

BILL NO. 17-24

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "QUIKTRIP NO. 0191, LOTS 1-3 & TRACTS A-C", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-215, submitted by QuikTrip Corporation, requesting approval of the final plat entitled "QuikTrip No. 0191, Lots 1-3 & Tracts A-C", was referred to the Planning Commission as required by the Unified Development Ordinance No. 5209; and,

WHEREAS, the Planning Commission considered the final plat on January 24, 2017, and rendered a report to the City Council recommending that the plat be approved.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the final plat entitled "QuikTrip No. 0191, Lots 1-3 & Tracts A-C" is a subdivision in the Southeast $\frac{1}{4}$ of Section 29, Township 48 North, Range 31 and the Northeast $\frac{1}{4}$ of Section 32, Township 48, Range 31, in Lee's Summit, Missouri more particularly described as follows:

All that part of the SE 1/4 of Section 29, Township 48, Range 31, and the NE 1/4 of Section 32, Township 48, Range 31, and Lots 69-71, ORCHARD HILLS, a subdivision of land, all in the City of Lee's Summit, Jackson County, Missouri, more particularly described as follows:

Commencing at the Northwest corner of the NE 1/4 of said Section 32; thence S 88° 30' 02" E, along the North line of said NE 1/4, a distance of 30.00 feet, to a point on the East right-of-way line of Independence Avenue, as now established, said point being the Point of Beginning; thence N 1° 33' 39" E, along the East line of said Independence Avenue, a distance of 16.00 feet, to the Southwest corner of Lot 59 of said ORCHARD HILLS; thence S 88° 30' 02" E, along the South line of Lots 59 thru 68, of said ORCHARD HILLS, a distance of 808.61 feet, to the Southeast corner of said Lot 68; thence N 1° 35' 21" E, along the East line of said Lot 69, a distance of 142.47 feet, to the Northeast corner of said Lot 68; thence S 88° 25' 04" E, along the North line of said Lots 69 thru 71, a distance of 250.00 feet, to a point on the West right-of-way line of Missouri Route 291, as now established, said point being the Northeast corner of said Lot 71; thence S 01° 35' 21" W, along said West right-of-way line, being the East line of said Lot 71, a distance of 142.52 feet, to the Southeast corner of said Lot 71; thence S 88° 25' 24" E, along said west right-of-way line, a distance of 73.12 feet; thence S 1° 40' 04" W, along said west right-of-way line, a distance of 50.46 feet; thence S 88° 19' 56" E, along said West right-of-way line, a distance of 52.00 feet; thence S 1° 40' 04" W, along said West right-of-way line, a distance of 583.50 feet; thence S 4° 02' 34" E, along said West right-of-way line, a distance of 42.04 feet; thence N 88° 28' 09" W, along the North line of Lot 1 and Tract A, WINDSOR COMMONS, a subdivision in the City of Lee's Summit, Jackson County, Missouri, a distance of 429.51 feet; thence N 1° 46' 26" E, a distance of 660.22 feet, to a point on the North line of the NE 1/4 of said Section 32; thence N 88° 30' 02" W, along said North line, a distance of 759.60 feet, to the point of beginning.

BILL NO. 17-24

The above described tract of land contains 332,365 square feet, or 7.630 acres, more or less.

SECTION 2. That the proprietor of the above described tract of land ("Proprietor") has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall hereafter be known as "QuikTrip No. 0191, Lots 1-3 & Tracts A-C".

SECTION 3. That the roads and streets shown on this plat and not heretofore dedicated to public use as thoroughfares shall be dedicated as depicted on the plat. The City Council hereby authorizes the Director of Planning and Special Projects, on behalf of the City of Lee's Summit, Missouri, to accept the land or easements dedicated to the City of Lee's Summit for public use and shown on the accompanying plat, upon the subdivider filing and recording a final plat in accordance with Article 16, Subdivisions, Unified Development Ordinance ("UDO") of the City, which plat shall conform to the accompanying plat, and hereby authorizes acceptance of the public improvements required by this ordinance and Article 16 of the UDO of the City, upon the Director of Public Works certifying to the Director of Planning and Special Projects and the City Clerk that the public improvements have been constructed in accordance with City standards and specifications.

SECTION 4. That the approval granted by this ordinance is done under the authority of Section 89.410.2 of the Revised Statutes of Missouri and Section 16.340 of the UDO because all subdivision-related public improvements required by the UDO have not yet been completed. In lieu of the completion and installation of the subdivision-related public improvements prior to the approval of the plat, the Proprietor has, in accordance with Section 16.340 of the UDO, provided a **surety bond** to secure the actual construction and installation of said public improvements. The City Council approved acceptance of the surety bond on December 15, 2016.

SECTION 5. That an easement shall be granted to the City of Lee's Summit, Missouri, to locate, construct and maintain or to authorize the location, construction, and maintenance of poles, wires, anchors, conduits, and/or structures for water, gas, sanitary sewer, storm sewer, surface drainage channel, electricity, telephone, cable TV, or any other necessary public utility or services, any or all of them, upon, over, or under those areas outlined or designated upon this plat as "Utility Easements" (U.E.) or within any street or thoroughfare dedicated to public use on this plat. Grantor, on behalf of himself, his heirs, his assigns and successors in interest, shall waive, to the fullest extent allowed by law, including, without limitation, Section 527.188, RSMo. (2006), any right to request restoration of rights previously transferred and vacation of any easement granted by this plat.

SECTION 6. That building lines or setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be constructed between this line and the street right-of-way line.

SECTION 7. That the final plat substantially conforms to the approved preliminary plat and to all applicable requirements of the Code.

SECTION 8. That the City Council for the City of Lee's Summit, Missouri, does hereby approve and accept, as a subdivision to the City of Lee's Summit, Missouri, the final plat entitled

BILL NO. 17-24

“QuikTrip No. 0191, Lots 1-3 & Tracts A-C,” attached hereto and incorporated herein by reference.

SECTION 9. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council for the City of Lee’s Summit, Missouri, this _____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said City this _____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*