

STATE OF MINNESOTA  
COUNTY OF WASHINGTON  
CITY OF LAKE ELMO

ORDINANCE NO. 8046

AN ORDINANCE AMENDING SECTIONS 105.030(C), 401.400(A) THROUGH 401.400(F); ADDING SECTIONS 401.400(D)(1) THROUGH 401.400(D)(3), and 401.450; AND REPEALING SECTIONS 401.400(F)(1) THROUGH 401.400(F)(3), 401.400(G), 401.400(H), 401.400(I) AND ITS SUBDIVISIONS, AND 401.400(J) AND ITS SUBDIVISIONS OF THE LAKE ELMO CITY CODE RELATING TO PARK LAND DEDICATIONS.

The Lake Elmo City Council hereby ordains that Section 105.030(C) and Sections 401.400(A) through 401.400(F) are hereby amended; and Section 401.450 is hereby added to the Lake Elmo City Code to read as follows:

Section 105.030(C) Platting: (Subdivision)

1-10 lots	\$ 750.00
Escrow	1125.00
11-20 lots	1500.00
Escrow	2250.00
21 lots or more	3000.00
Escrow	4500.00

Section 401.400. Park Land Dedication Requirements.

- A. Land Dedication. Except as hereinafter provided, the owners of land being subdivided shall dedicate a reasonable portion of such land to the City for public use as parks, playgrounds, trails or open space. The land dedication requirements shall equal the following percentages of the total area being subdivided within various zoning districts:

<u>Zoning Districts</u>	<u>Percentage Land Dedication</u>
R1, R2, R3, R4	10%
RE	7%
RR and A	4%
GB, HB, CB, I	3%

- B. Land Title. Park land dedications which are not dedicated to the City on a plat shall be conveyed to the City by Warranty Deed free and clear of all liens or encumbrances. The subdivider shall provide proof of title, in a form acceptable to the City, prior to the conveyance of such property.
- C. Land Acceptability. The City must approve the location and configuration of any park land which is proposed for dedication and shall take into consideration the suitability of the land for its intended purpose; the future needs of the City for parks, playgrounds, trails or open space; and the recommendations of the City's Park Commission. The following properties shall not be accepted for park land dedications:
1. Land dedicated or obtained as easements for streets, sewer, electrical, gas, storm water drainage and retention areas, or other similar utilities and improvements.
  2. Land which is unusable or of limited use.
  3. Land within a protected wetland or within a floodplain area.
- D. Contribution in Lieu of Land. In lieu of the land dedication, the City may elect to require the subdivider to contribute a cash equivalent payment to the City's Park and Open Space Fund, or, may require the developer to satisfy the park land dedication requirement by a combination of land and cash contribution. For all subdivisions, except residential subdivisions resulting in three (3) or fewer parcels, the maximum cash equivalent payment shall be an amount equal to the fair market value of the percentage land dedication for the zoning district in which the subdivided property is located. The City shall determine the fair market value of the land by reference to current market data, if available, or by obtaining an appraisal from a licensed real estate appraiser. The subdivider shall pay for the cost of the appraisal. The fair market value determination of the appraiser shall be conclusive. Maximum cash equivalent payments for residential subdivisions resulting in three (3) or fewer parcels shall be as determined from time to time by City Council resolution.

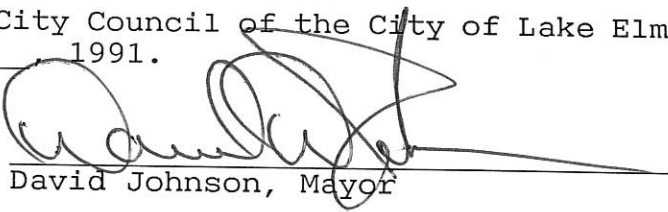
- E. Payment of Cash Contribution. Cash contribution payments shall be made to the City prior to final plat approval in those cases where the subdivision results in more than three (3) lots, and prior to the City's approval of the deeds of conveyance in those cases where the subdivision will result in three (3) or fewer lots. Where there is a subdivision of property which has an existing residential dwelling, no park dedication fee shall be required for the existing dwelling unit.
- F. Park and Open Space Fund. Cash contributions received pursuant to this Regulation shall be placed in a separate fund by the City and used only for parks, playgrounds, trails or open space purposes.

Section 401.450. Lands Designated for Public Use on Comprehensive Plan or Official Maps. Where all or a portion of the area included in a proposed subdivision has been designated as a park, playground, recreational area, proposed school site, or other public ground in the City's Comprehensive Plan or in an Official Map adopted pursuant thereto, the subdivider shall notify the appropriate governmental unit of the proposed subdivision of the property. The notice shall be given prior to submittal of the development application to the City of Lake Elmo. Prior to the City's review of the preliminary plat, the subdivider shall advise the City in writing of the status of the negotiations regarding such designated area.

The Lake Elmo City Council hereby ordains that Sections 401.400(F)(1) through 401.400(F)(3), 401.400(G) through 401.400(H), 401.400(I) and its subdivisions, and 401.400(J) and its subdivisions of the Lake Elmo City Code are hereby repealed.

Effective Date. This ordinance shall be effective the day following its publication.

Adoption Date. Passed by the City Council of the City of Lake Elmo the 4th day of June, 1991.

  
David Johnson, Mayor

ATTEST:

  
Mary Kueffner, City Administrator

Publication Date. Published on the 19th of June, 1991.