

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 approximately 1,264 feet along Golden Eagle Drive beginning at its intersection with Catron Boulevard per City plans filed under City Project No. W01-1058, Golden Eagle Drive Water Main Extension and by private development under DEV03-560, as shown on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the City previously adopted a supplemental tap fee Resolution on April 21, 2003 that does not accurately depict the actual construction of the private development project DEV03-560 and needs to be corrected; and

WHEREAS, the City oversized the water mains from an 8" diameter main to a 10" diameter main under City Project W01-1058 to provide additional capacity to accommodate future surrounding area growth. Additionally, the City extended the off-site water main across an H-Lot associated with Catron Boulevard. The City constructed the Project with total costs incurred by the City of \$26,002.15; and

WHEREAS, Arlene (Ham) Burr and Roy Burr, as developers, extended approximately 392 feet of an off-site 10" water main (under City No. DEV03-560) from the termination of the City Project W01-1058 to the southeast corner of their property. Arlene (Ham) Burr and Roy Burr constructed the described off-site 10" water main with total costs incurred of \$15,662.68; and

WHEREAS, water main oversize costs associated with the Golden Eagle Drive Water Main Extensions, City Project No. W01-1159 and DEV03-560, should be apportioned according to the benefit each property receives; and

WHEREAS, the water main oversize and off-site construction costs totaling \$41,664.83 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, and should be established 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 Golden Eagle Drive Water Main Extensions, City Project No. W01-1159 and DEV03-560, 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 construction of the water mains associated with Golden Eagle Drive Water Main Extensions, City Project No. W01-1159 and DEV03-560; and

BE IT FURTHER RESOLVED that the previous Resolution adopted by the City on April 21, 2003 for a water supplemental tap fee for the benefiting property described as Unplatted Portion of the East One-Half (E ½) of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section Twenty-two (22), Township One (1) North, Range Seven (7) East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota be rescinded and replaced with the water construction fee established herein; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A shall be required to pay its proportional share of the oversize and project costs of construction of the water mains associated with Golden Eagle Drive Water Main Extensions, City Project No. W01-1159 and DEV03-560, prior to being served with City water; and

BE IT FURTHER RESOLVED that the property shown on Exhibit A as benefiting property shall pay \$762.25 per acre prior to connection to the City's water main; and

BE IT FURTHER RESOLVED that 62.4% of the water construction fees collected as established herein shall accrue to the water utility enterprise fund and the balance to be reimbursed to Arlene (Ham) Burr and Roy Burr per their agreement with the City and limited to an accumulated reimbursement limit of \$11,353.01; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of City's project costs of \$26,002.15 plus the off-site development costs of \$15,662.68 for a total of \$41,664.83 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

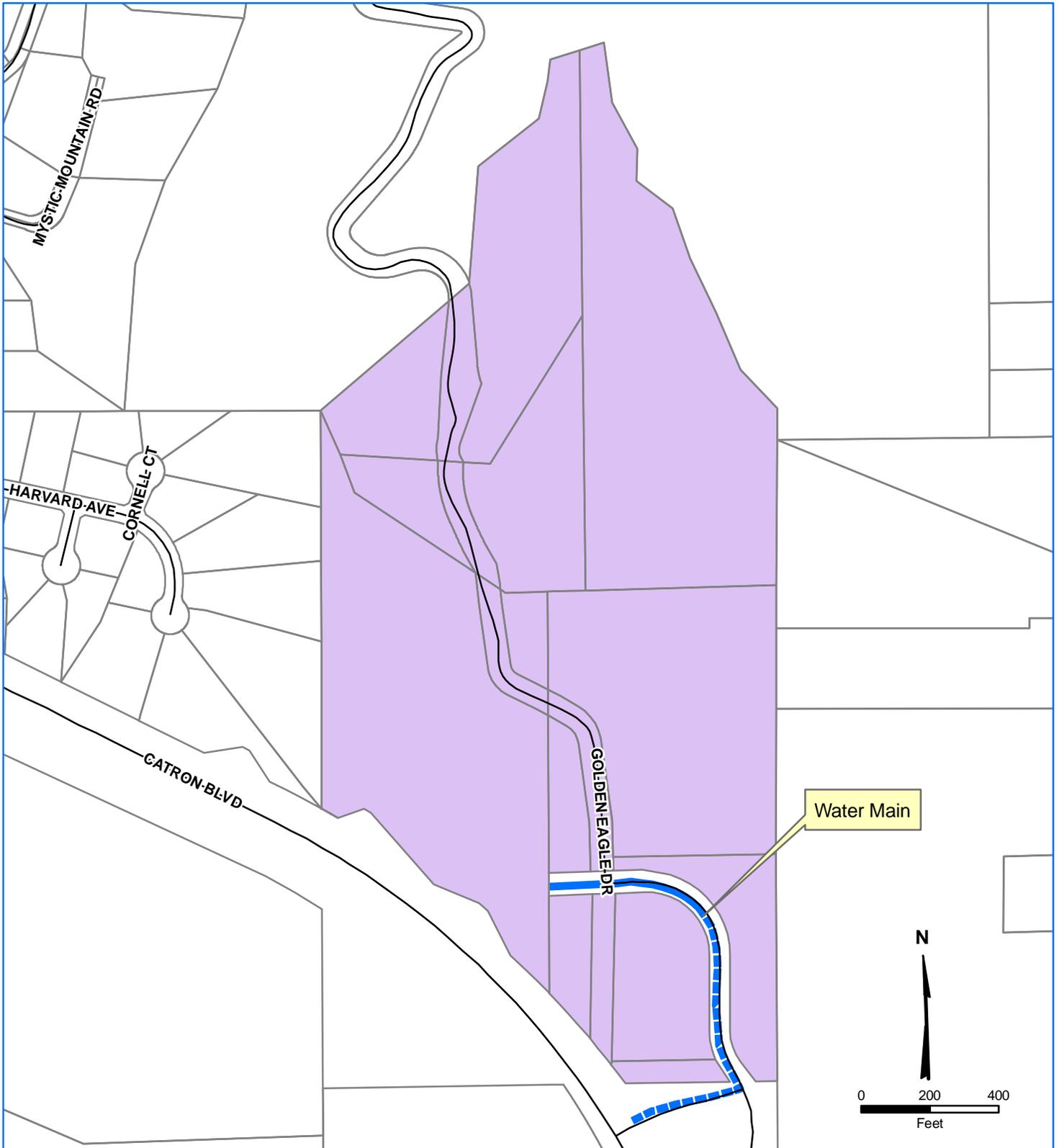
Dated this ____ day of _____, 2006

CITY OF RAPID CITY

Jim Shaw, Mayor

ATTEST:

Finance Officer
(SEAL)



Legend

-  City Project W01-1058 Water Main Extension
-  DEV 03-560 Water Main Extension
-  Benefiting Area

Golden Eagle Dr. Water Construction Fee Benefiting Area