

USE AND DISPOSITION OF CITY-OWNED REAL ESTATE

Section ____ . Park and Open Space

(a) The City shall not engage in the lease, sale, exchange or unauthorized use of City-owned park or open space without first receiving voter approval for such lease, sale, exchange or nonauthorized use. Such approval shall consist of a majority of votes cast at a regularly scheduled election in favor of a specific proposal for a lease, sale, exchange or nonauthorized use of City-owned park or open space.

Each proposal must be voted on separately; however, multiple proposals may be placed on the ballot on the same election day. Each proposal shall include only a single property, except for proposals which include an exchange contractually linking two or more properties.

(b) For the purposes of this section the term “nonauthorized use” shall have the following meanings: (1) A nonauthorized use for a City-owned Park shall be the siting or construction of facilities that are not directly required for the park’s use. Only facilities directly necessary for the park’s use shall be considered authorized. Uses that shall be specifically considered to be nonauthorized in connection with parks such as but not limited to: water reservoirs, water tanks, telecommunications towers, residential housing, City offices, commercial buildings, wind turbines, parking facilities (excepting that parking needed for the use of the park) and roads (except as needed for park access). (2) A nonauthorized use for a City-owned open space shall be the siting or construction of facilities that are not directly required for the maintenance of the open space or use of such open space as open space. Only facilities directly necessary for the use of open space shall be considered authorized. Uses that shall be specifically considered to be nonauthorized in connection with open space are: water reservoirs, water tanks, telecommunications towers, residential housing, City offices, commercial buildings or wind turbines. (3) The nonauthorized use designation shall be understood to exempt temporary constructions authorized by the Rochester Hills Parks Department for picnics, fairs, sports events, parades and community and neighborhood celebrations. (4) The nonauthorized use designation shall be understood to exempt temporary constructions authorized by the Rochester Hills City Council that are used as shelters in response to a natural emergency or disaster. (5) Uses that are in existence as of the effective date of this section shall not be considered nonauthorized uses for that specific property.

(c) For the purposes of the above section the term “open space” shall be defined as City-owned real estate identified in documents adopted by the City Council or authorized City official as “open space,” “green space,” “wetland,” “drainageway,” (excluding city-owned roadside drainage swales), “wildlife habitat,” and “stream corridor.” Property acquired using funds from the millage approved by the voters on September 13, 2005, called “green spaces”, “wildlife habitats” and “scenic views” therein shall be exempt from the provisions of this section, as they are permanently protected by the millage language as approved. Such language is reaffirmed, but not superceded, herein as follows: “Shall the City of Rochester Hills permanently preserve natural green

spaces, wildlife habitats and scenic views; protect woodlands, wetlands, rivers and streams; and expand the Clinton River Greenway and other trail corridors by funding the purchase of land and interests in land.” Property with the above designations that is not owned by the City shall be exempt from the provisions of this section.

(d) This section shall apply to all City-owned park or open space as of the adoption of this section, as well as all park and open space coming into the City’s ownership after the adoption of this section. Within 60 days of the City acquisition of real property the City Council shall determine the appropriate designation of the property for the purposes of this Charter section. Within 90 days of the adoption of this section the City Council will adopt existing property into the appropriate designation, consistent with the inventory of City-owned parks and open spaces contained in Parks and Recreation Master Plan 2011-2014, Rochester Hills, MI. The City will create and maintain an inventory of City-owned parks and open spaces, including, but not limited to, appropriate designations, location and size. Once a City-owned property is designated a park or open space, such designation cannot be changed, without first receiving voter approval as specified in part (a) above.

(e) The intent of this Charter section is that City-owned park and open space shall be preserved for recreational use and environmental preservation and enhancement and not used for other purposes or sold or exchanged without the approval of the registered voters of the City of Rochester Hills.

(f) This section shall take effect 15 calendar days after the voter approval of this section.