

RESOLUTION 20-07

“RESOLUTION GRANTING CONTINUING EASEMENT TO THE WEB WATER DEVELOPMENT ASSOCIATION INC”

Resolution 20-07, granting WEB Water Development Association, Inc., a county-wide authorization for the purpose of the continued placement, repair, and maintenance of pipeline and related appurtenances and the construction and maintenance of new pipeline and related appurtenances for the McPherson county portion of the WEB Water Development Association water system.

WEB Water Development Association, Inc., applied to the McPherson County Board of County Commissioners for authorization to construct, repair, and maintain its water system on, over, across, or under public highways and rights-of-way for the purpose of providing rural water service in McPherson County, South Dakota. Notice was duly given by mail of the application of WEB Water Development Association, Inc. to all persons, firms or corporations owning or operating electric, telephone, or telegraph lines within McPherson County, South Dakota, in compliance with SDCL 31-26-13. All comments received were considered by the McPherson County Commissioners. This Resolution was adopted according to SDCL Ch. 31-26 and in particular SDCL 31-26-24 and 31-26-25 by the McPherson County Board of County Commissioners at a regular meeting which was held in the Commissioner's room in the Courthouse in the city of Leola, McPherson County, South Dakota, on June 4th, 2020. All Commissioners were present. After discussion, the following resolution was numbered and upon motion duly made, seconded, and carried was unanimously adopted:

BE IT RESOLVED that the WEB Water Development Association, Inc., a South Dakota nonprofit corporation, will be allowed and permitted to run an underground pipeline for transmitting water or all purposes for which said corporation was formed along any and all public rights-of-way, including pipelines, appurtenances, all rights-of-way between all sections in McPherson County, South Dakota, so long as said transmission and distribution pipe is buried so as not to interfere with the building of any roads or causing any liability to the County.

BE IT FURTHER RESOLVED that the WEB Water Development Association, Inc. will bear the expense the water system components, if required by McPherson County.

BE IT FURTHER RESOLVED that when the pipeline is installed in the public right-of-way, such right-of-way must be restored to as near its original condition as is practical with normal construction methods.

BE IT FURTHER RESOLVED that the installation of such pipeline and appurtenances in the public right of-way will conform to plans and specifications to be submitted to the County, prior to construction, for review and comment, and must include the following conditions:

1. Notice Prior to Starting-Work: Before starting construction work, the County Road Superintendent or other designated employee of the County will be notified at least 48 hours in advance of the time work is to begin.
2. Minimum Interference with Traffic: All work will be planned and carried out so as to minimize inconvenience to the traveling public.
3. Storage of Material: No material may be stored within eight feet from the edge of pavement or traveled way or within the shoulder line unless otherwise approved by the County Superintendent.
4. Clean Up Right-of-Way: Upon completion of work, litter will be removed and the right-of-way and it will be left in as presentable a condition as before work started.
5. Care of Drainage: If the contemplated work interferes with established drainage, provisions will be incorporated in the project during construction to maintain normal drainage.

6. Location Plans: Upon completion of the work a copy of the record drawings will be furnished to the County for their records and use.
7. Maintenance: The pipelines and appurtenances placed in the County right-of-way will be maintained and reasonable care exercised in inspecting and repairing any portion of the right-of way which occurs as a result of the operation and maintenance of the pipelines and appurtenances.
8. Paved and FAS (Future Paves) Roadways: Pipelines installed perpendicular to asphalt or concrete paved roadways will be installed by boring or jacking methods or by an open cut. Pipelines installed longitudinally in a right-of-way will be by an open cut. Minimum of one-half of paved surfacing will be left clear and open to traffic at all times. All lanes will remain clear and open during the hours of darkness.
9. Graveled and Other Roadways: Pipelines installed transversely or longitudinally in a graveled or other road right-of-way will be by an open cut method. Roadways maybe closed during construction for crossing provided a detour signing is maintained. All lanes will remain clear and open during the hours of darkness.
10. Depth of Pipelines: Pipelines will be placed to a depth of cover consistent with design standards for water pipelines for the area. Where additional pipeline cover is necessary to accommodate future roadways, vertical and horizontal roadway designed clearances, the County will so advise WEB Water at the time of County review of the need for change in pipeline cover.

Adopted this 4th Day of June, 2020.

ATTEST:

Lindley Howard
McPherson County Auditor

Jeff Neuharth
Chairman of the Board of Commissioners

Beilke moved for the adoption of Resolution Number 20-07, Metzger seconded the foregoing motion. All voted in favor. Motion carried and Resolution Number 20-07 was declared duly adopted.