

RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.08.365 and SDCL § 9-48-15 allows the Common Council to impose sewer construction fees for connection to the sanitary sewer utility in certain areas; and

WHEREAS, water mains have been extended in the Auburn Hills Subdivision and along Haines Avenue per plans filed with the City of Rapid City under City Development Files Nos. DEV02-512: Auburn Hills Subdivision – Phase I, DEV03-595: Haines Avenue (Viking Drive to Bengal Drive) Water main Improvements, DEV04-661: Auburn Hills Subdivision – Phase II, and DEV04-696: Auburn Hills Subdivision MDR Site as shown on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the City has requested the Developer to oversize the water mains from an 8” diameter main to 12” and 14” diameter mains to provide additional capacity to accommodate future upstream growth, and the City has paid the Developer \$92,105.72 for the requested oversize; and

WHEREAS, water main oversize costs associated with the Auburn Hills Subdivision, City Development File Nos. DEV02-512, DEV03-595, DEV04-661, and DEV04-696 should be apportioned according to the benefit each property receives; and

WHEREAS, the water main oversize costs totaling \$92,105.72 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, 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 increased water main diameter to service the regional area, and do not necessarily directly abut newly constructed water mains. Thus, these properties may 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 water mains associated with the Auburn Hills Subdivision, City Development File Nos. DEV02-512, DEV03-595, DEV04-661, and DEV04-696, 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 oversize portion of the construction of the water mains associated with Auburn Hills Subdivision, City Development File Nos. DEV02-512, DEV03-595, DEV04-661, and DEV04-696; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A shall be required to pay its proportional share of the oversize cost of construction of the water

mains associated with Auburn Hills Subdivision, City Development File Nos. DEV02-512, DEV03-595, DEV04-661, and DEV04-696 prior to being served with City water; and

BE IT FURTHER RESOLVED that the property shown on Exhibit A as Benefiting property shall pay \$463.45 per acre prior to connection to the City's water main; and

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

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of project costs totaling \$92,105.72 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this ____ day of _____, 2005

CITY OF RAPID CITY

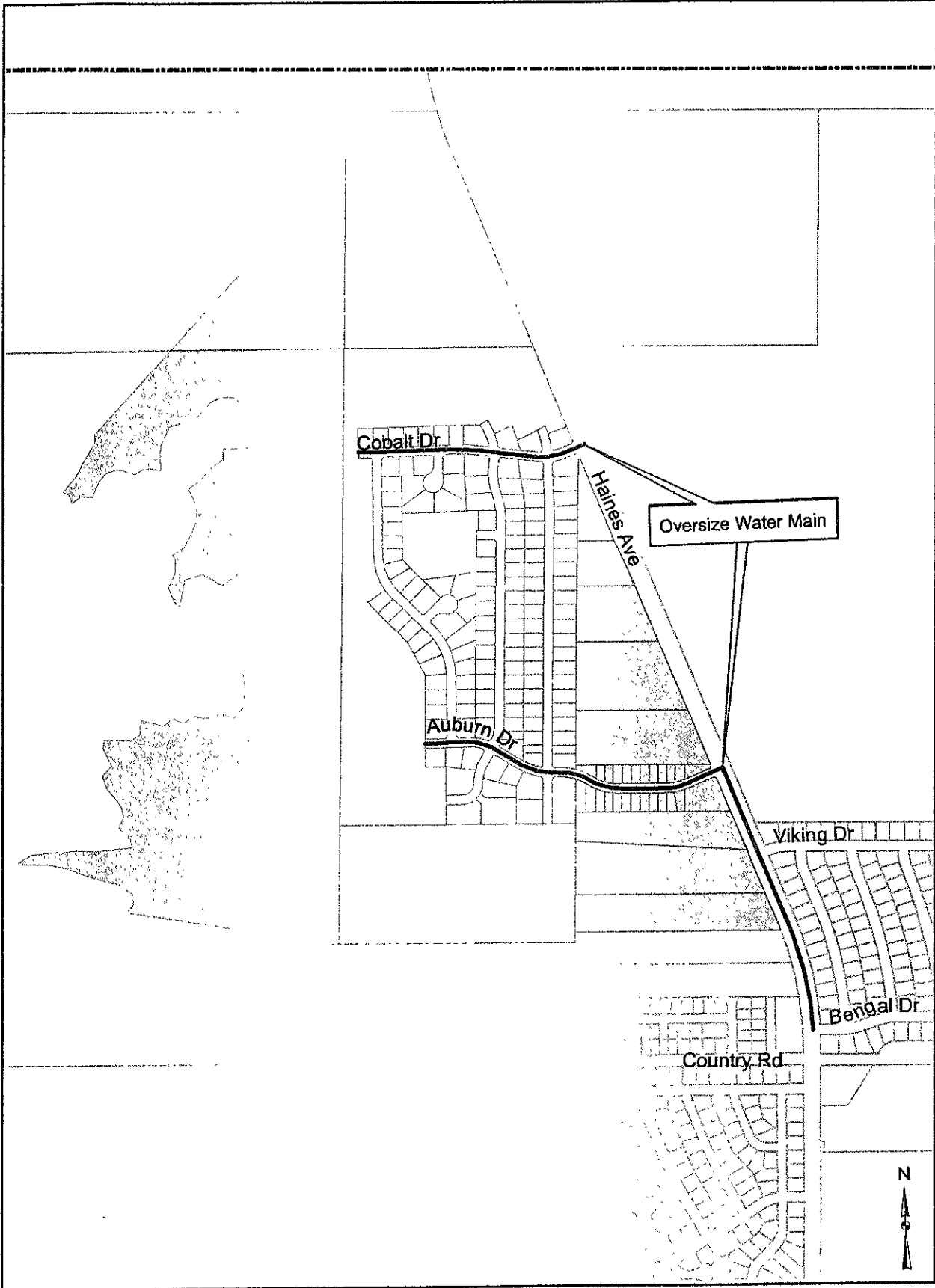
Jim Shaw, Mayor

ATTEST:

Finance Officer

(SEAL)

Exhibit A



Legend
— Project Water Main
- - - County Boundary

**Water Construction Fee
Benefiting Area**

0 400 800 Feet
1 inch equals 800 feet