

ORDINANCE 206-01

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA AMENDING THE TOWN CODE BY ADDING ARTICLE 16-3 EXTENSION AND REIMBURSEMENT AGREEMENTS, SECTION 16-3-1 TO 16-3-8 SETTING FORTH ELIGIBILITY REQUIREMENTS AND METHODS OF CALCULATION FOR SERVICE FEES, CONNECTION FEES AND REIMBURSEMENT AMOUNTS RELATED TO PROVIDING SEWER CAPACITY AND SEWERLINES THAT BENEFIT PROPERTY OTHER THAN THE PROPERTY BEING DEVELOPED.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA AS FOLLOWS:

SECTION 1. That the Town Code, Chapter 16, Utilities, of the Town of Queen Creek is hereby amended to add Article 16-3 Extension and Reimbursement Agreements and Sections 16-3-1 to Section 16-3-8 to read as follows:

16-3-1 GENERAL

It is in the public's interest to maximize the use of its public rights-of-way. To this end the Town has adopted master sewer plans that size sewer trunk lines and mains to service large areas. This eliminates the need and extra expense of installing and maintaining several smaller sewer lines within the same public right-of-way.

The Town has an existing Sewer Development Fee that is based on construction of existing sewer mains and trunk lines as well as specifically identified future mains and outfall trunk lines. The existing system and currently planned future system covered by the Sewer Development Fee does not include sewer main collection systems for all sections of the Town's adopted Sewer Service Area.

The development community is required to construct sewer mains in accordance with the Town's Subdivision Ordinance and approved master sewer plans. It is the intent of this code to establish a method of reimbursement to the Initial Developer for the additional cost of providing a sewer system in excess of that needed to serve their development.

16-3-2 DEFINITIONS

Connection Fee	means the total amount to be paid to the Town under the requirements of the Town Code, Chapter 16, Article 16-3 by a subsequent developer.
Construction Cost	means those costs related to the construction of a sewer main or trunk system as reviewed and approved by the Town Engineer exclusive of design costs, financing costs, and agency permit fees.
Initial Developer	means those individuals, corporations, partnerships, agencies or other entities that constructed the master planed sewer system, which provided additional capacity for future development.
Peak Capacity	means the peak sewer flow from a site, development or area based on the method of calculation described in the Town Code, Chapter 16, Article 16-3.
Reimbursement Agreement	means a written agreement to be approved by the Town Council that contains all calculations and exhibits used to determine the reimbursement amount.
Reimbursement Amount	means the total amount the Initial Developer may be eligible to collect.
Service Fee	means a fee assessed by the Town for maintaining records, monitoring, processing collections and repayment of funds transferred under the terms of the Town Code, Chapter 16, Article 16-3.
Subsequent Developer	means any individual, corporation, partnership, or other entity that proposes to connect to an oversized system.
System Capacity	means the maximum flow of the sewer collection system as determined by an approved master sewer plan for a specified portion of the system.
System Value	means the construction value of the Initial Developer's system downstream from the point of connection by the Subsequent Developer.
Town	means the Town of Queen Creek

16-3-3 PROCEDURES

The following steps are required to be eligible for repayments under Town Code, Chapter 16, Article 16-3:

- A. The Initial Developer shall submit a letter to the Town Engineer requesting to enter into a reimbursement agreement in accordance with Article 16-3.
- B. The Initial Developer's engineer shall prepare and submit to the Town Engineer for review and approval a list of all proposed construction items to be included in the Construction Cost. The Town Engineer must approve all items of work eligible for reimbursement. When awarding the construction work the Initial Developer shall obtain separate bid prices from their contractor for each item of work identified as eligible for reimbursement.
- C. The Initial Developer or their engineer shall submit the construction prices obtained for review and approval by the Town Engineer. The Town Engineer has the authority to adjust any prices he determines are not reasonably justified. Prior to making any adjustment the Town Engineer will allow the contractor an opportunity to provide written justification of their prices. The final amount used to fix the Construction Cost will be determined upon completion of construction to allow for justifiable changes during construction.
- D. The Town Engineer will notify the Town Council of the intent to enter into a Reimbursement Agreement at the time of Final Plat submittal for approval by Council, or prior to issuance of a permit to construct the sewer system for non-residential developments.
- E. The Town Engineer will submit the Reimbursement Agreement to the Town Council for approval after completion of construction, once final construction costs have been determined.

16-3-4 REIMBURSEMENT CALCULATIONS

The Town will use the Construction Cost as determined in this Article, the master plan capacity of the sections of sewer line constructed and the Initial Developer's peak capacity to determine the Reimbursement Amount. The reimbursement amount is equal to the (construction cost) times (1 minus the peak capacity divided by the master plan capacity). The following is derived from the approved sewer master plan for the Town's Northeast Area:

- A. The master plan capacity for various sections of the northeast area collection system is as follows:

Barnes Parkway – Ellsworth to Crismon	24'	6.14 MGD
Ocotillo Rd. – Crismon to Signal Butte	24"	4.42 MGD

Ocotillo Rd. – Signal Butte to the east	12"	0.86 MGD
Queen Creek Rd. – Ellsworth to Crismon	18"	3.79 MGD
Queen Creek Rd. – Crismon to Signal Butte	18"	2.34 MGD
Queen Creek Rd. – Signal Butte to the east	12"	0.83 MGD
Ellsworth Rd. – Queen Creek Rd. to Barnes Parkway	24"	6.23 MGD
Crismon Rd. – Barnes Parkway to Ocotillo	24"	5.11 MGD
Signal Butte Rd. – Ocotillo to ½ mile South	18"	1.34 MGD
Signal Butte Rd. – Chandler Height to ½ mile north	15"	0.96 MGD

Lines less than 12" in diameter have been excluded since they are not considered mains.

B. The peak capacity will be calculated based on the following:

Single Family Detached Residential	960	gallons per day/ dwelling unit
Single Family Attached Residential	750	gallons per day/ dwelling unit
Schools	50	gallons per day/ student
Office	0.7	gallons per day/ square foot
General Commercial	0.5	gallons per day/ square foot
Restaurants	2	gallons per day/ square foot
Industrial	0.4	gallons per day/ square foot

The Town Engineer will calculate peak capacity for uses not fitting into any of the above categories.

16-3-5 REIMBURSEMENT PERIOD

The maximum time period the Town will collect connection fees for reimbursement to the Initial Developer is ten years from acceptance of construction by the Town.

16-3-6 CONNECTION FEE

When a Subsequent Developer is required by the Town to connect their sewer system to the Initial Developer's constructed system the Town will calculate the connection fee to be paid using the peak capacity for the Subsequent Developer's system and the master plan capacity of the Initial Developer's constructed system(s) along with the Construction Cost.

The Connection Fee may be a total of several smaller parts as needed to account for more than one line size or Initial Developer.

The Connection Fee shall be paid to the Town prior to recording any final plat for residential developments. The sewer system of an approved non-residential site plan will not be allowed to connect to the system until the fee is paid.

16-3-7 SERVICE FEE

The Town will deduct a five percent (5%) service fee from each payment received from Subsequent Developers prior to disbursing funds to the Initial Developer. The Initial Developer pays the service fee.

The Town will maintain a record of all payments received and disbursed. Each reimbursement will contain an accounting of all prior payments and a total to date.

16-3-8 ASSIGNABILITY OF REIMBURSEMENT AGREEMENT

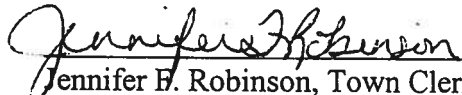
The Initial Developer may assign the benefits arising out of any reimbursement agreement with the Town. The assignment shall require the written approval of the Town Engineer.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Queen Creek, Arizona, this 18th day of July 2001.

FOR THE TOWN OF QUEEN CREEK:


Wendy Feldman-Kerr, Mayor

ATTEST:


Jennifer E. Robinson, Town Clerk

REVIEWED BY:


Cynthia Seelhammer, Town Manager

APPROVED AS TO FORM:


William E. Farrell, Town Attorney