

BILL NO. 22-265

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED OSAGE 3RD PLAT, LOTS 76-87 & TRACTS O & P AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2021-261, submitted by Clayton Properties Group, Inc., requesting approval of the final plat entitled "Osage, 3rd Plat, Lots 76-87 and Tracts O & P", 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 November 18, 2021, 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 "Osage, 3rd Plat, Lots 76-87 and Tracts O & P", is a subdivision in Section 35, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

A tract of land in the Northeast Quarter of Section 35 Township 47 North, Range 32 West of the 5th Principal Meridian in Lee's Summit, Jackson County, Missouri being bounded and described by or under the direct supervision of Jason S Roudebush, P.L.S. 2002014092, as follows: Commencing at the Northeast corner of said Northeast Quarter; thence North 88°07'14" West on the North line of said Northeast Quarter, 989.55 feet to the Northwest corner of the East half of the Northwest Quarter of the Northeast Quarter of said Northeast Quarter; thence leaving said North line South 02°09'46" West on the East line of said East half, 100.69 feet to the Northwest corner of OSAGE FIRST PLAT (LOTS 1 THRU 41 INCLUSIVE AND TRACTS A, B, C, D, E, F, G & H), a subdivision of land in said Lee's Summit recorded as Instrument Number 2021E0055350 in Book 1193 at Page 34 also being the Point of Beginning of the tract of land to be herein described; thence South 02°09'46" West along said East line also being the West line of said OSAGE FIRST PLAT, 212.32 feet; thence leaving said East line South 88°11'07" East on Westerly line of said OSAGE FIRST PLAT also being the Northerly line of Tract I, PROPOSED OSAGE SECOND PLAT (LOTS 42 THRU 75 INCLUSIVE AND TRACTS I, J, K, L, M & N), 21.17 feet; thence leaving said Westerly line South 01°48'53" West on the Easterly line of said Tract I, 366.13 feet to the Southeast corner of said Tract I; thence North 88°11'07" West on the Easterly line of said Tract I and its Westerly extension, 353.36 feet to a point on the West line of the Northeast Quarter of said Northeast Quarter; thence North 02°10'22" East on said West line, 599.12 feet to a point on the existing Southerly right-of-way line of Missouri 150 Highway as now established; thence South 88°48'53" East on said existing Southerly right-of-way line, 27.42 feet; thence South 49°27'38" East on said existing Southerly right-of-way line, 32.02 feet; thence South 87°59'33" East on said existing Southerly right-of-way line, 277.34 feet to the Point of Beginning. Containing 199,972 square feet or 4.59 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 "Osage, 3rd Plat, Lots 76-87 and Tracts O & P"

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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 "Osage, 3rd Plat, Lots 76-87 and Tracts O & P" 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 _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this _____ day of _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*