

## **ORDINANCE NO. 20,183**

**AN ORDINANCE TO ADOPT AN ASSET MANAGEMENT AND DISPOSITION POLICY FOR LITTLE ROCK PARKS AND RECREATION PARK LAND; AND FOR OTHER PURPOSES.**

**WHEREAS**, from time to time situations arise that require the City to determine whether to purchase, sale, or lease, property that has been dedicated to Parks & Recreation purposes; and,

**WHEREAS**, these decisions should be made after careful consideration of the immediate benefit of such action, but also after careful review of the long term impact of such a decision on the Little Rock Parks & Recreation Department, and the City's previously approved Little Rock Parks & Recreation Master Plan, as set forth in Little Rock, Ark., Ordinance No. 18,528 (July 17, 2001); and,

**WHEREAS**, the Board of Directors requested input from its Parks Commission to develop a policy for the purchase, sale or lease of park property; and,

**WHEREAS**, upon review and discussion the Board of Directors believes that the proposed policy meets the City's needs and goals;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY  
OF LITTLE ROCK, ARKANSAS:**

**Section 1.** The *Asset Management and Disposition Policy for Little Rock Parks and Recreation Park Land* attached as Exhibit A to this Ordinance is hereby adopted.

**Section 2. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the resolution.

**Section 3. Repealer.** All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this resolution are hereby repealed to the extent of such inconsistency.

**ADOPTED:** October 20, 2009

**ATTEST:**

## ~~Susan Langley, Acting City Clerk~~

Mark Stodola Mayor

**APPROVED AS TO LEGAL FORM:**

Thomas M. Carpenter  
Thomas M. Carpenter, City Attorney

**EXHIBIT A**

**Asset Management and Disposition Policy**

**for Little Rock Parks and Recreation Park Land**

## INTRODUCTION

This policy is a guide for the asset management and disposition determination of the park lands of the City of Little Rock (“City”). The City has a diverse portfolio of park land assets that has accumulated over many years and that supports the delivery of a wide range of parks and recreation services. Through this policy, the City will ensure a transparent, fair and equitable process before any disposal of park land occurs. The policy is based on the principles that park lands are assets that should be periodically assessed in terms of how well they deliver services to the general public and that disposal of property that is no longer efficiently and effectively delivering parks and recreation services may be desirable where the City can realize significant alternative benefits from disposal of the property in accordance with all applicable laws.

## DEFINITIONS

*Asset disposition or asset disposal* is the process of determining that identified land no longer meets the service delivery needs of the City and should be removed from the City's park land asset portfolio.

18       *Commission* is the Little Rock Parks and Recreation Commission whose powers are derived  
19       from Little Rock Ordinance No.18,803 (January 7, 2003).

*Asset management* is the activity that aligns the City's park land assets with the goals and objectives of the City.

*Surplus property* is park land that is not practical, now or in the foreseeable future, to maintain or is not suitable or effective for its intended use or alternative use for City park purposes.

## POLICIES AND PROCEDURES

**25**      **Section 1. Asset management and disposition.** The steps in this asset management and dispo-  
**26**      sition policy are:

27           (1) An inventory of park lands, kept up to date with periodic Parks and Recreation De-  
28 partment staff reviews to ensure that park lands are delivering the desired parks and recrea-  
29 tion services, utilizing the assessment criteria listed in Section II;

30                   (2) Advising the City Manager of any parcels that are not performing cost-effective and  
31 adequate parks and recreation service delivery and of any discovery, through the review  
32 process, of an imbalance in parks and recreation service delivery or park acreage compared to  
33 population demographics;

(3) City Manager determination whether further study by the Commission is warranted and whether the City Attorney's Office should research and report on legal issues concerning the property at issue and any potential disposition determination;

(4) Parks and Recreation staff report to the Commission when a parcel of land is identified by the City Manager as being potentially surplus to the City's service delivery needs, with the information listed in Section III to be provided to the Commission in cases of potential disposal;

(5) Commission study and discussion of the staff report;

(6) One or more public hearings before the Commission on disposal of a particular parcel, in accordance with established guidelines for public hearings as noted in the Commission Bylaws; and,

(7) A recommendation from the Commission to the City Manager, Mayor, and Board of Directors, accompanied by a report to the City Manager, Mayor, and Board of Directors of the Commission's findings and conclusions.

**Section 2. Property assessment criteria.** The periodic property assessment reviews are a tool for the effective management and improvement of the delivery of parks and recreation services to City residents and are not intended in any way to indicate a ranking of park lands. In accordance with the 2001 Little Rock Parks and Recreation Master Plan, factors to be considered in assessment of each parcel include, where available, the following:

### *Assessment of service delivery.*

- (1) The nature, quality and quantity of services provided and the ways in which the property could provide services, including alternative services, to the public that fulfills parks and recreation goals;
  - (2) A determination of the current demand for parks and recreation services in the particular location, noting any change in demographics that has affected the provision of services, and a projection of the future demand;
  - (3) Whether any unnecessary duplication of services exists, especially in the nearby area;
  - (4) The convenience of the location for intended users; and,
  - (5) The suitability of the property for its intended uses.

#### *Assessment of physical condition.*

- (1) Property description and size of the property and its major components;
  - (2) The property's suitability, in terms of size and space configurations, for the primary activities occurring on the property;

- 1       (3) The condition of the property and its major components, including the structural soundness of any facilities, code compliance, and adequacy of electrical, plumbing and mechanical capacities;
- 2       (4) Compliance with Americans with Disabilities Act requirements;
- 3       (5) Safety of the park environment for staff and the public;
- 4       (6) Sufficiency of parking and public transportation in the immediate area; and,
- 5              (7) Capacity of the property, either currently or with reasonable improvements, to provide needed services to the public.

6                  *Financial considerations.*

- 7       (1) Costs to maintain the property, including past and present capital improvement costs, and to operate and provide services on the property;
- 8       (2) Market value of the property;
- 9       (3) Reasonableness of cost per use; and,
- 10       (4) Costs of any planned capital improvements on the property.

11                  *Other considerations.*

- 12       (1) Historical significance of the property;
- 13       (2) Suitability of the property for specified alternative parks and recreation uses; and,
- 14       (3) Any other important and helpful information concerning the property.

15                  **Section 3. Identification of potentially surplus property.** If a property in the asset portfolio is identified as not meeting parks and recreation service delivery needs, alternative uses or methods of such service delivery are not practical for the parcel, and the City Manager has determined that the property may be surplus to all City uses and that disposal should be studied by the Commission, the Parks and Recreation staff should prepare a report on the potential surplus land for review and consideration by the Commission. The staff should also consult with any stakeholders.

16                  The report should outline:

- 17              (1) The particulars of the land;
- 18              (2) The reasons the property may not meet service delivery expectations and disposal should be considered;
- 19              (3) Any recommendations of the stakeholders;
- 20              (4) Current maintenance and operating costs;
- 21              (5) Any applicable procedures or guidelines of the City;
- 22              (6) Any written report from the City Attorney's office detailing the various legal issues, such as deed restrictions, encumbrances, encroachments and contractual matters connected with the property at issue;

- 1                   (7) The anticipated benefits and any negative consequences of disposal;  
2                   (8) Historical factors associated with the property;  
3                   (9) Any other information deemed desirable to assist a decision by the Commission; and,  
4                   (10) Parks and Recreation staff recommendation for expenditure of funds raised through  
5                   a disposal.

6                  **Section 4. Asset Disposal Considerations.** A property should be considered for removal  
7                  from the City's asset portfolio only where:

- 8                   (1) It is not suitable or effective, now or in the foreseeable future, for its intended service  
9                   delivery functions and alternative City use of the property is not practical; or,  
10                 (2) The City can realize significant alternative benefits by the disposal of the property.

11                 Asset disposal decisions should be done within an integrated planning and periodic review  
12                 framework that considers service delivery needs, City objectives, financial and budgetary con-  
13                 straints, and resource allocation in a citywide context to assure that the best interests of the City's  
14                 parks and recreation and the City as a whole are served.

15                 **Section 5. Public hearing, determination, recommendation and report.** At least one public  
16                 hearing on any potential disposal recommendation of a specific park property will be conducted  
17                 by the Commission. A Commission recommendation to the City Manager, Mayor, and Board of  
18                 Directors for disposal of a park property will be accompanied by a report outlining the Commis-  
19                 sion's findings and summarizing its conclusions. At a minimum, the report will provide:

- 20                   (1) A description of the property and its historical significance;  
21                   (2) The reasons for disposal, including the potential benefits to be realized specifically for  
22                   the Parks and Recreation Department and also for the City as a whole;  
23                   (3) As applicable, the appraised and replacement values of the property, if known, and  
24                   any costs associated with the recommendation;  
25                   (4) The potential or alternative uses studied;  
26                   (5) A summary of legal issues involved;  
27                   (6) The public reaction to the recommendation of disposal; and,  
28                   (7) A recommendation for the expenditure of any proceeds raised through a disposal.

29                 **Section 6.** Any proceeds from the disposal of park land shall be allocated to, and expended  
30                 by and for, the Parks and Recreation Department.

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