

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 – 32774

07/29/2005 10:19 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. 232



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

ORDINANCE NO. 232

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 orderly continued growth of the City of San Luis is in the best interests of the community; and

Whereas the facilitation of that growth has required a reconsideration of certain amendments made by Ordinance No. 255 of the City of San Luis; and

Whereas there are current housing subdivisions that need to be accommodated by the changes proposed by this ordinance; and

Whereas those changes need to go into immediate effect so as to prevent inequitable treatment under the law for certain properties currently under development;

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

Section 1: The City Council of the City of San Luis, as a matter of policy clarification, hereby declares that the impact fee assessments made by Article 6-7 of the City Code shall apply to undeveloped lots in the City of San Luis and the current fee, as adopted by the City, shall apply to lots even if there was a development agreement between the developer and the City which provided for payment of "impact fees," unless the development agreement specifically prohibits said collection. In making this policy, it is recognized that previous development agreements provided for the payment of fees which were labeled "impact fees" but were not development fees pursuant to Title 9 of the Arizona Revised Statutes, but rather were negotiated amounts paid pursuant to agreement on a contract – by – contract basis.

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52774

Section 2: Section 6-7-10 – Impact Fee: Assessments, subsection A, of the City Code, is hereby amended to read as follows:

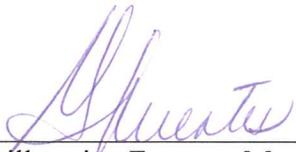
A. All impact (development) fees are to be assessed at the time a building permit is issued, or as specified in a development agreement. In that a subdivision has been approved for development, but building permits for all individual lots have not been issued, the current fees shall be paid for all remaining undeveloped lots as are in effect at the at the time of the issuance of the building permit. In the event a fee has been assessed for a subdivision, but building permits for all individual lots have not been issued, unless specifically prohibited by the development agreement, the current development fee shall be charged for said lot at the time of the issuance of the building permit, in full. 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 3: 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 4: 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 5: 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 22nd day of June, 2005.



Guillermina Fuentes, Mayor

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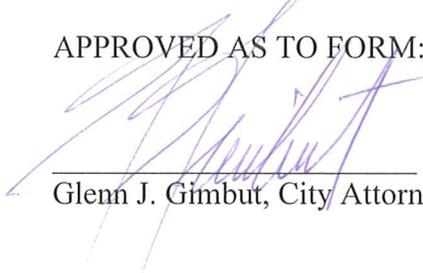
32774

ATTEST:



Rosalicia Cordova, City Clerk

APPROVED AS TO FORM:



Glenn J. Gimbut, City Attorney

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