

RESOLUTION NO. 4756

A RESOLUTION CONCERNING THE REVIEW OF "IN LIEU OF ASSESSMENT CHARGES."

WHEREAS, the City of Albany presently has a practice of charging an in lieu of assessment fee in those circumstances wherein a developer receives a special benefit from a prior public infrastructure improvement, for which an assessment has not been paid; and

WHEREAS, the City Council is considering the fairness and correctness of the present fee structure including the criteria, by which fees are established; and

WHEREAS, the City Council desires, by this Resolution, to provide a method for adjusting charges levied subsequent to the adoption of this Resolution to reflect the Council's policy decisions.

NOW, THEREFORE, BE IT RESOLVED, that the City Attorney is directed to review and report to the Council concerning the legal authority for in lieu of assessment fees, and other similar charges for developments which receive a special benefit from public infrastructure improvements for which no prior assessment has been paid; and

BE IT FURTHER RESOLVED, that the Public Works Department, in cooperation with the City Attorney, is to review the basis on which appropriate in lieu of assessment charges are computed and report their findings to the City Council; and

BE IT FURTHER RESOLVED that from the adoption of this Resolution, until any subsequent revision of the ordinances, resolutions, or procedures currently employed by the City for the imposition of in lieu of assessment fees, any changes in said ordinances, resolutions, or policies, which would have the effect of recalculating an in lieu of assessment fee, shall be applied retroactively, from the date of this Resolution, to allow a refund to the person or persons who paid the in lieu of assessment fee.

DATED AND EFFECTIVE THIS 11TH DAY OF SEPTEMBER 2002.



Mayor

ATTEST:



City Recorder