

BILL NO. 16-134

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "MONTICELLO 1ST PLAT, LOTS 1-32 & TRACTS A-C", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2015-182, submitted by Engineering Solutions, LLC, requesting approval of the final plat entitled "Monticello 1st Plat, Lots 1-32 & Tracts A-C", 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 January 26, 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 1st Plat, Lots 1-32 & Tracts A-C" is a subdivision in Section 4, Township 48N, Range 31W, in Lee's Summit, Missouri more particularly described as follows:

A tract of land located in part of the Southwest 1/4 of Section 4, Township 48 North, Range 31 West, more particularly described as follows: Commencing at the West 1/4 corner of said Section 4, thence South 87° 55' 43" East, along the north line of said Southwest 1/4 a distance of 989.01 feet; thence South 02° 12' 15" West, along the west line of property owned by the United States Army Corps of Engineers, a distance of 1339.93 feet; thence North 87° 58' 48" West, a distance of 20.00 feet, to the Point of Beginning; thence continuing along said previous course, North 87° 58' 48" West, a distance of 145.21 feet; thence South 29° 55' 19" West, a distance of 25.64 feet; thence South 51° 24' 15" West, a distance of 130.35 feet; thence South 62° 26' 03" West, a distance of 51.66 feet; thence South 16° 32' 09" East, a distance 195.00 feet; thence North 72° 08' 31" East, a distance of 15.23 feet; thence South 19° 10' 48" East, a distance of 144.64 feet; thence North 70° 17' 13" East, a distance of 23.37 feet; thence North 81° 17' 20" East, a distance of 71.12 feet; thence South 56° 21' 14" East, a distance of 178.85 feet; thence South 65° 55' 16" East, a distance of 89.57 feet; thence South 72° 17' 57" East, a distance of 89.57 feet; thence South 78° 40' 38" East, a distance of 89.57 feet; thence South 85° 03' 19" East, a distance of 89.57 feet; thence North 88° 34' 00" East, a distance of 89.57 feet; thence North 82° 11' 19", a distance of 89.57 feet; thence North 75° 48' 38" East, a distance of 89.57 feet; thence North 69° 05' 07" East, a distance of 99.30 feet; thence North 63° 38' 50" East, a distance of 51.93 feet; thence North 60° 32' 07" East, a distance of 117.35 feet; thence North 56° 03' 25" East, a distance of 191.18 feet; thence North 01° 47' 06" East, along the West line of property owned by the United States Army Corps of Engineers, a distance of 293.68 feet; thence North 87° 58' 52" West, along the South Right of Way of Bowlin Road, said line is 20 feet south of the South 1/2 of said Southwest 1/4, a distance of 1073.05 feet; thence North 02° 12' 15" East, a distance of 20.04 feet, returning to the Point of Beginning .

Containing 641,849.57 sq. ft. 14.73 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 1st Plat, Lots 1-32 & Tracts A-C".

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 for

BILL NO. 16-134

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 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 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, as shown on the Master Drainage Plan, unless specific application is made and approved by the City Engineer.

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 1st Plat, Lots 1-32 & Tracts A-C”, 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.

BILL NO. 16-134

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*

City Attorney *Brian W. Head*