



AGENDA ITEM SUMMARY FORM

MEETING DATE: May 24, 2022

PREPARED BY: Walter E. Reeves Jr., AICP, Development Services Director

AGENDA CONTENT: Discussion and possible action on Riverwood Ranch private park

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: N/A **FUNDS REQUESTED:** N/A

FUND: N/A

EXECUTIVE SUMMARY:

After months of discussions with several developers regarding park dedication and/or payment of fee-in-lieu of dedication, a special City Council meeting was held on March 30, 2021, to discuss and provide direction to developers on that and other issues. Council instructed the developer on how to proceed with resolving the park issue associated with the Riverwood Ranch project (Attachment 1). Prior to the special meeting, the developer of the Riverwood Ranch project maintained that construction of a private park in Section 1 would meet the requirements of Section 23-20 Parks Dedication and Recreation Improvements pursuant to an email from then City Manager, Mr. Scott Albert (Attachment 2). The developer paid the \$575 fee-in-lieu of dedication for Sections 1 & 2 to facilitate recording of those plats; however, the developer has continued to maintain that the private park be credited towards payment of fee-in-lieu. The private park has been constructed on land identified on the plat of Phase 1 as Detention Reserve (Attachment 3) and no signed and stamped plans were ever submitted to the Parks and Recreation Director for review and approval regarding the facilities proposed in the private park.

Section 23-20 was recently repealed and replaced by Ordinance #20220222-018 (February 22, 2022) but the Riverwood Ranch project is vested to the previous regulations (Attachment 4), including the \$575 fee-in-lieu of dedication, under the criteria of Texas Local Government Code Section 245. The Riverwood Ranch project consists of 96 lots in Section 1, 109 lots in Section 2, and 144 lots in Sections 3 & 4 for a total of 349 lots. The total fee-in-lieu of dedication would be \$200,675. There is no real mechanism under either the new Section 23-20 nor the old requirements that would allow crediting of the private park towards the required dedication or payment of fee-in-lieu. Nor is the email from the City Manager binding as a contract or agreement and no evidence has been found or provided that City Council ever approved such an agreement. The only path forward, if the City Council is inclined to credit the private park, would be to either amend the Facilities and Construction Cost Reimbursement Agreement, or preparation of a separate development agreement addressing the issue.

RECOMMENDATION:

The staff recommends that the Council not credit the private park towards the dedication requirement or payment of fee-in-lieu of dedication.