



REQUEST FOR BOARD ACTION
Old Business

MEETING DATE: December 16, 2021
PREPARED BY: Chuck Stifter, Director of Parks and Recreation
AGENDA ITEM: The Bridges at Arbor Lakes – HOA Maintenance Agreement

PREVIOUS ACTIONS:

- At their August 21, 2003 meeting the Board approved the preliminary and final park dedication requirements for the Arbor Lakes Residential – Phase 1A including approximately 2 acres of land referred to as outlots A and B.
 - Applicant was responsible for the design and development of the parkland at their expense
 - Applicant was to receive easements over the park land for their entrance monuments.
 - Staff was to work with applicant to define final park design, ownership, maintenance and extent of use.

- At their September 8, 2003 meeting the Council approved the final plat for The Bridges at Arbor Lakes including the execution of the Developers Agreement.

- At their September 18, 2003 meeting the Board approved a revision of the final park dedication requirements for The Bridges at Arbor Lakes.

RECOMMENDED PARK BOARD ACTION:

Motion by _____ to approve a recommendation to the City Council to execute the Agreement to Amend Developer's Agreement, Terminate Easement and Donate Certain Park Items and to execute Resolution 21-185.

COMMENTS:

At their September 16, 2021 meeting the Park Board reviewed a petition from the Bridges at Arbor Lakes HOA representatives who shared the increased burden placed on the HOA to maintain the Bridges Playlot since the development of Central Park and their request for relief from all responsibilities associated with maintaining the public park property. The Board discussed the impact on a transfer of responsibility to the Park Board. The Board acknowledged, based on city attorney input, there is no legal obligation on their part to rescind the current agreement but also acknowledged the undue burden placed on the HOA as the public use of the playlot has increased significantly as development in the area has increased. Staff shared the anticipated financial and work force impacts on the Board if the

agreement were to be terminated. Following discussion by the Board, staff were directed to provide an estimate of the transition costs and an understanding of the replacement costs and to create agreements that would transfer the maintenance responsibilities from the HOA to the Park Board.

Staff has evaluated the current park systems and assessed the replacement costs and developed this summary of impact:

Transfer Costs

(Recommended as an HOA one-time expense)

- Upgrade the irrigation controls to meet Park Board Standard – not to exceed \$5,000
- No other transition costs are anticipated

Replacement Costs and Schedule (estimated)

- Play Equipment (currently a Park Board obligation) - \$100,000 (2027)
- Pavilion - \$100,000 (2050 or as needed)
- Irrigation System - \$100,000 (2050 or as needed)

Work Force Hours and Operational Costs

(Annually anticipated for trash removal, turf and tree management, play equipment inspection)

- 64 hours (\$4500)

(Additional costs are anticipated to maintain the park assets and will be incorporated into the operations budget on an as needed basis)

- Concrete walks, steps, walls
- Site furniture

Attachment A is the Agreement to Amend Developer's Agreement, Terminate Easement, and Donation of Certain Park Items ("Agreement"). Pursuant to Section 30 of The Bridge at Arbor Lakes Developer's Agreement dated October 9, 2003, The Bridges at Arbor Lakes I Association ("Association"), the successor in interest to Opus Northwest L.L.C., is responsible for maintenance of the park areas currently owned by the City. Further, the City granted easements that allow the Association to maintain the park areas. As stated above, based on changed circumstances to the surrounding area and the use of the park areas, the Association is asking to be relieved of its maintenance obligations. The Association is willing to donate any interests it has in the improvements within the park areas. The Agreement terminates the Association's maintenance obligations and accepts the donation. Attachment B is the proposed resolution for the City Council to approve the Agreement and accept the donation.

Following a positive review by the Park Board staff will prepare a recommendation to the City Council to execute the Agreement and to execute Resolution 21-185 at the December 20, 2021 meeting.

ATTACHMENTS:

Attachment A: Agreement to Amend Developer's Agreement, Terminate Easement and Donate Certain Park Items

Attachment B: Resolution 21-185