

## **BILL NO. 18-31**

---

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "EAGLE CREEK, 15<sup>TH</sup> PLAT, LOTS 661-707 AND TRACTS O, P AND Q", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2017-011, submitted by Hunt Midwest Real Estate Development, Inc., requesting approval of the final plat entitled "Eagle Creek, 15<sup>th</sup> Plat, Lots 661-707 and Tracts O, P and Q ", 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 April 11, 2017, 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 "Eagle Creek, 15<sup>th</sup> Plat, Lots 661-707 and Tracts O, P and Q" is a subdivision in the NW Quarter of Section 23, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

A tract of land in the Northwest Quarter of Section 23, Township 47 North, Range 32 West of the 5th Principal Meridian in Lee's Summit, Jackson County, Missouri being bounded and described as follows: Beginning at the Northwest corner of said Northwest Quarter; thence South 87°35'47" East, along the North line of said Northwest Quarter, 1,301.52 feet; thence South 02°24'13" West, 105.00 feet; thence South 42°35'47" East, 35.36 feet; thence South 02°24'13" West, 50.00 feet; thence South 47°24'13" West, 35.36 feet; thence South 02°24'13" West, 134.41 feet; thence Southerly, along a curve to the left, being tangent with the last described course with a radius of 800.00 feet, a central angle of 01°54'39", and an arc distance of 26.68 feet to the Northeast corner of said EAGLE CREEK-FOURTEENTH PLAT; thence North 89°30'27" West, along the North line of said EAGLE CREEK-FOURTEENTH PLAT, 75.00 feet; thence South 71°15'03" West, continuing along said North line, 107.13 feet; thence South 51°50'15" West, continuing along said North line, 234.72 feet; thence South 46°51'05" West, continuing along said North line, 149.10 feet; thence South 44°22'31" West, continuing along said North line, 282.93 feet; thence South 40°22'50" West, continuing along said North line, 643.07 feet; thence South 52°02'51" West, continuing along said North line, 40.24 feet; thence North 87°23'50" West, continuing along said North line, 233.69 feet to a point on the West line of said Northwest Quarter; thence North 02°36'10" East, along said West line, 1,408.84 feet to the Point of Beginning. Containing 1,180,138 square feet or 27.09 acres, more or less.

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 "Eagle Creek, 15<sup>th</sup> Plat, Lots 661-707 and Tracts O, P and Q".

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 Special Projects, 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

## **BILL NO. 18-31**

---

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 Special Projects 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 **surety 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 “Eagle Creek, 15<sup>th</sup> Plat, Lots 661-707 and Tracts O, P and Q”, 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.

**BILL NO. 18-31**

---

---

PASSED by the City Council for the City of Lee's Summit, Missouri, this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*