

LAWRENCE COUNTY RESOLUTION 2019-14

A RESOLUTION MODIFYING THE COUNTY ROAD SYSTEM

WHEREAS, upon review, Lawrence County seeks to modify its highway system; and

WHEREAS, the proposed modification to the County highway system is the deletion of a portion of Christensen Drive, as more fully described herein, from the County highway system;

WHEREAS, the change to Lawrence County's highway system is in accordance with the South Dakota Department of Transportation's "Policy and Procedures for County Highway System Revisions" adopted 06/18/2009 and SDCL 31-12-2.

WHEREAS, Notice of the time and place of a Public Hearing to be held by the Lawrence County Commission was published in the Black Hills Pioneer on June 29, 2019. Such Notice provided that any person, or their attorney, interested in the approval or rejection of the proposed change to the Lawrence County highway system, was presented the opportunity to comment accordingly.

WHEREAS, a Public Hearing was held on the 9th day of July, 2019,

WHEREAS, in reference to that portion of Christensen Drive, as more fully described herein, the rationale for this request to modify the County highway system is as follows:

1. For at least a period of 20 years, the City of Spearfish has been involved in the planning, design, construction and maintenance of Christensen Drive. See Exhibit #1 - City of Spearfish City Council meeting minutes.
2. The City of Spearfish has planned, designed, installed and currently maintains certain improvements (e.g. municipal water lines, sewer lines, sewer stubs, utility access (man holes), pavement and guard-rail) within the right-of-way of that portion of road to be deleted from the County highway system as more fully described herein. See Exhibit #1 - City of Spearfish City Council meeting minutes.
3. The City of Spearfish has never sought or been granted permission by County to install and/or maintain the above-referenced improvements within the road right-of-way.
4. Currently, (and in prior years) the City of Spearfish has imposed a special assessment/front foot assessment upon City residents owning property along and adjacent to Christensen Drive. See Exhibit #2 - City of Spearfish Resolution 2018-17 and Lawrence County tax records.
5. In 2000, the City of Spearfish passed Resolution 2000-26, levying assessments for the Christensen Drive Improvement Project. See Exhibit #1 - City of Spearfish City Council meeting minutes.
6. City of Spearfish has annexed territory along both sides of Christensen Drive. See Exhibit #3 - GIS map of the City of Spearfish boundaries.

7. Currently pending before the City of Spearfish is a concurrent request to voluntarily annex and re-zone approximately 293 acres of property situated adjacent to and abutting Christensen Drive. As presented, approximately 350 lots are planned. Primary access for the subdivision is intended to enter onto Christensen Drive. See Exhibit #4 - City of Spearfish Planning Commission Staff Report.
8. SDCL 31-4-3 provides that the DOT may at its discretion extend the state trunk highway system to include any street or streets within the limits of any first or second class municipality if necessary to make a continuous route for any state trunk highway through the municipality. Conversely, there is no similar statute authorizing a county to extend its highway system through a municipality.
9. The City and County have had ongoing discussions regarding transfer of the portion of Christensen Drive referenced herein. Agreement from those discussions has been unavailing.

NOW THEREFORE, BE IT RESOLVED by the Lawrence County Board of County Commissioners that the foregoing road right-of-way, as more fully described herein, shall be dedicated and transferred to the City of Spearfish including responsibility for future use, maintenance and repair; and

NOW THEREFORE, BE IT FURTHER RESOLVED that the following modification be made to the Lawrence County primary highway system:

DELETE from primary highway system:

1. **CHRISTENSEN DRIVE** approximately 1.055 miles to the Spearfish City limits

Starting at the northeast corner of the southwest ¼ corner in the southwest ¼ of Section 13, T6N, R2E, then heading southwesterly approximately 1.055 miles to the Spearfish City limits (See attached map).

Adopted this 9th day of July, 2019

FOR THE BOARD:


Randy Deibert
CHAIRMAN

ATTEST:



Brenda McGruder
AUDITOR



(SEAL)

Public Hearing Notice Published: June 29, 2019

Public Hearing Held: July 9, 2019

Adopted: July 9, 2019