CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: **September 4, 2018**

ITEM: Approval and Acceptance of Parkland Dedication Agreement– Hubbell Metropolitan Development Fund I LLC (Series B) – Aventura at Greenway Crossing (SP-003748-2018)

Resolution: **Approval and Acceptance of Aventura at Greenway Crossing Parkland Dedication Agreement**

FINANCIAL IMPACT: None.

BACKGROUND: On July 23, 2018, the City Council approved a site plan for the construction of a 62 unit senior apartment project at 9065 Bishop Drive. Due to the addition of residential dwelling units, parkland dedication was required to be provided for the residents. In this case the addition of walkways and amenities on the site were counted towards satisfying the requirements.

Exhibit II is a copy of the Aventura Parkland Dedication Agreement related to the Site Plan for the construction of the senior apartments. For policy purposes, formal acceptance by the City Council of this document is required.

CITY COUNCIL SUBCOMMITTEE: Acceptance of this document by Council is a required formality; this item was not presented to the Development and Planning City Council Subcommittee.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Adopt a resolution approving and accepting the Aventura at Greenway Crossing Parkland Dedication Agreement.

Lead Staff Member: Kara V. Tragesser, AICP

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Date(s) Published	N/A
Letter sent to surrounding property owners	

SUBCOMMITTEE REVIEW (if applicable)

Committee	None		
Date Reviewed			
Recommendation	Yes ☐	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Resolution
Exhibit II - Aventura at Greenway Crossing Parkland Dedication Agreement

EXHIBIT I

Prepared by: KTragesser Development Services, City of WDM, PO Box 65320, WDM, IA 50265-0320, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION APPROVING AND ACCEPTING DOCUMENTS CONVEYING PROPERTY INTERESTS TO THE CITY OF WEST DES MOINES, IOWA

WHEREAS, it is the policy of the City of West Des Moines, Iowa to approve the conveyance of all property interests to the City; and

WHEREAS, the following documents conveying property interests to the City have been presented to the City for approval; and

Aventura at Greenway Crossing Parkland Dedication Agreement for property legally described as:

Lots 10 and 11 GreenWay Crossing Plat 1, an official plat now in and forming a part of the City of West Des Moines, Dallas County, Iowa.

WHEREAS, it is in the best interest of the citizens of the City to approve and accept the above-described document.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT the document(s) described above conveying property interests to the City of West Des Moines, Iowa, are hereby approved and accepted and shall be filed with the county recorder as appropriate. The City Clerk is directed to certify the City Council's approval and acceptance.

PASSED AND ADOPTED this 4th day of September 2018.

_____
Steven K Gaer, Mayor

ATTEST:

_____
Ryan Jacobson
City Clerk

EXHIBIT II

Prepared by: City Attorney, P.O. Box 65320, West Des Moines, IA 50265-0320 (515) 222-3523
Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265-0320

SPACE ABOVE THIS LINE FOR RECORDER

PARKLAND DEDICATION AGREEMENT

AGREEMENT FOR DEDICATION OF PARK AND GREENWAY LANDS and PROVISION OF PUBLIC IMPROVEMENTS

Agreement between the City of West Des Moines and Hubbell Metropolitan Development Fund I, LLC (Series B) for Dedication of Park and Greenway Lands and Parkland Improvements as a Condition of Approval for the Development Application for the Aventura at Greenway Crossing Development.

WHEREAS, West Des Moines Municipal Code Section 10-1-4 (hereinafter "Ordinance") provides that a development application shall include the dedication of land for public use for recreational purposes, including the dedication of land for park and greenway use, and;

WHEREAS, the Ordinance provides that the application may provide an alternative plan to park or greenway land dedication if the alternative plan meets the purposes of the park and greenway dedication provisions and directly and proportionately benefits the development seeking approval, and;

WHEREAS, the undersigned Developer has presented an alternative plan regarding park or greenway dedication; and

WHEREAS, this Agreement entered between the City of West Des Moines (hereinafter "City") and Hubbell Metropolitan Development Fund I, LLC (Series B) (hereinafter "Developer") is intended to regulate the execution of the approved alternative plan by the Developer and full performance under this agreement by the Developer is a condition of approval of the development application.

WHEREFORE, be it agreed by the parties as follows:

1. The Aventura at Greenway Crossing development as submitted (reference Aventura at Greenway Crossing – Site Plan dated 01/17/18) including 63 age restricted apartments requires dedication of 0.67 acres of park and greenway lands to satisfy the provisions of West Des Moines Municipal Code Section 10-1-4. (see Attachment A for calculations)

2. As an alternate to land dedication, the Developer shall provide 'On Site Open Space' within the actual development site. This area to provide a recreational based open space within this development including such things as sidewalks, gazebo shelter, terrace, pergola over terrace, railings at terrace, landscaping, and other applicable amenities. The 'On Site Open Space' shall allow full access to all residents of this development, and cover .13 acres of the requirement. (see Attachment B Parkland Dedication Drawing)

3. The dedication provided by the Developer is then deficient by .54 acres for park and greenway dedication.

4. In order to compensate for deficient acreage and as an alternate to land dedication, the Developer shall purchase, install, and construct, at its sole cost, sidewalks, gazebo shelter, terrace, pergola over terrace, railings at terrace, landscaping, and other applicable amenities as noted above. (See Attachment A for detailed notes and associated costs) The improvements so assigned shall be credited to the minimum dedication requirements under the ordinance as follows:

a. Said improvements shall be installed in compliance with the plans and specifications that have been approved by the City of West Des Moines.
b. The Developer shall be responsible for all design costs associated with said improvements.
c. The Developer shall be responsible for all costs and fees associated with said improvements including all permit and licensing fees if applicable, and shall comply with all applicable local, state and federal laws and regulations.
d. All liability and maintenance for the open space areas not deeded to the City of West Des Moines, including any associated equipment & improvements, to be the full responsibility of the developer and/or assignees.

5. The Developer acknowledges and agrees that the terms of this Agreement shall be binding upon its heirs, assigns, successors in interest, or lessees, if any.

6. This Agreement shall become binding upon the Parties once the City officially approves and accepts it, which approval and acceptance shall be noted on this Agreement by the signature of the Mayor and City Clerk.

HUBBELL METROPOLITAN DEVELOPMENT FUND I, LLC (SERIES B)
By: Hubbell Realty Company, Manager

By: _____
Joseph F. Pietruszynski, Vice President

By: _____
B.J. Miller, Assistant Secretary

STATE OF IOWA)
) **SS.**
COUNTY OF DALLAS)

On this 15th day of August, 2018, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Joseph F. Pietruszynski and B.J. Miller, to me personally known, who, being by me duly sworn, did say that they are the Vice President and Assistant Secretary, respectively, of Hubbell Realty Company, the Manager of Hubbell Metropolitan Development Fund I, LLC (Series B), a series of a multi-series Iowa limited liability company.

_____
Notary Public in and for said State

CITY OF WEST DES MOINES, IOWA:

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

NOTARIAL SEAL IOWA
CHRISTINE CORDARO
Commission Number 789106
My Commission Expires
March 18, 2021

CITY OF WEST DES MOINES, IOWA (Notary):

STATE OF IOWA)
)ss
COUNTY OF POLK)

On this ____ day of _____, 2018, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Steven K.Gaer and Ryan T. Jacobson, to me known to be the Mayor and City Clerk, respectively, of the City of West Des Moines, Iowa; that the seal affixed is the corporate seal of the City, and that the instrument was signed and

sealed on behalf of the City, by authority of its City Council as contained in Resolution Number _____, passed on the ____ day of _____, 2018, by the City Council of the City of West Des Moines, Iowa, and that the Mayor and City Clerk acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the City.

_____

Notary Public

ATTACHMENT A

PARKLAND DEDICATION REQUIREMENTS

Project Location:	Developer:	7/17/2018
Aventura @ Greenway Crossing	Hubbel Realty Company	

		# units	Population Multiplier	Estimated Population	Per 1000 people	Park Dedication Factor	Greenway Dedication Factor
Single Family Detached							
Description:	Single Family Lots	0	2.90	0			
		0	2.90	0			
		0	2.90	0			
	TOTAL	**0**		**0**			
Single Family Attached							
Description:	Townhome/Condos		1.63	0			
		0	1.63	0			
		0	1.63	0			
	TOTAL	**0**		**0**			
Multifamily Unit							
Description:	Age restricted units	63	1.73	108.99			
62 + 1 guest rm		0	1.73	0			
		0	1.73	0			
	TOTAL	**63**		**108.99**			
			TOTAL POPULATION	**108.99**	0.10899	2.39	3.76

Park Dedication (Acres)	0.260
Greenway Dedication (Acres)	0.410
TOTAL DEDICATION (Acres)	**0.670**

Notes: Estimated calculations taken from McClure Parkland Dedication Plan dated 01/17/2018

Proposal to fulfill requirement:

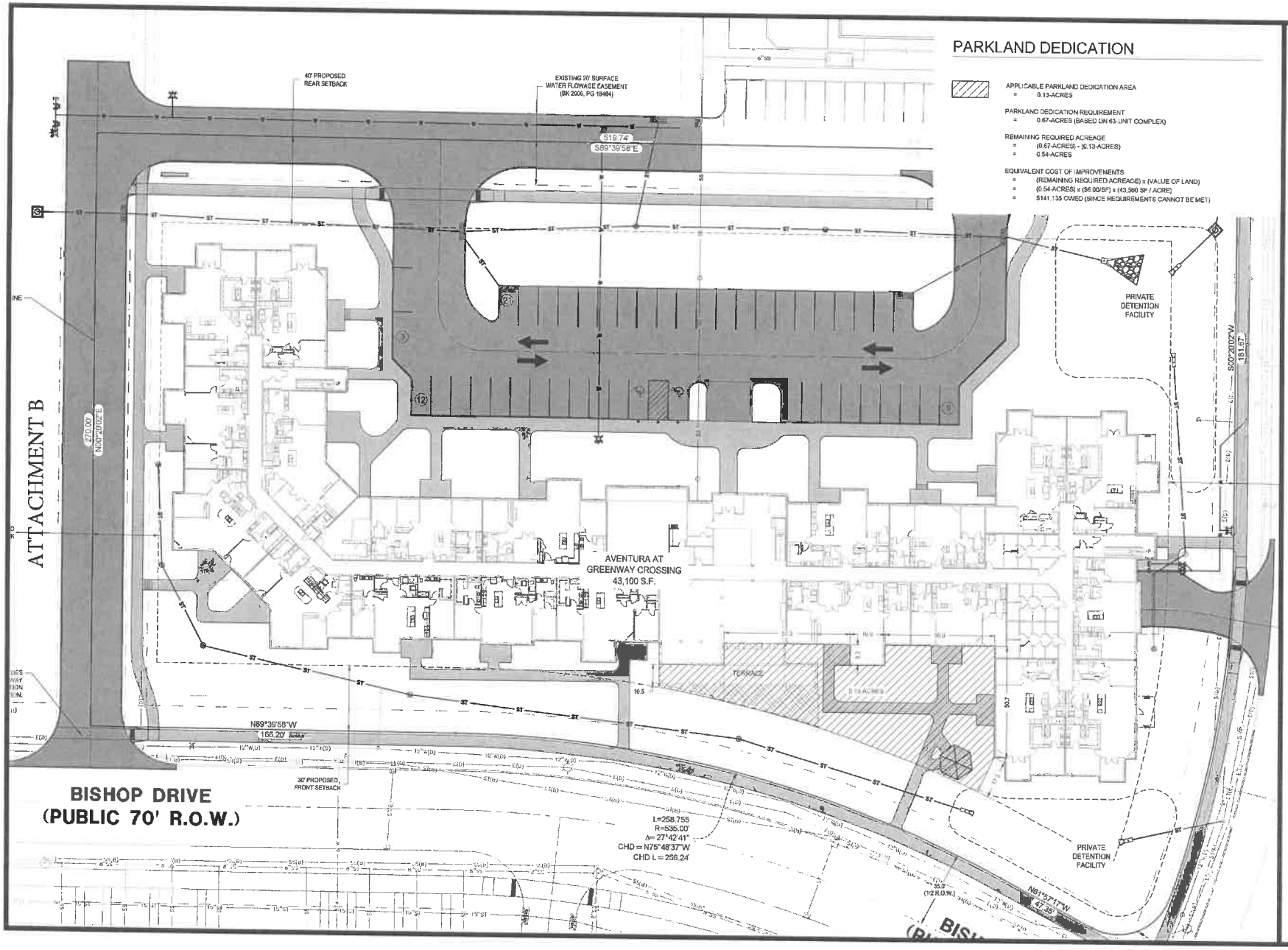
1. On site open space for recreational use

- Approximately 153' x 37' =	5,663	/ 43,560 =	0.13	Acres
		Required land	0.67	Acres
		Less on site land	-0.13	Acres
		Land balance	0.54	Acres
		X land value per acre (purchase price,)	$261,360	
		Balance remaining	**$141,210**	

2. Installation of sidewalks, gazebo shelter, pergola, landscaping/lighting/irrigation, railings at terrace

- Sidewalks	$21,000
- Gazebo shelter	$30,000
- Pergola over terrace	$45,000
- Landscaping/lighting/irrigation for this area	$31,000
- Railings at terrace	$15,000
TOTAL IMPROVEMENTS	**$142,000**

ATTACHMENT B



PARKLAND DEDICATION

APPLICABLE PARKLAND DEDICATION AREA
= 0.13-ACRES

PARKLAND DEDICATION REQUIREMENT
= 0.67-ACRES (BASED ON 63-UNIT COMPLEX)

REMAINING REQUIRED ACREAGE
= (0.67-ACRES) - (0.13-ACRES)
= 0.54-ACRES

EQUIVALENT COST OF IMPROVEMENTS
= (REMAINING REQUIRED ACREAGE) x (VALUE OF LAND)
= (0.54-ACRES) x ($6.00/SF) x (43,560 SF / ACRE)
= $141,135 OWED (SINCE REQUIREMENTS CANNOT BE MET)

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PARKLAND DEDICATION

NORTH

0 10 20 40
GRAPHIC SCALE

AVENTURA AT GREENWAY CROSSING
CITY ID: 003676-2017
WEST DES MOINES, IOWA
WDM 20216027
JANUARY 17, 2018

REVISIONS
TBD
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ENGINEER: A. MAURER	DRAWN BY: A. MAURER
CHECKED BY: C. SMITH	FIELD BOOK NO: -
DRAWING NO: 01	SHEET NO: 01 / 01