

BILL NO. 18-160

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "CREEKSIDE AT RAINTREE, LOTS 1 THRU 31 AND TRACTS A THRU F", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2017-053, submitted by Landrock Development, LLC, requesting approval of the final plat entitled "Creekside at Raintree, Lots 1 thru 31 and Tracts A thru F", was referred to the Planning Commission as required by the Unified Development Ordinance No. 5209; and,

WHEREAS, the Planning Commission considered the final plat on May 9, 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 "Creekside at Raintree, Lots 1 thru 31 and Tracts A thru F" is a subdivision in Section 5, Township 46, Range 31, in Lee's Summit, Missouri more particularly described as follows:

ALL THAT PART OF THE SOUTHEAST QUARTER OF SECTION 31 AND THAT PART OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 47 NORTH, RANGE 31 WEST, IN LEE'S SUMMIT, JACKSON COUNTY, AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 46 NORTH, RANGE 31 WEST, IN LEE'S SUMMIT, CASS COUNTY, ALL IN MISSOURI, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 32; THENCE S87°37'20"E ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 387.59 FEET TO THE POINT OF BEGINNING; THENCE N06°54'00"W, A DISTANCE OF 489.24 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF RAINTREE DRIVE AS PLATTED WITH THE FINAL PLAT OF RAINTREE LAKE LOTS 454 THRU 526, A SUBDIVISION IN SAID CITY, COUNTY AND STATE; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 884.78 FEET, AN INITIAL TANGENT BEARING OF S59°42'33"W, AN ARC DISTANCE OF 411.43 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF RAINTREE PARKWAY AS DESCRIBED IN DOCUMENT I-450994, IN BOOK I-1067 AT PAGE 368; THENCE S01°42'15"E, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 146.41 FEET TO A POINT OF CURVE; THENCE SOUTHERLY, ALONG A CURVE TO THE RIGHT, TO WHICH THE PRECEDING COURSE IS TANGENT, HAVING A RADIUS OF 2018.52 FEET, AN ARC DISTANCE OF 404.67 FEET TO A POINT OF TANGENCY; THENCE S09°46'57"W, ALONG A LINE TANGENT TO THE PRECEDING COURSE, A DISTANCE OF 145.86 FEET TO THE NORTHERNMOST CORNER OF TRACT 3, AS DESCRIBED IN

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SCHEDULE "A" OF THE WARRANTY DEED RECORDED IN BOOK 805 AT PAGE 257; THENCE S02°12'56"W, ALONG THE EAST LINE OF SAID TRACT 3, A DISTANCE OF 531.17 FEET; THENCE CONTINUING ALONG SAID EAST LINE, S80°13'03"E, A DISTANCE OF 60.00 FEET; THENCE S89°01'15"E, A DISTANCE OF 534.26 FEET; THENCE N02°18'01"E, A DISTANCE OF 872.60 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE N87°37'20"W, ALONG SAID SOUTH LINE, A DISTANCE OF 110.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 15.70 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 "Creekside at Raintree, Lots 1 thru 31 and Tracts A thru F".

SECTION 3. 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 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 16.340 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 16.340 of the UDO, deposited an irrevocable **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 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 6. That individual lot owner(s) shall not change or obstruct the drainage flow lines on the lots.

SECTION 7. That the final plat substantially conforms to all applicable requirements of the Code.

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SECTION 8. 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 "Creekside at Raintree, Lots 1 thru 31 and Tracts A thru F", attached hereto and incorporated herein by reference.

SECTION 9. 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 _____, 2018.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this _____ day of _____, 2018.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*