

Dedications and Reservations.

1. STREETS, PEDESTRIAN TRAILS, DRAINAGE FACILITIES, AND OTHER PUBLIC WAYS

- A. Whenever a tract of land to be divided or subdivided embraces all or any part of a proposed street, recreational trail, drainage way, drainage facility or other public way which has been designated in an adopted Town plan, or Town of Clayton Official Map, such street, recreational trail, drainage way, drainage facility or other public way shall be made part of the plat and either dedicated to the Town or reserved by the subdivider in the locations and dimensions indicated on such plan or map.

2. PARKS, PLAYGROUNDS, AND PUBLIC ACCESS

- A. Whenever a tract of land to be divided or subdivided embraces all or any part of a proposed park, playground, public access or other public land which has been designated in an adopted Town plan or Town of Clayton Official Map, such proposed public lands shall be made a part of the plat and shall either be dedicated to the public or reserved for acquisition at undeveloped land costs for a period not to exceed five (5) years from the date of the recording, unless extended by mutual agreement between the subdivided and the Town. If the reserved land is not acquired by the Town within the above time limit, the land shall be released to the owner.

3. PUBLIC ACCESS TO NAVIGABLE WATERS

- A. All public access to the low water mark of navigable lakes and streams required by §236.16(3) Wis. Stats., shall be at least sixty (60) feet wide to provide sufficient areas for turning movements and parking.

4. DEDICATION REQUIREMENTS

- A. **Land dedication.** The subdivider shall dedicate the following percentages of the parcel to be divided or subdivided to provide for park, playground and recreational open space:

Single-family zoning	8%
Two-family zoning	10%
Multiple family zoning	15%
Planned Unit developments	15%

Consideration shall be given to the preservation of scenic, historic and unique environmental sites. The Town shall have the sole discretion to determine the suitability, adequacy and appropriateness of lands proposed for dedication. The Town shall retain the right to refuse any proposed dedication.

- B. **Fee in lieu.** If, at the discretion of the Town Board, it is determined there is no land suitable for public use within the proposed subdivision, or the donation of land would not be compatible with the Town's Comprehensive Development Plan, the Town Staff shall recommend to the Town Board that the developer pay

a fee in lieu of making the required land donation. In case of a Certified Survey Map, the Town Staff shall make its recommendation to the Planning and Zoning Commission.

Where a fee-in-lieu-of-land system is used, the developer shall pay to the Town a fee of \$1,000 per lot created for single- and two-family subdivisions, or \$500 per dwelling unit for multi-family subdivisions. The same standard shall apply when any combination of single-family, two-family and multi-family are proposed in the same subdivision. The fees must all be paid prior to the issuance of building permit(s).

- C. **Part dedication fee, part fee in lieu.** The Town Board may recommend the developer satisfy the requirements by combining land dedication with fee payments. The fee in such cases shall be determined by subtracting the fair market value of the dedicated land from the total fee which would have been imposed had no land been dedicated by the developer. The fair market value shall be determined by the Town Assessor.
- D. **Park and recreation escrow account.** All funds so collected by the Town shall be deposited in a segregated non-lapsing fund, and such funds so levied and collected shall be used to pay a portion of capital costs for such purposes, including but not limited to site acquisition and related improvements, at such places, and in such manner as shall be approved, ordered and directed by the Town upon recommendation by the Town Board. Any and all interest accumulated upon such funds shall be added to the special fund and be similarly designated.

All fees provided for herein are required to be paid on or before the date of the Town's final plat approval or approval of the certified survey map.