

Board of Aldermen Request for Action

MEETING DATE: 5/2/2023 DEPARTMENT: Development

AGENDA ITEM: Resolution 1222, Fairview Crossing Preliminary Plat

REQUESTED BOARD ACTION:

A motion to approve Resolution 1222, approving the Preliminary Plat for a new mixeduse subdivision to be called Fairview Crossing with three multifamily lots to include 316 dwelling units, as well as 10 commercial lots.

SUMMARY:

IF, and only if Bill No. 2992-23 amending the Conceptual Plan for Fairview Crossing is approved earlier on this agenda, an approval of this plat would authorize the developer to begin construction plans for the first phase of the subdivision to be presented to the Board of Aldermen for approval if it complies with this Preliminary Plat, and authorizes the Mayor to enter into a development agreement with the applicant.

BACKGROUND:

This matter was originally submitted to the Planning Commission at the April 2022 meeting. Due to delays in the final review of a Traffic Impact Study (TIS) with MODOT, the Preliminary Plat was postponed. After that postponement, the developer acquired the land to the north, which is now Fairview Crossing North. Several errors regarding the exact location of the power lines as it relates to the easement for those lines required the developer to adjust the location of the north entrance to be a shared entrance with Fairview Crossing North. As a result of these proposed changes, as well as MODOT ultimately approving the preliminary plat layout as it relates to improvements to 169 Highway, the applicant was prepared to finalize the preliminary plat process. That process included negotiating a development agreement that included the scope and timing of water, stormwater, sanitary sewer, street/traffic safety improvements, as well as park impact fees associated with the 316 dwelling units.

All of the public and private improvements are scheduled and included in the attached Development Agreement. If approved the developer would be able to begin the design of the Construction plans for the first Final Plat. Each Final Plat to create sellable lots must also be approved by the Board of Aldermen after the construction plans are final.

PREVIOUS ACTION:

Bill No. 2992-23 was approved for first reading on April 3 to amend the conceptual plan on the property and is on tonight's agenda for second reading.

POLICY ISSUE:

Complies with the Comprehensive Plan as well as city ordinances.

FINANCIAL CONSIDERATIONS:

The project will, when complete, provide a substantial sum into the Park Fund, and the plat includes the required easement for the West Bypass Sewer project.

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	Ordinance	□ Contract
\boxtimes	Resolution	
\boxtimes	Staff Report	☐ Minutes
\boxtimes	Other: The Planning Commission	meeting may be viewed online.

RESOLUTION 1222

A RESOLUTION APPROVING A PRELIMINARY PLAT FOR A MIXED-USE SUBDIVISION TO INCLUDE THREE MULTIFAMILY LOTS AND 10 COMMERCIAL LOTS TO BE CALLED FAIRVIEW CROSSING

WHEREAS, the applicant submitted a request to rezone with a conceptual plan and to preliminarily plat a 53-acre tract lying north of 144th Street and east of 169 Highway; and

WHEREAS, the rezoning and conceptual plan were originally approved on May 17, 2022, while the preliminary plat was postponed until recently; and,

WHEREAS, the Planning Commission conducted public hearings on both amending the conceptual plan, as well as approving a preliminary plat for the entire development at its April meeting and recommended approval; and,

WHEREAS, the Board of Alderman approved an ordinance adopting the new conceptual plan at its' April 18 meeting for first reading, and the second reading was approved at the May 2, 2023 meeting; and

WHEREAS, with zoning and an updated conceptual plan in place, the applicants proposed Preliminary Plat would allow a new subdivision to be constructed in not less than two phases. In addition to the plat, applicant and city staff negotiated the attached development agreement that identifies the public infrastructure improvements required as a result of the development, as well as a timing schedule that will protect the city's ability to provide both the needed utilities but protect the driving public with several MODOT traffic improvements.

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

THAT THE PRELIMINARY PLAT OF FAIRVIEW CROSSING SUBDIVISION IS HEREBY APPROVED, CONDITIONED UPON EXECUTION OF THE ATTACHED DEVELOPMENT AGREEMENT.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 2nd day of May, 2023.

Damien Boley, Mayor	
ATTEST:	
Linda Drummond, City Clerk	



April 11, 2023
Preliminary Plat Approval of Clay County Parcel Id's # 05-917-00-07-005.00 & 05-917-00-07-006.00

Application for a Preliminary Plat Approval – Multiphase subdivision

Code Sections:

425.275.A.3 Multiphase Plat Approval

Property Information:

Address: NE corner of 144th St. and 169 Hwy Owner: Kansas City Properties & Investments

Current Zoning: B-3P and R-3P

Public Notice Dates:

1st Publication in Newspaper: March 23, 2023 Letters to Property Owners w/in 185': March 24, 2023

GENERAL DESCRIPTION:

The applicant obtained initial zoning approval to rezone approximately 53 acres +/- from A-1 and B-3 to R-3P and B-3P with a conceptual plan on May 17, 2022. Since that approval, and in preparation of submitting the Preliminary Plat to allow dividing lots, various issues arose with the location of easements as platted, as well as additional adjacent developments that required changes to the original Conceptual plan approved with the rezoning. That Conceptual Plan amendment is on the agenda for the same meeting as this application. If that change is approved, this application is ready for review and approval.

This new conceptual plan would amend the location of public streets to coordinate with the development to the north, as well as change the layout of some of the multi-family buildings to create a total of 316 possible dwelling units. This represents just under 10 units per acre. This plat would ultimately create 3

residential lots, and 10 commercial lots, bisected by the large overhead powerlines just east of US 169. The residential portion would include a connecting trail to encourage pedestrian access from the Hills of Shannon subdivision to the east into this development and the retail areas to be created.

GUIDELINES FOR REVIEW - PRELIMINARY PLATS See 425.275.A.3

Guidelines For Review. The Planning and Zoning Commission shall consider the following criteria in making a recommendation on the preliminary plat: a. The plat conforms to these regulations and the applicable provisions of Chapter 400, Zoning Regulations, and other land use regulations.

The plat conforms to the subdivision zoning regulations of the City.

b. The plat represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan.

The plat is consistent with the Comprehensive Plan's future land use map, and specifically addresses multiple Action Steps as follows:

- HN 1.1 Support providing additional housing stock throughout the city of Smithville to meet current and future residents' needs by encouraging new residential development in areas identified in the Future Land Use Map.
- HN 3.1 Encourage additional residential units near existing residential uses to strengthen the neighborhoods of Smithville.
- HN 3.2 Encourage clustered residential development patterns with connected active and passive open space and neighborhood and community amenities.
- HN 3.4 Encourage mixed-use developments in Smithville's Downtown and the area between Downtown and the city's southern municipal boundary as a mechanism to create vibrant neighborhoods.
- HN 4.1 Encourage additional residential units near existing residential uses to strengthen the neighborhoods of Smithville.
- HN.4.2 Mandate pedestrian connections in new residential developments to adjacent existing or prospective neighborhoods to further strengthen Smithville's pedestrian network.

- ST.2.1 Encourage a high-quality, mixed-use corridor experience along Hwy 169 between the southern municipality boundary and Route 92.
- RC.2.1 Encourage development, mainly residential development, near existing and proposed trail networks.
- RC.2.2 Encourage new developments to provide access and pathways to existing and proposed trail networks.
- c. The development shall be laid out in such a way as to result in:
- (1) Good natural surface drainage to a storm sewer or a natural watercourse.

The subdivision crisscrossed various drainage ways. The proposal is laid out to avoid interruption of those areas except when needed to detain any added runoff in accordance with city standards.

(2) A minimum amount of grading on both cut or fill and preservation of good trees and other desirable natural growth.

The area is generally an undeveloped farm field that was untended for many years that allowed many low value trees to accumulate. The grading needed will allow the drainage areas to remain protected while giving sufficient developable areas for construction.

(3) A good grade relationship with the abutting streets, preferably somewhat above the street.

Yes, to the extent possible, lots are generally above the adjacent street which will used for access.

(4) Adequate lot width for the type or size of dwellings contemplated, including adequate side yards for light, air, access and privacy.

Yes, the lots widths meet the standards in the zoning code for the proposed districts, including all setbacks.

- (5) Adequate lot depth for outdoor living space. *The lots meet the minimum sizes.*
- (6) Generally regular lot shapes, avoiding acute angles.

To the extent practicable with both powerline and force main easements that cross various drainage ways, the lots involved are appropriate for the multifamily and business uses intended.

(7) Adequate building lots that avoid excessive grading, footings or foundation walls.

The amount of grading is not excessive in any area so footings and foundation walls will be within the normal range.

d. The plat contains lot and land subdivision layout that is consistent with good land planning and site engineering design principles.

The plat is laid out following standard design principles.

e. The location, spacing and design of proposed streets, curb cuts and intersections are consistent with good traffic engineering design principles.

The plat contains 316 potential dwelling units and 10 commercial sites with multiple access roads, both public and private and the off site improvements required by MODOT

f. The plat is served or will be served at the time of development with all necessary public utilities and facilities, including, but not limited to, water, sewer, gas, electric and telephone service, schools, parks, recreation and open space and libraries in the form of a development agreement.

The developer and city have proposed a development agreement for both adjacent existing street improvements, off-site sewer improvements and park dedication improvements as required by the code.

g. The plat shall comply with the stormwater regulations of the City and all applicable storm drainage and floodplain regulations to ensure the public health and safety of future residents of the subdivision and upstream and downstream properties and residents. The Commission shall expressly find that the amount of off-site stormwater runoff after development will be no greater than the amount of off-site stormwater runoff before development.

The proposed layout and detention areas will not increase the amount of off-site stormwater runoff and is in accordance with engineering standards. The final design of all stormwater systems will be subject to final plan review and approval in accordance with the Final Plat procedures and the standards in place at the time of proposed construction.

h. Each lot in the plat of a residential development has adequate and safe access to/from a local street.

Yes.

i. The plat is located in an area of the City that is appropriate for current development activity; it will not contribute to sprawl nor to the need for inefficient extensions and expansions of public facilities, utilities and services.

The location is located such that it will actually reduce sprawl and all extensions and expansions of existing public facilities are completed in the most efficient manner allowable on the lot.

j. If located in an area proposed for annexation to the City, the area has been annexed prior to, or will be annexed simultaneously with plat approval.

n/a

k. The applicant agrees to dedicate land, right-of-way and easements, as may be determined to be needed, to effectuate the purposes of these regulations and the standards and requirements incorporated herein.

The development is bound by a development agreement that addresses all dedication requirements.

I. All applicable submission requirements have been satisfied in a timely manner. m. The applicant agrees, in the form of a development agreement, to provide additional improvements, which may include any necessary upgrades to adjacent or nearby existing roads and other facilities to current standards and shall include dedication of adequate rights-of-way to meet the needs of the City's transportation plans.

Yes.

STAFF RECOMMENDATION:

Respectfully Submitted.

Staff recommends APPROVAL of the proposed Preliminary Plat following execution of the Development Agreement.

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/s/ Jack Hendrix /s/	
Director of Development	

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this 2ND day of May, 2023, by and between **KANSAS CITY PROPERTIES & INVESTMENTS, LLC,** ("Developer") and **THE CITY OF SMITHVILLE, MISSOURI**, a Missouri Corporation ("City") as follows:

WHEREAS, Developer plans on developing its proposed subdivision known as Fairview Crossing located generally north of 144th Street and east of US 169 Highway and being proposed to contain 13 commercial/retail zoned lots and 3 multi-family residential lots containing 56 townhomes on lot 1, 192 apartment units in 24 buildings on lot 2 and 68 apartment units in 5 buildings for a total of 316 dwelling units; and

WHEREAS, the City will make certain requirements for off and on site improvements if said land is developed as a large mixed use retail/residential subdivision; and

WHEREAS, it is in the best interest of both parties to enter into an agreement as to what improvements and obligations under the city's subdivision code as well as MODOT standards will be required of Developer; and

WHEREAS, this Agreement is necessary to provide for the safety, health and general welfare of the public and to provide for the orderly development of City.

NOW, THEREFORE, in consideration of the foregoing recitals and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

- 1. The terms of this agreement apply to the following property and all portions thereof to be in a subdivision called Fairview Crossing, the legal description of which is set forth on the Preliminary Plat thereof as Exhibit A attached hereto.
- 2. It is recognized that the development will require extension of waterlines from various locations upon full buildout to improve fire flows and waterline pressures for the development and the surrounding properties' and, therefore the parties agree that the Developer will, at their sole cost and expense, construct all such waterlines required for the subdivision based upon design plans and water model requirements to meet DNR requirements.
- 3. That the City and the Developer recognize the need for certain off-site improvements to the adjacent roads as required in the subdivision code and as a direct result of the subdivision of land into the proposed subdivision. The following road improvements shall be required of the Developer as and when stated:
- a. Upon development of Lot 1, proposed to include 56 townhome units, developer shall extend the public street from 147th Street (in Fairview Crossing North) on the north to the south lot line of Lot 1. It is also a requirement, in conjunction with the development of Fairview Crossing to the north, that 147th Street be constructed as shown on that subdivision plat. All public roads shall be constructed with 5' wide sidewalks on both sides of the street. Sidewalk construction can occur with the construction of buildings upon the adjacent lots and if the adjacent area is not a developed lot, then sidewalks should be constructed at the same time as the public street.

- b. The development of any of Lots 2 13 shall trigger the following road improvements:
 - i. A north-bound J-turn on US 169 Highway in accordance with and subject to final design and construction by MODOT;
 - ii. A south-bound J-turn on US 169 Highway in accordance with and subject to final approval of design and construction by MODOT;
 - iii. Remove the 144th Street/Martin Road crossing median between the north and south lanes of US 169 highway, subject to final approval of design and construction by MODOT;
 - iv. Adjust the eastbound and westbound lanes of 144th Street at US 169 to require right-in/right-out traffic only, subject to final approval of design and construction by MODOT;
 - v. Relocate the existing driveway access near the north property line of the development to the south to the Access B point on the preliminary plat, including right-in/right-out limitations onto US 169 Highway, subject to final approval of design and construction by MODOT;
 - vi. 144th Street, east of US 169 Highway shall be improved to city standards, and the north side of the street shall include both curb and gutters as well as 5' sidewalks in the following schedule: Upon opening the western private road, no improvements are necessary, but upon opening the public road, all improvements shall be constructed from the existing end point of the paved portion of 144th Street to the east property line adjacent to the 144th Street right

of way. All such road construction shall be subject to the City standards in effect at the time of construction, and subject to city inspection and acceptance.

- vii. The public road shall be extended from the end point of construction from Lot 1 development to its' intersection with 144th Street to the south. All public roads shall be constructed with 5' wide sidewalks on both sides of the street. Sidewalk construction can occur with the construction of buildings upon the adjacent lots and if the adjacent area is not a developed lot, then sidewalks should be constructed at the same time as the public street.
- 4. The parties agree that the development will be required to design and construct all necessary infrastructure required to meet the then existing city standards for stormwater control at its' own cost and expense. Such construction will be in accordance with an approved stormwater study, and any updates to such study as required.
- 5. The parties agree that the development will be required to design and construct all necessary infrastructure required to meet the then existing city standards for gravity-flow sanitary sewers throughout the subdivision. It is understood and agreed that Phase I of the project will include just Lot 1, at which time connection of the gravity sewers for the 56 townhome units shall be made onto the existing gravity line on the south end of the Hills of Shannon subdivision. Further Phases development shall include installing an additional gravity line from the south side of the development to the east in the exiting right of way and easements along the north side of 144th Street to the pump station to be located near the terminus of the 144th Street right of

way. It is expressly understood and agreed that the development of the residential units on Lots 2 and 3 will likely include connection to this new line, along with some of the units connecting to the gravity line along the south boundary of Hills of Shannon. All such northeastern gravity shall be subject to specific capacity approval of the city's engineers during the construction design phase.

- 6. The parties agree that the Parkland dedication requirements of the city code shall be calculated as follows:
- a. The development proposes 316 dwelling units which will result in 18.01 acres (784,602 ft²) of parkland in accordance with the subdivision formula. (316 d.u. x 2.85 census density x .02 acres per 100 = 18.01) and the development proposes 13,500ft² of fully creditable Comprehensive Plan trails. This dedication amount represents 1.7% of the required parkland dedications. The development is then obligated to provide payment in lieu of dedications in the amount of \$614.37 per dwelling unit. Such funds shall be payable prior to recording the final plat for each such phase of the development. *E.g., Phase I includes 56 dwelling units so will be required to pay a park fee of \$34,405 prior to recording said plat*.

The parties further agree that the park amenities described in the preliminary plat are subject to Section 425.230.B. In accordance with that section, and Section 425.300 the trails shown on the preliminary plat shall be constructed prior to occupancy of the 95th dwelling unit. However, the area of the trails located in the public trail easement shall be further improved to be not less than 10' wide with concrete, or an 8' concrete path with an adjacent 4' gravel/limestone path at the same grade.

- 7. The parties agree that except as specifically noted herein, execution of this Agreement in no way constitutes a waiver of any requirements of applicable City Ordinances with which Developer must comply and does not in any way constitute prior approval of any future proposal for development.
- 8. All work agreed to be performed by Developer in this Agreement shall be done only after receiving written notice from City to proceed. Notice to proceed shall not be given by the City until final construction plans have been approved by the city. The recording of any final plat shall only occur in accordance with city ordinances.
- 9. In the event of default in this Agreement by either party, it is agreed that either party shall be entitled to equitable relief to require performance by the other party as well as for any damages incurred by the breach, including reasonable attorney fees.
- 10. This Agreement shall constitute the complete agreement between the parties and any modification hereof shall be in writing subject to the approval of both parties.
- 11. Any provision of this Agreement which is not enforceable according to law will be severed and the remaining provisions shall be enforced to the fullest extent permitted by law.
- 12. The undersigned represent that they each have the authority and capacity from the respective parties to execute this agreement.
- 13. This agreement shall not be effective until: (1) approved by Resolution duly enacted by the Board of Aldermen of Smithville, Missouri.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date first above written.

	THE CITY OF SMITHVILLE, MISSOURI				
ATTEST:	By Damien Boley, Mayor				
Linda Drummond, City Clerk	KANSAS CITY PROPERTIES & INVESTMENTS, LLC				
	By Shane Crees, Managing Member				
STATE OF MISSOURI)) ss. COUNTY OF CLAY)					
Public, personally appeared Damien sworn, did say that he is the Mayor of signed and sealed on behalf of said (, 2023, before me, the undersigned Notary Boley, to me known, and who, being by me duly of Smithville, Missouri, and said instrument was City by authority of its Board of Aldermen and said to be the free act and deed of said City.				
	ve hereunto set my hand and affixed my notarial souri, on the day and year last written above.				
	Notary Public				
My Commission Expires:					
STATE OF MISSOURI)					

	COUNTY OF CLAY) ss.)		
to me Members and se its Boa	igned Notary Public, pe known, and who, being er of Kansas City Propei aled on behalf of said k	ersonally appea by me duly sy rties & Investm Cansas City Pro edges said inst	ared worn, did say the nents, LLC, and operties & Inves	at he/she is the managing said instrument was signed tments, LLC by authority of he free act and deed of said
		Kar —	nsas City Proper Managing M	ties & Investments, LLC ember
notaria above.				my hand and affixed my ay and year last written
			Notary Publi	С
	My Commission Expires	; :		

PLANNED DEVELOPMENT OVERLAY PLAT

169 HWY & 144TH

SMITHVILLE, CLAY COUNTY, MISSOURI SW.1/4, SEC. 35-T53-R33

26

NOT TO SCALE

PROJECT
LOCATION

LOCATION MAP

CITY OF SMITHVILLE, MISSOURI

STATE PLANE TRAVERSE TABLE						
NUMBER	DIRECTION	DISTANCE	NORTHING	EASTING		
1			1161695.863	2765109.838		
	N3° 30' 43.00"W	319.25				
2			1162014.513	2765090.282		
	N3° 09' 22.00"W	139.05				
3			1162153.353	2765082.626		
	N13° 02' 27.00"E	134.98				
4			1162284.851	2765113.084		
	N1° 55' 28.00"W	81.16				
5			1162365.966	2765110.358		
	N34° 20' 23.00"W	96.82				
6			1162445.911	2765055.742		
	N0° 55' 25.00"W	146.78				
7			1162592.671	2765053.376		
	N49° 56' 45.00"E	51.09				
8			1162625.548	2765092.483		
	N0° 18' 26.00"W	29.01				
9			1162654.558	2765092.327		
	S89° 12' 40.00"E	598.6				
10			1162646.316	2765690.87		
	N1° 00' 27.00"E	6.58				
11			1162652.895	2765690.986		
	S89° 12' 40.00"E	239.49				
12			1162649.598	2765930.453		
	S22° 48' 09.00"E	342.24				
13			1162334.105	2766063.09		
	S62° 23' 13.00"E	430.85				
14			1162134.407	2766444.866		
	S62° 40' 26.00"E	123.92				
15			1162077.521	2766554.957		
	S2° 48' 16.00"W	231.39				
16			1161846.408	2766543.636		
	S16° 53' 06.00"W	615.61				
17			1161257.338	2766364.831		
	S0° 48' 41.00"W	419.86				
18			1160837.52	2766358.885		
	S68°51' 58.00"W	264.95				
19			1160741.992	2766111.756		
	N89° 46' 56.00"W	830.6				
20			1160745.149	2765281.162		
	N34° 55' 45.00"W	109.33				
21			1160834.785	2765218.563		
712000	N7° 10' 47.00"W	512.86				
22			1161343.623	2765154.465		
	N3° 19' 04.00"E	165.53				
23			1161508.876	2765164.045		
	N16° 09' 56.00"W	194.71				
1			1161695.863	2765109.838		

NOTE: ALL BEARINGS AND COORDINATES IN THE ABOVE TABLE ARE BASED ON THE MISSOURI STATE PLANE GRID SYSTEM, NAD 1983, WEST ZONE, USING A COMBINED GRID FACTOR OF 1.000099115 DISTANCES IN THE ABOVE TABLE ARE IN GROUND SURVEY FEET.

169 HWY & 144TH 169 HWY & 144TH SMITHVILLE MO.

MATTHEW A. CROSS ENGINEER

MO # 2020008364

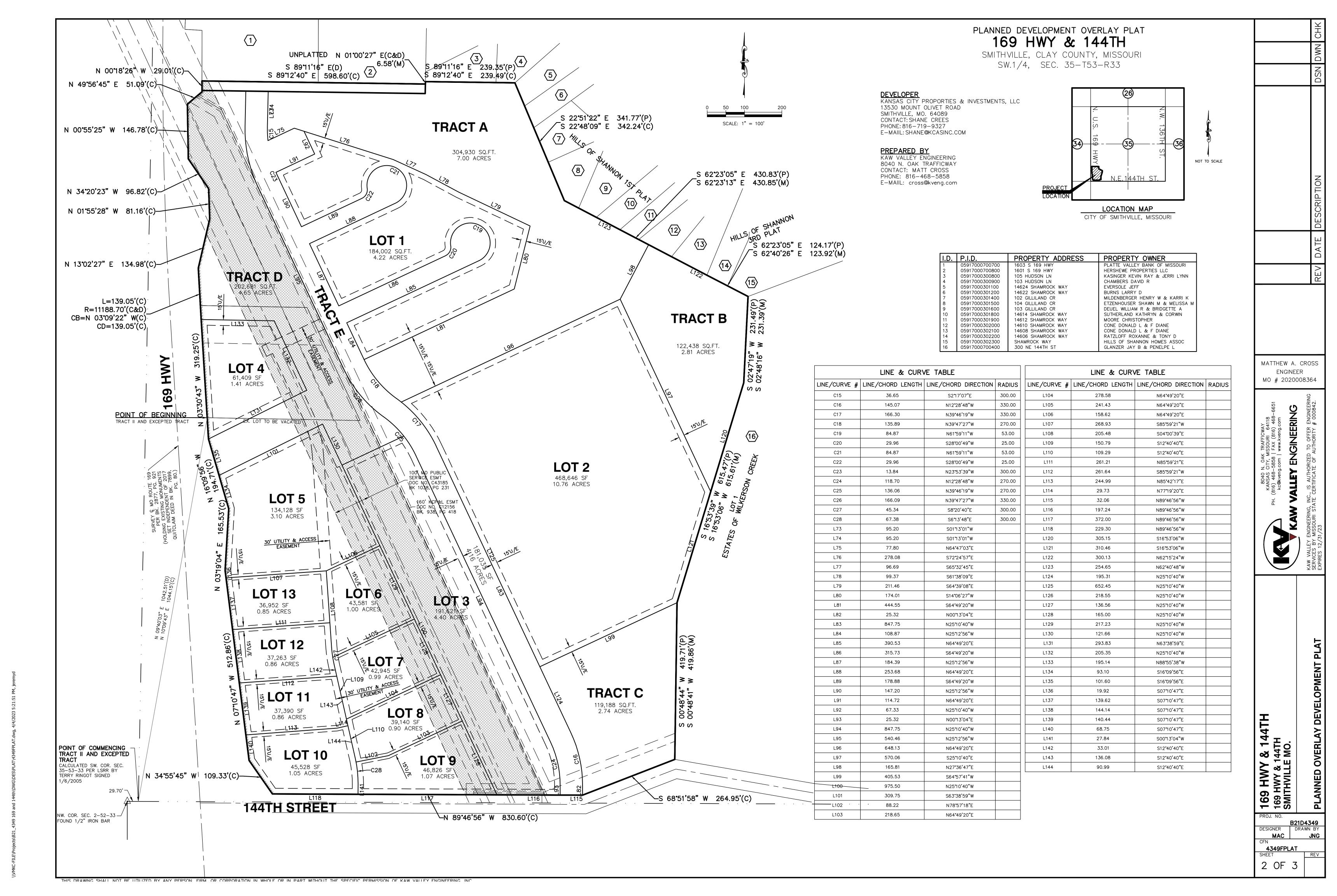
ROJ. NO.

MAC J
CFN
4349FPLAT
SHEET F

DESIGNER DRAWN E

08/03/2015
THIS DRAWING SHALL NOT BE LITHITED BY ANY PERSON FIRM OR CORPORATION IN WHOLF OR IN PART WITHOUT THE SPECIFIC PERMISSION OF KAW VALLEY ENGINEERING INC

SURVEY PARCEL LIES WITHIN FLOOD HAZARD ZONE "X, NON-SHADED" AS SAID PARCEL PLOTS BY SCALE ON THE FLOOD INSURANCE RATE MAP FOR CITY OF SMITHVILLE, COMMUNITY PANEL NO. 29047C0102E, effective on



DEVELOPER

KANSAS CITY PROPERTIES & INVESTMENTS, LLC
13530 MOUNT OLIVET ROAD
SMITHVILLE, MO. 64089
CONTACT: SHANE CREES
PHONE: 816-719-9327
E-MAIL: SHANE@KCASINC.COM

PREPARED BY

KAW VALLEY ENGINEERING 8040 N. OAK TRAFFICWAY CONTACT: PHILLIP SCHNITZ PHONE: 816-468-5858 E-MAIL: SCHNITZ@KVENG.COM

TITLE COMMITMENT:

THOMSON-AFFINITY TITLE, LLC., FOR FIRST AMERICAN TITLE INSURANCE COMPANY FILE NO: 224738-B
COMMITMENT DATE: NOVEMBER 1, 2022 AT 8:00 AM

BASIS OF BEARINGS:

SOUTH 00°57'10" WEST ALONG THE WESTH LINE OF 'HILLS OF SHANNON' AS DETERMINED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS USING MODOT VRS, 2018 GEOID, AND REFERENCED TO THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE (NAD83).

EASEMENT DEDICATION:

EASEMENTS ARE HEREBY DEDICATED FOR PUBLIC USE. AS UTILITY EASEMENT RIGHT-OF-WAY WHICH ARE SHOWN AS LYING BETWEEN THE DASHED LINES IN WIDTH INDICATED AND AS SET FORTH ON THIS PLAT UNLESS OTHERWISE NOTED, AND SIDE EASEMENTS MAY BE EMPLOYED FOR THE PURPOSE OF INSTALLING, REPAIRING AND MAINTAINING SANITARY SEWERS, STORM SEWERS, GAS LINES, ELECTRIC LINES, TELEPHONE LINES, AND ALL OTHER FORMS AND TYPES OF PUBLIC UTILITIES NOW AND HEREAFTER USED BY THE PUBLIC OVER, UNDER AND ALONG THE STRIPS MARKED U/E.

STREET DEDICATION

STREETS ARE SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO AND FOR PUBLIC USE ARE HEREBY DEDICATED. KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED PROPERTY OWNERS OF THE PROPERTY AS ABOVE SET FORTH IN THE LEGAL DESCRIPTION, HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED INTO LOTS, BLOCKS, EASEMENTS, LANES, DRIVES, COURTS, STREETS AND AVENUES. THE SAME TO BE KNOWN AS FAIRVIEW CROSSING, AN ADDITION TO THE CITY OF SMITHVILLE, CLAY COUNTY MISSOURI, THE LANES, DRIVES, COURTS, STREETS AND AVENUES ARE HEREBY DEDICATED TO AND FOR THE USE OF PUBLIC, AND EASEMENTS AS INDICATED ON THE ACCOMPANYING PLAT ARE HEREBY GRANTED TO THE PUBLIC FOR THE PURPOSE OF CONSTRUCTING, OPERATING, MAINTAINING, AND REPAIRING ALL PUBLIC UTILITIES.

DESCRIPTION:

ALL OF THE SOUTHWEST QUARTER OF SECTION THIRTY—FIVE (35) IN TOWNSHIP FIFTY—THREE (53), RANGE THIRTY—THREE (33), IN CLAY COUNTY, MISSOURI, SUBJECT TO THAT PART, IF ANY, IN STREETS, ROADWAYS, HIGHWAYS OR OTHER PUBLIC RIGHT—OF—WAYS. EXCEPT THE FOLLOWING DESCRIBED TRACTS:

ALL OF A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 53 NORTH, RANGE 33 WEST, CLAY COUNTY, MISSOURI DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 01 DEGREE 00 MINUTES 27 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 50.34 FEET TO A POINT; THENCE SOUTH 89 DEGREES 11 MINUTES 16 SECONDS EAST, 79.22 FEET TO A SET 5/8 INCH SET REBAR AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 169 AND THE SOUTH RIGHT-OF-WAY LINE OF COMMERCIAL AVENUE BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 11 MINUTES 16 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LIEN OF COMMERCIAL AVENUE 328.40 FEET TO A 5/8 INCH SET REBAR; THENCE SOUTH 00 DEGREES 48 MINUTES 44 SECONDS WEST, 10.0 FEET TO A 5/8 INCH SET REBAR; THENCE SOUTH 89 DEGREES 11 MINUTES 16 SECONDS EAST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER 330.05 FEET TO A 5/8 INCH SET REBAR; THENCE SOUTH 01 DEGREES 00 MINUTES 27 SECONDS WEST ALONG A LINE PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 35, 646.85 FEET TO A 5/8 INCH SET REBAR; THENCE NORTH 89 DEGREES 11 MINUTES 16 SECONDS WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER 678.96 FEET TO A 5/8 INCH SET REBAR ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 169; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING BEARINGS AND DISTANCES NORTH 03 DEGREES 13 MINUTES 44 SECONDS EAST, 97.19 FEET; THENCE SOUTH 86 DEGREES 46 MINUTES 16 SECONDS EAST, 70.0 FEET; THENCE NORTH 03 DEGREES 13 MINUTES 44 SECONDS EAST, 20.0 FEET; THENCE NORTH 85 DÉGREES 46 MINUTES 16 SECONDS WEST 75.0 FEET; THENCE NORTH 03 DÉGREES 13 MINUTES 44 SECONDS EAST, 540.03 FEET TO THE POINT OF BEGINNING, FILED FOR RECORD AS INSTRUMENT NO. F59666 IN BOOK 1732 AT PAGE 984.

A TRACT OF LAND LYING AND BEING SITUATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 53 NORTH, RANGE 33 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, COUNTY OF CLAY, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND ALUMINUM MONUMENT AT THE SOUTHWEST CORNER OF SECTION 35 TOWNSHIP 53 NORTH, RANGE 33 WEST; THENCE NORTH 09 DEGREES 40 MINUTES 03 SECONDS EAST, 1042.51 FEET TO A SET 5/8 INCH IRON PIN WITH CAP, SAID POINT BEING ON THE TRUE POINT OF BEGINNING; THENCE NORTH 01 DEGRÉES 46 MINUTES 04 SECONDS WEST 255.81 FEET TO A SET COPPERWELD; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 11,188.72 FEET, A DISTANCE OF 44.56 FEET, AND CHORD BEARS NORTH 01 DEGREES 38 MINUTES 45 SECONDS WEST TO A SET COPPERWELD; THENCE SOUTH 88 DEGREES 55 MINUTES 34 SECONDS EAST 285.82 FEET TO A SET 5/8 INCH IRON PIN WITH CAP; THENCE SOUTH 25 DEGREES 06 MINUTES 39 SECONDS EAST 334.31 FEET TO A SET 5/8 INCH IRON PIN WITH CAP; THENCE NORTH 88 DEGREES 55 MINUTES 28 SECONDS WEST, 418.65 FEET TO THE POINT OF BEGINNING AND EXCEPT THE FOLLOWING PLATS ALL OF HILLS OF SHANNON - FIRST PLAT, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO. M29883 IN BOOK D AT PAGE 55. ALL OF HILLS OF SHANNON - SECOND PLAT, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO. M72777 IN BOOK E AT PAGE 3. ALL OF HILLS OF SHANNON - THIRD PLAT, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO. N19596 IN CABINET E SLEEVE 28. ALL OF HILLS OF SHANNON - FOURTH PLAT, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO. P24772 IN CABINET E SLEEVE 97. ALL OF HILLS OF SHANNON - FIFTH PLAT, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO. Q11906 IN CABINET E SLEEVE 152. ALL OF ESTATES OF WILKERSON CREEK. A SUBDIVISION IN THE CITY OF SMITHVILLE. CLAY COUNTY, MISSOURI. FILED FOR RECORD AS INSTRUMENT NO. 2019039687 IN BOOK I AT PAGE 88.4.

A TRACT OF LAND LYING AND BEING SITUATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 53 NORTH, RANGE 33 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, COUNTY OF CLAY, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND ALUMINUM MONUMENT AT THE SOUTHWEST CORNER OF SECTION 35 TOWNSHIP 53 NORTH, RANGE 33 WEST; THENCE NORTH 09 DEGREES 40 MINUTES 03 SECONDS EAST, 1042.51 FEET TO A SET 5/8 INCH IRON PIN WITH CAP, SAID POINT BEING ON THE TRUE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 46 MINUTES 04 SECONDS WEST 255.81 FEET TO A SET COPPERWELD; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 11,188.72 FEET, A DISTANCE OF 44.56 FEET, AND CHORD BEARS NORTH 01 DEGREES 38 MINUTES 45 SECONDS WEST TO A SET COPPERWELD; THENCE SOUTH 88 DEGREES 55 MINUTES 34 SECONDS EAST 285.82 FEET TO A SET 5/8 INCH IRON PIN WITH CAP; THENCE NORTH 88 DEGREES 55 MINUTES 39 SECONDS EAST 334.31 FEET TO A SET 5/8 INCH IRON PIN WITH CAP; THENCE NORTH 88 DEGREES 55 MINUTES 28 SECONDS WEST, 418.65 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S NOTE:

MONUMENTS RECOVERED NEAR THE EAST RIGHT—OF—WAY LINE OF MO ROUTE 169 IN THE VICINITY OF TRACT II RECORDED IN QUITCLAIM DEED IN BOOK 7899, PAGE 80 DO NOT FIT THE RIGHT—OF—WAY AS ESTABLISHED BY WARRANTY DEED RECORDED IN BOOK 2877, PAGE 921. BETWEEN A COMBINATION OF FOUND STAMPED STATIONING IN THE CONCRETE CURB OF THE PAVEMENT, A 3/8" IRON BAR ON THE EAST R/W LINE OF THE SUBJECT PROPERTY AT STATION 11+410 25 METERS LEFT AND A FEW R/W MONUMENTS LYING NORTH OF THE SUBJECT PROPERTY ALSO CHECKING WELL WITH RECORD STATION AND OFFSET IT WAS DETERMINED THAT THE RIGHT—OF—WAY AS DEPICTED IN THE 2017 QUITCLAIM DID NOT FIT THE STATIONING OF THE HIGHWAY BY APPROXIMATELY 6 FEET TO THE SOUTH AND IS AT A SKEW TO THE EXISTING PAVEMENT AND RIGHT—OF—WAY AS MONUMENTED.

R	ECORD	ER	OF DE	EDS:			
Е	NTERED	ON	TRANSF	ER RE	CORD	THIS	
_		DA`	Y OF		,	20	

COUNTY RECORDER

PLAT DEDICATIONS:

STATE OF _____, SS.

COUNTY OF _____,

THE UNDERSIGNED PROPRIETORS OF THE ABOVE DESCRIBED TRACT OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREINAFTER BE KNOWN AS:

FAIRVIEW CROSSING

IN TESTIMONY WHEREOF, SHANE CREES,AND INVESTMENTS, LLC. HAS CAUSED THESE PRESENTS	OF	KANSAS	CITY	PROPERTIES
TO BE EXECUTED THIS DAY OF			, 20)
BY:				
SHANE CREES,				

BE IT REMEMBERED THAT ON THIS BEFORE ME, A NOTARY PUBLIC IN AND F		
TO ME PERSONALLY KETTER TO THE FOREGOING INSTRUMENT OF WRITING SAME. IN TESTIMONY WHEREOF, I HAVE FOR AND YEAR ABOUT AND YEAR	AND DULY ACKNOWLEDGED THEREUNTO SET MY HAND AND	THE EXECUTION OF
MY COMMISSION EXPIRES:		

PLA	PLANNING COMMISSION:									
	FINAL PLAT		_	OSSING	WAS SUE	BMITTED	ТО	AND	APPROVED	ВҮ
THE	SMITHVILLE	PLANNING	AND Z	ZONING	COMMISSI	ON ON	THE		DAY	
OF,		20_	_ _ ·							

SECRETARY

NOTARY PUBLIC

CHAIRMAN

THIS FINAL PLAT APPROVED	BY THE B	OARD OF ALDERMEN C
SMITHVILLE, MISSOURI, THIS	DAY OF	, 20
-	MAYOR	
ATTEST:	, CITY CLERK	
ENTERED ON TRANSFER RECORD	THIS	DAY OF

COUNTY RECORDER

ERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAT OF **FAIRVIEW CROSSING NORTH** IS HEREBY A TRUE REPRESENTATION OF A SURVEY PERFORMED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION, IS IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS. I FURTHER CERTIFY THAT I HAVE COMPLIED WITH ALL STATUTES, ORDINANCES AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND PLATTING OF SUBDIVISIONS TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MATTHEW A. CROSS ENGINEER MO # 2020008364

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valley engineering, inc., is authorized to offer engineering, inc., is authorized to offer engineering, inc., is authorized to offer engineering.

Y DEVELOPMENT PLAT

169 HWY & 144TH 169 HWY & 144TH SMITHVILLE MO.

PROJ. NO.

B21D434

DESIGNER DRAWN I

MAC JN

CFN