

ORDINANCE ADOPTING MODIFICATIONS TO CHAPTER 70, ARTICLE III, DIVISION 2, SECTION 70-108 OF THE DURHAM CITY CODE

WHEREAS, the current City of Durham Code of Ordinances, § 70-108 does not address the full scope of infrastructure projects permitted by the Durham City Charter (Section 84.2 attached) regarding reimbursement for various types of infrastructure.

NOW THEREFOR BE IT ORDAINED BY THE DURHAM CITY COUNCIL:

- 1) Repeal the existing Chapter 70, Article III, Division 2, Section 70-108 of the Durham City Code of Ordinances and replace it in its entirety with the following:

Sec. 70-108. Reimbursement of costs for infrastructure construction.

~~The city may participate in the costs of water and sewer construction undertaken by developers in accordance with policies and reimbursement rates approved by the city council.~~ The city may participate in the cost of improvements to streets, sidewalks, water system components, sewage collection and disposal systems (except as provided in Sec. 70-106), storm sewer and drainage systems, or any parts thereof ("Infrastructure") to be constructed or installed by developers to the extent that the Infrastructure is constructed to a greater length, width, capacity or quality at the city's request to meet city needs, and not required by the development project. The city manager is authorized to enter into cost sharing agreements with developers to make these Infrastructure improvements. The city's financial contribution under a cost sharing agreement shall be calculated as the reasonable estimated cost to the developer to provide the greater length, width, capacity or quality of Infrastructure that the city has requested and shall not include the cost that the developer would have incurred due to the development project without the greater length, width, capacity or quality requested by the city. The city manager may execute such cost sharing agreements so long as the city's contribution pursuant to the agreement is within the authority to execute construction and repair contracts that has been delegated to the city manager. If the city's contribution under a cost sharing agreement exceeds the city manager's delegated authority, then city council approval of the cost sharing agreement is required. This section shall not apply to participation in construction contracts with other units of local government. Participation in construction contracts with other units of local government shall require an interlocal agreement pursuant to GS 160A-460 et. seq.