



STATE OF COLORADO
TOWN OF LARKSPUR, COLORADO

ORDINANCE NO. 3.121

AN ORDINANCE AMENDING SECTION 16-6-30 AND ADDING SECTION 17-2-80 OF THE LARKSPUR TOWN CODE TO PROVIDE FOR EXPENSE REIMBURSEMENT 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 substantial staff time and involvement of other personnel on behalf of the Town, including but not limited to engineers, attorneys, and planners; and

WHEREAS, so as not to unduly burden the taxpayers within the Town of Larkspur, it is the policy of the Town Council to require that new development within the Town, including developments involving site plans and subdivisions, pay the costs associated with such development, including but not limited to all costs incurred by the Town in connection with such development; and

WHEREAS, it is in the interest of the public health, safety, and welfare to adopt procedures to ensure that developers of site plans and subdivisions bear the costs and expenses incurred by the Town in connection with their development.

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 (i), which provides as follows:

(i) Expense Reimbursement Agreement. Unless waived by Town
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Council, the applicant shall enter into an expense reimbursement agreement in a form acceptable to the Town agreeing to (1) reimburse the Town for all costs and expenses incurred in connection with the Town's review, consideration, and implementation of the proposed site plan, including but not limited to staff time, engineering fees, attorney fees, and planning fees, and (2) provide a deposit in an amount reasonably determined by Town staff to ensure that the Town's expenses will be reimbursed.

2. Chapter 17 of the Larkspur Town Code which relates to subdivision of lands within the Town is amended by adding Section 17-2-80, which provides in its entirety as follows:

Sec. 17-2-80. Reimbursement of Town Expenses

Unless waived by Town Council, the applicant shall enter into an expense reimbursement agreement in a form acceptable to the Town agreeing to (1) reimburse the Town for all costs and expenses incurred in connection with the Town's review, consideration, and implementation of the proposed subdivision, including but not limited to staff time, engineering fees, attorney fees, and planning fees, and (2) provide a deposit in an amount reasonably determined by Town staff to ensure that the Town's expenses will be reimbursed.

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.

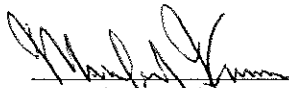
INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR AFTER PUBLIC HEARING AND SIGNED THIS 18TH DAY OF MAY, 2017.

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| Votes Approving: | <u>5</u> |
| Votes Opposed: | <u>0</u> |
| Absent: | <u>2</u> |
| Abstained: | <u>0</u> |



ATTEST:

TOWN COUNCIL OF THE
TOWN OF LARKSPUR, COLORADO



Manfred Krimmer
Town Clerk

By:  

Gerry Been
Mayor