

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 sewer utility in certain areas; and

WHEREAS, Horst Developments, L.L.C., a limited liability company organized under the laws of the State of South Dakota, hereinafter referred to as the “Developer”, wishes to develop property located within City jurisdictional limits, and further wished 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 400 linear feet of offsite 8 inch PVC sewer main on Centre Street near Horst Developments, LLC as per plans prepared by Ferber Engineering Company, Inc. titled “Horst Sanitary Sewer Extension” dated February 23, 2006; and

WHEREAS, the total calculated costs including engineering and construction costs for the offsite sewer system improvements, to be paid for by the Developer, was determined to be \$36,737.98, said costs do not include the cost of constructing the sewer or service mains within the Developer’s property; and

WHEREAS, the City has approved 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 sewer system improvements and to collect said fees and reimburse said Developer for the cost of such; and

WHEREAS, the City has identified two properties, including the Developer’s 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, excluding the Developer’s property, or by any future subdivisions thereof, before such properties will be serviced with such facilities; and

WHEREAS, the Common Council finds, after conducting a comprehensive investigation of the areas benefited by the construction of the sewer mains associated with the Horst Centre Street sewer extension that such utility construction fees are appropriate and in the best interest of the City, community, and the sewer utility.

NOW, THEREFORE, be it resolved that utility construction fee is hereby imposed on the property, or any future subdivisions thereof identified in Exhibit A, that benefits from the above-described offsite construction of the sewer utility along Centre Street; and

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

BE IT FURTHER RESOLVED, the sewer utility construction fee is established by dividing the total calculated costs of the sewer main extension (\$36,737.98), by the number of benefiting lots, said amount being \$18,368.99(two lots one being the Developer's) ; and

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

BE IT FURTHER RESOLVED, such sewer utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$36,737.98 minus the Developer's proportional share (\$18,368.00), said being \$18,368.99 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

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 _____, 2007

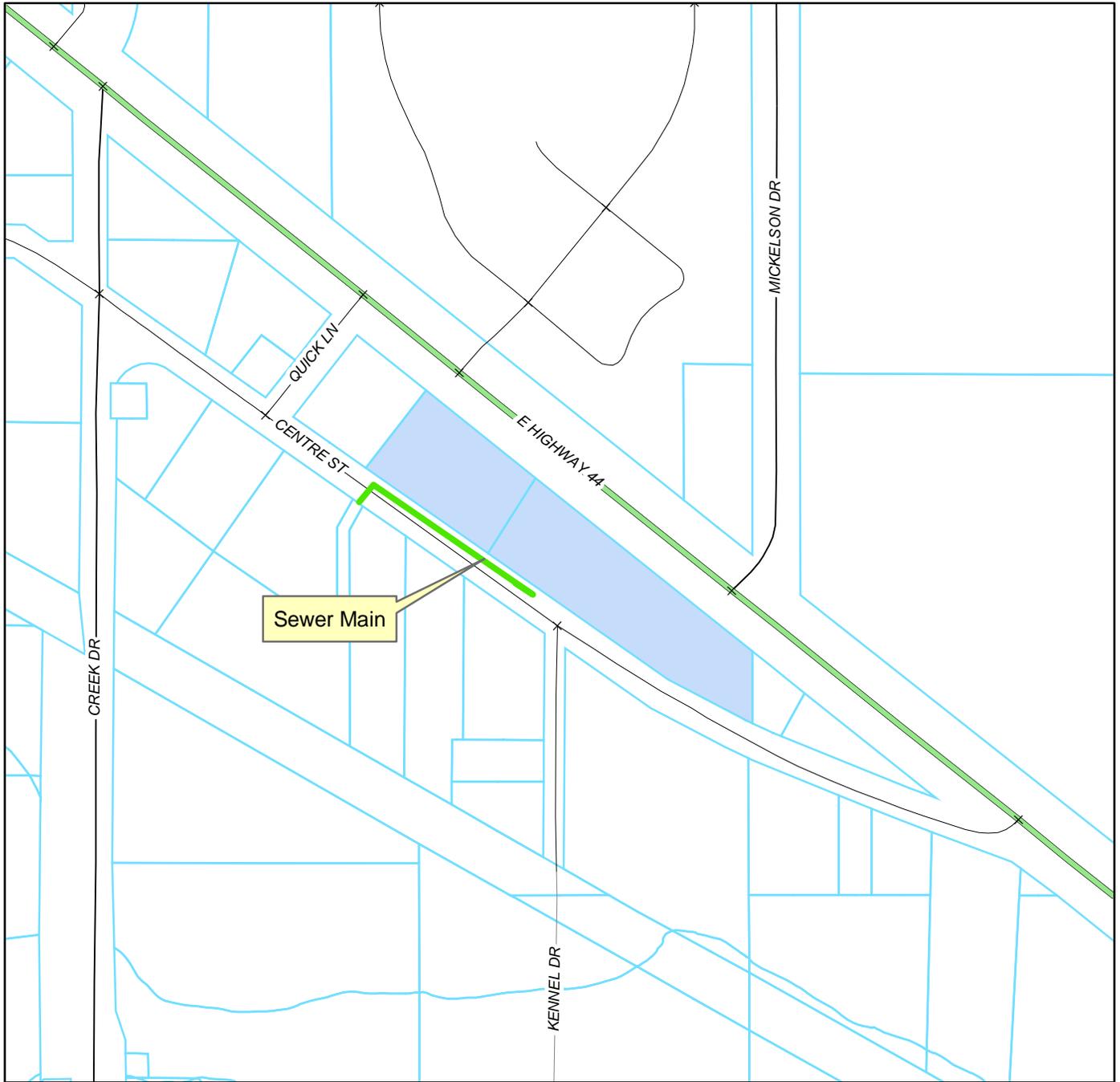
CITY OF RAPID CITY

Jim Shaw, Mayor

ATTEST:

Finance Officer

(SEAL)



Horst Centre Street Sewer Main Construction Fee Benefiting Area



Legend

-  Benefiting Area
-  Sewer Main

