

RESOLUTION NO. 2016-08
RESOLUTION OF NECESSITY

WHEREAS, the City Council of the City of Harrisburg, South Dakota (the "City") has declared that the convenience and necessity has arisen to construct a regional storm water detention facility at the Devitt Farms development within the City of Harrisburg, Lincoln County, South Dakota;

WHEREAS, the City has published and mailed notices to property owners as required by South Dakota Codified Laws; and

WHEREAS, the City is ready to proceed with the project and again declare the necessity to make the improvements.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Harrisburg, South Dakota, at a regular meeting thereof held at the Liberty School Board Room, 200 East Willow Street, Harrisburg, South Dakota at 6:00 o'clock p.m. on the 5th day of July 2016, that the convenience and necessity has arisen to construct a regional storm water detention facility at the Devitt Farms development within the City of Harrisburg, Lincoln County, South Dakota. Such properties affected being hereinafter named:

See attached Exhibit A.

BE IT FURTHER RESOLVED, that the material to be used in the project shall be according to plans and specifications prepared by engineers for the City of Harrisburg and on file in the office of the Finance Officer and open to public inspection and incorporated hereby.

BE IT FURTHER RESOLVED, that the total estimated cost of the project is \$905,721. The total costs shall include the contract price and all engineering, inspection, publication, fiscal, legal, and all other expenses incidental thereto. The costs of the improvements and all other expenses incidental thereto shall be assessed against all assessable lots and tracts of land within the contributing basin who do not have onsite detention facilities in place or an approved development plan indicating onsite detention facilities. The amount that each benefitted property will be assessed will be based on the area (acres) that are included in the watershed basin, and the land use as shown on the Future Land Use Map in the City of Harrisburg's Comprehensive Plan.

BE IT FURTHER RESOLVED, that the City may by subsequent resolution assume a portion of the costs of the improvements set out above.

BE IT FURTHER RESOLVED, that the assessments will be divided into twenty equal annual installments which shall be payable under Plan One, collection by the County Treasurer, as set forth in SDCL §9-43-102, et seq., and that all deferred installments shall bear interest at such rate as shall be determined by the City Council, but not in excess of six percent (6%) per annum.

BE IT FURTHER RESOLVED, that the assessed property owners shall be given the option to elect prior to the passage of the special assessment roll to have the assessments divided into five equal annual installments which shall be payable under Plan One, collection by the County

Treasurer, as set forth in SDCL §9-43-102, et seq., and that all deferred installments shall bear interest at such rate as shall be determined by the City Council, but not in excess of four percent (4%) per annum.

BE IT FURTHER RESOLVED, that the assessments shall reflect a credit given for prior payments by the assessed property owners into the Stormwater Drainage Fund as of the date of the adoption of this resolution.

BE IT FURTHER RESOLVED, that the contractors who undertake to perform the work of construction herein provided for shall be paid in cash from City funds or borrowed funds that will be refunded, upon completion of the project, with the sale of special assessment bonds.

BE IT FURTHER RESOLVED, that the Finance Officer is directed to take such action as is necessary to carry out the intent of the resolution.

Dated this 5th day of July 2016.

JULIE BURKE-VAN LUVANEE
Mayor

ATTEST:

MARY MCCLUNG
Finance Officer

(SEAL)

EXHIBIT A
Properties Affected

Parcel ID - Legal

270.56.00.2000 - TRACT 20 INDUSTRIAL PARK ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.56.00.700 - TRACT 7 INDUSTRIAL PARK ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.56.00.600 - TRACT 6 & PART VACATED STREET INDUSTRIAL PARK ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.56.00.500A - TRACT 5A INDUSTRIAL PARK ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.56.00.200 - TRACTS 2-3 & 4 & PART VACATED STREET INDUSTRIAL PARK ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

207.56.00.100A - TRACT 1A INDUSTRIAL PARK ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.56.00.1600 - TRACT 16 INDUSTRIAL PARK ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.56.00.800 - THE WEST 73' OF TRACT 8 INDUSTRIAL PARK ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.80.00.800 - THE EAST 27' OF TRACT 8 INDUSTRIAL PARK ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.55.36.3000 - W1/2 SW1/4 (EXCEPT FURNITURE BARN ADDITION) ALONG WITH THAT PORTION OF THE E1/2 SW1/4 LYING SOUTH AND WEST OF CENTRAL PARK ADDITION, AND THAT PORTION OF THE E1/2 OF THE SW1/4 LYING WEST OF THE COLUMBIA STREET RIGHT OF WAY (EXCEPT OUTLOT 12) ALL IN THE SW1/4 36-100-50, LINCOLN COUNTY, SOUTH DAKOTA

270.77.00.A100 - TRACT 1 CENTRAL PARK ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.55.37.004 - TRACT 4 REPLAT OF HARRISBURG SCHOOL ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.55.37.005 - TRACT 5 REPLAT OF HARRISBURG SCHOOL ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.55.37.003 - TRACTS 1 & 3 REPLAT OF HARRISBURG SCHOOL ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.55.37.002 - TRACT 2 REPLAT OF HARRISBURG SCHOOL ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.55.36.001 - LOT 1 SUBDIVISION OF SE1/4 SW1/4 36-100-50, LINCOLN COUNTY, SOUTH DAKOTA

270.14.00.002 - TRACTS 1 & 2 OLSON ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.15.00.015 - A PORTION OF O.L. 13 AND ALL OF O.L. 14-15 SE1/4 SW1/4 36-100-50, LINCOLN COUNTY, SOUTH DAKOTA

270.26.09.013 - W 8' OF S 115' LOT 8 & ALL LOTS 9 TO 13 & VACATED ALLEY - BLOCK 9 THORSONS N ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.26.09.008 - S 115' LOTS 4-5-6-7 & S 115' OF E 17' LOT 8 - BLOCK 9 THORSONS N ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.26.09.003 - LOTS 2 & 3 - BLOCK 9 THORSONS N ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.26.09.001 - LOT 1 - BLOCK 9 THORSONS N ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.36.00.001 - LOTS 1 RAILROAD ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.36.00.003 - LOTS E-1, E-2, E-3 & E-4 RAILROAD ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.76.01.002 - LOT 2 BLOCK 1 HARRISBURG FURNITURE BARN ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.76.01.001 - LOT 1 BLOCK 1 HARRISBURG FURNITURE BARN ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.76.01.003 - LOT 3 BLOCK 1 HARRISBURG FURNITURE BARN ADDITION TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.15.00.012 - O.L. 12 *EXCEPT LOT 1 & PORTION ON LOT 3 HARRISBURG FURNITURE BARN ADDITION* TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA

270.56.00.90 - TRACT 9 INDUSTRIAL PARK ADDITION TO THE CITY OF HARRISBURG,
LINCOLN COUNTY, SOUTH DAKOTA

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