

AN ORDINANCE ACCEPTING THE FINAL PLAT ENTITLED "HAWTHORNE RIDGE, 1ST PLAT, LOTS 1-100 & TRACTS A-E" (FORMALLY KNOWN AS ARBORWALK NORTH, 1ST PLAT, LOTS 1-100 & TRACTS A-E), AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2017-046, submitted by CMH Parks, Inc., requesting approval of the final plat entitled "Hawthorne Ridge, 1st Plat, Lots 1-100 & Tracts A-E" (formally known as Arborwalk North, 1st Plat, Lots 1-100 & Tracts A-E), was referred to the Planning Commission in accordance with the provisions of chapter 33, of the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri; and,

WHEREAS, the Planning Commission considered the final plat on April 25, 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 "Hawthorne Ridge, 1st Plat, Lots 1-100 & Tracts A-E" (formally known as Arborwalk North, 1st Plat, lots 1-100 & Tracts A-E) is a subdivision in the NW Quarter of Section 25, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

A tract of land in the Northwest 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: Commencing at the center of said Section 25; thence North 02°18'36" East, along the West line of said Northwest Quarter, 1,392.58 feet to the Point of Beginning of the tract of land to be herein described; thence North 87°41'24" West, 130.00 feet; thence South 02°18'36" West, 72.00 feet; thence North 87°41'24" West, 175.00 feet; thence South 02°18'36" West, 78.00 feet; thence North 87°41'24" West, 121.73 feet; thence North 65°30'07" West, 95.33 feet; thence South 54°57'38" West, 175.90 feet; thence North 35°02'22" West, 58.00 feet; thence South 54°57'38" West, 130.00 feet; thence South 35°02'22" East, 216.00 feet; thence South 26°05'21" East, 59.04 feet; thence South 11°06'36" East, 18.27 feet; thence North 87°41'24" West, 95.00 feet; thence North 85°13'24" West, 75.61 feet; thence North 77°26'18" West, 74.74 feet; thence North 73°51'15" West, 80.00 feet; thence North 75°24'39" West, 87.64 feet; thence North 81°26'34" West, 91.19 feet; thence North 87°51'30" West, 91.19 feet; thence South 86°06'14" West, 105.62 feet to a point on the West line of the East half said Northwest Quarter; thence North 02°27'15" East, along said West line, 1,661.30 feet to a point on the South right-of-way line of SW Hook Road, as now established; thence Easterly along said South right-of-way line, a along a curve to the right, having an initial tangent bearing of South 80°28'37" East with a radius of 470.00 feet, a central angle of 04°08'23" and an arc distance of 33.96 feet; thence Easterly, continuing along said South right-of-way line, along a curve to the left, having a common tangent with the last described course with a radius of 830.00 feet, a central angle of 11°15'17" and an arc distance of 163.04 feet; thence South 87°35'31" East, continuing along said South right-of-way line, 873.16 feet; thence Easterly continuing along said South right-of-way line, along a curve to the left having an initial tangent bearing of South 87°35'30" East with a radius of 830.00 feet, a central angle of 10°48'20" and an arc distance of 156.53 feet; thence South 87°45'42" East, continuing along said South right-of-way line, 95.80 feet to a point on said East line; thence South 02°18'36" West, along said

East line, 1,210.33 feet to the Point of Beginning. Containing 1,939,986 square feet or 44.54 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 "Hawthorne Ridge, 1st Plat, Lots 1-100 & Tracts A-E" (formally known as Arborwalk North, 1st Plat, lots 1-100 & Tracts A-E).

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, 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 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 **surety bond** 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.

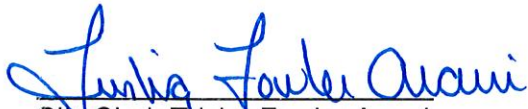
SECTION 9. That the City Council for the City of Lee's Summit, Missouri, does hereby approve and accept, as a subdivision to the City of Lee's Summit, Missouri, the final plat entitled "Hawthorne Ridge, 1st Plat, Lots 1-100 & Tracts A-E" (formally known as Arborwalk North, 1st Plat, lots 1-100 & Tracts A-E), 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.

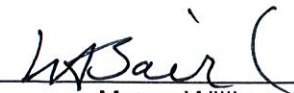
PASSED by the City Council for the City of Lee's Summit, Missouri, this 5th day of March, 2019.


Mayor William A. Baird

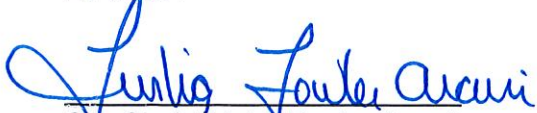
ATTEST:


City Clerk Trisha Fowler Arcuri

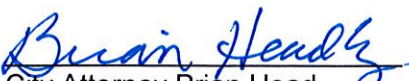
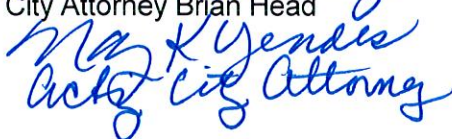
APPROVED by the Mayor of said City this 6th day of March, 2019.


Mayor William A. Baird

ATTEST:


City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:


City Attorney Brian Head

Acting City Attorney



U.S. BANK NATIONAL ASSOCIATION
GLOBAL DOCUMENTARY SERVICES, BC-MN-H20G
800 NICOLLET MALL
MINNEAPOLIS, MN 55402

SWIFT: USBKUS44
TELEPHONE: 612-303-7475
612-303-7374
FACSIMILE: 612-303-5226

**IRREVOCABLE LETTER OF CREDIT
NUMBER SLCMMSP09360**

JANUARY 25, 2019

BENEFICIARY:

CITY OF LEE'S SUMMIT
FINANCE DEPARTMENT
ATTN: BETTE WORDELMAN, FINANCE DIRECTOR
220 SE GREEN STREET
LEE'S SUMMIT, MO 64063

APPLICANT:

CLAYTON PROPERTIES GROUP, INC
DBA SUMMIT HOMES
5000 CLAYTON RD
ALCOA TN, 37804

AMOUNT:

\$856,816.90

EXPIRATION DATE:

JANUARY 31, 2020,
OR AS EXTENDED

WE HEREBY ISSUE OUR IRREVOCABLE STANDBY LETTER OF CREDIT ("LETTER OF CREDIT") IN YOUR FAVOR FOR THE ACCOUNT OF CLAYTON PROPERTIES GROUP, INC, DBA SUMMIT HOMES, 5000 CLAYTON RD, ALCONA, TN 37804 ("OBLIGEE") FOR A MAXIMUM AGGREGATE AMOUNT NOT EXCEEDING 856,816.90 REPRESENTING THE FOLLOWING:

THIS LETTER OF CREDIT COVERS: ADA RAMPS, EROSION CONTROL, GRADING, ONSITE AND OFFSITE SANITARY SEWER, SEEDING, STREET SIGNS, STEP REPLACEMENT IN STORM BOXES ("IMPROVEMENTS"), REQUIRED FOR HAWHORN RIDGE 1ST PLAT ("PROJECT") AND ACCORDING TO ENGINEERS ESTIMATE OF PROBABLE COSTS TO CONSTRUCT.

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 JANUARY 31, 2020 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.

U.S. BANK NATIONAL ASSOCIATION


AUTHORIZED SIGNATURE



U.S. Bank National Association SWIFT: USBKUS44
Global Documentary Services EMAIL: Minneapolis.Standby@usbank.com
800 Nicollet Mall, BC-MN-H20G Phone: 612-303-7475
Minneapolis, Minnesota 55402 Fax: 612-303-5226

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DEBIT ADVICE

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01/25/19

CLAYTON HOMES INC
5000 CLAYTON ROAD
MARYVILLE, TN 37804

STEVE COOK

RE: Standby Letter of Credit Number SLCMMSP09360
(Please refer to this number when calling with questions)

In favor of: CITY OF LEE'S SUMMIT
FINANCE DEPARTMENT
ATTN: BETTE WORDELMAN
FINANCE DIRECTOR
220 SE GREEN STREET
LEE'S SUMMIT, MO 64063

Thank you for choosing U.S. Bank N.A. to meet your Letter of Credit needs. Below please find the applicable fees associated with this request.

Please be advised we have debited your account per your instructions.

Letter of Credit Amount: USD 856,816.90
Commission Rate: 0.0035
Period Covered: From 01/25/19 to 01/25/20 (365/360)

Commission: USD 3,040.51 (ON ISSUANCE)
Administrative Fee: 300.00
Courier Fee: 25.00

Total Debit: USD 3,365.51

We value the trust you have placed in us and we look forward to continuing to serve you. If you have any questions, please contact us at the number above.

Hawthorn Ridge 1st Plat - Punch list items to complete for LOC

Date: 1-17-19

No.	Punch list Item	Quantity	Unit	Unit Rate	Total
1	ADA Ramps	4	EA	\$ 1,286.00	\$ 5,144.00
2	Remove Erosion Control	1	LS	\$ 800.00	\$ 800.00
3	Finish grade site specifically around ADA Ramps	20	EA	\$ 150.00	\$ 3,000.00
4	Onsite Sanitary Sewer System (ESS Field Tested- Awaiting City to Camera)	1	LS	\$ 374,063.48	\$ 374,063.48
5	Final Seeding	0.25	AC	\$ 1,250.00	\$ 312.50
6	Native Seeding	1900	SY	\$ 3.00	\$ 5,700.00
7	Install all street signs according to the plans.	1	LS	\$ 11,370.00	\$ 11,370.00
8	Replace Steps in storm Boxes	110	EA	\$ 32.00	\$ 3,520.00
9	Offsite Sanitary Sewer (Awaiting Testing & Camera)	1	LS	\$ 452,906.92	\$ 452,906.92
Total					\$ 856,816.90



Appl. #PL2017-046 – FINAL PLAT
Arborwalk North, 1st Plat, Lots 1-100 & Tracts A-E
CMH Parks, Inc., applicant

