

City Council Agenda Memo

From: Jackie Lanning, City Engineer

Council Meeting: May 25, 2021

Subject: Resolution 21-041, Jurisdictional Change for a portion of 214th Street (20th Street South)

Person(s) Responsible: Jackie Lanning, City Engineer

Summary:

This resolution will authorize the Jurisdictional Change for 214th Street (20th Street South) located from approximately one thousand two hundred feet (1,200 feet) west of Interstate 29 to two hundred fifty feet (250 feet) east of 34th Avenue from Aurora Township and Trenton Township to the City of Brookings. The jurisdictional transfer will allow the City of Brookings to purchase right-of-way and construct the 20th Street South Project with the Better Utilizing Investments to Leverage Development (BUILD) Grant.

Background:

The City of Brookings was awarded a federal “Better Utilizing Investments to Leverage Development” (BUILD) Grant to construct 20th Street South between 22nd Avenue South and 34th Avenue South along with an interchange at I-29 & 20th Street South. The BUILD Grant was awarded through the U.S. Department of Transportation for a total project cost anticipated at \$23,347,037. The grant will fund 80% of the project and approximately \$4,669,407 or 20% of the funding is local. This local match is met with City partners including \$2 million from Brookings County, \$669,407 from Private Donors and \$2 million of City funding to make the project possible.

To meet the timelines described in the grant, the South Dakota Department of Transportation agreed to take the administrative lead while the City is identified as the project manager. This grants the state greater oversight as they have extensive knowledge and experience with federal grants, timelines, funding and large scale projects.

Item Details:

The project design has been finalized and the consultants are negotiating with the adjacent land owners for right-of-way and easements. A portion of the existing right-of-way along 214th Street, otherwise known as 20th Street South, from approximately one thousand two hundred feet (1,200 feet) west of Interstate 29 to two hundred fifty feet (250 feet) east of 34th Avenue, is outside of the City limits. This portion of 214th Street (20th Street South) is under the jurisdictional control of Aurora Township and Trenton Townships. (See attached map)

The board members of Aurora Township and Trenton Township held a joint meeting on May 17, 2021, to discuss the jurisdictional transfer from their township control to the City of Brookings. SDCL §31-17-7 sets forth the procedure for the assignment of responsibility for boundary line highways between organized townships and SDCL §9-45-1 authorizes a municipality to construct, maintain and repair roads within its jurisdiction. The board members unanimously approved resolutions for the Jurisdictional change (attached).

The purpose of this resolution is to accept the jurisdictional control by the City of Brookings for portions of 214th Street (20th Street South) to allow the City to plan, finance and construct the street improvements necessary for the BUILD Grant Project. At a later date, the jurisdiction for the portions of 20th Street South outside of City limits will be transferred to Brookings County.

Legal Consideration:

City Attorney Britzman offered guidance related to the statutory requirements for the jurisdictional transfer. SDCL §31-17-7 sets forth the procedure for assignment of responsibility for boundary line highways between organized townships and SDCL §9-45-1 authorizes a municipality to construct, maintain and repair roads within its jurisdiction. SDCL 31-17-07 authorize a majority of supervisors of adjoining townships to mutually agree to alternative procedures for apportioning the responsibilities and costs of constructing, altering or repairing any township boundary line highway, bridge or culvert. In addition, SDCL 31-17-16 allows a municipality to accept assignment of responsibility of a township boundary line highway.

Strategic Plan Consideration:

5) Economic Growth: This project aligns with the strategic plan initiative to complete a transportation component for future growth and development along the 20th Street South corridor.

Financial Consideration:

The local match of \$4,669,407 has been set aside through prior Council action. In addition, the City and County adopted a Memorandum of Understanding for reimbursement.

Options and Recommendation:

The City Council has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Move the item to a study session
5. Do nothing

Staff recommends approval of the resolution as presented.

Supporting Documentation:

Resolution

Aurora Township Resolution

Trenton Township Resolution

Map