

BILL NO. 19-220

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED HAWTHORN RIDGE, 2ND PLAT, LOTS 101 THRU 159, AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2019-234, submitted by Clayton Properties Group, Inc., requesting approval of the final plat entitled "Hawthorn Ridge, 2nd Plat, Lots 101 Thru 159", 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 September 12, 2019, 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 "Hawthorn Ridge, 2nd Plat, Lots 101 Thru 159" is a subdivision in part of the Northwest Quarter of Section 25, Township 47N, Range 32W of the 5th Principal Meridian, in Lee's Summit, Missouri more particularly described as follows:

PROPERTY DESCRIPTION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 47 NORTH, RANGE 32 WEST OF THE 5TH PRINCIPAL MERIDIAN IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, AND A PORTION OF TRACT E, OF HAWTHORN RIDGE 1ST PLAT, A SUBDIVISION OF LAND RECORDED AS DOCUMENT 2019E0020897 IN BOOK 182 AT PAGE 83, IN THE OFFICE OF RECORDER OF DEEDS FOR JACKSON COUNTY, MISSOURI ALL BEING BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 25; THENCE SOUTH 87°46'49" EAST ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, 2,653.29 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER, (CENTER OF SECTION) AND THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE ON SAID SOUTH LINE OF SAID NORTHWEST QUARTER, NORTH 87°46'49" WEST, 577.00 FEET; THENCE LEAVING SAID SOUTH LINE, NORTH 02°13'11" EAST, 135.00 FEET; THENCE NORTH 87°46'49" WEST, 50.79 FEET; THENCE NORTH 02°18'36" EAST, 596.57 FEET; THENCE SOUTH 87°41'24" EAST, 37.00 FEET; THENCE NORTH 02°18'36" EAST, 192.00 FEET; THENCE NORTH 87°41'24" WEST, 75.58 FEET' THENCE NORTH 02°18'36" EAST, 39.05 FEET; THENCE NORTH 33°13'50" WEST, 218.11 FEET TO THE SOUTHWESTERLY CORNER OF LOT 21 OF SAID HAWTHORN RIDGE 1ST PLAT; THENCE ON THE SOUTHERLY LINE OF SAID HAWTHORN RIDGE 1ST PLAT THE FOLLOWING 9 CALLS, NORTH 54°57'38" EAST, 1300.00 FEET; THENCE SOUTH 35°02'22" EAST, 58.00 FEET; THENCE NORTH 54°57'38" EAST, 175.90 FEET; THENCE SOUTH 65°30'07" EAST, 95.33 FEET; THENCE SOUTH 87°41'24" EAST, 121.73 FEET; THENCE NORTH 02°18'36" EAST, 78.00 FEET; THENCE SOUTH 87°41'24" EAST, 175.00 FEET; THENCE NORTH 02°18'36" EAST, 72.00 FEET; THENCE SOUTH 87°41'24" EAST, 130.00 FEET TO THE SOUTHEASTERLY CORNER OF LOT 28 OF SAID HAWTHORN RIDGE 1ST PLAT AND A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE ON SAID EAST LINE, SOUTH 02°18'36" WEST, 1392.85

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FEET TO THE POINT OF BEGINNING. CONTAINING 827,409 SQUARE FEET OR 19.00 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 "Hawthorn Ridge, 2nd Plat, Lots 101 Thru 159".

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 has, in accordance with Section 7.340 of the UDO, deposited an **irrevocable Standby Letter of Credit, Bond, or Cash** 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 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 "Hawthorn Ridge, 2nd Plat, Lots 101 Thru 159", 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 _____, 2019.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED by the Mayor of said City this ____ day of _____, 2019.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

City Attorney Brian Head