

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, a water main has been extended in the Westview Estates Phase III per plans filed with the City under City Development File No. Dev96-265: Westview Estates Phase III as shown on Exhibit A, attached hereto and incorporated hereto; and

WHEREAS, the City has requested the developer to install a 12" water main to provide additional capacity to accommodate future upstream growth, and the City has paid the developer \$2,506.17 for the requested oversizing; and

WHEREAS, water oversize costs associated with the Westview Estates Phase III, City Development File No. Dev96-265 should be proportioned according to the benefit each property receives; and

WHEREAS, the water oversize costs for the 12" water main totaling \$2,506.17 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 increase in diameter to service the regional area, and do not necessarily directly abut the newly constructed water main. 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 main associated with the Westview Estates Phase III, City Development File No. Dev96-265, 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 Westview Estates Phase III, City Development File No. Dev96-265; 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 main associated with Westview Estates Phase III, City Development File No. Dev96-265 prior to being served with City water; and

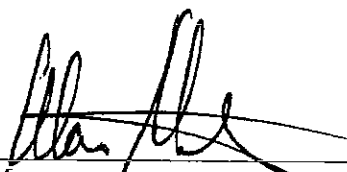
BE IT FURTHER RESOLVED that the property shown in Exhibit A as benefiting property shall pay \$21.22 per acre prior to connection to the City's water main; and

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 \$2,506.17 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

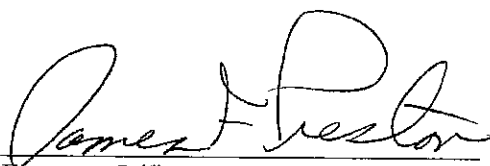
Dated this 3rd day of DECEMBER, 2007

CITY OF RAPID CITY



Mayor

ATTEST:



Finance Officer

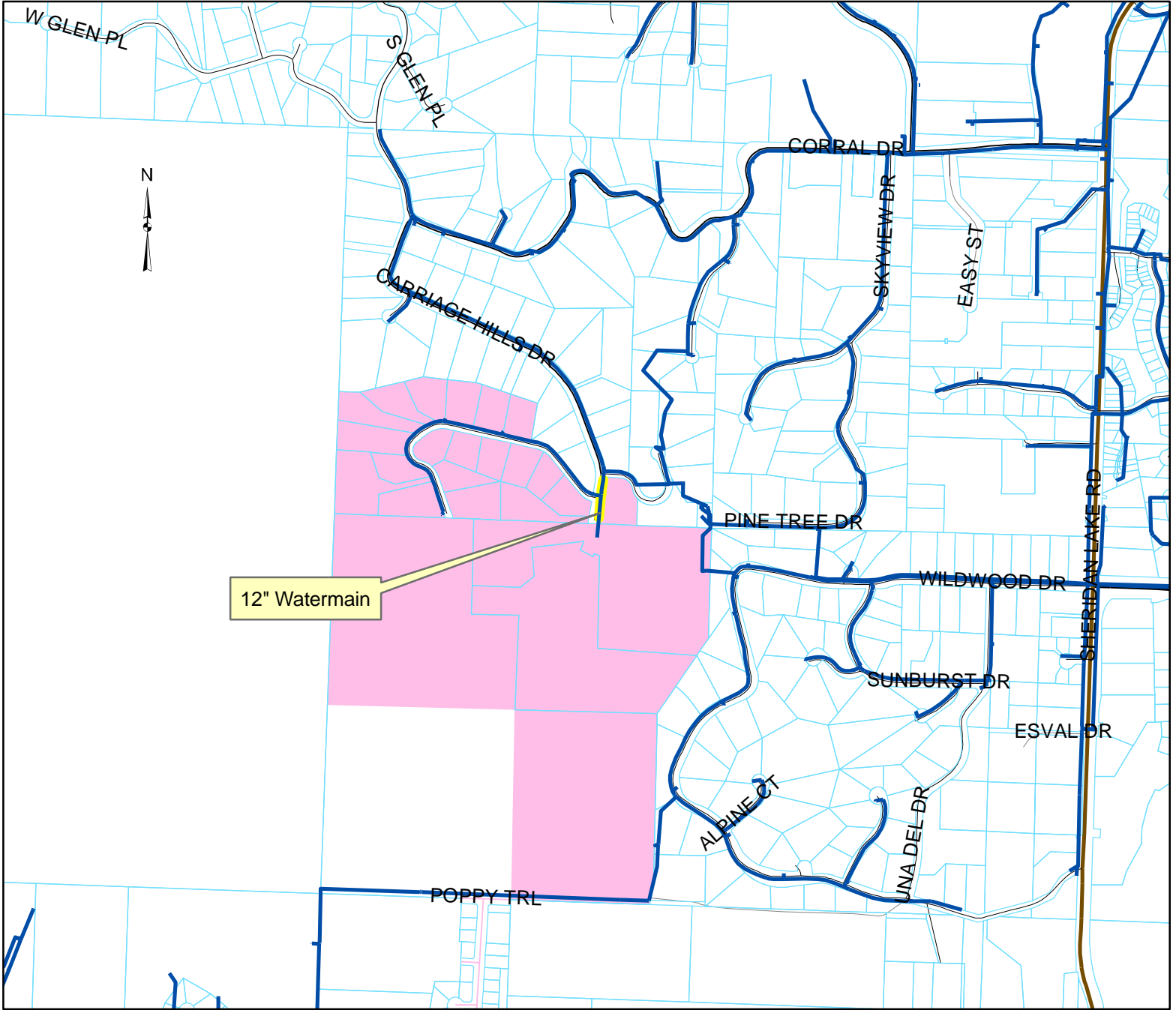
(SEAL)

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE





Attorney Date

Exhibit A



WESTVIEW ESTATES PHASE III WATER CONSTRUCTION FEE BENEFITING AREA

Legend

-  12" Water Main
-  Benefiting Area
-  Existing Water Mains
-  Parcels

