

## **BILL NO. 17-26**

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AN ORDINANCE AMENDING ORDINANCE NO. 8028 AND ACCEPTING FINAL PLAT ENTITLED "MONTICELLO 2<sup>nd</sup> PLAT, LOTS 33-67 & TRACTS D-F", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2016-062, submitted by Engineering Solutions, LLC, requesting approval of the final plat entitled "Monticello 2<sup>nd</sup> Plat, Lots 33-69 & Tracts D-F", 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 June 14, 2016, and rendered a report to the City Council recommending that the plat be approved.

WHEREAS, the City Council approved Ordinance No. 8028 on December 8, 2016, accepting final plat entitled "Monticello 2<sup>nd</sup> Plat, Lots 33-69 & Tracts D-F," as a subdivision to the City of Lee's Summit, Jackson County, Missouri.; and

WHEREAS, prior to recording the final plat, revisions to the plat title, legal description, and plat boundaries are needed to accurately reflect the correct ownership and number of lots for said plat.

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 "Monticello 2<sup>nd</sup> Plat, Lots 33-67 & Tracts D-F" is a subdivision in Section 4, Township 48N, Range 31W, in Lee's Summit, Missouri more particularly described as follows:

*A tract of land located in part of the Southwest 1/4 of Section 4, Township 48 North, Range 31 West, more particularly described as follows: Commencing at the West 1/4 corner of said Section 4, thence South 87° 55' 43" East, along the north line of said Southwest 1/4 a distance of 989.01 feet; thence South 02° 12' 15" West, along the west line of property owned by the United States Army Corps of Engineers, a distance of 1339.93 feet; thence South 87° 58' 48" East, a distance of 1052.90 feet; thence South 01° 47' 06" West, a distance of 313.68 feet, to the Point of Beginning; thence South 01° 47' 06" West, a distance of 1005.25 feet; thence North 88° 01' 51" West, a distance of 833.84 feet; thence North 01° 55' 48" East, a distance of 125.26 feet; thence North 88° 04' 12" West, a distance of 52.84 feet; thence North 01° 55' 48" East, a distance of 138.29 feet; thence North 02° 28' 44" West, a distance of 97.46 feet; thence North 07° 59' 17" West, a distance of 89.97 feet; thence North 13° 16' 37" West, a distance of 89.97 feet; thence North 04° 50' 35" West, a distance of 230.63 feet; thence North 49° 59' 17" West, a distance of 57.28 feet; thence South 65° 59' 57" East, a distance of 92.71 feet; thence South 72° 37' 57" East, a distance of 91.30 feet; thence South 79° 04' 25" East, a distance of 91.30 feet; thence South 85° 35' 18" East, a distance of 91.30 feet; thence North 87° 54' 36" East, a distance of 91.30 feet; thence North 81° 24' 30" East, a distance of 91.30 feet; thence North 74° 54' 24" East, a distance of 91.30 feet, thence North 68° 36' 10" East, a distance of 95.72 feet; thence North 62° 04' 36" East, a distance of 52.82 feet; thence North 60° 32' 07" East, a distance of 106.55 feet; thence North 56° 03' 25" East, a distance of 191.18 feet, returning to the Point of Beginning.*

*Containing 719,275.11 sq. ft. 16.51 acres more or less*

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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 "Monticello 2<sup>nd</sup> Plat, Lots 33-67 & Tracts D-F".

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.

SECTION 7. That individual lot owner(s) shall not change or obstruct the drainage flow lines on the lots, as shown on the Master Drainage Plan, unless specific application is made and approved by the City Engineer.

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

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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 "Monticello 2<sup>nd</sup> Plat, Lots 33-67 & Tracts D-F", 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 *Denise R. Chisum*

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

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Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*