

BILL NO. 19-34

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "MONTICELLO, 3RD PLAT, LOTS 68-108 AND TRACTS G THRU J", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2016-118, submitted by Engineering Solutions, requesting approval of the final plat entitled "Monticello, 3rd Plat, Lots 68-108 and Tracts G thru J", 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 August 9, 2016, 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 "Monticello, 3rd Plat, Lots 68-108 and Tracts G thru J" is a subdivision in the Southwest quarter of Section 4 & 5, Township 48N, Range 31W, in Lee's Summit, Missouri more particularly described as follows:

PROPERTY DESCRIPTION:

A tract of land located in part of the Southwest 1/4 of Section 4 and 5, Township 48 North, Range 31 West, more particularly described as follows: Beginning at the Southwest corner of Lot 67, Monticello 2nd Plat, a subdivision as recorded in Office of the Recorder, Jackson County, Missouri, thence North 88° 01' 51" West, a distance of 1223.17 feet to a point being the Southwest corner of said Section 4; thence North 88° 14' 06" West, a distance of 200.01 feet; thence North 02° 19' 17" East, a distance of 1043.44 feet; thence South 41° 46' 05" East, a distance of 264.12 feet; thence along a curve to the left, having an initial tangent bearing South 23° 11' 29" West, a radius of 515.00 feet, an arc distance of 571.17 feet; thence South 64° 06' 01" East, a distance of 34.69 feet; thence South 88° 04' 12" East, a distance of 177.07 feet; thence North 55° 21' 03" East, a distance of 60.00 feet; thence along a curve to the right, having an initial tangent bearing South 34° 39' 14" East, a radius of 280.00 feet, an arc distance of 42.32 feet; thence South 88° 04' 12" East, a distance of 352.38 feet; thence along a curve to the right having an initial tangent bearing South 06° 57' 39" East, a radius 438.00 feet, an arc distance 39.15 feet; thence North 88° 46' 58" East, a distance of 132.51 feet; thence along a curve to the left, having an initial tangent bearing North 01° 41' 43" West, a radius 570.50 feet, an arc distance 305.94 feet; thence North 32° 25' 16" West, a distance of 117.12 feet; thence along a curve to the left, tangent to the preceding course, having a radius 507.50 feet, an arc distance 45.47 feet; thence North 25° 42' 50" East, a distance of 119.60 feet; thence North 52° 51' 25" East, a distance 103.87 feet; thence North 70° 17' 13" East, a distance 37.91 feet; thence North 81° 17' 20" East, a distance 71.12 feet; thence South 56° 21' 14" East, a distance 178.85 feet; thence South 49° 59' 17" East, a distance 57.28 feet; thence South 4° 50' 35" East, a distance of 230.63 feet; thence South 13° 16' 37" East, a distance 89.97 feet; thence South 07° 59' 17" East, a distance 89.97 feet; thence South 02° 28' 44" East, a distance 97.46 feet; thence South 1° 55' 48" West, a distance 138.29 feet; thence South 88° 04' 12" East, a distance of 52.84 feet; thence South 1° 55' 48" West, a distance 125.26, returning to the Point of Beginning.

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Containing 738,446.69 sq. ft. 16.95 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 "Monticello, 3rd Plat, Lots 68-108 and Tracts G thru J".

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, 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.

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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 "Monticello 3rd Plat, Lots 68-108 and Tracts G thru J", 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 *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 W. Head*