

RESOLUTION NO. 2010-037

**RESOLUTION OF NECESSITY FOR THE ACQUISITION
OF PRIVATE PROPERTY TO BE USED AS PUBLIC RIGHT OF WAY
AND AS A PERMANENT DRAINAGE EASEMENT FOR CREEK DRIVE
THROUGH THE EXERCISE OF EMINENT DOMAIN**

WHEREAS, the City of Rapid City has determined that it is necessary to reconstruct a portion of Creek Drive, including replacement of a bridge over Rapid Creek, in order to facilitate public travel and development; and

WHEREAS, the City of Rapid City has determined that the acquisition of additional land on which Creek Drive shall be reconstructed for public use is necessary before the reconstruction can occur; and

WHEREAS, the City of Rapid City has attempted to negotiate acquisition of the right of way and has been unable to secure said real property under agreeable arrangements; and

WHEREAS, the City of Rapid City is authorized to appropriate or damage private property for public purposes upon the payment of just compensation as set forth in various provisions of state law including but not limited to SDCL §§ 9-12-1(2), 9-27-1, 31-19-23.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City finds it necessary to take for public purposes the following described real property:

A tract of land to be designated as Lot H1 of Lot La of Lot L, located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, consisting of approximately 12,388 square feet, more or less, as shown on Exhibit "A," attached hereto and incorporated herein by reference; and

A permanent major drainage easement over, under and across Lot La of Lot L, located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, consisting of approximately 5,123 square feet, more or less, as shown on Exhibit "B," attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED that said real property be and hereby is condemned and taken for public purposes.

BE IT FURTHER RESOLVED that the City of Rapid City hereby authorizes and directs the City Attorney to undertake legal proceedings to implement this Resolution of Necessity and to determine just compensation to be paid.

Dated this _____ day of _____, 2010.

CITY OF RAPID CITY

By: _____
Alan Hanks, Mayor

ATTEST:

Finance Officer

(SEAL)