

Sec. 142-157. - Conveyance of land requirements.

(a) *Required.* When the director of parks and recreation determines that a conveyance of land shall be required, in whole or in part, to meet the requirements of this article, the following provisions shall apply:

(1) *Amount.* Any required conveyance of land shall be in an amount proportionally equal to one acre per 50 residential units on all proposed residential developments as defined herein.

(2) *Manner and method.* Plats of subdivisions required to be submitted for approval by the city in accordance with V.T.C.A., Local Government Code §§ 212.001—212.017, shall show thereon a fee simple conveyance to the city of the land required by this article for park purposes as a condition to approval of such plat by the city, and the city may further require the conveyance of the park property by general warranty deed. As a condition to acceptance of the plat or deed by the city, the subdivider shall provide the city with an owner's title policy of insurance in an amount equal to the value of the land conveyed, which amount shall be determined by the city.

a. For single family, duplex residential and multi-family developments, the amount of land needed shall be based on one acre per 50 residential dwelling units or a portion thereof.

b. If any subdivision or site plan change results in an increase in the number of dwelling units allowed on a platted lot, the developer shall pay the difference as a fee in lieu of land dedicated to be paid prior to the filing of the replat or the issuance of a building permit.

(3) *Credit for prior dedications.*

a. Where a gift of land was made prior to the effective date of the ordinance from which this article is derived by the owner of land required to convey land under the provisions of this article, the former gift of land shall be credited on a per-acre basis toward the required conveyance provided by this article when the Council finds that:

The gift was made within five years of the effective date of the ordinance from which this article is derived;

The land given was within one-half mile of the new development for which land is required to be conveyed;

The land given is not being presently used for purposes incompatible with park purposes and is suitable for park purposes; and

A credit may be given for on-site improvements that are compatible with long range development plans for the proposed park.

- b. The credit provided for herein shall not be transferable and shall only be given to the donor of the land who is the owner of the property being developed for which a conveyance of land is required by this article, unless said prior conveyances were included as a part of an executed facilities and/or development agreement with the city and the developer.
- (4) *Credit for private recreation facilities.* Where private recreation facilities are built for the residents for the subdivision or development, a credit may be granted by the director of parks and recreation. The value of these private recreation facilities shall be determined by the director of parks and recreation but shall not exceed 50 percent credit and shall be consistent with credit guidelines to be promulgated as part of the city comprehensive plan and park master plan.
 - (5) *Credit for conveyance of floodplains.* In cases where floodplain land or property is proposed to be conveyed to satisfy the parkland requirements, a credit will be given based upon the following formula or ratio: ~~three-ten~~ acres of floodplain shall equal one acre of nonfloodplain land.
 - (6) *Location.* The land required to be conveyed may be located inside or outside the boundaries of the development, as long as the land is so located and in such proximity to the development so as to serve or benefit persons residing therein, as approved by the director of parks and recreation.
- (b) *Improvements to be made.* The person required to convey land shall be responsible for, and pay the costs of, providing convenient access by improved streets, sidewalks and, adequate drainage improvements so that the site is suitable for the purpose intended, and shall provide water, sewer and electrical utilities to the property in accordance with the procedures applicable to other public improvements as specified in the subdivision ordinance of the city. However, the city council may waive, in whole or part, such required improvements where an amount of land in excess of the requirements of this article is conveyed, the value of which is equal to or greater than the cost of the improvements being waived. Such waivers shall be specified on a case-by-case basis in a facilities agreement between the developer and the city for the given subdivision.