

COUNCIL POLICY NO. T-5

TITLE: STREET CONSTRUCTION DEFERRAL AGREEMENTS

- POLICY:**
1. If a private owner obligation to construct or fund public street improvements predates a publicly funded project, the property owner remains obligated to construct or fund the improvements.
 2. If a public funding for a street improvement project predates an owner's obligation to construct public street improvements and the required improvements are identical to the publicly funded improvements, then the property owner has the option to wait until the improvements are constructed by the City or construct their portion of the improvement prior to the City improvement at their own expense.
 3. If public funding for a street improvement project predates an owner's obligation to construct public street improvements and the publicly funded street improvement differs in scope from that required by the owner, then an agreement shall be executed between the City and the property owner to coordinate the construction of the improvements and define appropriate reimbursements between the parties.
 4. A publicly funded improvement that, in part, serves to correct conditions from a previous development, and is not clearly the current property owner's obligation under policies 1 through 3, will be funded and constructed by the City project.
 5. Prior to taking general obligation bond authorization measures to the public, all existing agreements obligating any property owner to directly participate in the cost of the project in addition to the public funds being authorized, shall be accounted for to the Council.
 6. Council may, at its sole discretion, call up one or a series of street deferral agreements to require the property owner or series of owners to complete the deferred improvements by the methods and timelines laid out in said agreements.

REFERENCE: Public Works Staff Reports dated 1/3/94, Agenda Item No. 7.2.q and dated 1/10/94, Agenda Item No. 9.2.e