

**SPRING LAKE TOWNSHIP
COUNTY OF SCOTT
STATE OF MINNESOTA**

ORDINANCE NO. 08-001

**AN ORDINANCE RELATING TO TOWNSHIP SEWER AND WATER
CONNECTION CHARGES IN LIEU OF ASSESSMENT**

THE TOWN BOARD OF THE SPRING LAKE TOWNSHIP ORDAINS:

Section 1. “In-lieu-of charge” Established.

The Spring Lake Township has completed the South Shore Drive Improvement Project (“Project”) which benefits certain properties located within Spring Lake Township. In order to arrive at a reasonable, fair and equitable distribution of the costs of the Project among the properties which the Project has benefited, Spring Lake Township hereby establishes a system of connection charges known as “In-lieu-of charges” (also referred to as “ILO Charges”) to properties which have not been fully assessed for the cost of the Project but which may experience an intensified use in the future so that a charge equivalent to the assessment is equitable.

Section 2. In-lieu-of-Charge for Underdeveloped and Undeveloped Properties.

The properties identified on attached Exhibit A have not been specially assessed for the cost of the Project. Each such property shall pay an ILO Charge in the amount specified below at the time of building permit application to connect any portion of such property to the Township’s sanitary sewer or municipal water system (collectively, “Township Utilities”), or, if such property has been otherwise permitted to connect to Township Utilities, said ILO Charge shall be paid prior to the time any additional connections shall be made to Township Utilities.

Section 3. In Lieu Of Charge.

A base ILO Charge in the amount of \$23,800 for the properties on the lake side of South Shore Drive or South Shore Circle and \$15,799 for the properties located on the non-lake side of South Shore Drive or South Shore Circle shall arise each time any portion of land as described on attached Exhibit A connects to Township Utilities. The base ILO Charge will be adjusted, as outlined in Section 4 of this ordinance, at the earlier of the time a connection permit is issued or the ILO charge is paid. The ILO Charges outlined in this ordinance shall be in addition to all administrative fees, connection charges and other charges due the Township pursuant to Spring Lake Township Ordinance No. 99-3.

Section 4. Adjustment of In Lieu of Charge.

The base ILO Charges outlined in Section 3 of this Ordinance shall be adjusted to reflect the change in cost-of-living from the date of the original assessment for the Project through

December 31, 2012 No cost-of-living adjustment shall apply after December 31, 2012. The cost-of-living adjustment will be calculated by multiplying the base ILO charge by the Annual Average Consumer Price Index for All Urban Consumers (CPI-U), using the U.S. city average percentage change, for the period from February 15, 1999 to the date a connection permit is issued, or December 31, 2012, whichever is earlier.

Section 5. Waiver of Adjustment of In Lieu of Charge.

The adjustment of ILO Charges as outlined in Section 4 above will be waived for all ILO Charges paid prior to May 1, 2008.

Section 6. Special Assessment of ILO Charge.

The ILO Charge when due and payable may, at the discretion of the Township and upon petition by owner, be specially assessed against the property to which said ILO Charge applies. Such special assessment will carry an interest rate of 7.5 percent. The special assessment period may not extend beyond the year 2023.

Section 7. Severability.

If the provisions of any section, paragraph, or sentence of this ordinance shall for any reason be held to be unconstitutional or invalid by any court of competent jurisdiction, the provisions of the remaining sections, paragraphs, and sentences shall nevertheless continue in full force and effect.

Section 8. Repealer.

All ordinances or portions of ordinances, in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Effective Date.

This ordinance shall be in full force and effect from and after its passage and publication.

Adopted by the Town Board of Spring Lake Township this 13th day of February, 2008. Amended by the Town Board of Spring Lake Township this 19th day of June, 2014. Further amended by the Town Board of Spring Lake Township this 19th day of January, 2017.

, Chairman

ATTEST:

Kathy Nielsen, Clerk

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