

BILL NO. 17-281

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "THE MANOR AT STONEY CREEK, 2ND PLAT, LOTS 42-81 & TRACTS N-P", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2016-104, submitted by Engineering Solutions, LLC, requesting approval of the final plat entitled "The Manor at Stoney Creek, 2nd Plat, Lots 42-81 & Tracts N-P", was referred to the Planning Commission as required by the Unified Development Ordinance No. 5209; and,

WHEREAS, the Planning Commission considered the final plat on October 11, 2016, 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 Manor at Stoney Creek, 2nd Plat, Lots 42-81 & Tracts N-P" is a subdivision in the SW Quarter of Section 36, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

ALL THAT PART OF THE SOUTHWEST ¼ OF SECTION 36, TOWNSHIP 47 NORTH, RANGE 32 WEST, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 47, RANGE 32; THENCE SOUTH 87°59'32" EAST, ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 40.00 FEET; THENCE NORTH 02°08'23" EAST, LEAVING SAID SOUTH LINE, A DISTANCE OF 50.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF PRYOR ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 02°08'23" EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 398.68 FEET; THENCE SOUTH 87°51'37" EAST, LEAVING THE EAST RIGHT OF WAY LINE, A DISTANCE OF 10.00 FEET; THENCE SOUTHERLY ALONG A CURVE TO THE LEFT WITH AN INITIAL TANGENT BEARING OF SOUTH 06°24'34" EAST, A RADIUS OF 450.00 FEET, AND AN ARC LENGTH OF 516.05 FEET; THECNE NORTH 17°53'04" EAST A DISTANCE OF 125.00 FEET; THENCE WESTERLY ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF NORTH 72°06'56" WEST, A RADIUS OF 325.00 FEET AND AN ARC LENGTH OF 45.10 FEET; THENCE NORTH 25°50'08" EAST A DISTANCE OF 170.00 FEET; THECNE EASTERLY ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF SOUTH 64°09'52" EAST, A RADIUS OF 155.00 FEET, AND AN ARC LENGTH OF 64.43 FEET TO A POINT OF TANGENCY; THECNE SOUTH 87°58'58" EAST A DISTANCE OF 861.93 FEET; THENCE NORTH 02°12'45" EAST A DISTANCE OF 330.33 FEET; THENCE SOUTH 87°54'30" EAST A DISTANCE OF 120.00 FEET; THENCE NORTH 02°12'45" EAST A DISTANCE OF 19.83 FEET; THENCE SOUTH 87°58'58" EAST A DISTANCE OF 170.00 FEET; THENCE SOUTH 02°12'45" WEST A DISTANCE OF 659.34 FEET, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SW COUNTY LINE ROAD; THENCE NORTH 87°59'32" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1606.87 FEET TO THE POINT OF BEGINNING.

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THE ABOVE DESCRIBED TRACT CONTAINS 537,903.52 SQUARE FEET (12.35 ACRES) MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, CONDITIONS AND RIGHT OF WAYS, RECORDED OR UNRECORDED IF ANY.

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 Manor at Stoney Creek, 2nd Plat, Lots 42-81 & Tracts N-P".

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 Planning and Special Projects, 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 16, Subdivisions, Unified Development Ordinance ("UDO") of the City, which plat shall conform to the accompanying plat, and hereby authorizes acceptance of the public improvements required by this ordinance and Article 16 of the UDO of the City, upon the Director of Public Works certifying to the Director of Planning and Special Projects 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 16.340 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 has, in accordance with Section 16.340 of the UDO, deposited an irrevocable **letter of credit** 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 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 Manor at Stoney Creek, 2nd Plat, Lots 42-81 & Tracts N-P", 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 _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this ____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*