

RESOLUTION

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

WHEREAS, water mains have been extended along portions of Dyess, Seger, and future Mall Drive under City Project No. W99-845, Dyess Avenue Water Main Extension, as shown on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the total project cost to complete this water main extension project is \$646,356.34, which includes \$591,890.34 in construction costs and \$54,466.00 in design costs; and

WHEREAS, the total project costs of the construction of Dyess Avenue Water Main Extension, City Project No. W99-845 should be apportioned according to the benefit each property receives; and

WHEREAS, parcels #37ab and #39ab as shown on Exhibit A, are the sole benefiting properties from the water main constructed in the private road between parcels 37ab and 39ab. The cost for the construction of the portion of the public water main extension along the existing private road between parcels #37ab and #39ab (east of Dyess Avenue, future east projection of Dane Lane) is \$13,123.07; and

WHEREAS, the balance of project costs totaling \$633,233.27 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, Exhibit B, attached hereto and incorporated herein, represents the amounts each benefited property must pay to connect to the City water utility. These fees are based on the benefits that accrue to such property, and should be established on a per-acre, two-tier system. "Adjacent benefiting areas" include those properties that directly abut the new water mains and can take service to that subject property without further main extension, with acreage of those parcels limited to area within approximately 660 feet of roadway centerline. "Oversize benefiting areas" include those properties that will benefit from increased water main diameter to service the regional area, but do not directly abut newly constructed water mains. Thus, these properties will 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 Dyess Avenue Water Main, City Project No. W99-845 that such supplemental tap fees are appropriate and in the best interests of the City, community, and the water utility.

NOW, THEREFORE, be it resolved that supplemental tap fees are hereby imposed on the property that benefits from the construction the Dyess Avenue Water Main, City Project No. W99-845; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A shall be required to pay its proportions share of the cost of construction the Dyess Avenue Water Main, City Project No. W99-845 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 \$2941.03 per acre prior to connection to the City's water main; and

BE IT FURTHER RESOLVED that the property shown on Exhibit A as Oversize Benefiting property shall pay \$911.84 per acre prior to connection to the City's water main; and

BE IT FURTHER RESOLVED that Lot 37ab and 39ab as shown on Exhibit A shall each pay the per-acre supplemental tap fee as shown on Exhibit A and shall, in addition, pay \$6561.54 each, which represents one half of the cost of extending the water main into the private road; and

BE IT FURTHER RESOLVED that such supplemental tap fees shall remain in effect until such time as the balance of project costs totaling \$646,356.34 is collected, at which time this Resolution and the supplemental tap fee shall automatically expire.

Dated this ____ day of _____, 2004.

CITY OF RAPID CITY

Jim Shaw, Mayor

ATTEST:

Finance Officer

(SEAL)