

RESOLUTION NO. _____ – 2024

A RESOLUTION DETERMINING WRITTEN PROTESTS TO
THE 2024 WATERMAIN AND LEAD SERVICE LINE
REPLACEMENT PROJECT SPECIAL IMPROVEMENT
DISTRICT NO. 202402-1

WHEREAS, on the 5th day of December, 2023, the Board of City Commissioners of the City of Dickinson adopted Resolution No. 35-2023, creating the 2024 Watermain and Lead Service Line Replacement Project Special Improvement District No. 202402-1; and

WHEREAS, by Resolution No. 35-2023, the Board of City Commissioners has declared that it is necessary to make the improvements described therein, specifically the potable water, sanitary sewer, storm sewer, roadway, and street lighting improvements described in the engineer's report and the detailed plans and specifications therefore, as produced by the City's engineering consultant; and

WHEREAS, the resolution of necessity has been published once each week for two successive weeks, as required by law, such dates of publication being between December 13, 2023, and January 19, 2024; and

WHEREAS, the City has received written protests to the resolution of necessity, filed with the City Administrator, by the owners of property within the special assessment district; and

WHEREAS, the Board of City Commissioners has met to hear and determine the sufficiency of the written protests filed;

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Dickinson, North Dakota, as follows:

1. The Board of City Commissioners created the 2024 Watermain and Lead Service Line Replacement Project Special Improvement District No. 202402-1. Such special assessment improvement district shall include the following:

LOTS 1-6, BLOCK 18, YOUNG'S 5th ADDITION
LOTS 1-6, BLOCK 17, YOUNG'S 5th ADDITION
LOTS 1-6, BLOCK 37, YOUNG'S 7th ADDITION
LOTS 1-6, BLOCK 38, YOUNG'S 7th ADDITION
LOTS 1-12, BLOCK 10, YOUNG'S 2nd ADDITION (except W71' of Lot 6)
LOTS 1-12, BLOCK 9, YOUNG'S 2nd ADDITION
LOTS 1-12, BLOCK 8, YOUNG'S 2nd ADDITION
LOTS 1-12, BLOCK 7, YOUNG'S 2nd ADDITION
LOTS 6, BLOCK 6, YOUNG'S 2nd ADDITION
LOTS 1-12 & 17-24, BLOCK 5, YOUNG'S 1st ADDITION
LOTS 1-12, BLOCK 4, YOUNG'S 1st ADDITION
LOTS 7-12, BLOCK 3, YOUNG'S 1st ADDITION
LOTS 7-12, BLOCK 2, YOUNG'S 1st ADDITION
LOTS 7, BLOCK 1, YOUNG'S 1st ADDITION
LOTS 16-24, BLOCK G, DAKOTA LAND & COLONIZATION
LOTS 7-12, BLOCK H, DAKOTA LAND & COLONIZATION

2. Pursuant to NDCC 40-22-10, the Board of City Commissioners directed its municipal engineering consultant to prepare a report as to the general nature, purpose, and feasibility of the proposed improvement and an estimate of the probable cost of the improvement, including: (1) a separate statement of the estimated cost of the work for which proposals must be advertised under NDCC Section 40-22-19; and (2) a separate statement of all other items of estimated cost not included under subsection (1) which are anticipated to be included in the cost of the improvement under NDCC Sections 40-23-05 and 40-23.1-04. Such engineer's report was received by the City and was approved.

3. The Board of City Commissioners declared that it was necessary to make the improvements described in the engineer's report.

4. The protest period for the 2024 Watermain and Lead Service Line Replacement Project Special Improvement District No. 202402-1 ended on Friday, January 19, 2024.

5. The City received 1 protest of 109 total properties within the district for a total of 0.9% protests of the total number of properties.

6. Pursuant to N.D.C.C. § 40-22-18 protests need to be received from a majority of the area of the property included within the improvement district. The protests received in this improvement district did not meet the statutory requirement to bar the City from proceeding with the special improvement project.

7. Pursuant to N.D.C.C. § 40-22-19, the Board of City Commissioners hereby directs the advertisement of bids for the 2024 Watermain and Lead Service Line Replacement Project.

Dated this ____ day of January, 2024.

Scott Decker, President
Board of City Commissioners

ATTEST:

Dustin Dassinger
Dickinson City Administrator