

**Resolution No. \_\_\_\_**

**A Resolution of the City of Sunset Hills, Authorizing the Mayor to Enter into an Improvement Escrow Agreement with Westview Investment, LLC Guaranteeing Site Plan Improvements for the Sunset Reserve Subdivision and Matters Relating**

**WHEREAS**, the Planning and Zoning Commission of the City of Sunset Hills, Missouri, approved the improvement plans for the Sunset Reserve Subdivision, submitted by Westview Investment LLC (the “Owner/Developer”) for property located at 12300, 12322 & 12330 Robyn Road, Sunset Hills, Missouri ; and

**WHEREAS**, Section 3.5 of Appendix A of the Code of Ordinances of the City of Sunset Hills requires that upon final approval of the improvement plans, the Developer shall file a deposit with the City on the provided Escrow Agreement form in an amount to ensure performance of any obligations of the Developer to make improvements shown upon the approved improvement plans or attested to in any accompanying documents; and

**WHEREAS**, the Owner/Developer proposes to perform proper installation of public improvements in accordance with the approved improvement plans and has submitted an Escrow Agreement and Letter of Credit that guarantees remaining site plan improvements as set forth in the improvement plans and based on the cost estimate provided by the Owner/Developer and approved by the Planning and Zoning Commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, MISSOURI, AS FOLLOWS:**

**Section 1:** The Board of Aldermen of the City of Sunset Hills, Missouri, approves the Escrow Agreement guaranteeing installation of all site improvements attached hereto as Exhibit A. The terms of the Escrow Agreement shall be substantially similar to, and no less favorable to the City, than the terms reflected within the attached Escrow Agreement.

**Section 2:** The City shall and the Mayor and other appropriate officers, agents and employees of the City are authorized to execute the Escrow Agreement guaranteeing site plan improvements as set forth in Exhibit A attached hereto and incorporated herein by reference (the “Agreement”), and to take such further actions and execute and deliver such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**Section 3:** The portions of this Resolution shall be severable. In the event that any portion of this Resolution is found by a court of competent jurisdiction to be invalid, the remaining portions of this Resolution shall be deemed valid, unless the court finds the valid portions of this Resolution are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the governing body of the City has enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent. All prior resolutions in conflict herewith shall be and are hereby repealed.

**Section 4:** This Resolution shall be in full force and effect from and after its passage and approval.

Passed this 10<sup>th</sup> day of May, 2022

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk/City Administrator