PROPOSED RESOLUTION NO. 2014-25

A RESOLUTION TO DECLARE THE NECESSITY FOR SIDEWALK IMPROVEMENT 2015

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA:

That the City hereby declares the necessity of constructing sidewalks within the City of Madison located adjacent to the following streets as noted below:

1. Area 1 - 5th Street NW from Union Avenue to Highland Avenue as follows:

   LOT FIVE (5) AND LOT SIX (6) IN BLOCK THREE (3) OF SMITH AND TROW'S SUMMIT ADDITION TO MADISON, SOUTH DAKOTA

   ALL OF LOT SEVEN (7) AND THE EAST THIRTY-SEVEN FEET (E37') OF LOT EIGHT (8), ALL IN BLOCK THREE (3), OF SMITH & TROW'S SUMMIT ADDITION TO CITY OF MADISON, LAKE COUNTY, SOUTH DAKOTA

   LOT NINE (9) AND THE WEST THIRTEEN FEET (W13') OF LOT EIGHT (8), IN BLOCK THREE (3) OF SMITH AND TROW'S SUMMIT ADDITION TO CITY OF MADISON, ACCORDING TO THE RECORDED PLAT THEREOF

   THE SOUTH SEVENTY FIVE FEET (S75') OF LOTS SEVEN (7), EIGHT (8) AND NINE (9), IN BLOCK TEN (10) OF SMITH AND TROW'S SUMMIT ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

   THE SOUTH HALF (S1/2) OF LOT FIVE (5) AND ALL OF LOT SIX (6) IN BLOCK SIXTEEN (16) OF SMITH AND TROW'S SUMMIT ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

   THE SOUTH HALF (S1/2) OF LOT FIVE (5) AND ALL OF LOT SIX (6) IN BLOCK TWENTY THREE (23), OF SMITH AND TROW'S SUMMIT ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

   LOT SEVEN (7) AND THE EAST HALF (E1/2) OF LOT EIGHT (8) IN BLOCK TWENTY-THREE (23) OF SMITH & TROW'S SUMMIT ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA, AND HALF OF THE VACATED ALLEY ALONG THE NORTH SIDE OF SAID LOT SEVEN (7) AND THE EAST HALF (E1/2) OF LOT EIGHT (8) IN BLOCK TWENTY-THREE (23) OF SMITH & TROW'S SUMMIT ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

   THE WEST HALF (W1/2) OF LOT EIGHT (8) AND ALL OF LOT NINE (9) IN BLOCK TWENTY-THREE (23) OF SMITH & TROW'S SUMMIT ADDITION TO MADISON, SOUTH DAKOTA

   LOT SEVEN (7) AND THE EAST ONE-HALF (E1/2) OF LOT EIGHT (8), BLOCK THIRTY (30), SMITH AND TROW'S SUMMIT ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA, AND THE SOUTH ONE-HALF (S1/2) OF THE VACATED ALLEY ADJOINING SAID LOTS ON THE NORTH SIDE THEREOF

THE WEST HALF (W1/2) OF LOT EIGHT (8) AND ALL OF LOT NINE (9) IN BLOCK THIRTY (30) OF SMITH AND TROW'S SUMMIT ADDITION TO THE CITY OF MADISON, LAKE COUNTY, SOUTH DAKOTA

THE WEST HALF OF LOT EIGHT (8) AND ALL OF LOT NINE (9) IN BLOCK THIRTY SEVEN (37) OF SMITH AND TROW'S SUMMIT ADDITION TO MADISON, SOUTH DAKOTA, HAVING A STREET ADDRESS OF 1020 NW 5TH STREET

LOTS FOUR (4), FIVE (5), AND SIX (6) IN BLOCK FORTY-ONE (41) OF SMITH AND TROW'S SUMMIT ADDITION TO MADISON, SOUTH DAKOTA

ALL OF LOT ONE (1) AND THE NORTH 38 FEET OF LOT TWO (2) IN BLOCK FOUR (4) OF SMITH AND TROW'S SUMMIT ADDITION TO MADISON, LAKE COUNTY, SD

LOT ONE (1) AND THE NORTH THIRTY FIVE FEET (N35') OF LOT TWO (2) IN BLOCK NINE (9), SMITH AND TROW'S SUMMIT ADDITION TO MADISON, LAKE COUNTY, SD, HAVING A STREET ADDRESS OF 521 N LIBERTY AVE, MADISON, SD

LOT ONE (1), IN BLOCK SEVENTEEN (17) OF SMITH AND TROW'S SUMMIT ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA, ACCORDING TO THE RECORDED PLAT THEREOF

THE NORTH SEVENTY-FIVE FEET (N75') OF LOTS TEN (10) AND ELEVEN (11), OF BLOCK SEVENTEEN (17), OF SMITH AND TROW'S SUMMIT ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

LOT ONE (1) AND THE NORTH HALF (N1/2) OF LOT TWO (2) IN BLOCK TWENTY TWO (22) OF SMITH AND TROW'S SUMMIT ADDITION TO MADISON, SOUTH DAKOTA

THE EAST HALF OF LOT 11 AND ALL OF LOT 12 IN BLOCK 22 OF SMITH & TROW'S SUMMIT ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

LOT TEN (10) AND THE WEST HALF (W1/2) OF LOT ELEVEN (11), BLOCK TWENTY TWO (22) IN SMITH AND TROW'S SUMMIT ADDITION TO MADISON, SOUTH DAKOTA

LOT ONE (1) AND THE NORTH HALF (N1/2) OF LOT TWO (2) IN BLOCK THIRTY ONE (31) OF SMITH AND TROW'S SUMMIT ADDITION TO MADISON, SOUTH DAKOTA

LOTS EIGHT (8), NINE (9), TEN (10), ELEVEN (11) AND TWELVE (12), BLOCK THIRTY-ONE (31), SMITH & TROW'S SUMMIT ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

LOT ONE (1) AND THE NORTH HALF (N1/2) OF LOT TWO (2) IN BLOCK THIRTY SIX (36) OF SMITH AND TROW'S SUMMIT ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

LOT ONE (1), LOT TWO (2) AND LOT THREE (3) IN BLOCK FORTY TWO (42) OF SMITH AND TROW'S SUMMIT ADDITION TO MADISON, SOUTH DAKOTA; EXCEPT LOT H-1 THEREOF

2. Area 2 - East Center Street from Lincoln Avenue to Division Avenue as follows:

   LOTS SEVEN (7) AND EIGHT (8) IN BLOCK FOURTEEN (14) OF TOWN PROPRIETOR'S SECOND ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

   LOTS FIVE (5) AND SIX (6) IN BLOCK FOURTEEN (14) OF TOWN PROPRIETOR'S SECOND ADDITION TO MADISON, LAKE COUNTY, SD HAVING A STREET ADDRESS OF 519 E CENTER STREET

   LOTS ONE (1), TWO (2), THREE (3), AND FOUR (4) IN BLOCK FOURTEEN (14) OF TOWN PROPRIETOR'S SECOND ADDITION TO MADISON, LAKE COUNTY, SD, HAVING A STREET ADDRESS OF 527 E CENTER STREET

   LOTS NINE (9) AND TEN (10) IN BLOCK ELEVEN (11) OF TOWN PROPRIETOR'S SECOND ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA, HAVING A STREET ADDRESS OF 801 E CENTER STREET

   LOT EIGHT (8) OF BLOCK ELEVEN (11) OF TOWN PROPRIETOR'S SECOND ADDITION TO MADISON, SD

   LOT SEVEN (7) AND THE WEST ONE-HALF OF LOT SIX (W1/2 6) IN BLOCK ELEVEN (11), OF TOWN PROPRIETOR'S SECOND ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

3. Area 3 - Middle and High School (Priority No. 1 - 1 Block) as follows:

   THE EAST 68 FEET OF THE SOUTH 100 FEET EXCEPT THE NORTH 15 FEET THEREOF, OF BLOCK SIX (6) OF GARNERS FIRST ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

   THE NORTH ONE HUNDRED FEET (N100') OF THE SOUTH TWO HUNDRED FEET (S200') OF BLOCK SIX (6), GARNER'S FIRST ADDITION TO MADISON, SOUTH DAKOTA, AND THE NORTH FIFTEEN FEET (N15') OF THE EAST SIXTY EIGHT (E68') OF THE SOUTH ONE HUNDRED FEET (S100') OF BLOCK SIX (6), GARNER'S FIRST ADDITION TO MADISON, SOUTH DAKOTA

   THE SOUTH SEVENTY-FIVE (S75') FEET OF THE NORTH TWO HUNDRED FIFTY-EIGHT (N258') FEET OF BLOCK ONE OF GARNER'S FIRST ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

   THE SOUTH SEVENTY-FIVE FEET (S75') OF THE NORTH THREE HUNDRED THIRTY-THREE FEET (N333') OF BLOCK ONE (1) OF GARNER'S FIRST ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

   THE SOUTH SEVENTY-FIVE FEET (S75') OF THE NORTH FOUR HUNDRED EIGHT FEET (N408') OF BLOCK ONE (1), GARNER'S ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

   THE SOUTH 60 FEET OF BLOCK ONE (1) OF GARNER'S FIRST ADDITION TO MADISON, SOUTH DAKOTA

LOT FOUR (4) IN BLOCK ONE (1) OF NORTHLAND HEIGHTS ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

LOT 5 IN BLOCK 1 OF THE PLAT OF BLOCKS 1, 2, 3, AND 4 OF THE NORTHLAND HEIGHTS ADDITION TO THE CITY OF MADISON, LAKE COUNTY, SOUTH DAKOTA, SW1/4, S5,T106N, R52W, 5TH PM

THE EAST 70 FEET OF LOT SEVEN (7) IN BLOCK ONE (1) OF THE PLAT OF BLOCKS ONE (1), TWO (2), THREE (3), AND FOUR (4) OF NORTHLAND HEIGHTS ADDITION TO THE CITY OF MADISON, LAKE COUNTY, SOUTH DAKOTA, SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP ONE HUNDRED SIX (106) NORTH, RANGE FIFTY TWO (52), WEST OF THE 5TH PM

LOT EIGHT (8) IN BLOCK ONE (1) OF NORTHLAND HEIGHTS ADDITION TO MADISON, SD HAVING A STREET ADDRESS OF 729 NE 8TH ST, ALSO DESCRIBED AS LOT EIGHT (8) IN BLOCK ONE (1) OF THE PLAT OF BLOCKS ONE (1), TWO (2), THREE (3), AND FOUR (4), OF NORTHLAND HEIGHTS ADDITION TO MADISON, LAKE COUNTY, SD

ALL OF BLOCK THREE (3) WALKER'S FIRST ADDITION TO MADISON, SD

LOT ONE (1) IN BLOCK FOUR (4) OF MUGGLY SECOND ADDITION TO MADISON, SOUTH DAKOTA

LOT ELEVEN (11) IN BLOCK ONE (1) OF MUGGLY ADDITION TO THE CITY OF MADISON, SOUTH DAKOTA

LOT 2 OF BLOCK 3 OF MUGGLY THIRD ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

4. Area 4 - 11th Street NE from Lincoln Avenue to Maplewood Avenue as follows:

LOTS ONE (1), TWO (2), THREE (3) AND FOUR (4), BLOCK ONE (1), RENTZ ADDITION TO THE CITY OF MADISON, COUNTY OF LAKE, STATE OF SOUTH DAKOTA

THE EAST 732 FEET OF THE RECORDED PLAT OF THE NORTH 720 FEET OF THE WEST 1504 FEET OF THE SOUTH 1473 FEET OF THE NORTHWEST QUARTER OF SECTION 5-T106N-R52W 5TH PM

THE NORTH 720 FEET OF THE SOUTH 1473 FEET OF THE WEST 692 FEET OF THAT PART OF KINNEY'S SUBDIVISION OF THE NORTHWEST QUARTER (NW1/4) OF SECTION FIVE (5) IN TOWNSHIP ONE HUNDRED SIX (106) NORTH OF RANGE FIFTY TWO (52) WEST OF THE 5TH P.M. SITUATED IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 5 ABOVE, CONTAINING 11.44 ACRES MORE OR LESS

5. Area 5 - Elementary School (Priority No. 1 - 1 Block) as follows:

THE SOUTH SEVENTY FIVE FEET (S75') OF LOT TWO (2) IN BLOCK THIRTEEN (13) OF SMITH AND TROW'S SUMMIT ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

THE SOUTH 75 FEET OF LOT ONE(1) AND THE NORTH 15 FEET OF THE SOUTH 90 FEET OF LOT ONE (1) IN BLOCK THIRTEEN (13), SMITH AND TROW'S SUMMIT ADDITION TO MADISON, SOUTH DAKOTA, HAVING A STREET ADDRESS OF 704 NW 8TH ST

THE WEST HALF (W1/2) OF LOT EIGHT (8) AND ALL OF LOT NINE (9) IN BLOCK TWELVE (12) OF SMITH AND TROW'S SUMMIT ADDITION TO MADISON, SOUTH DAKOTA

LOTS 5 AND 6 IN BLOCK 12 OF SMITH AND TROW'S SUMMIT ADDITION TO MADISON, LAKE COUNTY, SOUTH DAKOTA, ACCORDING TO THE RECORDED PLAT THEREOF

LOT ONE (1) OF ZIEBARTH'S SECOND ADDITION TO MADISON, LAKE COUNTY, SD

6. Area 6 - St. Thomas School (Priority No. 1 - 1 Block) as follows:

   THE SOUTH SIXTY-NINE AND ONE THIRD (S69 1/3') FEET OF THE WEST HALF (W1/2) OF BLOCK SIXTEEN (16) OF KENNEDY'S EXTENSION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

   THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4), BLOCK FOUR (4), KENNEDY'S EXTENSION TO MADISON, LAKE COUNTY, SOUTH DAKOTA

   THE NORTH SEVENTY-FIVE FEET (N75') OF THE EAST HALF (E1/2) OF BLOCK FIFTEEN (15) OF KENNEDY'S EXTENSION TO MADISON, ACCORDING TO THE RECORDED PLAT THEREOF

   THE NORTH 100 FEET OF THE WEST HALF (W1/2) OF BLOCK FIFTEEN (15) OF KENNEDY'S EXTENSION OF MADISON, LAKE COUNTY, SD

7. The owners of lots set forth in paragraphs one (1) – six (6) above shall construct sidewalk at their own expense on or before July 15, 2015. The City Commission may extend the deadline for installation of the sidewalk in the event a construction project, including sidewalk, is being undertaken during 2015. Notice of the requirement to construct and deadline shall be provided to landowners as provided in SDCL 9-46-3.

8. Exempt from the requirement to construct sidewalk are those areas which presently have sidewalk or have asphalt pavement in the areas where sidewalk will be required. Said asphalt pavement may remain provided it is marked and striped with paint or other approved material as a designated walkway and where said areas are in a condition equal to the condition standards required for sidewalk.

9. The general nature of the construction and materials to be used are as follows:
   a. Sidewalks shall be 4 feet 8 inches in width and run the entire length of the real property.
   b. Concrete shall be a minimum of 4 inches thick and shall include aggregate customarily used in this locale for concrete that will be exposed to the elements.
   c. A gravel-based course with a minimum depth of 3 inches shall be used.
   d. Location and grade shall be approved by the Office of the City Engineer.

10. Upon completion of construction the improvements shall become the responsibility of the landowner.

11. If a retaining wall is determined necessary by the City Engineer, the City shall pay for the initial construction of all retaining walls. Construction shall not commence until approval of the specifications, plans, details and a minimum of two (2) bids are obtained from the Office of City Engineer. Reimbursement to the landowner of the wall shall be upon satisfactory completion of the retaining wall. No reimbursement for retaining wall construction shall be made unless, prior to construction, the specifications, plans, materials and bids are approved by the City Engineer. The City shall be responsible for the cost of installation of retaining walls if satisfactorily completed.

12. The improvements for each affected real property may not be substantially uniform due to the need for retaining walls or other improvements/additional requirements necessary on some properties. The City shall be responsible for these additional costs if approval is given to the property owner in writing from the City Engineer prior to commencement of improvement.

13. All work to be constructed by licensed contractors in accordance with standard City of Madison specifications which are on file and can be reviewed at the Office of City Engineer.

14. If such sidewalk is not constructed, reconstructed or repaired in the manner and within the time prescribed hereinabove, then, pursuant to SDCL 9-46-4 the City of Madison, by Resolution, shall cause the work to be done and the cost thereof to be assessed against the lots affronting or abutting upon the sidewalks constructed, reconstructed or repaired as provided in SDCL 9-46-5 and subsequent sections.

15. Landowner shall be responsible for obtaining any permits, permission or authorizations required by South Dakota Department of Transportation (SD DOT), for items including but not limited to, occupation of right-of-way and traffic control to include signage per SD DOT standards.

16. The above-described improvement shall be herein referred to as Sidewalk Improvement 2015 which shall be deemed a description of the improvement as herein set forth.

Dated this 24th day of November, 2014.

CITY OF MADISON

Mayor

ATTEST:

Finance Officer

Published once at the approximate cost of $_.