

BILL NO. 17-77

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "NORTH PARK VILLAGE, 1ST PLAT, LOTS 1-52 & TRACTS A-E", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2015-199, submitted by Engineering Solutions, LLC, requesting approval of the final plat entitled "North Park Village, 1st Plat, Lots 1-52 & Tracts A-E", 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 March 22, 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 "North Park Village, 1st Plat, Lots 1-52 & Tracts A-E" is a subdivision in Section 33, Township 48, Range 31, in Lee's Summit, Missouri more particularly described as follows:

A tract of land being located in Section 33, Township 48 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, Commencing at the Northeast corner of the Southeast Quarter of said Section 33; thence South 01° 56' 38" West along the East line of said Southeast Quarter, distance of 329.98 feet; thence North 88° 44' 02" West, a distance of 30.00 feet to a point on the West right of way of NE Todd George Road, said point being the Point of Beginning; thence North 88° 44' 02" West, a distance of 1,296.05 feet to a point on the East line of Foxwood East 5th Plat, a subdivision as recorder in the office of recorder in Lee's Summit, Jackson County, Missouri; thence South 01° 39' 46" West along the East line of said subdivision, a distance of 674.50 feet to a point on the East right of way line of Todd George Parkway; thence South 35° 12' 03" East along said East right of way line, a distance of 392.25; thence South 88° 44' 00" East, a distance of 14.93 feet; thence North 35° 13' 19" West, a distance of 80.85 feet; thence North 39° 40' 41" E, a distance of 182.34 feet; thence North 54° 01' 35" East, a distance of 135.72 feet; thence South 88° 43' 40" East, a distance of 44.31 feet; thence North 81° 00' 45" East, a distance of 27.97 feet; thence North 75° 22' 48" East, a distance of 68.41 feet; thence North 78° 16' 50" East, a distance of 70.49 feet; thence North 78° 29' 39" East, a distance of 70.36 feet; thence North 10° 34' 46" West, a distance of 125.00 feet; thence along a curve to the right, having an initial tangent bearing of North 79° 25' 14" East, a radius of 1050.00, a distance of 25.89 feet; thence North 09° 10' 00" West, a distance of 50.00 feet; thence North 01° 39' 46" East, a distance of 122.57 feet; thence North 84° 02' 02" East, a distance of 71.63 feet; thence North 86° 27' 33" East, a distance of 71.29 feet; thence North 88° 42' 26" East, a distance of 71.09 feet; thence North 88° 53' 27" East, a distance of 71.08 feet; thence North 88° 16' 16" East, a distance of 71.56 feet; thence South 88° 03' 22" East, a distance 83.50 feet; thence South 01° 56' 38" West, a distance of 18.44 feet; thence South 88° 20' 14" East, a distance of 170.00 feet to a point on the West right of way line of NE Todd George Road; thence North 01° 56' 38" East, along said West right of way line, a distance of 341.53, returning to the Point of Beginning. (Tract contains 721,033.84 Sq. Ft. (16.55 Acres)

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 "North Park Village, 1st Plat, Lots 1-52 & Tracts A-E".

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

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authorizes the Director of Planning and Special Projects, 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 Special Projects 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 a **cash escrow** 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 the final plat substantially conforms to the approved preliminary plat and to all applicable requirements of the Code.

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 "North Park Village, 1st Plat, Lots 1-52 & Tracts A-E" attached hereto and incorporated herein by reference.

SECTION 9. 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 of the City of Lee's Summit, Missouri, this ____ day of _____, 2017.

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Mayor Randall L. Rhoads

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this _____ day of _____, 2017.

Mayor Randall L. Rhoads

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*