

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED PERGOLA PARK, 4TH PLAT, LOTS 81 THRU 117 AND TRACTS N THRU P, 8-4, 9-4 AND 10-4 , AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2019-152, submitted by NLV Pergola Park, LLC, requesting approval of the final plat entitled "Pergola Park, 4th Plat, Lots 81 thru 117 and Tracts N thru P, 8-4, 9-4, and 10-4", 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 June 13, 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 "Pergola Park, 4th Plat, Lots 81 thru 117 and Tracts N thru P, 8-4, 9-4, and 10-4" is a subdivision in the Southwest One-Quarter of Section 10, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

DESCRIPTION:

A replat of Part of LOT 2, "MINOR PLAT OF NEW LONGVIEW MANSION, LOTS 1-2" as recorded by Instrument Number 2016E0123276 in the Southwest One-Quarter of Section 10, 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 a point on the East line of said LOT 2, said point being the Southwest corner of SW Pergola Park Drive right of way and a corner point of Tract M as platted in "PERGOLA PARK - 3RD PLAT" as recorded by Instrument Number 2006E0018783; thence along a curve to the right, having an initial tangent bearing of North 88 degrees 16 minutes 45 seconds West, a radius of 523.00 feet, a central angle of 01 degrees 51 minutes 41 seconds and an arc length of 16.99 feet to a point of reverse curvature; thence along a curve to the left, having an initial tangent bearing of North 86 degrees 25 minutes 04 seconds West, a radius of 477.00 feet, a central angle of 05 degrees 45 minutes 08 seconds and an arc length of 47.89 feet; thence South 02 degrees 10 minutes 12 seconds East, a distance of 115.00 feet; thence South 73 degrees 19 minutes 03 seconds West, a distance of 134.52 feet; thence South 80 degrees 38 minutes 45 seconds West, a distance of 148.00 feet; thence North 09 degrees 21 minutes 15 seconds West, a distance of 144.02 feet to a point of curvature; thence along a curve to the right, having an initial tangent bearing of North 80 degrees 46 minutes 20 seconds West, a radius of 173.00 feet, a central angle of 53 degrees 35 minutes 59 seconds and an arc length of 161.84 feet to a point of reverse curvature; thence along a curve to the left, having an initial tangent bearing of North 27 degrees

10 minutes 21 seconds West a radius of 127.00 feet, a central angle of 75 degrees 29 minutes 06 seconds and an arc length of 167.32 feet; thence North 12 degrees 39 minutes 27 seconds West, a distance of 306.62 feet to a point on the North line of said LOT 2; thence along the Northerly and Easterly lines of said LOT 2 for the remaining 31 courses, North 59 degrees 12 minutes 05 seconds East, a distance of 24.12 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of South 48 degrees 05 minutes 58 seconds East(Platted South 52 degrees 08 minutes 01 seconds East), a radius of 130.00 feet, a central angle of 04 degrees 00 minutes 43 seconds and an arc length of 9.10 feet(Platted 9.09 feet); thence North 45 degrees 01 minutes 17 seconds East, a distance of 40.47 feet; thence North 40 degrees 28 minutes 45 seconds West(Platted North 39 degrees 24 minutes 37 seconds West), a distance of 24.66 feet(Platted 24.70 feet) to a point of curvature; thence along a curve to the right, having an initial tangent bearing of North 39 degrees 24 minutes 37 seconds West, a radius of 87.00 feet, a central angle of 80 degrees 34 minutes 11 seconds and an arc length of 122.34 feet to a point of reverse curvature; thence along a curve to the left, having an initial tangent bearing of North 41 degrees 09 minutes 34 seconds East, a radius of 768.00 feet, a central angle of 13 degrees 09 minutes 58 seconds and an arc length of 176.48 feet to a point of reverse curvature; thence along a curve to the right, having an initial tangent bearing of North 27 degrees 59 minutes 36 seconds East, a radius of 982.00 feet, a central angle of 07 degrees 24 minutes 36 seconds and an arc length of 127.00 feet to a point of reverse curvature; thence along a curve to the left, having an initial tangent bearing of North 35 degrees 24 minutes 12 seconds East, a radius of 1018.00 feet, a central angle of 03 degrees 08 minutes 28 seconds and an arc length of 55.81 feet; thence South 58 degrees 41 minutes 28 seconds East, a distance of 95.80 feet; thence South 31 degrees 34 minutes 45 seconds West, a distance of 121.99 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 213.00 feet, a central angle of 15 degrees 25 minutes 08 seconds and an arc length of 57.32 feet; thence South 71 degrees 41 minutes 12 seconds East, a distance of 38.03 feet to a point of curvature; thence along a curve to the right, having an initial tangent bearing of North 15 degrees 41 minutes 33 seconds East, a radius of 175.00 feet, a central angle of 10 degrees 18 minutes 36 seconds and an arc length of 31.49 feet; thence South 58 degrees 25 minutes 15 seconds

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 "Pergola Park, 4th Plat, Lots 81 thru 117 and Tracts N thru P, 8-4, 9-4, and 10-4".

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 a performance bond 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 "Pergola Park, 4th Plat, Lots 81 thru 117 and Tracts N thru P, 8-4, 9-4, and 10-4", 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 _____, 2020.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED by the Mayor of said City this _____ day of _____, 2020.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

City Attorney Brian Head