

BILL NO. 20-161

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED SEQUOIA RESIDENTIAL, TRACT 1, AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2020-138, submitted by Orchard Park Development, LLC., requesting approval of the final plat entitled "Sequoia Residential, Tract 1", 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 July 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 "Sequoia Residential, Lot 1" is a subdivision in the Northwest Quarter of Section 6, Township 47N, Range 31W, in Lee's Summit, Missouri more particularly described as follows:

LEGAL DESCRIPTION

All that part of Lots 1, 2, 3, 22, and 23, HEARNE'S ADDITION, a subdivision of land in the City of Lee's Summit, Jackson County, Missouri, together with all of vacated Orchard Street lying adjacent to said lots, being more particularly described as follows;

Commencing at the Northeast Corner of said Lot 3, HEARNE'S ADDITION, thence North 87°37'18" West, along the north line of said Lot 3, and also being along the south line of Lot 1, BENTON HEIGHTS, a subdivision of land in the City of Lee's Summit, Jackson County, Missouri, a distance of 150.00 feet to the Northwest Corner of the East 150 feet of said Lot 3 and being the True Point of Beginning of land being described;

thence continuing North 87°37'18" West, along said north line of lot 3, and along the north line of said Lots 2 and 1, of said HEARNE'S ADDITION, a distance of 362.30 feet to the Northwest Corner of said Lot 1, said point being on the easterly right-of-way line of the Union Pacific Railroad, as now exists;

thence southeasterly along the westerly line of said Lot 1 and said Lot 23, HEARNE'S ADDITION, and being along the easterly right-of-way line of said railroad, on a curve to the left, said curve having an initial tangent bearing of South 19°41'03" East, a chord which bears South 25°03'20" East, a radius of 2,814.79 feet, a chord distance of 527.00 feet, an arc length of 527.77 feet to a point 8 feet due north of and adjacent to the south line of said Lot 23;

thence South 87°40'20" East, along a line 8 feet due north of and adjacent to and parallel with the south line of said Lot 23 and said Lot 22, HEARNE'S ADDITION, a distance of 119.63 feet to the Southwest Corner of the North 80 feet of the South 88 feet of the East 150 feet of said Lot 22;

thence North 02°25'04" East, along the west line of the East 150 feet of said Lot 22, a distance of 80.00 feet to the Northwest Corner of the South 88 feet of the East 150 feet of said Lot 22;

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thence South 87°40'20" East, 88 feet due north of and adjacent to and parallel with the south line of said Lot 22, a distance of 150.07 feet (measured) 150 feet (deed) to the Northeast Corner of the South 88 feet of said Lot 22;

thence North 02°20'22" East, along the east line of said Lots 22 and 3, HEARNE'S ADDITION, and also being along the westerly right-of-way line of Olive Street, as now exists, a distance of 317.50 feet to the Southeast Corner of the North 70 feet of said Lot 3;

thence North 87°37'18" West, along a line 70 feet due south of and adjacent to and parallel with the north line of said Lot 3, a distance of 150.00 feet to the Southwest Corner of the North 70 feet of the East 150 feet of said Lot 3;

thence North 02°20'22" East, along the west line of the East 150 feet of said Lot 3, a distance of 70.00 feet to the place of beginning;

Containing 164,714.19 square feet or 3.781 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 "Sequoia Residential, Tract 1".

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,

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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 "Sequoia Residential, Tract 1", 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*