
MEMORANDUM



TO: Mayor Walker and Councilors
FROM: Stacy Marquardt, Community Development Planner
SUBJECT: **Park Dedication Fee Payment for Princeton Residential Suites Plat**
DATE: May 8, 2024

Background:

MN Statute 462.358 requires payment of park dedication fees or land in lieu of cash be paid at the time of subdivision or platting. Section XI-4 of our Subdivision Ordinance also specifies that at the time of platting certain fees must be paid, one being trunk fees and one being park dedication fees. Both MN Statute and our Subdivision Ordinance have been in effect for many years and this requirement has not changed in those years. Past experience working with a County and various cities this is how most, if not all County and Cities apply these same standards. For the sake of argument, however, other cities and counties were called to confirm this is how they collect these fees in accordance with statute and each entity was very clear, they are collected at the time of platting or subdivision. They do not allow the final plat to be recorded until these fees are paid.

Attached to this memo are the most recent submittals from Mr. Briggs to our office. He is requesting the City Council to direct staff to accept only certain fees as he laid out in his letter and demanded the issuance of his building permit and the recording of the Princeton Residential Suites mylars without him paying the full Park Dedication Fee and Trunk Fee required to record the plat. He has highlighted some sections of our Subdivision Ordinance in his memo, however failed to highlight the section that applies which is paragraph 3 under Public Improvements in the New Developments Section A. General Procedures and Policies where it clearly lays out the cost responsibilities at the time of platting.

To clear up any confusion platting, aka subdividing, is not the same as developing. Sometimes the words can be misleading. If Mr. Briggs had platted one lot for phase 3 then his theory of how fees should be paid would apply. But he platted two lots (which contain both Phase 3 and Phase 4), and Park Dedication fees pertain to the act of platting, aka subdividing, not the act of developing (building) the land, therefore the park dedication fees are to be paid now for Princeton Residential Suites Plat which is a two-lot plat. In addition, there are other fees that are required to be paid at the time of platting through our Subdivision Ordinance, one being trunk fees. This is why we have given Mr. Briggs the full list of fees, noting that the Park Dedication Fees and the Trunk Fees both need to be paid for with the plat or we cannot record the plat (see attached list of fees).

The City's Attorney has reviewed the State Statute and the Princeton Subdivision Ordinance together and agreed Park Dedication Fees, along with Trunk Fees for the entire plat must be paid at the time of platting.

The City Council previously approved the reduction of Park Dedication Fees twice, for Princeton Residential Suites Plat, one being at the April 25th City Council meeting, this in no way gave him approval to not pay these fees in full. In fact, Ms. McPherson interjected before the final motion to point out that the park dedication fees to be paid are for both Phase 3 and Phase 4.

Motion:

Walker moved to reconsider the park dedication fees for phases three and four. Reynolds seconded the motion. The motion carried unanimously.

McPherson interjected at start of motion to approve the park dedication fee for Phase three in the amount of \$59,400 and for Phase four in the amount of \$180,000.

Reynolds moved to approve the park dedication fee of \$59,400 for phase three and \$180,000 for phase four. Edmonds seconded the motion. Vote 3:0:1, Reynolds, Edmonds and Hallin in favor, Walker abstained. The motion carried.

Recommendation:

Staff recommends the Council uphold the MN Statute and the Princeton Subdivision Ordinance and require the full park dedication fee and trunk fee be paid to the City before the plat is recorded and the building permits are issued. The amount of Park Dedication with the reduction as approved by the City Council at the last meeting would be \$239,400 (paid to the City). The amount of Trunk Fees based on the 7.26 acre plat would be Sewer: \$37,062.30 (paid to the City) and Water \$23,137.62 (paid to Princeton Public Utilities).

Once these are paid the final signatures on the mylars will be collected and the mylars will be taken to the County for recording. Once all the additional fees that are required at the time of permit are paid, the building permit will also be issued.