



WILDWOOD

MEMORANDUM

To: Mayor Bowlin and City Council Members
From: Rick C. Brown, Director of Public Works / City Engineer
Date: June 8, 2023
Re: Amending the Policy on the 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 but forwarded back to the Committee for further consideration.

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 the original Resolution 2023-4. However, to respond to public comment that the Policy was too restrictive, Resolution 2023-4A was developed by the City Attorney, which amended the Policy by lowering the petitions 100% threshold. Per the amended Policy, 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. In addition, the Department would place temporary signs providing notice of the request for public dedication.
 - If, in response to the notice, some property owners object to the transfer, a petition would then be required with the percentage of property owner signatures to be obtained as follows:
 - If less than 10% of the property owners oppose the transfer, then the petition must be signed by 70% of the property owners affected by the request.
 - If 10% but less than 30% of property owners oppose the transfer, then the petition must be signed by 80% of property owners affected by the request.
 - If 30% of property owners or greater oppose the transfer, then the petition must be signed by 90% of property owners affected by the request.

Based on comments from trustees of Windsor Crest subdivision, they stated agreement with the lower threshold in the amended Policy. In addition, per their feedback, an attempt has been made to revise the Policy to be more readable and more directly incorporate the above verbiage.

Recommendation: It is recommended to adopt the amended Policy on the Public Dedication of Private Streets and Alleys, as would be authorized with passage of Resolution 2023-4A. This recommendation was approved by the Administration and Public Works Committee at their June meeting.

Interim City Administrator Thomas Lee, City Attorney John Young and I will be available for any questions at the June 12, 2023, City Council meeting.

RCB



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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, which could include homeowner's association trustees. Such legal authority shall be 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 as follows:
 - i. Notice. Notice shall be provided to the addresses of all owners of properties affected, 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



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

ii. Placement of Sign(s). A sign or signs, not less than twenty (20) inches by twenty-six (26) inches, shall be placed along the dedicated street or alley at such locations 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, prior to the meeting of the Planning and Zoning Commission at which the dedication of the public street or alley shall first be considered.

c. Objection(s) to Notice. If, in response to the notice, timely objections to the dedication of the street or alley are filed by affected property owners, the Planning and Zoning Commission shall postpone consideration of the acceptance of the street. The postponement shall be for six months or until such time as an updated petition is submitted, on forms provided by the Director of Public Works, requesting acceptance of the public street or alley as follows:

- i. If objections are filed by less than 10% of the owners representing the identified affected properties, the updated petition shall be signed by 70% of owners representing identified affected properties; or
- ii. If objections are filed by 10% but less than 30% of the owners representing the identified affected properties, the updated petition shall signed by 80% of owners representing identified affected properties; or
- iii. If objections are filed by 30% or more of the owners representing the identified affected properties, the updated petition shall be signed by 90% of owners representing identified affected properties.

Should no such petition be filed within six months of the postponement, the matter shall be considered postponed indefinitely.

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 PublicWorks, 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.



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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.
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.