CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: December 2, 2019

ITEM: Park 88, Northeast corner of EP True Parkway and 88th Street – Approval and Acceptance of Parkland Dedication Agreement – C. R. Lloyd Associates, Inc. – FP-003362-2017

Resolution: Approval and Acceptance of Park 88 Parkland Dedication Agreement

FINANCIAL IMPACT: None.

BACKGROUND: On April 3, 2017, the City Council approved the Park 88 Final Plat, which subdivided the property into two lots and three street lots for the development of an apartment building and four townhome buildings at the northeast corner of EP True Parkway and 88th Street. Due to the addition of residential dwelling units, parkland dedication was required to be provided for the residents. At the time of final plat approval, the applicant was still working with City staff on the parkland dedication requirements. The requirements of the Parkland Dedication Agreement have been installed by the applicant and are acceptable according to the agreement. The applicant is requesting a final occupancy for the apartments and townhomes on the site. To receive final occupancy, the Parkland Dedication Agreement needs to be accepted by the City Council.

Exhibit II is a copy of the Park 88 Parkland Dedication Agreement related to the Final Plat for the construction of the apartments and townhomes. 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 Park 88 Parkland Dedication Agreement.

Lead Staff Member: Brian S. Portz, AICP BP

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

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 - Park 88 Crossing Parkland Dedication Agreement

Prepared by: B. Portz, 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 document conveying property interests to the City have been presented to the City for approval; and

Park 88 Parkland Dedication Agreement for property legally described as:

Lot 1, Park 88, 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 2nd day of December, 2019.

_____
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 C.R. Lloyd Associates, Inc. for Dedication of Park and Greenway Lands and Parkland Improvements as a Condition of Approval for the Development Application for the Park 88 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 C.R. Lloyd Associates, Inc. (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 Park 88 development as submitted (reference Park 88 – Site Plan & Preliminary Plat dated 02/20/17) including 48 townhomes and 113 apartments requires dedication of 1.68 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 a fitness equipment, shelter, seating area, and other applicable amenities. The 'On Site Open Space' shall allow full public access to all residents of this development and cover 0.33 acres of the requirement. (see Attachment B for site plan).

3. The dedication provided by the Developer is then deficient by 1.35 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, the trails located on the north side of EP True Parkway and west side of 88th Street adjacent to this development, as well as amenities in the 'On Site Open Space' 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.

C.R. LLOYD ASSOCIATES, INC.

By: _____
Jake Quasney, EVP of Development

STATE OF South Dakota)
)ss
COUNTY OF Minnehaha)

The record was acknowledged before me on November 25, 2019, by Jake Quasney as EVP of Development of C.R. Lloyd Associates, Inc., an Iowa Corporation, on behalf of whom the record was executed.

Christine K. Lillo
Notary Public

CHRISTINE K. LILLO
NOTARY PUBLIC, SOUTH DAKOTA
My Commission Expires:
October 12, 2022

CITY OF WEST DES MOINES, IOWA,
an Iowa municipal corporation:

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

STATE OF IOWA)
)ss
COUNTY OF POLK)

On this ____ day of _____, 2019, before me a Notary Public in and for said County, personally appeared Steven K. Gaer and Ryan T. Jacobson, to me personally known, who being duly sworn, did say they are the Mayor and City Clerk, respectively of the City of West Des Moines, Iowa, a municipal corporation, created and existing under the laws of the State of Iowa and that said record was signed on behalf of said municipal corporation by authority and resolution of its City Council as contained in Resolution Number _____, and said Mayor and City Clerk acknowledged said record to be the free act and deed of said municipal corporation by it voluntarily executed.

_____
Notary Public

ATTACHMENT A

PARKLAND DEDICATION REQUIREMENTS

11/21/2019

Project Location: Developer:
Lloyd Companies
Park88 Sioux Falls, SD

		# 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			
	TOTAL	**0**		**0**			
Single Family Attached							
Description: Townhomes		48	1.63	78.24			
	TOTAL	**48**		**78.24**			
Multifamily Unit							
Description: Apartments		113	1.73	195.49			
	TOTAL	**113**		**195.49**			
			TOTAL POPULATION	**273.73**	0.27373	2.39	3.76

Park Dedication (Acres)	0.65
Greenway Dedication (Acres)	1.03
TOTAL DEDICATION (Acres)	**1.68**

Notes: Estimated calculations taken from CDA Site Plan & Preliminary Plat dated 02/20/17

Proposal to fulfill requirement:

1. On site open space for recreational use
   - Approximately 120' x 120' = 14,400 / 43,560 = 0.33 Acres

Required land	1.68	Acres
Less on site land	-0.33	Acres
Land balance	1.35	Acres
Land value per acre (purchase price per acre)	$117,612	
Balance remaining	**$158,776**	

2. Installation of 10' wide public recreation trail adjacent to this development (Plat 1)
   - Trail remaining along EP True Parkway (6" reinforced PCC to PROWG standards)

162' x 10' x 60%	972	$5	$4,860

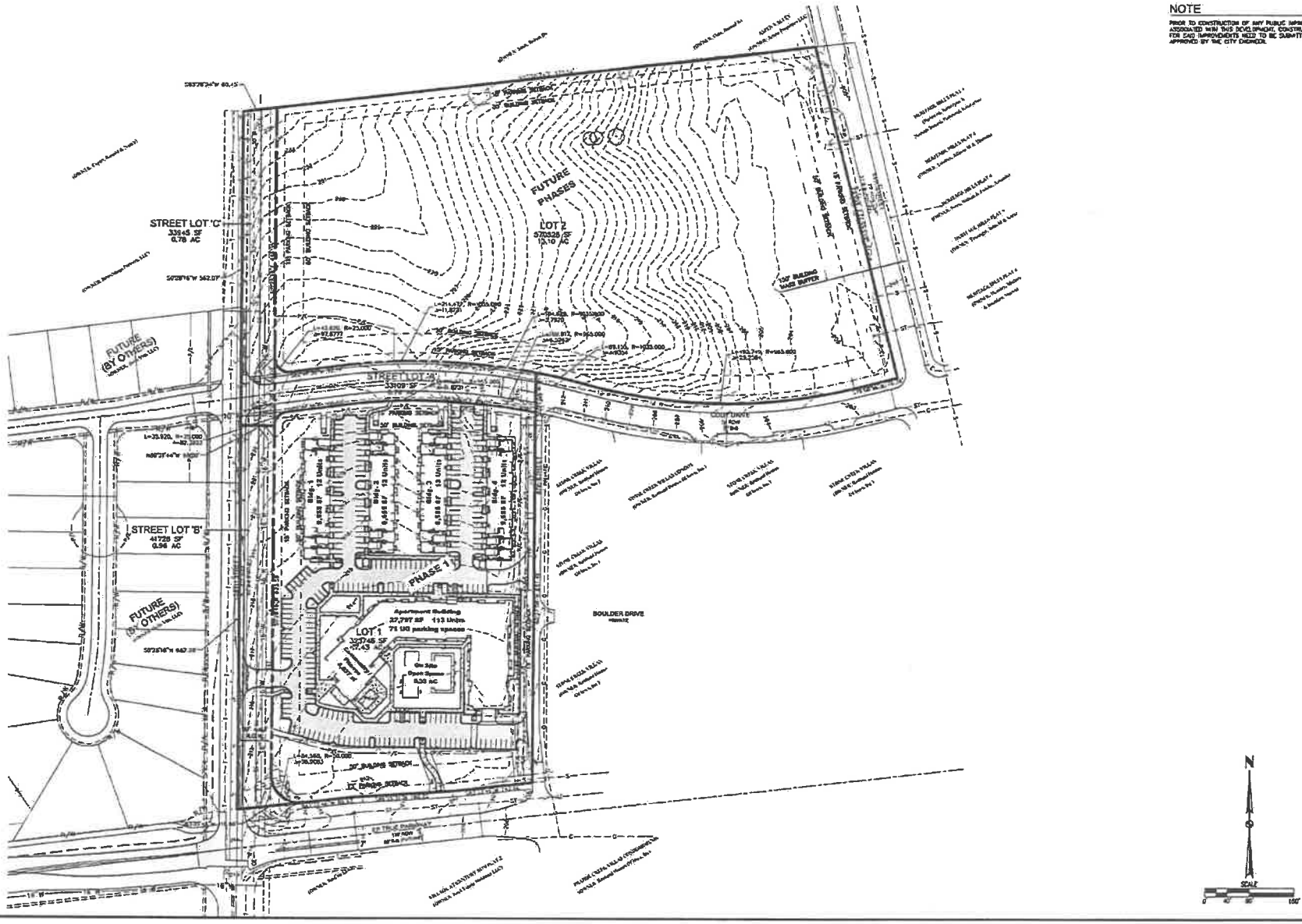
   - Trail along 88th Street (6" reinforced PCC to PROWG standards)

720' x 10' x 60%	4320	$5	$21,600
TOTAL			**$26,460**

3. On-site capital improvements to .33 acres of common space

- Pergola & Picnicing Area	$33,282	
- Outdoor seating (benches)	$17,163	10 total
- Pickleball Court	$46,937	
- Playground	$35,000	
	$132,382	

TOTAL IMPROVEMENTS $158,842



NOTE

PRIOR TO CONSTRUCTION OF ANY PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS DEVELOPMENT, CONSTRUCTION PLANS FOR SAID IMPROVEMENTS NEED TO BE SUBMITTED TO AND APPROVED BY THE CITY ENGINEER.

REVISIONS	DATE
CITY SUBMITTAL #4	2/20/17
CITY SUBMITTAL #3	1/11/2016
CITY SUBMITTAL #2	10/14/16
CITY SUBMITTAL #1	8/15/16

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410
ENGINEER: ENH | EI: JJN
CIVIL DESIGN ADVANTAGE

PARK 88
SITE LAYOUT
WEST DES MOINES, IOWA