

**RESOLUTION**

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

WHEREAS, water utility mains have been extended along portions of Mallow Street as per plans titled "Mallow Street Utility Extension (DEV 04-711)", as shown in Exhibit A, attached hereto and incorporated herein, by Robert J. Pesek, hereinafter referred to as "Developer", and

WHEREAS, Developer paid the total project costs to extend the water utility main including engineering and construction costs; and

WHEREAS, the total project cost to complete this water utility main extension project was \$20,671.40; and

WHEREAS, the total project cost will be equally proportioned to the properties identified in Exhibit A before such property shall 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 water utility.

NOW, THEREFORE, be it resolved that utility construction fees are hereby imposed on the property that benefits from the construction of the water utility main along Mallow Street as per plans prepared by Centerline titled "Mallow Street Utility Extension (Dev 04-711)"; and

BE IT FURTHER RESOLVED, three properties that will benefit from the extension of the water utility main have been identified and are shown on Exhibit A, and are further identified as the Heiser property (lots 23, 24, 25 & 26), the Chandler property (lot 18), and the Pesek (Developer's) property (lots 19,20, 21, & 22); and

BE IT FURTHER RESOLVED, the above-described properties shown in exhibit A, other than the Pesek property (Developer's property), shall be required to pay its proportional share of the cost of the construction of the extension of the water utility mains at such time the property requests a water service tap; and

BE IT FURTHER RESLOVED, the basis for establishing each benefiting property's proportional share of the cost of the construction shall be accomplished by dividing the actual project cost by 3 parcels (one of which is the Developer's parcel); and

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

BE IT FURTHER RESOLVED, such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$13,780.94 is collected, at which time this Resolution and utility construction fee shall automatically expire; and

BE IT FURTHER RESOLVED, the Developer will be reimbursed his proportional share of costs associated with extending the water main from the water utility construction fees collected as established herein.

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

CITY OF RAPID CITY

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

ATTEST:

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