

Chapter 13.20

EXTENSION POLICY FOR OFFSITE IMPROVEMENTS AND FACILITIES

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13.20.010 Purpose of provisions.

The city council is desirous of adopting an extension policy that is fair and equitable for all developing real properties, which will allow the cost of the construction of certain off-site improvements, facilities and extensions to be distributed where applicable among subsequently developing real properties connecting thereto or adjacent thereto or using or benefiting from the off-site improvement, facilities or extensions, as provided in this chapter. The purpose of this chapter is to make provision for assessment and collecting of fees as a condition of the approval of a final map, condition of development approval, or as a condition of issuing a building permit of the purpose of defraying the actual or estimated costs of constructing certain public improvements

pursuant to the city's authority to make and enforce all ordinances and regulations with respect to municipal affairs. This chapter shall be the exclusive procedure for a reimbursement agreement and/or the establishment and operation of areas of benefit in the city. No area of benefit shall be established under this chapter unless the city council finds that the construction of the public facilities or improvements provided for by the area of benefit is required for subsequent subdivisions and developments, and that the fees are fairly apportioned within the area on either the basis of benefits conferred on property proposed for development or subdivision or on the need for such facilities created by the proposed development and the development of other property within the area.

(Ord. 440 § 1 (part), 1990; Ord. 322 § 1, 1983)

13.20.020 Definitions.

For the purpose of this chapter the following words, phrases and terms shall have the meaning given in this chapter:

- A. "City" means the city of Ripon.
- B. "City clerk" means the city clerk of the city of Ripon.
- C. "City council" means the city council of the city of Ripon.
- D. "City engineer" means the engineer of the city of Ripon.
- E. "Off-site improvements, facilities or extensions" means and includes any of the following:
 1. Curb, gutter and sidewalk;
 2. Water mains and appurtenant structures, including valves and fire hydrants;
 3. Sewer mains and appurtenant structures, including manholes, lamp holes and pumping stations;

4. Stormdrains and appurtenant structures, including catchbasins, manholes and pumping stations;

5. All street improvements, including construction and surfacing;

6. Street lighting;

7. Electrical and gas extensions;

8. Telephone facilities;

9. Television facilities;

10. Traffic signals;

11. Irrigation district requirements to replace or protect district irrigation lines, ditches or other facilities.

F. "Owner" means any person, firm, corporation or governmental entity having a proprietary interest in any real property within the city of Ripon.

G. "Administrative charge" means a charge made by the city of ten percent of the reimbursable cost to be paid to an applicant which shall be added onto the applicant's reimbursable costs and, in addition, shall be retained by the city for the city's administrative, legal and engineering fees and costs in connection with the establishment of a benefit area and/or reimbursement agreement.

H. "City bookkeeping charge" means a charge of two percent of the moneys collected and disbursed by the city to an applicant as a result of the formation of a benefit area and/or a reimbursement agreement, which shall be retained by the city from the moneys to be paid to the applicant to reimburse the city for its costs incurred in the collection, bookkeeping and disbursement of reimbursable costs to an applicant. (Ord. 440 § 1 (part), 1990; Ord. 322 § 2, 1983)

13.20.030 Application for improvements and facilities.

Whenever a real property owner is desirous of obtaining any off-site improvements or facilities including storm sewer, sanitary sewer or water service, as defined in Section 13.20.020E of this chapter, where no adequate service or facility exists, he shall make a written application therefore to the city clerk. The city clerk shall thereafter forward the application to the city engineer, who shall, as soon as possible, determine the closest adequate sanitary sewer, storm sewer or water line, indicate the size of the main or mains to be extended, and the limits of the extension, and any other matters pertaining to the extension, off-site improvement or other facility requested, and the need for any of the off-site improvement, extension or facility.

(Ord. 322 § 3, 1983)

13.20.040 Installation by applicant.

Whenever the city engineer determines that a sanitary sewer, storm sewer, water line extension or other off-site improvement or facility is necessary, and tentatively approves the same, and the city council thereafter approves, the applicant may then install, at the applicant's own expense, the sanitary sewer, storm sewer or water line extension or other off-site improvement or facility in accordance with engineering plans furnished by the applicant and thereafter approved by the city engineer before any such construction shall commence. Any such plans, unless otherwise approved by the city, shall be prepared in accordance with the city's design standards and any other ordinances applicable thereto.

(Ord. 440 § 1 (part), 1990; Ord. 322 § 4, 1983)

13.20.050 Extension on parcel frontage.

In every case where a sanitary sewer, storm sewer or water line facility is to be extended, or any other off-site improvement or facility constructed or extended to serve a parcel of real property, the same shall extend the full frontage of the parcel where applicable, unless the city engineer shall determine that the particular extension, improvement or facility will not need to be so extended to serve any other real properties. (Ord. 322 § 5, 1983)

13.20.060 Reimbursement–When–Purpose.

Whenever an off-site improvement or facility is to be extended or constructed which may serve or benefit additional properties, the applicant may apply to the city for a reimbursement agreement and request that the city adopt an area of benefit for the purpose of defraying the actual or estimated costs of any such public improvements. The area of benefit fees shall also include a city administrative charge of ten percent of the total costs, which shall be in addition to the reimbursable costs of the applicant. The city engineer shall determine the extent to which any additional real property may be served or benefited, and may recommend such an extension agreement and benefit area be formed by the city prior to the construction of any such extension, off-site improvement or facility. “Additional real properties,” as used in this section, means: (a) real property abutting or adjacent to the extension, off-site improvement or facility, or benefiting therefrom; or (b) real property that may be subject to an area charge as provided in Section 13.20.070. Thereafter, if the city council determines that a reimbursement agreement or benefit area should be formed, then by resolution the city council shall establish the boundaries of

the area of benefit, the estimated or actual costs, a fair method of allocation of fees, the fee apportionment and the applicable fees to be paid. (Ord. 440 § 1 (part), 1990; Ord. 322 § 6, 1983)

13.20.070 Reimbursement – Agreement.

Any agreement providing for reimbursement and/or the formation of a benefit area for sanitary sewer, storm sewer or water line extension, or any other off-site improvement, shall contain the following language:

A. The amount of the reimbursable costs to be paid to the applicant as recommended by the city engineer and finally approved in the sole discretion of the city council.

B. Reimbursable costs to be paid to the applicant shall include the cost of the sanitary sewer, storm sewer or water line extension, or other off-site improvement or facility.

C. A city administrative charge of ten percent of the total reimbursable costs to be paid to the applicant shall be in addition to and added to the applicant’s reimbursable cost, and shall be paid to and retained by the city for the city’s administrative, legal and engineering fees and costs incurred in connection with the reimbursement agreement and/or formation of the benefit area.

D. A city bookkeeping charge of two percent of the total moneys collected and disbursed by the city to the applicant shall be retained by the city from the moneys collected by the city, in order to reimburse the city for its costs incurred in connection with the collection, bookkeeping and disbursement of any reimbursable costs to the applicant.

E. Any utility lateral or service off the main line which serves only an individual lot or an individual parcel of real property shall not be included as a proper subject for reimbursement, unless the city council, in its sole discretion, determines that the real property and the cost qualifies for reimbursement.

F. There shall be no reimbursement to the applicant in excess of the reimbursable costs to be paid to the applicant.

G. A surcharge of five percent per year, or any portion thereof, shall be added to the amount of reimbursable costs as established by the city engineer pursuant to subsection A of this section.

H. Reimbursement shall be paid only from moneys collected by the city within fifteen years from the date of the reimbursement agreement. If insufficient moneys are collected, there shall be no obligation on the part of the city for total reimbursement to the applicant. The city shall have no obligation to pay reimbursements from any source other than reimbursement moneys collected by the city pursuant to this chapter. All moneys from adjacent, abutting or benefiting real properties which are collected after the original fifteen-year period has expired shall be retained by the city, and the applicant shall have no further interest therein.

I. Whenever the city engineer determines that any oversized off-site improvement or facility is necessary to serve additional real properties, then a charge shall be made to cover the additional reimbursable cost of the larger extension, off-site improvement or facility. The charge for each acre of real property benefited thereby shall be determined by the City Engineer. The City Engineer shall prepare a benefit area map to become part of the reimbursement agreement, showing the area to be served by the larger

extension, off-site improvement or facility. The reimbursable charge for each acre of additional real property to be served or benefited shall be shown in the agreement. All are calculation shall be to the nearest one-tenth of an acre.

J. Any reimbursement moneys shall be payable to the heirs, successors and assigns of the original applicant. (Ord. 467 § 1, 1991: Ord. 440 § 1 (part), 1990: Ord. 322 § 7, 1983: Ord. 691 § 1 (part), 2004)

13.20.080 Reimbursement – City benefit.

Whenever the city has made extensions of installed off-site improvements or facilities that will serve or benefit abutting, adjoining or benefitting real properties, the city shall also be eligible for reimbursement in alike manner as any other applicant under this chapter. (Ord. 322 § 8, 1983)

13.20.090 Reimbursement -- Payment

Whenever the city council has approved a sanitary sewer, storm sewer or water line extension, or other off-site improvement or facility, for a reimbursement agreement and/or a benefit area by resolution, after first holding a public hearing thereon and having given at least ten days prior written notice thereof and of the proposed benefit area formation to the owners of all property proposed for inclusion in the area of benefit, then the reimbursement charges shall be collected by the city from any parcel of real property abutting, adjoining or benefitting therefrom which may be included within the benefit area designated in the agreement and in the resolution at the time of its development, and in any event prior to the actual installation of any off-site improvement or facilities to the abutting

parcel. These moneys shall be placed by the city in a special fund therefore and shall be disbursed as provided in this chapter. (Ord. 440 § 1 (part), 1990: Ord. 322 § 9, 1983)

13.20.100 Letter of entitlement.

When payment for any reimbursement has been made, the city engineer shall prepare a letter of entitlement stating the total fees collected, reference to the off-site improvement, the resolution number, the amount to be reimbursed to the applicant, and the administrative charge and bookkeeping charge to be retained by the city. This letter of entitlement shall be forwarded to the city clerk for reimbursement under the terms of the reimbursement agreement and this chapter when the funds become available. (Ord. 440 § 1 (part), 1990: Ord. 322 § 10, 1983)

13.20.110 Unclaimed reimbursement.

The city shall mail any reimbursement to the

applicant's last known address on file with the city clerk, or as shown in the off-site improvement, extension or facility reimbursement or benefit agreement. Any reimbursement returned or unclaimed after a period of tow years from the date of its mailing shall revert to the city's general fund. (Ord. 322 § 11, 1983)

13.20.120 Effective date.

This chapter shall apply to all properties developed from and after the first day of January, 1983. Reimbursable costs shall be collected and reimbursed by the city for any extension, off-site improvement or facility accepted for maintenance by city after that date as outlined in this chapter; provided, however, that any real property covered by tentative maps or use permits approved by the Ripon planning commission prior to the first day of January, 1983, shall not be required to pay any reimbursement charges. (Ord. 322 § 12, 1983)