



PLANNING & DEVELOPMENT – INFRASTRUCTURE REIMBURSEMENT

Developers are sometimes required to install offsite infrastructure improvements to serve their development as defined in City Code 1.16.040. These improvements may include extension of water, sanitary sewer mains and construction of streets. In some cases, these improvements directly benefit adjacent landowners. Section 1.16.070 of the Cheyenne City Code provides a process for the initial developer (DEVELOPER) to recoup a proportionate share of these costs from adjacent landowners (LATECOMERS) who directly benefit from all or a portion of the improvements. A latecomer may be required to reimburse the developer as a condition of approval for a development action (*def. 1.16.010*). Conditioning a latecomer's development action may occur when the development action substantially and/or directly benefits from the infrastructure previously installed by the developer. Reimbursement may occur only after the developer has completed the reimbursement application process in its entirety. This reimbursement obligation may be in effect for up to 20 years after the infrastructure has been installed. It will be the developer's responsibility to maintain current contact information with the City.

The purpose of this application is:

- (1) Identify reimbursable improvements; identify affected properties; and identify proportionate costs for the affected properties.
- (2) Assure all affected properties are fairly notified and informed.
- (3) Assure that subsequent landowners of adjacent properties are aware of the obligation.
- (4) Assure appropriate documentation is received.

A completed application for reimbursement must be received **no later than ninety (90) days after City and/or BOPU acceptance of the reimbursable improvements**. The application must be accompanied by a **\$500.00** application fee. Once received, the application will be evaluated by appropriate city agencies. The evaluation will include, but is not limited to, 1) validation of actual costs and 2) reasonable apportionment of costs. The review process may include requesting additional information from the developer and revisions to the reimbursable amounts.

The developer will then be responsible for notifying affected property owners of the pending infrastructure reimbursement obligation by certified/return receipt mail. Once the notifications have been mailed a minimum of twenty (20) days must pass to give the affected property owners time to review the proposed reimbursement. This time period may be extended should new issues arise. Once the notification process is complete the developer may receive final approval from the City. After final approval the developer will properly record a "NOTICE OF POTENTIAL INFRASTRUCTURE IMPROVEMENT REIMBURSEMENT" for each affected property.



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PART I: DOCUMENTATION REQUIRED WITH SUBMITAL

1. Completed application page with original signatures (attached below).
2. City acceptance letter for infrastructure.
3. Summary page signed and dated by the responsible agent with original signatures. Revised Summary pages will be required if changes are made. (attached below)
4. Supporting documentation. Accepted bid documents and asset sheets or other documentation showing the actual cost of the project including an **itemized breakdown** of all costs.
 - a. Water and Sewer projects that involve over sizing paid for by the BOPU must show the portion paid for by the BOPU.
 - b. Street projects need to be sufficiently disaggregated in order to establish equitable apportionment of costs (For Example: Sidewalks adjacent to the development should not be apportioned to the undeveloped land across the street. Your information submitted must be sufficiently detailed to identify that the cost of the sidewalk was not included in the reimbursement.).
 - c. Additional information may be required.
5. Map(s) to scale showing the properties affected by the reimbursement and the reimbursable improvements. Include ownerships, addresses, legal descriptions, relevant lot dimensions and any other pertinent information.
6. Calculations showing how the reimbursable amounts for each parcel were determined and a detailed description of the method of apportionment. **Note:** In most cases the reimbursement area is established based on the linear frontage of the adjacent properties to the reimbursable infrastructure. If applicant establishes reimbursable amounts on basis other than lineal feet, applicant shall provide a reasonable explanation for selecting its calculation method.

PART II: NOTIFICATION REQUIREMENTS – Minimum

1. After completion of the initial City review and any revisions or modifications, the developer will be given notice to proceed with notifications.
2. A Letter to each affected property owner by certified/return receipt is required after initial City review. A copy of this letter and of the certified receipts shall be submitted to the Development Office at time of notification.
3. Each letter must show the reimbursable amount for ALL landowners in the reimbursement area broken down into the components of water, sewer, roads etc. with the calculations used.
 - a. The letter must clearly identify the developer as the primary point of contact for questions regarding the reimbursement.
 - b. The landowner must clearly be instructed to make any written comments within 20 days addressed to the developer and copied to the Development Office. Any written response by the developer may be copied to the Development Office.
 - c. The Development Office reserves the right to extend the 20 days in order to address legitimate concerns by affected property owners.

PART III: RECORDING NOTICES AT COUNTY CLERK'S OFFICE

1. Upon completion of the notification process and final City approval the developer will be notified by the City. The developer is then responsible for recording A NOTICE OF POTENTIAL INFRASTRUCTURE REIMBURSEMENT for each affected property. Copies of the recorded documents shall be provided to the Development Office for the file (attached below).

(Rev.: 010818, LP)



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APPLICATION FOR REIMBURSEMENT

Name of Project: _____

Project Address: _____

Legal Description of Site: _____

Owner: _____ Telephone: _____

Owner's Address: _____

Applicant/Agent: _____ Telephone: _____

Applicant/Agent's Address: _____

Reimbursement Checks to the developer are payable to:

Infrastructure improvement to be reimbursed (circle if applicable):

Water Sewer Streets Other _____

Have any of these improvements been accepted by the City and/or BOPU? Yes No

If yes, what improvements and when _____

What was the Construction Cost Index for Twenty Cities, as published in the Engineering News Record at the time of construction?

CCI: _____ Date of publication: _____

Please attach copy of publication page or internet printout

<http://enr.construction.com/features/coneco/recentindexes.asp>

The developer entitled to reimbursement agrees to indemnify the city for, and hold the city harmless from, any suit or action for slander of title that is or may be brought against the city as a result of any filing or action imposed pursuant to this article.

Party to be reimbursed

Date

Summary Table of Affected Parcels and Reimbursements Due

Parcel	Address & Legal	Streets	Water	Sewer	Other	Total
A		\$	\$	\$	\$	\$
B		\$	\$	\$	\$	\$
C		\$	\$	\$	\$	\$
D		\$	\$	\$	\$	\$
E		\$	\$	\$	\$	\$
F		\$	\$	\$	\$	\$
G		\$	\$	\$	\$	\$
H		\$	\$	\$	\$	\$
I		\$	\$	\$	\$	\$
J		\$	\$	\$	\$	\$
K		\$	\$	\$	\$	\$
L		\$	\$	\$	\$	\$
M		\$	\$	\$	\$	\$
N		\$	\$	\$	\$	\$

DEVELOPER/APPLICANT SIGNATURE _____ DATE _____

NOTICE OF POTENTIAL INFRASTRUCTURE REIMBURSEMENT

Type of Infrastructure:

Notice is hereby given that the land described below is subject to payment of its proportional share of installed infrastructure improvements as described in Section 1.16 of the City of Cheyenne Code.

Legal Description of subject property:

Address:

If future development actions as defined in the Cheyenne City Code § 1.16.010 occur on this property, the property owner may be required to pay the proportionate share at the time of development as provided under the City of Cheyenne Code § 1.16 Questions may be referred to the City Development Office.

Dated this _____ day of _____, 20____

Developer

STATE OF WYOMING)
)ss.
COUNTY OF LARAMIE)

The foregoing instrument was acknowledged before me by _____

this _____ day of _____, 20____.

Notary Public _____

My commission expires _____