

ORDINANCE NO. 764

AN ORDINANCE AMENDING ORDINANCE NUMBER 685 ESTABLISHING THE RESIDENTIAL PARK-LAND DEDICATION AND PARK DEVELOPMENT FEES FOR THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO:

Section 1.

Ordinance Number 685 is hereby amended in its entirety to read as follows:

Upon the use of land for residential purposes the following dedications and/or fees shall be effective. Any property that has previously satisfied requirements for park-land dedication or park-land development shall only be responsible for park development fees not previously satisfied or dedications or payments in lieu of dedications not previously satisfied. Where one dwelling unit is replaced with another dwelling unit, neither fee shall be due.

Park-land shall include land acquired for parks, trails and open space.

A. Park Development Fee: The fee for park development shall be \$1176.00 for each new dwelling unit and shall be payable at the time a building permit is issued unless prior contractual arrangements have been made which provide that a credit shall be applied against this fee.

B. Park-land Dedication: Upon petitioning the Town of Berthoud for development or zoning of land for residential development, the petitioner shall submit a proposal for review by the Town staff and Parks and Open Space Board which shows where the petitioner suggests land to be dedicated to the Town for park-land might appropriately be located. The Town Board shall make the final decision based on a recommendation from Town Staff and the Parks and Open Space Board. The amount of such dedication shall be determined as follows:

I. Seven percent (7%) of the gross land area to be used for residential purposes shall be dedicated to the Town of Berthoud for park-land.

C. Location: The land to be dedicated to the Town should be located on the site to be developed and should conform to the greatest extent possible to the Town's Parks and Open Space Plan. Another location may be acceptable if it is approved by the Town Board in writing.

D. Acceptance of Park-land Dedication: The Town Board shall have the authority to accept or reject all or any portion of the proposed park-land dedication and require cash in lieu of land for the remainder of the seven percent (7%).

E. Cash-in-Lieu Option: If determined by the Town Board that the proposed 7% park-land dedication is not in the best interests of the citizen's of Berthoud, the Town may request a smaller amount of land or no land and payment-in-lieu for the portion not dedicated. The amount of the payment-in-lieu of land shall be determined as follows:

I. If the parties cannot agree on the value of the land to be dedicated for park-land an appraisal will be acquired by the Town and the petitioner shall be responsible for payment of this appraisal.

II. The total appraised value of the property to be dedicated for residential uses shall be multiplied by seven percent (7%). This value will be the total park-land dedication fee collected for this property. (Total appraised value of land to be developed for residential uses x 7% = Total cash in lieu of land to be collected)

III. Cash in lieu of land shall be payable to the Town at the time a building permit for a new dwelling unit is issued and shall be determined as follows. (Seven percent (7%) of the total appraised value of the property to be developed for residential uses divided by the number of dwelling units on the property = the park-land fee for each dwelling unit to be collected at the time a building permit is issued).

IV. In the event a building permit for a new dwelling unit is requested for a lot existing in the Town upon the effective date of this Ordinance, the park-land acquisition fee of \$1,000 shall be due in lieu of park-land dedication.

F. Conditions of Acceptance:

I. All park-land dedicated to the Town should be free of natural hazards (e.g., flood plains, steep slopes, water bodies), and manmade facilities (e.g., detention or retention basins, gas wells, etc.) which inhibit the optimum development and utilization of the park-land for park uses, unless otherwise agreed upon in writing.

II. All park-land shall be dedicated to the Town without restrictions and free and clear of any and all liens, restrictions, and covenants.

III. Park-land to be dedicated to the Town shall be preserved, protected and maintained by the developer during the development process until the subdivision has installed all infrastructure for the phase that the park-land is located.

IV. The developer shall not disturb the topsoil or vegetation on the park-land during the development process unless different arrangements are agreed to in writing by the Town.

V. All construction debris and other foreign matter shall be removed from the site prior to dedication.

VII. The Town may request a Phase 1 Environmental Assessment for the area to be dedicated to the Town for park-land.

G. Review of Fees: These fees shall be reviewed by the Board of Trustees not less frequently than annually and revised, if necessary, by resolution during the first quarter of each calendar year.

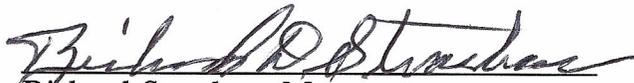
Section 2. Effective Date

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 May 13, 1997, a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on the 27th day of May, 1997. After the public hearing, the ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 27th day of May, 1997.

TOWN OF BERTHOUD:

ATTEST:


Richard Strachan, Mayor


Mary K. Cowdin, Town Clerk

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