

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 sanitary sewer utility in certain areas; and

WHEREAS, sanitary sewer mains have been extended along portions of Seger Drive immediately east of Elk Vale Road under City Project No. SS03-1250, Northeast Area Sanitary Sewer Interceptor – Phase I, as shown on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the total project cost to complete this sanitary sewer main extension project is \$183,375.84 in construction costs; and

WHEREAS, the total project costs of the construction of Northeast Area Sanitary Sewer Interceptor - Phase I, City Project No. SS03-1250 should be apportioned according to the benefit each property receives; and

WHEREAS, \$94,559.00 of the project costs are being paid by By-Pass Development, LLC as its equivalent 8” sanitary sewer main costs are required as part of its development of the I-90 Heartland Business Park; and

WHEREAS, the balance of project costs totaling \$88,816.84 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 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 Northeast Area Sanitary Sewer Interceptor - Phase I, City Project No. SS03-1250, 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 construction of the Northeast Area Sanitary Sewer Interceptor - Phase I, City Project No. SS03-1250; and

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

Sanitary Sewer Interceptor - Phase I, City Project No. SS03-1250 prior to being served with City sanitary sewer; and

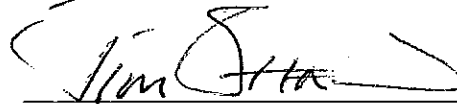
BE IT FURTHER RESOLVED that the property shown on Exhibit A as benefiting property shall pay \$ 60.48 per acre prior to connection to the City's sanitary sewer main; and

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 \$ 88,816.84 is collected, at which time this Resolution and the utility construction fee shall automatically expire.


Dated this 20th day of February, 2006

CITY OF RAPID CITY



Jim Shaw, Mayor

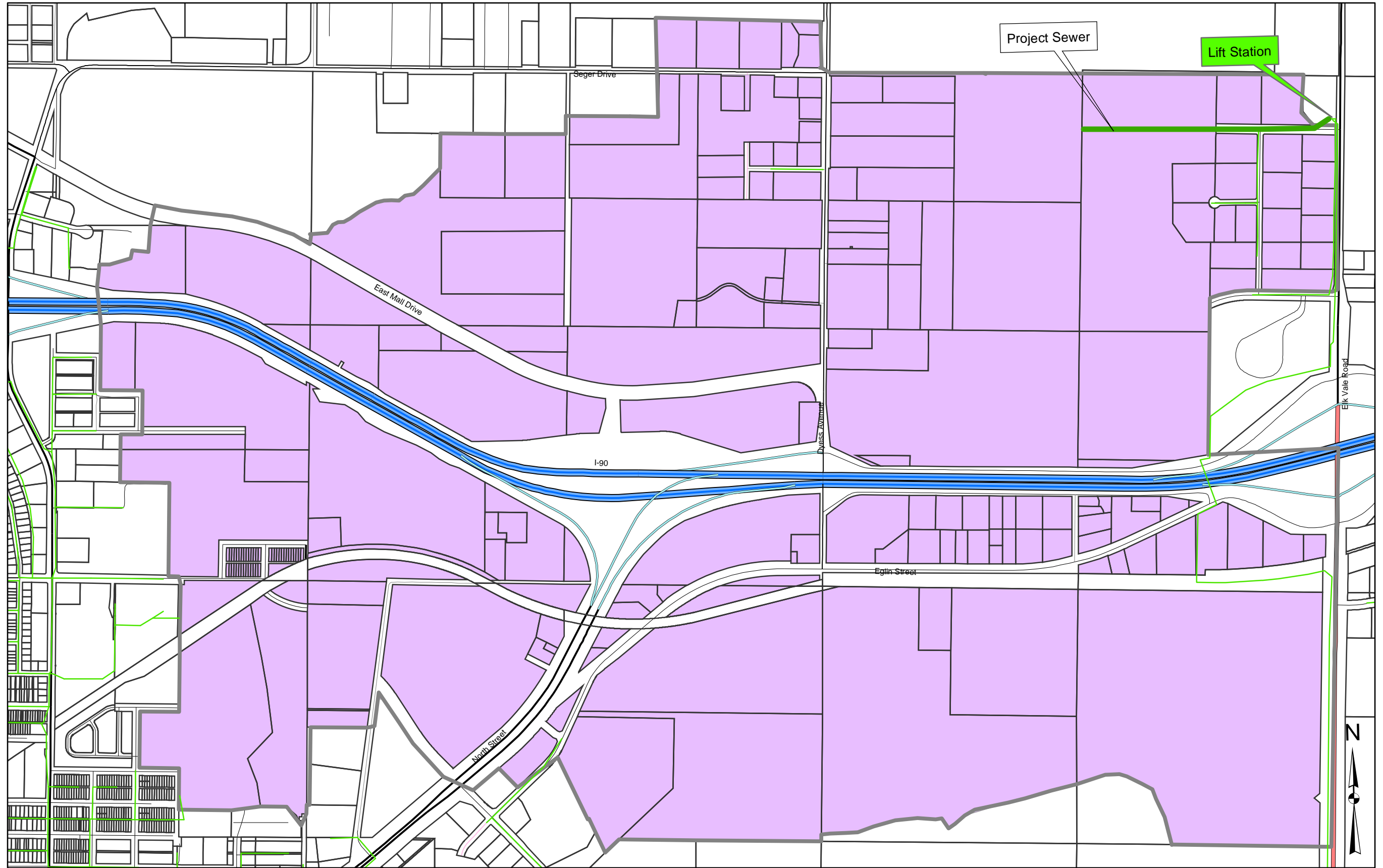
ATTEST:







Finance Officer

(SEAL)

Exhibit A



Legend

-  Oversized (24") Sanitary Sewer
-  Existing Sanitary Sewer
-  Benefiting Area
-  Boundary

NE Area Sanitary Sewer - Phase I Construction Fee Benefiting Area

Not To Scale