



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

---

## OFFICE OF THE CITY ATTORNEY

300 Sixth Street

Joel P. Landeen, Assistant City Attorney  
City web: [www.rcgov.org](http://www.rcgov.org)

Phone: 605-394-4140  
Fax: 605-394-6633  
e-mail: [joel.landeen@rcgov.org](mailto:joel.landeen@rcgov.org)

### MEMORANDUM

TO: City Council

FROM: Joel P. Landeen, Assistant City Attorney

DATE: 9-7-11

RE: PLM Development Sidewalk Request

PLM Development, LLC, 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. Since the time the subdivision was approved, the City amended the sidewalk ordinance and the developer is no longer required to install a majority of the sidewalks. The responsibility for sidewalks on residential lots has been transferred to the homebuilders. In practice that is what normally happened and the ordinance amendment recognized the reality of the practice. 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 with the exception of the sidewalks. In 2008, 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 sidewalks. The developer further agreed to complete all sidewalks within 2 years. The subdivision has not built out as quickly as anticipated. The surety securing completion of the sidewalks is about to expire. The developer has stated that the sidewalks it is required to install pursuant to 16.16.090 of the RCMC have been installed. Staff is checking to confirm this statement. At this point, the developer is requesting the Council let the agreement lapse and shift responsibility for the installation of the remaining sidewalks to the homebuilders as is currently done for new subdivisions.