

BILL NO. 22-97

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED PERGOLA PARK, 5TH PLAT, LOTS 119 THRU 133 AND TRACTS Q THRU S AND 11-5, AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2021-451, submitted by NLV Development Company, LLC, requesting approval of the final plat entitled "Pergola Park, 5th Plat, Lots 119 thru 133 and Tracts Q thru S and 11-5", 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 April 28, 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 "Pergola Park, 5th Plat, Lots 119 thru 133 and Tracts Q thru S and 11-5", is a subdivision in Section 10, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

Commencing at the Southwest corner of the said Southwest One-Quarter; thence along the West line of said Southwest One-Quarter North 03 degrees 14 minutes 52 seconds East, a distance of 729.77 feet; thence South 86 degrees 45 minutes 10 seconds East, a distance of 332.90 feet to the Point of Beginning; thence North 21 degrees 51 minutes 20 seconds East, a distance of 107.64 feet; thence North 27 degrees 12 minutes 52 seconds West, a distance of 20.43 feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of South 80 degrees 38 minutes 45 seconds West, a radius of 213.00 feet, a central angle of 08 degrees 45 minutes 38 seconds and an arc length of 32.57 feet; thence North 00 degrees 36 minutes 35 seconds West, a distance of 56.00 feet to a point of curvature; thence along a curve to the left having an initial tangent bearing of North 89 degrees 24 minutes 44 seconds East, a radius of 157.00 feet, a central angle of 08 degrees 45 minutes 59 seconds and an arc length of 24.02 feet; thence North 80 degrees 38 minutes 45 seconds East, a distance of 21.89 feet; thence North 41 degrees 52 minutes 13 seconds East, a distance of 78.28 feet to a point of curvature; thence along a curve to the left having an initial tangent bearing of North 00 degrees 11 minutes 43 seconds East, a radius of 247.00 feet, a central angle of 04 degrees 49 minutes 04 seconds and an arc length of 20.77 feet to a point of reverse curvature; thence along a curve to the right having an initial tangent bearing of North 04 degrees 37 minutes 21 seconds West, a radius of 478.00 feet, a central angle of 40 degrees 37 minutes 02 seconds and an arc length of 338.86 feet; thence North 58 degrees 55 minutes 21 seconds West, a distance of 17.74 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 276.00 feet, a central angle of 02 degrees 45 minutes 46 seconds and an arc length of 13.31 feet; thence North 28 degrees 18 minutes 52 seconds East, a distance of 48.00

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feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of South 61 degrees 41 minutes 08 seconds East, a radius of 324.00 feet, a central angle of 02 degrees 45 minutes 46 seconds and an arc length of 15.62 feet; thence South 58 degrees 55 minutes 21 seconds East, a distance of 26.70 feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of North 47 degrees 46 minutes 29 seconds East, a radius of 228.00 feet, a central angle of 08 degrees 32 minutes 29 seconds and an arc length of 33.99 feet; thence North 56 degrees 18 minutes 58 seconds East, a distance of 83.04 feet; thence along the end right of way of Southwest Mary Street and its Northwesterly extension as platted in MADISON PARK - 1ST PLAT, a subdivision in the said City Lee's Summit and said MINOR PLAT OF PERGOLA PARK, LOTS 118A, 118B AND 118C, South 33 degrees 41 minutes 04 seconds East, a distance of 51.00 feet to a point of curvature; thence along the South right of way of said Southwest Mary Street for the following two courses, along a curve to the right, having an initial tangent bearing of North 56 degrees 18 minutes 58 seconds East, a radius of 430.00 feet, a central angle of 02 degrees 53 minutes 05 seconds and an arc length of 21.65 feet; thence North 59 degrees 12 minutes 05 seconds East, a distance of 135.97 feet to the Northwest corner of Tract O, PERGOLA PARK - 4TH PLAT, a subdivision in the said City Lee's Summit; thence along the West line of said PERGOLA PARK - 4TH PLAT, and the East line of said Lot 118C, South 12 degrees 39 minutes 27 seconds East, a distance of 306.62 feet to a point of curvature; thence continuing along the East line of said Lot 118C for the following six courses along a curve to the left having ,an initial tangent bearing of South 77 degrees 20 minutes 33 seconds West, a radius of 127.00 feet, a central angle of 62 degrees 51 minutes 34 seconds and an arc length of 139.33 feet to a point of reverse curvature; thence along a curve to the right having an initial tangent bearing of South 13 degrees 25 minutes 51 seconds West, a radius of 173.00 feet, a central angle of 28 degrees 35 minutes 38 seconds and an arc length of 86.34 feet; thence South 42 degrees 01 minutes 29 seconds West, a distance of 14.93 feet; thence South 47 degrees 58 minutes 31 seconds East, a distance of 70.57 feet; thence South 43 degrees 00 minutes 17 seconds West, a distance of 81.30 feet; thence South 20 degrees 10 minutes 48 seconds West, a distance of 99.60 feet; thence North 68 degrees 08 minutes 40 seconds West, a distance of 216.16 feet to a point of curvature; thence along a curve to the left having an initial tangent bearing of South 53 degrees 28 minutes 05 seconds West, a radius of 76.00 feet, a central angle of 31 degrees 36 minutes 45 seconds and an arc length of 41.93 feet; thence South 21 degrees 51 minutes 20 seconds West, a distance of 131.05 feet; thence North 68 degrees 08 minutes 40 seconds West, a distance of 93.00 feet to the Point of Beginning, and containing 5.0730 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 "Pergola Park, 5th Plat, Lots 119 thru 133 and Tracts Q thru S and 11-5"

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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.

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 "Pergola Park, 5th Plat, Lots 119 thru 133 and Tracts Q thru S and 11-5" attached hereto and incorporated herein by reference.

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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*