

Chapter 76, INFRASTRUCTURE DEVELOPMENT PROGRAM
[HISTORY: Adopted by the City Council of the City of Binghamton 4-21-1986 by L.L. No. 4-1986
(Sub-Part LXIII of the 1970 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land -- See Ch. 360.

Zoning -- See Ch. 410.

§ 76-1. Establishment and purpose.

There is hereby established an infrastructure development program in the City of Binghamton, the purpose of which shall be to encourage new residential development.

§ 76-2. Costs provided by City.

Said infrastructure program shall provide for the City payment of 1/2 of the cost of construction of newly constructed City streets in connection with new residential development approved under this program. Said 1/2 payment shall be limited to 1/2 of the lesser of the estimated cost of construction, as approved by the City Engineer, or the actual cost of construction.

§ 76-3. Eligibility requirements. [Amended by L.L. No. 3-1988]

- A. In order to be eligible under this program a residential developer shall make application to the Board of Contract and Supply. Said application may be made at any time before or during construction of the infrastructure, however no application shall be accepted later than 60 days after acceptance of the street(s) by City Council.

- B. In said application the residential development must provide or prove the following:
 - (1) Satisfactory proof of title;
 - (2) An approved subdivision plan;
 - (3) A site plan which includes how the structures will be or are situated on lots, the landscaping and other details as deemed appropriate;
 - (4) Satisfactory financial commitments;
 - (5) Such other information or documentation as determined necessary by the Corporation Counsel;
 - (6) Estimated increase in City taxes, as approved by the City Assessor, to be generated by the completed project which meets or exceeds the eligible City payment for new street construction in accordance with the following formula:

$$A = [B(b2--b1)]$$

Where:

$$A = \text{City's payment}$$

$$B = \text{Current City tax rate per \$1,000 of assessed valuation}$$

$$b1 = \text{Current City taxable assessment on the property (in thousands)}$$

$$b2 = \text{Estimated City taxable assessment on property after completion of the residential}$$

project as detailed by the developer and approved by the City Assessor and the City Comptroller (in thousands)

§ 76-4. Improvements eligible for City payment.

The following shall constitute public improvements eligible for City payment:

- A. Plans and specifications for construction of streets.

- B. Water lines.

- C. Sanitary sewer lines.
- D. Storm sewer lines.
- E. Curbs and gutters.
- F. Grading and paving of streets.

§ 76-5. Obligations of applicant.

An approved applicant shall further contract with the City and obligate itself to:

- A. Develop and provide construction plans and specifications in accordance with City specifications and approved by the City Engineer.
- B. Construct said street and all public improvements in compliance with all applicable statutes, ordinances, codes, rules and regulations.
- C. Convey the street and all improvements associated therewith over to the City upon the acceptance of the street.
- D. Provide the City with copies of all contracts associated with the street and street improvements.
- E. Submit vouchers for City payment eligible work completed on a monthly basis.
- F. Provide a performance bond or other satisfactory security equaling 110% of the estimated City payment. Other items and conditions of such performance security shall be made by the Corporation Counsel as determined necessary to protect the City and accomplish the purpose of this chapter.
- G. Such other terms and conditions as determined necessary by the City to accomplish the purpose of this chapter.

§ 76-6. Payment contingent upon acceptance by City.

Upon the acceptance of the street(s) by City Council and the conveyance thereof, the applicant shall be entitled to the City payment provided hereinabove.

§ 76-7. Administration of program.

This program shall be administered by the Board of Contract and Supply which shall review and approve all aspects of each program except as otherwise provided herein.

§ 76-8. Entitlement limited to available funds.

Entitlement under this program shall be strictly limited and subject to the funding made available for its purpose.

§ 76-9. Inconsistent provisions superseded.

Sections C-131 through C-179 of the Supplemental Charter of the City of Binghamton and any other local laws, to the extent they are inconsistent herewith, are superseded solely as to and for the purpose of this program and to the extent they are inconsistent herewith. Otherwise, such local laws shall remain in full force and effect.