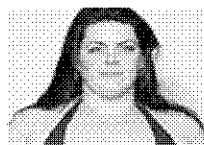


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July 16, 2009

Institute appeals impact fee ruling

By Sonu Munshi
Tribune

The Goldwater Institute is appealing a Maricopa County Superior Court ruling earlier this week that allows Mesa to continue to charge impact fees for expansion or additions to its museums and other cultural facilities.

On Tuesday, Judge Douglas Rayes ruled in Mesa's favor, finding that such fees were not arbitrary.

Goldwater attorney Clint Bolick is fighting the case on behalf of the Homebuilders Association of Central Arizona. They contend that such fees ought to be limited to improvements on basic services such as water and sewer facilities. Mesa charges \$218 as part of impact fees on new single-family homes that go toward money for the city's cultural facilities.

Typically, developers are charged the fees and these get passed on to homebuyers.

Despite the ruling, Bolick maintains that Mesa has not shown evidence that new development and population growth have added to the city's burden of providing new cultural facilities or expanding existing ones.

Mesa's contention has been that the state Legislature authorizes municipalities to assess impact fees on new development to offset the cost of providing "necessary public services," without specifying which services.

Thus far, for the case, which started in 2007, the city has spent \$87,000 on outside counsel, according to Mesa City Attorney Debbie Spinner.

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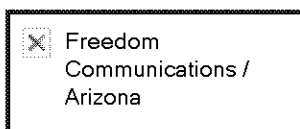
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