

TOWN OF ALPINE

298 ORDINANCE NO. 2022-16

RECAPTURE ORDINANCE

AN ORDINANCE TO ESTABLISH A SCHEDULE FOR THE REIMBURSEMENT OF THE DEVELOPER OF PROPERTIES WITHIN THE TOWN OF ALPINE, WYOMING TO RECEIVE REIMBURSEMENT FROM SUBSEQUENT DEVELOPOERS FOR EXPENDITURES FOR THE INSTALLMENT OF WATER AND SEWER IMPROVEMENTS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ALPINE, WYOMING THAT FOLLOWING SHALL PERMIT DEVELPERS OF PROPERTIES WITHIN THE TOWN OF ALPINE, WYOMING TO SEEK REIMBURSEMENT FOR THE EXPENDITURES FOR THE INSTALLMENT OF WATER AND SEWER IMPROVEMENTS

Section 1: Definitions. For the purposes of this section:

- a. “Developer” means any person, corporation, individual or other entity that establishes a subdivision of property, has complied with any and all necessary subdivision laws and requirements and properly installs water and or sewer infrastructure to and within property owned by the Developer.
- b. “Subsequent Developer” means any person, corporation, individual or other entity that establishes a subdivision of property, has complied with any and all necessary subdivision laws and requirements, and whose property will be served by a connection to the water and sewer improvements installed by a previous developer.
- c. “Water and Sewer Improvements” means any type of infrastructure required to provide water and sewer service to a development which has been inspected and approved by the Town of Alpine.

Section 2: Water and Sewer improvements become Town Property. All water and sewer infrastructure installed by a developer shall become the property of the Town of Alpine after final completion, inspection, approval, commencement of operation and a one-year warranty period from date the improvements are determined by the town to be complete. Developer shall be responsible for all repairs and maintenance during the one-year warranty period.

Section 3: Developer may seek reimbursement for improvements. If within five (5) years from the commencement of operation of the water and or sewer infrastructure constructed by a developer, a subsequent developer connects to the first developer’s constructed water and or sewer line, the first developer may receive a reimbursement of a portion of the cost of construction under the following terms and conditions:

- a. The initial per foot cost of the water and or sewer infrastructure project shall be filed with the Town Clerk by the developer within one hundred-eighty days (180) days of the

commencement of operation and shall be supported by invoices supporting the total cost of the project. Failure to file the per foot cost of the project within sixty (60) days of completion, or failure to provide adequate support of the cost per foot shall result in loss of right to reimbursement to the developer.

b. In the event all requirements herein have been met, a subsequent developer who connects to the section of water and or sewer infrastructure paid for by the first developer shall pay to the first developer a share of the initial water and or sewer infrastructure based on the portion of line that both developers use.

1. **EXAMPLE:**

- a. Developer A builds 1,000 feet of water line at a cost of \$100,000 or \$100 per foot.
- b. Developer B connects to the line Developer A constructed at a point 500 feet from the initial connection (i.e. the two developers both use the first 500 feet) within five years from commencement of operation.
- c. Five hundred feet times \$100 equal \$50,000. Developer B shall pay one-half of that cost or \$25,000 to Developer A.
- d. In the event the five years have passed, there is no exchange of funds from Developer B to Developer A.

Section 4: Developer to file affidavit and supporting documents on costs for improvements/Town Clerk to maintain record of improvements and filed costs. It shall be the responsibility of a Developer to file with the Clerk of the Town of Alpine an affidavit detailing the lineal foot costs, with supporting documentation, of water and sewer improvements. The Town Clerk shall maintain a list of water and sewer infrastructure additions that includes the date of commencement of operation and the cost per foot for construction for each one.

Section 5: Developer responsible to notify and collect. Developer shall be responsible to notify subsequent developers of their rights and make any appropriate collection of funds.

Section 6: Town not responsible for collection or notification. The Town of Alpine shall not be responsible to notify subsequent developers or assure that a developer is reimbursed by any subsequent developer connecting to the water and or sewer infrastructure the first developer has installed.

Section 7: Sections, paragraphs, sentences, clauses and phrases of this ordinance are severable. If any phrase, clause, sentence, paragraph or section of this ordinance is declared illegal or unconstitutional, such illegality or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections.

Section 8: This ordinance passed and approved on the following dates:

Passed First Reading this 16th day of August 2022

VOTE: 5 YES, 0 NO, 0 ABSTAIN, 0 ABSENT

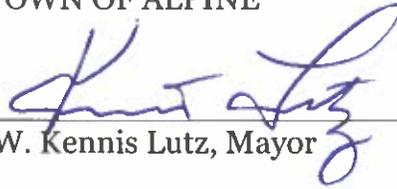
Passed Second Reading this 20th day of September 2022

VOTE: 5 YES, 0 NO, 0 ABSTAIN, 0 ABSENT

Passed on Third and Final Reading this 18th day of October 2022

VOTE: 5 YES, 0 NO, 0 ABSTAIN, 0 ABSENT

TOWN OF ALPINE



W. Kennis Lutz, Mayor



ATTEST:



Sharon L. Backus, Clerk / Treasurer

ATTESTATION OF THE TOWN CLERK

STATE OF WYOMING)
COUNTY OF LINCOLN)
TOWN OF ALPINE)

I hereby certify that the forgoing 298 Ordinance No. 2022-16 shall be duly posted for ten (10) days in the Town Office.

I further certify that the foregoing Ordinance will be posted on the Town website in final form, upon its passing and approved by the Town Council as soon as is practicable.

I further certify that the forgoing Ordinance was duly recorded in the BOOK OF ORDINANCES VI, TOWN OF ALPINE, LINCOLN COUNTY, WYOMING.

ATTEST:



Sharon L. Backus, Clerk / Treasurer

