

**RESOLUTION NO. 2019-44**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, IMPOSING RECAPTURE FEES ON DEVELOPMENT BENEFITTING FROM THE CITY'S CONSTRUCTION OF AN EIGHTEEN INCH (18") SEWER INTERCEPTOR LINE.**

**WHEREAS**, the City of Fruita is in the process of constructing an eighteen inch (18") sewer interceptor line from the intersection of the 18 Road alignment and the River Road right-of-way (River Road lies between the Interstate 70 right-of-way and Union Pacific right-of-way) easterly to a point just east of the 18 ½ Road alignment and the interceptor line will then cross the Union Pacific Railroad right-of-way and the Highway 6 & 50 right-of-way to a point approximately one thousand feet (1,000') east of the 18 ½ Road alignment and will then cross the Grand Valley Irrigation Company's independent ranchman's ditch into 1860 Highway 6 & 50; and

**WHEREAS**, the sewer interceptor line being constructed is expected to allow development of over three hundred (300) acres in accordance with the Fruita Community Plan; and

**WHEREAS**, the City Council finds and determines that the Fruita Sewer Fund should be partially reimbursed for the costs of constructing the above described sewer interceptor line from future development that will be obligated by the City to utilize the new interceptor line as such future development occurs and new taps are issued within the area described in Exhibit "A", attached hereto and incorporated herein (the "Recapture Area").

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:**

**Section 1.** All persons or entities desiring to develop property within the Recapture Area shall pay the sum of two thousand dollars (\$2,000.00) per EQR (the "Recapture Fees"), based on the estimated construction cost of two million two hundred thousand dollars (\$2,200,000.00), two hundred thousand dollars (\$200,000.00) to be paid by BookCliff Orchards, LLC ("BookCliff") in connection with the Ironwheel Subdivision presently under review by the City of Fruita and projected grants from the Department of Local Affairs in the amount of three hundred and twenty-five thousand dollars (\$325,000.00) and one hundred sixty two thousand five hundred dollars (\$162,500.00), respectively.

**Section 2.** The recapture fee described above shall be paid by any individual or entity seeking to develop property within the Recapture Area prior to the start of construction of any development improvements.

**Section 3.** The Recapture Fees shall be collected by the City of Fruita until the actual cost of the above described sewer interceptor line has been collected and recaptured by the City. Said recapture fees shall be collected by the City of Fruita at the time of issuance of a planning clearance or application for sewer service.

**Section 4.** The Recapture Fees described herein may be revised based upon a final determination of the actual costs of constructing the sewer interceptor line incurred by the City described herein.

**Section 5.** Notwithstanding anything contained herein, Bookcliff shall not be subject to any Recapture Fees in connection with the Ironwheel Subdivision, as more fully described in **Exhibit "B"**, attached hereto and incorporated herein. This recapture should only apply to the Preliminary Plan approved by City Council on August 7, 2018.

**Section 6.** Nothing herein shall be construed as precluding the City from imposing the Recapture Fees on any persons or entities desiring to develop property outside the Recapture Area who voluntarily elect to connect to the sewer interceptor line.

**Section 7.** All funds received from the collection of the recapture fees herein described shall be credited to the Fruita Sewer Fund upon receipt of said fees.

**Section 8.** Payment of the Recapture Fees shall in no way relieve a planning clearance applicant from paying all other fees and charges applicable to the property in question in accordance with the requirements of the Fruita Municipal Code.

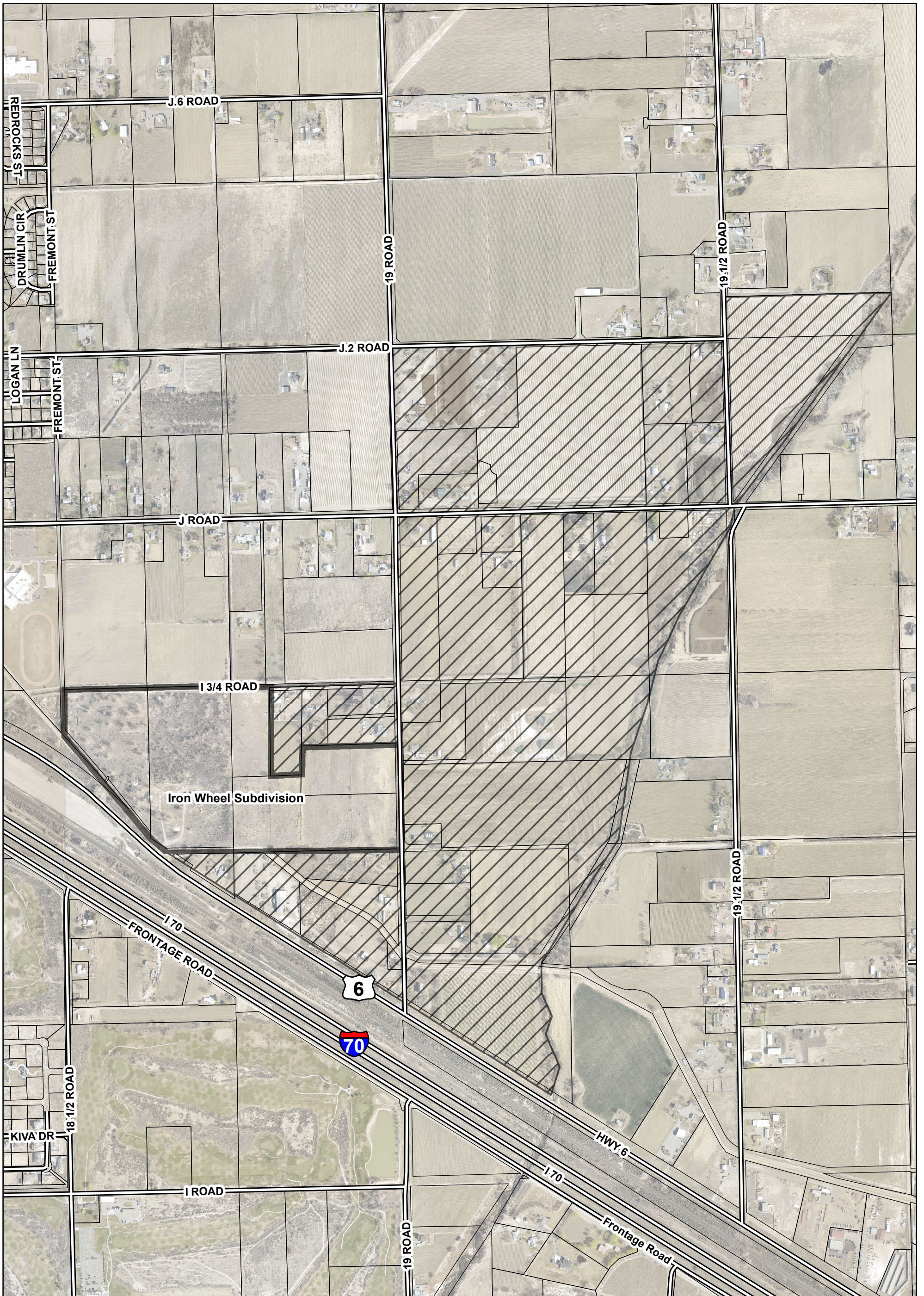
**INTRODUCED, READ, PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO HELD ON September 17, 2019.**

CITY OF FRUITA

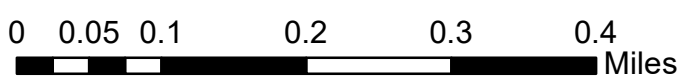
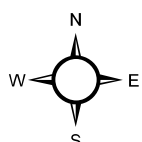
\_\_\_\_\_  
Joel Kincaid, Mayor

ATTEST:

\_\_\_\_\_  
Margaret Sell, City Clerk



**EXHIBIT A**  
**Highway 6 Recapture Area**



Legend	
	ROADS
	RECAPTURE ZONE AREA
	AREA PARCELS
	IRON WHEEL SUBDIVISION

## **Exhibit B**

### **Iron Wheel Subdivision Legal Description**

A parcel of land situated in the S  $\frac{1}{2}$  NE  $\frac{1}{4}$ , Section 21, Township 1 North, Range 2 West of the Ute Meridian, City of Fruita, Mesa County Colorado, more particularly described as:

All that part of the E  $\frac{1}{2}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  and W  $\frac{1}{2}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of said Section 21, lying North of the Right-of-Way of the Grand Valley Canal; Excepting therefrom any portion thereof lying within Highway 6 & 50 Right-of-Way.

Lot 1 of Skiff Minor Subdivision; Excepting therefrom that portion thereof lying within Iron Wheel Ranch P.U.D. Filing No. 1

Lot 3 of Skiff Minor Subdivision.

Lot 4 of Skiff Minor Subdivision.

Lot 5 of Iron Wheel Ranch P.U.D. Filing No. 1.

Area = 57.72 acres