

Code 0010-3636 Effective 9/12/07

## 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 sewer utility in certain areas; and

WHEREAS, sewer main has been extended in the Red Rock Estates, Phase III per plans filed with the City under City Development Files No. Dev02-498: Red Rock Estates, Phase III as shown on Exhibit A, attached hereto and incorporated hereto; and

WHEREAS, the City has requested the developer to install a 10" sewer main to provide additional capacity to accommodate future upstream growth, and the City has paid the developer \$11,563.34 for the requested oversizing; and

WHEREAS, sewer oversize costs associated with the Red Rock Estates, Phase III, City Development File No. Dev02-498 should be proportioned according to the benefit each property receives; and

WHEREAS, the sewer oversize costs for the 10" sewer main totaling \$11,563.34 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 a sewer increase in diameter to service the regional area, and do not necessarily directly abut newly constructed sewer main. Thus, these properties may need to extend additional sewer 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 sewer main associated with the Red Rock Estates, Phase III, City Development File No. Dev02-498, 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 sewer main associated with Red Rock Estates, Phase III, City Development File No. Dev02-498; 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 sewer main associated with Red Rock Estates, Phase III, City Development File No. Dev02-498 prior to being served with City sewer; and

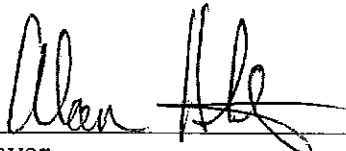
BE IT FURTHER RESOLVED that the property shown in Exhibit A as benefiting property shall pay \$11.18 per acre prior to connection to the City's sewer main; and

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

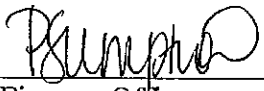
BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$11,563.34 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 10 day of August, 2007

CITY OF RAPID CITY

  
\_\_\_\_\_  
Mayor

ATTEST:

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

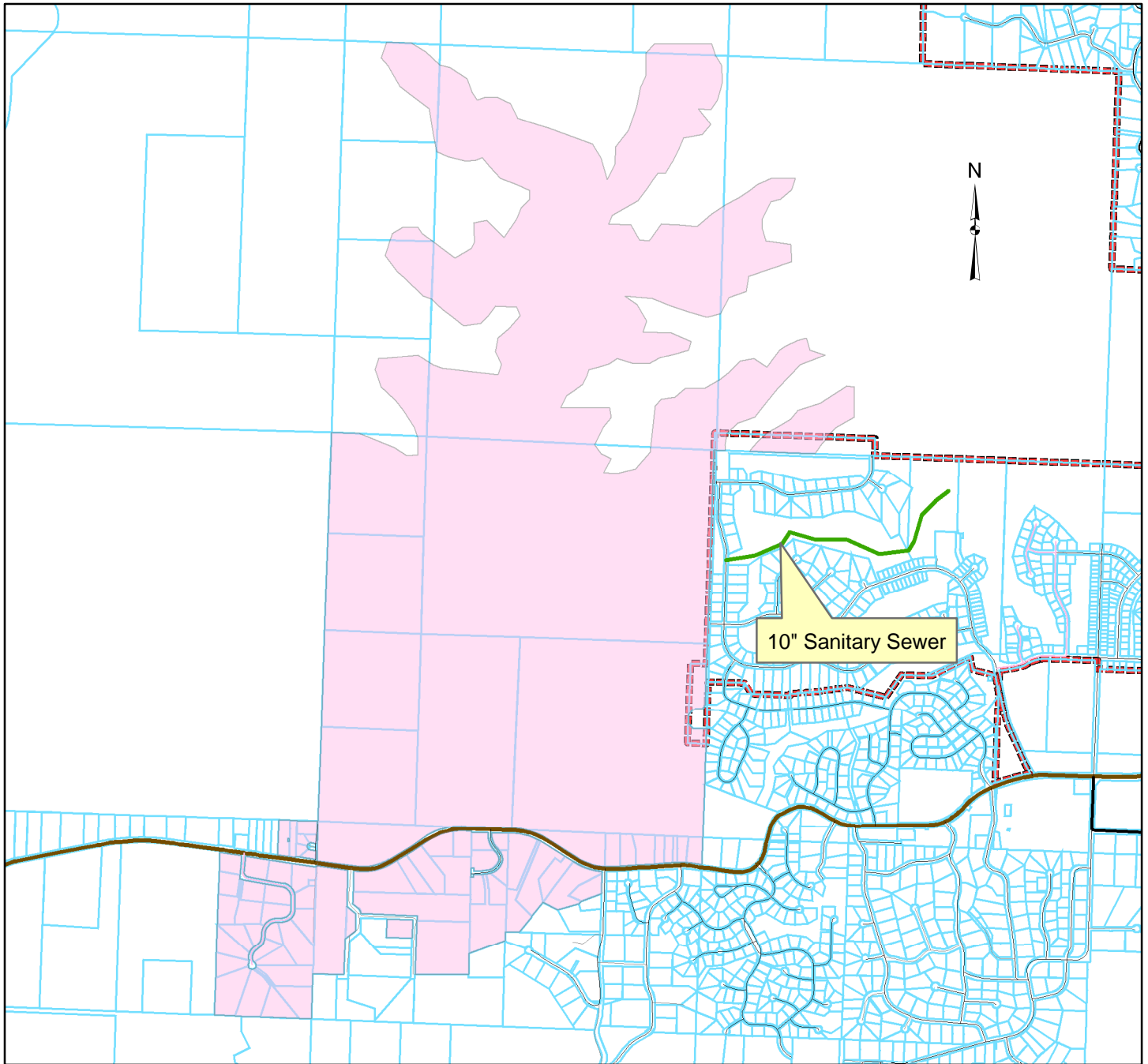
(SEAL)

APPROVED AS TO FORM  
CITY ATTORNEY'S OFFICE

  
\_\_\_\_\_  
Attorney

7/24/07  
Date

# Exhibit A



## RED ROCK ESTATES, PHASE III SEWER CONSTRUCTION FEE BENEFITING AREA

### Legend

-  10" Sewer Main
-  Benefiting Area
-  Parcels
-  Rapid City Limits

