

RESOLUTION ADOPTING A POLICY WHEREBY THE DIRECTOR OF PUBLIC WORKS CAN GRANT EXCEPTIONS TO THE CITY OF RAPID CITY'S DESIGN CRITERIA MANUALS

WHEREAS, the City of Rapid City has adopted design criteria manuals which regulate the minimum standards acceptable for construction of public infrastructure; and

WHEREAS, the City recognizes that based on the specific conditions present in certain projects there may be times where it is appropriate to deviate or allow exceptions to the design criteria manuals; and

WHEREAS, City Engineering Staff has the expertise to determine when the conditions or circumstances surrounding a construction project may justify a deviation from the design criteria manuals; and

WHEREAS, the Common Council of the City of Rapid City deems it to be in the City's best interest to adopt a policy that allows the Director of Public Works to grant exceptions to the standards established in the City's design criteria manuals.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Director of Public Works has the authority to authorize exceptions to the standards set forth in the City's design criteria manuals, if the Director finds that granting the exception is appropriate under the specific circumstances of the individual project on which the exception has been requested and that the potential benefits to the City in granting the exception outweigh any risk of potential harm that may result.

BE IT FURTHER RESOLVED, the Director of Public Works shall communicate in writing, to the person or entity requesting the exception, the basis for approving or denying the exception.

BE IT FURTHER RESOLVED, that any person or entity that disputes the denial of an exception to the design criteria manuals by the Director of Public Works may appeal such decision to the Development Appeals and Review Board pursuant to the guidelines set forth in Sec. 2.88.060 of the Rapid City Municipal Code.

Dated this ____ day of _____, 2005.

Mayor

ATTEST:

Finance Officer

