

## Legislation Details (With Text)

<b>File #:</b>	21-1272	<b>Name:</b>	
<b>Type:</b>	Report	<b>Status:</b>	Filed
<b>File created:</b>	11/17/2021	<b>In control:</b>	City Council
<b>On agenda:</b>	11/22/2021	<b>Final action:</b>	11/22/2021

**Title:** Approval to authorize the City Manager to execute a development agreement with the Arroyo Verde Godwin, LP and a Memorandum of Understanding with the New Braunfels Parks Foundation allowing the Foundation to accept 15.03 acres of land to hold in trust for the City of New Braunfels for a future park.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Development Agreement -- Clean final copy, 2. location-map-photos, 3. MOU Parks Foundation - Arroyo Verde

Date	Ver.	Action By	Action	Result
11/22/2021	1	City Council	presented	Pass

**PRESENTER:**

Stacey Dicke, Parks and Recreation Director

**SUBJECT:**

Approval to authorize the City Manager to execute a development agreement with the Arroyo Verde Godwin, LP and a Memorandum of Understanding with the New Braunfels Parks Foundation allowing the Foundation to accept 15.03 acres of land to hold in trust for the City of New Braunfels for a future park.

**DEPARTMENT:** Parks and Recreation Department

**COUNCIL DISTRICTS IMPACTED:** 4

**BACKGROUND INFORMATION:**

The Developer of the Arroyo Verde subdivision, Arroyo Verde Goodwin, LP, requested that the combination of private HOA park, construction of hike and bike trail and 15.03-acres park land dedication along Alligator Creek meet the requirements of the 2006 Park Land Dedication ordinance and be eligible for reimbursements.

A development agreement was created and approved by the Planning Commission on October 7, 2020. This agreement sets forth the approval of the private HOA park and acreage and the applicable credit provisions. The development agreement stipulates that in addition to the HOA park development, the construction of the hike and bike trail in conjunction with the 15-acre park land dedication is eligible for HOA credit. The trail costs, not to exceed \$30,000, are eligible for reimbursement. Park fees paid by the development total \$49,800. No fees will be reimbursed until the private park and hike and bike trail are constructed and verified by staff with required documentation.

The private HOA park will consist of pool, pavilion, turf area, and pavilion on 0.806 acres. The 15.03-acres

located along Alligator Creek will include a constructed 10' wide hike and bike trail to be connected to the citywide trail system.

**ISSUE:**

The New Braunfels Parks Foundation has agreed to accept the land and hold it in trust for the City. While the Foundation holds the deed for the property, the City can use the value of the land as a match for potential grants. The Memorandum of Understanding states that ownership will be transferred from the Foundation to the City upon request. This is similar to how land has been held for several parks including Fischer Park, Mission Hill, Zipp Sports Complex, and most recently the 46-acres Alligator Creek Greenbelt.

Additionally, at the city's request, the Developer will construct a 10' Hike and Bike Trail on the 15.03 acres dedicated for public park land. The city will reimburse the Developer in the amount of \$30,000 for construction of this trail. This is an eligible expense for the Park Development Fund and will be expensed to this Fund.

**FISCAL IMPACT:**

The property is undeveloped at this time and will only require minimal inspection and maintenance, therefore no fiscal impact will be realized. The Park Development Fund (Park District 1) has a balance of \$738,825, therefore sufficient funding is available for reimbursement of \$30,000 for the Hike and Bike Trail.

**RECOMMENDATION:**

Staff recommends the City Manager be authorized to execute the Arroyo Verde Subdivision Development Agreement with Arroyo Verde Goodwin, LP, and the Memorandum of Understanding with the New Braunfels Parks Foundation allowing the Foundation to accept 15.03 acres of land to hold in trust for the City for a future park.