CITY OF RAPID CITY

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MEMORANDUM

TO: City Council

FROM: Allison Marsland, Assistant City Attorney

DATE: December 12, 2011

RE: Sidewalk Request – Elks Country Estates, Padre Drive, LaCosta Drive, and Angel Way

Triple Z Real Estate Development, L.L.L.P., developed residential lots within the City. At the time the land was developed, the City's subdivision regulations required that the developer install sidewalks. The developer was required to post surety to secure the completion of the public improvements, including the sidewalks. After the subdivision was approved, the City amended the sidewalk ordinance and developers are no longer required to install a majority of the sidewalks. The responsibility for sidewalks on residential lots has been transferred to the homebuilders. In reality that is what normally took place and the ordinance amendment codified that reality. The City now confirms that sidewalks are installed prior to issuing a certificate of occupancy for the residential structure on the lot.

In this case, the developer has completed all of the public improvements, including the sidewalks required under 16.16.090 of the RCMC. In 2009 the City and developer entered into an agreement whereby the City accepted the public improvements, but required the developer to continue posting surety to secure completion of the rest of the sidewalks.

The developer is requesting the Council terminate the existing agreement, and that the responsibility for the installation of the remaining sidewalks be shifted to the homebuilders as is currently done for new subdivisions.