

BILL NO. 17-259

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "WINTERSET VALLEY, 11TH PLAT, LOTS 1392A, 1411 THRU 1434 & TRACT A11", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2016-173, submitted by Gale Communities, Inc., requesting approval of the final plat entitled "Winterset Valley, 11th Plat, Lots 1392A, 1411 thru 1434 & Tract A11", 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 April 11, 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 "Winterset Valley, 11th Plat, Lots 1392A, 1411 thru 1434 & Tract A11" is a subdivision in Section 3, Township 47, Range 32, in Lee's Summit, Missouri more particularly described as follows:

A replat of Lot 1392, WINTERSET VALLEY 10TH PLAT and parts of the Southwest One-Quarter and the Southeast One-Quarter of Section 3, Township 47 North, Range 32 West, in the City of Lee's Summit, Jackson County, Missouri and being more particularly described as follows.

Commencing at Southeast corner of the said Southwest One-Quarter; thence North 03 degrees 13 minutes 08 seconds East, along the East line of the said Southwest One-Quarter, a distance of 1,015.52 feet to a point; thence North 86 degrees 46 minutes 52 seconds West a distance of 5.16 feet to a point on the West right-of-line of Peale Boulevard as now established, said point being the Northeast corner of "WINTERSET VALLEY - 3RD PLAT", said point also being the Northeast corner of Lot 1182 of said plat, said point also being the Point of Beginning; thence South 68 degrees 18 minutes 07 seconds West, along the North line of said 3RD PLAT for this and the following four (4) courses, a distance of 103.25 feet (103.21 feet Platted) to a point; thence South 78 degrees 22 minutes 43 seconds West a distance of 150.08 feet to a point; thence North 80 degrees 30 minutes 01 seconds West a distance of 191.66 feet to a point; thence North 70 degrees 29 minutes 30 seconds West a distance of 75.84 feet to a point; thence North 38 degrees 42 minutes 32 seconds West a distance of 75.46 feet (North 38 degrees 42 minutes 44 seconds West a distance of 75.45 feet Platted) to a point said point being the Northwest corner of said 3RD plat and the Northeasterly most corner of "WINTERSET VALLEY 10TH PLAT"; thence North 31 degrees 44 minutes 49 seconds West, along the Northeasterly line of said 10TH PLAT for this and the following one (1) course, a distance of 223.46 feet (North 31 degrees 46 minutes 00 seconds West a distance of 223.45 feet Platted) to a point; thence North 38 degrees 53 minutes 53 seconds West a distance of 50.00 feet to the Easterly most corner of

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Lot 1392 of said 10th Plat; thence South 51 degrees 06 minutes 07 seconds West, along said Lot 1392 for this and the following three (3) courses, a distance of 107.38 feet to a point; thence North 80 degrees 39 minutes 37 seconds West a distance of 33.30 feet to a point of curvature; thence along a curve to the left having an initial tangent bearing of North 33 degrees 17 minutes 24 seconds West, a radius of 825.00 feet, a central angle of 05 degrees 36 minutes 29 seconds and an arc length of 80.75 feet (80.74 feet Platted) to a point; thence North 38 degrees 53 minutes 53 seconds West a distance of 31.84 feet to a point; thence North 51 degrees 06 minutes 07 seconds East, along the Northwesterly line of said Lot 1392 and its Northeasterly extension, a distance of 210.00 feet to a corner point of said 10th Plat, said point being the Easterly most corner of Lot 1391 of said 10th Plat; thence North 68 degrees 36 minutes 13 seconds East a distance of 203.06 feet to a point; thence South 28 degrees 22 minutes 00 seconds East a distance of 137.78 feet to a point; thence North 68 degrees 36 minutes 13 seconds East a distance of 74.57 feet to a point of curvature; thence along a curve to the left, tangent to the previous course, having a radius of 175.00 feet, a central angle of 02 degrees 28 minutes 08 seconds and an arc length of 7.54 feet to a point; thence South 23 degrees 51 minutes 55 seconds East a distance of 50.00 feet to a point; thence South 37 degrees 08 minutes 45 seconds East a distance of 140.95 feet to a point; thence North 60 degrees 59 minutes 17 seconds East a distance of 127.44 feet to a point; thence North 21 degrees 11 minutes 36 seconds East a distance of 238.58 feet to a point; thence North 14 degrees 06 minutes 01 seconds East a distance of 79.69 feet to a point; thence South 82 degrees 26 minutes 50 seconds East a distance of 129.05 feet to a point of curvature; thence along a curve to the left having an initial tangent bearing of North 07 degrees 33 minutes 10 seconds East, a radius of 275.00 feet, a central angle of 02 degrees 13 minutes 19 seconds and an arc length of 10.66 feet to a point; thence North 05 degrees 19 minutes 51 seconds East a distance of 27.01 feet to a point; thence South 84 degrees 40 minutes 09 seconds East a distance of 178.60 feet to a point on the West line of "WINTERSET VALLEY 7TH PLAT", said point being the Northwest corner of Lot 1326 of said 7TH PLAT; thence South 05 degrees 19 minutes 51 seconds West, along the West line of said 7TH PLAT for this and the following four (4) courses, a distance of 96.00 feet to a point; thence South 17 degrees 24 minutes 46 seconds West a distance of 90.16 feet to a point; thence South 09 degrees 23 minutes 27 seconds West a distance of 85.44 feet to a point; thence South 11 degrees 51 minutes 21 seconds West a distance of 110.43 feet to a point; thence South 07 degrees 27 minutes 45 seconds East a distance of 108.04 feet (South 07 degrees 22 minutes 43 seconds East a distance of 107.62 feet Platted) to a corner point on the North line of "WINTERSET VALLEY - 1ST PLAT", said point being the Northwest corner of Lot 1152 of said 1ST PLAT; thence South 09 degrees 23 minutes 40 seconds East, along the Northerly and Easterly lines of said 1ST PLAT for this and the remaining two (2) courses, a distance of 44.92 feet to a point; thence South 71 degrees 28 minutes 13 seconds West a distance of 214.71 feet to a point of curvature on the West right-of-line of Peale Boulevard as now established; thence along said West right-of-way on

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a curve to the left having an initial tangent bearing of South 18 degrees 31 minutes 48 seconds East, radius of 635.00 feet, a central angle of 03 degrees 09 minutes 48 seconds and an arc length of 35.06 feet to the Point of Beginning, and containing 9.8842 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 "Winterset Valley, 11th Plat, Lots 1392A, 1411 thru 1434 & Tract A11".

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, deposited an irrevocable **letter of credit** to secure the actual construction and installation of said public improvements, and the City hereby accepts same. No building permit shall be issued until the required public improvements are available to each lot for which a building permit is requested in accordance with the Design and Construction Manual.

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.

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SECTION 7. That individual lot owner(s) shall not change or obstruct the drainage flow lines on the lots.

SECTION 8. That the final plat substantially conforms to the approved preliminary plat and to all applicable requirements of the Code.

SECTION 9. 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 "Winterset Valley, 11th Plat, Lots 1392A, 1411 thru 1434 & Tract A11", attached hereto and incorporated herein by reference.

SECTION 10. 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 *Trisha Fowler Arcuri*

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

Mayor Randall L. Rhoads

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney Brian Head