

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

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

AN ORDINANCE APPROVING A FINAL PLAT FOR REGENCY HEIGHTS-11<sup>TH</sup>  
PLAT, IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted by James Pollard, requesting approval of the final plat entitled "Regency Height-11<sup>th</sup> Plat", was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Planning Commission considered the final plat on October 24, 2023, 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 December 4, 2023; 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 "Regency Heights-11<sup>th</sup> Plat" is a subdivision located in East Half of the Northwest Quarter of Section 28, Township 50 North, Range 31 West, in Independence, Jackson County, Missouri and being more particularly described as follows:

Part of the East Half of the Northwest Quarter of Section 28, Township 50 North, Range 31 West of the 5th Principal Meridian, Independence, Jackson County, Missouri, lying west of Timber Creek Ranch, a subdivision of record, together with part of Tract B of Regency Heights 9<sup>th</sup> Plat, a subdivision of record, together with Lots 251, 324, Tract C, and Tract E of Regency Heights 10<sup>th</sup> Plat, a subdivision of record, all more particularly described as follows: COMMENCING at the Northeast corner of said Northwest Quarter; thence N87°42'42"W on the north line of said Northwest Quarter, 1322.44 feet to the Northwest corner of the East Half of said Northwest Quarter; thence S02°15'58"W on the west line of said East Half, 1177.11 feet to the Northeast corner of said Lot 324 and the POINT OF BEGINNING; thence S80°24'22"W on the north line of said Lot 324, 126.84 feet to the Northwest corner of said Lot 324, being on the east right of way line of North Old Mill Road; thence southeasterly on a curve to the left on said east right of way line (said curve having an initial tangent bearing of S09°35'38"E, a radius of 275.00 feet, a chord bearing of S32°45'12"E, a chord distance of 216.31 feet) an arc length of 222.31 feet to the west line of said East Half; thence S02°15'58"W on said west line, 58.37 feet to the northeast line of said Lot 251, being on the west right of way line of said North Old Mill Road; thence northwesterly on a curve to the left on said west right of way line (said curve having an initial tangent bearing of N54°31'48"W, a radius of 275.00 feet, a chord bearing of N56°22'57"W, a chord distance of 17.62 feet) an arc length of 17.70 feet to a point of reverse curvature; thence northwesterly on a curve to the right on said west right of way line being tangent to the last described curve (said curve having an initial tangent bearing of N58°13'06"W, a radius of 275.00 feet, a chord bearing of N53°28'10"W, a chord distance of 53.82 feet) an arc length of 53.88 feet to the northwest corner of said Lot 251;

thence S41°16'47"W on the west line of said Lot 251, 209.23 feet to the westerly most corner of said Lot 251; thence S28°58'23"E on the west line of said Lot 251, 16.11 feet to the southwest corner of said lot 251 and the northwest corner of said Tract B; thence S87°44'02"E on the line common to said Lot 251 and Tract B, 118.38 feet to the southwest corner of said Tract C; thence S59°06'45"E, 73.57 feet to the northwest corner of Lot 25, Timber Creek Ranch, a Jackson County subdivision of record; thence N71°11'53"E on the north line of said Lot 25, 113.62 feet to the northeast corner of said Lot 25 and the west right of way line of North Old Mill Road; thence northwesterly on a curve to the left on said west right of way line (said curve having an initial tangent bearing of N18°48'07"W, a radius of 275.00 feet, a chord bearing of N33°40'36"W, a chord distance of 141.19 feet) an arc length of 142.79 feet to the southwesterly extension of the north line of Lot 26 of said Timber Creek Ranch; thence N41°26'55"E on said extension and said north line, 166.21 feet to northerly most corner of said Lot 26 and the west line of Lot 47, Timber Creek Ranch 2<sup>nd</sup> Plat, a Jackson County subdivision of record; thence N40°58'57"W on the west line of Lots 47, 48 and 49, Timber Creek Ranch 2<sup>nd</sup> Plat, 187.05 feet to the angle point in the west line of Lot 49, Timber Creek Ranch 2<sup>nd</sup> Plat, and the east line of said Lot 324; thence N02°15'58"E on the line common to said Lot 49 and 324, being the west line of said East Half, 13.44 feet to the POINT OF BEGINNING. Containing 1.552 acres more or less. All bearings herein are referenced to the recorded plat of Timber Creek Ranch filed in the Jackson County Recorder of Deeds office as document number 2005I0029531.

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

1. Make the needed adjustments to the CC&R's for Regency Heights to recognize the expanded and additional lots using the detention basin;
2. Address Lots 325, 326, 327, 328 and 329 as 1220, 1221, 1227, 1233 and 1224 N. Old Mill Road;
3. Show an east side public sidewalk in the right-of-way;
4. The Final Plat must fully delineate the stream buffer zones for the first order stream that must have an 85-foot wide buffer which lies within both Lots 325 and 329.

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 \_\_\_\_\_, 2023, 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

REVIEWED BY:

\_\_\_\_\_  
City Manager