

NEIGHBORHOOD AND COMMUNITY PARK DEDICATION POLICY

I. PREMISE

The premise of this Neighborhood and Community Park Dedication Policy is that these “local close to home” park facilities are integral City infrastructure that are needed in residential neighborhoods to ensure the health, safety, welfare and quality of life of the citizens of Fort Worth.

II. PURPOSE

This policy shall insure the provision of adequate park and recreational areas with needed facilities in the form of Neighborhood Parks and Community Parks. New residential development or an increase in density by redevelopment in existing neighborhoods creates the need for additional park and recreation facilities. This Policy shall govern all park dedication and improvement requirements within the corporate limits of the City of Fort Worth. The implementation of the policy shall furnish developed Neighborhood Parks that are in place when neighborhoods are built. The policy also shall provide for needed land acquisition for Community Parks that serve new residential development or an increase in density by redevelopment in existing neighborhoods. The City has developed and adopted standards for Neighborhood and Community Parks that are included in the Park, Recreation and Open Space Master Plan adopted in Resolution 2414 by the City Council on June 30, 1998. These standards are the basis for the adoption and application of amendments to this existing policy.

III. DEFINITION OF TERMS

A. For purposes of this policy, the following terms shall be defined as follows:

1. Parks and Community Services Department (PACSD) – the department of the City of Fort Worth charged with design, construction and management of the City’s park system.
2. Developer/Owner - Individual, firm, association, corporation or any other organization dividing or proposing to divide land for the purpose of developing or making improvements to such land.
3. Subdivision of Land - Division of any lot, tract, or parcel of land into a minimum of five (5) or more lots sites for the purpose of developing residential dwelling units or the submission of Unified Residential Development Site Plan whether immediate or future.
4. Dwelling Units - Any building or structure which, is designed, used or intended to be used for human occupancy as primary living quarters.
5. Park Planning Districts (PPD's)- geographic areas defined by the Parks and Community Services Department (PACSD) and derived from the physical character of the City, based on population size, roadways, rivers, creeks, topographic features and/or defined political boundaries.
6. Central City (PPD4) - will be defined as, “...the area within I-820”

7. Neighborhood Unit - A residential area bounded by major thoroughfares which generally encompass approximately one square mile, serving approximately 3,000 to 6,000 in population. The neighborhood unit is defined in the Park, Recreation and Open Space Master Plan.
8. Community Park Unit- A Community Park Unit consists of a minimum of six neighborhood units and is the designated service area of one Community Park. Community Park Units are defined by the Parks and Community Services Department and result from the service area definition included in the Park, Recreation and Open Space Master Plan.
9. Neighborhood Park - Open space area encompassing five (5) to twenty (20) acres. If the Neighborhood Park is contiguous with a school site, it may be five (5) to twelve (12) acres. Neighborhood Parks should provide a one-quarter (1/4) to one-half (1/2) mile service radius serving approximately 3,000 to 6,000 in population for the purpose of providing daily unprogrammed recreational needs of residential areas within the Neighborhood Unit. (Refer to the Park, Recreation and Open Space Master Plan for a more detailed description, recreation activity menu and an example of a typical neighborhood park).
10. Community Park - Open space area encompassing 30 to 75 acres within a one and a half (1 1/2) mile service radius serving approximately 18,000 to 36,000 in population and six neighborhood units for the purpose of providing both preservation of natural features within the urban environment and programmed recreational needs on a community wide basis.

The minimum size for a Community Park dedication is (30) thirty acres. When the subdivision development is not of sufficient size to generate a thirty acre community park dedication a fee in lieu of park dedication will be assessed or a combination of fee in lieu of park dedication and park dedication may occur at the discretion of the Parks and Community Services Department. The Parks and Community Services Department at their sole discretion may determine that land in an amount less than the minimum dedication for a community park is needed: 1) when the property adjoins unplatted land that is zoned residential (2) the proposed land use according to the City's Comprehensive plan is residential (3) market and development patterns in the area indicate that the property is likely to be rezoned as a residential use or (4) there is a larger park system need that will be met by the dedication of community park land in an amount less than the minimum size. (Refer to the Park, Recreation and Open Space Master Plan for a more detailed description, recreation activity menu and an example of a typical Community Park.)

11. Large Recreation Parks- are regional park sites greater than 75 acres with a service area of 2 to 4 miles that serves 80,000 to 100,000 people. The parks have 60 to 100 parking spaces and facilities for league soccer, baseball and softball.
12. Pocket Parks- are a subset of close-to-home parks and are less than five (5) acres. Dedication of land for use as a public park shall be considered for sites 1.0 acres and greater, at the discretion of the Parks and Community Services Department. Parks less than 1.0 acres are to be privately-owned and maintained. See Section V, Part D. for pocket park criteria.
13. Neighborhood Park Development Concept Plan – A park site plan drawn at an appropriate scale that indicates the required park facilities and the relationship of those facilities to the proposed park development. The Neighborhood Park Development Concept Plan must indicate

the following: (1) Scale, (2) North arrow, (3) Topography indicating existing one foot (1') contours and any proposed grading with appropriate spot elevations, (4) Location of required facilities proposed for the neighborhood park. The plan must identify existing vegetation and indicate if it will remain or be removed. The plan must indicate the 100 year floodplain, the 100 year floodway and the course of any stream, river, creek, or drainage channel in the proposed neighborhood park.

14. Director – The ranking official of the Parks and Community Services Department, or any successor department of the City of Fort Worth charged with the management of the City parks system.
15. City Council – The City Council of the City of Fort Worth, Texas
16. Consumer Price Index- The published price index of the United States Department of Labor that indicates increases or decreases in prices of goods and services.

IV. PLANNING

- A. The overall program and full implementation of the Fort Worth Neighborhood and Community Park Dedication Policy shall generally follow the City of Fort Worth's Comprehensive Plan and the officially adopted Park, Recreation and Open Space Master Plan. The Parks and Community Services Department may develop implementation guidelines to insure the fair and objective application of this park policy.
- B. There should be a minimum of one Neighborhood Park within each designated "Neighborhood Unit" as defined by the Park, Recreation and Open Space Master Plan and delineated by the Parks and Community Services Department. The park should include needed recreational facilities to service the recreation needs of the neighborhood unit.
- C. The City of Fort Worth shall require residential developers, to dedicate subdivision land and recreation improvements for parks to meet the recreational needs as a condition of the platting process and/or the submission of a Unified Residential Development Site Plan, just as land for streets, alleys, utility easements and other improvements directly attributable to the development of a new residential neighborhood is dedicated. A combination of fees and parkland dedication shall be considered at the sole discretion of the Parks and Community Services Department.
- D. Where private recreation facilities are built for the residents of a subdivision development, a credit may be given to the Developer/ Owner for neighborhood park development fee, neighborhood land dedication or fee-in-lieu thereof, based on the value of such neighborhood park recreational facility development. If the proposed development falls outside the Central City, and at the discretion of PACSD director or his/her designee, credit maybe issued up to 50% of the total amount of neighborhood park development fee, and up to 50% of the fair market value of the required land dedication or fee-in-lieu thereof from such development. Credits exceeding 50%, and up to 75%, will require prior written approval from the Director. Credits greater than 75% will require City Council approval before they can be issued on any development. Credit will be granted for those recreation facilities that are listed as part of the minimum neighborhood park configuration. (Refer to Section IV. G.) Credit may also be given for recreation facilities that address the specific

neighborhood recreational needs of the development. The developer must provide sufficient documentation to the Parks and Community Services Department demonstrating that the recreational needs of the proposed neighborhood are different than the needs of a typical neighborhood unit. The Parks and Community Services Department may at the discretion of the Director or his/her designee award credit for those recreational facilities that are deemed to meet the neighborhood recreational needs of a new community. If the proposed residential development falls within the Central City (Park Planning District 4), the PACSD Director may issue up to 100% credit for qualifying private plazas and recreational facilities that are publicly accessible.

- E. Should a submitted subdivision development be located within a previous development concept or preliminary plat in which park dedication requirements have been met and the submitted development does not increase the overall population density, then additional park dedication requirements will be waived. However, if the submitted subdivision development reflects an increased population density, then additional park dedication requirements will be in effect on the difference in population. New preliminary plats within an existing concept plan shall require community park dedication and will also be subject to the application of the neighborhood park development fee based on the portion of the neighborhood park dedication that can be attributed to that preliminary plat. The requirements of this paragraph do not apply to Park Planning District 4.
- F. Neighborhood Park Infrastructure - The Developer shall bear the cost of all improvements, including streets, water, sewer, storm drainage and street frontage directly related to the Neighborhood Park site.
 - i) Required Street Frontage – The developer shall provide street frontage that is equal to thirty five percent (35%) of the linear measure of a square area equal to the required Neighborhood Park dedication. In the event the subdivision requires the payment of a fee in lieu of park dedication a fee must also be submitted for Neighborhood Park Infrastructure. The Parks and Community Services Department may participate in a Community Facilities Agreement for additional street frontage and infrastructure when there is a need determined by the Parks and Community Services Department or it is in the interest of the City of Fort Worth to provide additional street frontage. The determination of the need for additional frontage is at the sole discretion of the Parks and Community Services Department.
 - ii) In the event that additional land is donated to the City of Fort Worth for park purposes at the same time as a required park dedication the Parks and Community Services Department may elect to participate in park infrastructure development. Any additional street, utility and storm drainage frontage participation is contingent on the availability of capital improvement funds for additional street frontage and City Council approval. The Parks and Community Services Department may participate in up to fifty percent (50%) of the cost of additional street frontage, water and sewer front foot charges generated by the additional donation of parkland. When the street frontage is related to a Neighborhood Park the 50% participation cap applies to only a residential street section. The Parks and Community Services Department will only participate in up to fifty percent (50%) of storm drainage improvements that are directly related to storm water run-off generated by park development. Costs for the required extension of neighborhood storm drainage systems to the cut bank of any existing channels, streams, creeks, rivers or other park water bodies are the responsibility of the developer. Any participation in additional infrastructure is at the sole discretion of the Parks and Community Services Department.

- G. Neighborhood Park Development – The developer shall bear a proportional cost of improvements of a Neighborhood Park which shall include the following recreational facilities as a minimum Neighborhood Park configuration:
- 1) Playground
 - 2) Picnic shelter
 - 3) Practice field with backstop
 - 4) Walking trail
 - 5) Multi-Use Slab with basketball backboard and goal
 - 6) Site grading and preparation
 - 7) Turf and vegetation

The Neighborhood Park Development Fee shall be based on the minimum Neighborhood Park dedication requirement of the subdivision plat. The Neighborhood Park Development Fee shall be \$30,000 per acre based on the required acreage of the Neighborhood Park dedication. This fee is based on the current construction costs of these facilities and maybe adjusted administratively by the Parks and Community Services Department Director or their designee up to the annual amount of the change in the Consumer Price Index. Any fee adjustment greater than the annual amount of change in the Consumer Price Index shall require City Council approval. The acreage of required Neighborhood Park dedication will be determined at the time of the preliminary plat. This fee shall be over and above the amount needed for the developer to provide the Neighborhood Park infrastructure development.

Development Options and Offsets - Developers may select option (1) or (2) in consultation with the Parks and Community Services Department.

- 1) If mutually agreed between the Developer and the Parks and Community Services Department, the developer may choose to develop the park site prior to final plat approval in lieu of submitting the Neighborhood Park Development Fee. The cost of the developer to provide the neighborhood park and recreation facilities shall offset the required Neighborhood Park Development Fee by the amount of the actual cost of the developer to design and construct the Neighborhood Park recreational facilities and site improvements. Prior to approval of a Neighborhood Park development agreement the developer must submit a conceptual master plan indicating the proposed neighborhood park facilities and their locations. Upon approval of the proposed Neighborhood Park Development Concept Plan the developer may authorize preparation of construction documents for neighborhood park development.

In the event that the Parks and Community Services Department and the developer reach a development agreement for park development prior to final plat approval the developer shall be required to submit Neighborhood Park development construction plans that conform to Parks and Community Services Department design, construction and specification standards. The Parks and Community Services Department and the Department of Engineering will review the construction documents for compliance with City park construction requirements. The developer must agree to standard City construction inspections of Neighborhood Park improvements. Prior to final plat approval the Neighborhood Park construction must be approved and accepted by the City of Fort Worth.

or

- 2) The developer shall pay the \$30,000 per acre fee for each acre of land required as a neighborhood park dedication and described as the Neighborhood Park Development Fee.

V. SITE SELECTION/CHARACTERISTICS OF PARK

- A. In selecting a site for a park, the City shall avoid an accumulation of unrelated parcels of land or an accumulation of land unsuitable for park purposes.
- B. Parks sites shall be selected on the basis of obtaining natural, park-like settings where available and shall consist of diverse topography and open space suitable for the development of recreational facilities.
- C. Neighborhood Park size should be a minimum of five (5) acres and obtained as one complete parcel. If a development parcel cannot provide the minimum five acre (5) parcel or a smaller parcel which can potentially be contiguous to existing or future park parcels, then a fee in lieu of parkland or a combination of fee and parkland dedication shall be required at the discretion of the Parks and Community Services Department.
- D. Parcels from one (1) acre to four (4) acres which are not contiguous with existing park sites or which do not appear to have the Pocket Parks within Park Planning District 4, only. Sites less than 1.0 acres should remain private. Credits for publicly accessible private open spaces less than 1.0 acre will be considered on a case-by-case basis. See Section IV, Part D. Pocket Parks to be dedicated as public parkland must meet the following criteria:
- Park sites to be dedicated to the City as public parkland shall be no less than 1.0 acres;
 - Over 50% of the neighborhood must not be served by existing public or private parkland;
 - Property should meet the needs of the neighborhood;
 - Site should be easily accessible from neighborhood;
 - No drainage structures shall cut through or drain onto the public park site;
 - The park site must be flat, with slopes no greater than 3%;
 - Funding must be identified for maintenance; and
Permanent or ongoing maintenance operations must be addressed.
- E. Both Neighborhood and Community Park sites shall be located, whenever possible, adjacent to and contiguous with school sites and other public or non-profit agency sites in order to make maximum use of common facilities and grounds.
- F. Careful consideration shall be given to the need for development of linear parks around natural drainage and wooded areas which provide potential recreational uses. Criteria for floodplain area (based upon 100 year floodplain) usage is as follows:
1. Floodplain and natural drainage areas shall generally not exceed seventy five (75%) percent of the total park site.
 2. At least fifty (50%) percent of required dedicated parkland shall have slopes in range of 2-5%, well drained, and suitable for active use development.
 3. Additional floodplain acreage may be acquired at a ratio of three to one (3:1) in acres in lieu of non-floodplain property. Any such consideration of additional floodplain acreage shall be as

agreed upon between the Parks and Community Services Department and the Developer/ Owner.

- G. Proposed parkland boundaries of community park dedications shall provide reasonable access to improved street frontage for readily accessible entry into the park area by the public.

VI. LAND DEDICATION AND DEVELOPMENT FEE

- A. If the proposed residential development falls within the Central City (Park Planning District 4), a flat fee of \$500.00 per residential unit will be assessed in lieu of a land dedication and associated fees. Fees will be assessed at the time of building permitting. Fees must be paid before a building permit will be issued. If mutually agreed between the Developer and the Parks and Community Services Department, credits against this fee may be granted when there is public or private parkland proposed for the site and/or when park facility development is proposed. Agreements concerning parkland classification and acceptability, and determinations of allowable fee credits, must be formalized prior to release of the first building permit. This fee is based on current costs for land acquisition and park development and may be adjusted administratively up to the annual amount of change in the Consumer Price Index (CPI). Any fee increase or decrease greater than the CPI shall require the approval of the City Council.
- B. Any required conveyance of land from any proposed subdivision residential development shall be keyed to the density of the population to be served within the neighborhood.
- C. The Park, Recreation and Open Space Master Plan standard for public park space provides for 2.5 acres of neighborhood park dedication and 3.75 acres of community park dedication per 1,000 population. For each submitted residential preliminary plat subdivision or Unified Residential Development Site Plan, the following formula shall apply for the calculation of parkland needs.

i) Neighborhood Park Dedication Formula

$$\frac{2.5 \text{ Acres} \times (\text{No. of Dwelling Units}) \times (\text{Persons/Unit})}{1000 \text{ population}} = \text{Acres to be dedicated}$$

ii) Neighborhood Park Development Fee Calculation

$$\text{Neighborhood Park Acres to be dedicated} \times \$30,000 = \text{Neighborhood Park Development Fee}$$

iii) Community Park Dedication Formula

$$\frac{3.75 \text{ Acres} \times (\text{No. of Dwelling Units}) \times (\text{Persons/Unit})}{1000 \text{ population}} = \text{Acres to be dedicated}$$

- D. The number of persons per dwelling unit shall be based on both current U.S. Census information and population data compiled by the City and shall be reviewed and adjusted administratively by the Director of the Park and Community Services or their designee as necessary to fairly and accurately reflect trends in household size. The following figures represent the average number of persons per unit by current density categories, and shall be used to calculate parkland dedication.

1.	Single Family Detached/Duplex	3.0 Persons/unit
2.	Multi-Family	2.0 Persons/Unit

- E. Where a subdivision plat is submitted indicating multi-family residential development, and a table of information is not provided indicating the number of dwelling units, the City shall assume the highest density allowed in the zoning classification to be applied to the property by which to determine projected population in order to determine park dedication policy requirements.
- F. All determinations of required land dedication shall be based upon review of all preliminary subdivision plats submitted through the City of Fort Worth's Department of Development to the Parks and Community Services Department. Failure to indicate proposed park dedications on the submitted preliminary plat shall be sufficient grounds for the Plan Commission to deny a concept plan or preliminary plat. Upon final agreement between the Parks and Community Services Department and the Developer/Owner regarding mutually acceptable parkland, such land shall be indicated on the revised preliminary plat and final plat. Such park property shall be conveyed by General Warranty Deed before release of the final plat on any or all portions of the subdivision thereof by the City for filing in the County plat records. Submission of park dedication documents is required for final plat and Unified Residential Development Site Plan release. Park dedication documents include 1) a general warranty deed (2) a metes and bounds description of the park dedication property, (3) a survey plat of the park property only, (4) an abstractors certificate that indicates that the developer has clear title to the property and the legal ability to deliver the title to the City of Fort Worth, (5) an environmental statement that indicates that the park site is free of environmental contamination or hazards. The Parks and Community Services Department can provide developers with example documents for use in meeting this submission requirement.
- ~~G.~~ The land required to be conveyed for Neighborhood Park dedication may be located inside or outside the subdivision development so long as the land is so located within the Neighborhood Unit and is of such proximity to the development so as to serve or benefit the Neighborhood residents. Land required to be conveyed for Community Park dedication may be located within the Park Planning District of the subdivision.
- H. If a replat is filed, the dedication requirements shall be controlled by the policy in effect at the time of replat. Additional land dedication (or fee in lieu of) shall be required if the actual density of structures constructed on the property is greater than the former assumed density or additional requirements are in force as a result of the adoption of this policy. (i.e. Neighborhood Park Development Fee).
- I. Prior to dedication of land and / or improvements, the Developer/Owner shall make full disclosure of the presence of any hazardous substances and/or underground storage tanks (U.S.T.'s) and all construction processes affecting the site of which the Developer/Owner has knowledge. The City, at its discretion, may proceed to conduct such initial construction inspections, environmental tests and surveys on the land and improvements as it may deem appropriate, and the Developer/Owner shall grant to the City and its agents and employees such reasonable access to the land as is necessary to conduct such construction inspections, surveys, and tests.

If the results of such construction inspections, surveys and tests indicate a reasonable possibility of construction failure, construction dumping, flawed construction, environmental contamination or the presence of U.S.T.'s, or other environmental hazards the City may require further surveys and tests to be performed at the Developer/Owner's expense as the City may deem necessary prior to its

acceptance of the dedication and improvements, or in the alternative, the Developer/Owner may be required to identify alternative property or pay the fees in lieu of such parkland dedication, Neighborhood Infrastructure Development and Neighborhood Park Development.

- H. In areas where the residential density is lower than one unit per acre or it is in the interests of the City the Parks and Community Services department may combine the neighborhood and community park dedication and development requirements to create an adjoining neighborhood and community park facility that meets the recreational needs of these suburban and rural neighborhoods.

VII. PAYMENT OF FEES IN LIEU OF PARKLAND DEDICATION

- A. If the proposed residential development falls within the Central City (Park Planning District 4), a flat fee of \$500.00 per residential unit will be assessed in lieu of a land dedication and associated fees. Fees will be assessed at the time of building permitting. Fees must be paid before a building permit will be issued. If mutually agreed between the Developer and the Parks and Community Services Department, credits against this fee may be granted when there is public or private parkland proposed for the site and/or when park facility development is proposed. Agreements concerning parkland classification and acceptability, and determinations of allowable fee credits, must be formalized prior to release of the first building permit. This fee is based on current costs for land acquisition and park development and may be adjusted administratively up to the annual amount of change in the Consumer Price Index (CPI). Any fee increase or decrease greater than the CPI shall require the approval of the City Council.
- B. If the calculation for required Neighborhood Park dedication within the proposed subdivision development that falls outside Park Planning District 4 results in less than five (5) acres and/or the calculation for required Community Park dedication does not result in a thirty (30) acres and/or does not meet site selection criteria as per Section V. of this policy, the Parks and Community Services Department may recommend that a fee-in-lieu of neighborhood and/or community parkland dedication be required.
- C. All fees received for Neighborhood Park acquisition and development and Community Park acquisition will be dedicated for the purpose of acquiring and developing parkland within the proposed subdivision development. However, if acquisition and development of a neighborhood or community park is not achievable within the proposed subdivision development, then the Parks and Community Services Department shall:
 - 1. Have the discretion of determining if park and recreational needs of the proposed subdivision development would be served by the expansion of existing park sites located within the same Neighborhood Unit where the proposed subdivision development is located.
 - 2. If such acquisition opportunities are not available within the Neighborhood Unit, then areas within the adjacent contiguous Neighborhood Unit(s) may be considered for acquisition if it will beneficially serve the residents of the proposed subdivision development.
 - 3. If such acquisition opportunities are not available within the Community Park Unit, then areas within the adjacent contiguous Community Park Unit(s) or within the Park Planning

District may be considered for acquisition if it will beneficially serve the residents of the proposed subdivision development. Additionally, funding for Community Park acquisition may be accumulated from Community Park Units with the Park Planning District, adjacent contiguous Community Park Units or adjacent Park Planning District equal to the percentage of service radius (1.5 mile) within the adjacent Park Planning District.

- D. The amount of the fee in lieu of parkland dedication shall be determined by the following method:
1. The amount equal to the Fair Market Value of the required land dedication, and, if applicable, less a credit for the value of the land actually dedicated for park and recreational purposes. The Fair Market Value will be determined by the City of Fort Worth.
 2. The Developer/Owner, at their own expense, may obtain an appraisal of the property by a State of Texas certified real estate appraiser, mutually agreed upon by the City and the Developer/Owner, which may be considered by the City in determining fair market value.
 3. If the property was acquired by the developer within the last year the developer may submit the contract for sale or appraisal documents related to the acquisition of the property to be considered by the City in determining Fair Market Value.
- E. Submission of fees related to final plats, which are part of larger preliminary plats.
1. All fee payments made in lieu of land dedication in accordance with this policy shall be pro-rated on a per dwelling unit charge based on the Fair Market Value of the required dedication of the land and relative to the number of dwelling units included in the final plat submittal or the Unified Residential Development Site Plan.
 2. Fees for neighborhood park development will be pro-rated on a per dwelling unit rate based on the required dedication for that portion of the preliminary plat being submitted as a final plat or a Unified Residential Development Plan.
 3. (i) Outside Central City (Park Planning District 4)- Fees established at the time of preliminary plat submittal shall apply to subsequent final plats submitted on any or all portions thereof for a period of two years from the date of preliminary plat approval by the Plan Commission. Subsequent Final plat submittals after such two year period shall be reassessed new fee values per dwelling unit as per current Fair Market Value of the land and the current Neighborhood Park Development Fee at time of Final plat submittal.

(ii) Inside the Central City (Park Planning District 4) - Applicable fees will be assessed and should be paid prior to issuance of a building permit.
- F. For residential developments occurring outside Park Planning District 4, all required fees shall be paid and received before release of the final plat on any or all portions of the subdivision indicated on the original preliminary plat thereof by the City for filing in the County plat record. For residential developments occurring within Park Planning District 4, all fees will be due prior to issuance of a building permit.

- G. All payments made in accordance with this policy shall be deposited in a designated Neighborhood Unit Park Acquisition and Development Fund and/or a Community Park Unit Acquisition Fund. The City shall account for all such funds paid with reference to each subdivision development, neighborhood unit and community park unit.
- H. Interest earned on accumulated park acquisition and development fees designated for a specific subdivision development shall be used for additional acquisition and development as described in this policy.
- I. All fees received must be expended within five years from date of receipt of the last fee paid on the original preliminary plat. If such fees are not expended, the Developer/Owner shall be entitled to a refund on interest earned, less inflation as determined by the Consumer Price Index as published by the U.S. Department of Labor, with the principal held by the City. The Developer/Owner must request such refund in writing within ninety (90) days of entitlement or such right shall be waived.

VIII. INSTALLATION OF PARK IMPROVEMENTS

- A. Installation of Neighborhood Park improvements by the City generally will occur when there is:
 - 1. A minimum population of 2,000 or, at the City's discretion, a minimum fifty (50%) percent build out within the Neighborhood Unit, and;
 - 2. Availability of funds for such improvement, and;
 - 3. Appropriation of maintenance funds for ongoing maintenance operations.
- B. Installation of Community Park improvements by the City generally will occur when there is:
 - 1. A minimum population of 8,000 or, at the City's discretion, a minimum fifty (50%) percent build out within the Community Park Unit, and
 - 2. Availability of funds for such improvement, and;
 - 3. Appropriation of maintenance funds for ongoing Community Park maintenance and operations.

IX. DECISION MAKING; APPEALS

- A. Unless otherwise provided in this policy, any decision shall initially be made by the Park and Community Services Director or their designee in the exercise of his/her reasonable discretion. In the event that the determination is made by a designee of the Director of the Parks and Community Services Director the first recourse of the developer is an appeal of the decision to the Director.

- B. Decisions of the Parks and Community Services Director with regard to this policy may be appealed to the Plan Commission and ultimately to the City Council.