

to consider and take action toward acquisition of such site by purchase or other means.

Subd. 2 Park Dedication. Because of the current status of the park and recreational system for the City, and particularly the amount of improvements needed for park land, the need for additional lands for parks does not necessarily coincide with the areas being subdivided. Consequently, the Council has determined that contributions by subdividers to the development of recreational park facilities should be primarily by payment of park dedication fees rather than land dedication.

Brainerd City Code

500.47 Subd. 2 cont. (Rev. 2003)

Park dedication fees shall be deposited in the Park Capital Fund and be used solely for the development of, and improvements to existing or future parks, and will not be used for maintenance, repair and other "daily" expenses. The Park Board shall make a recommendation to the City Council as to the location of any sites or improvements to be funded with such park dedication fees in said Park Capital Fund.

Whenever any land in the City is subdivided by any process, including but not limited to subdivision under this Ordinance, by a registered land survey, or whenever any land within the City is to be built upon where no previous park fee was paid, the policy of the City is to require dedication for park land and facilities accordance with the policies detailed herein. If property which was subject to a park dedication fee or dedication of land computed on the basis of a use that is not constructed is to be subsequently developed with uses that would require an additional fee or dedication of additional land, there shall be a credit for the amount previously paid or dedicated.

If a subdivision proposes dedication of land for park use, which the City Council finds is not needed, is not suitable for the intended use, or is too small for practical maintenance, the City Council may reject such dedication and require cash payment in lieu thereof.

Subd. 3 Determination of Land to be Dedicated or Park Dedication Fees to be Paid. All subdivisions of land within the corporate limits of the City of Brainerd hereafter submitted for approval shall fully comply in all respects with the regulations set forth herein. Plans for all commercial and industrial developments shall be presented in the same manner as a subdivision. Plans for planned unit developments for housing, commercial, industrial or other uses or for any combination of uses designed for sale or rental purposes shall be presented in the same manner as subdivisions for the review by the Planning Commission and the approval of the City Council.

1) Fee: The City Council shall require that the subdivider contribute an amount in cash as the park dedication fee according to the following fee schedule:

Single dwelling: \$500 per buildable lot

Double or multiple dwellings: \$500 per unit  
(Including PUD's)

If the as-built plans of all developments within the plat are not provided when the final plat is approved, the developer shall pay a fee based on the fair market value of the land as set forth below and also execute a developer's agreement which states that when a building permit is requested a plan to develop the entire subdivision must be presented and if the dedication cost would have been more at the time of the plat approval based on the per unit fee, the developer will pay the difference between the original fee and the per unit fee before any building permit is issued.

Commercial/Industrial/Business: \$1,000 per acre or 5% of the fair market value of the subdivision as set forth below, whichever calculation creates the greatest amount of funds.

If any of the fees set forth herein above are determined by any Court to be invalid for any reason whatsoever, the park dedication fee shall be the fair market value of the land to be subdivided. For the purposes of this section, "fair market value" means a price that a willing buyer would pay and a willing seller would accept for the property at the time of acceptance of the final plat including but not limited to zoning, public and subdivider improvements or other factors as determined by the County Assessor but excluding any buildings or structures located thereon.

2) Land Amount: If, in the judgement of the City Council, after consultation with the Park Board, that a tract of land is desirable for public use because of location, size or other reasons, a dedication of land by a developer shall be required based on the gross area included in the subdivision, which would be developed for residential, commercial, or industrial purposes and shall be 7%.

This paragraph shall apply to all new development, redevelopment, lot combination/redivisions meant to facilitate development, and expansion of residential or commercial/industrial/business use. It shall not apply to lot combination/redivisions which do not increase the number of single family residential lots or units, conversion of apartments to condominiums, or internal leasehold improvements.

(Rev. Ord. 1200)