

AN ACT

ENTITLED, An Act to revise certain municipal special assessment provisions and to provide for exclusion of territory from municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 9-43-86 be amended to read:

9-43-86. Twenty days after publication of the adopted resolution of necessity, unless the referendum is invoked or unless a written protest is filed with the finance officer signed by the owners of more than fifty-five percent of the frontage of the property to be assessed, the governing body may cause the local improvement to be made, may contract for the improvement, and may levy and collect special assessments as provided in this chapter. Upon a two-thirds vote of the governing body, a protest petition may be denied and the governing body may cause the local improvement to be made.

Section 2. That § 9-43-87 be amended to read:

9-43-87. At any time after the contract is signed, for any local improvement for which special assessments are to be levied, the governing body may make and file in the office of the finance officer an assessment roll showing:

- (1) The name of the owner of each lot to be assessed as shown by the assessment roll of the county director of equalization;
- (2) The legal description of each parcel of land to be assessed. The division by deeds of platted lots shall be recognized. The legal description of lands included in the assessment roll shall be taken as of the date of the adoption of the resolution of necessity; and
- (3) The amount assessed against each lot.

Section 3. That § 9-48-15 be amended to read:

9-48-15. If either a main, trunk, or service sewer has been constructed and the cost has not been

apportioned against property that may benefit as provided by this chapter or chapter 9-43, the governing body may require the owner of the property to pay the owner's proportionate share of the cost of the construction, without interest, according to the benefits to accrue to the property before the property may be platted, replatted, or served by the facilities, as determined by the governing body. The governing body shall investigate and determine the amount to be paid. The amount shall be apportioned by the governing body among the persons, including the municipality, paying the appropriate cost.

Section 4. That § 9-4-6 be amended to read:

9-4-6. Upon a two-thirds vote of the governing body, or on petition in writing signed by not less than three-fourths of the legal voters and by the owners of not less than three-fourths in value of the property in any territory within any municipality being upon the border thereof, the governing body may by resolution exclude the territory from the municipality. However, if all the land sought to be excluded is more than one-half mile from any platted portion of the municipality, the petition must be signed by the owner only.

Section 5. That chapter 9-47 be amended by adding a NEW SECTION to read:

If a main, trunk, or service water line has been constructed and the cost has not been apportioned against property that may benefit as provided in this chapter or chapter 9-43, the governing body may require the owner of the property to pay the owner's proportionate share of the cost of construction, without interest, according to the benefits to accrue to the property, before the property may be platted, replatted, or served by the facilities, as determined by the governing body. The governing body shall investigate and determine the amount to be paid. The amount shall be apportioned by the governing body among the persons, including the municipality, paying the appropriate cost.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1108

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1108
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State