AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "ARBORWALK 10^{TH} PLAT, LOTS 242-308 INCLUSIVE, AND TRACT A-10", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2017-123, submitted by Inspired Homes, LLC, requesting approval of the final plat entitled "Arborwalk 10th Plat, Lots 242-308 Inclusive, and Tract A-10", was referred to the Planning Commission as required by Chapter 33 of the Lee's Summit Code of Ordinances, the Unified Development Ordinance; and,

WHEREAS, the Planning Commission considered the final plat on August 8, 2017, 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 "Arborwalk 10th Plat, Lots 242-308 Inclusive, and Tract A-10" is a subdivision in Section 25, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

A tract of land in the Southeast Quarter and the Southwest Quarter of Section 25, Township 47 North, Range 32 West of the 5th Principal Meridian in Lee's Summit, Jackson County. Missouri being bounded and described as follows: Beginning at the Northeast corner of ARBORWALK-4TH PLAT, TRACTS "A-4" THRU "K-4", a subdivision in Lee's Summit, Jackson County, Missouri; thence Westerly, along the North line of said ARBORWALK-4TH PLAT, TRACTS "A-4" THRU "K-4", on a curve to the right having an initial tangent bearing of North 83°53'00" West with a radius of 727.00 feet, a central angle of 07°10'58" and an arc distance of 91.14 feet; thence North 76°42'01" West, continuing along said North line, 228.02 feet; thence Westerly, continuing along said North line, on a curve to the left having a common tangent with the last described course with a radius of 523.00 feet, a central angle of 33°48'29" and an arc distance of 308.60 feet; thence South 69°29'30" West, continuing along said North line, 197.63 feet; thence Northwesterly, continuing along said North line, on a curve to the right having a common tangent to the last described course with a radius of 14.00 feet, a central angle of 86°03'48" and an arc distance of 21.03 feet; thence Northwesterly, continuing along said North line, on a curve to the left having a common tangent with the last described course with a radius of 525.00 feet, a central angle of 02°47'54" and an arc distance of 25.64 feet; thence South 62°45'24" West, continuing along said North line, 50.00 feet to the Northwest corner of said ARBORWALK-4TH PLAT, TRACTS "A-4" THRU "K-4"; thence Southerly, along the West line of said ARBORWALK-4TH PLAT, TRACTS "A-4" THRU "K-4", on a curve to the right having an initial tangent bearing of South 27°14'37" East with a radius of 475.00 feet, a central angle of 28°15'21" and an arc distance of 234.25 feet; thence South 01°00'44" West. continuing along said West line, 218.29 feet; thence Southerly, continuing along said West line, on a curve to the right having a common tangent with the last described course with a radius of 114.00 feet, a central angle of 14°23'40" and an arc distance of

28.64 feet; thence Southwesterly, continuing along said West line, on a curve to the right having a common tangent with the last described course with a radius of 50.00 feet, a central angle of 87°28'04" and an arc distance of 76.33 feet; thence North 77°07'32" West, continuing along said West line, 18.74 feet; thence Westerly, continuing along said West line, on a curve to the right having a common tangent with the last described course with a radius of 365.00 feet, a central angle of 13°51'27" and an arc distance of 88.28 feet; thence North 63°16'05" West, continuing along said West line, 66.63 feet; thence Westerly, continuing along said West line, on a curve to the left having a common tangent with the last described course with a radius of 835.00 feet, a central angle of 24°24'05" and an arc distance of 355.61 feet; thence North 00°31'26" West, 92.46 feet; thence Northerly, along a curve to the right being tangent to the last described course with a radius of 45.00 feet, a central angle of 45°01'11" and an arc distance of 35.36 feet; thence Northeasterly, along a curve to the right having a common tangent with the last described course with a radius of 645.00 feet, a central angle of 28°45'29" and an arc distance of 323.74 feet; thence North 16°44'46" West, 180.00 feet; thence Easterly, along a curve to the right having an initial tangent bearing of North 73°15'14" East with a radius of 825.00 feet, a central angle of 02°13'31" and an arc distance of 32.04 feet; thence North 14°31'15" West, 142.70 feet; thence North 74°34'28" East, 59.55 feet; thence North 85°44'23" East, 201.64 feet; thence North 09°53'38" East, 114.36 feet; thence North 36°31'05" West, 20.28 feet; thence North 08°17'57" East, 50.01 feet; thence Easterly, along a curve to the right having an initial tangent bearing of South 82°51'58" East with a radius of 957.00 feet, a central angle of 00°16'18" and an arc distance of 4.54 feet; thence North 56°25'24" East, 18.36 feet; thence Northeasterly, along a curve to the right having an initial tangent bearing of North 15°26'27" East with a radius of 380.00 feet, a central angle of 18°38'49" and an arc distance of 123.67 feet; thence North 34°05'17" East, 138.53 feet; thence North 18°50'32" West. 22.34 feet: thence North 19°53'26" East, 50.02 feet; thence Easterly, along a curve to the right having an initial tangent bearing of South 71°24'10" East with a radius of 225.00 feet, a central angle of 04°52'55" and an arc distance of 19.17 feet; thence North 73°47'01" East, 17.88 feet; thence North 34°05'17" East, 131.54 feet; thence South 55°54'43" East, 60.00 feet; thence North 66°11'42" East, 135.92 feet; thence South 87°46'59" East, 461.00 feet; thence South 02°13'01" West, 117.90 feet; thence South 42°46'59" East, 19.80 feet; thence South 02°13'01" West, 50.00 feet; thence South 47°13'01" West, 19.80 feet; thence South 02°13'01" West, 116.40 feet; thence Southerly, along a curve to the left having a common tangent to the last described course with a radius of 275.00 feet, a central angle of 28°34'05" and an arc distance of 137.12 feet; thence South 26°21'04" East, 11.88 feet; thence South 67°51'50" East, 18.56 feet; thence Easterly, along a curve to the right having an initial tangent bearing of North 70°37'24" East with a radius of 266.00 feet, a central angle of 02°42'55" and an arc distance of 12.61 feet; thence South 16°39'40" East, 50.00 feet; thence South 23°29'38" West, 21.40 feet; thence South 26°21'04" East, 13.84 feet; thence Southerly, along a curve to the right being tangent to the last described course with a radius of 375.00 feet, a central angle of 42°24'40" and an arc distance of 277.58 feet; thence South 16°03'36" West, 42.86 feet to a point on the North line of ARBORWALK - 1ST PLAT, LOT 1 AND TRACTS "A" THRU "T", a subdivision in Lee's Summit, Jackson County, Missouri; thence North 73°56'24" West, along said North line, 50.00 feet; thence Southerly, continuing along said North line, on a curve to the left having an initial tangent bearing of South 16°04'01" West with a radius of 325.00 feet, a central angle of 03°31'33" and an arc distance of 20.00 feet; thence Southwesterly, continuing along said North line, on a curve to the right having a common tangent with the last described course with a radius of 15.00 feet, a central angle of 83°34'32" and an arc distance of 21.88 feet; thence North 83°53'00" West, continuing along said North line, 20.61 feet to the Point of Beginning. Containing 997,209 square feet or 22.89 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 "Arborwalk 10th Plat, Lots 242-308 Inclusive, and Tract A-10".

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.

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 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 "Arborwalk 10th Plat, Lots 242-308 Inclusive, and Tract A-10", 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

Trisha Fowler Arcuri

APPROVED by the Mayor of said City this 18th day of Octoor

ATTEST:

APPROVED AS TO FORM;

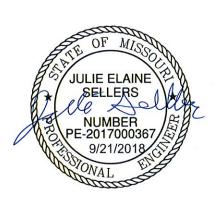
City Attorney Brian W. Head



Arborwalk 10th Plat Project No.: 017-1037 September 21, 2018 For: Inspired Homes

Opinion of Probable Cost Based on Site Punch List

| ITEM OF WORK | QUANTITY | UNIT | UNIT COST | COST |
|------------------------------------|----------|------|-------------|-------------|
| GRADING | | | | |
| Fine Grading | 1000.00 | S.Y. | \$1.75 | \$1,750.00 |
| | | | Subtotal | \$1,750.00 |
| CURBS, SIDEWALKS & DRIVES | | | | |
| Curb and Gutter | | | | |
| Backgrout honeycomb curbs | 250.00 | L.F. | \$5.00 | \$1,250.00 |
| Concrete Sidewalks (5' Wide) | 2029.00 | L.F. | \$21.00 | \$42,609.00 |
| Concrete Sidewalks (10' Wide) | 340.00 | L.F. | \$30.00 | \$10,200.00 |
| Curb Ramps with Detectable Warning | 5.00 | Ea. | \$1,200.00 | \$6,000.00 |
| | | | Subtotal | \$60,059.00 |
| MISCELLENOUS | | | | |
| Seed & Mulch | 23.55 | Ac. | \$1,500.00 | \$35,325.00 |
| | | | Subtotal | \$35,325.00 |
| | | | GRAND TOTAL | \$97,134.00 |





IRREVOCABLE STANDBY LETTER OF CREDIT NO. 838659 September 25, 2018

City of Lee's Summit, Finance Department Attn: Conrad Lamb, Finance Director 220 SE Green Street Lee's Summit, MO 64063

Issue Date: 9/25/2018

Expiration Date: 9/25/2019

We hereby issue our IRREVOCABLE STANDBY LETTER OF CREDIT ("Letter of Credit") in your favor for the account of Inspired Homes, LLC ("Obligee") for a maximum aggregate amount not exceeding Ninety-Seven Thousand, One Hundred Thirty-Four Dollars (\$97,134.00) representing the following:

Misc Fine Grading

5' Wide Sidewalks

Curb Ramps

Backgrout of Curbing

10' Wide Sidewalks

Seed & Mulch

required for Arborwalk $10^{\rm th}$ Plat ("Project") and according to Opinion of Probable Cost submitted by Olsson Associates and attached hereto.

The City may draw upon this Letter of Credit upon written notification to the Bank that the Obligee has defaulted in its obligation to the City to construct, install and / or complete the development related Improvements required for the Project by 9/25/2019 ("Initial Expiration Date") or if the Obligee has failed to post a new Letter of Credit or other sufficient security approved by the City's Director of Finance, prior to Initial Expiration Date, securing the construction, installation and / or completion of the Improvements.

The written notification shall be on official City letterhead, signed by the City Manager, the City's Finance Director, or other authorized official of the City. The amount of the Letter of Credit shall be reduced automatically by the amount of any draw hereunder. A copy of this Letter of Credit must accompany any presented documents.

We hereby agree with you that all drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored upon the presentation and delivery of documents as specified to us at the address specified above, no later than the Initial Expiration Date.

It is a condition of this Letter of Credit that it shall be deemed automatically extended, without amendment, for one year from the Initial Expiration Date hereof, unless at least 60 days prior to such date, we shall send you written notice, via certified mail, that we elect not to consider this Letter of Credit renewed for such additional one-year period.

This Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (2007 revision) for the International Chamber of Commerce, ICC Publication No. 500, and to the extent not inconsistent therewith the laws of the State of Missouri, including without limitation the Uniform Commercial Code in effect therein.

North American Savings Bank

Tom DeGregorio

12520 S. 71 Highway Grandview, MO 64030 816.765.2200 main 816.316.4508 fax

City of Lee's Summit

Development Services Department

August 4, 2017

TO:

Planning Commission

FROM:

Robert G. McKay, AICP, Director of Planning and Special Projects

RE:

Appl. #PL2017-123 - FINAL PLAT - Arborwalk, 10th Plat, Lots 242-308 Inclusive,

and Tract A-10; Inspired Homes, applicant

Commentary

This application is for the final plat of Arborwalk, 10th Plat, Lots 242-308 Inclusive, and Tract A-10, located 3/10 mile north of the intersection of SW Arborlake Dr. and M-150 HWY. The proposed final plat consists of 67 lots and 1 common area tract on 22.89 acres. The proposed final plat is substantially consistent with the approved preliminary plat.

- 67 lots and 1 common area tract on 22.89 acres
- 2.93 units/acre, including common area
- 3.61 units/acre, excluding common area
- 4.52 units per acre maximum allowable per approved PDP¹
 - 1- approved preliminary development plan #2002-225 established that this PMIX-zoned property would not exceed 4.52 dwelling units per acre (gross) of the total site

Subdivision-Related Public Improvements

Imaccordance with UDO Section 16.340, prior to an ordinance being placed on a City Council agenda for the approval of a final plat, all subdivision-related public improvements shall be constructed and a Certificate of Final Acceptance shall be issued. In lieu of completion of the public improvements and the issuance of a certificate, financial security (an escrow secured with cash, an irrevocable letter of credit, or a surety bond) may be provided to the City to secure the completion of all public improvements.

A Certificate of Final Acceptance has not been issued for the subdivision-related public infrastructure, nor has any form of financial security been received to secure the completion of the public improvements. This application will be placed on hold following Planning Commission action until the infrastructure requirements are met.

Recommendation

Staff recommends APPROVAL of the final plat.

Project Information

Proposed Use: single-family subdivision

Number of Lots: 67 lots and 1 common area tract

Land Area: 22.89 acres; 18.54 acres, excluding common area

Density: 2.93 units/acre; 3.61 units/acre, excluding common area

Location: 3/10 mile north of the intersection of SW Arborlake Dr. and M-150 HWY

Zoning: PMIX (Planned mixed use district)

Surrounding zoning and use:

North: AG (Agricultural) – large lot single-family homes, PMIX (Planned Mixed Use) – undeveloped Arborwalk North subdivision

South: PMIX (Planned Mixed Use) - Arborwalk subdivision, Holy Spirit Catholic Church

East: PMIX (Planned Mixed Use) - Arborwalk subdivision

West (across SW Pryor RD): AG (Agricultural) - large lot single-family homes

Background

- June 19, 2003 The City Council approved the rezoning from AG to PMIX (Appl. #2002-224) and preliminary development plan (Appl. #2002-225) for the 376-acre mixed-use Arborwalk development by Ordinance No. 5548.
- August 13, 2003 A development agreement between Gale Communities and the City for the Arborwalk development was executed.
- September 23, 2003 The Planning Commission approved the preliminary plat (Appl. #2003-208) for Arborwalk, Lots 1-783, Blocks 1-71 and Tracts A-AAC.
- 2004-2007 The City Council approved final plats for Arborwalk, 1st Plat through Amended Arborwalk, 9th Plat.
- June 13, 2017 The Planning Commission approved the preliminary plat (Appl. #PL2017-098) for Arborwalk South, Lots 1-381 & Tracts A-N.

Code and Ordinance Requirements to be met Following Approval

The items in the box below are specific to this <u>subdivision</u> and must be satisfactorily addressed in order to bring this plat into compliance with the Codes and Ordinances of the City.

Engineering

- 1. All required engineering plans and studies, including water lines, sanitary sewers, storm drainage, streets and erosion and sediment control shall be submitted along with the final plat and approved prior to the approval of the final plat. All public infrastructure must be substantially complete, prior to the issuance of any building permits.
- 2. A Master Drainage Plan (MDP) shall be submitted and approved in accordance with the City's Design and Construction Manual for all areas of the development, including all surrounding impacted areas, along with the engineering plans for the development. The MDP shall address drainage level of service issues on an individual lot basis.
- The as-graded Master Drainage Plan (MDP) shall be submitted to and accepted by the City
 prior to the issuance of a Certificate of Substantial Completion and prior to the issuance of
 any building permits.
- 4. All Engineering Plan Review and Inspection Fees shall be paid prior to approval of the engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance permit).
- 5. All subdivision-related public improvements must have a Certificate of Final Acceptance prior to approval of the final plat, unless security is provided in the manner set forth in the City's Unified Development Ordinance (UDO) Section 16.340. If security is provided, building permits may be issued upon issuance of a Certificate of Substantial Completion of the public infrastructure as outlined in Section 1000 of the City's Design and Construction Manual.

6. A Land Disturbance Permit shall be obtained from the Development Services Department if ground breaking will take place prior to the issuance of an infrastructure permit or prior to the approval of the Engineering Plans.

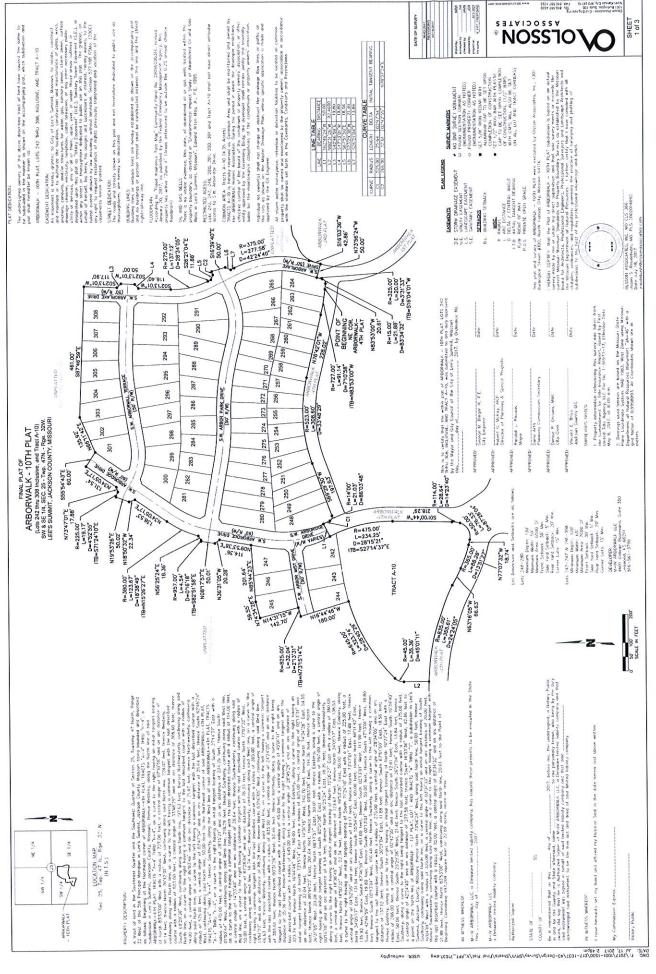
Planning

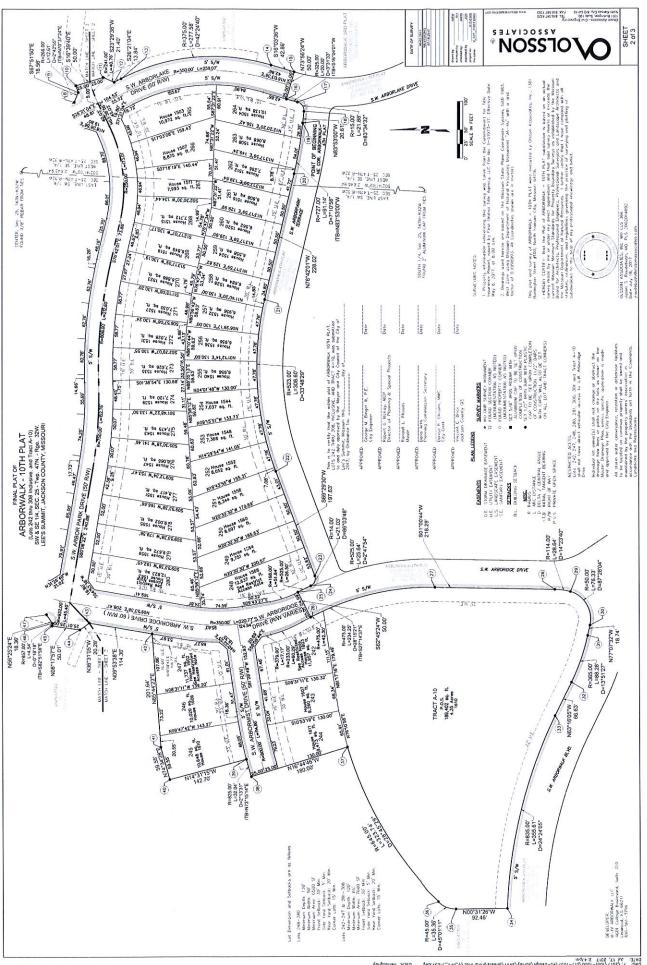
- 7. No final plat shall be recorded by the developer until the Director of Planning and Special Projects and the City Attorney have reviewed and approved the declaration of covenants and restrictions pertaining to common property as prepared in accordance with Section 5.330 of the UDO, and until the Director has received certification from the Missouri Secretary of State verifying the existence and good standing of the property owners' association required by Section 5.340 of the UDO. In addition, the approved Declaration of Covenants, Conditions and Restrictions shall be recorded prior to the recording of the final plat.
- 8. A final plat shall be approved and recorded prior to any building permits being issued. All subdivision-related public improvements must be complete prior to approval of the final plat by the City Council unless security is provided in the manner set forth in UDO Section 16.340.

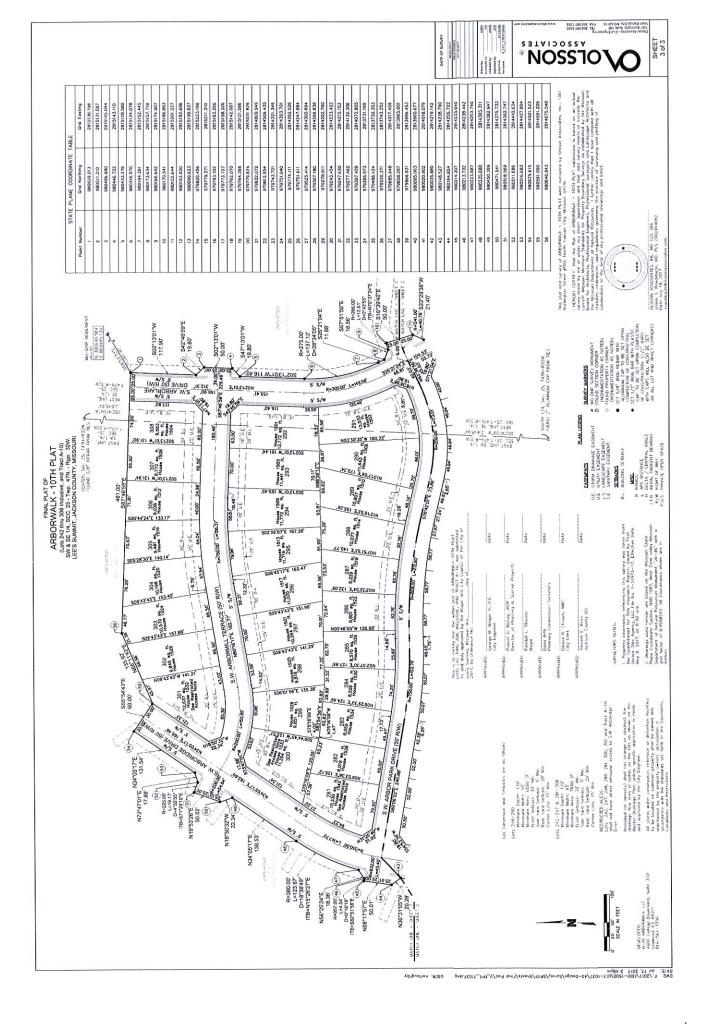
RGM/csm

Attachments:

- 1. Final Plat, date stamped July 18, 2017—3 pages
- 2. Location Map







Appl. #PL2017-123 – FINAL PLAT Arborwalk, 10th Plat, Lots 242-308 Inclusive and Tract A-10 Inspired Homes, applicant

