

RESOLUTION NO 2020-06

A RESOLUTION ADOPTING A SANITARY SEWER COST RECOVERY EVALUATION FOR COMMERCE AVENUE SANITARY TRUNK SEWER IMPROVEMENTS AND ASSESSING THE COST OF SUCH COST RECOVERY TO EACH LOT OR TRACT OF LAND BENEFITTING THEREBY.

WHEREAS, the City of Harrisburg (the "City") has financed and completed the construction of the Commerce Avenue Sanitary Trunk Sewer Improvements and conducted an evaluation to establish the equitable apportionment of the costs of the project according to the benefits to accrue to property in the area;

WHEREAS, the sanitary sewer may serve areas which may be benefited thereby, and the cost shall be apportioned against such property;

WHEREAS, the City has determined for purposes of SDCL 9-48-15 that it is appropriate that such benefited property pay its proportionate share of the cost of such construction, without interest, according to the benefits that may accrue to such property before such property may be served by such facility; and

WHEREAS, the City has determined that the amount to be paid and the apportionment thereof among the benefited properties.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HARRISBURG, SD:

Section 1. That the City adopts the attached Sanitary Sewer Cost Recovery Evaluation for the Commerce Avenue Sanitary Trunk Sewer Improvements.

Section 2. The cost and expense of the improvements shall be levied by cost recovery upon the benefited property listed in Table 1 (the Benefited Property"). The improvements shall be assessed upon the Benefited Property based on the area of the property benefited, as provided by law.

Section 3. That payment of the costs allocated to the Benefitted Property shall be delayed, without interest, until such time as the Benefitted Property or portion thereof requests connection to the Commerce Avenue Sanitary Trunk Sewer Improvements and/or platted for development, at which time the cost recovery applicable thereto would become payable in full.

Section 4. Any property described in Table 1 of the attached cost recovery evaluation shall be required to pay the City the amount established in the cost recovery evaluation, which is attached to and part of this resolution.

Section 5. A copy of the resolution including attachments will be recorded at the Register of Deeds Offices, Lincoln County, SD, as a notice to all potential or actual future

landowners that proof of payment is required prior to the time such property shall connect to the Commerce Avenue Sanitary Trunk Sewer Improvements and/or be permitted to be platted for development.

Dated adopted: February 18, 2020

Mayor



ATTEST:

Mary M. Clurg
Finance Officer

Adopted: February 18, 2020
Published: February 27, 2020
Effective: March 17, 2020

SANITARY SEWER COST RECOVERY EVALUATION
SERVICE AREA: COMMERCE AVENUE SANITARY TRUNK SEWER
IMPROVEMENTS COST RECOVERY
HARRISBURG, SOUTH DAKOTA
March 2020

1. Introduction
 - a. General
 - i. The City of Harrisburg has constructed the Commerce Avenue Trunk Sewer Improvements. The system will provide gravity sanitary sewer capacity for the growth areas shown on Exhibit A, which is attached to and a part of this evaluation.
 - b. Statutory Provision
 - i. Pursuant to South Dakota law SDCL 9-48-15, which provide that a proportionate share of the cost (defined in part III.A) of a sanitary sewer system can be recovered by persons paying the original cost on the basis of benefited property.
 - c. Evaluation
 - i. This evaluation of the sanitary sewer cost recovery was conducted by Stockwell Engineers (reviewed by the City of Harrisburg) to determine an equitable apportionment to serve as a basis for charges for prospective connectors. This evaluation provides data establishing the proportionate share of the cost of the project according to the benefit to accrue property in the area.
2. Basis for Evaluation
 - a. Area Served
 - i. The sanitary sewer system and service area are shown on Exhibit A.
 - b. Criteria for Evaluation
 - i. The basic criteria for evaluating the cost to be apportioned to benefited property are as follows:
 1. Full development of the potential service area within the boundaries of the Cost Recovery Evaluation Area.
 2. The entire project costs to provide trunk sewers for the growth area. In this context, the trunk sewer is defined as the main sewer to which all other sanitary sewers in the area connect. The costs include construction costs as well as associated professional services and fees.
 3. Resolution 2008-15 established a cost recovery for the Columbia Sanitary Sewer basin which included costs for segments to be constructed by a future developer. Segment #5 is considered to be the Commerce Avenue Trunk Sewer Improvements. Therefore, the costs for Segment #5 as they are presented in Resolution 2008-15 shall be adjusted for inflation in the manner as described in Resolution 2008-15 and deducted from this cost recovery.
 - c. Benefited Property
 - i. The Commerce Avenue Trunk Sewer Improvements Cost Recovery will be collected on a cost per acre basis from the owners of benefited property

identified in Table 1. The total area will include all property owned at the time this Cost Recovery document is filed with the Lincoln County Register of Deeds.

3. Allocation of Costs for Trunk Sewer
 - a. Project Cost
 - i. The project costs total \$485,929.94. The project costs consist of entirely new construction and associated professional services.
 - ii. The inflation adjusted cost for Segment #5 is \$54,331.18.
 - b. Formula for Area-wide Sanitary Sewer Cost Recovery
 - i. Based on the project cost of \$485,929.94 less the previously apportioned cost of \$54,331.88 and divided by the service area of 229.385 acres, the cost recovery is \$1,881.55 per acre.
 - c. Connection Requirements
 - i. Developers, builders, and/or owners of benefited properties will be required to pay the area-wide Sewer Cost Recovery for the area to be developed prior to any sewer connections and/or platting for development. Owners of land that is not platted will be billed based on the amount of land being platted. If any of the property described in Table 1 is subdivided and sold to a new owner(s), each new owner will be required to pay the area-wide Sewer Cost Recovery applicable to all of the area to be developed prior to any connections. Annexation of benefited property will be required prior to connection to the sewer, unless otherwise approved by the City.
4. Annexation Requirements
 - a. The cost recovery will provide a return of the allowable cost with full development of the area served. The City of Harrisburg will require annexation and full payment of the cost recovery before that individual property is served by City sewer.
5. Boundary Adjustments
 - a. At the discretion of the City of Harrisburg, property outside the boundaries described in this study may be allowed to connect to the trunk sewer. The owner(s) of such property will be required to pay a sewer cost recovery based on the same cost per acre as paid by property owners within the described area.
 - i. At the time of payment, the boundaries of the cost recovery area for an individual property owner may be revised administratively, if evidence is provided that the trunk sewer cannot serve portions of the property.

TABLE 1
BENEFITED PROPERTY
COMMERCE AVENUE TRUNK SEWER
COST RECOVERY

MAP ID #	PROPERTY OWNER NAME	LEGAL DESCRIPTION OF PROPERTY	PROPERTY AREA THAT OWNER PAYS COST RECOVERY FEE (ACRES)	PROPERTY OWNER COST RECOVERY FEE
1	Black Dog LLC	The West Half of the East Half of the Southeast Quarter (W1/2 E1/2 SE 1/4) of Section 26, Township 100, Range 50 West of the 5 th P.M., City of Harrisburg, Lincoln County, South Dakota, Except the South 530 Feet and Except the Northeast 2 Acres.	32.102	\$ 60,401.44
2	Black Dog LLC	The East Half of the Southeast Quarter (E1/2 SE 1/4) of Section 26, Township 100, Range 50 West of the 5 th P.M., City of Harrisburg, Lincoln County, South Dakota, Except the South 530 Feet and Except the Northeast 2 Acres (2AC).	30.074	\$ 56,585.66
3	Cliff Ave Contracto Shops LLC	Lot 1, Block 5 of Dynamic Development First Addition Located in the South Half of the Southwest Quarter (S1/2 SW1/4) and the South Half of the North Half of the Southwest Quarter (S1/2 N1/2 SW1/4), all of Section 25, Township 100 North, Range 50 West of the 5 th P.M., City of Harrisburg, Lincoln County, South Dakota, According to the Recorded Plat Thereof	5.665	\$ 10,658.97
4	LG Everist Inc	The Northwest Quarter of the Northwest Quarter (NW1/4 NW 1/4) and the West 730 Feet (W730') of the North 150 Feet (N150') of the Southwest Quarter of the Northwest Quarter (SW 1/4 SW1/4), of Section 36, Township 100 North, Range 50 West of the 5 th P.M., City of Harrisburg, Lincoln County, South Dakota, According to Government Survey Thereof	7.024	\$ 13,215.99
5	LG Everist Inc	The East Half of the Northwest Quarter (E1/2NW1/4) of Section 36, Township 100 North, Range 50 West of the 5 th P.M., City of Harrisburg, Lincoln County, South Dakota According to Government Survey Thereof	30.002	\$ 56,450.19
6	Winter, Inc	Tract 18 of Industrial Park Addition in the Northwest Quarter (NW1/4) of Section 36, Township 100 North, Range 50 West of the 5 th P.M., City of Harrisburg, Lincoln County South Dakota	3.800	\$ 7,149.88
7	City of Harrisburg	Tract 17 of Industrial Park Addition in the Northwest Quarter (NW1/4) of Section 36, Township 100 North, Range 50 West of the 5 th P.M., City of Harrisburg, Lincoln County South Dakota	4.646	\$ 8,741.67
A	Dynamic Development	The Southwest Quarter (1/4) of Section 25, Township 100 North, Range 50 West of the 5 th P.M., City of Harrisburg, Lincoln County, South Dakota Except the North 40 acres (40 AC) and Except the Dynamic Development First Addition and Except the Dynamic Development Second Addition	95.632	\$179,936.15
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 4, Block 6, City of Harrisburg, South Dakota	0.953	\$ 1,793.11
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 5, Block 6, City of Harrisburg, South Dakota	0.873	\$ 1,642.59
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 6, Block 6, City of Harrisburg, South Dakota	0.963	\$ 1,811.93

A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 1, Block 7, City of Harrisburg, South Dakota	0.261	\$ 491.08
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 2, Block 7, City of Harrisburg, South Dakota	0.239	\$ 449.69
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 3, Block 7, City of Harrisburg, South Dakota	0.238	\$ 447.81
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 4, Block 7, City of Harrisburg, South Dakota	0.224	\$ 421.47
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 5, Block 7, City of Harrisburg, South Dakota	0.392	\$ 737.57
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 6, Block 7, City of Harrisburg, South Dakota	0.326	\$ 613.38
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 7, Block 7, City of Harrisburg, South Dakota	0.343	\$ 645.37
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 8, Block 7, City of Harrisburg, South Dakota	0.18	\$ 338.68
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 9, Block 7, City of Harrisburg, South Dakota	0.207	\$ 389.48
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 10, Block 7, City of Harrisburg, South Dakota	0.209	\$ 393.24
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 11, Block 7, City of Harrisburg, South Dakota	0.23	\$ 432.76
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 12, Block 7, City of Harrisburg, South Dakota	0.23	\$ 432.76
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 13, Block 7, City of Harrisburg, South Dakota	0.209	\$ 393.24
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 14, Block 7, City of Harrisburg, South Dakota	0.209	\$ 393.24
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 15, Block 7, City of Harrisburg, South Dakota	0.209	\$ 393.24
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 16, Block 7, City of Harrisburg, South Dakota	0.209	\$ 393.24
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 17, Block 7, City of Harrisburg, South Dakota	0.209	\$ 393.24
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 18, Block 7, City of Harrisburg, South Dakota	1.433	\$ 2,696.26
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 19, Block 7, City of Harrisburg, South Dakota	0.54	\$ 1,016.04
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 7, Block 8, City of Harrisburg, South Dakota	0.22	\$ 413.94
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 8, Block 8, City of Harrisburg, South Dakota	0.22	\$ 413.94
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 9, Block 8, City of Harrisburg, South Dakota	0.213	\$ 400.77
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 10, Block 8, City of Harrisburg, South Dakota	0.213	\$ 400.77
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 11, Block 8, City of Harrisburg, South Dakota	0.213	\$ 400.77
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 12, Block 8, City of Harrisburg, South Dakota	0.213	\$ 400.77
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 13, Block 8, City of Harrisburg, South Dakota	0.214	\$ 402.65
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 14, Block 8, City of Harrisburg, South Dakota	0.218	\$ 410.18
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 7, Block 9, City of Harrisburg, South Dakota	0.221	\$ 415.82
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 8, Block 9, City of Harrisburg, South Dakota	0.22	\$ 413.94
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 1, Block 10, City of Harrisburg, South Dakota	0.192	\$ 361.26
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 2, Block 10, City of Harrisburg, South Dakota	0.174	\$ 327.39
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 3, Block 10, City of Harrisburg, South Dakota	0.174	\$ 327.39
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 4, Block 10, City of Harrisburg, South Dakota	0.165	\$ 310.46
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 5, Block 10, City of Harrisburg, South Dakota	0.253	\$ 476.03

A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 6, Block 10, City of Harrisburg, South Dakota	0.28	\$	526.83
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 7, Block 10, City of Harrisburg, South Dakota	0.281	\$	528.71
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 8, Block 10, City of Harrisburg, South Dakota	0.253	\$	476.03
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 9, Block 10, City of Harrisburg, South Dakota	0.165	\$	310.46
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 10, Block 10, City of Harrisburg, South Dakota	0.174	\$	327.39
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 11, Block 10, City of Harrisburg, South Dakota	0.174	\$	327.39
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 12, Block 10, City of Harrisburg, South Dakota	0.192	\$	361.26
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 13, Block 10, City of Harrisburg, South Dakota	0.192	\$	361.26
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 14, Block 10, City of Harrisburg, South Dakota	0.174	\$	327.39
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 15, Block 10, City of Harrisburg, South Dakota	0.174	\$	327.39
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 16, Block 10, City of Harrisburg, South Dakota	0.165	\$	310.46
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 17, Block 10, City of Harrisburg, South Dakota	0.254	\$	477.91
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 18, Block 10, City of Harrisburg, South Dakota	0.281	\$	528.71
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 19, Block 10, City of Harrisburg, South Dakota	0.268	\$	504.25
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 20, Block 10, City of Harrisburg, South Dakota	0.263	\$	494.85
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 21, Block 10, City of Harrisburg, South Dakota	0.165	\$	310.46
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 22, Block 10, City of Harrisburg, South Dakota	0.172	\$	323.63
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 23, Block 10, City of Harrisburg, South Dakota	0.174	\$	327.39
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 24, Block 10, City of Harrisburg, South Dakota	0.192	\$	361.26
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 1, Block 12, City of Harrisburg, South Dakota	0.388	\$	730.04
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 2, Block 12, City of Harrisburg, South Dakota	0.373	\$	701.82
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 3, Block 12, City of Harrisburg, South Dakota	0.373	\$	701.82
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 4, Block 12, City of Harrisburg, South Dakota	0.376	\$	707.46
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 5, Block 12, City of Harrisburg, South Dakota	0.39	\$	733.80
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 6, Block 12, City of Harrisburg, South Dakota	0.402	\$	756.38
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 7, Block 12, City of Harrisburg, South Dakota	0.392	\$	737.57
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 1, Block 14, City of Harrisburg, South Dakota	0.356	\$	669.83
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 2, Block 14, City of Harrisburg, South Dakota	0.344	\$	647.25
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 3, Block 14, City of Harrisburg, South Dakota	0.344	\$	647.25
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 4, Block 14, City of Harrisburg, South Dakota	0.344	\$	647.25
A	Dynamic Development	Dynamic Development 2 nd Addition, Lot 5, Block 14, City of Harrisburg, South Dakota	0.356	\$	669.83

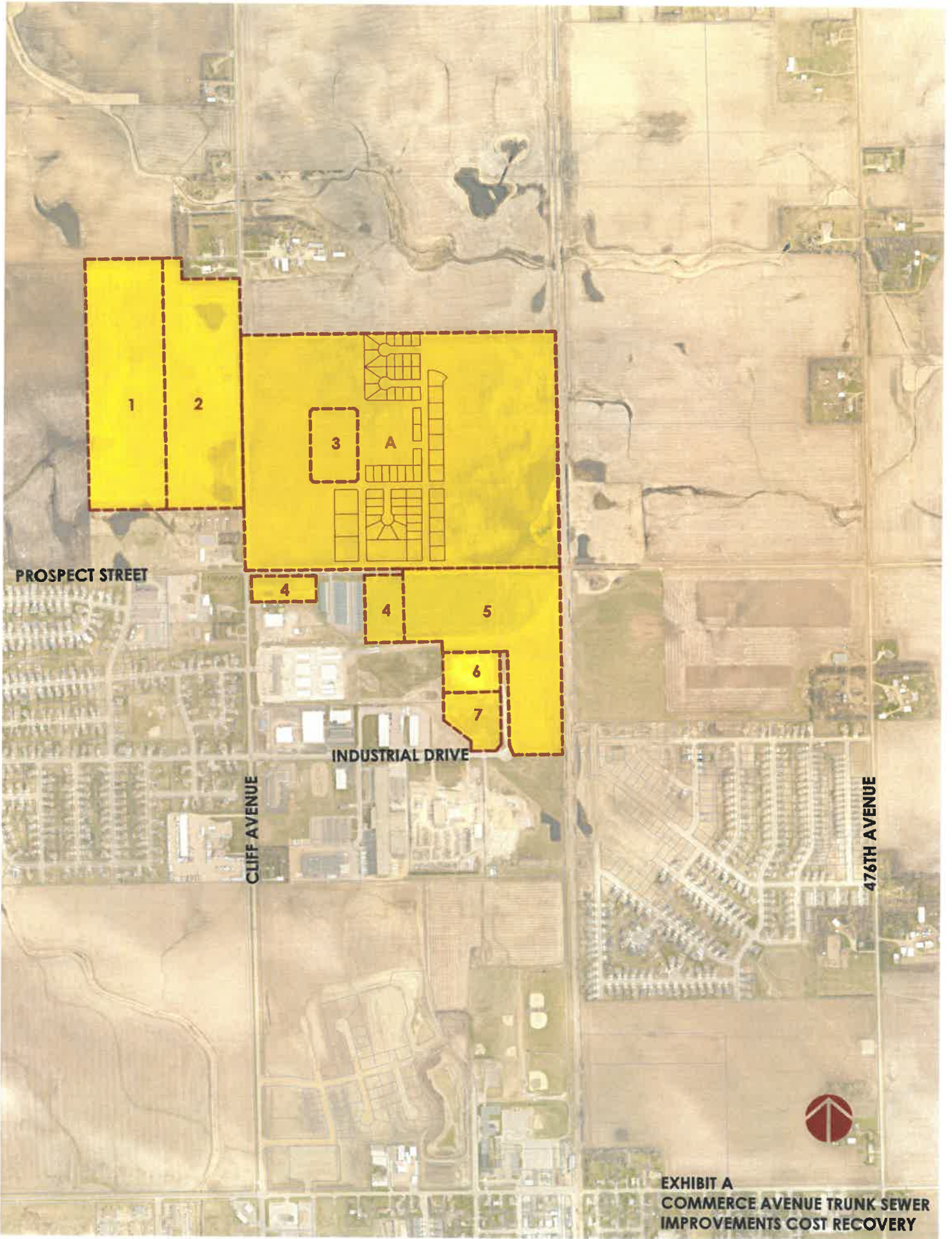


EXHIBIT A
COMMERCE AVENUE TRUNK SEWER
IMPROVEMENTS COST RECOVERY