

ORDINANCE NO. 498 N.S.

AN ORDINANCE REQUIRING PAYMENT OF FEE TO DEFRAY
COST OF CONSTRUCTING BRIDGES AND INCIDENTS THEREOF

The City Council of the City of El Paso de Robles does ordain that the following Sections be added to Chapter 12.19 of the Municipal Code:

12.19.070: Government Code Section 66484 authorizes a municipality to require the payment of fees as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways and canyons as provided in the circulation element of the General Plan and specifically as provided in the flood control provisions, and the circulation element thereof.

12.19.080: This Ordinance is intended to require payment of such fees for the purpose of constructing bridges over waterways, railways, and freeways as follows:

1. The City Council will hold public hearings before setting bridge fees for each area benefitted; and notice of hearings will be given pursuant to Section 65091, and such notice shall include preliminary data related to the boundaries of the area of benefit, estimated costs, and the method of fee apportionment; and the public hearings will establish the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs and fee apportioned to the area of benefit. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of any map or building permit application considered at the proceedings. Bridge fees may be established identifying railways, freeways, streams, rivers and canyons over which bridge crossings are required pursuant to such General Plan and the transportation, flood control, and circulation elements thereof.

2. The method of fee apportionment shall not provide for higher fees on land which abuts the proposed improvement if the improvement is deemed to be a major thoroughfare except where the abutting properties provided direct, usable access to the major thoroughfare. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing, shall be incorporated in a resolution of the City Council; a certified copy of which shall be recorded by the City Council conducting the hearing with the recorder of the county in which the area of benefit is located. The apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or as a condition of issuing a building permit for the property. Where the area of benefit includes land not subject to the payment of fees pursuant to this section, the governing agency shall make provision for payment of the share of improvement costs apportioned to those lands from other sources.

3. The apportioned fees shall be a condition of approval of a final map and/or as a condition of issuing a building permit for the property or portions of the property.

4. The payment of fees shall not be required unless (but only in the case where the fees pay for major thoroughfares) the thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.

5. The payment of fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at that time of adoption of the boundaries of the area of benefit; and such fees shall not be expended to reimburse the cost of existing bridge facility construction.

6. If within the time when protests may be filed, there is a written protest filed with the City Clerk by the owners of more than one-half of the area of the property to be benefitted by the improvement and sufficient protests are not withdrawn so as to be benefitted, then the proposed proceedings shall be abandoned and the City Council shall not, for one year from the filing of that written protest, commence or carry on any proceeding for the same improvement or acquisition under the provisions of Government Code Section 66484, with the understanding that:

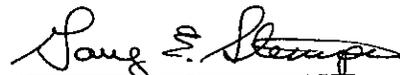
- A.) Any protest may be withdrawn by the owner protesting, in writing, at any time prior to the conclusion of the public hearing held in accordance with this ordinance,
- B.) If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of Government Code Section 66484 to construct that portion of the improvement so protested against shall be barred for a period of one year, but the City Council may commence new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section shall prohibit the City Council, within the one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by affirmative vote of four-fifths or its members, that the owners of more than one-half of the area of the property to be benefitted are in favor of going forward with that portion of the improvement or acquisition.
- C.) Nothing in this ordinance precludes the processing and recordation of maps in accordance with other provisions of Title 7, Division 2 of the Government Code if the proceedings are abandoned.
- D.) Fees paid pursuant to this ordinance shall be deposited in the Bridge Fee Fund No. 336, and money in this fund shall be expended solely for the construction or reimbursement for construction of the bridge improvement serving the area to be benefitted and from which fees comprising the fund were collected, or to reimburse the local agency for the cost of constructing the improvement.
- E.) Acceptable considerations for payments of the fees are limited to:
 - 1. U.S. currency
 - 2. City of El Paso de Robles Bridge Fee Certificates
 - 3. Check, as defined in Section 3104 of the California Uniform Commercial Code
 - 4. Certified Check
- F.) The City may incur an interest-bearing indebtedness for the construction of bridge facilities, but the sole security for repayment of that indebtedness shall be moneys in the Bridge Fee Fund No. 336.
- G.) The term "construction" as used in this ordinance includes design, acquisition of right-of-way, administration of construction contracts, and actual construction.
- H.) The City may advance funds from its general fund or road fund to pay the cost of construction of the improvements and may reimburse the general fund or road fund for any advances from planned bridge

facility or major thoroughfare funds established to finance the construction of those improvements.

12.19.090: The fees are required to be stipulated by resolution of the City Council, the Council may from time to time set fees and issue regulations for implementation of the ordinance.

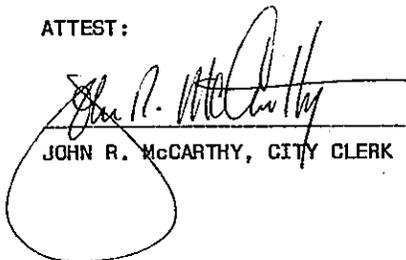
PASSED AND ADOPTED this 2nd day of April, 1985, by the following roll call vote:

AYES: Councilpersons Cousins, Ovitt, Russell, Thorndyke and Stemper
 NOES: None
 ABSENT: None



GARY E. STEMPER, MAYOR

ATTEST:



JOHN R. McCARTHY, CITY CLERK

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