

EXHIBIT 6

REASONS FOR ACCEPTING THE STREETS FOR MAINTENANCE

- **The streets in the development are used by the public. The City is charged with the health and safety of its citizens. The City, by accepting the streets, would be exercising control over the streets, including the maintenance, ensuring that the streets are safe for the public and open for public use.**
 - The City approved the Al Moore Lindbergh Leadership Center without consent, discussion or approval of the Tapawingo community. Access to the Center is over private streets. Although closed now, the public use Manor streets for many years that it was open, at the Manors' expense.
 - The City is considering using a portion of the Moore property for a public park which will require access by private streets.
 - The City approved the expansion of the golf course facilities (banquets, weddings, restaurant, etc.) which increased traffic substantially on the Manor's roads.
 - All of these members of the public using the Manor's streets could be assured of the good maintenance of the streets by the City.
 - Other members of the community have used these streets when there has been flooding in the lower valley.
- **The City has been exercising control over the streets as if they had already accepted them, so accepting the streets would take away the split responsibilities over the streets.**
 - The City permitted the gating of the entrance to the Moore property at the top of Maple, which diverts traffic onto the "private" streets of the Manors.
 - The City has erected signs on Maple Drive/ Rott Road directing traffic to use the Manors' private community streets rather than have traffic proceed Maple Drive that runs through Al Moore's property (which is a public road).
 - Police patrol.
 - The City has at times provided snow removal.
 - Pursuant to discussions early on, the west half of Maple Drive was dedicated to the City, between the Fairway on the 5th hole and the gate at the top of Maple Lane, which the City is responsible for maintaining. Maintaining the additional streets subject to the application would provide continuity in maintenance.
- **The 117 property owners in the Manors benefit because they would be relieved of the obligation to maintain the three streets. Although this would be at some cost to the City, the City would exclusively control when to make repairs. Given the repairs that the City requires to the streets in order to have them accepted, there may be no repairs needed for years.**

- **It is in the interest of the City to proceed with the spirit and standards set forth in the Ordinance. The Ordinance is vague in many instances which is difficult for Manors to comply.**
 - The process set out has flaws.
 - The vagueness of the Ordinance, the scope of the review delegated to the Public Works Department and Planning and Zoning as well the discretion reserved to the Board of Alderman even after the process has resulted in delays, and significant expenditures of the Manors. The Manors has (i) incurred fees of two professional engineers to conduct studies on concrete health, grade, cores, and dowels, (ii) paid for and supplied a survey showing the boulder wall is not in the road right of way (this was provided by a licensed Missouri surveyor), (iii) paid for an obtained a title commitment showing ownership, (iv) incurred legal fees, (v) had meetings with the Moores, JBS, Tapawingo on the Green, the original developers, (vi) obtained bids for work to be done, met with and exchanged multiple emails with the Public Works Department Staff, and met with the Public Works Committee at least three times and the Planning and Zoning Commission at least 2 times in the last two rounds of trying to have the road adjusted, (vii) obtained letters from MSD and Ameren, (viii) sought the indemnification of the golf course owner which was obtained (which was sufficient for one earlier board, but apparently not sufficient now), (ix) researched issues related to actions being required by the City for approval. All of these delays resulted in greater hurdles and costs to the Manors to have its streets accepted.
 - No guidance is given to the Department of Public Works on how to determine the cost of maintaining streets which has let to untruths in the community at large about the City's potential costs. Accordingly, the erroneous cost and explanation that the City has disseminated to the Sunset Hills community tainted the view of the citizens about the cost to the City of accepting the streets for public maintenance. At least two of the current alderpeople used it as a campaign platform in recent elections.
 - The City continues to state that there are grade issues, and yet the City approved the release of the escrow signifying that the standards were met. The City didn't even give any notice that the escrow was being released.
- **The City's exercise of control over the streets – e.g., police monitoring, snow removal and directing the public to use these streets – interferes with the Manors' private rights and constitutes a taking which requires just compensation to be paid to the Manors. Again, given the City's already control and potential taking over the streets, there is a benefit for the City to accept the streets for public maintenance.**
- **It is in the interest of the City to mitigate the damages suffered by the Manors and the costs that the City may incur if this process moves forward in litigation.**