

**VILLAGE COUNCIL
VILLAGE OF NASHVILLE
BARRY COUNTY, MICHIGAN**

Council Member Wheeler, supported by Council Member Dunham, moved the adoption of the following resolution:

RESOLUTION NO. 11-21-00

**ADOPTION OF A POLICY RELATIVE TO THE EXTENSION OF VILLAGE OWNED
UTILITY SERVICES**

WHEREAS, the Village of Nashville has financed, constructed, owns and operates public water and sanitary sewer systems; and

WHEREAS, the systems are a valuable asset of the Village, owned, controlled and operated for the benefit of the customers of the systems; and

WHEREAS, due to changing demographics and recent economic development patterns in and around the Village there has been an increased demand for utility services; and

WHEREAS, the Council has reviewed and considered the current systems' capacity and revenue generation capability and concluded that it is in the best interest of the systems to adopt a "growth pays for growth" philosophy with respect to future extensions of the systems; and

NOW, THEREFORE, IT IS RESOLVED THAT:

1. Requests by property owners or developers for extensions of the Village's public water system and / or sanitary sewer system shall be treated in accordance with the following policies:
 - A. Request to extend any system component outside the Village's boundaries shall be denied absent: (1) the annexation of the property into the Village, (2) the conditional transfer of the property into the Village, or (3) as otherwise expressly permitted by written agreement between the Village and any other governmental body with jurisdiction over the rights-of-way involved, which agreement shall reflect that the rates to be charged for such service(s) apply to properties that will remain outside of the Village. Any extension of a system component outside of the Village's boundaries shall be subject to and in accordance with all adopted ordinances and policies of the Village.
 - B. Extensions of the systems within the Village shall be the financial responsibility of the party requesting the extension. For purposes of interpretation, "financial responsibility" shall mean any and all costs and fees associated with the extension including, but not limited to, engineering, legal, administrative and construction costs. Without limiting the foregoing and where individual circumstances warrant,

as determined at the sole discretion of the Council, the Council may utilize the following mechanisms in order to facilitate extensions of the systems within the Village:

- (1) The Village may enter into a written agreement with the party requesting an extension of the systems. Any such agreement shall identify the parties' obligations as well as the method by which the developer or property owner's financial responsibility shall be ensured. Such agreements may only be authorized and adopted by the Village Council.
 - (2) The Village Council may, in accordance with the adopted ordinances of the Village, create a special assessment district for the purpose of making public improvements including the construction and extension of a public water or sanitary sewer line. All properties that benefit from the public improvement shall be included in the special assessment district to the extent and in the manner provided by law. A district can be created either on the Village Council's initiative or in response to petitions received from property owners. The financial responsibility for the public improvements shall be apportioned as provided by law upon the properties especially benefited.
 - (3) The Village Council may enter into a payback agreement relative to the extension of the systems. Any payback arrangement shall provide that the system's extension shall be the financial responsibility of the party requesting the extension and those paybacks shall only be collected from future connection charges collected by the Village as identified in the agreement. No payback agreement shall exceed ten (10) years in duration.
2. All extensions of the systems shall be designed and engineered in accordance to Village specifications and shall be subject to the review and approval of the Village's Superintendent of the Department of Public Works and the Village Engineer.
 3. Any extension of the systems shall be located and constructed within public right-of-ways. Where additional rights-of-way are needed to extend the systems, related acquisition costs shall be the financial responsibility of the developer or property owner requesting the extension. Any extension of the systems shall be constructed across the entire frontage of the developer or property owner's property to be served to facilitate future extensions by adjoining property owners.
 4. Nothing herein shall be interpreted or construed to waive the need of users of the systems from complying with the Village's adopted ordinances.
 5. All resolutions or parts of resolutions in conflict herewith are, to the extent of such conflict, hereby repealed.

YEAS: Dunham, Pash, Wolff, Beachnau, Wheeler, Kellogg

NAYS: None

ABSENT: None

RESOLUTION NO. 11-21-00 ADOPTED.

Cathy Lentz
Village Clerk

I, Cathy Lentz, the Village Clerk for the Village of Nashville, hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Village Council of the Village of Nashville at a regular meeting held on 11-21-2000.

Cathy Lentz
Village Clerk