

**SECTION 1:            AMENDMENT** “10.16.210 Reimbursement For Public Improvements” of the Payson Municode Code is hereby *amended* as follows:

AMENDMENT

10.16.210 Reimbursement For Public Improvements

Any person who expends funds to install municipal services or public improvements (i.e., curb and gutter, sidewalk, asphalt or concrete pavement, road base, sub-base, and geotextile fabric) associated with an approved development may receive reimbursement of part of that expense as follows:

- A. The party installing the public improvements shall enter into a written reimbursement agreement with the City prior to public improvements being installed.
- B. The amount of the reimbursement shall be limited to those improvements installed by the developer and addressed in the reimbursement agreement which:
  - 1. provide a direct benefit to property adjacent ~~to~~ or from the original location of the utilities to the location of the development of said improvements, and
  - 2. are greater than the roughly proportional share of improvements needed to service the development.
- C. If within ~~ten (10)~~ twenty (20) years from the date of the reimbursement agreement, a party develops property adjacent to the installed municipal services or public improvements described above, the developer who installed the public improvements shall at the time of completion of the development receive a reimbursement from the City in the amount described in ~~paragraph D~~ the Reimbursement Agreement. This reimbursement period may be extended for an additional ten (10) years if the original developer has not been fully reimbursed. To qualify for the extension, the developer must perform potholing of the utilities and demonstrate that the condition warrants a ten (10) year extension. If the utilities are found to require replacement or upsizing during the proposed extension period, the extension will not be granted. The potholing must be sufficient to access the condition of the utilities and must be conducted in the presence of representatives from both the developer and City. All associated costs will be the responsibility of the developer. Asphalt generally has a twenty (20) year life without any additional treatment. If the utilities were not properly installed or if the City records show a history of leaks or other issues, the City may deny the extension request. The developer of property adjacent to previously installed municipal services or public improvements shall pay to the City the amount for said installed municipal services or public improvements described in ~~paragraph D~~ the Reimbursement Agreement The money paid by the developing party pursuant to this Section is separate from and in addition to the payment of any other public related fees. In no event shall the amount of reimbursement exceed the amount actually collected by the City from the developer.
- D. The reimbursement payment for installed municipal services or public improvements,

street, curb, gutter, sidewalk, culinary water main, pressurized irrigation water main, wastewater sewer main, storm water main, and pavement (including road base, sub-base, and geotextile fabric) shall be at the rate per linear foot of street frontage as indicated in the written reimbursement agreement with the City ~~or as shown on the Consolidated Fee Schedule adopted by the Municipal Council.~~ In addition, Payson City shall collect an additional administrative fee of one dollar (\$1.00) per lineal foot of property frontage for administrative expenses or as adjusted and as shown in the Consolidated Fee Schedule.

- E. If Payson City installs public improvements at City expense, the City ~~may~~shall receive reimbursement from developing parties pursuant to this Section as though the City were a private party. The agreement described in paragraph A shall not be required for reimbursement to the City.
- F. The reimbursement payment described in paragraph C shall be paid to the City in its entirety prior to final plat approval. The rate of reimbursement per frontage foot shall be that rate which is in effect at the time of payment.