

CONSTRUCTION FEE RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.04.095 and South Dakota Codified Law Section 9-47-16 allows the Common Council to impose water construction fees for connection to the water utility in certain areas; and

WHEREAS, DKEA L.L.C., a limited liability company organized under the laws of the State of South Dakota, hereinafter referred to as the "Developer," wishes to construct Red Rock Meadows Subdivision located within City jurisdictional limits, and further wishes to connect to the City's water distribution system, and the City desires to provide such water service; and

WHEREAS, the Developer has signed an Agreement to construct a 16 inch (16") – 8 inch (8") base size - PVC water main along Dunsmore Road as per plans prepared by Dream Design International, Inc. titled, "Red Rock Meadows Phase I", filed with the City under City Development Files No. Dev 05-736; and

WHEREAS, the total costs including construction costs for the offsite water system improvements associated with the 8" base size and paid for by the Developer was determined to be \$140,796.31, said costs do not include the cost of constructing the water mains within the Developer's property; and

WHEREAS, the City has signed an Agreement to present a proposed Water Utility Construction Fee Resolution to its Common Council which would establish a construction fee, based on the total calculated costs, to be levied against property that benefits from the offsite water system improvements and to collect said fees and reimburse said Developer for the cost of such; and

WHEREAS, the City has identified property, shown in Exhibit A attached hereto and incorporated herein, that may benefit from the above-described offsite water system improvements; and

WHEREAS, the total project costs of the offsite water system improvements shall be equally proportioned to the properties identified in Exhibit A, and any future subdivisions thereof, before such properties will be served with such facilities; and

WHEREAS, the Common Council finds that such utility construction fees are appropriate and in the best interests of the City, community, and the water utility.

NOW, THEREFORE, be it resolved that water utility construction fees are hereby imposed on the property, identified in Exhibit A, that benefits from the above-described construction of the water utility main along Dunsmore Road; and

BE IT FURTHER RESOLVED, the identified benefiting properties shall be required to pay a proportional share of the cost of the construction of the extension of the water utility mains at such time a request is made for a water service tap for that property; and

BE IT FURTHER RESLOVED, the water utility construction fee is established by dividing the total calculated costs of the water main extension (\$140,796.31), by the number of feet (2941.05 lineal feet) of direct frontage to the water main, said amount being \$47.87 per lineal foot; and

BE IT FURTHER RESOLVED, all water utility construction fees collected as established herein shall accrue to the Water Utility Enterprise Fund; and

BE IT FURTHER RESOLVED, such water utility construction fee shall remain in effect until such time as the balance of the project costs totaling \$140,796.31 is collected, at which time this Resolution and water construction fee shall automatically expire; and

BE IT FURTHER RESOLVED, the Developer will be reimbursed its costs associated with extending the water main from the water utility construction fees collected as established herein.

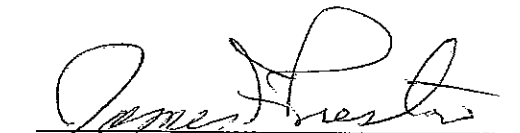
Dated this 5 day of November, 2007

CITY OF RAPID CITY



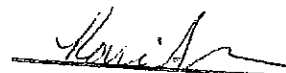
Mayor

ATTEST:


Finance Officer

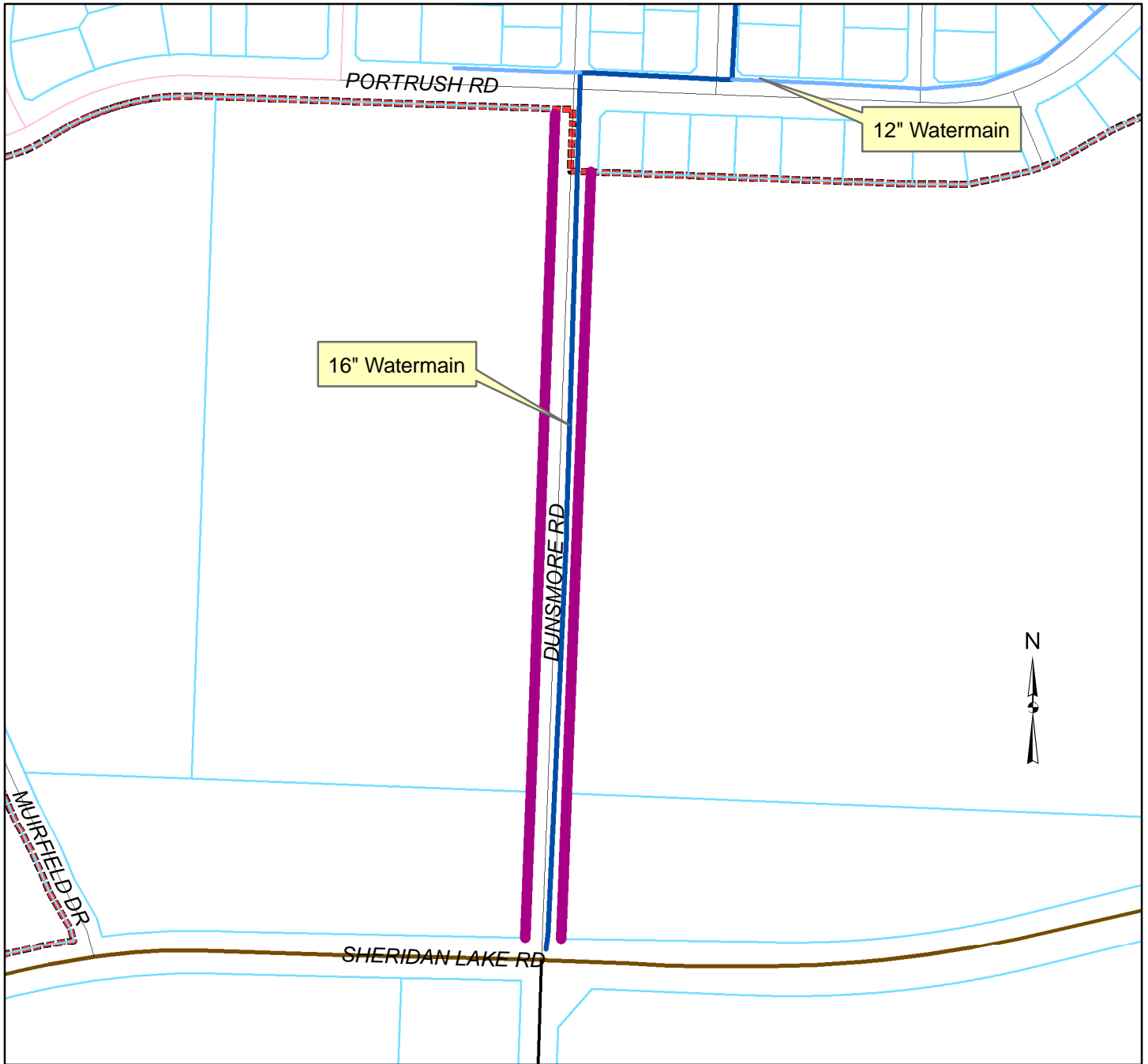
(SEAL)

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE


Attorney

9/12/07
Date

Exhibit A



RED ROCK MEADOWS - DUNSMORE ROAD WATER CONSTRUCTION FEE BENEFITING FRONTAGE

Legend

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

