

AGENDA

REGULAR SCHEDULED MEETINGS BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, NOVEMBER 19, 2019 – 7:00 PM
EAST SIDE of BSMNT COMMUNITY ROOM,
BROWN COUNTY COURTHOUSE ANNEX

- I. Call to Order: Planning/Zoning Commissioner Chairman Jerry Streckfuss
- II. Roll Call: Vice Chairman Stan Beckler, Darwin Bettmann, David North, Dale Kurth, Patrick Keatts, B.C. Commissioner Rachel Kippley serving on the Planning/Zoning Commission & Chairman Jerry Streckfuss.
- III. Minutes: **October 17, 2019**
- IV. Old Business:
- V. New Business: P&Z Commission as **Zoning Board of Adjustment (BOA)**
 - 1. **Variance to Lot Size** in Agricultural Preservation District (AG-P) described as Lot 1, “Allen and Emery Subdivision” in the NE1/4 of Section 8-T121N-R60W of the 5th P.M., Brown County, South Dakota (40753 143rd St).
 - 2. **Variance to Approach Seperation** in Agricultural Preservation District (AG-P) described as the SE1/4 of Section 8-T125N-R64W of the 5th P.M., Brown County, South Dakota (38374 120th St).
- VI Other Business as Zoning Board of Adjustment (BOA):

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

REGULAR SCHEDULED MEETINGS BROWN COUNTY PLANNING/ZONING COMMISSION

Beginning as Planning Commission

- I. Old Business:
- II. New Business: **Planning Commission**
 - 10. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for a property described as: Lot 1 “Berbos Subdivision” in the S½SW¼ of Section 35-T124N-R64W of the 5th P.M., Brown County, South Dakota (1814 130th St NW).
 - 11. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Lake Front Residential District (R-3) for a proposed property described as: Lot 2C of Lot 2, “Schaeffer Richmond Lake Subdivision” in the NW1/4 of Section 25-T124N-R65W of the 5th P.M., Brown County, South Dakota (379305 South Shore Dr).
 - 12. **Vacate existing Platted parcels** for a property described as Tracts 1-4, “Jones Conservation Easement Tracts” in the E1/2 of Section 06-T125N-R64W of the 5th P.M., Brown County, South Dakota (11849 383rd Ave).
 - 13. **Preliminary and Final Plat** for a property described as “Allen and Emery Subdivision” in the NE1/4 of Section 8-T121N-R60W of the 5th P.M., Brown County, South Dakota (40753 143rd St).
 - 14. **Preliminary and Final Plat** for a property described as “Mark Erickson’s Second Subdivision” in the W1/2NW1/4 of Section 20-T122N-R62W and Section 17-T122N-R62W, both of the 5th P.M., Brown County, South Dakota (13912 395th Ave).
 - 15. **Preliminary and Final Plat** for a property described as “L & S Subdivision” in the NW1/4 and SW1/4 of Section 20-T128N-R64W of the 5th P.M., Brown County, South Dakota (10348 383rd Ave).
 - 16. **Preliminary and Final Plat** for a property described as “Marzenell Subdivision” in the SE1/4SW1/4 of Section 25-T123N-R65W of the 5th P.M., Brown County, South Dakota (37946 & 37948 135th St).
- III. Other Business:
- IV. Motion to Adjourn:

MINUTES

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, October 15, 2019 - 7:00 P.M.

COMMUNITY ROOM, BROWN COUNTY COURTHOUSE

The Brown County Planning / Zoning Commission meeting was called to order by Brown County Planning Commission Chairman Jerry Streckfuss. Members of the Brown County Planning Commission present at roll call were, Vice Chairman Stan Beckler, Darwin Bettmann, David North, Dale Kurth, Patrick Keatts and B.C. Commissioner Rachel Kippley. Also present at the meeting was and Scott Bader from Planning & Zoning.

After discussion, Beckler moved and North seconded to approve the minutes of the September 17, 2019 meeting. All members voted aye, the motion carried.

Chairman Streckfuss then continued with business as follows:

Old Business:

- A. Special Exception/Conditional Use in an Agriculture Preservation District (AG-P) for a property described as NW1/4 of Section 28-T127N-R63W of the 5th P.M., Brown County, South Dakota (39010 110th Street). Submitted by Sumption Farms. Present for this item was Taylor Sumption, Eric Sumption, Warren Sumption, Chris Sumption, Mark Sumption, Brian Donahue, Tyler Samuelson, John Sumption, Gary Kopetsky, Donna Sumption and Gary Sumption. Following discussion, Beckler moved to approve a Special Exception/Conditional Use for an expansion of their existing CAFO. The existing is approved for 800 beef cattle and the proposed expansion of is for 1,000 head beef cattle, North seconded, all members voting aye, motion carried.
- B. Special Exception/Conditional Use in a Lake Front Residential District (R-3) for a property described as Lot 18, Lutgen & Davis Richmond Lake Development in the NE1/4 of Section 25-T124N-R65W of the 5th P.M., Brown County, South Dakota (379836 South Shore Drive). Submitted by Carrie Weisenburger. Present for this item was Carrie and Jamie Weisenburger, Dennis Chasteen, Lanny and Kathy Wahl, Greg Lingor,

Doris Bell and Carla Burns. Following discussion, Beckler moved to approve Special Exception/Conditional Use for a proposed AIR B& B which does not provide meals, just rooms for sleeping. Kurth seconded, all members voting aye, motion carried.

New Business: Planning/Zoning Commission as Zoning *Board of Adjustment*

1. Variance to Shelterbelt Setbacks in Agricultural Preservation District (AG-P) described as the NW1/4 of Section 2-T125N-R61W of the 5th P.M., Brown County, South Dakota (11812 404th Ave). Submitted by Justin Freeland. Present for this item was Justin Freeland. Following discussion, North moved to approve a variance to shelterbelt setback for the west and north right of way lines to be 50' rather than the 150' required by Ordinance in an AG-P District, Bettmann seconded, all members voting aye, motion carried.
2. Variance to Building Setbacks in an Agriculture Preservation District (AG-P) described as Lot 2C of Lot 2, "Schaeffer Richmond Lake Subdivision" in the NW1/4 of Section 25, T124N and R65W, of the 5th P.M., Brown County, South Dakota (379305 South Shore Drive). Submitted by Roger Gray. Present for this item was Roger Gray. Following discussion, Bettmann moved to approve variance to Building Setbacks to be 15' side yard rather than 20' required and 75' front yard rather than the 100' required in an AG-P District with the stipulation that this be rezoned to Lake Front Residential District (R-3) Keatts seconded, all members voting aye, motion carried.
3. Variance to Building Setbacks in Lake Front Residential District (R-3) for a property described as Lot 20-21 "Miller's Subdivision of Richmond Lake" in the SE1/4 of Section 24-T124N-R65W, of the 5th P.M., Brown County, South Dakota (379653 North Shore Drive). Submitted by Doug Eisenbeisz. Present for this item was Doug Eisenbeisz. Following discussion, North moved to approve a variance to building setback to be 4' from the north Rear Yard rather than 30' required and 7' from the east Side yard. Kurth seconded all members voting aye, motion carried.

4. Variance to Approach Separation in a Mini Agricultural District (M-AG) for property described as OutLot 17, “Jobee Acres” in the NE1/4 of Section 27-T123N-R63W, of the 5th P.M., Brown County, South Dakota (5860 134th Street). Submitted by Homer Caton. Following discussion, Beckler moved to approve a Variance for approach separation the distance to be 310’ apart from an approach to the east rather than 500’ required with the stipulation that an 18’ culvert be installed. Keatts seconded, all members voting aye, motion carried.

5. Variance Shelterbelt Setbacks in a Mini Agriculture District (M-AG) for property described as OutLot 17 “Jobee Acres” in the NE1/4 of Section 27-T123N-R63W, of the 5th P.M., Brown County, South Dakota (5860 134th Street). Submitted by Homer Caton. Following discussion, Beckler moved approve variance to shelterbelt setbacks to be 40’ from north front property line and east and west to be setback 40’ from property line. North seconded, all members voting aye, motion carried.

Other Business: none

*Completed as Zoning Board of Adjustment (BOA) and
Beginning as Planning Commission*

REGULARLY SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

Old Business:

New Business: *Brown County Planning Commission*

10. Petition to Re-Zone from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for a property described as : Lot 2 “Pence Addition” in the SE1/4 of Section 2-T126N-R64W of the 5th P.M., Brown County, South Dakota (38696 113th Street). Submitted by Mike Morlock. Following discussion, North moved to recommend

approval of this rezone to the Board of County Commissioners, Bettmann seconded, all members voting aye, motion carried.

11. Petition to Re-Zone from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for property: East half of Lot 1, “Keatts 3rd Subdivision” in the NE1/4 of Section 22-T124N-R65W of the 5th P.M., Brown County, South Dakota (127005 378th Ave). Following discussion, Kurth moved to recommend approval of this rezone to the Board of County Commissioners seconded by Beckler, members Bettmann, Beckler, North, Kurth and Kipley voting aye, Keatts abstained, motion carried.
12. Preliminary and Final Plat for property described as “J Voeller Addition” to the City of Columbia in the NW1/4 of Section 28-T125N-R62W of the 5th P.M., Brown County, South Dakota (39611 122nd Street). Submitted by Julie Voeller. Following discussion, Beckler moved to recommend approval of this plat to the Board of County Commissioners, seconded by Keatts, all members voting aye, motion carried.
13. Preliminary and Final Plat for property described as “Berbos Subdivision” in the S1/2 of the SW1/4 of Section 35-T124N-R64W of the 5th P.M., Brown County, South Dakota (1814 130th St NW). Submitted by Nick Berbos. Following discussion, Beckler moved to recommend approval of this plat to the Board of County Commissioners with the stipulation that it be rezoned to Mini-Ag (M-AG), seconded by Bettmann, all members voting aye, motion carried.
14. Preliminary and Final Plat for property described as “Dalager Second Addition to Bath” in the NW1/4 of Section 17-T123N-R62W of the 5th P.M., Brown County, South Dakota (396 RR Ave in Bath, SD 57427). Submitted by John Dalager. Following discussion, Beckler moved to recommend approval of this plat to the Board of County Commissioners, seconded by Bettmann, all members voting aye, motion carried.

15. Discussion on possible Title 4 Ordinance change for Approaches this item was withdrawn by Scott Bader.
16. Discussion on possible Title 4 Ordinance change for Shelterbelts this item was withdrawn by Scott Bader.

Other Business:

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

Submitted by: Nancy North - Planning & Zoning.

STAFF REPORT

November 19, 2019

Variance for Lot Size in AG-P District

ITEM # 01

GENERAL INFORMATION:

PETITIONER:	Casey Kulm
REQUEST:	Variance to Lot Size in an AG-P District.
LEGAL DESCRIPTION:	Lot 1, "Allen and Emery Subdivision" in the NE1/4 of Section 8-T121N-R60W of the 5th P.M., Brown County, South Dakota
LOCATION:	40753 143 rd St
TOWNSHIP:	Bath 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:	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Variance for platting a new 10.70± acre parcel for conveyance.

GENERAL REVIEW: Parcel has existing approach access. This parcel is adjacent to family farmland and staff recommends a variance to stay zoned as AG-P District since they will be helping on the farm.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: 10/29/19
RECEIPT # 132259
TOWNSHIP: Bates

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 10/30/19

OWNERS SIGNATURE: Benjamin Johnson/Matthew Johnson
OWNERS ADDRESS: 119 Terry Drive
OWNERS CITY, STATE, ZIP: Webster, SD 57274
OWNERS PHONE: _____

AGENTS SIGNATURE: Casey Kulm *Casey Kulm*
AGENTS ADDRESS: 38634 128th Street
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-290-6475

REQUEST: Variance for platting a new 10.70 acre parcel for conveyance.

LEGAL DESCRIPTION: Lot 1 "Allen and Emery Subdivision" in the NE1/4 of Section
8-T121N-R60W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: November 19, 2019 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

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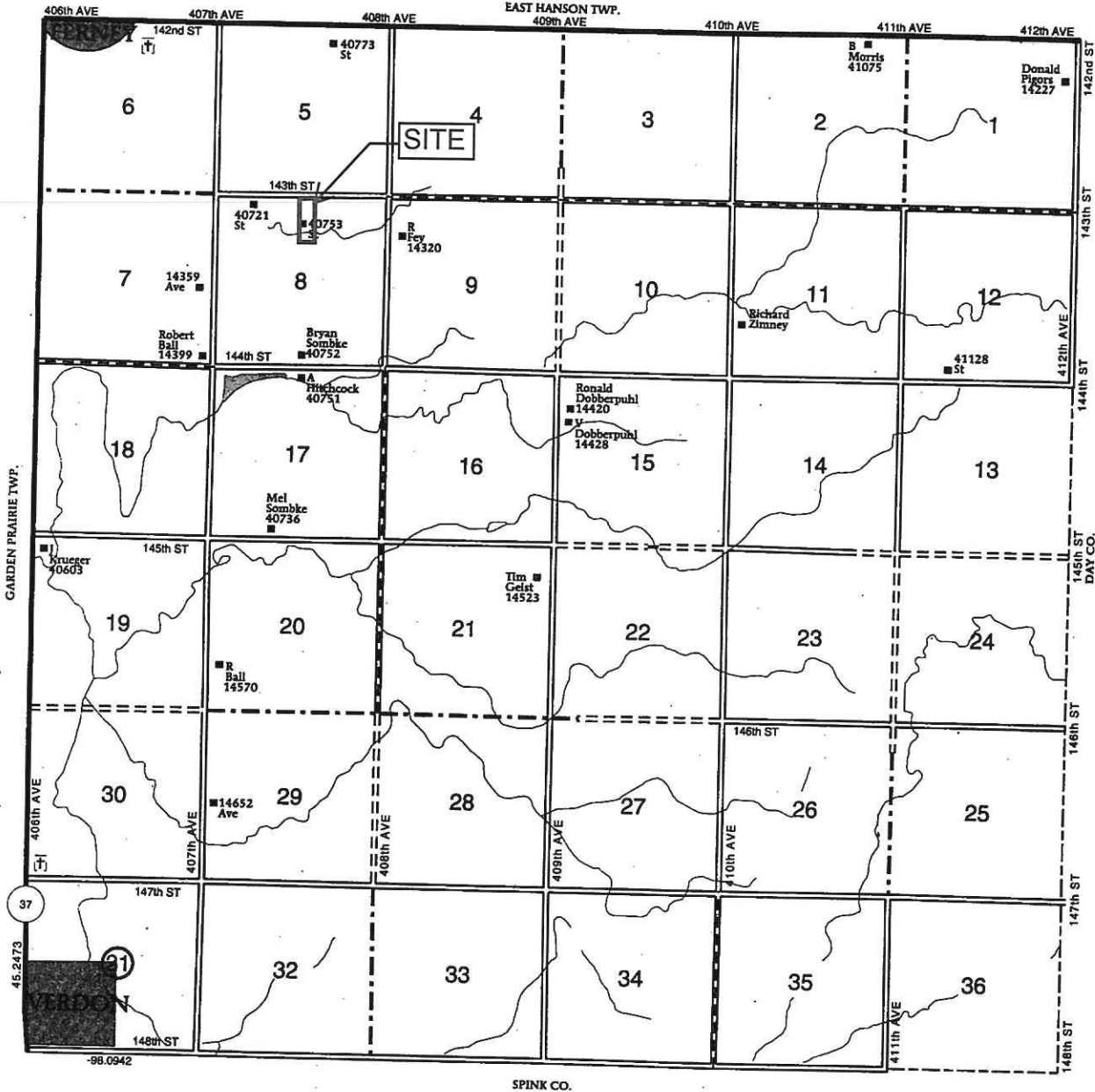
E-Mail Info@farmandhomepublishers.com
to get your business added to the next year's publication

T-121-N

BATES DIRECTORY

R-60-W

(Residents - Owners or Renters)



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 Meeting Room, on *November 19, 2019 at 7:00 P.M.* for the purpose of Variance to Lot Size in an Agricultural Preservation District (AG-P).

Petitioner / Owner: Casey Kulm / Benjamin Johnson

Description of property: Lot 1, "Allen and Emery Subdivision" in the NE1/4 of Section 8-T121N-R60W of the 5th P.M., Brown County, South Dakota (40753 143rd St).

Reason: Variance to Lot Size in an AG-P District

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

Dated this 6th day of November 2019

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market St., Suite #5
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

Brown County GIS
(for reference only)

5-121-60

407TH AVE

408TH AVE

6 5
7 8

143RD ST

5 4
8 9

143RD ST

10/55 143rd St
10/24/19 CSB

SITE

8-121-60

407TH AVE

408TH AVE

7 8
18 17

144TH ST

8 9
17 16

144TH ST

407TH AVE

408TH AVE



Brown County GIS
(for reference only)

SITE

143RD.ST

40753 143rd St
10/24/19 CSB



STAFF REPORT
November 19, 2019

VARIANCE FOR APPROACH SEPARATION

ITEM # 02

GENERAL INFORMATION

PETITIONER	Donnie Hinz
REQUEST	Variance for Approach Separation
LEGAL DESCRIPTION	SE1/4 of Section 8-T125N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	38374 120 th St
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	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance for approach separation distance in an AG-P District.

REVIEW: Variance to Approach Distance Separation to be 240' apart from the new approach to an existing approach to the east rather than 500' required in an Agriculture Preservation District (AG-P). The Brown County Highway Department has looked at this location and recommends "absolutely not in this location". They said the owner has talked with them and they told him no. The owner has talked to the Commission and Zoning Department and he does have the choice to APPEAL Hwy Dept. decision and apply for a Variance to the Zoning Board of Adjustment (BOA).

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: October 29, 2019
RECEIPT # 132262
TOWNSHIP: Westport Twp

FEES: 100.00
PAID: YES/NO CHK/CASH
DATE: 11/1/19

OWNERS SIGNATURE: Donnie Hinz *Donnie Hinz*
OWNERS ADDRESS: 224 S 3rd St
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401-4024
OWNERS PHONE: 605-228-0404

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

REQUEST: Variance to Approach Separation Distance to be 240' rather than 500' required

LEGAL DESCRIPTION: SE1/4 of Section 8-T125N-R64W

Planning Commission Action: Approved / Denied

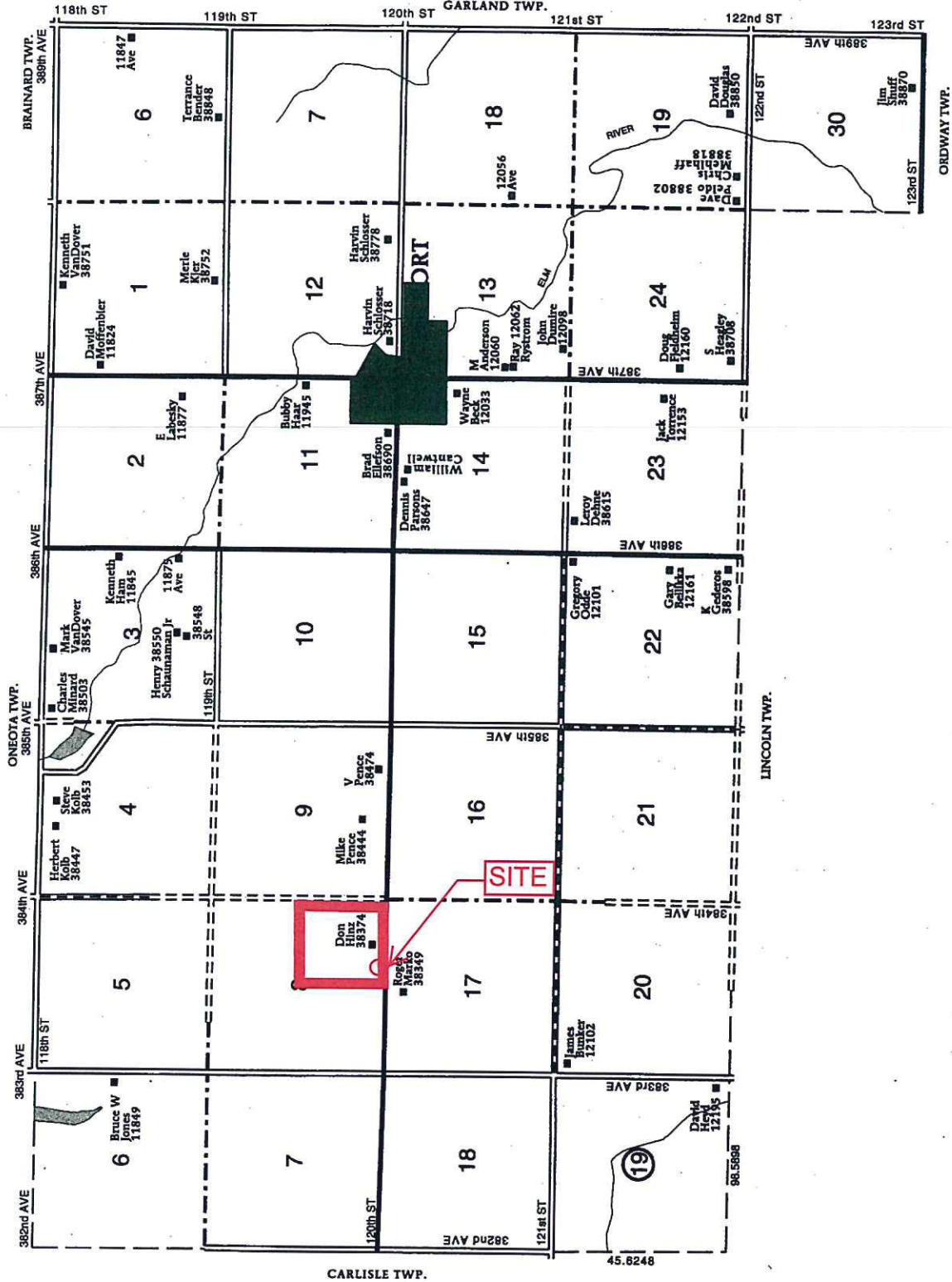
By: _____ Date: _____

HEARING DATE: NOVEMBER 19, 2019 TIME: 7:00 P.M.

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 Meeting Room, on November 19, 2019 at 7:00 P.M. for the purpose of putting in an approach in an Agricultural Preservation District (AG-P).

Petitioner & owner: Donnie Hinz

Description of property: SE1/4 of Section 8-T125N-R64W of the 5th P.M., Brown County, South Dakota (38374 120th St).

Reason: Variance to Approach Separation Distance to be 240' rather than 500' required in an AG-P District

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 6th day of November 2019

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market St., Suite #5
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

**Brown County Highway Department
Application for Permit to Construct Access Approach**

The undersigned hereby makes application for permission to construct an access approach described as: SE1/4

Section 8 Township 125 Range 64

County Highway: #09 Approximate location: 1/4 mile west of 384th Ave
intersection on the north side of the road

For the purpose of serving: semi trucks lining up with grain bins

The approach is to be constructed to a width of not less than 24' at the tops of the approach with a slope of 4:1 ratio. A _____" (inch) diameter by _____ "(foot) in length culvert will be required if so designated by the Brown County Highway Department Superintendent: **A culvert will be required unless the approach is located on a hill (breakpoint).** Other requirements: _____

Special Note: All approach work must be completed within 1 year from date of application or a new application must be made.

If two (2) similar approaches are to be constructed, they must be a minimum of five hundred feet (500') apart and standard ditch section maintained between approaches.

I, the undersigned, request permission to construct an access approach on public right-of-way at the above location subject to the rules and regulations set forth. It is understood that the construction of the approach be in a safe manner so as not to interfere with or endanger public travel and to perform all work in a workmanlike manner using materials acceptable to the Brown County Highway Department Superintendent and that the right-of-way will be cleaned and left in a condition equal to or better than the original condition. The construction and furnishing of the culvert needed, and any other materials needed will be done by the applicant and at his own expense and also the work is to be done under the supervision and to the satisfaction of the Brown County Highway Department Superintendent. Applicant accepts all responsibility of damages, expenses, claims, and all liabilities of work or existence of said approach. Applicants must notify the Brown County Highway Department Superintendent when the approach is finished, so it can be inspected.

Donnie Hinz

Print Name

224 S 3rd St

Address

Aberdeen, SD 57401-4024

City/State/Zip

228-0404

Phone/Cell Phone

Donnie Hinz

Applicants Signature

\$50.00 Fee (please attach copy of check)

Check # 1213 Date 11/1/19

Receipt # 132262

Date 11-1-2019

Culvert Required: _____ Yes _____ No

_____ Date _____
Brown County Highway Superintendent Signature

Remarks: Applicant would like to have an approach by grain bins for large trucks
to enter or leave rather than creating ruts over by the house at the other approach

HWY DEPT RECOMMENDS NO TO THIS APPROACH BASED ON
LOCATION
_____ Date 11/1/19
Planning & Zoning Commission Signature

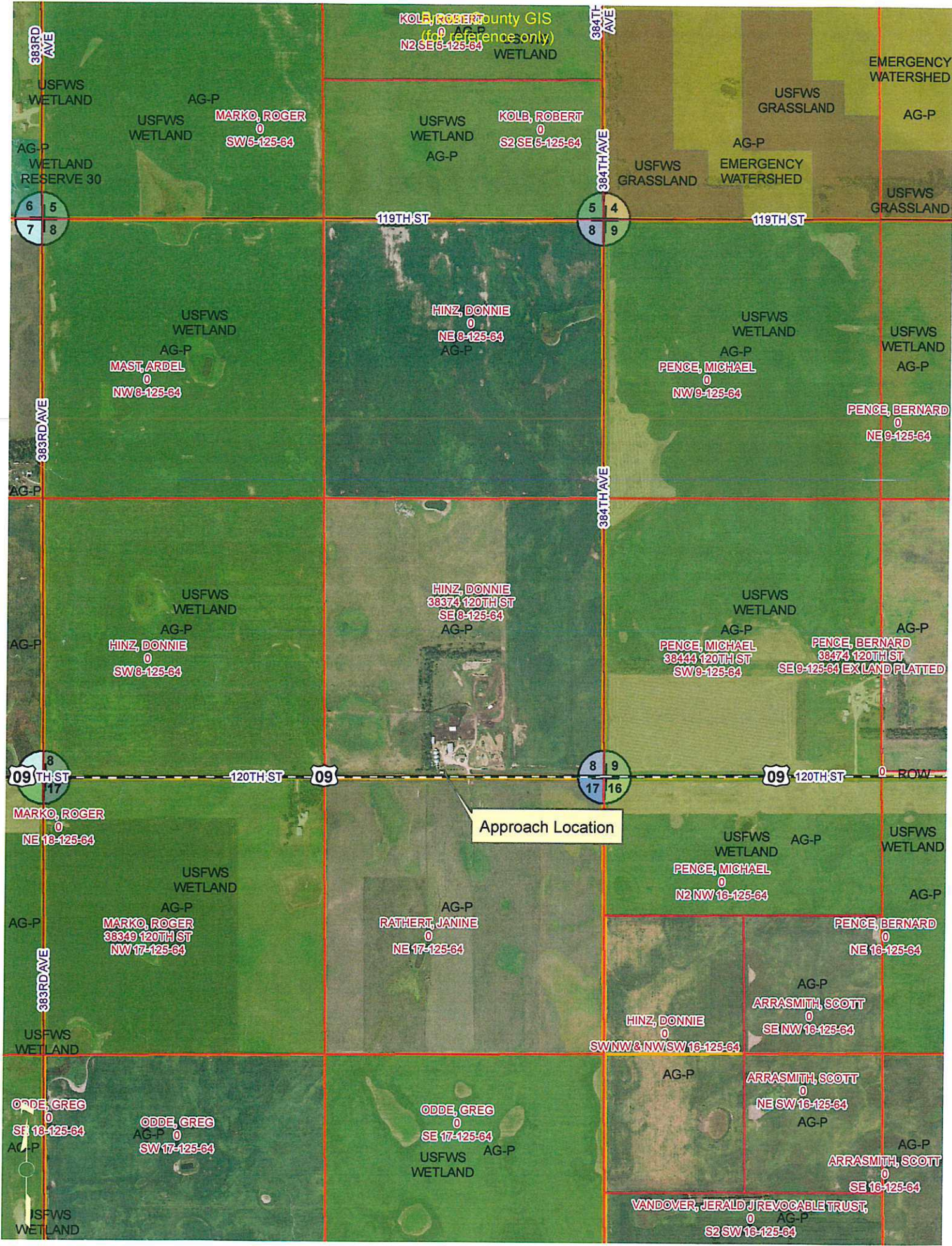
The approach permit is granted with the conditions stated in herein this _____ day
of _____, 20__.

Section 4.2208 – Approach Permit

No approach shall be constructed upon any County Road or Highway without an approach permit issued by the Zoning Administrator. No approach permit shall be issued by the Zoning Administrator except in conformity with the below criteria, unless he/she received a written order from the Board of Adjustment in the form of a variance as provided by this Ordinance.

The Criteria for Approaches Shall:

- Have no two (2) approaches closer than five hundred (500') feet apart.
- Not to be located on the crest of a hill nor other location where sight visibility will be impaired.
- Have a slope of four (4) to one (1).
- Have a minimum driving width of twenty-four (24') feet.
- Require the final approval of the Brown County Highway Department Superintendent is a culvert is to be installed.



KOLB, ROBERT
County GIS
(for reference only)
N2 SE 6-125-64
WETLAND

MARKO, ROGER
SW 6-125-64

KOLB, ROBERT
S2 SE 6-125-64

HINZ, DONNIE
NE 8-125-64

MAST, ARDEL
NW 8-125-64

PENCE, MICHAEL
NW 9-125-64

PENCE, BERNARD
NE 9-125-64

HINZ, DONNIE
38374 120TH ST
SE 8-125-64

HINZ, DONNIE
SW 8-125-64

PENCE, MICHAEL
38444 120TH ST
SW 9-125-64

PENCE, BERNARD
38474 120TH ST
SE 9-125-64 EX LAND PLATTED

MARKO, ROGER
NE 16-125-64

Approach Location

PENCE, MICHAEL
N2 NW 16-125-64

RATHERT, JANINE
NE 17-125-64

PENCE, BERNARD
NE 16-125-64

ARRASMITH, SCOTT
SE NW 16-125-64

HINZ, DONNIE
SW NW & NW SW 16-125-64

ODDE, GREG
SE 16-125-64

ODDE, GREG
SW 17-125-64

ODDE, GREG
SE 17-125-64

ARRASMITH, SCOTT
NE SW 16-125-64

ARRASMITH, SCOTT
SE 16-125-64

VANDOVER, JERALD J REVOCABLE TRUST,
S2 SW 16-125-64

Brown County GIS
(for reference only)



Approach Location

STAFF REPORT
November 19, 2019

REZONE PARCEL from an AG-P District

ITEM # 10

GENERAL INFORMATION

PETITIONER	Nick Berbos
REQUEST	Petition to rezone property
LEGAL DESCRIPTION	Lot 1 "Bebos Subdivision" in the S ½ of the SW1/4 of Section 35-T124N-R64W of the 5th P.M., Brown County, South Dakota
TOWNSHIP:	Lincoln Twp
LOCATION	1814 130 th St NW
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:	Highway Commercial District (HC)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this rezone for a lot that was platted separate from quarter of agriculture land and sold for a rural residential lot.

REVIEW: Parcel (10.29 ± acres) does not meet a minimum 40.0 acres for AG-P District and does not qualify for the "farm unit" reduction for AG-P District. Rezoning to Mini Agriculture District (M-AG) brings this parcel into compliance for its current and intended use.

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: 9-11-19
Receipt: 132225
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 Berbos Subdivision in the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of
Sec. 35, T124N, R64W

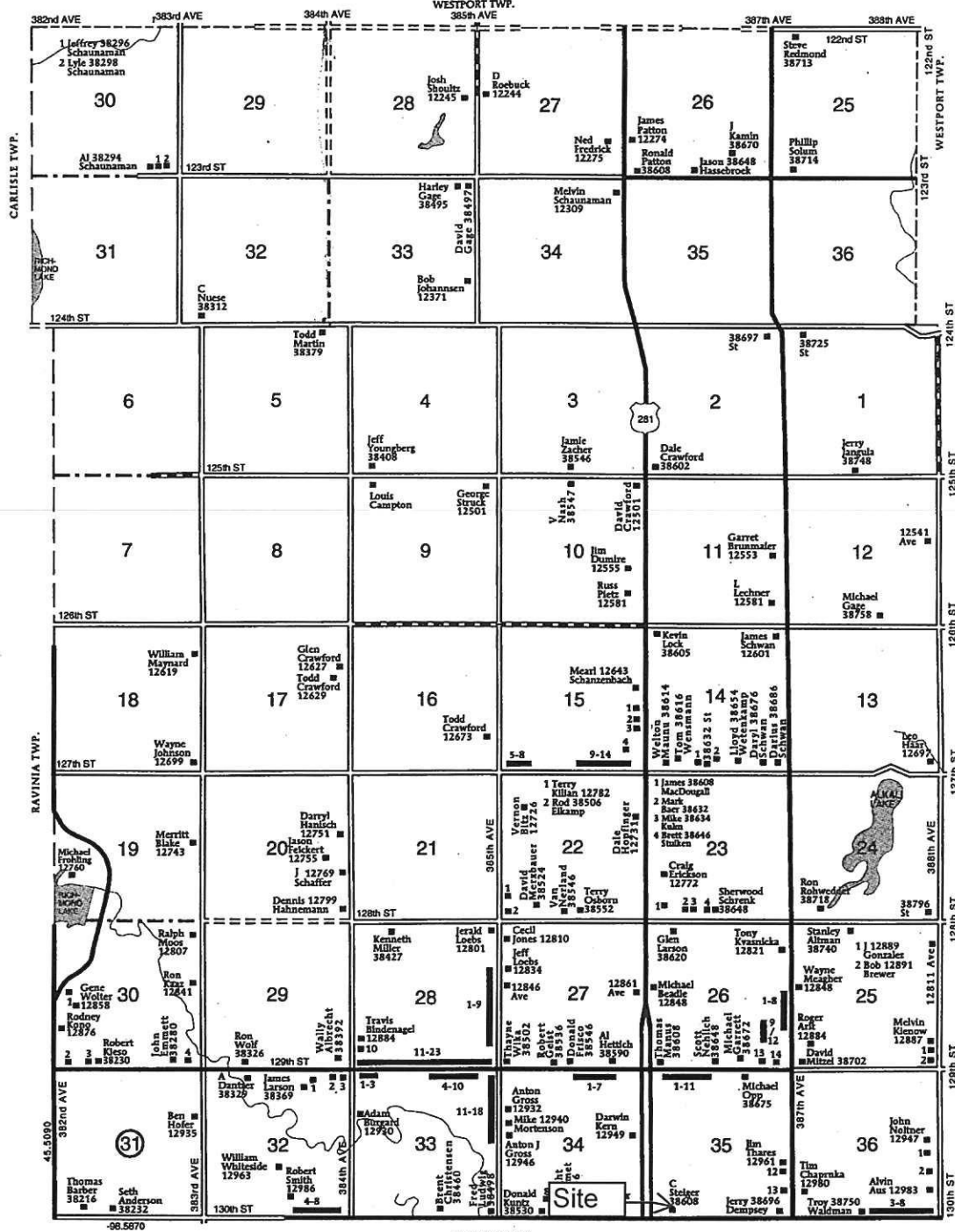
General Area Location or Street Address: 1814 130th St. NW
From the AG-P Agricultural Preservation District
To the M-AG Mini-Agricultural District

Purpose: Bring zoning in compliance with use
Size of Parcel: 10.29 Ac.
Existing Land Use: Ag use

Petitioner: (Print) Nick Berbos
Signature: Nick Berbos
Date: 9/11/19 Phone: 941-875-8657
Address: 17105 Seashore Ave
Aberdeen SD 57401
City State Zip

Owner: (Print) Nick Berbos
Signature: Nick Berbos
Date: 9/11/19 Phone: 941-875-8657
Address: 17105 Seashore Ave
Port Charlotte, FL 33948
City State Zip

Additional Signatures may be submitted on a separate page.



LINCOLN TOWNSHIP

- SECTION 14**
 1 Adams, John 38630
 2 Mount, Bill 38634
- SECTION 15**
 1 Schaunaman, Chad
 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

- 6 Vining, Brad 12861
 7 Aman, Dwight 12871
 8 Kotzea, D 12881
 9 Nordstrom, Allen 12891
 10 Hauge, Chad 12888
 11 Blitz, Marvin 38404
 12 Gab, Dale 38406
 13 Blitz, Sheldon 38412
 14 Hamrlich, Marc 38414
 15 Bellikka, Neil 38424
 16 Nelber, Danny 38434
 17 Jakober, Glen 38452
 18 Buechter, Todd 38460
 19 Stiefen, Lon 38464
 20 Habeck, F 38474
 21 Kamm, Casey 38478
 22 Whitney, Charles 38484
 23 Peterson, Kenneth 38488
- SECTION 30S**
 1 Podoll, M 12852
 2 Schlagel, Gene 38206

- SECTION 32S**
 1 Lehr, Cary 38373
 2 Otto, Randall 38393
 3 Gosvener, Kan 12901
 4 Martinmaas, Roger 38364
 5 Thorstenson, Casey 38370
 6 Harms, Bruce 38374
 7 Hartung, Mark 38386
 8 Keller, Edward 38392
- SECTION 33S**
 1 Waitman, Frank 38405
 2 Malsam, Ervin 38409
 3 Krueger, Gerald 38413
 4 Burt, Roy 38453
 5 Sutton, Duane 38459
 6 Aman, Bonnie 38463
 7 Hagmann, Rick 38469
 8 Allibe, M 38479

- 9 Felckert, 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 Groas, Joe 12941
 18 Schlosser, Rudolph 12945
- SECTION 34S**
 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 Ritter, Loren 38534
- SECTION 35S**
 1 Fordham, Donald 38621

- 2 Luitjens, Mark 38631
 3 Hollan, Ray 38635
 4 Hendrickson, J 38649
 5 Anliker, Alvin 38655
 6 Malsam, Joe 38629
 7 Falken, Tom 38630
 8 Fix, Jeffrey 38637
 9 Binder, Brandon 38643
 10 Mercer, V 12911
 11 Tchida, Mervin 12914
 12 Thares, Clark 12969
 13 Diede, James 12979
- SECTION 36S**
 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

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a *REZONE PETITION*. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on *November 19, 2019 at 7:00 P.M.* for the purpose of Rezoning from an Agricultural Preservation District (AG-P) to a Mini Agriculture District (M-AG).

Petitioner & owner: *Nick Berbos*

Description of property: *Lot 1 "Bebos Subdivision" in the S ½ of the SW1/4 of Section 35-T124N-R64W of the 5th P.M., Brown County, South Dakota (1814 130th St NW).*

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

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

Dated this 30th day of October, 2019

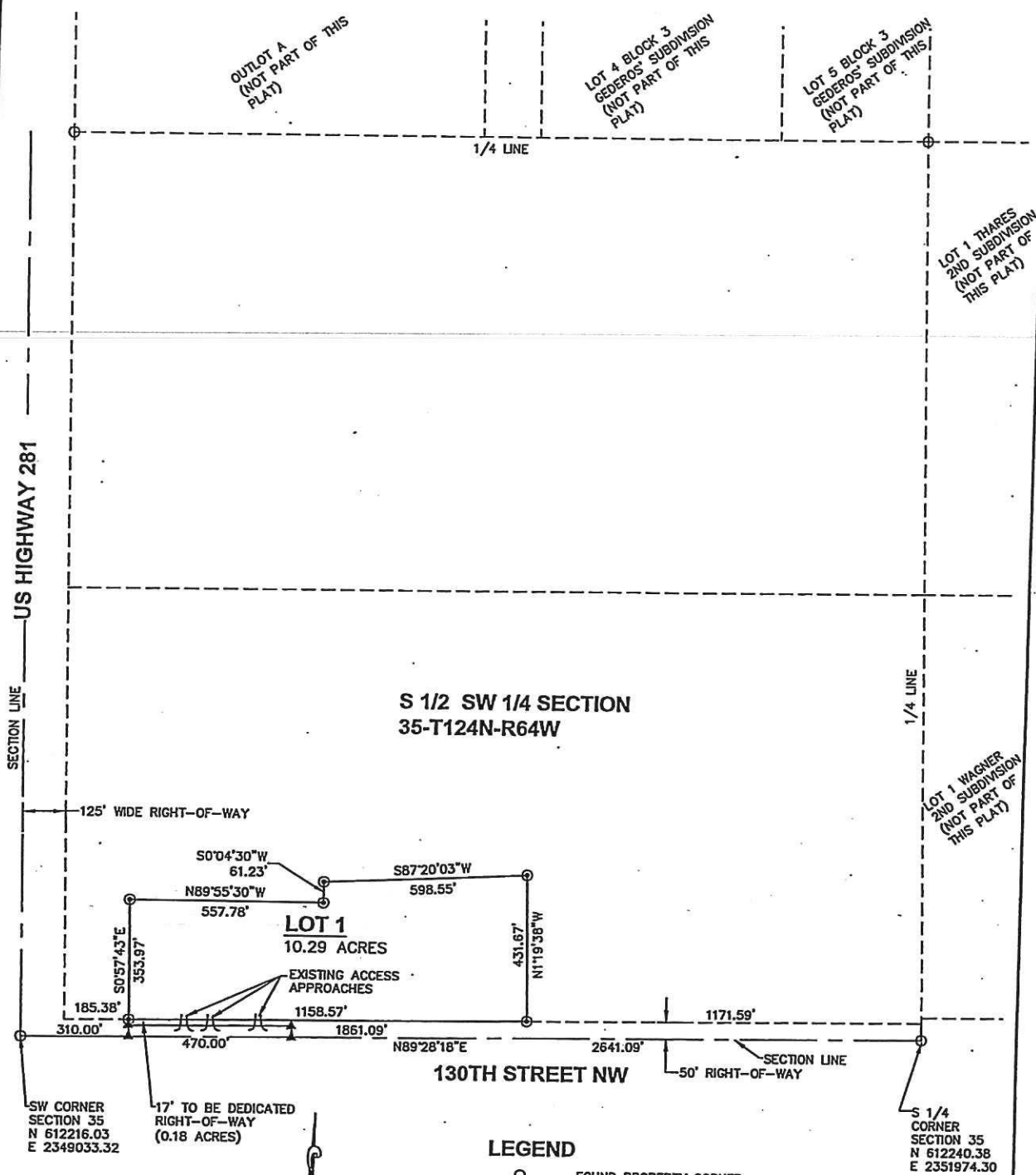
Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

PLAT OF

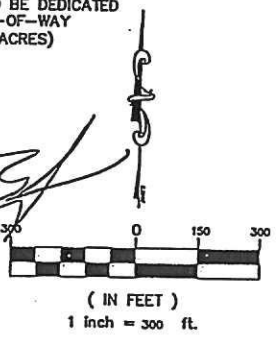
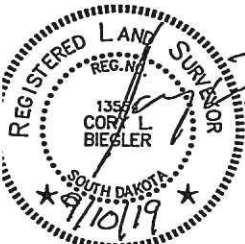
A-7438

BERBOS SUBDIVISION
IN THE S 1/2 SW 1/4 OF SECTION 35-T124N-R64W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA



LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BIEGLER RLS 13554
- ▲ CALCULATED POSITION



BASIS OF BEARINGS
SD STATE PLANE NORTH ZONE

Helms & Associates
CIVIL ENGINEERS & LAND SURVEYORS

221 Brown County Highway 29
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

DWG. 7438-LS BY: CLB SHEET 1 OF 3

PLAT OF

A-7438

BERBOS SUBDIVISION

IN THE S 1/2 SW 1/4 OF SECTION 35-T124N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, CORY L. BIEGLER, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF NICKOLAS JAMES BERBOS, AS TRUSTEE FOR THE BENEFIT OF CATHRYN SUE BERBOS STEIGER, A/K/A CATHRYN SUE BERBOS STEIGER AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO 9/10/2019, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: BERBOS SUBDIVISION IN THE S 1/2 SW 1/4 OF SECTION 35-T124N-R64W 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 10 DAY OF September, 2019.

CORY L. BIEGLER RLS #13554

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS; BERBOS SUBDIVISION IN THE S 1/2 SW 1/4 OF SECTION 35-T124N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA AS SHOWN BY THIS PLAT, AND I HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID 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 11 DAY OF Sept, 2019.

PREVIOUSLY DESCRIBED AS: THE S 1/2 SW 1/4 OF SECTION 35-T124N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

CATHRYN SUE BERBOS STEIGER TRUST NICKOLAS JAMES BERBOS, AS TRUSTEE

ACKNOWLEDGEMENT

STATE OF South Dakota, COUNTY OF Brown)SS

ON THIS THE 11 DAY OF September, 2019, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED NICKOLAS JAMES BERBOS, AS TRUSTEE FOR THE BENEFIT OF CATHRYN SUE BERBOS STEIGER, A/K/A CATHRYN SUE BERBOS STEIGER KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON(S) WHOSE NAME(S) ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, South Dakota, STATE

MY COMMISSION EXPIRES: MY COMMISSION EXPIRES NOVEMBER 6, 2019

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 BERBOS SUBDIVISION IN THE S 1/2 SW 1/4 OF SECTION 35-T124N-R64W 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 BERBOS SUBDIVISION IN THE S 1/2 SW 1/4 OF SECTION 35-T124N-R64W 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
BERBOS SUBDIVISION
IN THE S 1/2 SW 1/4 OF SECTION 35-T124N-R64W OF
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 APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL AP

BY: ADH

TITLE: Supr. Geo

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS 11 DAY OF September 2019.

Becky Reese
DIRECTOR OF EQUALIZATION, BROWN CO

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN OFFICE TO BE FULLY PAID. SIGNED THIS 10 DAY OF Sept, 2019.

Sheila Endersem
COUNTY TREASURER, BROWN CO

REGISTER OF DEED'S CERTIFICATE

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

REGISTER OF DEEDS, BROWN CO

Prepared by: Kenneth L. Gosch
Bantz, Gosch & Cremer, L.L.C.
Attorneys at Law
305 Sixth Avenue SE, P.O. Box 970
Aberdeen, SD 57402-0970
(605) 225-2232

INSTRUMENT NO. 201701600
BOOK: 300 DEED
PAGE: 891
TRANSFER FEE: Exempt 4
2017/03/31 04:01:12 PM

Pages: 6



CAROL SHERMAN, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 30.00
Return To: BANTZ GOSCH CREMER

CORRECTIVE TRUSTEES' DEED

Joseph Alexander Berbos and Nickolas James Berbos, co-trustees of the Berbos Revocable Trust, u/t/d 11-10-1998, as amended 6-25-2002, (Certificate of Trust attached) Grantors, of Brown County, South Dakota, and Charlotte County, Florida, respectively, for and in consideration of One Dollar and Other Good and Valuable Consideration, GRANT, CONVEY and WARRANT to

Nickolas James Berbos, as Trustee for the benefit of Cathryn Sue Berbos Steiger, now from 17105 Seashore Avenue, Port Charlotte, Florida 33948;
Joseph Alexander Berbos, 126741 East Shore Drive, Aberdeen, South Dakota 57401;
Nickolas James Berbos, now from 17105 Seashore Avenue, Port Charlotte, Florida 33948; and
Thomas Gian Berbos, now from 4364 Vesta Drive, Helena, Montana 59602;

Grantees, the following described real estate in the County of BROWN, in the State of South Dakota:

Township 124 North, Range 63 West of the 5th P.M.:

Section 3: N $\frac{1}{2}$ SE $\frac{1}{4}$
S $\frac{1}{2}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$

Township 124 North, Range 64 West of the 5th P.M.:

Section 25: Abandoned railroad right-of-way, except portion of Valnes Outlot 1, in the NW $\frac{1}{4}$ of Section 25 (consisting of 7.28 acres, more or less), and
Section 26: Abandoned railroad right-of-way, except portion of Valnes Outlot 1, in the NE $\frac{1}{4}$ of Section 26 (consisting of .23 acres, more or less), and
Section 35: SW $\frac{1}{4}$

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

EXEMPT FROM TRANSFER FEE SDCL 43-4-22(4)

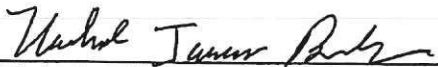
This deed is given to correct that certain Trustee's Deed dated August 1, 2003, which was recorded with the Brown County Register of Deeds on August 1, 2003, at 2:07 PM as Instrument No. 42 in Book 279, page 558. Said deed incorrectly described the "Abandoned railroad right-of-way, except portion of Valnes Outlot 1 in the NE $\frac{1}{4}$ of Section 26 (consisting of .23 acres, more or less)," as the "Abandoned railroad right-of-way, except portion of Valnes Outlot 1, in the NW $\frac{1}{4}$ of Section 25 (consisting of .23 acre, more or less)."

[SEPARATE SIGNATURE PAGES TO FOLLOW]

Corrective Trustees' Deed
Bebos Trust to Steiger Trust, et al.
Page 3

**SEPARATE SIGNATURE PAGE OF
NICKOLAS JAMES BERBOS, TRUSTEE**

Dated this 27 day of February, 2017.



Nickolas James Bebos, Trustee

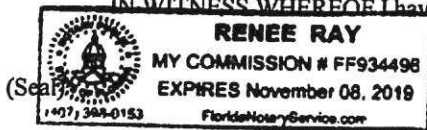
STATE OF FLORIDA


SS

COUNTY OF CHARLOTTE

On this the 27 day of February, 2017, before me, the undersigned officer, personally appeared Nickolas James Bebos, one of the Co-Trustees of the Bebos Revocable Trust, w/t/d 11-10-1998, as amended 6-25-2002, known to me to be the person described in the foregoing instrument and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.





Notary Public, Florida

My Comm. Expires: 11/8/19

Prepared by: Kenneth L. Gosch
Bantz, Gosch & Cremer, L.L.C.
Attorneys at Law
305 Sixth Avenue SE, P.O. Box 970
Aberdeen, SD 57402-0970
(605) 225-2232

CERTIFICATE OF TRUST

STATE OF FLORIDA)
 SS
COUNTY OF CHARLOTTE)

Nickolas James Berbos, being duly sworn under oath, hereby states as follows:

1. A trust instrument executed on November 10, 1998, established a trust, which is still in existence on the date this Certificate is signed. Said trust was amended on June 25, 2002. The current name of the trust is the Berbos Trust. The name of the trust was not changed.

2. The name of the settlor is Thomas N. Berbos, who died on November 5, 2002.

3. The name of each original trustee and the name and address of each trustee and each trust protector currently empowered to act under the trust instrument on the date of the execution of this Certificate of Trust is as follows:

Original Trustee: Thomas N. Berbos

Successor and Current Trustees: Nickolas James Berbos
 17105 Seashore Ave
 Port Charlotte, FL 33948

 Joseph Alexander Berbos
 126741 E Shore Dr
 Aberdeen, SD 57401

Certificate of Trust

Trust Protector: None.

4. The person who signs this certificate below certifies that the trust instrument, under Article IX, contains the following powers, which are given to the trustees, which may or may not be inclusive of all of the powers given to the trustees:

I give and grant unto my Trustee herein named all of the powers enumerated in the "South Dakota Trustee's Powers Act" SDCL 55-1A, as exists at the date of this Revocable Trust Agreement, and by specific reference to SDCL 55-1A-3, hereby incorporate the entirety of said powers to be exercised by my Trustee, in the exercise of his or her discretion, determined to be in the best interest of the Trust herein created, such powers being in addition to, and not in limitation of, all other common law and statutory powers of Trustee.

The number of trustees required to join in an action by the provisions of the trust instrument is two.

- 5. The trust is irrevocable.
- 6. The trust is not supervised by a court.
- 7. The co-trustees intend to convey the following property owned by the Trust in Brown County, South Dakota:

Township 124 North, Range 63 West of the 5th P.M.:

Section 3: N $\frac{1}{2}$ SE $\frac{1}{4}$
 S $\frac{1}{2}$ NE $\frac{1}{4}$
 SE $\frac{1}{4}$ NW $\frac{1}{4}$
 NE $\frac{1}{4}$ SW $\frac{1}{4}$

Township 124 North, Range 64 West of the 5th P.M.:

Section 25: Abandoned railroad right-of-way, except portion of Valnes Outlot 1, in the NW $\frac{1}{4}$ of Section 25 (consisting of 7.28 acres, more or less), and
Section 26: Abandoned railroad right-of-way, except portion of Valnes Outlot 1, in the NE $\frac{1}{4}$ of Section 26 (consisting of .23 acres, more or less), and
Section 35: SW $\frac{1}{4}$

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

8. The trust has not been modified or amended in any manner that would cause the representations contained in this Certificate of Trust to be incorrect. The statements contained in this Certificate of Trust are true and correct.

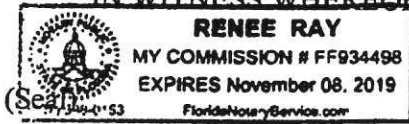
Dated this 27 day of February, 2017.

Nickolas James Berbos
Nickolas James Berbos

STATE OF FLORIDA)
 SS
COUNTY OF CHARLOTTE)

On this, the 27 day of February, 2017, before me, the undersigned officer, personally appeared Nickolas James Berbos, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Renee Ray
Notary Public, Florida

My Comm. Expires: 11/8/19

CERTIFICATE OF REAL ESTATE VALUE [SDCL 7-9-7(4)]

COURTHOUSE USE ONLY
 Book _____ Page _____
 Ratio Card No. _____

State of South Dakota, County of Brown

Seller(s): Berbos Revocable Trust u/d 11-10-1998, as amended 6-25-2002 ()
 Name _____ Phone Number _____

Mailing Address: c/o Joseph Alexander Berbos, 126741 E Shore Dr, Aberdeen, SD 57401
 Street/Box Number _____ City _____ State/Zip Code _____

Buyer(s): Nickolas James Berbos, as Trustee for the benefit of Cathryn Sue Berbos Steiger, Joseph Alexander Berbos, Nickolas James Berbos, and Thomas Gian Berbos ()
 Name _____ Phone Number _____

Current Mailing Address: 17105 Seashore Ave, Port Charlotte, FL 33948; 126741 E Shore Dr, Aberdeen, SD 57401; 17105 Seashore Ave, Port Charlotte, FL 33948; and 4364 Vesta Dr, Helena, MT 59602
 Street/Box Number _____ City _____ State/Zip Code _____

NEW Mailing Address: _____
 Street/Box Number _____ City _____ State/Zip Code _____

OWNER OCCUPIED – THIS BOX TO BE COMPLETED BY BUYER ONLY
 These items are important to complete for property to continue to be classified as owner occupied for a lower property tax rate.

Property is currently classified as owner-occupied YES NO
 Property will be occupied by buyer on _____ (date) YES NO
 Property will be principal residence of buyer on the above stated date YES NO
 Do you own any other residential property in the United States? YES NO If yes, state location _____

Signature (BUYER ONLY) _____

Legal Description (Please include the number of acres for unplatted properties)

Township 124 North, Range 63 West of the 5th P.M.:

Section 3: N $\frac{1}{2}$ SE $\frac{1}{4}$
 S $\frac{1}{2}$ NE $\frac{1}{4}$
 SE $\frac{1}{4}$ NW $\frac{1}{4}$
 NE $\frac{1}{4}$ SW $\frac{1}{4}$

Township 124 North, Range 64 West of the 5th P.M.:

Section 25: Abandoned railroad right-of-way, except portion of Valnes Outlot 1, in the NW $\frac{1}{4}$ of Section 25 (consisting of 7.28 acres, more or less), and
 Section 26: Abandoned railroad right-of-way, except portion of Valnes Outlot 1, in the NE $\frac{1}{4}$ of Section 26 (consisting of .23 acres, more or less), and
 Section 35: SW $\frac{1}{4}$

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

(1) Date of Instrument February 27 2017

(2) Type of Instrument:

Contract for Deed Warranty Deed Executor's Deed Mineral Deed
 Quit Claim Deed Trustee's Deed Administrator's Deed Gift
 Other (specify) Corrective Trustees' Deed

(3) Items Involved In Transaction

(a) Was this property offered for sale to the general public YES NO
 (b) Relationship between buyer and seller? YES NO
 (c) Was this property sold by owner agent
 (d) Actual Consideration Exchanged: \$0.00
 (e) Adjusted price paid for real estate: \$
 (actual consideration less amount paid for major items of personal property which are listed below)

In the blanks below, list any major items of personal property and their value which were included in the total purchase price (i.e. furniture, inventory, crops, leases, franchises):

(4) Was there Buyer Financing YES _____ NO X If yes, items (a) and (b) below MUST be completed

(a) Type of Buyer Financing – check where applicable

Conventional Bank Loan _____ Like Kind Exchange _____
Cash Sale _____ Assumed Mortgage _____
FHA, FmHA, SDHA Loan _____ Farm Credit Service _____
Contract for Deed _____ [must complete part (b)]

(b) Contract for Deed YES _____ NO _____
(If yes, MUST complete items below)

Down Payment _____
Monthly/Yearly Payment _____ Interest Rate _____
No. of Payments _____ Balloon Payment _____

Nicholas Butler
Signature of seller, Buyer, or agent of _____

February 27, 2017
Date

Corrective Trustees' Deed
Bebos Trust to Steiger Trust, et al.
Page 2

SEPARATE SIGNATURE PAGE OF
JOSEPH ALEXANDER BERBOS, TRUSTEE

Dated this 30 day of March, 2017.

Joseph Alexander Berbos
Joseph Alexander Berbos, Trustee

STATE OF SOUTH DAKOTA

SS

COUNTY OF BROWN

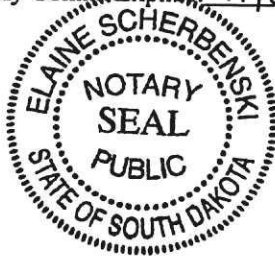
On this the 30 day of March, 2017, before me, the undersigned officer, personally appeared **Joseph Alexander Berbos**, one of the Co-Trustees of the Berbos Revocable Trust, u/t/d 11-10-1998, as amended 6-25-2002, known to me to be the person described in the foregoing instrument and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

(Seal)

Elaine Scherbenski
Notary Public, South Dakota

My Comm. Expires: 11/09/22



Brown County GIS
(for reference only)

COUNTRY
DR

281

386TH AVE

386TH AVE

SITE

34 36
ST-130TH
ST NW

130TH ST NW 13

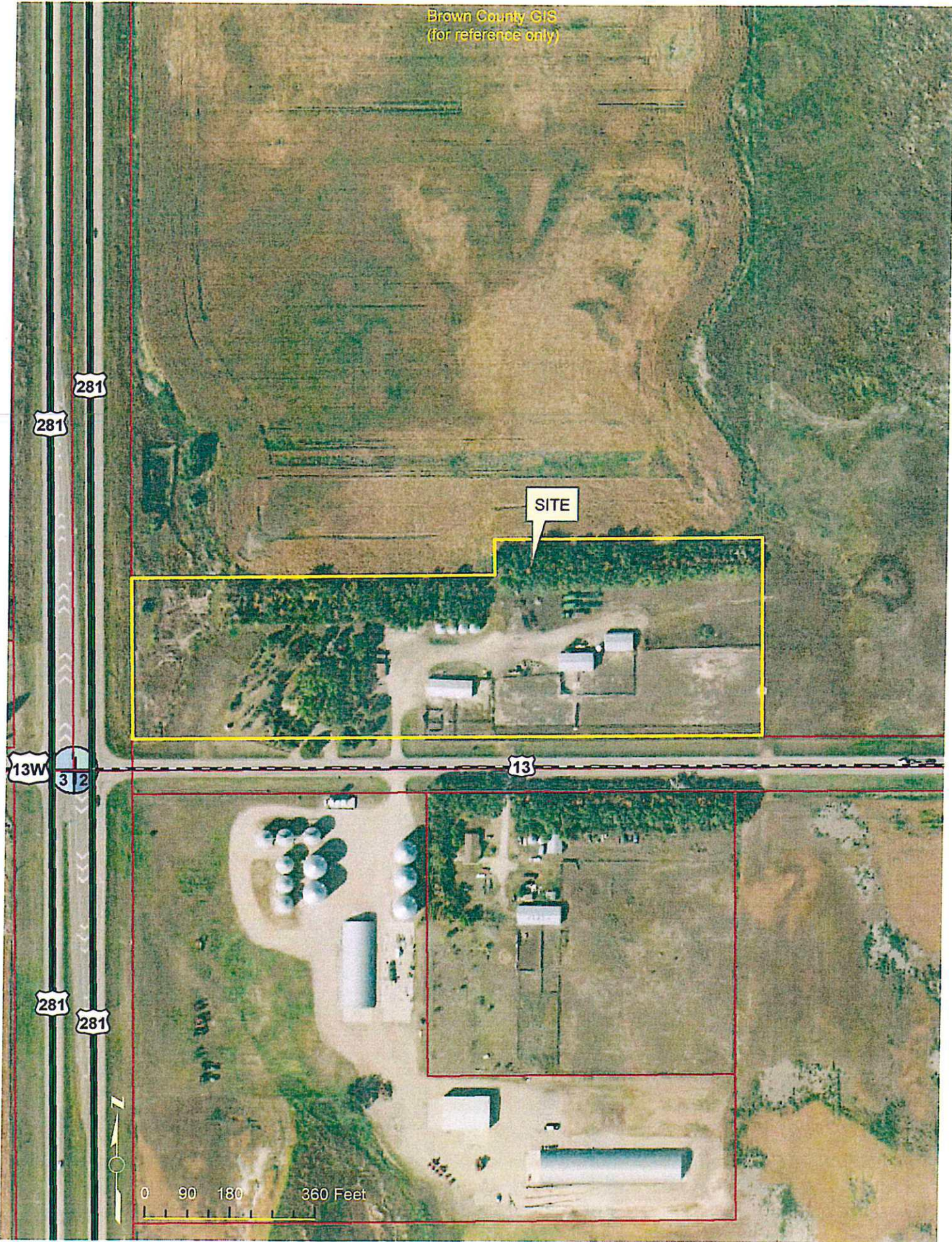
281

281

N HWY
281
N HWY
281



Brown County GIS
(for reference only)



SITE

281

281

13W

3 2

13

281

281

0 90 180 360 Feet

STAFF REPORT

November 19, 2019

PETITION TO REZONE

ITEM # 11

GENERAL INFORMATION:

PETITIONER: Roger Gray

REQUEST: Petition to rezone property

LEGAL DESCRIPTION: Lot 2C of Lot 2, "Schaeffer Richmond Lake Subdivision" in the NW1/4 of Section 25-T124M-R65W of the 5th P.M., Brown County, South Dakota

TOWNSHIP: Ravinia Twp

LOCATION: 379305 South Shore Dr

EXISTING ZONING: Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

North: Lake Front Residential District (R-3)
South: Agriculture Preservation District (AG-P)
East: Agriculture Preservation District (AG-P)
West: Lake Front Residential District (R-3)

PUBLIC UTILITIES: WEB Water & Sanitary Sewer District

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting this rezone for an existing Non-conforming lot to bring it into compliance from a stipulation of the Zoning Board of Adjustment (BOA) on a variance request of setbacks.

REVIEW: Parcel (4.35± acres) does not meet a minimum 40.0 acres for AG-P District and does not qualify for the "farm unit" reduction for AG-P District. Rezoning to Lake Front Residential District (R-3) back lot brings this parcel into compliance for its current and intended use.

REZONE PETITION

**BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401**

Petition No: _____
Date: 10/22/19
Receipt: 132248
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 2C of Lot 2, "Schaeffer Richmond Lake Subdivision" in the NW1/4 of Section 25-T124M-R65W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: (379305 South Shore Dr).

From: Agricultural Preservation District (AG-P)

To: Lake Front Residential District (R-3)

Purpose: This property is petitioned to be rezoned from Agricultural Preservation District (AG-P) to Lake Front Residential District (R-3) with less restrictive setbacks for smaller lots.

Size of Parcel: 4.35 Acres

Existing Land Use: Lake Front Residential

Owner/Petitioner: Roger Gray

Signature:  _____

Date: 8/23/19 Phone: 605-380-3838

Address: 1420 NE 18th Ave

Aberdeen, SD 57401

Your Ad Could Be Here

in the Next Plat and Directory Publication.

Contact Farm & Home Publishers 1-800-685-7432 • Fax 641-444-5150

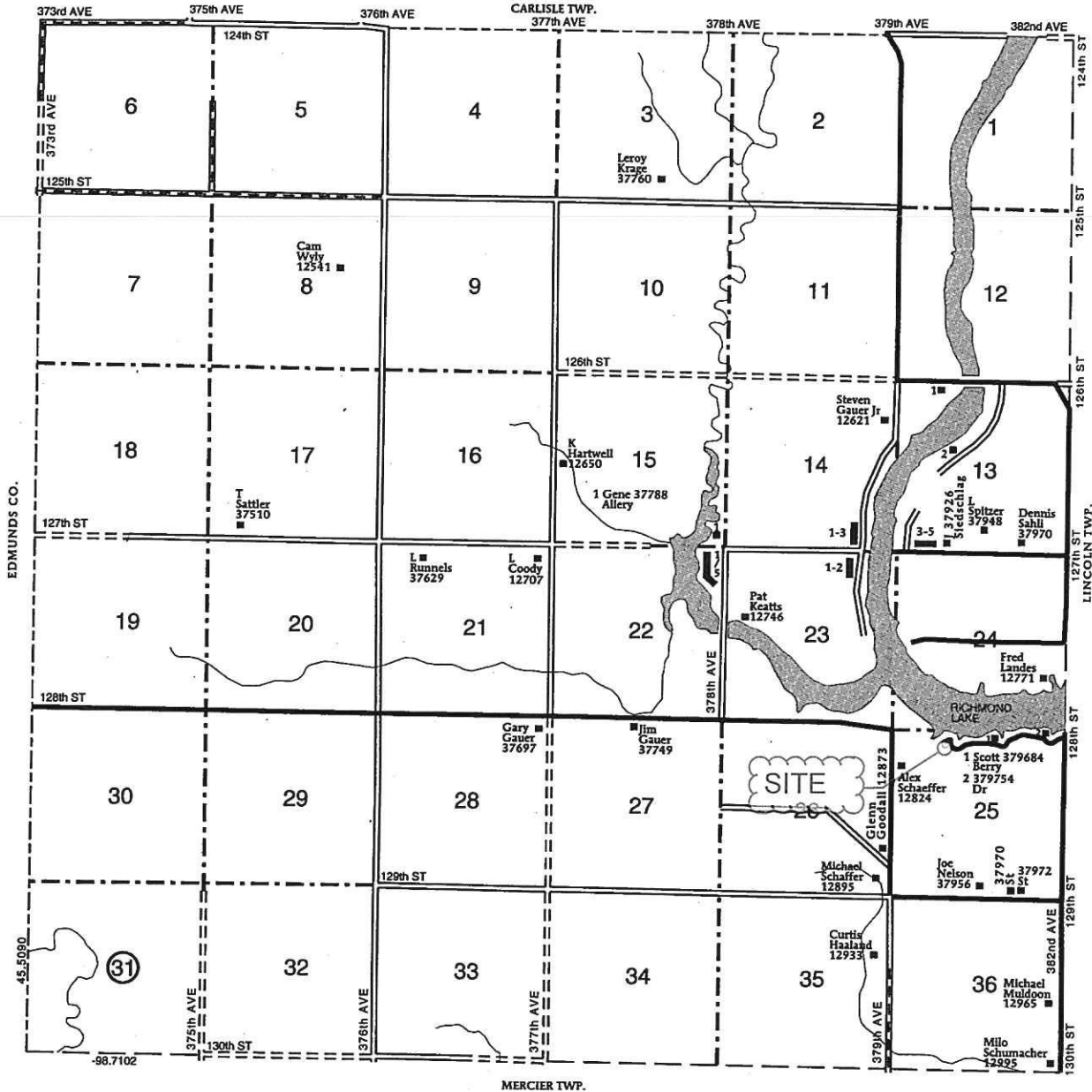
E-Mail info@farmandhomepublishers.com
to get your business added to the next year's publication

T-124-N

RAVINIA DIRECTORY

R-65-W

(Residents - Owners or Parters)



RAVINIA TOWNSHIP

SECTION 13

- 1 Kirchgiesler, Jim 37935
- 2 Bahr, Justin 126401
- 3 Schmitz, B 37902
- 4 Vitense, David 37908
- 5 Biegler, Jerry 37910

SECTION 14

- 1 Mishaw, Mark 126928
- 2 Lutz, Douglas 126966
- 3 126974

SECTION 22

- 1 Myhre, Gary 127093
- 2 Anderson, Jeremiah 127131
- 3 Millett, Craig 127151
- 4 Thayer, Dan 127257
- 5 Wahl, Lanny 127395

SECTION 23

- 1 Wolf, Frank 127148
- 2 Fischer, Brock 127216

NOTICE OF HEARING - REZONE

Application has been made to Brown County Planning/Zoning Commission for a REZONE PETITION. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on November 19, 2019 at 7:00 P.M. for the purpose of Rezoning from Agricultural Preservation District (AG-P) to Lake Front Residential District (R-3).

Owner & Petitioner: Roger & Lora Gray

Description of property: Lot 2C of Lot 2, "Schaeffer Richmond Lake Subdivision" in the NW1/4 of Section 25-T124M-R65W of the 5th P.M., Brown County, South Dakota (379305 South Shore Dr).

Reason: This property is petitioned to be rezoned from Agricultural Preservation District (AG-P) to Lake Front Residential District (R-3) to bring it into compliance for current and future use.

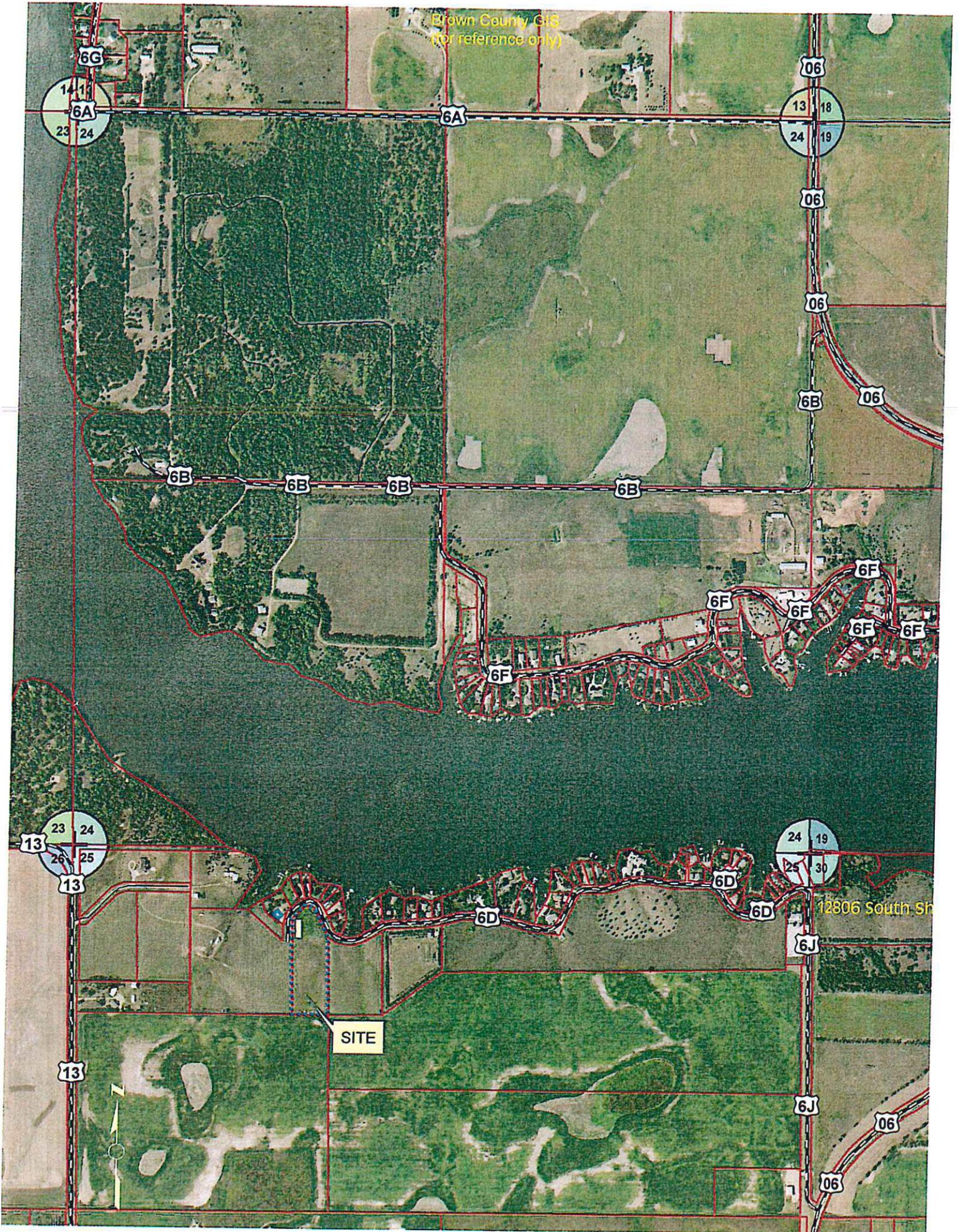
The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date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

Dated this 30th day of October 2019

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 _____.

Brown County GIS
(for reference only)



Brown County GIS
(for reference only)



SITE

6D



STAFF REPORT

November 19, 2019

PRELIMINARY & FINAL PLAT

ITEM # 12

GENERAL INFORMATION

PETITIONER	Bruce Jones
REQUEST	Vacation of Plat, Tracts 1-4
LEGAL DESCRIPTION	"Jones Conservation Easement Tracts" in the E1/2 of Section 06-T125N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	11849 383 rd Ave
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	Scott Bader

GENERAL COMMENT: The petitioner is requesting the Vacation of this Plat because the Conservation Easement was never completed or filed by NRCS.

REVIEW: Staff has reviewed this existing Plat and acknowledges that the Conservation Easement is not filed in the Register of Deeds Office and was never completed.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT VACATION

DATE: October 22, 2019
RECEIPT # 132249
TOWNSHIP: WestportTwp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 10/23/19

OWNERS SIGNATURE: Bruce Jones *Bruce Jones*
OWNERS ADDRESS: 11849 383rd Ave
OWNERS CITY, STATE, ZIP: Westport, SD 57481-6909
OWNERS PHONE: 605-228-2363

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

REQUEST: Request to vacate Tracts 1-4 of "Jones Conservation Easement Tract"

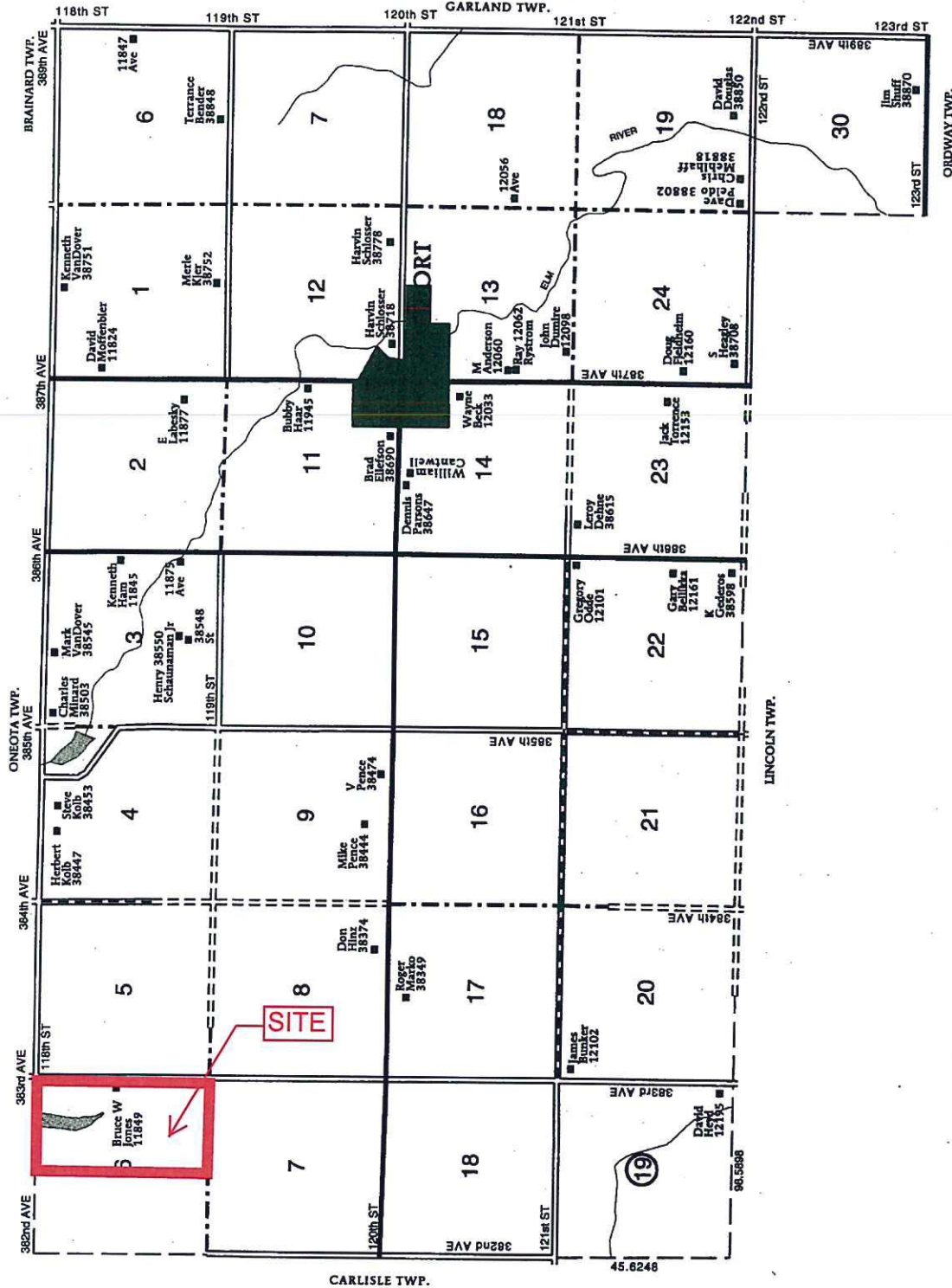
LEGAL DESCRIPTION: Tracts 1-4, "Jones Conservation Easement Tracts" in the East Half of Section 6-T125N-R64W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: <i>Approved / Denied</i> _____	

By: _____	Date: _____
HEARING DATE: <u>November 19, 2019</u>	TIME: <u>7:00 p.m.</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)



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VACATION OF PLAT. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on November 19, 2019 at 7:00 P.M. for the purpose of Vacating existing parcels in an Agricultural Preservation District (AG-P).

Petitioner & owner: *Bruce Jones*

Description of property: Tracts 1-4 "Jones Conservation Easement Tracts" in the E1/2 of Section 06-T125N-R64W of the 5th P.M., Brown County, South Dakota (11849 383rd Ave).

Reason: Vacating 4 parcels; Tracts 1-4 "Jones Conservation Easement Tracts" that were not entered into a Conservation Easement Program as planned when platted

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

Dated this 30th day of October 2019

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 _____.

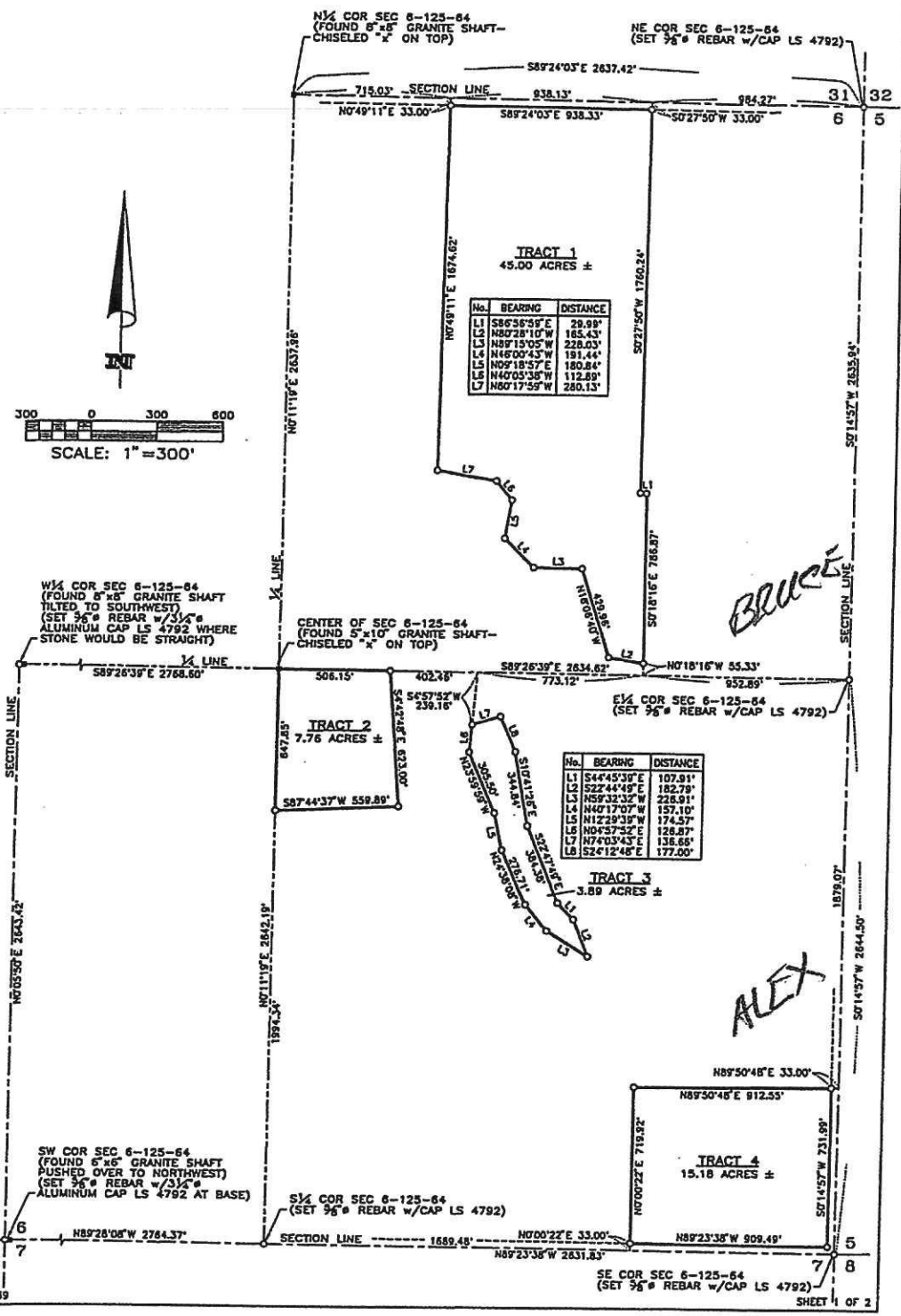
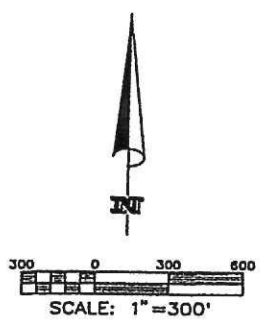
PLAT SHOWING
JONES CONSERVATION EASEMENT TRACTS
IN THE E 1/2 OF SECTION 6, T125N R64W
OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

LEGEND

- SET 3/8" REBAR w/3/4" ALUMINUM CAP STAMPED "LOUIS P. O'DONNELL LS 4792)
- FOUND GRANITE SHAFT

BASIS OF BEARINGS

G.P.S. OBSERVATION



BRUCE

ALEX

PLAT SHOWING
JONES CONSERVATION EASEMENT TRACTS
IN THE E 1/2 OF SECTION 6, T125N R64W
OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

WE, CECIL AND EVELYN A. JONES, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE EAST 1/2 OF SECTION 6, TOWNSHIP 125 NORTH, RANGE 64 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED A PORTION OF THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT, WHICH SHALL HERINAFTER BE KNOWN AND DESCRIBED AS "JONES CONSERVATION EASEMENT TRACTS IN THE E 1/2 OF SECTION 6, T125N R64W 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.

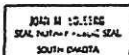
SIGNED THIS 31 DAY OF JANUARY, 192000

OWNERS:
Cecil Jones
CECIL JONES
Evelyn A. Jones
EVELYN A. JONES

STATE OF SOUTH DAKOTA } SS
COUNTY OF BROWN

ON THIS 31 DAY OF JANUARY, 192000 BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED CECIL AND EVELYN A. JONES, KNOWN TO ME TO BE THE PERSONS IN AND WHO EXECUTED THE WITHIN INSTRUMENT, AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: 11-26-2005
Jason M. Seltzer
NOTARY PUBLIC, BROWN COUNTY, SOUTH DAKOTA



SURVEYOR'S CERTIFICATE

I, LOUIS P. O'DONNELL, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT, AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "JONES CONSERVATION EASEMENT TRACTS IN THE E 1/2 OF SECTION 6, T125N R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA," AS SHOWN ON THE ATTACHED PLAT, THAT I HAVE FOUND AND/OR SET CORNERS AS INDICATED THEREON, AND THAT SAID SURVEY AND PLAT ARE TRUE AND CORRECT.

SIGNED THIS 21st DAY OF JANUARY, 192000

Louis P. O'Donnell
LOUIS P. O'DONNELL
REGISTERED LAND SURVEYOR #14792



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 15th DAY OF February, 192000

Robert Decker
SECRETARY OF THE COUNTY PLANNING COMMISSION
BROWN COUNTY, SOUTH DAKOTA

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING "JONES CONSERVATION EASEMENT TRACTS IN THE E 1/2 OF SECTION 6, T125N R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA," HAVING BEEN EXAMINED IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL OF 1987, CHAPTER 11-6, AND ANY AMENDMENTS THEREOF."

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 22 DAY OF February, 192000

Robin Taylor
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

"BE IT RESOLVED BY THE COUNTY COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING "JONES CONSERVATION EASEMENT TRACTS IN THE E 1/2 OF SECTION 6, T125N R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA," HAVING BEEN EXAMINED IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL OF 1987, 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 16th DAY OF Feb, 192000

Arnie Burkhardt Co. Docty, Treas
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT THIS 10th DAY OF February, 192000

Robert Fischer (Clerk)
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEEDS' CERTIFICATE

FILED FOR RECORD THIS 23rd DAY OF February, 192000 AT 11:35 O'CLOCK A.M., AND DULY RECORDED IN BOOK OF PLATS NO. 19, ON PAGE 14346 THEREOF.

Cathy Johnson Dep. ROD
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

THIS INSTRUMENT PREPARED BY:
Robert M. Ronayne
Attorney at Law
24 Fifth Avenue SW
Post Office Box 759
Aberdeen, SD 57402-0759
(605) 225-0100

INSTRUMENT NO. 201101541
BOOK: 291 DEED
PAGE: 646
TRANSFER FEE: \$ 142.00
PAID
2011/03/04 10:53:26 AM

Pages: 1



CAROL SHERMAN, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 10.00
Return To: BRUCE JONES

WARRANTY DEED

Cecil Jones, a single person, of Brown County, State of South Dakota, grantor, for and in consideration of One Dollar and other good and valuable consideration, grants, conveys and warrants to:

Bruce Jones and Carol Jones
husband and wife
as joint tenants with right of survivorship
and not as tenants in common

grantees, of 11849 383rd Avenue, Westport, South Dakota 57481, the following described real estate in the County of Brown, in the State of South Dakota:

East Half of Section 6, Township 125 North, Range 64 West of the Fifth Principal Meridian, Brown County, South Dakota.

Dated this 11th day of ~~February, 2011~~ January 2011

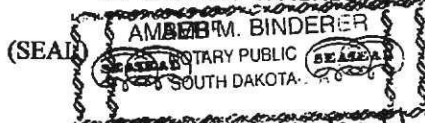

Cecil Jones

STATE OF SOUTH DAKOTA)

COUNTY OF BROWN)

On this the 11th day of ~~February, 2011~~ January 2011, before me, the undersigned officer, personally appeared Cecil Jones, a single person, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.



My Commission Expires: 7-0-11


Notary Public - South Dakota

CERTIFICATE OF REAL ESTATE VALUE [SDCL 7-9-7(4)]

State of South Dakota, County of BROWN

COURTHOUSE USE ONLY
 Book _____ Page _____
 Ratio Card No. _____

Seller(s): Cecil Jones
 Name _____ Phone Number _____
 Mailing 12810 385th Avenue Aberdeen, SD 57401

Street/Box Number _____ City _____ State/Zip Code _____
 Buyer(s): Bruce Jones and Carol Jones
 Name _____ Phone Number _____

Current Mailing Address 11849 383rd Avenue Westport, SD 57481
 Street/Box Number _____ City _____ State/Zip Code _____

NEW Mailing Address _____
 Street/Box Number _____ City _____ State/Zip Code _____

OWNER OCCUPIED - THIS BOX TO BE COMPLETED BY BUYER ONLY
 These items are important to complete for property to continue to be classified as owner occupied for a lower property tax rate.

Property is currently classified as owner occupied YES _____ NO _____
 Property will be occupied by buyer on _____ (date) YES _____ NO _____
 Property will be principal residence of buyer on the above stated date YES _____ NO _____
 Do you own any other residential property in the United States? YES _____ NO _____ If yes, state location _____

Signature (BUYER ONLY) _____

Legal Description (Please include the number of acres for unplatted properties)

East Half of Section 6, Township 125 North, Range 64 West of the Fifth Principal Meridian, Brown County, South Dakota.

(1) Date of Instrument 21-11-2011

(2) Type of Instrument:

Contract for Deed _____ Warranty Deed X Executor's Deed _____ Mineral Deed _____
 Quit Claim Deed _____ Trustee's Deed _____ Administrator's Deed _____ Gift _____
 Other (specify) _____

(3) Items Involved in Transaction

(a) Was this property offered for sale to the general public YES _____ NO X
 (b) Relationship between buyer and seller? YES X NO _____
 (c) Was this property sold by owner X agent _____
 (d) Actual Consideration Exchanged: ~~\$0.00~~ 142,000.00
 (e) Adjusted price paid for real estate: ~~\$0.00~~ 142,000.00
 (actual consideration less amount paid for major items of personal property which are listed below)

In the blanks below, list any major items of personal property and their value which were included in the total purchase price (i.e. furniture, inventory, crops, leases, franchises): _____

(4) Was there Buyer Financing YES _____ NO _____ If yes, items (a) and (b) below MUST be completed

(a) Type of Buyer Financing - check where applicable

Conventional Bank Loan _____ Like Kind Exchange _____
 Cash Sale _____ Assumed Mortgage _____
 FHA, FmHA, SDHA Loan _____ Farm Credit Service _____
 Contract for Deed _____ [must complete part (b)]

(b) Contract for Deed YES X NO _____
 (If yes, MUST complete items below)
 Down Payment 28,000
 Monthly/Yearly Payment 7,000.00 Interest Rate 6%
 No. of Payments 15 Balloon Payment -

Signature of seller, Buyer, or agent of Cecil Jones

Date 21-11-2011

Source: SL 1887, ch 109, § 4; CL 1887, § 1112; RPoC 1903, § 1506; RC 1919, § 6553; SDC 1939, § 45.2813.

11-3-19. Validation of prior vacations by instrument--Deadline for enforcing rights--Notice of pendency. Any proceedings conducted before January 1, 1993, for the vacation of any plat, or any portion or part thereof, which plat was laid out pursuant to this chapter, whether the land included in the plat, or any portion or part thereof, is or was, at the time of the proceedings for vacation of the plat, or any portion or part thereof, within or without the boundaries of a municipality or improvement district, and which plat, or any portion or part thereof has, before January 1, 1993, in the proceedings, been vacated in accordance with § 11-3-16 or 11-3-17 is hereby declared to be, and to have been, a valid vacation of the plat, or any portion or part thereof, and the proprietors of the lots so vacated may inclose the streets, alleyways, common easements, and public grounds adjoining such vacated lots, and all public rights thereto divested.

If any person has any vested right in any property by reason of any plat vacation referred to in this section, if no action or proceeding to enforce such right was commenced prior to July 1, 1995, such right shall be forever barred. No action or proceeding so brought is of any force or effect, or maintainable in any court of this state, unless prior to July 1, 1995, there was recorded in the office of the register of deeds of the county in which the real property affected is situated, a notice of the pendency of such action, in accordance with the provisions of chapter 15-10.

Source: SL 1964, ch 230, § 1; SL 1980, ch 109; SL 1993, ch 106, § 3.

11-3-20. General procedure for vacation of plats--Supplemental to vacation by instrument. Sections 11-3-20.1, 11-3-20.2, 11-3-21.1, 11-3-22.1, 11-3-23.1, and 11-3-24.1, are prescribed as the procedures to be followed for the vacation of part or all of any recorded plat of the State of South Dakota. Said sections are intended as supplemental to § 11-3-16 and only direct the procedure to be followed where and when the facts and conditions, at the time of vacation, are other than as specifically set forth in § 11-3-16.

Source: SL 1947, ch 212; SL 1953, ch 266, § 1; SDC Supp 1960, § 45.2815 (6); SL 1974, ch 109, § 1.

11-3-20.1. Vacation procedure within planning commission jurisdiction. If a plat sought to be vacated lies within the platting jurisdiction of a municipality or county which has in existence a statutory planning commission, said plat may be vacated pursuant to the procedures outlined in §§ 11-3-20.2 to 11-3-20.4, inclusive.

Source: SL 1974, ch 109, § 3; SL 1979, ch 93, § 12.

11-3-20.2. New plat vacating prior plats--References to prior plats. The new plat shall specifically describe all previous plats sought to be vacated including the book and page or document number of all existing plats in the register of deeds office. The new plat shall specifically state that all previous plats so listed are to be vacated in whole or in part. The new plat shall comply with the public highway provisions of § 11-3-17.

Source: SL 1974, ch 109, § 4; SL 1979, ch 93, § 13.

11-3-20.3. Information required for vacation and replatting. Upon receipt of a plat, as described in § 11-3-20.2, by the planning commission of any municipality or county, the planning commission shall require that the person seeking the vacation and replat provide the following information:

- (1) The names and addresses of the record owner of the plat or part thereof sought to be vacated and the names and addresses of the record owners of property adjacent to or solely served by any streets, if any, included in the plat to be vacated,
- (2) The legal description of the same,
- (3) The names of the legal voters, residing upon the same,
- (4) The character and use of the same,
- (5) A description of any public highway located there,
- (6) Any other facts pertinent to the application, including any facts necessary by municipal or county ordinance for the recordation of any plat.

Source: SL 1974, ch 109, § 5; SL 1979, ch 93, § 14.

11-3-20.4. Recording of new plat on approval--Vacation of prior plats. Upon approval of the final plat, submitted under the provisions of § 11-3-20.1 or 11-3-20.2, by the governing body of the municipality or county, said plat shall be filed in the office of the register of deeds of the county wherein the property is located. The register of deeds shall record said plat and shall vacate all previous plats in the same manner as prescribed by § 11-3-18.

Source: SL 1974, ch 109, § 6; SL 1979, ch 93, § 15.

11-3-21. Repealed by SL 1988, ch 128, § 5

11-3-21.1. Filing of petition for vacation of plat--Contents. Any person interested in the vacation of part or all of any recorded plat that lies outside a municipality may file a petition in the office of the county auditor for the county where the platted property is situated containing:

- (1) The names and addresses of the record owner of the plat or part thereof sought to be vacated;
- (2) The legal description of the plat;
- (3) The names of the legal voters residing upon the plat;
- (4) The character and use of the plat;
- (5) A description of any public highway located there;
- (6) Any other facts pertinent to the application.

Source: SL 1988, ch 128, § 1.

11-3-22. Repealed by SL 1988, ch 128, § 6

11-3-22.1. Setting of time and place for hearing on petition--Notice by publication. The board of county commissioners shall set a time and place for a hearing on a petition filed pursuant to § 11-3-21.1. The hearing shall be held within thirty days of when the petition is filed. The board shall hold at least one public hearing. Notice of the time and place of the hearing shall be given once at least ten days in advance by publication in a legal newspaper of the county.

Source: SL 1988, ch 128, § 2; SL 1999, ch 65, § 9.

Brown County GIS
(for reference only)



118TH ST

TRACT 1

WETLAND RESERVE 30

USFWS WETLAND

USFWS GRASSLAND

TRACT 2

6-125-64

TRACT 3

WETLAND RESERVE 30

WETLAND RESERVE 30

USFWS WETLAND

USFWS WETLAND

USFWS GRASSLAND

TRACT 4

WETLAND RESERVE 30

USFWS WETLAND



USFWS WETLAND



STAFF REPORT

November 19, 2019

PRELIMINARY & FINAL PLAT

ITEM # 13

GENERAL INFORMATION

PETITIONER	Casey Kulm
REQUEST	Preliminary & Final Plat
LEGAL DESCRIPTION	"Allen and Emery Subdivision" in the NE1/4 of Section 8-T121N-R60W of the 5th P.M., Brown County, South Dakota
LOCATION	40753 143 rd St
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	Scott Bader

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

REVIEW: Staff has reviewed this Preliminary and Final Plat and acknowledges the plat and existing access. This parcel has a family member that will be assisting on the farmland to the west. Staff feels that this lot would be best served staying zoned AG-P with their quarter next to this quarter.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME "Allen and Emery Subdivision"

QUARTER: NE SECTION: 8 TOWNSHIP: 121 RANGE: 60

LOTS 1 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

OWNERS NAMES: Benjamin Ryan Johnson

OWNERS NAMES: Mathew Eric Johnson

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Helms Engineering - Randy Bacon

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

FEE: \$100.00 TOTAL: \$ 100.00 DATE PAID: ____/____/20____

RECEIVED BY PLANNING DEPARTMENT: ____/____/20____ BY: _____

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

PLAT: ON 11 x 17 MYLAR X ON 11 x 17 PHOTO PAPER _____

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

EXISTING ACCESS SHOWN ON PLAT X ACCESS NEEDED _____

DIMENSION ALL LINEWORK FOR GIS DEPT. X BEARINGS & DISTANCES SHOWN TO "CLOSE" _____

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE X

HIGHWAY SIGNATURE LINE SHOWN (STATE, COUNTY, TOWNSHIP) X

HIGHWAY SIGNATURE LINE SIGNED X

TAXES PAID IN FULL FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED X

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: 10/29/19
RECEIPT # 132259
TOWNSHIP: Bates

FEES: \$100.00
PAID: (YES/NO) (CHK/CASH)
DATE: 10/30/19

OWNERS SIGNATURE: Benjamin Johnson/Matthew Johnson
OWNERS ADDRESS: 119 Terry Drive
OWNERS CITY, STATE, ZIP: Webster, SD 57274
OWNERS PHONE: _____

AGENTS SIGNATURE: Casey Kulm 
AGENTS ADDRESS: 38634 128th Street
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-290-6475

REQUEST: Preliminary and Final Plat

LEGAL DESCRIPTION: Lot 1 "Allen and Emery Subdivision" in the NE1/4 of Section 8-T121N-R60W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: November 19, 2019 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

Your Ad Could Be Here

in the Next Plat and Directory Publication.

Contact Farm & Home Publishers 1-800-685-7432 • Fax 641-444-5150

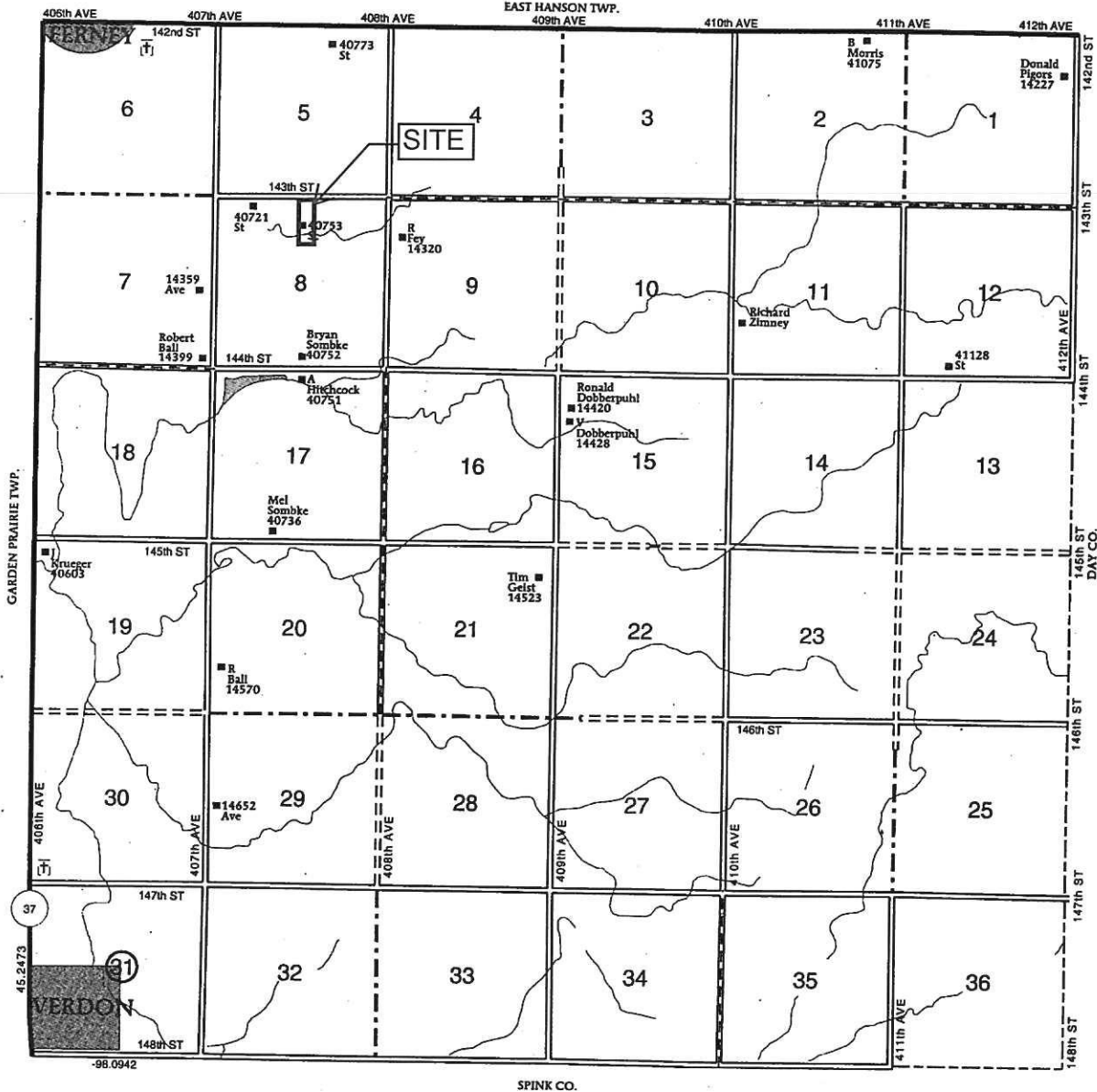
E-Mail info@farmandhomepublishers.com
to get your business added to the next year's publication

T-121-N

BATES DIRECTORY

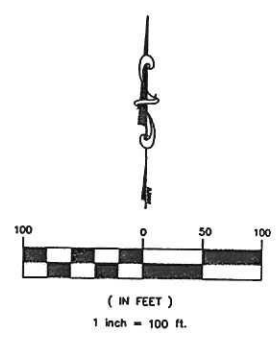
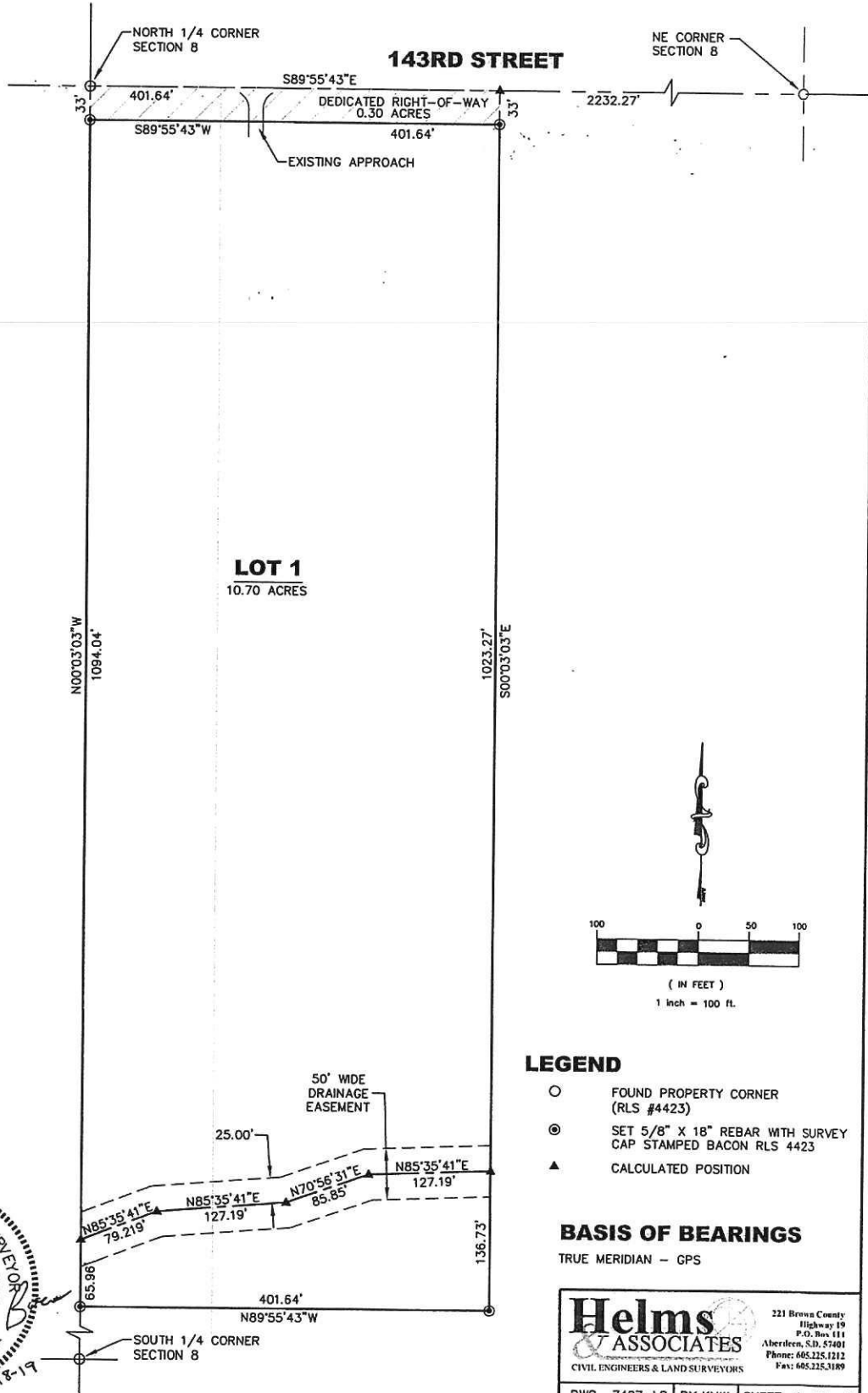
R-60-W

(Residents - Owners or Renters)



A-7497

PLAT OF ALLEN AND EMERY SUBDIVISION IN THE NE 1/4 OF SECTION 8-T121N-R60W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



- LEGEND**
- FOUND PROPERTY CORNER (RLS #4423)
 - ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
 - ▲ CALCULATED POSITION

BASIS OF BEARINGS
TRUE MERIDIAN - GPS

REGISTERED LAND SURVEYOR
 REG. NO.
 4423
 RANDY D. BACON
 SOUTH DAKOTA
 10-18-19

Helms & ASSOCIATES

221 Brown County Highway 19
 P.O. Box 114
 Aberdeen, S.D. 57401
 Phone: 605.225.1212
 Fax: 605.225.3189

DWG. 7497-LS BY: KMW SHEET 1 OF 3

PLAT OF

A-7497

ALLEN AND EMERY SUBDIVISION
IN THE NE 1/4 OF SECTION 8-T121N-R60W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF BENJAMIN RYAN JOHNSON AND MATTHEW ERIC JOHNSON, AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO OCTOBER 10, 2019, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: ALLEN AND EMERY SUBDIVISION IN THE NE 1/4 OF SECTION 8-T121N-R60W 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 18 DAY OF October, 2019.

Randy D. Bacon
RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

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 AS; ALLEN AND EMERY SUBDIVISION IN THE NE 1/4 OF SECTION 8-T121N-R60W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND WE HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID 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 22 DAY OF October, 2019.

FORMERLY DESCRIBED AS:

NE 1/4 OF SECTION 8-T121N-R60W OF THE 5TH P.M.
BROWN COUNTY, SOUTH DAKOTA

Benjamin Ryan Johnson
BENJAMIN RYAN JOHNSON

Matthew Eric Johnson
MATTHEW ERIC JOHNSON

ACKNOWLEDGEMENT

STATE OF South Dakota

COUNTY OF Day)SS

ON THIS THE 22nd DAY OF October, 2019, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED BENJAMIN RYAN JOHNSON, 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.

Kent Delaney

NOTARY PUBLIC, South Dakota STATE

MY COMMISSION EXPIRES: March 16, 2023

ACKNOWLEDGEMENT

STATE OF South Dakota

COUNTY OF Day)SS

ON THIS THE 22nd DAY OF October, 2019, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MATTHEW ERIC JOHNSON, 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.

Kent Delaney

NOTARY PUBLIC, South Dakota STATE

MY COMMISSION EXPIRES: March 16, 2023

PLAT OF

A-7497

**ALLEN AND EMERY SUBDIVISION
IN THE NE 1/4 OF SECTION 8-T121N-R60W 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 ALLEN AND EMERY SUBDIVISION IN THE NE 1/4 OF SECTION 8-T121N-R60W 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 ALLEN AND EMERY SUBDIVISION IN THE NE 1/4 OF SECTION 8-T121N-R60W 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: *Ronald Dalbey*
HIGHWAY AUTHORITY

TITLE: *Supervisor*

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS 30 DAY OF Oct, 2019

A. Lovell
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 23 DAY OF October, 2019

Nauketer, cu deptreas
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

Brown County GIS
(for reference only)

5-121-60

407TH AVE

408TH AVE

6 5
7 8

5 4
8 9

143RD ST

143RD ST

07.05 14510 ST
10/24/19 CSB

SITE

8-121-60

407TH AVE

408TH AVE

7 8
18 17

8 9
17 16

144TH ST

144TH ST

407TH AVE

408TH AVE



Brown County GIS
(for reference only)

SITE

143RD,ST

40753 143rd St
10/24/19 CSB



STAFF REPORT

November 19, 2019

PRELIMINARY & FINAL PLAT

ITEM # 14

GENERAL INFORMATION

PETITIONER	Mark Erickson
REQUEST	Preliminary & Final Plat
LEGAL DESCRIPTION	“Mark Erickson’s Second Subdivision” in the W1/2NW1/4 of Section 20-T122N-R62W and Section 17-T122N-R62W, both of the 5th P.M., Brown County, South Dakota
LOCATION	13912 395 th Ave
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	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Preliminary and Final Plat for financial reasons.

REVIEW: Staff has reviewed this Preliminary and Final Plat and acknowledges the plat and existing access. This plat cleans up multiple lots and access easements.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME Mark Erickson's Second Subdivision

QUARTER: NW SECTION: 20 & 17 TOWNSHIP: 122 RANGE: 62

LOTS 1, 2, 3 I TRACTS 1, 2, 3 _____ PARCELS 1, 2, 3 _____ NOTHING SHOWN _____

OWNERS NAMES: Mark Erickson Living Trust

OWNERS NAMES: Kristin Teigen Living Trust

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Cory Biegler (Helms & Assoc)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

FEE: ~~\$25.00~~ ACRES x \$1.00 _____ TOTAL: \$ 100.00 DATE PAID: ____/____/20

RECEIVED BY PLANNING DEPARTMENT: ____/____/20 BY: Scott Bader

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE _____ FINANCIAL PURPOSES X BOTH _____

PLAT: ON 11 x 17 MYLAR X ON 11 x 17 PHOTO PAPER _____

STREETS/ROADS NAMED PROPERLY X

EXISTING ACCESS SHOWN ON PLAT X ACCESS NEEDED _____

DIMENSION ALL LINEWORK FOR GIS DEPT. _____ BEARINGS & DISTANCES SHOWN TO "CLOSE" _____

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE _____

HIGHWAY SIGNATURE LINE SHOWN (STATE, COUNTY, TOWNSHIP) X

HIGHWAY SIGNATURE LINE SIGNED _____

TAXES PAID IN FULL FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED X

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: 10/29/19
RECEIPT # 132258
TOWNSHIP: Gem

FEES: \$100.00
PAID: (YES/NO) (CHK/CASH)
DATE: 10/30/19

OWNERS SIGNATURE: Mark Erickson *Mark Erickson*
OWNERS ADDRESS: 13912 395th Ave
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605 228 2790

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

REQUEST: Preliminary and Final Plat

LEGAL DESCRIPTION: "Mark Erickson's Second Subdivision" in the W1/2NW1/4 of Section 20-T122N-R62W and Section 17-T122N-R62W both in the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: NOVEMBER 19, 2019 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



WE'VE JUST MADE OUR PLAT & DIRECTORIES SO MUCH MORE USER FRIENDLY



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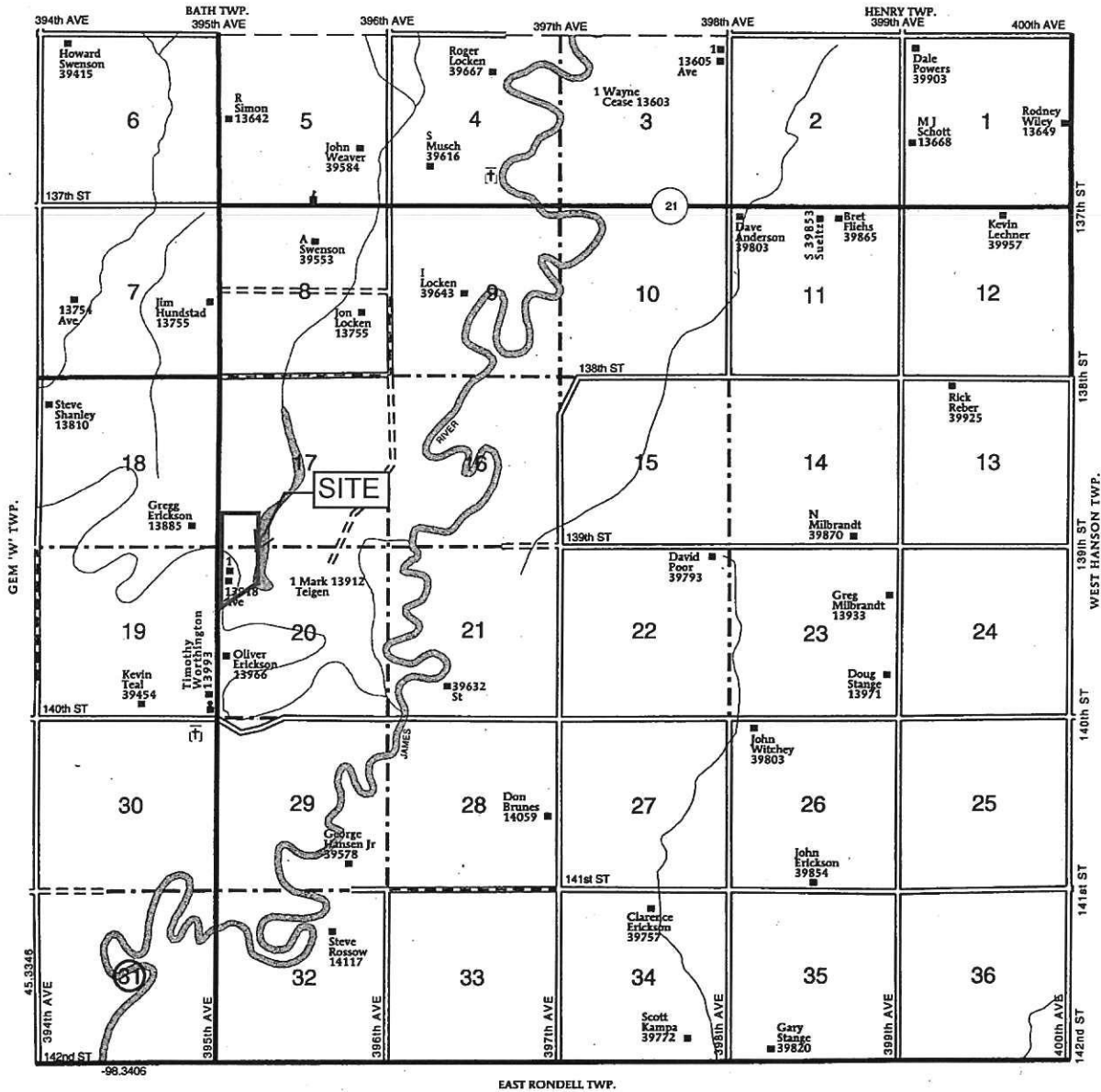
524 River Ave. North
Belmond, IA 50421
800-685-7432

T-122-N

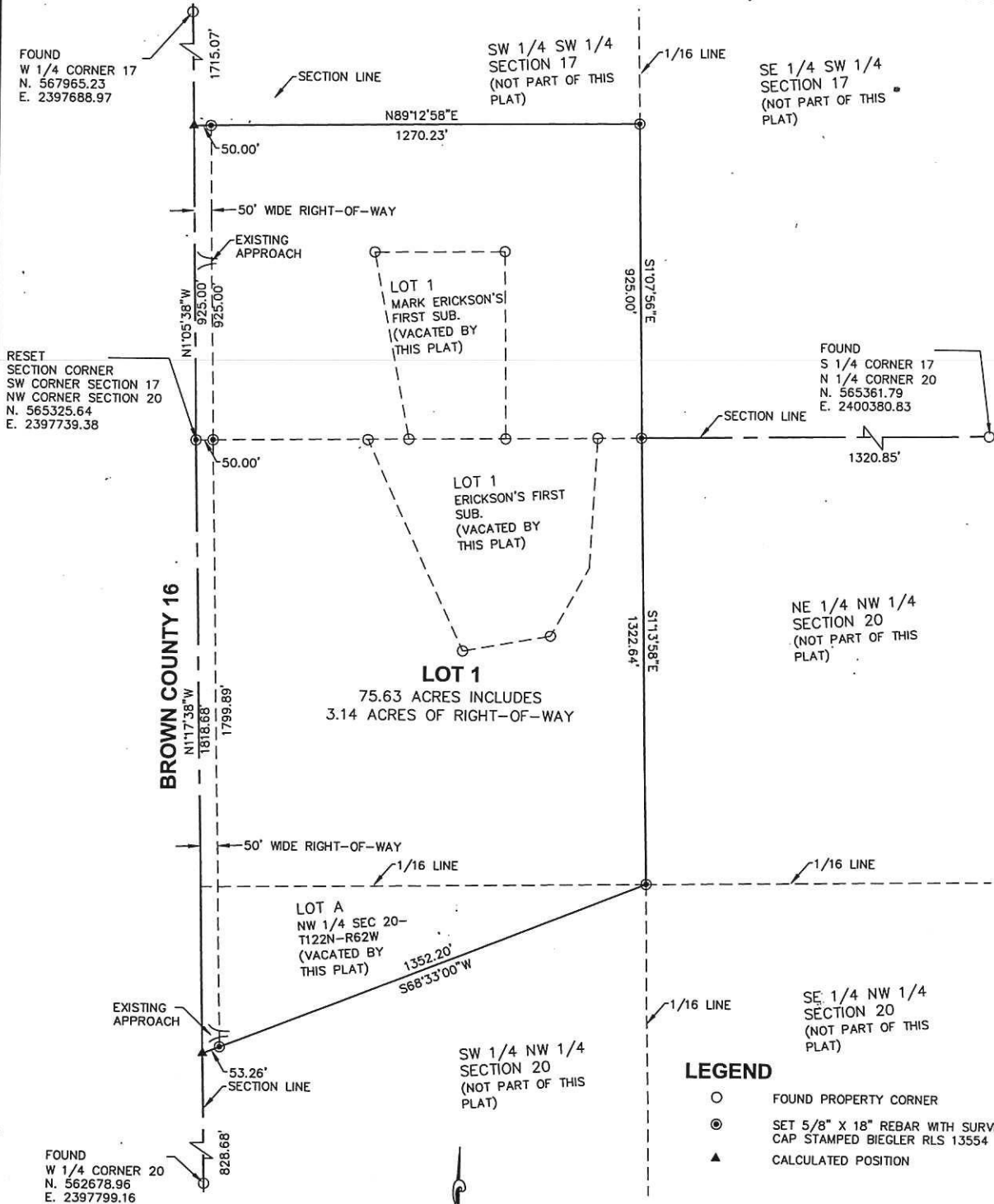
GEM.'E' DIRECTORY

(Residents - Owners or Porters)

R-62-W



PLAT OF MARK ERICKSON'S SECOND SUBDIVISION IN THE W 1/2 NW 1/4 SECTION 20 AND IN THE SW 1/4 SW 1/4 SECTION 17 BOTH IN T122N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA



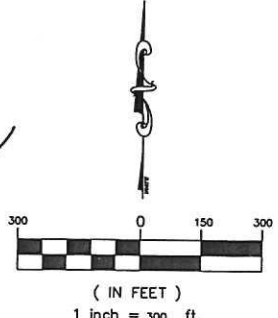
LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BIEGLER RLS 13554
- ▲ CALCULATED POSITION

BASIS OF BEARINGS

SD STATE PLANE NORTH ZONE

REGISTERED LAND SURVEYOR
REG. NO. 13554
CORY V. BIEGLER
SOUTH DAKOTA
9/10/19



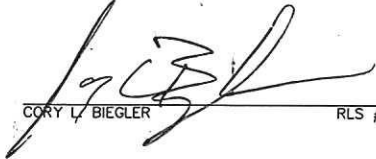
Helms & ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS

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

PLAT OF
MARK ERICKSON'S SECOND SUBDIVISION IN THE W 1/2 NW 1/4
SECTION 20 AND IN THE SW 1/4 SW 1/4 SECTION 17 BOTH IN
T122N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, CORY L. BIEGLER, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF MARK A. ERICKSON, LIVING TRUST, AND KRISTIN R. TEIGEN, LIVING TRUST, AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO 9/5/2019, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: MARK ERICKSON'S SECOND SUBDIVISION IN THE W 1/2 NW 1/4 SECTION 20 AND IN THE SW 1/4 SW 1/4 SECTION 17 BOTH IN T122N-R62W 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 10 DAY OF September 2019


CORY L. BIEGLER RLS #13554

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 AS: MARK ERICKSON'S SECOND SUBDIVISION IN THE W 1/2 NW 1/4 SECTION 20 AND IN THE SW 1/4 SW 1/4 SECTION 17 BOTH IN T122N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA AS SHOWN BY THIS PLAT, AND WE HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID 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 10 DAY OF September, 2019

PREVIOUSLY DESCRIBED AS

LOT A IN THE NW 1/4 OF SECTION 20-T122-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA

LOT 1 OF ERICKSON'S FIRST SUBDIVISION IN THE NW 1/4 OF SECTION 20-T122-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA

LOT 1 OF MARK ERICKSON'S FIRST SUBDIVISION IN THE SW 1/4 OF SECTION 17-T122-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA

N 1/2 NW 1/4 SECTION 20-T122-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA (EXCEPT LOT 1 OF ERICKSON'S FIRST SUBDIVISION IN THE NW 1/4 OF SECTION 20-T122-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA)

SW 1/4 SECTION 17-T122-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA (EXCEPT LOT 1 OF MARK ERICKSON'S FIRST SUBDIVISION IN THE SW 1/4 OF SECTION 17-T122-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA)

MARK A. ERICKSON LIVING TRUST


MARK A. ERICKSON, TRUSTEE

KRISTIN R. TEIGEN LIVING TRUST


KRISTIN R. TEIGEN, TRUSTEE

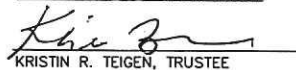
DECLARATION OF VACATION

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 LOT A OF THE NW1/4 OF SECTION 20-T122NR62W, AS RECORDED AS PLAT #334, LOT 1 OF ERICKSON'S FIRST SUBDIVISION, AS RECORDED AS PLAT #1969, AND LOT 1 OF MARK ERICKSON'S FIRST SUBDIVISION, AS RECORDED AS PLAT #2940 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.
THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 10 DAY OF September, 2019

MARK A. ERICKSON LIVING TRUST


MARK A. ERICKSON, TRUSTEE

KRISTIN R. TEIGEN LIVING TRUST

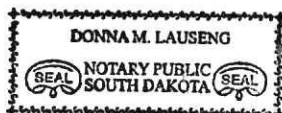

KRISTIN R. TEIGEN, TRUSTEE

ACKNOWLEDGEMENT

STATE OF SD)
COUNTY OF Brown)SS

ON THIS THE 10th DAY OF Sept., 2019, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MARK A. ERICKSON, TRUSTEE AND KRISTIN R. TEIGEN, TRUSTEE KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.





NOTARY PUBLIC, South Dakota STATE

MY COMMISSION EXPIRES: 2-13-20

PLAT OF
MARK ERICKSON'S SECOND SUBDIVISION IN THE W 1/2 NW 1/4
SECTION 20 AND IN THE SW 1/4 SW 1/4 SECTION 17 BOTH IN
T122N-R62W 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 MARK ERICKSON'S SECOND SUBDIVISION IN THE W 1/2 NW 1/4 SECTION 20 AND IN THE SW 1/4 SW 1/4 SECTION 17 BOTH IN T122N-R62W 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 MARK ERICKSON'S SECOND SUBDIVISION IN THE W 1/2 NW 1/4 SECTION 20 AND IN THE SW 1/4 SW 1/4 SECTION 17 BOTH IN T122N-R62W 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 30 DAY OF October, 2019.

Cynthia A. Meyer, deptreasurer

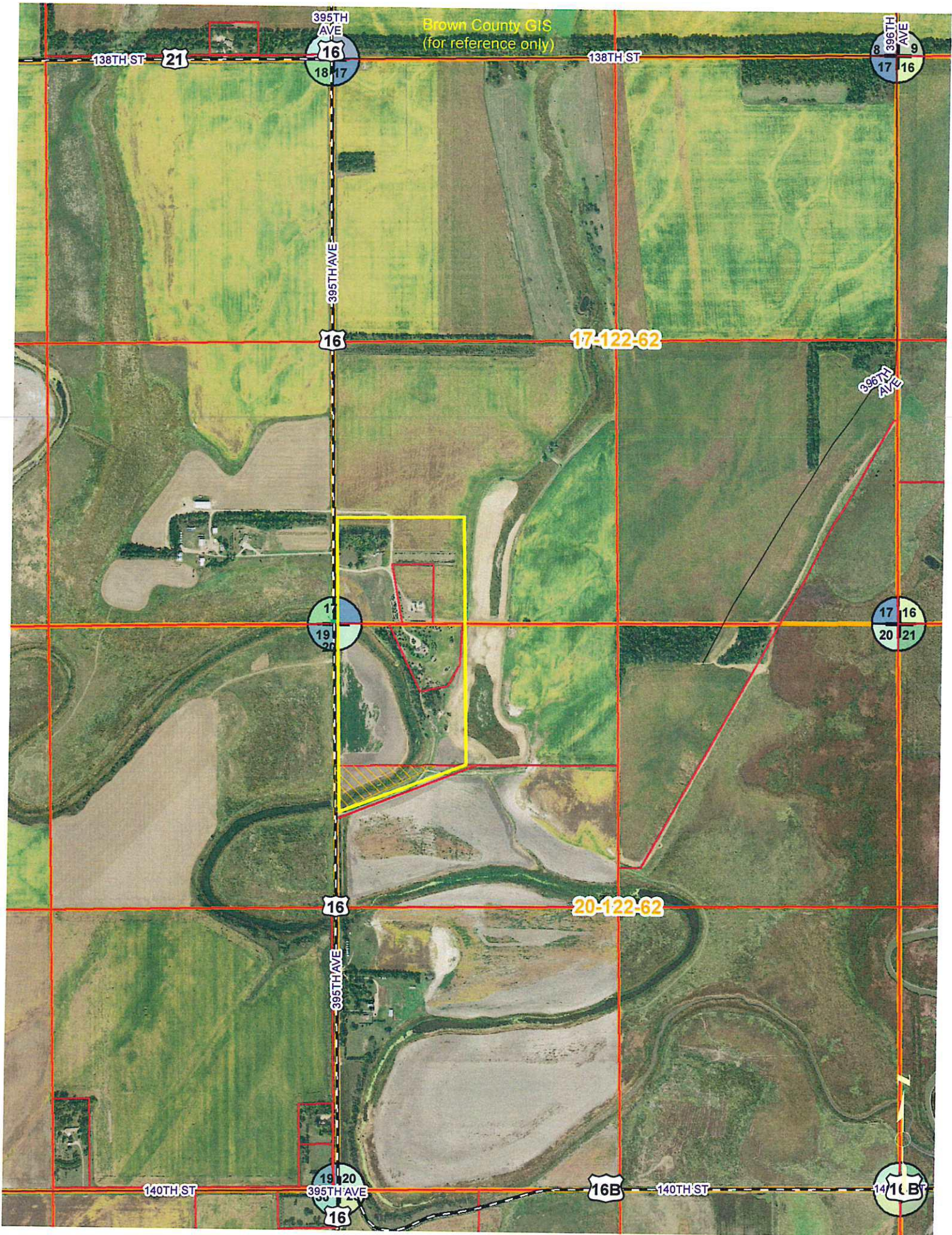
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

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

Brown County GIS
(for reference only)



138TH ST 21

395TH AVE
16
18 17

138TH ST

396TH AVE
8 9
17 16

16

17-122-62

396TH AVE

17
19
20

17 16
20 21

16

20-122-62

395TH AVE

140TH ST

395TH AVE
19 20
16

16B

140TH ST

14 15
16 17

Brown County GIS
(for reference only)

16

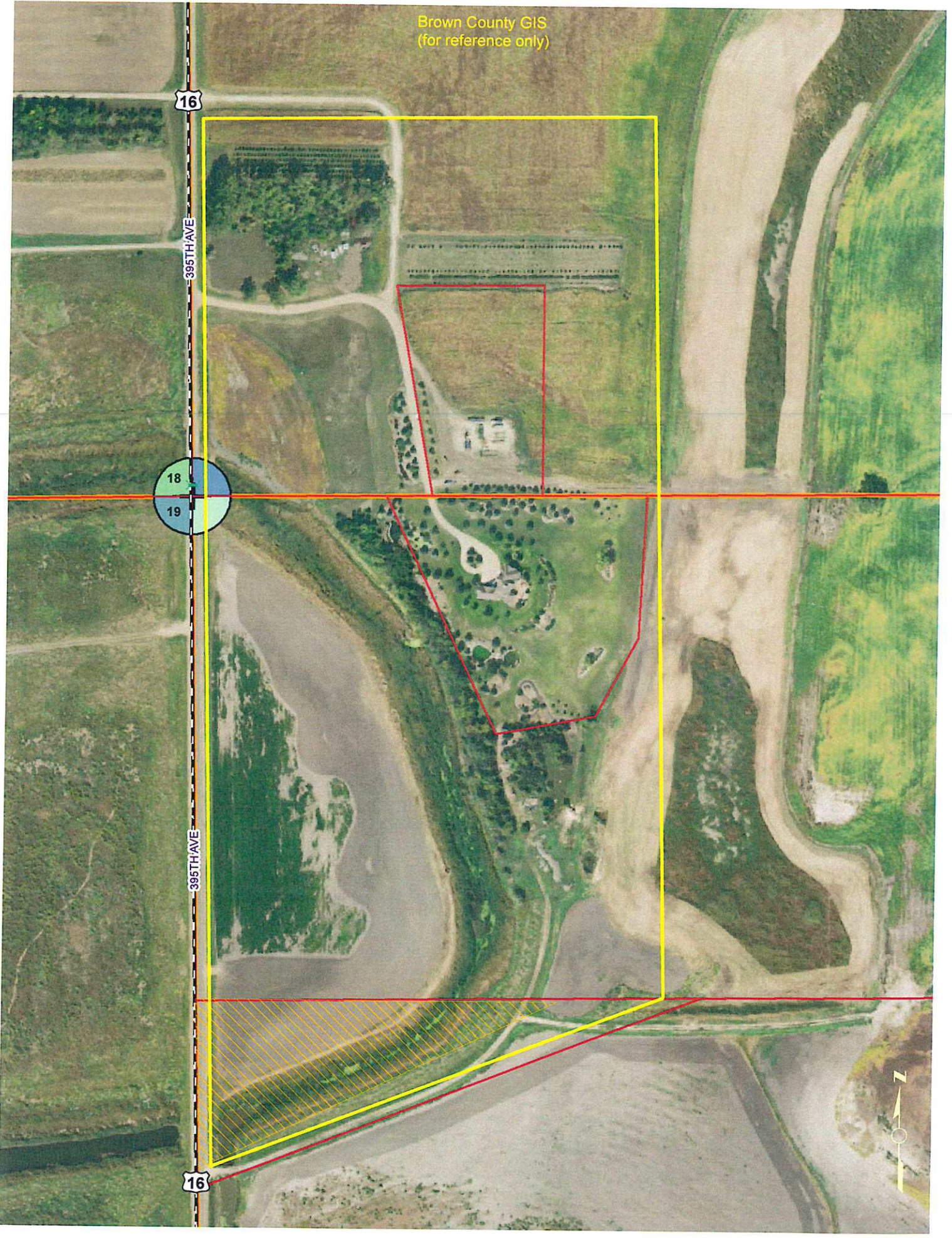
395TH AVE

18

19

395TH AVE

16



STAFF REPORT

November 19, 2019

PRELIMINARY & FINAL PLAT

ITEM # 15

GENERAL INFORMATION

PETITIONER	Loel Larsen
REQUEST	Preliminary & Final Plat
LEGAL DESCRIPTION	"L & S Subdivision" in the NW1/4 and SW1/4 of Section 20-T128N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	10348 383 rd Ave
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	Scott Bader

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

REVIEW: Staff has reviewed this Preliminary and Final Plat and acknowledges the plat and existing access. This parcel is for conveyance to a family member. This will meet the requirement for an Agriculture Preservation District (AG-P).

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME L & S Subdivision

QUARTER: NW SECTION: 20 TOWNSHIP: 128 RANGE: 64

LOTS 1, 2, 3 1 TRACTS 1, 2, 3 _____ PARCELS 1, 2, 3 _____ NOTHING SHOWN _____

OWNERS NAMES: Loel Larsen

OWNERS NAMES: _____

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Randy Bacon

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

FEE: ~~\$25.00~~ ACRES x \$1.00 _____ TOTAL: \$ 100.00 DATE PAID: 10 / 23 /2019

RECEIVED BY PLANNING DEPARTMENT: 10 / 23 /2019 BY: Scott Bader

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE X FINANCIAL PURPOSES _____ BOTH _____

PLAT: ON 11 x 17 MYLAR X ON 11 x 17 PHOTO PAPER _____

STREETS/ROADS NAMED PROPERLY X

EXISTING ACCESS SHOWN ON PLAT X ACCESS NEEDED _____

DIMENSION ALL LINEWORK FOR GIS DEPT. _____ BEARINGS & DISTANCES SHOWN TO "CLOSE" _____

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE X

HIGHWAY SIGNATURE LINE SHOWN (STATE, COUNTY, TOWNSHIP) X

HIGHWAY SIGNATURE LINE SIGNED _____

TAXES PAID IN FULL FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED X

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: 10/23/19
RECEIPT # 132250
TOWNSHIP: Osceola

FEE: 100.00
PAID: YES/NO CHK/CASH
DATE: 10/23/19

OWNERS SIGNATURE: Loel Larsen
OWNERS ADDRESS: 11885 Green Springs Acres Rd
OWNERS CITY, STATE, ZIP: Custer, SD 57730
OWNERS PHONE: _____

AGENTS SIGNATURE: Randy Bacon (Helm Assoc) 
AGENTS ADDRESS: PO Box 111
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57402
AGENTS PHONE: 605-225-1212

REQUEST: Preliminary and Final Plat

LEGAL DESCRIPTION: L&S Subdivision in the NW1/4 and SW 1/4 of Section 20-T128N-R64W
of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: November 19, 2019 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

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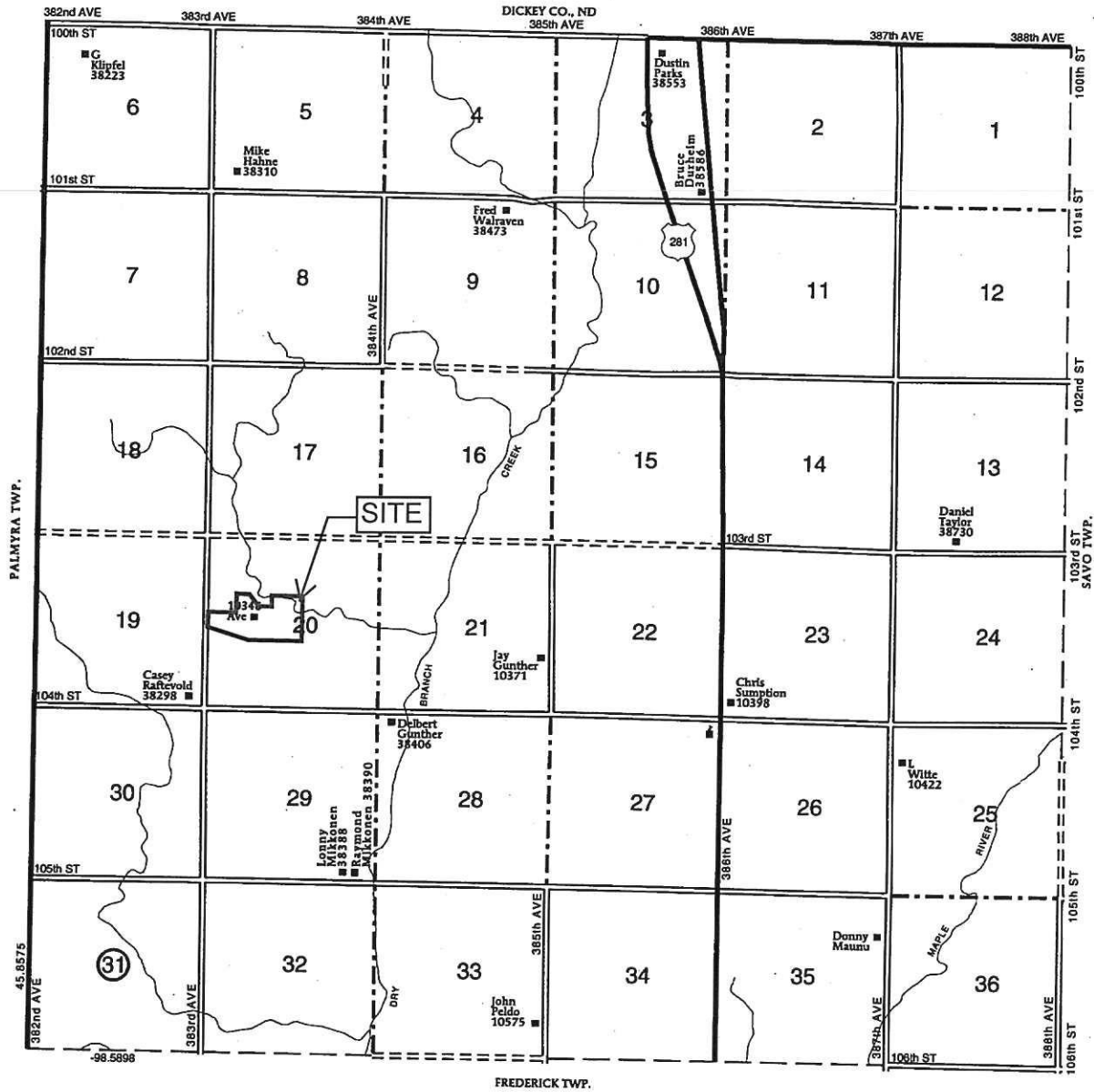
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T-128-N

OSCEOLA DIRECTORY

(Residents - Owners or Renters)

R-64-W



A-7444

PLAT OF L & S SUBDIVISION

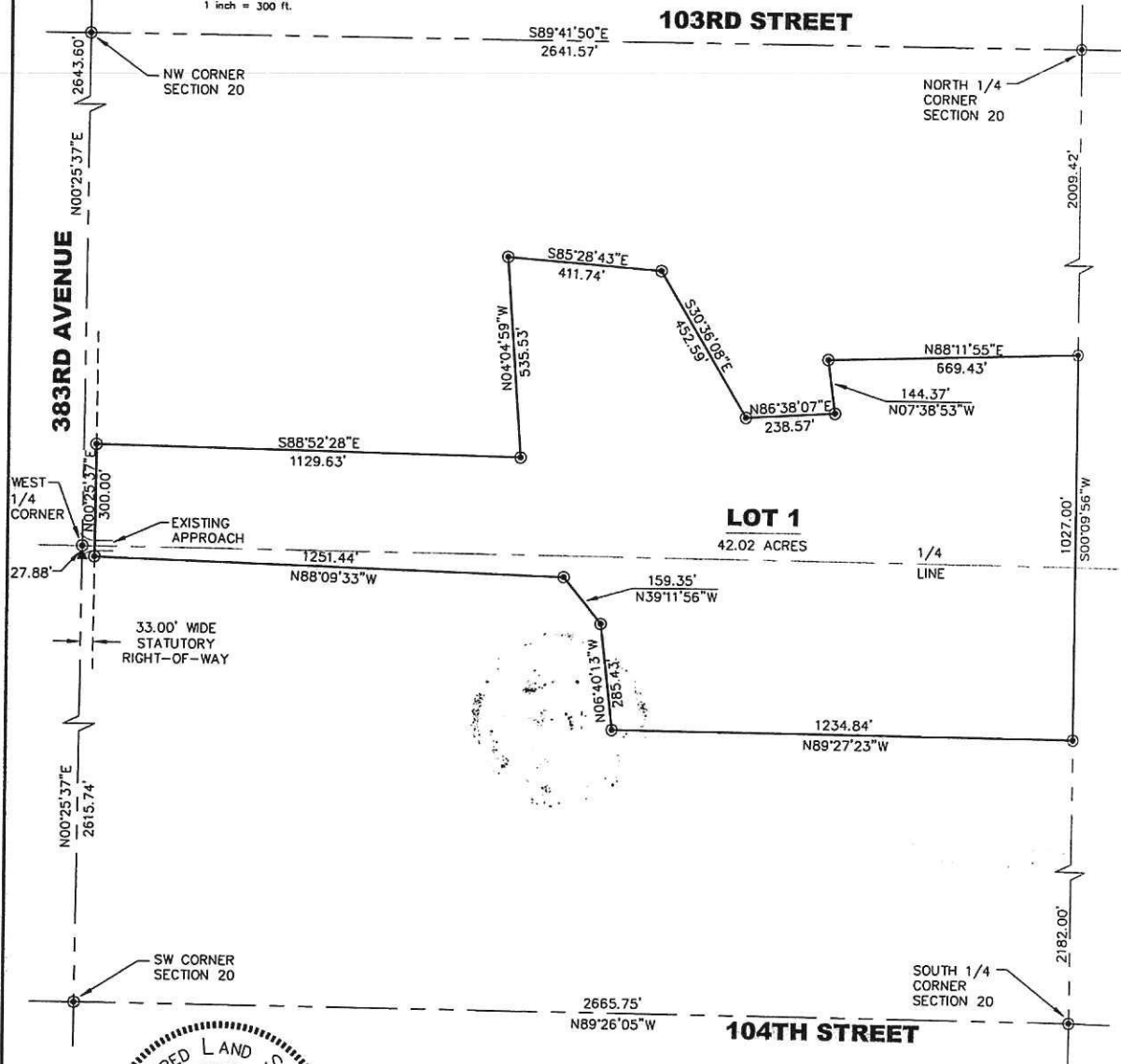
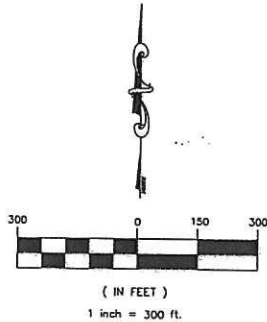
IN THE NW 1/4 AND SW 1/4 OF SECTION 20-T128N-R64W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

LEGEND

- ⊙ SET 5/8" X 18" REBAR WITH SURVEY
CAP STAMPED BACON RLS 4423
- ▲ CALCULATED POSITION

BASIS OF BEARINGS

TRUE MERIDIAN - GPS



REGISTERED LAND SURVEYOR
REG. NO.
4423
RANDY D. BACON
SOUTH DAKOTA
9-30-19

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

A-7444

**PLAT OF
L & S SUBDIVISION
IN THE NW 1/4 AND SW 1/4 OF SECTION 20-T128N-R64W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF LOEL L. LARSEN AND SALLY R. LARSEN, AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO SEPTEMBER, 20, 2019, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: L & S SUBDIVISION IN THE NW 1/4 AND SW 1/4 OF SECTION 20-T128N-R64W 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 30 DAY OF September, 2019.


RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

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 AS: L & S SUBDIVISION IN THE NW 1/4 AND SW 1/4 OF SECTION 20-T128N-R64W 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____.

FORMERLY DESCRIBED AS:

THE NW1/4 OF SECTION 20-T128N-R64W OF THE 5TH P.M. AND SW1/4 OF SECTION 20-T128N-R64W OF THE 5TH P.M. BROWN COUNTY SOUTH DAKOTA.


LOEL L. LARSEN

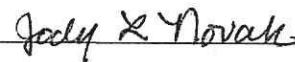

SALLY R. LARSEN

ACKNOWLEDGEMENT

STATE OF So Dakota)
COUNTY OF Custer)

ON THIS THE 4th DAY OF October, 2019, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED LOEL L. LARSEN AND SALLY R. LARSEN, KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.




NOTARY PUBLIC, South Dakota STATE

MY COMMISSION EXPIRES: My Commission Expires October 21, 2020

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: L & S SUBDIVISION IN THE NW 1/4 AND SW 1/4 OF SECTION 20-T128N-R64W 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

A-7444

**PLAT OF
L & S SUBDIVISION
IN THE NW 1/4 AND SW 1/4 OF SECTION 20-T128N-R64W OF THE 5th P.M.,
BROWN COUNTY, 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: L & S SUBDIVISION IN THE NW 1/4 AND SW 1/4 OF SECTION 20-T128N-R64W 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 23 DAY OF October, 2019.

Cynthia J. Meyer, Deptreasurer

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

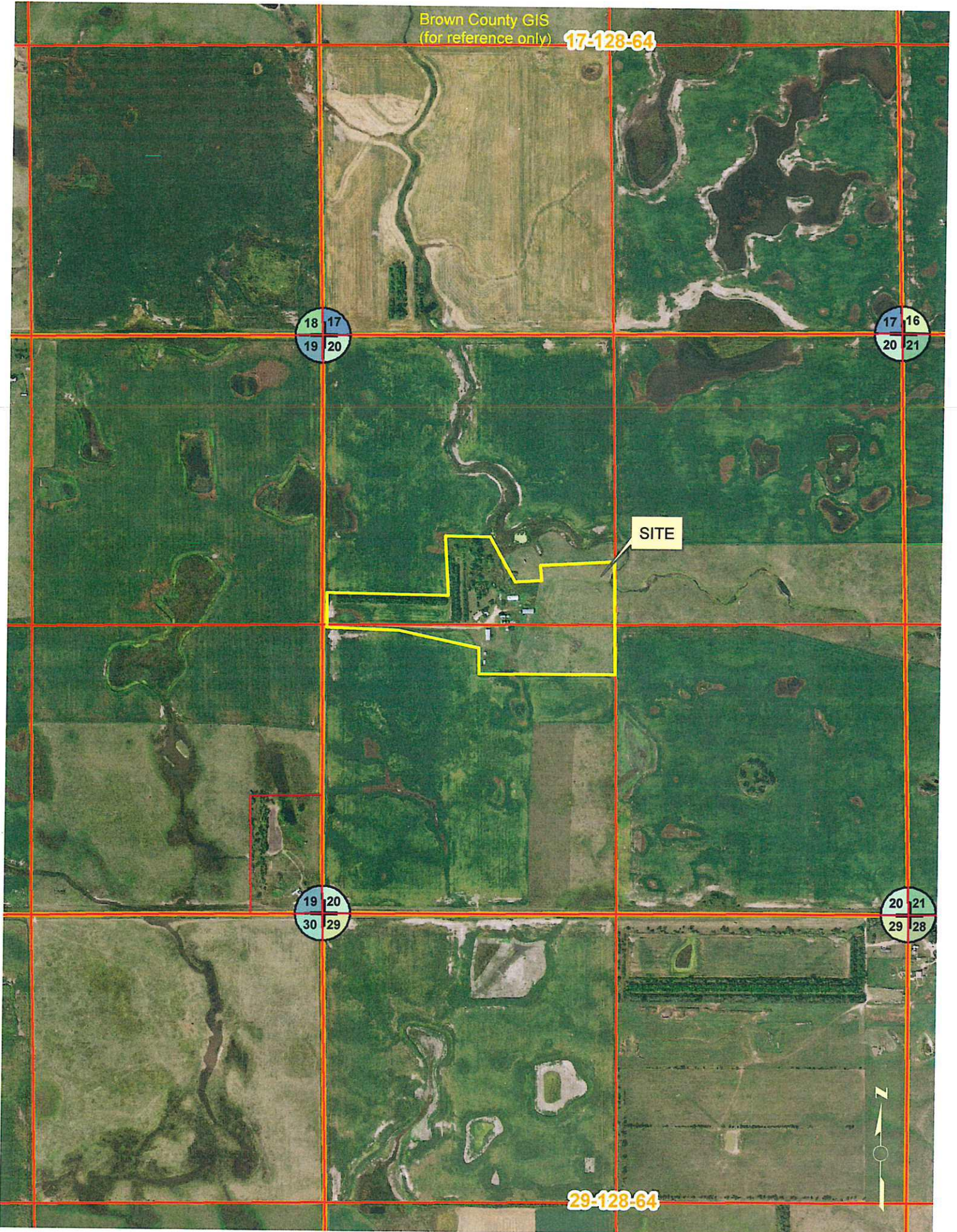
18 17
19 20

17 16
20 21

SITE

19 20
30 29

20 21
29 28



AG-P

18

17

Brow County GIS
(for reference only)

AG-P

19

20

AG-P

AG-P

AG-P

SITE

AG-P

AG-P

AG-P

AG-P

19

20

AG-P

30

29

AG-P

AG-P



STAFF REPORT

November 19, 2019

PRELIMINARY & FINAL PLAT

ITEM # 16

GENERAL INFORMATION

PETITIONER	Debbie Nerland
REQUEST	Preliminary & Final Plat
LEGAL DESCRIPTION	“Marzenell Subdivision” in the SE1/4SW1/4 of Section 25-T123N-R65W of the 5th P.M., Brown County, South Dakota
LOCATION	37946 & 37948 135 th St
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	Scott Bader

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

REVIEW: Staff has reviewed this Preliminary and Final Plat and acknowledges the plat and one existing access. Lot 2 will need its own access and approval from township. Both parcels do not meet the requirements for a “family farm unit” in AG-P District and will need to be rezoned to M-AG District to bring both lots into compliance. Staff recommends approval with the stipulation that both lots be rezoned to M-AG and have access. They have submitted a rezone application.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME "Marzeell Subdivision"

QUARTER: SESW SECTION: 25 TOWNSHIP: 123 RANGE: 65

LOTS 1&2 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

OWNERS NAMES: Vera A. Rieger

OWNERS NAMES: Edmond Rieger

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Kieth Howe

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

FEE: \$100.00 TOTAL: \$ 100.00 DATE PAID: 11 / 8 /20 19

RECEIVED BY PLANNING DEPARTMENT: 11 / 8 /20 19 BY: Scott Bader

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

PLAT: ON 11 x 17 MYLAR X ON 11 x 17 PHOTO PAPER _____

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

EXISTING ACCESS SHOWN ON PLAT _____ ACCESS NEEDED X on township road

DIMENSION ALL LINEWORK FOR GIS DEPT. X BEARINGS & DISTANCES SHOWN TO "CLOSE" _____

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE X

HIGHWAY SIGNATURE LINE SHOWN (STATE, COUNTY, TOWNSHIP) X

HIGHWAY SIGNATURE LINE SIGNED _____

TAXES PAID IN FULL FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED X

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: November 07, 2019
RECEIPT # 132267
TOWNSHIP: Mercier

FEES: \$100.00
PAID: YES NO CHK CASH
DATE: November 08, 2019

OWNERS SIGNATURE: Vera A. Rieger *Vera A. Rieger*
OWNERS ADDRESS: 1901 3rd Ave SE #316 *1901-3rd Ave SE Apts 316*
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: _____

AGENTS SIGNATURE: Debra Nerland *Debra Nerland*
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: 605-225-9507 *225-9507(c)*

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Marzenell Subdivision" in the SE1/4SW1/4 of
Section 25-T123N-R65W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: November 19, 2019 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

POACHING FOODS

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

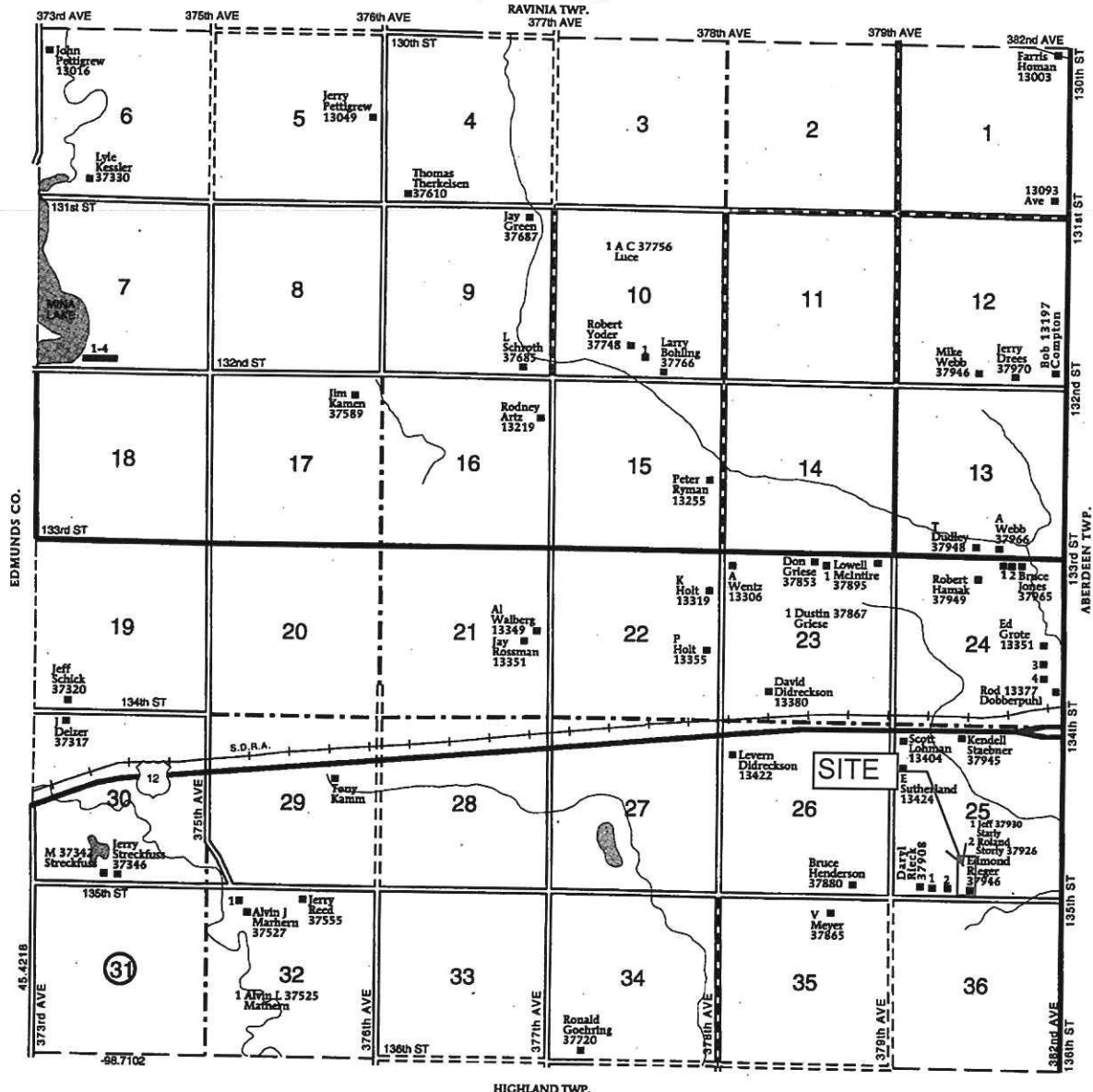
T-123-N

MERCIER DIRECTORY

R-65-W

(Residents - Owners or Renters)

RAVINIA TWP.



MERCIER TOWNSHIP
SECTION 7

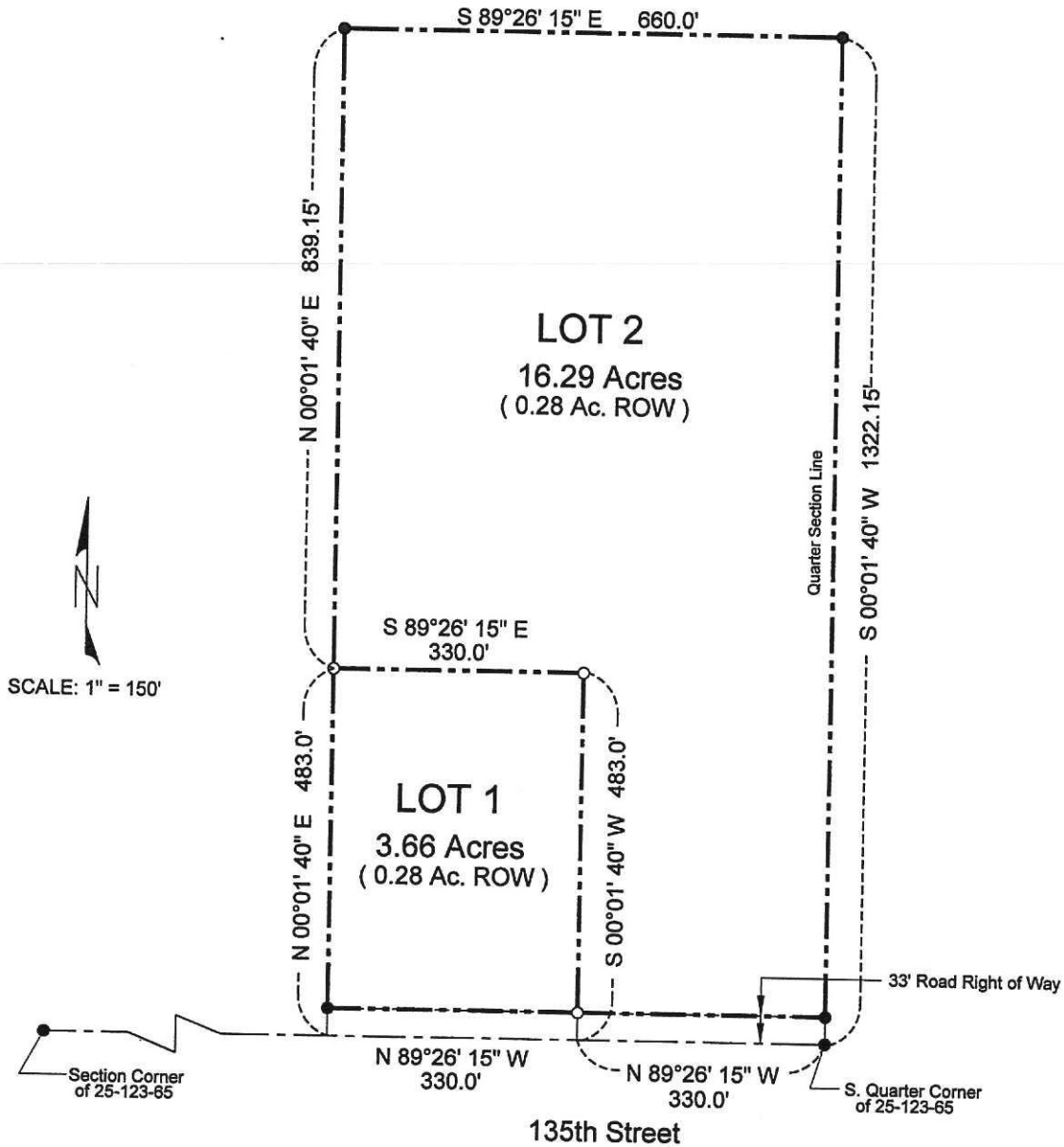
- 1 Bauer, Bryan 37302
- 2 Davis, I 37306
- 3 Ernst, Russ 37310
- 4 Benton, Dennis 37320

SECTION 24

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

PLAT OF MARZENELL SUBDIVISION

IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER
OF SECTION 25, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE
5TH P.M., BROWN COUNTY, SOUTH DAKOTA.



BASIS OF BEARINGS
SOUTH LINE OF SECTION 25
AS N 89° 26' 15" W



- LEGEND**
- DENOTES IRON MONUMENT FOUND
 - DENOTES 5/8" IRON MONUMENT SET WITH CAP STAMPED HOWE LS 6574

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS that Vera Ann Rieger, owner of the following described property situated in:
situated in:

The East 660 feet of the Southeast Quarter of the Southwest Quarter of Section Twenty-Five (25), Township One Hundred Twenty-Three North (T. 123 N.), Range Sixty-Five West (R. 65 W.) of the Fifth Principal Meridian (5th P.M.), Brown County, South Dakota.

Have caused a part of the same to be platted as "MARZENELL SUBDIVISION" and do hereby certify that we are the qualified owner of a portion of the land included in the plat hereon drawn and that said land is free from any encumbrance whatsoever, and that development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations and that I have requested the preparation of this plat in compliance with the laws for the State of South Dakota; in witness thereof said Vera Ann Rieger, have set their hands this ___ day of _____ A.D., 2019.

Vera Ann Rieger

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)SS

On this ___ day of _____ A.D., 2019 before me, a Notary Public, personally appeared Vera Ann Rieger who, by me duly sworn, did say that they are the owners named in the foregoing instrument and that they acknowledged said instrument for the purpose therein stated.

Notary Public, My Commission Expires

SURVEYOR'S CERTIFICATE

I, Keith L. Howe, a Registered and Licensed Land Surveyor, do hereby certify that I have platted a tract of land as shown on the plat hereon drawn which hereafter shall be known as: "MARZENELL SUBDIVISION" in the SE 1/4 of the SW 1/4 of Section 25, Township 123 North, Range 65 West of the 5th Principal Meridian, Brown County, South Dakota, and that said plat is in all respects true and correct.

Witness my hand and seal this 30th day of October A.D., 2019.



Keith L. Howe, Land Surveyor
S.D. Reg. No. 6574



HIGHWAY AUTHORITY CERTIFICATE

I, _____, Certify that I have reviewed the attached plat of MARZENELL SUBDIVISION, in the SE 1/4 of the SW 1/4 of Section 25, Township 123 North, Range 65 West of the 5th P.M., Brown County, South Dakota, and approve of in-place roads.

Highway Authority

PLANNING COMMISSION

I, _____, Secretary of the Planning Commission of the County of Brown, South Dakota, do hereby certify that the plat hereon drawn was presented to and approved by the Planning Commission of said County at its meeting on the _____ day of _____ A.D., 2019.

Secretary Planning Commission,
Brown County, South Dakota

RESOLUTION OF COUNTY COMMISSIONERS

It was moved by _____ and seconded by _____ and motion carried, that the plat as shown hereon and as described on the accompanying plat of "MARZENELL SUBDIVISION", in the SE 1/4 of the SW 1/4 of Section 25, Township 123 North, Range 65 West of the 5th P.M., in Brown County, South Dakota, be approved and accepted and the County Auditor is hereby instructed to endorse on such plat a copy of this resolution and to certify the same.

I, _____, County Auditor of Brown County, South Dakota, do hereby certify that the within and foregoing is a true and correct copy of the resolution adopted by the County Commission of Brown County, South Dakota at its meeting of _____.

Auditor, Brown County, South Dakota

TREASURER'S CERTIFICATE

I, _____, Treasurer of Brown County, South Dakota, do hereby certify that all the taxes which are liens upon any of the land included in the foregoing plat as shown by the records of said Treasurer's Office, have been fully paid.

Dated at Aberdeen, South Dakota this ____ day of _____ A.D., 2019.

Treasurer, Brown County, South Dakota

CERTIFICATE OF DIRECTOR OF EQUALIZATION

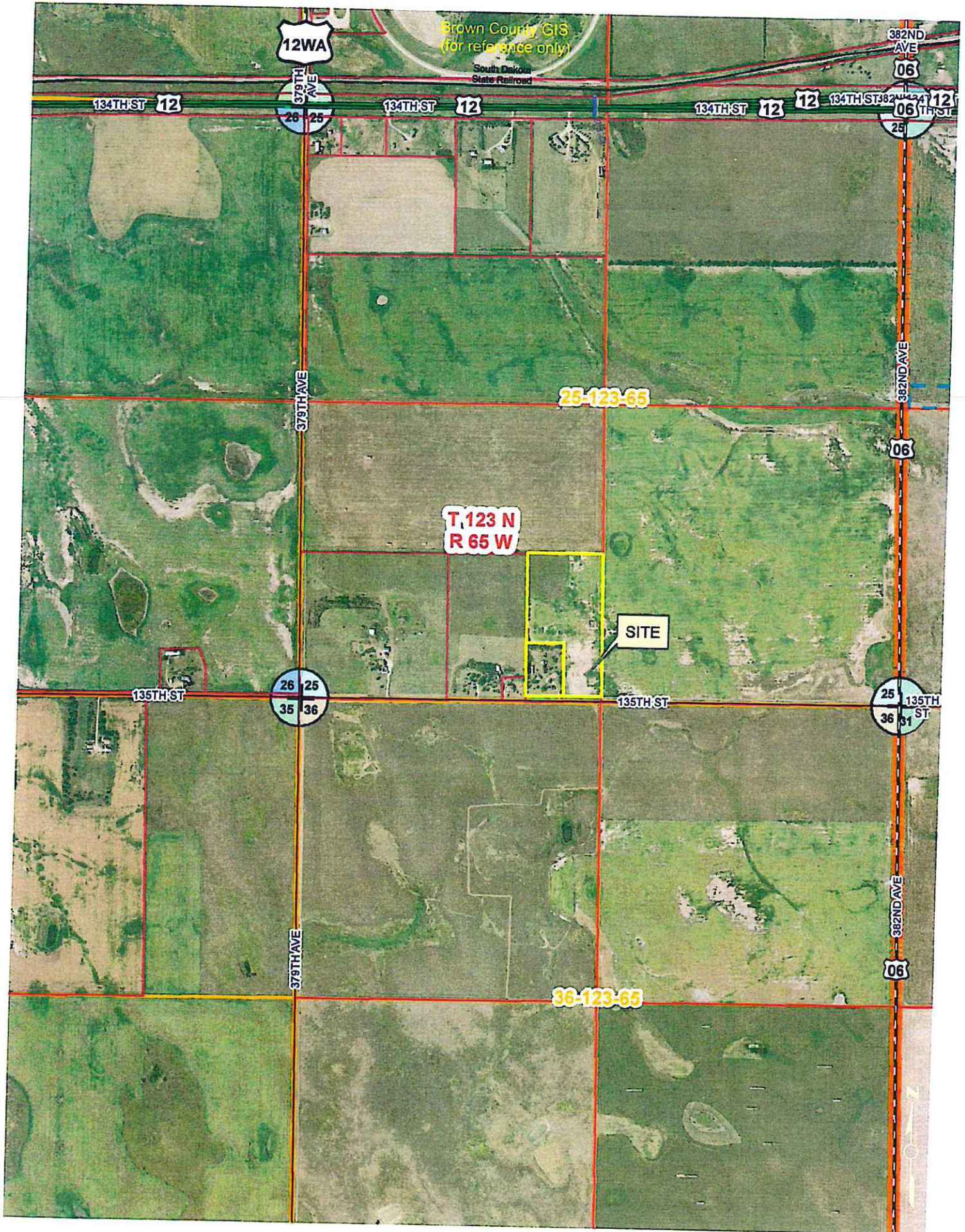
I, _____, Director of Equalization of Brown County, South Dakota hereby certify that I have recorded a copy of this plat on this ____ day of _____ A.D., 2019.

Director of Equalization, Brown County, South Dakota

REGISTER OF DEEDS

I, _____, Register of Deeds of Brown County, South Dakota hereby certify that I have received the original copy of the attached plat on this ____ day of _____ A.D., 2019 at ____ o'clock __.M. and duly recorded in _____, page _____.

Register of Deeds, Brown County, South Dakota



Brown County GIS
(for reference only)

South Dakota
State Railroad

12WA

382ND AVE
06

134TH ST 12

379TH AVE
26 25

134TH ST 12

134TH ST 12

12

134TH ST 06

25

379TH AVE

25-123-65

382ND AVE

06

T, 123 N
R 65 W

SITE

135TH ST

26 25
35 36

135TH ST

25 135TH ST
36 31

379TH AVE

36-123-65

382ND AVE

06

Brown County GIS
(for reference only)

LOT 2

T.123 N
R.65 W

LOT 1

135TH ST

