



Plan Commission

Agenda Item

Subject: Commission Consideration of Resolution No. 2023-34, Amending Resolution No. Y-2394 (Annexation approved Nov 3, 1980), to allow the lots in Block 1-5 of North Lake Drive Addition to have access onto North Lake Drive

Meeting: Plan Commission - Nov 09 2023

From: Heath VonEye, Public Works Director

BACKGROUND INFORMATION:

North Lake Drive Addition was annexed and zoned into the City of Watertown on November 3, 1980 by Resolution No. Y-2394. The resolution restricted direct access to North Lake Drive, stating access shall be only by the designated streets on said plat which is known as Pheasant Lane. The plat was recorded on April 22, 1981.

A development agreement was not entered into or recorded with the plat and no public infrastructure improvements were completed for the dedicated right-of-way of Pheasant Lane. Pheasant Lane remains unimproved and does not provide access to the lots of North Lake Drive Addition which prohibits property owners from receiving building permits. The lots do have frontage onto the improved right-of-way of North Lake Drive, as well. A solution would be to approve a subsequent resolution which lifts the access restriction from 1980 to allow the lots to access North Lake Drive.

The speed limit of North Lake Drive has been reduced to 35 MPH and city engineering design standards and ordinance would be required to be complied to which includes the clear view triangle for driveways intersecting with the existing recreational trail.

One access was permitted to access North Lake Drive prior to the annexation and access restriction. All other driveway accesses (there are 6) that enter North Lake Drive in this area are technically not allowed and did not receive appropriate permits to exist.

If Council finds it appropriate that the lots of North Lake Drive Addition can access North Lake Drive, staff will need to determine sanitary sewer service for 11 lots as the sanitary sewer main is not currently available within North Lake Drive near Block 3, see attached map. Sanitary sewer main has been extended in Pheasant Lane through Block 5 which do not front North Lake Drive. There is an assessment for these lots to be collected at the time of development/building permit issuance.

This was discussed at the October 10th, 2023 City Council work session where they were receptive to see a resolution come forward for action. The driveway turnarounds described in the resolution was requested to be added so that vehicles were not backing out onto North Lake Drive to protect public safety. Property owners of Blocks 1-5 of North Lake Drive Addition received letters informing them of the resolution being brought forward describing the proposed resolution amendment that would directly benefit their ability to utilize or receive building permits for their properties.

SUGGESTED MOTION:

I move to approve Resolution No. 2023-34, Amending Resolution No. Y-2394 (Annexation approved Nov 3, 1980), to allow the lots in Block 1-5 of North Lake Drive Addition to have access onto North Lake Drive

STAFF REFERENCE(S):

Brandi Hanten, Jana Mills

ATTACHMENT(S):

[Resolution Y-2394 \(annex\)](#)

[Plat of North Lake Drive Addition-recorded](#)

[Pheasant Lane Improvement Area](#)

[Sanitary Sewer Map](#)

[Pheasant Lane Existing Condition Image 1](#)

[Pheasant Lane Existing Condition Image 2](#)

[Pheasant Lane Existing Condition Image 3](#)

[Resolution No. 2023-34](#)

RESOLUTION NO. Y-2394

INTRODUCED BY THE CITY PLANNING COMMISSION

WHEREAS, Harvey K. Bue, the owner of all of the following described property in Codington County, South Dakota:

NORTH LAKE DRIVE ADDITION TO THE
MUNICIPALITY OF WATERTOWN,

did petition the Mayor and The City Council of the City of Watertown, Codington County, South Dakota, to include said property within the limits of the City, Pursuant to SDCI 1967 9-4-1 and amendments thereto; and

WHEREAS, The owner and all legal voters residing on said property petition for annexation and that the property to be annexed is contiguous to the City of Watertown and should be annexed thereto; and

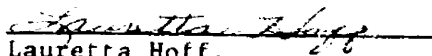
WHEREAS, The City Planning Commission of the City of Watertown having by Resolution reported to the City Council on said Petition and recommending approval thereof, and that 1. Said property be annexed as an R-1 Residential Zone and further agree with the request of the Planning Commission and covenant 2. That there shall be no direct access to North Lake Drive by any of the lots in Blocks 1 through 5. Access shall be only by the designated streets on said Plat.

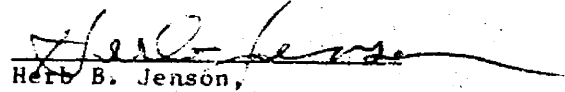
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA, that the said Petition of Harvey K. Bue be approved and that the property above described is hereby declared to be annexed to the City of Watertown, South Dakota, as R-1 Residential Zone property subject to the restriction that there will be no direct access to North Lake Drive by any of the lots in Block 1 through 5. Access shall be only by the designated streets on said plat.

The above and foregoing Resolution was moved for adoption by Alderman Drake, seconded by Alderman Olson, and upon roll call all members voted aye, whereupon the Mayor declared the same to be duly passed and adopted.

Dated at Watertown, South Dakota this 3rd day of November, 1980.

ATTEST:


Laurretta Hoff,
Finance Officer


Herb B. Jensen,
Mayor

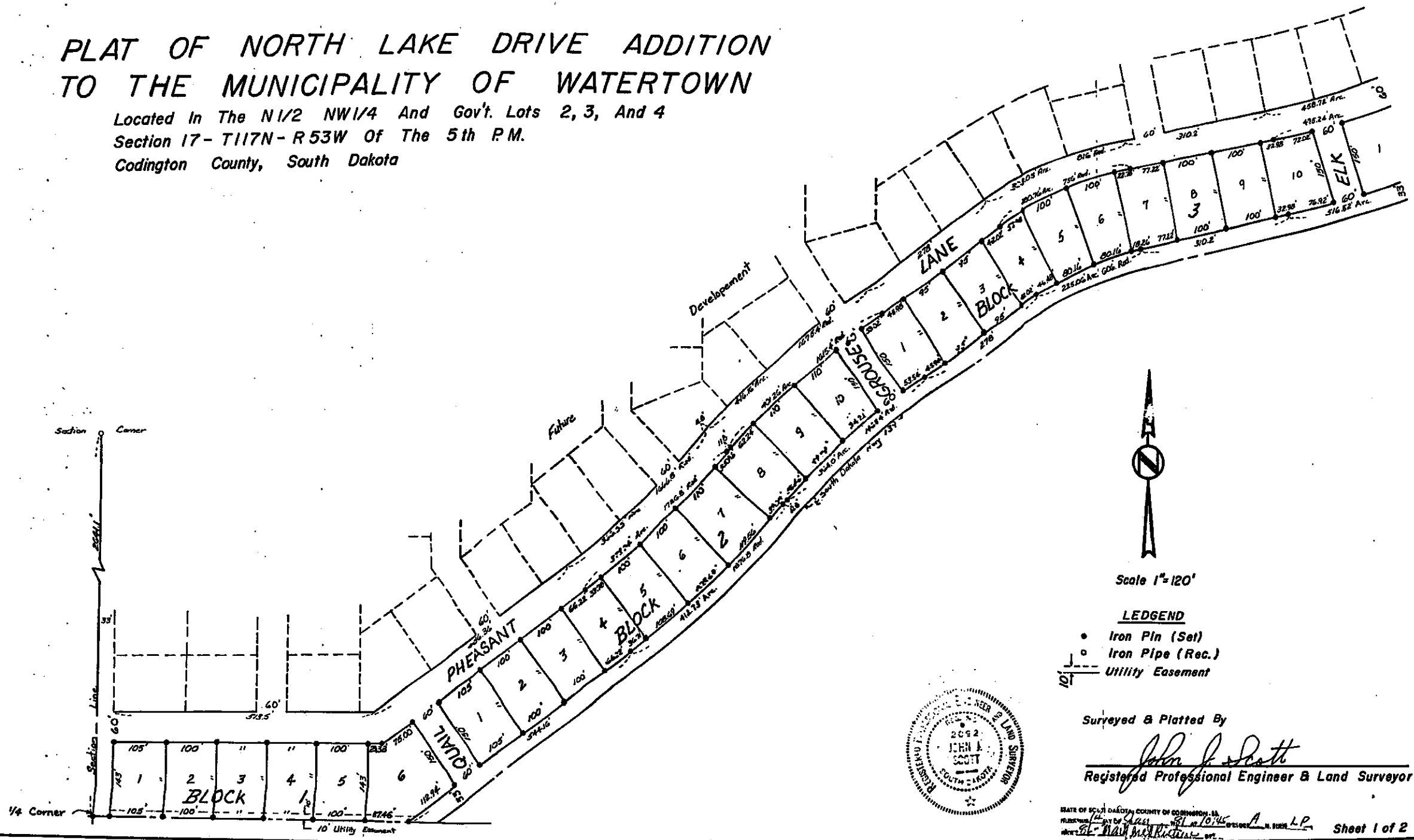
(SEAL)

I hereby certify that Resolution No Y-2394 was published in the Watertown Public Opinion, official newspaper of said City, on the 7th day of November, 1980, and affidavit of publication is filed with claim no. 3366.

Laurretta Hoff

PLAT OF NORTH LAKE DRIVE ADDITION TO THE MUNICIPALITY OF WATERTOWN

Located In The N1/2 NW1/4 And Gov't. Lots 2, 3, And 4
Section 17-T117N-R53W Of The 5th P.M.
Codington County, South Dakota



Scale 1"=120'

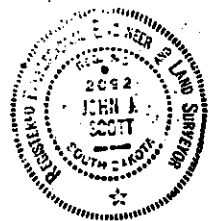
LEDGEND

- Iron Pin (Set)
- Iron Pipe (Rec.)
- Utility Easement

Surveyed & Platted By

John J. Scott

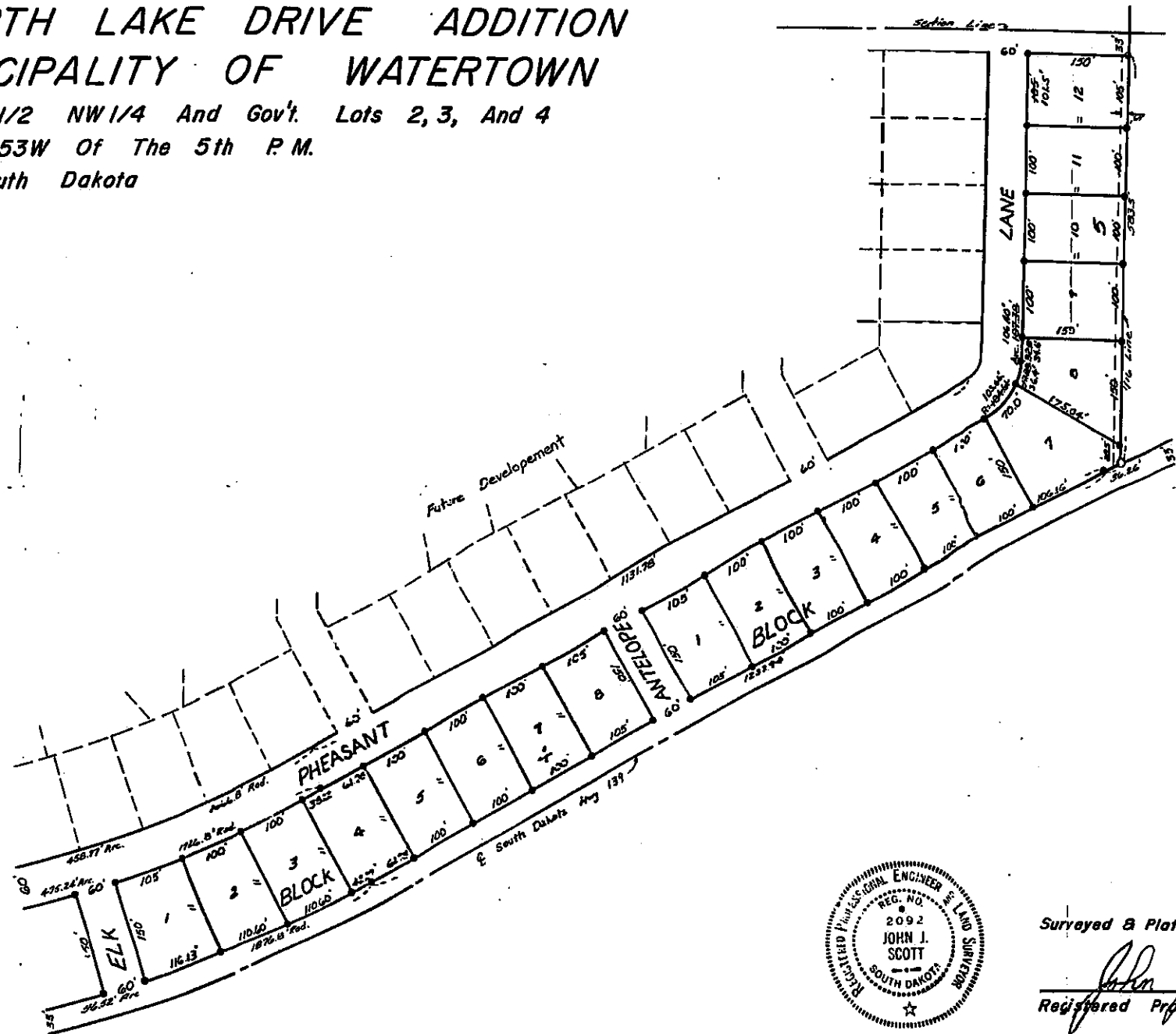
Registered Professional Engineer & Land Surveyor



STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON, SS.
I, John J. Scott, P.E. & L.S., do hereby certify that the above is a true and correct copy of the original plat as recorded in my office on 10/10/19 A.D. 1919.
Sheet 1 of 2

PLAT OF NORTH LAKE DRIVE ADDITION TO THE MUNICIPALITY OF WATERTOWN

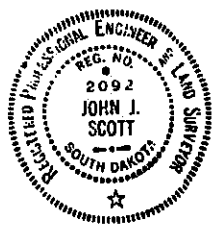
Located In The N1/2 NW1/4 And Gov't. Lots 2, 3, And 4
Section 17-T117N-R53W Of The 5th P.M.
Codington County, South Dakota



Scale 1"=120'

LEGEND

- Iron Pin (Set)
- Iron Pipe (Rec)
- Utility Easement



Surveyed & Platted By

John J. Scott
Registered Professional Engineer & Land Surveyor

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON-SS.
I, *John J. Scott*, a duly Licensed Professional Engineer & Land Surveyor,
do hereby certify that the foregoing is a true and correct copy of the original
plat of the above described property as the same appears in my files.
93

STATE OF SOUTH DAKOTA)
COUNTY OF CODINGTON) SS

John J. Scott, being first duly sworn, deposes and says that he is a duly registered professional engineer and land surveyor of the State of South Dakota residing in Watertown, Codington County, South Dakota.

Affiant's attention has been directed to the plat of
NORTH LAKE DRIVE ADDITION TO THE MUNICIPALITY OF WATERTOWN

which plat and related documents were recorded in the office of the Register of Deeds of Codington County, South Dakota on the 14th day of January, 1981 at 10:45 o'clock a.m. in Book LP of Plats on pages 86 to 93.

Affiant has determined that in drafting Block 5 of said plat, three clerical errors and omissions were made, as follows:

- 1) The monument at the intersection of the sixteenth (1/16) line and the northerly right-of-way line of S.D. Highway 139 and marking the corner of Lot 7 of Block 5 should have been indicated as an iron pipe (recovered) instead of an iron pin (set) as shown.
- 2) The property line between Lots 7 and 8 of Block 5 should have had a dimension of 175.04 feet shown.
- 3) The dimension for the westerly side of Lot 12 of Block 5 shown as 105 feet should have been shown as 101.5 feet.

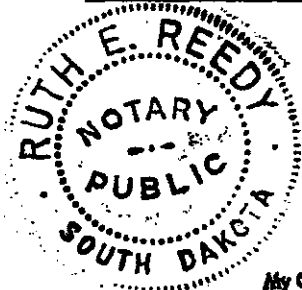
Affiant has also determined that in calculating the data and dimensions for Block 5 of said plat he made some computation errors, as follows:

- 1) The property line curve data for Pheasant Lane adjacent to Lots 7 and 8 of Block 5 shown as R = 104.61 feet and Arc = 107.38 feet should have been R = 103.66 feet and Arc = 106.40 feet.
- 2) The dimensions for the westerly side of Lot 8 of Block 5 shown as 37.38 arc feet and 32.8 feet should have been 36.4 arc feet and 34.6 feet respectively.

Affiant has verified that the actual measurements between the iron pins (set) are as above stated. If the omissions and erroneous dimensions and data are corrected as indicated above, the said plat will be true and correct and in conformity with the iron pins and pipes shown thereon.

John J. Scott

Subscribed and sworn to before me this 15th day of April, 19 81.



Ruth E. Reedy

Notary Public, South Dakota

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON, SS.
FILED THIS 22 DAY OF April, 19 81 AT 11:00 O'CLOCK A.M. BOOK 944
PAGE 909 REGISTER OF DEEDS DEPUTY

Pheasant Lane Improvement Area



Sanitary Sewer Main









**Report and Recommendation of the City Plan Commission to
Change Zoning District Boundaries**

To the City Council of the City of Watertown, Codington County, South Dakota:

The undersigned hereby certifies that the following is a true, correct and complete copy of a Resolution introduced, fully discussed, and approved and adopted during the duly called meeting of the City Plan Commission held on the 9th day of November, 2023.

**RESOLUTION NO. 2023-34
AMENDING RESOLUTION NO. Y-2394**

**A RESOLUTION ALLOWING DIRECT ACCESS FOR LOTS IN BLOCK 1 THROUGH
5 OF NORTH LAKE DRIVE ADDITION TO NORTH LAKE DRIVE**

WHEREAS, The property of North Lake Drive Addition was annexed into the Municipality of Watertown, South Dakota on November 3, 1980 by Resolution No. Y-2394.

WHEREAS, Resolution No. Y-2394 declared that the lots in Blocks 1 through 5 of North Lake Drive Addition were restricted access to North Lake Drive and were to be provided access through Pheasant Lane that was a platted right-of-way on the Plat of North Lake Drive Addition.

WHEREAS, Pheasant Lane was not improved to city standards and remains unimproved, not providing adequate access to the platted lots in Blocks 1 through 5 of North Lake Drive Addition.

BE IT FURTHER RESOLVED that the lots in Blocks 1 through 5 of North Lake Drive Addition shall be allowed direct access to North Lake Drive so long as the driveways meet the City Engineering Design Standards and allow for turnarounds to avoid backing out of driveways onto North Lake Drive.

BE IT FURTHER RESOLVED sanitary sewer main is not extended within the right-of-way of North Lake Drive adjacent to Lots 9-10, Block 2 and Lots 1-10, Block 3 of North Lake Drive Addition which would need to be installed prior to building permit issuance for those specific lots.

NOW, THEREFORE, BE IT RESOLVED by the City Council, City of Watertown, Codington County, South Dakota, Resolution No. Y-2394 is hereby amended that the lots in Blocks 1 through 5 of the Plat of North Lake Drive Addition to the Municipality of Watertown are hereby approved to have direct access to North Lake Drive, so long as the above said requirements are met.

I hereby certify that the above Resolution No. 2023-34 was duly adopted by the City Plan Commission of the City of Watertown.

Dated this 9th day of November, 2023

City Plan Commission