

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A FINAL PLAT FOR NEW TOWN AT HARMONY – PLAT FOUR, 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 Four”, 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 Four” is a subdivision located in the Northeast Quarter and Northwest Quarter of Section 2, Township 49N, Range 31W, in the City of Independence, Jackson County, Missouri, legally described as follows:

A tract of land being part of the NW 1/4 and the NE 1/4 of Section 2 of Township 49 North - Range 31 West, City of Independence, Jackson County, Missouri and being more particularly described as follows:

BEGINNING at the most northern 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; thence along the north line of said plat South 33° 23' 29" West, a distance of 239.00 feet to a point; thence South 78° 23' 29" West, a distance of 14.14 feet to a point; thence South 79° 49' 10" West, a distance of 50.12 feet to a point; thence North 87° 52' 34" West, a distance of 70.04 feet to a point of curvature; thence along a curve to the right an arc length of 15.49 feet with a radius of 10.00 feet, and whose chord bears North 43° 30' 27" West, a chord distance of 13.99 feet to a point; thence South 84° 54' 32" West, a distance of 16.09 feet to a point; thence North 87° 52' 34" West, a distance of 180.03 feet to a point; thence leaving said north line of the aforesaid New Town at Harmony Plat One along a curve to the right an arc length of 279.86 feet with a radius of 799.00 feet, and whose chord bears North 13° 47' 35" East, a chord distance of 278.43 feet to a point; thence North 69° 00' 55" West, a distance of 17.85 feet to a point; thence North 20° 20' 53" East, a distance of 58.00 feet to a point of curvature; thence along a curve to the left an arc length of 36.98 feet with a radius of 25.00 feet, and whose chord bears North 67° 58' 15" East, a chord distance of 33.70 feet to a point; thence North 25° 35' 36" East, a distance of 61.32 feet to a point a curvature; thence along a curve to the left an arc length of 0.36 feet with a radius of 739.70 feet, and whose chord bears North 25° 34' 47" East, a chord distance of 0.36 feet to a point; thence South 64° 26' 03" East, a distance of 58.00 feet to a point of curvature; thence along a curve to the right an arc length of 126.48 feet with a radius of

944.00 feet, and whose chord bears South 60° 26' 49" East, a chord distance of 126.38 feet to a point of tangency; thence South 56° 36' 31" East, a distance of 215.87 feet to the POINT OF BEGINNING and containing 127,270 square feet or 2.92 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. 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 on the recording copies of this final plat. This utility easement width was reduced from the five feet originally conditioned by the staff and approved by the Planning Commission as the three feet is consistent with the existing utility easements in the subdivision when combined with the wider than required width of the rights-of-way.

SECTION 4. 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 5. 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 6. 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 7. 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

Final Plat Case #22-320-01
New Town at Harmony – 4th Plat
10/7/22-bb

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager