

## **SECTION 3.25: PARK LAND DEDICATION**

### **1. Description**

These requirements are established to provide open space for the public by providing adequate park and recreational areas for the well being of the residents in the City of Stephenville. The City of Stephenville has determined a strong connection between a residential development and the need for parkland is essential to the health and welfare of the Citizens of Stephenville.

The intent of the section is to have a method for the dedication of public parkland, or the payment of a fee in lieu of property dedication.

### **2. Park Land Contributions**

- (a) City may accept a dedication of community park land at a rate on not less than one (1) acre of land per fifty (50) dwelling units of a single family, multi-family or any type of single-family attached (patio home, town home, two-family, duplex, etc.) residential subdivision within the city limits.
- (b) In lieu of property dedication, a payment may be made as prescribed in the City's Fee Ordinance.
- (c) The form of contribution, land dedication or a payment in lieu of property dedication, will be at the discretion of the City of Stephenville.

### **3. Dedication of Land Requirements**

- (a) The developer shall propose dedication of park land in conjunction with approval of the subdivision plat.
- (b) All park land offered for dedication under this section shall meet the requirements for location and for physical land characteristics outlined in the City of Stephenville Parks, Recreation & Open Space Master Plan.
- (c) The City may, at its discretion, proceed to conduct such initial construction inspections, environmental tests and surveys on the land and improvements as it may deem appropriate. The subdivider must grant the City access to the land to conduct such construction inspections, surveys, and tests.
- (d) If the results of such construction inspections, surveys and tests indicate a reasonable possibility of construction failure, construction dumping, flawed construction, environmental contamination or the presence of environmental hazards, the City may require further surveys and tests to be performed at the subdivider's expense as the City may deem necessary prior to

its acceptance of the dedication. The subdivider may be required to identify alternative property or pay the fees in lieu of such park land dedication.

- (e) Submission of park dedication documents is required for final plat approval. Park dedication documents include, but are not limited to:
  - (1) A metes and bounds description of the park dedication property.
  - (2) A survey plat of the park property only.
  - (3) A copy of the subdivider's deed for the property.
  - (4) An environmental statement (ESA Phase 1) that indicates that the park site is free of environmental contamination or hazards.
  - (5) Park property documents conveying ownership to the City by General or Special Warranty Deed before release of the final plat on any or all portions of the subdivision.

#### **4. Park Development General Requirements**

- (a) The location and size of public parks within the City shall be determined in all instances by the City of Stephenville. That determination shall be based upon existing circumstances at the time and shall be in accordance with the City of Stephenville Parks, Recreation & Open Space Master Plan.
- (b) Neighborhood public parks shall not be smaller than three (3) acres or larger than ten (10) acres.
- (c) If park land dedication is adjacent to any educational institute, the public park shall not be smaller than seven (7) acres.
- (d) If a subdivision cannot provide the minimum three (3) acre parcel or a smaller parcel which can potentially be contiguous to existing or future park parcels, then a fee in lieu of parkland or a combination of fee and parkland dedication will be required at the discretion of the City.
- (e) Location of city parks must serve residents of Stephenville within a one-half (1/2) to two-thirds (2/3) mile radius of the park and be connected to or be a part of a linkage park system.
- (f) The subdivider will provide no less than 150 feet of street frontage for each three (3) acres of park land. The required frontage can be a combination of contiguous park access drives, street frontage or access easements. Credit may also be given for access easements that allow access into the park from the surrounding neighborhood.

- (g) The subdivider will bear the cost of all improvements, including streets, water, sewer, storm drainage and street frontage directly related to park sites.
- (h) Drainage areas may be accepted as part of the park dedication if no significant area of the park is cut off by access to channels and if suitable improvements may be made within the area without unreasonable cost by the City.
- (i) Consideration will be given for development of a park, around natural drainage and wooded areas that provide potential recreational uses. Floodplain and floodway will be accepted for park development in the following ratios.
  - (1) Floodplain and natural drainage areas should not exceed seventy-five (75%) percent of the total park site.
  - (2) At least fifty (50%) percent of required dedicated parkland should have slopes in range of 2-5%, well-drained, and suitable for active use development.
  - (3) When development occurs near the city's trail system or linkage parks and is determined suitable for trail development by the Community Services Director, the subdivider will be required to develop that section of the trail or linkage system that occurs within the development. The subdivider will construct the system in accordance with Community Services Department design criteria and specifications. The Community Services Director may, at his/her discretion, credit the subdivider up to one-hundred percent (100%) of the required land dedication and development fee. The cost for the trail's development will be at the developers expense, but will not exceed the required park development fee.
- (j) Areas having environmentally sensitive ecosystems, attractive views, topographical interests, or unique natural features shall be preferred and encouraged for park land dedication. If the areas are not physically attractive in some other way, The City of Stephenville, at their discretion, may not accept dedicated areas.
- (k) The areas must be well drained, relatively level, for the proposed park uses and shall be suitable for appropriate recreational and leisure activities. Any land dedication may be refused by the City of Stephenville if there is a finding of any unusual topography slope or other characteristics.

## **5. In Lieu of Parkland Dedication**

- (a) Payment of money in lieu of dedication of land for park purposes shall be made prior to the acceptance of a Final Plat by the City of Stephenville Council.
- (b) Where a subdivision plat is submitted indicating multi-family or any type of single-family attached (patio home, town home, two-family, duplex, etc.) residential development, and a table of information is not provided indicating the number of dwelling units, the City will assume the highest density allowed in the zoning classification to be applied to the property.

## 6. Special Fund

- (a) The City shall establish a special fund for the deposit of all sums paid in lieu of land dedication, known as the Park Land Dedication Fund.
- (b) Fees collected shall be used for the purpose of acquisition and development of new community parks and existing park facilities intended for use and access by the entire City.
- (c) Fees collected may be used for site preparation, the extension of utilities to or within sites, the installation of landscaping, play equipment, trail development, or recreation improvements and attendant, engineering, and planning costs associated with such park development.
- (d) All expenditures of fees collected shall be made in accordance with the City of Stephenville Parks, Recreation & Open Space Master Plan and approved by the City of Stephenville.
- (e) Any money paid into this Park Development Fund must be expended by the City within ten (10) years from the date received by the City. If such funds are not expended within ten (10) years following final plat approval, the property owner of such property may request a refund in writing within one (1) year of entitlement or such right shall be barred.
- (f) The Park Land Dedication Fund shall generally follow the City of Stephenville's Comprehensive Plan and the Parks, Recreation and Open Space Master Plan. The City of Stephenville, at their discretion, will determine the fair and objective use of the Park Land Dedication Fund.

## 7. Credits

- (a) Where recreation facilities are built for the residents of a subdivision development, a credit may be given to the subdivider for all or a portion of the land dedication (or fee-in-lieu thereof) and the Park Land Dedication fee based on the value of the developed park. At the discretion of the City Council, a credit of up to 100% of the total amount of the Park Land Dedication fee may be issued.
- (b) Credit may also be given for access easements that allow access into the park from the surrounding neighborhood.