

RESOLUTION OF NECESSITY FOR EXTENSION OF WATERMAIN AND SANITARY SEWER, INCLUDING LIFT STATION TO BE KNOWN AS MALLRIDGE EXTENSION

WHEREAS the developers of Mallridge Subdivision acting by and through their agent, Master Craft Realtors, Inc, will construct a lift station in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 2 North, Range 7 East and construct a sanitary sewer from the existing manhole at Disc Drive and Haines Avenue, north to the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 2 North, Range 7 East and connected to the lift station located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 2 North, Range 7 East of the Black Hills Meridian, which sanitary sewer shall be constructed of PVC pipe, and construct a 12 inch water main from the existing water line of the intersection of the section line between Section 24 and Section 25 and Haines Avenue to the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 2 North, Range 7 East of the Black Hills Meridian, which waterline will be constructed of asbestos cement pipe

AND, WHEREAS the Rapid City Common Council agrees to accept the dedication of said facilities upon satisfactory construction in accordance with the plans and specifications

AND, WHEREAS the Rapid City Common Council will be establishing a sewer charge and a water rate sufficient to recover the City's costs from those using said lines or lift station, which costs when calculated may result in a rate two to three times the City rate

NOW, THEREFORE, BE IT RESOLVED that the Rapid City Common Council agrees to participate in the costs of constructing a 12 inch water line by providing the oversize pipe equal to the cost of constructing a 12 inch water line compared to the cost of constructing a similar 8 inch water line but not to exceed \$30,000

BE IT FURTHER RESOLVED that no individual shall make a connection to any of said lines or lift station without the approval of the City Engineer and specifically until a payment has been made to Master Craft Realtors, Inc., as agents for the developers pursuant to the provisions of SDCL 9-47-16 and 9-48-15

BE IT FURTHER RESOLVED that upon construction of the sanitary sewer that a certified engineer for the developers shall certify to the City of Rapid City the costs of constructing the sanitary sewer line ~~which is available for gravity flow use by the adjoining properties~~ by filing a cost breakdown and the amount of front footage of each property to the City Engineer who shall review and certify to the Finance Officer of the City the total costs of constructing that portion of the sanitary sewer and the number of front feet of abutting property that is benefited thereby, whether inside the City limits or outside the City limits, including all existing lots and any other lots platted in the future within 500 feet of the east or west property line of Haines Avenue which may include but are not limited to Lots A, B, and C of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian; Tract A of Block 3, McMahon Industrial Park No. 2 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian; Lots 1, 2 and 3 of Block 9 (McMahon Industrial Park No. 2) in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian; Lot 1 of Block 10, McMahon Industrial Park No. 2 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian; Lot 2 of Block 10 of McMahon Industrial Park No. 2 in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian; Lots 4, 5 and 6 of Block 9 of McMahon Industrial Park No. 2 in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian; Tract C of the NE $\frac{1}{4}$ of Section 25, Township 2 North, Range 7 East of the Black Hills Meridian; Lot 8 of

Block 3 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 2 North, Range 7 East of the Black Hills Meridian; unplatted portions of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 2 North, Range 7 East of the Black Hills Meridian; unplatted portions of the E $\frac{1}{2}$ SW $\frac{1}{2}$ and the E $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian; unplatted portions of the W $\frac{1}{2}$ SE $\frac{1}{2}$ and W $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian; and including all platted and unplatted portions of the E $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 13; and including all platted and unplatted portions of the W $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 13, Township 2 North, Range 7 East of the Black Hills Meridian;

BE IT FURTHER RESOLVED that upon construction of the waterline that a certified engineer for the developers should also provide to the City of Rapid City a cost of construction of the waterline minus that portion paid for by the City of Rapid City by furnishing oversize pipe which is available for use by the adjoining properties by filing a cost breakdown in the amount of front footage of each property to the City Engineer who shall review and certify to the Finance Officer of the City the total cost of constructing that portion of the waterline and the number of front feet of each abutting property that is benefited thereby, whether inside the City limits or outside the City limits, including all existing lots and any other lots platted in the future within 500 feet of the east or west property line of Haines avenue, which may include, but are not limited to Lots A, B and C of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian; Tract A of Block 3 McMahon Industrial Park No. 2 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian; Lots 1, 2 and 3 of Block 9 (McMahon Industrial Park No. 2) in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian; Lot 1 of Block 10, McMahon Industrial Park No. 2 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian; Lot 2 of Block 10 of McMahon Industrial Park No. 2 in the W $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian; Lots 4, 5 and 6 of Block 9 of McMahon Industrial Park No. 2 in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian; Tract C of the NE $\frac{1}{4}$ of Section 25, Township 2 North, Range 7 East of the Black Hills Meridian; Lot 8 of Block 3 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 2 North, Range 7 East of the Black Hills Meridian; unplatted portions of the NE $\frac{1}{4}$ NW $\frac{1}{2}$ of Section 25, Township 2 North, Range 7 East of the Black Hills Meridian, unplatted portions of the E $\frac{1}{2}$ SW $\frac{1}{2}$ and the E $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian; unplatted portions of the W $\frac{1}{2}$ SE $\frac{1}{2}$ and the W $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian; and including all platted and unplatted portions of the E $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 13; and including all platted and unplatted portions of the W $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 13, Township 2 North, Range 7 East of the Black Hills Meridian

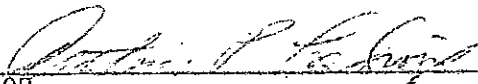
BE IT FURTHER RESOLVED that upon construction of the sanitary lift station, that a certified engineer for the developers shall certify to the City of Rapid City the cost of constructing the sanitary lift station as well as the number of hookups which it is capable of handling and file the cost breakdown to the City Engineer who shall review and certify to the Finance Officer of the City of Rapid City the total costs of constructing the sanitary lift station.

BE IT FURTHER RESOLVED that the fee for the hookup charge for the sewer and water shall be based upon the direct or indirect frontage in proportion to the total served and that the cost for the lift station shall be the number of units to be hooked up in proportion to the total number of units that the lift station is certified to be able to handle

AND BE IT FURTHER RESOLVED that anyone aggrieved by the decision of the City Engineer as to the exact fee to be paid may file written notice of appeal with the Rapid City Common Council by delivering to the City Finance Officer the basis for the appeal and the Common Council shall set a hearing date on the determination of the appeal and give at least ten days notice to Master Craft Realtors, Inc., as agents for the developers of Mallridge Subdivision

AND BE IT FURTHER RESOLVED that nothing in this resolution shall be construed as limiting the powers of the City of Rapid City in any way as to the right to annex any of the property served directly or indirectly by this resolution or in any way to limit the City to determine when it is in the best interests of the City to annex any of the within described property.

THE COMMON COUNCIL



MAYOR

ATTEST:



Finance Officer

(SEAL)

8-15-77