



## Legislation Details (With Text)

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<b>Type:</b>	Consent Item	<b>Status:</b>	Passed		
<b>File created:</b>	4/23/2024	<b>In control:</b>	City Council/Public Finance and Economic Development Authority/Parking Authority		
<b>On agenda:</b>	5/20/2024	<b>Final action:</b>	5/20/2024		
<b>Title:</b>	SUBJECT: Approval of the Amended and Restated Joint Land Use Agreement with Kiwanis of Greater Merced Including New Space Designated for the Operation of Kiddieland Theme Park and Train in Applegate Park				
	REPORT IN BRIEF				
	Considers approving the Amended and Restated Joint Land Use Agreement with Kiwanis of Greater Merced for the administration, construction, maintenance, and operation of Kiddieland Theme Park in Applegate Park. The renewal includes an expansion of the existing footprint of Kiddieland theme park to address accessibility requirements set forth by American with Disabilities Act as well as a new path for an electric train track through Applegate Park. The renewal is required to support City Council's American Rescue Plan Act (ARPA) allocation for a new train and track for Kiddieland.				
	RECOMMENDATION				
	City Council - Adopt a motion:				
	A. Approving the Amended and Restated Joint Land Use Agreement with Kiwanis of Greater Merced for the administration, construction, maintenance, and operation of Kiddieland theme park in Applegate Park; and,				
	B. Authorizing the City Manager to execute, and if necessary, make minor modifications to, the agreement described above as attached to this report and all associated documents.				

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Original Agreement.pdf, 2. Kiwanis Amended and Restated Joint Land Use Agreement

Date	Ver.	Action By	Action	Result
5/20/2024	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

*Report Prepared by: Christopher N. Jensen, Director, Parks & Community Services*

**SUBJECT:** Approval of the Amended and Restated Joint Land Use Agreement with Kiwanis of Greater Merced Including New Space Designated for the Operation of Kiddieland Theme Park and Train in Applegate Park

### REPORT IN BRIEF

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## **RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Approving the Amended and Restated Joint Land Use Agreement with Kiwanis of Greater Merced for the administration, construction, maintenance, and operation of Kiddieland theme park in Applegate Park; and,
- B. Authorizing the City Manager to execute, and if necessary, make minor modifications to, the agreement described above as attached to this report and all associated documents.

## **ALTERNATIVES**

- 1. Approve renewal of Joint Land Use Agreement, as recommended by staff; or,
- 2. Approve, subject to other than recommended by staff; or,
- 3. Deny; or,
- 4. Refer to City Manager or Parks & Community Services for reconsideration; or
- 5. Continue to a future City Council meeting.

## **AUTHORITY**

Charter of the City of Merced Section 200

## **CITY COUNCIL PRIORITIES**

As provided for in the 2023-2024 Adopted Budget and approved Council Goals and Priorities.

## **DISCUSSION**

The City of Merced and the Kiwanis of Greater Merced first entered an agreement for the purchase and installation of play equipment and then park amenities at Applegate Park in 1957. The joint use of land is based on the following mutually understood principals; recreational offerings for children should be expanded where possible, recreational amenities and offerings should be as affordable as possible, play equipment and theme park amenities should be upgraded to ensure the most access and value while limiting expense and environmental footprint. The initial agreement included the use of designated areas that would be constructed, maintained, and operated by the Kiwanis of Greater Merced with the understanding that fees for use of Kiddieland would remain low, encouraging use by as many visitors as possible. This has been accomplished through ongoing dedication of members of the Kiwanis of Greater Merced and the communities support of Kiddieland over the last 67 years.

The Joint Land Use Agreement authorizes designated park space to the use by Kiddieland at Applegate Park and requires that Kiwanis of Greater Merced cover all costs of ongoing administration, maintenance, and operation of Kiddieland and its' amenities. To support this requirement, the Agreement allows for the Kiwanis of Greater Merced to use any revenues associated with entry, rental, or concessions to be kept by the Kiwanis of Greater Merced and reinvested into the cost of operation. Financial statements are to continue to be provided to the City at the culmination of each fiscal year to account for revenues and expenses reported. In addition, Kiwanis of Greater Merced is required to provide all insurance coverage required for the operation of Kiddieland Theme Park and include the City, its employees, volunteers, and representatives as

additionally insured.

In fiscal year 2021-2022, City Council dedicated \$500,000 towards the renovation of both the original train and train track for Kiddieland theme park. Through the planning and scope development of the project, it was determined that the Kiddeiland theme park would require additional upgrades and a potential expansion of the original footprint dedicated to the operation of Kiddieland to accommodate American with Disabilities Act regulations. The new footprint would extend south towards the original Soroptimist Shelter which will be removed as part of the project. The expansion of the fence line surrounding Kiddieland will require a new public footpath to access the black top and teal top playing surfaces from the Rossotti Ed-Zoo-Cation Center parking lot. Access will be reestablished from this lot through a new, stabilized decomposed granite path in front of the new fence line to each court.

The renewed agreement proposes an extended concrete train track that will be installed at ground level and take riders through more of Applegate Park. The goal of the expanded track is to promote additional features and uses of the park such as the Merced Open Air Theater, the Rotary Scout Hut, and Rose Garden. The new train will be all electric and utilize tires as opposed to the original rail system. The end of the new track will follow a similar path as the existing, carrying the train up along the Bear Creek bike path. This segment of the track will include raised curbs to limit any chance of the train going off track.

The design and scope of the project have been reviewed by Staff including Parks & Community Services, Engineering, Planning and Public Works. Staff will continue to work alongside Kiwanis of Greater Merced and contracted consultants to ensure the project is on time and within reason. Any required revisions to the site plan will be presented to City Council for review and approval.

## **IMPACT ON CITY RESOURCES**

The City has obligated \$500,000 in American Rescue Plan Act funding to the new footprint, train, and track. Any expenses associated with administration, maintenance, and operation of Kiddieland and its' amenities are to be covered by Kiwanis of Greater Merced.

## **ATTACHMENTS**

1. Original Agreement
2. Kiwanis Amended and Restated Joint Land Use Agreement