



MEMORANDUM

To: Administration/Public Works Committee Members
From: Rick C. Brown, Director of Public Works / City Engineer
Date: June 4, 2023
Re: Policy on Public Dedication of Private Streets

Background

This item was previously on the agenda for City Council consideration at the May meeting, whereby Resolutions 2023-4 and 2023-4A were presented for consideration. However, after discussion, this item was forwarded back to the Committee for further consideration. Copies of both resolutions have been attached.

The current Policy on Public Dedication of Private Streets (“Policy”) requires that a petition be signed by 100% of residents supporting the transfer of a private street to the City. This requirement was retained with the Policy changes that allowed Town Center Alleys to be considered for dedication per Resolution 2023-4. However, to respond to public comment that the Policy was too restrictive, Resolution 2023-4A was amended by the City Attorney to lower the petitions 100% threshold. The lower standard, which would be applicable to both eligible streets and alleys, would allow the homeowners association (HOA) to request the transfer, conditioned on the following:

- 1.) Providing documentation that the HOA has the legal authority to transfer property and
- 2.) Providing notice to all property owners of the proposed transfer as follows.
 - HOA must send notice of the proposed transfer to all residents of the subdivision. If, in response to the notice, some property owners object to the transfer, a formal petition would then be required, however the number of favorable signatures to be obtained on the petition would vary dependent on the number of objections received as follows:
 - If less than 10% of the property owners oppose the transfer in response to the notice, then a formal petition must be provided to the City that shows support from 70% of property owners.
 - If 10% but less than 30% of property owners oppose the transfer in response to the notice, then a formal petition must be provided to the City that shows support from 80% of property owners.
 - If 30% of property owners or greater oppose the transfer in response to the notice, then a formal petition must be provided to the City that shows support from 90% of property owners.

Interim City Administrator Thomas Lee, City Attorney John Young and I will be available for any questions at the June 6, 2023, Administration/Public Works Committee Meeting.

RCB

RESOLUTION #2023-4

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AMENDING THE POLICY ON PUBLIC DEDICATION OF PRIVATE STREETS TO INCLUDE ALLEYS LOCATED WITHIN THE TOWN CENTER AREA

WHEREAS, certain streets within the City of Wildwood are platted as private; and,

WHEREAS, certain residents living on said private streets have requested the City of Wildwood to accept said streets for public dedication, maintenance and snow removal; and,

WHEREAS, to respond to these requests, the City Council approved Resolution #2001-20 on June 25, 2001, which adopted a Policy on the Public Dedication of Private Streets; and

WHEREAS, the City Council, on March 25, 2002, approved Resolution #2002-12, which amended the Policy on the Public Dedication of Private Streets (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”), initially adopted in 1998, that included the five (5) major components: Boundary Map, Regulating Plan, Street Network Map, Neighborhood Design Standards, and Architectural Guidelines; and

WHEREAS the June 7, 2021, update to the Plan, 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 December 6, 2022, the Administration and Public Works Committee reviewed possible amendments to the Policy, including requests made by residents of several Town Center subdivisions for their existing private alleys to be eligible for public dedication, in accordance with the recommendation included in the 2021 Plan; and

WHEREAS, on January 3, 2023, the Administration and Public Works Committee approved an amendment to the Policy that alleys within the Town Center are eligible to be considered for public dedication in accordance with the requirements of the Policy; and

WHEREAS, this resolution, and its contents, as set forth below, has been determined by the City Council to be in the best interest of the public's health, safety, and general welfare.

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

Section One. That City Council of the City of Wildwood, Missouri, does hereby amend and adopt

the attached "POLICY FOR THE PUBLIC ACCEPTANCE OF PRIVATE STREETS AND ALLEYS" attached hereto as **Exhibit A** and incorporated by reference herein.

Section Two. This Resolution shall be in full force and effect from and after its passage and approval.

Passed and resolved by the Council of the City of Wildwood this _____ day of _____, 2023.

CITY OF WILDWOOD

BY: _____
James R. Bowlin, Mayor

ATTEST:

City Clerk

Exhibit A



WILDWOOD

A POLICY ON PUBLIC DEDICATION OF PRIVATE STREETS OR ALLEYS

(Adopted June 25, 2001)
(Amended March 25, 2002)
(Amended February 13, 2023)

Procedure for the Public Dedication of Private Streets or Alleys

1. Petitions for the public dedication, maintenance and snow removal of private street(s) or alleys shall be filed with the Department of Public Works on forms provided by the Director of Public Works. Each petition shall identify by address all properties affected by the request and shall contain the signatures of all affected property owners who agree to the proposed change.
2. One-hundred percent (100%) of the property owners affected by the request shall sign the petition in agreement.
3. Only the following streets or alleys are eligible for public dedication:
 - a. Existing private streets, established prior to June 25, 2001.
 - b. Existing private alleys, within the Town Center Zoning District, which provide access to detached single family homes on private lots.
4. Upon receipt of the petition, the Director of Public Works shall review the request and shall provide the Petitioner with a recommendation, identifying the specific action necessary to consider the request. The recommendation shall identify any necessary improvements, dedications or other incidental items deemed necessary for consideration, in accordance with the **Requirements for the Public Dedication of Private Streets or Alleys**.
5. Based on the requirements identified in the recommendation by the Director of Public Works, the petitioners may withdraw their request at any time.
6. If after the recommendation, the Petitioner wishes to file the request with the City Council, a non-refundable fee of Seventy-Five (\$75.00) shall be paid to the City.
7. Upon receipt of the Petitioner's payment, the Director of Public Works shall advise the City Council of his/her recommendation.
8. Upon receipt of the Director's recommendation, the City Council may at its sole discretion authorize the public dedication, maintenance and snow removal of the requested street or alley, subject to the completion of all items identified in the Director's recommendation. If authorized by the City Council, all required items shall be completed by the Petitioner within one (1) year of authorization by the City Council.

Requirements for the Public Dedication of Private Streets or Alleys

1. Pavement widths shall meet the minimum requirement for the type of street or alley proposed for acceptance.
2. Pavement thickness shall meet current City specifications, except if located within the Suburban Residential Area or Town Center, and built to an equivalent standard to the connecting public street. Any testing shall be provided at the expense of the Petitioner.
3. Street or alley design shall meet the minimum requirements of Chapter 420 Subdivision Regulations, including grades, cross-sections, stormwater drainage, etc.



WILDWOOD

4. All infrastructure and/or right-of-way repairs identified by City inspection shall be completed at the expense of the Petitioner.
5. Right-of-way width shall meet the minimum requirement for the type of street proposed for acceptance. Any necessary right-of-way dedication shall not compromise any property's compliance with Chapter 415 Zoning Regulations or Chapter 420 Subdivision Regulations.
6. Sidewalks shall be installed according to subdivision design standards where applicable.
7. All surveys and legal work necessary for public dedication shall be completed at the expense of the Petitioner.
8. Street(s) or alleys proposed for acceptance shall connect to an existing public street.
9. Any nonconforming structures or objects within the proposed right-of-way shall be removed at the expense of the Petitioner.
10. Any additional street signs shall be installed at the expense of the Petitioner.
11. The Director of Public Works shall analyze the fiscal implications of the requested dedication and identify any extraordinary conditions relative to the request.

RESOLUTION #2023-4A

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AMENDING THE POLICY ON PUBLIC DEDICATION OF PRIVATE STREETS TO INCLUDE ALLEYS LOCATED WITHIN THE TOWN CENTER AREA

WHEREAS, certain streets within the City of Wildwood are platted as private; and,

WHEREAS, certain residents living on said private streets have requested the City of Wildwood to accept said streets for public dedication, maintenance and snow removal; and,

WHEREAS, to respond to these requests, the City Council approved Resolution #2001-20 on June 25, 2001, which adopted a Policy on the Public Dedication of Private Streets; and

WHEREAS, the City Council, on March 25, 2002, approved Resolution #2002-12, which amended the Policy on the Public Dedication of Private Streets (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”), initially adopted in 1998, that included the five (5) major components: Boundary Map, Regulating Plan, Street Network Map, Neighborhood Design Standards, and Architectural Guidelines; and

WHEREAS the June 7, 2021, update to the Plan, 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 December 6, 2022, the Administration and Public Works Committee reviewed possible amendments to the Policy, including requests made by residents of several Town Center subdivisions for their existing private alleys to be eligible for public dedication, in accordance with the recommendation included in the 2021 Plan; and

WHEREAS, on January 3, 2023, the Administration and Public Works Committee approved an amendment to the Policy that alleys within the Town Center are eligible to be considered for public dedication in accordance with the requirements of the Policy; and

WHEREAS, this resolution, and its contents, as set forth below, has been determined by the City Council to be in the best interest of the public's health, safety, and general welfare.

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

Section One. That City Council of the City of Wildwood, Missouri, does hereby amend and adopt

the attached "POLICY FOR THE PUBLIC ACCEPTANCE OF PRIVATE STREETS AND ALLEYS" attached hereto as **Exhibit A** and incorporated by reference herein.

Section Two. This Resolution shall be in full force and effect from and after its passage and approval.

Passed and resolved by the Council of the City of Wildwood this _____ day of _____, 2023.

CITY OF WILDWOOD

BY: _____
James R. Bowlin, Mayor

ATTEST:

City Clerk



WILDWOOD

A POLICY ON PUBLIC DEDICATION OF PRIVATE STREETS OR ALLEYS

(Adopted June 25, 2001)
(Amended March 25, 2002)
(Amended _____, 2023)

Procedure for the Public Dedication of Private Streets or Alleys

1. Consideration of a request for the acceptance of Public Dedication of Private Streets or Alleys shall only be considered by the Planning and Zoning Commission and the City Council, upon filing of a petition for the public dedication, maintenance and snow removal of private street(s) or alleys with the Department of Public Works on forms provided by the Director of Public Works. Each petition shall identify by address all properties affected by the request and shall contain the signatures of all affected property owners who agree to the proposed change, and conform with the requirements of this Policy. A determination of the sufficiency of those properties identified as being affected by the proposed dedication shall be at the discretion of the Director of Public Works.
2. Petitions required pursuant to this Policy shall be signed by, either:
 - a. One-hundred percent (100%) of the property owners affected by the request ; or
 - b. Any person, as that term is defined in Section 100.030 of the Code of Ordinances of the City of Wildwood, legally authorized to dedicate the streets or alleys for public use and maintenance, with such legal authority being evidenced by documentation submitted by the petitioner with the sufficiency of which shall be at the sole discretion of the City; provided, however, the person filing the petition shall make a good faith effort to provide notice to the addresses of all owners of properties affected by the request, and identified pursuant to Section 1 of this Policy, with the form of such notice being approved by the Director of Public Works and including, at a minimum, the following:

“Notice is hereby given that [NAME OF PETITIONER] has requested that the City of Wildwood, Missouri accept [NAME AND DESCRIPTION OF STREET OR ALLEY] for public use, maintenance and snow removal. The Planning and Zoning Commission will consider the acceptance of the dedication of [NAME OF STREET] at its meeting on [DATE OF MEETING]. Should you have any reason to object to the City’s acceptance of the dedication of [NAME OF STREET OR ALLEY] you may file a written notice of objection with the office of the Director of Public Works by filing the same at 16860 Main Street, Wildwood, Missouri 63040-0440. Notices of objection will be accepted no later than 5pm on the date of the meeting of the Planning and Zoning Commission set forth herein.”

Such notices shall be made by United States Mail, First Class, and postmarked not less than fifteen (15) days prior to the meeting of the Planning and Zoning Commission at which the dedication of the public street or alley shall be first considered. Furthermore, the person filing the petition shall cause a sign or signs, not less than twenty (20) inches by twenty-six (26) inches, to be placed along the dedicated street or alley at such locations approved by the Director of Public Works, but at least at each of its intersections with another public or private street or alley. Said sign or signs shall be placed on such land at least fifteen (15) days, but no greater than twenty-one (21) days,



WILDWOOD

prior to the meeting of the Planning and Zoning Commission at which the dedication of the public street or alley shall first considered.

Should timely objections to the dedication of the street or alley be filed by affected property owners, the Planning and Zoning Commission shall postpone consideration of the acceptance of the street until such time as the following are received by the Director of Public Works within six (6) months from the date of postponement:

- (1) If any objections are filed by the identified affected property owners, a petition, on forms provided by the Director of Public Works, requesting acceptance of the public street or alley signed by owners of identified affected properties representing 70% of the identified affected properties;
- (2) If objections are filed by identified affected property owners representing 10% of the identified affected properties, a petition, on forms provided by the Director of Public Works, requesting acceptance of the public street or alley signed by owners of identified affected properties representing 80% of the identified affected properties; or
- (3) If objections are filed by identified affected property owners representing 30% of the identified affected properties, a petition, on forms provided by the Director of Public Works, requesting acceptance of the public street or alley signed by owners of identified affected properties representing 90% of the identified affected properties.

3. Should no such petition be timely filed, the matter shall be considered postponed indefinitely. Only the following streets or alleys are eligible for public dedication:
 - a. Existing private streets, established prior to June 25, 2001.
 - b. Existing private alleys, within the Town Center Zoning District, which provide access to detached single family homes on private lots.
4. Upon receipt of the petition, the Director of Public Works shall review the request and shall provide the Petitioner with a recommendation, identifying the specific action necessary to consider the request. The recommendation shall identify any necessary improvements, dedications or other incidental items deemed necessary for consideration, in accordance with the **Requirements for the Public Dedication of Private Streets or Alleys**.
5. Based on the requirements identified in the recommendation by the Director of Public Works, the petitioners may withdraw their request at any time.
6. If after the recommendation, the Petitioner wishes to file the request with the City Council, a non-refundable fee of Seventy-Five (\$75.00) shall be paid to the City.
7. Upon receipt of the Petitioner's payment, the Director of Public Works shall advise the City Council of his/her recommendation.
8. Upon receipt of the Director's recommendation, the City Council may at its sole discretion authorize the public dedication, maintenance and snow removal of the requested street or alley, subject to the completion of all items identified in the Director's recommendation. If authorized by the City Council, all required items shall be completed by the Petitioner within one (1) year of authorization by the City Council.

Requirements for the Public Dedication of Private Streets or Alleys

1. Pavement widths shall meet the minimum requirement for the type of street or alley proposed for acceptance.



WILDWOOD

2. Pavement thickness shall meet current City specifications, except if located within the Suburban Residential Area or Town Center, and built to an equivalent standard to the connecting public street. Any testing shall be provided at the expense of the Petitioner.
3. Street or alley design shall meet the minimum requirements of Chapter 420 Subdivision Regulations, including grades, cross-sections, stormwater drainage, etc.
4. All infrastructure and/or right-of-way repairs identified by City inspection shall be completed at the expense of the Petitioner.
5. Right-of-way width shall meet the minimum requirement for the type of street proposed for acceptance. Any necessary right-of-way dedication shall not compromise any property's compliance with Chapter 415 Zoning Regulations or Chapter 420 Subdivision Regulations.
6. Sidewalks shall be installed according to subdivision design standards where applicable.
7. All surveys and legal work necessary for public dedication shall be completed at the expense of the Petitioner.
8. Street(s) or alleys proposed for acceptance shall connect to an existing public street.
9. Any nonconforming structures or objects within the proposed right-of-way shall be removed at the expense of the Petitioner.
10. Any additional street signs shall be installed at the expense of the Petitioner.
11. The Director of Public Works shall analyze the fiscal implications of the requested dedication and identify any extraordinary conditions relative to the request.