

BILL NO. 16-149

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "THE RESERVE AT STONEY CREEK 2ND PLAT, LOTS 54-59 & TRACT K", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2015-135, submitted by Engineering Solutions, LLC, requesting approval of the final plat entitled "The Reserve at Stoney Creek 2nd Plat, Lots 54-59 & Tract K", 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 October 27, 2015, 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 "The Reserve at Stoney Creek 2nd Plat, Lots 54-59 & Tract K" is a subdivision in Section 36, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

ALL THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 47 NORTH, RANGE 32 WEST, LEE'S SUMMIT, JACKSON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 161, PARKWOOD AT STONEY CREEK 4TH PLAT, RECORDED AS DOCUMENT NUMBER 200510051275, IN JACKSON COUNTY, MISSOURI; THENCE SOUTH 73°27'21" EAST, ALONG THE SOUTHERLY LINE OF SAID 4TH PLAT, A DISTANCE OF 460.58 FEET; THENCE SOUTH 02°19'17" WEST A DISTANCE OF 339.19 FEET; THENCE SOUTH 75°55'13" WEST A DISTANCE OF 136.76 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 155.00 FEET AND AN ARC LENGTH OF 43.49 FEET TO A POINT OF TANGENCY; THENCE NORTH 88°00'07" WEST A DISTANCE OF 281.41 FEET, TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SW STONEY CREEK DRIVE; THENCE NORTH 02°01'02" EAST, THIS AND THE NEXT 5 COMMANDS ARE ALONG SAID EASTERLY RIGHT OF WAY LINE OF SW STONEY CREEK DRIVE, A DISTANCE OF 307.22 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET AND AN ARC LENGTH OF 27.38 FEET; THENCE NORTH 04°57'30" WEST A DISTANCE OF 52.99 FEET; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF NORTH 77°46'18" WEST, A RADIUS OF 15.00 FEET, AND AN ARC LENGTH OF 20.89 FEET TO A POINT OF TANGENCY; THENCE NORTH 02°01'02" EAST A DISTANCE OF 5.57 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 470.00 FEET AND AN ARC LENGTH OF 105.01 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 197,365.84 SQUARE FEET (4.53 ACRES) MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, CONDITIONS AND RIGHT OF WAYS, RECORDED OR UNRECORDED IF ANY.

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

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subdivision shall hereafter be known as “The Reserve at Stoney Creek 2nd Plat, Lots 54-59 & Tract K”.

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.

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, as shown on the Master Drainage Plan, unless specific application is made and approved by the City Engineer.

SECTION 8. That the final plat substantially conforms to the approved preliminary plat and to all applicable requirements of the Code.

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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 "The Reserve at Stoney Creek 2nd Plat, Lots 54-59 & Tract K", 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 _____, 2016.

Mayor *Randall L. Rhoads*

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*