

RESOLUTION

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

WHEREAS, 16 Plus. L.L.P., a limited liability partnership organized under the laws of the State of South Dakota, hereinafter referred to as the “Developer,” wishes to construct Moon Ridge Subdivision located within City jurisdictional limits, and further wishes to connect to the City’s sewer collection system, and the City desires to provide such sewer service; and

WHEREAS, the Developer has signed a Covenant and Agreement to construct approximately 3,257 lineal feet of off-site 8 inch (8”) PVC sanitary sewer main along Highway 16 as per plans prepared by Renner and Sperlich Engineering Co. titled, “Moon Ridge Sewer and Water Extension (DEV 02-534)”;

WHEREAS, the total calculated costs including construction costs for the offsite sewer system improvements, to be paid for by the Developer, was determined to be \$229,959.48, said costs do not include the cost of constructing the sewer mains within the Developer’s property; and

WHEREAS, the City has signed a Covenant and Agreement to present a proposed Sewer Utility Construction Fee Resolution to its Common Council which would establish a construction fee, based on the total calculated costs, to be levied against property that benefits from the offsite sewer system improvements and to collect said fees and reimburse said Developer for the cost of such; and

WHEREAS, the City has identified property, shown in Exhibit A attached hereto and incorporated herein, that may benefit from the above-described offsite sewer system improvements; and

WHEREAS, the total project costs of the offsite sewer system improvements shall be equally proportioned to the properties identified in Exhibit A, and any future subdivisions thereof, before such properties will be served with such facilities; and

WHEREAS, the Common Council finds that such utility construction fees are appropriate and in the best interests of the City, community, and the sewer utility.

NOW, THEREFORE, be it resolved that sewer utility construction fees are hereby imposed on the property, identified in Exhibit A, that benefits from the above-described construction of the sewer utility main along Highway 16; and

BE IT FURTHER RESOLVED, the identified benefiting properties shall be required to pay a proportional share of the cost of the construction of the extension of the sewer utility main at such time a request is made for a sewer service tap for that property; and

BE IT FURTHER RESLOVED, the sewer utility construction fee is established by dividing the total calculated costs of the sewer main extension (\$229,959.48), by the acreage of the benefiting area, said amount being \$7,377.71 per acre; and

BE IT FURTHER RESOLVED, all sewer utility construction fees collected as established herein shall accrue to the Sewer Utility Enterprise Fund; and

BE IT FURTHER RESOLVED, such sewer utility construction fee shall remain in effect until such time as the balance of the project costs totaling \$229,959.48 is collected, at which time this Resolution and sewer construction fee shall automatically expire; and

BE IT FURTHER RESOLVED, the Developer will be reimbursed its costs associated with extending the sewer main from the sewer utility construction fees collected as established herein.

Dated this ____ day of _____, 2006.

CITY OF RAPID CITY

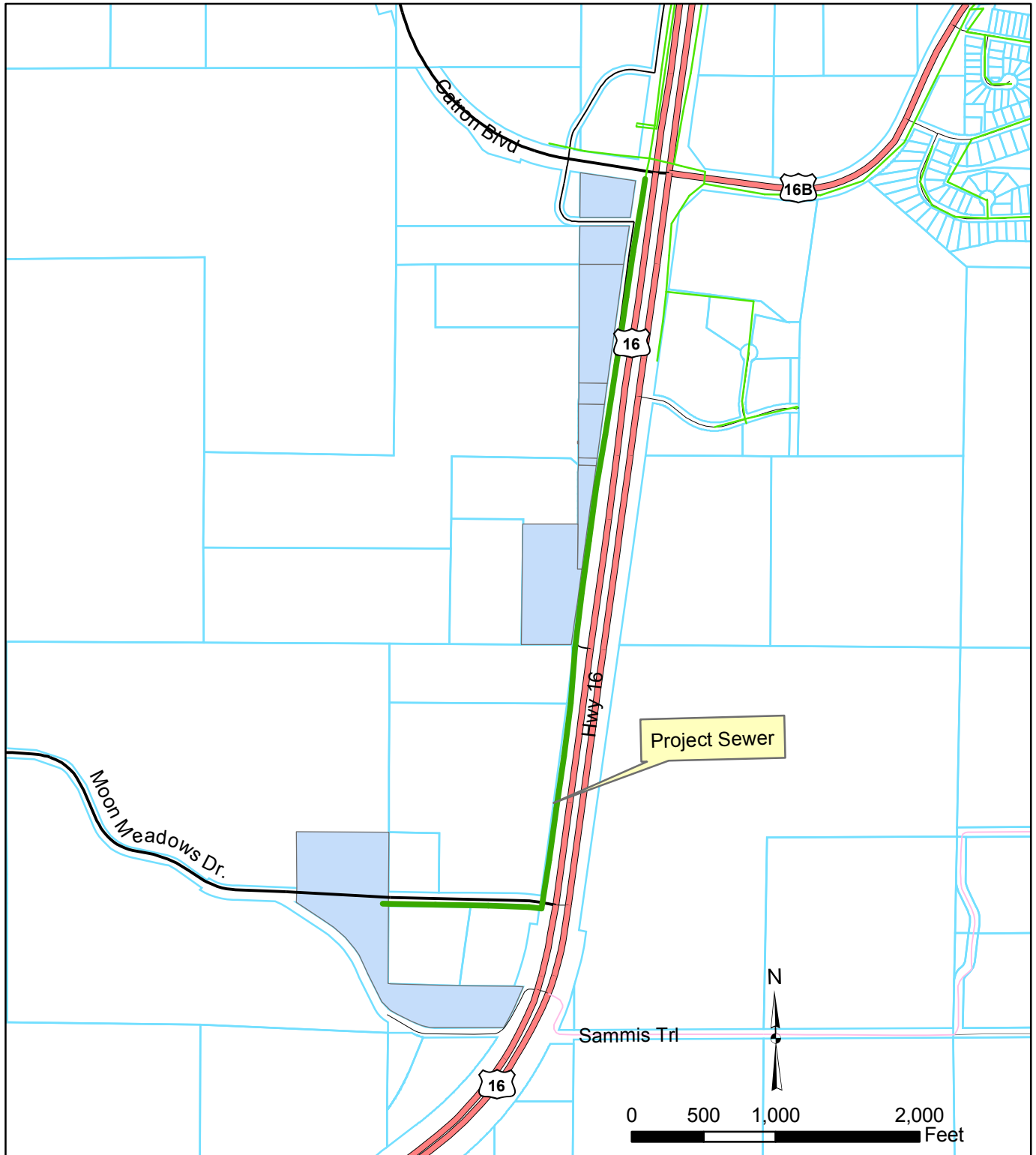
Jim Shaw, Mayor

ATTEST:

Finance Officer

Exhibit A

PW112806-09



Legend

- Exsiting Sanitary Sewer
- Project Sanitary Sewer
- Sanitary Sewer Benefiting Area
- Parcels

Moon Ridge Offsite Sanitary Sewer Benefiting Area