

**CITY OF MONTROSE
COUNTY OF WRIGHT
STATE OF MINNESOTA**

ORDINANCE NO. 2019-01

**AN ORDINANCE AMENDING SECTION 1107.13, OF THE MONTROSE
SUBDIVISION CODE RELATED TO CHANGES TO REQUIREMENTS FOR THE
DEDICATION OF PUBLIC SITES AND OPEN SPACES (PARK LAND DEDICATION)**

THE CITY COUNCIL OF THE CITY OF MONTROSE ORDAINS:

1. SECTION 1107.13.E. Dedication Requirements of the Montrose Subdivision Code is hereby amended to the following:

E. Dedication Requirements. The City, upon consideration of the particular type of development, may require that a lesser parcel of land should be dedicated and instead a cash contribution shall be required above the land dedication to ensure that compensation is received for the full amount of the impact on the City's park and trail system.

1. Land Dedications. In all new subdivisions where land dedication is to be required, ten (10) percent of the gross area subdivided, or a different percentage as the City Council determines necessary as a result of the subdivision approval, shall be dedicated for public parks, trails, or open space.

2. SECTION 1107.13.E.2. of the Montrose Subdivision Code is hereby amended to the following:

2. Cash Contributions. When a subdivision is proposed, the developer shall make a land dedication for public park use, or the City may require a fee in lieu of such land dedication. The cash amount shall be determined based upon the city's adopted fee schedule for the fiscal year at time of final platting. As required by state law, cash contributions shall be based upon the market value of the raw land at time of final plat approval.

3. SECTION 1107.13.E.3. of the Montrose Subdivision Code is hereby amended to the following:

STEP TWO: Determine maximum cash contribution which could be received without park land dedication:

Number of units/lots (from Step 1) x max cash contribution amount per unit as outlined in the City's fee schedule.

SECTION 4. SECTION 1107.13.E.5. of the Montrose Subdivision Code is hereby amended to the following:

5. Cash Payment Requirements. Park cash contributions are to be calculated at the time of final plat approval. The Council may approve a delay in the payment of cash requirements provided that an agreement is executed guaranteeing such payment in accordance with the following:
 - a. Any developer may elect to pay in full park fees based on the rate in effect at the time of the final plat approval.
 - b. Plats with park fees of up to \$2,500.00 must be paid in full when the Council approves the final plat.
 - c. Twelve Month Scheduled Payment Plan. Plats with park fees of \$2,501.00 to \$7,500.00 must pay at least one-third of the fee when the final plat is approved by the Council, one-half of the balance no later than six (6) months from the date of final plat approval and the final balance not later than twelve (12) months from the date of final plat approval. No interest will be charged on the payments during the twelve (12) months. Payments on a per lot dwelling unit or acreage basis will be required when building permits are applied for that exceed the amount paid on the payment schedule for the units or acreage involved. Credit will be applied on future schedule payments when park fees are paid in advance at the time a building permit is applied for.
 - d. Twenty-Four Month Scheduled Payment Plan. Plats with park fees of \$7,501.00 to \$15,000.00 must pay at least one-third of the fee when the final plat is approved by the Council, and one-half of the balance no later than twelve (12) months from the date of final plat approval. No interest will be charged on the money due and paid during the first twelve (12) months. The final payment must be paid not later than twenty-four (24) months from the date of final plat approval by the Council, and interest at a rate set forth in the development contract shall be charged on the park fees due and paid after twelve (12) months. Payments on a per lot dwelling unit or acreage basis will be required when building permits are applied for that exceed the amount paid on the payment schedule for the units or acreage involved. Credit will be applied on future schedule payments when park fees are paid in advance at the time a building permit is applied for.
 - e. Thirty-Six Month Scheduled Payment Plan. Plats with park fees over \$15,001.00 must pay at least one-third of the fee when the plat is approved by the Council. One-third of the balance must be paid not later than twelve months after the date of final plat approval by the Council. No interest will be charged during the first twelve months. Another third of the balance must be paid not later than twenty-four months after final plat approval, and interest will be charged on the entire unpaid balance at a rate as set forth in the development agreement on the plat or development. The final third of the balance must be paid not later than thirty-six months from the date of final plat approval, with interest as stated above. Payments on a per lot dwelling unit or acreage basis will be required when building permits are applied for that exceed the amount paid on the payment schedule for the units or acreage involved. Credit will be applied on future schedule payments when park fees are paid in advance at the time a building permit is applied for.

This amendment shall be in full force and effective immediately following its passage and publication.

Approved by the Montrose City Council this 14th day of January 2019.



Michelle Otto, Mayor

ATTEST:



Deb Boelter, City Clerk