RESOLUTION NO. 98.5

A RESOLUTION PROCLAIMING A GENERAL POLICY OF THE CITY OF REXBURG RELATIVE TO THE COSTS ASSOCIATED WITH THE CONSTRUCTION OF STREET WITHIN THE CORPORATE LIMITS OF THE CITY OF REXBURG, DESIGNATING THE COST SHARING AND PARTICIPATION LEVELS OF THE CITY, AND DESIGNATING THE RESPONSIBILITIES OF DEVELOPERS IN CONNECTION WITH STREETS.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO, THAT:

The responsibilities of the developer and of the City for the construction of bridges and streets shall be as follows:

(A) All bridges and/or culverts across canals, ditches, and streams lying entirely within a single subdivision within the City or within property to be developed within the City, and used primarily for the benefit of circulating local traffic shall be constructed or paid for entirely by the developer. Irrigation ditches that are located within the street right-of-way shall be relocated outside of the street right-of-way or may be replaced with a culvert and headgate system as approved by both the City and Irrigation/Canal Company controlling the irrigation water in said irrigation ditch.

(B) The City shall design and construct all bridges/culverts on local, collector, and arterial streets when such bridges/culverts are deemed necessary by the City, except as required in subsection (A) above.

(C) Construction of "controlled access" streets within the City shall be the responsibility of the City; however, the developer shall be responsible for dedicating to the public a right-of-way of up to a 125' feet maximum width along any controlled access street adjacent to or within the developer's subdivision or property.

(D) Except as provided below, the design and construction of all arterial, collector and local streets, within or bordering the developer's subdivision or property, shall be the developer's responsibility, all such design and construction being consistent with the City Specifications. The construction inspection shall be completed by the City, or by an entity approved by the City to perform such inspections, at the Developer's cost.

The Developer shall be responsible for the dedication of the right-of-way for such arterial collector and local streets for up to a maximum width of 62.5' feet per each side of the street along which his subdivision or property borders, and up to 125' feet for roads running through the subdivision property. The developer shall be responsible for the design and construction of the sidewalk, curb and gutter, and a twenty-two and one-half foot (22 ½') width of street surfacing per each side of the street for all streets within his property/subdivision or along which his subdivision or property borders. The construction inspection shall be completed by the City, or by an entity approved by the City to perform such inspections, at the Developer's cost.

The ballast depth of any paved street surface for which the developer has responsibility shall consist of up to a three inch (3 ") depth of Asphalt Plant Mix, a four inch (4") depth of ¾" Aggregate For Base, and up to a twenty inch (20") depth of Granular Borrow for any subdivision or property located within a Commercial, Industrial or High Density Residential zone, or for which such zoning is requested. The developer shall be responsible for a paved street section having a ballast depth of two and one-half inches (2½") of Asphalt Plant Mix, three and one-half inches (3½") of ¾" Aggregate For Base, and twelve inch (12") depth of Granular Borrow for any subdivision or property not located within a Commercial, Industrial or High Density Residential zone or for which a zoning classification other than such zone is requested.

The City shall be responsible for the costs of the extra width of street paving over and above the twenty-two and one-half foot (22 ½') width per side of the street, and the extra depth(s) of street paving over and above those ballast depths specified above as being the developer's responsibility; provided, however:

(1) If the developer chooses to develop his subdivision or property in such a manner that there is no private access to an adjacent **arterial street,** irrespective of whether or not the arterial street has been designated as a controlled access street, the developer shall only be responsible for designing and constructing the curb and gutter, sidewalk and storm drainage facilities along said arterial street frontage; and the City will be responsible for the cost of designing and constructing the entire paved portion of the street section along said street frontage.

(2) If the developer chooses to develop his subdivision or property in such a manner that there is no private access to an adjacent **collector** or **local street,** the developer shall still be responsible for the costs of constructing the sidewalk, curb and gutter, paved street surfacing and storm drainage facilities along said collector or local street frontage in accordance with the allocation of responsibility set forth above.

(3) If the developer develops his subdivision or property in such a manner that any street therein is roughly parallel with and immediately adjacent to a canal, river, freeway, controlled access arterial street or other such similar facility or topographical feature whereby the access to and use of such street is from one side only, the developer shall be responsible for the entire width of street section and all sidewalk, curb and gutter and storm drainage facilities along both sides of the street. Notwithstanding the foregoing, the City will be responsible for the extra asphalt plant mix and ballast depth as set forth in this subsection above.

E. Where a bike path is required along a particular street, the Developer shall be responsible for the cost of a normal 5' wide sidewalk and the city shall be responsible for the increase in cost of the wider bike path.

F. All streets, sidewalks, curbs, gutters, storm drains or other public improvements which the developer is required to construct shall be constructed in accordance with the City's currant Standard Drawings and Standards Specifications.

PASSED By the Council and APPROVED By the Mayor this 4th day of November, 1998.

Bruce Sutherland, Mayor

ATTEST:

Rose Bagley, City Clerk