



## **AGENDA ITEM ANALYSIS**

Project/Issue Name: 22-R-33 A Resolution of the City Council Declaring Conditional Consent to the Dissolution of the Savannah Heights Phase One Property Owners Association, Inc.

Submitted By: Megan McCullough, City Attorney

Date: June 21, 2022

### **Issue Statement**

To declare consent to the dissolution of the Homeowner's Association of Savannah Heights Phase 1, at the request of its residents, upon certain conditions and acknowledgments.

### **Discussion and/or Analysis**

The Savannah Heights Phase I Property Owners Association, Inc., through its residents and legal counsel Jennifer Hardy, has requested that the City consent to the dissolution of its homeowner's association ("Association"). The Association was created in 2004 pursuant to a Declaration of Covenants, Conditions and Restrictions for Savannah Heights Phase I Subdivision ("CC&Rs"). (The CC&Rs are titled as though they only apply to Phase I of the subdivision, but they apply to both Phase I and II of Savannah Heights). Under the CC&Rs, the Association must obtain written consent of the City prior to filing any Articles of Dissolution with the Missouri Secretary of State.

The Association has advised City staff members that it does not own any "Common Areas" as defined in the CC&Rs, and that there are no such "Common Areas" to which the Association has any current or continuing obligation to maintain or upkeep. The Association has also advised City staff members that it held a meeting and vote to dissolve the Association, after providing appropriate notice under its CC&Rs and Bylaws, and that such vote was in favor of dissolution by approximately 2/3 vote. The Association provided documentation of that meeting notice and vote results in a packet provided to City staff. A copy of those materials is included in the packet agenda for this session.

Finally, the Association has advised City staff members that it has no current or outstanding liabilities, liens, claims, or other potential claims in its name or against it. The only dues owed to the Association, totaling approximately \$620, have been waived by the Association. E-mails documenting this waiver are included in the materials provided by the Association to the City staff.

The City has reviewed the Approved Final Plats and determined neither Phase I or Phase II of the Savannah Heights subdivision contains common area or stormwater basins which would be required to be maintained by a Property or Homeowner's Association. The dissolution of the Homeowner's Association will not impact the City-owned Utilities within the platted Easements and/or Rights-of-Way.

### **Recommended Action**

Staff recommends approval.