

Policy and Procedure

Subject: Stewardship of Public Land/Facilities		Page: 1 of 1
Section: B	Approved: (date)	Authority: Park Board
Item:		

A. Purpose

A crucial and primary role of the Fort Wayne Parks and Recreation Department is the acquisition, development, and protection of public land and facilities for use by its constituency. From time to time requests or opportunities may be presented to the Board of Park Commissioners for use of public spaces to the benefit of private entities or not-for-profit organizations. Such requests should be very conservatively considered and thoroughly vetted through the following policy prior to Board approval.

B. Jurisdiction

Indiana Code, 36-10-4-18 established the jurisdiction of the Board of Park Commissioners to sell park lands.

C. Criterion for Consideration of Use of Public Park Land or Facilities for Private or Not-For-Profit Use

C-1. New development must support the mission and goals of the Fort Wayne Parks and Recreation Department.

- If park property is to be considered for sale or transfer, such transaction will result in an improvement and enhancement to the park system.
- New development will facilitate land and facilities management in such a way as to minimize maintenance.
- New development will maximize visitor experience and safety.
- New development will facilitate management of the park system's resources in an environmentally-sound and sustainable manner.
- New development will beautify and visually enhance the city's parks and public green spaces.
- New development will contribute to an economically and environmentally sustainable park system.
- New development will provide a sufficient perpetual funding stream to replace any lost revenue and maintain any new facilities, structures or improvements.
- New development shall align with Parks and Recreation Department Master Plan and Comprehensive Plan recommendations.
- New development within specific parks shall align with and Board of Park Commissioners adopted master plans or planning documents for those parks.

C-2. New development must protect or enhance natural and cultural resources of the community.

- No property containing significant natural or cultural resources will be sold or transferred.

- Significant trees are not to be removed or damaged. If an approved project results in the loss of significant trees, they shall be replaced inch for inch with new trees for each tree removed or damaged. A tree inventory shall be taken to identify significant trees, at no expense to the Parks and Recreation Department, prior to evaluation.
- Significant vegetation such as endangered plants and wildflowers shall not be removed or damaged. If an approved project impacts significant vegetation, that vegetation shall be appropriately removed and replanted.
- No historic structures or significant cultural resources will be destroyed.
- New development shall not negatively impact existing natural drainage patterns, views into and from park properties, ingress or egress circulation, or circulation within park properties.

C-3. New development must comply with all applicable laws, policies, deed restrictions, or other statutory obligations.

C-4. If public land is to be removed from Park use, the new development must benefit the greater good of the Fort Wayne Community and assign the public resource to an accepted higher and better use than the current use.

C-5. The project must provide for mitigation or replacement of usefulness of any loss of the public resource.

C- 6. The duration of the project/request and the impact upon future generations of Fort Wayne residents must be fully defined and carefully considered.

D. Procedure for Making a Request

D-1. The request must be submitted in writing to the Director of the Parks and Recreation Department. Successful proposals will address each of the above criterion.

D-2. The Director will assign the project to an advisory group for evaluation, further research and recommendation.

The advisory group is appointed by the Director and consists of the following:

- The Director
- Each of the Department Deputy Directors
- The Department Landscape Architect
- The Department Attorney
- The Park Board Member Currently Assigned to Project Review
- The City Director of Community and Economic Development

D-3. The committee will forward its recommendation to the Director who will in-turn forward the request to the Board of Park Commissioners.

D-4. If the project appears to be of merit for consideration, the Park Board will convene a Public hearing on the matter at a regularly scheduled meeting within 90 days.

D-5. After the public hearing the Board of Park Commissioners may:

- Approve the proposal and recommend it for presentation to City Council for consideration
- Reject the proposal
- Refer the proposal back to committee for further investigation and subsequent re-submission for Park Board consideration.

E. Definitions

E-1. Private Entity - Any entity that is not a unit of government, including but not limited to a corporation, partnership, company, nonprofit organization or other legal entity or a natural person.

E-2. Not-For-Profit Organization - A corporation or an association that conducts business for the benefit of the general public without shareholders and without a profit motive. This category includes government entities.

E-3. Mitigation - If park property is to be transferred for new property, the exchanged property should be of at least equal value. Exchanged property has to be acceptable to the Park Board and suitable for park purposes.

E-4. Historic Structures - Any building, structure, or object which adds to the historical integrity or architectural qualities that make the historic district, listed locally or federally, significant. Also may include structures likely to be a contributing resource to a future designation.

E-5. Cultural Resources - Physical evidence or place of past human activity: site, object, landscape, structure; or a site, structure, landscape, object or natural feature of significance to a group of people traditionally associated with it.

E-6. Natural Resources - Any existing land, vegetation, view shed, or landscape component of value to the public.

E-7. Significant Tree - A healthy evergreen or deciduous tree, eight inches in diameter or greater, measured four feet above existing grade. The Parks and Recreation Department Arborist or Landscape Architect may authorize the exclusion of any tree for reasons of health, age, or hazard.