

# ALLEN COUNTY CODE TITLE 5 HIGHWAY DEPARTMENT

## ARTICLE 6 ROAD CONSTRUCTION REIMBURSEMENT

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### **5-6-1 Application for Developer Reimbursement Agreement**

If a party is paying for the construction of road improvements in the county-right-of-way, said party (the "Road Developer") may apply to the County for a developer reimbursement agreement in order to recover a portion of the final submitted construction costs from owners or developers of abutting properties who are developing said abutting properties.

### **5-6-2 Jurisdiction and Amount of Reimbursement**

The Allen County Highway Department shall have jurisdiction over a road inside the unincorporated areas of Allen County at the time a property included in the improvement area is to be developed. The Allen County Highway Department shall determine the amount to be reimbursed to the Road Developer by the owner or developer of property abutting the road.

However, if at the time of development, a property has been annexed and has become incorporated into the City of Fort Wayne, then the City of Fort Wayne Street Department shall have jurisdiction over the property, and the County shall no longer have jurisdiction over the property. In such event, the City of Fort Wayne Street Department may determine the amount to be reimbursed to the Road Developer by the owner or developers of property abutting the road.

### **5-6-3 Approval for Development Conditioned on Reimbursement**

A property owner must pay its pro rata share of the costs of the road improvements prior to the issuance of the improvement location permit required for said party's development.

### **5-6-4 Applicability**

The owner of record or its successors must pay the pro rata share of the cost of the road improvements if the property abutting the road is developed and benefits from the improvements.

### **5-6-5 Exclusion**

A property may be excluded from this reimbursement ordinance if the owner is bound under a separate agreement between the developer and the Board of Commissioners of the County of Allen to pay for its pro rata share of the costs of the improvements.

### **5-6-6 Effective Date**

A construction reimbursement is hereby declared to be a prerequisite to further development of property abutting an improved road.

### **5-6-7 Term of Reimbursement Agreement**

A construction reimbursement agreement entered into by and between a developer and the Board of Commissioners of the County of Allen shall be valid for a period not to exceed 15 years from the date of its recording.

### **5-6-8 Severability**

Invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance.

### **5-6-9 Effective Date**

This ordinance shall be effective upon legal publication and recordation in the Miscellaneous Records of the Allen County Recorder. The county shall not approve the subdivision of land, nor issue a building permit for new residential dwellings, industrial or commercial building permits, attached or detached accessory dwelling units, or similar development permit or approval unless the Road Developer has received full payment of the property owner's pro rata share of the costs of the road improvements.