

BILL NO. 23-213

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED, "THE VILLAGE AT DISCOVERY PARK, LOTS 1 THRU 13 AND TRACTS A & B", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2023-142 submitted by Intrinsic Development, LLC, requesting approval of the final plat entitled "The Village at Discovery Park, Lots 1 thru 13 and Tracts A & B", 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 October 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 "The Village at Discovery Park, Lots 1 thru 13 and Tracts A & B," is a subdivision in Section 30, Township 48N, Range 31W, in Lee's Summit, Missouri more particularly described as follows:

A tract of land in the Northeast Quarter of Section 30, Township 48 North, Range 31 West of the 5th Principal Meridian in Lee's Summit, Jackson County, Missouri being bounded and described by or under the direct supervision of Jason S Roudebush, P.L.S. 2002014092 as follows: Commencing at the Northwest corner of said Northeast Quarter; thence South 01°37'50" West, on the West line of said Northeast Quarter, 853.75 feet to a point on the Southeast Lot line of Lot 1, LEE'S SUMMIT ROAD PUMP STATION recorded June 25, 1992 in Book 151 at Page 90 in the Office of Recorder of Deeds, Jackson County, Missouri, also being the Point of Beginning of the tract of land to be herein described; thence North 50°41'15" East, on said Southeast line, 59.22 feet; thence leaving said Southeast line, South 45°00'00" East, 889.18 feet; thence North 90°00'00" East, 195.68 feet; thence South 01°27'27" West, 62.94 feet to a point on the Existing Westerly right-of-way line of NE. Douglas Street, as established by Instrument Number 2015E0017982 recorded March 4, 2015 in said Office of Recorder of Deeds, Jackson County, Missouri; thence South 88°32'29" East, 375.74 feet; thence South 01°27'31" West, on said Existing Westerly right-of-way line, 1,114.58 feet;

thence South 46°40'17" West, on said Existing Westerly right-of-way line, 35.22 feet to a point on the Existing Northerly right-of-way line of NW. Colburn Road, as now established; thence North 88°06'56" West, on said Existing Northerly right-of-way line, 730.85 feet; thence Westerly, on said Existing Northerly right-of-way line, on a curve to the left having an initial tangent bearing of North 87°33'04" West with a radius of 2,904.93 feet, a central angle of 05°59'24" and an arc distance of 303.69 feet to a point on said Existing Northerly right-of-way line established by Right-of-Way Deed recorded July 29, 2022 as Instrument Number 2022E0071369 in said Office of Recorder of Deeds, Jackson County, Missouri; thence Westerly, on said Existing Northerly right-of-way line, on a curve to the left having an initial tangent bearing of South 89°27'36" West with a radius of 2,047.00 feet, a central angle of 05°48'40" and an arc distance of 207.61 feet to a point on said West line of said Northeast Quarter; thence along a line non-tangent to said curve, North 01°37'22" East, on said West 1,320.20 feet to the Northwest corner of the Southwest Quarter of said Northeast Quarter; thence North 01°37'50" East, on said West line, 473.96 feet to the Point of Beginning. Containing 1,716,281 square feet or 39.40 acres, more or less.

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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 "The Village at Discovery Park, Lots 1 thru 13 and Tracts A & B,"

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 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 6. 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.

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SECTION 7. 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 8. That individual lot owner(s) shall not change or obstruct the drainage flow lines on the lots.

SECTION 9. That the final plat substantially conforms to the approved preliminary development plan that also served as the preliminary plat and to all applicable requirements of the Code.

SECTION 10. 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 “The Village at Discovery Park, Lots 1 thru 13 and Tracts A & B,” attached hereto and incorporated herein by reference.

SECTION 11. 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