

**RESOLUTION AMENDING THE STANDARD SPECIFICATIONS FOR PUBLIC
WORKS CONSTRUCTION, 2007 EDITION, BY ADDING AN EXCEPTION FOR
WATER AND SEWER LINES TO CROSS OVER ADJOINING PROPERTY
LINES UNDER CERTAIN CONDITIONS.**

WHEREAS, the City of Rapid City has adopted specifications for public works construction that regulate, among other things, connections to the City's water and sewer systems; and

WHEREAS, the City of Rapid City has recently amended its ordinance pertaining to the laying of water and sewer lines; and

WHEREAS, the City has determined that water and sewer service lines should be laid in such a manner so that connections are made directly to the City's mains located in the adjacent right of way, without being extended across other lots; and

WHEREAS, the City of Rapid City recognizes that in some cases it is impractical to require connections that do not cross lot lines; and

WHEREAS, the City of Rapid City has deemed it in the City's best interest to amend the Standard Specifications to specifically provide for the conditions under which services lines may be allowed to cross lot lines.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that Section 8.3(K)(7) of the Standard Specifications of Public Works Construction, 2007 Edition, be amended to read as follows:

7. Water Service New Connections:

A) Where new service lines are to be installed for undeveloped property or future buildings or additional services added to an existing building, the Contractor shall furnish all materials necessary for connection of new service lines to the water main, except 1 inch corporation stops, as specified herein and shall obtain and pay permits and tapping fees as established by Ordinance.

B) Where the new service line is terminated, the service line shall be capped and plugged water tight to prevent leakage if the curb stop is inadvertently opened. New service connections shall have curb stops left turned off at the time of installation and the termination point shall be marked with a minimum three (3) foot long steel fence post. The steel post shall be buried below the surface at least eight (8) inches. The post needs to be steel to facilitate location by magnetic locators.

C) City personnel shall tap all city water mains, the Contractor shall schedule all service taps between 7:30 AM to 3:00 PM, Monday through Friday.

D) Water Service New Connections for service lines 4 inches or larger shall be made as described in the section for tapping tees.

E) Water service lines shall be laid directly from the premises served to the City's main and shall not be extended across one lot to another. Notwithstanding this subsection, and notwithstanding the normal exception process contained in this document, the Public Works Director may allow water service lines to be located in a manner that crosses lot lines if, and only if, all of the following conditions are satisfied:

1. Extraordinary circumstances exist that make compliance with this subsection impractical in the judgment of the Public Works Director; and
2. The water service line must be located within an area that is subject to the City's non-standard service line easement, which shall include provisions requiring the owners of the dominant and all servient tenements to defend, indemnify and hold the City harmless from all claims related to the non-standard service line and the non-standard service line easement. Should the properties be under single ownership, the owner must enter into a covenant agreement promising to grant the above easement if any part of the property served by the non-standard service line is ever transferred to a different owner; and
3. The applicant and the owners of all lots crossed by the non-standard service line shall execute a covenant agreement consenting to an assessed project to install a conforming water line. The covenant agreement shall include provisions requiring all property owners to defend, indemnify and hold the City harmless from all claims related to the non-standard service line and the non-standard service line easement.

Should the Public Works Director deny a request for an exception under this subsection, the applicant may appeal the decision to the Rapid City Council. Any such appeal shall be filed with the Public Works Dept. within ten (10) days of the Public Works Director's denial.

BE IT FURTHER RESOLVED by the City of Rapid City that Section 9.3(K)(6) of the Standard Specifications of Public Works Construction, 2007 Edition be amended to read as follows:

6. Sewer Service New Connections:

A) Where new service lines are to be installed for undeveloped property or future buildings, the Contractor shall furnish all materials necessary for connection of new service lines to the sewer main, except saddles which will be furnished and installed by the City, and shall obtain and pay permits and tapping fees as established by Ordinance. In-line tees may be used in lieu of saddles for 4 inch and 6 inch service lines. The use of an in-line service tee does not waive any tapping fees or the City inspection requirements. In-line

tees shall be furnished and installed by the Contractor as the sewer main is installed.

B) New service connections and lines shall be, at a minimum, extended to the property line and the service line capped. The termination point shall be marked with a minimum three (3) foot long steel fence post. The steel fence post shall be buried below the surface at least eight (8) inches and needs to be steel to facilitate location by magnetic locators.

C) City personnel shall tap all City sewer mains. The Contractor shall schedule all service taps between 7:30 AM to 3:00 PM, Monday through Friday.

D) Sewer service lines shall be laid directly from the premises served to the City's main and shall not be extended across one lot to another. Notwithstanding this subsection, and notwithstanding the normal exception process contained in this document, the Public Works director may allow sewer service lines to be located in a manner that crosses lot lines if, and only if, all of the following conditions are satisfied:

1. Extraordinary circumstances exist that make compliance with this subsection impractical in the judgment of the Public Works Director; and
2. The sewer service line must be located within an area that is subject to the City's non-standard service line easement, which shall include provisions requiring the owners of the dominant and all servient tenements to defend, indemnify and hold the City harmless from all claims related to the non-standard service line and the non-standard service line easement. Should the properties be under single ownership, the owner must enter into a covenant agreement promising to grant the above easement if any part of the property served by the non-standard service line is ever transferred to a different owner; and
3. The applicant and the owners of all lots crossed by the non-standard service line shall execute a covenant agreement consenting to an assessed project to install a conforming line. The covenant agreement shall include provisions requiring all property owners to defend, indemnify and hold the City harmless from any and all claims related to the non-standard service line and the non-standard service line easement.

Should the Public Works Director deny a request for an exception under this subsection, the applicant may appeal the decision to the Rapid City Council. Any such appeal shall be filed with the Public Works Dept. within ten (10) days of the Public Works Director's denial.

Dated this _____ day of _____, 2007.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)