

BILL NO. 23-112

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED, "LUMBERMAN'S ROW, LOTS 1-18 AND TRACTS A THRU C", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2022-160 submitted by NLV Development Company, LLC., requesting approval of the final plat entitled "Lumberman's Row, Lots 1-18 and Tracts A thru C", 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 May 11, 2023, 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 "Lumberman's Row, Lots 1-18 and Tracts A thru C," is a subdivision in Sections 9, 10, & 15, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

A replat of Part of LOT 118C, "MINOR PLAT OF PERGOLA PARK, LOTS 118A, 118B AND 118C", a subdivision in the City of Lee's Summit, Jackson County, Missouri, as recorded as Instrument Number 2021E0128206, in the Southeast One-Quarter of section 9, the Southwest One-Quarter of section 10, and the Northwest One-Quarter of section. 15, Township 47 North, Range 32 West and being more particularly described as follows.

Beginning at a corner point on the South line of said LOT 118C, said point being the Southwest corner of the said Southwest One-Quarter; thence North 21 degrees 51 minutes 20 seconds East, a distance of 125.81 feet; thence North 32 degrees 22 minutes 15 seconds West, a distance of 86.95 feet to a point on the West line of the said Southwest One-Quarter; thence continuing North 32 degrees 22 minutes 15 seconds West, a distance of 75.70 feet; thence North 21 degrees 51 minutes 20 seconds East, a distance of 138.17 feet to a point on the West line of the said Southwest One-Quarter; thence continuing North 21 degrees 51 minutes 20 seconds East, a distance of 536.83 feet; thence South 68 degrees 08 minutes 40 seconds East, a distance of 200.00 feet to a point on the West line of PERGOLA PARK - 5TH PLAT; thence along the West line of said PERGOLA PARK - 5TH PLAT, South 21 degrees 51 minutes 20 seconds West, a distance of 44.05 feet to the Southwest corner of said PERGOLA PARK - 5TH PLAT; thence along the South line of said PERGOLA PARK - 5TH PLAT for the following four courses, South 68 degrees 08 minutes 40 seconds East, a distance of 93.00 feet; thence North 21 degrees 51 minutes 20 seconds East, a distance of 87.56 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 76.00 feet, a central angle of 31 degrees 36 minutes 45 seconds and an arc length of 41.93 feet; thence South 68 degrees 08 minutes 40 seconds East, a distance of 216.16 feet to a point on the East line of said LOT 118C; thence along said East line for the following six courses, South 20 degrees 10 minutes 48 seconds West, a distance of 95.46 feet; thence South 27 degrees 32 minutes 22 seconds West, a distance of 174.50 feet; thence South 16 degrees 19 minutes 52 seconds West, a distance of 177.48 feet; thence South 26 degrees 14 minutes 11 seconds West, a distance of 110.35 feet;

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thence South 17 degrees 25 minutes 19 seconds West, a distance of 65.31 feet; thence South 20 degrees 59 minutes 20 seconds West, a distance of 354.45 feet to the Southeast corner of said LOT 118C; thence along the South line of said LOT 118C North 67 degrees 13 minutes 25 seconds West, a distance of 407.70 feet to the Point of Beginning, and containing 10.4549 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 "Lumberman's Row, Lots 1-18 and Tracts A thru C."

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.

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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 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 "Lumberman's Row, Lots 1-18 and Tracts A thru C," 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 _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this ____ day of _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*