

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING A FINAL PLAT FOR NEW TOWN AT HARMONY – PLAT THREE, IN INDEPENDENCE, MISSOURI; AND DECLARING AN EMERGENCY.

WHEREAS, the application submitted by David Price, requesting approval of the final plat entitled “New Town at Harmony – Plat Three”, was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Planning Commission considered the final plat on September 27, 2022, and rendered a report to the City Council recommending the plat be approved by a vote of 5-0; and,

WHEREAS, the City Council rendered a decision to approve the final plat on October 17, 2022; 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 entitled “New Town at Harmony – Plat Three” is a subdivision located in the Northwest Quarter of the Northeast Quarter of Section 2 and the Southwest Quarter of the Northeast Quarter of Section 2, Township 49 North, Range 31 West, City of Independence, Jackson County, Missouri and being more particularly described as follows:

BEGINNING at the most eastern corner of Common Ground C per the plat of New Town at Harmony Plat One as recorded in Book I171, Page 14, Instrument Number 2017E0058529 of the Jackson County Records, said point also being on the west right of way line of S. Fallbrook Drive (58' wide); thence North 33° 23' 29" East, a distance of 229.01 feet to a point of curvature; thence along a curve to the left an arc length of 11.43 feet with a radius of 21.00 feet, and whose chord bears North 17° 47' 47" East, a chord distance of 11.29 feet to a point of tangency; thence North 02° 12' 05" East, a distance of 17.46 feet to a point; thence South 88° 49' 05" East, a distance of 170.33 feet to a point; thence North 01° 10' 55" East, a distance of 94.18 feet to a point; thence South 07° 06' 04" East, a distance of 10.57 feet to a point; thence South 30° 12' 21" East, a distance of 161.51 feet to a point; thence South 88° 51' 01" East, a distance of 557.08 feet to a point; said point being on the west right of way line of S. Fisher Road (width varies); thence along said right of way South 02° 55' 08" West, a distance of 1,286.72 feet to a point, said point being the intersection of said west right of way line of S. Fisher Road and the north right of way line of E. Truman Road (80' wide); thence along said E. Truman Road right of way line along a curve to the left an arc length of 306.02 feet with a radius of 11,419.16 feet, and whose chord bears North 88° 34' 05" West, a chord distance of 306.01 feet to a point; thence North 87° 48' 01" West, a distance of 492.62 feet to a point of curvature, said point also being on the east right of way line of South Harmony Avenue (58' wide), and the east line of the aforesaid New Town at Harmony Plat One; thence leaving said E. Truman Road right of way along a curve to the right an arc length of 39.27 feet with a radius of 25.00 feet, and whose chord bears North 42° 47' 58" West, a chord distance of 35.36 feet; thence continuing along said New Town at Harmony Plat One plat line North 02° 12' 05" East, a distance of 199.92 feet to a point; thence South 87° 52' 34" East, a distance of 24.97 feet to a point; thence North 02° 07' 26" East, a distance of 52.00 feet to a point; thence North 87° 52' 34" West, a distance of 27.90 feet to a point; thence North 02° 12' 06" East, a distance of 59.23 feet to a point; thence South 87° 47' 55" East, a distance of

68.41 feet to a point; thence North 16° 01' 50" East, a distance of 75.06 feet to a point; thence North 02° 07' 26" East, a distance of 89.50 feet to a point; thence South 87° 52' 34" East, a distance of 61.50 feet to a point; thence North 02° 07' 26" East, a distance of 256.16 feet to a point of curvature; thence along a curve to the left an arc length of 328.02 feet with a radius of 357.34 feet, and whose chord bears North 24° 15' 03" West, a chord distance of 316.62 feet to a point of compound curvature; thence along a curve to the left an arc length of 62.04 feet with a radius of 1,163.38 feet, and whose chord bears North 52° 04' 32" West, a chord distance of 62.03 feet to a point, thence North 55° 01' 42" West, a distance of 58.02 feet to the POINT OF BEGINNING and containing 1,012,661 square feet or 23.25 acres more or less.

SECTION 2. All but one of the conditions of the Planning Commission's approval has been resolved by the applicant except for the condition listed below:

1. Add three-foot utility easements along all street frontages to the recording copies of this final plat. - *This utility easement width was reduced from the five feet approved by the Planning Commission to three feet, at the request of the applicant. This reduced width is consistent with the existing utility easements in the subdivision; staff has no objection to its reduced width due to the extra right-of-way width of the streets within the subdivision.*

SECTION 3. 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 4. 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 5. 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 6. 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 \_\_\_\_\_, 2022, 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:

Final Plat Case #22-320-02  
New Town at Harmony – 3<sup>rd</sup> Plat  
10/07/22 – JF

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City Counselor

REVIEWED BY:

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City Manager