



STATE OF COLORADO
TOWN OF LARKSPUR, COLORADO

ORDINANCE NO. 3.120

**AN ORDINANCE AMENDING SECTIONS 16-6-30 AND 17-3-20 OF THE
LARKSPUR TOWN CODE TO PROVIDE FOR IMPROVEMENT
AGREEMENTS IN CONNECTION WITH APPROVAL OF SITE PLANS OR
SUBDIVISIONS WITHIN THE TOWN OF LARKSPUR, COLORADO**

WHEREAS, the Town Council for the Town of Larkspur is authorized, pursuant to the Town's Home Rule Charter, the Colorado Constitution, and state law, to administer the affairs of the Town, including adopting ordinances, in furtherance of the health, safety and welfare of the Town's inhabitants; and

WHEREAS, approval of site plans and subdivisions within the Town often involve the construction or expansion of public improvements; and

WHEREAS, it is in the interest of the public health, safety, and welfare to adopt procedures to ensure that public improvements associated with approval of a site plan or a subdivision, as well as private improvements that may affect the public, are completed as planned or represented, and

WHEREAS, the Town Council has determined that it is appropriate to require that an improvement agreement be entered into in connection with approval of any site plan or subdivision to ensure completion of such improvements.

**NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LARKSPUR
HEREBY ORDAINS AS FOLLOWS:**

1. Section 16-6-30 of the Larkspur Town Code which relates to site plans for the development of lands within the Town is amended by adding subsection (h), which provides as follows:

(h) Subdivision Improvement Agreement. Unless waived by Town Council, the applicant shall enter into a site plan improvement agreement in a form acceptable to the Town agreeing to construct (1) any required public improvement shown on the site plan and (2) any private improvement shown on the site plan or associated with the development of the property, the completion of which will provide a

benefit to the public including but not limited to landscaping and re-vegetation. The agreement shall provide for the applicant to supply collateral or security which is sufficient in amount as determined by the Town and in a form deemed acceptable to the Town including but not limited to a performance bond, cash deposit, or letter of credit, to ensure the completion of said improvements. As improvements are completed and initially or finally accepted by the Town, the applicant may apply to the Town Council for release of part or all of the collateral or other security provided in connection with such improvements. If the Town engineer or Town Council determines that any such improvements are not constructed in substantial compliance with specifications or within the time provided in the agreement, the Town shall furnish the applicant a list of specific deficiencies and shall be entitled, but not required, to utilize the security or collateral to construct or complete construction of such improvements to the extent deemed appropriate by the Town.

2. Section 17-3-20 of the Larkspur Town Code which relates to subdivision of lands within the Town is amended by adding subsection (c), which provides as follows:

(c) Subdivision Improvement Agreement. Unless waived by Town Council, the applicant shall enter into a subdivision improvement agreement in a form acceptable to the Town agreeing to construct (1) any required public improvement shown on the plat and (2) any private improvement shown on the plat or associated with the subdivision, the completion of which will provide a benefit to the public including but not limited to landscaping and re-vegetation. The agreement shall provide for the applicant to supply collateral or security which is sufficient in amount as determined by the Town and in a form deemed acceptable to the Town including but not limited to a performance bond, cash deposit, or letter of credit, to ensure the completion of said improvements. As improvements are completed and initially or finally accepted by the Town, the applicant may apply to the Town Council for release of part or all of the collateral or other security provided in connection with such improvements. If the Town engineer or Town Council determines that any such improvements are not constructed in substantial compliance with specifications or within the time provided in the agreement, the Town shall furnish the applicant a list of specific

deficiencies and shall be entitled, but not required, to utilize the security or collateral to construct or complete construction of such improvements to the extent deemed appropriate by the Town.

3. Repeal

Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

4. Validity

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town of Larkspur hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

5. Effective Date

Pursuant to the provisions of Section 3.14 of the Larkspur Town Charter, this ordinance shall take effect five (5) days after posting. The Clerk is directed to post the ordinance the day following its approval.

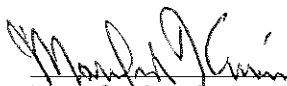
INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR AFTER PUBLIC HEARING AND SIGNED THIS 18th DAY OF MAY 2017.

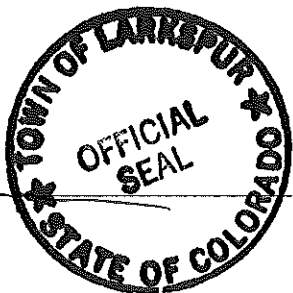
Votes Approving: 5
Absent: 2

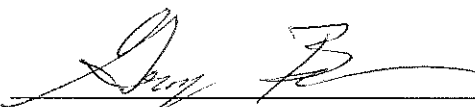
Votes Opposed: 0
Abstained: 0

ATTEST:

TOWN COUNCIL OF THE
TOWN OF LARKSPUR, COLORADO


Manfred Krimmer
Town Clerk



By: 
Gerry Been
Mayor