

**STAFF REPORT**  
**City of Lancaster**

CC 14
04/14/09
MVB

Date: April 14, 2009

To: Mayor Parris and City Council Members

From: James R. Williams, Director of Public Works

Subject: **Approval of Reimbursement Agreement for the Construction of Master Planned Drainage Facilities – Tract Map No. 61206; Located on the Southeast Corner of Avenue J and 35<sup>th</sup> Street East**

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**Recommendation:**

Approve the Reimbursement Agreement for the Construction of Master Planned Drainage Facilities with Forestar Dorado Skies, L.L.C.

**Fiscal Impact:**

Reimbursement to be paid out of drainage impact fees collected.

**Background:**

As a condition of approval for Tract Map No. 61206, the original developer, Western Pacific Housing, Inc. was required to construct a storm drain facility in 35<sup>th</sup> Street East, between Avenue J and Avenue J-4; and in Avenue J, between 35<sup>th</sup> Street East and 32<sup>nd</sup> Street East. Forestar Dorado Skies, L.L.C. purchased Tract No. 61206 and is the successor in interest to Western Pacific Housing, Inc. The agreement allows credit against the drainage impact fee for Tract No. 61206 now being developed by Forestar Dorado Skies, L.L.C. The cost of constructing the required Master Planned Drainage Facility (MPDF) was \$1,173,407.00 and the amount of drainage impact fee credit for Tract No. 61206 based on the current fee of \$4,354.00 per lot is approximately \$735,826.00.

City policy states that when construction of a Master Planned Drainage Facility (MPDF) is required, the Developer will receive credit toward the payment of the drainage impact fee. If the cost of constructing the MPDF exceeds the credit available, the City may enter into a reimbursement agreement with the Developer. A maximum of twenty percent of the drainage impact fees collected each year may be used to pay for reimbursements. If more than one reimbursement agreement is in effect during the year, each agreement shall receive a percentage of the twenty percent of the total drainage impact fees collected for that year.

CSW:lcs

**Attachments:**

Reimbursement Agreement  
Map