

BILL NO. 19-193

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED WHISPERING WOODS, 1ST PLAT, LOTS 1—33, AND TRACTS A, B, C, & D, AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2017-192, submitted by Whispering Woods Land, LLC, requesting approval of the final plat entitled "Whispering Woods, 1st Plat, Lots 1-33, and Tracts A, B, C & D", 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 August 8, 2019, 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 "Whispering Woods, 1st Plat, Lots 1-33, and Tracts A, B, C & D" is a subdivision in part of the Southwest Quarter of Section 24, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

BOUNDARY DESCRIPTION

Part of the Southwest Quarter of Section 24, Township 47 North of the Baseline, Range 32 West of the Fifth Principal Meridian, Lee's Summit, Jackson County, Missouri, described as follows:
COMMENCING at the Southwest Corner of said Southwest Quarter; THENCE North 2°45'31" East on the West Line of said Southwest Quarter, 949.28 feet to the Westerly Prolongation of the North Line of Lot 1, "R-7 ELEMENTARY SCHOOL AT PRYOR ROAD, LOT 1", a Subdivision recorded in Plat Book I-67, Page 68 at the Jackson County Recorder's Office; THENCE South 87°35'27" East on said Westerly Prolongation, 50.00 feet to the East Right-of-Way Line of Pryor Road, and the POINT OF BEGINNING; THENCE North 2°45'31" East on said East Right-of-Way Line, being 50.00 feet East from, and parallel with, the West line of said Southwest Quarter, 233.19 feet; THENCE South 90°00'00" East, 399.87 feet; THENCE North 11°36'15" East, 224.87 feet; THENCE North 50°12'48" East, 178.11 feet; THENCE North 9°24'42" East, 177.20 feet; THENCE North 3°00'53" East, 246.06 feet; THENCE North 27°01'10" East, 121.71 feet; THENCE easterly on a curve to the right (said curve having an initial tangent bearing South 79°31'16" East, a radius of 370.00 feet, a chord bearing South 73°40'24" East, chord distance of 75.40 feet) an arc length of 75.53 feet to a point of tangency; THENCE South 67°49'32" East, 89.36 feet; THENCE North 22°10'28" East, 149.00 feet; THENCE South 67°49'32" East, 140.00 feet; THENCE North 22°10'28" East, 28.29 feet; THENCE South 67°49'32" East, 175.00 feet; THENCE South 22°10'28" West, 229.37 feet; THENCE South 2°21'55" West, 129.65 feet; THENCE North 87°38'05" West, 18.40 feet; THENCE South 2°21'55" West, 121.38 feet; THENCE South 87°38'05" East, 126.19 feet; THENCE South 2°21'55" West, 120.00 feet; THENCE South 87°38'05" East, 11.45 feet; THENCE South 2°21'55" West, 180.00 feet to the north line of a Tract described in the Warranty Deed recorded as Document No. 2016-E-0032376 in the Jackson County Recorder's Office; THENCE North 87°38'05" West on said north line, 257.74 feet to the Northwest corner of said Tract; THENCE South 2°44'00" West on the West Line of said Tract, 369.17 feet to the Northeast Corner of said Lot 1, "R-7 ELEMENTARY SCHOOL AT PRYOR ROAD, LOT 1"; THENCE North 87°35'27" West on the North Line of said Lot 1, 939.67 feet to the POINT OF BEGINNING, containing 17.074 acres more or less. All bearings herein are referenced to the Missouri State Plane Coordinate System of 1983, West Zone.

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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 “Whispering Woods, 1st Plat, Lots 1-33, and Tracts A, B, C & D”.

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 has, in accordance with Section 7.340 of the UDO, deposited an **irrevocable Standby 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.

SECTION 7. That individual lot owner(s) shall not change or obstruct the drainage flow lines on the lots.

SECTION 8. 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

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entitled "Whispering Woods 1st Plat, Lots 1-33, and Tracts A, B, C & D", attached hereto and incorporated herein by reference.

SECTION 9. 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 _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this ____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*