

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER AND WASTEWATER ENTERPRISES, APPROVING THE FEES TO BE ASSESSED TO BENEFITTED PROPERTIES TO RECOVER THE CITY'S COSTS FOR THE DESIGN, CONSTRUCTION, AND FINANCING OF THE SOUTH BRIGHTON INFRASTRUCTURE ("SBI"); SETTING FORTH THE AMOUNTS OF THE FEES AND WHEN SUCH FEES ARE DUE AND PAYABLE; AND SETTING FORTH OTHER DETAILS RELATED THERETO

RESOLUTION NO.: 2016-42

WHEREAS, authority is granted by the State of Colorado to the governing body of the City of Brighton, Colorado to assess fees and charges for services provided by the City; and

WHEREAS, the City has installed major water and wastewater infrastructure through the growth area generally between 136th Avenue and 120th Avenue and between Potomac Street and 27th Avenue (the "South Brighton Infrastructure" or "SBI"); and

WHEREAS, the costs incurred by the City for the design, construction, and financing of the SBI is Seven-Million Four-Hundred Twenty-Three Thousand Six-Hundred Twenty-Two Dollars (\$7,423,622) in water infrastructure and Six-Million Five-Hundred and Ten Thousand and Two-Hundred Thirty-Seven Dollars (\$6,510,237) in wastewater infrastructure; and

WHEREAS, the South Brighton Infrastructure has been successfully constructed to meet required standards and specifications and benefits the properties in the proximity of the infrastructure by providing access to municipal water and wastewater services; and

WHEREAS, the City wishes to fairly and equitably distribute the costs of design, construction, and financing of this infrastructure among those properties that will benefit from the services provided through the South Brighton Infrastructure; and

WHEREAS, the City Council finds and determines that the amount of the various SBI Fees and the process for assessing said fees are reasonable, and that it is in the best interests of the City that the SBI Fees be assessed as more particularly set forth herein.

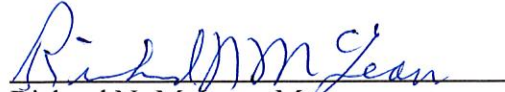
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER AND WASTEWATER ENTERPRISES, AS FOLLOWS:

1. Properties located in the vicinity of the water components of the South Brighton Infrastructure, as designated in Attachment A – SBI Water Zones, are hereby designated as receiving benefit from the water components of the South Brighton Infrastructure.
2. Properties in close proximity to the water components of the South Brighton Infrastructure are hereby designated as SBI Water Zone 1, as depicted on Attachment A – SBI Water Zones.

3. Properties that are receiving benefit from the water components of the South Brighton Infrastructure but are not in close proximity to the infrastructure are hereby designated as SBI Water Zone 2, as depicted on Attachment A – SBI Water Zones.
4. Properties located in the vicinity of the wastewater components of the South Brighton Infrastructure, as designated in Attachment A – SBI Wastewater Zones, are hereby designated as receiving benefit from the wastewater components of the South Brighton Infrastructure.
5. Properties in close proximity to the wastewater components of the South Brighton Infrastructure area hereby designated as SBI Wastewater Zone 1, as depicted on Attachment B – SBI Wastewater Zones.
6. Properties that are receiving benefit from the wastewater components of the South Brighton Infrastructure but are not in close proximity to the infrastructure are hereby designated as SBI Wastewater Zone 2, as depicted on Attachment B – SBI Wastewater Zones.
7. The South Brighton Infrastructure Fees shall be assessed on all properties that connect to the SBI Water and Wastewater Zones as follows:
 - a. Properties benefitting from the water components of the SBI shall be assessed an ***SBI Water Development Fee*** based on parcel area and the designated SBI Water Zone of the particular property. Said Fee shall be paid in full to the City prior to the commencement of site and adjacent infrastructure construction or installation of any connection to Brighton’s water infrastructure at the following rates:
 - i. ***SBI Water Zone 1 Development Fee*** shall be \$1,047 per acre
 - ii. ***SBI Water Zone 2 Development Fee*** shall be \$524 per acre
 - b. In addition to the acreage-based ***SBI Water Development Fee***, any property within SBI Water Zones 1 and/or 2 shall be assessed an ***SBI Water SFRE Fee*** of \$151 for each Single Family Residential Equivalent (SFRE) purchased which shall be paid in full prior to issuance of a building permit for any individual building or development within SBI Water Zones 1 and/or 2 requiring a water tap.
 - c. Properties benefitting from the wastewater components of the SBI shall be assessed an ***SBI Wastewater Development Fee*** based on parcel area and the designated SBI Wastewater Zone of the particular property. Said Fee shall be paid in full to the City prior to the commencement of site and adjacent infrastructure construction or installation of any connection to Brighton’s wastewater infrastructure at the following rates:
 - i. ***SBI Wastewater Zone 1 Development Fee*** shall be \$1,408 per acre
 - ii. ***SBI Wastewater Zone 2 Development Fee*** shall be \$704 per acre
 - d. In addition to the acreage-based ***SBI Wastewater Development Fee***, any property within SBI Wastewater Zones 1 and/or 2 shall be assessed an ***SBI Wastewater SFRE Fee*** of \$149 for each Single Family Residential Equivalent which shall be paid in full prior to issuance of a building permit for any individual building or development within SBI Wastewater Zones 1 and/or 2 requiring a wastewater tap.
8. All Fees associated with the South Brighton Infrastructure shall be assessed in addition to and shall not replace any other applicable fees.

RESOLVED, this 19th day of April, 2016.


CITY OF BRIGHTON, COLORADO


Richard N. McLean, Mayor

ATTEST:


Natalie Hoel, City Clerk

APPROVED AS TO FORM:


Margaret R. Brubaker, Esq.
City Attorney