

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A FINAL PLAT FOR NOLAND FASHION SQUARE, IN INDEPENDENCE, MISSOURI; AND DECLARING AN EMERGENCY.

WHEREAS, the application submitted by Mitch DiCarlo, requesting approval of the final plat “Noland Fashion Square”, was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Planning Commission considered the final plat on November 16, 2021, and rendered a report to the City Council recommending the plat be approved by a vote of 7-0; and,

WHEREAS, the City Council rendered a decision to approve the final plat on December 6, 2021; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the final plat is consistent with the approval criteria in Section 14-702-04.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the final plat “Noland Fashion Square” is a subdivision located in the East Half of the Northwest Quarter of Section 26, Township 49, Range 32 in the City of Independence, Jackson County, Missouri, legally described as follows:

DESCRIPTION:

All that part of the East 1/2 of the Northwest 1/4 of Section 26, Township 49, Range 32, in Independence, Jackson County, Missouri, more particularly described as follows:

Beginning at the Southeast corner of said East 1/2; thence N 2° 06' 52" E along the East line of said East 1/2, a distance of 306.69 feet, thence N 88° 01' 30" W, a distance of 45.10, to the right of way line of Noland Road, as established in Book I-112 at Page 567, recorded at the Recorder of Deeds, Jackson County, Missouri, said point being the Point of Beginning; thence N 88° 01' 30" W, a distance of 264.96 feet; thence S 2° 00' 57" W, a distance of 251.23 feet to a point on the North right-of-way line of U.S. Highway No. 40, as established by a document filed in Book I-578 at Page 42, at said recorder of deeds office; thence N 87° 04' 49" W along said North right-of-way line, a distance of 94.18 feet; thence N 87° 08' 14" W, a distance of 55.86 feet to the Southeast corner of a tract of land conveyed by warranty deed recorded in document no 732700, in Book 1351 at Page 638; thence N 2° 01' 30" E, along said East line, a distance of 225.00 feet; thence N 87° 08' 14" W, along the North line of said tract, a distance of 179.81 feet; thence S 2° 01' 30" W, along the West line of said tract, a distance of 225.00 feet to the Southwest corner of said tract, also being on the North right-of-way of said U.S. Highway No. 40; thence N 87° 08' 14" W along said North right-of-way, a distance of 193.61 feet; thence S 2° 07' 09" W, a distance of 15.00 feet to the North right-of-way line of U.S. Highway No. 40 as established by Book I-570 at Page 477 in said Recorder of Deeds Office; thence N 87° 08' 14" W along said North right-of-way line, a distance of 120.55 feet; thence N 2° 51' 46" E, a distance of 20.00 feet; thence N 87° 08' 14" W, a distance of 226.66 feet, to the intersection of the North right-of-way line of U.S. Highway No. 40, as established by a document filed in Book 570 at Page 477 in the Recorder of Deeds office in Jackson County, Missouri with the West right-of-way line of Washington Street, as established by document

number I-737252 recorded in Book I-1617 at Page 1988 in said Recorder of Deeds office; thence N 2° 03' 51" E along said West right-of-way line, a distance of 255.02 feet; thence N 87° 56' 09" W, a distance of 15.00 feet; thence N 2° 0' 51" E, a distance of 335.55 feet to a point of curvature; thence Northwesterly along a curve to the left, having a radius of 200.00 feet a central angle of 45° 00' 00" and an arc distance of 157.08 feet to a point of reverse curvature; thence Northwesterly along a curve to the right, having an initial tangent bearing of N 42° 56' 09" W a radius of 150.00 feet a central angle of 44° 51' 45" and an arc distance of 117.45 feet to a point on the North line of the South 27 Acres of said East 1/2; thence S 87° 06' 31" E along said North line, a distance of 1097.65 feet to the Northwest corner of a tract of land conveyed by warranty deed recorded in document no I-287137 in Book I-760, at Page 32; thence S 2° 07' 10" W along the West line of said tract, a distance of 150.00 feet; thence S 87° 06' 31" E along the South line of said tract, a distance of 154.92 feet to a point on the West right-of-way line of Noland Road; thence S 2° 01' 30" W along said West right-of-way line, a distance of 435.19 feet to the Point of Beginning.

SECTION 2. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 3. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 4. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

SECTION 5. That this ordinance, in the judgment of the Council, is deemed to be of an urgent nature and that its immediate passage is necessary for the preservation of the public peace, property, health, safety and welfare of the residents of Independence and should become effective immediately upon the date of its passage by the City Council. Therefore, this emergency ordinance is consistent with the facts outlined above.

PASSED AS AN EMERGENCY THIS _____ DAY OF _____, 2021, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

Final Plat Case #21-320-05
Noland Fashion Square
11/29/21 – JF

REVIEWED BY:

City Manager