

AGENDA

REGULAR SCHEDULED MEETINGS BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, OCTOBER 18, 2022 – 7:00 PM

BROWN COUNTY COURTHOUSE ANNEX in the BSMNT – WEST COMMUNITY ROOM
(STAIRWAY AND ELEVATOR ACCESS TO BASEMENT)

- I. **Call to Order:** for Brown County Planning/Zoning Commission
 - II. **Roll Call:** David North - Vice Chair, Darwin Bettmann, Dale Kurth, Patrick Keatts, James Meyers, Brown County Commissioner Mike Gage, and Chairman Stan Beckler. Also in attendance for today's meeting are Ron Keller – Planning Specialist and Chris Anderson – Planning Specialist.
 - III. **Minutes:** September 20, 2022 Motion: 1st _____ 2nd _____
 - IV. **Old Business:**
 1. **Sign-up sheet:** On the table by the door entrance, and you can clearly mark YES or NO if you want to speak to the Board on any Agenda Item.
 2. **Permits:** Anyone present that has submitted a Variance Request or Conditional Use Petition to the Zoning Board of Adjustment (BOA) is still required to get their required PERMITS from the Zoning Office before starting their project if their request gets approved. Penalties may be assessed when starting a project without proper permits in place.
 - V. **New Business:** *Brown County Planning/Zoning Commission as Zoning Board of Adjustment (BOA).*
 1. **Conditional Use Petition (CUP)** in a Highway Commercial District (HC) described as Lot 1, "First Replat of Lot 5, East Highway 12 Addition" in the NE1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota (5914 Highway 12 East, Aberdeen, SD 57401, Bath Twp.).
 2. **Variance to Lot Size** in an Agriculture Preservation District (AG-P) described as Proposed Lot 1 & 2, "Bormann First Addition" in the W1/2 of the SW1/4 of Section 30-T128N-R61W of the 5th P.M., Brown County, South Dakota (10498 400th Avenue, Liberty Twp).
 - VI. **Other Business:** *Completed as Zoning Board of Adjustment (BOA) & going to Planning Commission*
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REGULAR SCHEDULED MEETING

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, OCTOBER 18, 2022 – 7:00 PM
BROWN COUNTY COURTHOUSE ANNEX in the BSMNT – WEST COMMUNITY ROOM
(STAIRWAY AND ELEVATOR ACCESS TO BASEMENT)

I. Old Business:

II. New Business: *Brown County Planning/Zoning Commission as Planning Commission.*

10. **Rezone Parcel** from Agriculture Preservation District (AG-P) to Light Industrial District (L-I) for a property described as The S1/2 of Section 19-T123N-R64W lying South of Railroad R.O.W. of the 5th P.M., Brown County, South Dakota (38284 134th Street, Aberdeen Twp).
11. **Rezone Parcel** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for properties described as Proposed Lot 1, “Jangula Subdivision” in the NE1/4 of Section 24-T123N-R65W of the 5th P.M., Brown County, South Dakota (13309 382nd Avenue, Mercier Twp.).
12. **Rezone Parcel** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for property described as Lot 1, “First Subdivision of Bieber’s Outlot 1” in the N1/2 of Section 21-T126N-R64W of the 5th P.M., Brown County, South Dakota (38455 115th Street, Oneota Twp.).
13. **Rezone Parcel** from Residential District (R-1) to Commercial District (C) for a property described as Proposed Lot 1, “Ole Crow Addition” in the NW1/4 of Section 17-T123N-R63W of the 5th P.M., Brown County, South Dakota (2790 8th Avenue NE, Aberdeen Twp.).
14. **Preliminary & Final Plat** for a property described as “Demaray Addition” to the City of Columbia in the NW1/4 of Section 28-T125N-R62W of the 5th P.M., Brown County, South Dakota (120 E Dakota Ave, City of Columbia).
15. **Preliminary & Final Plat** for a property described as “Jangula Subdivision” in the NE1/4 of Section 24-T123N-R65W of the 5th P.M., Brown County, South Dakota (13309 382nd Ave., Mercier Twp.)
16. **Preliminary & Final Plat** for a property described as “Ole Crow Addition” in the NW1/4 of Section 17-T123N-R63W of the 5th P.M., Brown County, South Dakota (2790 8th Avenue NE, Aberdeen Twp.).
17. **Preliminary & Final Plat** for a property described as “Bormann First Addition” in the W1/2 of the SW1/4 of Section 30-T128N-R61W of the 5th P.M., Brown County, South Dakota (10498 400th Avenue, Liberty Twp).
18. **Preliminary & Final Plat** for a property described as “S L A Addition” in the SW1/4 of Section 25-T124N-R64W of the 5th P.M., Brown County, South Dakota (12890 387th Avenue & 38734 129th Street, Lincoln Twp).

III. Other Business:

IV. Motion to Adjourn: 1st _____ 2nd _____

MINUTES

REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY September 20, 2022 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

- I. **Call to Order:** The *Brown County Planning/Zoning Commission* meeting was called to order by Stan Beckler-Chairman.
- II. **Roll Call:** Members of the Brown County Planning/Zoning Commission present for roll call were David North-Vice Chairman, Darwin Bettmann, Dale Kurth, Patrick Keatts, James Meyers, County Commissioner Michael Gage, serving on this Board, Deputy States Attorney Ross Aldentaler and Stan Beckler- Chairman. Planning Technician Ron Keller and Planning Director Scott Bader were present from the Planning/Zoning Department.
- III. **Minutes:** After discussion, Keatts moved and Kurth seconded to approve the August 16, 2022 meeting Minutes from the Brown County Planning/Zoning Commission. All members voted aye; the motion carried.
- IV. **Old Business:**
 1. **Sign-up Sheet:** at door entrance on the table for anyone to speak on an Agenda Item.
 2. **Permits:** Anyone present that has submitted Zoning Board of Adjustment Items such as a Variance Petition or Conditional Use Petition (CUP) is still required to get their required PERMITS from the Zoning Office before starting their project if their request gets approved.
- V. **New Business: Planning/Zoning Commission as Zoning Board of Adjustment (BOA)**
 1. **Conditional Use Petition (CUP)** in a Heavy Industrial District (H-I) described as Lot 1, "South Dakota Wheat Growers Bath-Grebner Terminal Addition" in the S1/2 of Section 14-T123N-R63W of the 5th P.M., Brown County, South Dakota (105 392nd Avenue South, Bath Twp). Submitted by Tracy Hutson. In attendance for this item was Tracy Hutson (Agtegra) and John Andersen (neighbor to north). Following discussion on FoF, North moved, and Gage seconded to **approve the finding of facts** as presented. Also following discussion North moved, and Gage seconded to **approve the conditional use petition (CUP)** to allow a 140' x 450' steel grain bunker as per site plan submitted in a Heavy Industrial District (H-I), all members voting aye, motion carried.
 2. **Conditional Use Petition (CUP)** in a Rural Urban District (R-U) described as "Meints Outlot 1" in the SE1/4 of Section 20-T125N-R62W of the 5th P.M., Brown County, South Dakota (12165 396th Avenue, Columbia City). Submitted by Carl Hanson. In attendance for this item was Curt Mitchell (landowner), Barb Stugelmayer and James Simmons (representing Carl Hanson). Following discussion on FoF, Kurth moved and Meyers seconded to **approve the finding of facts** as presented. Also following discussion of the CUP Kurth moved and Meyers seconded to **approve the conditional use petition (CUP)** with the following stipulations:

- a. develop an RV Park consisting of a maximum of five (5) camper spots
 - b. this CUP shall be for recreational vehicle camping for a maximum of 20 days only
 - c. no long-term camping such as leaving campers year-round for hunters
 - d. no trailer house or mobile home parking on this lot as a campground
 - e. keep this in a neat and orderly site for the City of Columbia and
- as per site plan submitted in a Rural Urban District (R-U), all members voting aye, motion carried.

3. **Conditional Use Petition (CUP)** in an Agriculture Preservation District (AG-P) described as the S1/2 of Section 19-T123N-R64W Lying South of the Railroad R.O.W. of the 5th P.M., Brown County, South Dakota (38284 134th Street, Aberdeen Twp). Submitted by Ochsner Real Estate, LP. Jake Ochsner, Dan Zinter, Pearl Holt, and Rod Dobberpuhl were all in attendance for this item. Following discussion on FoF, North moved, and Keatts seconded to **approve the finding of facts** as presented. Also following discussion North moved, and Keatts seconded to **approve the conditional use petition (CUP)** for the following:
- a. for a side rail track sistering off the main BNSF rail line to temporarily load, unload and store various goods on site for a short term.
 - b. to include various goods temporarily loaded and unloaded from semi-trucks and stored on-site for a short term
 - c. both are with the stipulation that the property be rezoned to Light Industrial District (L-I) to continue the approved use,
- all members voting aye, motion carried.

VI. **Other Business:** None

Completed as Zoning Board of Adjustment (BOA) & going to Planning Commission

MINUTES

REGULAR SCHEDULED MEETING

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, September 20, 2022 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

- I. **Old Business:** Amendment Discussion to Brown County Ordinance Title 4 for Chapters 4.22 through Chapter 4.29 for Administrative Rules and Enforcement are still Tabled until further notice, by the States Attorney Office.
- II. **New Business: Planning Commission**
 - 10. **Rezone Petition** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) and Lake Front Residential District (R-3) for properties described as Lot 1 and Lot 2, "Bindenagel Richmond Lake Subdivision", Lot 1, "Bindenagel Third Richmond Lake Subdivision" and Lot 1A, "BNB Second Richmond Lake Subdivision", all in the NW1/4 of Section 25-T124N-R65W of the 5th P.M., Brown County, South Dakota (37905, 37908, 37911, 37918 Marquette Drive, Ravinia Twp). Submitted by Lyle Biegler, Diane Bindenagel, Travis Bindenagel. Following discussion, Gage moved, North seconded to **recommend approval of**

the rezone petition for Lot 1, "Bindenagel Third Richmond Lake Subdivision" for Lake Front Residential District (R-3); and Lot 1 & 2, "Bindenagel Richmond Lake Subdivision" and Lot 1A, "BNB Second Richmond Lake Subdivision" for Mini Agriculture District (M-AG)] to the Board of County Commissioners, all members voting aye, motion carried.

11. **Rezone Petition** from Residential District (R-I) and Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for a properties described as "Schott Outlot", Lot 1, "Haar Addition", and Proposed Lots 1 thru 4, "Haar's Second Addition" all in the E1/2 of Section 6-T123N-R63W, all of the 5th P.M., Brown County, South Dakota (2801, 2955, 2975, 3051, 3059 and 3135 N Roosevelt Street, Aberdeen Twp). Submitted by Rory Haar, Estate of Roland W. Haar and Walter Schott. Rory Haar was in attendance for this item. Following discussion, Kurth moved and North seconded to **recommend approval of the rezone petition** for "Schott Outlot", Lot 1, "Haar Addition" and Proposed Lots 1 thru 4, "Haar's Second Addition" to the Board of County Commissioners, all members voting aye, motion carried.
12. **Rezone Petition** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for properties described as Proposed Lot 1, "Mahan Addition" in the NW1/4 of Section 5-T123N-R60W of the 5th P.M., Brown County, South Dakota (13026 407th Avenue, Groton Twp). Submitted by Lon Gellhaus for Derrill J. Mahan Family Trust. Following discussion, Gage moved and Meyers seconded the motion to **recommend approval of the rezone petition** for Proposed Lot 1, "Mahan Addition" as listed above, to the Board of Brown County Commissioners, all members voting aye, motion carried.
13. **Preliminary & Final Plat** for a property described as "Haar's Second Addition" in the E1/2 of Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota (2975, 3051, 3059 & 3135 N Roosevelt Street, Aberdeen Twp). Submitted by Rory Haar. In attendance for this item was Rory Haar. Following discussion, North moved, Kurth seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
14. **Preliminary & Final Plat** for a property described as "Rohl Country Addition" in the NW1/4 of Section 35-T124N-R64W of the 5th P.M., Brown County, South Dakota (38635 126th Street, Lincoln Twp). Submitted by Michael Rohl. Following discussion, Meyers moved, North seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
15. **Preliminary & Final Plat** for a property described as "Mahan Addition" in the NW1/4 of Section 5-T123N-R60W of the 5th P.M., Brown County, South Dakota (13026 407th Avenue, Groton Twp). Submitted by Lon Gellhaus for Derrill J. Mahan Family Trust. Following discussion, Gage moved, Bettmann seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
16. **Preliminary & Final Plat** for a property described as "Gauer First Richmond Lake Addition" in the SE1/4 of Section 24-T124N-R65W of the 5th P.M., Brown County, South Dakota (379995 & 379999 N Shore Drive, Lincoln & Ravinia Twp). Submitted by Gary and Carol Gauer. Following discussion, Kurth moved, North seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

III. Other Business: none

There being no further business before the Planning/Zoning Commission, Keatts moved and Kurth seconded to adjourn, and all members voting aye, motion carried.

Submitted by: Planning Technician Ron Keller and Planning Director Scott Bader.

STAFF REPORT

October 18, 2022

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

CONDITIONAL USE PETITION (CUP) IN HC

ITEM # 01

{HIGHWAY COMMERCIAL DISTRICT (HC)}

GENERAL INFORMATION:

PETITIONER: Flashrock Enterprises LLC - Joe Gross

REQUEST: **Conditional Use Petition (CUP)**

LEGAL DESCRIPTION: Lot 1, "First Replat of Lot 5, East Highway 12 Addition" in the NE1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota.

TOWNSHIP: Bath Twp

LOCATION: 5914 Highway 12 East, Aberdeen, SD 57401

EXISTING ZONING: Highway Commercial District (HC)

SURROUNDING ZONING:

North:	Mini-Agriculture District (M-AG)
South:	Highway Commercial District (HC)
East:	Highway Commercial District (HC)
West:	Highway Commercial District (HC)

REPORTED BY: Ron Keller

GENERAL COMMENT: The petitioner is requesting a Conditional Use Petition (CUP) for a new free-standing sign in a Highway Commercial District (HC).

REVIEW: Staff has reviewed this request. Front Yard Setback is a minimum of ½ the distance required for buildings (100' / 50% = 50').

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: September 30, 2022
RECEIPT # 816664
TOWNSHIP: Bath Twp

FEES: \$225.00
PAID: YES/NO CHK/CASH
DATE: 10-03-2022

OWNERS SIGNATURE: Flashrock Enterprises LLC (Joe Gross)
OWNERS ADDRESS: 5856 E Hwy 12
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-290-3208

AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

REQUEST: Conditional Use for a new free-standing sign in a Highway Commercial District (HC).

LEGAL DESCRIPTION: Lot 1, "First Replat of Lot 5, East Highway 12 Addition" in the NE1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota (5914 Highway 12 East; Bath Twp.)

SIGNATURE: 

Planning Commission Action: Approved / Denied

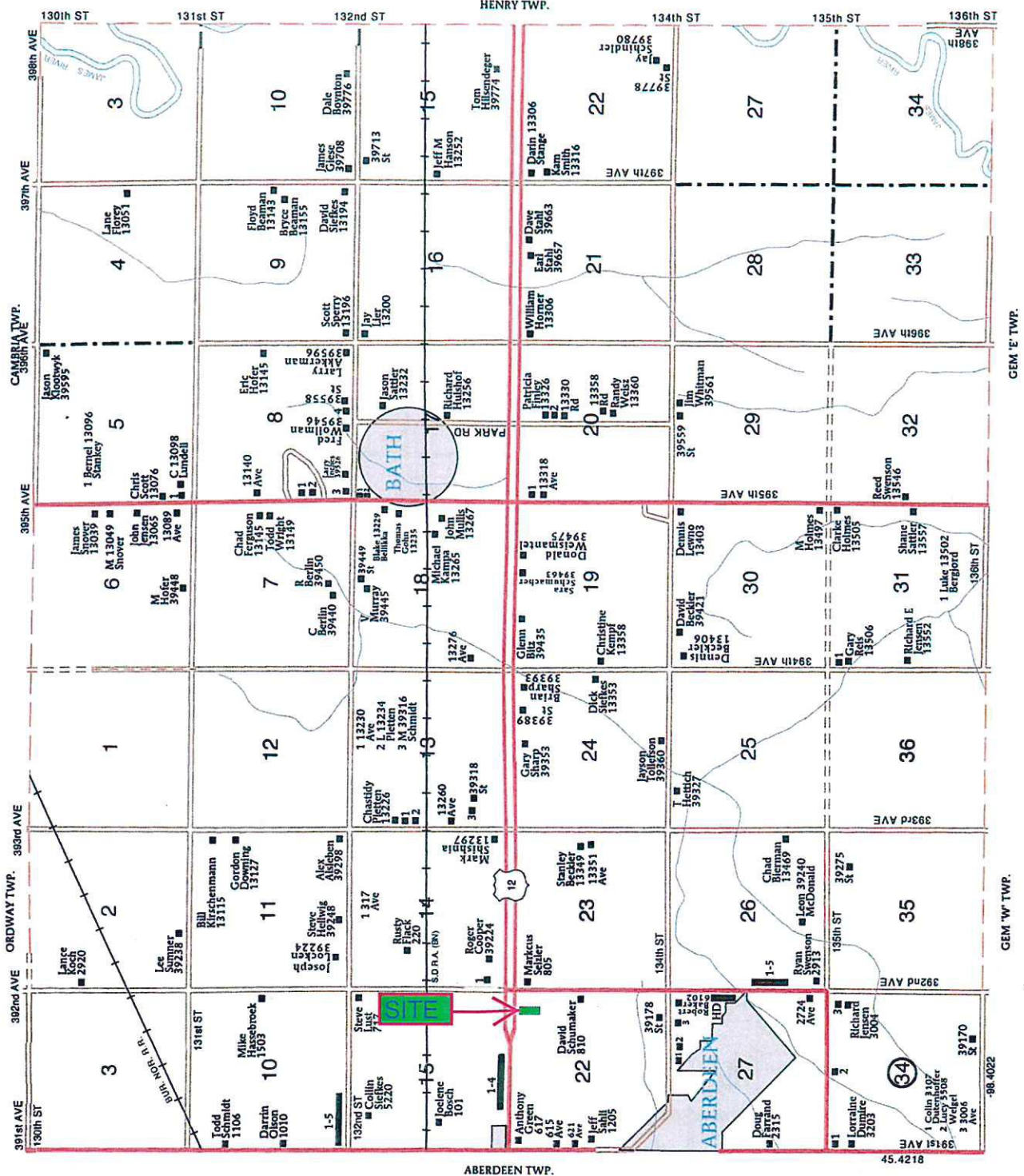
By: _____ Date: _____

HEARING DATE: October 18, 2022 TIME: 7:00 pm

MEETING: located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



- BATH TOWNSHIP**
- SECTION 8**
- 1 Haugen, James 13164
- 2 Kroll, John 13174
- 3 Monson, Steve 39510
- 4 Bruckner, David 39554
- SECTION 10W**
- 1 Bornemann, Kylie 5005
- 2 Dewey, Justin 5025
- 3 5091
- 4 Gross, Del 5115
- 5 Mathern, A 5219
- SECTION 15W**
- 1 5405
- 2 Eilers, Todd 5455
- 3 Ellingson, Matynn 5485
- 4 Gossman, S 5755
- SECTION 17**
- 1 Buechler, Jerry 13228
- 2 Wolf, Justyn 13230
- SECTION 20**
- 1 Westphal, Henry 13316
- 2 Rohrbach, Kevin 13328
- SECTION 26**
- 1 Bellicka, Daryl 2111
- 2 Kohhaas, Paul 2135
- 3 Griese, Doug 2215
- 4 Bjorklund, Richard 2317
- 5 Paulson, David 2519
- SECTION 27W**
- 1 Caton, Caleb 5256
- 2 Johnson, K 5950

NOTICE OF HEARING CONDITIONAL USE

Application has been made to Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on October 18, 2022 at 7:00 P.M.

Petitioner: Flashrock Enterprises LLC – Joe Gross

Description of property: Lot 1, "First Replat of Lot 5, East Highway 12 Addition" in the NE1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota (5914 Highway 12 East; Bath Twp.).

Reason: For the purpose of conditional use for a new free-standing sign.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed special exception/conditional use.

Dated this 6th day of October 2022.

Planning/Zoning Commission
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

REQUEST INFORMATION

Request:	Special Exception/Conditional Use Permit • (Short Description) Free-standing sign in Highway Commercial
Applicant:	Name Flashrock Enterprises-Joe Gross • Address 5856 E Hwy 12, Aberdeen, SD 57401
Landowner:	• Flashrock Enterprises
Legal Description:	Lot 1, "First Replat of Lot 5, East Highway 12 Addition" in the NE1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota
Location:	5914 E Hwy 12, Aberdeen, SD 57401
Size:	
Physical Description:	
Tax ID:	
Current Zoning:	Highway Commercial District (HC)
Existing Land Use:	
Surrounding Zoning:	• Highway Commercial District (HC) / Mini-Agriculture District (M-AG)
Utilities:	
Ordinance:	
Report by:	Scott Bader

<i>FINDINGS</i>	
JURISDICTION (APPROVING AUTHORITY SDCL 11-2-17.3 AND 11-2-53 (3); BCO 4.2402)	
The Board of Adjustment is empowered under chapter 4.24 of Brown County Ordinance to grant the special exception/conditional use and that the granting of the special exception <input type="checkbox"/> will OR <input checked="" type="checkbox"/> will not adversely affect the public interest and welfare.	
CATEGORY OF CONDITIONAL USE REQUIRING APPROVAL SDCL 11-2-17.3	
<i>NOT SURE WHAT THIS MEANS? IS IT THE USE THEY ARE ASKING FOR?</i>	
ZONING DISTRICT AVAILABILITY OF SPECIAL EXCEPTION SDCL 11-2-17.3	
PROPERTY IS ZONED AS:	Highway Commercial District (HC)
Special Exception/Conditional use permitted?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> No
Fit with Comprehensive Plan?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> No

Fit with Purpose of Zoning Ordinance and Relevant District? (see statement of intent in ordinance)

YES No

CRITERIA FOR EVALUATING CONDITIONAL USE SDCL 11-2-17.3

BCO 4.2402 (5) - SATISFACTORY PROVISIONS AND ARRANGEMENTS (write considerations in blanks)

(a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Conditional Use has adequate ingress, egress and traffic flow.

(b) Off-street parking and loading areas where required, with particular attention to the items in "a" above and the economic, noise, glare or other effects of the general exception on adjoining properties and properties generally in the district;

Conditional Use has parking and has minimal effects to adjoining properties.

(c) Refuse and service areas, with particular reference to the items in "a" and "b" above;

Conditional Use will not generate any refuse.

(d) Utilities, with reference to locations, availability, and compatibility;

Conditional Use has utilities available.

(e) Screening and buffering with reference to type, dimensions, and character;

Conditional Use has minimal screening on the property.

(f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;

Conditional Use is a lighted sign similar to 2 other signs near this location.

(g) Required yards and other open spaces;

Conditional Use meets yard and space requirements.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

(h) General compatibility with adjacent property in the district

Conditional Use is compatible with other properties in the district.

SPECIFIC RULES GOVERNING INDIVIDUAL SPECIAL EXCEPTIONS BCO 4.2402(5) (if any)

Most don't have any. Examples that do are Mining and CAFOs

BCO 4.2402 (6) CONDITIONS AND SAFEGUARDS

(a) Fire Hazard. The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.

Conditional Use would have a fire risk typical of lighted sign.

(b) Noise. The use shall not include noise which objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

Conditional Use would not create noise.

(c) Vibration. The use shall not include vibration, which is discernible without instruments on any adjoining lot or property.

Conditional Use would not create vibration.

(d) Air Pollution. The use shall not involve any pollution of air by fly ash, dust, vapors, or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.

Conditional Use would not generate any air pollution.

(e) Odors. The use shall not involve any malodorous gas or matter, which is discernible to any adjoining lot or property.

Conditional Use would not create odors.

(f) Glare. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.

Conditional Use would create minimal glare.

(g) Traffic Hazard. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion. No single use or density of development should generate traffic volumes on any public street in excess of one hundred (100) vehicle trips per day per acre

Conditional Use should not create a traffic hazard.

(h) Sewer and Water. The use shall not involve an activity, which will substantially increase the burden on the water supply or cause sewage treatment problems unless provision is made for necessary adjustments.

Conditional Use would not increase the burden on sewer or water.

(i) Character of Neighborhood. The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by design, setback, nature of operation, and other devices, the character of the neighborhood will be maintained.

The character of the neighborhood will not be altered significantly.

(j) General Welfare of the Community. The use shall not involve any activity which adversely affects the general welfare to the community.

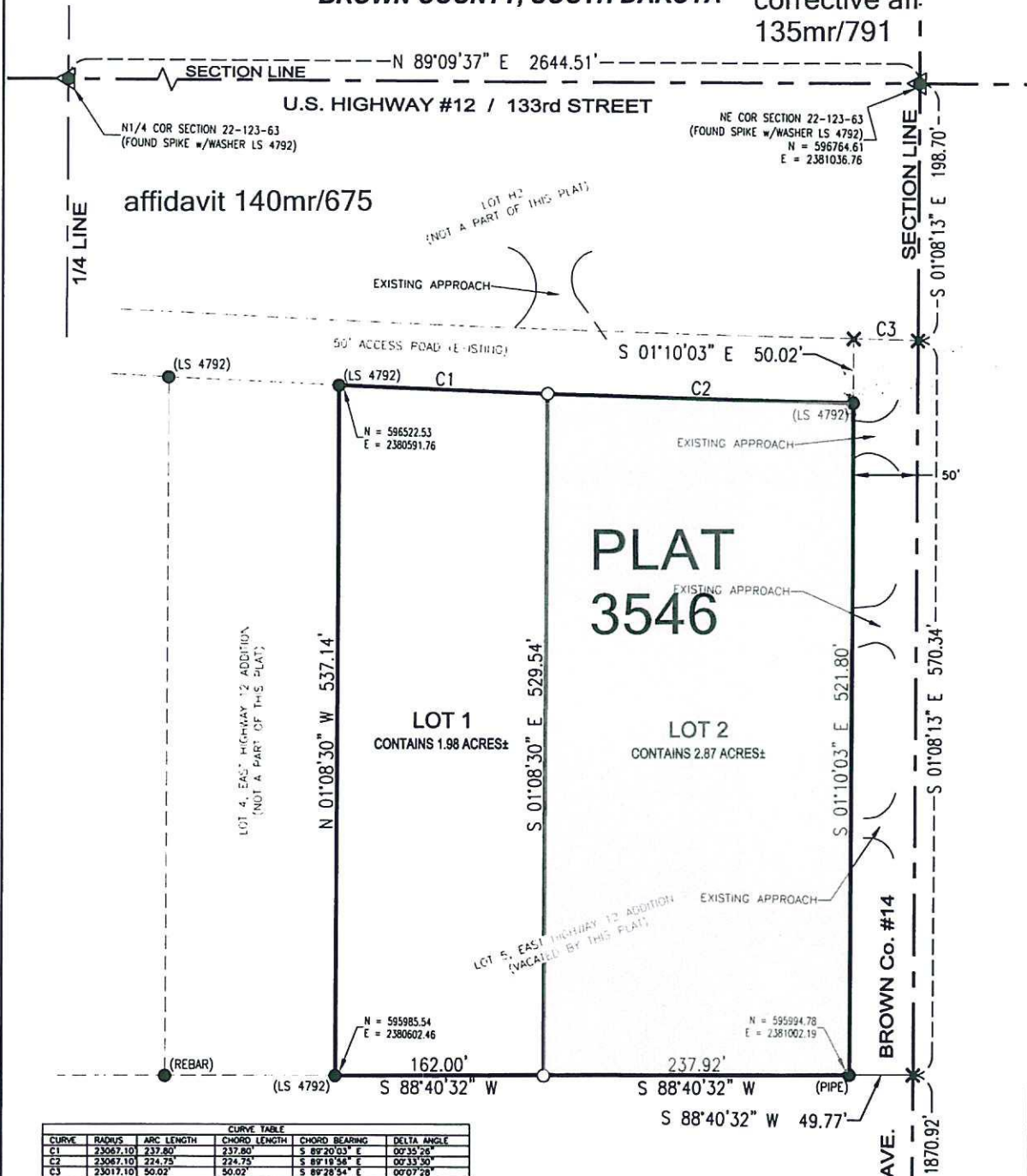
Conditional Use should not adversely affect the general welfare of the community.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

After consideration and approval of the stated findings above, the Brown County Board of Adjustment moves to APPROVE DENY the application for Special Exception/Conditional use.

**PLAT SHOWING
FIRST REPLAT OF LOT 5, EAST HIGHWAY 12 ADDITION
IN THE NE1/4 OF SECTION 22,
TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

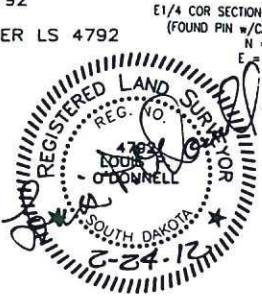
corrective aff.
135mr/791



CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	23067.10	237.80	237.80	S 89°20'03" E	00°35'28"
C2	23067.10	224.75	224.75	S 89°18'54" E	02°33'50"
C3	23017.10	50.02	50.02	S 89°28'54" E	00°07'28"

BASIS OF BEARINGS
STATE PLANE
SOUTH DAKOTA NORTH ZONE
NAD 83 (CORS '96)
DISTANCES ARE GROUND
COORDINATE ARE US SURVEY FEET

- LEGEND**
- PIN FOUND (AS NOTED)
 - SET PIN w/CAP LS 4792
 - ✕ CALCULATED CORNER
 - ▲ FOUND SPIKE w/WASHER LS 4792



CLARK
ENGINEERING CORPORATION

Clark Engineering Corporation
2301 8th Avenue NE, Suite 125
Aberdeen, SD 57401
Phone: (605) 225-3494
Fax: (605) 225-5433
Aberdeen@clark-eng.com EOE

**PLAT SHOWING
FIRST REPLAT OF LOT 5, EAST HIGHWAY 12 ADDITION
IN THE NE1/4 OF SECTION 22,
TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

OWNER'S CERTIFICATE

I, LEWIS W. RADERSCHADT, DO HEREBY CERTIFY THAT I AM THE OWNER OF LOT 5, EAST HIGHWAY 12 ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT I HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HERINAFTER KNOWN AND DESCRIBED AS "FIRST REPLAT OF LOT 5, EAST HIGHWAY 12 ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA" AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

BY THIS PLAT, I, LEWIS W. RADERSCHADT, DO HEREBY VACATE LOT 5, EAST HIGHWAY 12 ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA AS FILED FOR RECORD ON AUGUST 27, 2008 AT 3:30 P.M., AND DULY RECORDED AS PLAT No. 2484H.

SIGNED THIS 7 DAY OF March, 2012.

OWNER: LEWIS W. RADERSCHADT

[Signature]
LEWIS W. RADERSCHADT

COUNTY OF Hemlin
STATE OF South Dakota SS

ON THIS 7 DAY OF March, 2012, BEFORE ME, A NOTARY PUBLIC, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED LEWIS W. RADERSCHADT, KNOWN TO ME TO BE THE PERSON IN AND WHO EXECUTED THE WITHIN INSTRUMENT.

MY COMMISSION EXPIRES: Aug. 16, 2013

[Signature]
NOTARY PUBLIC



SURVEYOR'S CERTIFICATE

I, LOUIS P. O'DONNELL, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT, AT THE REQUEST OF THE OWNER, I HAVE SURVEYED AND PLATTED "FIRST REPLAT OF LOT 5, EAST HIGHWAY 12 ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA" AS SHOWN ON THE ATTACHED PLAT, THAT I HAVE FOUND AND/OR SET IRON PINS AS INDICATED THEREON, AND THAT SAID SURVEY AND PLAT ARE TRUE AND CORRECT.

SIGNED THIS 20th DAY OF FEBRUARY, 2012.



COUNTY PLANNING COMMISSION APPROVAL

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, AT A MEETING HELD ON THE 20th DAY OF March, 2012.

[Signature]
SECRETARY OF COUNTY PLANNING COMMISSION
BROWN COUNTY, SOUTH DAKOTA

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING "FIRST REPLAT OF LOT 5, EAST HIGHWAY 12 ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA" HAVING BEEN EXAMINED IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL OF 1967, CHAPTER 11-6, AND ANY AMENDMENTS.

COUNTY COMMISSION APPROVAL

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, AT A MEETING HELD ON THE 3 DAY OF April, 2012.

[Signature]
COUNTY AUDITOR
BROWN COUNTY, SOUTH DAKOTA

"BE IT RESOLVED BY THE COUNTY COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING "FIRST REPLAT OF LOT 5, EAST HIGHWAY 12 ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA" HAVING BEEN EXAMINED IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL OF 1967, CHAPTER 11-3, AND ANY AMENDMENTS THEREOF."

CITY PLANNING COMMISSION APPROVAL

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY PLANNING COMMISSION OF ABERDEEN, SOUTH DAKOTA, AT A MEETING HELD ON THE 20th DAY OF March, 2012.

[Signature]
FINANCE OFFICER
ABERDEEN, SOUTH DAKOTA

"BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING "FIRST REPLAT OF LOT 5, EAST HIGHWAY 12 ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA" HAVING BEEN EXAMINED IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL OF 1967, CHAPTER 11-6, AND ANY AMENDMENTS THEREOF."



Clark Engineering Corporation
2301 8th Avenue NE, Suite 125
Aberdeen, SD 57401
Phone: (605) 225-3494
Fax: (605) 225-5433
Aberdeen@clark-eng.com EOE

**PLAT SHOWING
FIRST REPLAT OF LOT 5, EAST HIGHWAY 12 ADDITION
IN THE NE1/4 OF SECTION 22,
TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

CITY COUNCIL APPROVAL
I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY COUNCIL OF ABERDEEN, SOUTH DAKOTA, AT A MEETING HELD ON THE 26th DAY OF March, 2012.

Harold Alberts
FINANCE OFFICER
ABERDEEN, SOUTH DAKOTA

"BE IT RESOLVED BY THE CITY COUNCIL OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING "FIRST REPLAT OF LOT 5, EAST HIGHWAY 12 ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA" HAVING BEEN EXAMINED IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL OF 1967, CHAPTER 11-3, AND ANY AMENDMENTS THEREOF."

SDDOT HIGHWAY APPROVAL

THE LOCATION OF THE INPLACE ACCESS ROAD(S), IS HEREBY APPROVED. ANY CHANGE IN THE INPLACE ACCESS SHALL REQUIRE ADDITIONAL APPROVAL

SIGNED THIS 8th DAY OF March, 2012.

Mark Peterson, Engineering Supervisor
PRINT NAME AND TITLE
Mark Peterson
SIGNATURE

COUNTY HIGHWAY APPROVAL

THE LOCATION OF THE INPLACE ACCESS ROAD(S), IS HEREBY APPROVED. ANY CHANGE IN THE INPLACE ACCESS SHALL REQUIRE ADDITIONAL APPROVAL

SIGNED THIS 8th DAY OF MARCH, 2012.

Jan Weismantel, Superintendent
PRINT NAME AND TITLE
Jan Weismantel
SIGNATURE

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ATTACHED PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID.

SIGNED THIS 19 DAY OF Mar, 2012.

Shirley Evensen
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

DIRECTOR OF EQUALIZATION CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT THIS 19th DAY OF March, 2012.

Staci Hultsch Deputy
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEEDS' CERTIFICATE

FILED FOR RECORD THIS 4 DAY OF April, 2012, AT 2:23 O'CLOCK P.M., AND DULY RECORDED AS PLAT No. 2856

Marianne Malsam Deputy
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

INSTRUMENT NO. 201202327
BOOK: 2 PLAT
PAGE: 2856

Pages: 3

2012/04/04 02:23:45 PM

CAROL SHERMAN, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

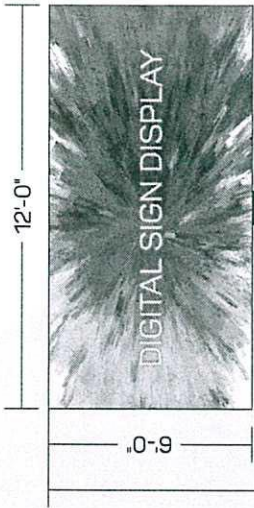
Recording Fee: \$ 20.00
Return To: FILED



CLARK
ENGINEERING CORPORATION

Clark Engineering Corporation
2301 8th Avenue NE, Suite 125
Aberdeen, SD 57401
Phone: (605) 225-3494
Fax: (605) 225-5433
Aberdeen@clark-eng.com EOE

1



22'-0"

33'-5"



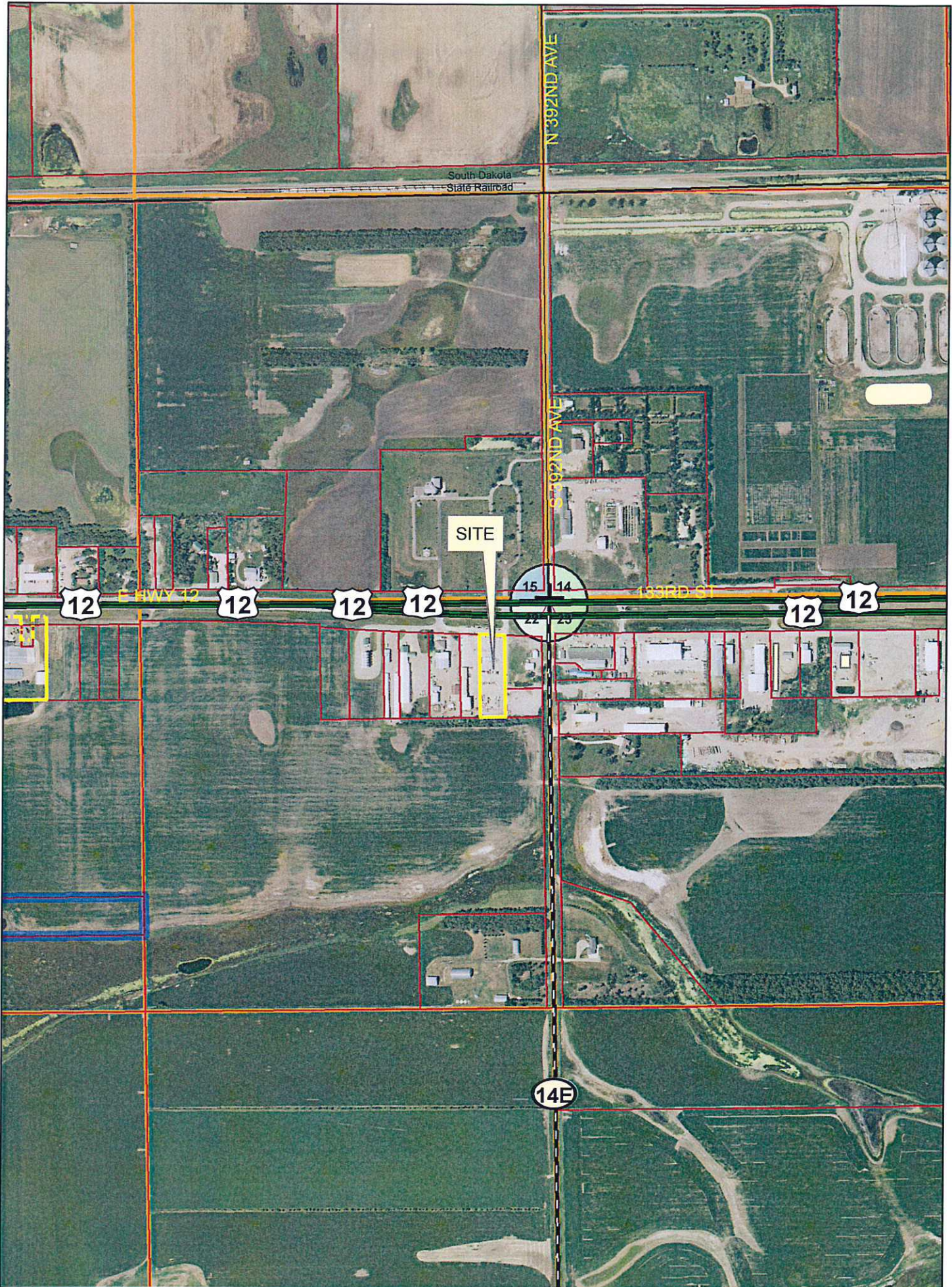
GRAPHIC DETAIL
SCALE: 3/16" = 1'-0"

APPROVAL BOX - PLEASE INITIAL	
CUSTOMER APPROVAL	Date

Customer: JGE	Date: 03OCT22	Prepared By: MW	<small>Note: Color appearing on the screen when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are not exact, please provide the correct PMS match and a revision to this drawing will be made.</small>
Location: ABERDEEN, SD	File Name: 373528 - R3 - JGE - ABERDEEN, SD	Eng: -	

persōna
SIGNS | LIGHTING | IMAGE

Persona Signs, LLC
700 21st Street Southwest
PO Box 210
Watertown, SD 57201-0210
1.800.843.9888 • www.personasigns.com



South Dakota
State Railroad

N 392ND AVE

S 192ND AVE

133RD ST

12

12

12

12

15 14

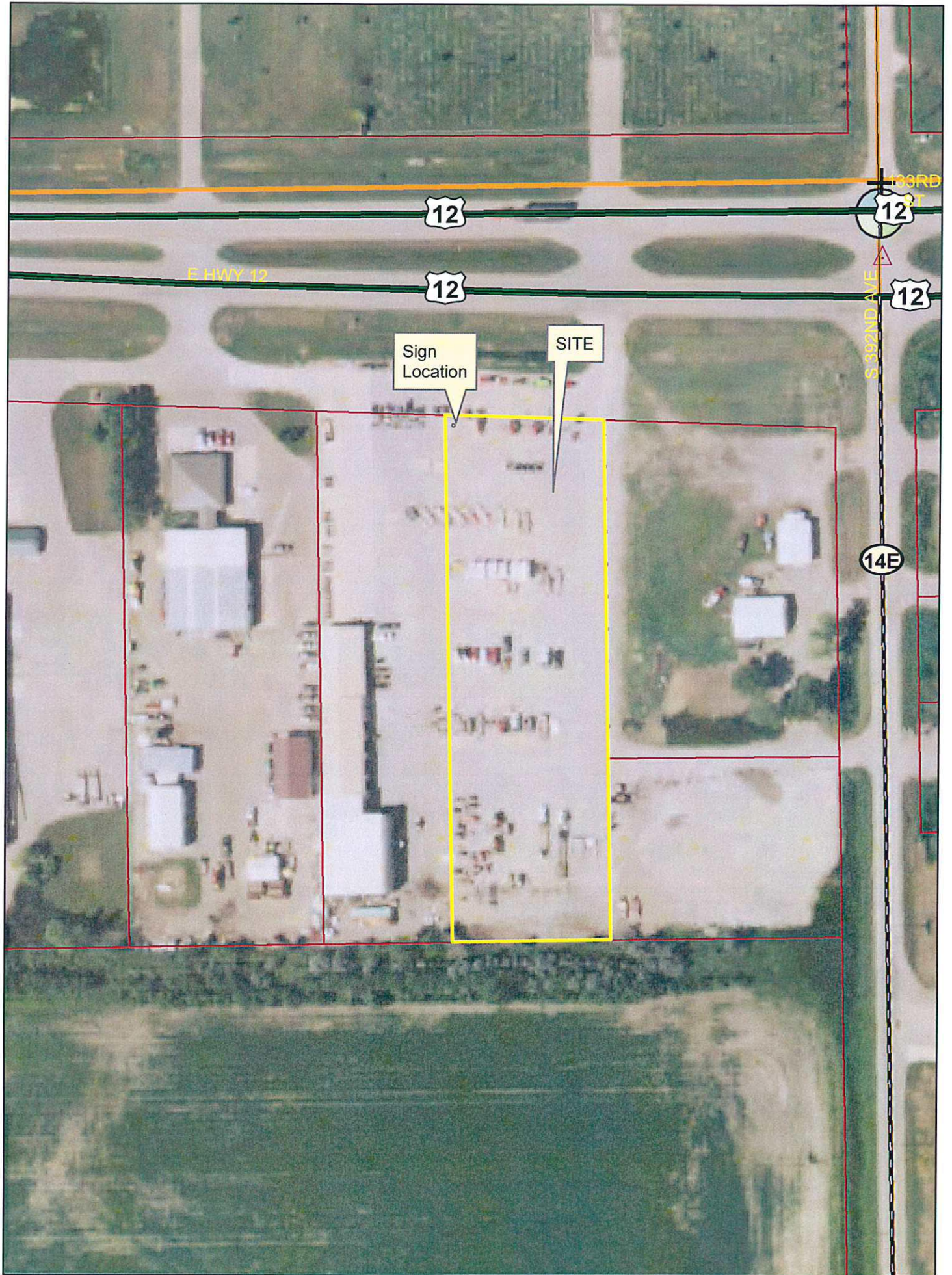
22 23

12

12

14E

SITE



Flashrock Enterprises LLC

5856 Highway 12 East
Aberdeen, SD 57401

Bath Township

Attn: David Bruckner
39554 132nd Street
Bath, SD 57427

Sunrise Memorial Gardens, Inc.

5851 East Highway 12
Aberdeen, SD 57401

Patricia Raderschadt Trust

45209 179th Street
Hayti, SD 57241

SD Game, Fish & Parks

523 East Capitol Avenue
Pierre, SD 57501

John and Dana Locken Real Est.

13755 396th Avenue
Bath, SD 57427



Aberdeen News
Watertown Public Opinion

Order Confirmation

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	4-GrossJoe

Date:	10/04/2022
Order Number:	7877554
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	43.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	10/06/2022 - 10/06/2022	Govt Public Notices
ABD aberdeennews.com	1	10/06/2022 - 10/06/2022	Govt Public Notices

Total Order Confirmation

\$17.04

Ad Preview

NOTICE OF HEARING CONDITIONAL USE

Application has been made to Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on October 18, 2022 at 7:00 P.M.

Petitioner: Flashrock Enterprises LLC – Joe Gross

Description of property: Lot 1, "First Replat of Lot 5, East Highway 12 Addition" in the NE1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota (5914 Highway 12 East; Bath Twp.).

Reason: For the purpose of conditional use for a new free-standing sign.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed special exception/conditional use.

Dated this 6th day of October 2022.

Planning/Zoning Commission

Scott Bader – P&Z Director
25 Market Street

Aberdeen, SD 57401

Office: (605) 626-7144

Published once at the total

approximate cost of \$17.04

7877554 10/6/22

STAFF REPORT

October 18, 2022

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE FOR LOT SIZE IN AG-P

ITEM # 02

{AGRICULTURE PRESERVATION DISTRICT (AG-P)}

GENERAL INFORMATION:

PETITIONER: Siegel, Barnett & Schutz (Jennifer Nelson) for the owner Ann Bormann

REQUEST: **VARIANCE FOR LOT SIZE IN AN AGRICULTURE PRESERVATION DISTRICT (AG-P)**

LEGAL DESCRIPTION: Proposed Lot 1 & 2, "Bormann First Addition" in the W1/2 of the SW1/4 of Section 30-T128N-R61W of the 5th P.M., Brown County, South Dakota

TOWNSHIP: Liberty Twp

LOCATION: 10498 400th Avenue

EXISTING ZONING: Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)/ Conservation District (CN-SL)
East:	Conservation District (CN-SL)
West:	Agriculture Preservation District (AG-P)

REPORTED BY: Ron Keller

GENERAL COMMENT: The petitioner is requesting a Variance to Lot Size to allow Lot 1 (1.42+ acres) and Lot 2 (9.12+ acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per Chapter 4.0605 of Brown County Ordinances.

REVIEW: Staff has reviewed this request.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: September 30, 2022
RECEIPT # 816666
TOWNSHIP: Liberty Twp

FEES: \$125.00
PAID: YES/NO CHK/CASH
DATE: OCT 1, 2022

OWNERS SIGNATURE: _____
OWNERS ADDRESS: _____
OWNERS CITY, STATE, ZIP: _____
OWNERS PHONE: _____

AGENTS SIGNATURE: Siegel, Barnett & Schutz (Jennifer Nelson) for Ann Bormann
AGENTS ADDRESS: 415 S Main St, Suite 400
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-725-5217

REQUEST: Variance to Lot Size to allow Lot 1 (1.42 acres) and Lot 2 (9.12 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per Chapter 4.0605 of Zoning Ordinances

LEGAL DESCRIPTION: Proposed Lot 1 & 2, "Bormann First Addition" in the W1/2 of the SW1/4 of Section 30-T128N-R61W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

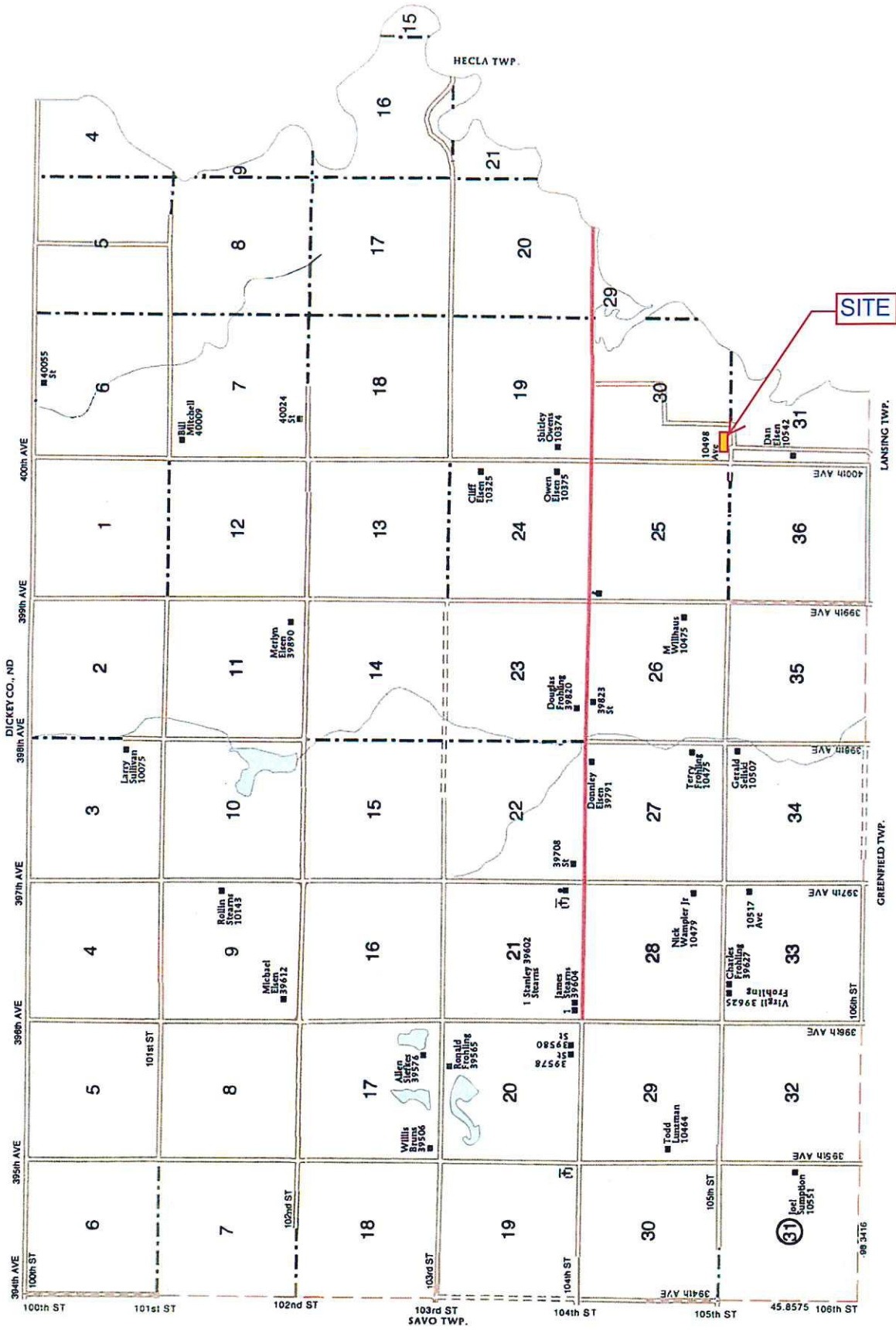
By: _____ Date: _____

HEARING DATE: October 18, 2022 **TIME:** 7:00pm

MEETING: located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex Basement Community Room, on October 18, 2022, at 7:00 P.M.

Petitioner / Owner: Siegel, Barnett & Schutz (Jennifer Nelson) for Ann Bormann

Description of property: Proposed Lot 1 & 2, "Bormann First Addition" in the W1/2 of the SW1/4 of Section 30-T128N-R61W of the 5th P.M., Brown County, South Dakota (10498 400th Avenue, Liberty Township).

Reason: Variance to Lot Size to allow Lot 1 (1.42 acres) and Lot 2 (9.12 acres) to be smaller than a minimum 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per 4.0605 of Brown County Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment.

Dated this 6th day of October, 2022.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

(Anne Bormann)

VARIANCE FINDINGS WORKSHEET

Prong One

Whether granting the variance runs counter to the public interest?

Consider the entire public— <i>not</i> just the neighbors	Findings	
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
4. Does it conform to the comprehensive plan currently in place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Prong Two

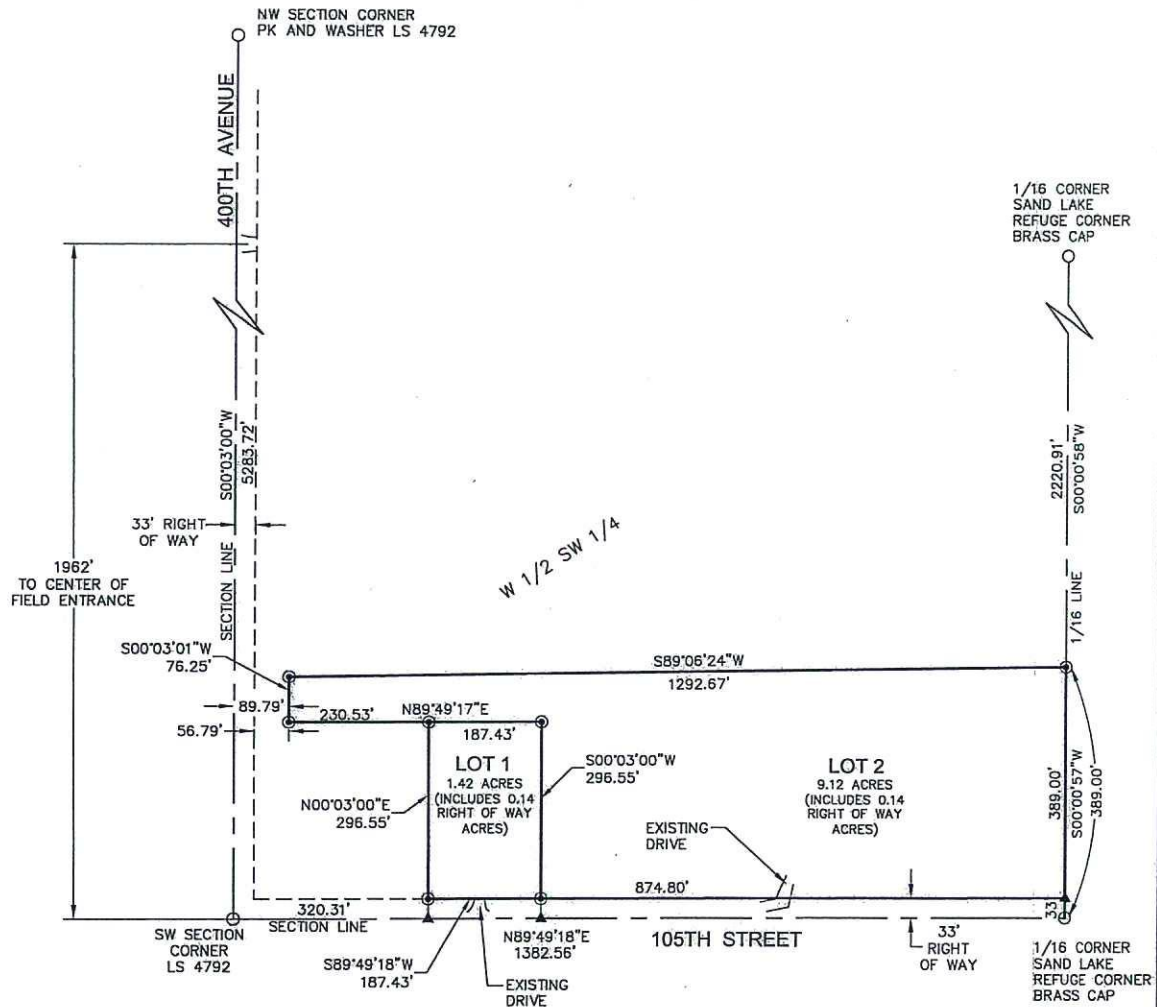
Whether special conditions exist to grant a variance?

Physical conditions— <i>not</i> money or econ hardship	Findings	
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It must be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does not mean money, econ hardship, or allowing a use that's prohibited (<i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605.

Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605.

PLAT OF BORMANN FIRST ADDITION IN THE W 1/2 SW 1/4 OF SECTION 30-T128N-R61W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

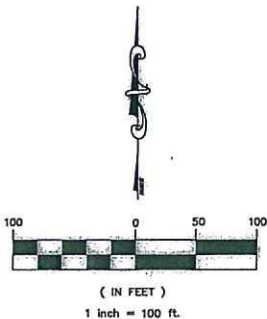


LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- ▲ CALCULATED POSITION

BASIS OF BEARINGS

GPS OBSERVATION
TRUE MERIDIAN



Helms & Associates
 416 PRODUCTION STREET N.
 P.O. Box 111
 Aberdeen, S.D. 57401
 Phone: 605.225.1212
 Fax: 605.225.3189

DWG. 8981-LS BY: BKK SHEET 1 OF 3

PLAT OF
BORMANN FIRST ADDITION
IN THE W 1/2 SW 1/4 OF SECTION 30-T128N-R61W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, ANN BORMANN, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE W 1/2 SW 1/4 OF SECTION 30 T128N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT I HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS; BORMANN FIRST ADDITION IN THE W 1/2 SW 1/4 OF SECTION 30 T128N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

ANN BORMANN
Signed this _____ day of _____, 20____

ACKNOWLEDGMENT

STATE OF)
COUNTY OF)SS

ON THIS THE _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED ANN BORMANN KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNER, I HAVE SURVEYED AND PLATTED "BORMANN FIRST ADDITION IN THE W 1/2 SW 1/4 OF SECTION 30 T128N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" AS SHOWN ON THE ATTACHED PLAT, THAT I HAVE FOUND AND/OR SET IRON PINS AS INDICATED THEREON. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 30 DAY OF September, 2022


ROBERT K. KIESO RLS #9214

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF _____ COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE _____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BORMANN FIRST ADDITION IN THE W 1/2 SW 1/4 OF SECTION 30 T128N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE _____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BORMANN FIRST ADDITION IN THE W 1/2 SW 1/4 OF SECTION 30 T128N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

PLAT OF
BORMANN FIRST ADDITION
IN THE W 1/2 SW 1/4 OF SECTION 30-T128N-R61W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTY ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS ____ DAY OF _____, 20____.

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

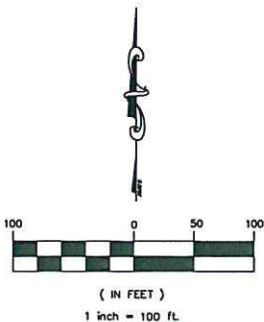
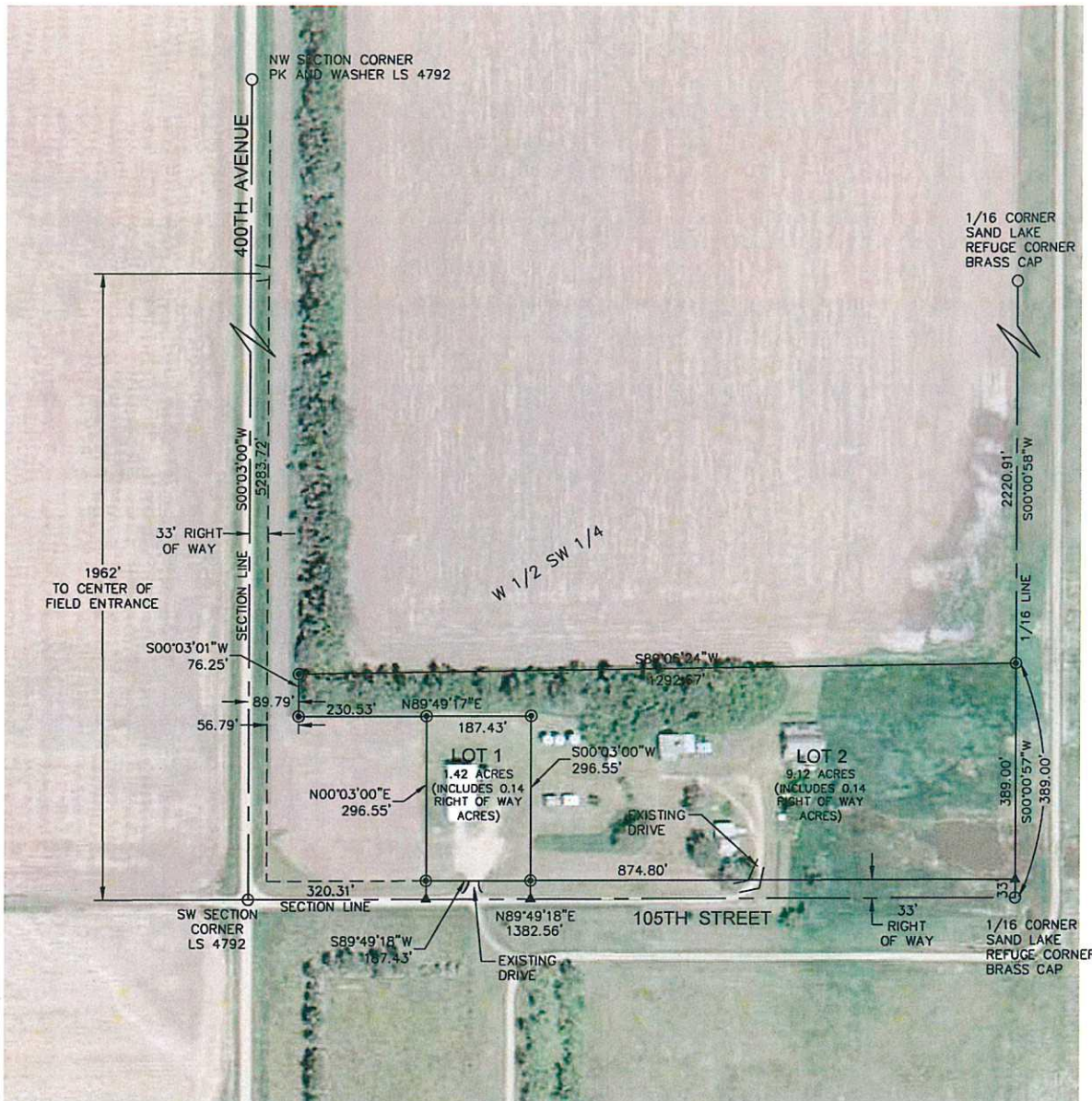
FILED FOR RECORD THIS _____ DAY OF _____, 20____ AT ____ O'CLOCK _____, AND DULY RECORDED IN HANGING PLATS NO. _____

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

PLAT OF

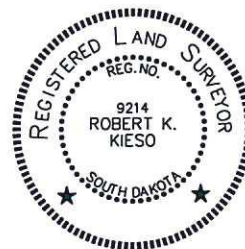
A-8981

BORMANN FIRST ADDITION
 IN THE W 1/2 SW 1/4 OF SECTION 30-T128N-R61W OF THE 5th P.M.,
 BROWN COUNTY, SOUTH DAKOTA



LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- ▲ CALCULATED POSITION

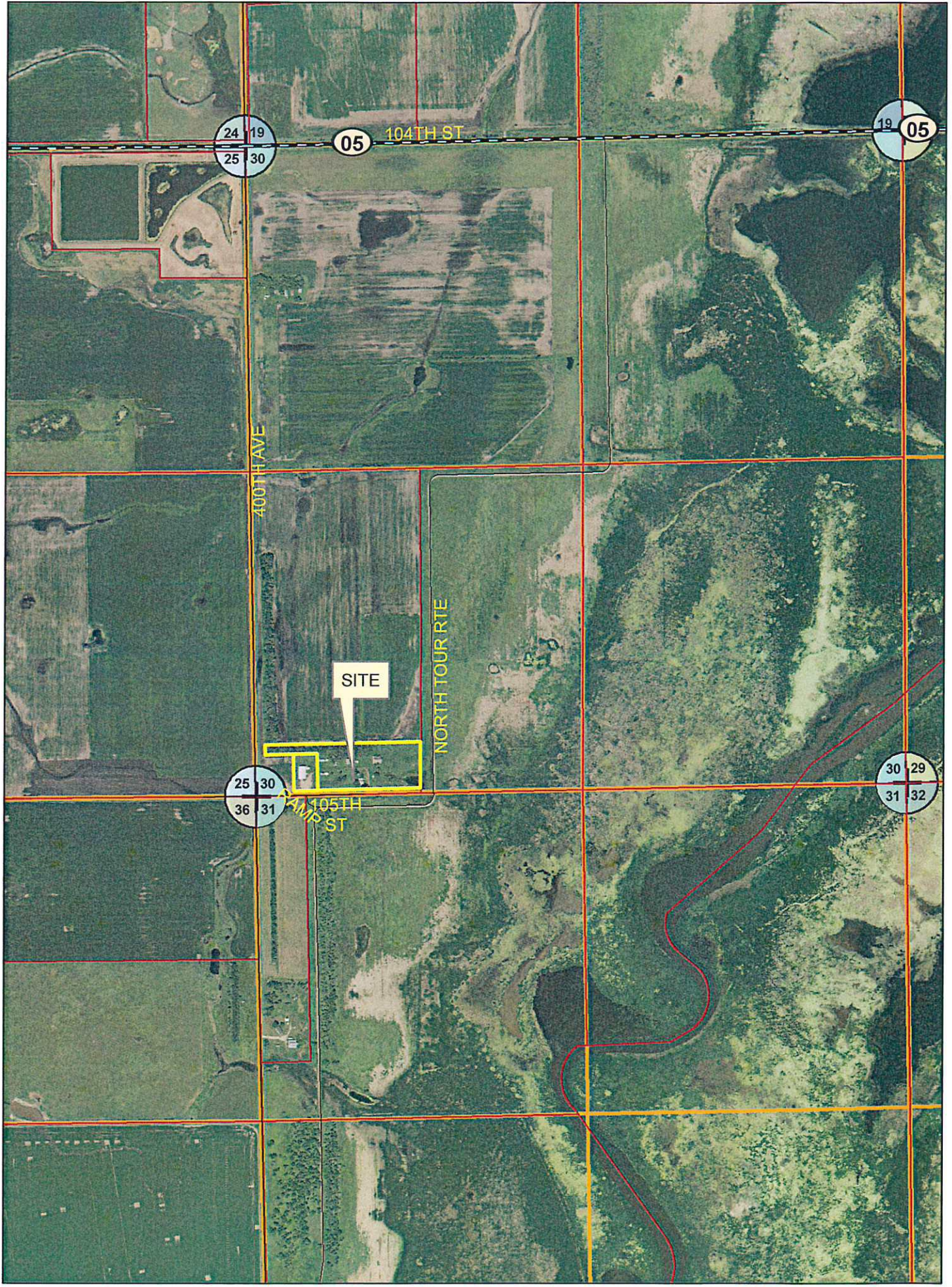


BASIS OF BEARINGS

GPS OBSERVATION
 TRUE MERIDIAN

Helms & Associates
 CIVIL ENGINEERS & LAND SURVEYORS

416 PRODUCTION STREET N.
 P.O. Box 111
 Aberdeen, S.D. 57401
 Phone: 605.225.1212
 Fax: 605.225.3189



24 19
25 30

05

104TH ST

19 05

400TH AVE

SITE

NORTH TOUR RTE

25 30
36 31

105TH CAMP ST

30 29
31 32

400 TH AVE

SITE

LOT 1

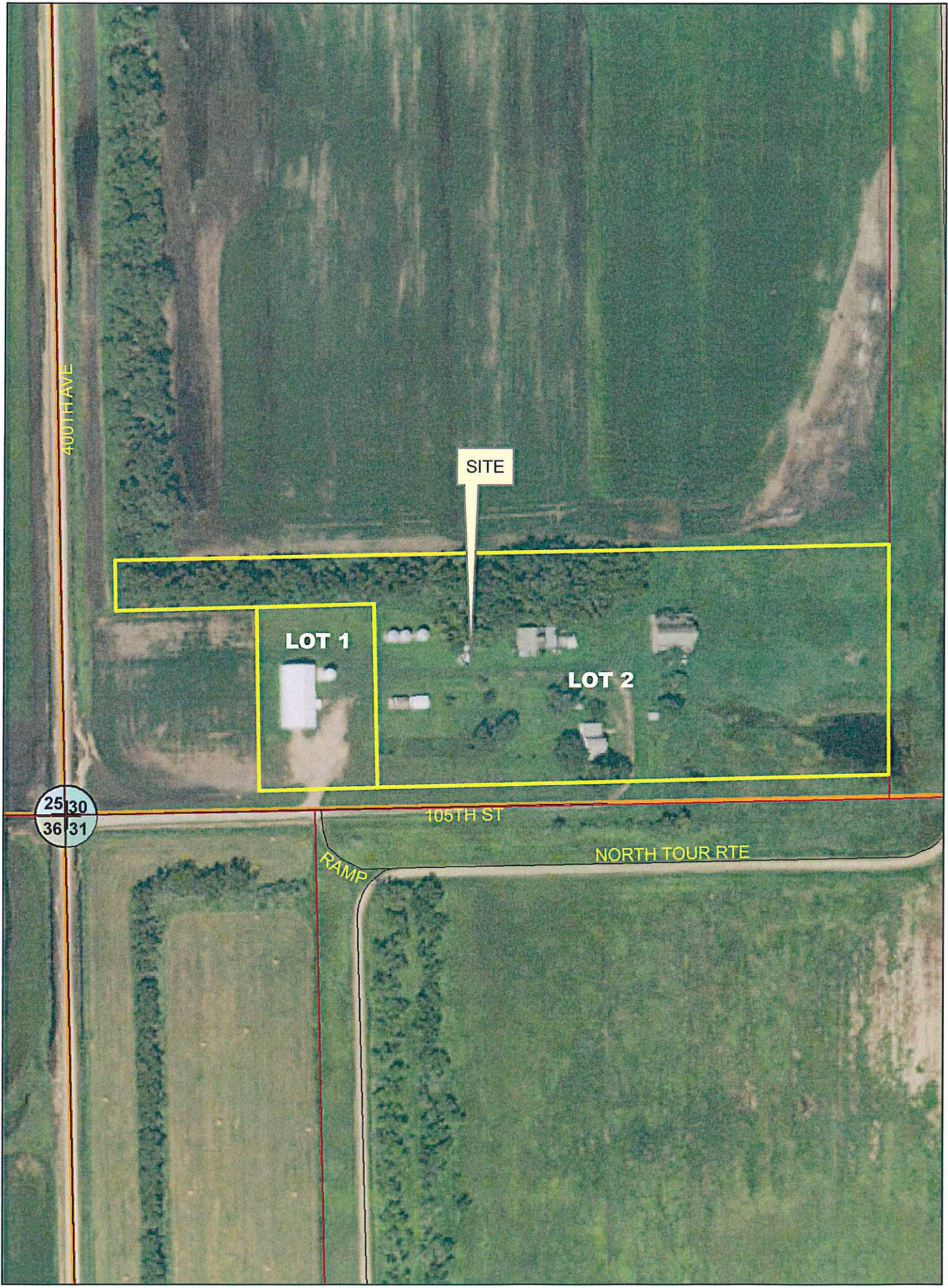
LOT 2

25 30
36 31

105TH ST

NORTH TOUR RTE

RAMP



Ann Bormann
13612 NE 94th Street
Redmond, WA 98052

Liberty Township
Attn: Daniel Elsen
10542 400th Avenue
Hecla, SD 57446

United States of America
39650 Sand Lake Drive
Columbia, SD 57433

Lon Bonzer
118 Edgewater Drive
West Fargo, ND 58078

Paula Maddocks
10681 398th Avenue
Hecla, SD 57446

Daniel Elsen
10542 400th Avenue
Hecla, SD 57446



Aberdeen News
Watertown Public Opinion

Order Confirmation

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	4-Bormann

Date:	10/04/2022
Order Number:	7877658
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	49.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	10/06/2022 - 10/06/2022	Govt Public Notices
ABD aberdeennews.com	1	10/06/2022 - 10/06/2022	Govt Public Notices

Total Order Confirmation

\$18.72

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex Basement Community Room, on October 18, 2022, at 7:00 P.M.

Petitioner / Owner: Siegel, Barnett & Schutz (Jennifer Nelson) for Ann Bormann

Description of property: Proposed Lot 1 & 2, "Bormann First Addition," in the W1/2 of the SW1/4 of Section 30-T128N-R61W of the 5th P.M., Brown County, South Dakota (10498 400th Avenue, Liberty Township).

Reason: Variance to Lot Size to allow Lot 1 (1.42 acres) and Lot 2 (9.12 acres) to be smaller than a minimum 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per 4.0605 of Brown County Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment.

Dated this 6th day of October, 2022.

Planning/Zoning Commission and Scott Bader - P&Z Director

25 Market Street

Aberdeen, SD 57401

Office: (605) 626-7144

Published once at the total approximate cost of \$18.72

7877658 10/6/22

STAFF REPORT

October 18, 2022

BROWN COUNTY PLANNING COMMISSION

REZONE PARCEL FROM: ITEM # 10
AGRICULTURE PRESERVATION DIST (AG-P) TO LIGHT INDUSTRIAL DIST (LI)

GENERAL INFORMATION:

PETITIONER:	Ochsner Real Estate LP
REQUEST:	Rezone Parcel: Agriculture Preservation District (AG-P) to Light Industrial District (L-I)
LEGAL DESCRIPTION:	The S1/2 of Section 19-T123N-R64W lying South of Railroad R.O.W. of the 5 th P.M., Brown County, South Dakota
LOCATION:	38284 134 th Street
TOWNSHIP:	Aberdeen Twp
EXISTING ZONING:	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this rezone to bring this parcel into compliance for its current use.

GENERAL REVIEW: Staff has reviewed this request.

NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on October 18, 2022, at 7:00 P.M.

Petitioner: Ochsner Real Estate LP

Description of property: The S1/2 of Section 19-T123N-R64W lying south of Railroad R.O.W. of the 5th P.M., Brown County, South Dakota (38284 134th Street, Aberdeen Twp.).

Reason: Rezoning from Agriculture Preservation District (AG-P) to Light Industrial District (L-I) to bring this parcel into compliance for its current use.

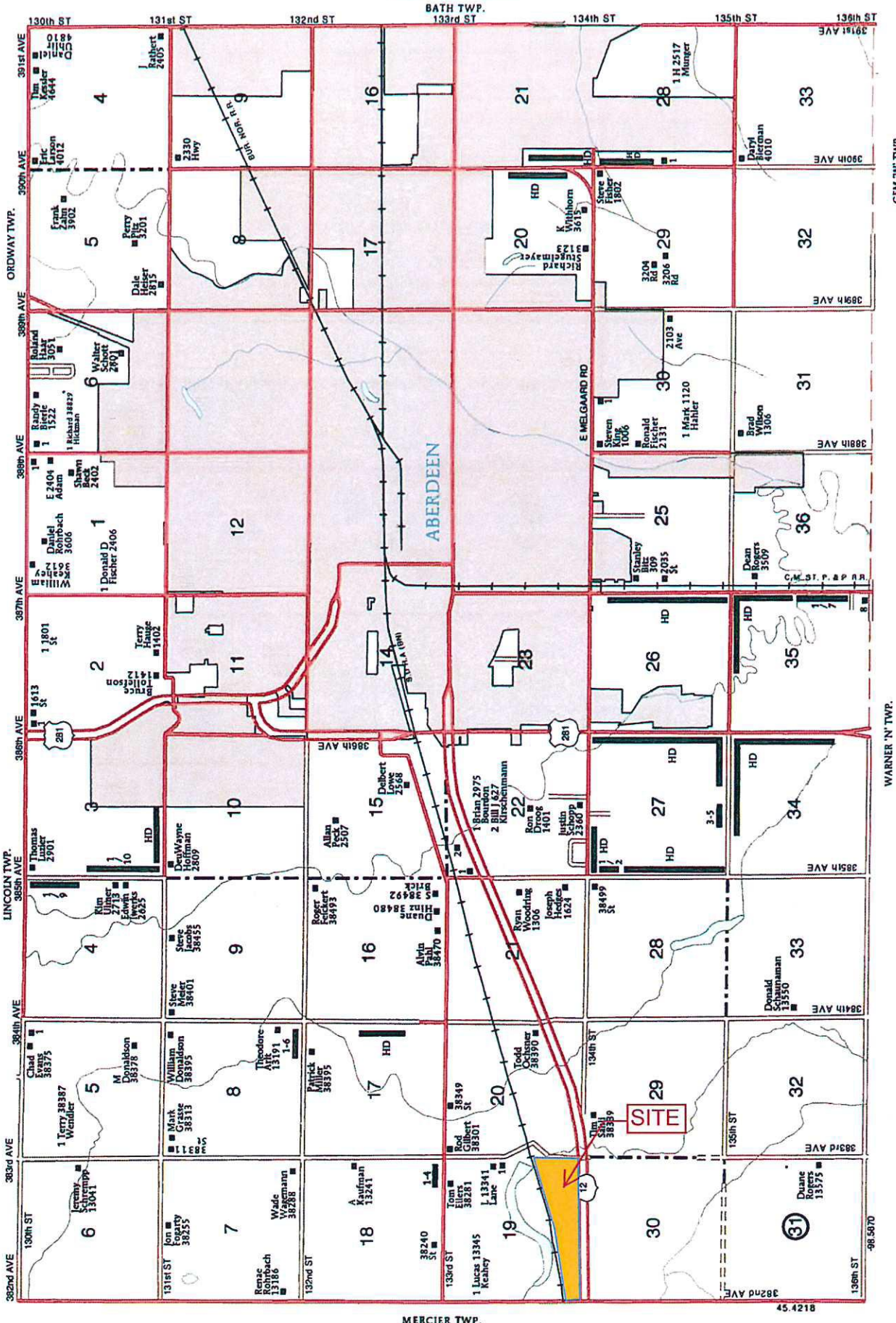
The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 6th day of October 2022.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

(Residents - Owners or Renters)



SEE PAGE 21 FOR ADDITIONAL NAMES NOT LISTED ON MAPS.

© Farm & Home Publishers, Ltd.

MERCIER TWP.

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: _____
Receipt: 816668
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:

The S1/2 of Section 19-T123N-R64W lying south of Railroad
R.O.W. of the 5th P.M., Brown County, South Dakota

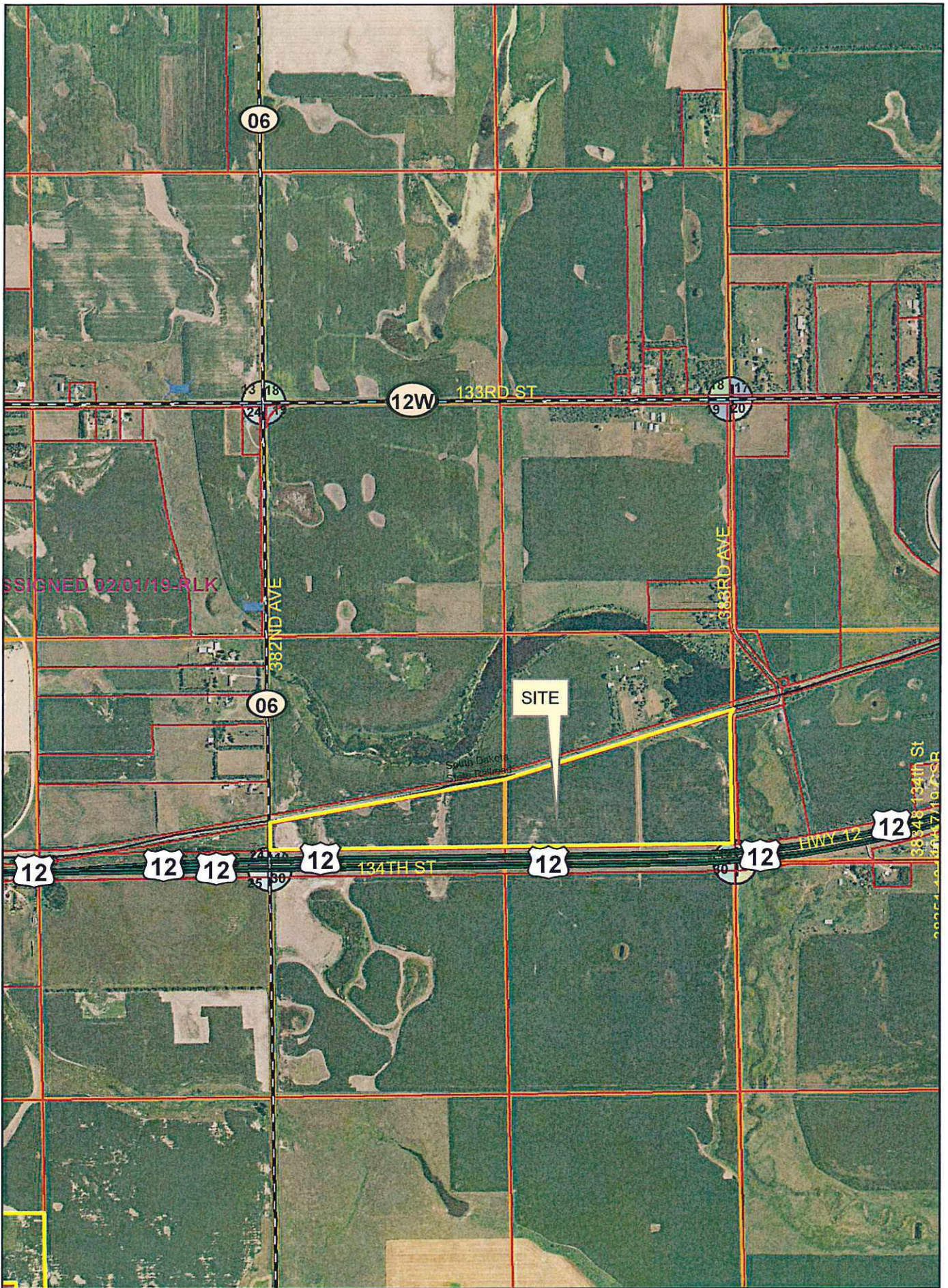
General Area Location or Street Address: 38284 134th Street
From the Agriculture Preservation District
To the Light Industrial District

Purpose: To Bring into Compliance
Size of Parcel: _____
Existing Land Use: Agriculture

Petitioner: (Print) Ochsner Real Estate LP
Signature: [Signature]
Date: _____ Phone: 605-290-1001 (Jake Ochsner)
Address: 13350 379th Avenue
Aberdeen, SD 57401
City State Zip

Owner: (Print) Ochsner Real Estate LP
Signature: [Signature]
Date: _____ Phone: 605-290-1001 (Jake Ochsner)
Address: 13350 379th Avenue
Aberdeen, SD 57401
City State Zip

Additional Signatures may be submitted on a separate page.



06

12W

133RD ST

ASSIGNED 02/01/19-RLK

382ND AVE

368RD AVE

SITE

South Dakota State Railroad

12

12

12

12

134TH ST

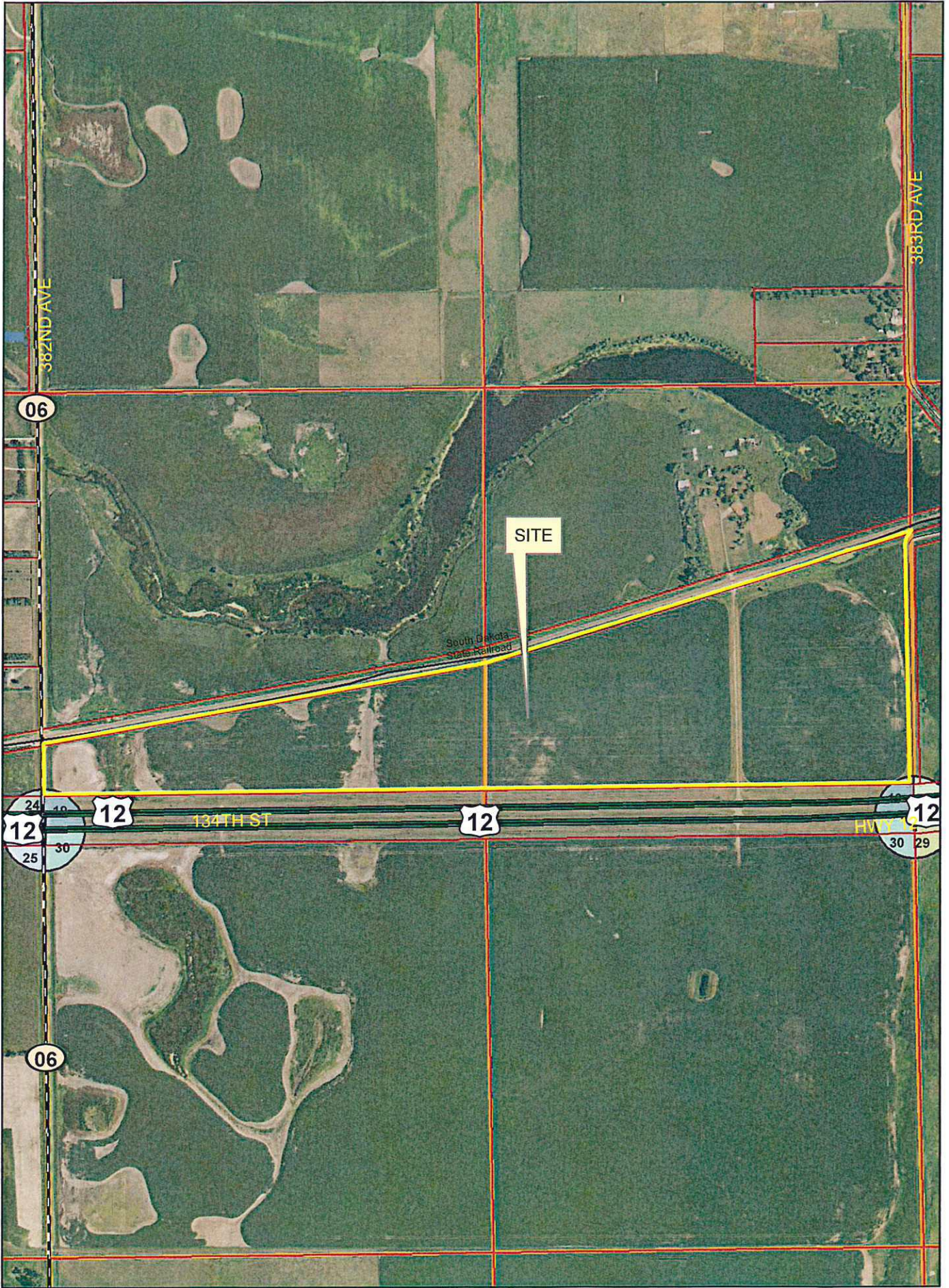
12

12

12

HWY 12

38848-134th St
66467 Highway



Ochsner Real Estate LP
13350 379th Ave
Aberdeen SD 57401

Aberdeen Township
C/O James Kunkle
13229 384th Ave
Aberdeen SD 57401

Rodney & Sandra Dobberpuhl
13377 382nd Ave
Aberdeen SD 57401

Thunderhead Farms LLC
1611 S Roosevelt St
Aberdeen SD 57401

Chad Schaunaman
12657 386th Ave
Aberdeen SD 57401

Marilyn Hanson
16706 Leavenworth Circle
Omaha NE 68118-2721

Sally Schlepp
38333 134th Street
Aberdeen SD 57401

Ken & Wanda Fuhrmann
1405 N State Street
Aberdeen SD 57401



Aberdeen News
Watertown Public Opinion

Order Confirmation

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	2-Ochsner

Date:	10/04/2022
Order Number:	7877591
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	54.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	10/06/2022 - 10/06/2022	Govt Public Notices
ABD aberdeennews.com	1	10/06/2022 - 10/06/2022	Govt Public Notices

Total Order Confirmation

\$20.12

NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on October 18, 2022, at 7:00 P.M.
Petitioner: Ochsner Real Estate LP

Description of property: The S1/2 of Section 19- T123N-R64W lying south of Railroad R.O.W. of the 5th P.M., Brown County, South Dakota (38284 134th Street, Aberdeen Twp.).

Reason: Rezoning from Agriculture Preservation District (AG-P) to Light Industrial District (L-1) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 6th day of October 2022.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once at the total approximate cost of \$20.12
7877591 10/6/22

STAFF REPORT

October 18, 2022

BROWN COUNTY PLANNING COMMISSION

REZONE PARCEL FROM:

ITEM # 11

AGRICULTURE PRESERVATION DIST (AG-P) TO MINI AGRICULTURE DIST (M-AG)

GENERAL INFORMATION:

PETITIONER:	Jerrad Jangula
REQUEST:	Rezone Parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG)
LEGAL DESCRIPTION:	Proposed Lot 1, "Jangula Subdivision", in the NE1/4 of Section 24-T123N-R65W of the 5 th P.M., Brown County, South Dakota
LOCATION:	13309 382 nd Avenue
TOWNSHIP:	Mercier Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this rezone to bring this parcel into compliance for its current use.

GENERAL REVIEW: Staff has reviewed this request.

NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on October 18, 2022, at 7:00 P.M.

Petitioner: Jerrad Jangula

Description of property: Proposed Lot 1, "Jangula Subdivision", in the NE1/4 of Section 24-T123N-R65W of the 5th P.M., Brown County, South Dakota (13309 382nd Avenue, Mercier Twp.).

Reason: Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

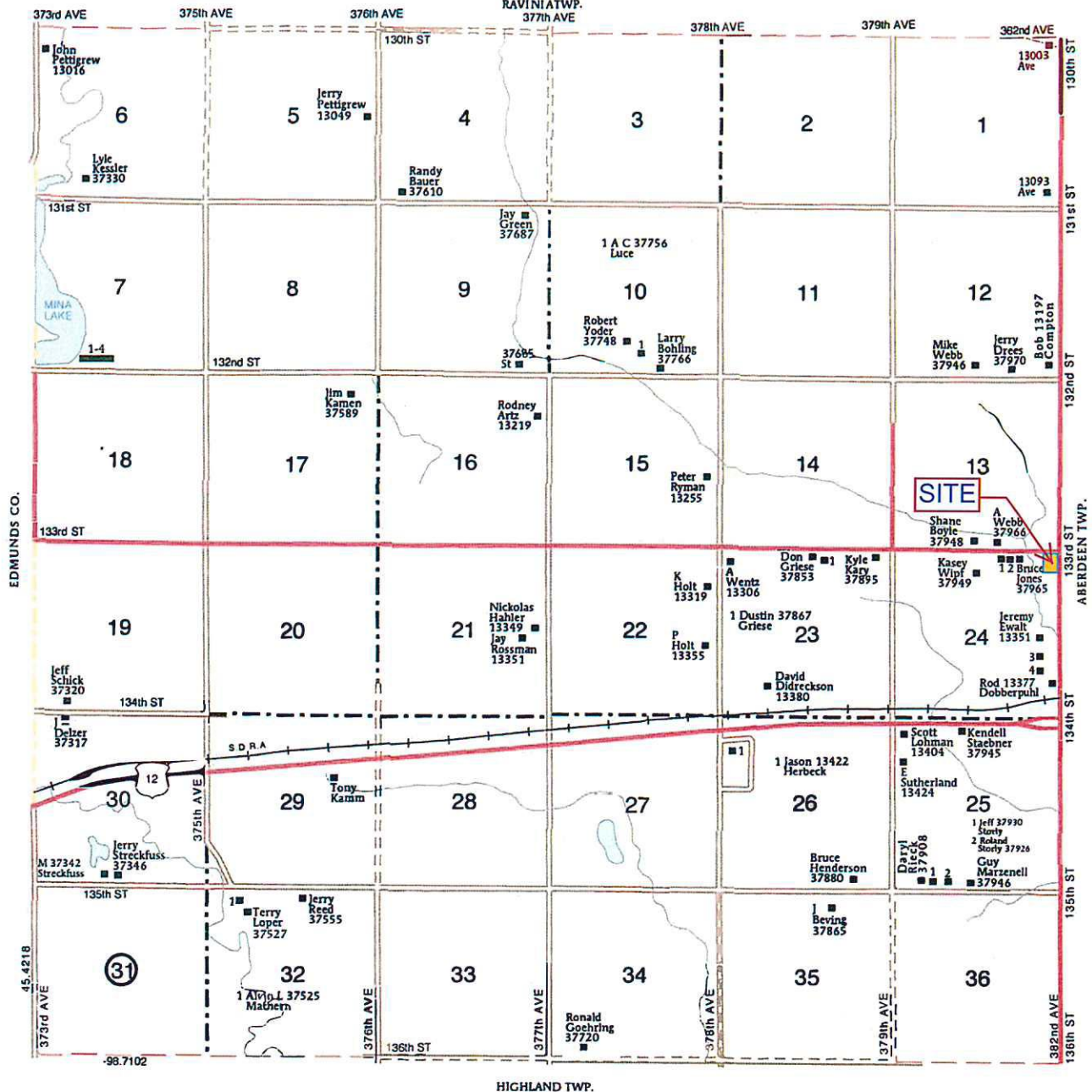
Dated this 6th day of October 2022.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

(Residents - Owners or Renters)

RAVINIATWP.



HIGHLAND TWP.

- MERCIER TOWNSHIP**
SECTION 7
 1 Bauer, Bryan 37302
 2 Davis, I 37306
 3 Salo, Roger 37310
 4 Dykema, Wade 37320
SECTION 24
 1 Hehn, Robert 37961
 2 Jones, Jamie 37963
 3 Zinter, Daniel 13365
 4 Hammer, Leland 13371

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: _____
Receipt: 816656
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:

Proposed Lot 1, "Jangula Subdivision" in the NE1/4 of Section 24-T123N-R65W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 13309 382nd Ave
From the Agriculture Preservation District
To the Mini-Agriculture District

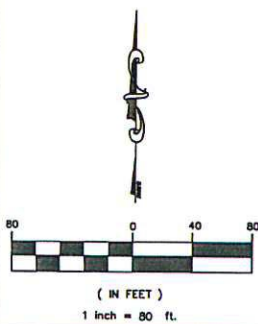
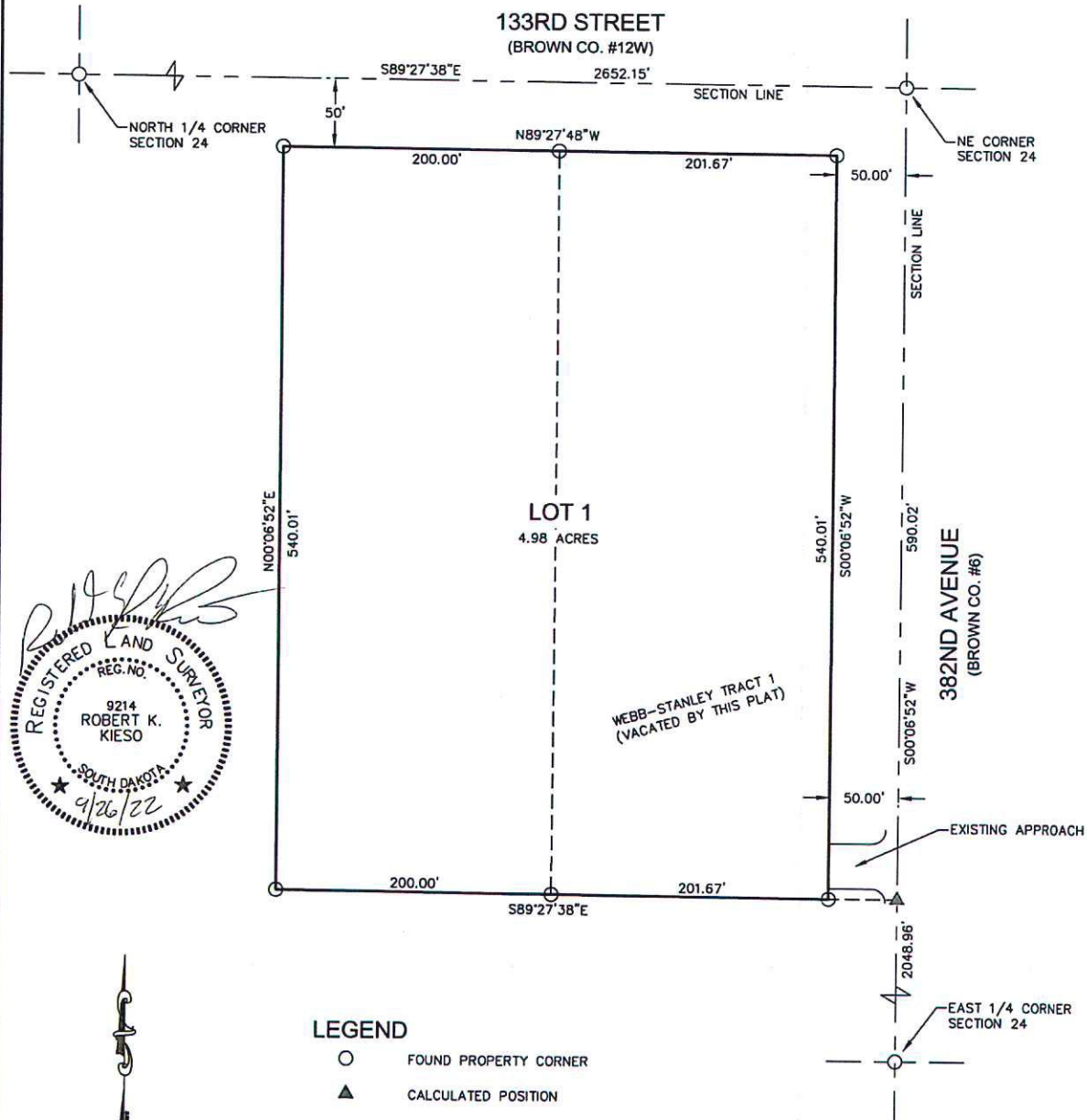
Purpose: Bring property into compliance.
Size of Parcel: Apprx. 4.98 Acres
Existing Land Use: Rural residential

Petitioner: (Print) Jerrad Jangula
Signature: [Handwritten Signature]
Date: 9-27-22 Phone: 605-216-7975
Address: 13309 382nd Ave
Aberdeen, SD 57401
City State Zip

Owner: (Print) Jerrad Jangula
Signature: [Handwritten Signature]
Date: 9-27-22 Phone: 605-216-7975
Address: 13309 382nd Ave
Aberdeen, SD 57401
City State Zip

Additional Signatures may be submitted on a separate page.

PLAT OF
JANGULA SUBDIVISION
IN THE NE 1/4 OF SECTION 24-T123N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA



Helms ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS

221 Brown County Highway 19
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

DWG. 7067-LS BY:KMW SHEET 1 OF 3

JANGULA SUBDIVISION

IN THE NE 1/4 OF SECTION 24-T123N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF JERRAD JANGULA AND ARLENE P. WEBB-STANLEY AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO SEPTEMBER 26, 2022, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: JANGULA SUBDIVISION IN THE NE 1/4 OF SECTION 24-T123N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA.

I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 26th DAY OF September, 2022



ROBERT K. KIESO, REGISTERED LAND SURVEYOR #9214

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN JANGULA SUBDIVISION IN THE NE 1/4 OF SECTION 24-T123N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20____


JERRAD JANGULA
ARLENE P. WEBB-STANLEY

DECLARATION OF VACATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED HEREBY DECLARE TO VACATE THAT PORTION AS SHOWN AND MARKED ON THE FOREGOING PLAT AND OF THE PLAT OF WEBB STANLEY TRACT 1, AS RECORDED AS PLAT 2880 ON JULY 3, 2012 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE. THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20____

EXISTING PARCEL:

WEBB-STANLEY TRACT 1 IN THE NE 1/4 OF SECTION 24-T123N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA

EXISTING PARCEL:

NE 1/4 OF SECTION 24-T123N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA EXCEPT LAND DEEDED AND PLATTED.


JERRAD JANGULA

ACKNOWLEDGEMENT

STATE OF SD)
COUNTY OF BROWN)SS

ON THIS THE 27th DAY OF SEPTEMBER, 2022, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JERRAD JANGULA, KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.



NOTARY PUBLIC, _____ SD STATE

MY COMMISSION EXPIRES: 7/20/2027

ACKNOWLEDGEMENT

STATE OF SD)
COUNTY OF BROWN)SS

ON THIS THE 27th DAY OF SEPTEMBER, 2022, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED ARLENE P. WEBB-STANLEY, KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.



NOTARY PUBLIC, _____ SD STATE

MY COMMISSION EXPIRES: 7/20/2027

PLAT OF
JANGULA SUBDIVISION
IN THE NE 1/4 OF SECTION 24-T123N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING: JANGULA SUBDIVISION IN THE NE 1/4 OF SECTION 24-T123N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING JANGULA SUBDIVISION IN THE NE 1/4 OF SECTION 24-T123N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTRY ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS ____ DAY OF _____, 20____.

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

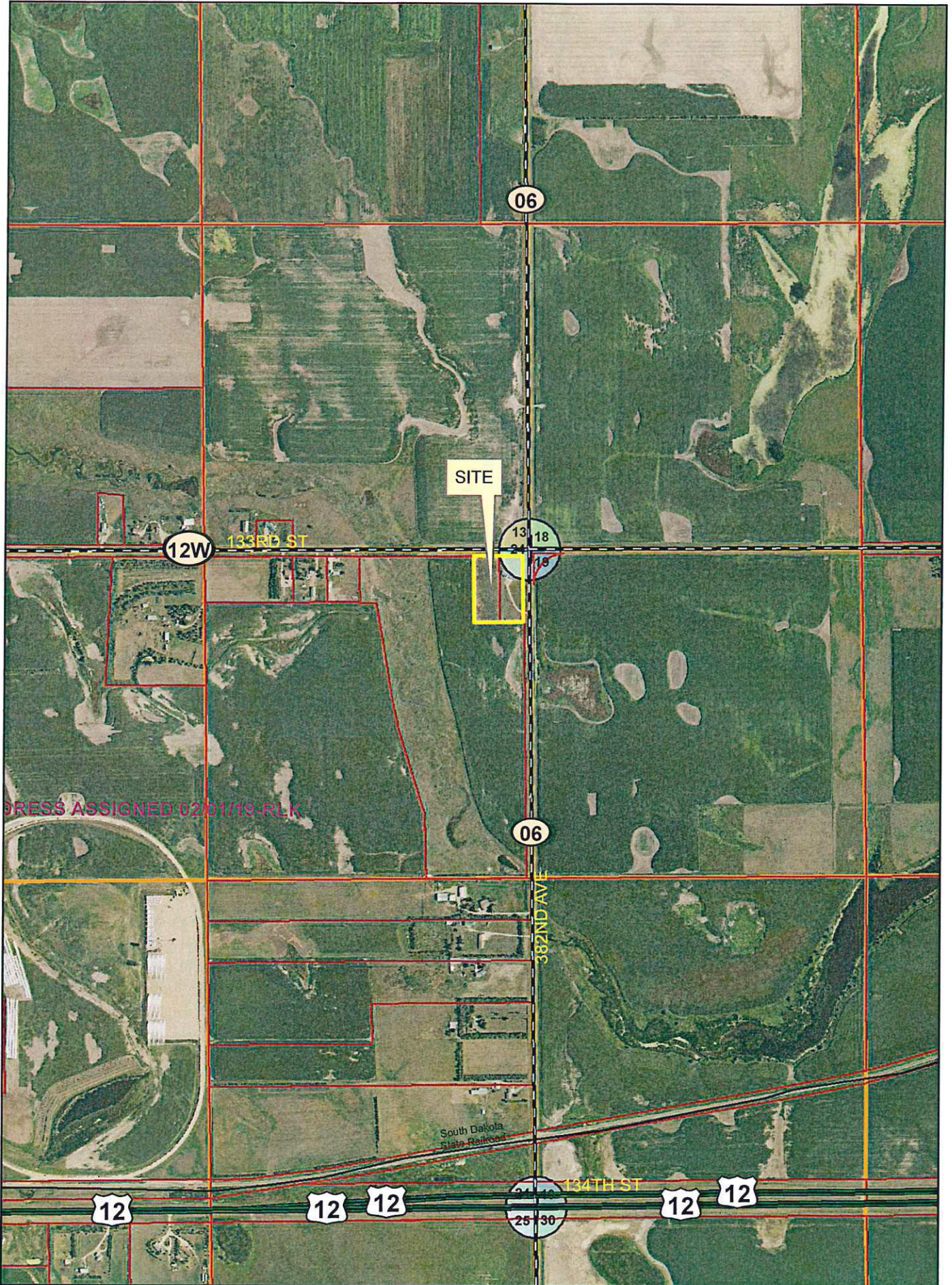
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS 26 DAY OF September, 2022.

Cynthia M. Meyer, chdeptreasurer
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____, 20____ AT ____ O'CLOCK _____ AND DULY RECORDED AS PLAT NO. _____

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA



06

SITE

12W

133RD ST

06

382ND AVE

DRESS ASSIGNED 02/01/19-RLK

South Dakota State Railroad

12

12

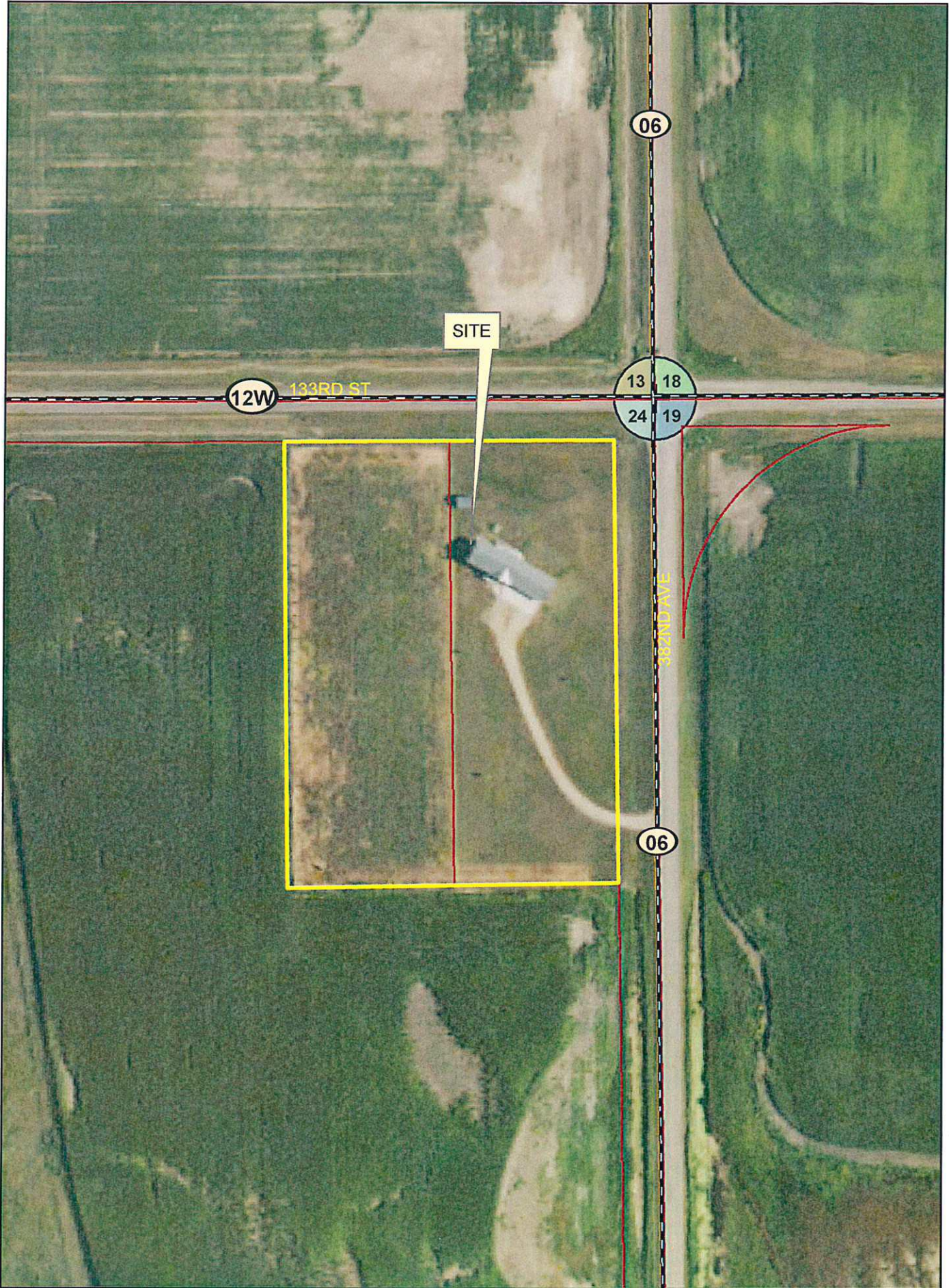
12

25 30

134TH ST

12

12



SITE

12W

133RD ST

06

13 18
24 19

06

382ND AVE

Jerrad Jangula
13309 382nd Avenue
Aberdeen SD 57401

Mercier Township
C/O Allen Luce
37756 132nd Street
Aberdeen SD 57401

Arlene Webb-Stanley
37966 133rd Street
Aberdeen SD 57401

Tom & Peggy Eilers
38281 133rd Street
Aberdeen SD 57401



Aberdeen News
Watertown Public Opinion

Order Confirmation

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	2-Jangula

Date:	10/04/2022
Order Number:	7877675
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	54.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	10/06/2022 - 10/06/2022	Govt Public Notices
ABD aberdeennews.com	1	10/06/2022 - 10/06/2022	Govt Public Notices

Total Order Confirmation

\$20.12

NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on October 18, 2022, at 7:00 P.M.

Petitioner: Jerrad Jangula
Description of property: Proposed Lot 1, "Jangula Subdivision", in the NE1/4 of Section 24-T123N-R65W of the 5th P.M., Brown County, South Dakota (13309 382nd Avenue, Mercier Twp.).

Reason: Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 6th day of October 2022.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once at the total approximate cost of \$20.12
7877675 10/6/22

STAFF REPORT

October 18, 2022

BROWN COUNTY PLANNING COMMISSION

Rezone Parcel from:

ITEM # 12

Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG)

GENERAL INFORMATION:

PETITIONER:	John & Krystal Daily
REQUEST:	Rezone Parcel from the Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG)
LEGAL DESCRIPTION:	Lot 1, "First Subdivision of Bieber's Outlot 1" in the N1/2 of Section 21-T126N-R64W of the 5 th P.M., Brown County, South Dakota
LOCATION:	38455 115 th Street
TOWNSHIP:	Oneota Twp
EXISTING ZONING:	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Chris Anderson

GENERAL COMMENT: The petitioner is requesting this rezone to bring this parcel into compliance for its current use.

GENERAL REVIEW: Staff has reviewed this request.

NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on October 18, 2022, at 7:00 P.M.

Petitioner: John & Krystal Daily

Description of property: Lot 1, "First Subdivision of Bieber's Outlot 1" in the N1/2 of Section 21-T126N-R64W of the 5th P.M., Brown County, South Dakota (38455 115th Street, Oneota Twp.).

Reason: Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

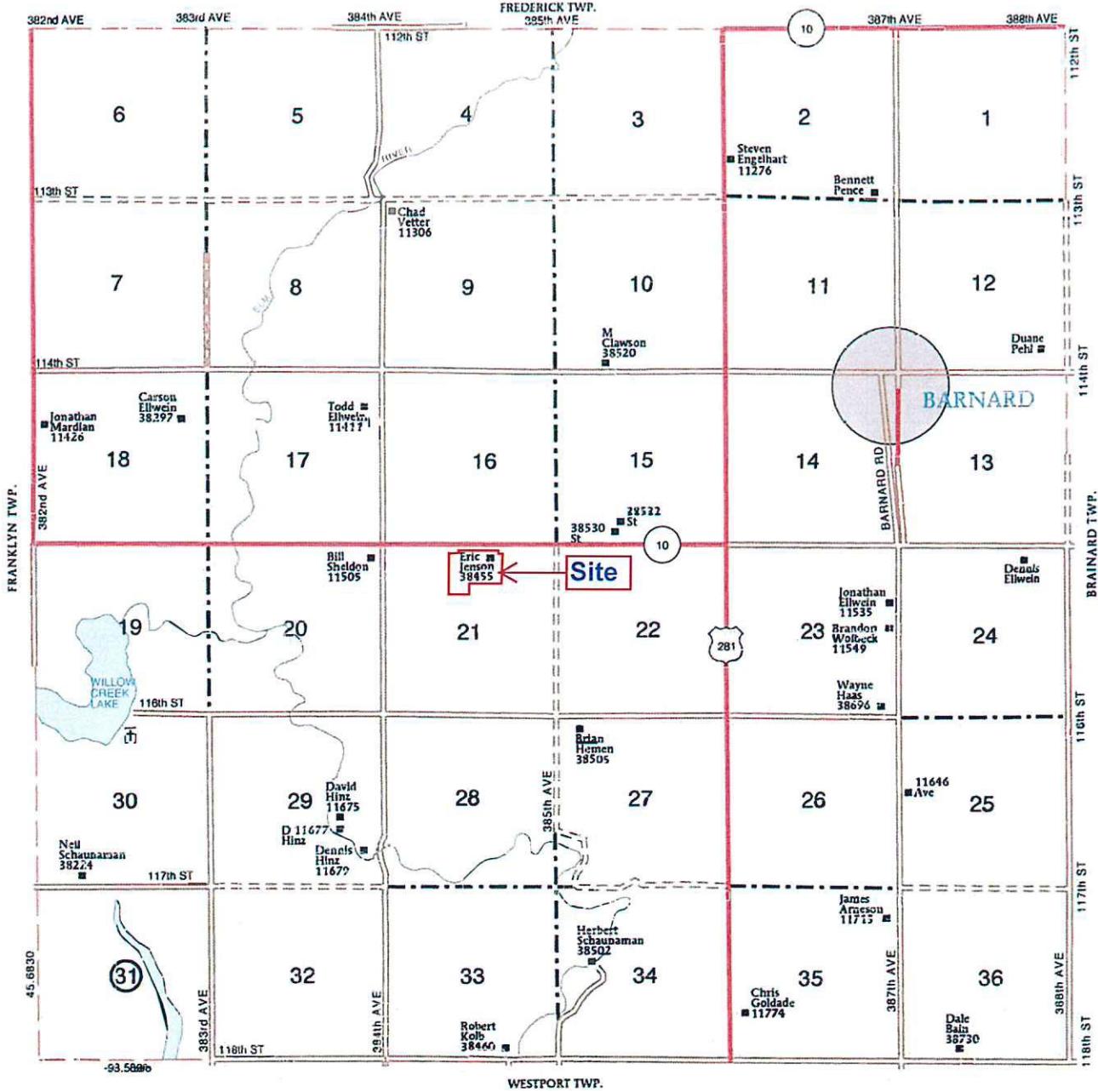
The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 6th day of October 2022.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

(Residents - Owners or Renters)



REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: _____
Receipt: 816651
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:

Lot 1, "First Subdivision of Bieber's Outlot 1" in the N1/2 of Section 21-T126N-R64W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 38455 115th Street
From the Agriculture Preservation District
To the Mini-Agriculture District

Purpose: To Bring into Compliance
Size of Parcel: 20.0 Acres
Existing Land Use: Agriculture

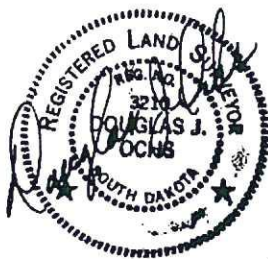
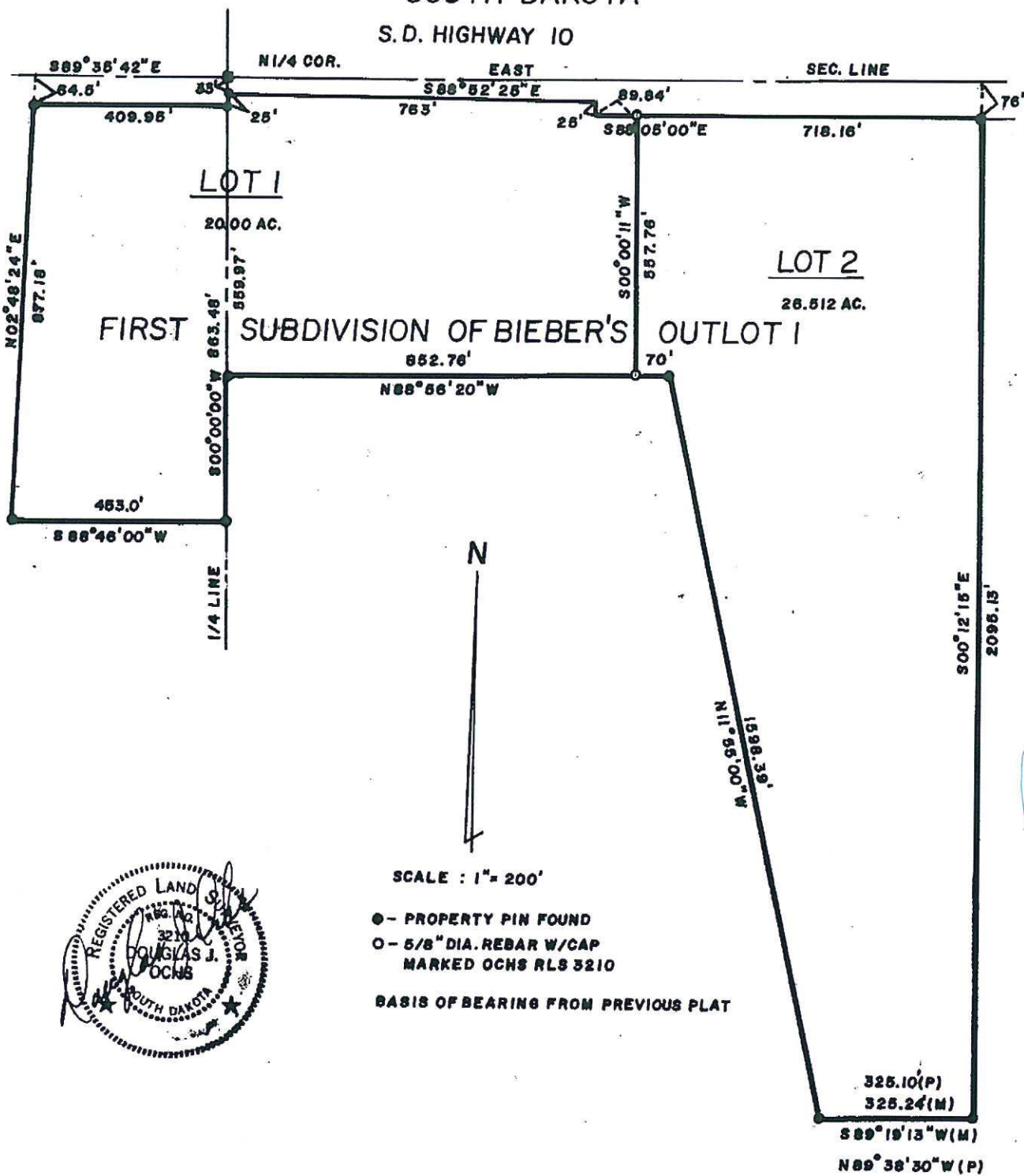
Petitioner: (Print) John Daily
Signature: [Signature]
Date: 9-16-22 Phone: 605-290-7787
Address: 38455 115th Street
Westport, SD 57481
City State Zip

Owner: (Print) _____
Signature: [Signature]
Date: 9-16-22 Phone: _____
Address: _____
City State Zip

Additional Signatures may be submitted on a separate page.

PLAT SHOWING

FIRST SUBDIVISION OF BIEBER'S OUTLOT 1 IN THE N1/2
OF SEC. 21, T. 126 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY,
SOUTH DAKOTA



OWNER'S CERTIFICATE

We, Michael L. and Terry E. Wilson, do hereby certify that we are the owners of Bieber's Outlot 1 in the N1/2 of Sec. 21, T. 126 N., R. 64 W. of the 5th P.M., Brown County, South Dakota and that we have caused the same to be surveyed and subdivided as shown on the accompanying plat which shall hereafter be known and described as "First Subdivision of Bieber's Outlot 1 in the N1/2 of Sec. 21, T. 126 N., R. 64 W. of the 5th P.M., Brown County, South Dakota," containing 46.51 acres, more or less. We do further certify that the development of the land included in this plat shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Signed this 4th day of June, 2003.

**Signed this 17th day of June, 2003

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN) ss

Terry E. Wilson Michael L. Wilson
OWNER - TERRY E. WILSON WITH P.O.A. FOR
MICHAEL L. WILSON P.O.A.

On this 4th day of June, 2003, before me, John P. Rush, the undersigned officer, personally appeared Terry E. Wilson, known to me or satisfactorily proven to be the person who has Power Of Attorney for Michael L. Wilson, and who executed the within instrument and who acknowledged that he/she executed the same for the purposes therein contained. IN WITNESS WHEREOF I hereunto set my official hand and seal.

My commission expires: January 10th, 2005



John P. Rush
Notary Public, Brown County, South Dakota

SURVEYOR'S CERTIFICATE

I, Douglas J. Ochs, Registered Land Surveyor, do hereby certify that, at the request of the owners, I have surveyed and platted "First Subdivision of Bieber's Outlot 1 in the N1/2 of Sec. 21, T. 126 N., R. 64 W. of the 5th P.M., Brown County, South Dakota," and that I have set monuments as denoted hereon and that said survey and plat are true and correct to the best of my knowledge and belief.

Signed this 3rd day of June, 2003.

Douglas J. Ochs
Registered Land Surveyor #3210

APPROVAL BY COUNTY

I hereby certify that the following is a correct copy of the resolution duly passed by the Board of Commissioners of Brown County, South Dakota at a meeting held on the 24 day of June, 2003.

Madeline Tost
County Auditor, Brown County, South Dakota

"Be it resolved by the Board of Commissioners of Brown County, South Dakota, that the plat showing "First Subdivision of Bieber's Outlot 1 in the N1/2 of Sec. 21, T. 126 N., R. 64 W. of the 5th P.M., Brown County, South Dakota," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

COUNTY PLAN COMMISSION CERTIFICATE

I hereby certify that the following is a correct copy of the resolution duly passed by the County Plan Commission of Brown County, South Dakota at a meeting held on the 17 day of June, 2003.

Candace Jacobson
Secretary, Brown County Plan Commission

"Be it resolved by the County Plan Commission of Brown County, South Dakota, that the plat showing "First Subdivision of Bieber's Outlot 1 in the N1/2 of Sec. 21, T. 126 N., R. 64 W. of the 5th P.M., Brown County, South Dakota," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments thereof."

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the land included in this plat are shown by the records of my office to be fully paid.

Signed this 4th day of June, 2003.

Drew Bonham
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I hereby certify that I have received a copy of this plat this 4th day of June, 2003.

Kathy Fischer
Director of Equalization, Brown County, SD

REGISTER OF DEEDS' CERTIFICATE

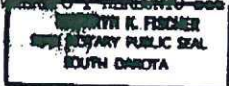
Filed for record this 24 day of June, 2003, at 4:45 o'clock P.M., and duly recorded in hanging plat file 1869 H.

Carl Sherman
Register of Deeds, Brown County, South Dakota

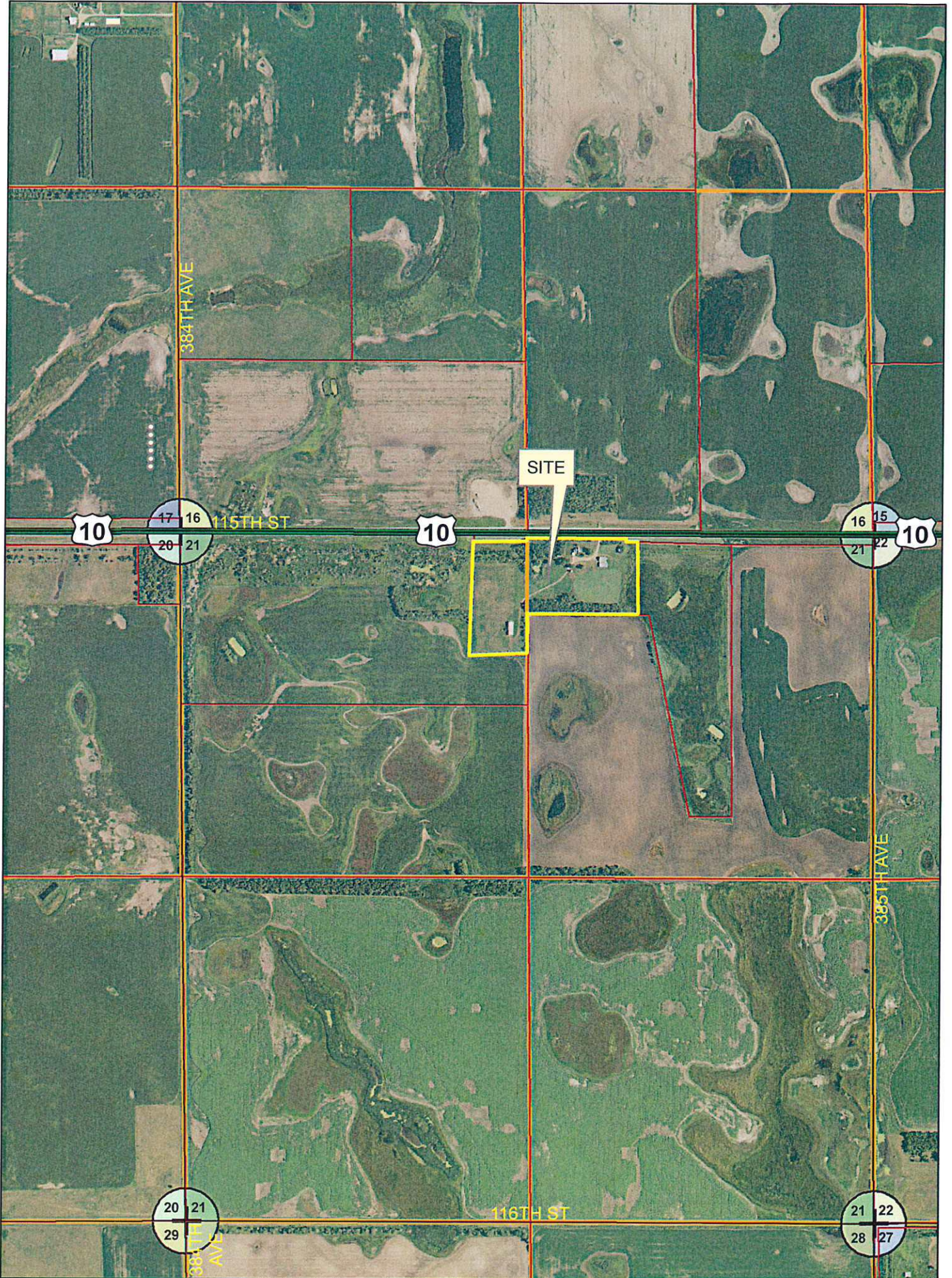
** STATE OF SOUTH DAKOTA)
COUNTY OF BROWN) ss

On this 17 day of June, 2003, before me, Kathryn K. Fischer the undersigned officer, personally appeared Terry E. Wilson for herself, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and who acknowledged that she/he executed the same for the purposes therein contained. IN WITNESS WHEREOF I hereunto set my official hand and seal.

My commission expires: 7-14-2005



Kathryn K. Fischer
Notary Public, Brown County, South Dakota



384TH AVE

115TH ST

SITE

10

10

10

17 16
20 21

16 15
21 22

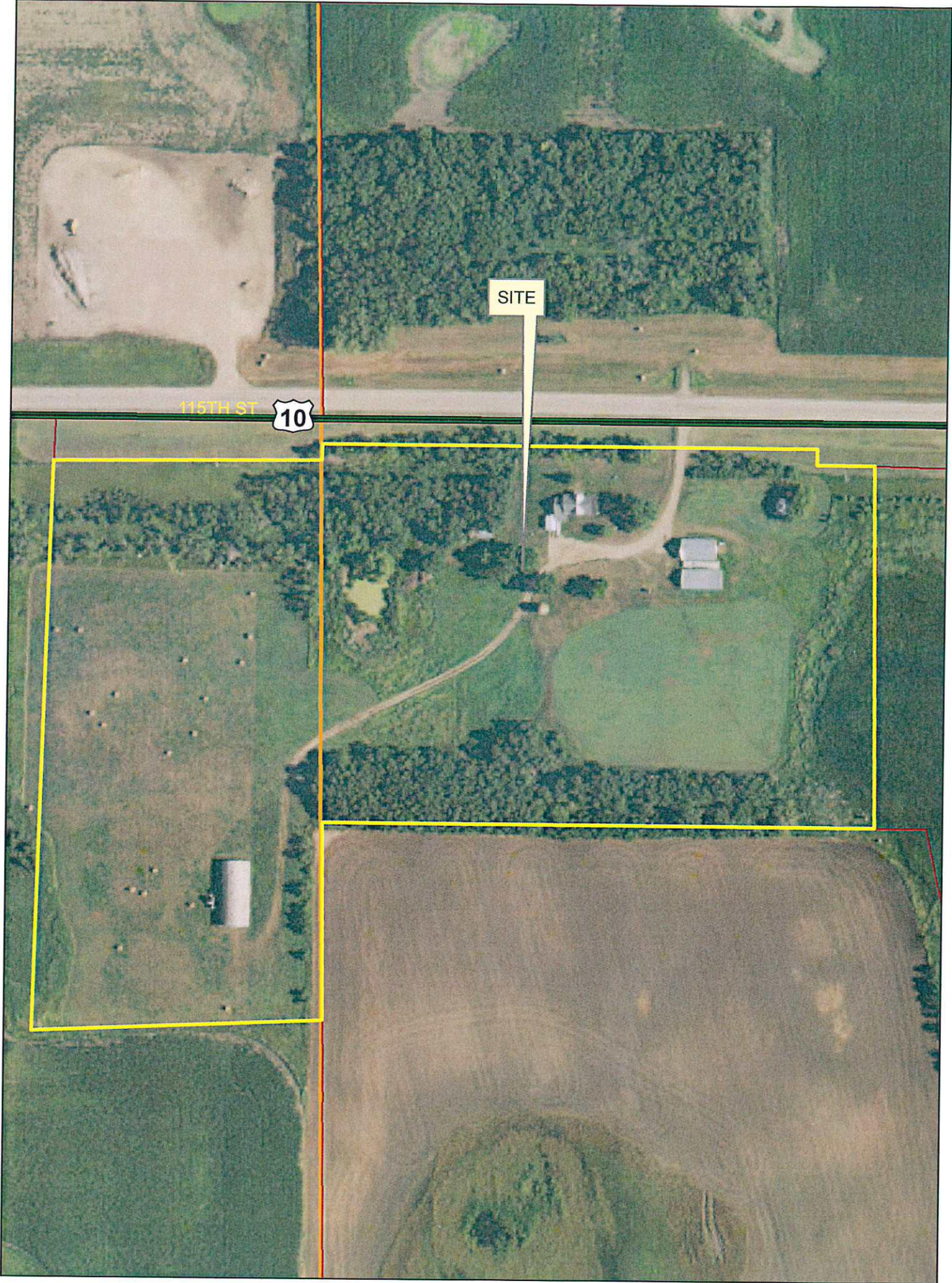
20 21
29

21 22
28 27

384TH AVE

116TH ST

385TH AVE



SITE

115TH ST

10

John & Krystal Daily
38455 115th Street
Westport SD 57481

Oneota Township
C/O Dennis Hinz
11679 384th Ave
Westport SD 57481

Joseph Berbos
126741 E Shore Dr
Aberdeen SD 57401

Vogele Land, LLC
661 Bremer Ct
Glen Ellyn IL 60137-5022

Karen Edwards
39109 126th Street
Aberdeen SD 57401

Wade VanDover Family Trust
356 North Street
Big Stone City SD 57216



Aberdeen News
Watertown Public Opinion

Order Confirmation

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	2-Daily

Date:	10/04/2022
Order Number:	7877639
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	55.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	10/06/2022 - 10/06/2022	Govt Public Notices
ABD aberdeennews.com	1	10/06/2022 - 10/06/2022	Govt Public Notices

Total Order Confirmation

\$20.40

NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on October 18, 2022, at 7:00 P.M.
Petitioner: John & Krystal Daily

Description of property: Lot 1, "First Subdivision of Bieber's Outlot 1" in the N1/2 of Section 21-T126N-R64W of the 5th P.M., Brown County, South Dakota (38455 115th Street, Oneota Twp.).

Reason: Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 6th day of October 2022.

Planning/Zoning Commission and

Scott Bader - P&Z Director
25 Market Street

Aberdeen, SD 57401

Office: (605) 626-7144

Published once at the total approximate cost of \$20.40

7877639 10/6/22

STAFF REPORT

October 18, 2022

BROWN COUNTY PLANNING COMMISSION

Rezone Parcel from:

ITEM # 13

Residential District (R-1) to Commercial District (C)

GENERAL INFORMATION:

PETITIONER:	Stacy Gossman
REQUEST:	Rezone Parcel: Residential District (R-1) to Commercial District (C)
LEGAL DESCRIPTION:	Proposed Lot 1, "Ole Crow Addition" in the NW1/4 of Section 17-T123N-R63W of the 5 th P.M., Brown County, South Dakota
LOCATION:	2790 8 th Avenue NE
TOWNSHIP:	Aberdeen Twp
EXISTING ZONING	Residential District (R-1)
SURROUNDING ZONING:	
North:	City of Aberdeen
South:	Residential District (R-1)
East:	City of Aberdeen
West:	Residential District (R-1)
PUBLIC UTILITIES:	Unknown
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this rezone to Commercial District (C) to bring this parcel into compliance for its future use.

GENERAL REVIEW: Staff has reviewed this request.

NOTICE OF HEARING

A *PETITION to REZONE* has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex lower-level Community Room, on October 18, 2022, at 7:00 p.m.

Owner / Petitioner: Stacy Gossman

Description of property: Proposed Lot 1, "Ole Crow Addition" in the NW1/4 Section 17-T123N-R63W of the 5th P.M., Brown County, South Dakota (2520 8th Avenue NE, Aberdeen Twp.).

Reason: Rezoning from Residential District (R-1) to Commercial District (C) to bring this parcel into compliance for its future use.

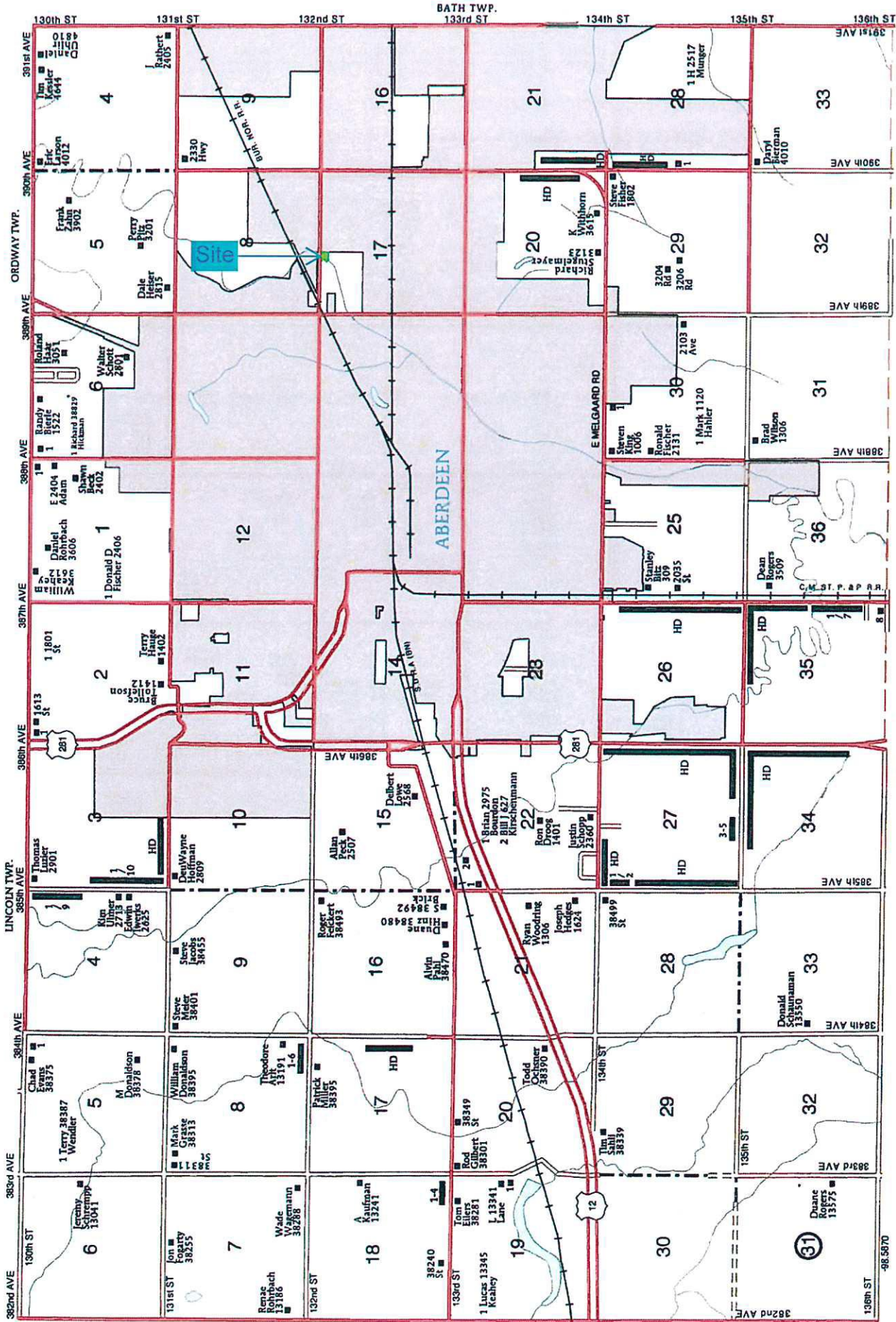
The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of October 2022.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

(Residents - Owners or Renters)



SEE PAGE 21 FOR ADDITIONAL NAMES NOT LISTED ON MAPS.

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MERCIER TWP.

45.4218

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: _____
Receipt: 816669
Filing Fee: \$350
(non-refundable)

Brown County Commission Members:

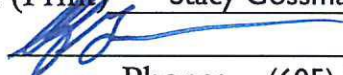
I/We the undersigned, do hereby petition the Brown County Commission of Brown County, South Dakota to rezone property as follows:

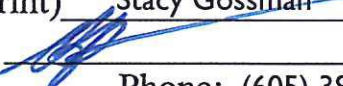
Legal Description:

Proposed Lot 1, "Ole Crow Addition" in the NW1/4 of Section 17-
T123N-R63W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 2790 8th Avenue NE
From the Residential **District**
To the Commercial **District**

Purpose: To Bring into Compliance
Size of Parcel: Lot 1 = 2.69 acres;
Existing Land Use: Agriculture

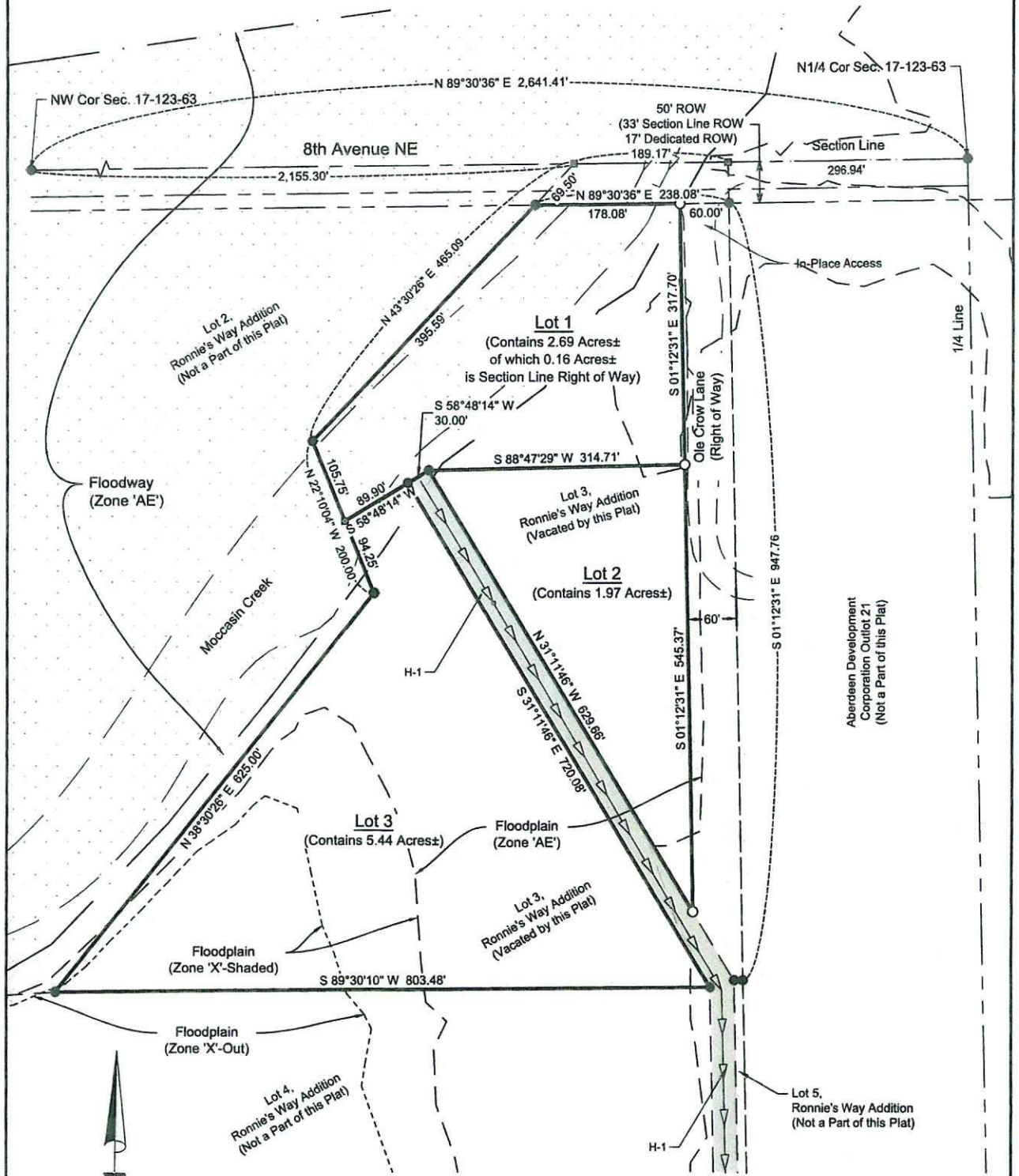
Owner/Petitioner: (Print) Stacy Gossman
Signature: 
Date: _____ Phone: (605) 380-2203
Address: PO Box 939
Aberdeen, SD 57402-0939
City State Zip

Owner: (Print) Stacy Gossman
Signature: 
Date: _____ Phone: (605) 380-2203
Address: PO Box 939
Aberdeen, SD 57402-0939
City State Zip

Additional Signatures may be submitted on a separate page.

PLAT SHOWING OLE CROW ADDITION

IN THE NW1/4 OF SECTION 17, TOWNSHIP 123 NORTH,
RANGE 63 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA



LEGEND

- PROPERTY PIN FOUND
- PIN SET w/CAP LS 15575
- ⊠ CALCULATED CORNER

0 120'
SCALE IN FEET

FLOODPLAIN

BASE FLOOD ELEVATION = 1299.0

- ▭ ZONE AE FLOODWAY
- ▭ ZONE AE FLOODPLAIN
- ▭ ZONE X-SHADED



IMEG

3314 MILWAUKEE AVE N.E.
SUITE 2
ABERDEEN, SD 57401

PH: 605.225.3494
www.imegcorp.com

BASIS OF BEARINGS
State Plane Grid
South Dakota North Zone (4001)
NAD '83 (2011) US Survey Feet
Distances are GROUND

PLAT SHOWING
OLE CROW ADDITION

IN THE NW1/4 OF SECTION 17, TOWNSHIP 123 NORTH,
RANGE 63 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, Stacy J. Gossman, do hereby certify that I am the owner of Lot Three (3), Ronnie's Way Addition, in the Northwest Quarter (NW1/4) of Section Seventeen (17), Township One Hundred Twenty-Three (123) North, Range Sixty-Three (63) West of the 5th P.M., Brown County, South Dakota, and that I have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "OLE CROW ADDITION IN THE NW1/4 OF SECTION 17, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, I, Stacy J. Gossman, do hereby dedicate to the public forever, with private maintenance, "Ole Crow Lane" for street purposes as shown on the attached plat. An HOA will provide street maintenance upon construction of residences/buildings on site.

By this plat, I, Stacy J. Gossman, do hereby vacate Lot 3, Ronnie's Way Addition, in the NW1/4 of Section 17, Township 123 North, Range 63 West of the 5th P.M., Brown County, South Dakota, as file for record on July 15, 2021, at 11:41 A.M., and duly recorded as Hanging Plat 3745 therein.

Owner: Stacy J. Gossman

Signature

Signed this _____ day of _____, 2022.

COUNTY OF _____)
STATE OF _____) SS

On this the _____ day of _____, 2022, before me, the undersigned officer, personally appeared Stacy J. Gossman, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

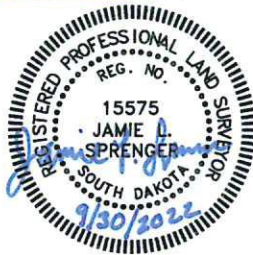
My Commission Expires: _____

Notary Public

SURVEYOR'S CERTIFICATE

I, Jamie L. Sprenger, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owners, I have surveyed and platted "OLE CROW ADDITION IN THE NW1/4 OF SECTION 17, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 30th day of SEPTEMBER, 2022.



HIGHWAY APPROVAL

The location of the in-place access roads, is hereby approved. Any change in the in-place access shall require addition approval.

Signed this _____ day of _____, 2022.

Print Name and Title

Signature

COUNTY PLANNING COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2022.

Secretary of County Planning Commission, Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "OLE CROW ADDITION IN THE NW1/4 OF SECTION 17, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2022.

County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "OLE CROW ADDITION IN THE NW1/4 OF SECTION 17, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat are shown by the record of my office to be fully paid.

Signed this _____ day of _____, 2022.

County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this _____ day of _____, 2022.

Director of Equalization, Brown County, South Dakota

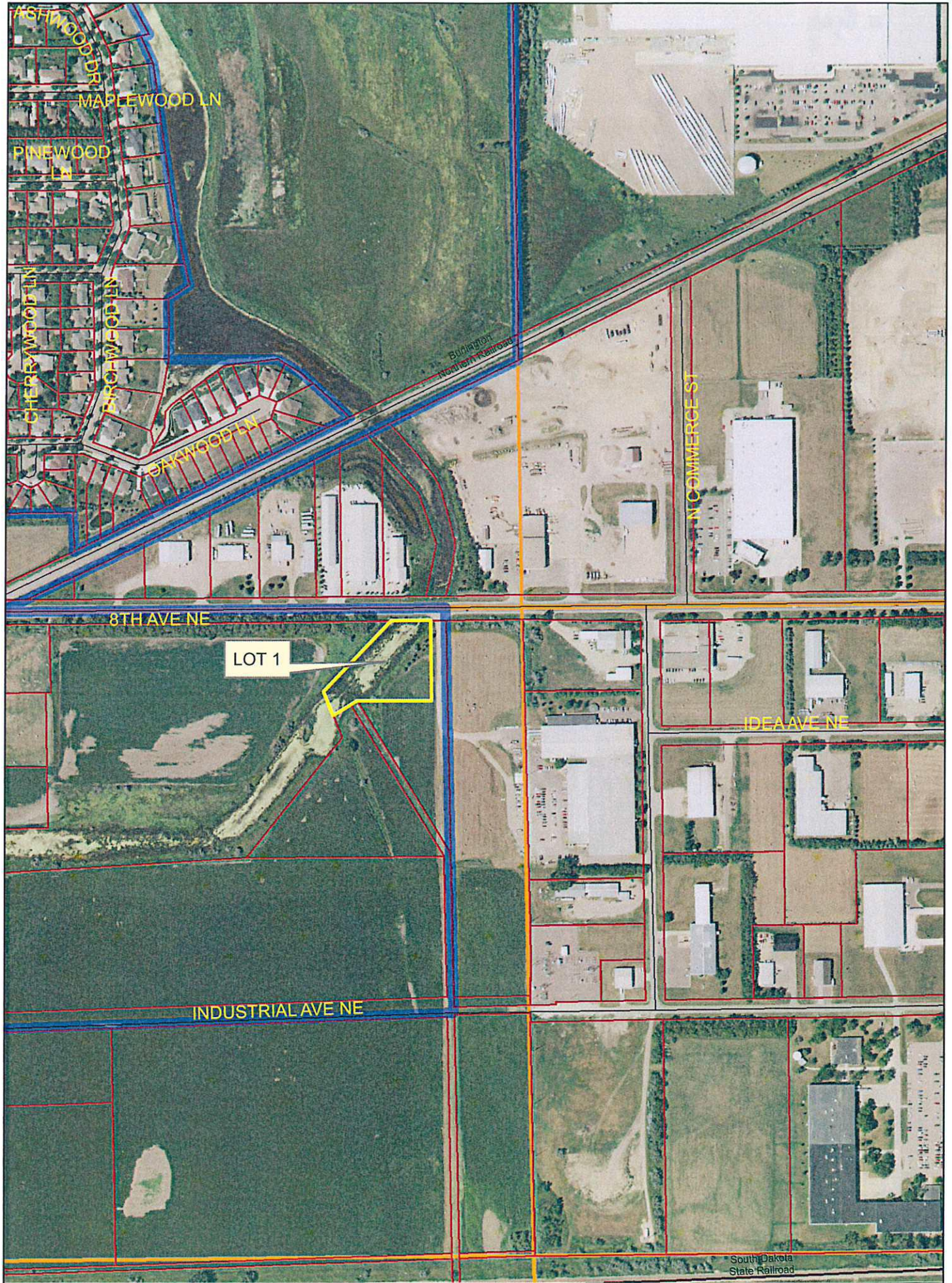
REGISTER OF DEEDS' CERTIFICATE

Filed for record this _____ day of _____, 2022, at

_____ O'clock _____ M., and duly recorded as Hanging Plat No. _____.

Register of Deeds, Brown County, South Dakota





LOT 1

ASHWOOD DR
MAPLEWOOD LN

PINEWOOD LN

CHERRYWOOD LN

OAKWOOD LN

OAKWOOD LN

8TH AVE NE

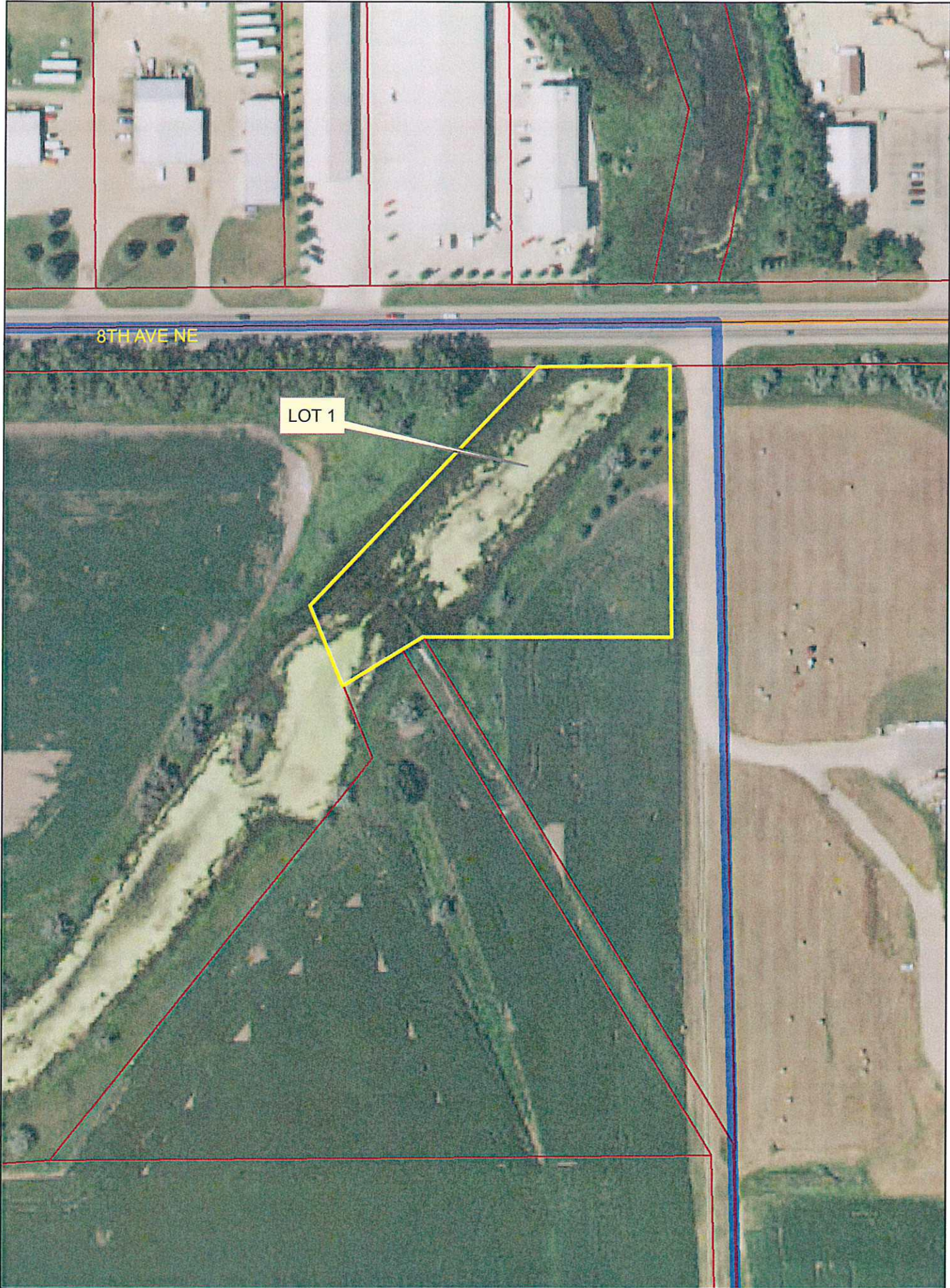
INDUSTRIAL AVE NE

IDEA AVE NE

N COMMERCE ST

Burlington
Northern Railroad

South Dakota
State Railroad



8TH AVE NE

LOT 1

Stacy Gossman
PO Box 939
Aberdeen SD 57402-0939

Aberdeen Township
C/O James Kunkle
13229 384th Avenue
Aberdeen SD 57401

Triple E Properties, LLC
PO Box 38
Bryant SD 57221

Midwest Business Condos, LLC
1156 S Lake Dr
Watertown SD 57201

Jack Hollinsworth
1401 N Penn Street
Aberdeen SD 57401

DAK Investments, LLC
2301 8th Ave NE Ste #120
Aberdeen SD 57401

Brown County Highway Dept.
3133 8th Avenue NE
Aberdeen SD 57401

Lomar Development Co. LLP
5959 Trenton Lane N
Minneapolis MN 55442-3237

Ron Wagner Trust
1220 Oakwood Lane
Aberdeen SD 57401



Aberdeen News
Watertown Public Opinion

Order Confirmation

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	

Date:	10/04/2022
Order Number:	7879176
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	55.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	10/07/2022 - 10/07/2022	Govt Public Notices
ABD aberdeennews.com	1	10/07/2022 - 10/07/2022	Govt Public Notices

Total Order Confirmation	\$20.40
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NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex lower-level Community Room, on October 18, 2022, at 7:00 p.m.

Owner / Petitioner: Stacy Gossman
Description of property: Proposed Lot 1, "Ole Crow Addition" in the NW1/4 Section 17-T123N-R63W of the 5th P.M., Brown County, South Dakota (2520 8th Avenue NE, Aberdeen Twp.).

Reason: Rezoning from Residential District (R-1) to Commercial District (C) to bring this parcel into compliance for its future use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of October 2022.

Planning/Zoning Commission and

Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401

Office: (605) 626-7144

Published on Oct. 7, 2022 at the total approximate cost of \$20.40 and may be viewed free of charge at www.sdpublishnotices.com

STAFF REPORT

October 18, 2022

BROWN COUNTY PLANNING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM # 14

GENERAL INFORMATION:

PETITIONER:	Timothy W. Demaray Trust
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	“Demaray Addition” to the City of Columbia in the NW1/4 of Section 28-T125N-R62W of the 5 th P.M., Brown County, South Dakota
LOCATION:	120 E Dakota Avenue
CITY/TOWNSHIP:	City of Columbia
EXISTING ZONING	Rural Urban District (RU)
SURROUNDING ZONING:	
North:	Rural Urban District (RU)
South:	Rural Urban District (RU)
East:	Rural Urban District (RU)
West:	Rural Urban District (RU)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this Preliminary & Final Plat for financial purposes.

GENERAL REVIEW: Staff has reviewed this plat.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Demaray Addition

LEGAL SECTION: QUARTER: NW1/4 SECTION: 28 TOWNSHIP: 125 RANGE: 62

MANDATORY LOTS: 1 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

SCHOOL DISTRICT: Groton Area

UTILITIES: WEB Water

OWNERS NAMES: Timothy W. Demaray Trust

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Zachary Remily (Assurance Land Surveying)

TYPE: PRELIMINARY _____ FINAL _____ BOTH (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$100.00 DATE PAID: 9 / 13 /2022

RECEIVED BY PLANNING DEPARTMENT: 9 / 13 /2022 BY: Chris Anderson

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE _____ FINANCIAL PURPOSES OTHER _____

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR 11 x 17 PHOTO PAPER _____ OTHER _____

STREETS/ROADS NAMED PROPERLY: NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT: _____

EXISTING ACCESS SHOWN ON PLAT: ACCESS PERMISSION NEEDED BY: SD _____ BC TWP

FULLY DIMENSIONED FROM SECTION CORNER: _____ OR QUARTER CORNER: OR KNOWN MARKER:

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE:

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township) SIGNATURE LINE SIGNED:

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR TREASURER SIGNATURE LINE SIGNED

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT: PROPERTY PINS SHOWN ON ALL CORNERS:

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W

AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: September 12, 2022
RECEIPT # 816649
TOWNSHIP: Columbia Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH # 1638
DATE: 9-13-22

OWNERS SIGNATURE: Timothy W. Demaray Trust
OWNERS ADDRESS: 7365 W 148th Street, Suite 251
OWNERS CITY, STATE, ZIP: Apple Valley, MN 55124
OWNERS PHONE: 520-518-7777

Timothy W. Demaray Trust

AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Demaray Addition" to the City of Columbia in the NW1/4
of Section 28-T125N-R62W of the 5th P.M., Brown County, South Dakota

(120 E DAKOTA AVE)

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: October 18, 2022 TIME: 7:00 pm

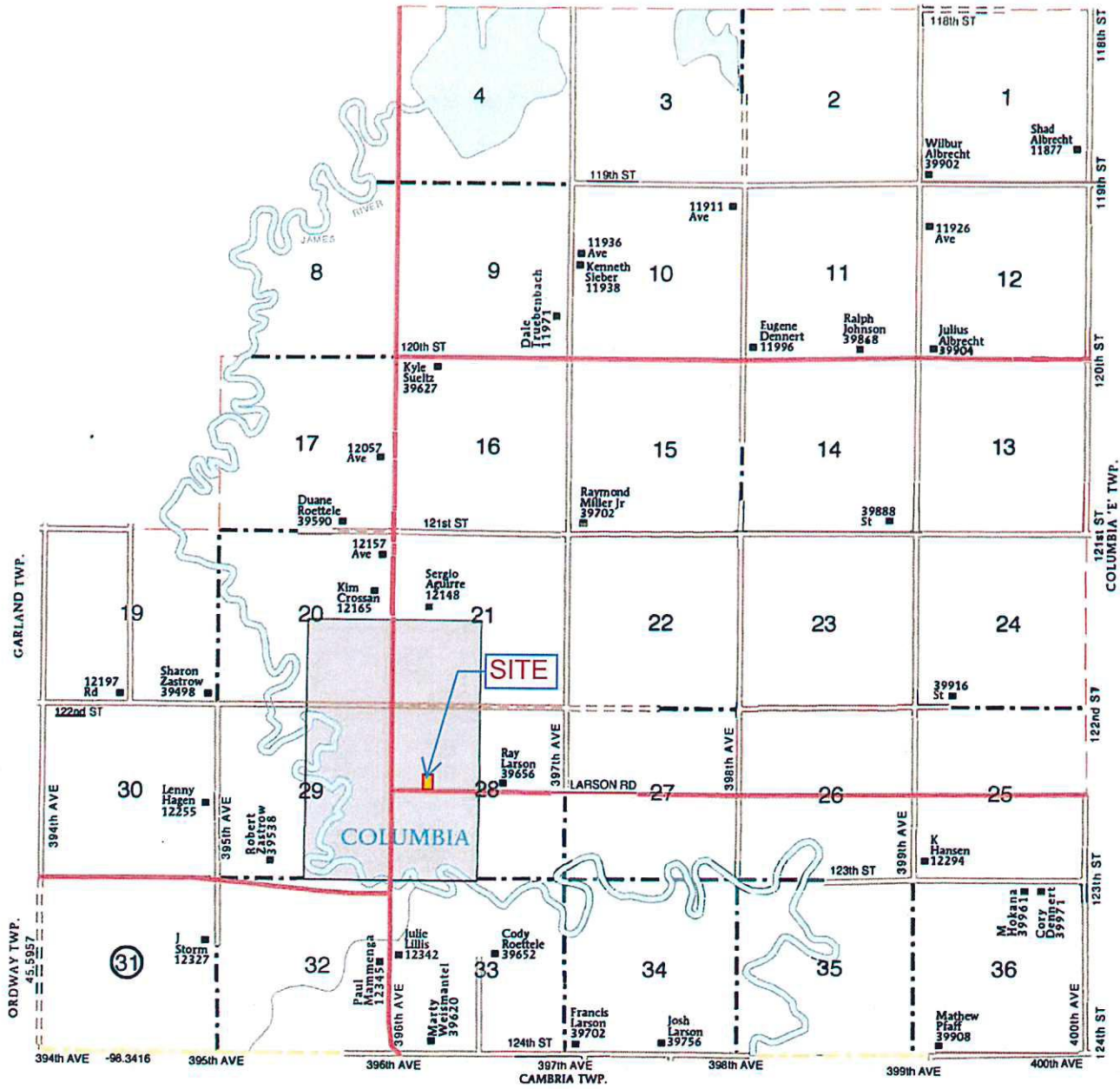
MEETING: located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

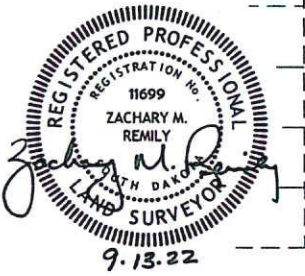
(Residents - Owners or Renters)

SHELBY TWP.



PLAT SHOWING DEMARAY ADDITION

TO THE CITY OF COLUMBIA,
IN THE NW1/4 OF SECTION 28, TOWNSHIP 125 NORTH, RANGE 62 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA



LEGEND

- PIN FOUND (AS NOTED)
- PIN SET w/CAP LS 11699
- ⊕ SPIKE FOUND (AS NOTED)
- △ CALCULATED CORNER

BASIS OF BEARINGS

STATE PLANE COORDINATE SYSTEM
SOUTH DAKOTA NORTH ZONE (4001)
US SURVEY FEET - NAD '83
DISTANCES SHOWN ARE GROUND

Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25 & 27
Peck Addition (Mill Street) to Columbia
(NOT a part of this Plat)

W81' of Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26 & 28
Peck Addition (Mill Street) to Columbia
(VACATED by this Plat)

Mill Street
(66' Public ROW)

Michigan Street
(66' Public ROW)

Lot 1
Contains 1.88 Acres±

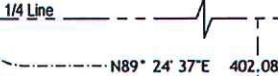
Lot 1, Columbia Railroad Addition
(VACATED by this Plat)

First Avenue NE
(66' Public ROW)

Standard Oil Outlot 1
(NOT a part of this Plat)

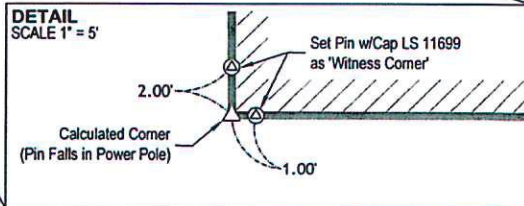
Lot 2, Columbia Railroad Addition
(NOT a part of this Plat)

W1/4 Cor. Sec. 28-125-62
(FOUND Survey Spike w/Washer LS 4792)



Dakota Avenue - Larson Road - Brown Co. Hwy 11
(66' Public ROW)

DETAIL
SCALE 1" = 5'



PLAT SHOWING
DEMARAY ADDITION

TO THE CITY OF COLUMBIA,
IN THE NW1/4 OF SECTION 28, TOWNSHIP 125 NORTH, RANGE 62 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, Timothy W. Demaray, Trustee of the Timothy W. Demaray Trust, u/d March 7, 2017, do hereby certify that the Trust is the owner of Lot 1, Columbia Railroad Addition in the NW1/4 of Section 28, Township 125 North, Range 62 West of the 5th P.M., Brown County, South Dakota AND West 61 feet of Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 24, 26 and 28, Mill Street Pecks Addition to the City of Columbia, Brown County, South Dakota, and that I, as Trustee, have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as:

**"DEMARAY ADDITION TO THE CITY OF COLUMBIA,
IN THE NW1/4 OF SECTION 28,
TOWNSHIP 125 NORTH, RANGE 62 WEST OF THE 5TH P.M.,
BROWN COUNTY, SOUTH DAKOTA"**

and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, I, Timothy W. Demaray, Trustee of the Timothy W. Demaray Trust, u/d March 7, 2017, do hereby VACATE Lot 1, Columbia Railroad Addition in the NW1/4 of Section 28, Township 125 North, Range 62 West of the 5th P.M., Brown County, South Dakota as filed for record on September 20, 1996 at 8:00 AM and duly recorded in Plat Book 14, Page 1054E.

By this plat, I, Timothy W. Demaray, Trustee of the Timothy W. Demaray Trust, u/d March 7, 2017, do hereby VACATE West 61 feet of Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 24, 26 and 28, Mill Street Pecks Addition to the City of Columbia, Brown County, South Dakota, as filed for record on May 4, 1883 at 4:31 PM and duly recorded in Book 4 Deeds, Pages 51-52, and as Hanging Plat No. 33.

Owner: Timothy W. Demaray Trust, u/d March 7, 2017

Timothy W. Demaray, Trustee

Signed this _____ day of _____, 2022.

COUNTY OF _____)
STATE OF _____) SS

On this the _____ day of _____, 2022,
before me, _____, the undersigned officer, personally
appeared Timothy W. Demaray, Trustee of the Timothy W. Demaray Trust,
u/d March 7, 2017, known to me or satisfactorily proven to be the person
who, subscribed to the within instrument and acknowledged that they
executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: _____

Notary Public

SURVEYOR'S CERTIFICATE

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owner, I have surveyed and platted:

**"DEMARAY ADDITION TO THE CITY OF COLUMBIA,
IN THE NW1/4 OF SECTION 28,
TOWNSHIP 125 NORTH, RANGE 62 WEST OF THE 5TH P.M.,
BROWN COUNTY, SOUTH DAKOTA"**

as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Zachary M. Remily

ZACHARY M. REMILY, LS 11699

Signed this 13th day of September, 2022.

CITY OF COLUMBIA ACCESS APPROVAL

"Existing Access to BROWN COUNTY HWY 11 / DAKOTA AVENUE / LARSON ROAD is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

Print Name & Title

Signature

Signed this _____ day of _____, 2022.

**COUNTY PLANNING
COMMISSION APPROVAL**

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota.

Meeting held on the _____ day of _____, 2022.

Secretary of County Planning Commission
Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing:

**"DEMARAY ADDITION TO THE CITY OF COLUMBIA,
IN THE NW1/4 OF SECTION 28,
TOWNSHIP 125 NORTH, RANGE 62 WEST OF THE 5TH P.M.,
BROWN COUNTY, SOUTH DAKOTA"**

having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

PLAT SHOWING
DEMARAY ADDITION

TO THE CITY OF COLUMBIA,
IN THE NW1/4 OF SECTION 28, TOWNSHIP 125 NORTH, RANGE 62 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota.

Meeting held on the _____ day of _____, 2022.

County Auditor
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing:

**"DEMARAY ADDITION TO THE CITY OF COLUMBIA,
IN THE NW1/4 OF SECTION 28,
TOWNSHIP 125 NORTH, RANGE 62 WEST OF THE 5TH P.M.,
BROWN COUNTY, SOUTH DAKOTA**

having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat are shown by the records of my office to be fully paid.

Signed this _____ day of _____, 2022.

County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat

this _____ day of _____, 2022.

Director of Equalization
Brown County, South Dakota

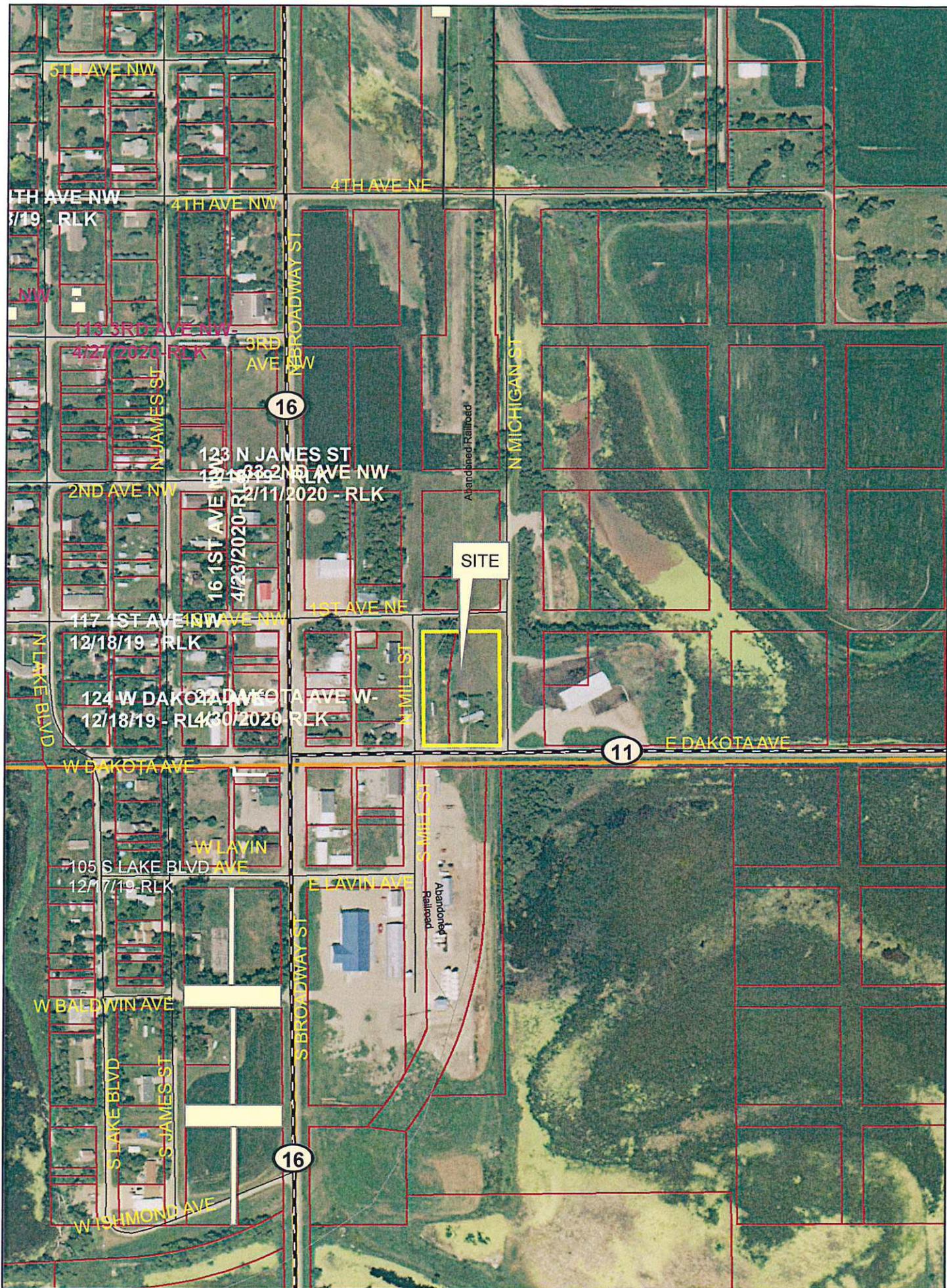
REGISTER OF DEEDS' CERTIFICATE

Filed for record this _____ day of _____, 2022,

at _____ O'clock _____ M., and duly recorded as Hanging

Plat No. _____.

Register of Deeds
Brown County, South Dakota



5TH AVE NW

4TH AVE NW

7/19 - RLK

4TH AVE NE

4TH AVE NW

S BROADWAY ST

113 3RD AVE NW

4/27/2020 - RLK

16

123 N JAMES ST

12/18/19 - RLK

2ND AVE NW

16 1ST AVE NW

4/23/2020 - RLK

SITE

117 1ST AVE NW

12/18/19 - RLK

1ST AVE NE

124 W DAKOTA AVE W

12/18/19 - RLK

N LAKE BLVD

N MILL ST

11

E DAKOTA AVE

W DAKOTA AVE

105 S LAKE BLVD AVE

12/17/19 - RLK

W LAVIN

E LAVIN AVE

S BROADWAY ST

W BALDWIN AVE

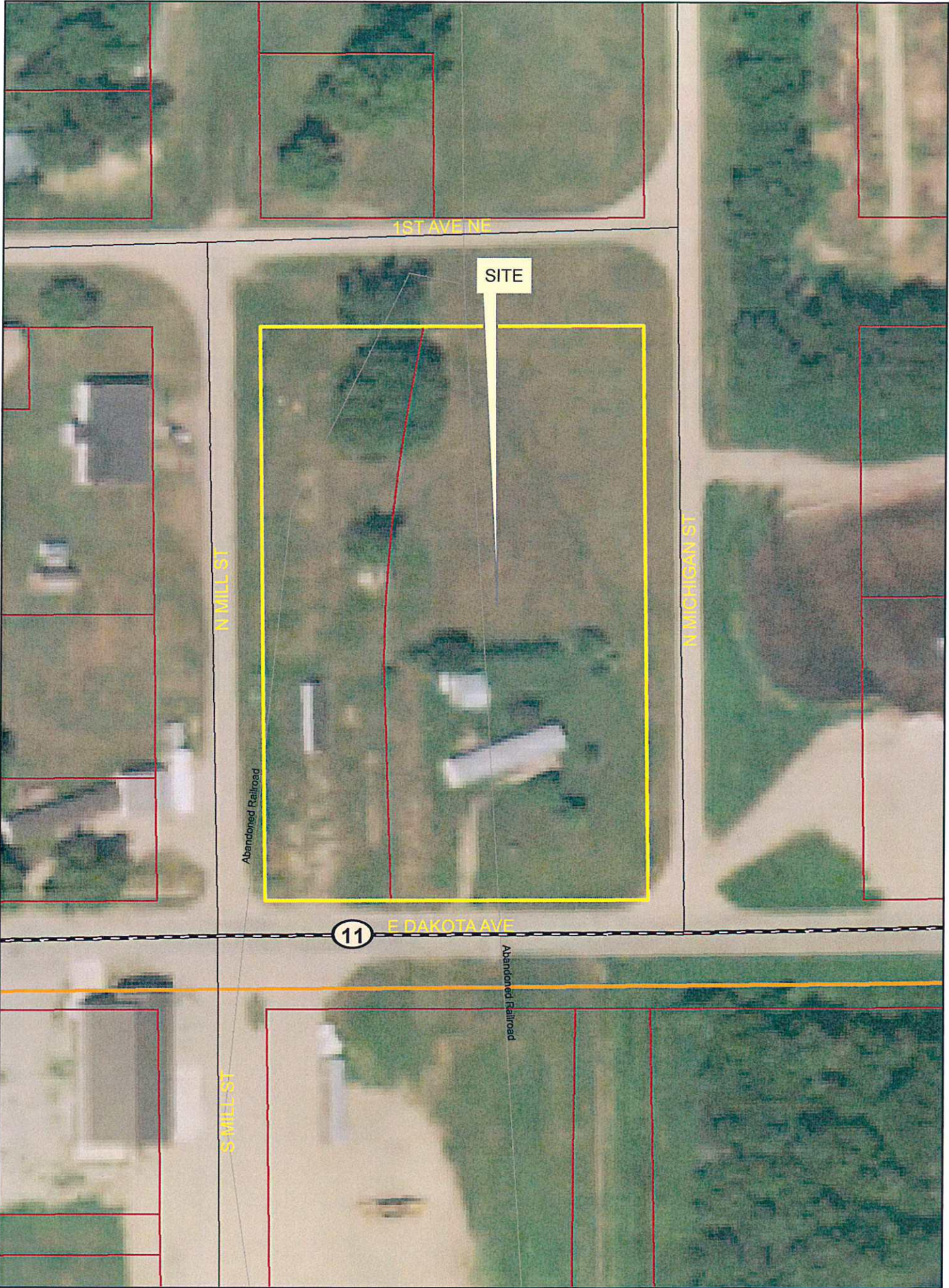
S LAKE BLVD

S JAMES ST

16

W WILSON AVE

Abandoned Railroad



STAFF REPORT

October 18, 2022

BROWN COUNTY PLANNING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM # 15

GENERAL INFORMATION:

PETITIONER:	Jerrad Jangula
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	“Jangula Subdivision” in the NE1/4 of Section 24-T123N-R65W of the 5 th P.M., Brown County, South Dakota
LOCATION:	13309 382 nd Avenue
TOWNSHIP:	Mercier Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this Preliminary & Final Plat for conveyance purposes.

GENERAL REVIEW: Staff has reviewed this plat.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: "Jangula Subdivision"

LEGAL SECTION: QUARTER: NE1/4 SECTION: 24 TOWNSHIP: 123 RANGE: 65

MANDATORY LOTS: 1 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

SCHOOL DISTRICT: Aberdeen Area

UTILITIES: WEB Water

OWNERS NAMES: Jerrad Jangula

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Associates)

TYPE: PRELIMINARY _____ FINAL _____ BOTH (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$100.00 DATE PAID: 9 / 27 /2022

RECEIVED BY PLANNING DEPARTMENT: 9 / 27 /2022 BY: Ron Keller

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE _____ FINANCIAL PURPOSES OTHER _____

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR 11 x 17 PHOTO PAPER _____ OTHER _____

STREETS/ROADS NAMED PROPERLY: NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT: _____

EXISTING ACCESS SHOWN ON PLAT: ACCESS PERMISSION NEEDED BY: SD _____ BC TWP _____

FULLY DIMENSIONED FROM SECTION CORNER: OR QUARTER CORNER: OR KNOWN MARKER:

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE:

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township) SIGNATURE LINE SIGNED:

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR TREASURER SIGNATURE LINE SIGNED

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT: PROPERTY PINS SHOWN ON ALL CORNERS:

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W

AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: September 30, 2022
RECEIPT # 8166.55
TOWNSHIP: Mercier Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: Sept. 27, 2022

OWNERS SIGNATURE: Jerrad Jangula *Jerrad Jangula*
OWNERS ADDRESS: 13309 382nd Ave
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-216-7975

AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Jangula Subdivision" in the NE1/4 of Section 24-T123N-
R65W of the 5th P.M., Brown County, South Dakota

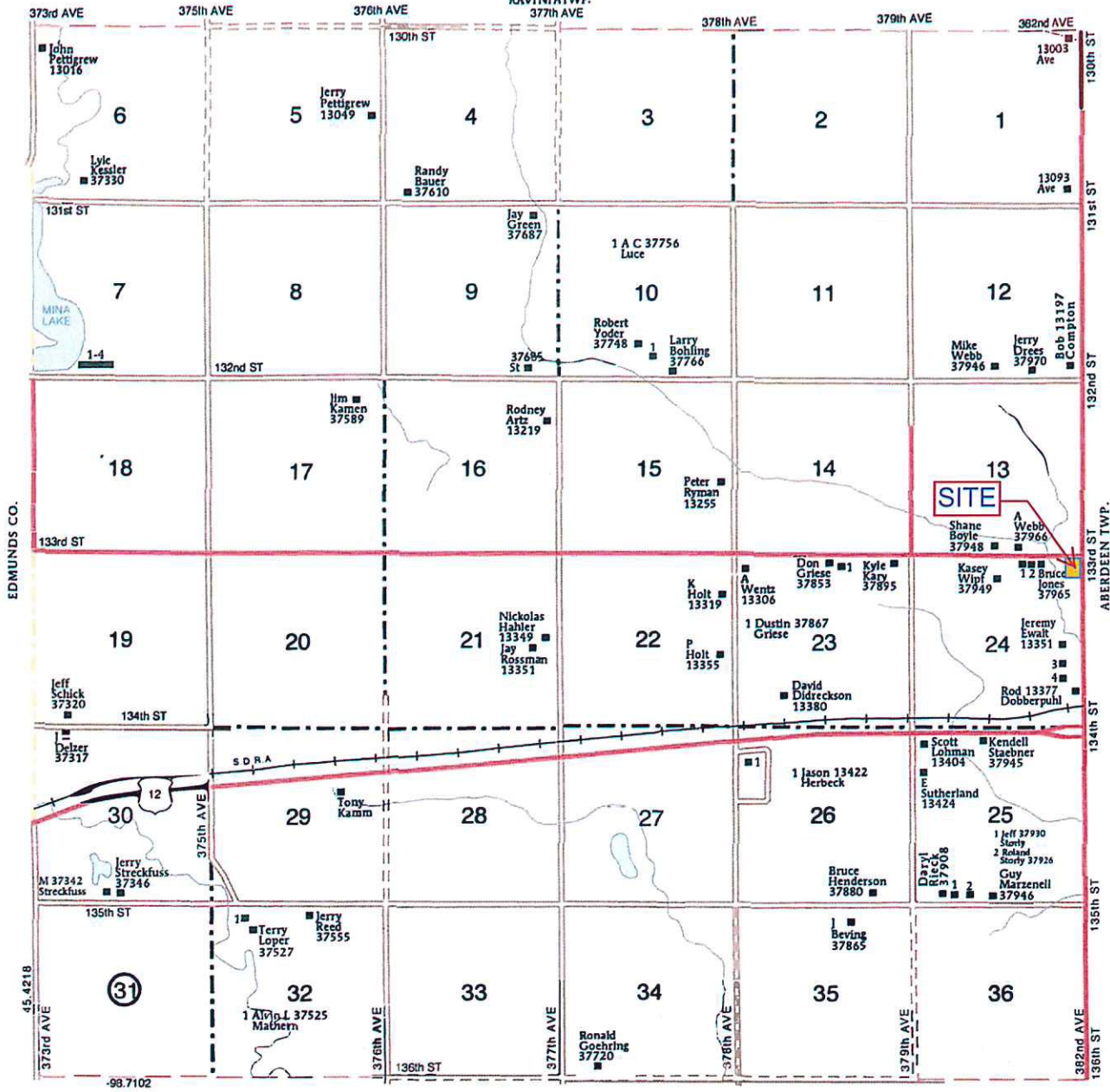
Planning Commission Action: <u>Approved / Denied</u>	

By: _____	Date: _____
HEARING DATE: <u>October 18, 2022</u>	TIME: <u>7:00 pm</u>

MEETING: located in the Basement Community Room of the Court House Annex
25 Market Street • Aberdeen, South Dakota 57401-4203
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

(Residents - Owners or Renters)

RAVINIA TWP.



HIGHLAND TWP.

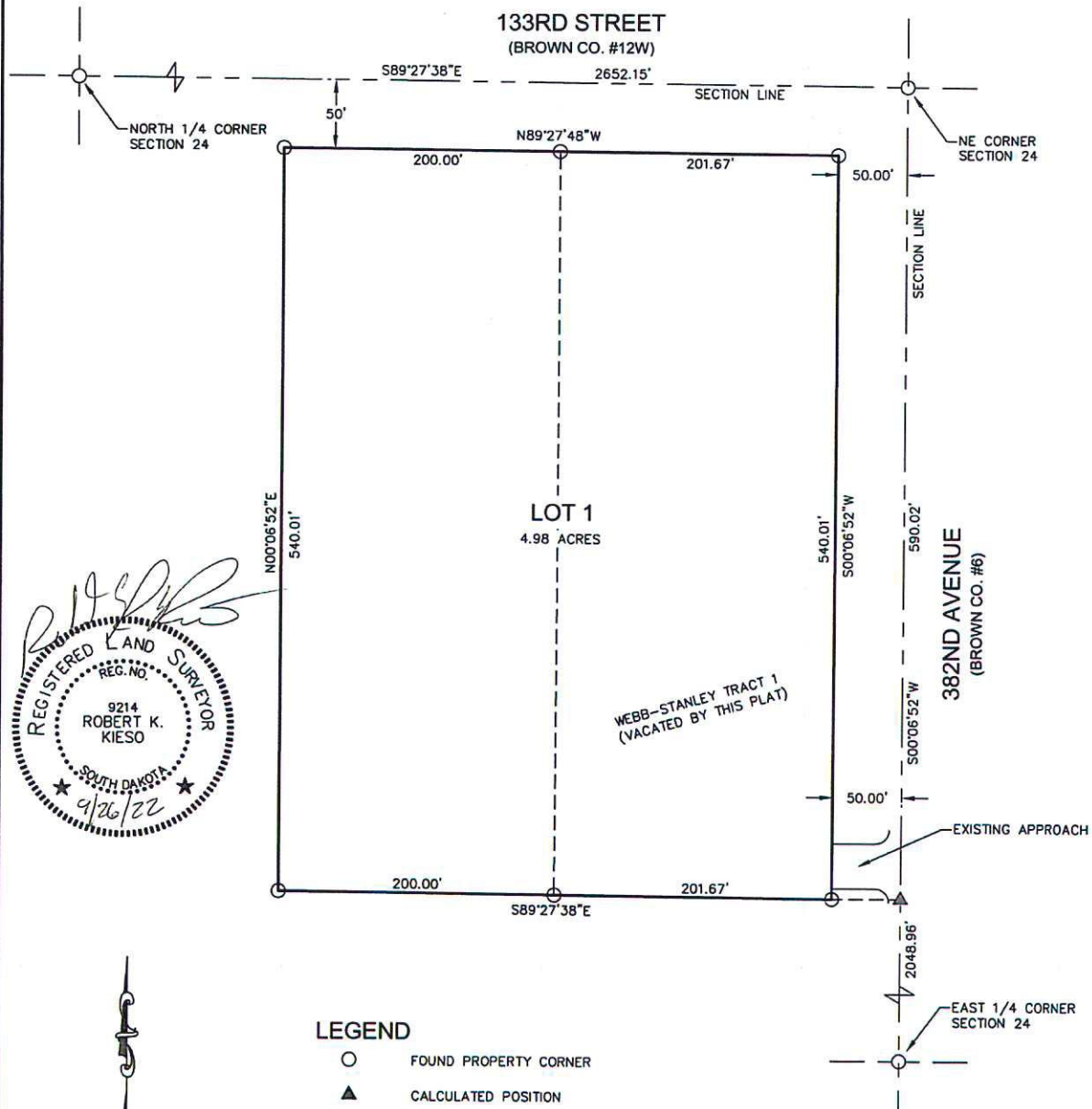
**MERCIER TOWNSHIP
SECTION 7**

- 1 Bauer, Bryan 37302
- 2 Davis, I 37306
- 3 Salo, Roger 37310
- 4 Dykema, Wade 37320

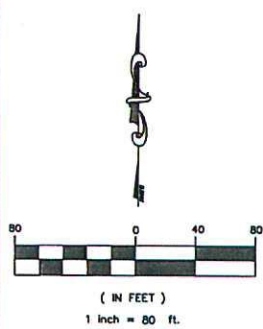
SECTION 24

- 1 Mehn, Robert 37961
- 2 Jones, Jamie 37963
- 3 Zinter, Daniel 13365
- 4 Hammer, Leland 13371

PLAT OF
JANGULA SUBDIVISION
IN THE NE 1/4 OF SECTION 24-T123N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA



Robert K. Kieso
 REGISTERED LAND SURVEYOR
 REG. NO. 9214
 ROBERT K. KIESO
 SOUTH DAKOTA
 9/26/22



LEGEND
 ○ FOUND PROPERTY CORNER
 ▲ CALCULATED POSITION

BASIS OF BEARINGS
 TRUE MERIDIAN - GPS

Helms ASSOCIATES
 CIVIL ENGINEERS & LAND SURVEYORS

221 Brown County Highway 19
 P.O. Box 111
 Aberdeen, S.D. 57401
 Phone: 605.225.1212
 Fax: 605.225.3189

DWG. 7067-LS BY: KMW SHEET 1 OF 3

JANGULA SUBDIVISION

IN THE NE 1/4 OF SECTION 24-T123N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF JERRAD JANGULA AND ARLENE P. WEBB-STANLEY AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO SEPTEMBER 26, 2022, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: JANGULA SUBDIVISION IN THE NE 1/4 OF SECTION 24-T123N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA.

I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 26th DAY OF September, 2022



ROBERT K. KIESO, REGISTERED LAND SURVEYOR #9214

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN JANGULA SUBDIVISION IN THE NE 1/4 OF SECTION 24-T123N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF _____, 20____



JERRAD JANGULA



ARLENE P. WEBB-STANLEY

DECLARATION OF VACATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED HEREBY DECLARE TO VACATE THAT PORTION AS SHOWN AND MARKED ON THE FOREGOING PLAT AND OF THE PLAT OF WEBB STANLEY TRACT 1, AS RECORDED AS PLAT 2880 ON JULY 3, 2012 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE. THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF _____, 20____

EXISTING PARCEL:

WEBB-STANLEY TRACT 1 IN THE NE 1/4 OF SECTION 24-T123N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA

EXISTING PARCEL:

NE 1/4 OF SECTION 24-T123N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA EXCEPT LAND DEEDED AND PLATTED.



JERRAD JANGULA

ACKNOWLEDGEMENT

STATE OF SD)

COUNTY OF BROWN)SS

ON THIS THE 27th DAY OF SEPTEMBER, 2022, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JERRAD JANGULA, KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.



NOTARY PUBLIC, _____ SD STATE

MY COMMISSION EXPIRES: 7/20/2027

ACKNOWLEDGEMENT

STATE OF SD)

COUNTY OF BROWN)SS

ON THIS THE 27th DAY OF SEPTEMBER, 2022, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED ARLENE P. WEBB-STANLEY, KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.



NOTARY PUBLIC, _____ SD STATE

MY COMMISSION EXPIRES: 7/20/2027

JANGULA SUBDIVISION
IN THE NE 1/4 OF SECTION 24-T123N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING: JANGULA SUBDIVISION IN THE NE 1/4 OF SECTION 24-T123N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING JANGULA SUBDIVISION IN THE NE 1/4 OF SECTION 24-T123N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTRY ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS ____ DAY OF _____, 20____.

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS 26 DAY OF September, 2022.

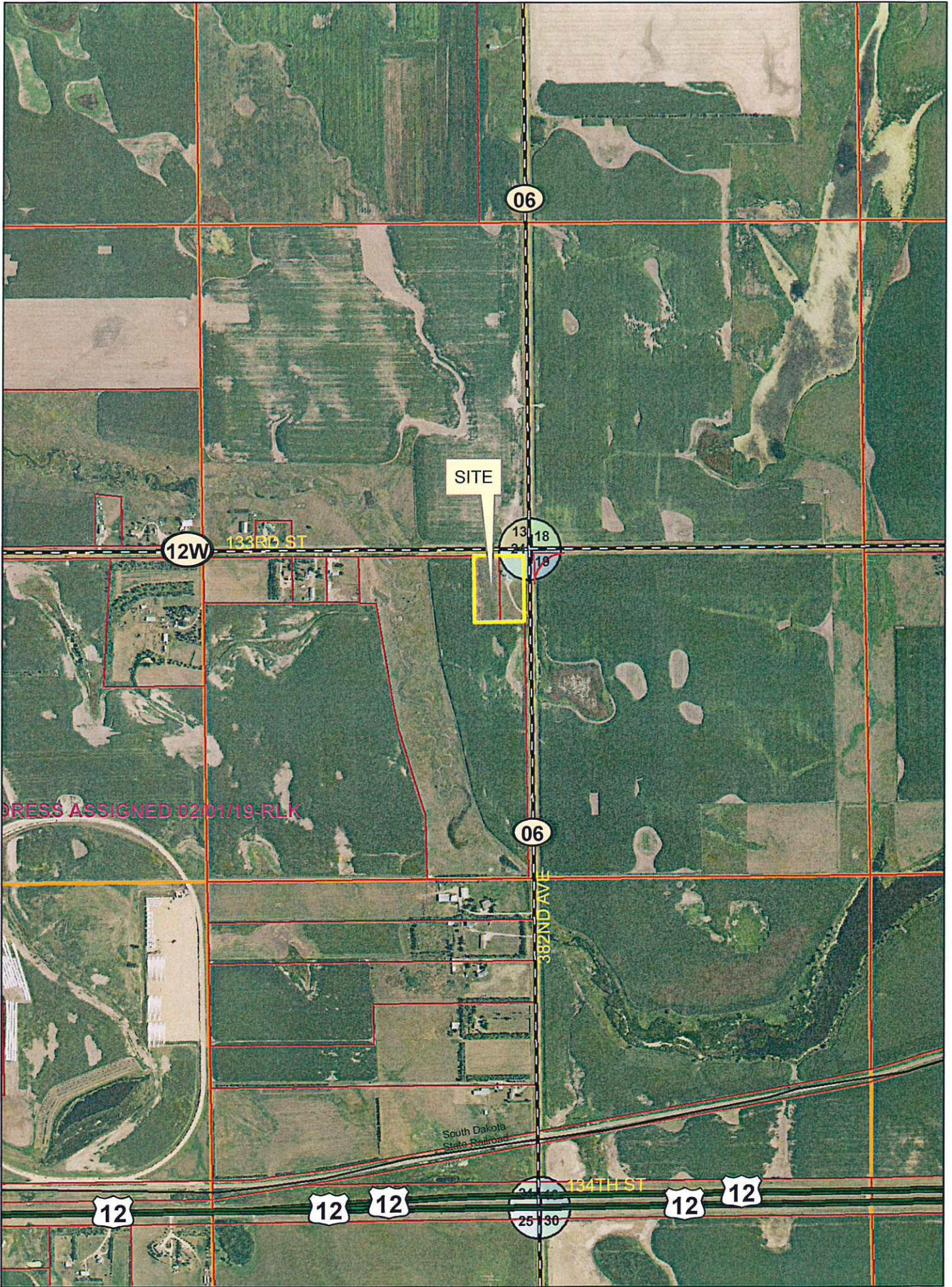
Cynthia Mays, chdeptreasurer

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____, 20____ AT ____ O'CLOCK _____, AND DULY RECORDED AS PLAT NO. _____

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA



06

12W

133RD ST

SITE

13 18
24 19

ADDRESS ASSIGNED 02/01/19-RLK

06

382ND AVE

South Dakota
State Railroad

134TH ST

12

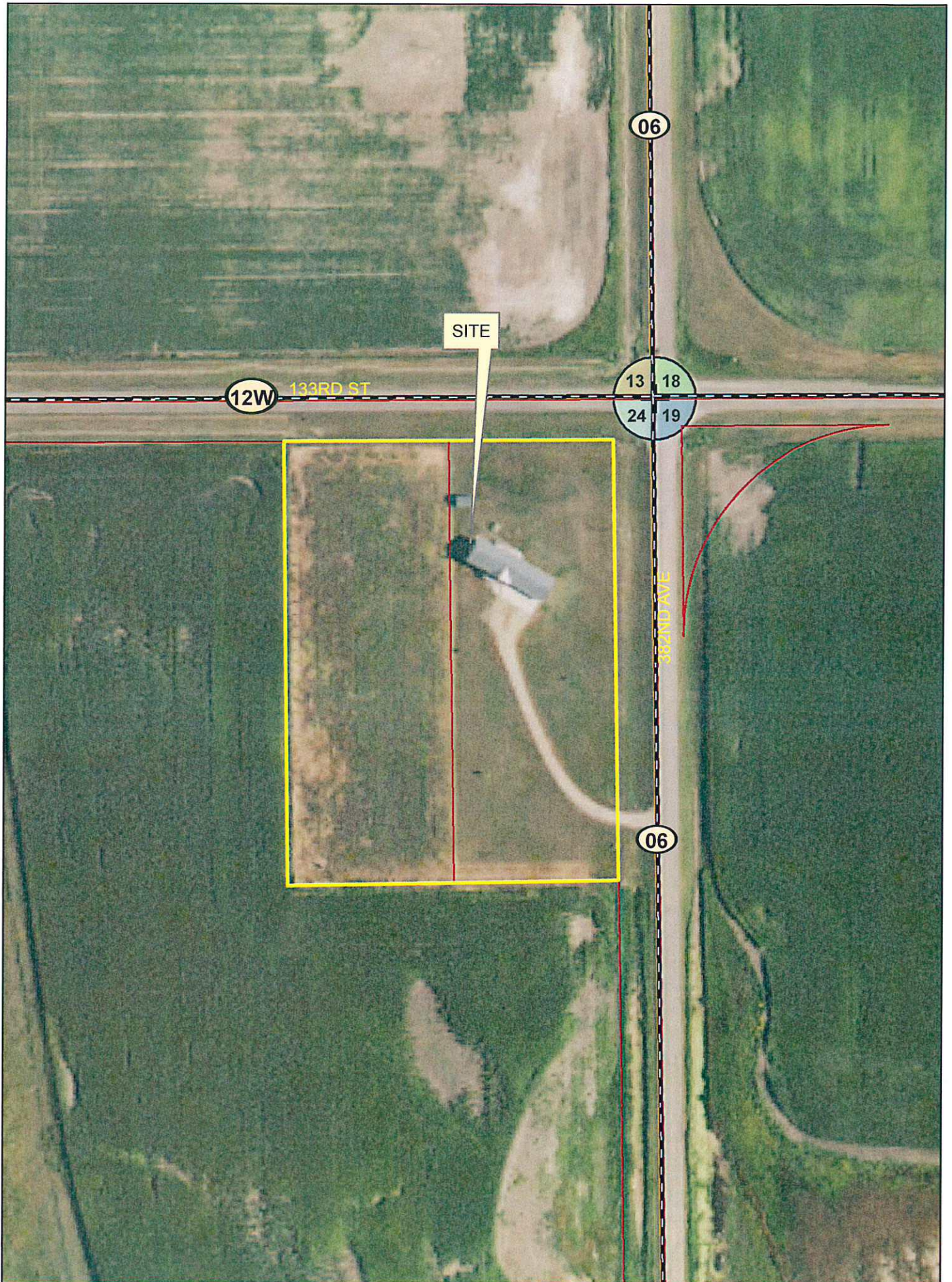
12

12

25 30

12

12



06

SITE

12W

133RD ST

13 18
24 19

38TH AVE

06

STAFF REPORT

October 18, 2022

BROWN COUNTY PLANNING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM # 16

GENERAL INFORMATION:

PETITIONER:	Stacy Gossman
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	"Ole Crow Addition" in the NW1/4 of Section 17-T123N-R63W of the 5 th P.M., Brown County, South Dakota
LOCATION:	Approximately 2790 8 th Avenue NE
TOWNSHIP:	Aberdeen Twp
EXISTING ZONING	Residential District (R-1)
SURROUNDING ZONING:	
North:	City of Aberdeen
South:	Residential District (R-1)
East:	City of Aberdeen
West:	Residential District (R-1)
PUBLIC UTILITIES:	Unknown
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this Preliminary & Final Plat for future development or conveyance purposes. If platted lots are approved, here may not be any development without first hiring an engineer to do an impact study.

GENERAL REVIEW: Staff has reviewed this plat. I have attached Title 4 & 5 Ordinance Chapters for Floodplain Regulations and Subdivision Regulations for reference.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Ole Crow Addition

LEGAL SECTION: QUARTER: NW1/4 SECTION: 17 TOWNSHIP: 123 RANGE: 63

MANDATORY LOTS: 3 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

SCHOOL DISTRICT: Aberdeen Area

UTILITIES: Unknown

OWNERS NAMES: Stacy Gossman

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Jamie Sprenger (IMEG)

TYPE: PRELIMINARY FINAL _____ BOTH _____ (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$100.00 DATE PAID: 10 / 04 /2022

RECEIVED BY PLANNING DEPARTMENT: 10 / 04 /2022 BY: Chris Anderson

REASON FOR PLAT: DEVELOPMENT CONVEYANCE FINANCIAL PURPOSES _____ OTHER _____

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR 11 x 17 PHOTO PAPER _____ OTHER _____

STREETS/ROADS NAMED PROPERLY: NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT:

EXISTING ACCESS SHOWN ON PLAT: ACCESS PERMISSION NEEDED BY: SD _____ BC _____ TWP

FULLY DIMENSIONED FROM SECTION CORNER: OR QUARTER CORNER: _____ OR KNOWN MARKER:

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE:

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township) SIGNATURE LINE SIGNED:

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR TREASURER SIGNATURE LINE SIGNED

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT: PROPERTY PINS SHOWN ON ALL CORNERS:

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W

AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

CONSIDERED BY COUNTY COMMISSION:


RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: September 30, 2022
RECEIPT # 816665
TOWNSHIP: Aberdeen Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 10-04-2022

OWNERS SIGNATURE: Stacy Gossman 
OWNERS ADDRESS: PO Box 939
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57402-0939
OWNERS PHONE: 605-380-2203

AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Ole Crow Addition" in the NW1/4 of Section 17-T123N-
R63W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: October 18, 2022 TIME: 7:00 pm

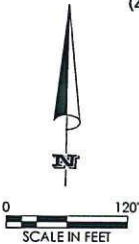
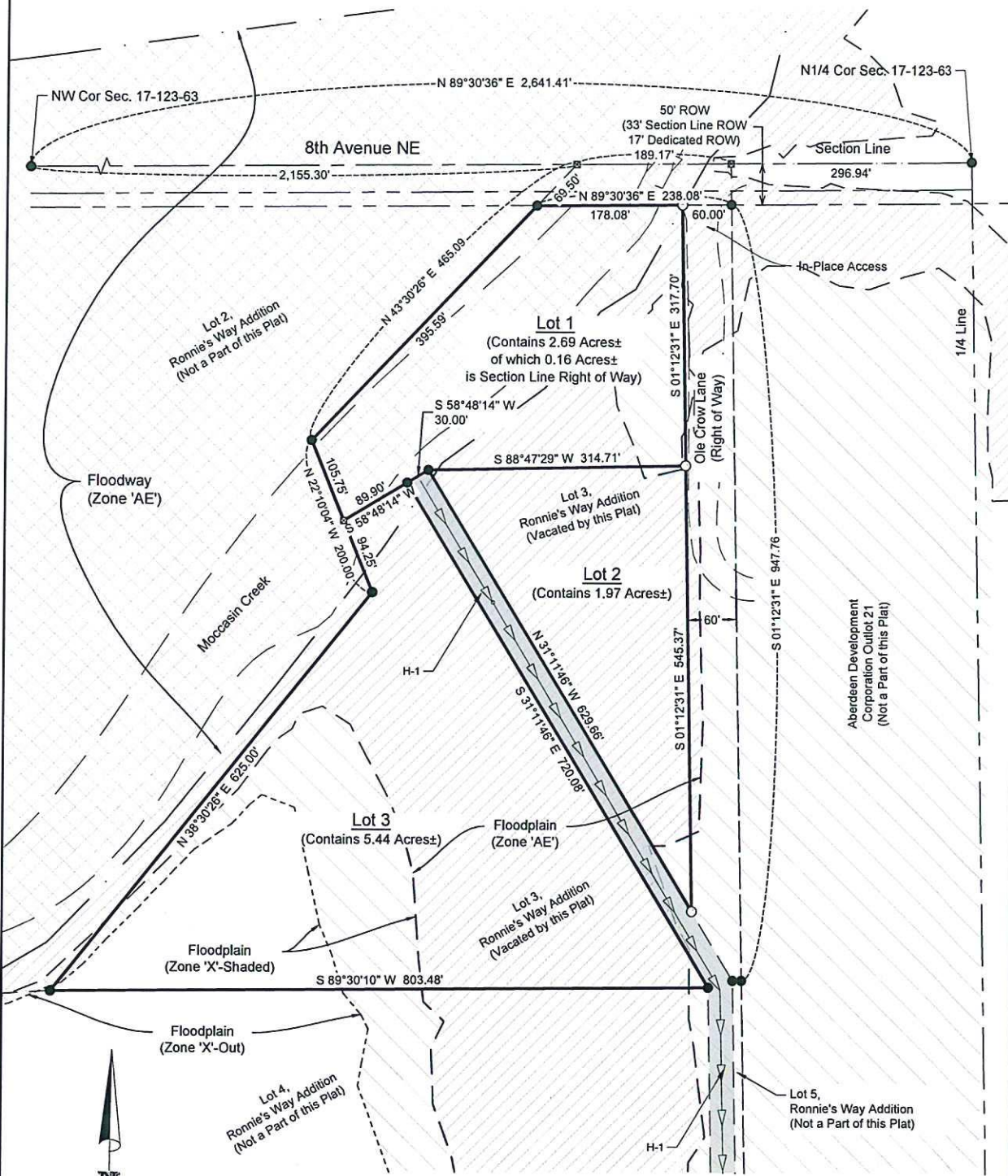
MEETING: located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

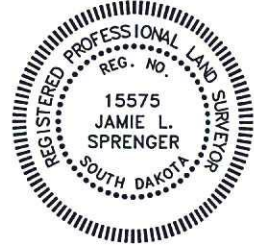
PLAT SHOWING
OLE CROW ADDITION

IN THE NW1/4 OF SECTION 17, TOWNSHIP 123 NORTH,
 RANGE 63 WEST OF THE 5th P.M.,
 BROWN COUNTY, SOUTH DAKOTA



- LEGEND**
- PROPERTY PIN FOUND
 - PIN SET w/CAP LS 15575
 - ☒ CALCULATED CORNER

- FLOODPLAIN**
- BASE FLOOD ELEVATION = 1299.0
- ▨ ZONE AE FLOODWAY
 - ▨ ZONE AE FLOODPLAIN
 - ▨ ZONE X-SHADED



IMEG

3314 MILWAUKEE AVE N.E.
 SUITE 2
 ABERDEEN, SD 57401

PH: 605.225.3494
 www.imegcorp.com

BASIS OF BEARINGS
 State Plane Grid
 South Dakota North Zone (4001)
 NAD '83 (2011) US Survey Feet
 Distances are GROUND

PLAT SHOWING
OLE CROW ADDITION

IN THE NW1/4 OF SECTION 17, TOWNSHIP 123 NORTH,
 RANGE 63 WEST OF THE 5TH P.M.,
 BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, Stacy J. Gossman, do hereby certify that I am the owner of Lot Three (3), Ronnie's Way Addition, in the Northwest Quarter (NW1/4) of Section Seventeen (17), Township One Hundred Twenty-Three (123) North, Range Sixty-Three (63) West of the 5th P.M., Brown County, South Dakota, and that I have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "OLE CROW ADDITION IN THE NW1/4 OF SECTION 17, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, I, Stacy J. Gossman, do hereby dedicate to the public forever, with private maintenance, "Ole Crow Lane" for street purposes as shown on the attached plat. An HOA will provide street maintenance upon construction of residences/buildings on site.

By this plat, I, Stacy J. Gossman, do hereby vacate Lot 3, Ronnie's Way Addition, in the NW1/4 of Section 17, Township 123 North, Range 63 West of the 5th P.M., Brown County, South Dakota, as file for record on July 15, 2021, at 11:41 A.M., and duly recorded as Hanging Plat 3745 therein.

Owner: Stacy J. Gossman

Signature _____

Signed this _____ day of _____, 2022.

COUNTY OF _____)
) SS
 STATE OF _____)

On this the _____ day of _____, 2022, before me, the undersigned officer, personally appeared Stacy J. Gossman, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: _____

Notary Public _____

SURVEYOR'S CERTIFICATE

I, Jamie L. Sprenger, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owners, I have surveyed and platted "OLE CROW ADDITION IN THE NW1/4 OF SECTION 17, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this _____ day of _____, 2022.



HIGHWAY APPROVAL

The location of the in-place access roads, is hereby approved. Any change in the in-place access shall require addition approval.

Signed this _____ day of _____, 2022.

Print Name and Title _____

Signature _____

COUNTY PLANNING COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2022.

Secretary of County Planning Commission, Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "OLE CROW ADDITION IN THE NW1/4 OF SECTION 17, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2022.

County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "OLE CROW ADDITION IN THE NW1/4 OF SECTION 17, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat are shown by the record of my office to be fully paid.

Signed this _____ day of _____, 2022.

County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this _____ day of _____, 2022.

Director of Equalization, Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this _____ day of _____, 2022, at

_____ O'clock _____ M., and duly recorded as Hanging Plat No. _____.

Register of Deeds, Brown County, South Dakota





CITY OF ABERDEEN

ENGINEERING DEPARTMENT

(605) 626-7017

123 S LINCOLN ST

ABERDEEN, SD 57401

WWW.ABERDEEN.SD.US



September 23, 2022

Scott Bader
Brown County Planning & Zoning Director
25 Market St
Aberdeen, SD 57401

RE: Driveway/Access over H plat on Ronnie's Way Addition

Dear Scott:

This letter is in response to Stacy Gossman's inquiry to you regarding access on the current Lot 3 of Ronnie's Way Addition in the NW $\frac{1}{4}$ of Section 17-123-63. The City of Aberdeen has a storm sewer that bisects the lot in question and there is an H-Lot that was platted to allow the storm sewer to run through the property. Mr. Gossman is in the process of replatting the parcel and would like to ensure he will have access over the H-Lot to get to the southern portion of the property. The City of Aberdeen does not have any issues with access over the storm sewer, provided that only roads or driveways are allowed to cross the storm sewer and no structures will be placed on the H-Lot. Any utilities (water or sanitary mains or services) would also be allowed to cross the storm sewer provided they are constructed with proper materials and methods to prevent damage to the storm sewer pipe. If you have any questions, don't hesitate to contact me.

Sincerely,

Stuart Nelson, PE, CFM
Assistant City Engineer

stu.nelson@aberdee.sd.us

605-626-7017

CHAPTER 4.19 FLOODPLAIN DISTRICT (FP)

- 4.1901 Statutory Authorization. The Legislature of the State of South Dakota has in SDCL 9-36 and 7-18-14 (State Statute delegating authority) delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Brown County Commission of Brown County, South Dakota does ordain as follows:
- 4.1902 Findings Of Fact. 1) The flood hazard areas of Brown County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. 2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
- 4.1903 Intent. The intent of the Floodplain District (FP) is to delineate reasonable high watermarks within the jurisdiction of this Title. For the reasons of health, safety, and the general welfare, certain safeguards are needed to: 1) protect human life and life; 2) minimize the expenditure of public money for costly flood control projects; 3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; 4) to minimize prolonged business interruptions; 5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard; 6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas; 7) to ensure that potential buyers are notified that property is in an area of special flood hazard; and 8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- 4.1904 Methods Of Reducing Flood Losses. In order to accomplish its purposes, this ordinance includes methods and provisions for: 1) restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; 2) requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; 3) controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters; 4) controlling filling, grading, dredging, and other development which may increase flood damage; and, 5) preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
- 4.1905 Lands To Which This Ordinance Applies. This ordinance shall apply to all areas of special hazard within the jurisdiction of Brown County, South Dakota.
- 4.1906 Basis For Establishing The Areas Of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Brown County, South Dakota dated September 29, 2010, with an accompanying Flood Insurance Rate Map (FIRM), is hereby adopted by reference and declared to be a part of this ordinance. The FIRM panel numbers are 25, 50, 75, 100, 125,

150, 200, 209, 217, 225, 250, 275, 300, 325, 350, 375, 400, 425, 450, 475, 500, 550, 575, 590, 595, 600, 602, 606, 610, 625, 675, 700, 725, 734, 742, 750, 751, 752, 753, 754, 756, 760, 761, 765, 770, 800, 825, 828, 829, 850, 875, 900, 925, 950, 975, 1000, 1025, 1050, 1075, 1100, 1125, 1150, 1175, 1200, & 1225. The Flood Insurance Study and FIRM are on file at the Brown County Courthouse, 25 Market Street, Aberdeen, South Dakota.

- 4.1907 Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.
- 4.1908 Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenants, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- 4.1910 Interpretation. In the interpretation and application of this ordinance, all provisions shall be: 1) Considered as minimum requirements; 2) Liberally construed in favor of the governing body; and, 3) Deemed neither to limit nor repeal any other powers granted under State statutes.
- 4.1911 Dual Districts. FP Districts (zones) will be found in conjunction with another district. Within these dual districts, the permitted uses, special exceptions, yard and lot requirements, etc., will be the same as those in the district found jointly with the FP district. The FP designation requires additional standards/requirements because of their proximity in and to flood prone areas.
- 4.1912 Flood Insurance Rate Map Utilized as Basis for FP District Designation. The FIRM is the basis for the FP zone designation. Any shaded areas on the FIRM constitutes a FP District which must be cross-checked with the Zoning Map to determine its joint district. This chapter shall apply to all areas of special flood hazards within the jurisdiction of this Title. The areas of special flood hazards identified in a scientific and engineering report entitled, "The Flood Insurance Study for the County of Brown", dated September 29, 2010, with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this Title.
- 4.1913 Permitted Principal Uses and Structures. Only those permitted uses and structures allowed in the district listed jointly with the FP District.
- 4.1914 Special Exceptions. Only those special exceptions that are allowed in the district listed jointly with FP designation.
- 4.1915 Yard, Lot, and Area Requirements. Yard, lot, and area requirements shall be those that are required in the districts that are listed with the FP designation.
- 4.1916 Establishment of Development Permit. A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Chapter 4.1912. A property receiving a Letter of Map Amendment or Letter of Map based upon fill must also obtain a development permit. Application for a Development Permit shall be made on forms furnished by the Zoning Administrator. The administrator shall require, review, and record information that may include, but not be limited to, plans in duplication drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Where base flood elevations are utilized, all new construction, substantial improvements and other

development must comply with requirements of Section 4.1922, Use of Other Base Flood Data. Specifically, the following information is required.

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. Elevation in relation to mean sea level to which any new or substantially improved structure has been flood proofed;
3. Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Chapter 4.1912; and
4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

The administrator shall review all development permit applications to determine: 1. that the requirements of this Title have been satisfied; 2. that all necessary permits have been obtained from those Federal, State, or local agencies from which prior approval is required; 3. if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purpose of this Chapter "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas. If it is determined that there is no adverse effect and the development is not a building, the permit shall be granted. If it is determined that there could be an adverse effect, then technical justification (i.e., a registered professional engineer) for the proposed development shall be required. If the proposed development is a building, the provisions of this Title shall apply. All information obtained pertaining to the provisions of this Chapter shall be maintained for public inspection. When base flood elevation data has been provided in accordance with Chapter 4.1906, the administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available in order to administer Chapter 4.1912. Alterations of watercourses require the notification of adjacent communities and the State Dept. of Disaster and Emergency Services. Evidence of such notification must additionally be submitted to the Federal Emergency Management Agency. Maintenance within the altered or relocated watercourse so that flood carrying capacity is not diminished is also required.

4.1917 General Standards. In all areas of special flood hazards, the following standards are required:

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads.

b. All manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement and be capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

(1) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring one additional tie per side.

(2) Frame ties be provided at each corner with five additional ties per side at intermediate points, with homes less than 50 feet long requiring four additional ties per side.

(3) All components of the anchoring system be capable of carrying a force of 4,800 pounds, and;

(4) Any additions to the home be similarly anchored.

2. Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system, and,

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into the flood waters, and,

c. On-site water disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals.

a. All subdivision proposals shall conform to Title 5, Chapter 5.0305 of the First Revision of the Brown County Ordinances.

4.1918 Specific Standards. In all areas of special flood hazards, where base flood elevation data has been provided as set forth in Section 4.1906, Basis for Establishing the Areas of Special Flood Hazard or Section 4.1922 Use of Other Base Flood Data, the following standards are required:

1. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to one foot above the base flood elevation.

2. New construction and substantial improvements of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation; or, together with attendant utilities and sanitary facilities, shall:

- a. Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
- c. Be certified by a registered engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the official as set forth in 4.1916.
- d. Properties that have received a Letter of Map Amendment or Letter of Map Revision based upon fill must still have their lowest floor elevated or floodproofed to one foot above the base flood elevation.

3. **Manufactured Homes.**

- a. Manufactured homes shall be anchored in accordance with 4.1917.
- b. All manufactured homes or those to be substantially improved shall conform to the following requirements:
 - 1) Require that manufactured homes that are placed or substantially improved on a site a) outside of a manufactured home park or subdivision, b) in a new manufactured home park or subdivision, or c) in an expansion to an existing manufactured home park or subdivision, or d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage: as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - 2) Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in b-1) above be elevated so that either a) the lowest floor of the manufactured home is at or above the base flood elevation, or b) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. **Recreational Vehicles**

1) Require that recreational vehicles either a) be on site for fewer than 180 consecutive days, b) be fully licensed and ready for highway use, or c) meet the permit requirements and elevation and anchoring requirements for manufactured homes.

4.1919 Encroachment. The cumulative effect of any proposed development, shall not increase the water surface elevation of the base flood more than one foot at any point.

4.1920 The Designation Of The Zoning Administrator. The Zoning Administrator is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.1921 Duties And Responsibilities Of The Zoning Administrator. Duties of the Zoning Administrator shall include, but not be limited to:

1) Permit Review

a. Review of all development permits to determine that the permit requirements of this ordinance have been satisfied;

b. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 4.1928-1 are met.

4.1922 Use Of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 4.1906, Basis For Establishing The Areas Of Special Flood Hazard, the Zoning Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any Federal, State, or other source. Where base flood elevation data are utilized, all new construction, substantial improvements, or other development in Zone A are administered in accordance with Sections 4.1923, Information To Be Obtained And Maintained and 4.1918, Specific Standards.

4.1923 Information To Be Obtained And Maintained.

1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2) For all new or substantially improved floodproofed structures:

(i) Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.

(ii) Maintain the floodproofing certifications required in Section 4.1921.

3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.1924 Alteration Of Watercourses.

1) Notify adjacent communities and the State Department of Public Safety Emergency Management prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

- 4.1925 Interpretation Of FIRM Boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.1930.
- 4.1926 Openings In Enclosures Below The Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
- 1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - 2) The bottom of all openings shall be no higher than one foot above grade.
 - 3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 4.1927 Below-Grade Residential Crawlspace Construction. New construction and substantial improvement of any below-grade crawlspace shall:
- 1) Have the interior grade elevation, that is below base flood elevation, no lower than two feet below the lowest adjacent grade.
 - 2) Have the height of the below grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not exceed four feet at any point.
 - 3) Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood.
 - 4) Meet the provisions of Section 4.1917-1, Anchoring; Section 4.1917-2, Construction Materials and Methods; and 4.1926, Openings in Enclosures Below the Lowest Floor.
- 4.1928 Floodways. Located within areas of special flood hazard established in Section 4.1906 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
- 1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - 2) If Section 4.1928-1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Chapter 4.19.
- 4.1929 Warning and Disclaimer of Liability. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering

considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Title does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Title shall not create liability on the part of Brown County, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Title or any administrative decision lawfully made thereunder.

4.1930 Variance Procedures. The Brown County Zoning Board of Adjustment shall hear and decide on appeals and requests for variances from the requirements of this Chapter. The Zoning Board of Adjustment shall consider:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
4. The importance of the services provided by the proposed facility to the community.
5. The necessity to the facility of a waterfront location.
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
7. The compatibility of the proposed use with the existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocities, rate of rise, and sediment transport of the flood waters and the effects of wave action expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as gas, electrical, and water systems, streets and bridges.

The Zoning Board of Adjustment may attach conditions to the granting of variances as it deems necessary to further the purposes of this Chapter. Generally variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items 1-11 above have been considered. As the lot size increases beyond one-half acre, the technical justifications required for issuance of a variance increases.

Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this Chapter. Variances shall not be issued within any designated floodway if any increase in flood levels during the base discharge would

result. Variances shall only be issued upon a determination that the variance is the minimum necessary to afford relief. Variances shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and,
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation. All variances shall be reported to the Federal Emergency Management Agency.

CHAPTER 5.02 PROCEDURES

- 5.0201 Preapplication. Prior to the subdivision of any land, the subdivider or his agent shall discuss informally with the Planning Commission the proposed subdivision with reference to these Subdivision Regulations, Title 4 Zoning, and compatibility with the Comprehensive Plan.
- 5.0202 Preliminary Application Fee. The subdivider shall pay to the Zoning Administrator, to be deposited in the county-general fund, a preliminary fee of ten (\$10) dollars before the application.
- 5.0203 Preliminary Application. The subdivider or his agent shall prepare and submit to the Planning Commission the following:
1. Six (6) copies of the preliminary plat, drawn to a scale of one (1) inch to two hundred (200) feet or larger. All preliminary submittals shall be in conformance with the design standards set forth in Chapter 5.05 of this Title and shall include or be accompanied by the following information:
 - a. Receipt for preliminary fee.
 - b. Proposed name of the subdivision, which shall not duplicate previously filed plat names
 - c. A date, scale, north point, and key map showing the general location of the proposed subdivision in relation to surrounding development.
 - d. Names and addresses of the subdivider, engineer, surveyor, or landscape architect responsible for the survey or design.
 - e. Location of boundary lines in relation to section or quarter section lines, including a legal description of the property.
 - f. Existing contours wherever five (5) feet of deviation occurs.
 - g. Location, width, and name of existing or platted streets and alleys, railroads, utilities, rights-of-way or easements, parks, and existing structures within the proposed subdivision and their relationship to the same of adjacent subdivisions.
 - h. Zoning classification and existing and proposed land use.
 - i. Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other suitable sanitary disposal systems, water supply, pavement, sidewalks, drainage ways, and other required improvements.
 - j. Written and signed statements by the appropriate officials, obtained by the subdivider, ascertaining the availability of gas, electricity, and water to the proposed subdivision.
 - k. Layout, number, and approximate dimensions of lots and the number of each block.
 - l. The owner of any parcel of land proposing to develop such land for residential or commercial purposes shall obtain written approval of the proposed access to an abutting highway or street from the appropriate highway or street authority. The approval shall be

obtained prior to filing of the plat in accordance with this chapter and may not replace the need for any permits required by law.

2. The preliminary plat must be submitted to the Zoning Administrator at least ten (10) days prior to action by the Planning Commission.

3. Before the preliminary plat is reviewed, the governmental entity (town or township) in which the proposed subdivision is located will be notified at least five (5) days in advance of the preliminary plat review date.

4. The Commission shall approve or disapprove the preliminary plat within sixty (60) days. Approval of the preliminary plat by the Commission shall be void at the end of one (1) year unless a final plat has been submitted.

5. If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations and/or other such conditions as may increase the danger of health, life or property or aggravate erosion or flood hazards; and, if from adequate investigations, conducted by all the public agencies concerned, it has been determined that in the best interest of the public the land should not be platted and developed for the purpose proposed, the Planning Commission may not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land.

6. Upon approval of the preliminary plat, the subdivider may proceed with the preparation of the final plat. If disapproved, the subdivider may appeal the Board of County Commissioners to overturn the decision of the Planning Commission.

5.0204 Final Plat Application.

1. The subdivider shall pay to the Zoning Administrator a final application fee after preliminary approval and before final application. The fee shall be twenty-five (\$25) dollars plus one (\$1) dollar per acre for all parcels or lots larger than one (1) acre in size, rounded to the next highest whole number.

2. Exemption (also see Chapter 5.06) whenever the preliminary application is waived, final plats must be submitted to the Zoning Administrator at least five (5) working days prior to its review by the Planning Commission.

5.0205 Final Plat Requirements and Approval. The subdivider shall prepare and submit to the Planning Commission the following, prepared by land surveyor registered in the State of South Dakota:

1. Six (6) copies of the final plat at a uniform size of fifteen (15) inches by twenty-six (26) inches. All final plat submittals shall be in conformance with the design standards set forth in Chapter 5.05 of this Title and shall include or be accompanied by the following information:

a. The name of the subdivision, location by section, township, range, county, and state.

b. Name(s) of the subdivider, engineer, surveyor or landscape architect responsible for the survey or design.

- c. A scale, north point and key map, showing the general location of the proposed subdivision in relation to the surrounding development and in relation to the section in which it is located.
- d. The exact location and layout of lots, streets, alleys, easements, and other public ground with accurate dimensions in feet and decimals of feet, interior angles, length of radii and/or arcs of all curves, together with the names of all streets.
- e. Location and description of all monuments.
- f. Descriptive boundaries of the subdivision, based on an accurate traverse giving angular and linear dimensions that must be mathematically close.
- g. Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land subdivider consenting to the plat, including dedication of all streets, alleys and public ways, parks or other public grounds, or lands for charitable, religious, or educational purposes, if any, and granting easements.
- h. Certificate signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the property described in the plat.
- i. One (1) copy of any private restriction or covenants affecting the subdivision or any part thereof.
- j. The following format shall be used for the required signatures:
 - 1.Owner's Certificate;
 - 2.Surveyor's Certificate;
 - 3.Treasurer's Certificate;
 - 4.Planning/Zoning Commission Certificate;
 - 5.Governing Body Certificate;
 - 6.Director of Equalization Certificate; and
 - 7.Register of Deeds Certificate.

CHAPTER 5.03 DESIGN STANDARDS

5.0301 General Standards. Land within the proposed subdivision which the Planning Commission finds to be unsuitable for subdividing due to flooding or bad drainage shall not be subdivided until the objectionable features have been eliminated or until adequate safeguards against such objectionable features are provided.

5.0302 Streets and Alleys.

1. Streets in the subdivision normally shall connect with streets already dedicated in adjoining or adjacent subdivisions.
2. Minor residential streets shall be planned as to discourage through traffic. Permitted cul-de-sacs shall not be longer than four hundred (400) feet and shall terminate with a turnaround having a curb line diameter of not less than eighty (80) feet. This also applies to private roadways.
3. Centerline offsets of intersecting streets shall be avoided, but where necessary shall be not less than one hundred fifty (150) feet.
4. Blocks in residential subdivisions shall be not less than three hundred (300) feet long and not more than one thousand two hundred (1,200) feet long.
5. Half streets shall be prohibited except where essential to the reasonable development of the subdivision or where it is found to be practical to require the dedication of the other half when adjoining property is subdivided.
6. Under normal conditions streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four (4) approaches to any intersection shall be prohibited.
7. Alleys shall be provided in commercial and industrial districts except where other definite and assured provision is made for service access.
8. The right-of-way widths and pavement widths (back-to-back of curb) for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

MINIMUM TYPE	DRIVING WIDTH	ROW
Major Arterial Streets (County)	28	100
Secondary Streets (Townships)	28	66
Local Streets	24, if off-street parking 44, if on-street parking	50

9. The horizontal alignment on all streets where the centerline deflects two (2) degrees or more shall be as follows:

RADI OF HORIZONTAL CURVES	
Major Streets	700' minimum
Minor Streets	100' minimum

10. New Subdivisions - The acceptance of a plat by the Brown County Commission does not obligate the County to maintain the roads of a rural subdivision. Until the County accepts the subdivision roads for maintenance and designates those roads as part of the Brown County Secondary Road System, the County is not responsible for maintenance. It is the policy of Brown County not to designate roads as secondary roads and accept them for maintenance in any additional rural subdivisions. To protect the safety and welfare of the citizens, roads shall be constructed in conformance to the standards as stated in Brown County Ordinance Title 5.

11. All subdivision roads shall be permanently dedicated as public rights-of-way or shown as private roadways. For the dedication of public right-of-way, the plat shall include a certificate for township acceptance of the road dedication or the owner's certificate shall describe the legal responsibilities for construction, repair and maintenance of said roads.

12. MINIMUM ROAD IMPROVEMENTS AND DESIGN STANDARDS

Arrangement and Design.

A) Roads shall provide public convenience and safety and shall be related appropriately to the topography and arranged so that building sites are at or above the road grade.

B) All new subdivision roads (including private roads) shall be properly integrated with the existing system of roads; there should be a road connecting adjacent subdivisions where topographical and land use considerations permit. Roads shall be completed prior to the issuance of building permits per plan and specifications provided for.

C) To insure consistent signage throughout the County, developer or owner shall install road signs at all road intersections, both public and private, and along roads within the new subdivision, at such places, manner and in accord with specifications as approved by the County Highway Superintendent. Signs shall be installed prior to the issuance of any building permits.

D) All section line roads shall be extended to the boundary lines of the tract to be subdivided on the side the subdivision is accessed, unless prevented by topography or other physical conditions.

E) The arrangement of all roads shall be such as not to cause hardship to adjoining landowners when they plat their own land and seek access to the roads.

F) All subdivision roads shall be permanently dedicated as public rights-of-way and accepted by the Brown County Commission, or shown as private roadways.

G) Dead end roads or streets are prohibited except that where the Comprehensive Plan indicates a road is to continue past the developer's property, a temporary dead end with a turnaround may be allowed until such time as the road is continued.

H) Half road or streets are prohibited, except that they may be required to complete the remaining half of the highway already dedicated or where the Comprehensive Plan indicates that the alignment of the road will center on the property line.

13. Minimum Road Right-of-Way.

A) Roads shall have a minimum publicly dedicated right-of-way of 66 feet. An easement of 66 feet shall be reserved for private roadways. A right-of-way of 100 feet may be required on any roads built on section lines or designated as arterial or collector. The owner shall dedicate 17 feet of added right-of-way on the side of any section line r-o-w wherever the owner's land abuts the section line r-o-w.

14. Section Line Road Standards.

A) A Developer subdividing off a Section Line Road, will be required to work in partnership with the governing body whether Township or County, to assure that the

design criteria for section line roads to said development shall be in accordance with the South Dakota Department of Transportation Secondary Road Plan (Revised 1997).

B) Access from individual lots within a subdivision onto an arterial road shall be prohibited.

Frontage roads are not encouraged but may be considered when special circumstances warrant.

C) Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards, and the location of all entrances to public roads shall be approved in writing by the governmental agency having jurisdiction.

D) Minimum width of the driving surface shall be 24 feet, plus two-foot shoulders. The inslope of the road shall be a minimum depth of 3 feet wide with a maximum slope of 4:1, ditch bottoms of 10 feet wide, and minimum backslopes will vary. The minimum clear zone shall be 10 feet wide.

E) Gravel roads shall have an initial three-inch lift of gravel spread over the driving surface. This lift shall be compacted. A second three-inch lift of gravel shall be spread over the driving surface within one year of the first lift. Asphalt, Portland cement concrete surfaces, and granular surfaces shall be constructed in accordance with specifications of the South Dakota Department of Transportation (SDDOT). Asphalt surfaces shall, at a minimum, is a 6-inch granular base course with a 4-inch thickness of asphalt or a 7-inch thickness of Portland cement concrete.

F) Culverts under roadways or driveways shall be R.C.P or C.M.P. Culverts 24" and less in diameter shall have sloped end sections if placed across main roads and shall have safety ends if placed across an approach. Larger culverts will not require end sections if the ends of the culvert are extended beyond the safety zone. The safety zone shall be determined by use of tables in the South Dakota Department of Transportation Secondary Road Plan.

G) The size of culverts shall be determined by a drainage study for the entire drainage basin. The minimum culvert diameter shall be 18 inches. The minimum culvert size for individual driveways shall be 18".

H) Seeding of ditches and other erosion protection measures shall be employed after grading is completed to minimize erosion.

Exception: If a parcel of land is to be developed or improved for an individual residence then an alternate road design for access to such parcel may be considered by the Brown County Commission. (The intent of this exception is for a single-family residence only. If this parcel or adjacent parcels are further developed and/or subdivided for residential use, all applicable zoning ordinances, subdivision ordinances and road standards adopted by Brown County shall be in effect).

I) The sub divider upon completion of all the improvements shall request in writing a final inspection by the County Highway Superintendent or Township official.

J) The sub divider shall maintain all improvements for one year after completion as verified by the inspection of the County Highway Superintendent or Township official. Maintenance shall be guaranteed by cash deposited with the County Commission or Township Board by the posting of a maintenance bond in favor of the County Commission or Township Board both in the amount of five percent of the estimated cost of the improvements. Thereafter the county or township, whichever is applicable, may maintain the improvements in accordance with a duly adopted annual improvement and/or maintenance program which may require special assessments from the individual property owners.

K) The County Commission or Township Board may by resolution accept streets after receipt of a written notice of a satisfactory final inspection by the County Highway

Superintendent or Township official and the posting of a maintenance guarantee by the sub divider.

15. Subdivision Road Standards.

A) Design Criteria for subdivision roads shall be in accordance with the South Dakota Department of Transportation Secondary Road Plan (Revised 1997).

B) Access from individual lots within a subdivision onto an arterial road shall be prohibited.

Frontage roads are not encouraged but may be considered when special circumstances warrant.

C) Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards, and the location of all entrances to public roads shall be approved in writing by the governmental agency having jurisdiction.

D) Minimum width of the driving surface shall be 20 feet, plus two-foot shoulders. The minimum slopes shall be 3:1 and the minimum clear zone shall be 10 feet wide.

E) Gravel roads shall have an initial three-inch lift of gravel spread over the driving surface. This lift shall be compacted. A second three-inch lift of gravel shall be spread over the driving surface within one year of the first lift. Asphalt, Portland cement concrete surfaces, and granular surfaces shall be constructed in accordance with specifications of the SDDOT. Asphalt surfaces shall, at a minimum, be a 6-inch granular base course with a 4-inch thickness of asphalt or a 7-inch thickness of Portland cement concrete.

F) Culverts under roadways or driveways shall be R.C.P or C.M.P. Culverts 24" and less in diameter shall have sloped end sections if placed across main roads and shall have safety ends if placed across an approach. Larger culverts will not require end sections if the ends of the culvert are extended beyond the safety zone. The safety zone shall be determined by use of tables in the South Dakota Department of Transportation Secondary Road Plan.

G) The size of culverts shall be determined by a drainage study for the entire drainage basin. The minimum culvert diameter shall be 18 inches. The minimum culvert size for individual driveways shall be 18".

H) Seeding of ditches and other erosion protection measures shall be employed after grading is completed to minimize erosion.

I) Streets with curb and gutter shall meet the requirements in the attached cross section for a curb and gutter street.

Exception: If a parcel of land is to be developed or improved for an individual residence then an alternate road design for access to such parcel may be considered by the Brown County Commission. (The intent of this exception is for a single-family residence only. If this parcel or adjacent parcels are further developed and/or subdivided for residential use, all applicable zoning ordinances, subdivision ordinances and road standards adopted by Brown County shall be in effect).

J) The sub divider upon completion of all the improvements shall request in writing a final inspection by the Township official.

K) The sub divider shall maintain all improvements for one year after completion as verified by the inspection of the Township official. Maintenance shall be guaranteed by cash deposited with the Township Board by the posting of a maintenance bond in favor of the Township Board both in the amount of five percent of the estimated cost of the improvements. Thereafter the township may maintain the improvements in accordance with a duly adopted annual improvement and/or maintenance program, which may require special assessments from the individual property owners.

L) The Township Board may by resolution accept streets after receipt of a written notice of a satisfactory final inspection by the Township official and the posting of a maintenance guarantee by the sub divider or by individuals/homeowner association. Homeowner association incorporation papers and letters of assurance with the Township are filed with plat of properties.

16. Private Roadways.

A) Private roadways shall be indicated on the plat and shall not be included as part of any required lot area or setback.

B) Any private roadway approved by the County shall provide permanent unobstructed access to the area it serves. The erecting of any structure within the private roadway easement, which would in any way interfere with the use of such private roadway by the public or any governmental agency will not be permitted.

C) Any plat presented for County Commission approval, which shows a private roadway as a means of access shall provide language in the Planned Unit Development (P.U.D.) reserving the private road as a permanent unobstructed access easement and establishing private responsibility for maintenance of the roads, including a permanent road maintenance agreement as part of covenants or an otherwise recordable instrument.

D) All road standards specified in Section 5.03 shall also apply to private roadways.

E) The sub divider shall maintain all improvements for one year after completion and then private roads are maintained by individuals or a homeowner association.

Homeowner association incorporation papers and letters of assurance with the County and/or Townships are filed with plat of properties.

17. Intersections and Approaches.

A) Acute angles at road intersections are to be avoided in so far as possible, but in no case with an angle of less than 80 degrees be permitted.

B) Not more than two roads shall intersect at one point unless specifically approved.

C) Intersection offsets of less than 300 feet shall not be permitted

D) Two approaches may be permitted on each side of each half-mile segment of county primary highways. Where possible, the approaches on the opposite side of the highway shall be at the same location.

E) No approach shall be constructed in private subdivisions without first obtaining an approach permit from the Brown County Highway Superintendent. The landowner shall be responsible for constructing the approach in conformance with specifications relating to location, width, in-slope, safety, culvert size, drainage, and other factors as determined by the Brown County Highway Superintendent. Approaches shall be in compliance with the South Dakota Department of Transportation's Road Design Manual.

18. No building permits shall be issued until all required road improvements have been completed per plan and specifications provided for.

5.0303 Lots.

1. Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.

2. Every lot shall abut and have access to a public street.

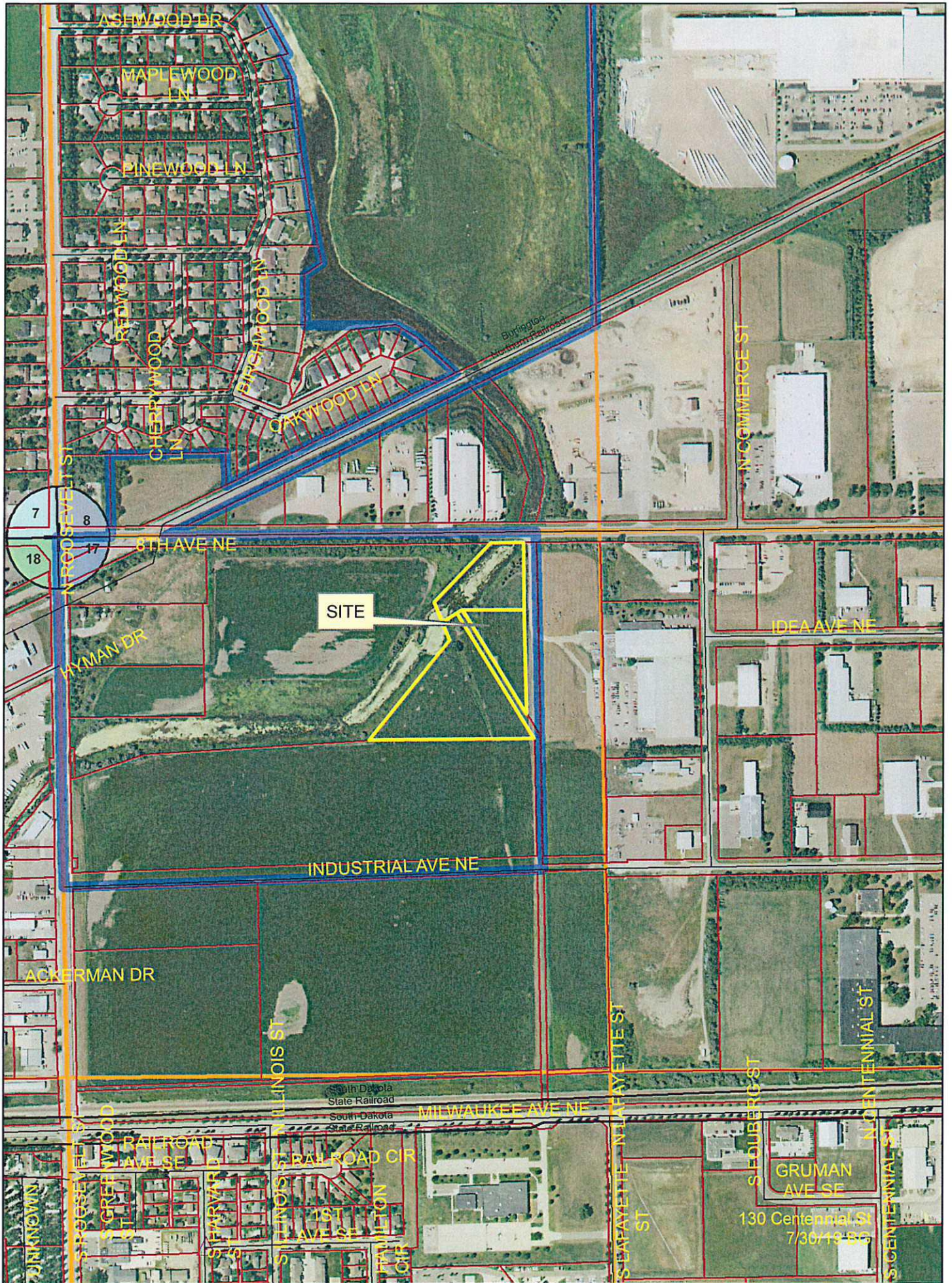
3. Double frontage lots shall be avoided except where they back upon a major street.

5.0304 Easements.

1. Easements on rear or side lot lines shall be provided for sanitary sewers where necessary and shall be a total of at least ten (10) feet wide on each side.
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way of such width as will be adequate for both water flow and maintenance operations.

5.0305 Flood Designated Areas. When located within flood prone areas as designated on the Flood Insurance Rate Map (FIRM), all subdivision proposals:

1. Shall be consistent with the need to minimize flood damage;
2. Shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. Shall have adequate drainage provided to reduce exposure to flood damage and shall not put additional burden on adjacent land owners; and
4. Shall provide base flood elevation data for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).



SITE

130 Centennial St
7/30/19 BC



8TH AVE NE

SITE

STAFF REPORT

October 18, 2022

BROWN COUNTY PLANNING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM # 17

GENERAL INFORMATION:

PETITIONER:	Siegel, Barnett & Schutz (Jennifer Nelson) for Ann Bormann
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	"Bormann First Addition" in the W1/2 of the SW1/4 of Section 30-T128N-R61W of the 5 th P.M., Brown County, South Dakota
LOCATION:	10498 400 th Avenue
TOWNSHIP:	Liberty Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P) /Conservation District (CN-SL)
East:	Conservation District (CN-SL)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	Unknown
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this Preliminary & Final Plat for conveyance purposes.

GENERAL REVIEW: Staff has reviewed this plat. **Staff recommends approval with a stipulation: that the "finger" on Lot 2 be shortened and stop at the west property line of Lot 1.** Walking trees during hunting season can be done by a recorded EASEMENT in the Deeds Office. Scott spoke with the attorney for buyer of Lot 2 and explained about recording an access easement for \$30. Surveyor can edit page one before submitting to the County Commission.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Bormann First Addition

LEGAL SECTION: QUARTER: SW1/4 SECTION: 30 TOWNSHIP: 128 RANGE: 61

MANDATORY LOTS: 1, 2 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

SCHOOL DISTRICT: Hecla Area

UTILITIES: Unknown

OWNERS NAMES: Ann Bormann

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Associates)

TYPE: PRELIMINARY _____ FINAL _____ BOTH (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$100.00 DATE PAID: 10 / 04 / 2022

RECEIVED BY PLANNING DEPARTMENT: 10 / 04 / 2022 BY: Ron Keller

REASON FOR PLAT: DEVELOPMENT CONVEYANCE _____ FINANCIAL PURPOSES _____ OTHER _____

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR 11 x 17 PHOTO PAPER _____ OTHER _____

STREETS/ROADS NAMED PROPERLY: NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT: _____

EXISTING ACCESS SHOWN ON PLAT: ACCESS PERMISSION NEEDED BY: SD _____ BC _____ TWP

FULLY DIMENSIONED FROM SECTION CORNER: OR QUARTER CORNER: _____ OR KNOWN MARKER: _____

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE:

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township) SIGNATURE LINE SIGNED: _____

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR TREASURER SIGNATURE LINE SIGNED _____

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT: PROPERTY PINS SHOWN ON ALL CORNERS: _____

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W

AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: September 30, 2022
RECEIPT # 216666
TOWNSHIP: Liberty Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: Oct 4, 2022

OWNERS SIGNATURE: _____
OWNERS ADDRESS: _____
OWNERS CITY, STATE, ZIP: _____
OWNERS PHONE: _____

AGENTS SIGNATURE: JN Siegel, Barnett & Schutz (Jennifer Nelson) for Ann Bormann
AGENTS ADDRESS: 415 S Main St, Suite 400
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-725-5217

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Bormann First Addition" in the W1/2 of the SW1/4 of
Section 30-T128N-R61W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

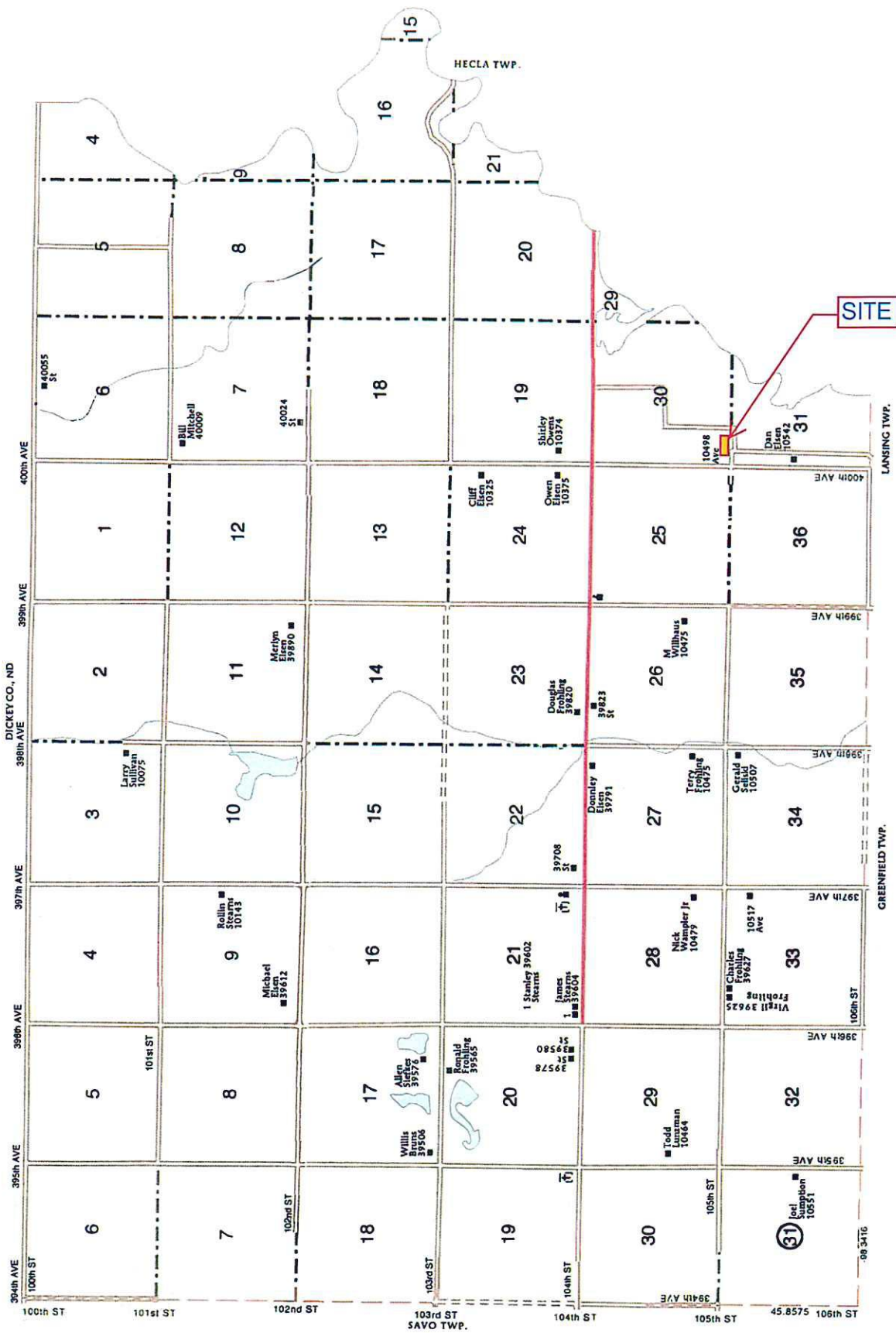
By: _____ Date: _____

HEARING DATE: October 18, 2022 TIME: 7:00 pm

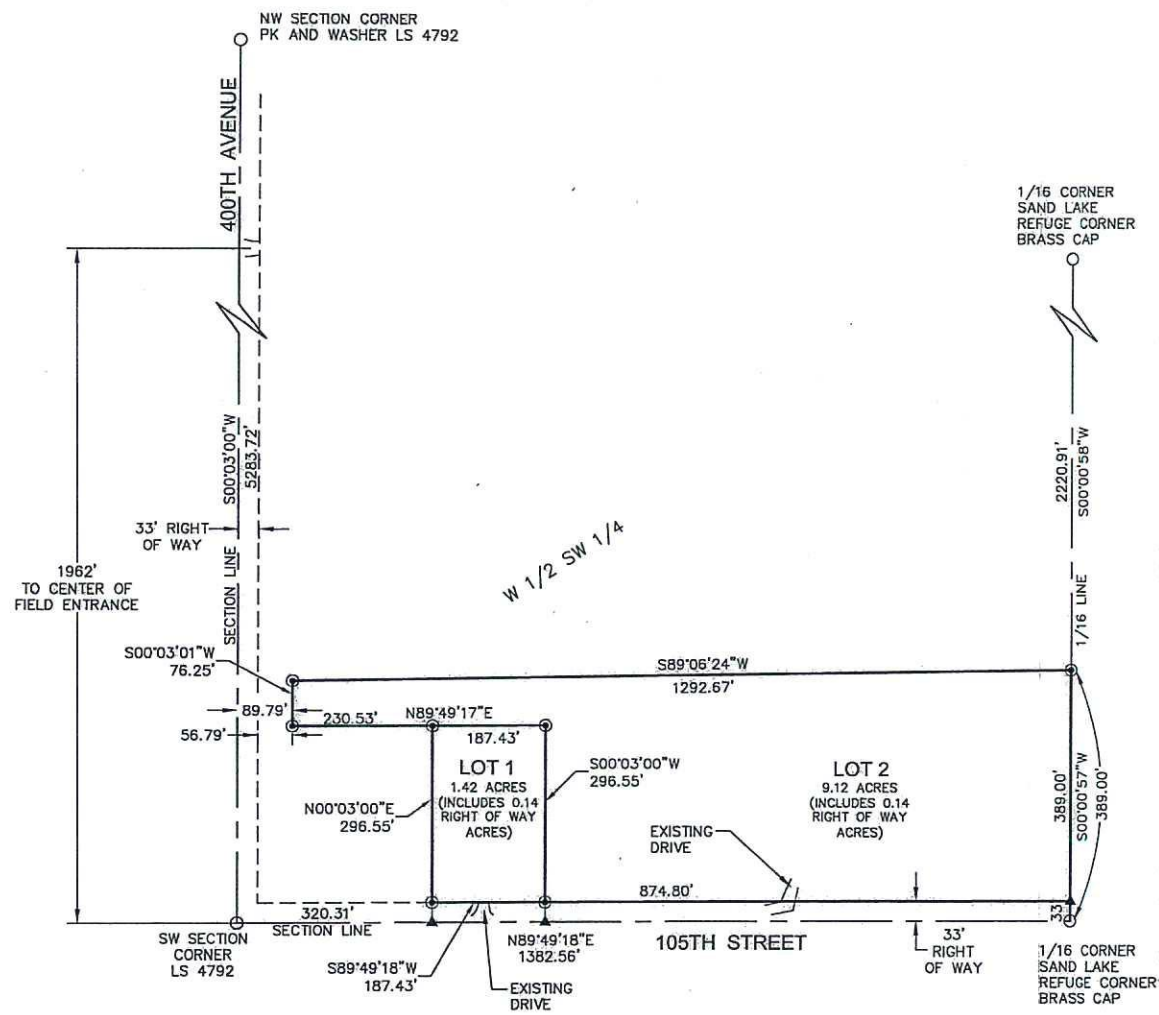
MEETING: located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



PLAT OF BORMANN FIRST ADDITION IN THE W 1/2 SW 1/4 OF SECTION 30-T128N-R61W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

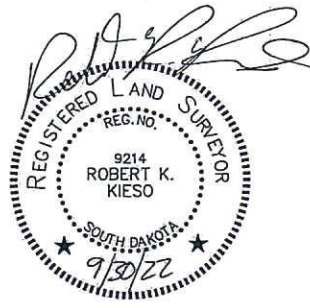
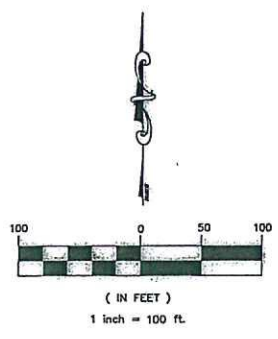


LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- ▲ CALCULATED POSITION

BASIS OF BEARINGS

GPS OBSERVATION
TRUE MERIDIAN



Helms & Associates
CIVIL ENGINEERS & LAND SURVEYORS

416 PRODUCTION STREET N.
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

DWG. 8981-LS BY: BKK SHEET 1 OF 3

PLAT OF
BORMANN FIRST ADDITION
IN THE W 1/2 SW 1/4 OF SECTION 30-T128N-R61W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, ANN BORMANN, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE W 1/2 SW 1/4 OF SECTION 30 T128N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT I HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS; BORMANN FIRST ADDITION IN THE W 1/2 SW 1/4 OF SECTION 30 T128N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA , AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

ANN BORMANN

Signed this _____ day of _____, 20____

ACKNOWLEDGMENT

STATE OF)
COUNTY OF)SS

ON THIS THE _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED ANN BORMANN KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNER, I HAVE SURVEYED AND PLATTED "BORMANN FIRST ADDITION IN THE W 1/2 SW 1/4 OF SECTION 30 T128N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" AS SHOWN ON THE ATTACHED PLAT, THAT I HAVE FOUND AND/OR SET IRON PINS AS INDICATED THEREON. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 30th DAY OF September, 2022


ROBERT K. KIESO RLS #9214

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF _____ COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE _____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BORMANN FIRST ADDITION IN THE W 1/2 SW 1/4 OF SECTION 30 T128N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE _____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BORMANN FIRST ADDITION IN THE W 1/2 SW 1/4 OF SECTION 30 T128N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

PLAT OF
BORMANN FIRST ADDITION
IN THE W 1/2 SW 1/4 OF SECTION 30-T128N-R61W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTY ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS ____ DAY OF _____, 20____.

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

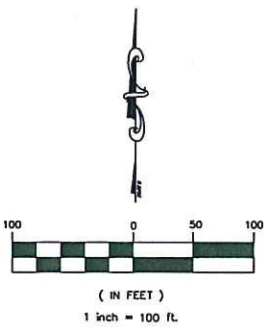
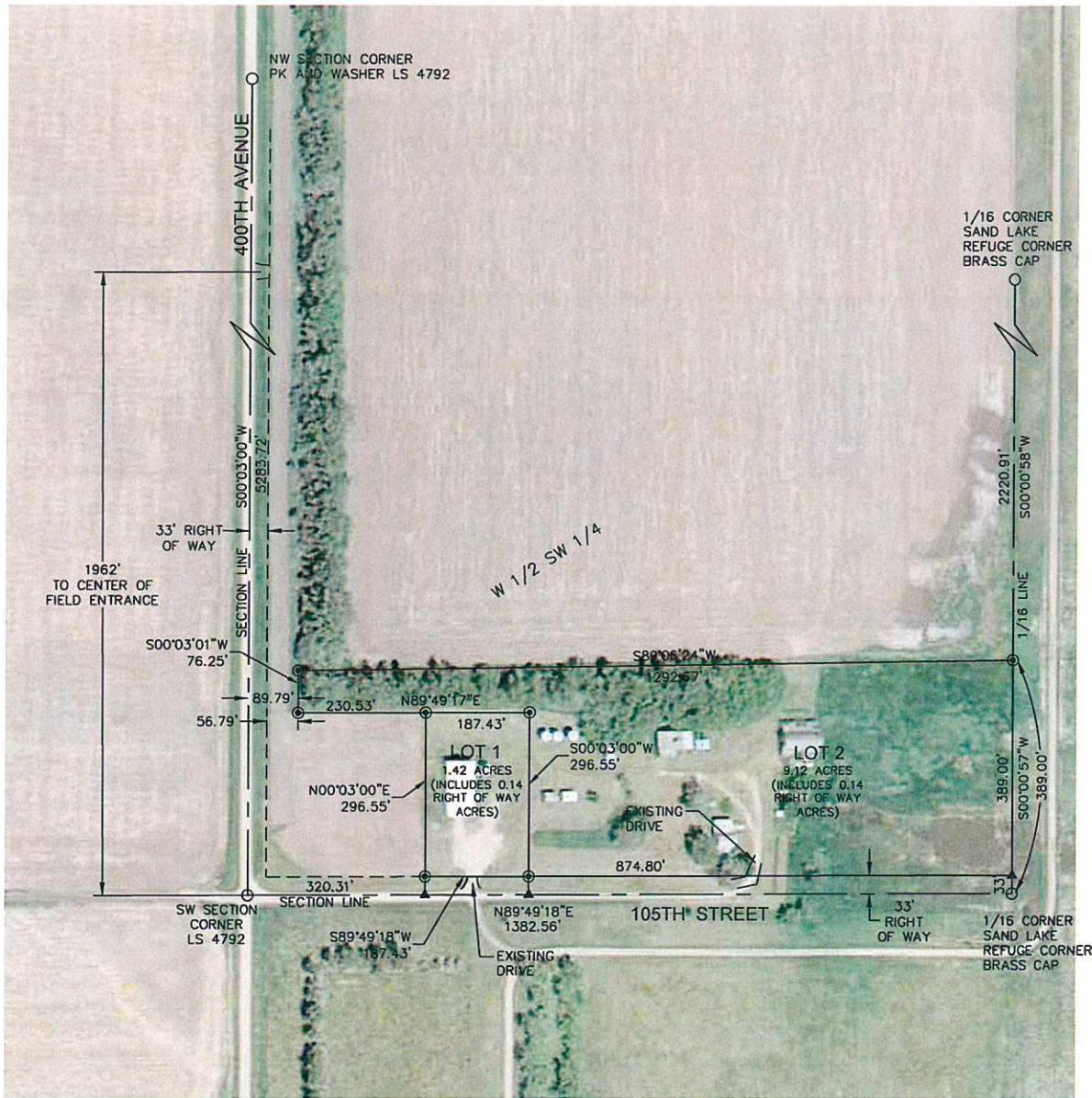
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____, 20____ AT ____ O'CLOCK _____, AND DULY RECORDED IN HANGING PLATS NO. _____.

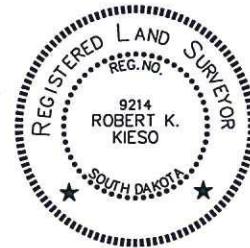
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

PLAT OF BORMANN FIRST ADDITION IN THE W 1/2 SW 1/4 OF SECTION 30-T128N-R61W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



LEGEND

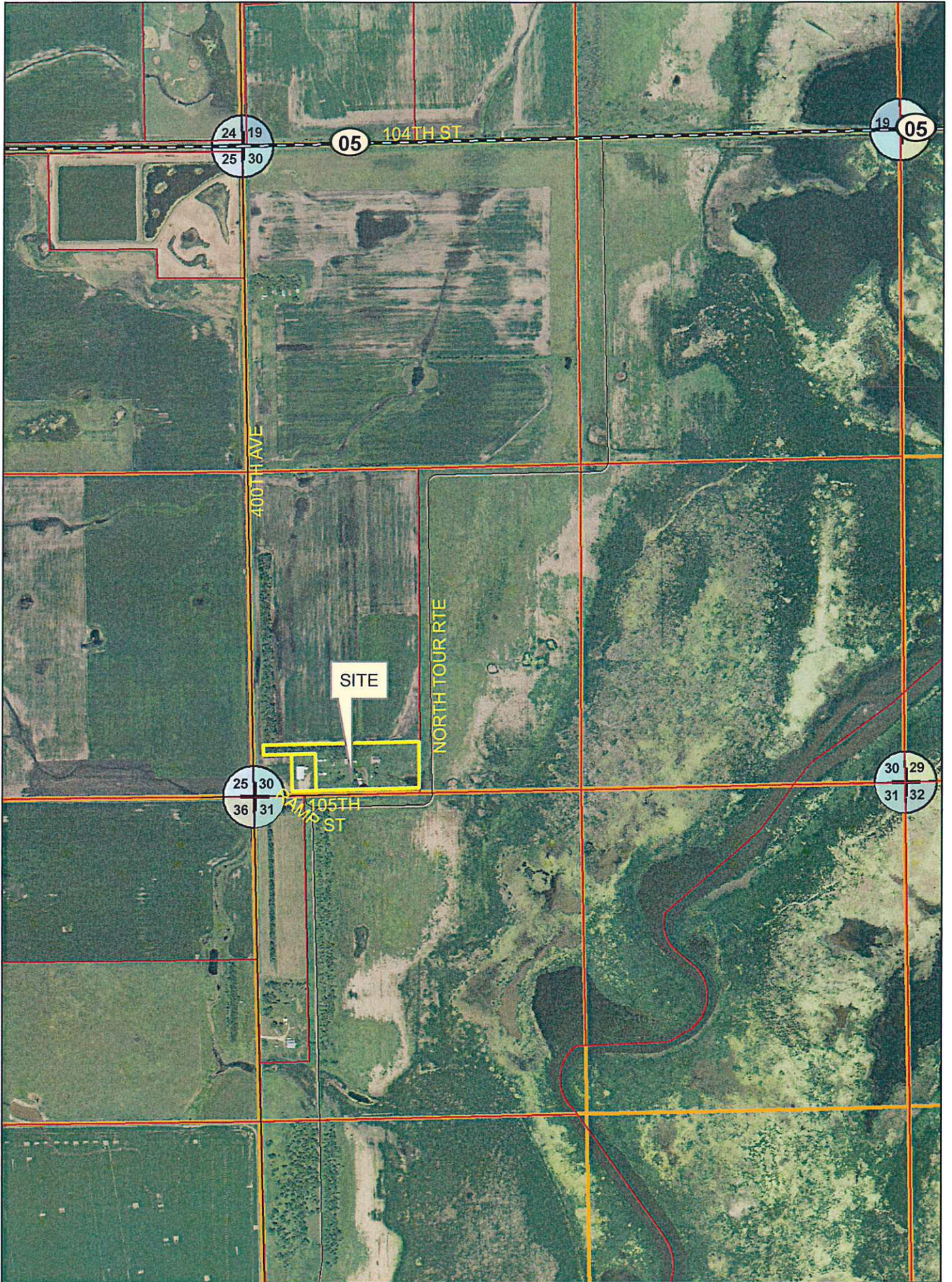
- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- ▲ CALCULATED POSITION



BASIS OF BEARINGS

GPS OBSERVATION
TRUE MERIDIAN

Helms & Associates
 416 PRODUCTION STREET N.
 P.O. Box 111
 Aberdeen, S.D. 57401
 Phone: 605.225.1212
 Fax: 605.225.3189
 CIVIL ENGINEERS & LAND SURVEYORS



05

104TH ST

19 05

24 19
25 30

400TH AVE

SITE

NORTH TOUR RTE

25 30
36 31

105TH ST

30 29
31 32

400TH AVE

SITE

LOT 1

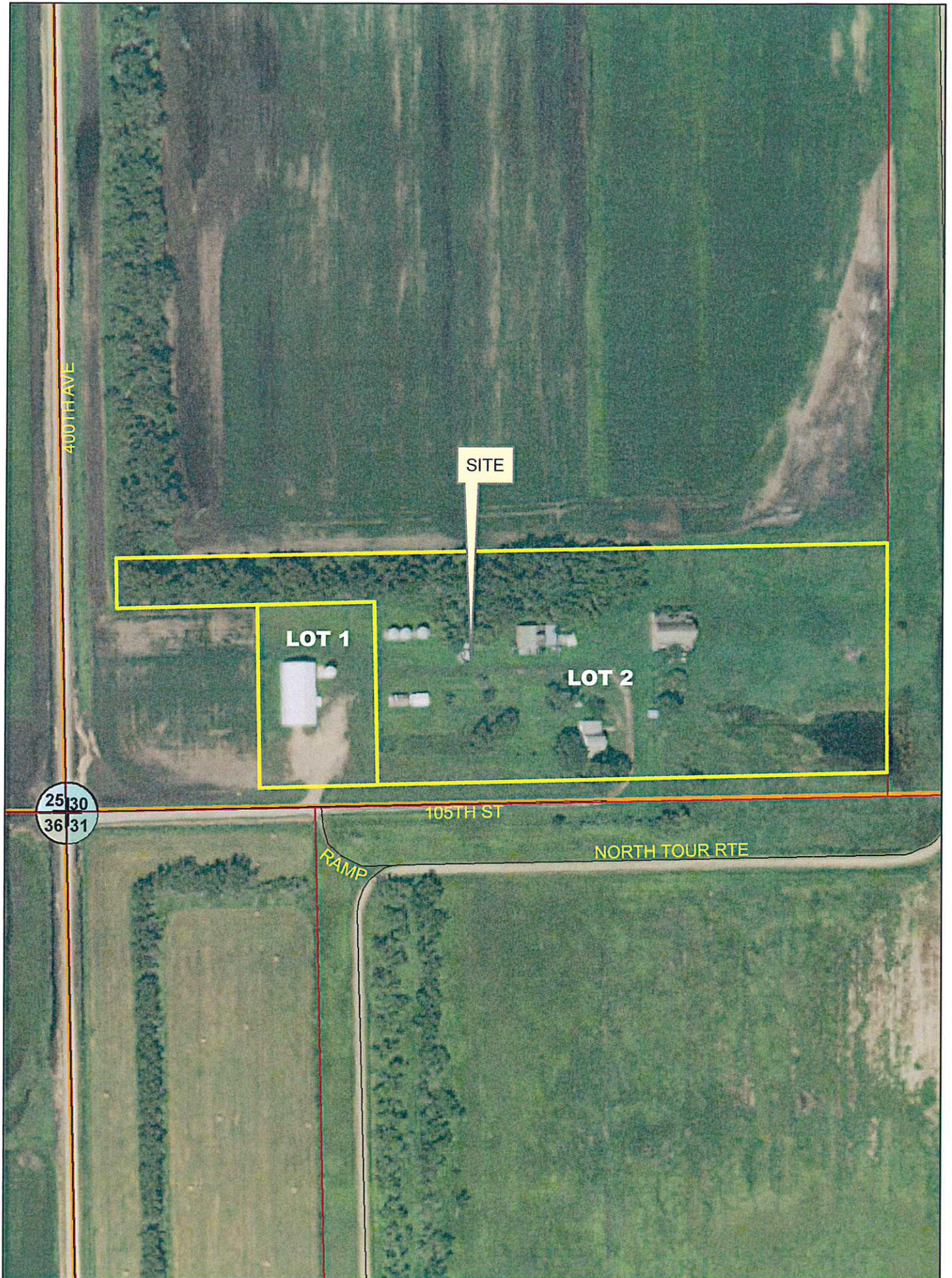
LOT 2

2530
3631

105TH ST

NORTH TOUR RTE

RAMP



STAFF REPORT

October 18, 2022

BROWN COUNTY PLANNING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM # 18

GENERAL INFORMATION:

PETITIONER:	Stephen & Leslie Arampatzis & Raymond & Ellen Thorpe
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	"S L A Addition" in the SW1/4 of Section 25-T124N-R64W of the 5 th P.M., Brown County, South Dakota
LOCATION:	12890 387 th Avenue & 38734 129 th Street
TOWNSHIP:	Lincoln Twp
EXISTING ZONING	Mini-Agriculture District (M-AG)
SURROUNDING ZONING:	
North:	Mini-Agriculture District (M-AG) / Agriculture Preservation District (AG-P)
South:	Mini-Agriculture District (M-AG) / Agriculture Preservation District (AG-P)
East:	Mini-Agriculture District (M-AG)
West:	Mini-Agriculture District (M-AG)
PUBLIC UTILITIES:	Web Water
REPORTED BY:	Chris Anderson

GENERAL COMMENT: The petitioner is requesting this Preliminary & Final Plat for conveyance purposes.

GENERAL REVIEW: Staff has reviewed this plat.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: S L A Addition

LEGAL SECTION: QUARTER: SW1/4 SECTION: 25 TOWNSHIP: 124 RANGE: 64

MANDATORY LOTS: 1, 2 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

SCHOOL DISTRICT: Aberdeen Area

UTILITIES: Web Water

OWNERS NAMES: Stephen Arampatzis Leslie Arampatzis

OWNERS NAMES: Raymond Thorpe Ellen Thorpe

ENGINEER OR SURVEYOR: Jamie Sprenger (IMEG)

TYPE: PRELIMINARY _____ FINAL _____ BOTH (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$100.00 DATE PAID: 10 / 04 /20 22

RECEIVED BY PLANNING DEPARTMENT: 10 / 04 /20 22 BY: Ron Keller

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE FINANCIAL PURPOSES _____ OTHER _____

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR 11 x 17 PHOTO PAPER _____ OTHER _____

STREETS/ROADS NAMED PROPERLY: NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT: _____

EXISTING ACCESS SHOWN ON PLAT: ACCESS PERMISSION NEEDED BY: SD _____ BC _____ TWP

FULLY DIMENSIONED FROM SECTION CORNER: _____ OR QUARTER CORNER: OR KNOWN MARKER: _____

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE:

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township) SIGNATURE LINE SIGNED: _____

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR TREASURER SIGNATURE LINE SIGNED _____

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT: PROPERTY PINS SHOWN ON ALL CORNERS: _____

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W

AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: October 3, 2022 FEES: \$ 100.00
RECEIPT # 816667 PAID: YES/NO CHK/CASH
TOWNSHIP: Lincoln Twp DATE: 10/4/2022

Stephen & Leslie Arampatzis & Raymond & Ellen Thorpe
OWNERS SIGNATURE: [Signatures]
OWNERS ADDRESS: 12890 387th Avenue 12791 389th Avenue
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401 Aberdeen, SD 57401
OWNERS PHONE: _____

AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "S L A Addition" in the SW1/4 of Section 25-T124N-R64W
of the 5th P.M., Brown County, South Dakota

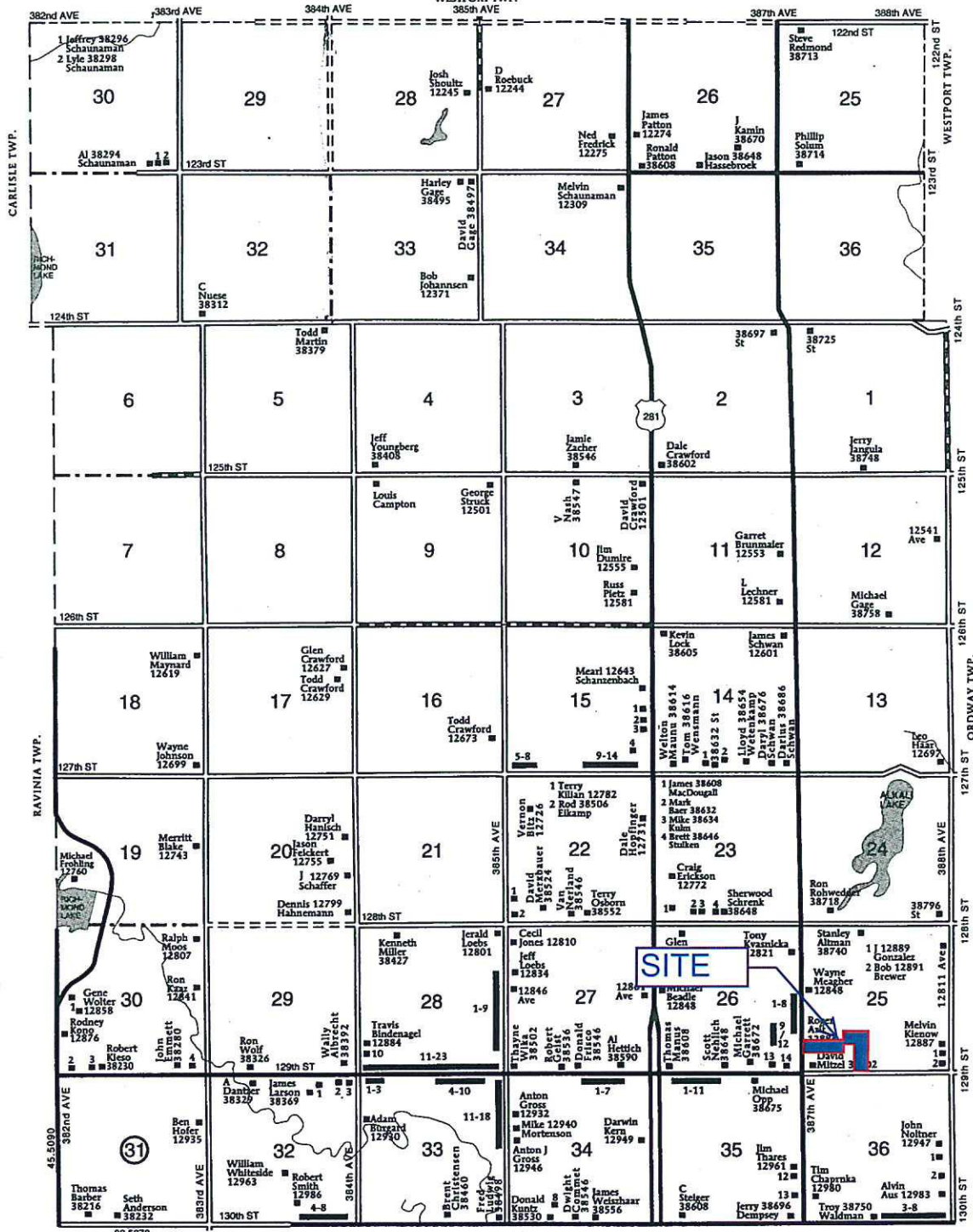
Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: October 18, 2022 TIME: 7:00 pm

MEETING: located in the Basement Community Room of the Court House Annex
25 Market Street • Aberdeen, South Dakota 57401-4203
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

(Residents - Owners or Renters)



ABERDEEN TWP.

LINCOLN TOWNSHIP

SECTION 14

- 1 Adams, John 38630
- 2 Mount, Bill 38634

SECTION 15

- 1 Schaunaman, Chad 12657
- 2 Berg, Tom 12663
- 3 Heath, Pat 12667
- 4 Kiesz, Marvin 12685
- 5 Huetti, Roger 38502
- 6 Klapperich, Ed 38504
- 7 Frohling, Leslie 38512
- 8 Moore, Joe 38518
- 9 Williams, Eugene 38552
- 10 Black, Casey 38556
- 11 Mitzel, Michael 38560
- 12 Malsam, Adam 38570
- 13 Nelson, Mark 38574
- 14 Roso, R 38576

SECTION 26S

- 1 Wetenkamp, Lloyd D 12847
- 2 Hedges, Kendall 12849
- 3 Labay, Richard 12851
- 4 Kolb, Myron 12855
- 5 12857
- 6 Wacholz, B 12861
- 7 Simonson, Lee 12869
- 8 Rychlik, Jerald 12875
- 9 Keller, Mike 12862
- 10 Stein, Craig 12866
- 11 Hedge, Duane 12870
- 12 Call, Ty 12874
- 13 Wahl, Merle 38686
- 14 Punt, Lawayne 38690

SECTION 28S

- 1 Drageset, Jamie 12833
- 2 Adolf, Gregory 12839
- 3 Hoeltzner, Curtis 12843
- 4 Wilkie, Chad 12845
- 5 Carlson, Cartor 12853

SECTION 30S

- 6 Vining, Brad 12861
- 7 Aman, Dwight 12871
- 8 Kotzea, D 12881
- 9 Nordstrom, Allen 12891
- 10 Labay, Richard 12851
- 11 Bitz, Marvin 38404
- 12 Gab, Dale 38406
- 13 Bitz, Sheldon 38412
- 14 Hamrnick, Marc 38414
- 15 Bellikka, Neil 38424
- 16 Nelber, Danny 38434
- 17 Jakober, Glen 38452
- 18 Buechler, Todd 38460
- 19 Slefken, Lon 38464
- 20 Habeck, F 38474
- 21 Karmm, Casey 38478
- 22 Whitney, Charles 38484
- 23 Peterson, Kenneth 38488

SECTION 32S

- 3 38228
- 4 Mandel, Lonnie 38294
- 1 Lehr, Cary 38373
- 2 Otto, Randall 38393
- 3 Gosvener, Ken 12901
- 4 Martinmaas, Roger 38364
- 5 Thorstenson, Casey 38370
- 6 Harms, Bruce 38374
- 7 Hartung, Mark 38386
- 8 Keller, Edward 38392
- 1 Waltman, Frank 38405
- 2 Malsam, Ervin 38409
- 3 Krueger, Gerald 38413
- 4 Burt, Roy 38453
- 5 Sutton, Duane 38459
- 6 Aman, Bonnell 38463
- 7 Hagmann, Rick 38469
- 8 Allibe, M 38479

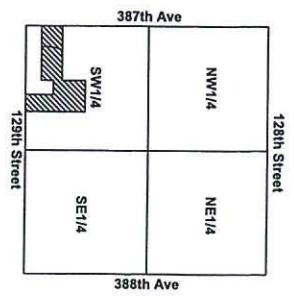
SECTION 34S

- 9 Feickert, Dennis 38485
- 10 Foss, Kevin 38489
- 11 Martel, Don 12903
- 12 Entzel, Ernest 12907
- 13 Malsom, Bob 12909
- 14 Falken, Jess 12915
- 15 Skott, Randy 12921
- 16 Kurtz, B 12927
- 17 Gross, Joe 12941
- 18 Schlosser, Rudolph 12945
- 1 Hartung, John 38549
- 2 Shilman, Larry 38557
- 3 Tarrell, Ron 38559
- 4 Odde, N 38563
- 5 Volzke, Randy 38587
- 6 Malsam, Melvin 38589
- 7 Igo, Loren 38591
- 8 Rittler, Loren 38534
- 1 Fordham, Donald 38621

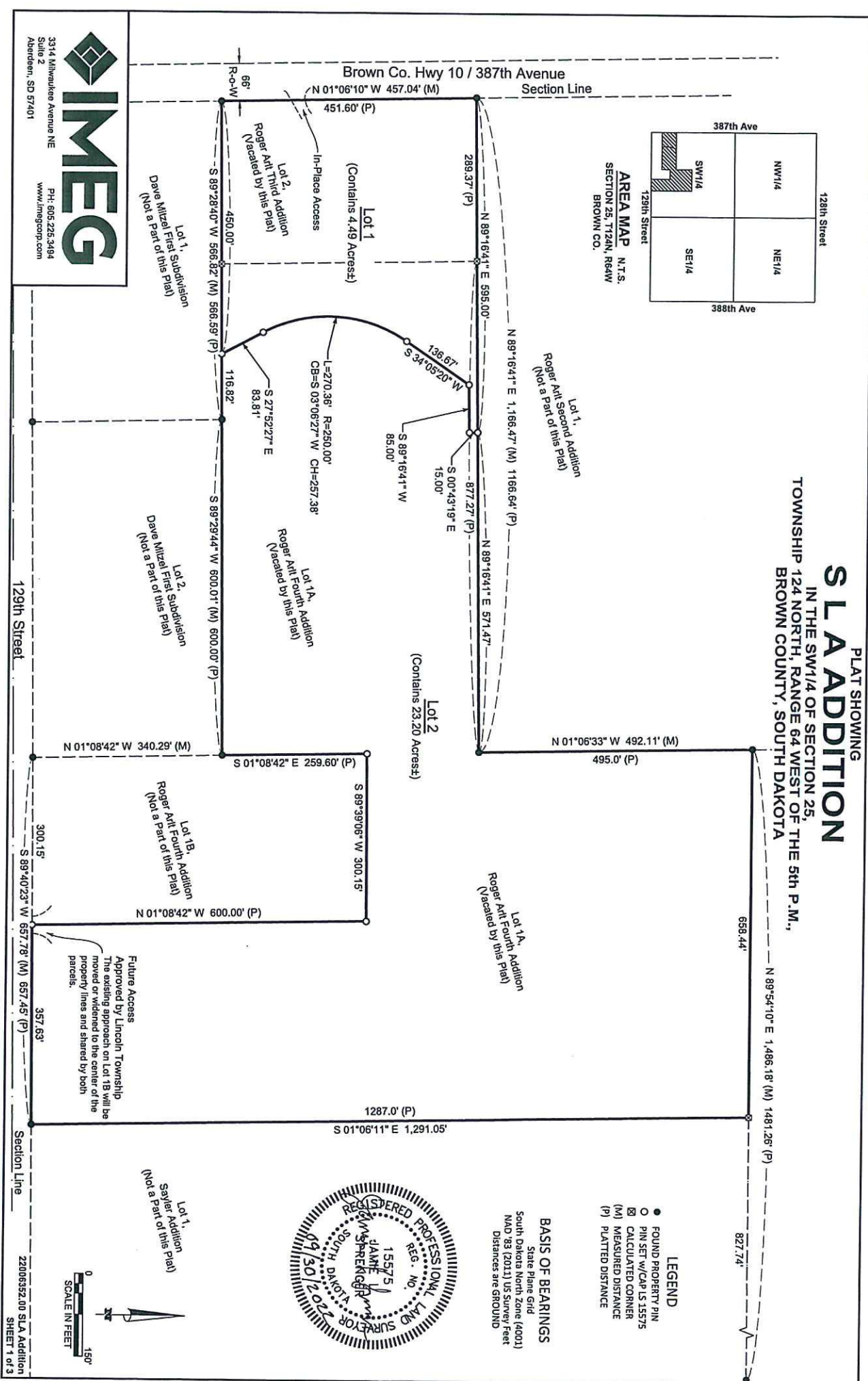
SECTION 36S

- 2 Luitjens, Mark 38631
- 3 Hollan, Ray 38635
- 4 Hendrickson, J 38649
- 5 Anliker, Alvin 38655
- 6 Malsam, Joe 38629
- 7 Hanley, Tom 38630
- 8 Fix, Jeffrey 38637
- 9 Blinder, Brandon 38643
- 10 Mercer, V 12911
- 11 Tchida, Mervin 12914
- 12 Thares, Clark 12969
- 13 Diede, James 12979
- 1 Dalager, John 12953
- 2 Hinds, Bill 12971
- 3 Waldman, Clarence 38756
- 4 Waldman, Galen 38762
- 5 Pence, Bryan 38766
- 6 Cowan, Richard 38770
- 7 Lonning, Stuart 38782
- 8 Bock, Jeff 38792

**PLAT SHOWING
S L A ADDITION**
IN THE SW1/4 OF SECTION 25,
TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

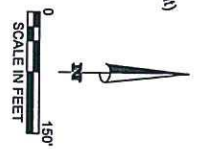
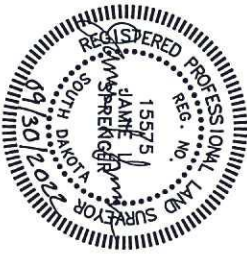


AREA MAP N.T.S.
SECTION 25, T124N, R64W
BROWN CO.



- LEGEND**
- FOUND PROPERTY PIN
 - PIN SET w/CAP IS 15575
 - ⊠ CALCULATED CORNER
 - (M) MEASURED DISTANCE
 - (P) PLATTED DISTANCE

BASIS OF BEARINGS
State Plane grid
South Dakota North Zone (4001)
NAD 83 (2011) US Survey Feet
Distances are GROUND



3314 Milwaukee Avenue NE
Suite 2
Auraden, SD 57401

PH: 605.225.3484
www.imegcorp.com

PLAT SHOWING
S L A ADDITION
IN THE SW1/4 OF SECTION 25,
TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

We, Stephen Arampatzis and Leslie Arampatzis, husband and wife, as joint tenants with right of survivorship and not as tenants in common, do hereby certify that we are the owners of Lot Two (2), Roger Arit Third Addition, in the Southwest Quarter (SW1/4) of Section Twenty-Five (25), Township One Hundred Twenty-Four (124) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota, and that we have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "S L A ADDITION IN THE SW1/4 OF SECTION 25, TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, we, Stephen Arampatzis and Leslie Arampatzis, husband and wife, as joint tenants with right of survivorship and not as tenants in common, do hereby vacate "Lot 2, Roger Arit Third Addition, in the SW1/4 of Section 25, Township 124 North, Range 64 West of the 5th P.M., Brown County, South Dakota", as file for record on August 24, 2016, at 3:25 P.M., and duly recorded as Hanging Plat 3320 therein.

Owner: Stephen Arampatzis


Signature

Signed this 4 day of 10, 2022.

COUNTY OF BROWN)
STATE OF SOUTH DAKOTA) SS

On this the 4th day of OCTOBER, 2022, before me, the undersigned officer, personally appeared Stephen Arampatzis, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11/2/2027


Notary Public

Owner: Leslie Arampatzis


Signature

Signed this 4 day of October, 2022.

COUNTY OF BROWN)
STATE OF SOUTH DAKOTA) SS

On this the 4th day of OCTOBER, 2022, before me, the undersigned officer, personally appeared Leslie Arampatzis, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11/2/2027


Notary Public

OWNER'S CERTIFICATE

We, Raymond Lee Thorpe and Ellen Marcia Thorpe, husband and wife, as joint tenants with right of survivorship and not as tenants in common, do hereby certify that we are the owners of Lot One A (1A), Roger Arit Fourth Addition, in the Southwest Quarter (SW1/4) of Section Twenty-Five (25), Township One Hundred Twenty-Four (124) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota, and that we have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "S L A ADDITION IN THE SW1/4 OF SECTION 25, TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, we, Raymond Lee Thorpe and Ellen Marcia Thorpe, husband and wife, as joint tenants with right of survivorship and not as tenants in common, do hereby vacate "Lot 1A, Roger Arit Fourth Addition, in the SW1/4 of Section 25, Township 124 North, Range 64 West of the 5th P.M., Brown County, South Dakota", as filed for record on April 25, 2017, at 3:18 P.M., and duly recorded as Hanging Plat 3375 therein.

Owner: Raymond Lee Thorpe


Signature

Signed this 4 day of 10, 2022.

COUNTY OF BROWN)
STATE OF SOUTH DAKOTA) SS

On this the 4th day of OCTOBER, 2022, before me, the undersigned officer, personally appeared Raymond Lee Thorpe, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11/2/2027


Notary Public

Owner: Ellen Marcia Thorpe


Signature

Signed this 4th day of October, 2022.

COUNTY OF BROWN)
STATE OF SOUTH DAKOTA) SS

On this the 4th day of OCTOBER, 2022, before me, the undersigned officer, personally appeared Ellen Marcia Thorpe, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11/2/2027


Notary Public



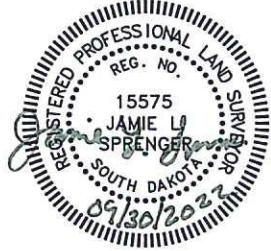
PLAT SHOWING
S L A ADDITION

IN THE SW1/4 OF SECTION 25,
TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Jamie L. Sprenger, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owners, I have surveyed and platted "S L A ADDITION IN THE SW1/4 OF SECTION 25, TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 30th day of SEPTEMBER, 2022.



HIGHWAY APPROVAL

The location of the in-place access roads, is hereby approved. Any change in the in-place access shall require addition approval.

Signed this _____ day of _____, 2022.

Print Name and Title

Signature

COUNTY PLANNING COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota, at a meeting held on the ___ day of _____, 2022.

Secretary of County Planning Commission, Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "S L A ADDITION IN THE SW1/4 OF SECTION 25, TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2022.

County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "S L A ADDITION IN THE SW1/4 OF SECTION 25, TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat are shown by the record of my office to be fully paid.

Signed this _____ day of _____, 2022.

County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this _____ day of _____, 2022.

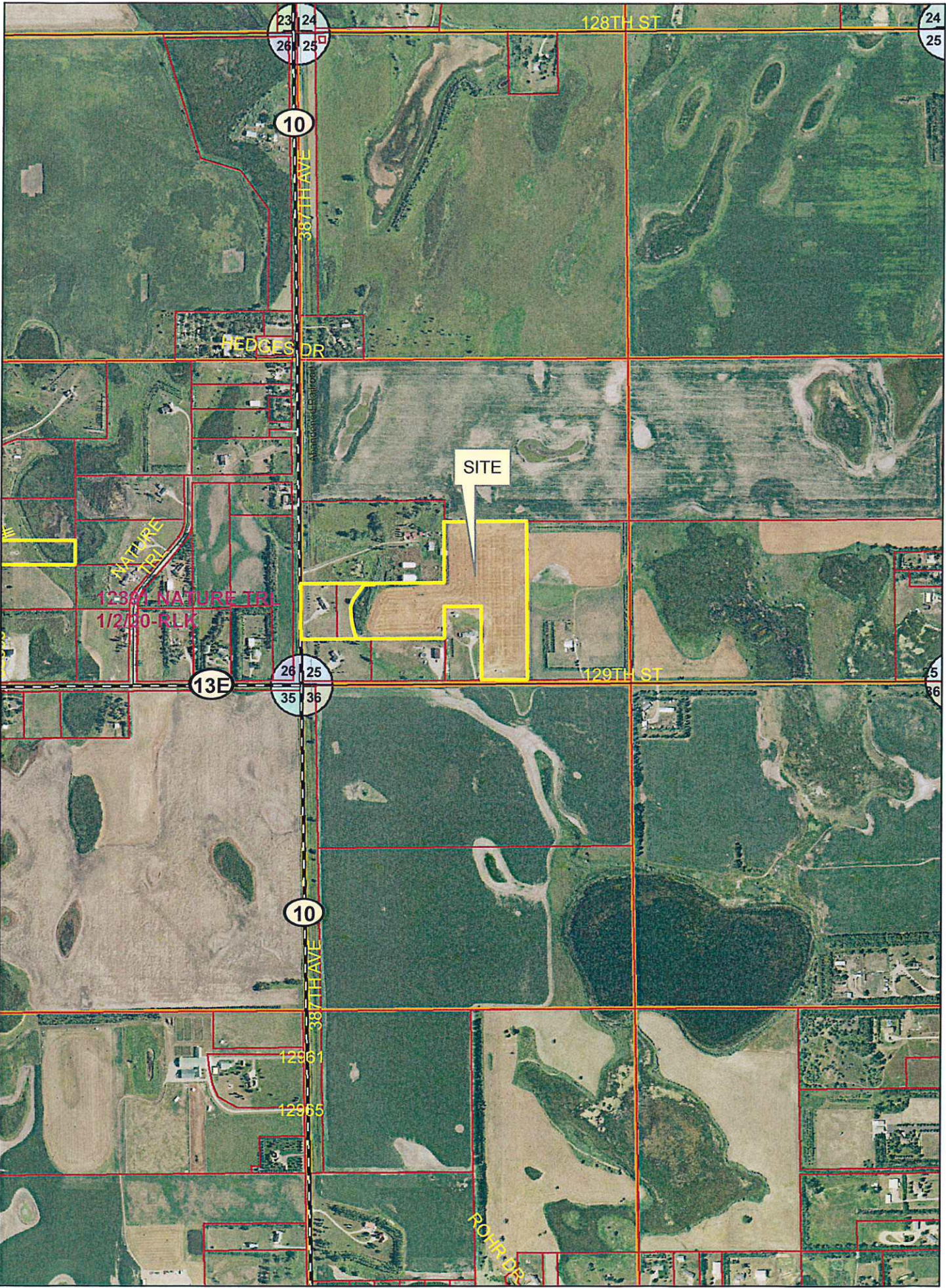
Director of Equalization, Brown County, South Dakota

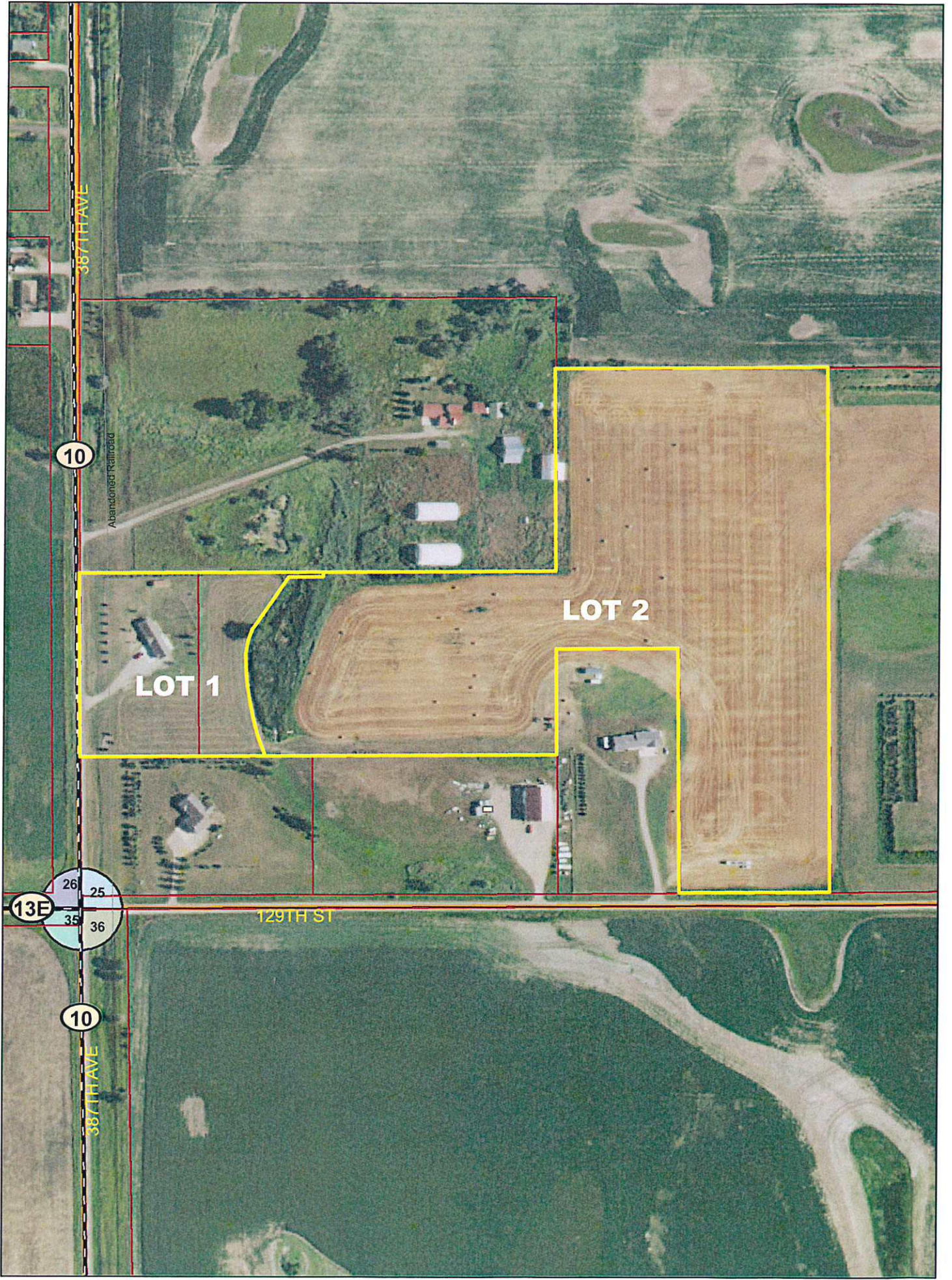
REGISTER OF DEEDS' CERTIFICATE

Filed for record this _____ day of _____, 2022, at _____ O'clock _____ M., and duly recorded as Hanging Plat No. _____.

Register of Deeds, Brown County, South Dakota







387TH AVE

10

Abandoned Railroad

LOT 1

LOT 2

13E

26
25
35
36

129TH ST

10

387TH AVE