

City of Lawrence
 Administrative Policy -- Adopted By Resolution No. 5614

SUBJECT Development		APPLIES TO All City Departments	
EFFECTIVE DATE April 19, 1994	REVISED DATE		
APPROVED BY City Commission	TOTAL PAGES 11	POLICY NUMBER AP-52	

1.0 **Policy & Definitions**

To establish a Development Policy that governs the financial participation of the City with regard to the construction of streets, sidewalks, storm drainage, sanitary sewers, underground wiring, and water improvements. For purposed of this policy, ***Newly Developing Areas*** shall be those where no substantial amount of public improvements have been installed and where no substantial number of buildings have been constructed. ***Substantially Developed Areas*** shall be those areas where substantial amounts of public improvements exist and where a substantial number of buildings have been constructed.

2.0 **Assessment Methods**

It is the burden of the petitioner for improvements to indicate on the petition the recommended method of allocating the costs of improvements within the benefit district. The methods available for assessing cost include:

Streets/Sidewalks

1. Adjusted from foot
2. Front foot
3. Square foot
4. Property Value

Sanitary Sewers

1. Front foot
2. Square foot
3. Adjusted from foot
4. Property Value
5. 75% by lot/25% by area

3.0 **Notice to Property Owners**

The City staff is directed to notify and property owner within a proposed benefit district who is not represented by the petition that certain improvements have been requested and the date, time, and place the City Commission will consider authorizing said improvements. The petitioner will be responsible for providing to the City a current list of property owners in the proposed benefit district.

4.0 **Standards for Financing Public Improvements**

A. Streets

1. When a sufficient petition has been filed requesting the installation of residential streets 27 feet in width in newly developing area, 100 percent of the cost involved in the improvement shall be assessed against the benefit district.
2. When a sufficient petition has been filed requesting streets involving widths in excess of 27 feet in newly developing areas, the apportionments of cost shall be based on a formula whereby the benefited property shall pay 100 percent of the cost of the first 31 feet of the improvement, including two curbs, and the City-at-large may pay the cost of the additional width. The City may pay the cost, exclusive of the cost of the first 31 feet, for the additional width of arterial streets wider than 31 feet.
3. When a sufficient petition has been filed or the City Commission orders in the installation of a residential street 27 feet in width in substantially developed areas of the City, the benefited property shall pay 100 percent of the cost involved in the improvement.
4. Bridges and culverts within street right-of-way necessary to maintain adequate road design will be considered part of the street construction and not storm drainage. The amount of City participation will be determined by the City Commission in each case.

B. Sidewalks

1. For benefit district financing, all petitions for street improvements shall include sidewalk improvements as required by the City Code and City Policies, unless the City Commission has specifically waived the sidewalk requirement for the improvement.
2. In newly developing areas and subdivisions of the city, the total cost of all sidewalk improvements shall be borne by the property benefited in the improvement district.
3. In target community development neighborhoods, the City Commission may authorize the use of appropriate federal funds for all or a part of the cost of sidewalk improvement and repair pursuant to applicable federal guidelines.
4. The City Commission may determine that in developed areas without sidewalks, certain sidewalk improvements are a city-wide benefit and use City-at-large funds to pay for 25% of the cost of a sidewalk along

residential streets; 50% of the cost of a sidewalk along collector streets; and 50% of the cost of a sidewalk along arterial streets. Whether a street is a residential, collector or arterial street shall be determined with reference to the Functional Classification Map and the Thoroughfare Map. The width of sidewalks shall be specified in the Subdivision Regulations.

5. Sidewalks required by an approved site plan or an Agreement Not to Protest a Benefit District shall be paid 100% by the property owner without any City participation.
6. Pursuant to the state law requirement that adjoining property owners are responsible for maintaining and repairing sidewalks, the City will generally not participate in funding for the repair and maintenance of sidewalks adjoining private property.

C. Storm Drainage Improvements

1. The City Commission has adopted a major drainage map designating drainage courses and city-wide significance. The City will not participate in improving any drainage course not designated on the map.
2. Throughout the City, the use of open drainage will be encouraged. If the City Commission determines that a drainage course should be closed in a substantial developed area, the amount of City participation and method of financing will be determined by negotiation in each case.
3. The use of special assessment financing will be limited to streets, sidewalks, and sanitary sewers where such improvement is to the benefit of the City. However, storm drainage improvements will be eligible for special assessment financing in those substantially developed areas of the City. The City will not participate in the cost, nor use special assessment financing, for storm sewers in newly developing areas.
4. In cases where the developer determines, and the City Commission concurs, that closed storm sewers are necessary in newly developing areas, the cost will be entirely borne by the developer without the use of special assessment financing. Design standards of the City must be followed and the final design approved by the City Engineer.

D. Sanitary Sewers

The total cost of all sanitary sewer construction shall be borne by the property benefited in the improvement district. If relief sewers are required, the cost involved shall be borne 100 percent by the City from the Utility Fund.

E. Underground Wiring and Water Facilities

Special assessment financing shall not be provided for the financing of underground wiring when applicable or water distribution mains and appurtenances.

F. Improvements in Floodplain

The costs for improvements for property within the regulatory floodplain must be financed by some means other than by special assessment financing.

G. Subdivision Sign Fee

A fee will be charged to each plat to recover the costs of required metro (street name) signs, stop signs, parking signs, etc., needed to adequately serve the platted development. The City Traffic Engineer will make this determination and forward it to the Planning Department. Payment must be made prior to filing of the plat.

H. Sanitary Sewer Post-Construction Fee

Nine months after the completion of sanitary sewers in new development, the sewer lines will be video taped as part of the final inspection and review. The purpose of the inspection shall be to avoid unnecessary public maintenance cost caused by street/storm sewer construction, utility construction, and general contractor work after the sanitary sewers are installed. A fee of \$1.00 per foot of sanitary sewer will be charged for this inspection/video taping and assessed prior to the Notice to Proceed being issued to the contractor. If benefit district financing is being used, the fee can be included in the project cost.

I. Traffic Signal Escrow Fee

Each industrial or commercial development will be studied to determine projected impacts on traffic signal/control requirements for public streets. The Traffic Engineer may use traffic models, city traffic impact/analysis studies, studies provided by private traffic engineering firms and other related information to determine the need for traffic control devices such as traffic signals near the development. A development may be required to provide an appropriate share of that cost as a stipulation on the rezoning or final plan approval.

J. PUD/Commercial Development - Off-Site Improvement

The requirements for off-site improvement adjacent or proximate to planned unit developments or commercial developments may be added to zoning approval or final development plans. Off-site improvements include, but are not limited to, streets, traffic signals, street lights, water main/extensions, sewer mains, intersections and sidewalks. The City Commission will ask for staff evaluation of the impact of the development on these public improvements and may require payment of the recommended improvements or an agreement to construct from the developer prior to issuance of building permits.

5.0 **Special Assessment Financing**

- A. When a petition has been filed requesting the installation of public improvements eligible for special assessments financing, the petitioner and/or developer shall be required to provide adequate assurance of full annual payment of special assessments before a contract for the construction is awarded. Special assessments financing will not be approved if the petitioner and/or developer own property directly or indirectly through partnership or corporate interest that has delinquent real property taxes or delinquent special assessment taxes or has signed a personal guarantee of full payment of a special assessment which is delinquent. This assurance shall be by a personal guarantee of the developer (in the case of a partnership, all partners must sign a personal guarantee; in the case of a corporation, any personal guarantee shall be made by each director, officer or stockholder owning, solely or in joint ownership, at least 10% of the outstanding stock of the corporation). When a lot has been improved, as evidenced by the construction of a principal building upon it, the personal guarantee is released to the improved lot.
- B. When a petition has been filed requesting special assessment financing to install eligible public improvements in newly developed areas, the percentage of the cost of the improvements covered by special assessment financing shall not exceed 75% including all construction, engineering, legal, inspection, temporary financing and related costs. The petitioner=s and/or developer=s share of not less than 25% of the estimated engineering costs, shall be given to the City of Lawrence prior to the City incurring any monetary obligation for the engineering work; the petitioner=s and/or developer=s share of not less than 25% of the estimated construction improvement costs shall be given to the City of Lawrence prior to the City incurring any monetary obligation for the construction improvements. The developer=s share may be in the form of cash or an irrevocable letter of credit. At the time the bonds are issued, any funds in excess of the petitioner=s and/or developer=s share shall be refunded by the City.

C. In substantially developed areas, the City Commission may waive the requirements of this section.

6.0 **General Water Service Policy**

The City of Lawrence will construct, maintain, own, and operate water treatment facilities, pipelines, pumping stations, storage reservoirs, elevated storage, and appurtenances for the purpose of supplying water to residential, commercial, and industrial users within the City of Lawrence and in adjacent areas outside the City under the following terms and conditions:

General terms under which water service will be extended to serve new customers will include, but not necessarily be limited to, the following conditions:

1. All Customers Shall Conform To City Regulations

All customers, obtaining water service from the Lawrence Water and Sewer System, shall conform to all rules, regulations, ordinances, rates, conditions of service, and practices not prevailing or which may be established by the City in the future.

2. City Reserves The Right to Refuse Water Service

The City reserves the right to refuse water service, or to limit water service, where the extension of water service conflicts with the general policy of the City or jeopardizes water service to then existing customers. No new customers will be accepted outside the City limits except contract sales to rural water districts, other municipalities or government agencies.

3. Areas To Be Platted

Water distribution mains will be extended into areas within the City limits of Lawrence only after the areas in which main extensions are desired have been platted in accordance with the subdivision requirements of the City and the platting approved by the Lawrence-Douglas County Metropolitan Planning Commission and the City Commission. Consideration will be given to small, isolated tracts adjacent to the system which desire service upon filing of Agreements to Plat. This provision, however, is to be limited to such situations as would be impractical to plat on a small scale, where proper planning would necessarily require the platting of a larger area to assure conformity to the City's Comprehensive Plan. Extension of

water service to unplatted areas shall not relieve owners of such property of payment for water distribution mains when, and if, by platting the property, distribution mains will be required. Such property shall also be subject to inclusion in future sanitary sewer benefit districts if, and when, created to serve the area in which the property is located, except where isolated property borders existing City sewers and where said isolated property owners make payment to the City for said connection in accordance with established sewer connection fees.

4. No Water Service Until Sewerage Facilities Assured

Water service will not be extended to any user until provisions have been made for the financing of necessary sanitary sewerage facilities is assured, with the following exceptions:

- a. Where water is to be used for industrial, agricultural, or other purposes that do not result in the production of objectionable wastes.
- b. Where the construction of sanitary sewers cannot be consummated due to reasons beyond the control of the proposed user and where said user can provide independent methods of sewage disposal in a manner approved by the public health authorities and by the City. Septic tanks or similar means of disposal shall not be approved for other than isolated farm dwellings.

5. Water Facilities Constructed To City Standards

All water mains, valves fire hydrants, fire lanes, services connections to the property line, meters, and appurtenances will be constructed by the City in accordance with its designs, plans, and specifications and provisions for financing established by the City. All such facilities shall remain the property of the City, or be granted to the City, if built by a developer on public right-of-way or easement and attached to the City water system. The City will not provide benefit district financing for water utility improvements.

6. Premises Served To Comply With City Plumbing Codes

Water service will be furnished only to premises complying with the applicable plumbing codes and regulations of the City.

7. Payment For Water Facilities To Be Made In Advance of Construction

All local water distribution mains and appurtenances will be normally constructed by the City with full estimated payment to be made in advance of construction by the property owner, developer, or others desiring the distribution main installations.

A developer or property owner may choose to build water main extensions. The developer or property owner must install water mains in accordance with City specifications. If this option is chosen, all water mains shall be built in conjunction with the installation of streets and sidewalks, such construction to be determined, coordinated and reviewed by the City Engineer and Utility Director. The City will inspect all privately constructed water mains to determine compliance with City specifications. Upon completion, the mains shall be considered the property of the City. The City will then maintain, operate and control this water main.

8. Rate of Payment

Payment for water main extensions shall be made on the basis of platted frontage of the property served by the mains and at the rate of \$8.00 per lineal foot of (\$4.00 front footage of adjusted front footage). If costs exceed \$8.00 per lineal foot, the charge for that subdivision will be the amount determined by the Utility Department to be actual costs. Where distribution mains serve irregular shaped lots, such as may be encountered in cul-de-sacs or other locations where the platted front footage is disproportionate to the size of the lot as compared to other lots served, the adjusted front used for the purpose of determining the charge for distribution main construction shall be calculated by equating a rectangle whose frontage is two-thirds its depth to the area of the lot. The adjusted front frontage would thereby be equal to .817 times the square root of the area of the lot. The charge for distribution mains serving corner lots will be established on the basis of the lesser of the two front footage regardless of the location of the main from which service is rendered.

9. Main Extensions - General

The cost of a new water main extensions with a diameter up to 12 inches shall be paid by the developer/property owner. Where short main extensions are desired on isolated streets, within platted areas, and where such extensions serve a diversified property ownership consisting of three or more property owners, the City will at its option, make such main extensions when payment is made in full.

10. Main Extensions To Isolated Subdivisions Within City Limits

The provisions for main extensions charges set forth above are based on the assumption that the area to be served is contiguous to areas in which distribution mains exist at the time the proposed extensions are contracted for, or that the areas are contiguous to other areas in which distribution mains have been contracted.

The City may, at its option, serve isolated subdivision, in which case the subdivider or interested parties shall pay for all distribution mains serving the subdivision or isolated property in accordance with the provision set forth above. In addition to the direct payment for local distribution mains within their areas, the developers of the isolated subdivisions shall pay to the City a sum equal to \$8.00 per lineal foot of connecting pipeline required between the isolated subdivision on the nearest existing main which the City deems adequate in size to serve the isolated subdivision. In no case, shall this be less than six (6) inches in size.

The City shall retain ownership and complete control of the connecting pipelines, as well as all other distribution lines, and shall have the right to connect additional customers in accordance with established rules and regulations, or future modifications thereof. The developers of the isolated subdivision shall have no interest in the connecting pipeline other than the right to serve there in accordance with the City's established rules and regulations.

11. All Property Served To Pay Front Footage Charge

All property obtaining water service shall pay for local distribution mains at the established rate per front foot of property served whether service is obtained from the main constructed primarily for the purpose of serving that property and adjacent property, or whether service is obtained from transmission mains or other pipelines existing at the time the connection is desired.

In the event property abutting distribution mains, for which said property has paid the cost of distribution main, is of sufficient depth that later subdivision of the property is such that water service is desired from mains abutting the opposite frontage from that previously charged, said property shall be charged for distribution main service on the frontage abutting the additional main or mains.

12. Industrial Development

The City may, at its option, make extension to the water distribution system to serve special institutional or industrial developments where contracted or estimated revenues will justify the cost of such extensions where distribution system extensions abut commercial and industrial property and provide service thereto at the established rates and under normal conditions of service, said property shall be charged for distribution system mains in the same manner outlined above.

13. Unusual Pressure and Flow Conditions

The City will provide water service at the pressures existing in the water system. Any customer requiring pressures higher or lower than normally maintained in the system, or abnormal quantities of the water for fire protection or other special purposes, shall provide the additional equipment required, such as pressure reduction devices or additional pumping and storage facilities within his property and shall also pay for the additional expense to the City in providing additional transmission mains or other facilities required to provide such special services, either through rates or through contributing to the construction of such additional facilities. Service of a special nature will be rendered only at the option of the City and under conditions which will not interfere with normal service to the other customers.

14. Fire Hydrants

Water for fire protection will be provided by the City through fire hydrants installed at intervals comparable to those throughout the City of Lawrence. The cost of installation of hydrants shall be borne by the developer or entity desiring such expansion of service.

15. Payment of Water Service Connection Charges

The developer/property owner shall be responsible for all costs associated with private service lines and any connections to the City water main and system.

For consumers Inside the City limits, cost of service connections, plus applicable sales tax, shall be as follows:

- | | |
|--------------------------------------|----------|
| a. Three-fourths inch (3/4") service | \$435.00 |
| b. One inch (1") service | \$525.00 |

- c. One inch (1") connection with two (2) five-eighths inch (5/8") meters \$490.00
- d. All services larger than one inch (1") shall be paid for on basis of actual costs of labor and materials with the estimated cost paid as a deposit in advance of construction. After final costs are known, the difference between the actual and the estimated costs will either be refunded or collected from the applicant, as the case may be.

The prices shown in paragraph numbers a, b, and c, above, include up to sixty feet (60') of service pipe of the size shown.