

15.18.000	GENERAL PROVISIONS	1
	15.18.000.A Purpose.....	1
	15.18.000.B Applicability	1
15.18.010	PUBLIC IMPROVEMENTS AND DESIGN REQUIREMENTS.....	1
	15.18.010.A Streets.....	1
	15.18.010.B Water and Wastewater Main Extensions.....	43
15.18.020	REQUIRED IMPROVEMENTS AND AGREEMENT TO COMPLETE.....	54
	15.18.020.A Completion of Improvements	54
	15.18.020.B Deferral of Required Improvements.....	54
	15.18.020.C Failure to Complete Improvements.....	5
15.18.030	SECURITY AND IMPROVEMENT DEFERRAL ACKNOWLEDGEMENT	5
	15.18.030.A Security and Improvement Deferral Acknowledgement Contents	5
	15.18.030.B Financial Security.....	65
15.18.040	REMEDIES.....	6
	15.18.040.A Fault of Terms.....	6
15.18.050	INSPECTION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS.....	6
	15.18.050.A Prior Responsibility.....	6
	15.18.050.B Periodic City Inspection.....	76
	15.18.050.C Notice of Completion.....	76
	15.18.050.D Developer Responsibility Until City Acceptance	7
15.18.060	WARRANTY OF PUBLIC IMPROVEMENTS	7
	15.18.060.A One-Year Warranty	7
	15.18.060.B Financial Security.....	7
	15.18.060.C Damages.....	7
15.18.070	REDUCTION OF SECURITY FOR PUBLIC IMPROVEMENTS.....	87
	15.18.070.A Reductions	87
	15.18.070.B Request.....	87
15.18.080	ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY	8
	15.18.080.A Public improvements	8
	15.18.080.B On-site private improvements	8
15.18.090	AS-BUILT PLANS FOR PUBLIC IMPROVEMENTS	8
	15.18.090.A Required Upon Completion.....	8
15.18.0100	REIMBURSEMENT FOR OVERSIZED PUBLIC IMPROVEMENTS.....	98
	15.18.0100.A Water and Sewer Mains.....	98
	15.18.0100.B Roads	98
	15.18.0100.C Reimbursement Agreement with the City.....	109
	15.18.0100.D Reimbursement by Others	10

CHAPTER 15.18: IMPROVEMENTS¹

15.18.000 GENERAL PROVISIONS

15.18.000.A Purpose

This Section is intended to provide for orderly development and

1. Provide for the proper arrangement and construction of streets and public utilities and public infrastructure devices;
2. Ensure proper relationship of public improvements to existing or proposed public improvements;
3. Ensure the completion and maintenance of permanent or temporary private improvements required as part conditions of development approval or other applicable standards are completed in a timely fashion;
4. Ensure compliance with the Laramie Comprehensive Plan;
5. Reference specifications for the installation and design of streets, public utilities and public infrastructure devices;
6. Establish a mechanism for securing public improvements for new subdivisions and development permits and
7. Generally promoting the health, safety and welfare of the people of Laramie, both present and future.

15.18.000.B Applicability

The requirements of this chapter shall apply in all instances where improvements are required to be constructed in conjunction with subdivision of land or in conjunction with other development permits.

15.18.010 PUBLIC IMPROVEMENTS AND DESIGN REQUIREMENTS

15.18.010.A Streets

All streets shall conform to the requirements of the City of Laramie's engineering and public works design standards and Section 15.14.060 Transportation, Mobility and Connectivity, and in addition shall comply with the following standards. Exceptions to the design standards of this section are allowed pursuant to Section 15.16.040.D Subdivisions.

1. Topographic Relationship

Streets shall bear a logical relationship to topography and to the location of existing or platted streets in adjacent property. (Prior code § 35-3(a)).

2. Minimum Widths²

Minimum street widths shall be as follows:

¹ This Section will be subject to further editing by Staff and consultants.

² The Diagnosis suggested a review of the City's existing street widths: "this was a common concern among interviewees and staff that newly platted streets were too wide and not pedestrian-friendly." Many street design changes have been suggested in Section 15.14.060 Transportation, Mobility, and Connectivity, including breaking-up long blocks, enhancing pedestrian access, and discouraging cul-de-sac development. Does the City want to consider changing the right-of-way standards also, and if so, by how much? Diagnosis at 37.

Classification	Right-of-Way Width (feet)	Minimum Roadway Width (feet)
Major Arterial	100	68
Collector	80	52
Local, Non-Residential ³	60	46
Local, Residential	60	46 or 40 [1]
Local, PUD, parking one street side	50	32
Local, PUD, no on-street parking	40	24
[1] Developments constructing new streets which extend existing streets shall have a minimum roadway width of 46 feet, unless otherwise approved by the final decision making body. Development constructing new streets which do not extend existing streets shall have a minimum roadway width of 40 feet. ⁴		

(Ord. 1085 § 1, 1992: prior code § 35-3(c)).

~~[1] Developments constructing new streets which extend existing streets shall have a minimum roadway width of 46 feet, unless otherwise approved by the final decision making body. Development constructing new streets which do not extend existing streets shall have a minimum roadway width of 40 feet.⁵~~

3. Marginal Access ~~When Required Road~~

Where a development adjoins or contains an existing or proposed major arterial highway or street on which traffic volumes and vehicular speeds warrant special safety features⁶, marginal access streets at least 30 feet in width may be required. (Prior code § 35-3 (d)).

4. Dead-Ends

The use of dead-end streets is discouraged pursuant to Section 15.14.060.E.2.d Transportation, Mobility, and Connectivity. Where dead-end streets are permitted, they shall be designed according to the standards established in Section 15.14.050.E.2.d.

5. Intersections

Streets shall intersect at right angles. (Prior code § 35-3(f)).

6. ~~Full width~~ Platting Full width platting⁷

Streets shall be platted at their full width. Exceptions may be granted by the Director in the event that necessary right-of-way is not within the control of developer or changing of a right-of-way would adversely effect an existing or proposed right-of-way.

³ New Local Street Classification

⁴ New provision requiring alignment with extensions of existing rights-of-way.

⁵ New provision requiring alignment with extensions of existing rights-of-way.

⁶ Note: We should clarify this language from the existing code – what special safety features

⁷ We have redrafted this provision slightly to increase clarity – it previously read, “Full width streets shall always be platted.” (Existing section 16.12.070).

- 7. ~~Grade~~—~~Generally~~Street Grades**
Street grades shall be more than five tenths percent but less than ten percent for local and collector streets and alleys and less than six percent for principal or minor arterial streets. (Prior code § 35-3(h)).
- 8. ~~Streets—Grade—Intersection Approaches~~Street Intersection Grades**
Streets shall be leveled to a grade of less than four percent for a distance of at least 100 feet approaching all intersections. (Prior code § 35-3(i)).
- 9. Street Offsets**
Streets which are offset at an intersection with collector or arterial streets shall have centerline-to-centerline offsets of no less than 250 feet. Streets which are offset at an intersection with local streets shall have centerline to centerline offsets of no less than 125 feet. (Ord. 723 § 1, 1982: prior code § 35-3(j)).
- 10. ~~Streets~~—~~Naming~~Street Naming⁸**
~~When new streets are in alignment with existing streets, or new streets extend existing streets, the new streets shall be named according to the streets with which they correspond to the extent possible. Continuation of street names shall consider future connectivity. If future connectivity is not possible or impractical, the streets do not have to have corresponding street names. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing street names. When streets are in alignment with existing streets, the new streets shall be named according to the streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing street names. (Prior code § 35-3(k)).~~
- 11. Drainage and Irrigation Ditches⁹**
~~Major~~ Drainage ditches and irrigation ditches shall not be permitted on public streets or highways except to cross such public street or highwayshighway, or as part of an approved street design that does not include curb and gutter. (Prior code § 35-3(q)).
- 12. Alleys¹⁰**
~~Alleys shall be at least 30 feet in width, paved and dedicated to the city as rights-of-way. Alleys are not required, unless proposed to provide rear-yard access to properties, or access to maintain city utilizes. Alleys shall be at least 30 feet in width if abutting or within a non-residential zoning¹¹ district and open at both ends. Alleys at least 20 feet in width shall ordinarily be required in all residential districts. Where alleys are not required, easements shall be granted or reserved at least ten feet in width on each side of all rear lot lines and along side lot lines where necessary for utility installation and maintenance. (Prior code § 35-3(r)).~~

⁸ Note: Staff would like the ZAC to consider the need for this section.

⁹ Note: This could conflict with rural road cross section. Staff will check with Engineering/PW as to whether or not to keep.

¹⁰ Do we want alleys to be uniformly 30'? Should different standards be used per adjacent use? Bigger question. DO we want to require alleys or not?

¹¹ Note: Non-residential will need to be defined in the Zone Districts chapter.

15.18.010.B Water and Wastewater Main Extensions¹²**1. Private Installation**

The developer shall install the mains to and within the development by private contract, subject to approval of the plans and specifications by the City, and City inspection of actual construction; provided, that the City may elect to install the mains, in which case the developer shall deposit with the City the estimated cost of installing the mains, plus engineering and administrative costs, and the City may then proceed to make the installation by contract with a private contractor according to standard City policies and procedures. In the event that the original deposit is insufficient, the developer shall upon notification, immediately deposit the balance required with the City to complete the work. (Prior code § 39-53).

2. Installation Cost Developer's Responsibility--Full Extensions

All water and wastewater mains required to serve a development, including cross-connecting mains, shall be installed at the cost of the developer. The developer shall install mains to the farthest points of the subdivision or to the appropriate terminus within the development as determined by the Director.

3. Connecting Loops and Crossties

Connecting loops and crossties within a development shall be constructed by the developer as determined necessary by the Director. If the connecting loop is such that property outside the subdivision abuts such loop or ties, and connections are made to such line, the reimbursement provisions of Sections 15.16.030.D.4 and D.5 shall apply. Before any abutting property connects to such mains constructed at the expense of the water utility, the charge based on the front footage of the property to be served shall be collected by the City.

4. Water Pumping Stations

When, in the discretion of the City, additional water pumping stations are required to serve new platted subdivisions or development, the decision making entity, as a condition to acceptance of a final plat or approval of a development, may require the installation of the stations and require the developer to execute such instruments as may be necessary to convey title to the stations to the City upon completion. The installation and cost of the stations shall be the responsibility of the developer. The City shall supervise the construction and determine all matters with respect to the installation of the stations including, but not limited to, capacity, type, design and location, as in his discretion would meet minimum requirements for fire and domestic demand. The City may require oversize stations to serve demand or areas larger than that proposed by the developer; however, in such cases the City shall pay the cost of the oversize, which cost shall thereafter be collected from other developers using the stations. Upon completion the City shall assume responsibility for operation and maintenance of stations installed pursuant to this section.

¹² A cross-reference to this section will be added to the subdivision procedures section. Note: Staff wants to schedule an internal discussion about the applicability of this section.

15.18.020 REQUIRED IMPROVEMENTS AND AGREEMENT TO COMPLETE**15.18.020.A Completion of Improvements**

Before a final plat is approved by the city, or before a final certificate of occupancy is issued for a new development project requiring site plan review and approval, all public and private improvements required by this code, conditions of approval, or other applicable standards must be completed by the developer and approved by the City. The developer also shall construct all temporary improvements required as a condition of approval of the applicable plat or development project and shall maintain those temporary improvements for the period specified in such approval. Any dedication of public improvements or land to the City shall be free and clear of all liens and encumbrances.

15.18.020.B Deferral of Required Improvements

As an alternative to completion of the required improvements as referenced in Paragraph B, above, the City Council, the Planning Commission, or official authorized to approve the applicable development project may allow the developer to defer the completion of those improvements pursuant to section 15.18.04.

15.18.020.C Failure to Complete Improvements

If the required improvements are not completed within the period specified in the applicable approval conditions, or within the time specified in the security and improvement deferral acknowledgement, the city shall have the authority to use the financial security to construct the improvements.

15.18.030 SECURITY AND IMPROVEMENT DEFERRAL ACKNOWLEDGEMENT**15.18.030.A Security and Improvement Deferral Acknowledgement Contents**

If the required improvements are not completed prior to approval of a final plat or issuance of the certificate of occupancy, the developer shall file with the city a financial security in accordance with this section for the improvements being secured. Concurrently with the submittal of the security, the developer shall submit a signed security and improvement deferral acknowledgment on a form prepared and provided by the city. The security and improvement deferral form shall include, but may not be limited to, the following:

1. A detailed reference to the improvements requiring completion, including an engineer's cost estimate;
2. A specific time for completion of all improvements fixed by the Director. For final plats, all required improvement must be completed and excepted by the City prior to the issuance of a certificate of occupancy for the first building;
3. A statement that all work will be completed in accordance with the improvement drawings and specifications approved by the city;
4. A statement that a notice of completion issued by the director be submitted indicating that all improvements comply with the applicable map approval requirements, conditions of approval and this code prior to issuance of a certificate of occupancy;
5. A statement that the financial security may be withdrawn by the developer in part or in whole upon final completion and approval of the improvements;
6. A provision that the developer shall repair, at his sole cost and expense, any hidden defects in design, workmanship and materials which appear in the work within one year following acceptance by the City;

7. A statement that requiring that each required public improvement shall be maintained by the developer until the improvement is accepted by the city;
8. A statement that all temporary improvements shall be constructed and maintained by the developer until no longer required by this code or conditions of approval for the plat or development project; and
9. The security and improvement deferral agreement shall run with the land and bind all successors, heirs and assigns of the developer. The agreement will be approved by the director and shall be filed with the city clerk.

15.18.030.B Financial Security

1. The security shall be 125% of the city engineer's estimate for the required improvements being secured. The city engineer's estimate shall be submitted by the developer's engineer on a form provided by the director. The security shall be reviewed and approved by the Director prior to commencement of development activities.
2. The security shall be in a form of a letter of credit, bond, cash escrow, certificate of deposit, or check. The security shall explicitly be for the construction of the improvements, warranty and maintenance promises contained in the security and improvement deferral acknowledgement, including those pertaining to temporary improvements.
3. If a security is required by and provided to another governmental agency for the same improvements required by the city, the developer is not required to submit a security with the City for the same improvements. Proof of filing of such security with the other governmental agency shall be submitted.

15.18.040 REMEDIES

15.18.040.A Fault of Terms

In those cases where a security and improvement deferral acknowledgment has been executed and securities have been posted and required public improvements have not been installed within the terms of this code, the City may then:

1. Suspend plat or development plan approval or construction of a building until the improvements are completed and record a document to that effect for the purpose of public notice;
2. Obtain funds under the security and complete the improvements itself or through a third party;
3. Assign its right to receive funds under security to any third party, including a subsequent owner of the land to be divided or building constructed for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the required improvements; or
4. Exercise any other rights available under the law.

15.18.050 INSPECTION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

15.18.050.A Prior Responsibility

Prior to the commencement of any work, the developer shall obtain all required permits and pay all required fees, where applicable for the construction of required improvements. No final plat shall be approved or building permits issued until all applicable permits are obtained and fees are paid.

15.18.050.B Periodic City Inspection

City shall inspect improvements during and at the completion of construction of improvements and, if completed in accordance with the standards and specifications for such improvements, the city shall certify the improvements as being in compliance with city's standards and specifications. If upon the inspection, the city engineer finds the construction performed to be in a satisfactory condition for inclusion in the completed project, city engineer shall issue a statement of inspection which shall permit the developer to perform the next phase of the construction. If it is determined upon inspection that any one or more of the required improvements have not been constructed in accordance with the city's construction standards the developer shall be responsible for properly completing the improvements.

15.18.050.C Notice of Completion

Upon inspection and approval of all completed improvements by the city engineer, the city engineer shall issue to the developer a notice of completion. The dedication of required public improvements will not be accepted, nor the amount of any remaining security posted by the developer be reduced until the city engineer or other agency having jurisdiction over the improvements has issued a notice of completion stating that all required improvements have been satisfactorily completed and approved.

15.18.050.D Developer Responsibility Until City Acceptance

The developer shall be responsible for the care and maintenance of all improvements until completion and final acceptance by the city. During moving in, construction, and moving off, the developer shall keep the site free and clean from dangerous accumulation of rubbish and debris, and shall maintain sufficient and proper temporary traffic control devices in conformance with the MUTCD for the protection of the public. Final acceptance of the improvements will not be made by the city until the construction areas and adjacent property has been cleared of all rubbish, surplus materials and equipment resulting from the contractor's operations, to the satisfaction of city.

15.18.060 WARRANTY OF PUBLIC IMPROVEMENTS**15.18.060.A One-Year Warranty**

The developer shall warrant all public improvements for a period of one (1) year from the date the city accepts the dedication of a completed improvement or group of improvements (the warranty period), and without delay or cost to the city to replace or reconstruct any defective or otherwise unsatisfactory part or parts of the improvements.

15.18.060.B Financial Security

A financial security for the warranty period shall be posted or retained from the original security with the city for the warranted improvements. The amount of the security for the warranty period shall be 25% of the approved City engineer's estimate for the improvements.

15.18.060.C Damages

The developer shall repair any damages to the improvements without cost to city before and during the warranty period due to private construction-related activities in accordance or defective work, or, if it has been rejected by the city, remove it from the site and replace it with non-defective work. If developer fails to promptly repair or replace damaged or defective work, the city may have the defective work corrected or the rejected work removed and replaced, and all direct and indirect costs of such removal and replacement, including compensation for professional services, shall be paid by the financial security for the warranty.

15.18.070 REDUCTION OF SECURITY FOR PUBLIC IMPROVEMENTS**15.18.070.A Reductions**

The amount of security posted by the developer may be reduced by the ratio of the costs of public improvements completed by the developer and approved by the city. In no event shall the security be reduced to less than 25 percent of its original amount unless and until a warranty security or other form is posted for the warranty period.

15.18.070.B Request

The request of reduction of the security shall be made in writing by the developer on a form provided by the city. The request shall include an itemized list of public improvements that were completed by the developer and approved by the city for which the reduction of the security is being sought.

15.18.080 ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY**15.18.080.A Public improvements**

When a security has been required by this Chapter, no certificate of occupancy for any structure or facility built on the project covered by such security shall be issued prior to the completion of the required public improvements, except for the following:

1. Uninstalled stop signs or street name signs;
2. Unpainted street striping;
3. Uninstalled or unconnected street lights, except for any required traffic signals
4. Any other improvements considered minor or not related to fire/life safety standards.

15.18.080.B On-site private improvements

All on site improvements shall be installed and approved by the City prior to issuance of a certificate of occupancy. A temporary certificate of occupancy may be issued for a development if non-fire and life/safety improvements, such as landscaping and striping cannot be completed due to weather conditions. In order to obtain a temporary certificate of occupancy, the developer shall submit to the City a financial security in the amount of 125% of the cost of remaining improvements, including labor and materials. The temporary certificate of occupancy shall not exceed 180 calendar days.

15.18.090 AS-BUILT PLANS FOR PUBLIC IMPROVEMENTS**15.18.090.A Required Upon Completion**

Upon completion of public improvement and before the City acceptance of those improvements, the developer shall submit to the City as-built plans which at a minimum indicate the following:

1. all manholes;
2. the location, size and depth of all sewer mains, laterals and wyes for the connection of service lines, and size;
3. depth, and location of all water lines, valves, service lines and fire hydrants;
4. the location, grade and specific construction section for all streets; and
5. the location, size and depth of all storm drainage improvements.

15.18.0100 REIMBURSEMENT FOR OVERSIZED PUBLIC IMPROVEMENTS

15.18.0100.A Water and Sewer Mains

The developer may request and the city may reimburse the developer for oversized water mains or oversized sanitary sewer mains installed by the developer. City’s reimbursement shall be limited to the incremental cost of oversized water or sewer mains and associated appurtenances that are beyond the size of the water and sewer mains necessary to provide the required water and sanitary sewer service for the development. As part of the request for reimbursement, the developer shall submit to the director invoices with itemized costs for the oversized water and sewer mains and associated appurtenances.

15.18.0100.B Roads

The developer may request and the city may reimburse the developer for oversized off-site collector roads or off-site and on-site arterial roads constructed or improved by the developer. City’s reimbursement shall be limited to the actual cost of construction and materials associated with construction of the road beyond the size of the road warranted by the development to provide safe vehicular, pedestrian and bicycle traffic and maintenance of the roadway’s or intersecting roadway’s Level of Service C. As part of the request for reimbursement, the developer shall submit to the director invoices with itemized costs for the road construction.

1. Paving cost apportionment¹³

Whenever the city requires paving consistent with the requirements of collector or major arterial streets, and when in the city council's discretion, funds are available for the purpose, the city council shall participate in the cost of such required paving, with the subdivider, on the following basis:

Paving Cost Apportionment		
<u>Excavation Base and Asphalt Surface</u>	<u>Developer’s Share</u>	<u>City’s Share</u>
<u>Arterial Street</u>	<u>88%</u>	<u>12%</u>
<u>Collector</u>	<u>66%</u>	<u>34%</u>

(Prior code § 35-4 (1)).

2. Request for Reimbursement¹⁴

Requests for city participation shall be made in writing to the city manager on or before February 1st prior to the budget year in which such participation is requested. The request shall be accompanied by plans, specifications and estimated costs of the streets for which participation is requested, which shall require approval by the city engineer prior to approval of the request. (Prior code § 35-4 (2)).

3. Public Bid¹⁵

The city's participation shall not exceed five hundred dollars unless the contract for streets or portions thereof for which participation is requested, is let for public bid. The city council shall review the bid and the qualifications of the bidder and may refuse participation in the bid for any reason. (Prior code § 35-4 (3)).

¹³ Existing 16.24.020

¹⁴ Existing 16.24.030

¹⁵ Existing 16.24.040

4. When disbursement not required.¹⁶

The city treasurer shall not be required to disburse any moneys in connection with participation under this chapter until 90 calendar days after the commencement of any regular budget year. (Prior code § 35-4 (4)).

5. Not a waiver of subdivider's responsibility.¹⁷

Nothing hereunder shall be construed to waive any other requirements to be performed by the subdivider under this chapter, preliminary to acceptance of a final plat of any subdivision of land. (Prior code § 35-4 (5)).

15.18.0100.C Reimbursement Agreement with the City

Before the city reimburses the developer for oversized public improvements referenced in paragraphs A and B, above, the city and the developer shall enter in a reimbursement agreement. The reimbursement agreement shall specify the improvements being reimbursed, the costs of those improvements and the time by which the city will reimburse the developer for those improvements. The reimbursement agreement shall be executed upon approval by the city council.

15.18.0100.D Reimbursement by Others

1. If the developer is required to construct off-site improvements that benefit other properties, the developer of such improvements may request a reimbursement from the benefiting properties.
2. Prior construction of such improvements, the developer shall obtain bids from at least two contractors based on the plans for such improvements as approved by the city. The developer shall select the lowest qualified bid.
3. Bidding and Notification
 - a. The developer shall notify the Director of the intent to bid and construction of such improvements.
 - b. The Director shall notify the benefiting owners within 30 calendar days of receipt of the developer's intent to bid and construct such improvements. In the notification, the Director shall include the developer's contact information and estimated construction amount.
 - c. The benefiting property owners may provide written comments to the developer within calendar 30 days of the date of the notification letter provided by the Director.
4. Failure of the benefiting property owners to provide written comments to the developer within 30 calendar days of the date of the notification letter provided by the Director, shall be deemed as a consent by the benefiting property owner for the developer to request bids for construction of such improvements.
5. Upon acceptance of the lowest qualified bid, the developer may proceed with the construction of such improvements.
6. Within 30 calendar days of acceptance of such improvements by the City, the developer may request in writing reimbursement for such improvements from the benefiting property owners. The request for reimbursement shall be submitted to the director. The request shall include itemized invoices from the contractor that constructed such improvements, and pro-rata costs to be shared by the developer and benefiting owners certified by the developer's engineer.

¹⁶ Existing 16.24.050

¹⁷ Existing 16.24.060

7. The director shall review and confirm the invoices and pro-rata costs. Upon confirmation, the director shall prepare a reimbursement agreement and submit the agreement to the developer and benefiting property owners.
8. The developer and benefiting owners shall provide to the director in writing an approval or a request to modify the pro-rata costs no later than 30 calendar days of the date of transmittal of the reimbursement agreement by the director. Failure to provide comments within 30 calendar days will be deemed as an acceptance of the reimbursement agreement.
9. The reimbursement agreement shall be approved, approved with modifications or denied by the city council. The city council may consider comments by the developer and/or the benefiting property owners in rendering its decision.
10. Upon city council's approval or approval with modifications of the reimbursement agreement, the agreement shall be signed by the developer and benefiting property owners. The director shall record the reimbursement agreement with the county clerk and assign it to the benefiting properties.
11. The reimbursement agreement shall expire 15 years after the approval date by the City Council. After expiration, the benefiting property owners are no longer bound by the reimbursement to the developer or successors.
12. The city shall not approve a final plat, issue a building permit for construction of a new primary use structure, or issue a building permit for an expansion of an existing structure that would normally require construction of such improvements on any benefiting property covered by the agreement, unless the benefiting property owners pay the pro-rata reimbursement as specified in the reimbursement agreement.
13. The payment of the reimbursement by the benefiting property owners shall be made directly to the developer that constructed the improvements. A notarized receipt of payment shall be provided to the director.

~~If the developer is required to construct off site improvements the developer may request reimbursement from benefiting property owners. The developer and benefiting property owners shall be solely responsible for determining the equitable pro-rata reimbursement and entering into a reimbursement agreement.~~¹⁸

¹⁸ Current Language (slightly modified to fit context of the proposed UDC) ¹⁸

If the developer is required to construct off-site improvements and the council finds that other properties are benefited by such improvements, the city shall not permit the owners of property so benefited by those improvements to avail themselves of the improvements, until they have reimbursed the developer, on an equitable basis to be determined by the council, for their pro rata share of the original cost of the improvements; provided, that no such reimbursement shall be required unless developer has furnished the city engineer with a certified statement of the original cost of the improvements within thirty days after completion thereof; and provided further, that the developer right to reimbursement shall terminate not later than fifteen years from date of completion of the specific improvement for which reimbursement is sought. (Prior code § 35-5).

Staff comment for discussion with ZAC, PC and CC: Current language places the city as the “collection agency”. In more cases than not, developers do not agree on the costs, which leads to adversarial situations between city staff and affected developers/property owners, and staff is forced to be the mediator. Furthermore, the current language does not require the benefiting property owners to enter into the agreement; the language simply requires that the City is on the “hook” to collect the money from benefited property owners on behalf of developer who constructed the improvement. Staff recommends deletion or amendment of this section.