

CONSTRUCTION FEE RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.04.095 and SDCL 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 main has been extended in the Red Rock area per plans filed with the City under City Files Nos. Dev00-407: Red Rock Estates Phase I, Dev01-456: Red Rock Estates Phase II, Dev05-736: Red Rock Meadows, and W00-1026 Red Rock Water Transmission Extension as shown on Exhibit A, attached hereto and incorporated hereto; and

WHEREAS, the City has requested the developers to install water mains larger than required to provide additional capacity to accommodate future growth, and the City has paid the developers \$603,755.59 for the requested oversizing; and

WHEREAS, in association with the original water construction fee (#3313-0009), \$107,100.00 has been collected to date for the Red Rock area, City File Nos. Dev00-407, Dev01-456, Dev05-736, and W00-1026; and

WHEREAS, the remaining water oversize costs associated with the Red Rock area, City File Nos. Dev00-407, Dev01-456, Dev05-736, and W00-1026 should be proportioned according to the benefit each property receives; and

WHEREAS, the remaining costs for the water main totaling \$496,655.59 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 water main increase in 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 Red Rock area, City File Nos. Dev00-407, Dev01-456, Dev05-736, and W00-1026, that such utility construction fees are appropriate and in the best interest 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 main associated with the Red Rock area, City File Nos. Dev00-407, Dev01-456, Dev05-736, and W00-1026; 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 the Red Rock area, City File Nos. Dev00-407, Dev01-456, Dev05-736, and W00-1026 prior to being served with City water; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A as benefiting property shall pay \$441.68 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 remaining balance of the project costs totaling \$496,655.59 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

BE IT FURTHER RESOLVED, the authorization of this resolution rescinds the current water construction fee number 3313-0009.

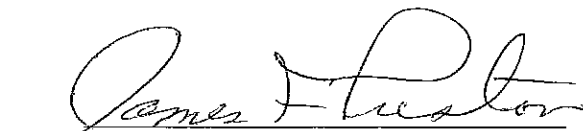
Dated this 15th day of October, 2007

CITY OF RAPID CITY



Mayor


ATTEST:



Finance Officer

(SEAL)

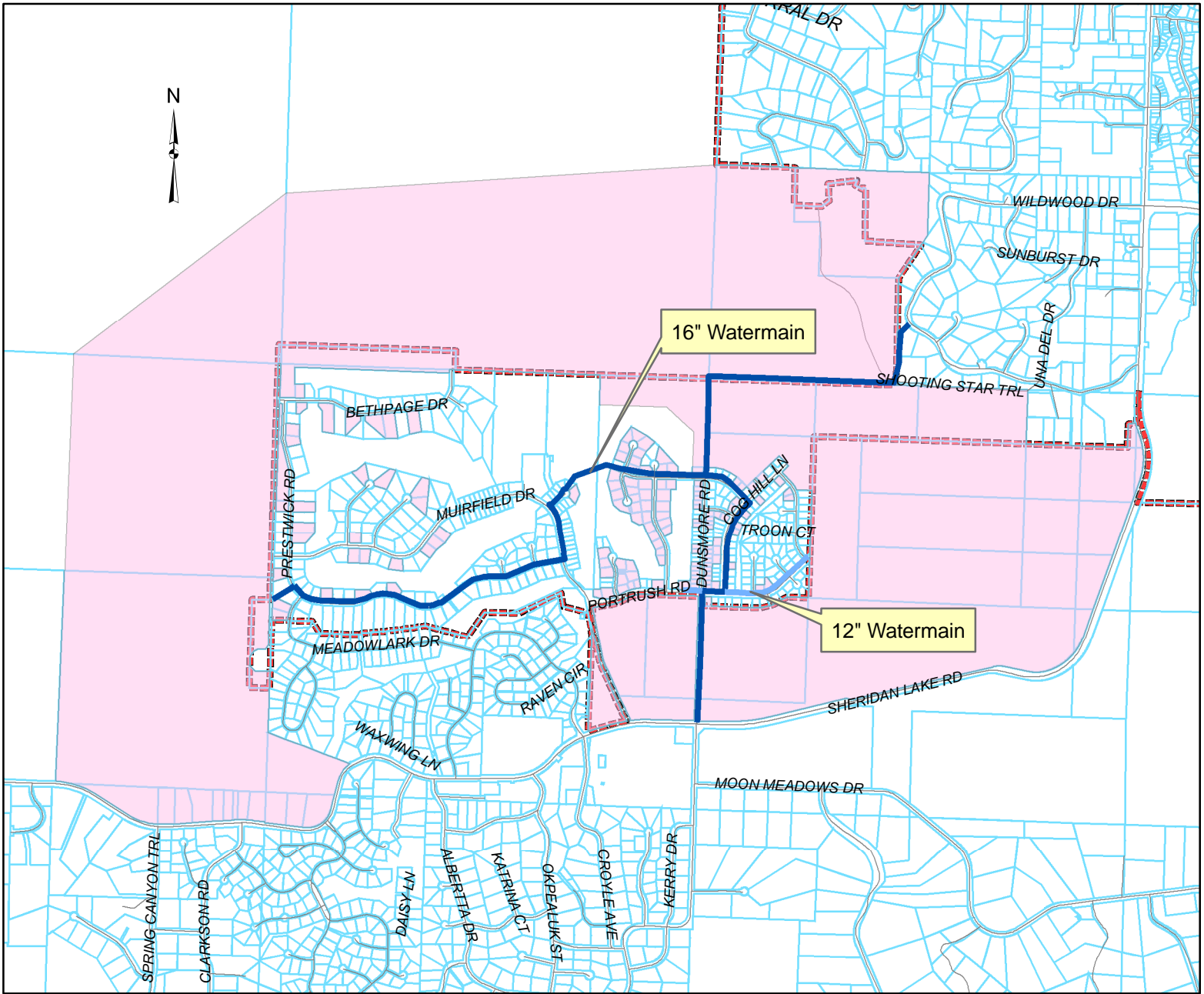
APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE



Attorney






9/26/07
Date

Exhibit A



RED ROCK WATER CONSTRUCTION FEE BENEFITING AREA

Legend

-  Rapid City Limits
-  Parcels
-  Benefiting Area
-  12" Watermain
-  16" Watermain

