

RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.04.095 and SDCL Section 9-47-16 allows the Common Council to impose water construction fees for connection to the water utility in certain areas; and

WHEREAS, water mains have been extended in the I-90 Heartland Business Park Subdivision and along Elk Vale Road per plans filed with the City of Rapid City under City Development File No. DEV03-646; I-90 Heartland Business Park Subdivision as shown on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the City has requested the Developer to oversize the water mains from a 10" diameter main to a 12" diameter main to provide additional capacity to accommodate future upstream growth, and the City has paid the Developer \$34,118.98 for the requested oversize; and

WHEREAS, water main oversize costs associated with the I-90 Heartland Business Park Subdivision, City Development File No. DEV03-646, should be apportioned according to the benefit each property receives; and

WHEREAS, the water main oversize costs totaling \$34,118.98 will be proportioned to the properties identified in Exhibit A according to the benefits to accrue to such property before such property shall be served with such facilities; and

WHEREAS, these utility construction fees are based on the benefits that accrue to such property on a per-acre system. "Benefiting areas" include those properties that will benefit from increased water main diameter to service the regional area, and do not necessarily directly abut newly constructed water mains. Thus, these properties may need to extend additional water mains at their cost prior to connecting to this infrastructure; and

WHEREAS, the Common Council finds, after conducting a comprehensive investigation of the areas benefited by the construction of the water mains associated with the I-90 Heartland Business Park Subdivision, City Development File No. DEV03-646, that such utility construction fees are appropriate and in the best interests of the City, community, and the water utility.

NOW, THEREFORE, be it resolved that utility construction fees are hereby imposed on the property that benefits from the oversize portion of the construction of the water mains associated with I-90 Heartland Business Park Subdivision, City Development File No. DEV03-646; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A shall be required to pay its proportional share of the oversize cost of construction of the water mains associated with I-90 Heartland Business Park Subdivision, City Development File No. DEV03-646, prior to being served with City water; and

BE IT FURTHER RESOLVED that the property shown on Exhibit A as benefiting property shall pay \$130.07 per acre prior to connection to the City's water main; and

BE IT FURTHER RESOLVED that all water construction fees collected as established herein shall accrue to the water utility enterprise fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of project costs totaling \$34,118.98 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this _____ day of _____, 2006

CITY OF RAPID CITY

Jim Shaw, Mayor

ATTEST:

Finance Officer

(SEAL)