

BILL NO. 22-117

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "TOWER PARK, LOTS 7A-1 THRU 7A-3 AND 7B-1", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2022-085, submitted by Box Real Estate Development, LLC requesting approval of the final plat entitled "Tower Park, Lots 7A-1 thru 7A-3 and 7B-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 May 12, 2022, 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 "Tower Park, Lots 7A-1 thru 7A-3 and 7B-1", is a subdivision in Section 10, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

A Replat of all of "MINOR PLAT OF TOWER PARK LOTS 7A AND 7B", a subdivision in the City of Lee's Summit, Jackson County, Missouri, as recorded in Jackson County Recorder of Deeds as Instrument Number 2021E47726 and the Easterly 40.00 feet of SW. Longview Boulevard right-of-way adjacent to and parallel with "MINOR PLAT OF TOWER PARK LOTS 7A AND 7B", as platted in "NEW LONGVIEW ROADWAY PLAT, TRACTS J THROUGH U", a subdivision in the said City of Lee's Summit, as recorded in Jackson County Recorder of Deeds as Instrument Number 2005I0061432, both together being more particularly described as follows.

Beginning at the Northwest corner of said Lot 7A; thence along the North lines of said "MINOR PLAT OF TOWER PARK LOTS 7A AND 7B" and "NEW LONGVIEW ROADWAY PLAT, TRACTS J THROUGH U" North 58 degrees 46 minutes 33 seconds East, a distance of 155.40 feet to a point 40.00 feet along said North line from the Northwest corner of said "NEW LONGVIEW ROADWAY PLAT, TRACTS J THROUGH U"; thence along a line 40.00 East of and parallel with East line of said "MINOR PLAT OF TOWER PARK LOTS 7A AND 7B" and the West line of said SW. Longview Boulevard right-of-way, South 31 degrees 13 minutes 27 seconds East, a distance of 252.81 feet; thence along the South line of said "MINOR PLAT OF TOWER PARK LOTS 7A AND 7B" and its Easterly extension, South 58 degrees 46 minutes 33 seconds West, a distance of 74.95 feet to a point of curvature; thence continuing along said South line of "MINOR PLAT OF TOWER PARK LOTS 7A AND 7B", along a curve to the left, tangent to the previous course and having a radius of 130.00 feet, a central angle of 38 degrees 13 minutes 43 seconds and an arc length of 86.74 feet to the Southwest corner of said "MINOR PLAT OF TOWER PARK LOTS 7A AND 7B"; thence along the West line of said "MINOR PLAT OF TOWER PARK LOTS 7A AND 7B" North 31 degrees 13 minutes 27 seconds West, a distance of 280.69 feet to the Point of Beginning, and containing 0.9182 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 "Tower Park, Lots 7A-1 thru 7A-3 and 7B-1".

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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.

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 "Tower Park, Lots 7A-1 thru 7A-3 and 7B-1" attached hereto and incorporated herein by reference.

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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 _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this ____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*