

BILL NO. 23-113

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED, "THE FALLS AT WINTERSET, 1ST PLAT, LOTS 1500-1519 AND TRACTS A & B", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2021-214 submitted by Engineering Solutions, LLC, requesting approval of the final plat entitled "The Falls at Winterset, 1st Plat, Lots 1500-1519 and Tracts A & B", 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 May 25, 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 "The Falls at Winterset, 1st Plat, Lots 1500-1519 and Tracts A & B," is a subdivision in Section 3, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

A TRACT OF LAND BEING LOCATED IN SECTION 3, TOWNSHIP 47 NORTH, RANGE 32 WEST, IN JACKSON COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 3 THENCE SOUTH 87 DEGREES 05 MINUTES 53 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1526.71 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 05 MINUTES 53 SECONDS EAST CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 96.44 FEET; THENCE SOUTH 52 DEGREES 40 MINUTES 58 SECONDS EAST, A DISTANCE OF 43.68 FEET; THENCE SOUTH 77 DEGREES 19 MINUTES 08 SECONDS EAST, A DISTANCE OF 54.57 FEET; THENCE SOUTH 84 DEGREES 36 MINUTES 21 SECONDS EAST, A DISTANCE OF 119.30 FEET; THENCE SOUTH 73 DEGREES 03 MINUTES 45 SECONDS EAST, A DISTANCE OF 215.22 FEET; THENCE SOUTH 82 DEGREES 45 MINUTES 28 SECONDS EAST, A DISTANCE OF 50.00 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF SOUTH 7 DEGREES 14 MINUTES 32 SECONDS WEST AND A RADIUS OF 325.00 FEET, AN ARC DISTANCE OF 1.91 FEET; THENCE SOUTH 74 DEGREES 36 MINUTES 06 SECONDS EAST, A DISTANCE OF 165.67 FEET; THENCE SOUTH 12 DEGREES 54 MINUTES 24 SECONDS WEST, A DISTANCE OF 126.74 FEET; THENCE SOUTH 41 DEGREES 25 MINUTES 43 SECONDS WEST, A DISTANCE OF 125.46 FEET; THENCE SOUTH 46 DEGREES 42 MINUTES 49 SECONDS WEST, A DISTANCE OF 130.86 FEET; THENCE SOUTH 18 DEGREES 49 MINUTES 38 SECONDS WEST, A DISTANCE OF 16.44 FEET; THENCE SOUTH 48 DEGREES 56 MINUTES 01 SECONDS WEST, A DISTANCE OF 83.15 FEET; THENCE SOUTH 8 DEGREES 03 MINUTES 22 SECONDS WEST, A DISTANCE OF 83.25 FEET; THENCE SOUTH 0 DEGREES 15 MINUTES 48 SECONDS EAST, A DISTANCE OF 134.79 FEET; THENCE NORTH 82 DEGREES 25 MINUTES 41 SECONDS WEST, A DISTANCE OF 43.22 FEET; THENCE SOUTH 7 DEGREES 34 MINUTES 19 SECONDS WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 82 DEGREES 25 MINUTES 41 SECONDS WEST, A DISTANCE OF 86.81 FEET; THENCE SOUTH 51 DEGREES 04 MINUTES 50 SECONDS WEST, A DISTANCE OF 46.68 FEET; THENCE SOUTH 9 DEGREES 16 MINUTES 04 SECONDS WEST, A DISTANCE OF 52.84 FEET; THENCE SOUTH 40 DEGREES 29 MINUTES 14 SECONDS WEST, A DISTANCE OF 82.49 FEET; THENCE SOUTH 51 DEGREES 06 MINUTES 07 SECONDS WEST, A DISTANCE OF 4.17 FEET; THENCE NORTH 1 DEGREES 01 MINUTES 07 SECONDS EAST, A DISTANCE OF 110.29 FEET; THENCE NORTH 0 DEGREES 57 MINUTES 09 SECONDS EAST, A DISTANCE OF 83.34 FEET; THENCE NORTH 3 DEGREES 14 MINUTES 03 SECONDS EAST, A DISTANCE OF 347.03 FEET; THENCE

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NORTH 87 DEGREES 06 MINUTES 29 SECONDS WEST, A DISTANCE OF 592.92 FEET; THENCE NORTH 3 DEGREES 29 MINUTES 12 SECONDS EAST, A DISTANCE OF 391.91 FEET; THENCE NORTH 87 DEGREES 05 MINUTES 53 SECONDS WEST, A DISTANCE OF 29.26 FEET; THENCE NORTH 17 DEGREES 30 MINUTES 28 SECONDS EAST, A DISTANCE OF 258.54 FEET; THENCE NORTH 55 DEGREES 31 MINUTES 40 SECONDS EAST, A DISTANCE OF 125.55 FEET; THENCE SOUTH 87 DEGREES 05 MINUTES 51 SECONDS EAST, A DISTANCE OF 36.81 FEET; THENCE SOUTH 2 DEGREES 54 MINUTES 09 SECONDS WEST, A DISTANCE OF 225.18 FEET; THENCE SOUTH 29 DEGREES 05 MINUTES 36 SECONDS WEST, A DISTANCE OF 49.77 FEET; THENCE SOUTH 13 DEGREES 59 MINUTES 36 SECONDS WEST, A DISTANCE OF 92.41 FEET; THENCE SOUTH 77 DEGREES 04 MINUTES 22 SECONDS EAST, A DISTANCE OF 161.77 FEET; THENCE NORTH 3 DEGREES 29 MINUTES 22 SECONDS EAST, A DISTANCE OF 11.06 FEET THENCE ALONG A CURVE TO THE RIGHT TANGENT TO THE PRECEDING COURSE AND HAVING A RADIUS OF 225.00 FEET, AN ARC DISTANCE OF 51.75 FEET; THENCE SOUTH 73 DEGREES 20 MINUTES 01 SECONDS EAST, A DISTANCE OF 50.00 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF NORTH 16 DEGREES 39 MINUTES 59 SECONDS EAST AND HAVING A RADIUS OF 175.00 FEET, AN ARC DISTANCE OF 12.37 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 510,565.89 SQUARE FEET OR 11.72 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 "The Falls at Winterset, 1st Plat, Lots 1500-1519 and Tracts A & B,"

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

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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 that also served as the 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 "The Falls at Winterset, 1st Plat, Lots 1500-1519 and Tracts A & B," 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.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*