

**WHEN RECORDED MAIL TO:
CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, AZ 85349
ATTN: CITY CLERK**

**OFFICIAL RECORDS OF
YUMA COUNTY RECORDER
SUSAN MARLER**



FEE #: 2005 – 19809

**05/09/2005 12:55 PAGES: 0004
FEES: 3.00 8.00 1.00 .00 .00
REQ BY: CITY OF SAN LUIS
REC BY: PATTY MAGANA**

The above area is to be reserved for recording information

C A P T I O N H E A D I N G :

Ordinance No. 225



OFFICE OF THE
MAYOR
CITY OF SAN LUIS

Ordinance

ORDINANCE NO. 225

AN ORDINANCE OF THE CITY OF SAN LUIS, ARIZONA
AMENDING CERTAIN SECTIONS OF ARTICLE 6-7 OF THE CITY
CODE RELATING TO IMPACT FEES; REPEALING ANY
CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY;
AND DECLARING AN EMERGENCY

Whereas the impacts of development occur at the time a subdivision is created and there is an immediate present financial need for receipt of impact fees to cover the costs of growth within the community of the City of San Luis; and

Whereas there needs to be flexibility in the use of impact fees to cover the costs of the infrastructure needed to service the demands of new growth;

BE IT ORDAINED by the Mayor and Council of the City of San Luis, Arizona, as follows:

Section 1: Section 6-7-10 – Impact Fee: Assessments, subsection A, of the City Code, is hereby amended to read as follows:

A. All impact (development) fees are to be assessed at the time a building permit is issued or upon the final approval of a subdivision plat, whichever is first to occur, or as specified in a development agreement. In the event that this ordinance goes into effect at a time that a subdivision has been approved for development, but building permits for all individual lots have not been issued, the fees shall be paid for all remaining undeveloped lots within thirty (30) days of the effective date of this ordinance, unless otherwise provided in a development agreement. Council may approve the development of a subdivision or subdivisions in phases. Fees shall be paid before the recording of any plat for a subdivision or phase of a subdivision. Real estate closing documents involving any parcel of land or improvements are to provide written notification of the fact that an impact fee has been assessed or paid and the location of a public office where information about the rights and obligations arising from the assessment or payments of the fee may be obtained.

Section 2: Section 6-7-6 – Impact Fee Program Management of the City Code is hereby amended to read as follows:

The Finance Director of the City of San Luis shall establish policies for the management of impact fees. Said policies shall be in accordance with state law.

Section 3: Section 6-7-7 (A) (3) of the City Code dealing with impact fee standards and recoupment is hereby amended to read as follows:

Impact fees are to be used in expended for the benefit of the benefit area that pays the impact fee in accordance with the provisions of state law. Impact fees are to be encumbered for public facilities within seven years after the date of collection, except when a development agreement provides for a longer time. This time may be extended by the Council for a period not to exceed five years. If impact fees are not encumbered within seven years, or another date as specified in a development agreement, or within such time as extended by the Council, the city is to refund the amount of the impact fee, along with the accrued interest on the amount of the fee at the average annual rate of interest earned by the trust fund during the period, to the owner of the property on which the fee was paid.

Section 4: In the event of a conflict between the provisions of this Ordinance and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this ordinance shall govern.

Section 5: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

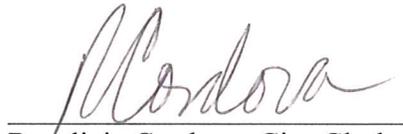
Section 6: Whereas, it is necessary for the preservation of the peace, health, safety and welfare of the City of San Luis, Arizona, and for further reason that financial considerations, and the best interest of the City require the amendments to go into immediate effect, an emergency is declared to exist, and this ordinance shall become immediately operative and in force from and after the date of posting hereof.

PASSED AND ADOPTED by the Mayor and Council of the City of San Luis, Arizona,
this 23rd day of March, 2005.



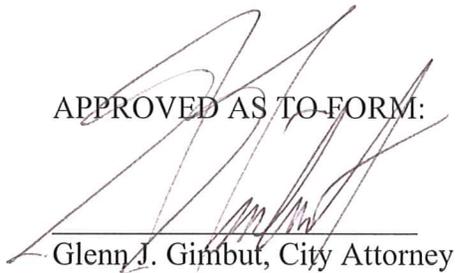
Guillermina Fuentes, Mayor

ATTEST:



Rosalicia Cordova, City Clerk

APPROVED AS TO FORM:



Glenn J. Gimbut, City Attorney

19809

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