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Article 28: Utilities

28.010 Scope

28.011 Purpose. The purpose of this Article is to provide standards for the design, construction, extension and financing of the basic urban services and public utilities required for land use and development.

¹28.012 Service Required. All use and development within the City limits of the City of Grants Pass, or under Service and Annexation Agreement with the City, shall meet the requirements of this Article.

²28.013 Service Extension Within the Urban Growth Boundary

¹⁷(1) All use and development within the Grants Pass Urban Growth Boundary, as described in Section 28.052 (10) through (4), shall extend basic urban services (water, sewer, storm drainage and streets) along the full length of all portions of the subject property fronting a public right-of-way consistent with the requirements of this article.

(2) When an applicant desires to develop in phases, then the review body may authorize a time for the submittal of development of the various phases.

(a) The time period may exceed one year, but in no case shall the total time period for all phases exceed five years without entering into a Security Agreement and the deposit of security for the remaining public improvements in conformance with Article 29 of this Code.

(b) Each phase so developed shall conform to the applicable requirements of this Code.

(c) Phases developed after one year are subject to modifications in accordance with any changes in the Comprehensive Plan or this Code.

³28.014 Service and Annexation Agreement Required

No property shall receive any city services, including water, sewer, police, and fire services, unless the property is either annexed to the City of Grants Pass, or the property owner has signed and duly executed a Service and Annexation Agreement with the City. The Service and Annexation Agreement shall be in a form approved by the City Manager.

The City Manager is authorized to execute Service and Annexation Agreements as an administrative action. For properties outside the Urban Growth Boundary, the City Manager shall not execute the Agreement until a contract has been adopted by resolution by City Council, in accordance with Section 28.016.

¹⁵28.015 Service and Annexation Agreements Executed Prior to October 17, 2001

Service and Annexation agreements executed prior to October 17, 2001 are hereby ratified without further proceedings if any one of the following criteria is met:

- (1) The subject property is within the Grants Pass Urban Growth Boundary; or
- (2) The City Council, at a regularly scheduled public Hearing discussed the agreement and no objections were raised during the public hearing; or
- (3) The agreement was executed for property outside the Urban Growth Boundary for use and development that met one of the requirements of Section 28.015: (a) the property is within an Urban Service Containment Area, or (b) a health or safety problem existed, or (c) the property was approved by Josephine County as a Destination Resort or Recreational Resort.
- (4) The subject property is residential and executed a conservation easement to freeze permitted development at a specified level, with further partitioning prohibited.

⁴28.016 Service Extension Beyond the Grants Pass Urban Growth Boundary

Except for health and safety problems as defined herein, as a prerequisite to extension of services, the owner of the property receiving municipal services shall enter into a contract with the City of Grants Pass. The contract, to be adopted by resolution by the City Council, shall include a Service and Annexation Agreement and other mutually agreed-upon development standards.

The City will not provide services to properties which are outside the Urban Growth Boundary except under the following circumstances:

- (1) The properties are located in an urban services containment area which is acknowledged by the Land Conservation and Development Commission as an exception area consistent with Josephine County's Rural Comprehensive Plan, such as the North Valley Urban Services Containment area; or
- (2) A health or safety problem exists; or
- (3) The property is approved for development by Josephine County as a Destination Resort or Recreational Resort, as defined in Article 30 of this Code. The capacity of the services provided shall not be greater than what would be required for the resort and for planned development within the Urban Growth Boundary. No hookups outside of the resort and the UGB will be permitted.

If approved for a Recreational Resort, the three additional conditions shall apply:

- (a) Necessary exceptions to Statewide Planning Goals have been acknowledged.
- (b) At least two million dollars shall be spent on improvements for on-site recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads.
- (c) As defined in Statewide Planning Goal 8. Recreational Needs, Overnight Lodgings do not include tent sites, recreational vehicle parks, mobile homes, dormitory rooms, and similar accommodations.

⁵28.017 Review of Urbanizing Area Development

Urban level development proposals outside the City limits and inside the Urban Growth Boundary shall be reviewed by the Director in accordance with the provisions described in an intergovernmental agreement between the City of Grants Pass and Josephine County for the joint management of the Grants Pass Urban Growth Boundary Area. Appropriate comments may be forwarded to the County for their consideration in deliberating on development proposals.

⁶28.018 Service Capacity

- (1) At some point, one or more of the basic urban services (water, sewer, storm drainage, streets) or other key urban services (fire, police, parks) that either precede development or proceed concurrently with development will reach designated capacity as then designed and developed. At that point in time, an area-wide improvement or improvements may be required for further development within that service area or group of service areas.
- (2) When such a point appears to have been reached, the Review body shall find that approval of further development in that service area or group of service areas be restricted or denied, until such time as the required area-wide system improvements have been made, or have been planned and agreed to by the City, County and/or benefited property owners, and adequate financing commitments have been made by the requisite agencies and/or benefited property owners.

28.030 Easements

- (1) Easements for water, sewer, storm drainage, electrical lines, other public utilities or cable television shall be conveyed wherever necessary. The Director may require the applicant to acquire the easements on adjoining or adjacent property whenever such easements are necessary to complete the proposed development.

- (2) Utility and drainage extensions to provide service to properties that do not abut existing utility lines shall be installed in public rights-of-way or in designated public utility easements.
- (3) Water, sewer and drainage facilities shall be extended in public rights-of-way. Where extension in public rights-of-way is unfeasible, water, sewer and drainage facilities shall be extended in designated public utility easements, as approved by the Site Plan Review Committee.
- ¹⁶(4) Private water, sewer and drainage service extensions to serve a single residence or business proposed for a pre-existing lot or a lot created by a land division of four lots or less and accessed with a private street may extend in a private easement.
- (5) All easements shall be shown on the Site Plan accurately and to scale. Easements shall be recorded by the applicant in a form approved by the Director and the City Attorney prior to approval of the Development Permit.
- (6) Nothing in Sections 28.030(1) - (4) above shall diminish or affect the obligation of the applicant to extend services as provided in Section 28.013.

28.050 Water Systems

⁷28.051 Water System Design

- (1) Water mains of adequate size as approved by the City Engineer shall be installed to serve each use and development to meet the requirements of the Oregon State Health Division Administrative Rules for Domestic Water Supply System. Fire hydrants with mains of adequate size as approved by the City Engineer, shall be installed to serve each use and development to meet the requirements as set out in the City's Fire Code, as amended from time to time. Water main extensions shall include services as necessary to serve abutting properties.
- (2) Water system design and extension shall conform to the adopted Water Plan, Official Water System Map and Grants Pass water standards. Actual capacity tests, if needed, shall be run by the City Public Safety Department, and potential capacity assessments, if needed, shall be run on the City's computer model of the Water Plan at the expense of the applicant.

⁸28.052 Service Extension

- (1) All proposed subdivisions shall, prior to final plat approval, extend city water mains from the existing water system along the entire public street frontage of the property to be developed. Water mains shall also be extended within the development to serve all proposed lots within the subdivision and to allow further extension of the water system.

- (2) All proposed partitions shall, prior to final plat approval, extend city water mains from the existing water system along the entire public street frontage of the property to be developed and within any streets proposed in the partition. Exceptions to the above are allowed if all of the following are met:
 - (a) The partition is not part of a series partition. For purposes of this section, a series partition is defined as a series of partitions resulting in the creation of four or more parcels over a period of more than one calendar year, commencing January 1, 1996.
 - (b) All of the lot to be partitioned is more than 300 feet from the nearest City water main.
 - (c) The partitioner either installs the required water main as a “dry line” only along all public street frontages of the property, or, where the City Engineer finds such extension is not practical, secures or pays for the installation of the planned main in accordance with City standards.
- (3) All proposed major site plans shall, prior to final occupancy, extend city water mains from the existing water system along the entire public street frontage of the property.
- (4) All new single-family dwellings, duplexes, and proposed minor site plans that result in an increase in water usage (except usage of irrigation water supplied by the Grants Pass Irrigation District) shall, prior to final occupancy, extend city water mains from the existing water system along the entire public street frontage of the property. Exceptions to the above are allowed if all of the following are met:
 - (a) The site is more than 100 feet from the nearest City water main.
 - (b) The total water usage would not be more than 1600 gallons per day total.
- (5) All water main extensions shall be consistent with the Water Distribution System Plan and City utility standards.
- (6) For the purposes of this section, an existing City water main shall be considered those mains already in ground or those mains to be installed in projects approved by Council. This section does not affect developer responsibilities to provide adequate fire protection as outlined in the City Fire Code, as amended from time to time.

⁹28.053

Well Usage

- (1) Existing Development: Existing residential development already using wells may continue to use them to satisfy potable water requirements. Lots that already are connected to the municipal water supply system are prohibited from disconnecting and using a well for potable water purposes.

- (2) New development: New development may not use individual wells for potable water requirements unless exempted by Section 28.052 (4). Where a pump test is required under the provisions of Josephine County Groundwater Supply Ordinance 90-22, the developer shall demonstrate compliance with the provisions of that ordinance. If the property receives fire service protection from the City Public Safety Department, then the owner shall pay a service fee roughly equivalent to the portion of a regular user's fee that covers the provision of fire water flows.

¹¹28.055 Condominium Conversion. When an apartment is converted into a condominium the existing water service may remain, and a new connection fee shall not be charged. All new construction of condominiums shall come under the multiple-family dwelling fee schedule for connection charge. The number of meters installed for condominiums shall be the applicant's choice on new construction.

¹²28.056 City Participation in Water System Costs. For property within the City limits of the City of Grants Pass, or under a Service and Annexation Agreement with the City, and on a first come-first served basis within budgetary restraints, the City shall participate in the cost of water system improvements as follows:

- (1) Local mains (8 inches and smaller including all appurtenances including hydrants, valves, service lines and meters, etc.):
 - (a) No participation except as would be required as a landowner (does not include right-of-way).
- (2) Area facilities (pump station and oversizing):
 - (a) No participation except as would be required as a landowner (does not include right-of-way).
 - (b) These facilities will be advance-financed by the City or a developer but paid by served properties pro-rated on an acreage basis or other basis determined by the City Engineer. Charges will be on an actual cost basis plus current interest.
- (3) Transmission lines 10-inch lines or larger:
 - (a) Financed by the City or a developer through local resources, bond issue and/or grant. Unless financed completely by a grant, properties immediately served by the transmission line will be assessed on the basis of an 8-inch main.
- (4) Plant expansions and storage facilities:
 - (a) Financed by the City through local resources, bond issue and/or grant.

¹⁴28.071 Sewer System Design and Extension

- (1) Sanitary sewers shall be installed to serve all land divisions, use and development. Design, to be approved by the City Engineer, shall take into account the capacity and grade to allow for desirable extension beyond the proposed use or development. Exceptions to the above are allowed if all of the following are met:
 - (a) The use and development is a Minor Site Plan as defined in section 19.032.
 - (b) All of the subject property is more than 300 feet from the nearest City sewer main.
 - (c) The use and development receives approval from the Department of Environmental Quality (DEQ) for the increase in impact to existing septic systems, for the expansion of existing septic systems, or for the installation of new septic systems to serve the use and development.
 - (d) The property owner secures or pays for the installation of the planned main along all public street frontages of the property in accordance with City standards. The City shall determine the required form of security, which at the City's sole discretion, may be a deferred development agreement, assignment of deposit, letter of credit, bond, or cash. Any form of security required by the City shall include, or be accompanied by, a waiver of remonstrance for participation in a local improvement district.
- (2) Sewer system design and extension shall conform to the adopted Sewer Plan and Official Sewer System Map, and shall be approved by DEQ.

¹⁴28.072 Septic System Usage

- (1) Existing Development: Existing development already using septic systems may continue to use the septic system until it is necessary to repair or replace the septic system, at which time connection to public sewer will be required if public sewer is within 300 feet of the property. All existing development utilizing septic systems located on a property which receives tentative plat approval for a subdivision or partition shall connect to public sewer and properly abandon the septic system prior to final plat approval.
- (2) New Development: New development shall connect to public sewer and may not use septic systems unless exempted by section 28.071 (1). All applications for land division, including partitions and subdivisions, shall, prior to final plat approval, extend public sewer along the entire frontage of the properties to be served.

- 28.073 Alternative Pipe Material. Alternate pipe material shall be allowed in future sanitation sewer projects as stated in the Oregon Chapter of the American Public Works Association Standard Specifications.
- 28.074 Abandoned Sewer Lines. All abandoned sanitary sewer services shall be plugged by exposing said sanitary sewer service at the property line and plugging said line with concrete. Location of said sewer line by measurement to the nearest property corner shall be recorded with the Engineering Division of the City. Before said line is backfilled, the owner shall call the Engineering Division of the City for an inspection. If during inspection it is determined the sewer line is made of unapproved material, the sewer service line shall be plugged at the sewer main.
- 28.075 City Participation in Sewer System Costs. For property within the City limits of the City of Grants Pass, and on a first come-first served basis within budgetary constraints, the City shall participate in the cost of sewer system improvements as follows:
- (1) Local sewers (8-inch and smaller including all appurtenances including stubs and manholes):
 - (a) No participation except as would be required as a landowner (does not include right-of-way).
 - (2) Area facilities (pump stations, oversizing):
 - (a) No participation except as would be required as a landowner (does not include right-of-way).
 - (b) These facilities will be advance-financed by the City or a developer but paid by served properties pro-rated on an acreage basis. Charges will be on an actual cost basis plus current interest.
 - (3) Interceptors (any sewer line 18 inches in diameter or larger):
 - (a) Financed by the City through local resources, bond issue and/or grant. Unless financed completely by a grant, properties immediately served by the interceptor will be assessed on the basis on an 8-inch main.
 - (4) Plant Expansions:
 - (a) Financed by the City through local resources, bond issue and/or grant.
 - (5) Stub-Outs:
 - (a) Advanced financed by the City or a developer for new stub-outs in the installation of new sanitary sewer mains at those locations not required for present use and outside an approved Local Improvement District and not being assessed for these stubs. The advanced sanitary sewer

stub-out will, at the time of connection, be paid back at the cost of installation plus current interest.

28.090 Storm Drain Systems

¹³28.091 Storm Drain System Design

- (1) Drainage facilities shall be provided within a use or development, and connected to drainage ways or storm sewers outside the use or development that have an adequate capacity to accept drainage water from the use or development.
- (2) Design of drainage within the use or development, as approved by the City Engineer, consistent with the City's Master Storm Drainage Facilities and Management Plan and Official Storm Drainage Map, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the use or development and to allow extension of the system outside the use or development. Drainage for the individual lots of the proposed use or development and the proposed use and development as a whole shall be accomplished in such a manner so as to prevent the excessive flow of water across property lines, sidewalks and other public rights-of-way.
- (3) Where land in a use or development, in the opinion of the Director, is or will be periodically subject to accumulations of surface water or is traversed by any water course, channel, stream or creek, the Director shall require the developer to provide for adequate unrestricted drainage.
- (4) Provision of drainage will be shown on a drainage plan for both within and adjacent to the use or development, and will show easements and improvements to be constructed. Such drainage plan shall be submitted with tentative plat materials for partitions, subdivisions or PUDs and with site plan review materials for all other applications.
- (5) Any such public improvements shall be approved by the Director as adequate for drainage needs of the area, or where necessary in the judgment of the Director for protection of such needs, by conveying ownership of such drainage land, for drainage purposes, to the City.

28.092 City Participation in Storm Drain System Costs. For property within the City limits of the City of Grants Pass, and on a first come-first served basis within budgetary restraints, the City shall participate in the cost of storm drain system improvements as follows:

- (1) When the proposed project is consistent with the City's drainage plan, the City will pay the incremental price differential between that necessary for local drainage and that required for the combined flow of local and through-drainage.
- (2) The following definitions shall apply:

- (a) Local Drainage: That amount of run-off from the immediate project area (including served properties of a street project) in a 10-year storm, or a 12-inch pipe size at a minimum.
- (b) Through Drainage: That amount of run-off in a 10-year storm beginning up-stream from the project and merely "passing through" the project area.

28.110 Other Utilities

28.111 Irrigation. The Grants Pass Irrigation District shall be consulted regarding any improvements on the property in which they have an interest. The applicant shall petition to remove any public rights-of-way in the proposed use or development from the Grants Pass Irrigation District. The applicant shall provide irrigation water through a system approved by the City Engineer and the Grants Pass Irrigation District, or the applicant shall buy out all unserved lots under the District's Policies.

28.112 Other Utilities.

- (1) ¹⁷All utility service laterals, including, but not limited to, electrical lines and other wires, street lighting and communication and cable television services shall be place underground.
- (2) The following shall be exempt from the above requirements:
 - (a) Facilities used for transmission of electric energy at nominal voltages in excess of 35,000 volts;
 - (b) Equipment appurtenant to underground facilities such as pedestals, cabinets or other above-ground equipment;
 - (c) Temporary services for construction work, Christmas tree lots, and similar temporary uses; and
 - (d) Other new facilities provided that the City grants prior written approval for overhead placement. The City reserves the right to require written approval of the location of any such above-ground equipment.

28.200 Streets and Access

See Article 27, Access Standards.

28.300 Review and Inspection

To ensure proper installation and inspection of developer-installed improvements and Local Improvement Districts, all services and utilities installed shall be reviewed and inspected as follows:

- (1) The City, meaning the Engineering Division of the Department of Community Development, shall be notified not less than 24 hours in advance of the start of construction and be notified not less than 24 hours in advance of each Construction Inspection Stage.
- (2) The City, meaning any representative thereof, shall have the right to inspect all work at any time.
- (3) In cases of developer-installed improvements, the developer's Engineer has the sole responsibility to have a representative present during City inspections.
- (4) The City, meaning the Engineering Division of the Department of Community Development, will keep a job diary of inspections and will supply a copy of all Stage Inspection Reports to the developer's Engineer.
- (5) The Construction Inspection Stage shall include, but not be limited to, the following:
 - (a) Sanitary Sewer, means the main line and house services to property lines or house tees within easements, and following inspection states apply:
 - (i) Main and house services inspected before placing pipe zone material.
 - (ii) Pipe zone material inspected before placing backfill material.
 - (iii) Manholes inspected before pouring concrete base.
 - (iv) Trend backfill inspected before the placing base rock, compaction test.
 - (v) Inspection tests shall include, but not be limited to the following:
 - (A) Water-test manholes.
 - (B) Air testing mains and house services shall be done upon completion of the line placement and backfill compaction. In cases of lines four feet or less in depth, air testing shall again be conducted after base rock for the street is in place at the City's discretion.
 - (C) TV inspection shall be done by City crews consistent with City policy on TV inspections.

- (b) Domestic Water Main, means the main line and house services to the meter, and the following Inspection Stages apply:
 - (i) Main and House Service inspected before the placement of backfill material within the pipe zone.
 - (ii) Thrust Blocking and Pipe Fittings inspected before the placement of backfill material within the pipe zone.
 - (iii) Trend Backfill inspected before the placement of the base rock, compaction test.
 - (iv) Inspection Testing shall include, but not be limited to, the following:
 - (A) Disinfection of water mains and water sample approval.
 - (B) Pressure Test, meaning the prescribed test, which shall be after the placement of the base rock.
 - (C) Inspection Testing may occur after pipe is placed and backfill compacted if the street has been excavated to accept sub- base and the minimum 30 inch cover is maintained. If the above conditions are not met, final testing will be done at the City's discretion.
- (c) Storm Drains, means those storm sewers that will be accepted by the City for maintenance.
- (d) Street means, but is not limited to, excavation, base rock, curbs and gutter, catch basins, valley gutters, sidewalks, driveway aprons and paving, and the following Inspection Stages apply:
 - (i) Excavation means before the placement of base rock, compaction test.
 - (ii) Curbs and gutters means the inspection of the forms before pouring concrete, or the inspection of extruded curbs as they are being installed.
 - (iii) Catch Basins means the inspection of forms before pouring concrete.
 - (iv) Valley Gutters means the inspection of forms before pouring concrete.
 - (v) Base Rock means before paving, compaction test.

- (vi) Paving means during and after the placement of the paving, including condition of manholes, cleanouts and foreign materials in sewer and storm drain lines.
- (vii) Sidewalks and Driveway Aprons means the inspection of the forms before pouring concrete.
- (e) In developer-installed improvements involving pump stations, reservoirs or similar installations, a Construction Inspection Schedule shall be submitted to the City for approval prior to starting construction.
- (f) The City shall have the right to issue stop work orders for non-compliance with City specifications and plans as submitted and revised.

28.400 Performance

28.410 As-Built Drawings. Before the City will accept an improvement project that shall become a City-maintained project, the developer's Engineer or Project Engineer shall supply the City with Mylar showing the as-built improvement project along with two copies of said as-built drawings.

28.420 Installation. Improvements shall be installed in accordance with Ordinance No. 4290, or as amended, which allows for developer installed-improvements, or Local Improvement Districts.

28.500 Fees and Assessments

28.510 System Development Charges

- (1) To facilitate the extension of the area-wide urban service and utility system facilities required for full urbanization, applicants for urban-level development shall be responsible for payment of the system development charges, as follows:
 - (a) For Municipal Water Service: Connection fees shall be payable to the City consistent with City Ordinance No. 4352 (Utility Ordinance), or as amended.
- (2) Charge Collection. The system development charges shall be paid prior to the issuance of a building permit.
- (3) Segregation and Use of Revenues. All funds derived from the system development charge are to be segregated by accounting practices by both the City and the County, and shall be used for no other purpose than installing, constructing, expanding and extending urban service and utility systems beyond present capacity within the Urban Growth Boundary, except that all

water system charges received by the City shall be applied to bond redemption as required by City Ordinance No. 4283.

28.520 Local Improvement Districts

28.521 Assessing for Improvements. Adjacent and benefiting properties shall be assessed for urban service and utility system improvements as follows:

- (1) Except as indicated in Subsections (9) and (11) below, assessments for benefited properties shall be based upon the property frontage abutting upon the improved street or utility line improvement, or prorated upon an acreage basis, or prorated upon a method approved by the Director.
- (2) If utility easements are required, assessments for properties lying along an easement in which a utility line is located shall be based upon the property frontage abutting upon the easement, or prorated upon an acreage basis, or prorated upon a method approved by the Director. Subject to budgetary limitation, if utility easements are required and obtained without cost to the City, the utility assessment may be deferred until the benefited property connects with the utility facilities, at which time the deferred assessment plus current interest.
- (3) Assessment for properties located where a particular project terminates, but which is not the proposed ultimate terminus of line or street, shall be based upon full property frontage abutting the street or public easement. The utility line or street shall be extended the full distance of said lots.
- (4) Assessments for properties located where a utility line or street is projected to ultimately terminate and can be served by said terminated utility line shall be based upon the full property frontage abutting or adjacent to the street or public easement in which said line or street will be installed. This shall include cul-de-sac streets as well as grade problem areas.
- (5) In the event that a portion of a lot has previously been assessed, the remaining portion of said lot will be assessed at a subsequent time when a future utility or street extension project is commenced.
- (6) Assessment for properties designated as through-lots (lots with front and rear lot lines abutting parallel streets) shall be based upon the property frontage abutting upon the street in which the utility line or street improvement is located, or prorated upon an acreage basis, or prorated upon a method approved by the Director. Said properties shall also be assessed in the same manner for utility lines installed and street improvements on the second abutting parallel street.
- (7) If a utility line is extended along two sides of a parcel designated as a corner lot, the assessment shall be based upon the total frontage of the combined two sides, less 100 feet of the shorter side, whichever is the shorter. For street improvements, assessments shall be based upon the total frontage of the

combined two sides, or prorated upon an acreage basis, or prorated upon a method approved by the Director.

- (8) If a utility line or street improvement is extended along three sides of a parcel which is both a through lot and a corner lot, the assessment shall be based upon the assumption of two corner lots equally divided between the two parallel streets, or prorated upon an acreage basis, or prorated upon a method approved by the Director.
- (9) Assessments for odd-shaped lots will be individually established based upon frontage consistent with other property assessments within the area and benefit received by said odd-shaped lots. A general rule of thumb principle provides for frontage to be equivalent to the length of pipe installed or street improvements abutting said property. However, when improvements are extended along two sides of a residentially-zoned parcel and said sides form an acute angle of less than 75°, the assessment shall be based upon the proportioned area of the parcel as it relates to the total area of the Improvement District. Commercially and industrially-zoned parcels shall be assessed on the basis of frontage abutting said property, or prorated upon an acreage basis, or prorated upon a method approved by the Director.
- (10) Assessments for properties may be based on a uniform or flat rate assessment for each parcel or building site to be served, if requested by the petitioner and/or approved by the Council.
- (11) Each Local Improvement District shall be solely responsible for all assessable costs associated with all projects constructed under the auspices of the Improvement District, and the costs for said project or projects shall not be averaged with any other construction project or Local Improvement District project.

28.522

Cost Overruns

- (1) The basic policy of the City is not to participate in cost overruns of improvement projects.
- (2) A bid will not be awarded for a Local Improvement District project when the bid is in excess of the public hearing estimate by more than 15%, unless the Council holds a subsequent public hearing with notice being given to affected property owners in the same manner as prescribed for the original hearing. The City Council may then award the bid if it remains apparent that the public interest, safety and health requirements of the community necessitate construction of the project.
- (3) Nothing stated in the above sections shall be considered to prevent the Council from authorizing City participation in project cost where it is considered in the best public interest to do so and within the budgetary limitations of the City. (Res. 973)

28.523 Interim Financing of LIDs

- (1) Interest-bearing warrants issued to vendors during the course of construction of local improvements are not always acceptable to financial institutions or private lenders due to prevailing economic conditions and statutory interest rate limitations.
- (2) Therefore, a bid for construction of a local improvement project shall not be awarded by the Council unless an acceptable commitment for the interim financing of the project is first obtained, either by the issuance of interest-bearing warrants to vendors in conjunction with financial institutions or private lenders, in accordance with statutory time and interest limitations, or by the express consent of the City Council to commit City funds at prevailing investment rates.

28.524 Utility Commission Review. If possible, the Utility Commission shall first review and comment on all petitions for Local Improvement Districts involving utility extensions prior to the Council's public hearing of said petition.

¹ Revised 5-31-97

² Added 5-31-97, Amended 11-7-01

³ Revised 5-31-97

⁴ Revised 5-31-97

⁵ Revised 5-31-97

⁶ Revised 5-31-97

⁷ Revised 5-31-97

⁸ Revised 10-7-92, 5-31-97

¹⁰ Revised 5-31-97

¹¹ Revised 5-31-97, 8-11-97

¹³ Revised 10-7-92

¹⁴ Revised 5-31-01 (Ordinance 5063)

¹⁵ Revised 11-7-01 (Ordinance 5081)

¹⁶ Revised 9-4-02

¹⁷ Revised 9/17/14 (Ordinance 5622)