

§ 151.08 PARK LAND DEDICATION REQUIREMENTS.

(A) As a prerequisite to plat approval, subdividers shall dedicate land for parks, playground, public open spaces or trails and/or shall make a cash contribution to the city's park fund as provided by this chapter. The form of contribution, cash or land (or any combination), shall be decided by the city.

(B) Subdivision of land which has been previously platted and officially recorded and which contains less than one acre, shall be exempt from the dedication requirements of this section.

(C) Land to be dedicated 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.

(D) The Park Board, shall recommend to the City Council the location of the land and the amount of land to be conveyed or dedicated within a proposed subdivision.

(E) The Park and Recreation Committee shall recommend to the City Council the land dedication and cash contribution requirements for proposed subdivisions.

(F) Changes in density of plats shall be reviewed by the Park and Recreation Committee for reconsideration of park dedication and cash contribution requirements.

(G) Where a proposed park, playground or other recreational areas, proposed school site or other public ground that has been indicated in the official map and/or comprehensive plan is located in whole, or in part, within a proposed subdivision such proposed public site shall be designated as such and should be dedicated to the city, school district or other proper governmental unit. If the subdivider chooses not to dedicate an area in excess of the land required hereunder for such proposed public site, the city shall not be required to act to approve or disapprove the preliminary plat of the subdivision for a period of 60 days after the subdivider meets all the provisions of the subdivision ordinance in order to permit the Council, school board or other appropriate governmental unit to consider the proposed plat and to consider taking steps to acquire, through purchase or condemnation, all, or part of the public site proposed under the official map or master plan.

(H) Land area conveyed or dedicated to the city shall not be used in calculating density requirements of Chapter 150 and shall be in addition to and not in lieu of open space requirements for planned unit developments.

(I) Where private open space for park and recreation purposes is provided in a proposed subdivision and the space is to be privately owned and maintained by the future residents of the subdivision, the areas may be used for credit at the discretion of the City Council against the requirement of dedication for park and recreation purposes, provided the City Council finds it is in the public interest to do so and that the following standards are met:

(1) That yards, court areas, setbacks and other open space required to be maintained by the zoning and building regulations shall not be included in the computation of the private open space;

(2) That the private ownership and maintenance of the open space is adequately provided for by written agreement;

(3) That the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which

cannot be eliminated without the consent of the City Council;

(4) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration factors as size, shape, topography, hydrological, geology, access and location of the private open space land;

(5) That facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the comprehensive plan, and ore approved by the City Council; and

(6) That where the credit is granted, the amount of credit shall not exceed 25% of the park land dedication requirements for the development.

(J) The city upon consideration of the particular type of development may require larger or lesser parcels of land to be dedicated if the city determines that present or future residents would require greater or lesser land for park and playground purposes. In addition, the City Council may also require lots within the subdivision be held in escrow for future sale or development. The monies derived from the sole of escrowed lots will be used to develop or to purchase park land in the future.

(K) In residential plats the Council may require up to one acre land be conveyed to the city as an outlot by warranty deed for 75 people the platted land could house based following population calculations:

Single-family detached dwelling lots	3.5 persons
Two-family dwelling logs	6.0 persons
Apartment, townhouses, condominiums, and other dwelling units	1 person per bedroom

(L) In lieu of a park land donation the city may require the following cash donations:

Single-family dwelling lots	\$300
Two-family dwelling lots	\$600
Apartments, townhouses, condominiums, and other dwelling units	\$150 per unit plus \$75 per bedroom above the first bedroom on each unit
Commercial and industrial	\$600 per acre

(M) The city may elect to receive a combination of cash, land and development of the land for pork use. The fair market value of the land the city wants and the value of the development of the land shall be calculated. That amount shall be subtracted from the cash contribution required by § 151.08(L). The remainder shall be the cash contribution requirement.

(N) Fair market value shall be determined as of the time of filing the final plat in accordance with the following:

(1) The city and the developer may agree as to the fair market value, or

(2) The fair market value may be based upon a current appraisal submitted to the city by the subdivider at the subdivider's expense. The appraisal shall be made by appraisers who are approved members of the SREA or MAI, or equivalent real estate appraisal societies.

(3) If the city disputes the appraisal the city may, at the subdivider's expense, obtain an appraisal of the property by a qualified real estate appraiser, which appraisal shall be conclusive evidence of the fair market value of the land.

(O) Park cash contributions are to be calculated at the time of final plat approval: The Council may approve a delay in the payment of cash requirements provided that an agreement is executed guaranteeing the payment at the time of the final plat or development plan approval. Delayed payment shall include interest at the highest permitted by law.

(P) The City shall maintain a separate fund into which all cash contributions received from owners or developers in lieu of conveyance or dedication of land for park or playground, public open space or trail purposes shall be deposited and shall make, from time to time, appropriations from the fund for acquisition of land for park and playground purposes, for developing existing park and playground sites, for public open space and trails, or for debt retirement in connection with land previously acquired for parks and playgrounds, which will benefit the residents of the city.

(Q) If a subdivider is unwilling or unable to make a commitment to the city as to the type of building that will be constructed on lots in the proposed plat, then the land and cash contribution requirement will be a reasonable amount as determined by the City Council.

(R) Wetlands, ponding areas, and drainage ways accepted by the city shall not be considered in the park land and/or cash contribution to the city.

(Ord. passed - -)