

APR 1, 2014 PWC ITEM SUBMITTAL: (3 pages)
FROM: Lazy P6 Land Co., Inc; Orvil Davis, President

Request connection to extended city water and sewer mains; or transitional holding tanks for Lazy P6 Land Co., with annexation application submittal and amended Oversize Agreement.

This information incorporates by reference all documents emailed or otherwise delivered to Mayor, City Council and their Staff regarding this topic.

SUMMARY:

- ◆ Lazy P6 Land Co. Inc (P6) will submit an Annexation Application for the parcels within the attached graphic, providing the City of Rapid City (City) agrees to allow immediate connections to approved water and/or sewer mains extended into P6 property, or allow transitional holding tanks until mains are available.
- ◆ An Amendment to the 9.24.2013 Oversize Agreement (OA) to reflect project scope changes.

A. Annexation Application:

1. The application will include the area shown in the attached graphic (40 ac. +/-), phased in accordance with the current OA.
2. The identified area will retain the Land Uses shown in the Feb. 2, 2009 Future Land Use Plan (FLUP) (08CA042).

B. Oversize Agreement Amendment:

Current OA terms and conditions to remain in-force unless modified below and agreeable to both parties.

1. City will allow connection to extended city water and sewer mains or transitional holding tanks within the proposed annexation boundary. Holding tanks will be connected to main when available. Typical in-city fees to apply to main access.
2. ADD a citation for oversize Design Fees included in the Lazy P6 portion of the 5th St. extension. (*Discussion: This task is covered in a companion email, but belongs within the body of the OA*)
3. ADD a citation to include monthly reimbursements to Lazy P6 in the event land is annexed prior to completion of the eligible reimbursable improvements. Reimbursement to be brought current with annexation date. (*Discussion: Current terms include only lump sum payment.*)
4. REVISE SCOPE: City will perform all work needed to retrofit existing signal strategy at 5th and Catron, including revisions to existing concrete pavement extension of 5th St south of Catron Blvd. Additional right of way needed shall be negotiated with P6 prior to project start. This work shall be substantially complete by Dec. 31, 2014. (*Discussion: Just in the past year Mayor's staff has made 3 significant and unexpected changes to this intersection, despite approving the prior changes. The original intersection configuration was designed and built SDDOT, with input from the city. This is far outside the original OA scope. The city has the plans for this intersection work and can easily convert this into a construction project.*)

5. City shall complete Metering Pond MP 203 (NW corner of Landfill) as promised by Mayor Alan Hanks, et.al. in April, 2009. Work shall be substantially completed by Dec. 31, 2014.

Additional record documents in support of and for discussion will be presented for the April 1, 2014 Council meeting.

A meeting was held 2/7/14 with the Council President, PW Chair, PW Director, City Attorney, Ass't. City Attorney, Planning Director, City Engineer and Lazy P6 representatives. P6 left thinking a tentative solution was forthcoming. The PWC meeting resulted in the opposite. The request was continued.

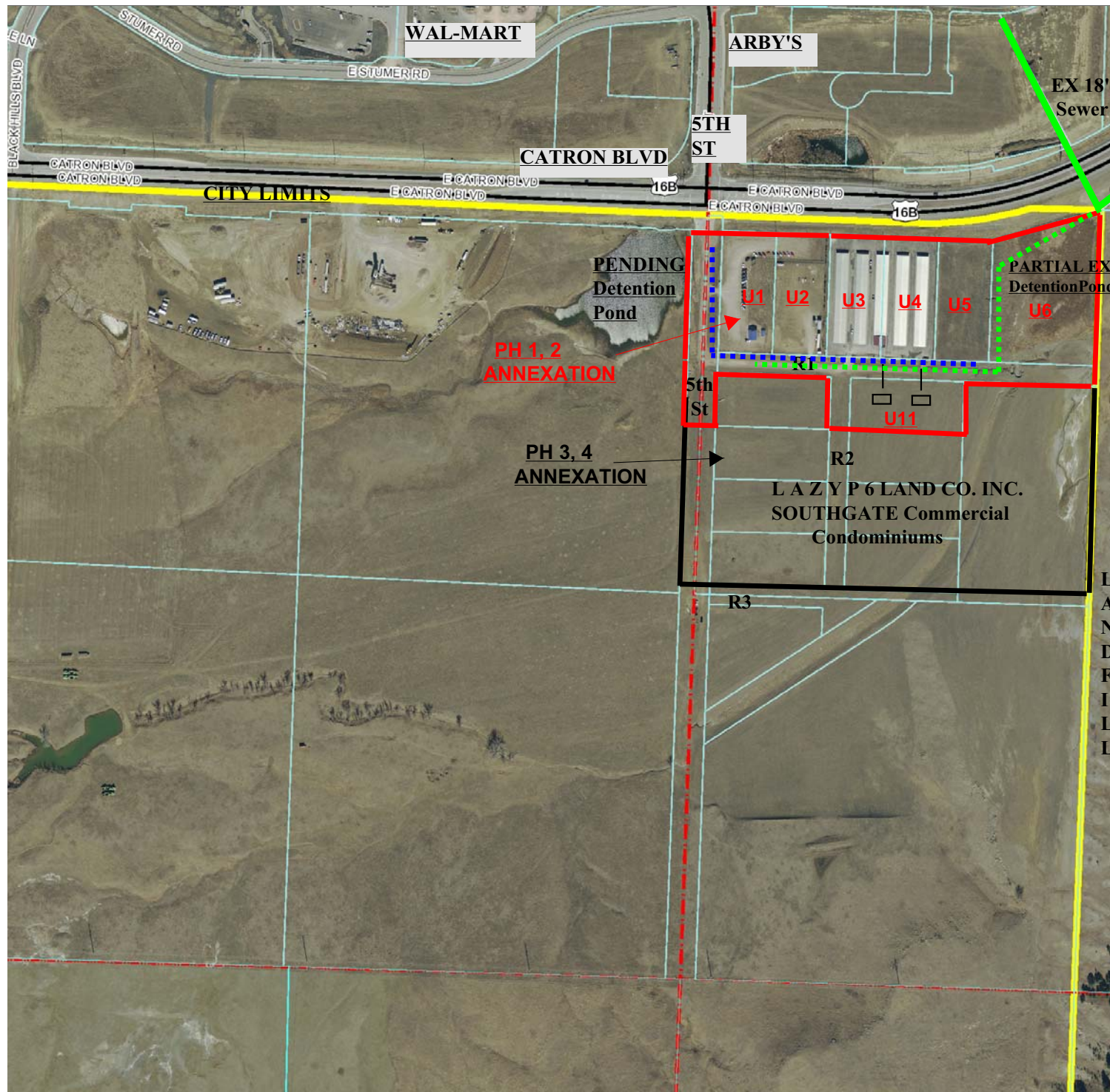
A 2/13/14 meeting agreed upon by P6, the Mayor and PW Director resulted in an expanded annexation boundary, drawn in concert with P6. P6 submitted a revised boundary map per this meeting; and Oversize Agreement (OA) revisions that were not part of the original discussion, but had to be discussed to tie the new boundaries together with significant changes (the 3rd in 18 months) staff made at the 5th and Catron intersection.

A meeting announced by the PW Director for 2/20/14 was never scheduled. Instead, the PW Director sent an email basically refusing to consider any proposals by P6, including those advanced by the Mayor and PW Director at the 2/13/14 meeting.

Lazy P6 requests the PW Committee direct staff to work through the items submitted after the meeting with the Mayor and PW Director. At the March 3rd Council meeting staff can present their detailed objections and explanations for those objections.

Lazy P6 remains committed to their "buyer driven" annexation strategy. They have offered two boundary choices. The city's leverage is the inability of Lazy P6 to access oversize costs - up to \$750,000 of their own money- until annexation occurs.

END



- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Unimproved road
 - Trail
 - FS Highway
 - Airport Runway
 - Not yet coded
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line
- Township/Section Lines**
- 0
 - 7
- County Line

**EXHIBIT B
OVERSIZE
AGREEMENT**

Scale 1: 4,800

Map Notes: