

RESOLUTION ADOPTING A POLICY REQUIRING PROPERTY OWNERS' SIGNATURES, OR PROOF OF NOTICE TO THE PROPERTY OWNER, ON DEVELOPMENT APPLICATIONS

WHEREAS, on March 16, 2009, the Common Council requested the Planning Commission to review the policies related to property owners' signatures on development applications; and

WHEREAS, on April 9, 2009, the Planning Commission was briefed on the issues by City staff; and

WHEREAS, the issue was discussed again at the July 9, 2009 Planning Commission meeting; and

WHEREAS, there is no ordinance or statute that requires the landowner to sign development applications; and

WHEREAS, the City's policy has been to require development applications to contain the landowner's signature; and

WHEREAS, individuals other than the landowner may have a property interest in land subject to a development application; and

WHEREAS, it may not be feasible or possible for an applicant to obtain the signature of the landowner; and

WHEREAS, the Common Council of the City of Rapid City deems it to be in the City's best interests to adopt a policy requiring that a development application contain the landowner's signature; or, in the absence of the landowner's signature, the applicant must show proof of a good faith effort to notify the landowner by certified return receipt mail.

NOW, THEREFORE, BE IT RESOLVED, by the City of Rapid City, that when possible, development applications shall contain the landowner's signature.

BE IT FURTHER RESOLVED, that when the applicant cannot secure the signature of the landowner, the applicant must show proof of a good faith effort to notify the landowner by certified return receipt mail of the pending application seven days prior to consideration by the Planning Commission and/or Common Council on a form provided by Growth Management.

BE IT FURTHER RESOLVED, that this policy shall not apply applications that require the property owner's signature by statute or ordinance including annexation applications, right-of-way vacations, subdivision plats or other similar applications.

Dated this ____ day of _____, 2009.

CITY COUNCIL

By: _____
Alan Hanks, Mayor

ATTEST:

Finance Officer

(SEAL)