

ORDINANCE NO. 070321

Approving the preliminary plat of J. I. Case on approximately a 1.53 acre tract of land generally located on both sides of 22nd Street east of Broadway Boulevard. (SD 1297)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That the preliminary plat of J. I. Case on approximately a 1.53 acre tract of land generally located on both sides of 22nd Street east of Broadway Boulevard, and more specifically described as follows:

Property Description per Deed - Phase II:

All of Lots 9 thru 16 inclusive, in Block 25 of Goodrich Addition, a subdivision in Kansas City, Jackson County, Missouri, more particularly described as follows: Beginning at the northwest corner of said Lot 9, said point also being on the east right-of-way line of Broadway Boulevard, as now established; thence S 87° 22' 57" E, along the north line of said Lot 9, a distance of 145.85 feet measured (145.5 feet plat), to the northeast corner thereof, said point also being on the west right-of-way line of Northwestern Avenue, as now established; thence S 2° 27' 05" W, along the east line of said Lots 9 through 14, and along the west right-of-way line of said Northwestern Avenue, a distance of 148.58 feet measured (149.30 feet plat), to a point on the north right-of-way line of 22nd Street, as now established; thence S 61° 12' 01" W, along the southeasterly line of said Lots 14, 15 and 16, and along the north right-of-way line of said 22nd Street, a distance of 170.63 feet measured (169.6 feet plat), to the southwest corner of said Lot 16, said point also being on the east right-of-way line of said Broadway Boulevard; thence N 2° 27' 28" E, along the west line of said Lots 16 through 9, and along the east right-of-way line of said Broadway Boulevard, a distance of 237.53 feet measured (238.10 feet plat), to the point of beginning.

Portion of Vacated Broadway Boulevard - Phase I:

Beginning at a point on the east right-of-way line of Broadway Boulevard, as now established, said point being 5.85 feet north of the southwest corner of Lot 16, Block 25, Goodrich Addition, a subdivision in Jackson County, Missouri; thence N 2° 27' 28" E, along the east right-of-way line of said Broadway Boulevard, a distance of 67.17 feet; thence N 87° 32' 32" W, a distance of 40 feet, to a point on the centerline of said Broadway Boulevard; thence S 2° 27' 28" W, along the centerline of said Broadway Boulevard, a distance of 93.67 feet, to a point on the north right-of-way line of proposed Cesar Chavez; thence northeasterly, along the north right-of-way line of proposed Cesar Chavez, said line being a curve to the right having a radius of 123.67 feet, a distance of 21.68 feet, to a point of

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tangency; thence N 61° 12' 01" E, along the north right-of-way line of proposed Cesar Chavez, a distance of 26.37 feet, to the point of beginning.

The above described tracts of land contain 0.720 acres, more or less.

Property Description - Phase III:

Lot 1, the Old Milwaukee Yard Subdivision, a subdivision in the City of Kansas City, Jackson County Missouri, according to the boundary survey recorded September 11, 2003 as Document No. 2003K-0071218 in Book 8 page 93, being a survey of the Old Milwaukee Yard Subdivision recorded February 27, 1998 as Document No. K-98009429, in Book 39 page 84, except the following described tract: a part of Lot 1, the Old Milwaukee Yard Subdivision, a subdivision in Kansas City, Jackson County, Missouri, according to the boundary survey recorded as Document No. 2003K-0071218 on September 11, 2003, in Book 8 page 93, at the Recorder of Deeds Office in Jackson County, Missouri, being more particularly described as follows: Commencing at the southeast corner of said Lot 1, said point being the point of beginning of the herein described tract; thence North 28 degrees 47 minutes 59 seconds West, a distance of 94.62 feet to a point on the north line of said Lot 1, said point also being on the south right-of-way line of 22nd Street; thence North 61 degrees 12 minutes 01 seconds East, along the north line of said Lot 1 and said south right-of-way line, a distance of 57.88 feet to the northeast corner of said Lot 1; thence South 02 degrees 39 minutes 22 seconds West along the east line of said Lot 1 a distance of 110.92 feet (plat = 113.41 feet) to the point of beginning, and a tract of land located in the Northwest Quarter of Section 8, Township 49 North, Range 33 West, in Kansas City, Jackson County, Missouri, being more particularly described as follows: Commencing at the southwest corner of the Northwest Quarter of Section 8, Township 49 North, Range 33 West; thence South 87 degrees 16 minutes 20 seconds East along the south line of said Northwest Quarter, a distance of 40.14 feet to a point on the southeasterly line of Lot 1, "the Old Milwaukee Yard Subdivision", a subdivision in Kansas City, Jackson County, Missouri, according to the boundary survey recorded as Document No. 2003K-0071218, on September 11, 2003, in Book 8, page 93, at the Recorder of Deeds Office in Jackson County, Missouri, said point being the point of beginning of the herein tract; thence North 53 degrees 22 minutes 14 seconds East along the southeasterly line of said Lot 1, a distance of 152.86 feet to the beginning of a curve concave to the southeast, having a radius of 913.00 feet; thence northeasterly along the southeasterly line of said Lot 1, 114.53 feet along a curve, through a central angle of 07 degrees 10 minutes 19 seconds to the southeast corner of said Lot 1; thence South 28 degrees 47 minutes 59 seconds East, a distance of 38.21 feet; thence South 61 degrees 09 minutes 24 seconds West, a distance of 250.73 feet, to a point on the south line of the

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Northwest Quarter of said Section 8; thence North 87 degrees 16 minutes 20 seconds West along said south line a distance of 17.41 feet to the point of beginning.

Portion of Vacated Broadway Boulevard – PHASE III:

Beginning at the southwest corner of the Northwest 1/4 of Section 8, Township 49, Range 33, now in Kansas City, Jackson County, Missouri, said point also being on the centerline of Broadway Boulevard, as now established; thence N 2° 27' 28" E, along the west line of the Northwest 1/4 of said Section 8, and along the centerline of said Broadway Boulevard, a distance of 69.69 feet, to a point on the south right-of-way line of proposed Cesar Chavez; thence N 22° 48' 41" E, along the south right-of-way line of proposed Cesar Chavez, a distance of 36.09 feet, to a point of curvature; thence northeasterly along the south right-of-way line of proposed Cesar Chavez, said line being a curve to the right having a radius of 73.67 feet, a distance of 45.32 feet, to a point on the west line of Lot 1, Old Milwaukee Yard Subdivision, a subdivision of land in Kansas City, Jackson County, Missouri; thence southwesterly, along the west line of said Lot 1, said line being a curve to the left having a radius of 15 feet, a distance of 2.63 feet, to a point on the east right-of-way line of said Broadway Boulevard; thence S 2° 27' 28" W, along the east right-of-way line of said Broadway Boulevard, and along the west line of said Lot 1, a distance of 136.42 feet, to a point on the south line of the Northwest 1/4 of said Section 8; thence N 87° 16' 20" W, along the south line of the Northwest 1/4 of said Section 8, a distance of 40 feet, to the point of beginning.

The above described Phase III tracts of land contain 0.806 acres, more or less.

is hereby approved, subject to the following conditions:

1. That the developer cause the area to be platted and processed in accordance with Chapter 66, Code of Ordinances of Kansas City, Missouri, commonly known as the Subdivision Regulations.
2. That the developer secure permits to repair or reconstruct existing sidewalks, curbs and gutters as necessary along Broadway Boulevard north of the existing retaining wall in accordance with Chapters 56 and 64, Code of Ordinances, or submit a letter from a Missouri licensed civil engineer stating that the sidewalks, curbs, and gutters are in a good state of repair and meet the requirements set forth in Chapters 56 and 64, Code of Ordinances, as required by the Development Services, prior to recording of the plat.
3. That the developer repair the first five feet of brick pavers adjacent to the building along Northwestern Avenue so as to provide a suitable pedestrian surface, or secure permits to construct a new sidewalk adjacent to the

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building along Northwestern Avenue consisting of a five foot wide concrete surface, with pedestrian protection consisting of bollards and planting areas (if deemed feasible by the City Forester) as required by Development Services, prior to recording of the plat.

4. That the developer submit a detailed micro storm drainage study, consisting at a minimum of a letter from a Missouri licensed civil engineer stating that the proposed improvements will not alter or increase historical runoff conditions for the site, to Development Services prior to review and issuance of any building permits for Phase III, and that the developer construct any improvements as required by Development Services.
5. That the developer submit plans for grading, siltation, and erosion control to Development Services for approval and permitting prior to beginning any construction activities in Phase III.
6. That the developer submit covenants, conditions and restrictions to Development Services for review by the Law Department for approval for the maintenance of common elements and private open space tracts.
7. That a 10 foot variance to the minimum required right-of-way width of 50 feet for a local residential street so as to permit 40 feet of right-of-way as shown on the development plan for W. 22nd Street is hereby granted.
8. That the developer contribute \$12,790.71 in lieu of parkland dedication for 107 units (107 units X 2.0 X .006 X \$9,961.61 (year 2006) = \$12,790.71) in satisfaction of Section 66-128 of the Subdivision Regulations.
9. That the developer receive the approval from the Board of Zoning Adjustment for any necessary variances.
10. That the final plat show and describe all wall dimensions, as well as all floor and ceiling elevations, for each of the condominium units.
11. That the developer submit a street tree planting plan for Northwestern Avenue prior to or concurrent with the final plat submittal, secure the approval of the City Forester for street trees planted on right-of-way (with a copy to be submitted to the City Development Department staff), and agree to plant in conformance with the plan approved by the City Forester. The plan shall include size, type, species, and placement of trees.

A copy of the preliminary plat is on file in the office of the City Clerk with this ordinance and is made a part hereof.

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Section B. That the Council finds and declares that before taking any action on the proposed preliminary plat hereinabove, all public notices and hearings required by the Subdivision Regulations have been given and had.

I hereby certify that as required by Chapter 66, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

Secretary, City Plan Commission

Approved as to form and legality:

M. Margaret Sheahan Moran
Assistant City Attorney