

BILL NO. 16-212

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "NAPA VALLEY, 3ND PLAT, LOTS 116-146", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-098, submitted by MAR Investments, Inc., requesting approval of the final plat entitled "Napa Valley, 3rd Plat, Lots 116-146", 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 September 13, 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, 3rd Plat, Lots 116-146" 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 Northeast corner of the South 1/2 of the Northwest 1/4, Section 36-47-32; thence with the North line of said South 1/2 of the Northwest 1/4, Section 36 N87°54'19"W, 732.31'; thence leaving said North line S02°05'45"W, 39.78'; thence S50°59'20"E, 141.12'; thence S32°18'04"W 110.00'; thence S57°41'56"E, 18.53' to the Point of Beginning; thence leaving said Point of Beginning S32°18'04"W, 165.33'; thence N67°46'13"W, 26.70'; thence S62°32'05"W, 203.60'; thence S57°21'03"W, 88.58'; thence S61°22'40"W, 80.52'; thence S78°15'06"W, 65.89'; thence N11°54'45"W, 3.71'; thence S81°41'41"W, 310.92'; thence S08°38'04"E, 3.35' 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 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' 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, 3rd Plat, Lots 116-146".

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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 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.

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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, 3rd Plat, Lots 116-146 " 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

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*