

BILL NO. 20-133

AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED WINTERSET VALLEY, LOTS 1450A, 1451A AND TRACT E12, AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2020-097, submitted by Gale Communities, Inc., requesting approval of the final plat entitled "Winterset Valley, Lots 1450A, 1451A and Tract E12", 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 July 23, 2020, 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 "Winterset Valley, Lots 1450A, 1451A and Tract E12" is a subdivision in Section 3, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

A replat of Lots 1450, 1451 and part of NW Audubon Lane as plated in WINTERSET VALLEY 12TH PLAT and part of the Southwest One-Quarter of Section 3, Township 47 North, Range 32 West, all in the City of Lee's Summit, Jackson County, Missouri and being altogether more particularly described as follows:

Commencing at the Northeast corner of said Southwest One-Quarter; thence South 03 degrees 13 minutes 08 seconds West, along the East line of the said Southwest One-Quarter a distance of 42.00 feet to the Point of Beginning on the North line of said Lot 1451; thence South 76 degrees 49 minutes 41 seconds East, along the North line of said Lots 1451 and 1450 a distance of 127.90 feet to the Northeast corner of said Lot 1450; thence South 08 degrees 24 minutes 24 seconds West, along the East line of said Lot 1450 and its Southerly extention a distance of 190.24 feet to a point of curvature on the South right of way of said NW Audubon Lane; thence along said South right of way, along a curve to the right, having an initial tangent bearing of North 79 degrees 06 minutes 06 seconds West, a radius of 525.00 feet, a central angle of 02 degrees 16 minutes 25 seconds and an arc length of 20.83 feet; thence North 76 degrees 49 minutes 41 seconds West, a distance of 271.45 feet to the Northwest corner of Lot 1452 of said WINTERSET VALLEY 12TH PLAT, said point also being a corner point on the West line of said WINTERSET VALLEY 12TH PLAT; thence North 13 degrees 10 minutes 19 seconds East, along the said West line of WINTERSET VALLEY 12TH PLAT a distance of 50.00 feet; thence South 76 degrees 49 minutes 41 seconds East, along the said West line of WINTERSET VALLEY 12TH PLAT a distance of 78.11 feet; thence North 14 degrees 29 minutes 17 seconds East, a distance of 140.04 feet; thence South 76 degrees 49 minutes 41 seconds East, a distance of 67.24 feet to the Point of Beginning, and containing 0.9842 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 "Winterset Valley, Lots 1450A, 1451A and Tract E12".

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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.

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 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 "Winterset Valley, Lots 1450A, 1451A and Tract E12", attached hereto and incorporated herein by reference.

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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 of the City of Lee's Summit, Missouri, this _____ day of _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*