



REFERENCE:

ADOPTED BY:
Resolution # 04/49

SUPERSEDES: E-002-005

PREPARED BY:
Engineering &
Property Services

DATE ADOPTED:
February 2, 2004

TITLE:

**LAND DEVELOPMENT
ALLOCATION OF UTILITY AND ROADWAY CONSTRUCTION COSTS**

POLICY STATEMENT:

Where the owner of land (“Owner”) subdivides or develops the land and is required, as a condition of the issuance of the development permit or approval of the plan of subdivision, to construct improvements* which benefit, in whole or in part, land not owned by the Owner; then the Town will utilize agreements pursuant to Section 651 of the Municipal Government Act, or any successor or parallel legislation (the “Act”), to:

1. allocate the cost of construction fairly between the ultimate beneficiaries; and,
2. endeavor to assist the Owner to recover a fair and equitable portion of those cost which benefit land other than land owned by the Owner.

** Improvement- has the same meaning as provided for in Section 651 of the Act.*

THE PURPOSE OF THIS POLICY IS:

- that the Town of Brooks intends that the cost of constructing improvements to serve new developments within the Town will be allocated on a “user pay” basis such that the ultimate beneficiaries of the Improvements will bear a fair and equitable portion of the cost of construction.



PROCEDURE

AUTHORITY:

EFFECTIVE DATE:

POLICY NO: E-002-005(A)

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TITLE:

**LAND DEVELOPMENT
ALLOCATION OF UTILITY AND ROADWAY CONSTRUCTION COSTS**

PROCEDURE:

Where the subdivision or development authority imposes, as a condition of subdivision or development, that the land owner construct Improvements which are intended to serve, in whole or in part, land other than the land which is the subject of the application for subdivision or development; then any agreement entered into between the land owner and the Town pursuant to Section 650 or 651 of the Act will include, amongst it's other provisions, that:

1. The Town will endeavor to assist the land owner ("Owner") to recover a fair and equitable portion of the cost of construction of the capacity of the Improvement which benefits, in whole or in part, land not owned by the Owner;
2. The period of time during which the endeavor to assist will be effective must not exceed 10 years; for roads, lanes, sidewalks, curbs and gutters, and fifteen years for water, sanitary and storm sewer facilities;
3. The endeavor to assist provision must not include interest or provision for cost escalation;
4. The costs recovered may include the recovery of a portion of engineering, accounting, legal or other consulting fees reasonably incurred by the Owner to construct the Improvement;
5. The portion of the cost to be recovered by the Owner will be determined by the Town's Director, Engineering and Property Services acting reasonably based upon the Owner providing to the Town detailed and accurate engineering and accounting records of actual construction costs for the Improvements, combined with accurate and legible copies of all original invoices for all goods and services (which may include overhead and administrative costs which shall not exceed 15% of construction costs), incurred by the Owner to construct the Improvements;
6. Where the Owner does not agree with the determination of the Town's Director, Engineering and Property Services, of the costs to be recovered by the Owner, the Owner may appeal such determination to the municipal council of the Town for the determination and the determining by the council, which shall be made based on any method and procedure which the council determines to be fair and equitable, shall be final.