

Resolution #2017-058

**A RESOLUTION REPEALING RESOLUTION #2010-165 CONSTRUCTION FEE
RESOLUTION FOR HOMESTEAD SUBDIVISION, PHASE I 16" WATER MAIN
OVERSIZING PROJECT NO. DEV08-901 AND REPEALING RESOLUTION #2011-161
RESOLUTION TO CORRECT RESOLUTION 2010-165 AND SET A NEW
CONSTRUCTION FEE FOR HOMESTEAD SUBDIVISION, PHASE I 16" WATER
MAIN OVERSIZING PROJECT NO. DEV08-901**

WHEREAS, Tax Increment District Number Sixty-Eight Homestead was created on April 21, 2008 to provide financial support for drainage, street, and utility improvements; and

WHEREAS, the Tax Increment District Sixty-Eight Homestead Project Plan included City Project Costs of \$200,000 for a 16 inch water main within Homestead Street to be reimbursed to the City from the tax increment fund; and

WHEREAS, on April 21, 2008, the City entered into an oversize agreement with the developer of the Homestead Street development, where developer agreed to install approximately 840 feet of a 16 inch water main and associated appurtenances in Homestead Street and the City agreed to reimburse developer up to \$200,000 for the oversize costs for this water main; and

WHEREAS, the Homestead Street developer installed the 16 inch water main required in the oversize agreement and the City reimbursed developer \$102,776.65 in 2009 and 2010 pursuant to the oversize agreement; and

WHEREAS, pursuant to the terms of the Tax Increment District Sixty-Eight Homestead Project Plan, the City will be reimbursed from the tax increment funds for the amounts paid for the oversize water main; and

WHEREAS, on December 6, 2010, the Common Council adopted Resolution #2010-165 *Construction Fee Resolution for Homestead Subdivision, Phase I 16" Water Main Oversizing Project No. DEV08-901* ("Resolution #2010-165"); and

WHEREAS, Resolution #2010-165 imposed construction fees upon property located in Homestead Subdivision in order to capture the City's cost for the oversize portion of a 16" water main; and

WHEREAS, on December 19, 2011, Council adopted Resolution #2011-161 *Resolution to Correct Resolution 2010-165 and Set a New Construction Fee for Homestead Subdivision, Phase I 16" Water Main Oversizing Project No. DEV08-901* ("Resolution #2011-161"); and

WHEREAS Resolution #2011-161 was adopted to correct errors in the previous resolution related to the total cost and per-acre fee to connect to the water main;

WHEREAS, the reimbursement sought through construction fees in Resolution #2010-165 and Resolution #2011-161 overlaps with the reimbursement the City will receive from the proceeds of Tax Increment District Sixty-Eight Homestead Fund; and

WHEREAS, to date no construction fees have been imposed or collected from the properties affected by Resolution #2010-165 or Resolution #2011-161; and

WHEREAS, because Resolution #2010-165 and Resolution #2011-161 seek reimbursement from property owners for oversize costs which will be reimbursed by Tax Increment District Sixty-Eight Homestead, the Common Council wishes to repeal Resolution #2010-165 and Resolution #2011-161 and the construction fees within those documents.

NOW, THEREFORE, BE IT RESOLVED, that Resolution #2010-165 *Construction Fee Resolution for Homestead Subdivision, Phase I 16" Water Main Oversizing Project No. DEV08-901* adopted on December 6, 2010 is hereby REPEALED in its entirety.

BE IT FURTHER RESOLVED, that Resolution #2011-161 *Resolution to Correct Resolution 2010-165 and Set a New Construction Fee for Homestead Subdivision, Phase I 16" Water Main Oversizing Project No. DEV08-901* adopted on December 19, 2011 is hereby REPEALED in its entirety.

Dated this ____ day of _____, 2017.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(seal)