Resolution No. 2013-074

RESOLUTION OF NECESSITY FOR THE ACQUISITION OF PUBLIC RIGHT-OF-WAY OVER PRIVATE PROPERTY FOR THE PURPOSE OF CONSTRUCTING A STREET AND OTHER PUBLIC INFRASTRUCTURE THROUGH THE EXERCISE OF EMINENT DOMAIN (ENCHANTED PINES DRIVE)

WHEREAS, the City of Rapid City has determined that it is necessary to construct a sanitary sewer main and connect two portions of Enchanted Pines Drive, in order to improve public health, facilitate public travel, and provide for orderly development; and

WHEREAS, the City of Rapid City has determined that the acquisition of additional land on which public infrastructure shall be constructed for public use is necessary before the construction of public improvements 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 the W½SW¼NE¼NE¼ of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, consisting of approximately 17,922 square feet, more or less, as shown on Exhibit "A," 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 _____, 2013.

CITY OF RAPID CITY

_____
ATTEST   Mayor

_____
Finance Officer

(seal)