

BILL NO. 16-200

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "NAPA VALLEY, 2ND PLAT, LOTS 89-115 & TRACT N", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-048, submitted by Toscano Investments, LLC, requesting approval of the final plat entitled "Napa Valley, 2nd Plat, Lots 89-115 and Tract N", 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 April 26, 2016 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, 2nd Plat, Lots 89-115 and Tract N" is a subdivision in Section 36, Township 47 North, Range 32 West, in Lee's Summit, Missouri more particularly described as follows:

A tract of land in the South 1/2 of the Northwest 1/4, Section 36, Township 47 North of the Baseline, Range 32 West of the 5th Principal Meridian, Lee's Summit, Jackson County, Missouri and being more particularly described as follows:

Commencing at the West 1/4 corner of said Section 36-47-32; thence with the South line of the Northwest 1/4, Section 36 S87°54'45"W, 359.67' to the Southeasterly most corner of NAPA VALLEY 1st PLAT, Lots 1 thru 88 and Tracts "A" thru "M" as filed for record in the Office of the Jackson County Recorder of Deeds in Book I-81 at Page 40 and the Point of Beginning; thence with the East line of said NAPA VALLEY 1st PLAT N02°08'23"E, 308.57' to a point in a NON-tangent curve to the Left having a Radius of 425.00' and a Chord Bearing and Length of N83°39'08"E, 21.19'; thence with said curve to the Left 21.19'; thence N07°46'34"W, 50.00' to a point in a NON-Tangent curve the Right having Radius of 21.00' and a Chord Bearing and Length of N24°14'21"W, 18.81'; thence with said curve to the Right 19.50' to the Point of Tangency; thence N02°08'23"E, 123.92'; thence S87°49'15"E, 64.64'; thence S63°2'125"E, 309.17'; thence S78°18'09"E, 164.64'; thence S88°57'49"E, 276.14'; thence N72°15'18"E, 67.47' to a point on a Non-tangent curve to the Right having a Radius of 230.00' an a Chord Bearing and Length of N11°42'44"W, 28.69'; thence with said curve to the Right 28.70' to the Point of Tangency; thence N08°08'13"W, 110.19' to the Point of Curvature of a curve to the Left having a Radius of 14.00' and a Chord Bearing and Length of N58°11'46"W, 21.47'; thence with said curve to the Left 24.46' to the Point of Tangency; thence S71°44'41"W, 12.36'; thence N18°15'19"W, 50.00'; thence N71°44'41"E, 16.10' to the Point of Curvature of a curve to the Left having a Radius of 14.00' and a Chord Bearing and Length of N24°39'51"E, 20.50'; thence with said curve to the Left 23.01' to a point in a NON-tangent curve to the Right having a Radius of 405.00' and a Chord Bearing and Length of N15°31'31"W, 97.18'; thence with said curve to the Right 97.42' to the Point of Tangency; thence N08°38'04"W, 29.32'; thence N81°13'16"E, 60.00'; thence S08°38'04"E, 29.40' to the Point of Curvature of a curve to the Left having a Radius of 345.00' and a Chord Bearing and Length of S16°30'35"E, 94.54'; thence with said curve to the Left 94.84' to the Point of RE-curvature of a curve to the Right having a Radius of 230.00' and a Chord Bearing and Length of S16°15'40"E, 65.01'; thence with said curve to the Right 65.23' to the Point of Tangency; thence S08°08'13"E, 130.10' to the Point of Curvature of a curve to the Left having a Radius of 170.00' and a Chord Bearing and Length of S24°17'21"E, 94.58'; thence with said curve to the Left 95.85' to the Point of Curvature of another curve to the Left having a Radius of 14.00' and Chord Bearing and Length of N88°49'58"E, 21.68'; thence with said curve to the Left 24.79'; thence S51°53'36"E, 50.00'; thence S38°06'24"W, 3.11' to the Point of Curvature of a curve to the Left having a Radius of 14.00' and a Chord Bearing and Length of S06°53'36"E, 19.80'; thence with said curve to the Left 21.99' to the Point of Tangency; thence S51°53'36"E, 51.10' to the Point of Curvature of a curve to the Right having a Radius of

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230.00' and a Chord Bearing and Length of S44°18'28"E, 60.72'; thence with said curve to the Right 60.90'; thence N37°56'06"E, 99.91'; thence N51°52'48"E, 56.00'; thence N66°35'50"E, 75.86'; thence N61°42'13"E, 97.95'; thence N49°06'42"E, 100.14'; thence N37°36'37"E, 159.79'; thence N50°11'00"E, 5398'; thence N78°23'39"E, 139.81'; thence S73°53'48"E, 84.81'; thence S62°18'44"E, 88.24'; thence S79°43'47"E, 57.63'; thence N77°46'28"E, 72.11'; thence N57°57'37"E, 69.06'; thence N28°18'02"E, 81.12'; thence N08°30'18"E, 68.29'; thence N20°08'34"W, 81.55'; thence N42°02'49"W, 69.73'; thence N68°29'06"W, 79.42'; thence S84°26'37"W, 81.74'; thence N77°53'45"W, 120.30' to a point in a NON-tangent curve to the Left having a Radius of 225.01' and a Chord Bearing and Length of 158.89'; thence with said curve to the Left 162.40' to the Point of Tangency; thence N57°41'56"W, 18.53'; thence N32°18'04"E, 110.00'; thence N50°59'20"W, 141.12'; thence N02°05'45"E, 39.78' to a point on the North line of the South 1/2 of the Northwest 1/4, Section 36-47-32; thence with said North line S87°54'19"E, 732.31' to the Northeast corner of said South 1/2 of the Northwest 1/4, Section 36-47-32; thence with the East line of the South 1/2 of the Northwest 1/4, A02°18'28"W, 860.50'; thence leaving said East line N39°35'11"W, 104.76'; thence N68°26'25"W, 101.93'; thence S82°38'16"W, 72.72'; thence S53°47'02"W, 101.53'; thence S23°10'1"W, 83.19'; thence S06°54'25"W, 119.28'; thence N87°54'09"W, 680.00'; thence S02°05'51"W, 121.10"; thence N85°12'56"W, 42.87' to the Point of Curvature of a curve to the Left having a Radius of 225.00' and a Chord Bearing and Length of S86°32'22"W, 64.53'; thence with said curve to the Left 64.76'; thence S11°42'21"E, 50.00' to a point in a Non-tangent curve to the Left having a Radius of 14.00' and a Chord Bearing and Length of S34°20'24"W, 19.43'; thence with said curve to the Left 21.48' to the Point of RE-Curvature of a curve to the Right having a Radius of 230.00' and a Chord Bearing and Length of S03°41'55"E, 47.41'; thence with said curve to the Right 47.49' to the Point of Tangency; thence S02°13'02"W, 60.26' to a Point on the South line of the Northwest 1/4, Section 36-47-32; thence with said South line N87°54'45"W, 1145.70' back to the Point of Beginning

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, 2nd Plat, Lots 89-115 and Tract N".

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 Codes Administration, 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 Codes Administration 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.

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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 all storm water conveyance, retention, detention or water quality (BMP) facilities to be located on common property, shall be owned and maintained by the Property Owners' Association in accordance with the standards set forth in the "covenants, conditions, and restrictions". Refer to the "covenants, conditions and restrictions" associated with this development for requirements.

SECTION 8. That Individual lot owners(s) shall not change or obstruct the drainage flow paths on the lots as shown on the master drainage plan, unless specific application is made and approved by the City Engineer.

SECTION 9. That the final plat substantially conforms to the approved preliminary plat and to all applicable requirements of the Code.

SECTION 10. 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, 2nd Plat, Lots 89-115 and Tract N " attached hereto and incorporated herein by reference.

SECTION 11. 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 _____, 2016.

Mayor Randall L. Rhoads

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ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said City this ____ day of _____, 2016.

Mayor Randall L. Rhoads

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

City Attorney Brian Head