

ORDINANCE NO. 05-14

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ADOPTING A ROAD IMPROVEMENT DEVELOPMENT FEE ON ALL NEW RESIDENTIAL DEVELOPMENT AT THE TIME OF BUILDING PERMIT ISSUANCE TO SERVE PROJECTED DEMAND RESULTING FROM NEW RESIDENTIAL DEVELOPMENT OVER THE PERIOD FROM 2005 TO 2025.

BE IT ORDERED by the Town Council of the Town of Dewey-Humboldt, Yavapai County, Arizona, as follows:

WHEREAS, the Town of Dewey-Humboldt recognizes that new residential growth will impact the ability of the existing road system to adequately handle future vehicular traffic; and

WHEREAS, the Town of Dewey-Humboldt retained W.C. Scoutten, Inc. as Town Engineer, to analyze and assess growth and development projections from 2005 to 2025 to determine the additional demand for roadways anticipated to be placed on the Town; and

WHEREAS, the Town Engineer conducted a roadway inventory to assess the condition of the existing collector roadway system and prepared estimates to improve and expand the existing system in response to projected residential growth; and

WHEREAS, the Roadway Improvement Costs and Impact Fee analysis has been presented to, and reviewed by, the Mayor and Council of the Town. The Mayor and Council of the Town, having reviewed the analysis in a public session, held the prescribed public hearing on September 6, 2005, and considered public comments has determined that: (1) the road improvement development fee is necessary to offset costs associated with meeting the future demand on the collector road system pursuant to population projections; (2) the road improvement development fee bears a reasonable relationship to the burden imposed upon the Town to provide new and improved collector roads to new residents; (3) the an "essential nexus" exists between the projected new residential development and the need for new and improved collector roads to be funded via the road improvement development fee; and (4) the amount of the road improvement development fee is "roughly proportional" to the pro rata share of new and improved collector roads needed to provide adequate municipal services to new residential development, while maintaining the existing level of service to Town residences; and

WHEREAS, the Town has prepared and released to the public with at least sixty (60) days advance notice, a notice of intent to adopt a road improvement development

fee in accordance to A.R.S. § 9-463.05(C), and a written report, including all documentation that support the imposition of a road improvement development fee; and

WHEREAS, the Town has conducted at least one public hearing held in accordance to A.R.S. § 9-463.05(C) on September 6, 2005 on the proposed road improvement development fee at least sixty (60) days after the expiration of the notice of intention to impose a new or increased development fee and at least fourteen (14) days prior to the scheduled date of adoption of the new or increased development fee by the Mayor and Council of the Town; and

WHEREAS, the road improvement development fee adopted pursuant to this Ordinance shall not be effective until at least ninety (90) days after its formal adoption by the Mayor and Council of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona that:

Section 1: Adoption of the Town of Dewey-Humboldt Road Improvement Development Fee pursuant to A.R.S. § 9-463.05.

The Town of Dewey-Humboldt Road Improvement Development Fee shall be assessed on all new residential development payable at the time of building permit issuance by the Town excepting those residential dwellings that will replace an existing dwelling on the same parcel, pursuant to this Ordinance as follows:

Residential	\$1,575 per dwelling unit
-------------	---------------------------

Section 2: Annual Development Fee Adjustment for Inflation.

(1) On July 1, 2006, and on July 1st of each year thereafter in which the Road Improvement Development Fee is in effect, the amount of the development fee, per dwelling unit, shall be automatically adjusted in compliance with applicable State law to account for inflationary increases in the cost of providing town facilities utilizing the most recent applicable data and construction cost index from the Engineering News Record for the Phoenix metropolitan area or derived from actual construction costs.

(2) Nothing herein shall prevent the governing body of the Town from electing to retain the existing Road Improvement Development Fee or from electing to waive the inflation adjustment for any given fiscal year, or years.

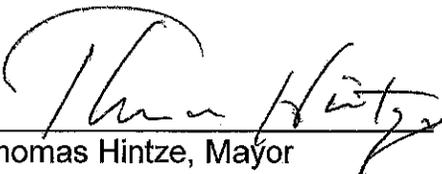
Section 3: Separability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

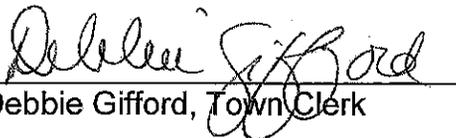
Section 4: Effective Date.

This Ordinance shall be effective at 12:01 a.m. on January 3, 2006, the ninety-first day following its adoption by the governing body of the Town of Dewey-Humboldt.

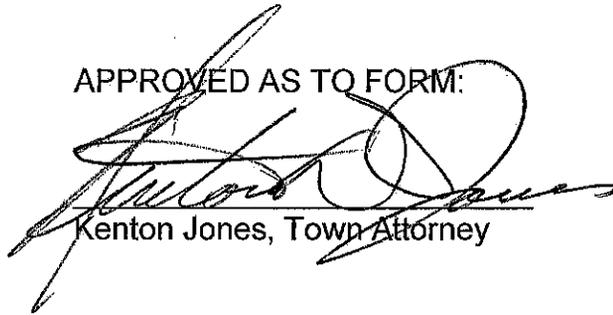
PASSED AND ADOPTED by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona, this 4 day of October, 2005.


Thomas Hintze, Mayor

ATTEST:


Debbie Gifford, Town Clerk

APPROVED AS TO FORM:


Kenton Jones, Town Attorney