pursuant to Chapter 610 RSMo for the purpose of dealing with matters relating to the following: legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its Attorneys (610.021(1) RSMo.). Alderman Eisenhower so motioned, seconded by Alderman Milne. The motion passed on a roll call vote as follows: Alderman Milne-yea, Alderman Whitmore-yea, Alderman Stoeckl-yea and Alderman Eisenhower-yea. The Board moved into Closed Session at 7:26 pm.

ADJOURNMENT

The Board returned from closed session at 7:41 p.m. There being no further business Mayor Fortune asked for a motion to adjourn the meeting. Alderman _____ so motioned, seconded by Alderman _____ and the regular meeting was adjourned at 7:43 p.m.

Drafted By: _____
Paula Dries
Assistant City Clerk

Date of Approval: _____

ATTEST:

Frank Johnson
City Clerk/Administrator

Russ Fortune,
Mayor, Board of Aldermen

City of Twin Oaks							
Bills and Applied Payments							
September 30, 2023 to October 13, 2023							
Check No.	Column1	Invoice Date	Memo/Description	Invoice No.	Bill Amt	Check Amt	Payment Date
12712	Marco	9/22/2023	contract rate charge for Oct	11660899	\$74.08	\$74.08	10/18/2023
12713	Cindy Cornelius	9/30/2023	refund for park reservation-resident	PR093023	\$150.00	\$150.00	10/18/2023
12714	Kathleen Smith	10/1/2023	refund for alcohol deposit	PR100123	\$100.00	\$100.00	10/18/2023
12715	Another Wild Goose Chase	10/2/2023	goose control for 10-2-23 to 11-5-23	2568	\$800.00	\$800.00	10/18/2023
12716	Gateway Disposal	9/30/2023	monthly contract	39X00138	\$5,250.00	\$5,250.00	10/18/2023
12717	Signarama	10/3/2023	new name plates-Jon Antonacci/Frank Johnson	38919	\$80.00	\$80.00	10/18/2023
12718	Engelmeyer & Pezzani, LLC	10/3/2023	assistant prosecutor charges for Sept 20 thru 27	3998	\$378.00	\$378.00	10/18/2023
12719	St Louis Police	10/3/2023	contract rate charge for Oct	154046	\$12,229.78	\$12,229.78	10/18/2023
12720	J. Bathe Electric	9/12/2023	inspection of gazebo light by the playground	10875T	\$280.00	\$280.00	10/18/2023
12721	Bridge Tower Media	9/29/2023	Public Notice for Sav-On & Bartolino's development plans	74563961	\$44.03	\$44.03	10/18/2023
12722	John Venner	10/8/2023	refund for alcohol deposit	PR100823	\$100.00	\$100.00	10/18/2023
12723	Linda Adelman	10/7/2023	resident refund for pavilion reservation	PR100723	\$150.00	\$150.00	10/18/2023
12724	City of Des Peres	10/6/2023	membership fees for The Lodge at Des Peres		\$530.00	\$530.00	10/18/2023
12725	Cunningham, Vogel & Rost	9/30/2023	Retainer/basic legal services	68493	\$1,286.50		
		9/30/2023	Other legal services	68492	\$1,836.00	\$3,122.50	10/18/2023
12726	Harvey's	9/30/2023	lawn mowin for Park, City Hall and road	30143	\$4,440.76	\$4,440.76	10/18/2023
12727	Lake Management	10/4/2023	treatment for upper and lower pond	19270	\$397.00	\$397.00	10/18/2023
12728	St Louis County Public Works	10/8/2023	occupancy inspection for 428, 235, 436, 444, 420, 324,	1008230005500	\$450.00	\$450.00	10/18/2023
Autopay	American Water	9/25/2023	monthly billing for 1240 Derbyshire Dr Irrig	6868	\$1,428.40	\$1,428.40	10/17/2023
Autopay	American Water	9/25/2023	monthly billing for City Hall	7767	\$6.92	\$6.92	10/17/2023
Autopay	American Water	9/25/2023	monthly billing for 1381 Irrig	8240	\$467.41	\$467.41	10/17/2023
Autopay	American Water	9/29/2023	monthly billing for Twin Oaks Park	8845	\$1,843.73	\$1,843.73	10/23/2023
Autopay	American Water	9/27/2023	monthly billing for 1312 Irrig	5681	\$870.32	\$870.32	10/19/2023
Autopay	American Water	9/27/2023	monthly billing for 50 Crescent	6457	\$2.37	\$2.37	10/19/2023
Autopay	Spire	9/25/2023	monthly billing for City Hall	3056	\$46.31	\$46.31	10/5/2023
Autopay	Ameren	10/3/2023	monthly billing for street lighting	5515	\$642.92	\$642.92	10/24/2023
Autopay	MSD	10/5/2023	monthly billing for City Hall	1219399-1	\$51.49	\$51.49	10/25/2023
ACH	Quadent	10/12/2023	postage for machine	BH3770770260	\$300.00	\$300.00	10/18/2023
					\$34,236.02	\$34,236.02	
			Alderman				
			Alderman				

Credit Card List
September 1, 2023 to September 30, 2023

Date	Name	Memo/Description	Amount
9/1/2023	Quickbooks	Monthly Fee-reaccuring fee for accounting program	\$90.00
9/1/2023	Zoom	Monthly Fee-reaccuring fee for zoom	\$15.99
9/1/2023	Adobe	Monthly Fee-reaccuring fee for computer program	\$12.99
9/8/2023	Mail Chimp	monthly charge for services	\$13.00
9/1/2023	Lowes	screws, bits and other building supplies	\$42.42
9/7/2023	Petromart	gas for truck and gas cans	\$100.00
9/8/2023	Lowes	tools for building the comfort station bridge	\$378.00
9/7/2023	Ace	tools for building the comfort station bridge	\$102.28
9/7/2023	Ace	tools for building the comfort station bridge	\$8.99
9/13/2023	Lowes	tools for comforts station	\$124.54
9/15/2023	Ace	comfort station tools	\$36.98
9/18/2023	Ballwin Vacuum	new vacuum bags	\$22.49
9/18/2023	Sam's Club	park, office and Family Fun Day supplies	\$212.24
9/20/2023	Office Depot	office supplies	\$77.82
9/19/2023	Ace	cutting wheel-4 1/2 angle grinder	\$11.99
9/21/2023	Valley Park Elevator	4 cans of wasp spray	\$31.96
9/22/2023	Petromart	fuel for truck	\$54.00
9/23/2023	Schnucks	ice for FFD	\$22.00
9/23/2023	Pizza Hut	40 pizza's for FFD-3 deliveries	\$365.97
9/23/2023	Dunkin	coffee and donuts for morning set up	\$34.98
9/25/2023	Fish Window Cleaning	City Hall Window Cleaning	\$180.00
9/26/2023	Harbor Freight	backpack sprayer	\$29.99
9/27/2023	Dobbs	truck maintenance	\$123.30
9/28/2023	Schnucks	k-cups for office	\$28.27
			\$2,120.20
		Alderman	
		Alderman	



FINANCIAL REPORT

NINE MONTHS ENDED, SEPTEMBER 30, 2023

**CITY OF TWIN OAKS
COMBINED BALANCE SHEET
September 30, 2023**

<u>Assets</u>		
Cash	\$	1,859,322
Other current assets		404,737
Lease receivable		369,100
TOTAL ASSETS		2,633,159
<u>Liabilities</u>		
Payables and deferred		66,445
Lease related		359,250
TOTAL LIABILITIES		425,695
<u>Fund Balances</u>		
Sewer Lateral		46,787
Capital Improvements		800,567
Road		(118,817)
Park		501,543
General		977,384
TOTAL FUND BALANCES		2,207,464
TOTAL LIABILITIES AND FUND BALANCES		2,633,159

CITY OF TWIN OAKS
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
EIGHT MONTHS ENDED, SEPTEMBER 30, 2023

	<u>Sewer</u>	<u>Cap Impr</u>	<u>Road</u>	<u>Park</u>	<u>General</u>	<u>Total-All Funds</u>		<u>Percent Change</u>
						<u>2023</u>	<u>2022</u>	
REVENUES								
Sales taxes	\$ -	\$ 238,709	\$ -	\$ 280,834	\$ 530,537	\$ 1,050,080	\$ 890,722	17.9%
Property tax	-	-	13,441	-	28,272	41,713	39,704	5.1%
Intergovernmental taxes	-	-	15,817	-	7,597	23,413	23,147	1.2%
Licenses, permits, fees	1,663	-	-	-	129,705	131,368	106,284	23.6%
Municipal Court	-	-	-	-	1,246	1,246	-	
Miscellaneous	-	4,195	-	3,120	2,429	9,744	44,283	-78.0%
Investment income	279	-	-	-	14,957	15,236	2,177	599.9%
Total	1,942	242,904	29,257	283,954	714,742	1,272,799	1,106,317	15.0%
EXPENDITURES								
Court	-	-	-	-	4,642	4,642	1,021	354.6%
Personnel services	-	-	43,193	29,156	133,212	205,561	196,521	4.6%
Administrative	-	-	-	-	103,265	103,265	97,827	5.6%
Operating	2,963	-	53,036	74,098	62,525	192,621	212,977	-9.6%
Contractual	-	-	-	-	45,836	45,836	61,207	-25.1%
Police	-	-	-	-	110,068	110,068	106,625	3.2%
Maintenance and repair	-	-	-	25,454	-	25,454	30,921	-17.7%
Debt service	-	142,786	-	-	-	142,786	142,786	0.0%
Capital Imp-Stormwater	-	-	-	26,996	-	26,996	-	
Capital Imp-Pond Bridge	-	-	-	10,000	-	10,000	-	
Capital improvement-Road	-	-	55,401	-	-	55,401	78,669	-29.6%
Total	2,963	142,786	151,630	165,704	459,548	922,631	928,554	-0.6%
Excess (deficiency) of revenues over (under) expenditures	(1,021)	100,117	(122,373)	118,250	255,194	350,168		
Other Sources (Uses)								
Transfers In (Out)	-	-	-	-	-	-	-	
Change in Fund Balance	(1,021)	100,117	(122,373)	118,250	255,194	350,168		
Fund Balance 1/1/2023	47,808	700,450	3,556	383,293	722,190	1,857,297		
Fund Balance 9/30/2023	\$ 46,787	\$ 800,567	\$ (118,817)	\$ 501,543	\$ 977,384	\$ 2,207,465		

CITY OF TWIN OAKS
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
BUDGET - FISCAL YEAR 2023

						Total-All Funds		Actual as % of Budget
	Sewer	Cap Imprv	Road	Park	General	BUDGET 2023	ACTUAL 09/30/23	
REVENUES								
Sales taxes	\$ -	\$ 283,000	\$ -	\$ 332,900	\$ 585,200	\$ 1,201,100	\$ 1,050,080	87.4%
Property tax	-	-	14,400	-	40,500	54,900	41,713	76.0%
Intergovernmental taxes	-	-	12,000	-	14,700	26,700	23,413	87.7%
Licenses, permits, fees	3,900	-	-	3,200	119,800	126,900	131,368	103.5%
Municipal Court	-	-	-	-	-	-	1,246	
Miscellaneous	-	-	-	100	800	900	9,744	1082.6%
Investment income	100	1,100	-	800	900	2,900	15,236	525.4%
Total	4,000	284,100	26,400	337,000	761,900	1,413,400	1,272,799	90.1%
EXPENDITURES								
Court	-	-	-	-	7,200	7,200	4,642	64.5%
Personnel services	-	-	58,600	39,600	187,400	285,600	205,561	72.0%
Administrative	-	-	-	-	117,600	117,600	103,265	87.8%
Operating	4,000	-	94,900	95,100	85,500	279,500	192,621	68.9%
Contractual	-	-	-	-	70,000	70,000	45,836	65.5%
Police	-	-	-	-	148,200	148,200	110,068	74.3%
Maintenance and repair	-	-	18,500	40,100	-	58,600	25,454	43.4%
Debt service	-	142,900	-	-	-	142,900	142,786	99.9%
Capital Imp-Stormwater	-	-	-	2,500	-	2,500	26,996	1079.8%
Capital Imp-Pond Bridge	-	-	-	88,000	-	88,000	10,000	11.4%
Capital improvement-Road	-	-	460,600	-	-	460,600	55,401	12.0%
Total	4,000	142,900	632,600	265,300	615,900	1,660,700	922,631	55.6%
Excess (deficiency) of revenues over (under) expenditures	-	141,200	(606,200)	71,700	146,000	(247,300)	350,168	
Other Sources (Uses)								
Transfers In	-	142,900	606,200	-	-	749,100	-	
Transfers (Out)	-	(606,200)	-	(57,200)	(85,700)	(749,100)	-	
Change in Fund Balance	-	(322,100)	-	14,500	60,300	(247,300)	-	
Fund Balance 1/1/2023	47,808	700,450	3,556	383,293	722,190	1,857,297	-	
Fund Balance 12/31/2023	\$ 47,808	\$ 378,350	\$ 3,556	\$ 397,793	\$ 782,490	\$ 1,609,997	\$ -	

AN ORDINANCE APPROVING TEXT AMENDMENT TO THE ZONING CODE OF THE CITY OF TWIN OAKS PERTAINING TO LIQUOR STORES

WHEREAS, pursuant to § 400.550 of the Twin Oaks City Code, the Board of Aldermen may from time to time, on its own motion or on petition of the Planning and Zoning Commission, amend, supplement, change, modify or repeal by ordinance the regulations or districts herein or subsequently established after receiving the Planning and Zoning Commission’s recommendation and report; and

WHEREAS, the Board of Aldermen now seeks to amend Sections 400.080 and 400.280 of the Twin Oaks Zoning Regulations, Chapter 400 of the Municipal Code (hereinafter the “Zoning Code”) to allow liquor stores as a planned use in the “C” District of the City’s Zoning Code (the “Amendments”); and

WHEREAS, on September 26, 2023, the Planning and Zoning Commission recommended that the Board of Aldermen approve of the proposed Amendments; and

WHEREAS, the Board of Aldermen, after careful and due deliberation and following a duly noticed public hearing held on October 18, 2023, in accordance with § 400.550 and § 89.060 RSMo., has concluded that the adoption of the proposed Amendments is in the best interests of health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:

Section 1. Chapter 400 of the Twin Oaks Municipal Code, the Zoning Regulations, Section 400.080 (Definitions), is hereby amended by adding the definition “Liquor Store,” to read as follows:

Section 400.080 Definitions.

* * *

LIQUOR STORE

An establishment or place of business primarily engaged in the retail sale of alcoholic beverages in the original package for consumption off the business property. This use shall not include restaurants that sell packaged alcoholic beverages as an accessory to the principal use.

Section 2. Section 400.280 “Use Regulations” of Article VII (“C” Commercial District Regulations) of Chapter 400 of the Twin Oaks Zoning Regulations, is hereby amended to add the use, Liquor Store, as a planned use in the “C” Commercial District as shown by the underlined text and renumbering the listed planned uses, to read as follows:

Section 400.280 Use Regulations.

* * *

B. Planned Uses:

1. All uses designated as "planned uses" as set forth in this Subsection shall require the approval of a final development plan prior to the issuance of a building permit if they meet the criteria set forth in Section 400.340. The submission requirements, procedures and approval standards governing development plans are set forth in Section 400.340. Planned uses will be approved only if the Board of Aldermen, in its sole discretion, after review shall determine that the specific location and circumstances are appropriate for the use.
2. The following are planned uses in the "C" Commercial District, provided that a permanent building or premises shall be required for all permitted principal uses:
 - a. Appliance and furniture stores.
 - b. Banks.
 - c. Bowling alleys.
 - d. Business schools, dancing or music academies, cosmetology schools.
 - e. Computer sales and service stores.
 - f. Department stores.
 - g. Drug stores and pharmacies.
 - h. Food catering establishments.
 - i. Grocery stores and supermarkets.
 - j. Hardware stores.
 - k. **Liquor stores**
 - l. Motor vehicle oriented businesses (MVOB).
 - m. Movie theaters
 - n. Office supply stores.
 - o. Pet shops.
 - p. Physical fitness centers.
 - q. Post offices.
 - r. Restaurants.
 - s. Shoe stores.
 - t. Sporting goods stores (new merchandise only).

Section 3. The recitals contained in the *Whereas* clauses are expressly incorporated in and made a part of this Ordinance.

Section 4. This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 18th DAY OF OCTOBER 2023.

Russ Fortune, Mayor

Attest:

Frank Johnson, City Clerk/Administrator

**AN ORDINANCE APPROVING AN AMENDED FINAL DEVELOPMENT
PLAN SUBMITTED ON BEHALF OF SAV-ON LIQUOR & WINE FOR A
PORTION OF THE TWIN OAKS CENTER LOCATED AT 1100 MERAMEC
STATION ROAD.**

WHEREAS, the City of Twin Oaks has received an application from Nick Patel, on behalf of tenant, Sav-On Liquor & Wine, and property owner and Grocery and Pharmacy Portfolio DST, a Delaware Statutory Trust c/o The Inland Real Estate Group, LLC (collectively, the “Applicants”) seeking an amendment to the approved Amended Final Development Plan for a portion of a 5.79 acre parcel known as the “Twin Oaks Center” and numbered as 1100 S. Meramec Station Road, Locator No. 24Q320573 (the “Property”) to allow Sav-On Liquor & Wine to occupy 10,312 square feet (numbered as 1142 Meramec Station Road) in the existing 51,700 square foot structure (the “Building”) for use as a liquor store with the balance of the Building occupied by Westlake Ace Hardware and ALDI grocery store in accordance with City’s Zoning Code and via amendment to this Plan; and

WHEREAS, the Property is currently zoned Planned Commercial Development (PD-C) pursuant to a Final Development Plan that encompassed the Property and one other lot to its south (the “Development”), which zoning and Final Development Plan was approved on February 15, 2006, by Ordinance No. 206 as amended by Ordinance No. 215 (the “2006 Plan”) and amended for the ALDI portion of the building by Ordinance No. 21-06 on April 7, 2021 and the Westlake Ace Hardware portion of the building by Ordinance No. 22-02 on March 2, 2022; and

WHEREAS, the Sav-On Liquor & Wine proposal requires a third amendment to the Amended Final Development Plan previously approved by the Board; and

WHEREAS, in accordance with Ordinance Nos. 22-02 and 21-06 and the Zoning Code, Applicants have applied for an amendment of the Final Development Plan for the Property and accompanying plans, including the 2021 Plan (the “Aldi Plan”) and amended by the 2022 Plan (the “Westlake Plan”); and

WHEREAS, the Planning & Zoning Commission has recommended to the Board that the application for Amended Final Development Plan as submitted by Sav-On Liquor & Wine; and

WHEREAS, on August 4, 2023, Applicant submitted to the City, its Application for Amended Final Development Plan review pursuant to §400.340(C) of the Zoning Ordinance of the City of Twin Oaks (the “Zoning Code”) and submitted with the application, an Amended Final Development Plan and consisting of seven (7) sheets listed in the attached and incorporated **Exhibit B**, all of which items are incorporated herein by reference as the “Sav-On Liquor & Wine Amended Final Development Plan”; and

WHEREAS, after staff reviewed the Sav-On Liquor & Wine Amended Final Development Plan for compliance and finding it to be in substantial conformance to the recommended conditions of approval from the Planning and Zoning Commission as well as those contained in Ordinance Nos. 22-02 and 21-06, the Board on October 18, 2023, considered the Sav-On Liquor & Wine Amended Final Development Plan; and

WHEREAS, the Board has concluded that approval of this Sav-On Liquor & Wine Amended Final Development Plan would be in the interests of the health, safety, and welfare of the citizens of the City and wishes to grant approval, subject to certain conditions set forth in this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:

Section 1. Based upon the Applicants' submission of a final development plan in substantial compliance with the conditions and terms of the Planning & Zoning Commission recommendations and supplementary to the Aldi Plan (Ordinance 21-06) and the Westlake Plan (Ordinance 22-02), the Sav-On Liquor & Wine Amended Final Development Plan attached as **Exhibit B** and incorporated herein is hereby approved pursuant and subject to §400.340 and the following conditions:

1. The middle 10,312 square feet of the Building shown on the Sav-On Liquor & Wine Amended Final Development Plan shall be used as a Liquor Store and maintained in compliance with an approved Sav-On Liquor & Wine Amended Final Development Plan, including all notes thereon.
2. Any future uses of the Building, if listed as a permitted use in Section 400.280.A or a planned use in Section 400.280.B of the Zoning Code, may be approved via municipal zoning approval without further review by the Planning & Zoning Commission or Board approval provided no changes to the exterior of the Building or the Property are proposed.
3. The parking lot for the entire Property shall be kept in a repaired condition and striped for parking in accordance with the Amended Final Development Plan.
4. Signage.
 - a. The wall sign as depicted on Sheets Ca1, CEE-1 and CEE-2 (attached as part of Exhibit B) is approved.
 - b. The single pylon sign on the Property shall continue to serve the entire Development and users or tenants therein as depicted on the approved Master Common Signage Plan for the Development (revision date December 7, 2005, consisting of six sheets) but the insertion of the Sav-On Liquor & Wine logo on the pylon sign, in accordance with the Sheets Ca1, (attached as part of Exhibit B) is approved.
5. The liquor store may not be operated on a 24-hour basis and no deliveries of goods or services shall take place between the hours of 12:00 AM and 6:00 AM. No exterior compactors or similar equipment shall be operated between the hours of 12:00 AM and 6:00 AM.
6. All facilities for storage and removal of refuse outside the Building shall be located within sight-proof enclosures.
7. All loading areas shall be screened from view from adjoining streets and adjacent properties.
8. For the renovated building on the Property, the building materials, color schemes and facades shall be as shown on the elevations on Sheet CEE-1.
9. The Property owner and all current and future occupants shall be responsible for the maintenance of all elements of the Aldi Plan, the Westlake Plan, and the Sav-On Liquor & Wine Amended Final Development Plan (together, the "Approved Final Development Plan"), including all landscaping, and all conditions of plan approval. The restrictions on redevelopment and the responsibility for continuing maintenance and compliance with the Approved Final Development Plan, including all landscaping, shall be binding upon all successors and assigns unless the plan is amended in conformance with the procedures set forth in the City Code. Failure to maintain the landscaping as set forth on the Approved Final Development Plan is a violation of the City Zoning Code, the Approved Final Development Plan, and the approving ordinance.

10. The Applicants shall share in the responsibility for maintenance and upkeep of the Buffer Strip having a 30-foot width on the north and northeast perimeter and a 47-foot width on the east perimeter of the Development. Failure to maintain the Buffer Strip and retaining wall as set forth on the original Final Development Plan shall be a violation of the City Zoning Code, the Approved Final Development Plan, and the approving ordinance.
11. The surrounding roads and drives shall be kept clean and free of debris caused by the remodeling and repairing of the Building and the parking lot.
12. Prior to building permits being issued, applicants shall supply the City with copies of all final written approvals from all interested jurisdictions, including MSD and the Fire District, as applicable.
13. The zoning shall remain PD-C.
14. This ordinance and all conditions herein as well as the Approved Final Development Plan shall be applicable to and enforceable against Applicants and all successors and assigns of Applicants.

Section 2. Except as modified for the Property in Approved Final Development Plan, the remainder of the Development shall continue to be governed by the 2006 Plan (Ordinance No. 206 as amended by Ordinance No. 215) including the Master Common Signage Plan, revised December 7, 2005, consisting of six sheets.

Section 3. The approved Sav-On Liquor & Wine Amended Final Development Plan shall be recorded, at the Applicant's expense, with the St. Louis County Recorder of Deeds within sixty (60) days of this approval. All filing fees shall be paid by the Applicant. The authorization for the use approved by the Sav-On Liquor & Wine Amended Final Development Plan shall not become effective until a copy of the recorded plan bearings its recordation notations shall be returned and placed on file with the City Clerk.

Section 4. A reduced copy of the approved Sav-On Liquor & Wine Amended Final Development Plan is attached hereto as Exhibit B for ease of reference only. The official copy on file with the City Clerk shall govern.

Section 5. The approved Sav-On Liquor & Wine Amended Final Development Plan shall be valid for a period of twelve (12) months from the date of this approval unless within such period a building permit is obtained and substantial construction (i.e., completion of at least ten percent (10%) of the construction in terms of the total expected cost of the project for which the permit was issued) is commenced on the Sav-On Liquor & Wine space and all additional building permits necessary to complete the Sav-On Liquor & Wine project as approved in the Sav-On Liquor & Wine Amended Final Development Plan schedule are obtained in a timely fashion as determined by the City Clerk/Administrator. The Board of Aldermen may grant one (1) extension of no more than twelve (12) months upon written request of the original applicant and filed before the Sav-On Liquor & Wine Amended Final Development Plan expires. Upon granting an extension, the Board of Aldermen may attach new conditions to the approved Sav-On Liquor & Wine Amended Final Development Plan as the Board deems appropriate.

Section 6. The use of the southern portion of the Building approved as a grocery store shall remain subject to the terms and conditions of the Aldi Plan as approved by Ordinance 21-06 and the northern portion of the Building as a Hardware Store shall remain subject to the terms and conditions of as approved by the Westlake Plan approved by Ordinance 22-02 unless expressly modified by this ordinance.

Section 7. All findings and determinations set forth in the “whereas” clauses are specifically and expressly made a part of this ordinance.

Section 8. This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 18th DAY OF OCTOBER 2023.

Russ Fortune, Mayor

Attest:

Frank Johnson, City Clerk

Exhibit A

PROPERTY DESCRIPTION

(FROM TITLE COMMITMENT)

PARCEL I:
REAL PROPERTY IN THE CITY OF VILLAGE OF TWIN OAKS, COUNTY OF ST. LOUIS, STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

NEW LOT 'A' OF THE RESUBDIVISION OF 1100 MERAMEC STATION ROAD, 1144 MERAMEC STATION ROAD AND 1190 MERAMEC STATION ROAD, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 354, PAGE 338 OF THE ST. LOUIS COUNTY RECORDS, MISSOURI.

PARCEL II:
AN APPURTENANT EASEMENT FOR ACCESS, INGRESS AND EGRESS CREATED BY THE AMENDED AND RESTATED RECIPROCAL ACCESS EASEMENT AGREEMENT RECORDED MAY 9, 2006 IN BOOK 17153, PAGE 4885 OF THE ST. LOUIS COUNTY LAND RECORDS.

Exhibit B

Sav-On Liquor & Wine Final Development Plan

The Sav-On Liquor & Wine Final Development Plan consists of the following documents, attached:

C0	COVERSHEET	09/12/23
C3	OVERALL SITE PLAN	08/02/23
Ca1	BUILDING SIGN	09/07/23
Ca2	PYLON SIGN	09/07/23
CEE-1	CONCEPT EXTERIOR ELEVATION	09/12/23
CEE-2	EXISTING BUILDING ELEVATIONS	07/11/23
CFP-1	CONCEPT FLOOR PLAN	09/12/23

SAV-ON

LIQUOR & WINE

1142 MERAMEC STATION ROAD
TWIN OAKS, MO. 63021



GENERAL NOTES:

EXTERIOR LIGHTING: EXISTING - NO PROPOSED CHANGES
 PARKING LAYOUT: EXISTING - NO PROPOSED CHANGES
 LANDSCAPING: EXISTING - NO PROPOSED CHANGES
 BUILDING HEIGHT: EXISTING - NO PROPOSED CHANGES

P&Z DRAWING LIST		
Sheet #	Sheet Name	Revision #
C0	COVER SHEET	
C3	OVERALL SITE PLAN	
Ca1	BUILDING SIGN	
Ca2	PYLON SIGN	
CEE-1	CONCEPT EXTERIOR ELEVATION	
CEE-2	EXISTING BUILDING ELEVATIONS	
CFP-1	CONCEPT FLOOR PLAN	

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REVISIONS:

No.	Description	Date

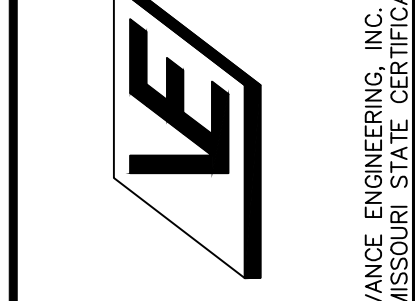
PROGRESS DRAWINGS
NOT FOR CONSTRUCTION

COVER SHEET
Project Number: 2023.038
Date: 2023.09.12

THIS WORK PREPARED BY OR UNDER THE AUTHORITY OF THE ENGINEER, IS HEREBY CERTIFIED TO BE ACCURATE AND AUTHENTICATED BY HIS SEAL AND DATED 08/02/23. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT ONLY, INCLUDING GRADING, DRAINAGE, AND UTILITIES. THE ENGINEER DOES NOT ASSUME RESPONSIBILITY FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS, NOR FOR THE ADEQUACY OF ANY INFORMATION PROVIDED BY OTHERS. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT ONLY, INCLUDING GRADING, DRAINAGE, AND UTILITIES. THE ENGINEER DOES NOT ASSUME RESPONSIBILITY FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS, NOR FOR THE ADEQUACY OF ANY INFORMATION PROVIDED BY OTHERS.

Sav-On Liquor & Wine
1142 Meramec Station Road
Twin Oaks, MO 63021

Vance Engineering, Inc.
10537 Lackland Road
St. Louis, MO 63114
P: 314.427.1800



VANCE ENGINEERING, INC.
MISSOURI STATE CERTIFICATE OF AUTHORITY NO. 2003022154

SAV-ON LIQUOR + WINE
OVERALL SITE PLAN

PRELIMINARY
NOT FOR
CONSTRUCTION

MICHAEL CLAY VANCE, P.E.
E-25616
REVISED

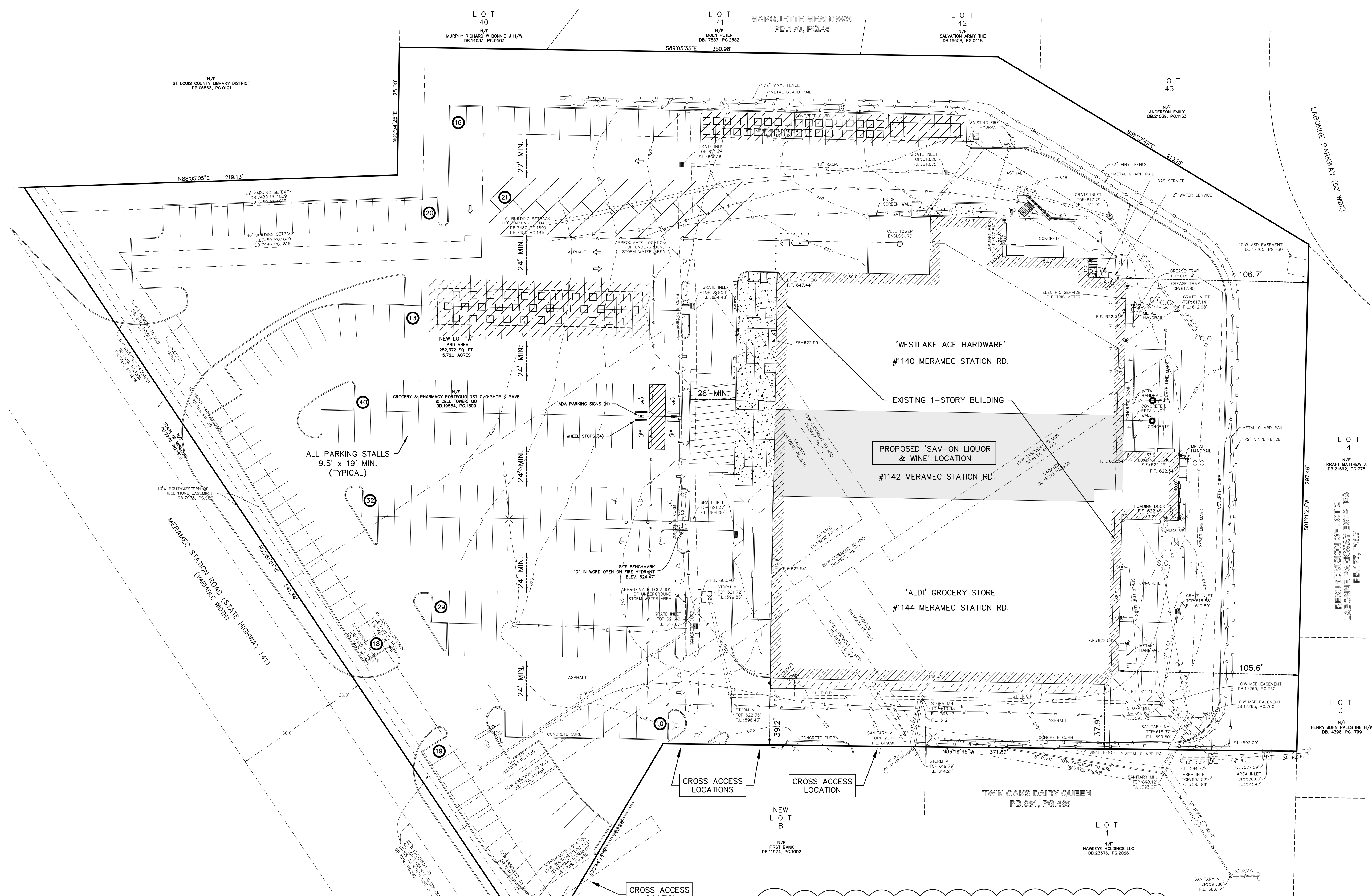
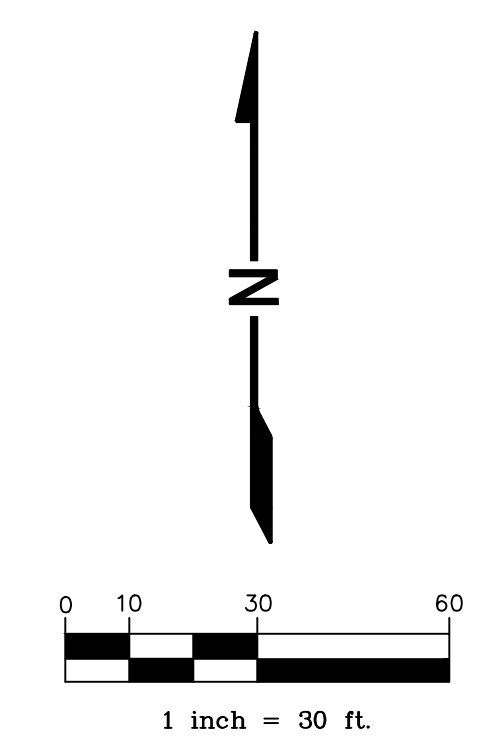
09/11/23

21128.01

08/02/23

C3

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NOTES

THIS PLAN SHEET HAS BEEN REVISED FROM THE FINAL 'WESTLAKE ACE HARDWARE' PLANS TO SHOW THE PROPOSED 'SAV-ON LIQUOR AND WINE' IN THE FORMERLY LABELED 'FUTURE TENANT LOCATION'.

NO SITE WORK OR ALTERATION OF THE FINAL 'WESTLAKE ACE HARDWARE' SITE PLANS ARE PROPOSED WITH THIS PLAN SHEET.

THIS PLAN SHEET DOES NOT AND IS NOT INTENDED TO SHOW ANY EXISTING OR PROPOSED LANDSCAPING OR PLANTINGS.



front elevation
scale: 1/4"=1'-0"

TOTAL SIGNAGE AREA = 67.62 S.F.
TENANT ELEVATION AREA = 1,350 S.F.
5% OF TENANT ELEVATION = 67.5 S.F.

FABRICATED AND INSTALL - 3" LED INTERNALLY ILLUMINATED ALUMINUM CABINETS WITH ACRYLIC FACES - SOLID BACK & RETURNS PAINTED GLOSS BLACK SQUARE TO BE NON-ILLUM. ALUM. BOX PAINTED RE - ALL SIDES ATTACHED TO RACEWAY.

ALUMINUM RACEWAY - PAINT TO MATCH EXISTING WALL COLOR. NONCORROSIVE MOUNTS. RACEWAY SHOULD BE A MINIMAL DEPTH

"AV" "O" - LED INTERNALLY LAMINATED - .090 THICK ALUMINUM CAN WITH ACRYLIC FACE AND 3" RETURNS. DAY / NIGHT V.D.C. GRAPHICS. RETURN PAINTED BLACK ATTACHED TO RACEWAY

1' X 2" CUT "SINTRA" OR EQUAL LETTERS PIN MOUNT WITH NONCORROSIVE STANDOFFS - OFF WALL 4"

SIGN TO BE CENTER OVER DOORS AND WITHIN SIGN AREA

POWER / HOOKUP BY SIGN CONTRACTOR



Chiodini
ARCHITECTS

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1401 South Brentwood Blvd.
Saint Louis, Missouri 63144
314.725.5588
email: arch@chiodini.com

SAV-ON
LIQUOR & WINE

sheet **issued**

september 7, 2023

sheet **approval**

sheet **number**

Ca1



redesignpanel
scale: N.T.S

NEW CABINET 3'X10' (VERIFY)
WITH ACRYLIC FACES WITH V.D.C. GRAPHICS
INTERNALLY ILLUMINATED - LED
POWER TO NEW CABINET PER SIGN CONTRACTOR

PAINT ALL RETURNS TO MATCH EXISTING

DESIGN SHOULD BE APPROVED BY CENTER DEVELOPER
FOR LEASE REQUIREMENTS



existingpanel

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Saint Louis, Missouri 63144
314.725.5588
email: arch@chiodini.com



sheetissued

september 7, 2023

sheetapproval

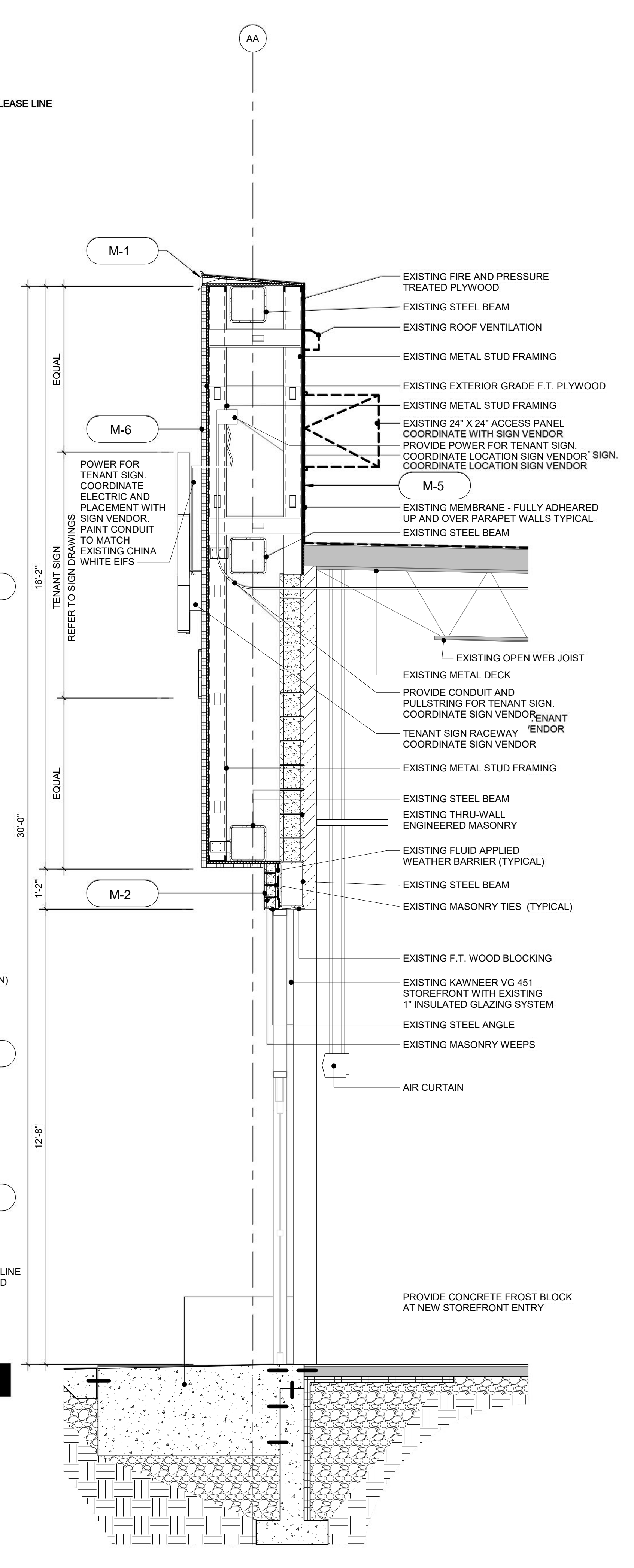
sheetnumber

Ca2

FINISH AND MATERIAL SCHEDULE			
SYMBOL	MATERIAL	COLOR	NOTES
M-1	EXISTING PREFINISHED METAL CAP FLASHING	M-4 -SILVER METALLIC	EXISTING CONTINUOUS WIND CLEAT
M-2	EXISTING UTILITY BRICK	MOUNTAIN RED	EXISTING MORTAR SOLOMON 10X LIGHT BUFF
M-3	EXISTING CAST STONE SILL	PEWTER	EXISTING 4" SMOOTH FACED SILL
M-4	EXISTING PRE FINISHED ALUMINUM STOREFRONT SYSTEM	ANODIZED ALUMINUM	EXISTING 1" INSULATED GLASS WITH LOW-E COATING AND ARGON FILL
M-5	EXISTING TPO MEMBRANE ROOFING	WHITE	EXISTING ON BACK SIDE OF EXISTING SIGNFIELD
M-6	EXISTING WHITE EIFS	(#310 CHINA WHITE)	EXISTING 1 1/2" EIFS - SCORED VERTICALLY AT 12" O.C.



1 CONCEPT 1142 ELEVATION
1/2" = 1'-0"



2 ENTRY SIGN
1/2" = 1'-0"

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SAV-ON LIQUOR & WINE
1142 MERAMEC STATION ROAD
TWIN OAKS MISSOURI 63021

REVISIONS:

NO.	DESCRIPTION

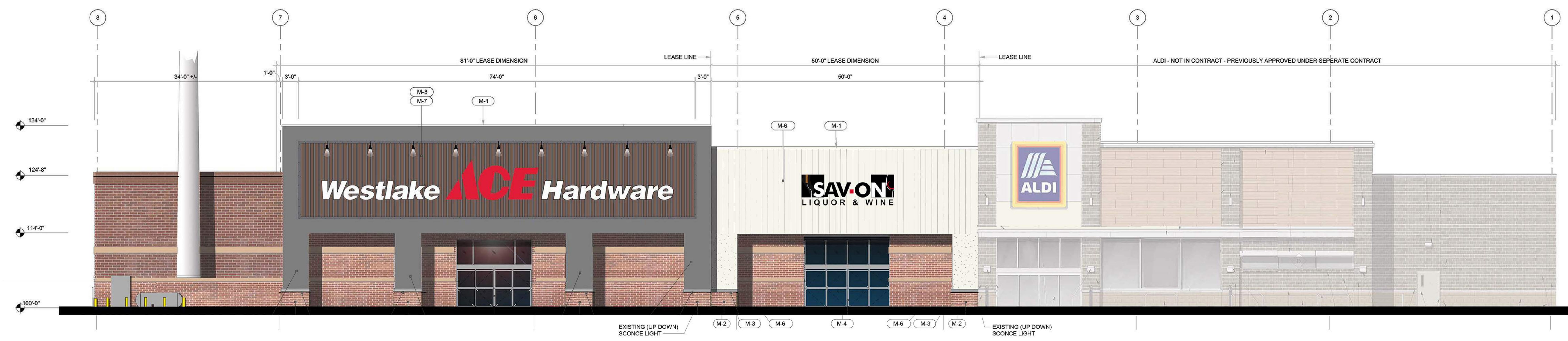
PROGRESS DRAWINGS
NOT FOR CONSTRUCTION

CONCEPT EXTERIOR ELEVATION
Project Number: 2023.038
Date: 2023.09.12

CEE-1

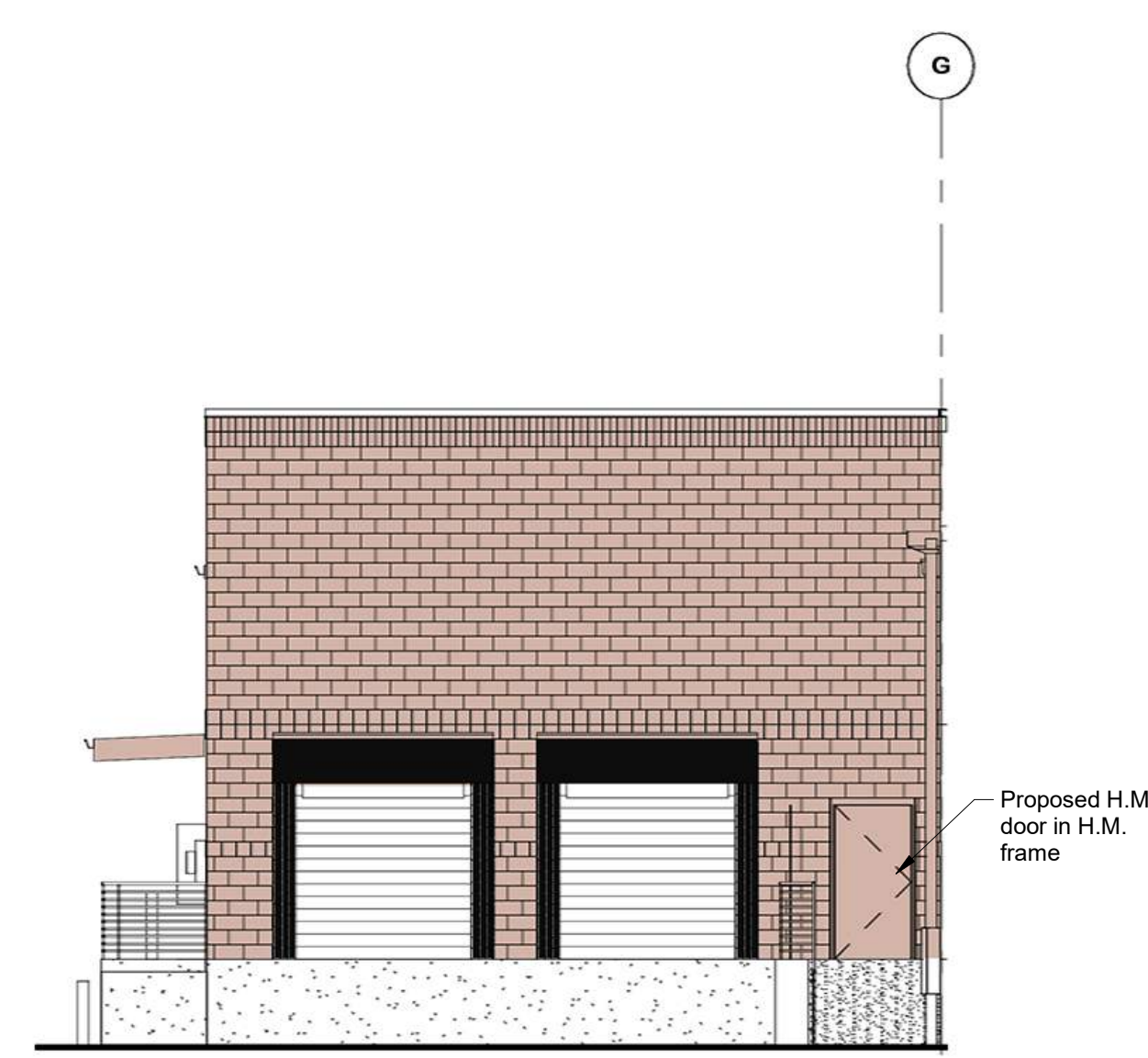
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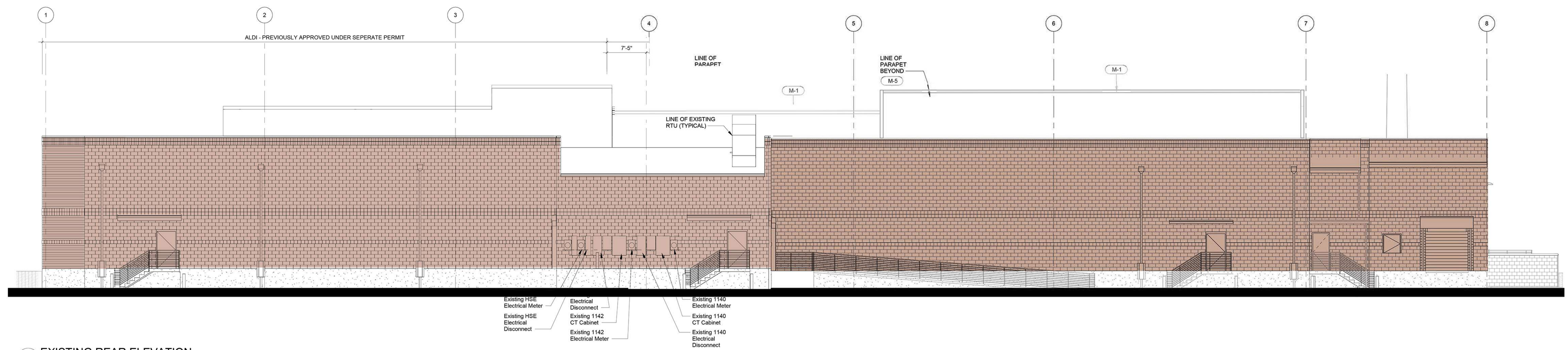


1 EXISTING FRONT ELEVATION
1/8" = 1'-0"

SYMBOL	MATERIAL	COLOR	NOTES
M-1	EXISTING PREFINISHED METAL CAP FLASHING	M-4 -SILVER METALLIC	EXISTING CONTINUOUS WIND CLEAT
M-2	EXISTING UTILITY BRICK	MOUNTAIN RED	EXISTING MORTAR SOLOMON 10X LIGHT BUFF
M-3	EXISTING CAST STONE SILL	PEWTER	EXISTING 4" SMOOTH FACED SILL
M-4	EXISTING PRE FINISHED ALUMINUM STOREFRONT SYSTEM	ANODIZED ALUMINUM	EXISTING 1" INSULATED GLASS WITH LOW-E COATING AND ARGON FILL
M-5	EXISTING TPO MEMBRANE ROOFING	WHITE	EXISTING ON BACK SIDE OF EXISTING SIGNFIELD
M-6	EXISTING WHITE EIFS	(#310 CHINA WHITE)	EXISTING 1 1/2" EIFS - SCORED VERTICALLY AT 12" O.C.



2 EXISTING RECEIVING ELEVATION
1/8" = 1'-0"



3 EXISTING REAR ELEVATION
1/8" = 1'-0"

SAV-ON LIQUOR & WINE
1142 MERAMEC STATION ROAD
TWIN OAKS MISSOURI 63021

REVISIONS:

NO.	DESCRIPTION

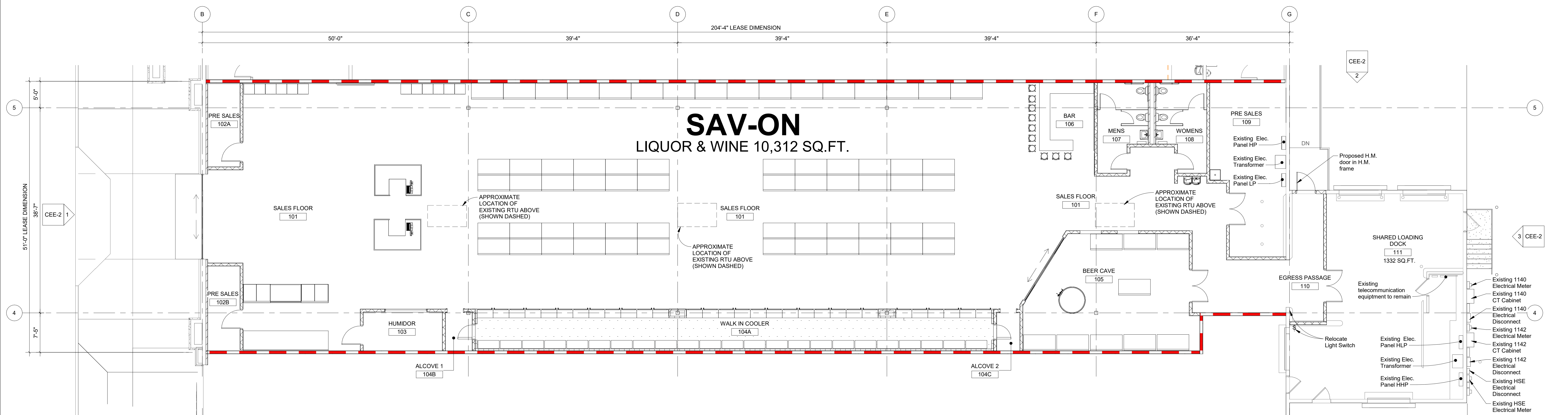
PROGRESS DRAWINGS
NOT FOR CONSTRUCTION

EXISTING BUILDING ELEVATIONS
Project Number: 2023.038
Date: 2023.7.11

CEE-2

ROOM SCHEDULE			
ROOM #	NAME	Area	Occupancy
101	SALES FLOOR	7188 SF	MERCANTILE
102A	PRE SALES	95 SF	STORAGE
102B	PRE SALES	96 SF	STORAGE
103	HUMIDOR	108 SF	STORAGE
104A	WALK IN COOLER	715 SF	STORAGE
104B	ALCOVE 1	36 SF	MERCANTILE
104C	ALCOVE 2	31 SF	MERCANTILE
105	BEER CAVE	643 SF	ASSEMBLY (UNCONCENTRATED (TABLES AND CHAIRS))
106	BAR	276 SF	ASSEMBLY (UNCONCENTRATED (TABLES AND CHAIRS))
107	MENS	139 SF	RESTROOM
108	WOMENS	139 SF	RESTROOM
109	PRE SALES	415 SF	STORAGE
MISCELLANEOUS SQ. FT.		431 SF	
TOTAL SQ FT		10,312 SQ FT	

SHARED LOADING DOCK			
ROOM #	NAME	Area	Occupancy
110	EGRESS PASSAGE	159 SF	HALLWAY
111	SHARED LOADING DOCK	1085 SF	STORAGE
MISCELLANEOUS SQ. FT.		88 SF	
TOTAL SQ FT		1332 SQ FT	



1 CONCEPT PLAN
1/8" = 1'-0"

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REVISIONS:

NO.	DATE	DESCRIPTION

PROGRESS DRAWINGS
NOT FOR CONSTRUCTION

CONCEPT FLOOR PLAN
Project Number: 2023.038
Date: 2023.09.12

AN ORDINANCE APPROVING A THIRD AMENDED FINAL DEVELOPMENT PLAN FOR THE VILLAGES OF TWIN OAKS AND BIG BEND SQUARE TO ALLOW FOR CERTAIN EXTERIOR CHANGES ASSOCIATED WITH BARTOLINO'S RESTUARANT

WHEREAS, on March 1, 2017, the Board of Aldermen adopted Ordinance No. 17-07 approving a Final Development Plan submitted by Haley Holdings Seven LLC for an 11.271± acre site, known and numbered as 1310 – 1366 Big Bend Square Shopping Center (the “Property”) to allow for the reconstruction and rehabilitation of the existing shopping center as a retail and multi-family residential mixed use development consisting of the existing retail center known as Big Bend Square and newly constructed high-end apartments known as *the Villages of Twin Oaks*; and

WHEREAS, on February 13, 2019, by Ordinance No. 19-02 the Board of Aldermen approved an Amended Final Development Plan including a revised Landscaping Plan (the “Amended Final Development Plan”), for approval to ensure consistency between the site as-constructed and the approved Development Plan; and

WHEREAS, on August 5, 2020, by Ordinance No. 20-10 the Board of Aldermen approved an application by Rosman Partners, LLC, as purchasers of the Outlot, for an Amended Final Development Plan to allow development of the Outlot (the “Second Amendment to the Final Development Plan”); and

WHEREAS, on September 8, 2023, Bartolino’s (“Applicant”) on behalf of property owner Haley Holdings Seven LLC, has applied for a third amendment to the Final Development Plan to allow the existing restaurant space on the ground level of the apartment building to be expanded into the outdoor seating space to allow for more interior restaurant seating thereby eliminating the outdoor seating space as shown on the eight plan sheets attached as Exhibit A hereto (the “Third Amendment to the Final Development Plan”); and

WHEREAS, on September 26, 2023, the Twin Oaks Planning & Zoning Commission recommended approval of the Third Amendment to the Final Development Plan; and

WHEREAS, on October 18, 2023, the Board of Aldermen held a public hearing related to the Third Amendment to the Final Development Plan; and,

WHEREAS, the Board now wishes to grant approval of the Third Amendment to the Final Development Plan with certain conditions;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:

Section 1. The Third Amendment to the Final Development Plan being in substantial compliance with the conditions and terms of the Board’s Ordinance No. 17-07, as amended by Ordinance No. 19-02 and Ordinance No. 20-10, and the proposed changes from the original Final Development Plan being desirable and in conformity with the nature and character of the overall

development plan, the Board does hereby approve the Third Amendment to the Final Development Plan (attached as Exhibit A hereto and incorporated herein by reference) for the Property.

Section 2. The signage shown over the front door as depicted on Sheet A1-00 of the Third Amendment to the Final Development Plan attached hereto is approved. No signage for the pylon sign has been submitted nor is approved hereby.

Section 3. Ordinance No. 17-07, as amended by Ordinance No. 19-02, shall continue to govern the Property except as it pertains the changes to the restaurant portion of the apartment building as approved by this Ordinance and plan attached hereto.

Section 4. The zoning classification of the Property remain as a mixed-use development (PD-MxD) as set forth in Section One of Ordinance No. 17-07, as amended by Ordinance No. 19-02.

Section 5. The approved Third Amendment to the Final Development Plan shall be recorded, at the Applicant's expense, with the St. Louis County Recorder of Deeds and a reproducible mylar (or other such format as the City may require) of such recorded plan furnished to the City.

Section 6. This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 18th DAY OF OCTOBER 2023.

Russ Fortune, Mayor

Attest:

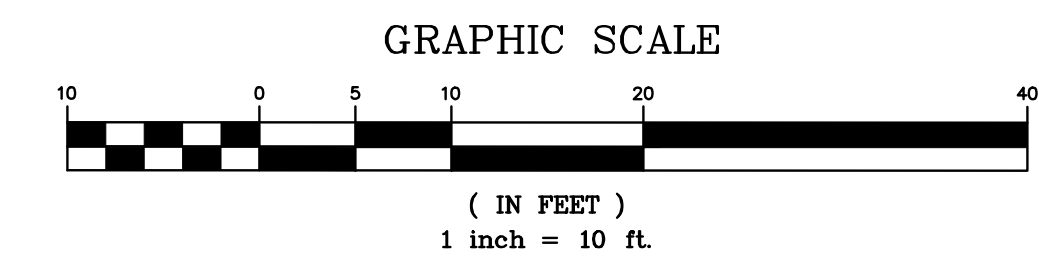
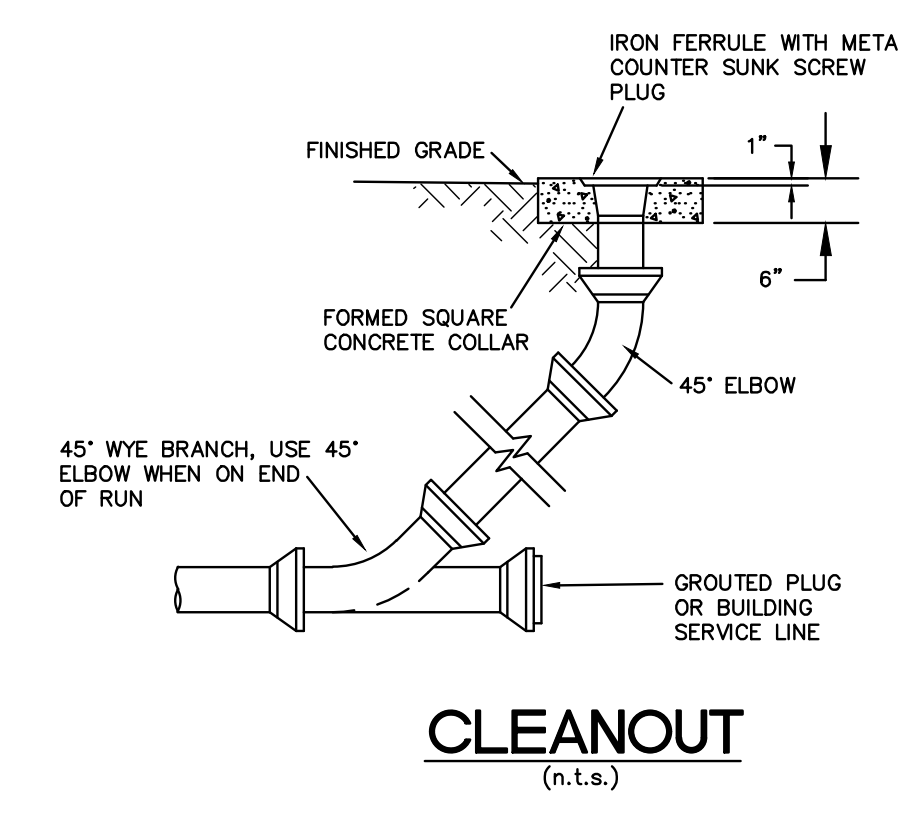
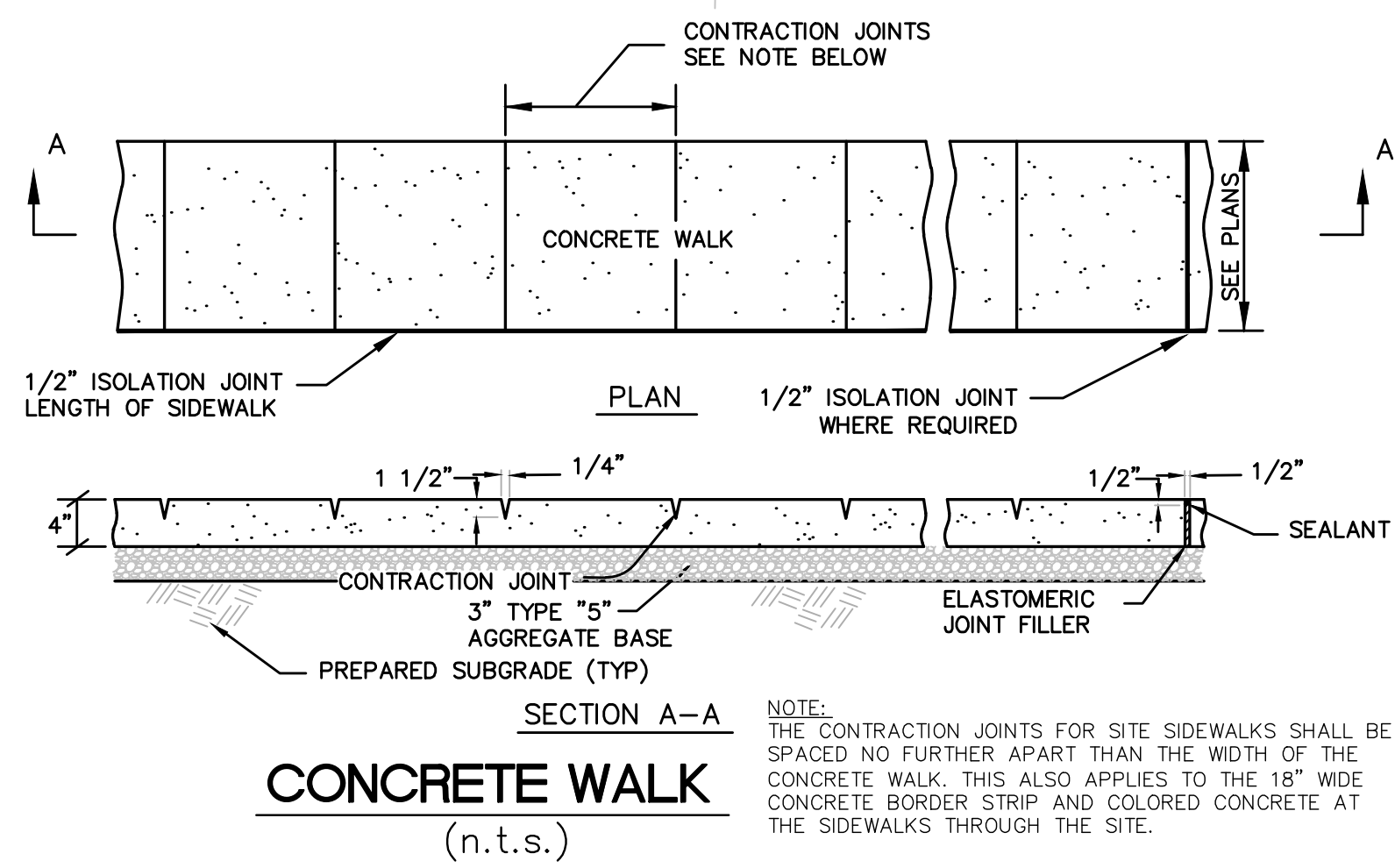
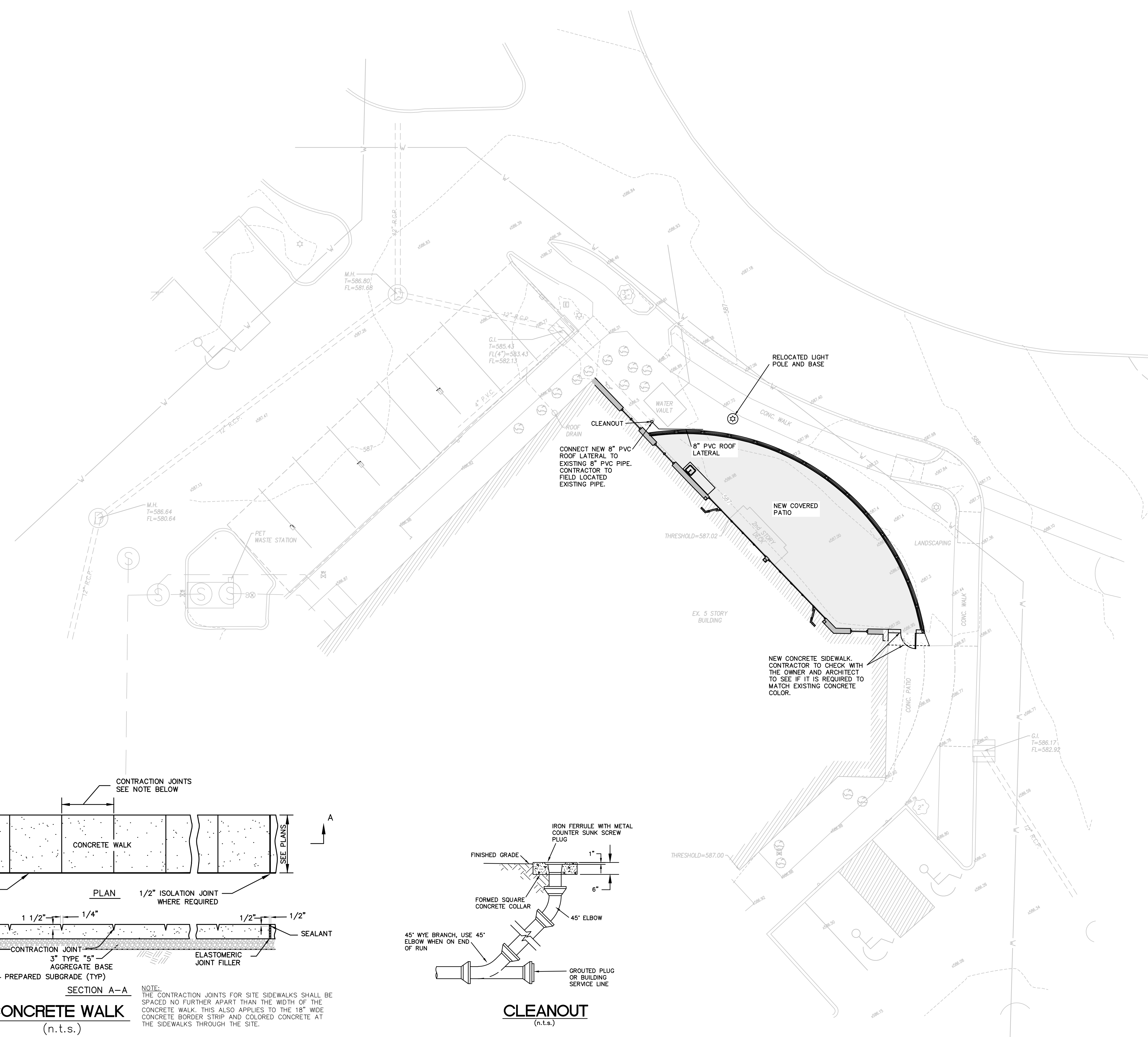
Frank Johnson, City Clerk

EXHIBIT A

THIRD AMENDMENT TO THE FINAL DEVELOPMENT PLAN

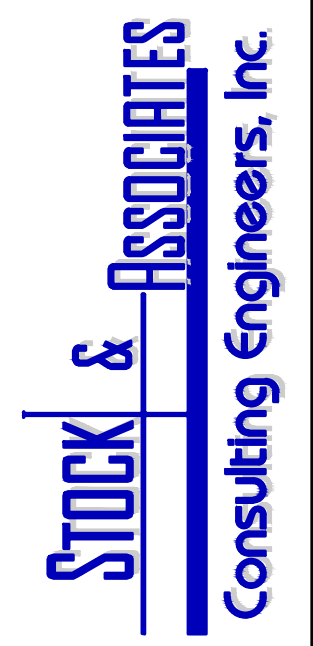
Sheet Number	Sheet Name	Date
C2	Existing Conditions/Demolition Plan	08/18/23
C3	Site Plan Details	08/18/23
A1-00	Roof Plan, Elevation, Section and Details	
A2-01	Furniture Plan	08/18/23
A9-02	Patio Details	08/18/23
3 unnumbered sheets	Color Elevations	

DRAWING FILE: C:\DRAWING\2023\TWIN OAKS - BARTOLINO'S - 081823.dwg LAYOUT: 03 - SITE PLAN AND DETAILS PLOTTED: Aug 18, 2023 4:48pm PLOTTED BY: mcfarlane



STORMWATER MANAGEMENT FUTURE DISTURBANCE NOTE:
 PROJECT DISTURBANCE = 1,200 S.F. OR 0.03 ACRES
 EXISTING IMPERVIOUS AREA WITHIN DISTURBANCE = 950 S.F.
 PROPOSED IMPERVIOUS AREA WITHIN DISTURBANCE = 933 S.F.
 PROJECT RUNOFF DIFFERENTIAL = 0.00 CFS
 ANY FUTURE LAND DISTURBANCE AND/OR INCREASE IN IMPERVIOUS AREA ON THIS SITE MAY REQUIRE ADDITIONAL STORMWATER MANAGEMENT PER MSD REGULATIONS IN PLACE AT THAT TIME (INCLUDING TOTAL LAND DISTURBANCE AND/OR IMPERVIOUSNESS ADDED ON THIS PLAN.)

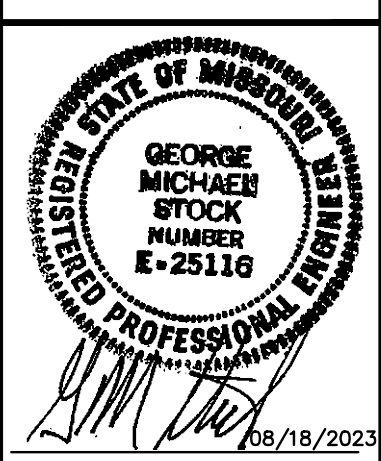
PREPARED BY:



257 Chesterfield Business Parkway
 St. Louis, MO 63015 PH: (636) 530-9100 FAX (636) 530-9130
 e-mail: general@stockassoc.com Web: www.stockassoc.com

IMPROVEMENT PLANS FOR:

TWIN OAKS - BARTOLINO'S
 1304 BIG BEND RD.
 TWIN OAKS, MO 63021



GEORGE M. STOCK E-25116
 CIVIL ENGINEER
 CERTIFICATE OF AUTHORITY
 NUMBER: 000998

REVISIONS:

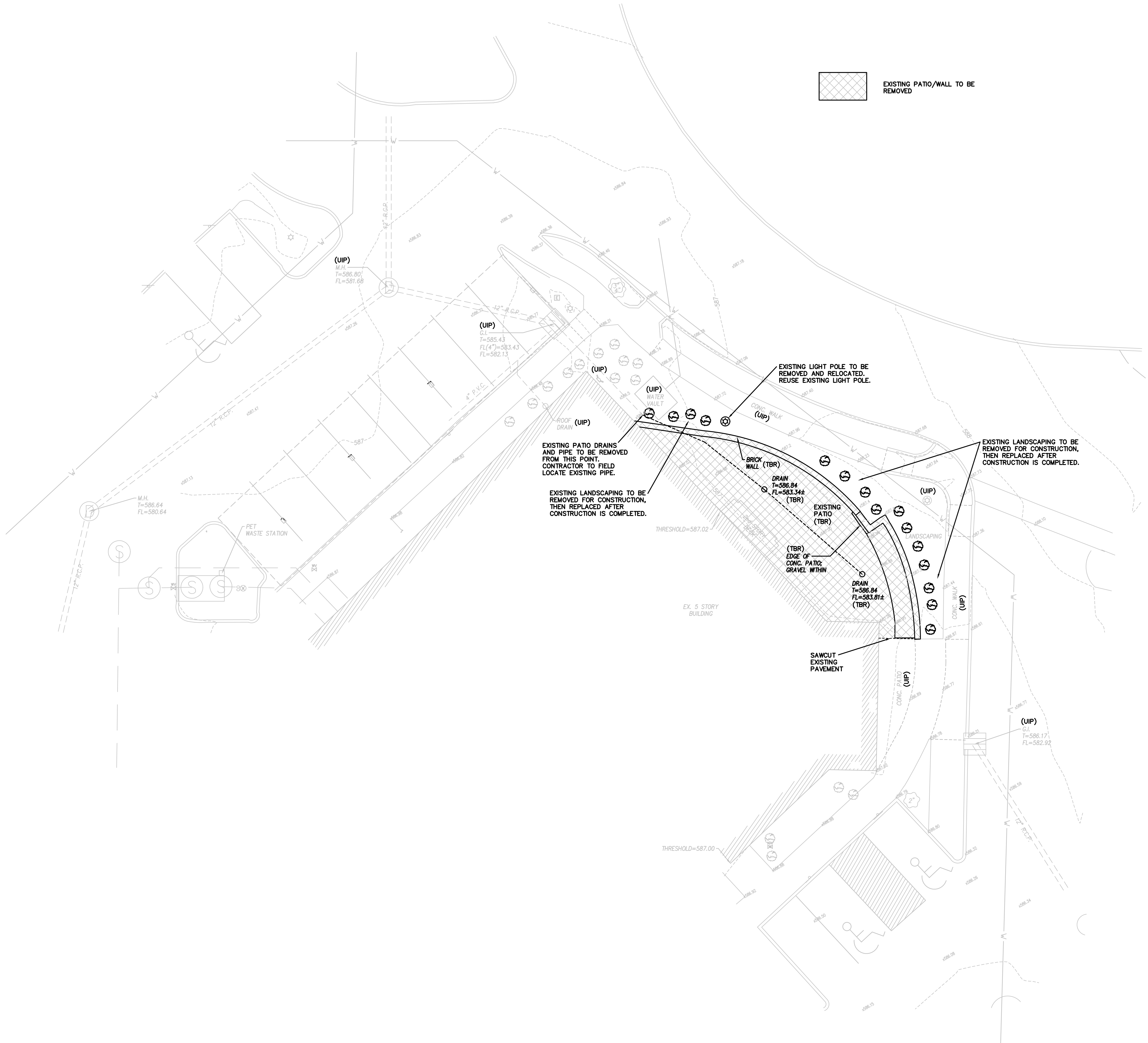
NO.	DESCRIPTION

DRAWN BY: E.J.F.	CHECKED BY: G.M.S.
DATE: 08/18/2023	JOB NO: 216-5798.6
M.S.D. P #:	BASE MAP #:

SHEET TITLE:
SITE PLAN AND DETAILS

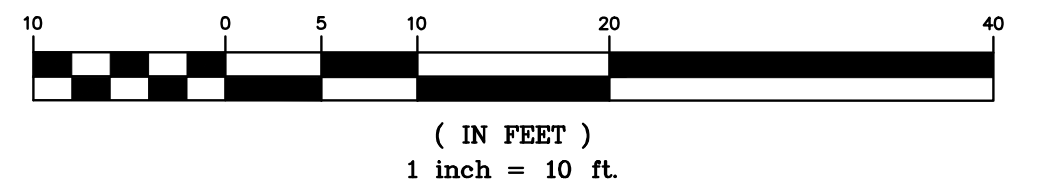
SHEET NO.:
C3

DRAWING FILE: C:\DRAWING\2023\TWIN OAKS - BARTOLINO'S - DEMOLITION PLAN (PLOTTER).DWG LAYOUT: 002 - EXISTING CONDITIONS - DEMOLITION PLAN (PLOTTER) - Aug 15, 2023 - 4:48pm - PLOTTED BY: G.M.S.



EXISTING PATIO/WALL TO BE REMOVED

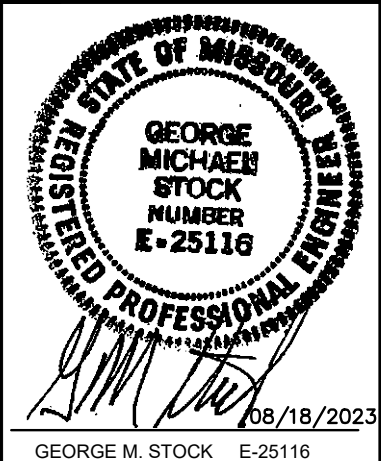
GRAPHIC SCALE



IMPROVEMENT PLANS FOR:

TWIN OAKS - BARTOLINO'S

1304 BIG BEND RD.
TWIN OAKS, MO 63021



GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000998

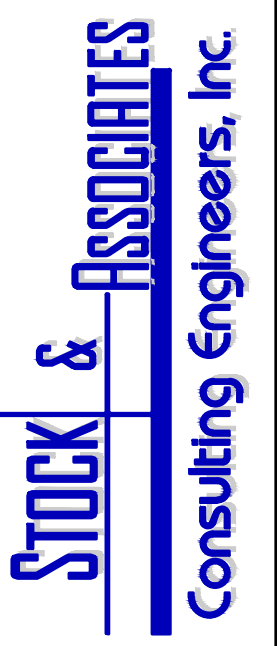
REVISIONS:

DRAWN BY: E.J.F. CHECKED BY: G.M.S.
DATE: 08/18/2023 JOB NO: 216-5798.6
M.S.D. P #: BASE MAP #:

SHEET TITLE:
EXISTING CONDITIONS/
DEMOLITION PLAN

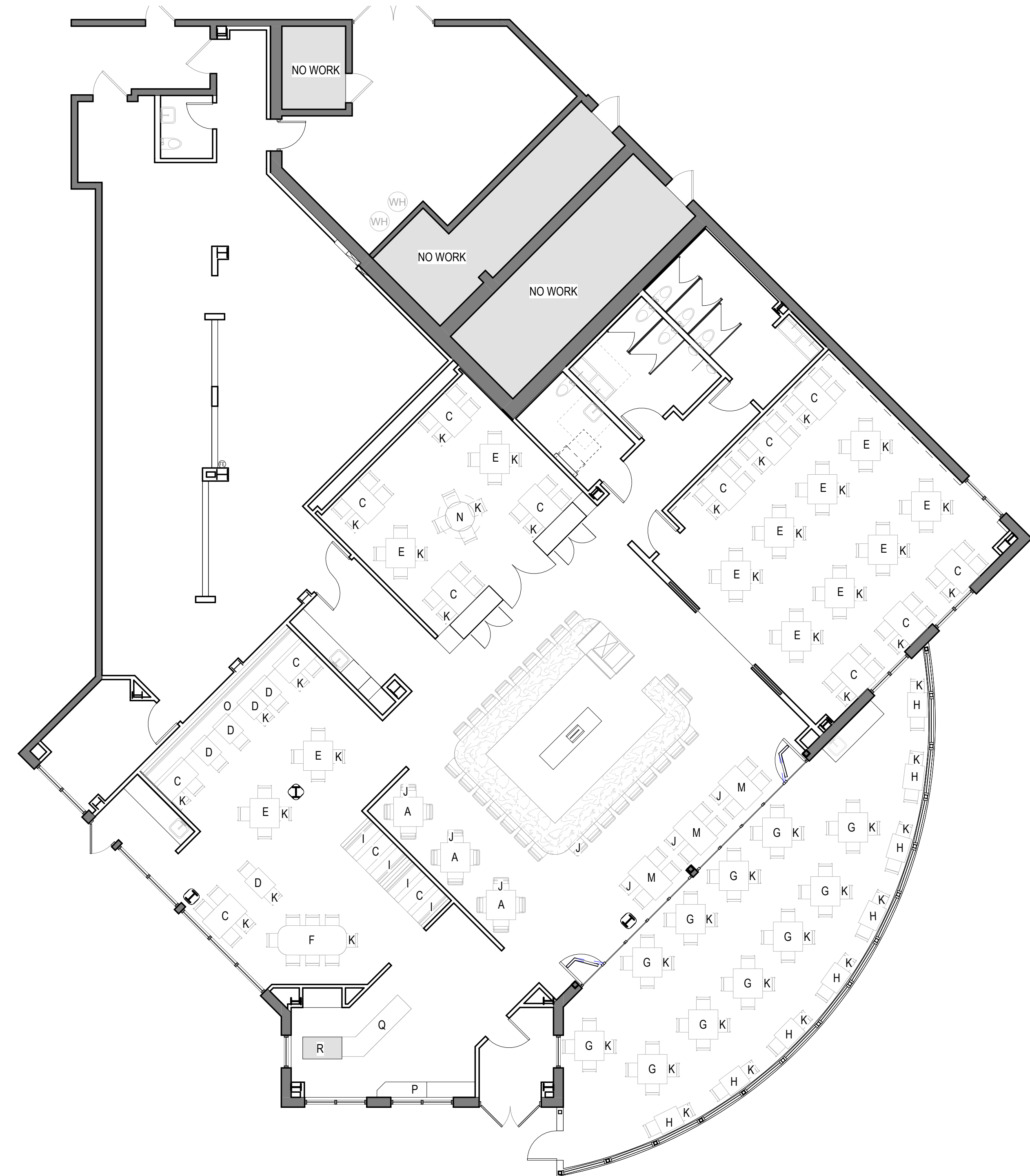
SHEET NO.:
C2

PREPARED BY:



GENERAL NOTES - FURNITURE
 1 ALL FURNISHINGS DEPICTED ARE OWNER FURNISH, CONTRACTOR INSTALL.

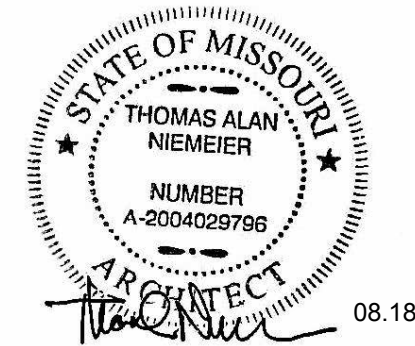
EVENT SPACE SEATING: 56 seats
 WINE AREA SEATS: 28 seats
 BAR SEATS: 27 seats
 BAR DINING SEATS: 24 seats
 DINING SEATS: 46 seats
 PATIO ENCLOSURE SEATS: 60 seats
 TOTAL SEATS: 241 seats



FURNITURE SCHEDULE			
KEY	QUANTITY	ITEM	ACCESSORIES/ NOTES
A	3	36"X36" TABLETOP	42" BAR HEIGHT
B	-	-	-
C	15	30"X48" TABLETOP	STANDARD HEIGHT
D	5	24"X30" TABLE	STANDARD HEIGHT
E	12	36"X36" TABLE	STANDARD HEIGHT
F	1	7' TABLE	STANDARD HEIGHT
G	11	36"X36" TABLETOP	STANDARD HEIGHT
H	8	24"X30" TABLETOP	STANDARD HEIGHT
I	4	28"X48" BOOTH	STANDARD HEIGHT
J	51	BAR HEIGHT STOOL	STANDARD HEIGHT
K	174	DINING CHAIR	STANDARD HEIGHT
L			
M	3	30"X48" TABLETOP	42" BAR HEIGHT
N	1	FOLDABLE ROUNDTOP	
O	1	BANQUETTE	V.I.F LENGTH OF BANQUETTE
P	1	BENCH	V.I.F. LENGTH OF BENCHS
Q	1	HOST STAND	PROVIDE POWER AS REQUIRED
R	1	DISPLAY CASE	PROVIDE POWER AS REQUIRED

FURNITURE PLAN - LEVEL 1
 5
 A2-01 1/8" = 1'-0" REFERENCING 6 / A5-00

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 WWW.SPACESTL.COM
 MISSOURI STATE CERT. OF AUTHORITY #LC0648752



TOM NIEMEIER - ARCHITECT
 A-2004029796
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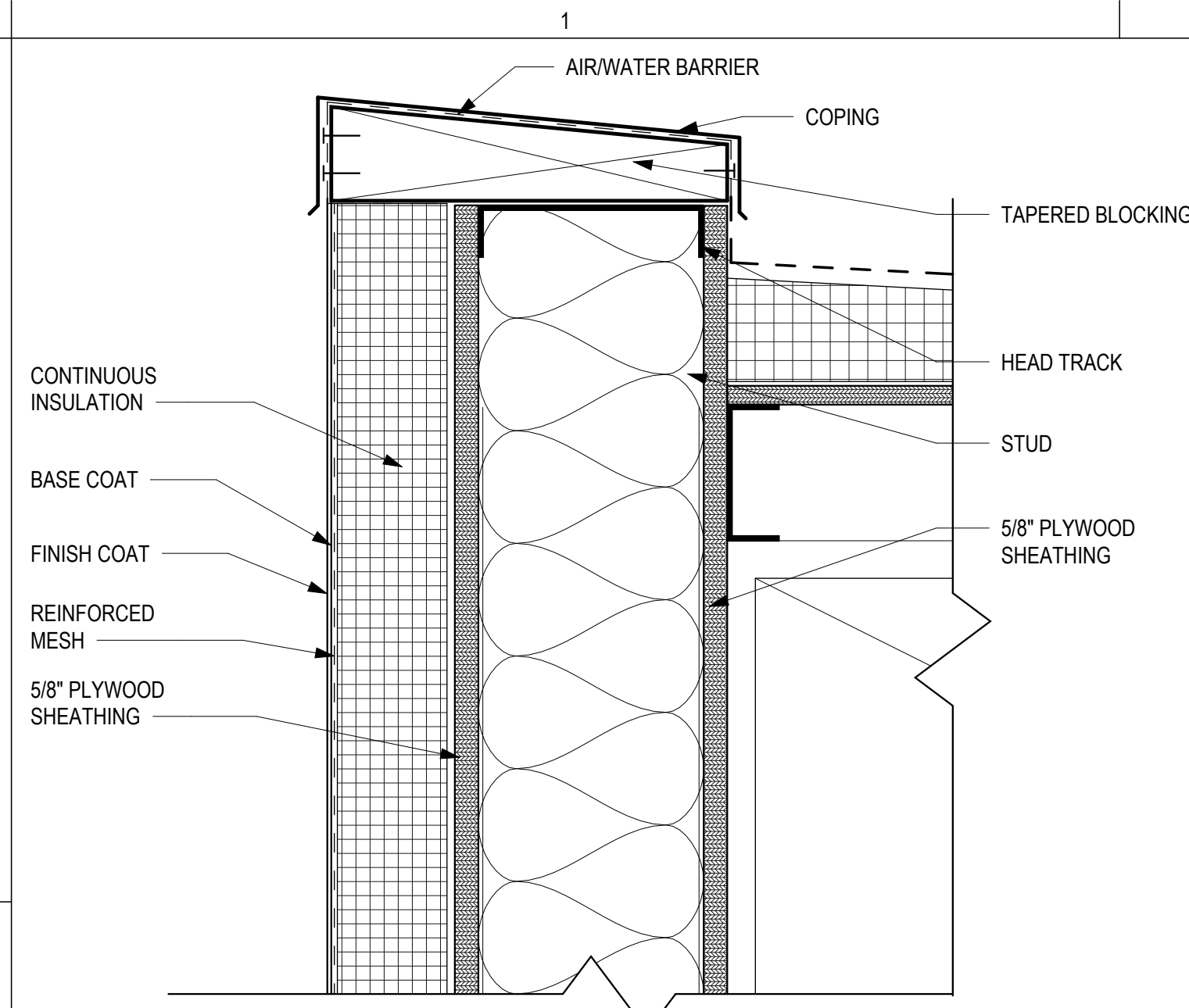
CONSTRUCTION DOCUMENTS: 2023.08.18
TWIN OAKS
BARTOLINO'S
 1304 BIG BEND RD. TWIN OAKS, MO 63021

REVISION SCHEDULE		
NO.	DATE	REVISIONS

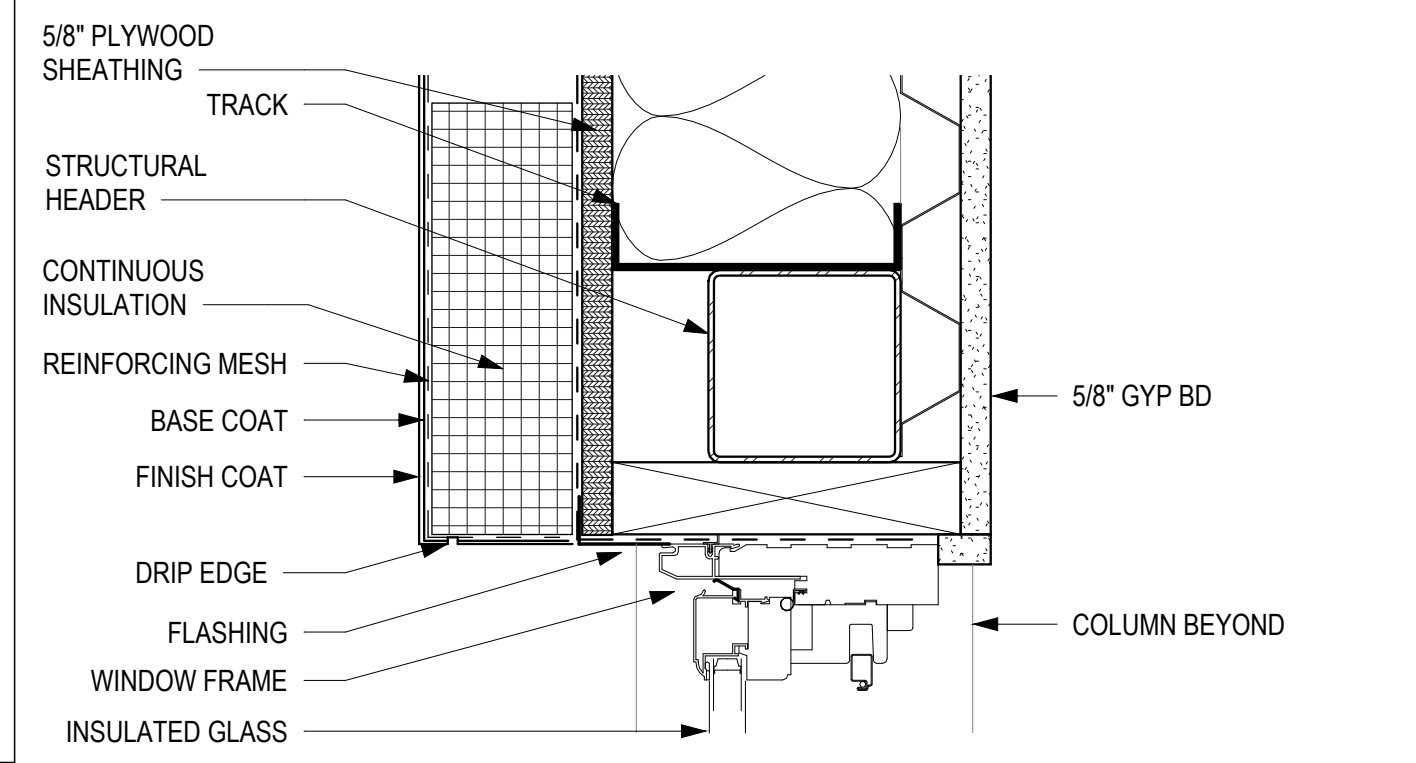
SHEET NO:
A2-01
 FURNITURE PLAN

CONSTRUCTION DOCUMENTS
 ISSUE DATE: 2023.08.18
 PROJECT NO: 22-027

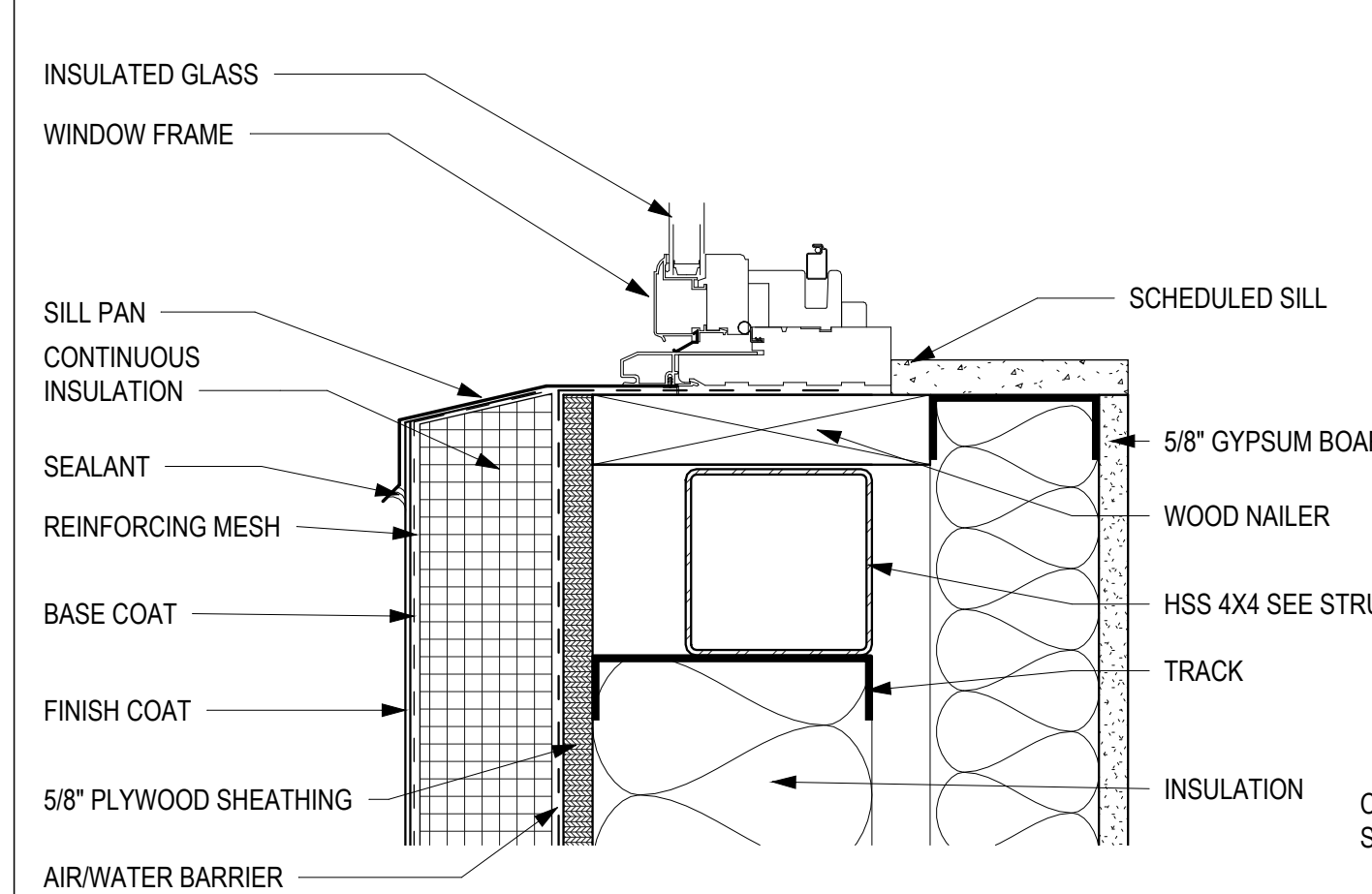
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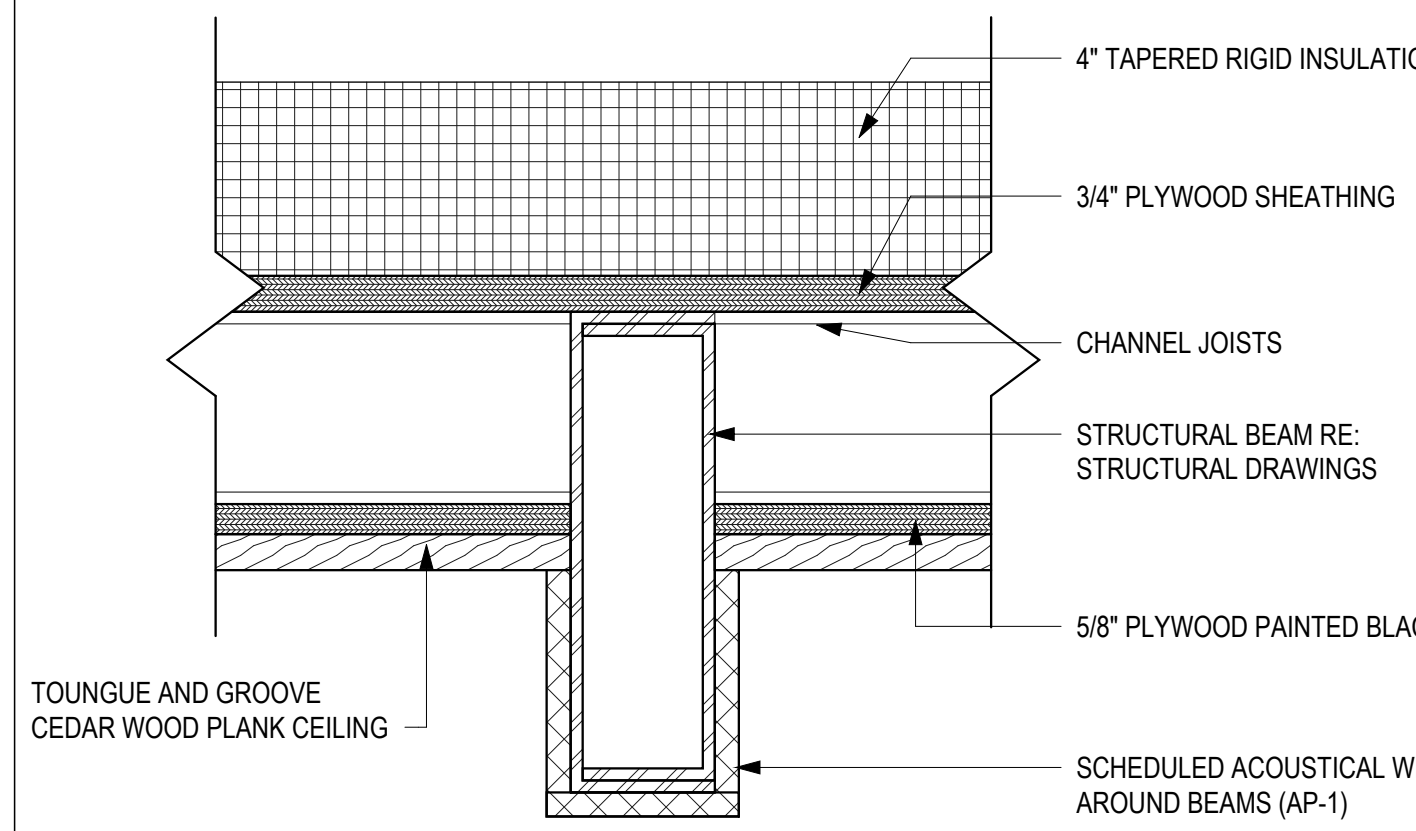
16 Parapet Detail
 3" = 1'-0" REFERENCING 11 / A9-02



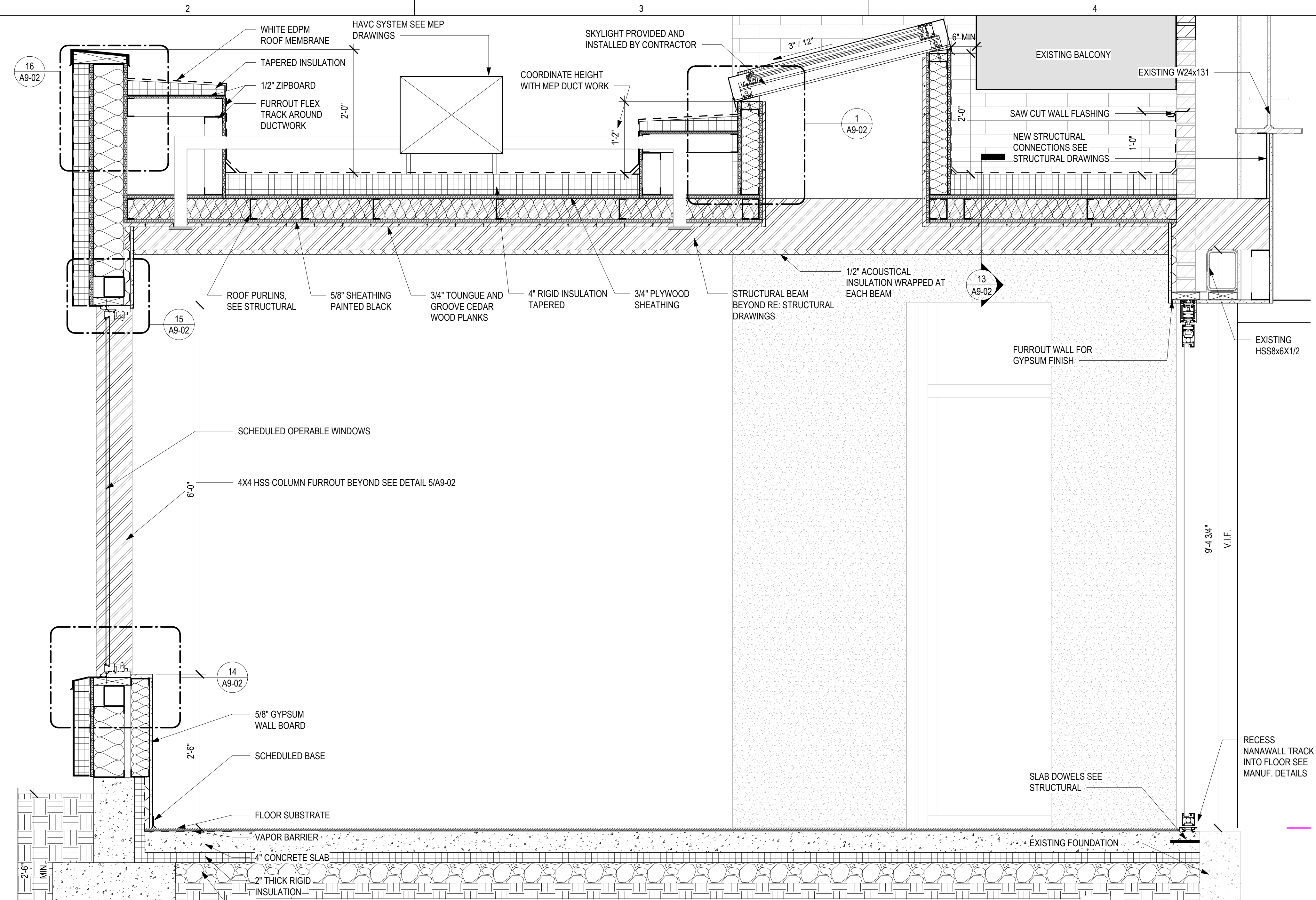
15 Header Detail
 3" = 1'-0" REFERENCING 11 / A9-02



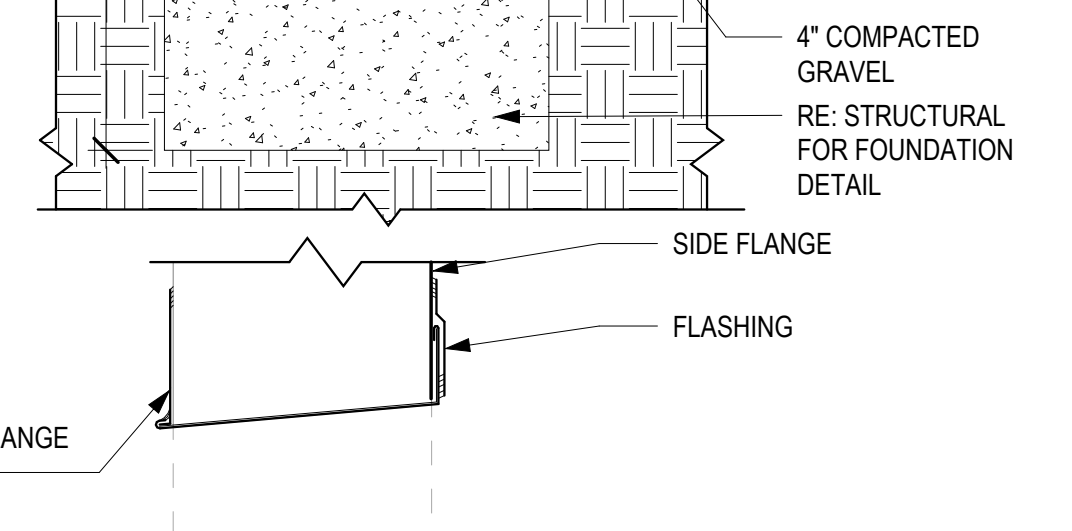
14 Sill Detail
 3" = 1'-0" REFERENCING 13 / A5-00



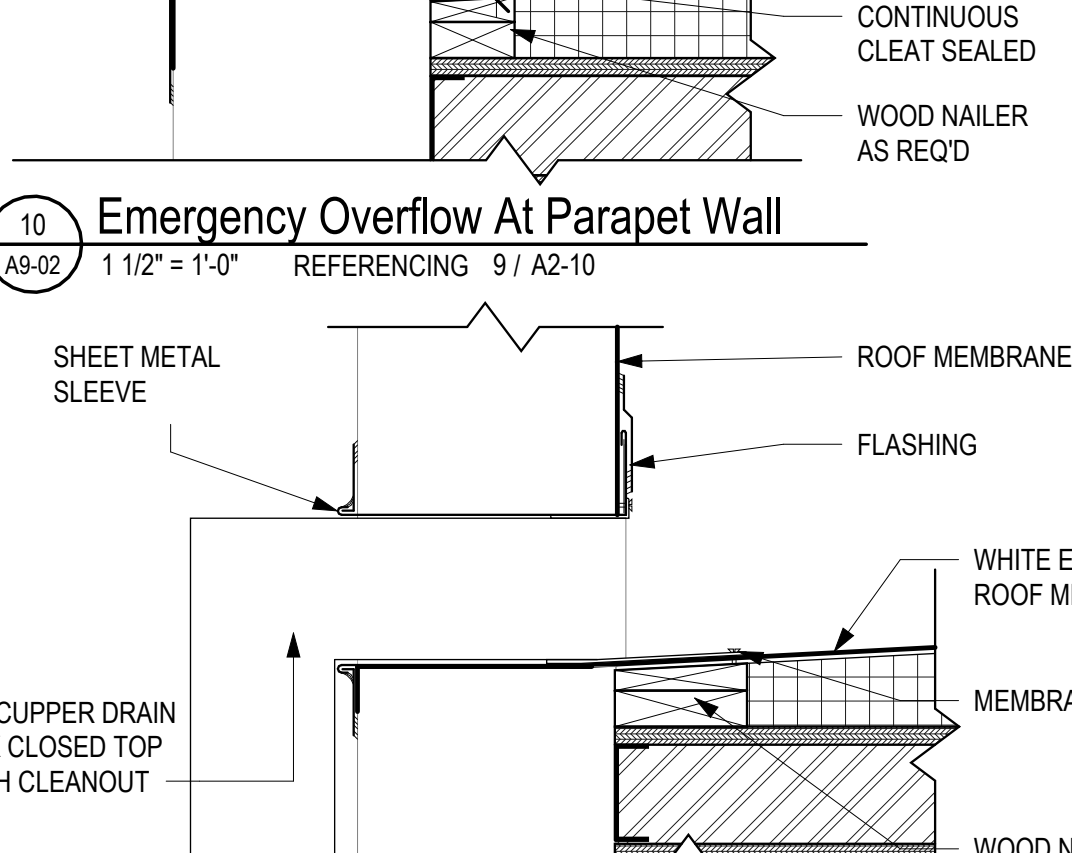
13 Patio Enclosure Beam Detail
 3" = 1'-0" REFERENCING 11 / A9-02



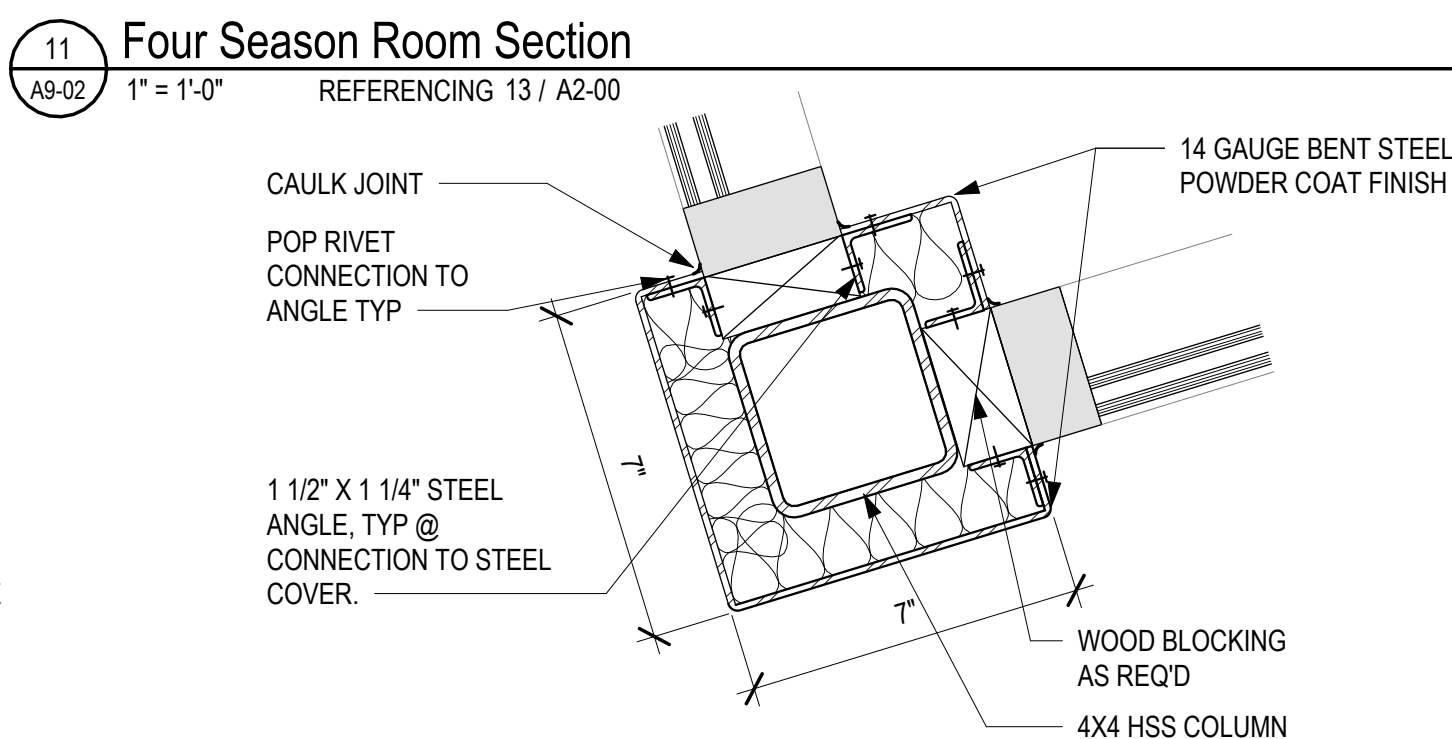
11 Four Season Room Section
 1" = 1'-0" REFERENCING 13 / A2-00



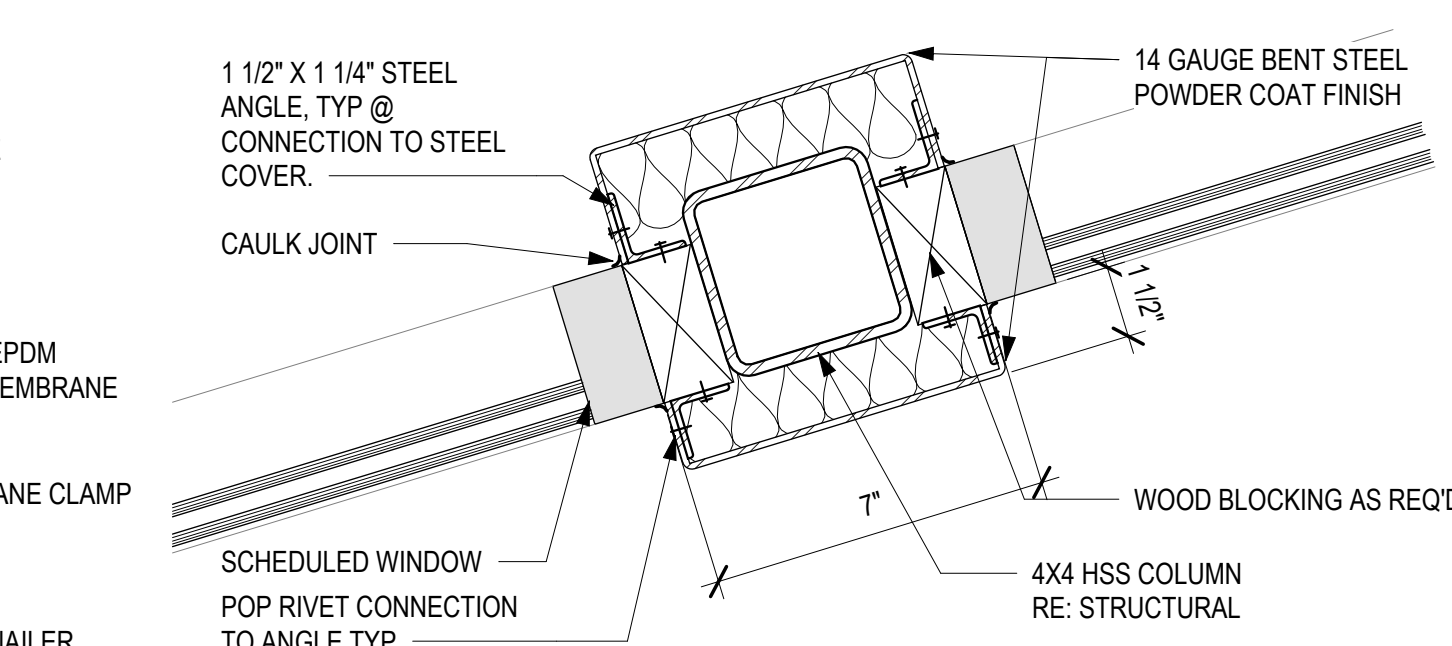
10 Emergency Overflow At Parapet Wall
 1 1/2" = 1'-0" REFERENCING 9 / A2-10



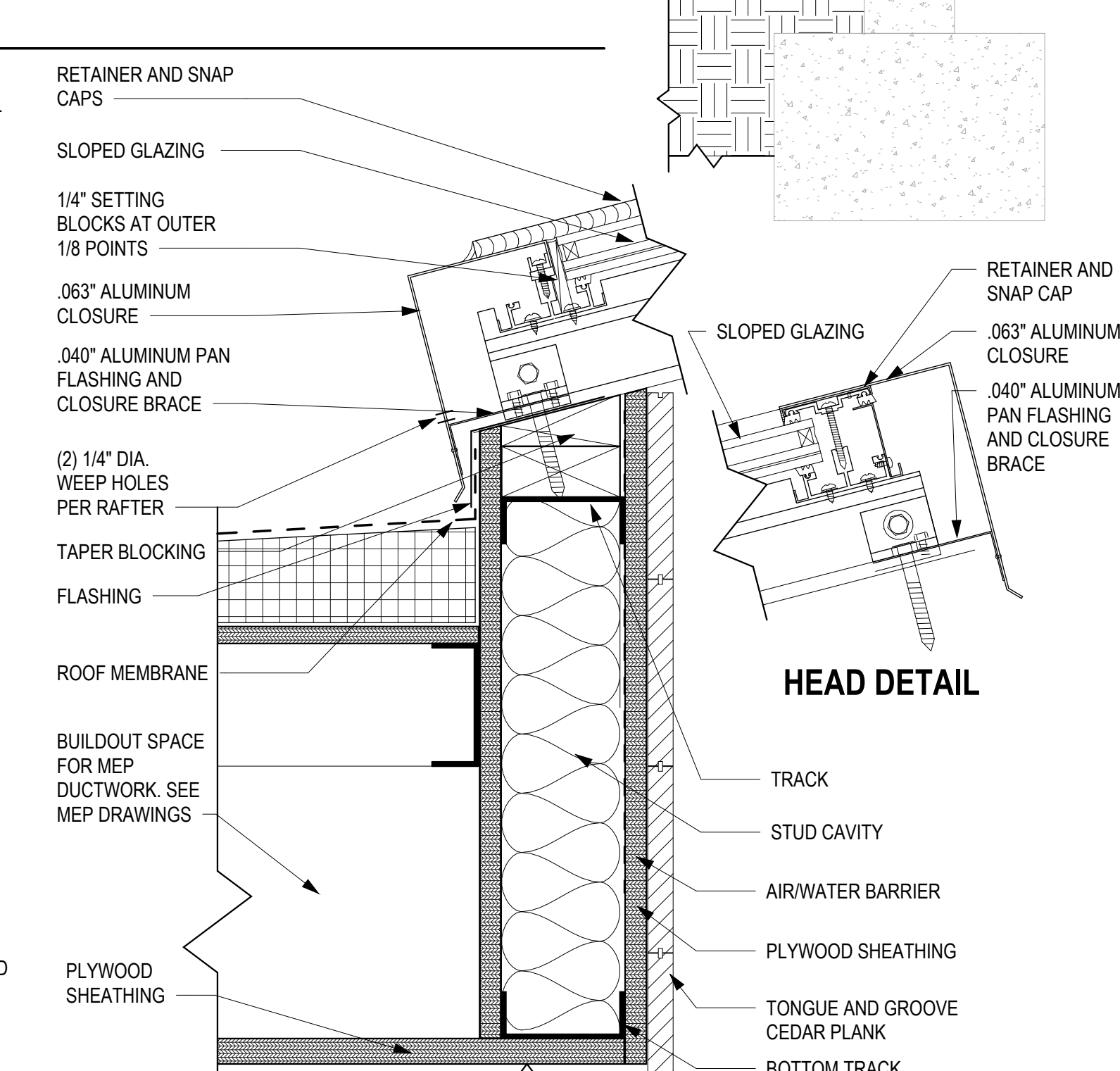
9 Scupper Drain Detail
 1 1/2" = 1'-0" REFERENCING 9 / A2-10



6 Column Furrot Corner
 3" = 1'-0" REFERENCING 13 / A2-00



5 Column Furrot TYP
 3" = 1'-0" REFERENCING 13 / A2-00



1 Skylight Detail
 3" = 1'-0" REFERENCING 11 / A9-02

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STATE OF MISSOURI
 THOMAS ALAN NIEMEIER
 ARCHITECT
 NUMBER A-2004029796
 08.18.2023
 TOM NIEMEIER - ARCHITECT
 A-2004029796

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CONSTRUCTION DOCUMENTS: 2023.08.18
TWIN OAKS
BARTOLINO'S
 1304 BIG BEND RD. TWIN OAKS, MO 63021

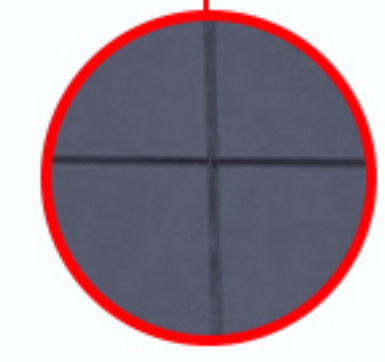
REVISION SCHEDULE		
NO.	DATE	REVISIONS

SHEET NO:
A9-02
 PATIO DETAILS
 CONSTRUCTION DOCUMENTS
 ISSUE DATE: 2023.08.18
 PROJECT NO: 22-027

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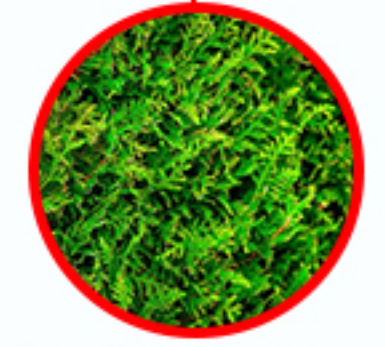
EXISTING ALUMINUM
STOREFRONT. NEW ADDITION
WINDOWS TO MATCH EXISTING



EXISTING EXTERIOR
CLADDING



SMOOTH FINISH STUCCO
PAINTED SW7020



NEW THUJA OCCIDENTALIS OR
SIMILAR TO MATCH EXISTING
LANDSCAPE VEGETATION



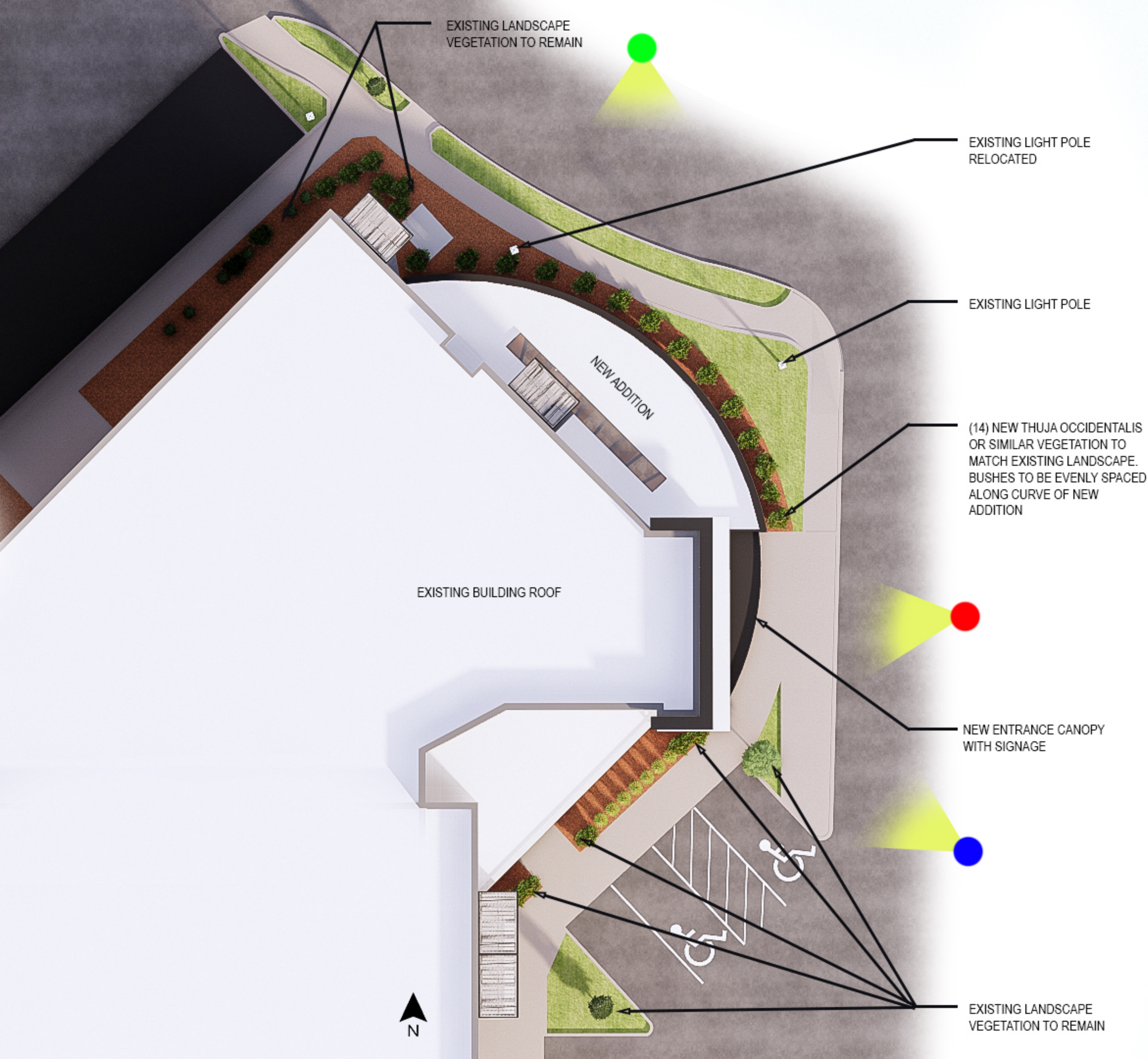
EXISTING EXTERIOR
CLADDING



EXISTING EXTERIOR
BRICK WALL



Bartolino's



ADDITION VIEW

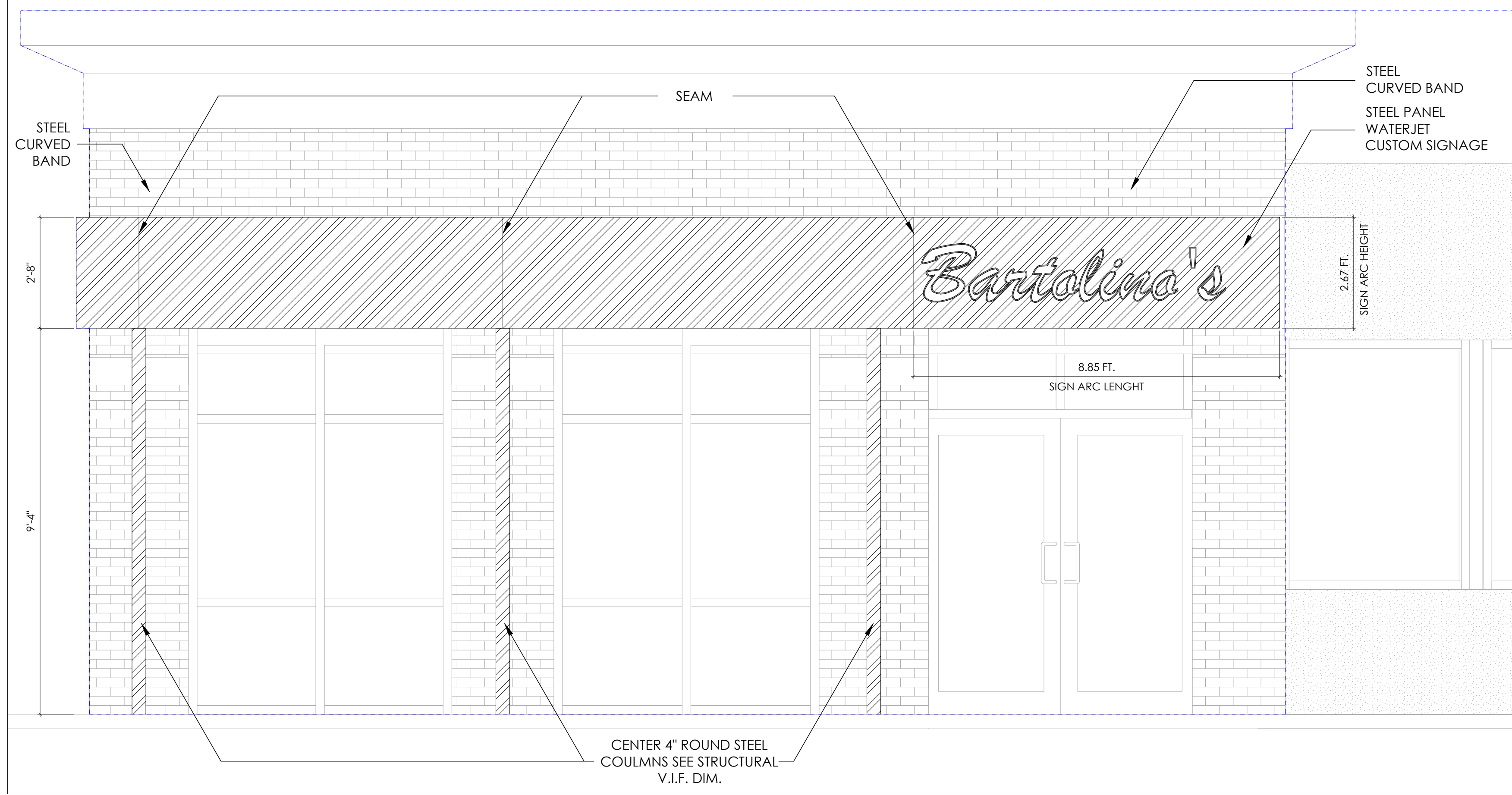


ENTRANCE VIEW



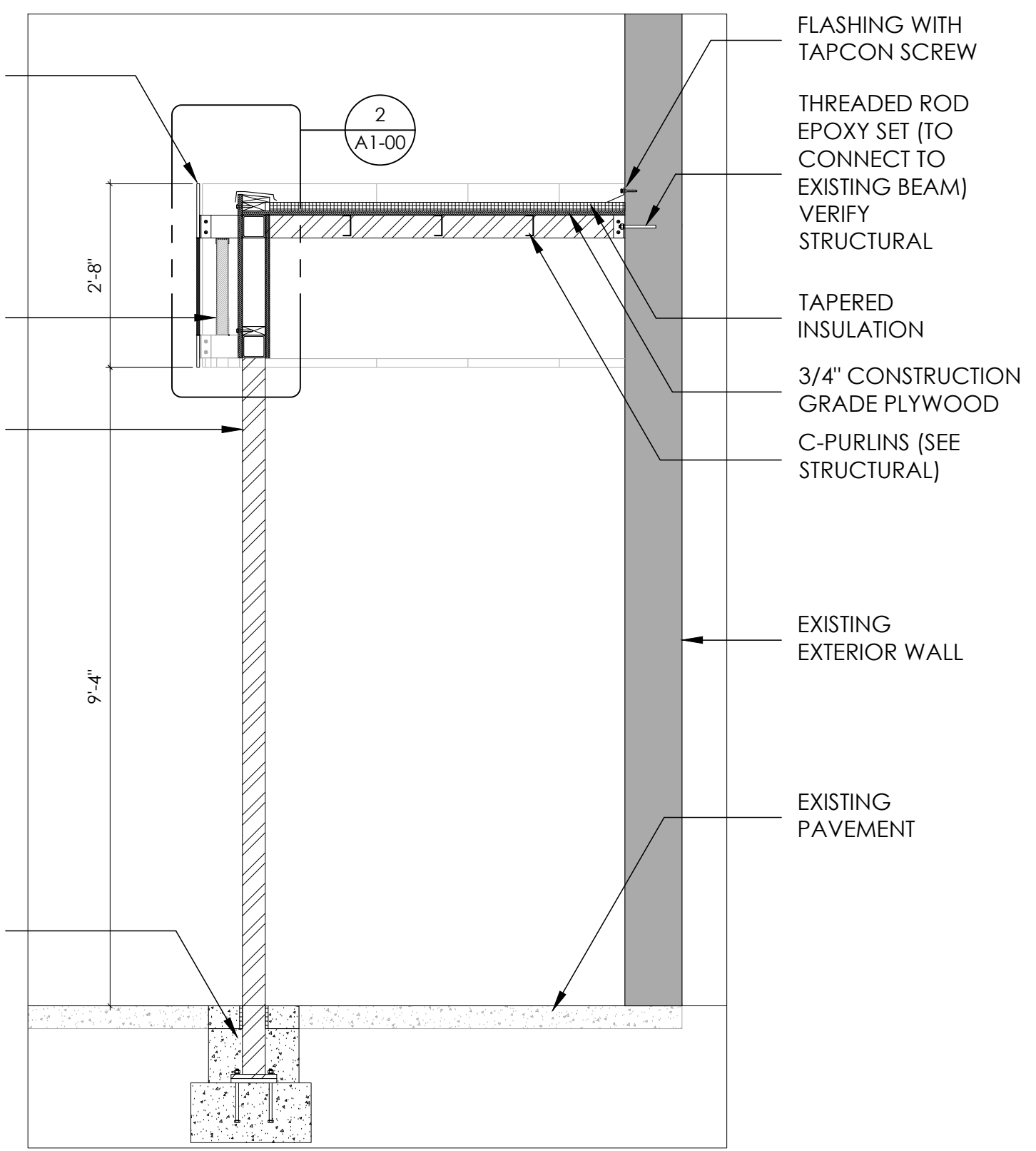
CANOPY VIEW



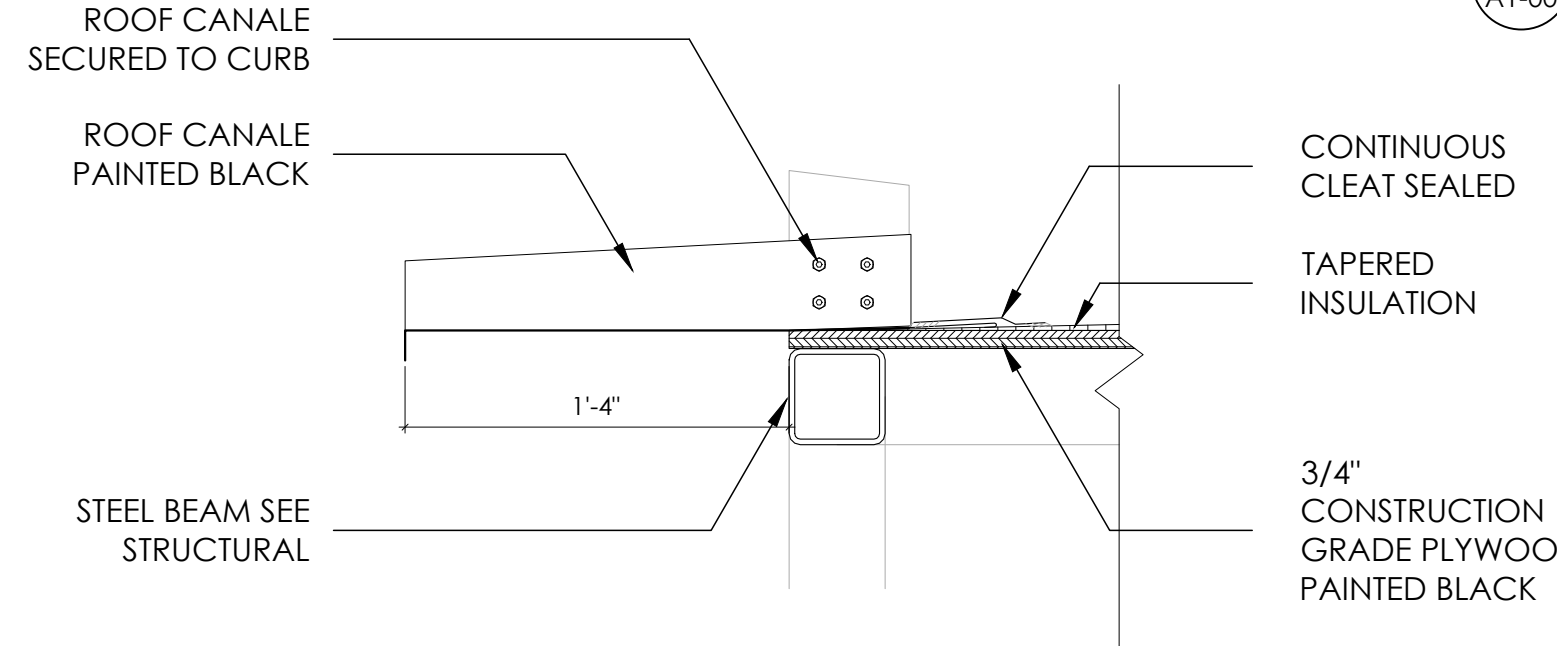


15 ENTRANCE ELEVATION
A1-00 1/2" = 1'-0"

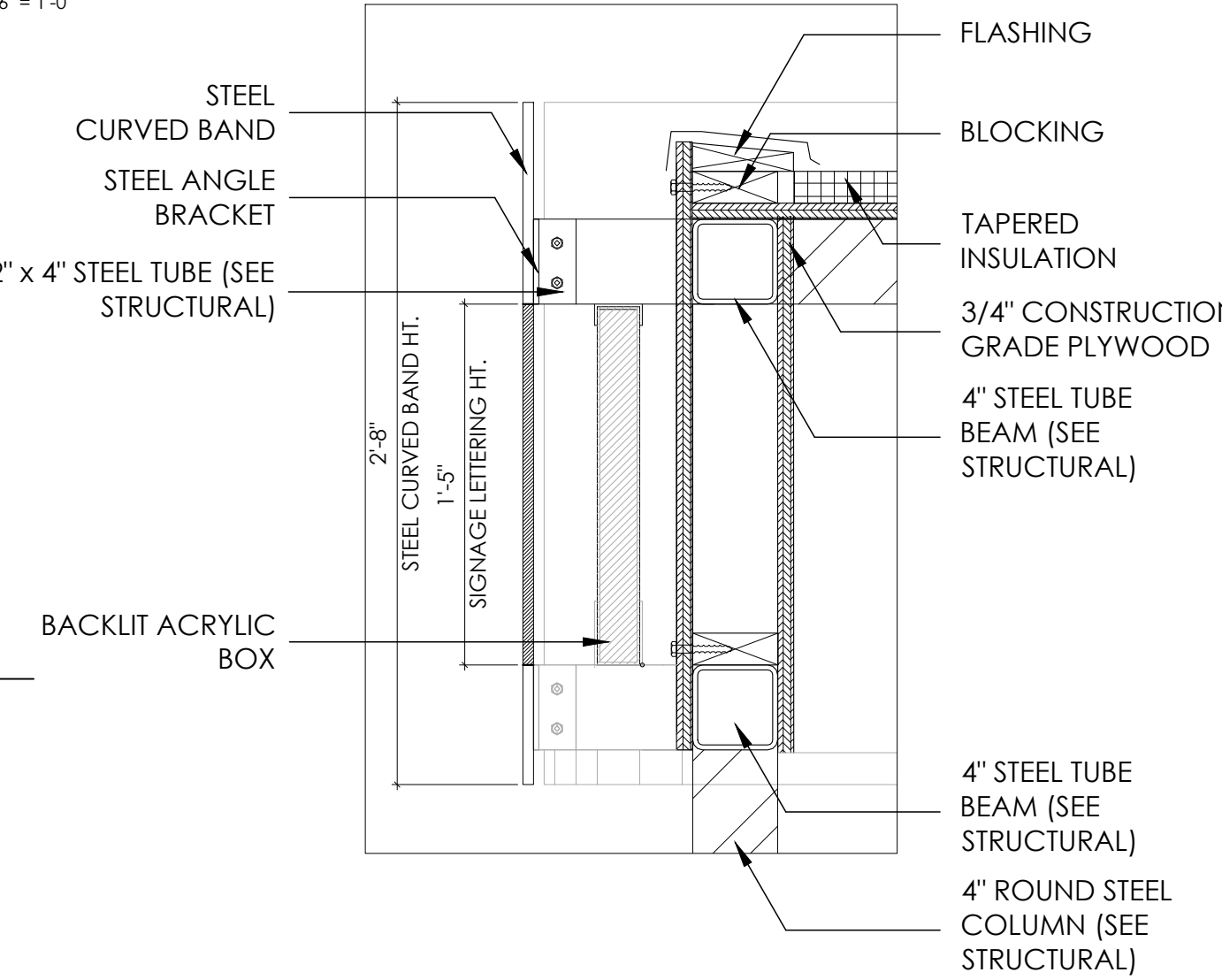
COMPUTATION:
 SIGN LENGTH = 8.85 FT
 SIGN HEIGHT = 2.67 FT
 SIGNAGE AREA = 23.63 SQ FT
 ENTRANCE ELEVATION AREA = 495.05 SQ FT
 = 0.0477 or **4.77%**



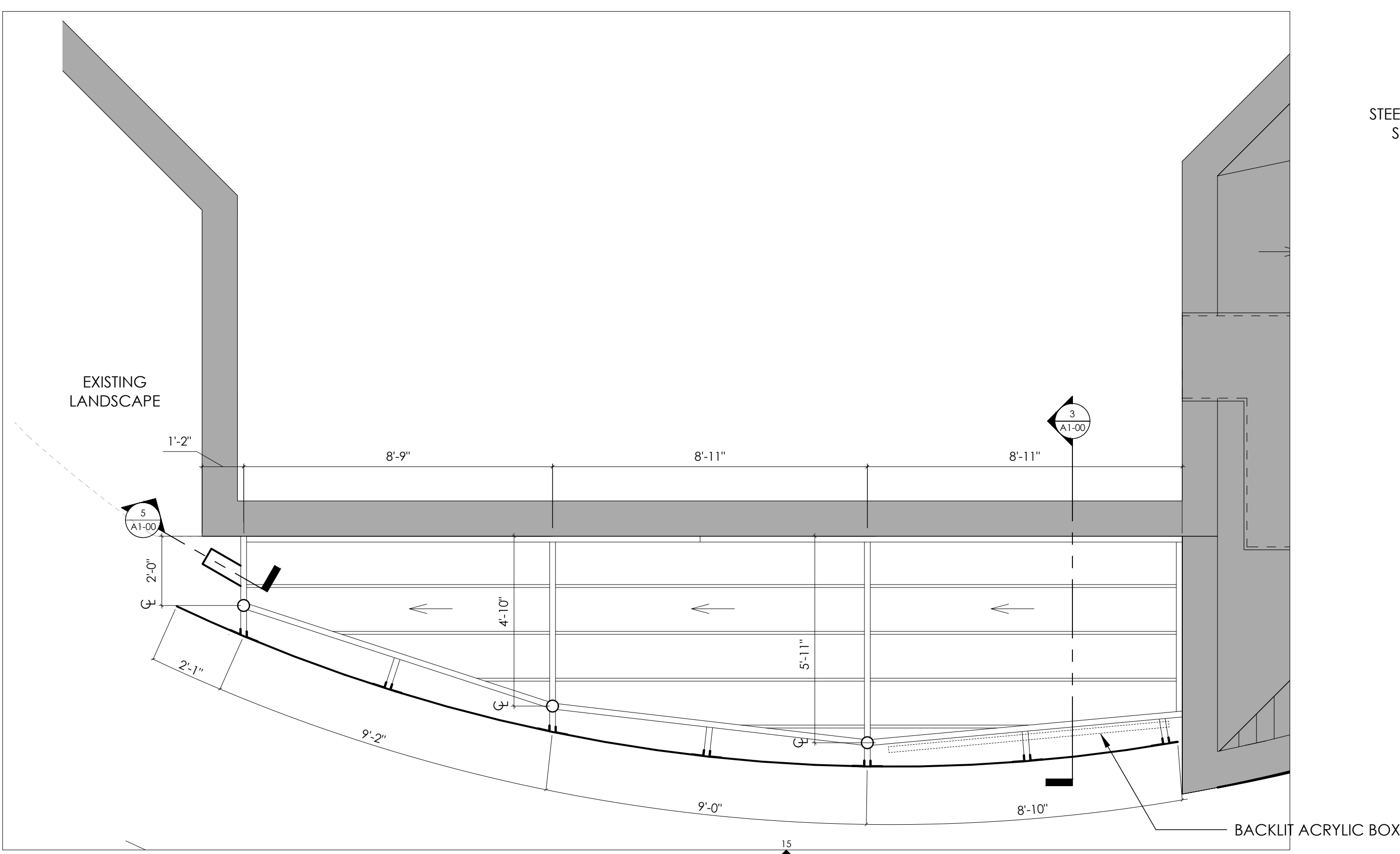
3 ENTRANCE COVER SECTION
A1-00 3/16" = 1'-0"



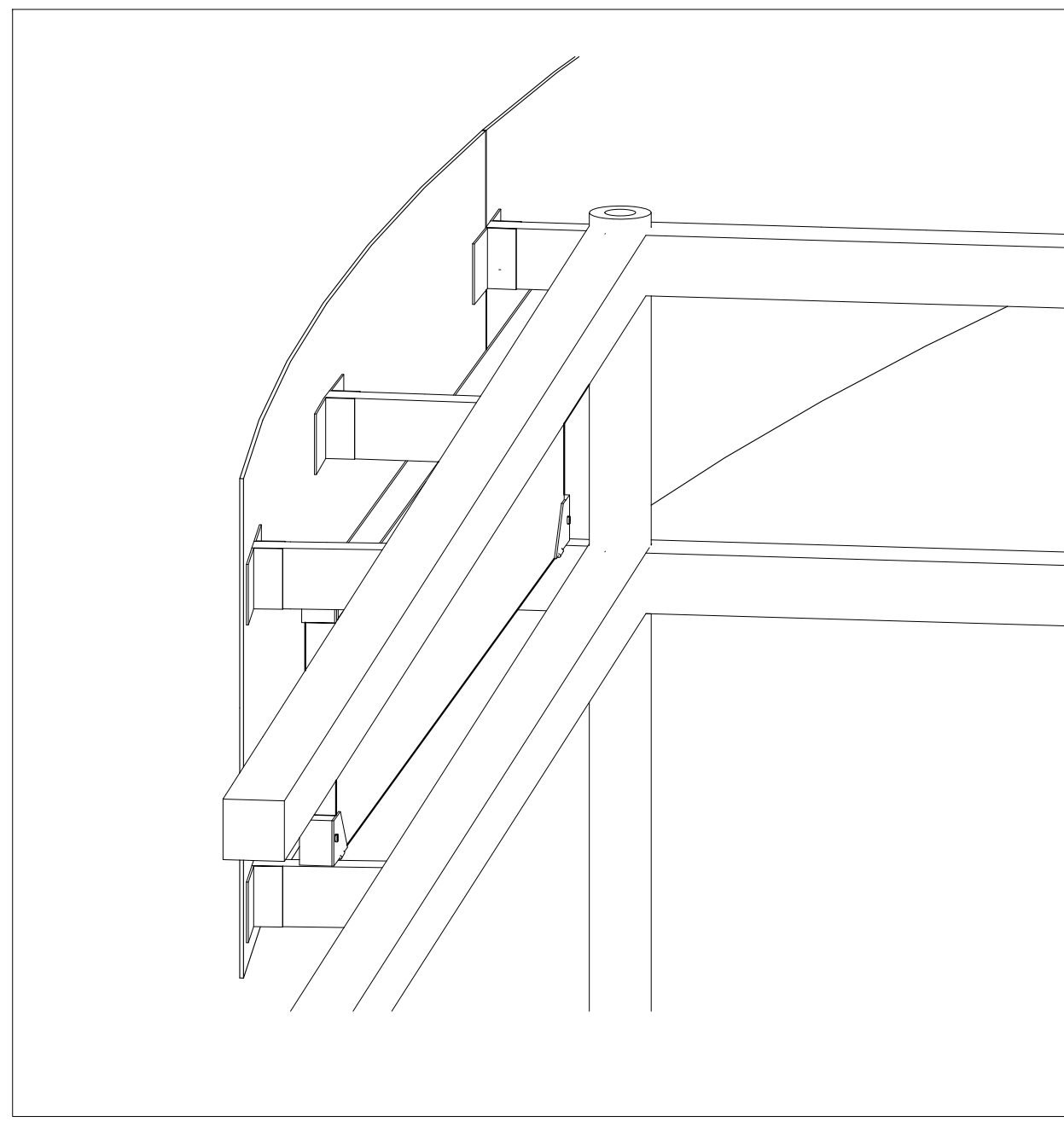
5 ROOF CANALE DRAINAGE DETAIL
A1-00 3/16" = 1'-0"



2 BLOW-UP DETAIL 1
A1-00 1 1/2" = 1'-0"



13 ROOF PLAN
A1-00 3/8" = 1'-0"



4 CURVED BAND CONNECTIONS
NTS

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 A-2004029796
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PROJECT STATUS: PERMIT PHASE
EXTERIOR PATIO ENTRANCE
 TWIN OAKS BARTOLINO'S

1304 BIG BEND RD, TWIN OAKS, MO 63021

REVISION SCHEDULE		
NO.	DATE	REVISIONS

SHEET NO:
A1-00
 ROOF PLAN, ELEVATION,
 SECTION AND DETAILS

ISSUE DATE:
 PROJECT NO: 022-036

**AN ORDINANCE AMENDING THE EXCAVATION, GRADING AND
FILL CODE, CHAPTER 515, OF THE TWIN OAKS MUNICIPAL CODE.**

WHEREAS, the City desires to make text amendments to the Excavation, Grading and Fill Code, Chapter 515, of the Twin Oaks Building and Construction Regulations contained in the Municipal Code (hereinafter the “Chapter 515”) to require the construction of gutters and sidewalks to accompany new curb cuts; and

WHEREAS, the Board of Aldermen, after careful and due deliberation has concluded that the adoption of the proposed amendments to Chapter 515 would be in the interests of health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:

Section 1. Chapter 515, Section 515.140 entitled “Curb, Gutter, and Sidewalk Requirements” is hereby amended by adding the underlined text and deleting the ~~struck through~~ text as follows:

Section 515.140. Curb, Gutter, and Sidewalk Requirements.

A. *Access Via Curb Cut Only.* No new vehicular access shall be permitted to any lot abutting a City street without ~~a~~ properly constructed curb cuts, gutters, and sidewalks. Construction of curbs, gutters and sidewalks shall meet the requirements and specifications of Section ~~405.060~~ 405.120 and, in residential districts, Section ~~400.270~~ 400.390, and as provided herein. In instances where vehicular access already exists due to prior development, any new development taking place on such lot shall also be required to comply with this Section and have a properly constructed curb cut, gutter, and sidewalk.

B. *Permit.* Prior to commencement of construction of any curbs, gutters and sidewalks, the property owner or his/her agent shall apply for and receive a permit pursuant to the terms of Section 515.070 and deliver to the City the associated inspection fee and deposit to guarantee backfilling, restoration, and safety.

C. *Notice.* No construction work shall commence on or in any public right-of-way, nor shall any sidewalks, curbs, and gutters on any public right-of-way be cut until at least forty-eight (48) hours' notice of intention to commence work is given to the Code Enforcement Officer by the owner, developer, or contractor. Said notice may be waived by the Code Enforcement Officer by the issuance of a permit.

D. *Inspection.* The City may cause the City Engineer or other qualified inspector to be present during the construction of such street, sidewalk, curb, way, alley, or driveway entrance, and the City Engineer or the inspector on the job shall have authority to condemn any material not meeting standards specified by the City Engineer or the inspector. If any portion of the work in the right-of-way fails to meet the minimum requirements, the City

Engineer or the designated inspector on the job shall cause all work on the right-of-way to be stopped until the unsatisfactory conditions are remedied.

E. *Removal of Substandard Work.* If any portion of any street, sidewalk, curb, right-of-way, alley, or driveway entrance is constructed contrary to the provisions of this Section, the City Engineer may order the installed material removed unless the owner, contractor, builder, or developer shall cause bores and other tests, according to the requirements of the City Engineer, which satisfy the City Engineer that the work done is in conformity with the applicable specifications.

F. *City's Right to Restore Surface.* If the permittee shall have failed to restore the surface of the street to its original and proper condition or shall otherwise have failed to complete the excavation work covered by such permit, the Code Enforcement Officer, upon the advice of the City Engineer, may do all work and things necessary to restore the street and to complete the excavation work. The permittee shall be liable for the actual cost thereof and twenty-five percent (25%) of such cost in addition for general overhead and administrative expenses. The City shall have a cause of action for all fees, expenses, and amounts paid out and due for such work and shall apply, in payment of the amount due it, any funds of the permittee deposited as herein provided, and the City shall also enforce its rights under the permittee's surety bond/escrow provided pursuant to this Chapter.

G. *Specifications for Driveway Aprons.* No new driveway apron shall be constructed except in compliance with City specifications and shall not be constructed of any material other than asphalt or concrete in compliance with applicable specifications. No new driveway apron may be constructed of rock or gravel.

H. Specifications for Curbs, Gutters, and Sidewalks. All new developments or redevelopments abutting City streets shall be required to submit a preliminary plat to the City Clerk's office as required by Section 405.050; provided, however, when property is being developed or redeveloped but not being subdivided or which is not in the jurisdictional limits of the City but will access City streets, improvement plans shall be submitted to the City Clerk's office demonstrating the proposed improvements comply with the City's minimum standards of design and development found in Section 405.120. For property developed or redeveloped but not being subdivided or which is not in the jurisdictional limits of the City, City approval of preliminary/final plats shall not be required. In all cases, the owner, contractor, builder, or developer shall construct, at its sole expense, a curb, gutter, and sidewalk in compliance with City requirements including following the St. Louis County Design Criteria, federal requirements, including the Americans with Disabilities Act ("ADA"), and any applicable Missouri Department of Transportation ("MoDOT") requirements, pertinent to curbs, gutter, and sidewalk construction. The owner, contractor, builder, or developer shall meet the requirements of Sections 515.120 and 515.130 in constructing the necessary gutter and sidewalk, as if the owner, contractor, builder, or developer met the definition of a "ROW User" within Chapter 515. Failure to submit construction drawings/plans to the City for the construction of curb, gutter,

and sidewalk improvements in compliance with this Section shall result in the denial of a curb cut.

Section 2. This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 18th DAY OF OCTOBER 2023.

Russ Fortune, Mayor

Attest:

Frank Johnson, City Clerk/Administrator

**A RESOLUTION APPROVING A PURCHASE AGREEMENT FOR
CERTAIN PROPERTY INTERESTS NECESSARY FOR THE
CRESCENT AVENUE PROJECT**

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:

Section 1. The Board of Aldermen hereby approves the Purchase Agreement (attached as Exhibit A hereto and incorporated herein by reference) for certain real property interests at 2 Golden Oak Court that are necessary for the Crescent Avenue Project.

Section 2. The Board of Aldermen further authorizes the Mayor to execute the Purchase Agreement on behalf of the City.

Section 3. The Board of Aldermen further accepts the General Warranty Deed executed by the Sellers and attached as Exhibit 1 to the Purchase Agreement and the Mayor is authorized to execute the Deed on behalf of the City showing acceptance thereof.

Section 4. This Resolution is adopted and shall be in full force and effect on and after its passage and approval.

THIS RESOLUTION WAS PASSED AND APPROVED THE 18th DAY OF OCTOBER 2023,
BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI.

Russ Fortune, Mayor

Attest:

Frank Johnson, City Clerk

Exhibit A

Purchase Agreement for Property Interests at 2 Golden Oak Court

PURCHASE AGREEMENT

THIS PURCHASE AGREEMENT (this "**Agreement**") is made and entered into effective as of the 5th day of October, 2023, by and between Denise E. Deckert, Trustee of the **Denise E. Deckert Revocable Trust dated 12/02/2020**, whose address is 2 Golden Oak Court, Twin Oaks, Missouri 63021 ("**Seller**") and the **City of Twin Oaks, Missouri**, a city of the fourth class and a Missouri municipal corporation, with an address at 1381 Big Bend Road, Twin Oaks, MO 63021 ("**City**").

WITNESSETH:

WHEREAS, Seller is the owner of certain real property known and numbered as 2 Golden Oak Court (Parcel ID # 25Q520451) (the "**Deckert Property**"); and

WHEREAS, City is undertaking a public works project to add a sidewalk, stormwater enhancements, and other improvements to and along Crescent Avenue from Golden Oak Court to the Twin Oaks city limit (the "**Project**") and is in need of additional right-of-way for stormwater improvements, future sidewalk maintenance, construction space, and other associated improvements and related temporary easements; and

WHEREAS, because the Project necessitates the removal of one (1) existing mature tree (the "**Tree**") from the Seller's property, and because the Seller and the City recognize the beauty and environmental benefit that the Tree and its canopy provides, as part of this Agreement, the City has agreed to pay for the loss of the trees which would allow Seller to plant replacement trees in the future if desired; and

WHEREAS, the City, as a fourth class city organized and operated pursuant to Chapter 79 of the Revised Statutes of Missouri (RSMo.), has authority under Sections 88.667 and 88.844 RSMo., as amended, inter alia, to condemn land and interests in land for public use and to provide for the public safety and welfare; and

WHEREAS, Seller desires to sell to City and City desires to purchase from Sellers certain portions of and property interests in the Deckert Property, subject to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Property. Subject to the terms and conditions of this Agreement, Seller hereby agree to sell to City, and City hereby agrees to purchase from Sellers, the right-of-way legally described in Exhibit A (the "Right-of-Way") to the form of Warranty Deed attached hereto as Exhibit 1 (the "Warranty Deed"), together with a temporary construction easement legally described in Exhibit B (the "Temporary Easement") to the Warranty Deed, both of which are located in the City of Twin Oaks, St. Louis County, State of Missouri and are part of the Deckert Property (final legal descriptions and plats of the Right-of-Way and Temporary Construction Easement to be prepared at City's cost by a registered land surveyor). The Right-of-Way and Temporary Easement are collectively referred to herein as the "**Property Interests.**"

2. Purchase Price. The Purchase Price to be paid to Sellers for the Right-of-Way and Temporary Easement shall be **Five Thousand Eight Hundred Seventy-Two and 00/100 Dollars (\$5,872.00)** (the "**Purchase Price**"). Seller acknowledges and agrees that in addition to compensation for the Property Interests, the Purchase Price includes (a) compensation for the removal of a tree from the proposed Right-of-Way, and (b) any and all compensation to which

Seller would be entitled in a condemnation action for the Property Interests including, but not limited to, any claims for moving expenses, loss of rent, loss of use, inconvenience, or other compensation related to the sale of the Property Interests or damages to the unburdened portion of the Deckert Property. The Purchase Price, subject to any adjustments as hereinafter provided, shall be payable by City to Seller on the Closing Date (as defined below).

3. **Contract Date; Closing Date; Place of Closing.** The "Contract Date" shall be the date on which the last party executes this Agreement. This transaction shall be closed (the "Closing") on a date that shall be no later than October 18, 2023 (the "Closing Date"). The Closing Date may be extended by the parties. The Closing shall be held at Twin Oaks City Hall, Seller's residence, or such other place as the parties may mutually agree in writing.

4. **Taxes.** Any unpaid real property taxes and assessments for 2023 for the Property Interests shall not be prorated at Closing because City asserts that, as a political subdivision, it is exempt from real property taxation.

5. **Events of Closing.** At Closing and on the Closing Date, Seller will transfer and convey (or cause to be transferred and conveyed) to the City the Property Interests. The warranty deed shall be in substantially the form attached hereto as Exhibit 1.

6. **Real Estate Brokers and Commission.** Seller and City hereby state and warrant to each other that neither has dealt with any real estate broker, agent, or salespersons in connection with this transaction.

7. **Conditions Precedent to City's Obligations.** Seller acknowledges that this Agreement is expressly contingent upon: (i) Seller's compliance with the terms of this Agreement; (ii) Seller's representations and warranties being true on the Contract Date and remaining true through the Closing of this transaction; (iii) City's due diligence investigation, pursuant to Section 4 above, shall have revealed (a) no additional environmental problems or concerns, (b) no additional liens, encumbrances or other matters affecting title to the Property Interest or City's intended use of those Property Interests that Seller is unable or unwilling to cause to be removed or resolved prior to Closing, and/or (c) no violation of the terms and conditions of this Agreement by Seller. The foregoing conditions are (x) necessary prerequisites for City's purchase of the Property Interests, (y) included in this Agreement solely for City's benefit, and (z) may be waived solely by City, in City's sole discretion. Seller further acknowledges that this Agreement may be terminated at City's sole election upon written notice to Seller if any of the foregoing conditions are not satisfied. All of City's obligations under this Agreement shall be immediately discharged upon any such termination.

8. **Seller's Covenants, Representations and Warranties.** Seller covenants, represents, and warrants that, as of the Contract Date and the Closing Date:

- a. Seller has full and lawful right and authority to execute and deliver this Contract and to consummate the transactions contemplated hereunder;
- b. Seller owns good fee simple marketable title to the Property Interests;
- c. To the best of Seller's knowledge there is currently no litigation, bankruptcy or other proceeding pending in any manner affecting the Property Interests;
- d. To the best of Seller's knowledge, no unrecorded liens, encumbrances, or adverse claims exist with respect to the Property Interests or any portion thereof;
- e. There are no management contracts, repair contracts, service contracts, options or any other material agreements relating to the Property Interests or the conduct of business thereon;

- f. To the best of Seller's knowledge, there are no unrecorded restrictions, contracts or other documents which could, in any manner or at any time whatsoever, affect or prohibit the development of the Property Interests for any commercial use or which could affect the manner or type of goods or services to be provided or sold from or at the Property Interests;
- g. There are no leases or occupancy agreements affecting all or any portion of the Property Interests.

As provided in Section 7 above, City's obligations under this Agreement are expressly conditioned on the foregoing covenants, representations and warranties of Seller being true on the Contract Date and remaining true through Closing. The foregoing covenants, representations and warranties shall survive Closing.

9. Default. In the event of any default hereunder by City, Seller may either cancel this Agreement or enforce the specific performance of this Agreement. In the event of any default hereunder by Seller that is not cured within the time periods set forth herein, City may cancel this Agreement and thereupon Seller and City shall have no further liability to the other under this Agreement or otherwise, or City may enforce the specific performance of this Agreement. Seller and City hereby specifically waive any and all rights that each may have to damages as result of the other's default under this Agreement.

10. Notices. All notices and other communication between the parties hereto shall be in writing and shall be sent by certified or registered mail, return receipt requested, or by personal delivery against receipt, or by overnight courier, shall be deemed to have been validly served, given or delivered immediately when delivered against receipt or one business day after deposit in the mail, postage prepaid, or with an overnight courier, and shall be addressed as follows:

If to Seller: Denise Deckert
2 Golden Oak Ct
Twin Oaks, MO 63021

If to City: City Clerk/Administrator
City of Twin Oaks
1381 Big Bend
Twin Oaks, MO 63021

or to such other address (including email address) as each party may designate for itself by notice given in accordance with this Paragraph.

11. Miscellaneous.

(a) **Release and Indemnification.** Seller shall indemnify, defend, and hold City harmless against and with respect to any and all loss, claims, injury, deficiency or any other damage resulting from any misrepresentation, breach of warranty or non-fulfillment of any covenant, representation, warranty or agreement by Seller hereunder. Such indemnification shall include, without limitation, City's legal fees, expert fees and expenses. The indemnification obligations of Seller set forth in this Section shall survive Closing.

(b) **Interpretation.** The section and paragraph headings herein are solely for convenience and shall in no way be deemed to affect the meaning or construction of any part hereof. This Agreement, the legal relations between the parties, and the transaction contemplated hereby, shall be governed by, and construed and enforced in accordance with, the laws of the State of Missouri without regard to its conflicts of law rules. If any term or provision of this

Agreement shall be unlawful, then such term or provision of this Agreement shall be null and void, but the remainder of the Agreement shall remain in full force and effect and be binding on both Sellers and City.

(c) **Amendment.** This Agreement constitutes the entire understanding and agreement between the parties hereto and may not be amended, supplemented, or modified except by a writing executed by each of the parties hereto.

(d) **Assigns.** This Agreement shall be binding upon the parties hereto and their permitted successors and assigns, provided that this Agreement is not assignable by City without the written consent of Seller.

(e) **Time of Essence.** Time is of the essence of this Agreement.

(f) **Execution in Counterparts.** This Agreement may be executed in two or more identical counterparts, which taken together shall constitute one and the same instrument.

(g) **Entire Agreement.** This Agreement contains and constitutes the entire agreement of the parties regarding the subject matter hereof. There are no other agreements, written or oral, between the parties affecting the subject matter hereof.

IN WITNESS WHEREOF, the parties hereto have set their hands this day and year first above written.

SELLER:

**Denise E. Deckert Revocable Trust dated
12/02/2020**


Denise Deckert, Trustee

Date: 10/5/23

CITY:
City of Twin Oaks, Missouri

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

< SEAL >

Exhibit 1

Form of General Warranty Deed
(next page)

_____[Space Above this Line for Recording Data]_____

Title of Document: **GENERAL WARRANTY DEED**

Date of Document: October 5, 2023

Grantor: Denise Deckert, Trustee of the Denise E. Deckert Revocable Trust
dated 12/02/2020

Grantor's Address: 2 Golden Oak Court
Twin Oaks, MO 63021

Grantee: **CITY OF TWIN OAKS, MISSOURI**

Grantee's Address: 1381 Big Bend Road
Twin Oaks, MO 63021

Full Legal Description:

Legal Descriptions are contained on pages ___ & ___ hereof.

Reference Book(s) and Page(s), if required:

GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED, made and entered into as of the 5th day of October, 2023, by and between **Denise E. Deckert, Trustee of the Denise E. Deckert Revocable Trust dated 12/02/2020**, whose address is 2 Golden Oak Court, Twin Oaks MO 63021 ("Grantor") and the **CITY OF TWIN OAKS, MISSOURI**, a city of the fourth class and a Missouri municipal corporation, whose address is 1381 Big Bend Road, Twin Oaks, MO 63021 ("Grantee").

WITNESSETH: Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid by Grantee, the receipt and sufficiency of which are hereby acknowledged, does by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto Grantee, the following described real property situated in the County of St. Louis, State of Missouri:

The real property legally described in Exhibit A and depicted on the Plat contained in Exhibit A-1 both attached hereto and incorporated herein for all purposes (the "Right-of-Way").

TO HAVE AND TO HOLD the Right-of-Way, together with all rights and appurtenances to the same belonging, unto Grantee and to the successors and assigns of Grantee forever. Grantor hereby covenant that they and their heirs, successors and assigns shall and will WARRANT AND DEFEND the title to the Right-of-Way unto Grantee and Grantee's successors and assigns forever, against the lawful claims of all persons whomsoever, excepting however taxes for the calendar year 2023 and thereafter, any special taxes becoming a lien after the date of this Deed, and all liens and encumbrances of record.

Together with the following grant by Grantor to Grantee:

A Temporary Construction Easement for the purpose of making cuts, fills and sloping embankment, constructing drives, sidewalks, temporary roadways, and overhead utilities, etc., if any, providing working room and implementing any and all other related construction items over the real property legally described in Exhibit B, and depicted on the Plat contained in Exhibit B-1, both attached hereto and incorporated herein for all purposes (the "Temporary Easement"), until such time as the Crescent Avenue Project may be completed and accepted by the City of Twin Oaks, Missouri. Upon the granting or denial of acceptance by the City of Twin Oaks or its assigns, the Temporary Easement shall terminate. Grantor covenants that no installation or obstructions will be placed on the Temporary Easement as will interfere with the proper construction of the aforementioned Project until this easement is terminated.

IN WITNESS WHEREOF, Grantor and Grantee have executed this General Warranty Deed as of the date first above written.

GRANTOR:

The Denise E. Deckert Revocable Trust dated 12/02/2020

Denise E. Deckert Trustee
Denise E. Deckert, Trustee

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

On this 5th day of October, 2023, before me personally appeared Denise E. Deckert to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

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

(SEAL)



[Handwritten Signature]

Notary Public

My commission expires: May 4, 2024

Agreed and Accepted
by Grantee this _____ day of _____, 2023:

GRANTEE:
City of Twin Oaks, Missouri

By: _____
Mayor

STATE OF MISSOURI)
) SS.
COUNTY OF ST. LOUIS)

On this ____ day of _____, 2023, before me, a notary public in and for said state, personally appeared Russ Fortune, who being by me duly sworn, did say that he is the Mayor of the City of Twin Oaks, Missouri, a Missouri municipal corporation, and that said instrument was signed on behalf of the City by authority of its Board of Aldermen, and said Mayor acknowledged said instrument to be the free act and deed of the City.

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

(SEAL)

Notary Public

My commission expires: _____

Exhibit A

Legal Description of Right-of-Way

A tract of land being part of Lot 15 of "Twin Oaks Park" in the Southwest Quarter of Section 7, Township 44 North, Range 5 East of the 5th P.M., City of Twin Oaks, St. Louis County, Missouri, to wit:

Beginning at the Northeast Corner of Lot 15 of "Twin Oaks Park" recorded on August 29, 197 in Book 158, Page 9 of the St. Louis County Recorder of Deeds Office, also being the south right-of-way line of Golden Oak Court and the west right-of-way line of Crescent Avenue, thence along said west right-of-way line along a curve deflecting to the right having a radius of 20.00 ft., an arc length of 25.28 ft., a chord bearing of S16°-57'-58"E, a chord distance of 23.6 ft. to a point, thence S19°-14'-49"W 36.16 ft. to a point, thence S15°-00'-45"W 12.17 ft. to a point; thence leaving said west right-of-way line N12°-53'-41"W 19.61 ft. to a point; thence N10°-07'-17"E 35.83 ft. to a point; thence N23°-54'-51"E 15.43 ft. to the point of beginning, containing 668 square feet.

**Exhibit A-1
Right-of-Way Plat**

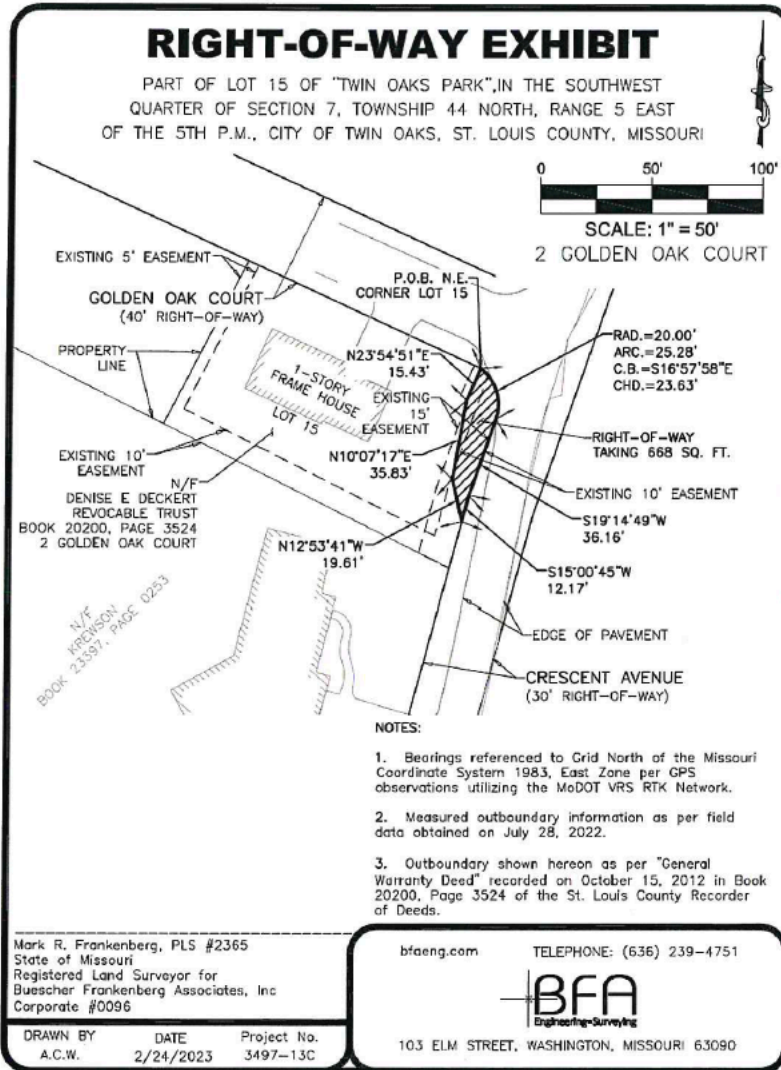


Exhibit B

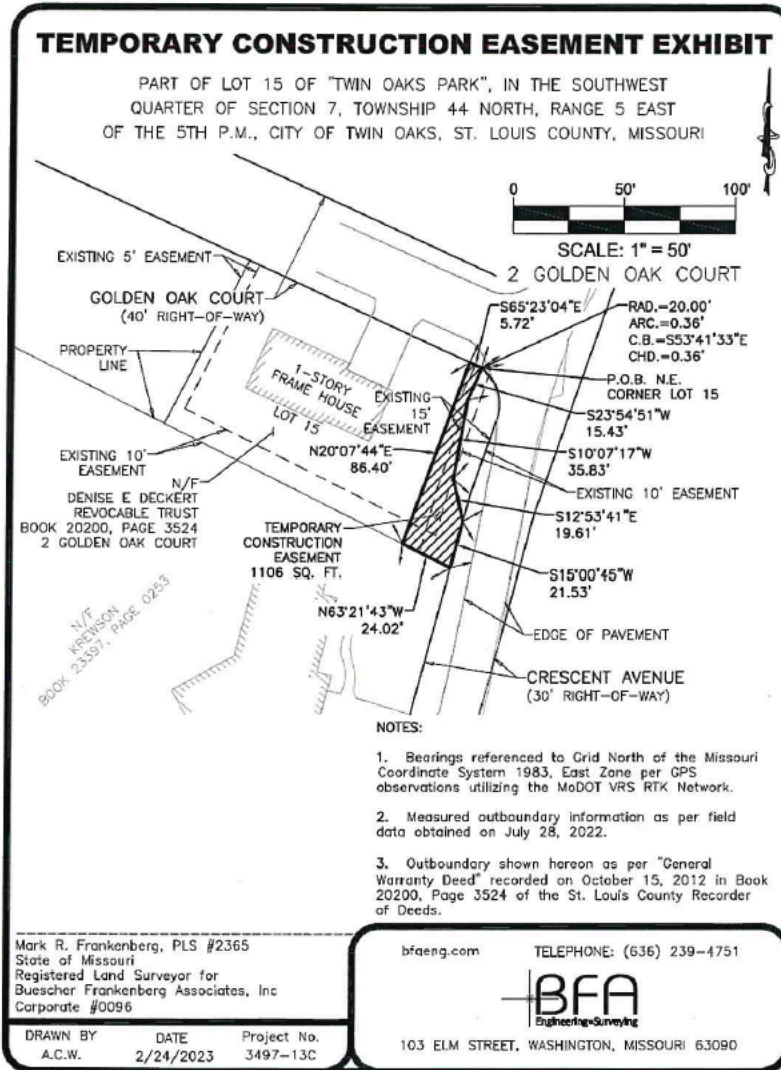
Legal Description Temporary Construction Easement

A tract of land being part of Lot 15 of "Twin Oaks Park" in the Southwest Quarter of Section 7, Township 44 North, Range 5 East of the 5th P.M., City of Twin Oaks, St. Louis County, Missouri, to wit:

Beginning at the Northeast Corner of Lot 15 of "Twin Oaks Park" recorded on August 29, 1974 in Book 158, Page 9 of the St. Louis County Recorder of Deeds Office, also being the south right-of-way line of Golden Oak Court and the west right-of-way line of Crescent Avenue, thence along said west right-of-way line along a curve deflecting to the right having a radius of 20.00 ft., an arc length of 0.36 ft., a chord bearing of S53°-41'-33"E, a chord distance of 0.36 ft. to a point; thence leaving said west right-of-way line S23°-54'-51"W 15.43 ft. to a point; thence S10°-07'-17"W 35.83 ft. to a point; thence S12°-53'-41"E 19.61 ft. to a point on the west right-of-way line of Crescent Avenue; thence along said right-of-way line S15°-00'-45"W 21.53 ft. to a point; leaving said west right-of-way line N63°-21'-43"W 24.02 ft. to a point; thence N20°-07'-44"E 86.40 ft. to a point on the south right-of-way line of Golden Oak Court; thence along said right-of-way S65°-23'-04"E 5.72 ft. to the point of beginning, containing 1106 square feet.

Exhibit B-1

Temporary Construction Easement Plat



City Clerk/Administrator's Report

City of Twin Oaks, Board of Alderman

October 13, 2023

General Updates

Twin Oaks Park Calendar Photo Submissions

- The City is now accepting photo submissions for the Twin Oaks Park calendar. Submissions are due Nov. 8.

Leaf Collection Dates

- We have received the leaf collection dates from Hendel. Leaf pickup this year will be Oct. 24, Nov. 7, Nov. 14, Nov. 28, Dec. 5 and Dec. 1. Leaf postcards will be mailed next week.

Project Updates

Meramec Station Road Striping

The striping on the southern portion of Meramec Station Road was completed on Oct. 10. The City has also submitted a request to the Missouri Department of Transportation to restripe the lane markings at the 141 and Big Bend Road intersection.

Crescent Ave. Stormwater and Sidewalk Improvements

- Negotiations are continuing for the ROW acquisition. BFA has completed draft plans for the stormwater infrastructure at Crescent Road and Laws Court and will submit them to MSD for review and approval.
- The waterline on Crescent Avenue has been re-potholed and successfully located. Missouri American Water was on site for the work. BFA reported that the line is approximately three feet deep and should not need to be relocated.

Meramec Station Curb Replacements

- Staff has re-bid this project to incorporate County requirements and permit application process with proposals due Oct. 26.