

## **RESOLUTION**

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

WHEREAS, water mains have been extended along portions of Lien Street by Associated Design Incorporated (Developer) under Development Project No. DEV04-716, Lien Street Water Main Extension, as shown on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the total project cost paid by the Developer to complete this water main extension project is \$70,366.77 which includes \$66,999.29 in construction costs and \$3,367.48 in design costs; and

WHEREAS, the Developer's obligation for the Lien Street Water Main Extension, Development Project No. DEV04-716, was determined to be \$11,797.20; and

WHEREAS, the City of Rapid City reimbursed the Developer \$10,665.81 for the oversize portion of the water main; and

WHEREAS, the balance of project costs totaling \$58,569.57 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, of the \$58,569.57 above-described, an amount not to exceed \$47,903.76 shall be collected on the Developer's behalf by the City from the identified benefiting properties that have currently not connected and an amount not to exceed \$10,665.81 shall be collected by and for the City from the identified benefiting properties that have not currently connected; and

WHEREAS, the Common Council finds, after conducting a comprehensive investigation of the areas benefited by the construction of the Lien Street Water Main, Development Project No. DEV04-716, that such construction fees are appropriate and in the best interests of the City, community, and the water utility.

NOW, THEREFORE, be it resolved that construction fees are hereby imposed on the property that benefits from the construction of Lien Street Water Main, Development Project No. DEV04-716; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A shall be required to pay its proportional share of the cost of construction of the Lien Street Water Main, Development Project No. DEV04-716, prior to being served with City water; and

BE IT FURTHER RESOLVED that the property shown on Exhibit A as Adjacent Benefiting Property shall pay \$35.75 per linear foot prior to connecting to the City's water main for the reimbursement of the Developer's \$47,903.76 cost for the base portion of the water main; and

BE IT FURTHER RESOLVED that the property shown on Exhibit A as Oversize Benefiting Property shall pay \$95.37 per acre prior to connecting to the City's water main to reimburse the City \$10,665.81 for the City's cost for the oversize portion of the water main; and

BE IT FURTHER RESOLVED that property shown on Exhibit A as both Adjacent Benefiting Property and Oversize Benefiting Property shall pay both of the above-described fees; and

BE IT FURTHER RESOLVED that such construction fees shall remain in effect until such time as the balance of project costs totaling \$58,569.57 is collected, at which time this Resolution and the construction fee shall automatically expire.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2006.

CITY OF RAPID CITY

\_\_\_\_\_  
Jim Shaw, Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

(SEAL)