

ARTICLE XX

Fair Contribution for Public School Sites

Sec. 16-20-10. General.

Growth in residential land development and the construction of new residential dwellings in the City and Chaffee County necessitates the acquisition of additional public school capital facilities to accommodate increases in student population. Requiring land dedication or conveyance for public school capital facilities or payments in lieu of such dedication or conveyance ("Fair Contribution for Public School Sites") is intended to provide a portion of the resources to meet such demand.

Sec. 16-20-20. Referral.

All residential subdivision applications and planned developments creating residential dwelling units shall be referred to the Salida School District R-32-J for review and comment concerning impact of the development on the School District and the adequacy of public school sites and facilities. If a nonresidential land development application may have influence or effect on property owned by or activities of the Salida School District R-32-J, the information pertaining to that application shall also be referred to the School District for review and comment.

Sec. 16-20-30. Dedication Requirement.

(a) If recommended by the Salida School District R-32-J, the applicant shall dedicate or convey land for a public school facility to the School District based on .0138 acres per residential dwelling unit. Otherwise, the applicant shall agree to a payment in lieu of land dedication or conveyance in the amount of \$354 per residential dwelling unit. The applicant may elect for such amount to be paid by the owner of a particular lot at the time a residential building permit is obtained. Such requirement shall be noted on the underlying plat and, if required by the City, a separate covenant.

(b) If the Fair Contribution for Public School Sites includes the dedication or conveyance of land, prior to recording the final plat, the applicant shall provide proof that the dedication has been made to the School District in a manner and on terms satisfactory to the School District and in accordance with the following requirements:

(1) Title shall be conveyed by a general warranty deed, free and clear of all liens, encumbrances, and exceptions (except those approved in writing by the School District), including, without limitation, real property taxes, which will be prorated to the date of conveyance or dedication. The land to be conveyed shall be conveyed pursuant to a contract for the sale and purchase of real property containing customary terms for the land which is being conveyed to the School District.

(2) At the time of dedication or conveyance, the applicant shall provide a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property. At the appropriate time, not later than the issuance of the first building permit for the land development project, the person or entity shall also pay or provide for the payment of one-half of street development costs, and shall either provide, or pay or

make provision for the payment of the costs associated with making improvements for water, sewer, and utilities stubbed to the site, and overlot grading of the dedicated land. The applicant shall also have furnished any off-site easements which the School District needs to develop the site.

(3) The lands being dedicated or conveyed to the School District shall be located and configured as directed by the School District.

(4) The person or entity conveying the land to the School District shall satisfy the City's water rights dedication requirements, as may be amended, prior to conveying the property to the School District.

(5) In addition to conveyed or dedicated lands, the School District shall be given the right to purchase adjacent lands owned by the developer at its fair market value so that the dedicated or conveyed and purchased lands together form a contiguous parcel which meets the School District's land area requirements.

Sec. 16-20-40. Exemptions.

The following uses shall be excepted from Fair Contribution for Public School Sites:

- (1) Construction of any nonresidential building or structure;
- (2) Alteration, replacement or expansion of any legally existing building or structure with a comparable new building or structure which does not increase the number of residential dwelling units;
- (3) Construction of any building or structure for limited term stay or for long term assisted living, including, but not limited to, bed and breakfast establishments, boarding or rooming houses, family-care homes, group-care homes, halfway houses, nursing homes, or hospices, except where such building or structure will be used primarily to house school aged children;
- (4) Construction of any residential building or structure classified as housing for older persons, pursuant to the Federal Fair Housing Act in effect;
- (5) The construction of accessory buildings or structures; and
- (6) Construction of any low-income housing unit, on lots designated as such by the City.