

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, sanitary sewer mains have been extended along the future road in Parcel A of MJK Subdivision per plans filed with the City under City Development File No. DEV03-627, Sanitary Sewer Extensions, Parcel A of MJK Subdivision, as shown on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the City has requested the developer to oversize the sanitary sewer line from an 8" diameter main to a 15" diameter main to provide additional capacity to accommodate future upstream growth, and the City has paid the developer \$21,948.48 for the requested oversize; and

WHEREAS, sanitary sewer oversize costs of Sanitary Sewer Extensions, Parcel A of MJK Subdivision, City Development File No. DEV03-627, should be apportioned according to the benefit each property receives; and

WHEREAS, the sanitary sewer oversize costs totaling \$21,948.48 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 sanitary sewer main diameter to service the regional area, and do not necessarily directly abut newly constructed sanitary sewer mains. Thus, these properties may need to extend additional sanitary 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 Sanitary Sewer Extensions Parcel A of MJK Subdivision, City Development File No. DEV03-627 that such utility construction fees are appropriate and in the best interests of the City, community, and the sanitary 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 Extensions Parcel A of MJK Subdivision, City Development File No. DEV03-627; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A shall be required to pay its proportions share of the oversize cost of construction of the Sanitary Sewer Extensions Parcel A of MJK Subdivision, City Development File No. DEV03-627 prior to being served with City sanitary sewer; and

BE IT FURTHER RESOLVED that the property shown on Exhibit A as Benefiting property shall pay \$10.90 per acre prior to connection to the City's sanitary sewer main; and

BE IT FURTHER RESOLVED that all sewer construction fees collected as established herein shall accrue to the sanitary sewer 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 \$21,948.48 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

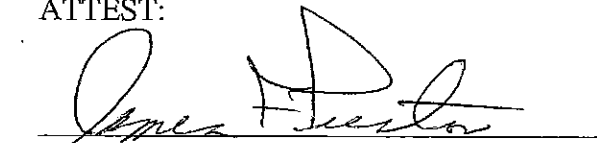
Dated this 5th day of DECEMBER, 2005

CITY OF RAPID CITY




Jim Shaw, Mayor

ATTEST:


Finance Officer

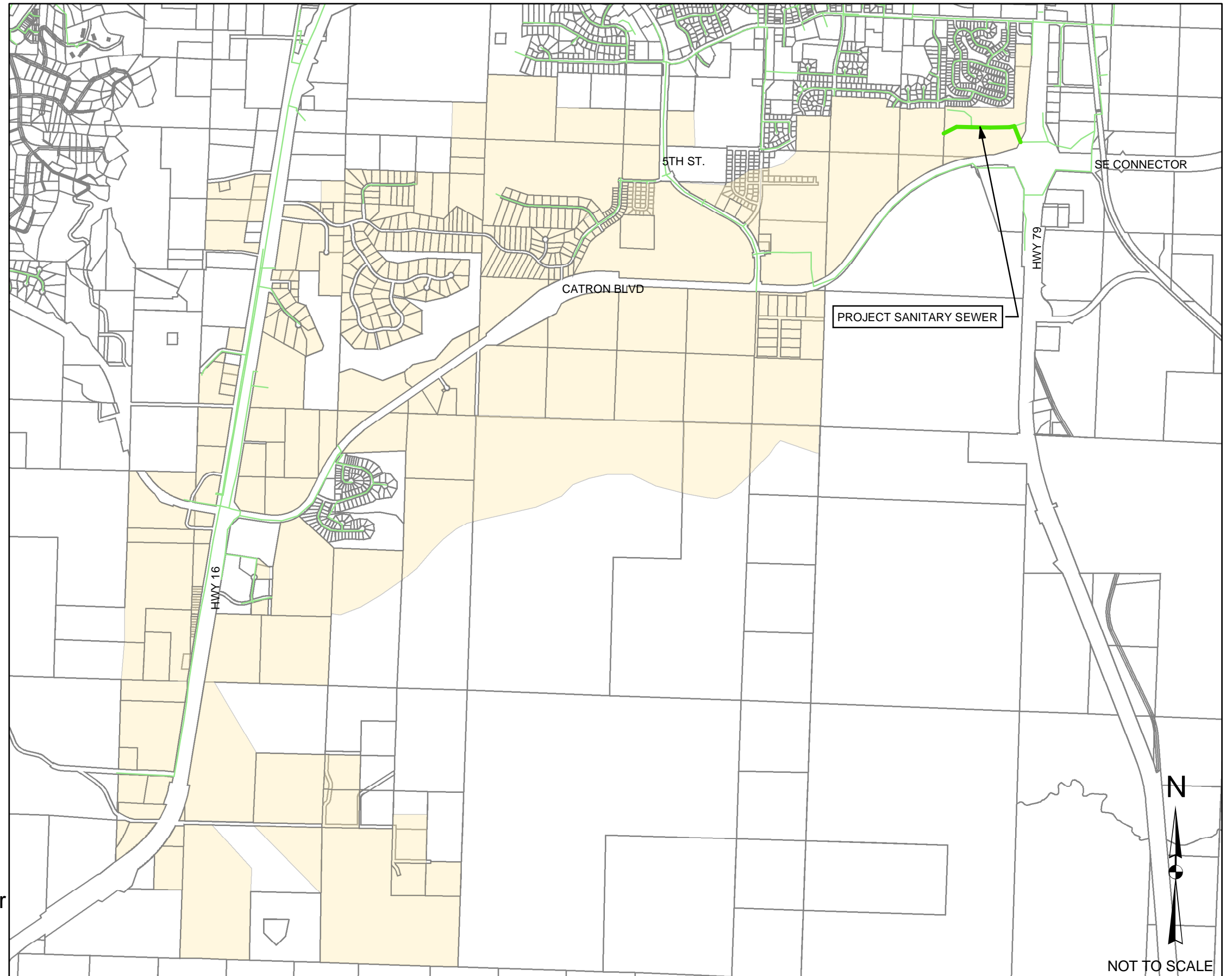
(SEAL)

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE


Attorney





11/23/05
Date

Exhibit A



NOT TO SCALE

Legend

-  MJK Oversize Benefiting Area
-  Parcels
-  Previously Existing Sanitary Sewer
-  MJK Sanitary Sewer Extension

July 2005

MJK Sanitary Sewer Oversize
(DEV03-627)
Sewer Construction Fee Area

Developed as part
of City Project SSW04-1429