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COUNTY RECORDER  
SHERBURNE CO., MINN.

PAT RASMUSSEN  
BY *[Signature]* DEPUTY

\*98 OCT 9 PM 3 05



**Sherburne County Park Land  
Dedication Ordinance**

**SECTION I PURPOSE AND INTENT**

This Ordinance is enacted for the following purposes: to promote the dedication of public recreational space and public use; to encourage land development where "green space" is preserved; and to encourage a county-wide system of park lands and trails to enhance the quality of living for the citizens of Sherburne County.

**SECTION II TITLE**

This Ordinance shall be known and may be cited and referred to as the Sherburne County Park Land Dedication Ordinance; hereinafter "Ordinance."

**SECTION III JURISDICTION, SCOPE AND INTERPRETATION**

Subdivision 1. Jurisdiction

The jurisdiction of the Ordinance shall apply to all the area of Sherburne County including the incorporated limits of municipalities, which do not have park dedication ordinances.

\*Author comments: Some cities in the county have fees in place and it is the intent of the Park Committee not to duplicate these efforts. Parks in all areas of the county, including incorporated limits, have been shown to be a benefit to the quality of life.

Subdivision 2. Scope

From and after the effective date of this Ordinance, all plats, replats, CICs, subdivisions and planned unit developments for areas designated residential use shall be subject to the terms of this Ordinance. Agricultural land splits transferred within an immediate family and continued to be used for agricultural purposes are exempt from this Ordinance.

Filed in my office this  
8 day of *Oct* 19 *98*  
Ramona Doebler  
Sherburne County Auditor  
By *[Signature]*  
Deputy Auditor

Subdivision 3. Existing Lots of Record

All lots which are part of a subdivision legally recorded with the County Recorder; lots which are described by metes and bounds which have been recorded with the County Recorder shall be deemed a lot of record and not subject to the terms of this Ordinance.

Subdivision 4. Interpretation

Where the provisions of this Ordinance impose more stringent requirements than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose more stringent requirements than this Ordinance, the more stringent shall control.

**SECTION IV      RULES AND DEFINITIONS**Subdivision 1

For purpose of this Ordinance, words used in the present tense shall include future; words in the singular shall include the plural; and the words shall or will are mandatory and not discretionary.

Subdivision 2. Definitions

Gross Area: Gross area shall include all land in the proposed subdivision including but not limited to land designated as outlots, road and right of way, easements for utilities, drainage, and designated wetlands.

All other definitions shall be from the Sherburne County Subdivision and Zoning Ordinance.

**SECTION V      DECLARATION OF LANDS**Subdivision 1

In all new plats, subdivisions, replats, CICs, and planned unit developments, ten percent (10%) of the gross area to be divided by the tract owner shall be set aside and dedicated to the County of Sherburne for public recreation space. The dedicated lands shall be in addition to property dedicated including, but not limited to, streets, right-of-ways, easements, wetland preservation, ponding areas to hold run-off, and others.

Subdivision 2

Lands to be dedicated to the County shall be that land which meets the following criteria:

- a) Lands which are adjacent to public lands used for recreational purpose;
- b) Lands which would extend existing or proposed trail system or park area;

- c) Lands which are adjacent to and would extend and protect sensitive areas, including and not limited to, historically significant sites, environmentally sensitive areas, natural resources and features; or
- d) Lands which are of sufficient size and nature to maintain a recreational area and are located in or near a developed area.

### Subdivision 3

If there are no lands or less than ten percent (10%) of the lands which meet the above criteria, the Sherburne County Board of Commissioners shall accept, in lieu of the dedicated lands, a cash contribution. The cash contribution shall be per dwelling unit based upon the Fee Schedule set by the County Board. The County Board of Commissioners may accept a combination of lands and cash contribution.

\* Authors comments: are found in attached exhibit A.

### Subdivision 4

Any cash contributions received shall be set aside in a fund and shall be used for park and trail acquisition and development.

### Subdivision 5

In unincorporated areas, the tract owner shall remit at the time of final plat approval by the Zoning Administrator all cash contributions and deeds. In incorporated areas, the tract owner shall remit, at the time of final plat approval by the County Surveyor, all cash contributions and deeds.

## **SECTION VI PROCEDURE**

The applicant shall provide a copy of the proposed plat, planned unit development, CICs, replat or subdivision to the Sherburne County Park Commission or its successor as to the proposed lands to be dedicated. The Sherburne County Park Commission shall forward its written recommendations to the Planning Commission as to whether the land dedication meets the above criteria as set forth in Section V, Subdivision 2. The plat, replat, planned unit development, CICs or subdivision, shall show the proposed location and dimensions of the area to be dedicated. Written comments from the County Park Commission shall be a necessary of the final application.

## **SECTION VII VIOLATION, PENALTIES AND ENFORCEMENT**

### Subdivision 1. Violations and Penalties

Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in

any document required to be submitted under the provisions thereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed seven hundred dollars (\$700.00), by imprisonment not to exceed ninety (90) days or both. Each day that a violation continues shall constitute a separate offense.

Subdivision 2. Enforcement

1. This Ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer.
2. In the event of a violation or a threatened violation of the Ordinance, the Board of County Commissioners or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.
3. Any taxpayer or taxpayers of the County may institute mandamus proceedings in the District Court or compel specific proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

**SECTION VIII VALIDITY**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

**SECTION IX DATE OF EFFECT**

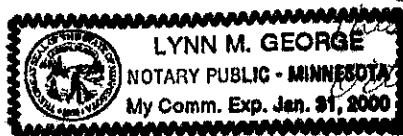
This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Passed and approved this 15th day of September, 1998.

Drafted by Kathleen Heaney, Assistant Sherburne County Attorney,  
13880 Highway 10, Elk River, MN 55330.

Terry Nagorski 10/7/98  
Terry Nagorski  
Board of County Commissioners

Attest: [Signature] 10/7/98  
County Administrator/Clerk



Signed before me  
7th day of  
October, 1998  
Lynn M. George

## EXHIBIT A

WHY IS A FEE OF \$600 PER UNIT OR 10% OF THE LAND AREA A REASONABLE AMOUNT?

1. This fee is comparable to park land dedication fees imposed by counties, cities, and townships in this area, and therefore is not discriminatory.

Wright County = 10% of value of land, or 7% of land area

City of Elk River = 10% of value of land, or 10% of land area

City of Becker = 10% of value of land, or 10% of land area

City of Big Lake = \$400 per lot, or 5% of land area

City of Zimmerman = 7½% of value of land, or 71% of land area

Burns Township (Anoka County) = \$900 per lot

City of Ramsey (Anoka County) \$875 per lot, or 10% of land area in city service area; \$650 per lot or 7% of land area in rural area

Assuming an average lot size of 4 acres in Sherburne County, with an average land value of \$1,500 per acre. The total value of an average lot is  $4 \times \$1,500 = \$6,000$ . A fee of \$600 is 10% of the value of the land area ( $10\% \times \$6,000 = \$600$ ).

2. This fee reflects the actual cost of parks and trails needed by the increased population. Each new housing unit in Sherburne County will increase the population by about 4 people. Thus, 500 new units will cause a population increase of about 2,000 people. Using a reasonable ratio of 20 acres of county park area per 1,000 people, the 2,000 new people will create a need for 40 acres of park land. If park acquisition and development costs are \$5,000 per acre, the total cost is  $40 \times \$5,000 = \$200,000$ . Using a reasonable ratio of 1 mile of county trails per 1,000 people, the 2,000 new people will create a need for 2 miles of trail. If trail acquisition and development costs \$50,000 per mile, the total cost is  $2 \times \$50,000 = \$100,000$ .

Thus the total cost for the additional parks and trails to meet the needs of 2,000 additional people is  $\$200,000$  (parks) +  $\$100,000$  (trails) =  $\$300,000$ . The cost per housing unit =  $\frac{\$300,000}{500} = \$600$  per unit.

500

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN that the Sherburne County Board of Commissioners shall hold a public hearing on the 15th day of September, 1998, at 11:00 a.m. in the Commissioner's Board Room, Government Center, 13880 Highway 10, Elk River, Minnesota, 55330, on the adoption of a Park Dedication Ordinance and fee schedule for the same. The terms of the ordinance will include the purpose and intent, the jurisdiction, scope, and interpretation, rules and definitions, declaration of lands, procedure, violations, penalties, enforcement, validity, and date of effect. The proposed fee shall be \$600.00 if 10% of the land is not dedicated under the ordinance. A copy of the proposed ordinance is on file with the County Administrator and the County Auditor, at the above address, and is available for viewing between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. The Board of Commissioners shall hear all residents and interested parties on the matter before consideration of a resolution adopting the same. Written comments may be submitted to David Loch, County Administrator. Comments will be accepted until the day of the hearing. All are invited to comment.**