**RESOLUTION NO. 16-04**

**PROPOSED RESOLUTION OF NECESSITY**

BE IT RESOLVED, by the Town Board of the City of Humboldt, South Dakota (the “City”), at a special meeting thereof held at City Hall, 100 South Main Street, Humboldt, South Dakota at 6:30 o’clock p.m. on the 2nd day of February, 2016, that the convenience and necessity has arisen to construct new concrete curb & gutter, concrete approach pavement and concrete driveway pavement, as part of the 2016 Street and Utility Improvements Project, on 2nd Avenue from Ford Street to Washington Street, on 4th Avenue from Grant Street to Washington Street, on 5th Avenue from Main Street to Washington Street, on Grant Street from 2nd Avenue to 4th Avenue and on Washington Street from 4th Avenue to 5th Avenue within the City of Humboldt, Minnehaha County, South Dakota. Such properties affected being hereinafter named:

See attached Exhibit A

BE IT FURTHER RESOLVED, that the material to be used in the project shall be according to the plans and specifications prepared by engineers for the City of Humboldt and on file in the office of the Finance Officer and open to public inspection and incorporated hereby.

BE IT FURTHER RESOLVED, that the total estimated cost of the project is $141,663.60. The total costs shall include the contract price and all engineering, inspection, publication, fiscal, legal, and all other expenses incidental thereto. The costs of the concrete curb and gutter, concrete approach pavement, and concrete driveway pavement improvements and all other expenses incidental thereto shall be assessed against all assessable lots and tracts of land fronting or abutting thereon to each of such lots or tracts above stated, according to the provisions of SDCL §9-43-79, as follows: 1) cost of concrete curb and gutter, concrete approach pavement, and concrete driveway pavement shall be assessed to the lots and tracts fronting or abutting the concrete curb and gutter, concrete approach pavement, and concrete driveway pavement improvement; and 2) engineering, inspection, publication, fiscal, legal, and all other expenses incidental to the concrete curb and gutter, concrete approach pavement, and concrete driveway pavement improvements shall be assessed based on number of feet fronting or abutting the concrete curb and gutter, concrete approach pavement, and concrete driveway pavement improvements.

BE IT FURTHER RESOLVED, that the assessments will be divided into ten equal annual installments which shall be payable under Plan One, collection by the County Treasurer, as set forth in SDCL §9-43-102, et seq., and that all deferred installments shall bear interest at such rate as shall be determined by the Town Board, but not in excess of seven percent (7%) per annum.

BE IT FURTHER RESOLVED, that the contractors who undertake to perform the work of construction herein provided for shall be paid in cash from City funds or borrowed funds that will be refunded, upon completion of the project, with the sale of special assessment bonds.

BE IT FURTHER RESOLVED, that the above resolution shall be published once in the official newspaper of the City, with an appended notice stating the place and time at least ten (10) days after such publication, at which time, the Humboldt Town Board will meet for consideration of any objections to the proposed resolution by owners of property liable to be assessed for the improvement and the adoption of the resolution. However, if such improvement be petitioned for by the owners of more than fifty-five percent (55%) of the frontage of the property to be assessed therefor, it may be provided for by resolution without publication.

BE IT FURTHER RESOLVED, that notice be sent by first-class or certified mail to each person owning property liable to be assessed for the improvement; said notice to include all information required of the published notice. If the property is occupied and has a street address, the written notice shall be sent to the owner in care of such address and, if not, to the last known address of the owner. Notice shall not be required to be sent to any person who shall have petitioned in writing or consented in writing to such improvement.

BE IT FURTHER RESOLVED, that the Finance Officer is directed to take such action as is necessary to carry out the intent of the resolution.

Dated this 2nd Day of February, 2016.

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Ritchy Griepp

Mayor

ATTEST:

Amanda Siemonsma

Finance Officer

Passed & Adopted: 2/2/16

Published: 2/4/16

Effective: 2/24/16

**EXHIBIT A**

**Properties Affected**

1. LOT 1 CO AUD SUB TR 2 SE1/4 SE1/4 & S50' ABAN RY ROW TO N LINE OF LOT 1 CO AUD SUB TR 2 SE1/4 SE1/4 9 102 52 LOT 1 HUMBOLDT CITY UNPLATTED, MINNEHAHA COUNTY, SOUTH DAKOTA.
2. LOT 2A BEANERS SUB CO AUD SUB TR 2 SE1/4 & S1/2 VAC RR LYING ADJ 9 102 52 HUMBOLDT CITY UNPLATTED, MINNEHAHA COUNTY, SOUTH DAKOTA.
3. LOT 2B BEANERS SUB CO AUD SUB TR 2 SE1/4 SE1/4 & S50' ABANDONED RY ROW 9 102 52 HUMBOLDT CITY UNPLATTED, MINNEHAHA COUNTY, SOUTH DAKOTA.
4. THAT PORTION OF LOT 5 RAILWAY ADDN LYING N & ADJ TO LOT 3 & ALL LOT 3 CO AUD SUB TRACT 2 SE1/4 SE1/4 9-102-52 HUMBOLDT CITY UNPLATTED, MINNEHAHA COUNTY, SOUTH DAKOTA.
5. THAT PORTION OF LOT 5 RAILWAY ADDN LYING N & ADJ TO LOT 4 & ALL LOT 4 CO AUD SUB TRACT 2 SE1/4 SE1/4 9-102-52 HUMBOLDT CITY UNPLATTED, MINNEHAHA COUNTY, SOUTH DAKOTA.
6. GATES TR 1 & LOT 5 CAS TR 2 & E7' LOT B GATES TR 1 & E7' LOT 6 CAS TRACT 2 SE1/4 9 102 52 LOT C HUMBOLDT CITY UNPLATTED, MINNEHAHA COUNTY, SOUTH DAKOTA.
7. LOT 6 (EX W136 & EX E7) CAS TR 2 SE1/4 SE1/4 9 102 52 & LOT B (EX E7) TR 1 GATES TRS 9 102 52 GATES TRACTS TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
8. W136' LOT 6 CO AUD SUBD TR 2 SE1/4 9 102 52 & LOT A TRACT 1 GATES TRACTS TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
9. S100.5 E92 LOT 5 RAILWAY ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
10. (EX E566.5 & EX S100.5 E92) LOT 5 RAILWAY ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
11. TRACT D RUSMILL ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
12. LOTS 1 TO LOT 4 BLK 1 MORNINGSIDE ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
13. LOTS 11 & LOT 12 BLK 1 UHRS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
14. LOTS 1 & LOT 2 BLK 3 UHRS ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
15. LOTS 17 & LOT 18 BLK 2 UHRS ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
16. LOTS 1 TO LOT 4 BLK 2 UHRS ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
17. LOTS 5 & LOT 6 BLK 1 MORNINGSIDE ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
18. LOTS 1 & 2 & N12' LOT 3 MORNINGSIDE 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
19. S32 LOT 3 & ALL LOTS 4, 5 & LOT 6 MORNINGSIDE 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
20. N1/2 LOT 9 & ALL LOT 10 BLK 1 UHRS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
21. LOTS 7 & 8 & S1/2 LOT 9 BLK 1 UHRS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
22. LOT 12 BLK 2 UHRS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
23. LOTS 10 & LOT 11 BLK 2 UHRS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
24. LOTS 7,8 & LOT 9 BLK 2 UHRS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
25. LOTS 5 & LOT 6 BLK 4 UHRS ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
26. LOTS 13,14,15 & LOT 16 BLK 5 UHRS ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
27. S11 LOT 9 & ALL LOTS 10, 11 & LOT 12 BLK 5 UHRS ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
28. LOTS 9,10,11 & LOT 12 BLK 6 UHRS ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
29. LOTS 7 & LOT 8 BLK 6 HANSONS ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
30. TRACT D RUSMILL ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
31. LOTS 1 & LOT 2 BLK 4 HANSONS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
32. LOT 1 & N1/2 LOT 2 BLK 3 HANSONS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
33. LOTS 11 & LOT 12 BLK 3 HANSONS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
34. LOTS 1 TO LOT 3 BLK 2 HANSONS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
35. LOTS 9 & LOT 10 BLK 3 HANSONS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
36. LOTS 7 & LOT 8 BLK 3 HANSONS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
37. LOT 4 & N1/2 LOT 5 BLK 2 HANSONS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
38. S 1/2 LOT 5 & ALL LOT 6 BLK 2 HANSONS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
39. S1/2 LOT 5 & ALL LOT 6 BLK 3 HANSONS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
40. LOTS 1 TO LOT 3 BLK 6 HANSONS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
41. N 1/2 LOT 10 & ALL LOTS 11 & LOT 12 BLK 6 HANSONS 2ND ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
42. LOT 6A RAILWAY ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.
43. LOT 1 & N1/2 LOT 2 BLK 1 UHRS ADDN TO CITY OF HUMBOLDT, MINNEHAHA COUNTY, SOUTH DAKOTA.

**APPENDED NOTICE OF HEARING ON PROPOSED**

**RESOLUTION OF NECESSITY No.** 16-04

NOTICE IS HEREBY GIVEN that on the 16th day of February, 2016, at the hour of 7:00 o’clock p.m., at the Humboldt Community Center, 201 South Main Street, Humboldt, South Dakota, has been fixed by the Humboldt Town Board as the time and place for the hearing upon the Resolution No. 16-04, Proposed Resolution of Necessity, at which time the Humboldt Town Board shall consider any objections to the proposed resolution by owners of property liable to be assessed for the improvement.

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Amanda Siemonsma

Finance Officer