

CONSTRUCTION FEE 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, Kummer & Steel Partnership, a partnership organized under the laws of the State of South Dakota, hereinafter referred to as the "Developer," wishes to extend the City's water distribution system in order to provide service to Aamco Transmissions, and the City desires to provide such water service; and

WHEREAS, the Developer has bored approximately 100 lineal feet beneath E. North Street, near Century Road for a new 10" water main as per plans filed with the City under City Files No. Dev96-257; and

WHEREAS, the total costs for the boring paid for by the Developer was determined to be \$10,640.00, the Developer's proportional cost of the water main boring is \$706.00. Thus the amount to be collected is \$9,934.00; and

WHEREAS, the City has signed an Agreement to present a proposed Water 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 water main boring and to collect said fees and reimburse said Developer for the cost of such; and

WHEREAS, the City has identified property, shown in Exhibit A attached hereto and incorporated herein, that may benefit from the above-described water main boring; and

WHEREAS, the total project costs of the water main boring shall be equally proportioned to the properties identified in Exhibit A, and any future subdivisions thereof, before such properties will 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 water utility construction fees are hereby imposed on the property, identified in Exhibit A, that benefits from the above-described boring for the 10" water main associated with Aamco Transmissions Water Main Extension, City File No. Dev96-254; and

BE IT FURTHER RESOLVED, the identified benefiting properties shall be required to pay a proportional share of the cost of the construction of the boring for the 10" water main associated with Aamco Transmissions Water Main Extension, City File No. Dev96-254 prior to being served with City water; and

BE IT FURTHER RESLOVED, that the property shown in Exhibit A as benefiting property shall pay \$356.53 per acre prior to connection to the City's water main; 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 water utility construction fee shall remain in effect until such time as the balance of the project costs totaling \$9,934.00 is collected, at which time this Resolution and water construction fee shall automatically expire; and

BE IT FURTHER RESOLVED, the Developer will be reimbursed its costs associated with the water main boring from the water utility construction fees collected as established herein.

Dated this ____ day of _____, 2008

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

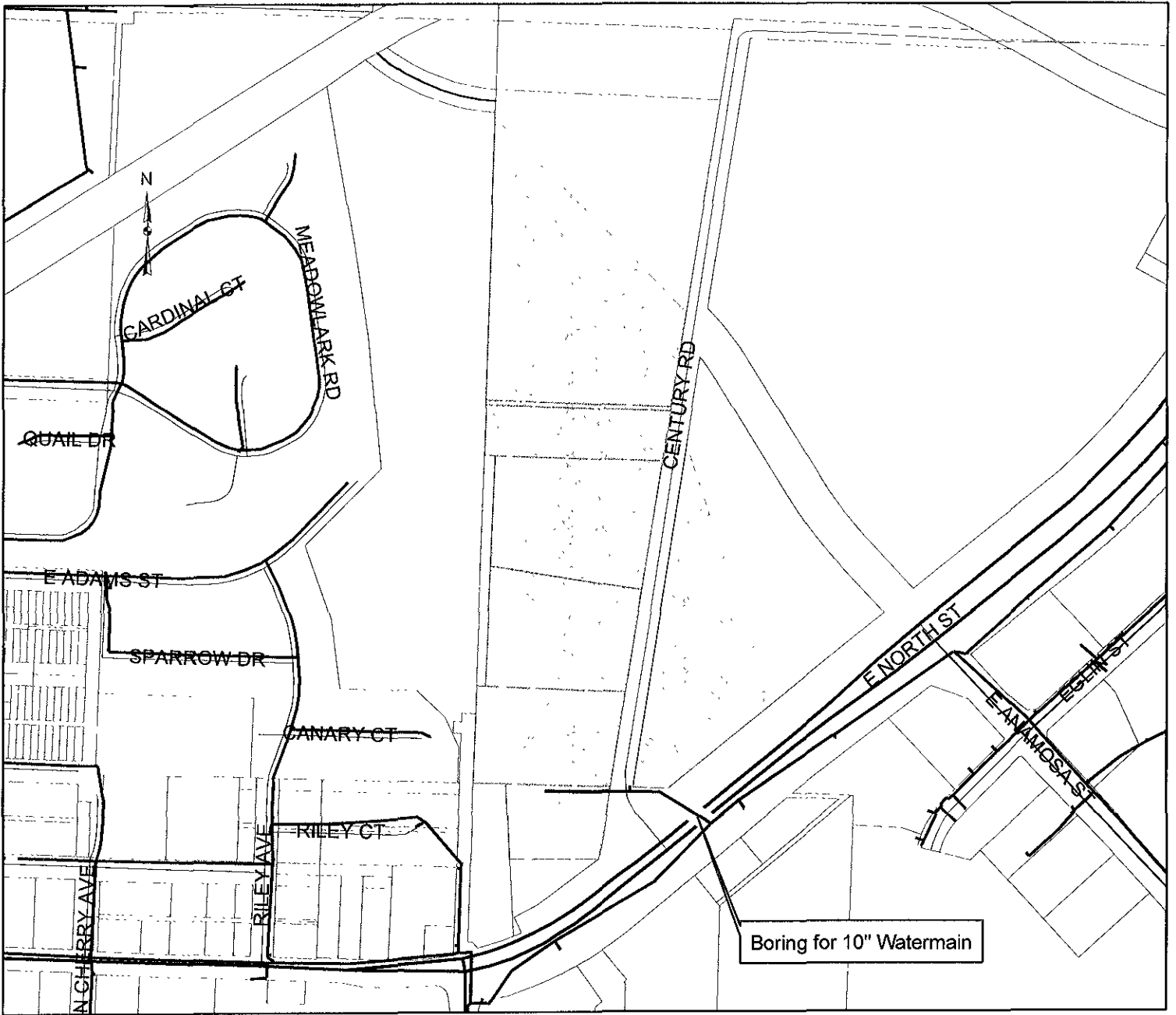
APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE



Attorney

2-20-08
Date

Exhibit A



AAMCO TRANSMISSION BORING WATER CONSTRUCTION FEE BENEFITING AREA

Legend

— Boring for 10" Water Main
— Water Distribution Network

Benefiting Area
- - - - - Parcels

0 250 500 1,000
Feet