



## Legislation Details (With Text)

**File #:** RES 23-1649 **Version:** 2

**Type:** Resolution **Status:** Passed

**In control:** City Council

**Final action:** 10/25/2023

**Title:** Authorizing the City to enter into Privately Owned Public Space Parkland Agreements with Snelling-Midway Redevelopment, LLC.

**Sponsors:** Russel Balenger

**Indexes:**

**Code sections:**

**Attachments:** 1. Draft Parkland Agreement-Playground, 2. Draft Parkland Agreement-Sculpture Garden, 3. Midway Chamber of Commerce Letter, 4. Union Park District Council Letter, 5. Sanneh Foundation Letter of Support POPS 10-23-2023

Date	Ver.	Action By	Action	Result
10/27/2023	2	Mayor's Office	Signed	
10/25/2023	1	City Council	Adopted As Amended	Pass

Authorizing the City to enter into Privately Owned Public Space Parkland Agreements with Snelling-Midway Redevelopment, LLC.

WHEREAS, RES PH 23-227 approved the preliminary plat for UNITED VILLAGE DEVELOPMENT subject to several conditions including a requirement that parkland agreements for the two identified Privately Owned Public Spaces (POPS) be approved by the City Council prior to approval of the final plat pursuant to Saint Paul Legislative Code §69.511(c); and

WHEREAS, the Saint Paul City Council has sole discretion in determining whether an alternative 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) Land, facilities, 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 Saint Paul Legislative Code § 69.511(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 for the purposes listed in Saint Paul Legislative Code §69.511(a) and that a covenant i recorded, running with the specified land, indicating that the land will revert to the City if it is not developed and maintained for the purposes listed in Saint Paul Legislative Code §69.511(a).

WHEREAS, the POPS areas to be constructed by MUSC Holdings, LLC and maintained by Snelling-Midway Redevelopment, LLC (collectively "Developer") under the Parkland Agreements include 0.19 acres less land in Outlot A than approved on the preliminary plat, but meet the parkland dedication requirement required for of the subdivision plat under the ordinance; and

WHEREAS, the Parkland Agreements require Developer to construct and maintain two areas, identified in the attached diagram, as parkland open to public use similar to public land, one as a playground, and the other as open space in the form of a sculpture plaza, both of which are purposes listed in §69.511(a); and

WHEREAS, Snelling-Midway Redevelopment, LLC Developer does not currently own the land which it intends to use for the purposes of dedication thus cannot file recordable covenants to satisfy Saint Paul Legislative Code §69.511(c)(4) at this time but will record the Parkland Agreements; and

WHEREAS, MUSC Holdings, LLC Developer currently has a lease interest in the property and intends to acquire fee title at a future date at which time it will immediately record covenants in favor of the City for both Privately Owned Public Spaces; and

WHEREAS, the Parkland Agreements require annual reporting to Council on whether the parks is are being appropriately maintained as public space, and if the City Council finds that the parks is are not maintained for public use and Snelling-Midway Redevelopment, LLC Developer has not acquired fee title and recorded the covenants to the property there is a mechanism for the City to obtain obtaining a fee equal to the dedication fee which would have been paid plus interest; and

WHEREAS, Developer plans to request that the City Council approve a change on the final plat that would lessen the size of Outlot A to 0.72 acres bringing the total POPS land to 9% of the total acreage of new lots create by the development; and

WHEREAS, pursuant to Saint Paul Legislative Code §69.511(c)(3) the Director of Parks and Recreation has recommended that this land will serve the purposes listed in Saint Paul Legislative Code §69.511(a); and

WHEREAS, the Saint Paul Parks and Recreation Commission reviewed the Parkland Agreements at its October 12, 2023 meeting and recommended approval of the Parkland Agreements; 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 for both POPs parcels and authorizes the appropriate City officials to enter into the Privately Owned Public Space Parkland Agreements with Snelling-Midway Redevelopment, LLC and MUSC Holdings, LLC.