

CONSTRUCTION FEE 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 sanitary sewer utility in certain areas; and

WHEREAS, sanitary sewer has been extended westerly, 3700 lineal feet, from the Water Reclamation Facility per plans filed with the City under Public Works File No. SS06-1594, Southside Drive Sanitary Sewer Trunk Line as shown on Exhibit A, attached hereto and incorporated hereto; and

WHEREAS, the City requested the Developer, (Prairiefire), to oversize the sanitary sewer from an 8" to a 27" diameter main to provide additional capacity to accommodate future upstream growth. The Project was bid both 8" and 27" wherein the City agreed to pay the difference, \$433,869.67 - \$194,395.60, that results in the City paying \$239,474.07 for the requested oversize; and

WHEREAS, sanitary sewer oversize costs associated with the Southside Drive Sanitary Sewer Trunk Line, up to the Prairiefire Development connection, Public Works Project SS06-1594, should be proportioned according to the benefit each property receives, excluding the original 75 lots within the Prairiefire Development; and

WHEREAS, the sanitary sewer oversize costs for the 27" sanitary sewer total \$239,474.07 will be proportioned to the properties identified in Exhibit A-R according to the benefits to accrue to such property before such property shall be served with such facilities; and

WHEREAS, these utility construction fees are based on the benefits that accrue to such property, and should be established on a per-acre system. "Benefiting areas" include those properties that will benefit from a sanitary sewer increase in diameter to service the regional area, and do not necessarily directly abut newly constructed sanitary sewer. Thus, these properties may need to extend additional sanitary sewers 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 sanitary sewer associated with the Southside Drive Sanitary Sewer Trunk Line, (Prairiefire Development), Public Works Project No. SS06-1594, 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 fees are hereby imposed on the property that benefits from the oversize portion of the construction of the sanitary sewer associated with Southside Drive Sanitary Sewer Trunk Line, Public Works Project No. SS06-1594; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A-R shall be required to pay its proportional share of the oversize cost of construction of the sanitary sewer associated with Southside Drive Sanitary Sewer Trunk Line, Public Works Project No. SS06-1594 prior to being served with City sanitary sewer; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A-R and qualifying as benefiting property shall pay $(\$239,474.07 / 3045 \text{ acres}) = \78.65 per acre prior to connection to the City's sanitary sewer; and

BE IT FURTHER RESOLVED that all sanitary sewer construction fees collected as established herein shall accrue to the 0.16 Utility Fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$239,474.07 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this ____ day of _____, 2007

CITY OF RAPID CITY

Jim Shaw, Mayor

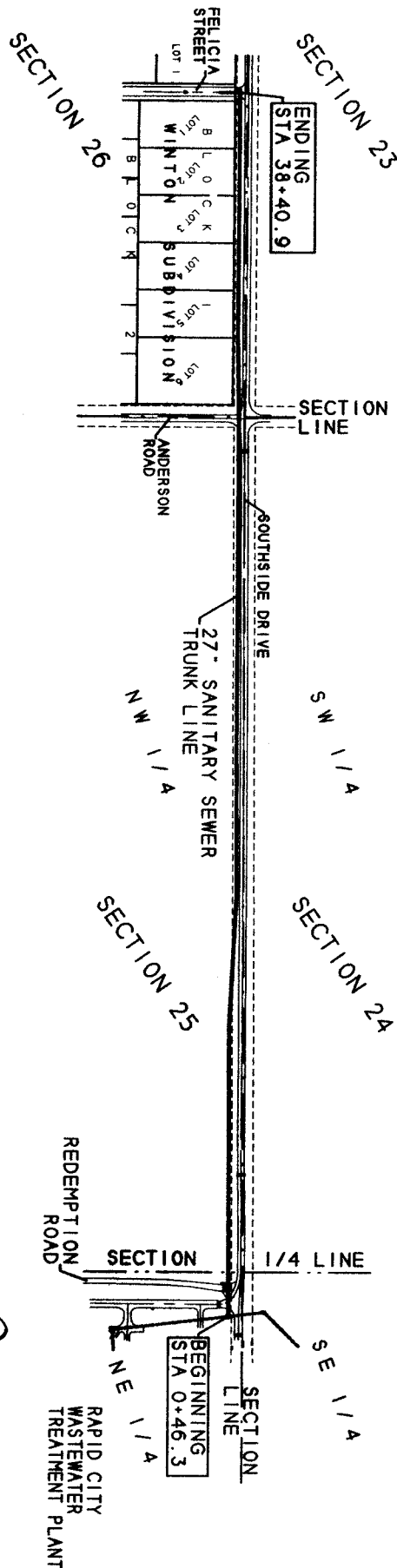
ATTEST:

Finance Officer

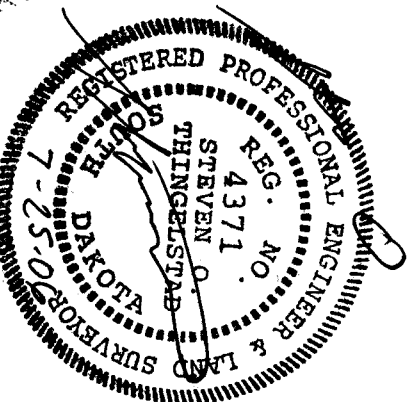
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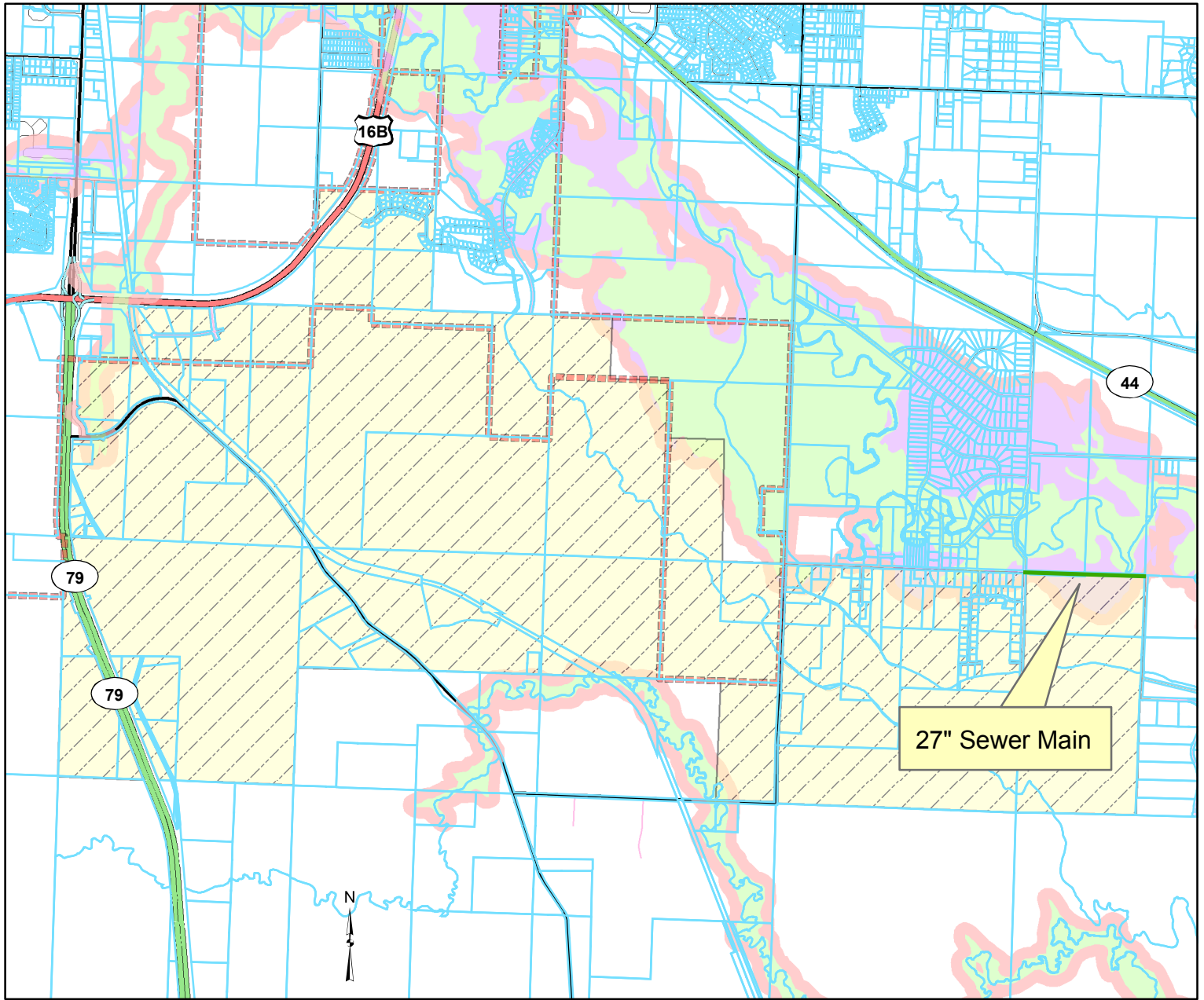
EXHIBIT "A"
OF
27" SANITARY SEWER TRUNK LINE
IN THE NE1/4 & NW1/4 OF SECTION 25,
AND THE NE1/4 OF SECTION 26
ALL LOCATED IN T1N, R8E, BHM
PENNINGTON COUNTY, SOUTH DAKOTA



SCALE: 1" = 500'
JULY 25, 2006










PREPARED BY: STEVEN O. THINGELSTAD
BRITTON ENGINEERING & LAND SURVEYING, INC.
8035 BLACK HAWK ROAD, SUITE 5
BLACK HAWK, SOUTH DAKOTA 57118
TELEPHONE: (605) 716-7988



SOUTH SIDE DRIVE SEWER CONSTRUCTION FEE BENEFITING AREA

Legend

- | | | | |
|---|-------------------|---|-------------------|
|  | 27" Sewer Main |  | 100yr Flood Plain |
|  | Benefiting Area |  | 250ft Buffer |
|  | Parcels |  | 500yr Flood Plain |
|  | Rapid City Limits | | |

