

STAFF REPORT

December 18, 2018

PETITION TO REZONE

ITEM # 10

GENERAL INFORMATION

PETITIONER	Michael Paul Helm
REQUEST	Petition to Rezone property
LEGAL DESCRIPTION:	“Levey’s Outlot 4” in the SE1/4 of Section 24-T123N-R65W of the 5th P.M., Brown County, South Dakota
TOWNSHIP	Mercier Twp
LOCATION	13397 382 nd Ave
EXISTING ZONING	Agricultural Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agricultural Preservation District (AG-P)
South:	Agricultural Preservation District (AG-P)
East:	Agricultural Preservation District (AG-P)
West:	Agricultural Preservation District (AG-P)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Rezone from Agriculture Preservation District (AG-P) to Highway Commercial District (H-C) to bring parcel into compliance. Parcel = 6.58± acres.

RECOMMENDATION: Staff recommends approval of this rezone.

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a change of Zoning. A hearing will be held in the Courthouse Annex, Community Meeting Room Brown County, South Dakota on December 18, 2018 at 7:00 P.M. for the purpose of Rezoning from Agricultural Preservation District (AG-P) to Highway Commercial District (HC).

Petitioner/Owner: Michael Paul Helm

Description of property: "Levey's Outlot 4" in the SE1/4 of Section 24-T123N-R65W of the 5th P.M., Brown County, South Dakota (13397 382nd Ave).

Reason: To bring the Zoning into compliance with the proposed use of property.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment. At the conclusion of the hearing, the Brown County Planning/Zoning Commission may forward a recommendation to the Brown County Commission with a future meeting date in the Brown County Commission Chambers that will also be published.

Dated this 28th day of November 2018

Brown County Planning & Zoning Director
Scott Bader
25 Market St., Suite #5
Aberdeen, SD 57401
Office: (605) 626-7144

Published twice at the total approximate cost of _____.

AFFIDAVIT OF PUBLICATION

(No. 582500)
(November 28, Dec 5, 2018 - 2T)

STATE OF SOUTH DAKOTA }

§

COUNTY OF BROWN }

Carla Ranning being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Legal #582500

Notice of Hearing

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each week for 1 successive week.

The first publication being made on the 28th day of Nov, 2018.

The second publication being made on the 5th day of Dec, 2018.

The third publication being made on the _____ day of _____, 2018.

The fourth publication being made on the _____ day of _____, 2018.

The fifth publication being made on the _____ day of _____, 2018.

The sixth publication being made on the _____ day of _____, 2018;

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 54.56, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Carla Ranning

Subscribed and sworn to before me this 5th day of Dec, 2018.

Daily Circulation 10,000

[Signature]

Notary Public, Brown County, SD



My commission expires March 20, 2019

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Published twice at the total approximate cost of \$54.56.



**ADVERTISING
INVOICE**

DATE
12/05/18



Brown County Auditor-Legals
25 Market St

Please check box
if address change &
print new address

Aberdeen SD 57401-4227

ACCOUNT NUMBER	TICKET/ID#	TYPE	SIZE	DESCRIPTION	ACCOUNT REPRESENTATIVE
201262	582500	I	4.597		Jessica Feser

PUBLICATION	PUB DATE	AMOUNT	
Aberdeen American News	11/28/18	\$27.28	
Aberdeen American News	12/05/18	\$27.28	
AB Online	11/28/18	\$0.00	
AB Online	12/05/18	\$0.00	

Net Amout **\$54.56**
Shipping
Pull tax rate %
Amount Due **\$54.56**

Terms of Payment: Net 30



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Brown County Auditor-Legals
ACCOUNT NUMBER: 201262
25 Market St
Aberdeen SD 57401-4227

POACHING FOODS

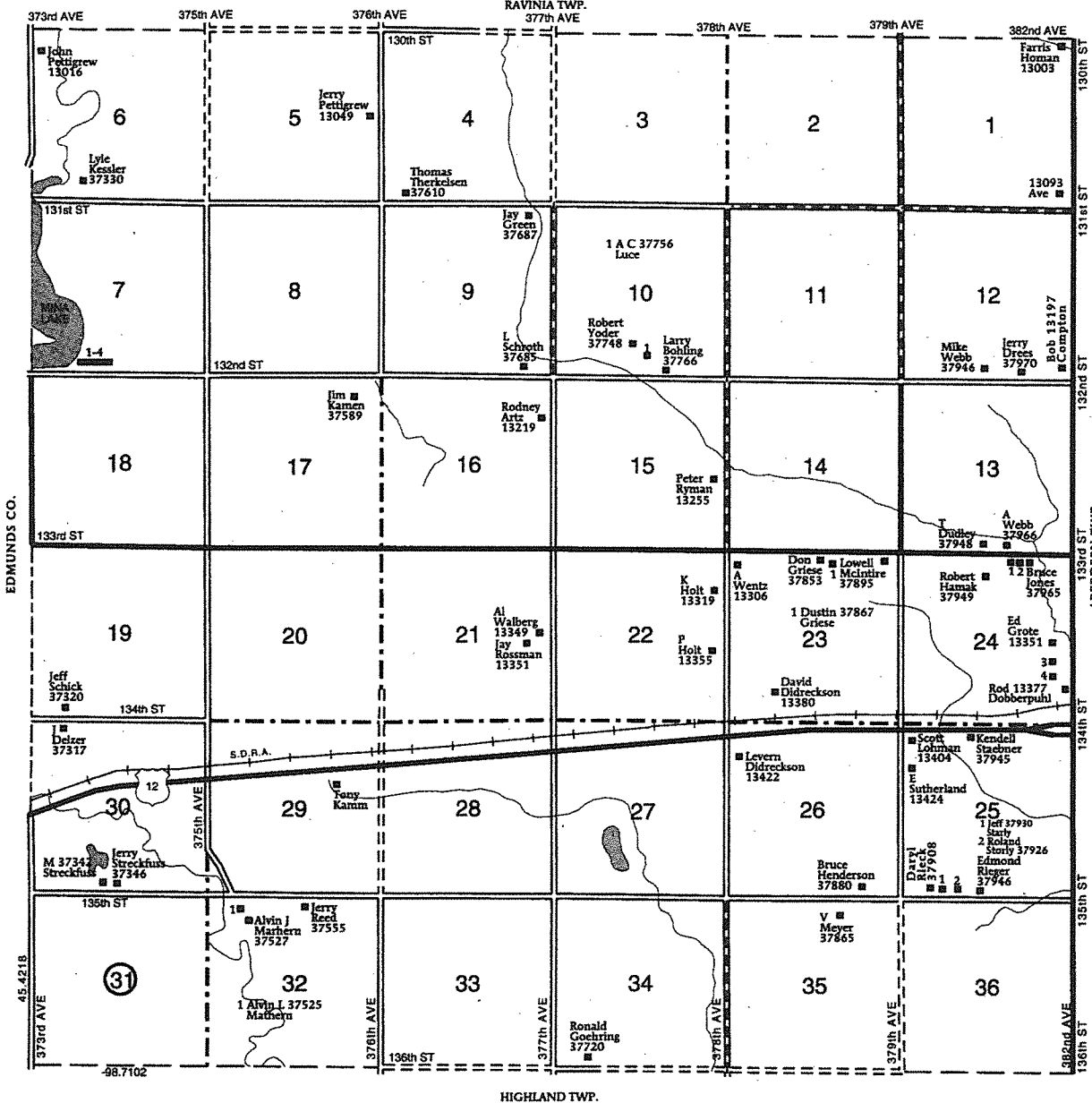
Similar to simmering, poaching is cooking food gently in liquid just below the boiling point. During poaching, the liquid's flavor is picked-up by the ingredient being poached.

T-123-N

MERCIER DIRECTORY

R-65-W

(Residents - Owners or Renters)



HIGHLAND TWP.

MERCIER TOWNSHIP

SECTION 7

- 1 Bauer, Bryan 37302
- 2 Davis, I 37306
- 3 Ernst, Russ 37310
- 4 Benton, Dennis 37320

SECTION 24

- 1 Hehn, Robert 37961
- 2 Huber, Kevin 37963
- 3 Zinter, Daniel 13365
- 4 Hammer, Leiland 13371

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: _____
Receipt: _____
Filing Fee: \$350
(non-refundable)

Brown County Commission Members:

I/We the undersigned, do hereby petition the Brown County Commission of Brown County, South Dakota to rezone property as follows:

Legal Description:

"Levey's Outlot 4" in the SE1/4 of Section 24-T123N-R65W
of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 13397 382nd Ave
From the _____ AG-P; Agricultural Preservation District
To the _____ (H-C)Highway Commercial District

Purpose: Bring property into compliance for future use.

Size of Parcel: Apprx. 6.58 Acres

Existing Land Use: Currently not used (old Railroad unloading station for granite monuments)

Petitioner: (Print) Advantage LLC & Helm Marine Inc.

Signature: 

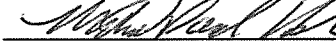
Date: 11/20/2018 Phone: 605-380-8885

Address: 379979 North Shore Dr

Aberdeen, SD 57401

City State Zip

Owner: (Print) Michael Paul Helm

Signature: 

Date: 11/20/2018 Phone: 605-380-8885

Address: 379979 North Shore Dr

Aberdeen, SD 57401

City State Zip

Additional Signatures may be submitted on a separate page.

CT1

INSTRUMENT NO. 201805719
BOOK: 303 DEED
PAGE: 241
TRANSFER FEE: \$ 80.00
PAID
2018/10/24 03:12:11 PM

Pages: 1



Prepared by:
Ronald J. Hall
Hall Law Firm
405 Eighth Avenue NW Suite 327
Aberdeen, SD 57401-2715
(605) 225-1652

ROBERTA NICHOLS, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 30.00
Return To: TITLES OF DAKOTA

WARRANTY DEED

Carmen A. Hoff, now known as Carmen Mihelich, a single person, of Collin County, Texas, Grantor, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, grants, conveys, and warrants to Advantage, LLC, a South Dakota limited liability company, of 379979 North Shore Drive., Aberdeen, SD 57401, Grantee, the following described real estate:

Levey's Outlot 4 in the Southeast Quarter of Section 24, Township 123 North, Range 65 West of the 5th P.M., according to the plat thereof of record, Brown County, South Dakota,

Property Address: 13397 382nd Ave., Aberdeen, SD 57401,

subject to easements, restrictions and reservations of record, if any.

Dated this 16th day of October, 2018.

Carmen A. Hoff, now known as
Carmen Mihelich, Grantor

STATE OF TEXAS)
) SS.
COUNTY OF COLLIN)

On this, the 16th day of October, 2018, before me, the undersigned officer, personally appeared Carmen A. Hoff, now known as Carmen Mihelich, a single person, known to me to be or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

Notary Public, Texas

My Commission Expires: 9/23/2020.

(Notarial Seal)



DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER

2-177E

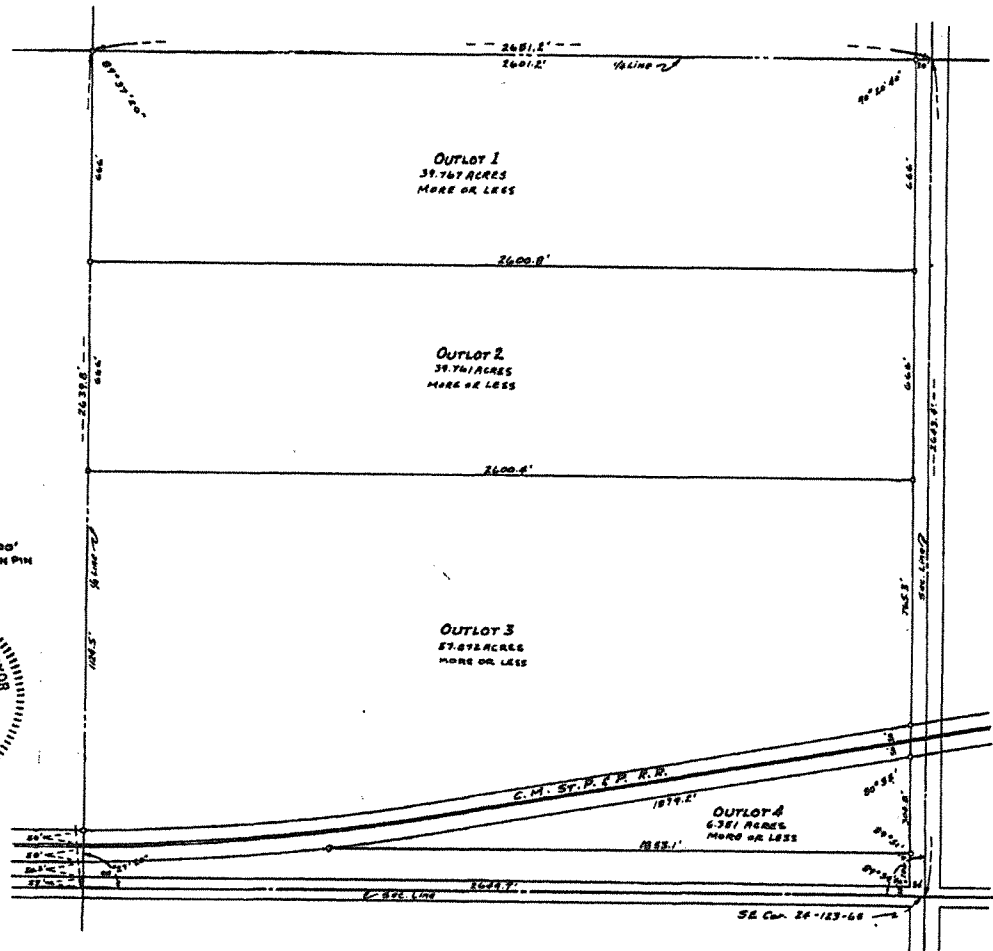
151

CO PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 8552

SAFOD PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 8552

SAFOD PRODUCTS • NEW HOPE, MN
REORDER BY PART NUMBER 8552

PLAT SHOWING
LEVEY'S OUTLOTS 1, 2, 3, & 4 IN THE SE 1/4 OF SEC. 24-123-65
BROWN COUNTY, SOUTH DAKOTA



OWNER'S CERTIFICATE

We, Donald L. Levey and Joyce N. Levey, do hereby certify that we are the owners of the SE 1/4 of Sec. 24, T. 123 N., R. 65 W. of the 5th P.M., in Brown County, South Dakota, except railroad and highway rights-of-way, and that we have caused the same to be surveyed and platted into lots as shown on this plat, which shall hereafter be known and described as "Levey's Outlots 1, 2, 3 & 4 in the SE 1/4 of Sec. 24, T. 123 N., R. 65 W."

Signed this 13th day of April, 1972.

Donald L. Levey
Owner

Joyce N. Levey by Donald L. Levey
Owner
Her attorney in fact

State of South Dakota

County of Brown

On this 13th day of April, 1972; before me, a Notary Public, personally appeared Donald L. Levey and Joyce N. Levey, known to me to be the persons described in and who executed the within instrument, and who acknowledged to me that they executed the same, by Donald L. Levey her attorney-in-fact.

My commission expires: 4/10/75

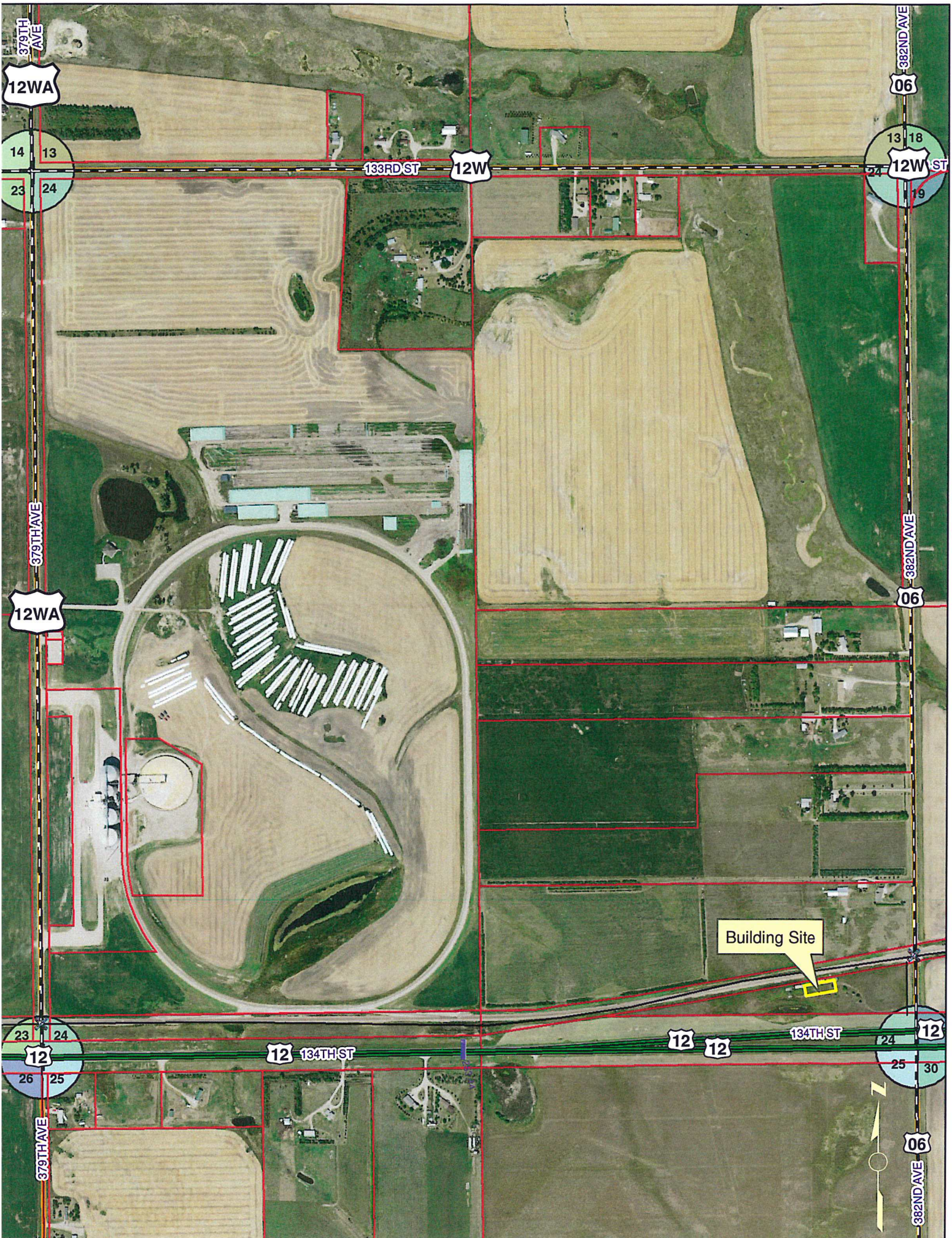
Joseph A. B. Kuehl
Notary Public

SURVEYOR'S CERTIFICATE

I, William D. Stellner, Registered Land Surveyor, do hereby certify that, at the request of the owners, I have surveyed and platted "Levey's Outlots 1, 2, 3 & 4 in the SE 1/4 of Sec. 24, T. 123 N., R. 65 W.," as shown on this plat, that I have set iron pins as shown hereon, and that said survey and plat are true and correct.

Signed this 13th day of April, 1972.

William D. Stellner
Registered Land Surveyor #990



379TH AVE

12WA

14 13
23 24

133RD ST

12W

382ND AVE

06

13 18
17 19

382ND AVE

06

379TH AVE

12WA

23 24
26 25

12 134TH ST

12 12

134TH ST

24 25
30

06

382ND AVE

Building Site





382ND AVE
06

12

134TH ST

12

12

12

382ND AVE
06

