



MEMORANDUM

TO: Public Improvement and Transportation Committee (PIT)

FROM: Sharon Hanson, City Administrator

DATE: February 23, 2024

SUBJECT: Elaine Park Neighborhood February 29, 2024, 5:30 PM Meeting to Discuss Future Maintenance Responsibilities or Ownership

Please see letter dated February 9, 2024, addressed to Elaine Park neighborhood.

Please also note, that Elaine Park was also discussed with property owners in 2012, and in addition, Michael Park. However, for this meeting on February 29, 2024, only Elaine Park abutting property owners were contacted due to the original inquiry received by the city in late 2023.

On February 13, 2012, the city of Marshall met with Elaine Park neighborhood (and Michael Park neighborhood) to discuss options for future maintenance and use of these parks. Although we don't have specific minutes or action following this meeting in 2012, it is known that the city did not assume maintenance of the parks following this meeting, nor was any legal land transfer processes started nor completed. Further, it is understood by long-standing property owners abutting Elaine Park that the city of Marshall has never maintained the park, it was always maintained by abutting property owners.

Further, it is known that in 2006 the PIT Committee reviewed this matter and decided that the City not vacate the park properties and with the understanding that the "area residents continue to maintain them".

The city was approached by a property owner to maintain Elaine Park. Some options (as stated in the February 9, 2024, letter) for park maintenance include:

- A) The City maintains the park by mowing the green space or establishing other low-maintenance vegetation such as native plantings. With this option, the City would stake the boundaries of the park and require that any personal property located within the park be removed from the park. Currently it appears that a playground set and a portion of a utility shed are located within the park boundaries.
- B) The City attempts to obtain clear title to the park property. Should the City be able to clear title to the park property, it would value the property, establish a sales price for it, and divide and sell the property equally to adjoining property owners based on the established sales price.

C) The City re-establishes the premise that Elaine Park is a “neighborhood park” and leaves responsibility for the maintenance of the park to adjoining property owners. The City would not stake the boundaries of the park and leave personal property in Elaine Park within its discretion unless a complaint is received.

The city has consulted with City Attorney Firm Kennedy and Graven who advised that since the developer gave the City an easement for Elaine Park when the subdivision was established (similar to the streets and other easements dedicated to the City on the plat), the City does not have fee title to the park property, only an easement. Therefore, if the neighborhood would want to consider dividing up the park to abutting property owners, legal processes would have to take several steps that could complicate a flawless property transfer process.

City staff are recommending that we obtain direction from the Elaine Park neighborhood property owners regarding future maintenance and possible ownership, as well as supporting legal processes that enable that neighborhood direction.