

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, NEBRASKA

Resolved

WHEREAS, in June 2006, Douglas County adopted a regulation, creating an Arterial Street Improvement Program (ASIP), patterned after the existing City of Omaha ASIP ordinance, to provide for designing and constructing street improvements in the unincorporated suburban areas of Douglas County; to provide for the management and expenditure of funds for the program; to provide for certain fees for new residential, commercial, and industrial construction permits, and to provide for certain contributions by Sanitary and Improvement Districts (each an "SID") through their tax levies, and,

WHEREAS, Section III (b) of the Douglas County ASIP Regulation contains a typographical error in the last sentence, and,

WHEREAS, the final sentence of Section III (b) should read, "All such tax proceeds shall be remitted to the County upon collection."

NOW, THEREFORE BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS, DOUGLAS COUNTY, NEBRASKA, THAT, the language in the final sentence of Section III (b) of the Douglas County ASIP Regulation is corrected to read as follows: "All such tax proceeds shall be remitted to the County upon collection."

BE IT FURTHER RESOLVED, THAT the effective date of the ASIP regulation shall be unchanged.

Dated this 9th day of January, 2007.

Motion by, Boyle second by Duda to approve. I move the adoption of the resolution.

Adopted: January 9, 2007

Yeas: Boyle, Duda, Hutchings, Maxwell, Rodgers, Tusa, Borgeson

(CERTIFIED COPY)


Douglas County Clerk

Certified copies to: Commissioners, Environmental Services(2), County Engineer

Resolution No. 13
ADOPTED: January 9, 2007

ARTERIAL STREET IMPROVEMENT PROGRAM

Preliminary Statement

In 2005, the City of Omaha enacted an ordinance, creating an Arterial Street Improvement Program (ASIP) to provide for designing and constructing street improvements in the unincorporated suburban areas of Douglas County; to provide for the management and expenditure of funds for the program; to provide for certain fees for new residential, commercial, and industrial construction permits, and to provide for certain contributions by Sanitary and Improvement Districts (each an "SID") through their tax Levies. The fees assessed and SID contributions levied were, and continue to be, on development within the City of Omaha's zoning jurisdiction.

Intent

It is the intent of Douglas County to extend the ASIP to the County zoning jurisdiction and implement the program using the same parameters established by Omaha ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, DOUGLAS COUNTY, NEBRASKA, THAT:

The Arterial Street Improvement Program (ASIP) is created for use, as defined in the following sections, in the Douglas County zoning jurisdiction, which includes all areas of Douglas County that are outside of the zoning jurisdictions of the County's municipalities.

I. Purpose

The purpose of the ASIP is to provide a mechanism for funding, managing, and expending, certain funds, as hereinafter more fully described, for the purpose of paying for the design and construction costs of arterial street improvements in unincorporated portions of Douglas County such funds to be paid by the new developments which have been and are generating the need for such new roadway construction. Funding will come from fees for building permits issued for construction in areas within the Douglas County zoning jurisdiction and from certain tax levies which may be imposed by an SID created within the Douglas County, Nebraska zoning jurisdiction.

II. Arterial Street Improvement Program Fund.

In 2005 the City created an Arterial Street Improvement Program Fund. It is the intent of the County to create a separate ASIP fund for the fees collected within the County's zoning jurisdiction. Consistent with the general provisions of City Ordinance No. 36946, the Fund is managed in the following manner:

The County Arterial Street Improvement Program (ASIP Fund) shall be collected, held and invested by Douglas County and expended on the initial projects, and disbursed to Douglas County as a supplement for the design and construction of such projects. Initial and later projects are hereafter referred to as "Projects." The priority of Projects is shown in Section V. This ASIP shall be studied by the City and County every three years following the effective date of the original City ordinance (March 8, 2005) for possible amendment to project priorities and fee adjustments. Prior to approving any amendment, public meetings will be held with the Metropolitan Omaha Builders Association "MOBA", the Omaha Commercial Property Owners Association "CPO" and

the Eastern Nebraska Development Council "ENDC" to discuss any revision to the ordinance. All such revisions shall be reasonable and based upon engineering studies establishing the extent of project need and the costs for the same. In making any revisions to such fees, the County and City shall be mindful of the overall costs of similar fees upon new development, including without limitation, neighborhood and regional park fees and interceptor sewer fees. Revisions to any and all such fees shall be based upon studied need and properly estimated costs to maintain a proper balance of appropriate revenue sources for such infrastructure development. Nothing in the creation of this fund implies that the City, County, State of Nebraska, or federal government is prohibited or discouraged from using any other source of funds for such suburban street improvements, or that any private party is prohibited from using any private source of funds for such design or construction activity.

III. Revenue

For land that is located within the zoning jurisdiction of Douglas County, the following fees shall be charged:

(a)

(i) A fee of 1.25% of the building permit value shall be charged at the time the permit is granted, on all new residential construction, including single family, townhomes, and duplexes; and,

(ii) A fee for mobile home pads in the amount of \$1,000.00/unit shall be charged when the site is permitted; and,

(iii) A multifamily, commercial and industrial fee in the amount of \$5000.00/development acre shall be charged when the construction permit is granted.

For the purposes of the ASIP, the term "development acre" shall mean only the area of land located within the lot lines of the lot for which the permit is sought. Development acre specifically excludes all land located within any street right-of-way, any dedicated land such as public parks, and any land that cannot be developed within the boundaries of any lot because such land is located within a dedicated or granted easement area for utilities or public services, or such land is subject to restrictions such as wetlands or topography which prohibit or severely limit the ability of the developer to improve or construct improvements on the area.

If the County requests the installation of public street improvements that exceed the traffic improvements required by the approved traffic study, the development's ASIP fees may be used for such improvements. The developer has the option to pay the acreage fee to the ASIP Fund at the time the final plat is recorded to help reduce the overall S&ID debt ratio to 4%. The County will reimburse from ASIP fee funds or credit the developer for the costs of improvements. The reimbursements or credits will be made as lots are developed and fees paid by the developer of such plat. Calculations shall be included in the Subdivision Agreement and on the Source and Use of Funds Form of such subdivision.

(b) A dedicated ASIP tax levy of up to five cents from an SID as set out in subdivision agreements with such SID. The SID shall be required to institute the tax levy in stages, as soon as the total levy (Bond and General) necessary to support the other debt and obligations of the SID for all projects drops below the rate initially approved in the Subdivision Agreement including deferred Community Park Fees. Such a levy would then continue until the date, if any, that the SID is annexed. All such tax proceeds shall be remitted to the County upon collection.

The County shall require a Subdivision Agreement for each development for which ASIP fees and/or S&ID levies will be collected and said Agreement shall specify the fees and/or levies to be collected and the use of such collected funds. Development within a subdivision that has received preliminary plat approval as of the effective date of this regulation shall not be required to pay the fees identified in Section III (a).

IV. County participation.

Pursuant to the City Ordinance requirements, the County approved a Resolution on April 5, 2005, agreeing to participate in the ASIP. Consistent with that Ordinance requirement, Douglas County shall agree to continue to help finance the initial arterial street improvements adjacent to new development. In addition, the County, by such consent, would agree that the additional ASIP Funds provided for herein would be used only as a supplement to, and not a replacement for, County arterial street improvement funds. The County specifically understands that such ASIP Funds shall be spent for the Projects and study updates as funding allows, and agrees to undertake these Projects in a reasonably expeditious manner, considering all of the construction market, right-of-way acquisition, and civil engineering and seasonal variables that apply to such contracts and Projects.

V. Initial projects

The initial projects to be funded by the ASIP Fund, as construction money is available, are:

- (1) "Q" Street from 169th Street to 204th Street; and
- (2) 156th Street from State Street to Blondo Street.

VI. Construction responsibilities and supervision.

The City Public Works Department and the Douglas County Engineer's Office will decide the sequencing of construction of the initial Projects and construct the Projects as money is available. The County Engineer shall request payment from the fund as the Projects are designed and built. The County shall have full authority and supervision over the construction process, including right-of-way acquisition, to construct the same according to the previously agreed upon general specifications and conforming to all applicable state and federal law.

VII. Effective date

The ASIP in the County's zoning jurisdiction shall be in full force and take effect upon its adoption by the County Board of Commissioners.

Executed by Douglas County, Nebraska this _____ day of, 2006.

THE COUNTY OF DOUGLAS, NEBRASKA

By: *Mary Ann Bergeson*

ATTEST: *[Signature]*
County Clerk

APPROVED AS TO FORM:

By: *Janice D. Hauer-Leske*
Deputy County Attorney