

CONSTRUCTION FEE RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.08.365 and SDCL Section 9-48-15 allows the Common Council to impose sewer construction fees for connection to the sanitary sewer utility in certain areas; and

WHEREAS, sanitary sewer has been extended in the Eastridge Estates Subdivision (Phase I & II) per plans filed with the City under City Development Files No.'s DEV02-523: Eastridge Subdivision Phase I and DEV05-772: Eastridge Subdivision Phase II as shown on Exhibit A, attached hereto and incorporated hereto; and

WHEREAS, the City requested the Developer to oversize the sanitary sewer from an 8" to a 12" diameter main to provide additional capacity to accommodate future upstream growth, and the City has paid the Developer \$5,512.50 for the requested oversize; and

WHEREAS, sanitary sewer oversize costs associated with the Eastridge Estates Subdivision (Phase I & II), City Development File No.'s Dev 02-523 and DEV05-772 should be proportioned according to the benefit each property receives; and

WHEREAS, the sanitary sewer oversize costs for the 12" sanitary sewer total \$5,512.50 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 a sanitary sewer increase in diameter to service the regional area, and do not necessarily directly abut newly constructed sanitary sewer. Thus, these properties may need to extend additional sanitary sewers 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 sanitary sewer associated with the Eastridge Estates Subdivision (Phase I & II), City Development File No.'s DEV02-523 and DEV05-772, that such utility construction fees are appropriate and in the best interest 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 sanitary sewer associated with Eastridge Estates Subdivision (Phase I & II), City Development File No.'s DEV02-523 and DEV05-772; 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 sanitary sewer associated with Eastridge Estates Subdivision (Phase I & II), City Development File No.'s DEV02-523 and DEV05-772 prior to being served with City sanitary sewer; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A as benefiting property shall pay \$15.17 per acre prior to connection to the City's sanitary sewer; and

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

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$5,512.50 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

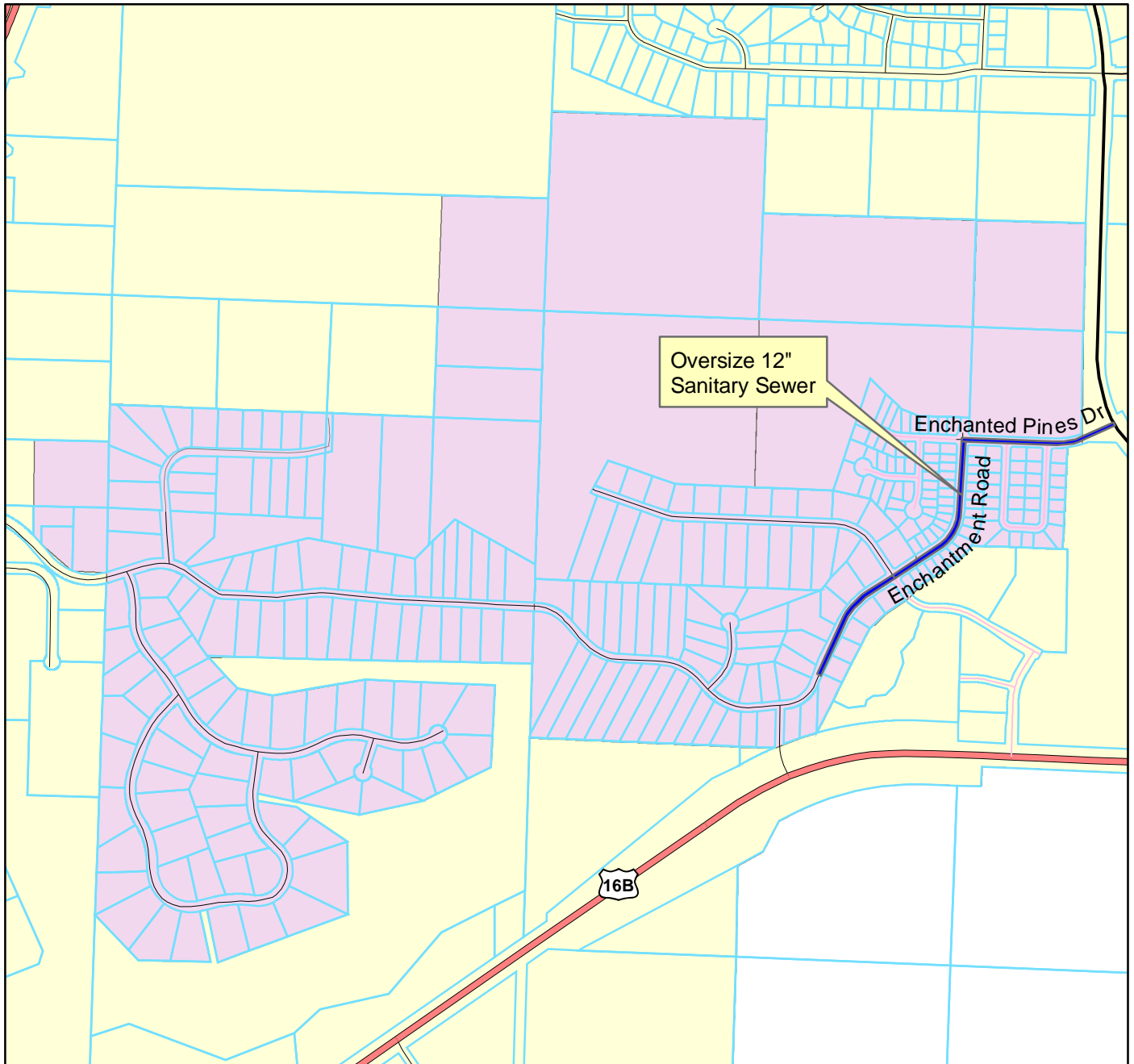
ATTEST:

Finance Officer

(SEAL)



Exhibit A

PW103106-15



Eastridge Estates Subdivision (Phase I & II) Oversize 12" Sanitary Sewer Construction Fee Benefiting Area

Legend

-  Benefiting Area
-  New 12" Sanitary Sewer

0 800 1,600 3,200 Feet

