

BILL NO. 22-174

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "NAPA VALLEY, 5TH PLAT, LOTS 166-196 AND TRACT O", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2021-294, submitted by Engineering Solutions, LLC, requesting approval of the final plat entitled "Napa Valley, 5th Plat, Lots 166-196 and Tract O", was referred to the Planning Commission as required by Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit; and,

WHEREAS, the Planning Commission considered the final plat on January 13, 2022, 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 "Napa Valley, 5th Plat, Lots 166-196 and Tract O", is a subdivision in Section 36, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

ALL THAT PART OF THE NORTHWEST ¼ OF SECTION 36, TOWNSHIP 47 NORTH, RANGE 32 WEST, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 36; THENCE NORTH 87°54'30" WEST ALONG THE NORTH LINE OF PARKWOOD AT STONEY CREEK-6TH PLAT, A SUBDIVISION AS RECORDED IN THE OFFICE OF THE RECORDER, A DISTANCE OF 1135.82 FEET; THENCE NORTH 2°13'02" EAST ALONG THE EAST LINE OF NAPA VALLEY-2ND PLAT, A SUBDIVISION AS RECORDED IN THE OFFICE OF THE RECORDER, A DISTANCE OF 60.18 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT TANGENT TO THE PRECEDING COURSE AND HAVING A RADIUS OF 230.00 FEET, AN ARC DISTANCE OF 151.69 FEET; THENCE NORTH 52°25'41" EAST, A DISTANCE OF 151.13 FEET; THENCE SOUTH 87°54'09" EAST, A DISTANCE OF 712.32 FEET; THENCE NORTH 6°54'25" EAST, A DISTANCE OF 119.28 FEET; THENCE NORTH 23°10'13" EAST, A DISTANCE OF 83.19 FEET; THENCE NORTH 53°47'02" EAST, A DISTANCE OF 101.53 FEET; THENCE NORTH 82°38'16" EAST, A DISTANCE OF 72.72 FEET; THENCE SOUTH 68°26'25" EAST, A DISTANCE OF 101.93 FEET; THENCE SOUTH 39°35'11" EAST, A DISTANCE OF 104.20 FEET; THENCE SOUTH 2°18'46" WEST, A DISTANCE OF 456.77 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 420,137.85 SQUARE FEET (9.65 ACRES) MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, CONDITIONS AND RIGHT OF WAYS, RECORDED OR UNRECORDED IF ANY.

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 "Napa Valley, 5th Plat, Lots 166-196 and Tract O"

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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 Development Services, 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 7, Subdivisions, Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit; which plat shall conform to the accompanying plat, and hereby authorizes acceptance of the public improvements required by this ordinance and Article 7 of the UDO of the City, upon the Director of Public Works certifying to the Director of Development Services 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 7.340 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 will, in accordance with Section 7.340 of the UDO, provide security in a form acceptable to the City 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.

SECTION 8. That the final plat substantially conforms to the approved preliminary development plan 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 "Napa Valley, 5th Plat, Lots 166-196 and Tract O" attached hereto and incorporated herein by reference.

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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 _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this _____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*