

**RESOLUTION OF THE CITY OF CEDARBURG  
EXTENDING THE REFUND TIMELINE FOR IMPACT FEES**

**Whereas**, the City of Cedarburg, on March 13, 2006, adopted an ordinance creating water impact fees for new development within the community on behalf its enterprise fund (The Cedarburg Light & Water Utility); and

**Whereas**, the City of Cedarburg, on February 27, 2012 subsequently modified the ordinance creating water impact fees for new development within the community on behalf its enterprise fund (The Cedarburg Light & Water Utility); and

**Whereas**, since the ordinance was originally enacted, the State of Wisconsin has amended the Wis. Stat. 66.0617 to impose time limits on the spending and refunding of those impact fees; and

**Whereas**, Wis. Stat. 66.0617(9)(b) allows a municipality to extend the time limit for refund of impact fees by three years if there are extenuating circumstances; and

**Whereas**, the City of Cedarburg anticipated significant growth north of the City as a result of annexations of over 220 acres in 2005 to the point of creating a TIF district in 2007 to help realize the growth; and

**Whereas**, extenuating economic circumstances from 2008 through 2013 resulted in delayed development in the TIF to the point of the City of Cedarburg deciding to close the TIF in 2015; and


**Whereas**, the Cedarburg Light and Water Utility anticipated building a water tower, a booster station, and other improvements to serve new development that were delayed due to the circumstances above; and

**Whereas**, the Cedarburg Light and Water Utility planned to be construct these facilities utilizing funds collected from impact fees on new development.


**NOW THEREFORE BE IT RESOLVED** that the City of Cedarburg hereby authorizes the three-year extension as specified in Wis. Stats. 66.0617(9)(b).

**BE IT FURTHER RESOLVED**, that the City of Cedarburg through its enterprise fund (The Cedarburg Light & Water Utility) intends to spend the required funds within this three-year extension and any funds remaining after the time period will be refunded as required by Wis. Stats. 66.0617.

Passed and adopted this 25<sup>th</sup> day of January, 2016.

  
Kip Kipzel, Mayor

Attest:

  
Constance K. McHugh, City Clerk

Approved as to form:

  
Michael P. Herbrand, City Attorney