

BILL NO. 19-181

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED WINTERSET VALLEY, 12TH PLAT, LOTS 1435 THRU 1471 & TRACTS A12 THRU D12, AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2018-059, submitted by Gale Communities, Inc., requesting approval of the final plat entitled "Winterset Valley, 12th Plat, Lots 1435 thru 1471 & Tracts A12 thru D12", 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 July 10, 2018, 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, 12th Plat, Lots 1435 thru 1471 & Tracts A12 thru D12" is a subdivision in part of the Northeast One-Quarter, Southeast One-Quarter and Southwest One-Quarter of Section 3, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

Part of the Northeast One-Quarter, Southeast One-Quarter and Southwest 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:

Beginning at the Southwest of said Northeast One-Quarter; thence North 03 degrees 31 minutes 11 seconds East, along the West line of the said Northeast One-Quarter a distance of 663.89 feet; thence South 87 degrees 21 minutes 01 seconds East a distance of 420.66 feet to a corner point on West line of Tract D8, "WINTERSET VALLEY 8TH PLAT";
thence along the West line of said "8TH PLAT" for the following eight courses, South 38 degrees 26 minutes 43 seconds West a distance of 232.82 feet; thence South 18 degrees 42 minutes 49 seconds West a distance of 100.43 feet; thence South 30 degrees 24 minutes 09 seconds East a distance of 379.77 feet; thence South 11 degrees 37 minutes 02 seconds East a distance of 185.68 feet; thence South 05 degrees 28 minutes 36 seconds East a distance of 91.53 feet; thence South 02 degrees 42 minutes 17 seconds West a distance of 50.00 feet; thence South 87 degrees 17 minutes 43 seconds East a distance of 35.00 feet;
thence South 02 degrees 42 minutes 17 seconds West a distance of 140.09 feet (Platted 140.00 feet) to the Southwest corner of Lot 1335 of said "8th PLAT" said point being on the North line of Lot 1334 "WINTERSET VALLEY 7TH PLAT";
thence along the North and West lines of said "7TH PLAT" for the following nine courses, North 87 degrees 17 minutes 43 seconds West a distance of 274.56 feet; thence South 83 degrees 47 minutes 52 seconds West a distance of 112.20 feet; thence South 11 degrees 00 minutes 38 seconds East a distance of 127.16

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feet; thence South 07 degrees 53 minutes 42 seconds East a distance of 50.00 feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of North 82 degrees 06 minutes 18 seconds East, a radius of 1175.00 feet, a central angle of 00 degrees 32 minutes 15 seconds and an arc length of 11.02 feet; thence South 07 degrees 21 minutes 27 seconds East a distance of 127.79 feet; thence South 79 degrees 31 minutes 00 seconds West a distance of 57.61 feet; thence South 00 degrees 50 minutes 19 seconds West a distance of 83.69 feet; thence South 05 degrees 19 minutes 51 seconds West a distance of 184.70 feet to the Southwest corner of Lot 1327 of said "7TH PLAT", said point also being the Northeast corner of "WINTERSET VALLEY 11TH PLAT";

thence along the North line of said "11TH PLAT" for the following twelve courses, North 84 degrees 40 minutes 09 seconds West a distance of 178.60 feet; thence South 05 degrees 19 minutes 51 seconds West a distance of 27.01 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 275.00 feet, a central angle of 02 degrees 13 minutes 19 seconds and an arc length of 10.66 feet; thence North 82 degrees 26 minutes 50 seconds West a distance of 129.05 feet; thence South 14 degrees 06 minutes 01 seconds West a distance of 79.69 feet; thence South 21 degrees 11 minutes 36 seconds West a distance of 238.58 feet; thence South 60 degrees 59 minutes 17 seconds West a distance of 127.44 feet; thence North 37 degrees 08 minutes 45 seconds West a distance of 140.95 feet; thence North 23 degrees 51 minutes 55 seconds West a distance of 50.00 feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of South 66 degrees 08 minutes 05 seconds West, a radius of 175.00 feet, a central angle of 02 degrees 28 minutes 08 seconds and an arc length of 7.54 feet; thence South 68 degrees 36 minutes 13 seconds West a distance of 74.57 feet; thence North 28 degrees 22 minutes 00 seconds West a distance of 137.78 feet to the North most corner of Lot 1413 of said "11TH PLAT";

thence North 58 degrees 17 minutes 09 seconds East a distance of 71.38 feet; thence North 23 degrees 56 minutes 26 seconds East a distance of 141.00 feet; thence North 02 degrees 23 minutes 51 seconds East a distance of 180.18 feet to a point of curvature; thence along a curve to the left having an initial tangent bearing of North 86 degrees 31 minutes 09 seconds East, a radius of 525.00 feet, a central angle of 06 degrees 08 minutes 24 seconds and an arc length of 56.26 feet; thence North 09 degrees 37 minutes 15 seconds West a distance of 50.00 feet to a point of curvature; thence along a curve to the left having an initial tangent bearing of North 80 degrees 22 minutes 54 seconds East, a radius of 475.00 feet, a central angle of 13 degrees 29 minutes 11 seconds and an arc length of 111.81 feet; thence North 66 degrees 53 minutes 34 seconds East a distance of 35.50 feet; thence North 03 degrees 02 minutes 40 seconds West a distance of 101.84 feet; thence North 24 degrees 50 minutes 43 seconds West a

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distance of 128.29 feet; thence North 61 degrees 22 minutes 13 seconds West a distance of 94.29 feet; thence North 78 degrees 26 minutes 25 seconds West a distance of 88.29 feet; thence North 59 degrees 32 minutes 06 seconds East a distance of 68.68 feet; thence North 43 degrees 32 minutes 14 seconds East a distance of 254.74 feet; thence South 79 degrees 57 minutes 24 seconds East a distance of 106.19 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 175.00 feet, a central angle of 03 degrees 07 minutes 44 seconds and an arc length of 9.56 feet; thence South 76 degrees 49 minutes 41 seconds East a distance of 5.00 feet; thence North 13 degrees 10 minutes 19 seconds East a distance of 50.00 feet; thence South 76 degrees 49 minutes 41 seconds East a distance of 98.12 feet; thence North 14 degrees 29 minutes 17 seconds East a distance of 115.00 feet; thence North 61 degrees 04 minutes 56 seconds East a distance of 37.34 feet; thence South 76 degrees 49 minutes 41 seconds East a distance of 20.10 feet to a point on the West line of the said Southeast One-Quarter; thence North 03 degrees 13 minutes 08 seconds East, along the West line of the said Southeast One-Quarter a distance of 42.00 feet to the Point of Beginning, and containing 23.4885 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, 12th Plat, Lots 1435 thru 1471 & Tracts A12 thru D12".

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 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.

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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 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, 12th Plat, Lots 1435 thru 1471 & Tracts A12 thru D12", 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.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

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

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*