

**VILLAGE OF EAGLE
WAUKESHA COUNTY
RESOLUTION 2006-07**

**A RESOLUTION TO EXTEND THE
TIME TO EXPEND IMPACT FEES**

WHEREAS, the State of Wisconsin adopted 2005 Wisconsin Act 203 which amended the Wisconsin State Statutes that apply to impact fees; and

WHEREAS, the Bill was introduced in the State Assembly on February 27, 2006, approved by the full Assembly on March 7, 2006, approved by the full Senate on March 9, 2006, and signed into law by the Governor on March 29, 2006; and

WHEREAS, due to the fact that the Bill was introduced and adopted as law within one month, cities, villages and towns were largely unaware of the change in the statute and the ramifications of the changes to the laws pertaining to impact fees until after the adoption of the change; and

WHEREAS, the State, thru 2005 Wisconsin Act 203 determined that impact fees collected by a political subdivision are to be used within 7 years after they have been collected or be refunded to the current owner of the property; and

WHEREAS, until the adoption of 2005 Wisconsin Act 203, impact fees were to be used "within a reasonable time"; and

WHEREAS, the Village of Eagle had adopted impact fee ordinances for Water facilities, Police facilities and Library facilities; and

WHEREAS, the ordinances of the Village of Eagle relating to the amount of time the Village has to expend its impact fees do not appear to conform to the recent amendment to the Statutes; and

WHEREAS, municipalities, including the Village of Eagle, were afforded less than two weeks time between the date the Governor signed Act 203 into law and its effective date, April 11, 2006, and thus the Village of Eagle has not had sufficient time to properly review its impact fees ordinances to conclude what, if any, impact fees may have to be adjusted or used immediately or in the immediate future to ensure compliance with the statute; and

WHEREAS, it is expected to take the Village of Eagle a significant amount of time to properly assess the impact of Act 203 and its effect on the Village and ensure that the Village is fully in compliance with Act 203; and

WHEREAS, the Village would experience hardships if a three year extension is not adopted, such as incurring extensive overtime costs in an attempt to comply with Act 203 in an immediate manner and potentially exposing itself to unnecessary litigation; and

WHEREAS, pursuant to the recent amendment to Wisconsin Stat. Sec. 66.0617, a municipality may extend the time limit for using the impact fees for an additional 3 years, if it adopts a resolution stating that the time limit should be extended due to extenuating circumstances or hardship in meeting the 7 year limit and the resolution specifies the extenuating circumstances or hardship.

NOW THEREFORE, IT IS HEREBY RESOLVED, by the Village Board of the Village of Eagle, that due to the extenuating circumstances and hardships identified herein the Village hereby exercises its option under Act 203 to extend the 7 year time limit in that act by an additional 3 years, beginning April 11, 2006, for use of the impact fees that have been collected.

The Village Clerk is hereby directed to determine whether any collected impact fees have not been expended within the last 7 years and provide a report to the Village Board.

Dated and approved this 11th day of May, 2006.


Richard Spurrell, Village President


Shirley Mealy, Village Clerk