RESOLUTION NO. 17
SERIES OF 2013

INTRODUCED BY: SCOTT ROSWELL
SECONDED BY: KATY BROWN

**A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
ADOPTING THE CONSTRUCTION AND EXCAVATION FEE SCHEDULE FOR WORK IN PUBLIC RIGHTS-OF-WAY**

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, Chapter 11, Article II of the Cherry Hills Village Municipal Code establishes the standards and procedures for the placement of facilities, construction, excavation, encroachments, and work activities within, under or upon any public right-of-way within the City of Cherry Hills Village; and

WHEREAS, Sections 11-2-90 of the Municipal Code authorizes the City to adopt and amend fees related to work in the public right-of-way by resolution, and such fees are currently codified in the document entitled "Right-of-Way Permit Fee Schedule for Work in Public Rights-of-Way" ("Fee Schedule"); and

WHEREAS, the City Council desires to amend and rename the Fee Schedule and to adopt such fees by resolution; and

WHEREAS, the City Council finds that the proposed fees set forth in the attached schedule are reasonably related to the direct and indirect costs associated with the City's oversight, maintenance, reconstruction and management of the public roads and streets within the City; and

WHEREAS, consistent with the objectives stated in Section 11-2-10 of the Municipal Code, amending the Construction and Excavation Standards and the fees associated therewith will help protect the City's infrastructure investment by establishing appropriate fees for work within the public rights-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CHERRY HILLS VILLAGE:

Section 1. The foregoing recitals are adopted and incorporated herein as findings of the City Council.

Section 2. The attached fee schedule, titled "Permit Fees for Work in Public Right-of-Way", is hereby adopted by the City Council, copies of which shall be made available to the public on the City's website and at the City of Cherry Hills Village Center.

Section 3. This Resolution shall be effective immediately.

Introduced, passed and adopted at the
regular meeting of the City Council this 5th day
of November, 2013, by a vote of 6 yes and 0 no.

(SEAL)

Douglas M. Tisdale, Mayor

ATTEST:

Laura Smith, City Clerk

APPROVED AS TO FORM:

Linda Michow, City Attorney

PERMIT FEES FOR WORK IN PUBLIC RIGHT-OF-WAY

Permit Fees for Work in Public Rights-of-Way

Fee Structure - Public right-of-way permit fees are divided into four separate categories: **Management** fees, **Inspection** fees, **Pavement Restoration** fees, and **Other** fees. All permits are subject to a management/inspection fee. Landscape work, driveway installations and occupation permits within the City's right-of-ways may be issued at a reduced rate. If the work approved by the permit consists of any pavement or surface disturbance within the right-of-way, the permit may also be subject to a restoration fee. Other fees shall be added to the cost of the permit as appropriate, in accordance with this fee schedule. Pursuant to Section 11-2-90, City of Cherry Hills Village Code, the applicable permit fees shall be as follows:

Management Fee

Management fees include all application processing related to the permit and the end of warranty inspection performed one month prior to the end of the 2 year warranty period. This fee is based on current year labor rates.

Current rate is $50.00 per hour times 2 hours = $**100.00**

Inspection Fee

Inspection fees are based on 3 site inspections during the permit period for minor installations and a daily fee for major installations. During the permitting process, the City will determine whether any additional inspections will be required.

Driveway/Occupation/Landscaping **$50.00** Minor Installation **$100.00**

Major Installation **$60.00** per working day

Pavement Restoration Fee

The pavement restoration fee shall include all construction costs associated with the restoration of the pavement to minimize the impact to the useful service life of the roadway. The fee shall be applied to all installations. Minor installations will be charged a fee of **$300.00** for future restoration. Major installations include work in the public right-of-way involving an excavation exceeding 50 feet of total disturbance. This cost will include the cost to mill and overlay the disturbed area and if applicable re-chipseal the surface. ***(See section V. Construction Standards Subsection E. Repairing Streets paragraphs o and p for assessment criteria.)*** Cost will be based on current City paving/chipseal contracts plus 5%. The City will collect this fee with the initial application. If permittee disturbs more pavement than originally included in the permit, the City will collect any additional funds due prior to final approval and closeout. Permittee will remain responsible for all patching and repair work for the warranty period.

Minor Installations **$300.00** Major Installations actual cost to replace asphalt/chipseal

Work in Gravel Streets
All work performed within a right-of-way with a gravel surface will be charged a restoration fee. The fee will consist of charges for City staff to restore the street to its original condition before the work was performed. The cost calculated @ 50% is to account for the crew performing the restoration during regularly scheduled gravel road maintenance operations. The fee is to cover the extra time and materials to restore the work area. Depending on the size of the work area, this fee may increase as determined by the City.

Minor Installation $387.50
Major Installation fees are project specific.

Other Fees
Other fees shall include additional costs directly incurred by the City in providing services related to the granting and administration of a permit such as, but not limited to engineering review costs, additional oversight by City staff, materials testing, additional signage and or safety related barricades provided by the City. These costs will be based on the current year labor rate of the Director of Public Works or his designee's time as estimated by the City and all costs associated with services provided by the City's contract consultants. For major installations, material testing fees will be added to the permit. Current labor rate(s) for all consultants apply when utilized and will be added to the cost of the permit.

Fee Schedule**

Minimum permit fee involving disturbance of asphalt or surface on streets or trails	$500.00
Driveway replacement with no street cut	$150.00
Minimum permit fee for gravel roads	$387.50
Right-of-way occupancy fee	$150.00
Landscape permit for work in the right-of-way	$150.00
Trail Occupation Permit	$150.00

**Fees for major installations will be calculated based on the criteria outlined in the City's Construction and Excavation Standards