

BILL NO. 22-95

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED MARKET STREET CENTER, LOT 1-2 & TRACT A, AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2022-040, submitted by Foresight Real Estate, LLC, requesting approval of the final plat entitled "Market Street Center, Lot 1-2 & Tract A", 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 April 14, 2022, 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 "Market Street Center, Lot 1-2 & Tract A", is a subdivision in Section 29, Township 47N, Range 31W, in Lee's Summit, Missouri more particularly described as follows:

All that part of the Southwest Quarter of Section 29, Township 47 North, Range 31 West, in the City of Lee's Summit, Jackson County, Missouri, being more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of said Section 29; thence N 2°27'04" E, along the West line of the Southwest Quarter of said Section 29, a distance of 697.43 feet; thence S 87°35'08" E, a distance of 335.20 feet to the North most corner of said Lot 1, Block 1, FIRESTONE SW MARKET STREET, said point also being on the Easterly right-of-way line of SW Market Street, as now established; thence Northeasterly along said Easterly right-of-way line for the following three (3) courses; thence along a curve to the right having an initial tangent bearing of N 53°09'45" E, a radius of 459.32 feet, and an arc length of 198.93 feet; thence N 77°58'41" E, a distance of 116.98 feet; thence Northerly along a curve to the left, being tangent to the last course, having a radius of 524.94 feet, and an arc length of 619.48 feet, to a point on the West right-of-way line of Missouri Route 291 Highway, as now established; thence Southerly along said West right-of-way line for the following four (4) courses; thence S 1°52'13" W, a distance of 163.38 feet; thence S 21°14'04" W, a distance of 192.67 feet; thence S 24°33'04" W, a distance of 421.20 feet; thence South along a curve to the left being tangent to the last described course, having a radius of 820.21 feet, and an arc length of 195.72 feet to the Northeast corner of Lot 2, QUIKTRIP 200R, a platted subdivision of land in the City of Lee's Summit, Jackson County, Missouri, said point also being on the West right-of-way line of Missouri Route 291 Highway, as now established; thence N 87°30'16" W, along the North line of said Lot 2, a distance of 254.19 feet, to an angle point on the East line of Lot 1A, QUIKTRIP 200R LOT 1A, a subdivision of land in the City of Lee's Summit, Jackson County, Missouri; thence N 2°29'44" E, along said East line of said Lot 1A, a distance of 100.00 feet, to the Northeast corner of said Lot 1A; thence N 87°30'16" W, along the North line of said Lot 1A, a distance of 39.81 feet, to the Southeast corner of Lot 1, Block 1, of FIRESTONE SW MARKET STREET, a subdivision in the City of Lee's Summit, Jackson County, Missouri; thence N 2°26'15" E, along the East line of said Lot 1, Block 1, a distance of 195.04 feet, to the Northeast

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corner of said Lot 1, Block 1; thence N 54°19'08" W, along the Northerly line of said Lot 1, Block 1, a distance of 136.22 feet to the Point of Beginning, containing 219,027.21 square feet, or 5.028 acres, more or less, of unplatted land.

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 "Market Street Center, Lot 1-2 & Tract A"

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 will, in accordance with Section 7.340 of the UDO, provide security in a form acceptable to the City 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.

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SECTION 8. That the final plat substantially conforms to the approved preliminary development plan 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 "Market Street Center, Lot 1-2 & Tract A" 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 _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this _____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*