



Legislation Text

File #: RES 17-1554, **Version:** 1

Authorizing the appropriate City officials to enter into a Parkland Agreement for Snelling/Midway with MUSC Holdings, LLC. (Laid over from October 4)

WHEREAS, MUSC Holdings, LLC intends to design and construct a professional soccer stadium and surrounding plaza areas and greenspaces; and

WHEREAS, the preliminary plat approval contained various conditions including a requirement that no less than 0.63 acres of land described in a final plat of the subject land be dedicated to the public for park purposes pursuant to Saint Paul Legislative Code §69.511(a); and

WHEREAS, MUSC informed the City that rather than dedicating that amount of land or paying the alternate dedication fee, it wished to fulfill the parkland dedication requirement by entering into a separate agreement with the City for the development and maintenance of private land for public purposes pursuant to Saint Paul Legislative Code §69.511(c); and

WHEREAS, the Saint Paul City Council has sole discretion in determining whether an alternate method of satisfying parkland dedication will be acceptable and pursuant to Saint Paul Legislative Code §69.511(c) may waive the dedication of land and enter into an agreement for the private development and maintenance of land for public use for "parks, playgrounds, recreation facilities, wetlands, trails, or open space" provided that:

- 1) The land area or value of the land and improvements privately developed and maintained for public use for parks, playgrounds, trails, open space, or conservation purposes must at least equal that required under this ordinance;
- 2) The land and improvements accepted under this provision shall be accessible to the public in a manner similar to public land;
- 3) The city council finds, after recommendation of the director of parks and recreation and the parks commission, that such land and improvements will serve the purposes listed in subdivision Saint Paul Legislative Code 69.5111 (a); and
- 4) The city and the owners, subdividers, or developers of the land must have executed a parkland development agreement insuring that specified land shall be developed and maintained by the Legislative Code 69.511 (a); and

WHEREAS, the land area to be maintained by MUSC under the Parkland Agreement as public space equals the amount required as part of the preliminary plat; and

WHEREAS, the Parkland Agreement requires MUSC to construct and maintain the area identified on the attached diagram as parkland open to public use, and the land will be open green space, which is one of the purposes listed in §69.511(a); and

WHEREAS, MUSC does not currently own the land which it intends to use for the purposes of dedication but has a lease interest in the property and intends to acquire fee title at a future date so cannot file a recordable covenant at this time, but the Parkland Agreement will be recorded until such time as the covenant can replace it; and

WHEREAS, the Parkland Agreement requires annual reporting to Council on whether the park is being appropriately maintained as public space, and if the City Council finds that the Park is not maintained for public use and MUSC has not acquired fee title to the property there is a mechanism for obtaining a fee equal to the dedication fee which would have been paid plus interest; and

WHEREAS, the Saint Paul Parks and Recreation Commission recommended approval of the Parkland Agreement; now, therefore, be it

RESOLVED, that the Saint Paul City Council finds that the requirements of §69.511(c) for waiving the dedication of land and accepting privately owned public space have been met and authorizes the appropriate city officials to enter into the attached Parkland Agreement.