

**RESOLUTION NO. 2022-16
CITY OF BALTIC, SOUTH DAKOTA**

A RESOLUTION DECLARING THE NECESSITY OF THE CONSTRUCTION OF SIDEWALKS AND CURB AND GUTTER ON AND ALONG FIFTH STREET IN THE CORPORATE LIMITS OF THE CITY OF BALTIC, MINNEHAHA COUNTY, SOUTH DAKOTA

WHEREAS, SDCL § 9-46-1.3 provides that any municipality may, by resolution, require the owner of real property abutting or adjoining a public right-of-way or abutting or adjoining public property containing a highway to construct a sidewalk in a location as designated in the resolution; and

WHEREAS, Title IX: General Regulations, Chapter 91: Streets and Sidewalks, Excavation and Construction, § 91.16 of the Revised Ordinances of the City of Baltic, provides that when necessary and advisable for the peace, welfare, and safety of the people, the City Council may direct that new sidewalk be constructed and assessed to abutting property owner in accordance with SDCL § 9-46; and

WHEREAS, the City Council has determined that the peace, welfare, and safety of the people will be promoted and served by the construction of sidewalks connecting to the 10' Bike Path along the southwest portion of the Grant Park Development and extending north along 5th Street to the northern property boundary of the Grant Park Development, and that Curb and Gutter shall be constructed along 5th Street, adjacent to Grant Park Development, and the specifications for this work are on file with the Municipal Finance Officer at City Hall, 230 St. Olaf, Baltic, South Dakota; and

WHEREAS, Title IX: General Regulations, Chapter 91: Streets and Sidewalks, Excavation and Construction, § 91.16 of the Revised Ordinances of the City of Baltic, provides that all new residential and commercial construction shall install curb and gutter, adjacent to the

property where such construction occurs, in accordance with the specifications of the city engineer, and the City Council reserves the right to direct the cost of the curb and gutter may be assessed against any abutting property owner; and

WHEREAS, the City is ready to proceed with the project and again declare the necessity to make the improvements, and the City will publish and mail the Notice of Hearing as required by SDCL § § 9-46-2.2 and 9-46-2.3;

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that sidewalks shall be constructed connecting to the 10' Bike Path along the southwest portion of the Grant Park Development and extending north along 5th Street to the northern property boundary of the Grant Park Development, and the details, plans, and specifications for this work are on file with the Municipal Finance Officer at City Hall, 230 St. Olaf, Baltic, South Dakota, and may be reviewed at the Finance Office during regular office hours; and

BE IT FURTHER RESOLVED, that Sidewalks shall be constructed at a minimum width of 10' with a minimum depth of 6" in conformity with current PROWAG and ADA requirements, and shall be constructed of Class M-6 PCC Pavement as detailed in the SDDOT Standard Specifications Section 462, and a ½" preformed expansion material shall be placed between the sidewalk and other concrete items (back of curb, driveways, existing sidewalks, etc.); and

RESOLVED, that Curb and Gutter shall be constructed along 5th Street, adjacent to Grant Park Development, and the details, plans, and specifications for this work are on file with the Municipal Finance Officer at City Hall, 230 St. Olaf, Baltic, South Dakota, and may be reviewed at the Finance Office during regular office hours; and

BE IT FURTHER RESOLVED, that Curb and Gutter shall be constructed of concrete at a minimum width of 2.5' with a minimum curb height of 6" and shall be cured using a curing compound in accordance with section 821.1 of the SDDOT Standard Specifications for Roads and Bridges; and

BE IT FURTHER RESOLVED, that the Sidewalk shall be completed on or before _____, 202__, and the Curb and Gutter shall be completed on or before _____, 202__ ; and

BE IT FURTHER RESOLVED, that *[pursuant to SDCL § 9-46-2.1 (1) the owner of the real property abutting or adjoining the Sidewalk shall construct the Sidewalk and be responsible for all cost of construction commensurate with the benefit to the property];*

or

