

## **CHAPTER 3**

### **PARK DEDICATION**

#### **SECTION:**

#### **11-3-1: Park Dedication**

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- A. Dedication to City. The owners of land being subdivided shall dedicate to the City a reasonable portion of the land for use as public parks, playgrounds, trails or open space. In all subdivisions, it shall be presumed that a reasonable amount of land has been dedicated if the subdivider dedicates at least ten percent of the total land in the proposed subdivision. The City shall, in its sole discretion, determine whether a cash payment in lieu of land dedication is appropriate pursuant to Section 11-3-1(C). Upon the request of the applicant, the City Council may either increase or decrease such dedication or payment upon a determination by the City Council that such dedication or payment is unreasonable or insufficient given the specific characteristics of the proposed subdivision and its intended use.
- B. Suitability of Land. The City may determine, in its sole discretion, the location and configuration of any land to be dedicated pursuant to this chapter, taking into consideration the suitability of the land for its intended purpose and future needs of the community for park, playground, trail, or open space.
- C. Cash Contribution in Lieu of Land. At the City's option, the subdivider shall contribute a cash payment in lieu of all or a portion of the land required under Section 11-3-1(A). The amount shall be determined prior to the City granting final approval of the subdivision. The amount of any cash in lieu of land shall be based on the average fair market value of the land that would otherwise be required to be dedicated and as set forth in the City's fee schedule.
  - 1. Cash contributions for residential development will be due and payable at the time of final plat approval and shall be based on the number of new lots or units created. The fee shall be established in the City's fee schedule.
  - 2. Cash contributions for commercial and industrial development will be due and payable at the time of building permit issuance and shall be eight percent of the fair market value of the unimproved land. If an applicant disputes the amount of the proposed cash in lieu of land and is unable to negotiate an alternative amount with the City, the applicant may, at the applicant's expense, obtain an independent appraisal of the property to determine fair market value. The appraisal must be made by a certified real property appraiser who is licensed in the State of Minnesota and holds a MAI membership designation from the Appraisal Institute, or equivalent certification.

- D. Park Fund. Any cash contribution received pursuant to this chapter shall be placed in a separate fund and used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space. Cash payments must not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space.
- E. Previously Subdivided Land. Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of resubdividing the property, the number of lots is increased, then park dedication or cash fee must apply only to the net increase of lots.

Adopted by the City Council of the City of Lauderdale the 22<sup>nd</sup> day of January, 2019. Published in the Roseville Review on the 5<sup>th</sup> day of February, 2019.