

**Agreement between
City of Rapid City
And
Skyline Pines Development Company L.L.C.**

This Agreement made this _____ day of _____, 2001, by and between the City of Rapid City, municipal corporation organized under the laws of the State of South Dakota, hereinafter referred to as the City, and Skyline Pines Development Company L.L.C. of 728 Sixth Street, Rapid City, South Dakota hereinafter referred to as the Developer.

WHEREAS, the Developer wishes to construct a Skyline Pines subdivision located within the corporate limits of the City, and further the Developer wishes to make connection to the water distribution system of the City, and the City desires to provide such water service, and

WHEREAS, the Developer is required by the Subdivision Ordinances of the City and a Resolution of the Common Council dated June 17, 1985 to pay for the costs to provide adequate water quantities and pressures, and

WHEREAS, the cost of water mains is estimated to be \$250,000, not including the cost of constructing water mains within the Developer's property,

NOW, THEREFORE, in consideration for the mutual promises, covenants and conditions herein contained, it is agreed as follows:

1. The Developer agrees to have constructed approximately 3,700 feet of ten- (10") inch water main along Skyline Drive as per plans prepared by Renner and Sperlich Engineering Company titled Skyline Pines Offsite Water Improvements (DEV01-464).
2. The City agrees to identify all property, hereinafter referred to as the Service Area shown on Attachment A, that may benefit from the above described water system improvements and further agrees to establish a Connection Fee, which will be levied against all property in the Service Area at such time the property requests a water service line tap directly from the water mains constructed as part of the Skyline Pines Offsite Water Improvements Project or the water main in Sandstone Lane constructed as part of the Skyline Pines Development Project (DEV00-395). The Connection Fee for those properties within the Service Area and not within either Skyline Pines Subdivision or Lot 15 of Kepp Heights Subdivision shall be established by dividing the total actual cost of the water main extension (determined at the completion of construction), estimated to be approximately \$250,000.00, divided by the total of 24 lots within the Service Area. Those property owners who pay the Connection Fee on or before December 31, 2001 will receive a 5% incentive reduction in the Connection Fee total calculated above. The Lot 15 of Kepp Heights Subdivision may be subdivided at a later date. The water line extension that may occur to serve Lot 15 of Kepp Heights Subdivision shall be paid for directly by that landowner. The Connection Fee for Lot 15, or further lots subdivided within that property currently described as Lot 15 of Kepp Heights Subdivision shall pay the Connection Fee of \$1,500 per lot. Similarly, further subdividing of the property on Tower Road, described as the Northerly Balance of Lot 1

of Lot C in the E½ of the NW¼ of Section 14, T1N, R7E, BHM, shall require the landowner to extend the water main line along Tower Road a length equal to the frontage of that existing lot, and shall pay a Connection Fee of \$1,500 per lot. Skyline Pines Development Co. LLC will pay for the initial construction, engineering, inspections, debt service and any deficit funds not covered by the above described connection fees.

3. The Connection Fee shall be based on total project cost which includes design engineering fees, construction costs and City inspection fees.
4. The City agrees to reimburse the Developer all of the above described Connection Fees as the fees are collected within thirty (30) days of receipt of fees by the City. In no case will the Developer be reimbursed in excess of the total costs of engineering, construction, inspections and interest on the non-reimbursed portions of the costs at a rate of 9% per year. The payments to the Developer will cease when the total costs of engineering, construction, inspections and interest are reimbursed.
5. Each parcel in the Service Area shall pay the Connection Fee for the currently described properties or any future subdivision of those properties requiring water service and obtaining a water service line tap directly from the water mains constructed as part of the Skyline Pines Offsite Water Improvements Project or the water main in Sandstone Lane constructed as part of the Skyline Pines Development Project .
6. The above described Connection Fees are in addition to the existing connection fee established for this area as part of the Highway 16 Service Area. The Highway 16 connection fee is \$324.44 per acre for the properties in the Service Area identified in Exhibit A and Lot 15 of Kepp Heights Subdivision , and \$1,442.88 per lot for the properties within the Skyline Pines Subdivision and for Tract C Revised, Section 11, T1N, R7E.

This Agreement shall inure to the benefit of and be binding upon the respective parties hereto, their successors and assigns. This Agreement shall take effect upon its execution by the respective parties hereto.

The Developer will save and hold the City harmless from any and all damages resulting from the omission of, or inability of the City to furnish water as herein provided. However, this clause shall not apply to penalties, liabilities, claims, or demands of any kind or character arising out of the City's own negligence or of its agents, servants or employees.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed by their respective duly authorized officers as of the day and year first above written.

CITY OF RAPID CITY

Jerry Munson, Mayor

Patrick H. Wyss, FASLA
Vice President
Skyline Pines Development Company LLC

ATTEST:

ATTEST:

Finance Office
(SEAL)

(SEAL)

Skyline Drive Water Connection Fees

July 9, 2001/September 6, 2001

LEGAL DESCRIPTIONS	OWNER OF RECORD	ACREAGE	100% of cost based on per connection fee basis - \$250,000.00 divided by 24 lots = \$10,416.667
THE UNPLATTED PART OF NW1/4, NW1/4, NE1/4, NW1/4 LESS PRIVATE STREET SECTION 14, T1N, R7E B.H.M. PENNINGTON COUNTY, SOUTH DAKOTA	FRANK & KATHY SOPKO	0.830	10,416.67
THE UNPLATTED PART OF NW1/3, SW1/4, NW1/4, NE1/4, NW1/4 SECTION 14, T1N, R7E B.H.M. PENNINGTON COUNTY, SOUTH DAKOTA	FRANK & KATHY SOPKO	1.520	10,416.67
THE UNPLATTED PART OF NW2/3, NW1/4, SW1/4, NE1/4, NW1/4; NORTH 200 FEET OF THE NE1/4, SW1/4, NE1/4, NW1/4 LESS LOT N, ROW, PT OF PRIVATE STREET, THE S2/3, SW1/4, NW1/4, NE1/4, NW1/4; THE E1/2, NW1/4, NE1/4, NW1/4 LESS PART OF LOT N, ROW AND PART OF PRIVATE STREET ALL LOCATED IN SECTION 14, T1N, R7E B.H.M. PENNINGTON COUNTY, SOUTH DAKOTA	STEVEN & ROBERTA PARADIS	4.090	10,416.67
LOT N, LOCATED IN THE NE1/4 OF THE NW1/4 OF SECTION 14, T1N, R7E, B.H.M., PENNINGTON COUNTY, SOUTH DAKOTA.	STEVEN & ROBERTA PARADIS	1.000	10,416.67

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THE UNPLATTED PART OF S1/3, NW1/4, SW1/4, NE1/4, NW1/4, ROW AND PART OF PRIVATE STREET; NE1/4, SW1/4, NE1/4, NW1/4 LESS NORTH 200 FEET, ROW AND PART OF PRIVATE STREET ALL LOCATED IN SECTION 14, T1N, R7E B.H.M. PENNINGTON COUNTY, SOUTH DAKOTA	LOREN & NADINE FARSTEAD	2.090	10,416.67
THE UNPLATTED PART OF N1/2, S1/2, SW1/4, NE1/4, NW1/4, LESS PART OF LOT M, ROW AND PART OF PRIVATE STREET ALL LOCATED IN SECTION 14, T1N, R7E B.H.M. PENNINGTON COUNTY, SOUTH DAKOTA	WALLY & JUDY EVANS	2.640	10,416.67
LOT M - NE 1/4 NW 1/4 OF SECTION 14, T1N, R7E, B.H.M., PENNINGTON COUNTY, SOUTH DAKOTA	DAKSOFT INC BLACK HILLS POWER/LIGHT JIM MATTERN	0.390	10,416.67
THE UNPLATTED PART OF S1/2, S1/2, SW1/4, NE1/4, NW1/4 LESS PART OF LOT M, ROW AND PART OF PRIVATE STREET ALL LOCATED IN SECTION 14, T1N, R7E B.H.M. PENNINGTON COUNTY, SOUTH DAKOTA	SANDRA & R. JOHNS	2.500	10,416.67
THE UNPLATTED PART OF NW1/4, SE1/4, NW1/4 SECTION 14, T1N, R7E B.H.M. PENNINGTON COUNTY, SOUTH DAKOTA	DANIEL TACKETT	6.370	10,416.67
LOT 2 OF LOT B OF S1/2 OF NW1/4 AND THE N1/2 OF THE SW1/4 SECTION 14, T1N, R7E B.H.M. PENNINGTON COUNTY, SOUTH DAKOTA	TRIAD BROADCASTING	8.288	10,416.67

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HANKS DRIVE, A PRIVATE DRIVE AND UTILITY EASEMENT SECTION 14, T1N, R7E B.H.M. PENNINGTON COUNTY, SOUTH DAKOTA	RUSHMORE RADIO COMPANY	0.481	10,416.67
THE UNPLATTED PART OF THE N 801' OF THE E1/2, E1/2, NW1/4, SW1/4; UNPLATTED PART OF THE 801' OF THE W1/2, NE1/4, SW1/4 LOCATED IN SECTION 14, T1N, R7E B.H.M. PENNINGTON COUNTY, SOUTH DAKOTA	ANDREA SABOW	4.590	10,416.67
LOT 2 OF LOT A OF LOT C LOCATED IN THE NE1/4, SW1/4 OF SECTION 14, T1N, R7E B.H.M. PENNINGTON COUNTY, SOUTH DAKOTA AND LOT 1 OF LOT A OF LOT C LOCATED IN THE SE1/4, NW1/4 OF SECTION 14, T1N, R7E B.H.M. PENNINGTON COUNTY, SOUTH DAKOTA	VERN WOIZESKI	1.960	10,416.67
SOUTHERLY BALANCE OF LOT 1 OF LOT C IN THE E1/2 OF THE NW1/4 OF SECTION 14, T1N, R7E B.H.M. PENNINGTON COUNTY, SOUTH DAKOTA	MARY THOMPSON	2.055	10,416.67
BALANCE OF LOT B OF LOT C IN THE E1/2 OF THE NW1/4 OF SECTION 14, T1N, R7E B.H.M. PENNINGTON COUNTY, SOUTH DAKOTA	GOLDEN WEST	0.866	10,416.67
LOT 1 OF LOT B OF THOMPSON TOWER ADDITION. THE E1/2 OF THE NW1/4 OF SECTION 14, T1N, R7E, B.H.M., PENNINGTON COUNTY, SOUTH DAKOTA	MARY THOMPSON	1.014	10,416.67

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THE NORTHERLY BALANCE OF LOT 1 OF LOT C IN THE E1/2 OF THE NW1/4 OF SECTION 14, T1N, R7E, B.H.M., PENNINGTON COUNTY, SOUTH DAKOTA	MARY THOMPSON	5.226	10,416.67
LOT 1 OF LOT B OF THOMPSON TOWER ADDITION. THE S1/2 OF THE NW1/4 AND N1/2 OF THE SW1/4 OF SECTION 14, T1N, R7E, B.H.M., PENNINGTON COUNTY, SOUTH DAKOTA	TRIAD BROADCASTING	0.375	10,416.67
LOT C OF SKYVIEW SUBDIVISION. (FORMERLY ALL OF LOT A IN THE NW1/4 OF SECTION 14, T1N R7E WHICH INCLUDES LOTS A & B OF LOT 1 OF LOT A) ALL LOCATED IN THE E1/2 OF NW1/4 OF SECTION 14, T1N, R7E,, B.H.M., PENNINGTON COUNTY, SOUTH DAKOTA	KBHE	10.600	10,416.67
LOT BR OF SKYVIEW SUBDIVISION. (FORMERLY ALL OF LOT A IN THE NW1/4 OF SECTION 14, T1N R7E WHICH INCLUDES LOTS A & B OF LOT 1 OF LOT A) ALL LOCATED IN THE E1/2 OF NW1/4 OF SECTION 14, T1N, R7E, B.H.M., PENNINGTON COUNTY, SOUTH DAKOTA	LOIS WARREN	0.476	10,416.67
LOT AR OF SKYVIEW SUBDIVISION. (FORMERLY ALL OF LOT A IN THE NW1/4 OF SECTION 14, T1N R7E WHICH INCLUDES LOTS A & B OF LOT 1 OF LOT A) ALL LOCATED IN THE E1/2 OF NW1/4 OF SECTION 14, T1N, R7E,, B.H.M., PENNINGTON COUNTY, SOUTH DAKOTA	ROD YENCENSKY	0.474	10,416.67

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LOT 3 OF THE E1/2 OF THE SW1/4 OF SECTION 11, T1N, R7E, B.H.M. PENNINGTON COUNTY, SOUTH DAKOTA.	ROBERT & GINGER SCHUTZ	2.300	10,416.67
LOT A AND ADDITIONAL DEDICATED ROADWAY FOR SANDSTONE LANE - ALL IN PETERSON HEIGHTS SUBDIVISION LOCATED IN LOT 2 OF THE SE1/4, SW1/4 OF SECTION 11, T1N, R7E, B.H.M., PENNINGTON COUNTY, SOUTH DAKOTA	GARY & JEANIE PETERSON	4.121	10,416.67
LOT B AND ADDITIONAL DEDICATED ROADWAY FOR SANDSTONE LANE - ALL IN PETERSON HEIGHTS SUBDIVISION LOCATED IN LOT 2 OF THE SE1/4, SW1/4 OF SECTION 11, T1N, R7E, B.H.M., PENNINGTON COUNTY, SOUTH DAKOTA	RUDY MOONEY	1.037	10,416.67
		65.293	250,000.01