

AN ORDINANCE ESTABLISHING SCHOOL SITE DEDICATION OR PAYMENTS IN LIEU THEREOF FOR SCHOOL PURPOSES FOR THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO.

WHEREAS, the Town of Berthoud (Town) and the Thompson School District R2-J (School District) entered into an Intergovernmental Agreement Concerning Annexations and School Site Dedication or Payments in Lieu Thereof for School Purposes (Intergovernmental Agreement); and

WHEREAS, the Board of Trustees has reviewed the studies presented by the School District relative to the effects that new residential construction have upon the School District's requirement for acquisition of additional land for grade schools, middle schools, and high schools and the attendant values and costs of acquiring this land;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO.

Section 1. School Site Dedication or Payments in Lieu Thereof for School Purposes.

Prior to the issuance of a building permit for residential construction, the Town will require proof that the appropriate dedication of land for school purposes has been made to the School District or that the School District has received a payment in lieu thereof, in accordance with Section 3 of this Ordinance. Any payments made under this Ordinance shall be retained by the School District and administered in accordance with the Intergovernmental Agreement dated the 27th day of January, 1998.

Section 2. Exemptions.

- a. Because the following are not considered to have an adverse effect on the School District's ability to provide adequate educational opportunities, they shall be exempted from land dedication requirement or in-lieu payment requirements:
 - i. Alteration or expansion of a residential dwelling unit not exceeding a net increase of 1,000 square feet of the existing dwelling unit.
 - ii. Replacement of a residential dwelling unit in which the replacement does not exceed a net increase of 1,000 square feet of the dwelling unit being replaced.
 - iii. Construction of a non-dwelling unit, accessory building, or structure.
 - iv. Construction of an accessory residential dwelling unit according to Berthoud Municipal Code.

- v. Nursing homes as defined in the Town Code.
- vi. Town-approved planned residential developments that are subject to recorded covenants restricting the age of the residents of said dwelling units such that the dwelling units may be classified as "housing for older persons" pursuant to the Federal Fair Housing Amendments Act of 1988.
- b. Any claim of exemption as provided in this Section 6 must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

Section 3. Fees

The total land dedication or in-lieu payment per dwelling unit is:

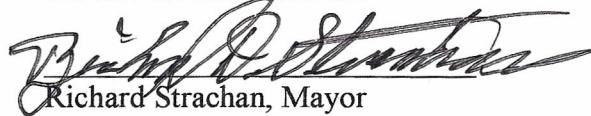
	<u>Land</u>	<u>In-Lieu Fees</u>
Elementary School	.00486 acres or	\$151.00
Middle School	.00495 acres or	\$153.00
High School	.00459 acres of	\$142.00
Total for each dwelling unit as defined in the Uniform Building Code adopted by the Town of Berthoud:	.01440 acres or	\$446.00

Section 4. Effective Date.

The Board of Trustees of the Town of Berthoud herewith finds, determines, and designates that this Ordinance shall take effect and be in force thirty (30) days after publication.

At its meeting on January 27, 1998, a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on the 10th day of February, 1998. After the public hearing, this Ordinance was read, passed, and ordered published by the Board of Trustees at its meeting this 10th day of February, 1998.

TOWN OF BERTHOUD



Richard Strachan, Mayor

ATTEST:



Mary Cowdin, Town Clerk