

BILL NO. 23-029

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED, "ORCHARD WOODS, LOTS 1-34 AND TRACT A", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2022-321 submitted by Entres Development, LLC, LLC, requesting approval of the final plat entitled "Orchard Woods, Lots 1-34 and 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 January 26, 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 "Orchard Woods, Lots 1-34 and Tract A," is a subdivision in Section 9, Township 48N, Range 31W, in Lee's Summit, Missouri more particularly described as follows:

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 48 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 9, SAID POINT ALSO BEING THE SOUTHWEST PLAT CORNER OF CHURCH AT LAKEWOOD WAY AND WOODS CHAPEL, A PLATTED SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI; THENCE S 88°11'38" E, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9 AND THE SOUTH PLAT LINE OF SAID CHURCH AT LAKEWOOD WAY AND WOODS CHAPEL, A DISTANCE OF 713.71 FEET TO THE SOUTHEAST PLAT CORNER OF SAID CHURCH AT LAKEWOOD WAY AND WOODS CHAPEL; THENCE N 2°22'48" E, ALONG THE EAST PLAT LINE OF SAID CHURCH AT LAKEWOOD WAY AND WOODS CHAPEL, A DISTANCE OF 769.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 2°22'48" E, ALONG THE EAST LINE OF SAID CHURCH AT LAKEWOOD WAY AND WOODS CHAPEL AND THE EAST PLAT LINE OF NORTH 2.5 MILLION GALLON TANK AND THE EAST PLAT LINE OF LAKEWOOD BUSINESS PARK, LOTS 33A, AND 34-36, AND THE EAST PLAT LINE OF LAKEWOOD BUSINESS PARK- LOTS 25 THROUGH 33, ALL PLATTED SUBDIVISIONS OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, A DISTANCE OF 1233.33 FEET TO A POINT ON THE SOUTH LINE OF LAKEWOOD BUSINESS PARK ANNEX, LOTS 1, 2 AND 3, A PLATTED SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI; THENCE S 88°20'38" E, ALONG THE SOUTH LINE OF SAID LAKEWOOD BUSINESS PARK ANNEX, LOTS 1, 2 AND 3, AND THE SOUTH LINE OF LAKEWOOD BUSINESS ANNEX, A PLATTED SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, A DISTANCE OF 617.34 FEET TO A POINT ON THE WEST LINE OF SAVANNAH RIDGE-THIRD PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI; THENCE S 2°21'19" W, ALONG THE WEST PLAT LINE OF SAID SAVANNAH RIDGE-THIRD PLAT, THE WEST PLAT LINE OF SAVANNAH RIDGE-FIRST PLAT AND THE WEST PLAT LINE OF SAVANNAH RIDGE- SECOND PLAT, ALL PLATTED SUBDIVISIONS OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, A DISTANCE OF 675.29 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 9, SAID POINT ALSO BEING THE SOUTHWEST PLAT CORNER OF SAID SAVANNAH RIDGE- SECOND PLAT; THENCE N 88°16'35" W, A DISTANCE OF 333.23 FEET; THENCE S 1°48'40" W, A DISTANCE OF

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149.62 FEET; THENCE S 87°38'41" E, A DISTANCE OF 23.74 FEET; THENCE S 2°21'19" W, A DISTANCE OF 357.67 FEET; THENCE WESTERLY ALONG A CURVE TO THE LEFT, SAID CURVE HAVING AN INITIAL TANGENT BEARING OF N 78°30'53" W AND A RADIUS OF 480.00 FEET, AN ARC DISTANCE OF 320.47 FEET TO THE POINT OF BEGINNING, CONTAINING 13.1445 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 "Orchard Woods, Lots 1-34 and 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.

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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 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 "Orchard Woods, Lots 1-34 and 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 _____, 2024.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this ____ day of _____, 2024.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*