PUBLIC HEARING

SUBJECT: REIMBURSEMENT AGREEMENT FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY - INDIANA STREET RECONSTRUCTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the time and place for a Public Hearing to discuss the establishment of a reimbursement fee for the construction of concrete improvements by the City during the Indiana Street Reconstruction Project. The concrete improvements include curbs, gutters, sidewalks and drive approaches in front of undeveloped properties and/or developed properties that lack these public improvements.

Section 20-40.1 of the Municipal Code stipulates that concrete improvements, once constructed, shall be reimbursed to the City of Porterville upon the issuance of a new building permit. Section 20-40.2 of the Municipal Code allows the City to recover the cost of the concrete improvements when the owner pulls a building permit(s) from the City and said permit(s) has a valuation of $15,000 or more within a two (2) year period.

Section 20-40.8 of the Municipal Code requires that each property owner affected by the project be notified of this Public Hearing. The owners have been notified of this meeting and made aware of the reimbursement amount due upon development of their property in accordance with Section 20-40.2 of the Municipal Code.

Upon approval of the attached Resolution, the City will record a general notice of “reimbursement fee” with the office of the Tulare County Recorder. The recorded document will officially notify the current owner and potential buyers that the property is subject to a concrete reimbursement fee.

Staff has calculated the cost of the concrete improvements constructed as a part of these two projects. The calculations are based on actual costs incurred by the City. A map of the affected property owners and the associated concrete reimbursement fee is attached for Council’s reference.

Dir ___ Appropriated/Funded ___ CM ___ Item No. 14
RECOMMENDATION: That the City Council:

1. Open the Public Hearing, take public comments, concerns and questions;

2. Approve the resolution Implementing Development Charges for Construction of Curbs, Gutters, Sidewalks, and Drive Approaches; and

3. Authorize staff to record a general notice of “Reimbursement Fee” with the office of the Tulare County Clerk-Recorder.

ATTACHMENTS: Resolution Locator Map Reimbursement Spreadsheet
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE IMPLEMENTING DEVELOPMENT CHARGES FOR CONSTRUCTION OF CURB, GUTTER, SIDEWALK AND DRIVE APPROACH IMPROVEMENTS IN CONNECTION WITH THE INDIANA STREET RECONSTRUCTION PROJECT

WHEREAS, the City of Porterville ("City") has installed street improvements (i.e., sidewalk, curb, gutter and driveways) to serve properties with the Indiana Street Reconstruction Project, shown on the locator map (Exhibit "A") attached hereto and hereby made a part hereof; and

WHEREAS, City has paid the entire cost of the construction of said street improvements as shown in the tabulation contained in Exhibit "B", which is attached and made a part hereof; and

WHEREAS, construction of said street improvements, including curb, gutter, sidewalk and drive approaches, was necessary to properly finish the street; and

WHEREAS, the property owner benefits from the improvements constructed across the frontage of his/her property; and

WHEREAS, equitable distribution of the cost of constructing said street improvements can only be obtained if the owner pays for the portion of construction of the improvements that benefit his/her property; and

WHEREAS, the owners of adjacent property have not paid, assumed or discharged any of the costs in connection with the construction of the street improvements listed on Exhibit "B"; and

WHEREAS, the described charges are a one-time charge and shall be used to reimburse the City and pay the City’s obligations with regard to the Local Transportation Fund used to fund the Indiana Street Reconstruction Project; and

WHEREAS, the City Council has held a duly noticed public hearing concerning these charges;
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE
DOES RESOLVE AS FOLLOWS:

1. The fees as set forth in Exhibit “B” will be required as a condition of
development with regard to the properties listed. “Development” shall include building
permits for substantial modifications in conformity with Porterville Municipal Code
Section 20-40.2 or any other grants of approval for development of the parcel.

2. City shall deposit, invest, account for, and expend the fees, pursuant to
the Mitigation Fee Act.

3. For existing single family residences subject to the charge, property
owners may, at the time reimbursement is required, enter into a contract with the City
for payment of the costs over a five year period.

4. At the time of Development, at the request of the property owner, the City
shall verify the costs to the owner by field measurements to ensure the accuracy of the
charge.

5. If the Development by the owner requires removal of any portion of the
city installed improvements, the cost of such portion of improvements shall be deducted
from the cost to be reimbursed by the owner.

6. Upon adoption of this Resolution, City shall record abstracts notifying
property owners of the imposition of the charges with the Tulare County Recorder’s
Office.

7. The fees shall go into effect in accordance with California law and the
specific conditions of approval established concerning the applicable permits and
applications.

ADOPTED this __________ day of ______________, 2005.

_________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By: Patrice Hildreth, Deputy City Clerk
### Indiana Street Reconstruction Project
Reimbursement for City Installed Improvements

<table>
<thead>
<tr>
<th>Owner Address</th>
<th>Curb\Gutter</th>
<th>Sidewalk</th>
<th>Driveway</th>
<th>Total</th>
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<tr>
<td>225 El Cielo Dr.</td>
<td>$4,680.00</td>
<td>$3,422.25</td>
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</table>

**Totals**: $12,401.99