

BILL NO. 22-37

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "SUMMIT POINT, 2ND PLAT, LOT 1", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2021-415, submitted by Canyon View Properties, requesting approval of the final plat entitled "Summit Point, 2nd Plat, Lot 1", 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 January 13, 2022, 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 "Summit Point, 2nd Plat, Lot 1", is a subdivision in Section 32, Township 48N, Range 31W, in Lee's Summit, Missouri more particularly described as follows:

A tract of land in the Southwest Quarter of Section 32, Township 48N, Range 31W in Lee's Summit, Jackson County, Missouri, described as follows:

Commencing at the Southeast corner of the Southwest Quarter of Section 32; thence North 88 degrees, 00 minutes, 27 seconds West, along the South line of the Southwest Quarter, 1525.36 feet; thence North 01 degree, 59 minutes, 33 seconds East, leaving the South line, 97.98 feet to a point on the existing North Right-Of-Way of Chipman Road and the Southwest corner of "Summit Point First Plat", recorded in Book 141 at Page 60; thence North 01 degree, 54 minutes, 38 seconds East, along the West line of the plat, 417.58 feet (measured), (420.12 feet, plat), to the Northwest corner of the plat and the POINT OF BEGINNING; thence North 01 degree, 54 minutes, 38 seconds East, 135.86 feet; thence North 72 degrees, 33 minutes, 20 seconds West, 5.19 feet; thence North 22 degrees, 20 minutes, 37 seconds East, 250.76 feet to a point on the South line of "AML I Summit Ridge Lot 1", recorded in Book 166 at Page 48; thence North 72 degrees, 31 minutes, 35 seconds East, along the South line of the plat, 330.00 feet; thence South 87 degrees, 28 minutes, 25 seconds East, continuing along the South line, 251.73 feet to the Southeast corner of the plat, also being a point on the West line of "Maple Tree Manor-1st/ Plat, recorded in Book 160 at Page 59; thence South 87 degrees, 28 minutes, 25 seconds East, along the West line of the plat, 44.56 feet to a point on the West line of "Maple Tree Manor, Lot 8A and 8B", recorded in Book 1116 at Page 85; thence South 02 degrees, 04 minutes, 01 second West, along the West line of the plats, "Maple Tree Manor, Lot 8A and 8B", "Replat of English Manor Units 41-72 Inclusive", recorded in Book 149 at Page 13, and "St. Matthews Acres", recorded in Book 39 at Page 160, 559.58 feet to the Northeast corner of "Summit Point First Plat"; thence along the North line of the plat the following three courses:

- 1) North 88 degrees, 05 minutes, 22 seconds West, 218.00 feet;
- 2) North 01 degree, 54 minutes, 38 seconds East, 81.01 feet;

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- 3) North 88 degrees, 05 minutes, 22 seconds West, 470.58 feet to the POINT OF BEGINNING, containing 314,151.52 square feet, or 7.21 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 "Summit Point, 2nd Plat, Lot 1".

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 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.

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

SECTION 8. That the final plat substantially conforms to the approved preliminary development plan 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 "Summit Point, 2nd Plat, Lot 1" 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 _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this ____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*