



Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Legislation Details (With Text)

File #: 0357-20 **Version:** 2 **Name:** Review of the Exaction Program
Type: Resolution **Status:** Approved
File created: 3/13/2020 **In control:** Urban County Council
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Enactment date: 3/19/2020 **Enactment #:** R-180-2020

Title: A Resolution adopting Expansion Area Exaction Rate Tables for January 1, 2015 and March 1, 2020 for roads, parks, stormwater, open space, sewer transmission and sewer capacity to reflect actual and/or Contracted costs for eligible system improvements constructed for the Dept. of Finance, the Dept. of Environmental Quality and Public Works, and the Div.s of Planning and Engineering, and further authorizing and directing the administration to engage necessary consultants to perform a comprehensive review of the existing exactions program to determine whether alternatives exist to equitably allocate and distribute the costs of improvements in the expansion areas, with the ultimate objective of bringing the program to a full and final conclusion. [Council Office, Maynard]

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2 - Exaction rate table update BFED 2020-03-17, 2. 2 - Draft Resolution w Attachments - Expansion Area Rate Tables 2015-2020, 3. 2 - RATE TABLE 2015 EXHIBIT A, 4. 2 - RATE TABLE 2020 EXHIBIT B, 5. 00682082.pdf, 6. R-180-2020

Date	Ver.	Action By	Action	Result
3/19/2020	2	Urban County Council	Approved	Pass
3/17/2020	2	Urban County Council	Received First Reading	

A Resolution adopting Expansion Area Exaction Rate Tables for January 1, 2015 and March 1, 2020 for roads, parks, stormwater, open space, sewer transmission and sewer capacity to reflect actual and/or Contracted costs for eligible system improvements constructed for the Dept. of Finance, the Dept. of Environmental Quality and Public Works, and the Div.s of Planning and Engineering, and further authorizing and directing the administration to engage necessary consultants to perform a comprehensive review of the existing exactions program to determine whether alternatives exist to equitably allocate and distribute the costs of improvements in the expansion areas, with the ultimate objective of bringing the program to a full and final conclusion. [Council Office, Maynard]

WHEREAS, an updated Expansion Area Exaction Rate Table for roads, parks, stormwater, open space, sewer transmission, and sewer capacity, was previously approved by Resolution No. 496-2005 on September 22, 2005, for the Department of Finance, the Department of Public Works, and the Divisions of Planning and Engineering, to reflect actual and/or Contracted costs for eligible system improvements constructed since the previous update; and

WHEREAS, an updated Expansion Area Exaction Rate Table for Rd.s, parks, stormwater, open space, sewer transmission, and sewer capacity, was previously approved by Resolution No. 149-2010 on March 25, 2010, for the Department of Finance, the Department of Environmental Quality and Public Works, and the Divisions of Planning and Engineering, to reflect actual and/or Contracted costs for eligible system improvements constructed since the 2005 update; and

WHEREAS, the Urban County Council desires to adopt an updated Expansion Area Rate Table for January 1, 2015, for Rd.s, parks, stormwater, open space, sewer transmission, and sewer capacity, on behalf of the Department of Finance, the Department of Environmental Quality and Public Works, and the Divisions of Planning and Engineering, to reflect actual and/or Contracted costs for eligible system improvements constructed since the previous update in 2010; and

WHEREAS, the Urban County Council desires to simultaneously adopt an updated Expansion Area Rate Table for March 1, 2020, for Rd.s, parks, stormwater, open space, sewer transmission, and sewer capacity, on behalf of the Department of Finance, the Department of Environmental Quality and Public Works, and the Divisions of Planning and Engineering, to reflect actual and/or Contracted costs for eligible system improvements constructed since 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That updated Expansion Area Exaction Rate Tables for January 1, 2015 and March 1, 2020, which are attached hereto and incorporated herein by reference as Exhibit A and Exhibit B, respectively, for Rd.s, parks, stormwater, open space, sewer transmission, and sewer capacity, be and hereby are adopted to reflect actual and/or Contracted costs for eligible system improvements constructed since the last update approved by Resolution No. 149-2010 on March 25, 2010, on behalf of the Department of Finance, the Department of Environmental Quality and Public Works,

and the Divisions of Planning and Engineering.

Section 2 - That the Expansion Area Rate Table for January 1, 2015 (Exhibit A) is to be applied in a manner such that qualified development activity which took place after January 1, 2015 but before March 1, 2020 would be eligible to have those rates apply in lieu of the Expansion Area Exaction Rate Table approved by Resolution No. 149-2010.

Section 3 - That the Administration be and hereby is authorized and directed to engage necessary consultants to perform a comprehensive review of the existing exactions program to determine whether alternatives exist to equitably allocate and distribute the costs of improvements in the Expansion Areas, with the ultimate objective of bringing the program to a full and final conclusion.

Section 4 - If any section, subsection, sentence, clause, phrase, or portion of this Resolution, including Exhibit A and Exhibit B attached hereto and incorporated herein by reference, is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: