

BILL NO. 16-241

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "MILL CREEK OF SUMMIT MILL, 4TH PLAT, LOTS 125-171 & TRACT T", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2015-076, submitted by Engineering Solutions, LLC, requesting approval of the final plat entitled "Mill Creek of Summit Mill, 4th Plat, Lots 125-171 & Tract T", 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 July 14, 2015, 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 "Mill Creek of Summit Mill, 4th Plat, Lots 125-171 & Tract T" is a subdivision in Section 2, Township 47, Range 31, in Lee's Summit, Missouri more particularly described as follows:

A tract of land being located in Section 2, Township 47, Range 31, in Lee's Summit, Jackson County, Missouri, beginning at the Southeast corner of Lot 83, Mill Creek of Summit Mill - 2nd Plat, a subdivision as recorded in the Office of the Recorder, Jackson County, Missouri; thence South 02°24'02" West, a distance of 1109.37 feet; thence North 87°46'11" West, a distance of 791.88 feet; thence North 02°13'49" East, a distance of 268.35 feet; thence along a curve to the left, having an initial tangent bearing of North 32°46'35" East, a radius of 507.50 feet and an arc distance of 25.12 feet; thence along a reverse curve, having a radius of 25.00 feet and an arc distance of 38.81 feet; thence South 61°07'16" East, a distance of 2.78 feet; thence North 28°52'44" East, a distance of 50.00 feet; thence North 61°07'16" West, a distance of 2.68 feet; thence along a curve along the right, tangent to the preceding course, having a radius of 25.00 feet and an arc distance of 39.27 feet; thence North 28°52'44" East, a distance of 601.55 feet; thence along the curve to the right, tangent to the preceding course having a radius of 25.00 feet and an arc distance of 39.27 feet; thence South 61°07'16" East, a distance of 3.54 feet; North 28°52'44' East, a distance of 50.00 feet; thence North 61°07'16" West, a distance of 5.58 feet; thence along a curve to the right, tangent to the preceding course, having a radius of 25.00 feet and an arc distance of 37.23 feet; thence along a reverse curve, having a radius of 587.50 feet and an arc distance of 109.83 feet; thence South 87°37'11" East, a distance of 394.88 feet, returning to the point of beginning. (Tract contains 699,794.05 Sq. Ft. (16.0651 Acres)

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 "Mill Creek of Summit Mill, 4th Plat, Lots 125-171 & Tract T".

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 Planning and Codes Administration, on behalf of the City of Lee's Summit, Missouri, to accept the land or easements dedicated to the City of Lee's Summit

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for public use and shown on the accompanying plat, upon the subdivider filing and recording a final plat in accordance with Article 16, Subdivisions, Unified Development Ordinance (“UDO”) of the City, which plat shall conform to the accompanying plat, and hereby authorizes acceptance of the public improvements required by this ordinance and Article 16 of the UDO of the City, upon the Director of Public Works certifying to the Director of Planning and Codes Administration 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 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 a **cash escrow** 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 the final plat substantially conforms to the approved preliminary plat and to all applicable requirements of the Code.

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 “Mill Creek of Summit Mill, 4th Plat, Lots 125-171 & Tract T” 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.

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PASSED by the City Council for the City of Lee's Summit, Missouri, this _____ day of _____, 2016.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this _____ day of _____, 2016.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*