

# City Council

## Agenda Item

**Subject:** Approval of the Development Agreement Amendments for Endres 3rd, Harmony Hill 3rd, Isabella 1st, KAK's 4th, Kampeska Dunes 4th, Prairie's Edge Estates, River Ridge Estates 7th, The Lakes of Willow Creek 1st, Valley View 2nd and Valley View 3rd to Extend the Completion date for One Year

**Meeting:** City Council - Mar 03 2025

**From:** Kristen Bobzien, Interim City Manager/Chief Financial Officer

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### BACKGROUND INFORMATION:

Ten expired Development Agreements have yet to receive a certificate of completion. The expired agreements are Endres 3rd, Harmony Hill 3rd, Isabella 1st, KAK's 4th, Kampeska Dunes 4th, Prairie's Edge Estates, River Ridge Estates 7th, The Lakes of Willow Creek 1st, Valley View 2nd, and Valley View 3rd. The amount of delinquency ranges from less than one year to more than six years with an average of just under two years. See below for the primary issues preventing Certificate of Completion in each development. Note this list is a summary with the complete punchlists found on OpenGov.

- Endres 3rd (Robert Endres) has storm sewer and sanitary sewer that were rejected that need to be fixed, televised and accepted. Sidewalk and ADA pedestrian ramps also need to be installed.
- Harmony Hill 3rd (Benedictine Sisters of Mother of God Monastery) pond inlets require riprap and storm sewer inlets require grouting. The lift station also needs to be completed.
- Isabella 1st (Steven Horning) was delayed due to a traffic study which requires a turning lane on 33rd Street where it meets Highway 212. A short stretch of sanitary sewer also needs to be installed under Highway 212.
- KAK's 4th (KAK's Lakeside Addition, Inc.) has ADA pedestrian ramps that require fixing and a culvert that requires riprap installation.
- Kampeska Dunes 4th (J&J Land Sales LLC) has storm sewer that was rejected that needs to be fixed, televised and accepted. Sidewalk adjacent to the drainage pond and the final lift of asphalt also need to be installed.
- Prairie's Edge Estates (PATGAR LLC) has final grading to be completed and ADA ramps and a valley gutter need to be installed.
- River Ridge Estates 7th (High Plains Development Corporation, Inc.) has underlying compaction issues causing settling on 7th Street NW that need to be fixed.
- The Lakes of Willow Creek 1st (J&J Land Sales LLC) has a short stretch of 28th Street near Peterbilt that needs to be finished. The lift station needs to be completed and a private drive as well as sidewalk and ADA pedestrian ramps also need to be installed.
- Valley View 2nd (J&J Land Sales LLC) needs ADA pedestrian ramps and valley gutters installed. The final lift of asphalt is also not finished on portions of 18th Street and 5th Avenue.
- Valley View 3rd (J&J Land Sales LLC) needs ADA pedestrian ramps and valley gutters installed. The final lift of asphalt is less than half complete.

With approval, the completion date of the development agreements would be extended to March 3, 2026, for each of these developments to allow time for the Developer to complete the remaining public infrastructure improvements.

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**FINANCIAL CONSIDERATIONS:**

N/A

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**OVERSIGHT / PROJECT RESPONSIBILITY:**

Justin Petersen, City Engineer

Lucas Ammann, Engineer II

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**STAFF RECOMMENDATION / SUGGESTED MOTION:**

Staff recommends approval of the Development Agreement Amendments for time extension through the following motion:

I move to approve the Development Agreement Amendments for Endres 3rd, Harmony Hill 3rd, Isabella 1st, KAK's 4th, Kampeska Dunes 4th, Prairie's Edge Estates, River Ridge Estates 7th, The Lakes of Willow Creek 1st, Valley View 2nd and Valley View 3rd to extend the completion date for one year.

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**ATTACHMENT(S):**

[Expired Development Agreements Extension Amendment](#)

Document prepared by:  
City of Watertown  
Community Development Division  
23 2nd Street NE  
Watertown, SD 57201  
(605) 882-6202

### **DEVELOPMENT AGREEMENT EXPIRATION DATE AMENDMENT**

THIS AMENDMENT TO THE DEVELOPMENT AGREEMENT, hereinafter "Agreement," is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2025, by and between \_\_\_\_\_, owner, hereinafter "Developer," and the City of Watertown, a municipal corporation of the State of South Dakota, hereinafter "City," and is subject to the following terms and conditions:

1. WHEREAS, the Developer and the City entered into the Agreement dated the \_\_\_\_ day of \_\_\_\_\_ 20\_\_ for the tract of land known after platting as:  
\_\_\_\_\_.
2. NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Developer and the City agree to amend the Agreement as follows:
  - a. The period of performance as stated in Section C-1 of the Agreement is hereby extended such that the new expiration date of the agreement shall be one (1) year after the date this instrument is recorded with the Codington County Register of Deeds.
  - b. Except as specifically amended herein, all other terms and conditions of the Agreement shall remain in full force and effect.
  - c. This Amendment shall be deemed an integral part of the Agreement and shall supersede and modify the relevant provisions of the agreement to the extent necessary to give effect to this Amendment.
  - d. This Amendment may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same instrument.

**DEVELOPER:**

\_\_\_\_\_  
Owner/Acting Agent:\_\_\_\_\_  
Developing Company:\_\_\_\_\_  
Street Address:\_\_\_\_\_  
City, State ZIP:\_\_\_\_\_  
Phone:\_\_\_\_\_

**CITY OF WATERTOWN:**

\_\_\_\_\_  
*Kristen Bobzien*, Interim City Manager  
City of Watertown  
PO Box 910  
Watertown, SD 57201  
Phone: (605) 882-6200

ATTEST:

\_\_\_\_\_

State of South Dakota   )  
  )SS:  
County of Codington    )

(SEAL)

On this the \_\_\_\_ day of \_\_\_\_\_ 2025, before me, the undersigned officer, personally appeared \_\_\_\_\_ of \_\_\_\_\_, known to me or satisfactorily proven to be the person whose name is subscribed to within this instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Public  
My commission expires:

State of South Dakota   )  
  )SS:  
County of Codington    )

On this the \_\_\_\_ day of \_\_\_\_\_ 2025, before me, the undersigned officer, personally appeared *Kristen Bobzien*, who acknowledged herself to be the City Manager and Chief Financial Officer of the City of Watertown, a municipal corporation, and that they as such City Manager and Finance Officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the City by themselves as City Manager and Finance Officer.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Public  
My commission expires: