

ORDINANCE NO. 742

AN ORDINANCE ESTABLISHING LAND DEDICATION OR FEES IN LIEU THEREOF FOR SCHOOL PURPOSES FOR THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO.

WHEREAS, the Town of Berthoud (Town) and the Thompson School District R2-J (School District) entered into an Intergovernmental Agreement concerning land dedication or fees in lieu thereof for school purposes; 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 COUNTY, COLORADO.

Section 1. Payment of Fees for Land Dedication for School Purposes.

Prior to the issuance of an occupancy permit for residential construction, the Town will require proof that the appropriate land dedication has been made to the school district or that the school district has been paid an in-lieu fee, in accordance with Section 2 of this ordinance. These fees shall be collected by the School District and administered in accordance with the Intergovernmental Agreement concerning land dedication or fees in-lieu for school purposes dated the 26th day of March, 1996.

Section 2. Exemptions.

The following shall be exempted from land dedication requirements or payment in-lieu fees:

- (a) Alteration or expansion of a residential dwelling unit not exceeding a net increase of 1,000 square feet of the existing dwelling unit.
- (b) 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.
- (c) Construction of a non-dwelling unit, accessory building, or structure.

(d) Construction of an accessory residential dwelling unit according to Berthoud Municipal code.

(e) 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.

### Section 3. Fees.

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

|  | <u>Land</u>     | <u>In-Lieu Fees</u> |
|--|-----------------|---------------------|
| Elementary School  | .0486 acres or  | \$112.00            |
| Middle School  | .00495 acres or | \$114.00            |
| High School  | .00459 acres or | \$106.00            |
| Total for each dwelling unit<br>as defined in the Uniform<br>Building Code adopted by the<br>Town of Berthoud: | .01440 acres or | \$332.00            |

### 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 March 12, 1996, a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on the 26th day of March, 1996. After the public hearing, this ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 26th day of March, 1996.

ATTEST:

TOWN OF BERTHOUD:

  
Mary K. Cowdin - Town Clerk

  
Richard Strachan - Mayor

Published: 3-28-96

Per Board Motion:  
Ord 742 is not  
in effect until the  
School Dist. addendum  
is signed.

As of 11-20-96 this  
has not been done.