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ARTICLE VIII

LAND DEDICATIONS AND FEES

Section 6-100 SCHOOL LAND DEDICATION AND CASH IN LIEU

Section 8-100 Purpose.

The purpose of this Division is to insure that adequate land areas and/or funds for the acquisition and development of public school sites are made available through the development process to meet the needs of future residents of the County.

Section 8-101 Requirement for Dedication.

Whenever land is subdivided, through a major subdivision process, the owner of the land shall dedicate land to support new or expanded public schools sites in order to serve the future residents of the proposed subdivision. As an alternative to land dedication, the Board of County Commissioners may require the payment of cash in lieu of dedication, or a combination of land and cash in lieu, not to exceed the fair market value of such land at the time of approval of the subdivision. Such dedication shall be based on the school district's calculation of the land area necessary for each student and the amount of students that the subdivision will generate. A Cash-in-lieu dedication shall be based on the market value of the unimproved land. The school district will retain the option of determining that a dedication is not necessary.

Section 8-102 Maximum Percentage of School Land Dedication.

Requirements for public school land dedication shall not exceed ten (10) percent of the total gross area of the land within the proposed subdivision except as otherwise provided for by these standards and regulations. If the proposed subdivision is part of a larger phased subdivision or is one filing in a related series of subdivision filings, the total land dedication shall not exceed ten (10) percent of the total subdivision area except, however, that the land dedication may exceed ten (10) percent for the specific subdivision phase or filing.

Section 8-103 Formula for Land Dedication Standard.

(1) Land Area Provided Per Student X Students Generated Per Dwelling Unit = Land Dedicated

Section 8-104 Existing Dwellings.

Existing dwellings shall be excluded from the calculation of the school land dedication requirement unless the lot allows for greater density of residential development in which case the dedication requirements shall be calculated based on the maximum potential use of the lot.

Section 8-105 Action Concerning Lands Dedicated.

All lands dedicated for schools shall be conveyed to THE SCHOOL DISTRICT both by warranty deed and by clear identification as dedicated on the face of the plat accompanied by a legal description. The conveyance of land or the payment of cash-in-lieu shall be required prior to the recording the plat for the subdivision.

Section 8-106 Cash-in-Lieu of Dedication.

Based upon the school districts recommendation, the Board can require a cash payment in-lieu of dedicated land, or a cash payment in combination with a land dedication, to comply with the requirements set forth in these regulations.

(1) Formula for Cash – In – Lieu Payment.

Unimproved per Acre Market Value of Land X Land Dedication Standards X Number of Units = Cash – In – Lieu Payment.

Section 8-107 Determination of Fair Market Value.

The fair market value of the zoned and platted, but unimproved, land at the time of approval of the plat shall be presumed to be as set forth below:

Unimproved Market Value of Land. Unimproved market value of land shall be determined by an appraisal performed within the last 24 months for the applicant, by an individual qualified in the State of Colorado to establish the unimproved market value of the property just prior to the approval of the Final Plat. Any dispute of the market value would be based upon a separate appraisal by an individual qualified in the State of Colorado to establish the value ,paid by the School District.

Section 8-108 Release of Land or Cash.

- A. Following notice by the Board, the receiving body may request the dedication, and the Board shall transfer the lands to the appropriate receiving body.
- B. For a school site, if the receiving body determines upon completion of platting that there is no longer a need for the dedicated land, they may request that the land be sold.
- C. Funds may be released to the appropriate receiving body if the Board finds that the proposed use of funds is compatible with the intent of the cash-in-lieu payment or sale of the land.
- D. The County shall retain a reasonable management fee for the holding and maintenance of escrow accounts for cash-in-lieu payments, provided that the management fee does not exceed the amount of interest generated by the account.

Section 8-109 Sale of Dedicated School Land.

Right of Refusal. In accordance with C.R.S. §30-28-133, the subdivider shall have a right of first refusal to purchase all or a portion of any land dedicated by the subdivider to a county or school district pursuant to this Division before the land is sold, transferred, or conveyed to any party other than a school district. Prior to selling or otherwise transferring ownership of the land, the county or the school district selling the land shall provide written notice to the subdivider of its intention to sell or transfer ownership of all or any portion of the land. The subdivider shall then have sixty (60) days to provide written notice to the County and school district of the subdivider's interest in purchasing all or a portion of the land to be sold. The purchase of the land by the subdivider shall be upon such terms and conditions and for such consideration as the parties may mutually agree; however, in no event shall the purchase price exceed the fair market value of the land at the time the subdivider dedicated the land to the County or school district. Any right of first refusal created pursuant to this Section shall expire twenty (20) years from the date the land was dedicated by the subdivider to the County or to the school district.

DIVISION 2**FIRE DISTRICT IMPACT FEES****Section 8-200****Authority to Impose Impact Fees**

The County may impose impact fees in accordance with C.R.S. §29-20-104.5 when the proposed development is determined to impact fire and emergency services provided by an applicable special district.