

BILL NO. 23-027

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED, "COBEY CREEK, 2ND PLAT, LOTS 31-77, 160-187, 200-250 AND TRACTS A-K", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2021-091 submitted by Clayton Properties Group, Inc., requesting approval of the final plat entitled "Cobey Creek, 2nd Plat, Lots 31-77, 160-187, 200-250 and Tracts A-K, 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 12, 2023, 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 "Cobey Creek, 2nd Plat, Lots 31-77, 160-187, 200-250 and Tracts A-K," is a subdivision in Section 29, Township 49N, Range 31W, in Lee's Summit, Missouri more particularly described as follows:

All that part of the Southeast Quarter of Section 29, Township 49 North, Range 31 West, and all of Tracts D, H and J, Cobey Creek – 1st Plat, a subdivision of record, all in the City of Lee's Summit, Jackson County, Missouri, being more particularly described as follows: beginning at the northeast corner of the Southeast Quarter of said Section 29, said point also being the northeast corner of Tract H, Cobey Creek - 1st Plat, a subdivision in the City of Lee's Summit, Jackson County, Missouri; thence South 02 degrees 30 minutes 29 seconds West, with the east line of the Southeast Quarter of said Section 29 and with the east line of said Tract H, Cobey Creek - 1st Plat, a distance of 976.49 feet (976.67 feet plat) to the southeast corner of said Tract H; thence North 87 degrees 29 minutes 31 seconds West, with the south line of said Tract H, a distance of 160.27 feet to a point on the east right-of-way line of SE Corbin Drive; thence with the east right-of-way line of SE Corbin Drive on a curve to the left having a radius of 225.00 feet, a central angle of 17 degrees 19 minutes 24 seconds, with an initial tangent bearing of North 00 degrees 16 minutes 37 seconds West, an arc distance of 68.03 feet; thence South 72 degrees 23 minutes 59 seconds West, and no longer with the east right-of-way line of SE Corbin Drive, a distance of 50.00 feet to a point on the west right-of-way line of SE Corbin Drive; thence with the west right-of-way line of SE Corbin Drive on a curve to the right having a radius of 175.00 feet, a central angle of 08 degrees 18 minutes 59 seconds, with an initial tangent bearing of South 17 degrees 36 minutes 01 second East, an arc distance of 25.40 feet to the northeast corner of Lot 30, Cobey Creek – 1ST Plat; thence North 87 degrees 44 minutes 49 seconds West, with the north line of Lots 30 through 22, Cobey Creek – 1st Plat, a distance of 702.82 feet to the northwest corner of said Lot 22; thence South 10 degrees 25 minutes 25 seconds East, with the west line of said Lot 22, a distance of 141.03 feet to a point on the north right-of-way SE Carter Road; thence with the north right-of-way line of SE Carter Road on a curve to the left having a radius of 225.00 feet, a central angle of 42 degrees 27 minutes 44 seconds, with an initial tangent bearing of South 79 degrees 34 minutes 24 seconds West, an arc distance of 166.75 feet; thence South 74 degrees 49 minutes 14 seconds West, continuing with the north right-of-way line of SE Carter Road, a distance of 37.82 feet to a point on the easterly right-of-way line of SE Cobey Creek Drive; thence with the easterly right-of-way line of SE Cobey Creek Drive on a curve to the left having a radius of 375.00 feet, a central angle of 07 degrees 46 minutes 30 seconds, with an initial tangent bearing of North 66 degrees 13 minutes 50 seconds West, an arc distance of 50.89 feet; thence North 74 degrees 00 minutes 20 seconds West, continuing with the easterly right-of-way line of SE Cobey Creek Drive a distance of 6.68 feet; thence South 15 degrees 59 minutes 40 West, and no longer with the easterly right-of-way line of SE Cobey Creek Drive, a distance of 50.00 feet to a point on the westerly right-of-way line of SE Cobey Creek

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Drive; thence South 74 degrees 00 minutes 20 seconds East, with the SE Cobey Creek Drive, a distance of 6.68 feet to a point of curvature; thence continuing with the westerly right-of-way line of SE Cobey Creek Drive on a curve to the right having a radius of 325.00 feet, a central angle of 15 degrees 25 minutes 04 seconds, an arc distance of 87.46 feet; thence South 58 degrees 35 minutes 16 seconds East, continuing with the westerly right-of-way line of SE Cobey Creek Drive, a distance of 113.85 feet to a point of curvature; thence continuing with the westerly right-of-way line of SE Cobey Creek Drive on a curve to the right having a radius of 175.00 feet, a central angle of 29 degrees 03 minutes 44 seconds, an arc distance of 88.77 feet; thence South 29 degrees 31 minutes 32 seconds East, continuing with the westerly right-of-way line of SE Cobey Creek Drive, a distance of 192.35 feet; thence North 60 degrees 28 minutes 28 seconds East, and no longer with the westerly right-of-way line of SE Cobey Creek Drive, a distance of 50.00 feet to a point on the easterly right-of-way line of SE Cobey Creek Drive to a point on the southerly right-of-way line of SE David Road; thence North 15 degrees 28 minutes 28 seconds East, with the southerly right-of-way line of SE David Road, a distance of 35.36 feet; thence North 60 degrees 28 minutes 28 seconds East, continuing with the southerly right-of-way line of SE David Road, a distance of 8.53 feet to a point of curvature; thence continuing with the southerly right-of-way line of SE David Road on a curve to the right having a radius of 175.00 feet, a central angle of 32 degrees 02 minutes 01 second, an arc distance of 97.84 feet; thence South 87 degrees 29 minutes 31 seconds East, continuing with the southerly right-of-way line of SE David Road a distance of 65.69 feet to a point on the westerly right-of-way line of SE Cobey Lane; thence South 42 degrees 41 minutes 51 seconds East, with the westerly right-of-way line of SE Cobey Lane, a distance of 35.48 feet; thence South 87 degrees 29 minutes 31 seconds East, and no longer with the westerly right-of-way line of SE Cobey Lane, a distance of 50.00 feet to a point on the easterly right-of-way line of SE Cobey Lane; thence North 47 degrees 18 minutes 09 seconds East, with the easterly right-of-way line of SE Cobey Lane, a distance of 35.23 feet to a point on the south right-of-way line of SE David Road; thence South 87 degrees 29 minutes 31 seconds East, with the south right-of-way line of SE David Road, a distance of 218.18 feet to a point on the west right-of-way line of SE Corbin Drive; thence South 42 degrees 29 minutes 31 seconds East, with the west right-of-way line of SE Corbin Drive, a distance of 35.36 feet; thence South 02 degrees 30 minutes 36 seconds West, continuing with the west right-of-way line of SE Corbin Drive, a distance of 196.73 feet to the northeast corner of Lot 159, Cobey Creek – 1ST Plat; thence North 87 degrees 54 minutes 10 seconds West, with the north line of said Lot 159, a distance of 133.30 feet to the northwest corner of said Lot 159; thence South 02 degrees 18 minutes 02 seconds West, with the west line of Lots 159 through 152, Cobey Creek – 1st Plat, a distance of 566.95 feet to a point on the north right-of-way line of SE Gillette Street; thence South 02 degrees 05 minutes 50 seconds West, a distance of 50.00 feet to a point on the south right-of-way line of SE Gillette Street; thence South 87 degrees 54 minutes 10 seconds East, with the south right-of-way line of SE Gillette Street, a distance of 310.89 feet to a point on the west right-of-way line of Doc Henry Road; thence South 02 degrees 30 minutes 29 seconds West, with the west right-of-way line of Doc Henry Road, a distance of 99.72 feet; thence South 08 degrees 13 minutes 08 seconds West, continuing with the west right-of-way line of Doc Henry Road, a distance of 100.51 feet; thence South 02 degrees 30 minutes 29 seconds West, continuing with the west right-of-way line of Doc Henry Road, a distance of 95.35 feet to a point on the north right-of-way line of Missouri Highway 150; thence North 87 degrees 54 minutes 10 seconds West, with the north right-of-way line of Missouri Highway 150, a distance of 1603.14 feet; thence North 02 degrees 32 minutes 36 seconds East, and no longer with the north right-of-way line of Missouri Highway 150, a distance of 1843.83 feet; thence South 87 degrees 27 minutes 24 seconds East, a distance of 180.00 feet; thence North 02 degrees 32 minutes 36 seconds East, a distance of 109.53 feet; thence South 87 degrees 44 minutes 48 seconds East, a distance of 1033.91 feet; thence North 02 degrees 30 minutes 29 seconds East, a distance of 130.00 feet; thence North 87 degrees 44 minutes 48 seconds West, a distance of 6.31 feet; thence North 02 degrees 15 minutes 12 seconds East, a distance of 180.00 feet; thence North 87 degrees 44 minutes 48 seconds West, a distance of 49.48 feet; thence North 02 degrees 15 minutes 12 seconds East, a distance of 127.30 feet; thence on a curve to the left having a radius of 175.00 feet, a central angle of 10 degrees 04 minutes 31 seconds, with an initial tangent bearing of North 77 degrees 40 minutes 17 seconds West, a distance of 30.77 feet; thence North 02 degrees 15

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minutes 12 seconds East, a distance of 50.00 feet; thence on a curve to the right having a radius of 225.00 feet, a central angle of 07 degrees 41 minutes 42 seconds, with an initial tangent bearing of South 87 degrees 44 minutes 48 seconds East, an arc distance of 30.22 feet; thence North 02 degrees 15 minutes 12 seconds East, a distance of 142.91 feet to a point on the north line of the of the Southeast Quarter of Section 29; thence South 87 degrees 43 minutes 33 seconds East, with the north line of the Southeast Quarter of said Section 29 and the north line of Tract H, Cobey Creek 1st Plat, a distance of 486.50 feet to the point of beginning. The above described tract contains 2,733,076 square feet, or 62.74 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 "Cobey Creek, 2nd Plat, Lots 31-77, 160-187, 200-250 and Tracts A-K,"

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.

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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 "Cobey Creek, 2nd Plat, Lots 31-77, 160-187, 200-250 and Tracts A-K," 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 _____, 2023.

ATTEST:

Mayor *William A. Baird*

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*