

**YANKTON COUNTY BOARD OF COUNTY COMMISSIONERS
YANKTON COUNTY, SOUTH DAKOTA
SUPERVISORS' RESOLUTION ESTABLISHING NECESSITY FOR IMPROVEMENT
RESOLUTION # 22-04**

WHEREAS, the citizens residing along the township road named West 11th Street between its junction with Deer Boulevard and the City of Yankton approached the Board of County Commissioners requesting improvements be made to this section of township road; and

WHEREAS, either ninety percent or greater of the parcels with residential or commercial structures within the improvement zone support implementation of a property tax assessment on their properties to fund the costs for improvements to which all parcels with residential or commercial structures will be assessed or less than 90% of the parcels with residential or commercial structures within the improvement zone support implementation of a property tax assessment on their properties to fund the costs for improvements of which only those supporting parcels will be assessed; and

WHEREAS, the Legislature of the State of South Dakota has provided for the improvement of streets within platted land or subdivision for which a special assessment is to be levied by the board of supervisors of the townships of said State pursuant to SDCL Chapter 31-13 as amended; and

WHEREAS, SDCL 31-13-33, as amended, provides that the board of supervisors shall state the streets to be improved, the general nature of the proposed improvement, the material to be used or materials from which a choice may be made, an estimate of the total cost per linear foot, a description of the classes of lots to be assessed, and the method of apportioning the benefits thereto as provided in SDCL 31-13-42 to 31-13-46 inclusive; and

WHEREAS, SDCL 31-13-46, as amended, provides in lieu of front foot basis that the cost shall be assessed against all assessable lots and tracts of land fronting or abutting thereon or lying within one-half block or three hundred feet thereof, whichever is less, according to the benefits determined by the board of supervisors to accrue to each of such lots and tracts from the construction of the improvement; and

WHEREAS, owners of platted parcels beyond three hundred feet of the improvement and who utilize this township road as their primary access have voluntarily subjected their property for this improvement assessment; and

WHEREAS, the Board of County Commissioners acting as the Board of Supervisors under these statutes has determined that each participating parcel listed in this resolution will benefit equally from the improvement as allowed for by SDCL 31-13-46, as amended; and

WHEREAS, SDCL 31-13-51 and 31-13-52 allow for the Board of County Commissioners acting as the Board of Supervisors under these statutes to levy an annual front foot assessment for maintenance and repairs of a street surface; and

WHEREAS, the Board of County Commissioners recognizes the need for housing development and the improvement of roads for this purpose in the residentially or commercially zoned properties of the county; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Yankton County Board of Commissioners acting as the Board of Supervisors under these statutes approves the following regulations applicable to the implementation of this improvement project to be referred to as the “**West 11th Street Improvement Zone**”:

1. Streets to be improved:

The West 11th Street Improvement Zone comprises the county secondary road named West 11th Street from its junction with Deer Boulevard (437th Avenue) eastward to its intersection with

the City of Yankton. Access approaches along this improvement are not included in the improvement and remain the responsibility of the parcel owner.

2. Material to be used or materials from which a choice may be made:

Surfacing entails the placement of additional gravel where needed, inclusion of base stabilizer, application of two layers of chip seal and the application of pavement markings.

3. Estimate of the total cost per linear foot:

Estimated total project cost is \$133,575 encompassing approximately 6,864 linear road feet, which yields a per linear road foot cost of \$19.46.

4. Description of the classes of lots to be assessed:

There are thirty-seven (37) zoned parcels having residential or commercial structures included in this resolution that are within 300 feet of the improvement. Of these thirty-seven (37) parcels, six (6) do not contain residential or commercial structures and will not be assessed until a residential or commercial structure is constructed upon them.

Parcels within 300 feet included in assessment	Excluded until residential or commercial structure is constructed
Parcel ID	Parcel ID
09.016.100.101	09.009.200.201
09.010.300.120	09.015.400.325
09.010.300.110	09.015.600.104
09.010.200.320	09.015.100.035
09.010.200.330	09.015.100.030
09.010.200.305	09.015.100.039
09.010.200.310	
09.015.400.415	
09.015.400.410	
09.015.400.300	
09.015.600.101	
09.015.600.102	
09.015.600.103	
09.015.600.105	
09.015.600.201	
09.015.600.206	
09.015.600.204	
09.015.600.202	
09.015.600.302	
09.015.600.301	
09.015.600.303	
09.015.600.802	
09.015.100.012	
09.015.100.010	

09.015.100.045	
09.015.100.031	
09.015.100.034	
09.015.100.036	
09.015.100.051	
09.015.100.055	
09.015.100.054	

There are **five (5) parcels in agricultural use** included in this resolution that are within 300 feet of the improvement **and do not contain a residential or commercial structure**. Of these parcels, two (2) are voluntarily assessing themselves under this resolution. Three (3) parcels are declining the assessment. If at any time the declining parcels construct a residential or commercial structure along the improvement, these parcels will be included in this resolution.

Parcels within 300 feet in agricultural use voluntarily included in assessment	Excluded until residential or commercial structure is constructed
Parcel ID	Parcel ID
09.010.200.100	09.010.300.300
09.014.400.325	09.010.300.100
	09.011.300.300

There are **eight (8) parcels** included in this resolution that are beyond 300 feet of the improvement and are voluntarily assessing themselves under this resolution. Of these parcels, two (2) do not contain a residential or commercial structure and will not be assessed until a residential or commercial structure is constructed upon them.

Parcels beyond 300 feet voluntarily included in assessment	Excluded until residential or commercial structure is constructed
Parcel ID	Parcel ID
09.009.200.210	09.016.100.102
09.009.200.220	09.015.100.033
09.009.200.202	
09.015.100.032	
09.015.100.038	
09.015.100.040	

Therefore upon approval of this resolution, a total of **thirty-nine (39) parcels** will benefit from the improvement and will be assessed equally for the improvement.

5. Method of apportioning the benefits thereto as provided in SDCL 31-13-46:

There are **thirty-nine** (39) parcels included in the road improvement resolution as outlined in Subsection 4. Each parcel is deemed to benefit equally from this improvement and thus total improvement costs will be shared equally across these thirty-nine (39) parcels.

The total project cost of **\$133,575** will be amortized over five (5) assessment years, equaling a total yearly assessment of **\$26,715** for the improvement project.

Each of the identified parcels will be equally assessed a total of **\$3,425** to be amortized over five (5) assessment years, giving a yearly assessment of **\$685** per parcel beginning with taxes payable in 2023.

6. Addition of residential or commercial structures in the improvement zone:

If at any time additional residential or commercial structures are constructed on the zoned within the established improvement zone of this resolution or within the parcels included on a voluntary basis, the newly constructed residential or commercial structure(s) will be included in this assessment and the yearly per parcel assessment will be recalculated for the remaining years of the improvement zone to accommodate the addition.

7. Continuing maintenance costs associated with this improvement:

Future chip sealing, surface painting and other necessary costs to maintain the hard surface will be assessed to the improvement zone as outlined in Subsections 5 and 6. The Board of County Commissioners recognizes there is a base cost to maintain a gravel surface, which will be accounted for when calculating the assessment. The assessment may not exceed the assessment allowed for in SDCL 31-13-51, Annual front foot assessment for maintenance and repairs.

Snow removal and culvert replacements are not included in this assessment and remain the responsibility of the County.

8. Sales of properties:

If property subject to this assessment is sold, the assessment transfers with the property.

9. Dissolution of agreement:

The Board of County Commissioners may vote to revoke this agreement at any time and assume all responsibility for maintenance of the road identified in Subsection 1.

Owners of the parcels included in this assessment may exit this resolution if 90% or more are in favor of dissolving the agreement and the initial project costs have been satisfied through the assessment. At that time, the Board of County Commissioners assume all responsibility for maintenance of the road identified in Subsection 1; cost and method of maintenance will be reassessed at the time of dissolution.

Dated this _____ day of _____, 2022.

Joseph Healy, Chair
Yankton County Commission

ATTEST: _____

Patty Hojem
Yankton County Auditor