CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

OFFICE OF THE CITY ATTORNEY

300 Sixth Street

Allison O. Marsland, Assistant City Attorney
City web: www.rcgov.org

Phone: 605-394-4140
Fax: 605-394-6633
e-mail: allison.marsland@rcgov.org

MEMORANDUM

TO: City Council

FROM: Allison Marsland, Assistant City Attorney

DATE: December 12, 2011

RE: Sidewalk Request – Elks Country Estates, Jolly Lane

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, except for a few minor punch list items, the developer has completed all of the public improvements, including the sidewalks required under 16.16.090(A) of the RCMC.

The developer is requesting the Council waive the requirements of posting surety and entering into a sidewalk agreement, and that the responsibility for the installation of the remaining sidewalks be shifted to the homebuilders as is currently done for new subdivisions.