

**CITY OF CHESTERFIELD
POLICY STATEMENT**

PUBLIC WORKS		NO.	TBD
SUBJECT	Land Acquisition	INDEX	TBD
DATE ISSUED		DATE REVISED	

POLICY STATEMENT

The City of Chesterfield often considers the acquisition of land for a number of purposes, including the creation of parks, public space, trails, or other public purposes. All land acquisition by the City of Chesterfield shall adhere to this Policy except as specified herein.

DONATION

Land owners in the City of Chesterfield may desire to donate real property to the City of Chesterfield. Prior to the City of Chesterfield considering the acceptance of any land donation, the property owner shall communicate their desire to donate real property, in writing to the City Administrator. The City Administrator will investigate the offer to donate and compile preliminary information which will then be forwarded to one of the four standing committees of City Council. Should the donation be primarily for parks purposes, it would be directed to the Parks, Recreation and Arts Committee. If the primary purpose of the donation was for a capital improvement or public works purpose, it would be forwarded to the Planning and Public Works Committee of Council. Likewise, if the primary purpose for the donation were for a public safety purpose, it would be directed to the Public Health and Safety Committee of Council. If the primary purpose of the donation is indeterminate, it would be forwarded to the Finance and Administration Committee for review or assignment to another standing committee of Council. If the full Council favorably recommends acceptance of the donation the land acquisition shall follow the ***Land Acquisition Procedure*** detailed on Page 2.

PURCHASE

Any proposal for the purchase of a fee interest in real property by the City of Chesterfield shall be reviewed by one of the four Standing Committees of City Council and by the City Council as a whole. Prior to any expenditure of funds, the potential land acquisition shall be reviewed by the full City Council for conceptual approval. Pursuant to RSMo 610.021 (2), this review may be considered in Closed Executive Session. Once the full City Council has made a determination that a specific property should be considered for acquisition, the Land Acquisition Procedure detailed herein shall be adhered to.

PUBLIC RIGHT OF WAY

The City of Chesterfield may consider the acquisition of real property for public right of way (temporary or permanent) or easements (temporary or permanent) in conjunction with road, bridge, or trail improvement projects. All right of way and easement acquisition shall be in accordance with City and State Law. However, the acquisition of rights of way or easements in conjunction with road, bridge, trail or other capital projects is not subject to the land acquisition procedure described herein.

LAND ACQUISITION PROCEDURE

Once the City Council has indicated an interest in the acquisition of real property, the following actions shall be taken:

- 1) A written appraisal of the property to be acquired shall be obtained from a certified professional appraiser.
- 2) The City Council shall include in the written record, a description of the intended use of the acquired property and any estimated schedule projection for the future development of the property. If the property is intended to remain undeveloped for the foreseeable future, that information should be recorded.
- 3) To the extent reasonably practicable, the City Council shall request that City Staff provide an estimate of the fiscal impact of the intended development of the site, and associated maintenance costs. The maintenance cost estimates should reflect the various phases of development, for at least the initial five years after acquisition.
- 4) A Phase I Environmental Assessment shall be obtained for the property to determine whether any foreseeable environmental hazards exist which would impact the value or future use of the property.

- 5) A title report should be obtained, which identifies encumbrances, liens, or other items which may impact the free use of the property.
- 6) Unless the property is to be donated, City Staff shall negotiate with the property owner(s) to obtain the property at a reasonable value to the City.
- 7) Any reasonably anticipated additional costs, including survey, closing costs, and title insurance shall be estimated.

Information obtained from the described process shall be summarized in a memorandum created by the City Administrator, or his/her designee, and submitted to the full City Council for consideration. At that time the City Council shall take one of the following actions:

- Determine that the land donation / purchase is not acceptable to the City of Chesterfield, and all efforts to obtain said land will be terminated.
- Determine that the land donation / purchase is in the best interest of the City of Chesterfield, and authorize the City Administrator to take all actions necessary to acquire the land as described in the memorandum.
- Determine that the land donation / acquisition should be further pursued, with additional criteria or stipulations specifically defined by City Council. Such action will result in further negotiation between the City Staff and the property owner, with a subsequent submittal to City Council for consideration.

Once the prescribed actions have been taken in accordance with Council directives, Staff will prepare an ordinance approving the land acquisition for consideration by City Council. While some or all prior actions may have occurred in Closed Session, the ordinance approving the land acquisition shall be voted on in Open Session. Under normal circumstances, an ordinance approving land acquisition will be read twice in one meeting.

This Policy is intended to define the process and criteria to be considered for the acquisition of land by the City of Chesterfield. However, the City Council reserves the right to deviate from this procedure under special circumstances, if such deviation is in the best interest of the City of Chesterfield, as determined by the Chesterfield City Council. Intentional or purposeful deviation or exception from the prescribed process requires approval by a 2/3rds majority of City Council (six (6) affirmative votes to deviate).

RECOMMENDED BY:

Department Head/Council Committee (if applicable)

Date

City Administrator

Date

City Council (if applicable)

Date