

## **SECTION 8: PUBLIC LAND DEDICATION**

### **8-1 PROPERTY DEDICATION**

- A. A portion of any subdivision shall dedicate to the City a reasonable portion of the proposed subdivision for public streets, roads, utility easements, water facilities, storm water drainage and holding areas or ponds and other similar utilities and improvements.
- B. As a prerequisite to any subdivision approval, and at the sole determination by the City, applicants and/or developers shall dedicate land for parks, playgrounds, public open spaces or trails and/or shall make a cash contribution to the City's park dedication fund roughly related to the anticipated effect of the subdivision on the park and trail system. The amounts listed in this Section are the City's best estimate of the dedication or cash contribution needed to offset the effect of the subdivision on the park and trail system. The requirement may also be met with a combination of land and cash if approved by the City Council.
- C. Land shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location, and future park needs pursuant to the Comprehensive Park Plan. Wetlands, ponding areas, and drainage ways shall not be eligible for park dedication credit. Park land to be dedicated shall be above the ordinary high water level. Grades exceeding twelve (12) percent or areas unsuitable for park development shall not be considered for dedication. Land with trash, junk, pollutants and/or unwanted structures is not acceptable.
- D. The applicant shall confer with City Staff and the Park Board at the time the preliminary plat is under consideration, to secure a recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds or other public property. The preliminary plat shall show the location and dimensions of all areas to be dedicated in this manner. Such contribution requirement recommendation(s) will be sent to the Planning Commission for review and comment and subsequently to the City Council for their approval.
- E. When a proposed park, playground, recreation area or other public ground has been indicated in the City's official map or Comprehensive Park Plan and is located in whole or in part within a proposed plat, it shall be dedicated to the appropriate governmental unit. If the applicant elects not to dedicate an area in excess of the land required hereunder for such proposed public site, the City may consider acquiring the excess land through purchase or condemnation.

- F. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may be used for credit, at the discretion of the City Council, against the land or cash dedication requirement for park and recreation purposes, provided the City Council finds it is in the public interest to do so.
- G. The City, upon consideration of the particular type of development, may require that a lesser parcel of land should be dedicated due to particular features of the development. In such cases, a cash contribution shall be required above the land dedication to ensure that compensation is received for the full amount of the impact on the City's park and trail system.
- H. In all new residential, commercial and industrial subdivisions, ten (10) percent of the area subdivided shall be dedicated for public park land as established by City Council resolution. A different percentage may be applied as the City Council shall determine to be reasonably necessary as a result of the subdivision approval. This ten (10) percent shall be calculated on the net buildable area, as defined in Section 1-12. The land dedicated for public recreation shall be in addition to property dedicated for streets, alleys, easements, or other public ways. No areas may be dedicated for public use until such areas have been approved by the City Council as suitable and necessary for the health, safety, convenience and general welfare of the City.
- I. When a subdivision is proposed, the developer shall make a dedication of land for public park and trail use, as provided for in Subdivision 8, of this Section, or shall pay a fee in lieu of such land dedication as established by City Council ordinance. Said amount is the City's best estimate of the effect of the subdivision on the City's park system.
- J. The City may elect at its sole discretion to receive a combination of cash, land, and development of the land for park and/or trail use. Combined park land and cash dedications shall be calculated based upon the following:
  - 1. At the time of subdivision, a yield plan will be prepared demonstrating the total number of units/lots possible within the development without a park. This figure is then multiplied by the per unit or per lot park dedication charge (established by City Council ordinance). The result of this calculation is equal to the total cash value of the park dedication for the residential project. The formula is outlined as follows:
    - a.  $\text{Buildable Acres (less wetlands, right-of-way, natural waterbodies etc.)} \times \text{Average Density} = \text{Number of Units/Lots.}$
    - b.  $\text{Number of Units/Lots} \times \text{Residential Unit Cash Charge} = \text{Total Cash Contribution for the Subdivision.}$

2. Land Value Determination. The value of the land dedication is determined based upon the following formula:
  - a. 
$$\text{Total Land Dedication Acres} \times \text{Land Value} = \text{Total Land Value}$$
3. To determine the combined land and cash dedication requirement, the following formula should be used:
  - a. 
$$\text{Total Cash Contribution for Subdivision} - \text{Land Value for Park Land} = \text{Balance of Cash Contribution.}$$
- K. Planned unit developments with mixed land uses shall make cash and/or land contributions in accordance with this Section based upon the percentage of land devoted to the various uses.
- L. Park cash contributions are to be calculated and established based on land value at time of final plat. Cash dedications shall be included in the development agreement and paid prior to the City's signature of and release of the final plat. For subdivisions that do not require a development agreement, the cash dedication shall be paid before the City releases the signed approval of the subdivision for recording.
- M. Cash contributions for parks shall be deposited in the City's Park Fund and shall only be used for park acquisition or development, and trail acquisition or development as determined by the City.
- N. Property being replatted with the same number of lots or same number of dwelling units shall be exempt from all park land dedication requirements. If the number of lots or the number of dwelling units is increased, or if land outside of the previously recorded plat is added, then the park land dedication and/or park cash contributions shall be based on the additional units/lots and on the additional land being added to the plat.
- O. If the applicant or developer does not believe that the estimates contained in this Section fairly and accurately represent the effect of the subdivision on the park or trail system of the City, the applicant or developer may request that the City prepare an in-depth study of the effect of the subdivision on the park and trail system and an estimate of that effect in money and/or land. All costs of such study shall be paid by the developer or applicant. If the developer requests the preparation of such a study, no application for the development shall be deemed complete until the study has been completed and a determination is made as to the appropriate amount of land or money necessary to offset the effects of the subdivision.