

## USE AND DISPOSITION OF CITY-OWNED REAL ESTATE

### Section     . Parks and Open Spaces

(a).1 The City shall not engage in the lease, sale, ~~transfer, exchange or unauthorized~~ use of City-owned parks or open spaces without first receiving voter approval for such lease, sale, ~~transfer, exchange or nonauthorized use~~. Such approval shall consist of a majority of votes cast at a ~~regularly scheduled~~primary, general or special election in favor of a specific proposal for a lease, sale, ~~transfer, 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 same election ballot ~~on the same election day~~. Each proposal shall include concern only a single property site, except for proposals ~~which include an exchange~~ contractually involving a transaction linking two or more property sites.

(b).2 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 placement or construction of facilities that are not directly ~~required for~~related and incidental to the park's use. Only facilities directly ~~necessary for~~related and incidental to the park's use shall be considered authorized. Uses that ~~shall be~~ are specifically considered to be nonauthorized in connection with parks ~~such as but not limited to~~ are water reservoirs, water tanks, telecommunications towers, residential housing, City municipal offices, commercial buildings, wind turbines, parking facilities (excepting ~~that for~~ parking needed for the use of the park) and roads (except as needed ~~for~~access to and within the 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~~related and incidental to the maintenance of the open space or use of such open space as open space. Only facilities directly ~~necessary for~~related and incidental to the maintenance or use of open space shall be considered authorized. Uses that ~~shall be~~ are 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 construction facilities authorized by the Rochester Hills Parks Department for picnics, fairs, sports events, parades and community and neighborhood ~~celebrations~~ social events are authorized uses. (4) ~~The nonauthorized use designation shall be understood to exempt~~ Temporary construction facilities authorized by the Rochester Hills City Council Mayor that are used as shelters in response to an natural emergency or disaster are authorized uses. (5) Uses that are in existence ~~as of~~ on the effective date of this section ~~shall not be considered nonauthorized~~ may continue and shall be considered to be an authorized uses for that specific property.

(e).3 For the purposes of the above section the term "open space" shall be defined as City-owned real estate property identified in documents orders, resolutions or ordinances adopted by the City Council or authorized City board or official as "open space," "green space," "wetland," "drainageway," ~~(excluding city-owned roadside drainage swales)~~,

“watercourse,” wildlife habitat,” and “stream corridor,” excluding drains and roadside drainage ditches, culverts and swales. 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 superseded, 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).4 This section shall apply to all City-owned parks and open spaces as of the adoption of this section, as well as all parks and open spaces coming into the City’s ownership acquired by the City after the adoption of this section. Within 60 days after the City’s acquisition of real property, the City Council shall determine the appropriate designation classification of the property for the purposes of this Charter section. Within 90 days after the adoption of this section, the City Council will adopt shall designate existing property into the appropriate designation classification, 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’s current Parks and Recreation Master Plan. The City will shall create and maintain an inventory of City-owned parks and open spaces, including, but not limited to, appropriate designations, location and size. Once After 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) at an election held consistent with paragraph .1, above.

.5 Notwithstanding the foregoing, any land or interests in land acquired by the City with proceeds from the special Millage Proposal to Provide Funding to Permanently Preserve Green Spaces and Natural Features Within the City of Rochester Hills that was approved by the electorate at the September 13, 2005 City Primary Election shall remain permanently preserved in accordance with the original, stated purpose of that special millage proposal to “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 and enable the City to seek matching grant funds.”

(e).6 The intent of this Charter section is that City-owned parks and open spaces shall be preserved for recreational use and environmental preservation and enhancement and not used for other purposes or leased, sold, transferred or exchanged without the approval of the registered voter electorate of the City of Rochester Hills.

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