

# CITY OWNED LANDS INVENTORY

*City Council Work Session*

*January 17, 2012*

## **OVERVIEW:**

- 1. Background*
- 2. Findings*
- 3. Considerations*
- 4. Recap*
- 5. Council Action*

# BACKGROUND

## **2011 City Council Strategic Goals**

Developing an inventory of city owned lands was identified as a high priority.

# BACKGROUND: JULY 17 CCWS

## Review:

- Process used determine inventory
- Categories (current/intended use)
- List of potentially sellable property
- Multiple maps were created
- Dedicated vs. non-dedicated

## Requests:

- Attain owner and encumbrance reports
- Wetland banking/storm water issues
- Maintenance costs
- Disposition process

# FINDINGS

## General:

Many of the properties thought to have low restriction, or thought to be non-dedicated, are in fact dedicated or have restrictions attached to their title (NOTE: see attachments).

## Detailed Breakdown:

### INITIAL BREAKDOWN: STEP 1

Total Properties	36
Dedicated/Restricted	18
O&E	16
Other (COR/Park)	2



### OWNER & ENCUMBRANCE: STEP 2

Total Properties	16
Dedicated/Restricted	8
Sellable Today	7
State Owned	1

### FINAL BREAKDOWN: STEP 3

Total Properties	36
Dedicated/Restricted	24
State Owned	2
Other (COR/Park)	2
Sellable Today	8

#### NOTES:

- Legacy added to sellable from dedicated.
- One property added to state owned from dedicated.

# CONSIDERATIONS, CLEAN TITLE

## Removing Dedication/Returning Property to Original Owner:

Dedicated parks are not owned by the City—the City is a trustee, and does not have the right to use dedicated property (beyond dedicated use).

Even after removing dedication, the City would still be required to return the property to the original owner (the City cannot sell the property).

### ATTORNEY OPINION:

Because a majority of these properties have not been used as their dedicated purpose for many years (30+ years in many cases), getting the dedication removed should not be a huge issue. However, tracking down the original property owner can be a long and expensive process (e.g. Tiger Incorporated).

Estimated Time/Cost: \$2,000-\$5,000 per property & 6-12 months (22 properties)

## Quiet Title Action:

Two properties are labeled as “park” on the plat. However, they are not dedicated in text. Therefore, the title needs to be cleared before any action can be taken. If the City were to gain free and clear ownership, the properties could be sold.

### ATTORNEY OPINION:

The City needs to go through a “quiet title action” to establish equitable title.

Estimated Time/Cost: \$2,000-\$5,000 per property & 6-12 months (2 properties)

# CONSIDERATIONS, WETLANDS

## Using Property for Wetland Banking/Drainage Issues:

- Delineation must take place (vegetation, soils, hydrology). Delineation is estimated to cost \$1,000-\$1,500 per parcel.
- Most parcels are not candidates for wetland banking
  - Elevation
  - Existing Wetlands
  - Surrounded by Fully Developed Land
  - #06 (old municipal center) and #11 (water tower) are candidates for wetland banking

# RECAP

## FINAL BREAKDOWN:

Total Properties	36
Dedicated/Restricted	24
State Owned	2
Other (COR/Park)	2
Sellable Today	8

### Dedicated/Restricted

4. Should the City go through the process of removing dedications from each property and return back to original developer?

22 properties, estimated total cost  
\$44,000-\$110,000

5. Should the City go through the process of "quite title action?"

2 properties, estimated total cost  
\$4,000-\$10,000 (#22 and #32)

### Sellable Today

1. Would the council like to move forward with rezoning and marketing #34 and #13.

2. What is the council direction on property #11 (Water Tower Complex)? NOTE: multiple options have been provided.

3. What is the council direction on Peltzer Park?

NOTE: the four remaining properties are already being marketed by the EDA.

# COUNCIL ACTION: (1 OF 5)

1. Would the council like to move forward with rezoning and marketing #34 and #13.



# COUNCIL ACTION: (2 OF 5)

## 2. What is the council direction on property #11 (Water Tower Complex)?

**OPTION 1:** the City could leave the property as is and wait until an interested developer steps forward. At that point, the City would work with the developer to replat the property and move the ROW east, onto the subject property. The developer would be responsible for development fees.

**OPTION 2:** the City could take on replatting the property and moving the ROW before there is an interested developer. The City would leave the developable portion in lot #2 as an outlot. When an interested developer steps forward, the outlot would need to be replatted and the developer would pay the required development fees. NOTE: replatting the three parcels is estimated to cost about \$10,000.

**OPTION 3:** the City could take on replatting the subject property and moving the ROW before there is an interested developer. The City would also plat the developable portion of parcel #2. In this case, the City would be responsible for development fees. NOTE: replatting the three parcels is estimated to cost about \$10,000. However, replatting the developable area before knowing who the end user is may end up requiring a replat anyway.

**OPTION 4:** the City could contact the property owner, of the temporary ROW easement, to see if there is any willingness to convert the existing easement to a permanent ROW easement. After a permanent ROW easement is secured, the City would still need to decide between the previous three options.



# COUNCIL ACTION: (3 OF 5)

## 3. What is the council direction on Peltzer Park #?

**NOTE: this decision will be postponed (different case).**



# COUNCIL ACTION: (4 OF 5)

**4. Should the City go through the process of removing dedications from each property and return back to original developer?**

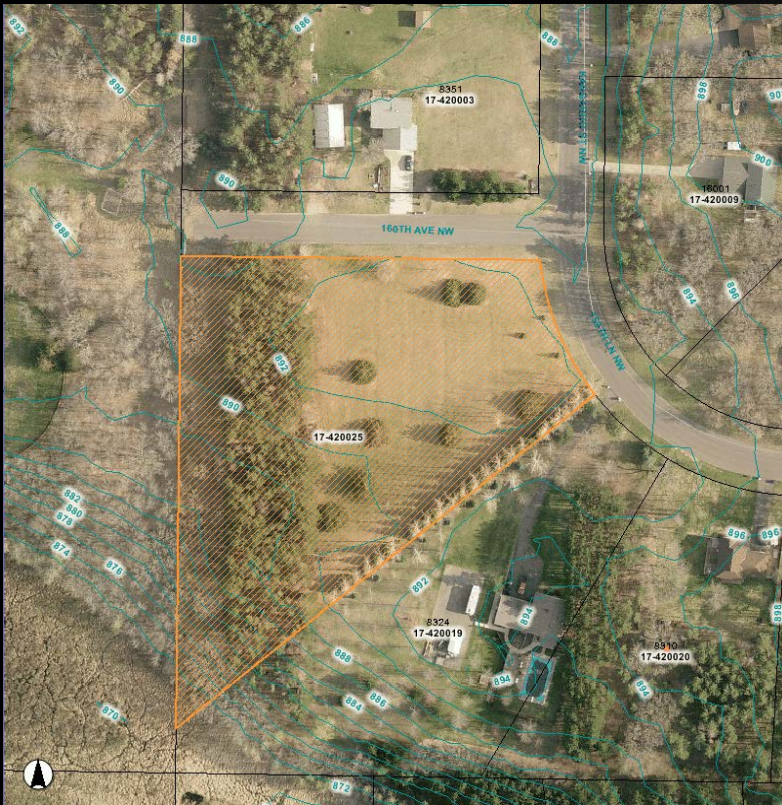
- 22 properties, estimated total cost \$44,000-\$110,000
- Two properties were dedicated from the state
- The majority of properties were dedicated from developers/land owners

**NOTE: One property is the old "old" City Hall and one property was acquired via RALF**

# COUNCIL ACTION: (5 OF 5)

## 5. Should the City go through the process of "quite title action?"

- 2 properties, estimated total cost \$4,000-\$10,000 (#22 and #32)



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