

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 mains have been extended in the Eastridge Estates Subdivision (Phase I & II) per plans filed with the City under City Development Files No.'s DEV02-523: Eastridge Subdivision Phase I and DEV04-682: Eastridge Subdivision Phase II as shown on Exhibit A, attached hereto and incorporated hereto; and

WHEREAS, the City has requested the developer to oversize the water main from an 8" to a 16" diameter water main to provide additional capacity to accommodate future upstream growth, and the City has paid the developer \$103,717.93 for the requested installation; and

WHEREAS, water main costs associated with the Eastridge Estates Subdivision (Phase I & II), City Development File No.'s DEV02-523 and DEV04-682 should be proportioned according to the benefit each property receives; and

WHEREAS, the oversize water main costs for the 16" water main identified in Exhibit A total \$103,717.93 and 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 Eastridge Estates Subdivision (Phase I & II), City Development File No.'s DEV02-523 and DEV04-682, 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 portion of the construction of the water main associated with Eastridge Estates Subdivision (Phase I & II), City Development File No.'s DEV02-523 and DEV04-682; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A shall be required to pay its proportions share of the cost of construction of the water mains associated with

Eastridge Estates Subdivision (Phase I & II), City Development File No.'s DEV02-523 and DEV04-682 prior to being served with City water; and

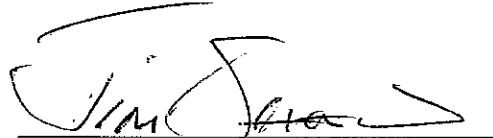
BE IT FURTHER RESOLVED that the property shown in Exhibit A as benefiting property shall pay \$790.57 per acre prior to connection to the City's water main; and

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 the project costs totaling \$103,717.93 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

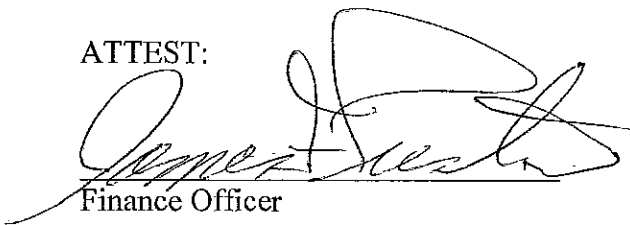
Dated this 15 day of January, 2007

CITY OF RAPID CITY



Jim Shaw, Mayor

ATTEST:



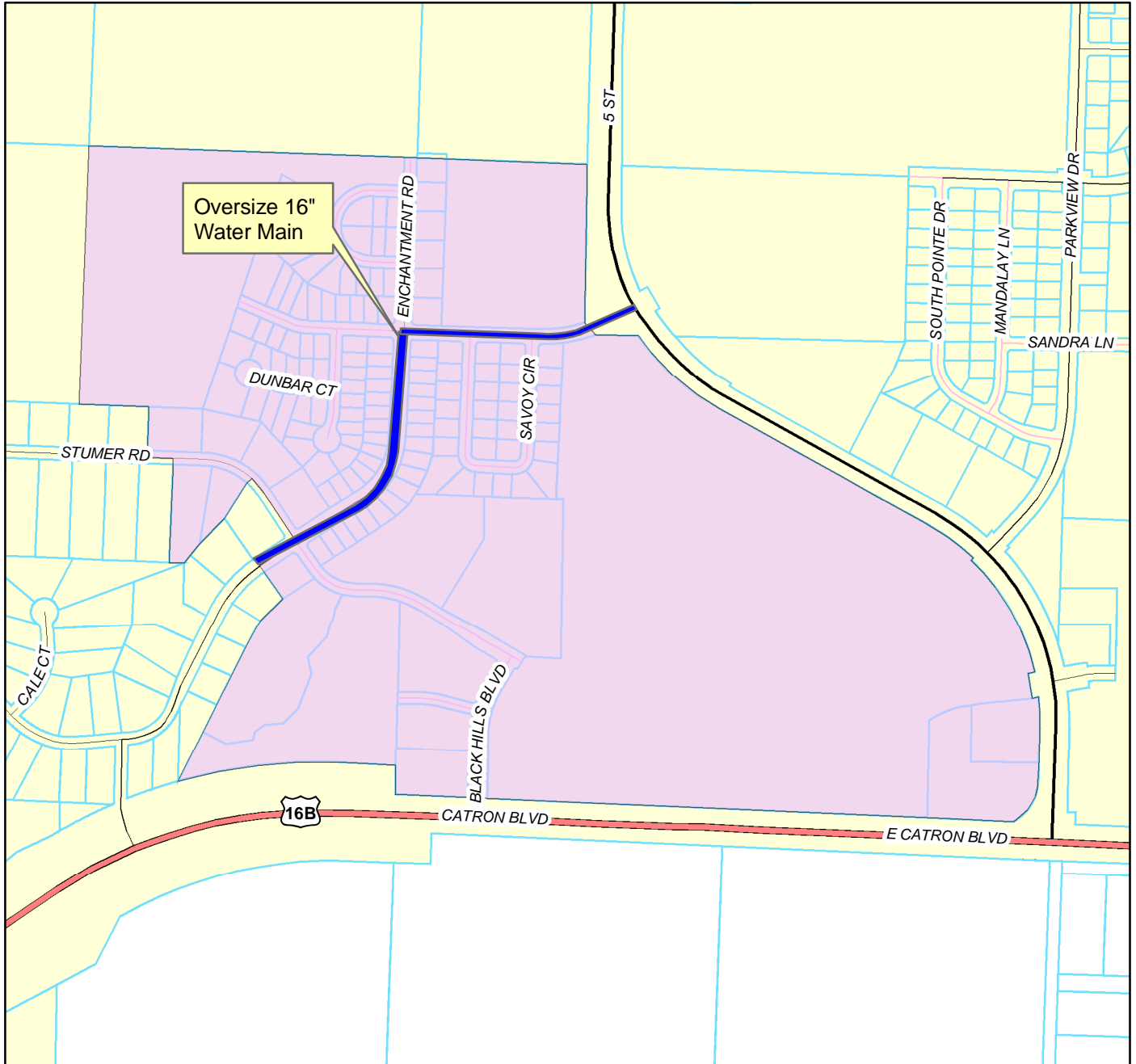
Finance Officer

(SEAL)

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE


 12/28/06
Attorney Date


Exhibit A



Eastridge Estates Subdivision 16" Water Main Construction Fee Benefiting Area (North)

Legend

 Benefiting Area

 New 16" Water Main

