

## **BILL NO. 20-40**

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AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED SUMMIT VIEW FARMS, 4<sup>TH</sup> PLAT, LOTS 75 THRU 120 AND TRACT D, AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2019-395, submitted by Summit View Farms Development Group, LLC, requesting approval of the final plat entitled "Summit View Farms, 4th Plat, Lots 75 Thru 120 and Tract D", 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 January 23, 2020, 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 "Summit View Farms, 4th Plat, Lots 75 Thru 120 and Tract D" is a subdivision in the Northwest Quarter of Section 26, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

### **LEGAL DESCRIPTION**

ALL OF TRACT "C", SUMMIT VIEW FARMS AMENDED 1ST PLAT, A RECORDED SUBDIVISION AS FILED IN THE JACKSON COUNTY RECORDER OF DEEDS OFFICE, IN BOOK I170, AT PAGE 1 AND A PART OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 47 NORTH, RANGE 32 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, DESCRIBED BY KENNETH J. DEDRICK, PS-2571, ON THIS 13TH DAY OF NOVEMBER 2019 AS FOLLOWS:

COMMENCING AT A LIMESTONE MARKING THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 87°59'47" WEST (THIS AND ALL OF THE FOLLOWING BEARINGS ARE BASED ON THE MISSOURI STATE PLANE COORDINATE SYSTEM 1983, WEST ZONE) ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 456.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 87°59'47" WEST ON SAID SOUTH LINE, A DISTANCE OF 684.71 FEET TO A POINT ON THE CITY LIMITS LINE OF KANSAS CITY, MISSOURI; THENCE NORTH 02°21'56" EAST ON SAID CITY LIMITS LINE, A DISTANCE OF 1033.59 FEET TO A 2" ALUMINUM DISK STAMPED "HDR ENGINEERING INC", MARKING THE SOUTHWEST CORNER OF SAID PLAT; THENCE NORTH 02°22'18" EAST (NORTH 02°22'15" EAST PLAT) ON THE WEST LINE OF SAID PLAT AND SAID CITY LIMITS LINE, A DISTANCE OF 253.32 FEET (253.31 FEET PLAT) TO A 1/2" REBAR WITH A HDR CAP MARKING THE NORTHWEST CORNER OF TRACT "C" AS SHOWN ON SAID PLAT; THENCE SOUTH 66°56'40" EAST (SOUTH 66°56'30" EAST PLAT) ON THE NORTH LINE OF SAID TRACT "C", A DISTANCE OF 184.11 FEET (184.13 FEET PLAT) TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST SUMMIT VIEW TRAIL, AS SHOWN ON SAID PLAT; THENCE SOUTH 47°44'14" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID SOUTHWEST SUMMIT VIEW TRAIL; THENCE NORTHEASTERLY ON A NON-TANGENT CURVE TO THE RIGHT, ON SAID EASTERLY RIGHT-OF-WAY LINE,

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HAVING AN INITIAL TANGENT BEARING OF NORTH 42°15'46" EAST, A RADIUS OF 175.00 FEET, AND AN ARC LENGTH OF 52.49 FEET (52.50 FEET PLAT) TO A POINT; THENCE SOUTH 83°53'15" EAST (NORTH 83°52'47" WEST PLAT) ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTHWEST MORRIS DRIVE, AS SHOWN ON SAID PLAT, A DISTANCE OF 31.36 FEET (31.34 FEET PLAT) TO A POINT; THENCE SOUTHEASTERLY ON A NON-TANGENT CURVE TO THE LEFT, ON SAID SOUTHERLY RIGHT-OF-WAY LINE, HAVING AN INITIAL TANGENT BEARING OF SOUTH 44°39'28" EAST, A RADIUS OF 225.00 FEET, AND AN ARC LENGTH OF 67.45 FEET TO THE NORTHWEST CORNER OF LOT 34 AS SHOWN ON SAID PLAT; THENCE SOUTH 28°50'21" WEST (NORTH 28°50'03" EAST PLAT) ON THE WEST LINE OF SAID LOT 34, A DISTANCE OF 123.12 FEET (123.11 FEET PLAT) TO THE SOUTHWEST CORNER OF SAID LOT 34; THENCE SOUTH 72°00'51" EAST (SOUTH 72°00'23" EAST PLAT) ON THE SOUTH LINE OF SAID LOT 34, A DISTANCE OF 120.70 FEET TO THE SOUTHEAST CORNER OF SAID LOT 34; THENCE SOUTH 88°05'07" EAST (NORTH 88°04'39" WEST PLAT) ON THE SOUTH LINE OF LOTS 33, 32 AND 31, A DISTANCE OF 260.81 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTHWEST MONARCH DRIVE, AS SHOWN ON SAID PLAT; THENCE SOUTH 02°33'23" WEST (NORTH 02°27'20" EAST PLAT) ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST MONARCH DRIVE, A DISTANCE OF 4.91 FEET TO A POINT; THENCE SOUTHEASTERLY ON A NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 02°23'46" WEST, A RADIUS OF 365.00 FEET, AND AN ARC LENGTH OF 109.87 FEET TO A POINT; THENCE SOUTH 14°51'02" EAST, A DISTANCE OF 143.53 FEET TO A POINT; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 450.00 FEET, AND AN ARC LENGTH OF 24.11 FEET TO A POINT; THENCE SOUTH 37°11'55" WEST, A DISTANCE OF 33.85 FEET TO A POINT; THENCE SOUTH 05°24'47" EAST, A DISTANCE OF 50.00 FEET TO A POINT; THENCE SOUTH 48°01'19" EAST, A DISTANCE OF 33.85 FEET TO A POINT; THENCE SOUTHWESTERLY ON A NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 00°57'20" WEST, A RADIUS OF 450.00 FEET, AND AN ARC LENGTH OF 108.53 FEET TO A POINT; THENCE SOUTH 58°40'30" WEST, A DISTANCE OF 34.67 FEET TO A POINT; THENCE NORTHWESTERLY ON A NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF NORTH 77°25'26" WEST, A RADIUS OF 630.00 FEET, AND AN ARC LENGTH OF 16.70 FEET TO A POINT; THENCE SOUTH 11° 03'27" WEST, A DISTANCE OF 60.00 FEET TO A POINT; THENCE SOUTH 28°40'26" EAST, A DISTANCE OF 38.45 FEET TO A POINT; THENCE SOUTH 21°35'42" WEST, A DISTANCE OF 39.79 FEET TO A POINT; THENCE SOUTHERLY ON A CURVE TO THE LEFT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 470.00 FEET, AND AN ARC LENGTH OF 237.27 FEET TO A POINT; THENCE SOUTH 07°19'44" EAST, A DISTANCE OF 120.38 FEET TO A POINT; THENCE SOUTHERLY ON A CURVE TO THE RIGHT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 305.00 FEET, AND AN ARC LENGTH OF 49.70 FEET TO A POINT; THENCE SOUTH 02°00'29" WEST, A DISTANCE OF 10.95 FEET TO THE POINT OF BEGINNING.

CONTAINS 773,928 SQUARE FEET OR 17.767 ACRES MORE OR LESS.

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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 “Summit View Farms, 4th Plat, Lots 75 Thru 120 and Tract D”.

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 an **irrevocable Standby 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.

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 "Summit View Farms, 4th Plat, Lots 75 Thru 120 and Tract D", 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*