

BILL NO. 19-33

AN ORDINANCE ACCEPTING THE FINAL PLAT ENTITLED "HAWTHORNE RIDGE, 1ST PLAT, LOTS 1-100 & TRACTS A-E" (FORMALLY KNOWN AS ARBORWALK NORTH, 1ST PLAT, LOTS 1-100 & TRACTS A-E), AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2017-046, submitted by CMH Parks, Inc., requesting approval of the final plat entitled "Hawthorne Ridge, 1st Plat, Lots 1-100 & Tracts A-E" (formally known as Arborwalk North, 1st Plat, Lots 1-100 & Tracts A-E), was referred to the Planning Commission in accordance with the provisions of chapter 33, of the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri; and,

WHEREAS, the Planning Commission considered the final plat on April 25, 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 "Hawthorne Ridge, 1st Plat, Lots 1-100 & Tracts A-E" (formally known as Arborwalk North, 1st Plat, lots 1-100 & Tracts A-E) is a subdivision in the NW Quarter of Section 25, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

A tract of land in the Northwest Quarter of Section 25, Township 47 North, Range 32 West of the 5th Principal Meridian in Lee's Summit, Jackson County, Missouri being bounded and described as follows: Commencing at the center of said Section 25; thence North 02°18'36" East, along the West line of said Northwest Quarter, 1,392.58 feet to the Point of Beginning of the tract of land to be herein described; thence North 87°41'24" West, 130.00 feet; thence South 02°18'36" West, 72.00 feet; thence North 87°41'24" West, 175.00 feet; thence South 02°18'36" West, 78.00 feet; thence North 87°41'24" West, 121.73 feet; thence North 65°30'07" West, 95.33 feet; thence South 54°57'38" West, 175.90 feet; thence North 35°02'22" West, 58.00 feet; thence South 54°57'38" West, 130.00 feet; thence South 35°02'22" East, 216.00 feet; thence South 26°05'21" East, 59.04 feet; thence South 11°06'36" East, 18.27 feet; thence North 87°41'24" West, 95.00 feet; thence North 85°13'24" West, 75.61 feet; thence North 77°26'18" West, 74.74 feet; thence North 73°51'15" West, 80.00 feet; thence North 75°24'39" West, 87.64 feet; thence North 81°26'34" West, 91.19 feet; thence North 87°51'30" West, 91.19 feet; thence South 86°06'14" West, 105.62 feet to a point on the West line of the East half said Northwest Quarter; thence North 02°27'15" East, along said West line, 1,661.30 feet to a point on the South right-of-way line of SW Hook Road, as now established; thence Easterly along said South right-of-way line, a along a curve to the right, having an initial tangent bearing of South 80°28'37" East with a radius of 470.00 feet, a central angle of 04°08'23" and an arc distance of 33.96 feet; thence Easterly, continuing along said South right-of-way line, along a curve to the left, having a common tangent with the last described course with a radius of 830.00 feet, a central angle of 11°15'17" and an arc distance of 163.04 feet; thence South 87°35'31" East, continuing along said South right-of-way line, 873.16 feet; thence Easterly continuing along said South right-of-way line, along a curve to the left having an initial tangent bearing of South 87°35'30" East with a radius of 830.00 feet, a central angle of 10°48'20" and an arc distance of 156.53 feet; thence South 87°45'42" East, continuing along said South right-of-way line, 95.80 feet to a point on said East line; thence South 02°18'36" West, along said

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East line, 1,210.33 feet to the Point of Beginning. Containing 1,939,986 square feet or 44.54 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 "Hawthorne Ridge, 1st Plat, Lots 1-100 & Tracts A-E" (formally known as Arborwalk North, 1st Plat, lots 1-100 & Tracts A-E).

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, 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 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 **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.

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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 "Hawthorne Ridge, 1st Plat, Lots 1-100 & Tracts A-E" (formally known as Arborwalk North, 1st Plat, lots 1-100 & Tracts A-E), 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 _____, 2019.

Mayor Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED by the Mayor of said City this ____ day of _____, 2019.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

City Attorney Brian Head