

## **BILL NO. 19-106**

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AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "OAKVIEW, LOTS 1-5", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2018-099, submitted by Capital Partners, LLC, requesting approval of the final plat entitled "Oakview, Lots 1-5", 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 February 14, 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 "Oakview, Lots 1-5" is a subdivision in Section 31, Township 48N, Range 31W, in Lee's Summit, Missouri more particularly described as follows:

*A replat of Lot 2, "MINOR PLAT, POLYTAINERS ADDITION LOTS 1 & 2" and part of NE Douglass Street in the Northeast One-Quarter of Section 31, Township 48 North, Range 31 West, in the City of Lee's Summit, Jackson County, Missouri.*

*Beginning at the Northwest corner of said Lot 2; thence South 89 degrees 56 minutes 58 seconds East, along the North line of said Lot 2 and its Easterly extension a distance of 412.85 feet; thence South 00 degrees 03 minutes 20 seconds West a distance of 498.21 feet; thence South 09 degrees 15 minutes 24 seconds West a distance of 52.60 feet; thence South 00 degrees 35 minutes 03 seconds East a distance of 218.11 feet to a point of curvature on the East line of said Lot 2; thence Southeasterly along the East line of said Lot 2 on a curve to the right, having an initial tangent bearing of South 09 degrees 36 minutes 50 seconds East, a radius of 811.51 feet, a central angle of 01 degrees 47 minutes 36 seconds and an arc length of 25.40 feet; thence along the Southerly line of said Lot 2 for the following four courses, South 45 degrees 02 minutes 57 seconds West a distance of 73.00 feet; thence North 89 degrees 56 minutes 09 seconds West a distance of 212.15 feet; thence South 00 degrees 03 minutes 51 seconds West a distance of 5.00 feet; thence North 89 degrees 56 minutes 09 seconds West a distance of 48.93 feet to the Southwest Corner of said Lot 2; thence along the West line of said Lot 2 for the remaining three courses North 00 degrees 03 minutes 02 seconds East a distance of 195.93 feet; thence North 41 degrees 23 minutes 39 seconds West a distance of 148.03 feet; thence North 00 degrees 03 minutes 02 seconds East a distance of 543.00 feet to the Point of Beginning, and containing 7.3822 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 "Oakview, Lots 1-5".

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,

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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 a **Performance Bond** no later than one (1) year from the date of the plat approval 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 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 "Oakview, Lots 1-5", 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.

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PASSED by the City Council for the City of Lee's Summit, Missouri, this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Mayor *William A. Baird*

ATTEST:

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City Clerk *Trisha Fowler Arcuri*

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

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Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

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