

## RESOLUTION NO. 2015-16

### A RESOLUTION TO DECLARE THE NECESSITY FOR SIDEWALK REPAIR IMPROVEMENT 2016

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

That the City hereby declares the necessity of repairing and reconstructing sidewalks within the City of Madison located in front of and abutting upon the following described properties as noted below:

Lot Five (5) in Block Two (2) of Muggly Addition to Madison, South Dakota; approximately 24 square feet, 1 instance.

Lots One (1), Four (4) and Five (5) in Block Fourteen (14) of Beardsley's Addition to Madison, Lake County, SD; approximately 93 square feet, 2 instances.

Lot One (1) and the Westerly Fifteen Feet of Lot Twelve (12) in Block Four (4) McDonald's Fifth Addition to Madison, Lake County, South Dakota; approximately 326 square feet, 1 instance.

Lot Eight (8) in Block Three (3) of Windsor Estate First Addition to Madison, Lake County, South Dakota; approximately 47 square feet, 1 instance.

Lot Eleven (11) in Block Three (3) of Muggly Third Addition to the City of Madison, Lake County, SD; approximately 24 square feet, 1 instance.

The West 86 Feet of the East 186 Feet of Block Five (5) in North Madison, Lake County, South Dakota; approximately 71 square feet, 2 instances.

Lot Four (4) in Block One (1) of Schwebach's Second Addition to Madison, Lake County, SD; approximately 48 square feet, 2 instances.

Lot Six (6), Block One (1), McDonald's First Addition to Madison; approximately 118 square feet, 4 instances.

Lot Four (4) and the South Nine Feet (S9') of Lot Five (5), Block Four (4), Muggly Second Addition, and the East Half (E1/2) of the Vacated Alley Adjoining Said Lots to the West Thereof, all in Madison, Lake County, South Dakota; approximately 24 square feet, 1 instance.

Lot Two (2), Block One (1), Walker's First Addition to Madison, South Dakota; approximately 93 square feet, 1 instance.

Lot Thirteen (13) in Block Two (2) of McDonald's Eighth Addition to Madison, Lake County, SD, According to the Recorded Plat Thereof; approximately 24 square feet, 1 instance.

Lot Nine (9) in Block Three (3) of Windsor Estates First Addition to Madison, South Dakota; approximately 71 square feet, 2 instances.

The West Half (W1/2) of Lot Ten (10) and all of Lot Eleven (11) in Block One (1) of Huntimer's Addition to Madison, South Dakota; approximately 256 square feet, 2 instances.

Lot Six (6) Except the East 30 Feet Thereof, and All of Lot Seven (7) in Block One (1) of Muggly Addition to Madison, Lake County, South Dakota, according to the recorded plat thereof; approximately 28 square feet, 1 instance.

Lot Three (3) Block Four (4), Northland Heights Addition to the City of Madison, Lake County, South Dakota; approximately 24 square feet, 1 instance.

Lot Seventeen (17) in Block Two (2) of Rentz Addition to Madison, Lake County, South Dakota; approximately 24 square feet, 1 instance.

Lot Six (6) in Block Two (2) of Schwebach's Second Addition to Madison, South Dakota; approximately 24 square feet, 1 instance.

South Twenty Feet (S20') of Lot Three (3) and all of Lot Four (4), Block Three (3), of Garners Addition to the City of Madison, Lake County, South Dakota; approximately 47 square feet, 1 instance.

Lot Twelve (12), Block Two (2) of Muggly Addition to Madison, Lake County, South Dakota; approximately 72 square feet, 3 instances.

Lot Six (6) in Block Five (5) of Garner's First Addition to Madison, South Dakota; approximately 24 square feet, 1 instance.

Lot Thirteen (13), Block Three (3), Windsor Estate First Addition to Madison, Lake County, South Dakota; approximately 72 square feet, 4 instances.

Blocks Three (3), Four (4), Five (5), and Six (6), Beardsley's Addition, City of Madison, Lake County, South Dakota, and The North 720 Feet of the East One Half (E1/2) of the West 1504 Feet of the North 720 Feet of the East One-Half (E1/2) of the West 1504 Feet of the South 1473 Feet of the Northwest One-Quarter (NW1/4) of Section Five (5) Township One Hundred Six (106) Range Fifty-Two (52) Lake County, South Dakota, approximately 420 square feet, 8 instances.

Lots One (1) to Six (6) Inclusive, in Block One (1), Baldwin's Addition to Madison; and Lots One (1), Four (4), Five (5), and Eight (8), Block One (1), Willard's Addition to Madison; approximately 138 square feet, 3 instances.

Lots One (1) to Six (6) Inclusive, in Block One (1), Baldwin's Addition to Madison; and Lots One (1), Four (4), Five (5), and Eight (8), Block One (1), Willard's Addition to Madison; approximately 36 square feet and 1 instance.

Lots One (1) through Four (4) in Block Two (2), Except the East Sixty-Eight (E68') Feet Thereof, of Willard's Addition to the City of Madison, County of Lake, State of South Dakota; approximately 117 square feet and 2 instances.

The South 60 Feet of Lot Two (2) and All of Lot Three (3) of Wiedenman's Second Addition to Madison, South Dakota; approximately 70 square feet and 1 instance.

Lot One (1) and the South 40 Feet of Lot Nine (9) in Block Five (5) of Muggly Third Addition to the City of Madison, Lake County, SD; approximately 24 square feet and 1 instance.

Lots Two (2), Three (3), and Six (6) in Block Fourteen (14), Beardsley's Addition to Madison, Lake County, South Dakota; approximately 47 square feet and 1 instance.

Lot Six (6) of Block Three (3) of Muggly 2nd Addition to Madison, Lake County, South Dakota; approximately 118 square feet and 3 instances.

Lot Three (3) in Block Three (3) of Windsor Estates First Addition to Madison, Lake County, South Dakota; approximately 43 square feet and 2 instances.

Lot Five (5) in Block Two (2) of Schwebach's Second Addition to Madison, Lake County, South Dakota; approximately 24 square feet and 1 instance.

Lot Eight (8) in Block One (1) of Muggly Addition to Madison, Lake County, South Dakota; approximately 56 square feet, 2 instances.

Lot 3 in Block 1 of Walker's First Addition to Madison, Lake County, South Dakota; approximately 56 square feet, 2 instances.

Lot One (1) and the South 25 Feet of Lot Two (2) in Block One (1) of Northland Heights Addition to Madison, Lake County, SD; approximately 24 square feet, 1 instance.

Lot Ten (10) in Block Three (3) of Muggly Third Addition to Madison, Lake County, SD; approximately 24 square feet, 1 instance.

The North 73 Feet of Lot 2 Wiedenman's Extension to Madison, Lake County, South Dakota; approximately 24 square feet, 1 instance.

Lot One (1) Except the South 54.3 Feet Thereof in Block Three (3) of McDonald's Second Addition to Madison, SD; approximately 48 square feet, 2 instances.

Lot Seven in Block One (1) of Walker's First Addition to Madison, South Dakota; approximately 47 square feet, 1 instance.

All of Block 2 in Walker's First Addition to Madison, Lake County, South Dakota; approximately 141 square feet, 3 instances.

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 Feet (E68') of the South One Hundred Feet (S100') of Block Six (6), Garner's First Addition to Madison, South Dakota; approximately 71 square feet, 2 instances.

The North Forty Feet (N40') of Lot Three (3) in Block Five (5) of Garner's First Addition in Madison, Lake County, SD; approximately 233 square feet, 1 instance.

The East 50 Feet of the East 100 Feet of Block Four (4) of North Madison, Lake County, SD; approximately 47 square feet, 1 instance.

Lot Seven (7) Except the West 5 Feet Thereof in Block Three (3) of Northland Heights Addition to Madison, South Dakota; approximately 303 square feet, 3 instances.

Lot Nine (9) in Block One (1) of the Plat of a Portion of Block One (1) of Muggly Addition to the City of Madison, South Dakota; approximately 28 square feet, 1 instance.

Lot Eight (8) in Block One (1) of Schwebach's Second Addition to Madison, Lake County, South Dakota; approximately 24 square feet, 1 instance.

Lot 3 in Block 4 of McDonald's Fourth Addition to Madison, Lake County, South Dakota; approximately 48 square feet, 2 instances.

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; approximately 93 square feet, 1 instance.

Lot One (1) in Block One (1) of Schwebach's Second Addition to Madison, Lake County, SD; approximately 48 square feet, 2 instances.

Lot Ten (10) in Block Two (2) of Muggly Addition to Madison, Lake County, South Dakota; approximately 24 square feet, 1 instance.

The West One Hundred Feet (100') of Block Five (5) of North Madison, and Addition to the City of Madison, Lake County, South Dakota; approximately 24 square feet, 1 instance.

Lot Three (3) in Block Two (2) of Rentz Addition to Madison, Lake County, SD; approximately 28 square feet, 1 instance.

The South 70 Feet of the East 100 Feet of Block Five (5) of North Madison, Lake County, SD; approximately 72 square feet, 3 instances.

Lot Four (4) and the East 15 Feet of Lot Five (5) in the Plat of a Portion of Block One (1) of Muggly Addition to the City of Madison, South Dakota; approximately 24 square feet, 1 instance.

Lot Six (6) of Hanneman's Addition to Madison, Lake County, South Dakota, According to the Recorded Plat Thereof; approximately 47 square feet, 1 instance.

Lot Nine (9), Lot Ten (10) and the North Eighty Feet (N80') of Lot Eight (8), all in Block One (1) of Rentz Addition to Madison, County of Lake, State of South Dakota; approximately 93 square feet, 2 instances.

Lot 15 in Block 2 of McDonald's Ninth Addition to Madison, Lake County, South Dakota; approximately 24 square feet, 1 instance.

Lot 9 in Block 2 of the Plat of Lots 9 and 11 of Block 2 of McDonald's 16th Addition to Madison, Lake County, South Dakota; approximately 24 square feet, 1 instance.

Lot Two (2) in Block Four (4) of McDonald's Fourth Addition to Madison, Lake County, SD; approximately 140 square feet, 2 instances.

Lot Three (3) in Block Two (2) of Schwebach's Second Addition to Madison, South Dakota; approximately 24 square feet, 1 instance.

Lot Five (5) in Block Three (3) of Muggly Second Addition to Madison, Lake County, SD; approximately 124 square feet, 5 instances.

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, SD; approximately 117 square feet, 1 instance.

High School Addition to the City of Madison described as the East 1484' of the West 2236' of the South 753' of the NW1/4 of Section 5-T106N-R52W of the 5th P.M., Lake County, South Dakota; approximately 401 square feet, 4 instances.

Lot Four (4) and the North One-Half (N1/2) of Lot Five (5) in Block One (1) of Walker's First Addition to Madison, Lake County, South Dakota; approximately 196 square feet, 2 instances.

Lot One (1) in Block Three (3) of Muggly Third Addition to Madison, Lake County, South Dakota; approximately 24 square feet, 1 instance.

Lot Nine (9), Block Three (3), Northland Heights Addition to Madison, Lake County, South Dakota; approximately 93 square feet, 1 instance.

Lot 3 in Block 6 of the Plat of Survey and Subdivision of Baldwin's Addition to Madison, Lake County, South Dakota; approximately 70 square feet, 1 instance.

The South One Hundred Feet (S100') of the North Two Hundred Feet (N200') of the West One Hundred Thirty-Six Feet (W136') of Block Five (5) of Walker's First Addition to Madison, Lake County, South Dakota; approximately 47 square feet, 2 instances.

Lot Eleven (11) and Lot Twelve (12) in Block Fourteen (14) of Beardsley's Addition to Madison, South Dakota; approximately 165 square feet, 3 instances.

Lot Five (5) in Block One (1) of McDonald's First Addition to Madison, South Dakota; approximately 24 square feet, 1 instance.

The North 50 Feet of the West 136 Feet of Block 4 of North Madison, Lake County, South Dakota; approximately 72 square feet, 4 instances.

The West Fifty Feet (W50') of the East One Hundred Feet (E100') in Block Four (4) of North Madison, Lake County, South Dakota; approximately 47 square feet, 1 instance.

Lots One (1), Two (2), Three (3), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), and Eighteen (18), Block Two (2), Rentz Addition to Madison; approximately 48 square feet, 2 instances.

Lot Four (4) in Block One (1) of Northland Heights Addition to Madison, Lake County, South Dakota; approximately 47 square feet, 1 instance.

Lot Twenty-Seven (27) in Block One (1) of McDonald's Ninth Addition to Madison, Lake County, South Dakota; 24 square feet, 1 instance.

Lot One (1) in Block Two (2) of Schwebach's Second Addition to Madison, South Dakota; approximately 24 square feet, 1 instance.

The East Sixty-Six and Two Tenths Feet (E66.2') of the West One-Hundred Forty and Two Tenths Feet (W140.2') 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') Except the Platted Public Right of Way (Prairie Avenue) thereof, in Block Five (5), Walker's First Addition to Madison, Lake County, South Dakota; approximately 189 square feet, 5 instances.

Lot Sixteen (16) in Block Two (2) of Rentz Addition to Madison, Lake County, South Dakota; approximately 24 square feet, 1 instance.

Lot Eleven (11) in Block Three (3) of Windsor Estates First Addition to Madison, Lake County, SD; approximately 47 square feet, 1 instance.

Lot Four (4) in Block Two (2) of Schwebach's Second Addition to Madison, Lake County, SD; approximately 48 square feet, 2 instances.

The North One Hundred Feet (N100') of the West One Hundred Thirty-Six Feet (W136') in Block Five (5) of Walker's First Addition to the City of Madison, According to the Recorded Plat Thereof; approximately 174 square feet, 5 instances.

Lot Eight (8) and the Northwesterly 2 Feet of Lot Nine (9) Abutting on Lot Eight (8) In Block Three (3) of Muggly Third Addition to Madison, Lake County, SD; According to the Recorded Plat Thereof, approximately 52 square feet, 2 instances.

Lot Nine (9) in Block One (1) of McDonald's Fourth Addition to Madison, Lake County, SD; approximately 350 square feet, 2 instances.

Lot Three (3), Block Four (4), Muggly Second Addition to Madison, and the East Half (E1/2) of Vacated Alley Adjoining Said Lot on the West End Thereof, Lake County, South Dakota; approximately 48 square feet, 2 instances.

The West 68 Feet of the South 100 Feet of Block Six (6) of Garner's First Addition to Madison, Lake County, South Dakota; approximately 48 square feet, 2 instances.

Lot Eight (8), Block One (1) of McDonald's First Addition to Madison, Lake County, SD, According to the Recorded Plat Thereof; approximately 24 square feet, 1 instance.

Lot Two (2) in Block Four (4) of Northland Heights Addition to Madison, Lake County, South Dakota; approximately 24 square feet, 1 instance.

The South Thirty-Five Feet (S35') of Lot Five (5) and all of Lot Six (6) in Block One (1) of Walker's First Addition to City of Madison, Lake County, South Dakota, According to the Recorded Plat Thereof; approximately 24 square feet, 1 instance.

Lot Eight (8), Block Two (2), Schwebach's Second Addition to Madison; approximately 48 square feet, 2 instances.

Lot Two (2) in Block Five (5) of Miller and McDonald's First Addition to City of Madison, and the West Twenty Feet (W20'), Except the North One Hundred Fifty-Three Feet (N153'), of Tower Addition, in Lake County, According to the Recorded Plat Thereof; approximately 24 square feet, 1 instance.

Lots Seven (7) and Eight (8), Block Fourteen (14), Beardsley's Addition to Madison, Lake County, South Dakota; approximately 47 square feet, 1 instance.

Lot One in Block 2 of Windsor Estates First Addition to Madison, Lake County, South Dakota; approximately 48 square feet, 2 instances.

Lot Four (4) of Wiedenman's Second Addition to Madison, South Dakota; approximately 24 square feet, 1 instance.

Lot Seven (7) of Hanneman's Addition to Madison, Lake County, SD, According to the Recorded Plat Thereof; approximately 19 square feet, 1 instance.

Lot Seven (7) in Block One (1) of McDonald's First Addition to Madison, Lake County, SD; approximately 52 square feet, 2 instances.

The North 55.5 Feet of the East 100 Feet of Block Five (5) in North Madison, Lake County, Dakota; approximately 24 square feet, 1 instance.

Lot Seven (7) in Block Six (6) of Baldwin's Addition to Madison, Lake County, SD, According to the Recorded Plat Thereof; approximately 24 square feet, 1 instance.

Lot Six (6) and Seven (7) in Block One (1) of Wiedenman's Resubdivision of Block Two (2) and Five (5), Baldwin's Addition and Block One (1) of Baldwin's Second Addition to Madison, Lake County, South Dakota; approximately 24 square feet, 1 instance.

Lot One (1) in Block One (1) in Walker's First Addition to Madison, Lake County, South Dakota, According to the Recorded Plat Thereof; approximately 276 square feet, 4 instances.

Lot Five (5), in Block Two (2) of Willard's Addition to Madison, Lake County, South Dakota; approximately 71 square feet, 2 instances.

Lot Two (2), Block Four (4), of Muggly Second Addition to Madison, Lake County, South Dakota, Including the East Half (E1/2) of the Vacated Alley Adjoining Said Lot on the West End Thereof; approximately 47 square feet, 1 instance.

Lot Five (5), Except the East 15 Feet Thereof, and the East 30 Feet of Lot Six (6), Measured Along the South Line Thereof, in a Portion of Block One (1) of Muggly Addition to the City of Madison, South Dakota; approximately 24 square feet, 1 instance.

The City of Madison endeavored to notify the owners of the above-described lots and parcels of land of required sidewalk repairs by a desired deadline of November 1, 2015. Because the sidewalks were not repaired by the owners or occupants of said lots or parcels of land by the desired deadline, the City of Madison will cause the same to be reconstructed or repaired and the cost thereof assessed upon the abutting lots or parcels of land. The reconstruction or repair of the sidewalk shall also include a) the repair or reconstruction of thickened edge sidewalk adjacent to street surfacing; b) the filling of any voids beneath and/or adjacent to sidewalk; the repair of any structures beneath and/or adjacent to sidewalk; and similar such repairs and/or replacements associated with sidewalk reconstruction or repair as directed by the City Engineer. This Resolution shall hereby be considered a notice to repair the sidewalks at the above described lots and parcels of land by July 15, 2016. Notice of the requirement to repair and deadline shall be provided to landowners as provided in SDCL 9-46-3.

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. Sidewalk dimensions for repair may be greater than the aforementioned width as determined by the City Engineer.
- 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 base course with a minimum depth of three inches shall be used.
- d. Location and grade shall be approved by the Office of the City Engineer.

Exempt from the requirement to construct sidewalk are those areas which presently have asphalt pavement marked and striped with paint or other approved materials where sidewalk would normally be located where said areas are actually designated as so herein described and where said areas are in a condition equal to the condition standards required for sidewalk.

If such sidewalk is not reconstructed or repaired in the manner and within the time prescribed hereinabove, then, pursuant to SDCL 9-46-4 the City of Madison, by this 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.

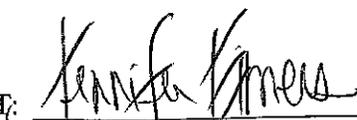
All work to be constructed by licensed contractors in accordance with standard City of Madison specifications which are on file and can be reviewed at the Office of City Engineer.

A copy of the resolution will be recorded at the Register of Deeds Office, Lake County, SD as a notice to all potential or actual future landowners, of present or future assessment payments on said property.

Dated this 21<sup>st</sup> day of December, 2015.

CITY OF MADISON

  
Mayor

ATTEST:   
Finance Officer

Published twice at the approximate cost of \$\_\_.