

RESOLUTION NO. 2015-13

A RESOLUTION TO DECLARE THE NECESSITY FOR SIDEWALK IMPROVEMENT 2016

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. Project 1 – 4th Street SE from Washington Avenue to Egan Avenue as follows:

Lot Twelve (12) in Block Two (2) of Frautschy's Addition to Madison, South Dakota

The North Fifty Feet (N50') of Lot One (1) Block Two (2) Frautschy's Addition to Madison, Lake County, South Dakota

Lot 12 in Block 1 of Frautschy's Addition of Madison, Lake County, South Dakota

The West Seventy Feet (W70') of Lot One (1) in Block One (1) of Frautschy's Addition to the City of Madison, Lake County, South Dakota

Lot One (1), Except the West Seventy Feet (W70'), Thereof, of Block One (1) of Frautschy's Addition to the City of Madison, South Dakota

2. Project 2 – Egan Avenue South from 4th Street to 10th Street excluding properties with multi-use trail adjacent thereto as follows:

The South Half (S1/2) of Lot Sixteen (16) Except the North 12 Feet Thereof, and the North 62 1/2 Feet of Lot Seventeen (17) in County Auditor's Third Addition to Madison, Lake County, South Dakota

The East Two Hundred Twenty-Seven Feet (227') of Lot Thirty (30) Except the South Two Hundred Sixty-Nine Feet (269') Thereof in County Auditor's Third Addition to Madison, Lake County, South Dakota

Lot Thirty (30) Except the North One Hundred Fifty-Three Feet (N153') and All of Lot Thirty One (31) in County Auditor's Third Addition to the City of Madison, South Dakota

3. Project 3 – Middle and High School (Priority No. 1 – 2 blocks) as follows:

Lot Two (2) in Block Two (2) of McDonald's Fourth Addition to Madison, Lake County, South Dakota

Lot Thirteen (13) in Block One (1) of McDonald's Fourth Addition to the City of Madison, Lake County, SD

Lot Seven (7) in Block Three (3) of Muggly's Second Addition to Madison, Lake County, South Dakota

Lot One (1), Block Two (2), Northland Heights Addition to Madison, Lake County, South Dakota

Lot Fifteen (15) in Block One (1) in Northland Heights Addition to Madison, Lake County, South Dakota

Lot Ten (10), Block Three (3), Northland Heights Addition to Madison, Lake County, South Dakota

Lot Sixteen (16), Block One (1), Northland Heights Addition to the City of Madison, Lake County, South Dakota (on the south side only)

All of Lot 3, and the North 50 Feet of Lot 2, and All of Lot 20, all in Block 1 of Northland Heights Addition to Madison, Lake County, South Dakota

Lot Twenty One (21) in Block One (1) of Northland Heights Addition to Madison, Lake County, South Dakota (on the south side only)

Lot Four (4) in Block Three (3) of Northland Heights Addition to Madison, Lake County, South Dakota

Lot One (1) and the North Thirty-Five Feet (N35') of Lot Two (2) in Block Three (3) of Northland Heights Addition to City of Madison, According to the Recorded Plat Thereof

Lot One (1) and the South 25 Feet of Lot Two (2) in Block One (1) of Northland Heights Addition to Madison, Lake County, South Dakota

Lot Seven (7) in Block Six (6) of Baldwin's Addition to Madison, Lake County, South Dakota, According to the Recorded Plat Thereof

Lots One (1) and Two (2), Block Seven (7), Baldwin's Addition to the City of Madison, Lake County, South Dakota

Lot Seven (7) in Block Five (5) of Garner's First Addition to Madison, Lake County, South Dakota

Lot One (1) and the North 10 Feet of Lot Two (2) in Block Three (3) of Garner's First Addition to Madison, Lake County, South Dakota

Lot Six (6) Except the North 20 Feet, and All of Lot Seven (7), Block Two (2), Garner's First Addition to Madison, South Dakota (on the west side only)

The West 71 Feet of the South 131.7 Feet of the North 331.7 Feet of Block Five (5) of Walker's First Addition to Madison, South Dakota; and the West 3 Feet of the East 65 Feet of the West 136 Feet of the South 131.7 Feet of the North 331.7 Feet of Block Five (5) of Walker's First Addition to Madison, South Dakota

Lot One (1) in Block Four (4) of Northland Heights Addition to the City of Madison, Lake County, South Dakota, According to the Recorded Plat Thereof, Subject to Easements and Restrictions of Record

East Sixty-Five Feet (E65') of the West One Hundred Thirty-Six Feet (W136') of the South One Hundred Thirty-One and Seven Tenths Feet (S131.7') of the North Three Hundred Thirty One and Seven Tenths Feet (N331.7) of Block Five (5), Walker's First Addition to Madison, Lake County, South Dakota

The South 40 Feet of Lot Five (5) and the North 20 Feet of Lot Six (6) in Block Two (2) of Garner's First Addition to Madison, Lake County, South Dakota

Lot Four (4) and the North Ten Feet (N10') of Lot Five (5) in Block Two (2) of Garner's 1st Addition to City of Madison, According to the Recorded Plat Thereof

The South Ten Feet (S10') of Lot Three (3) and All of Lot Four (4), in Block Five (5) of Garner's First Addition to City of Madison, Lake County, South Dakota

Lot Three (3) in Block Two (2) of Garner's First Addition to Madison, Lake County, South Dakota

Lots One (1) and Two (2) in Block Five (5) of Garner's First Addition to Madison, Lake County, South Dakota, According to the Recorded Plat Thereof

Lot One (1) and Lot Two (2) Block Five (5) of Garner's First Addition to Madison, Lake County, South Dakota

Lot Ten (10) in Block One (1) of Northland Heights Addition to Madison, Lake County, South Dakota, According to the Recorded Plat Thereof

4. Project 4 - Elementary School (Priority No. 1 – 2 Blocks) as follows:

The East 136 Feet of the North 355 Feet of Block 28 of Smith and Trow's Summit Addition to Madison, Lake County, South Dakota

The South 80 Feet of Lot One (1) of Ed Hansen's Addition to Madison, Lake County, South Dakota, According to the Recorded Plat Thereof

The West Half (W1/2) of Block Twenty Six (26) of Smith and Trow's Summit Addition to Madison, South Dakota, Except the North One Hundred Forty Five Feet (N145') Thereof (on the south side only)

Lot Three (3) of Stoddard's Addition to Madison, South Dakota

Lot Two (2) of Stoddard's Addition to Madison, South Dakota

Lot 1, Stoddard's Addition, City of Madison, Lake County, South Dakota

The East 77 Feet of the West 213 Feet of Lots Three (3) and Four (4) of Block Seven (7) of Kennedy's Subdivision of Blocks Four (4), Five (5) and Six (6) and the North Half (N1/2) of Block Seven (7) of Kennedy's Second Extension of Madison, and the North 20 Feet of the South Half (S1/2) of Block Seven (7), Except the West 40 Feet Thereof, and Except the East 136 Feet Thereof, of Kennedy's Second Extension of Madison; and the South 80 Feet of the South Half (S1/2) of Block Seven (7) Except the East 136 Feet Thereof, and Except the East 210 Feet of the South

17 1/2 Feet Thereof, of Kennedy's Second Extension to Madison, All in Lake County, South Dakota

The West 136 Feet of Lots Three (3) and Four (4) in Block Seven (7) of Kennedy's Subdivision of Blocks Four (4), Five (5) and Six (6) and the North Half (N1/2) of Block Seven (7) of Kennedy's Second Extension of Madison, Lake County, South Dakota

All of that Part of the Vacated Alley (14' Wide) Lying Between the West Seventy-Five Feet (W75') of Lot Five (5) and Lot Six (6) and West 1/2 of Lot Seven (7), and Also the South 1/2 (7') of that Part of the Vacated Alley Lying Adjacent to the North Side of Lot Five (5), All in Block Six (6) of Kennedy's Subdivision of Blocks Four (4), Five (5), Six (6), and the North 1/2 of Seven (7) of Kennedy's Second Extension to the City of Madison, Lake County, South Dakota

Lots Seven (7), Eight (8), and Nine (9) Except the East 75 Feet Thereof, Block One (1), Smith and Trow's Summit Addition to Madison, Lake County, South Dakota

The North One-Third (N1/3) of the Southeast Quarter (SE1/4) Except 14 Feet Through the Center North and South of Said Block Twenty-Six (26) to be Used as an Alley, and the South One-Third (S1/3) of the East Half (E1/2), All in Block Twenty Six (26) of Smith and Trow's Summit Addition to Madison, South Dakota

Lot Eighteen (18) in Block Three (3) of Williams Bros. Addition to Madison, Lake County, South Dakota

Lot Ten (10) of Rittger's Subdivision of Lot Nine (9) of County Auditor's Subdivision in the East Half of the East Half of the Northwest Quarter (E 1/2 E 1/2 NW 1/4) and Lot Seven (7) of County Auditor's Subdivision of the Northeast Quarter (NE 1/4) of Section Six (6), Township One Hundred Six (106) North, Range Fifty Two (52), West of the 5th P.M.

Lot One (1) of Rittger's Subdivision, the same being a Plat of Lot Nine (9) of County Auditor's Subdivision of the East Half of the East Half of the Northwest Quarter of Section Six (6), and Lot Seven (7) of County Auditor's Subdivision in the Northeast Quarter of Section Six (6) in Township 106 North of Range 52 West of the 5th P.M., Lake County, South Dakota

Lot Two (2) of Rittger's Subdivision to City of Madison, According to the Recorded Plat Thereof

Lot Four (4) of Rittger's Subdivision, Madison, Lake County, South Dakota

Lot 5 and Lot 6 of Rittger's Subdivision, in Lake County, South Dakota

5. Project 5 – St. Thomas School (Priority No. 1 – 2 Blocks) as follows:

The West Eighteen Feet (W18') of Lot Nine (9), and All of Lot Ten (10), Block Twenty- Seven (27) of CB Kennedy's Subdivision of Blocks Twenty-Six (26) and Twenty-Seven (27), Kennedy's Second Extension to the City of Madison (on the north side only)

The South 140 Feet of Lot Seven (7) Except the East 10 Feet Thereof, Lot Eight (8) Except the North 125 Feet Thereof (Being the South 40 Feet of the Triangular Portion of Lot 8) and Lot Nine (9) Except the North 30 Feet Thereof (Being a Rectangular Parcel of Land Consisting of the South

140 Feet of Lots 7, 8, and 9 Except the East 10 Feet Thereof, Being 140 Feet North and South By 106.7 Feet East and West), All in Block Twenty Six (26) of Kennedy's Second Extension to Madison, Lake County, South Dakota

Lot Six (6) and the East Ten Feet (E10') of Lots Seven (7) and Eight (8) in Block Twenty-Six (26) and Twenty-Seven (27) of Kennedy's Second Extension of Madison

Lot Eight (8) and the East Thirty-Two Feet (E32') of Lot Nine (9) in Block Twenty Seven (27), CB Kennedy's Subdivision of Blocks Twenty Six (26) and Twenty Seven (27), Kennedy's Second Extension of Madison, South Dakota; and Lot Seven (7) in Block Twenty Seven (27), CB Kennedy's Subdivision of Block Twenty-Six (26) and Twenty Seven (27), Kennedy's Second Extension of Madison, South Dakota

Lot Five (5) of Block Twenty Six (26) of CB Kennedy's Subdivision of Blocks 26-27 of Kennedy's Second Extension of Madison, Lake County, South Dakota, According to the Recorded Plat Thereof; and the West Half (W1/2) of the Vacated Alley Lying Adjacent to the East Side of Lot Five (5), and the East Half (E1/2) of the Vacated Alley Lying Adjacent to the West Side of Lots Two (2), Three (3), and Four (4) of Block Twenty-Six (26) of CB Kennedy's Subdivision of Block Twenty Six (26) and Twenty Seven (27) of Kennedy's Second Extension of Madison, Lake County, South Dakota, According to the Recorded Plat Thereof

Lot 1 and the North 14 Feet of Lot 2 in Block 27 of CB Kennedy's Subdivision of Block 26 and 27 of Kennedy's Second Extension of Madison, Lake County, South Dakota

North One-Third (N1/3) of the West One-Half (W1/2) of Block Thirty (30) of Kennedy's Second Extension to City of Madison

The North One Third (N1/3) of the East One-Half (E1/2) of Block Thirty (30), Kennedy's Second Extension to the City of Madison, Lake County, South Dakota, According to the Recorded Plat Thereof

Lot Ten (10) and the West 10 Feet of Lot Nine (9) in Block Eleven (11) of Town Proprietor's First Addition to Madison, South Dakota

Lot Fourteen (14) in Block Eleven (11) of Town Proprietor's First Addition to the City of Madison, Lake County, South Dakota

Lot One (1) Except the North One Hundred Twenty-Four and Four-Tenths Feet (N124.4') of Kennedy's Third Addition to Madison, Lake County, South Dakota

The North 124.4 Feet of Lot One (1) of Kennedy's Third Extension to Madison, Lake County, South Dakota (on the north side only)

The West 68 Feet of the South 150 Feet of the West Half (W1/2) of Block 5 in Kennedy's Extension of Madison, Lake County, South Dakota (on the south side only)

The South Twelve Feet (S12') of Lot Two (2) and All of Lots Three (3) and Four (4), in Block Four (4), Smith & Trow's Summit Addition to the City of Madison, According to the Recorded Plat Thereof

The North Half (N1/2) of the West Half (W1/2) of Block Five (5) of Kennedy's Extension of Madison, and the Vacated Right of Way Lying Adjacent to the Side of Said North Half (N1/2) of the West Half (W1/2) of Block Five (5) of Kennedy's Extension of Madison, Lake County, South Dakota

The North One Hundred Thirty Feet (N130') of the Northwest Quarter (NW1/4) of Block Three (3) of Kennedy's Extension of Madison, Lake County, South Dakota, According to the Recorded Plat Thereof

The North Seventy Five Feet (N75') of the Northeast Quarter (NE1/4) of Block Three (3) of Kennedy's Extension to the City of Madison, Lake County, South Dakota

The East Seventy Four Feet (E74') of the North Eighty Three Feet (N83') in Block Ten (10); Also Described as the North Eighty-Three Feet (N83') of the East Half (E1/2) of Block Ten (10), Except the West Sixty-Two Feet (W62') Thereof, of Kennedy's Extension to Madison, South Dakota
The West Sixty-Two Feet (W62') of the North Eighty-Three Feet (N83') of the East Half (E1/2) of Block Ten (10) in Kennedy's Extension of City of Madison, According to the Recorded Plat Thereof

The West Sixty-Two Feet (W62') of the North Eighty-Three Feet (N83') of the East Half (E 1/2) of Block Ten (10) in Kennedy's Extension of the City of Madison, According to the Recorded Plat Thereof

All of Lots One (1) and Two (2) North of the Creek in Block Ten (10), Sullivan's Subdivision to Madison, Lake County, South Dakota

The South Half (S1/2) of the Southeast Quarter (SE1/4) of Block Five (5) of Kennedy's Extension to the City of Madison, According to the Recorded Plat Thereof

The East Sixty Eight Feet (E68') of the South One Hundred Fifty Feet (S150') of the West Half (W1/2) of Block Five (5) of Kennedy's Extension to the City of Madison, Lake County, South Dakota

The South One-Third (S1/3) of the Northwest Quarter (NW1/4) and the North One-Third (N1/3) of the Southwest Quarter (SW1/4) of Block Twenty-Eight (28) of Kennedy's Second Extension of Madison, South Dakota

The North One-Third (N1/3) of the West 136 Feet of Block Twenty Eight (28) of Kennedy's Second Extension of Madison, South Dakota

Lot Thirty-Two (32) in Block Three (3) of Town Proprietor's First Addition to the City of Madison

6. The owners of lots set forth in projects one (1) – five (5) above shall construct sidewalk at their own expense on or before July 15, 2016. The City Commission may extend the deadline for installation of the sidewalk in the event a construction project, including sidewalk, is being undertaken during 2016. Notice of the requirement to construct and deadline shall be provided to landowners as provided in SDCL 9-46-3.

7. 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.
8. 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.
9. Upon completion of construction the improvements shall become the responsibility of the landowner.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. The above-described improvement shall be herein referred to as Sidewalk Improvement 2016 which shall be deemed a description of the improvement as herein set forth.

Dated this 14th day of December, 2015.

CITY OF MADISON

/s/Roy J. Lindsay, Jr.
Mayor

ATTEST: /s/Jennifer Eimers
Finance Officer

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