City Council

Agenda Item

Subject: Approval on Resolution No. 23-40, 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: City Council - Nov 20 2023

From: Heath VonEye, Public Works Director

BACKGROUND INFORMATION:
Staff is recommending approval of this resolution amendment, based in-part on the following 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.

The Plan Commission did not recommend approval at the November 9th, 2023 meeting by a vote of (5-0) largely due to safety concerns with driveways crossing the recreational trail.

In 1980, the SD DOT was the jurisdictional authority over what was then SD Highway 139. It is presumed by staff that the DOT was not in favor of these lots accessing the state highway at that time. Since then, the City has taken over the jurisdictional authority. The City has adopted Engineering Design Standards and have regulations to address sight triangles and roadway access control. Given this information, along with the lower 35mph speed zone in this area, similar access scenarios in other areas around Lake Kampeska, and the problematic situation that the development process in 1981 has left the property owners in, staff is recommending approval of this resolution amendment.

SUGGESTED MOTION:

I move to approve Resolution No. 23-40, 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

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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 23-40

79

03437

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 SDCL 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 through5. 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:

Lauretta Hoff,
Finance Officer

Herb B. Jenson,
Mayor

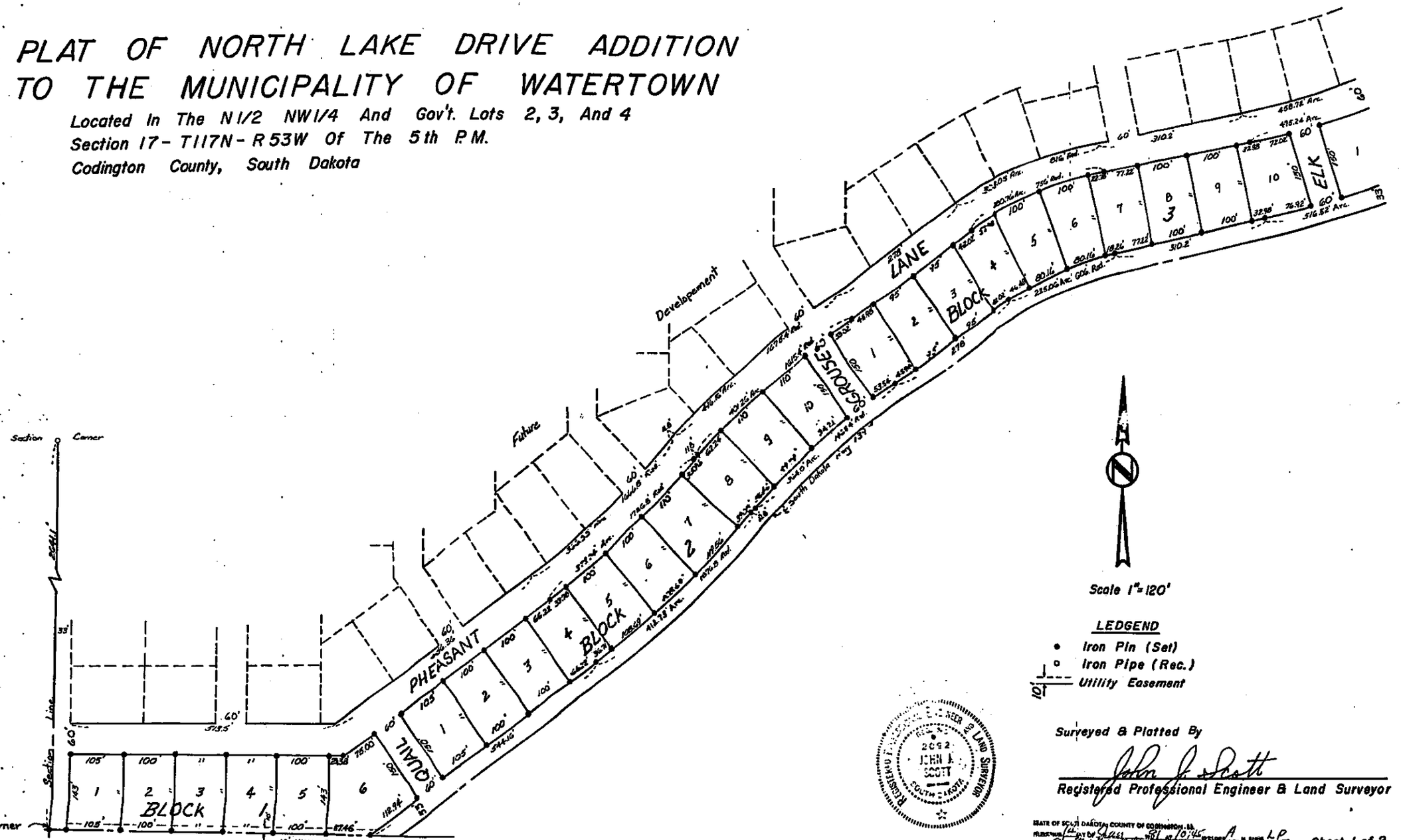
(SEAL)

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.

Lauretta 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



Surveyed & Platted By

John J. Scott

Registered Professional Engineer & Land Surveyor

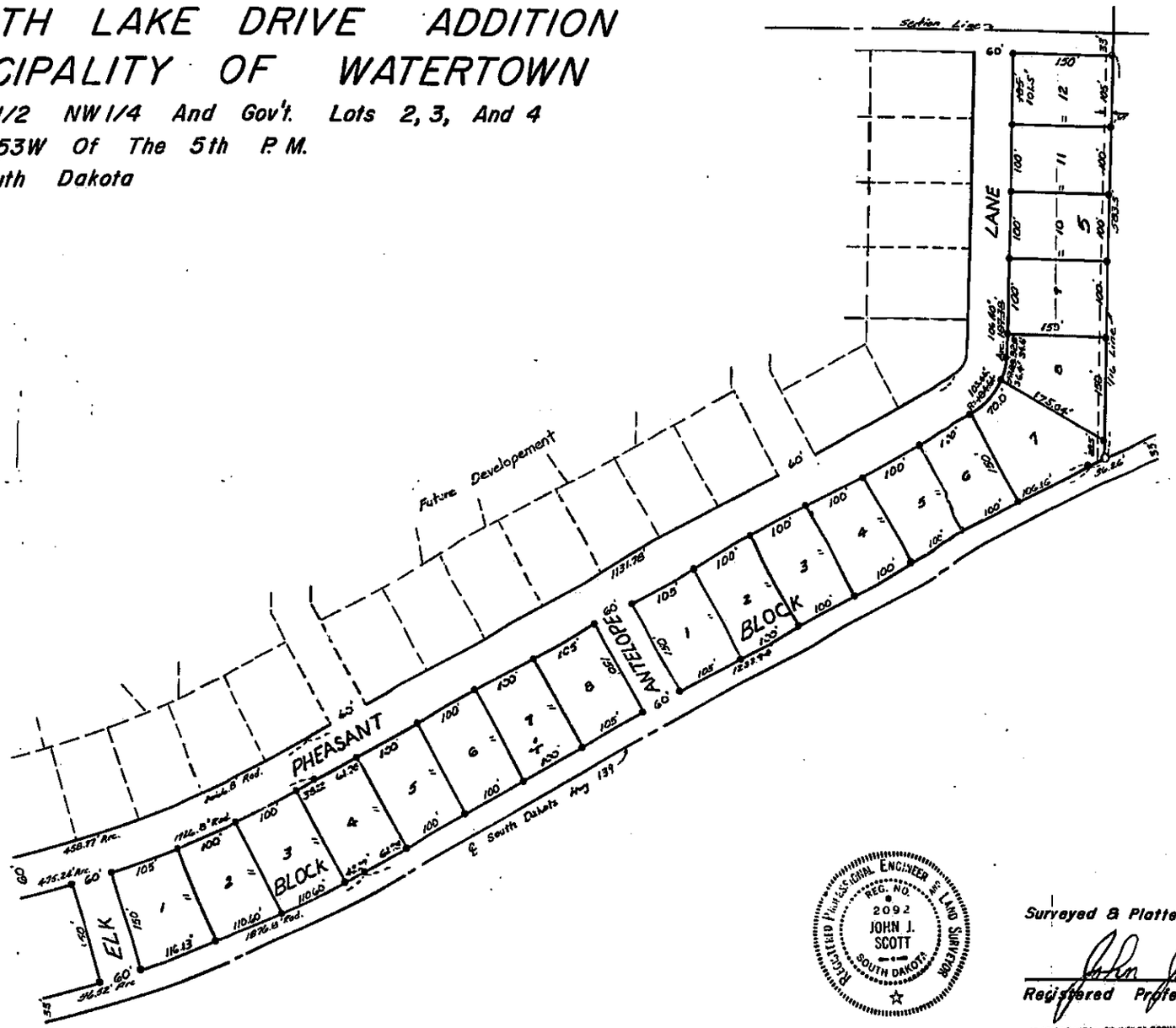
STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON, SS.
Filed for record this 22nd day of July, 1981 at 10:45 o'clock A. M. and recorded in Book 51 of Plats on page 43.
Register of Deeds

Sheet 1 of 2

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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



REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR
REG. NO. 2092
JOHN J. SCOTT
SOUTH DAKOTA

Surveyed & Platted By

John J. Scott

Registered Professional Engineer & Land Surveyor

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON-SS.
Filed for record this 14 day of Jan A.D. 19 93 at 8:45 o'clock A M. and recorded in Plat Book 86 Page 93
Margaret Kitzman Register of Deeds By Deputy

Sheet 2 of 2

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF CODINGTON)

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

Ruth E. Reedy
Notary Public, South Dakota

My Commission Expires June 28, 1987

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

Pheasant Lane Improvement Area



Sanitary Sewer Main









Prepared by:
Community Development Division
City of Watertown
23 Second Street NE
P.O. Box 910
Watertown, SD 57201
(605) 882-6201

RESOLUTION NO. 23-40
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.

Dated at Watertown, South Dakota this 20th day of November, 2023.

The above and foregoing Resolution was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon roll call all voted aye whereupon the Mayor declared the resolution to be duly passed and adopted.

I hereby certify that Resolution No. 23-40 was published in the Watertown Public Opinion, the official newspaper of said City, on ___, _____, 2023.

Kristen Bobzien, Finance Officer
City of Watertown

Attest:

_____
Kristen Bobzien
Finance Officer

_____
Ried Holien
Mayor