

AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, ACCEPTING CERTAIN ALLEYS AND RIGHTS-OF-WAY WITHIN THE SUBDIVISION KNOWN AS THE MANORS AT THE MEADOWS AT CHERRY HILLS FOR PUBLIC MAINTENANCE.

WHEREAS, there is recorded a certain plat for The Manors at the Meadows at Cherry Hills, in the Office of the Recorder of Deeds for St. Louis County, Missouri, in Plat Book 364, Pages 292-293 (the “Plat”); and

WHEREAS, the Plat contains certain private alleys known as Stella Cherry Way (22’ wide) and Sweet Cherry Way (22’ wide), which are dedicated to the Manors at the Meadows at Cherry Hills Homeowners’ Association and the owners of lots 1 through 38, inclusive, for private use as roadways for the purposes of ingress and egress forever, and excluding any parking spaces (the “Dedicated Property”); and

WHEREAS, the Dedicated Property was designated as private which was consistent with the approved Town Center Plan, originally adopted in 1998; and

WHEREAS, since construction of the subdivision, the Manors at the Meadows at Cherry Hills Homeowners’ Association (hereinafter “Association”) has been responsible for maintenance and upkeep of the Dedicated Property, including snow and ice removal; and

WHEREAS, in 2002, the City Council adopted a policy for the acceptance of private streets for public maintenance (hereinafter “Policy”), and

WHEREAS, on June 7, 2021, the Planning and Zoning Commission approved an update to the City’s Town Center Plan (hereinafter “Plan”), that included a recommendation that existing private alleys within the Town Center become public and all future alleys be platted as public; and

WHEREAS, the City Council, on August 9, 2021, approved Ordinance #2628, which approved the Plan as previously adopted by the Planning and Zoning Commission on June 7, 2021; and

WHEREAS, on June 12, 2023, the City Council approved Resolution 2023-4A, which approved an amendment to the Policy (hereinafter “Amended Policy”) that allows that certain alleys located within the Town Center area are eligible to be considered for public dedication in accordance with the requirements of the Amended Policy; and

WHEREAS, the Amended Policy was provided to the trustees of the Association (defined below);

WHEREAS, there is recorded in the Office of the Recorder of Deeds for St. Louis County, Missouri, in Book 22111, Pages 912-952, The Manors at the Meadows at Cherry Hills Declaration of Covenants, Conditions and Restrictions (the “Declaration”); and

WHEREAS, paragraph 9 of the declaration provides, in pertinent part, that:

“The Association, acting by and through the Directors, shall have the following rights, powers, duties and obligations:

(a) To acquire and hold the Common Properties and to transfer or sell the Common Properties in accordance with the provisions provided for herein [...] [...]

(f) To dedicate the private streets, drives, walkways, or rights-of-way, or any portion or portions thereof, when such dedications would be accepted by any applicable public entity to grant easements to any party over the otherwise affecting Common Properties.

[...]

(l) With regard to all property, real, personal or mixed, owned or held by the Association, the full and unqualified right, power and authority to:

[...]

(iv) Sell, convey, trade, exchange, use, handle, manage, control, operate, hold, and deal in and with such property, in all respects, limited only as provided in this Declaration or by law[...].

[...]

(m) In the event it becomes necessary or desirable for any Governmental Body to acquire all or any part of the Common Properties for any public purpose, the Directors are hereby authorized to negotiate with such Governmental Body for such acquisition and to execute such instruments as may be necessary for conveyance to such Governmental Body[...]; and

WHEREAS, the Association desires to dedicate the Dedicated Property, exclusive of the adjacent parking spaces, to the City for public maintenance, and has filed a petition for such with the Department of Public Work in accordance with the Amended Policy; and

WHEREAS, Stella Cherry Way (22' wide) and Sweet Cherry Way (22' wide), meet the City's minimum standards for acceptance of public streets and alleys.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:

Section One. The City of Wildwood, Missouri, does hereby accept the dedication of the Dedicated Property, which Dedicated Property is more particularly described in that certain Dedication and Acceptance of Streets (the “Dedication”), attached hereto marked as Exhibit A and incorporated by reference herein, and that from and after the execution and recording of the Dedication, such Dedicated Property shall become a part of the street system of the City of

Wildwood in perpetuity.

Section Two. The acceptance of the Dedicated Property does not include any of the parking spaces that are located adjacent to the Dedicated Property hereby accepted for maintenance by the City of Wildwood, Missouri, the maintenance of which shall remain the responsibility of the Association and its successors in interest.

Section Three. That the form, terms, and provisions of Dedication attached hereto, marked as Exhibit A, and incorporated by reference herein, be and hereby are approved and the Mayor is hereby authorized, empowered and directed to further negotiate, execute, acknowledge, deliver and administer on behalf of the City such Dedication in substantially the form attached hereto. The Director of Planning and the City Clerk are hereby authorized and directed to attest to the Dedication and other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of Dedication and this Ordinance.

Section Four. Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

Section Five. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Section Six. This Ordinance shall be in full force and effect from and after its passage and approval.

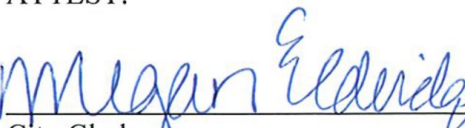
This Bill was passed and approved this 12th day of February, 2024, by the Council of the City of Wildwood, Missouri, after having been read by title or in full two (2) times prior to its passage.



Presiding Officer



James R. Bowlin, Mayor

ATTEST:


City Clerk

ATTEST:


City Clerk

EXHIBIT A