

CYPRESS COUNTY POLICY

TITLE:	Endeavour to Assist	POLICY NO.:	R 17
AUTHORITY:	Resolution No.: 2008/166	DATE:	June 17, 2008
REVISED:	Resolution No.: 2012/229 Resolution No.: 2018/516	DATE:	July 17, 2012 September 18, 2018

PURPOSE

The purpose of this policy is to describe the County's process of endeavoring to assist. On initial construction, the road cost is split between Cypress County (75%) and the Resident (25%) as per Policy R14. This policy is to assist the initial developer in recovering their initial cost from other residents over time based on the road share.

DEFINITIONS

Extenuating Circumstances - includes any factors which the Council may wish to consider.

Infrastructure – Roads that would benefit one or multiple residents

Developer - Individual, company, or corporation who covered the cost of the subdivision.

Owner - person whose name appears on the assessment roll of the County in respect to land liable to assessment and taxation for general municipal purposes, as well as the County should council decide to extend the road for general municipal purpose, or the individual or company that created the subdivision.

Subdivision - An individual home, or a collection of homes in which a developer planned and designed, and then approach council to separate titles with the intention to sell the individual parcel.

Owner - a person whose name appears on the assessment roll of the County in respect to land liable to assessment and taxation for general municipal purposes, as well as the County should Council decide to extend the road for general municipal purposes, or the individual or developer that created the subdivision.

POLICY STATEMENT GUIDELINES

Where a policy calls for an Endeavour to Assist, within 5 years of issuance of the completion of the road (as determined by the County), the County will endeavour to assist in the recovery of a proportionate share of the cost of the road upgrade costs. The following guidelines will be applied when making the determination:

1. There will be no depreciation of the road cost over time.
2. When a subsequent or new owner requires the use of all or a portion of a road which is subject to an endeavour to assist clause, the County will endeavour to assist previous owners to recover a portion of the cost as per a formula established by the County.
3. See R17 – Appendix 1 for an example of the calculation. A Summary is provided below.

The formula for the endeavour to assist can be presented as follows:

1st owner: Cost of road x 25% paid by resident

2nd owner: (cost of road/number of owners) x (% of road utilized) = original cost to be repaid to owner number 1

3rd owner: (cost of road/number of owners) x (% of road utilized) = (weighted average ownership of owner number 1 and number 2 = original cost to be repaid to owner number 1 and number 2.

If the original subdivision has 10 residents and the new development has 5 residents, then calculations should be based on 5/15 for a total of 33%).

- To determine the amount of road a subsequent owner will be responsible for, it is calculated as the distance along the road divided by the full length (example: if the new owner's property goes 1/3 of the length of the road, the percentage will be 33%).
 - The cost to the new owner, to be distributed among existing owners or developer who covered the original cost, will be calculated by taking the amount of total development cost and multiplying by the new owner's proportionate percentage
 - The amount reimbursed to each existing owner will be calculated on the percentage of the investment each has in the road when the new owner comes on. (Example: If there are 3 owners already involved with each having a 65%, 25%, and 10%, then the total cost is divided and paid to those owners based on those percentages).
 - The amounts paid to the existing owners are then subtracted from their investment in the road and the new owner is added to the list of existing owners (Example: those with the \$5,000 Share). The total shares must always add up to total cost of the road.
4. After five (5) years of the road's completion there will be no cost recovery for any of the owners who were part of the Endeavour to Assist, even if they contributed in the final year.

5. Council reserves the right to, without reason, vary from this formula if it so chooses. The formula example is attached and forms part of this policy.

Refer to R17 Endeavor to Assist Appendix 1 in the attached spread sheet.