



## Board of Alderman Request for Action

**MEETING DATE:** 5/3/2022

**DEPARTMENT:** Development

**AGENDA ITEM:** Resolution 1061, Final Plat Diamond Creek Subdivision

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**RECOMMENDED ACTION:**

A motion to approve Resolution 1061 – Final Plat Diamond Creek Subdivision.

**SUMMARY:**

The final plat would create 39 of the approved 58 lots on 20.36 acres east of the Smithville Downs subdivision at Manzanola Lane and Sixth Street.

**BACKGROUND:**

This land was submitted as a preliminary plat in 2019, with plat approval in August of that year. The preliminary plat authorized 58 new lots to be created east of the Manzanola Lane area. As a result of the anticipated additional traffic on Sixth Street, one of the approval conditions was to overlay Sixth Street with 2" of asphalt and to replace the culvert at Spelman as a condition to final plat approval. The subdivision process also resulted in assessment of park fees in the amount of \$24,375 to be in lieu of dedications of land.

The applicants began construction in the summer of 2021 and are now nearly complete with all construction. Since there are no changes to the lots or easements as a result of the construction, the final plat for the first phase meets the standards for approval as contained in the code.

**PREVIOUS ACTION:**

The preliminary plat of this subdivision was approved on August 20, 2019 by Resolution 725 by the Board of Aldermen.

**POLICY ISSUE:**

The Comprehensive Plan calls for residential housing in the area.

**FINANCIAL CONSIDERATIONS:**

None

**ATTACHMENTS:**

☐ Ordinance

☒ Resolution

☒ Staff Report

☐ Contract

☒ Plans

☐ Minutes

## **RESOLUTION 1061**

### **A RESOLUTION APPROVING A FINAL PLAT FOR DIAMOND CREEK SUBDIVISION**

**WHEREAS**, the subject property lying east of Smithville Downs subdivision (east of Manzanola Lane) was given preliminary plat approval by the Board of Aldermen on August 20, 2019 with Resolution 725, and;

**WHEREAS**, the applicant submitted a final plat that does not deviate from the approved preliminary plat; and;

**WHEREAS**, the developer is nearly complete with all construction required by the preliminary plat approval and anticipates final completion in the coming week(s) and is prepared to proceed with house construction upon recording the final plat in accordance with this approval, and;

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF  
THE CITY OF SMITHVILLE, MISSOURI, AS FOLLOWS:**

**THAT THE FINAL PLAT OF DIAMOND CREEK IS HEREBY APPROVED  
WITH THE FOLLOWING CONDITIONS:**

**THE PLAT SHALL NOT BE RELEASED FOR RECORDING UNTIL PARK  
FEES ARE PAID AND ALL ON SITE AND OFF-SITE PUBLIC  
IMPROVEMENTS HAVE BEEN BONDED FOR PERFORMANCE OR  
MAINTENANCE BONDS IN ACCORDANCE WITH THE CODE.**

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 3<sup>rd</sup> day of May, 2022.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk



April 27, 2022

Final Plat for Clay County Parcel Id # 05-614-00-01-010.00

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Application for a Plat Approval – Diamond Creek Final Plat– 39 lots

Code Sections:

425.285.A.4

Single Phase Final Plat Approval

Property Information:

Address:

East of Sixth & Manzanola Ln.

Owner:

BBM Development, LLC

Current Zoning:

R-1B

#### GENERAL DESCRIPTION:

The property is located east of the Smithville Downs Subdivision (east side of Manzanola Ln.) on land that was preliminarily platted by the Board of Aldermen on August 20, 2019, by Resolution 725. The first phase of the approved Preliminary plat has been under construction since early summer of 2021. The approval of the preliminary plat in Resolution 725 was based upon completion of infrastructure improvements; proper bonding of those improvements; certain offsite improvements to include asphalt overlay of Sixth Street from the new street construction, west, to the edge of Spelman Dr.; and payment of the Parkland Fee in Lieu of dedication (\$625.00 X 39 Lots = \$24,375.00). There were other off-site improvements that were scheduled to be completed by this project. The other off-site work was replacing the culvert under Sixth St. at Spelman, but that culvert failed and was replaced by city staff before the current project requested construction permits.

The City's engineers and City staff have reviewed Final Plat document and have certified that the proposed Final Plat for Diamond Creek does not substantially deviate from the approved Preliminary Plat in accordance with Section 425.285.A.5.b of the Code of Ordinances.

GUIDELINES FOR REVIEW – SINGLE PHASE SUBDIVISION FINAL PLATS *See*  
*425.285.A.5.*

The final plat shall conform as closely as possible to the approved preliminary plat with no substantial deviations from said plat.

**The proposed Final Plat for Diamond Creek subdivision does not deviate from the approved Preliminary Plat as approved by Resolution 725 of the Board of Aldermen.**

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Final Plat based upon adherence to the condition that the Plat not be released for recording until such time as the Park Fees in the amount of \$24,375.00 are paid and bonds for the Performance and/or Maintenance of all improvements are provided.

Respectfully Submitted,

/s/ Jack Hendrix

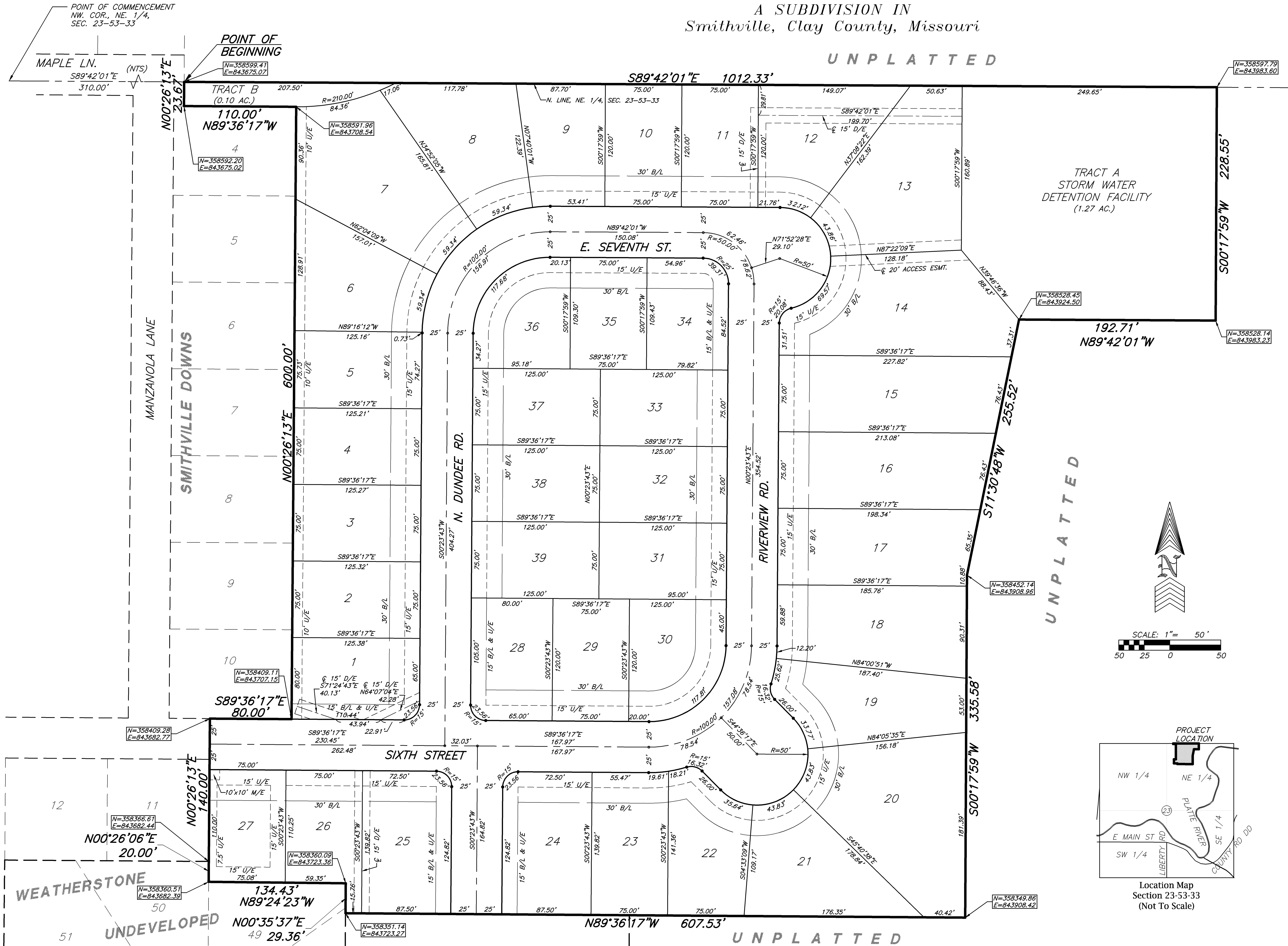
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Director of Development

# DIAMOND CREEK

FINAL PLAT  
A SUBDIVISION IN  
Smithville, Clay County, Missouri

UNPLATTED



I hereby state that the plat of DIAMOND CREEK subdivision is based on an actual survey made by me or under my direct supervision and that said survey meets or exceeds the current Missouri Minimum Standards for Property Boundary Surveys as established by the Missouri Department of Natural Resources, Division of Geological Survey and Resources Assessment, and Missouri Standards for Property Boundary Surveys, established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. I further state that I have complied with all statutes, ordinances and regulations governing the practice of surveying and the platting of subdivisions to the best of my professional knowledge and belief.

DATE: \_\_\_\_\_  
SAM A. AYLETT, PLS-2074

## TRAVERSE TABLE G.P.S.

Location	Bearing	Distance (Grid Meters)	Northing	Easting
CL-76 N=359895.879 E=844385.032				
CL-76 Referencing CL-76A CL-76 To Point of Beginning	S 01°23'56" W S 28°42'20" W	1478.22	360211.65	844129.64

STATE PLANE COORDINATES BY G.P.S.

NOTE:  
The bearings and coordinates shown on this plat are based upon the Missouri State Plane Coordinate System, NAD 1983 (adjustment 2001), using a grid factor of .9999016. All coordinates are in meters.

LEGEND:  
B/L = Building Line  
U/E = Utility Easement  
D/E = Drainage Easement  
S/E = Sanitary Sewer Easement  
W/E = Water Easement  
I/E = Ingress / Egress easement  
M/E = Monument Sign easement  
N/R = Not Radial  
R = Radius  
L = Length  
NTS = Not to Scale  
ITB = Initial Tangent Bearing  
△ Denotes Existing 1/2" Iron Bar Except Where Otherwise Noted  
▲ Denotes Permanent Monument Set Prior to Recording

NOTES:  
1. Bearing System is based on the Missouri State Plane Coordinate System.  
2. Parent tract is recorded at the Clay County Recorder of Deeds office in Book 8182, Page 74.  
3. This plat meets the Accuracy Requirements for an Urban Class of Property.  
4. Permanent Exterior Monuments are to be set prior to recording and Semi-Permanent interior corners are to be set within 12 months of recording of the Final Plat.  
5. This tract of land does not lie within a Regulatory Floodplain, per FIRM Map No. 29047C0014E, dated August 3, 2015.

## DESCRIPTION:

All that part of the Northeast Quarter of Section 23, Township 53, Range 33, Smithville, Clay County, Missouri, described as follows: Commencing at the Northwest corner of the Northeast Quarter of said Section 23; thence South 89 degrees 42 minutes 01 seconds East, along the North line of the Northeast Quarter of said Section 23, a distance of 310.00 feet to the Point of Beginning of the tract of land herein to be described; thence continuing South 89 degrees 42 minutes 01 seconds East, along said line, a distance of 1012.33 feet; thence South 00 degrees 17 minutes 59 seconds West, a distance of 228.55 feet; thence North 89 degrees 42 minutes 01 seconds West, a distance of 192.71 feet; thence South 11 degrees 30 minutes 48 seconds West, a distance of 255.52 feet; thence South 00 degrees 17 minutes 59 seconds West, a distance of 335.58 feet; thence North 89 degrees 36 minutes 17 seconds West, a distance of 607.53 feet to the Easterly line of WEATHERSTONE, a subdivision of land in Smithville, Clay County, Missouri; thence North 00 degrees 35 minutes 37 seconds East, along said Easterly line, a distance of 29.36 feet to the Northeast Corner of said WEATHERSTONE; thence North 89 degrees 24 minutes 23 seconds West, along the Northerly line of said WEATHERSTONE, a distance of 134.43 feet; thence continuing along said Northerly line of said WEATHERSTONE, North 00 degrees 26 minutes 06 seconds East, a distance of 20.00 feet to the Southeast corner of SMITHVILLE DOWNS, a subdivision of land in Smithville, Clay County, Missouri; thence North 00 degrees 26 minutes 13 seconds East, along the Easterly line of said SMITHVILLE DOWNS, a distance of 140.00 feet to the Southerly line of Lot 10 of said SMITHVILLE DOWNS; thence South 89 degrees 36 minutes 17 seconds East, along said line, a distance of 80.00 feet to the Southeast corner of said Lot 10; thence North 00 degrees 26 minutes 13 seconds East, along the Easterly line of said SMITHVILLE DOWNS, a distance of 600.00 feet to the Northeast corner of Lot 4 of said SMITHVILLE DOWNS; thence North 89 degrees 36 minutes 17 seconds West, along the North line of said Lot 4, a distance of 110.00 feet; thence North 00 degrees 26 minutes 13 seconds East, a distance of 23.67 feet to the Point of Beginning. Said Tract containing 14.09 acres, more or less.

DEDICATION: The undersigned proprietor of the tract of land described hereon has caused the same to be subdivided in the manner as shown on the accompanying plat which subdivision shall hereafter be known as "DIAMOND CREEK".

EASEMENTS: An easement or license is hereby granted to the City of Smithville, Missouri to locate, construct and maintain or to authorize the location, construction, maintenance and use of conduits, sewers and water mains, gas, poles or wires, anchors and surface drainage, upon, over and under the areas outlined on this plat and designated by the words "Utility Easement" or "U/E, "Sanitary Easement" or "S/E", and/or "Drainage Easement" or D/E.

MONUMENT SIGN EASEMENT: An easement or license is hereby granted to the Diamond Creek Homeowners' Association to locate, construct and maintain or to authorize the location, construction, maintenance of a monument sign, upon, over and under the areas outlined on this plat and designated by the words "Monument Sign Easement" or "M/E".

STREETS: Streets shown on this plat and not heretofore dedicated to public use as thoroughfares, are hereby so dedicated.

BUILDING LINES: Building lines or setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be built between this line and the street line.

PRIVATE OPEN SPACE: Tract A is dedicated for Detention, to be owned and maintained by the Diamond Creek Homeowners' Association. Tract B is dedicated to the City of Smithville for future public right of way.

IN TESTIMONY WHEREOF: BBM DEVELOPMENT, L.L.C., a Missouri Limited Liability Company, has by the authority of its Members caused this instrument to be executed by its Member this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BBM DEVELOPMENT, L.L.C.

Brett McKown, Member

STATE OF MISSOURI  
COUNTY OF \_\_\_\_\_ JSS

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said County and State, came Brett McKown, Member of BBM DEVELOPMENT, L.L.C., a Missouri Limited Liability Company, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

IN TESTIMONY WHEREOF: I have hereunto set my hand and affixed my notarial seal the day and year above written.

My commission expires: \_\_\_\_\_ NOTARY PUBLIC

The preliminary plat of DIAMOND CREEK subdivision was submitted to and approved by the Smithville Planning and Zoning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(SEAL) \_\_\_\_\_ CHAIRMAN

(SEAL) \_\_\_\_\_ SECRETARY

This final plat approved by the Board of Aldermen of Smithville, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(SEAL) \_\_\_\_\_ MAYOR

ATTEST: \_\_\_\_\_ CITY CLERK

Entered on transfer record this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

COUNTY RECORDER

FINAL PLAT  
DIAMOND CREEK  
Smithville, Clay County, Missouri

AYLETT SURVEY & ENGINEERING CO.  
LAND SURVEYING ~ CIVIL ENGINEERING ~ LAND PLANNING  
201 NW, 72ND ST. ~ GLADSTONE, MO 64118  
PH. (816) 436-0732 ~ FAX (816) 436-0767

Drawn By: JKR File Name: 53056FPA SEC: 23-53-33

Date: April 15, 2022 JOB NO.: 53056

SHEET 1 OF 1

Prepared For:  
BBM DEVELOPMENT, L.L.C.  
7609 NW Valley Road  
Parkville, MO 64152