

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA,
MARICOPA COUNTY, ARIZONA, AMENDING THE MESA CITY CODE TITLE
5 BUSINESS REGULATIONS, CHAPTER 17, DEVELOPMENT IMPACT FEES
TO AMEND TABLE 1 TO REMOVE THE PARKS IMPACT FEE AND REDUCE
THE TOTAL IMPACT FEE AMOUNT.**

WHEREAS, the City Council, in Ordinance 5189, adopted an ordinance to continue the City's existing Development Impact Fees at the same rates then assessed to repay debt amounts as permitted by Senate Bill 1525, approved by the Fiftieth Arizona Legislature, First Regular Session, on April 19, 2011 (A.R.S. § 9-463.05); and

WHEREAS, the City, in Ordinance 5189 and Mesa City Code 5-17-3(B), provided for the automatic discontinuation of a particular impact fee upon the City receiving Development Impact Fees in an amount equal to the amount of such debt for the particular impact fee category; and

WHEREAS, the City as of June 3, 2016, had received Parks Impact Fees in an amount as reasonably close to, without exceeding, the amount of the eligible pledged debt for the Parks Impact Fee category, as set forth in the Pledged Debt Analysis for Continuation of Impact Fees; and therefore, the City discontinued the collection of Parks Impact Fees on June 3, 2016, in accordance with Ordinance 5189 and Mesa City Code 5-17-3(B); and

WHEREAS, the City Council hereby recognizes that the Parks Impact Fee was appropriately discontinued as of June 3, 2016, and hereby desires to reflect the discontinuation of this fee by amending the City's Impact Fee Schedule to remove the Parks Impact Fee from Table 1 and to reduce the total impact fee amount accordingly.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY,
ARIZONA, AS FOLLOWS:**

SECTION 1. That the Parks Impact Fee was discontinued on Friday, June 3, 2016, in accordance with Mesa City Code 5-17-3(B) and Ordinance 5189, and that Table 1 in Title 5 Chapter 17 of the Mesa City Code, entitled Mesa Development Impact Fees, is hereby amended to remove the Parks Impact Fee and to reduce the Total Impact Fee Amount as shown in Attachment 1.

SECTION 2: RECITALS. The recitals above are fully incorporated in this Ordinance by reference.

SECTION 3: EFFECTIVE DATE. The effective date of this Ordinance shall be 30 days following adoption by the Mesa City Council.

SECTION 4: PRESERVATION OF RIGHTS AND DUTIES. The repealing provisions of this ordinance do not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of the repeal.

SECTION 5: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or any part of the material adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 6: PENALTY. Penalties shall be as prescribed in section 5-17-11 of the Mesa City Code.

PASSED AND ADOPTED by the Council of the City of Mesa, Maricopa County, Arizona, this 11th day of July, 2016.

APPROVED:

Mayor

ATTEST:

City Clerk