

BILL NO. 19-240

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED SUMMIT VIEW FARMS 3RD PLAT, LOTS 51-74 AND TRACT C, AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2018-122, submitted by Summit View Farms Development Group, LLC, requesting approval of the final plat entitled "Summit View Farms 3rd Plat, Lots 51-74 and Tract C", 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 September 11, 2018, 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 "Summit View Farms 3rd Plat, Lots 51-74 and Tract C" is a subdivision in part of the Northwest Quarter of Section 26, Township 47 North, Range 32 West, in Lee's Summit, Missouri more particularly described as follows:

ALL OF TRACTS D AND E, SUMMIT VIEW FARMS AMENDED 1ST PLAT, RECORDED IN BOOK 1170, AT PAGE 1 IN THE RECORDER OF DEEDS OFFICE IN JACKSON COUNTY, MISSOURI AND A PART OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 47 NORTH, RANGE 32 WEST, LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED BY KENNETH J. DEDRICK, PS-2571 ON JULY 19, 2018 AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE NORTH 87°59'31" WEST (THIS AND ALL FOLLOWING BEARINGS ARE BASED ON THE MISSOURI STATE PLANE COORDINATE SYSTEM 1983, WEST ZONE) ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 456.72 FEET; THENCE NORTH 02°00'29" EAST, A DISTANCE OF 10.92 FEET; THENCE ALONG A CURVE TO THE LEFT TANGENT TO THE LAST DESCRIBED COURSE HAVING A RADIUS OF 305.00 FEET AND AN ARC LENGTH OF 49.70 FEET; THENCE NORTH 07°19'44" WEST, A DISTANCE OF 120.38 FEET; THENCE ALONG A CURVE TO THE RIGHT TANGENT TO THE LAST DESCRIBED COURSE HAVING A RADIUS OF 470.00 FEET AND AN ARC LENGTH OF 237.27 FEET; THENCE NORTH 21°35'42" EAST, A DISTANCE OF 39.79 FEET; THENCE NORTH 28°40'26" WEST, A DISTANCE OF 38.45 FEET; THENCE NORTH 11°03'27" EAST, A DISTANCE OF 60.00 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH AN INITIAL TANGENT BEARING OF SOUTH 78°56'33" EAST, HAVING A RADIUS OF 630.00 FEET, AND AN ARC LENGTH OF 16.70 FEET; THENCE NORTH 58°40'30" EAST, A DISTANCE OF 34.67 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF NORTH 14°46'26" EAST, A RADIUS OF 450.00 FEET AND AN ARC LENGTH OF 108.53 FEET; THENCE NORTH 48°01'19" WEST, A DISTANCE OF 33.85 FEET; THENCE NORTH 05°24'47" WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 37°11'55" EAST, A DISTANCE OF 33.85 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF NORTH 11°46'53" WEST, A RADIUS OF 450.00 FEET AND AN ARC LENGTH 24.11 FEET; THENCE NORTH 14°51'02" WEST, A DISTANCE OF 143.53 FEET; THENCE ALONG A CURVE TO THE RIGHT TANGENT TO THE LAST DESCRIBED COURSE HAVING A RADIUS OF 365.00 FEET AND AN ARC LENGTH OF 109.87 FEET TO THE SOUTH LINE OF SAID SUMMIT VIEW FARMS AMENDED 1ST PLAT; THENCE SOUTH 88°05'37" EAST (SOUTH 88°05'09" EAST PLAT), A DISTANCE OF 60.00 FEET TO THE WEST LINE OF SAID TRACT D; THENCE NORTH 02°26'52" EAST (NORTH 2°27'20" EAST PLAT), A DISTANCE OF 4.90 FEET TO THE NORTH LINE OF SAID TRACT D; THENCE SOUTH 88°05'08" EAST (SOUTH 88°04'39" EAST PLAT) ALONG SAID NORTH LINE, A DISTANCE OF 254.01 FEET (254.00 PLAT) TO

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THE EAST LINE OF SAID TRACT D; THENCE SOUTH 02°26'52" WEST (SOUTH 2°27'20" WEST PLAT), A DISTANCE OF 4.86 FEET TO THE SOUTH LINE OF SAID SUMMIT VIEW FARMS AMENDED 1ST PLAT; THENCE SOUTH 88°05'37" EAST (SOUTH 88°05'09" EAST PLAT) ALONG SAID SOUTH LINE, A DISTANCE OF 50.00 FEET TO THE WEST LINE OF SAID TRACT E; THENCE NORTH 02°26'52" EAST (NORTH 2°27'20" EAST PLAT) ALONG SAID WEST LINE, A DISTANCE OF 21.96 FEET TO THE NORTH LINE OF SAID TRACT E; THENCE SOUTH 87°33'08" EAST (SOUTH 87°32'40" EAST PLAT) ALONG SAID NORTH LINE, A DISTANCE OF 120.23 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 26; THENCE SOUTH 02°27'01" WEST (SOUTH 2°26'45" EAST PLAT) ALONG SAID EAST LINE, A DISTANCE OF 1056.36 FEET (1056.41 PLAT) TO THE POINT OF BEGINNING.

CONTAINS 476,496 SQUARE FEET OR 10.939 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 "Summit View Farms 3rd Plat, Lots 51-74 and Tract C".

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, Bond, or Cash** 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,

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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 entitled "Summit View Farms 3rd Plat, Lots 51-74 and Tract C", 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*