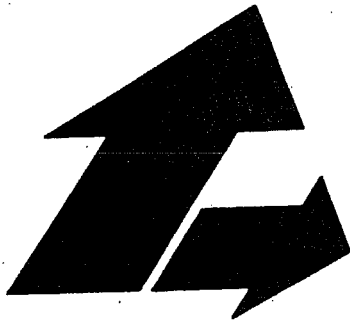


EL65-019



THE CITY
OF
MADISON

Office of the City Attorney

116 W. Center • Box 308 • Madison, South Dakota 57042

May 18, 2005

RECEIVED

MAY 20 2005

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Kathy Kramer
Public Utilities Commission
First Floor
500 E. Capitol
Pierre, South Dakota 57501

RE: City of Madison – Transfer of Service Territory

Dear Karen:

Pursuant to your request I am herewith enclosing a copy of the Resolution for annexation of the property by the City of Madison.

Thanks for your assistance and cooperation in this matter.

Very truly yours,


Jay M. Leibel
FOR THE FIRM

JML/cd

RESOLUTION NO. 2483

A RESOLUTION EXTENDING THE BOUNDARIES OF THE CITY OF MADISON BY ANNEXING THE WITHIN DESCRIBED TERRITORY AND SETTING FORTH THE SCHEDULE AND COSTS PROVIDING SERVICE THERETO.

RECEIVED
MAY 20 2005
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

WHEREAS, the Board of Commissioners of the City of Madison have received written petitions from the voters and landowners of the territory hereinafter described requesting an annexation to the municipality of the City of Madison; and

WHEREAS, the petitions are signed by not less than 3/4ths of the registered voters and by the owners of not less than 3/4ths of a value of the territory seeking annexation; and

WHEREAS, the territory seeking annexation is contiguous with the City of Madison;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MADISON, that the City of Madison hereby annexes the following described territory:

All of the Northeast Quarter of Section Seventeen (17), Township One Hundred Six (T106N) North, Range Fifty Two (52), West of the 5th P.M. specifically including but not limited to highway right of way and platted areas:

Berther's First Addition in the Northeast Quarter (NE1/4) of Section Seventeen (17), Township One Hundred Six (T106N) North, Range Fifty Two (52), West of the 5th P.M.;

Tracts One (1) and Two (2) of Berther's Second Addition in the Northeast Quarter (NE1/4) of Section Seventeen (17), Township One Hundred Six (T106N) North, Range Fifty Two (52), West of the 5th P.M.;

Lot One (1) of McCready's Subdivision in the East Half of the Northeast Quarter (E1/2NE1/4) of Section Seventeen (17), Township One Hundred Six (T106N) North, Range Fifty Two (52), West of the 5th P.M.;

Olstad's Subdivision in the Northeast Quarter (NE1/4) of Section Seventeen (17), Township One Hundred Six (T106N) North, Range Fifty Two (52), West of the 5th P.M.;

Commencing at the intersection of the north line of section 17-106-52 and the west line of the right of way of the Chicago, Milwaukee and St. Paul Railway Company running thence southeasterly along the west line of said right of way 950 feet for place of beginning, thence southwesterly at right angles to said right of way 250.47 feet; thence southeasterly on a line parallel with the west line of said right of way 400 feet; thence northeasterly on a line at right angles to the last described line 250.47 feet to the west line of the right of way, thence northwesterly along the west line of said right of way 400 feet to place of beginning;

In addition, the City hereby annexes the following described territory:

Lots One (1) and Two (2) of Molumby's First Subdivision of Part of the Southeast Quarter of Section 8, T106N, R52W, 5th P.M.;

Veral Greene's First Addition to Lake County, South Dakota (NE1/4, Section 6, T106N, R52W, 5th P.M.)

BE IT FURTHER RESOLVED that the Board of Commissioners of the City of Madison, Lake County, South Dakota, determines:

I.

That ample and suitable resources exist to accommodate the orderly growth and development of said territory and that municipal utilities and a major street network are considered in terms of the boundary extension.

II.

The following is a definite timetable upon which municipal services will be extended into said territory:

TIMETABLE

1. **GENERAL SERVICES** - All services provided by the City, except as set forth below, will be provided to the annexed area on the same basis such services are provided to the rest of the City upon annexation.

2. **POLICE** - All services provided by the Madison City Police Department will be extended to the annexed area on the same basis such services are provided to the rest of the City. Police services will be provided by existing personnel with no anticipation of hiring of additional personnel in the Department solely due to the annexation of this territory.

3. **FIRE** - Until completion of new water mains, fire protection will be provided upon the same basis as currently provided to other areas of town where water mains do not exist. The City/Developer will provide water mains and fire hydrants during construction and development. At that time that all services provided by the Madison City Fire Department will be extended to the annexed area. Fire services will be provided by the existing volunteer fire department under the auspices of the City of Madison.

4. **WATER SERVICE** - Water service, substantially equivalent in standard and scope to such service provided to the rest of the City will be made available to the annexed area, on the following basis:

Watermain extension will be constructed by the City/Developer as future development takes place for by private parties developing or purchasing said property, after notice and approval by the City in compliance with the City standards, or by the City under a resolution of necessity therefore.

5. **SEWER SERVICE** - Sewer service will be installed as development occurs within the annexed area upon the same schedule, terms and conditions as the water service, with the additional requirement of a sewer lift station and force main installed at the City/ Developer's expense.

6. **ELECTRICITY** - Electrical service will be provided as development occurs within the annexed area on a schedule to be determined by the City/Developer. Electrical services substantially equivalent in standard and scope to such services provided to the City made available to the annexed area on the following basis:

a. Electrical service will be constructed as future development takes place in conformity with City regulations and standards in effect at such time as service is requested.

b. Those customers then being served by the City shall be served with same service and at same rate as the balance of the City.

c. At the present time all customers within the area to be annexed receiving electrical services have been served by the City for many years.

7. **STREETS** - Street maintenance, sweeping, snow removal and roadside mowing shall be provided for existing public streets within the annexed area on the same basis as such services are provided to the rest of the City.

a. Improvement of future roads, lighting and sidewalk shall be done on the same basis and criteria as similar improvement within the City. Depending on the project residents within the territory may be required to participate by special assessment on share basis as other impacted areas of the City.

b. In order for some improvements to be made it may be necessary for residents to grant roadway right of way and/or easements. All access or utility plans must be approved by the City prior to commencement of any construction.

Street lighting will be provided in accordance with criteria generally employed throughout the City and with due consideration of the wishes of the residents. Street lighting generally will not be provided on gravel or unimproved streets. The Developer may install decorative street lighting at the Developer's sole expense subject to final approval and authorization by the City.

8. **SOLID WASTE COLLECTION AND DISPOSAL** - Collection of solid waste and disposal, substantially equivalent in standard, scope and cost as such service is provided to the balance of the City.

9. **PARKS AND RECREATION** - All services provided by the Parks and Recreation Department will be made available to residents of the annexed territory on the same basis such services are provided to the rest of the City.

10. **LIBRARY** - All services provided by the Madison Public Library shall be made available to the residents of the annexed territory on the same basis such services are provided to the rest of the City.

11. **STORM DRAINAGE** - It will be necessary for the City/Developer to provide culverts, storm sewers, catch basins, stormwater detention facilities, and drainage easements across private land as required by the City.

(a) Storm drainage improvements will be constructed by the City/Developers as future development takes place in accordance with the development drainage plans subject to final approval by the City. The design of the improvements shall be in accordance with accepted civil engineering standards and other City requirements. It is anticipated the City/Developer will be required to construct one or more drainage control facilities

(b) The cost of constructing storm drainage system improvements will be assessed according to the approval of the City and/or will be paid by the Developer constructing such facilities. The estimated costs for providing storm drainage to the area annexed cannot be accurately ascertained until a final plan for development is submitted for review, consideration, and approval. The City/Developer shall be responsible for the design of the storm drainage improvements subject to the approval of the City.

III. That the approximate costs of the extended service to the residents of said territory and to the City are as follows:

APPROXIMATE COSTS

1. **GENERAL SERVICES** - All services as set forth in Paragraph II of the Timetable will be provided to the annexed area at the first year costs as indicated below; provided, however, that the use of services requiring the payment of fees shall be provided in return for payment of such fees in accordance with the applicable ordinances and regulations.

2. **ADMINISTRATIVE SERVICES** - It is anticipated there will be no increase in administrative costs incurred by the City in providing services through the general fund in such areas as finance office, engineering, fire, library, police, street, parks and recreation.

3. **WATER** - The City's water system is operated on an enterprise fund basis; i.e., the revenue produced from water service charges are used to provide water supply and to maintain the system. The cost, not including costs to be assessed as set forth below, to the residents of the annexed area and other water users for supply and system maintenance would be the monthly water service charges prescribed by ordinance for users of the system. The cost to the City for any given period is necessarily speculative but in the long run would be roughly equivalent to the revenue generated from water service charges. Revenues and expenditures associated with the annexed area would not be separated from the enterprise fund for the entire system.

Costs for constructing additions to the City's water system will be assessed according to law, constructed by the City/Developer, will be paid by the Developer or other persons constructing such additions. The estimated costs for providing water services to the area annexed cannot be ascertained until a final plan for development is submitted for review, consideration and approval. All related water extension costs are to be borne by the Developer as the property is developed in accordance with the plans and specifications subject to the approval of the City. Depending on the project residents within the territory may be required to participate by special assessment on share basis as other impacted areas of the City.

4. **SEWER** - The City's sewer system is operated on an enterprise fund basis; i.e., the revenue produced from water service charges are used to provide sewer supply and to maintain the system. The cost, not including costs to be assessed as set forth below, to the residents of the annexed area and other sewer users for sewer supply and system maintenance would be the sewer service charges prescribed by ordinance for users of the system. The cost to the City for any given period is necessarily speculative but in the long run would be roughly equivalent to the revenue generated from sewer service charges. Revenues and expenditures associated with the annexed area would not be separated from the enterprise fund for the entire system.

Costs for constructing additions to the City's sewer system will be assessed according to law or will be paid by the City/Developer or other persons constructing such additions.

5. **ELECTRICAL** - The area to be annexed is within the City's service area and electrical power is available adjacent to the property. The cost of extending electrical services cannot be estimated, as it will depend upon the time of development. The City has historically provided these costs.

6. **STREET IN AREA TO BE ANNEXED** - Curb, gutter and sidewalk within the area to be annexed will be at the expense of the City/Developer. Costs for future development of street improvements will be assessed according to law, will be paid by the Developer or the persons constructing such improvements. The estimated costs for such improvements cannot be ascertained until a plan for development is submitted for consideration and approval by the City.

7. **STREETS WITHIN CITY LIMITS** - The cost for future developments of streets improvements will be assessed according to law, will be paid by the City/Developer or the persons constructing such improvements. The estimated

costs for such improvements cannot be ascertained until a plan for development is submitted for consideration and approval by the City.

8. **SOLID WASTE COLLECTION AND DISPOSAL** - The City's solid waste collection system is operated on an enterprise fund basis. The sanitation system serves only residential occupancies. The annexed area is included in the service area and the cost to the residents will be the garbage

service charge prescribed to all residents, which is currently at the fixed fee of \$2.60 per month plus a volume fee of \$1.1709 per 100 cubic feet.

The rates for garbage collection and disposal service are designed to be roughly equivalent to the long-run cost to the City of providing such service.

The cost of providing use of the City's landfill is on the basis of the cost to other City residents.

9. **PARKS AND RECREATION** - All existing services provided by the Parks and Recreation Department will be provided to the residents of the annexed territory on the same basis as to other City resident.

10. **PUBLIC LIBRARY** - All services provided by the City Public Library will be provided to the residents of the annexed area on basis as to other City residents.

11. **UTILITY HOOKUPS** - New customers subject to approval of the City Commission, may be allowed to connect to utilities lines/mains upon payment of any required hookup fees or charges.

12. **SALES TAX** - The annexed territory shall be subject to sales tax on the same basis and terms as the balance of the City.

13. **MISCELLANEOUS SERVICES** - The foregoing notwithstanding, the residents of the annexed area will be subject to all of the various fees and charges provided by ordinance, regulations, or administrative action for numerous services provided by the City. The incidence of such charges is highly speculative and largely within the choice of the person to be charged. Examples of such charges range from building permit fees, to library book fines, from xerox copy charges to charges for swimming pool passes.

14. **STORM DRAINAGE** - Depending upon the nature of the development and land usage, it will be necessary for the City/Developer to provide for culverts, storm sewer, catch basins, stormwater detention facilities, and drainage easements.

(a) Storm drainage facilities will be constructed by the City/Developer as future development takes place in compliance with the City standards.

(b) Costs for constructing storm drainage improvements/facilities will be assessed according to law if approved by the City or will be paid directly by the developer or other persons constructing such additions.

(c) Maintenance of the detention pond facilities shall be the responsibility of the City/Developer. The developer shall provide suitable means for access to all drainage facilities subject to the approval of the City.

IV. The estimated difference in tax assessment rate for the residents of said territory is as follows:

1. For property within the annexed area, based upon current mill levies property taxes would be increased approximately \$5.70 dollars per thousand.

V. That exclusions or irregularities in boundary lines are not the result of arbitrariness but are based upon existing City Limit Lines, existing features, existing property boundaries, existing occupancies and uses and upon the petition of the legal voters and landowners.

VI. That there are reasonable present and demonstrable future needs for annexing said territory.

VII. That population and census data indicate that the City has and may experience growth or development beyond its present boundaries.

VIII. That there exists a community of interest between the within described territory and the existing City of Madison.

IX. That there are no significant physical barriers between the within described territory and the existing City of Madison.

X. That annexation of the within described territory of the City of Madison will result in a more compact, integrated entity.

XI. This resolution is based upon the petition previously set forth.

Dated this ____ day of _____, 2003.

CITY OF MADISON

Mayor

ATTEST:

City Finance Officer