

RESOLUTION NO. 561

A RESOLUTION OF THE CITY OF GIG HARBOR PROVIDING FOR THE CREDIT OF CERTAIN IMPACT AGAINST LID ASSESSMENTS FOR LID NO. 99-1.

WHEREAS, both the City's impact fee ordinance and the state law affecting LID's allows the City to consider impact fees as a credit against special assessments under an LID (RCW 82.02.060(4), 35.43.186); and

WHEREAS, the City desires to allow the property owners a credit under the special assessment and/or impact fee in order to ensure the impact fees are imposed fairly; and

WHEREAS, the City Council of the City of Gig Harbor adopted Ordinance No. 828 on December 15, 1999 imposing transportation and park impact fees on new developments to provide funding for the developments' proportionate share of improvements; and

WHEREAS, the City Council adopted Ordinance No. 833 on December 13, 1999 creating Local Improvement District No. 99-1 ("LID No. 99-1") to finance the construction and installation of street and drainage improvements in the East-West Road area of the City; and

WHEREAS, some property owners in LID No. 99-1 are expected to apply for building permits prior to the time that the assessment roll for LID No. 99-1 is confirmed;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON HEREBY RESOLVES AS FOLLOWS:

Section 1:

If a developer that owns property in LID No. 99-1 pays an impact fee imposed pursuant to Ordinance No. 828 prior to the time that the final assessment roll for LID No. 99-1 is confirmed, the portion of the impact fee attributable to the improvements to be constructed in LID No. 99-1 shall be credited against the assessment to be levied on that developer's property in LID No. 99-1. If a developer that owns property in LID No. 99-1 applies for a building permit prior to the confirmation of the roll, the Public Works Director and Finance Director are hereby authorized and directed to determine the amount of the impact fee attributable to improvements to be constructed in LID No. 99-1 and to provide to the developer a certificate as to the amount that will be credited against the assessment to be levied in LID No. 99-1. If the final assessment exceeds the impact fee credit, the property owner shall be required to pay the difference. The property owner shall have the right to pay the difference in the same manner as other property owners in LID No. 99-1 are permitted to pay their assessments.

The City Council hereby directs the Finance Director to mail a copy of this resolution to all property owners within LID No. 99-1.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
at a Regular Meeting thereof this 23rd day of October, 2000.

Gretchen A. Wilbert, Mayor

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

FILED WITH THE CITY CLERK: 10/17/00
PASSED BY THE CITY COUNCIL: 10/23/00