

AGENDA

REGULAR SCHEDULED MEETINGS

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, AUGUST 16, 2022 – 7:00 PM

BROWN COUNTY COURTHOUSE ANNEX in the BSMNT COMMUNITY ROOM

- I. **Call to Order:** for Brown County Planning/Zoning Commission
 - II. **Roll Call:** David North - Vice Chair, Darwin Bettmann, Dale Kurth, Patrick Keatts, James Meyers, Brown County Commissioner Mike Gage and Chairman Stan Beckler. Also in attendance for today's meeting are Scott Bader – Planning/Zoning Director and Chris Anderson.
 - III. **Minutes:** July 19, 2022 Motion: 1st _____ 2nd _____
 - IV. **Old Business:**
 1. **Sign-up sheet:** On the table by the door entrance, and you can clearly mark YES or NO if you want to speak to the Board on any Agenda Item.
 2. **Permits:** Anyone present that has submitted a Variance Request or Conditional Use Petition to the Zoning Board of Adjustment (BOA) is still required to get their required PERMITS from the Zoning Office before starting their project if their request gets approved. Penalties may be assessed when starting a project without proper permits in place.
 - V. **New Business:** Brown County Planning/Zoning Commission as Zoning Board of Adjustment (BOA).
 1. **Conditional Use Petition (CUP)** in a Heavy Industrial District (H-I) described as Lot 2, "Thorpe Second Subdivision" in the S1/2 of Section 16-T123N-R64W of the 5th P.M., Brown County, South Dakota (approx. 38442 133rd Street, Aberdeen Twp.).
 2. **Variance to Building Setbacks** in an Agriculture Preservation District (AG-P) proposed to be rezoned to Mini-Agriculture District (M-AG) described as Lot 1, "Hagemann First Subdivision" in the SE1/4 of Section 26-T124N-R63W of the 5th P.M., Brown County, South Dakota (39296 129th Street, Ordway Twp.).
 3. **Variance to Approach Separation** in an Agriculture Preservation District (AG-P) described as Lot 1, "First Subdivision of Hanson's Outlot 1" in the NE1/4 of Section 20-T126N-R62W of the 5th P.M., Brown County, South Dakota (11507 396th Avenue, Brainard Twp.).
 4. **Variance to Approach Separation** in an Agriculture Preservation District (AG-P) described as The SE1/4 of the SE1/4 of Section 7-T125N-R61W of the 5th P.M., Brown County, South Dakota (40096 120th Street, Columbia Twp.).
 - VI. **Other Business:** Completed as Zoning Board of Adjustment (BOA) & going to Planning Commission
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REGULAR SCHEDULED MEETING

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, August 16, 2022 – 7:00 PM

BROWN COUNTY COURTHOUSE ANNEX in the BSMNT COMMUNITY ROOM

I. Old Business:

1. **Amendment Discussion to Brown County Ordinance Title 4** for Chapters 4.22 through Chapter 4.29 for Administrative Rules and Enforcement are Tabled to the September 20, 2022 monthly meeting at the request of the States Attorney Office.

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

10. **Rezone Parcels** from Agriculture Preservation District (AG-P) to Lake Front Residential District (R-3) and Mini Agriculture District (M-AG) for properties described as Lots 1-17, "Bauer's Fourth Addition" in the S1/2 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (North Sunrise Drive & Ebby Lane-Mina Lake, Mercier Twp.).
11. **Rezone Parcel** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for a property described as Proposed Lot 1, "Howell-Lunzman Addition" in the SW1/4 of Section 29-T128N-R62W of the 5th P.M., Brown County, South Dakota (10464 395th Avenue, Liberty Twp.).
12. **Rezone Parcels** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for properties described as Proposed Lot 1, "Mark Thompson Second Addition" and Lot 1, "Mark Thompson Addition" both in the SE1/4 of Section 9-T128N-R61W of the 5th P.M., Brown County, South Dakota (403rd Avenue & 126th Street, Putney Twp.).
13. **Rezone Parcels** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for properties described as Lot 3, "Hagemann First Subdivision" and Lots 1 and 2, "Garrett's Subdivision of Lot 1, Hagemann First Subdivision" in the SE1/4 of Section 26-T124N-R63W of the 5th P.M., Brown County, South Dakota (39296 129th Street and 12885 & 12887 393rd Avenue, Ordway Twp.).
14. **Rezone Parcels** from Residential District (R-1) to Highway Commercial (HC) for properties described as Lot 1, "Ronnie's Way Addition" and Lot 1, "Creekside Addition" both in the NW1/4 of Section 17-T123N-R63W of the 5th P.M., Brown County, South Dakota (2520 8th Avenue NE & 578 N Roosevelt Street, Aberdeen Twp.).
15. **Rezone Parcel** from Agriculture Preservation (AG-P) to Mini-Agriculture District (M-AG) for a property described as Proposed Lot 1, "Whitman's First Subdivision" in the N1/2 of the NE1/4 of Section 29-T123N-R62W of the 5th P.M., Brown County, South Dakota (134th Street & 396th Avenue, Bath Twp.).
16. **Preliminary & Final Plat** for a property described as "Howell-Lunzman Addition" in the SW1/4 of Section 29-T128N-R62W of the 5th P.M., Brown County, South Dakota (10464 395th Avenue, Liberty Twp.).
17. **Preliminary & Final Plat** for a property described as "Mark Thompson Second Addition" in the SE1/4 of Section 9-T124N-R61W of the 5th P.M., Brown County, South Dakota (403rd Avenue & 126th Street, Putney Twp.).
18. **Preliminary & Final Plat** for a property described as "BNB Second Richmond Lake Subdivision" in the NW1/4 of Section 25-T124N-R65W of the 5th P.M., Brown County, South Dakota (37911 Marquette Drive, Ravinia Twp.).

19. **Preliminary & Final Plat** for a property described as "Whitman's First Subdivision" in the N1/2 of the NE1/4 of Section 29-T123N-R62W of the 5th P.M., Brown County, South Dakota (134th Street & 396th Avenue, Bath Twp.)

III. **Other Business:**

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

MINUTES

REGULAR SCHEDULED MEETING

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY JULY 19, 2022 - 7:00 P.M.

BROWN COUNTY COURTHOUSE in the BASEMENT COMMUNITY ROOM

- I. **Call to Order:** The *Brown County Planning/Zoning Commission* meeting was called to order by Stan Beckler-Chairman.
- II. **Roll Call:** Members of the Brown County Planning/Zoning Commission present for roll call were David North-Vice Chairman, Darwin Bettmann, Dale Kurth, Patrick Keatts, James Meyers, County Commissioner Michael Gage, serving on this Board, Deputy States Attorney Ross Aldentaler and Stan Beckler- Chairman. Planning Technician Ron Keller and Planning Director Scott Bader were present from the Planning/Zoning Department.
- III. **Meeting:** This monthly meeting was conducted in the basement west Community Room.
- IV. **Minutes:** After discussion about previous months Minutes, Keatts moved and Kurth seconded to approve the Minutes for the June 21, 2022, Planning/Zoning Commission meeting. All members voted aye; the motion carried.
- V. **Old Business:**
 1. **Sign-up Sheet:** at door entrance on the table for anyone to speak on an Agenda Item.
 2. **Permits:** Anyone present that has submitted a Variance Request or Conditional Use Petition is still required to get their required PERMITS from the Zoning Office before starting their project if their request gets approved.
- VI. **New Business: Planning/Zoning Commission as Zoning Board of Adjustment (BOA)**
 1. **Variance Petition for Approach Separation** in an Agriculture Preservation District (AG-P) described as the NE $\frac{1}{4}$ of Section 6-T123N-R63W east side of railroad grade and Lot 2, "Haar's Addition" in the SE $\frac{1}{4}$ of Section 6-T123N-R63W, both of the 5th P.M., Brown County, South Dakota (3135 North Roosevelt Street & 4839 North Roosevelt Street, Aberdeen Twp.). Submitted by Rory Haar. In attendance for this item was Rory Haar. Following discussion on FoF, Meyers moved, and North seconded to **approve the finding of facts** as presented. Also following discussion Meyers moved, and North seconded to **approve the Variance to Approach Separation** to be 440' north from the existing approach at residence 2955 N Roosevelt Street for two proposed platted lots, all members voting aye, motion carried.
 2. **Variance Petition for Building Setbacks** in a Lake Front Residential District (R-3) described as Lot 1, "Berry-Davis Addition" in the NE $\frac{1}{4}$ of Section 25-T124N-R65W of the 5th P.M., Brown County, South Dakota (379684 South Shore Drive, Aberdeen, SD 57401; Ravinia Twp.). Submitted by Patricia Mehlhaff. In attendance for this item was Pete Mehlhaff and John Kokales. Following discussion on FoF Gage moved, and Keatts seconded to **approve the finding of facts** as presented. Also following discussion Gage moved, and Keatts seconded to

approve the Variance to Setbacks to have a Front Yard Setback of 12' measured from the *high-water mark* rather than 50' required in an R-3 District of the Br Co Ordinance. (The "*High Water Mark*" is a 12' easement that is out from the lakeside property line markers as per plats and ordinance), all members voting aye, motion carried.

3. Conditional Use Petition in a Highway Commercial District (HC) described as Lot 1, "Budget Furniture-Schumaker Subdivision" in the NW¼ of Section 22-T123N-R63W, of the 5th P.M., Brown County, South Dakota (5350 E Highway 12, Aberdeen, SD, 57401; Bath Twp.). Submitted by Jamie Lickfelt. In attendance for this item was Jamie Lickfelt. Following discussion on FoF, North moved, and Kurth seconded to approve the finding of facts as presented. Also following discussion North moved, and Kurth seconded to approve the Conditional Use Petition for temporary sale of fireworks in a temporary tent on a leased site for both the 2022 & 2023 seasons, all members voting aye, motion carried.
4. Variance Petition for Building Setbacks in an R-3 District described as Lot 43-44, "Hoffman's Third Richmond Lake Subdivision" in the E½ of Section 14-T124N-R65W of the 5th P.M., Brown County, South Dakota (126546 West Shore Drive, Aberdeen, SD, 57401; Ravinia Twp). Submitted by Terry & Susan Beckler. In attendance for this item was Susan Beckler. Following discussion on FoF, Kurth moved, and Meyers seconded to approve the finding of facts as presented. Also following discussion Kurth moved, and Meyers seconded to approve the Variance to Setbacks to have a Rear Yard Setback of 8' rather than 30' required in R-3 District for a garage addition, all members voting aye, motion carried.
5. Variance Petition for Lot Size in an Agriculture Preservation District (AG-P) described as proposed Lot 2, "Wiek-Kempf Addition" in the SE¼ of Section 8-T128N-R65W, of the 5th P.M., Brown County, South Dakota (10173 West Elm Lake Drive, Forbes, ND 58439; Palmyra Twp). Submitted by Karen Kempf. Following discussion on FoF, North moved, and Bettmann seconded to approve the finding of facts as presented. Also following discussion that this parcel is contiguous to the SW1/4 which is also owned by Karen Kempf, North moved, and Bettmann seconded to approve the Variance to Lot Size to allow Lot 2 to be 28.82 acres rather than the minimum of 40.0 acres required in AG-P District of Brown County Ordinances, all members voting aye, motion carried.
6. Variance Petition for Lot Size in an Agriculture Preservation District (AG-P) described as proposed Lot 1, "Moccasin Creek Substation Second Addition" in the NE¼ of Section 27-T124N-R64W of the 5th P.M., Brown County, South Dakota (38593 128th Street, Aberdeen, SD, 57401; Lincoln Twp.). Submitted by East River Electric. Following discussion on FoF, Kurth moved, and Keatts seconded to approve the finding of facts as presented. Also following discussion Kurth moved, and Keatts seconded to approve the Variance for Lot Size to allow Lot 1 to be 7.00 acres rather than the minimum of 40.0 acres required in AG-P District of Brown County Ordinances, all members voting aye, motion carried.

VII. Other Business: None

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

MINUTES

REGULAR SCHEDULED MEETING

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, JULY 19, 2022 - 7:00 P.M.

BROWN COUNTY COURTHOUSE in the BASEMENT COMMUNITY ROOM

- I. **Old Business:** Amendment Discussion to Brown County Ordinance Title 4 for Chapters 4.22 through Chapter 4.29 for Administrative Rules and Enforcement are still Tabled until further notice, by the States Attorney Office.
- II. **New Business:** Planning Commission
 10. **Rezone Petition** from Agriculture Preservation District (AG-P) to Lake Front Residential District (R-3) for a property described as Lot 1, "Berry-Davis Addition" in the NE¼ of Section 25-T124N-R65W of the 5th P.M., Brown County, South Dakota (379684 South Shore Drive, Aberdeen, SD, 57401; Ravinia Twp.). Submitted by Patricia Mehlhaff. In attendance for this item was Pete Mehlhaff and John Kokales. Following discussion, Gage moved, North seconded to **recommend approval to rezone this parcel** to the Board of County Commissioners, all members voting aye, motion carried.
 11. **Rezone Petition** from Agriculture Preservation (AG-P) to Lake Front Residential District (R-3) for a property described as proposed Lot 1 "Wiek-Kempf Addition" in the SE¼ of Section 8-T128N-R65W of the 5th P.M., Brown County, South Dakota (10191 West Elm Lake Drive, Forbes, ND 58439; Palmyra Twp.). Submitted by Karen Kempf. Following discussion, Kurth moved, Meyers seconded to **recommend approval to rezone this parcel** to the Board of County Commissioners, all members voting aye, motion carried.
 12. **Rezone Petition** from Agriculture Preservation (AG-P) to Mini-Agriculture District (M-AG) for a property described as proposed Lot 1, "Alberts-Anderson Addition" in the NW¼ of Section 10-T124N-R61W of the 5th P.M., Brown County, South Dakota (12548 403rd Avenue, Groton, SD 57445; Putney, Twp.). Submitted by Diane Heimann. Following discussion, North moved, Bettmann seconded to **recommend approval to rezone this parcel** to the Board of County Commissioners, all members voting aye, motion carried.
 13. **Final Plat** for a property described as "Bauer's Fourth Addition" in the S½ of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (37324 & 37328 132nd Street, 37332 & 37336 Ebby Lane, Aberdeen, SD, 57401; Mercier Twp). Submitted by Nolan Ulmer. In attendance for this item was Nolan Ulmer. Following discussion, Meyers moved, North seconded the motion to **recommend approval of this Final Plat** including the Restrictive Conveyance to the Board of Brown County Commissioners with a stipulation that the road be installed to Brown County Highway Department standards, all members voting aye, motion carried.
 14. **Preliminary & Final Plat** for a property described as "Chris & Wendy Mehlhaff First Subdivision" in the SW¼ of Section 19-T125N-R63W of the 5th P.M., Brown County, South

Dakota (38818 122nd Street, Westport, SD 57481; Westport Twp). Submitted by Chris & Wendy Mehlhaff. Following discussion, North moved, Gage seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

15. **Preliminary & Final Plat** for a property described as "Alberts-Anderson Addition" in the NW $\frac{1}{4}$ of Section 10-T124N-R61W of the 5th P.M., Brown County, South Dakota (12548 403rd Avenue, Groton, SD 57445; Putney Twp). Submitted by Diane Hiemann. Following discussion, Kurth moved, Keatts seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
16. **Preliminary & Final Plat** for a property described as "Creeside Addition" in the NW $\frac{1}{4}$ of Section 17-T131N-R63W of the 5th P.M, Brown County, South Dakota (Approx. 578 N Roosevelt Street, Aberdeen, SD, 57401; Aberdeen Twp.). Submitted by Stacy Gossman. In attendance for this item was Stacy Gossman. Following discussion, Gage moved, Kurth seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
17. **Preliminary & Final Plat** for a property described as "Wiek-Kempf Addition" in the SE $\frac{1}{4}$ of Section 8-T128N-R65W of the 5th P.M., Brown County, South Dakota (10183 West Elm Lake Drive, Forbes, ND 58439; Palmyra Twp). Submitted by Karen Kempf. Following discussion, North moved, Bettmann seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
18. **Preliminary & Final Plat** for a property described as "Moccasin Creek Substation Second Addition" in the NE $\frac{1}{4}$ of Section 27-T124N-R64W of the 5th P.M., Brown County, South Dakota (38593 128th Street, Aberdeen, SD, 57401; Lincoln Twp). Submitted by East River Electric. Following discussion, Meyers moved, Keatts seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

III. **Other Business:** none

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

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

STAFF REPORT

August 16, 2022

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

Conditional Use Petition (CUP)

ITEM # 01

GENERAL INFORMATION:

PETITIONER: L & P Livestock-Terry Larson

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

LEGAL DESCRIPTION: Lot 2, "Thorpe Second Subdivision" in the S1/2 of Section 16-T123N-R64W of the 5th P.M., Brown County, South Dakota.

TOWNSHIP: Aberdeen Twp

LOCATION: Approx. 38442 133rd Street

EXISTING ZONING: Heavy Industrial District (H-I)

SURROUNDING ZONING:

- North: Agriculture Preservation District (AG-P)
- South: Heavy Industrial District (H-I)
- East: Heavy Industrial District (H-I)
- West: Agriculture Preservation District (AG-P)

REPORTED BY: Ron Keller

GENERAL COMMENT: The petitioner is requesting a Conditional Use Petition (CUP) for 20 shipping containers to be rented as storage units in a Heavy Industrial District (H-I).

REVIEW: Staff has reviewed this request.

**BROWN COUNTY
PLANNING & ZONING COMMISSION**

**APPLICATION FOR SPECIAL EXCEPTION /
CONDITIONAL USE**

DATE: July 11, 2022
RECEIPT # 620800
TOWNSHIP: Aberdeen Twp

FEES: \$225.00
PAID: YES/NO CHK/CASH
DATE: August 1, 2022

OWNERS SIGNATURE: L & P Livestock Inc
OWNERS ADDRESS: PO Box 1827
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57402-1827
OWNERS PHONE: 605-448-8321 (Terry Larson)

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

REQUEST: Conditional Use Permit for 20 shipping containers to be rented as storage units in a Heavy Industrial District (H-I).

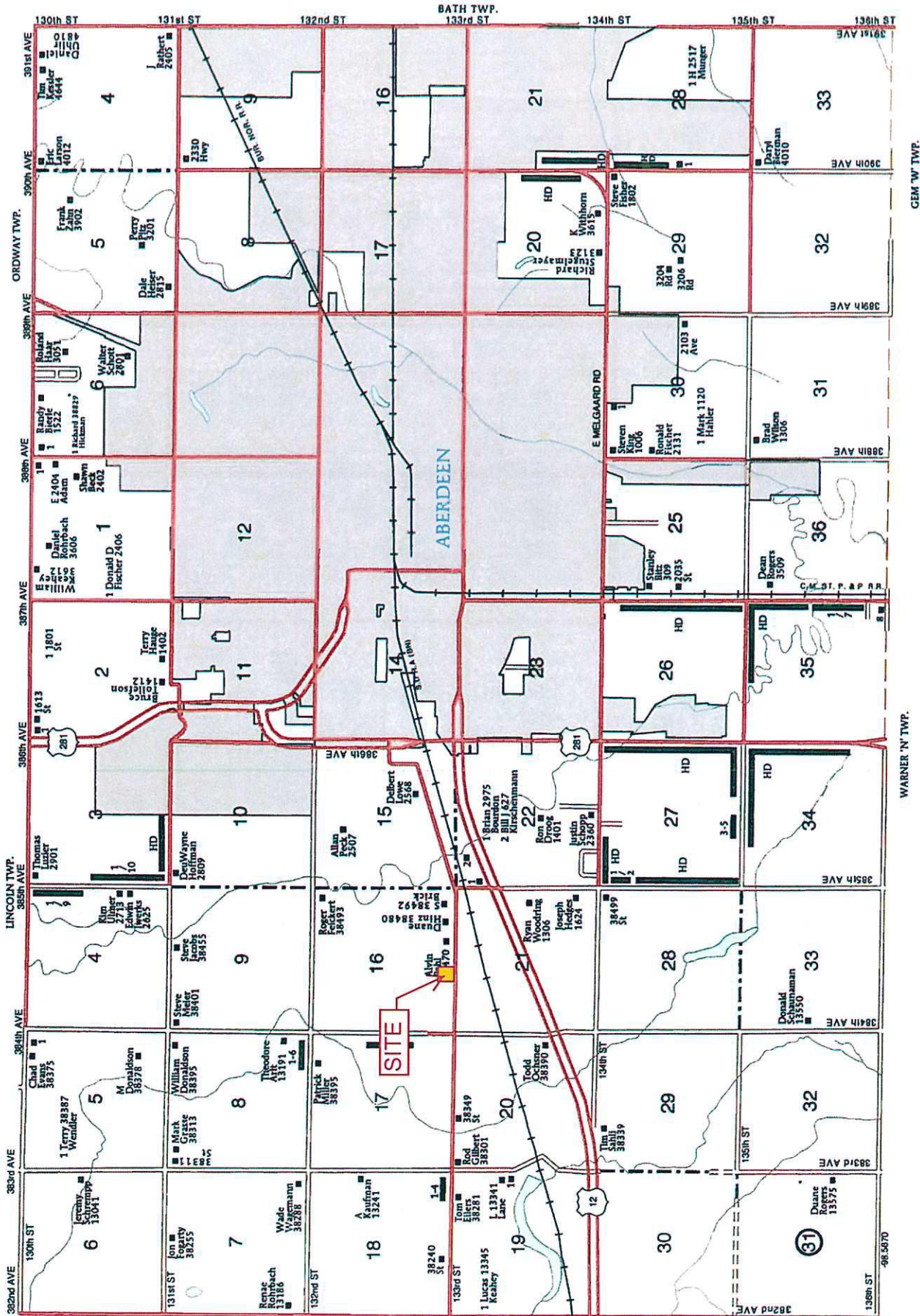
LEGAL DESCRIPTION: Lot 2, "Thorpe Second Subdivision" in the S1/2 of Section Section 16-T123N-R64W of the 5th P.M., Brown County, South Dakota (approx. 38422 133rd Street; Aberdeen Twp.)

SIGNATURE: 
8-1-22

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

By: _____	Date: _____
HEARING DATE: <u>August 16, 2022</u>	TIME: <u>7:00 pm</u>

(Residents - Owners or Renters)



SEE PAGE 21 FOR ADDITIONAL NAMES NOT LISTED ON MAPS.

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NOTICE OF HEARING CONDITIONAL USE

Application has been made to Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on August 16, 2022 at 7:00 P.M.

Petitioner: L & P Livestock Inc.-Terry Larson

Description of property: Lot 2, "Thorpe Second Subdivision" in the S1/2 of Section 16-T123N-R64W of the 5th P.M., Brown County, South Dakota (approx. 38442 133rd Street).

Reason: For the purpose of conditional use for shipping containers in a Heavy Industrial District (H-I).

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

Dated this 4th day of August 2022.

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

Published once at the total approximate cost of _____.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

REQUEST INFORMATION

Request:	Special Exception/Conditional Use Permit • (Short Description) Shipping Containers in Heavy Industrial
Applicant:	Name L & P Livestock Inc.- Terry Larson • Address PO Box 1827, Aberdeen, SD 57402-1827
Landowner:	• L & P Livestock Inc.
Legal Description:	Lot 2, "Thorpe Second Subdivision" in the S1/2 of Section 16-T123N R64W of the 5th P.M., Brown County, South Dakota
Location:	approx. 38422 133rd Street, Aberdeen, SD 57401
Size:	
Physical Description:	
Tax ID:	
Current Zoning:	Heavy Industrial District (H-I)
Existing Land Use:	
Surrounding Zoning:	• Heavy Industrial District (H-I) / Agriculture Preservation District (AG-P)
Utilities:	
Ordinance:	
Report by:	Scott Bader

FINDINGS

JURISDICTION (APPROVING AUTHORITY SDCL 11-2-17.3 AND 11-2-53 (3); BCO 4.2402)

The Board of Adjustment is empowered under chapter 4.24 of Brown County Ordinance to grant the special exception/conditional use and that the granting of the special exception will OR will not adversely affect the public interest and welfare.

CATEGORY OF CONDITIONAL USE REQUIRING APPROVAL SDCL 11-2-17.3

NOT SURE WHAT THIS MEANS? IS IT THE USE THEY ARE ASKING FOR?

ZONING DISTRICT AVAILABILITY OF SPECIAL EXCEPTION SDCL 11-2-17.3

PROPERTY IS ZONED AS: Heavy Industrial District (H-I)

Special Exception/Conditional use permitted? YES No

Fit with Comprehensive Plan? YES No

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

YES No

CRITERIA FOR EVALUATING CONDITIONAL USE SDCL 11-2-17.3

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

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

Conditional Use has adequate ingress, egress and traffic flow.

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

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

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

Conditional Use will not generate any refuse.

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

Conditional Use does not use utilities.

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

Conditional Use has no screening on the property.

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

Conditional Use will have no sign or sign lighting.

(g) Required yards and other open spaces;

Conditional Use meets yard and space requirements.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

(h) General compatibility with adjacent property in the district
Conditional Use is compatible with other properties in the district.
SPECIFIC RULES GOVERNING INDIVIDUAL SPECIAL EXCEPTIONS BCO 4.2402(5) (if any)
Most don't have any. Examples that do are Mining and CAFOs
BCO 4.2402 (6) CONDITIONS AND SAFEGUARDS
(a) Fire Hazard. The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.
Conditional Use would have a fire risk typical of storage units.
(b) Noise. The use shall not include noise which objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
Conditional Use would create minimal noise.
(c) Vibration. The use shall not include vibration, which is discernible without instruments on any adjoining lot or property.
Conditional Use would create minimal vibration.
(d) Air Pollution. The use shall not involve any pollution of air by fly ash, dust, vapors, or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.
Conditional Use should not generate any air pollution.
(e) Odors. The use shall not involve any malodorous gas or matter, which is discernible to any adjoining lot or property.
Conditional Use would create minimal odors.

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

Conditional Use would create minimal glare.

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

Conditional Use should not create a traffic hazard.

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

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

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

The character of the neighborhood will not be altered significantly.

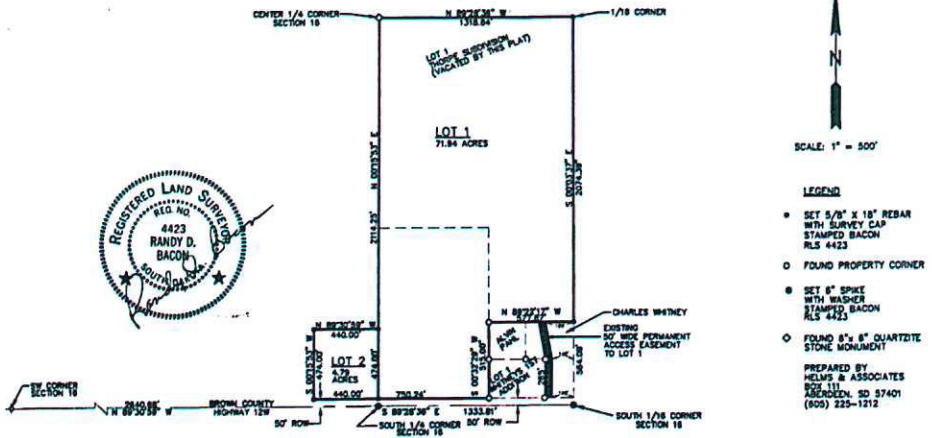
(j) General Welfare of the Community. The use shall not involve any activity which adversely affects the general welfare to the community.

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

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

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

A-2323
PLAT OF THORPE SECOND SUBDIVISION IN THE SE 1/4 AND SW 1/4
OF SECTION 16-T123N-R64W OF THE 5th P.M., BROWN COUNTY
SOUTH DAKOTA (INCLUDES REPLAT OF THORPE SUBDIVISION)



SURVEYOR'S CERTIFICATE
I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THORPE LIVESTOCK INCORPORATED AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO AUGUST 15, 1997, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: THORPE SECOND SUBDIVISION IN THE SE 1/4 AND SW 1/4 OF SECTION 16-T123N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA (INCLUDES REPLAT OF THORPE SUBDIVISION).
I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.
DATED THIS 18 DAY OF AUGUST, 1997.

Randy D. Bacon
REGISTERED LAND SURVEYOR

OWNER'S CERTIFICATE
KNOW ALL MEN BY THESE PRESENTS THAT THORPE LIVESTOCK, INCORPORATED THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT. THE PLAT IS OF A PARCEL OF GROUND LOCATED IN THE SE 1/4 AND SW 1/4 OF SECTION 16-T123N-R64W OF THE 5th P.M., 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 THORPE SECOND SUBDIVISION IN THE SE 1/4 AND SW 1/4 OF SECTION 16-T123N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, (INCLUDES REPLAT OF THORPE SUBDIVISION), 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 ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS. IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 22 DAY OF Aug 2000.

BY: *James Thorge*
TITLE: Pres.

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 THORPE SUBDIVISION IN THE SE 1/4 OF SECTION 16-T123N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN IN BOOK 15, PAGE 1125, ON JULY 29, 1997 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.
THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 22 DAY OF Aug 2000.

BY: *James Thorge*
TITLE: Pres.

CORPORATE ACKNOWLEDGMENT
STATE OF South Dakota
COUNTY OF Brown
ON THIS 22 DAY OF August 2000, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED James Thorge KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE 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.

Kristi Fischer
NOTARY PUBLIC, South Dakota STATE
MY COMMISSION EXPIRES: 10-5-2003



CITY PLANNING COMMISSION CERTIFICATE
I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY PLANNING COMMISSION OF ABERDEEN, SOUTH DAKOTA AT A MEETING HELD ON THE 22 DAY OF August 2000.
"BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING THORPE SECOND SUBDIVISION IN THE SE 1/4 AND SW 1/4 OF SECTION 16-T123N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, (INCLUDES REPLAT OF THORPE SUBDIVISION), HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."
Ken D. Oakes
CITY FINANCE OFFICER, CITY OF ABERDEEN, SOUTH DAKOTA

APPROVAL BY CITY
I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY COMMISSIONERS OF ABERDEEN, SOUTH DAKOTA AT A MEETING HELD ON THE 22 DAY OF August 2000.
"BE IT RESOLVED BY THE CITY COMMISSIONERS OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING THORPE SECOND SUBDIVISION IN THE SE 1/4 AND SW 1/4 OF SECTION 16-T123N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA (INCLUDES REPLAT OF THORPE SUBDIVISION) HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."
Ken D. Oakes
CITY FINANCE OFFICER, CITY OF ABERDEEN, SOUTH DAKOTA

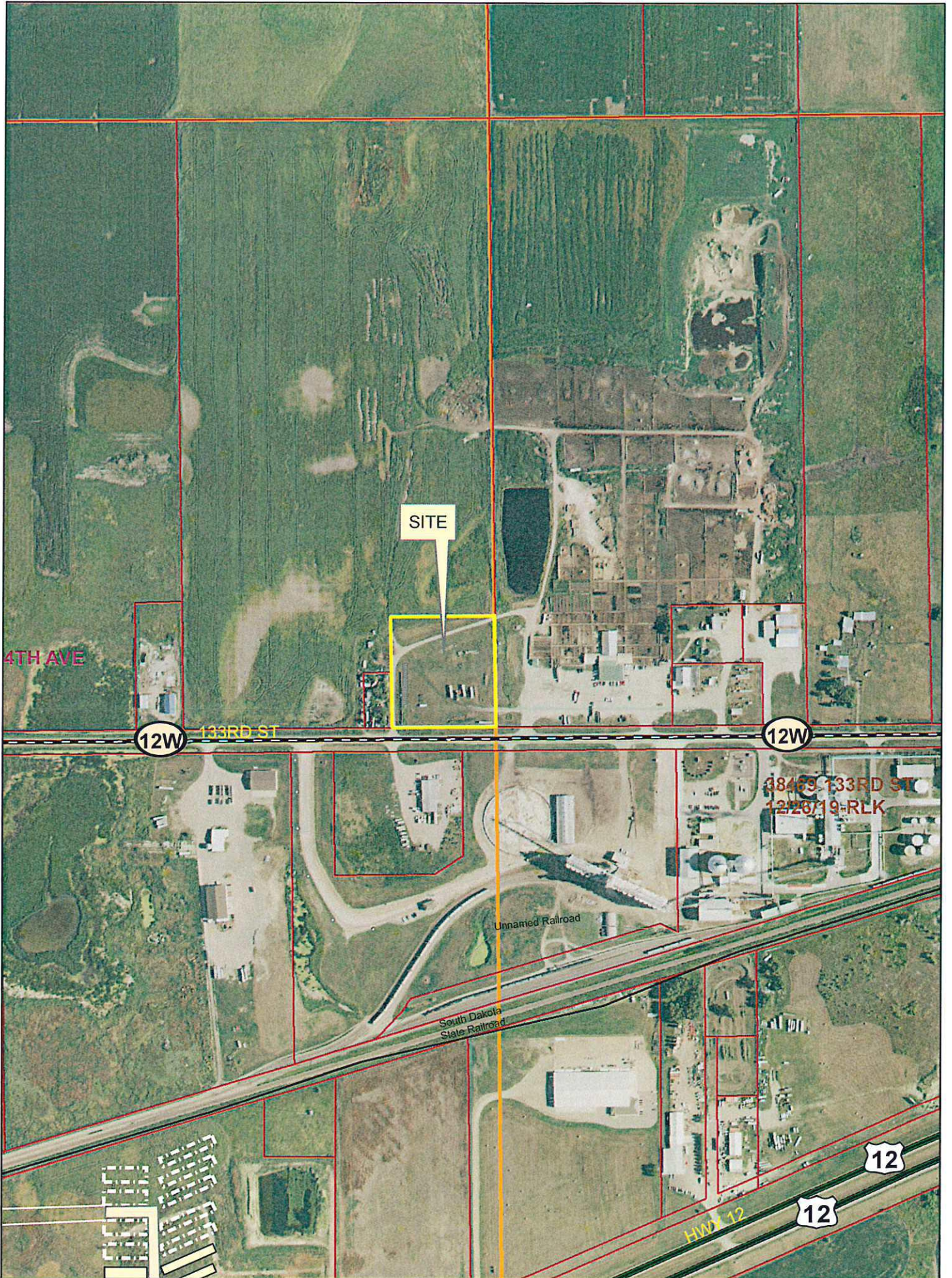
COUNTY PLANNING COMMISSION CERTIFICATION
I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE 22 DAY OF August 2000.
"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING THORPE SECOND SUBDIVISION IN THE SE 1/4 AND SW 1/4 OF SECTION 16-T123N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, (INCLUDES REPLAT OF THORPE SUBDIVISION) HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."
Lesley J. Jersbach
SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SD

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 22 DAY OF August 2000.
"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING THORPE SECOND SUBDIVISION IN THE SE 1/4 AND SW 1/4 OF SECTION 16-T123N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, (INCLUDES REPLAT OF THORPE SUBDIVISION) HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."
Melvin Land
COUNTY AUDITOR, BROWN COUNTY, SD

DIRECTOR OF EQUALIZATION'S CERTIFICATE
I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT THIS 22 DAY OF Sept 2000.
David Butler
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SD

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 22 DAY OF Aug 2000.
Chris Williams
COUNTY TREASURER, BROWN COUNTY, SD

REGISTER OF DEEDS CERTIFICATE
I HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD THIS 22 DAY OF December 2000 AT 1:11 O'CLOCK PM AND DULY RECORDED IN BOOK OF PLATS NO. 1528 ON PAGE 2 THEREIN.
David Sherman
REGISTER OF DEEDS, BROWN COUNTY, SD



SITE

4TH AVE

12W

133RD ST

12W

88469 133RD ST
12/26/19-RLK

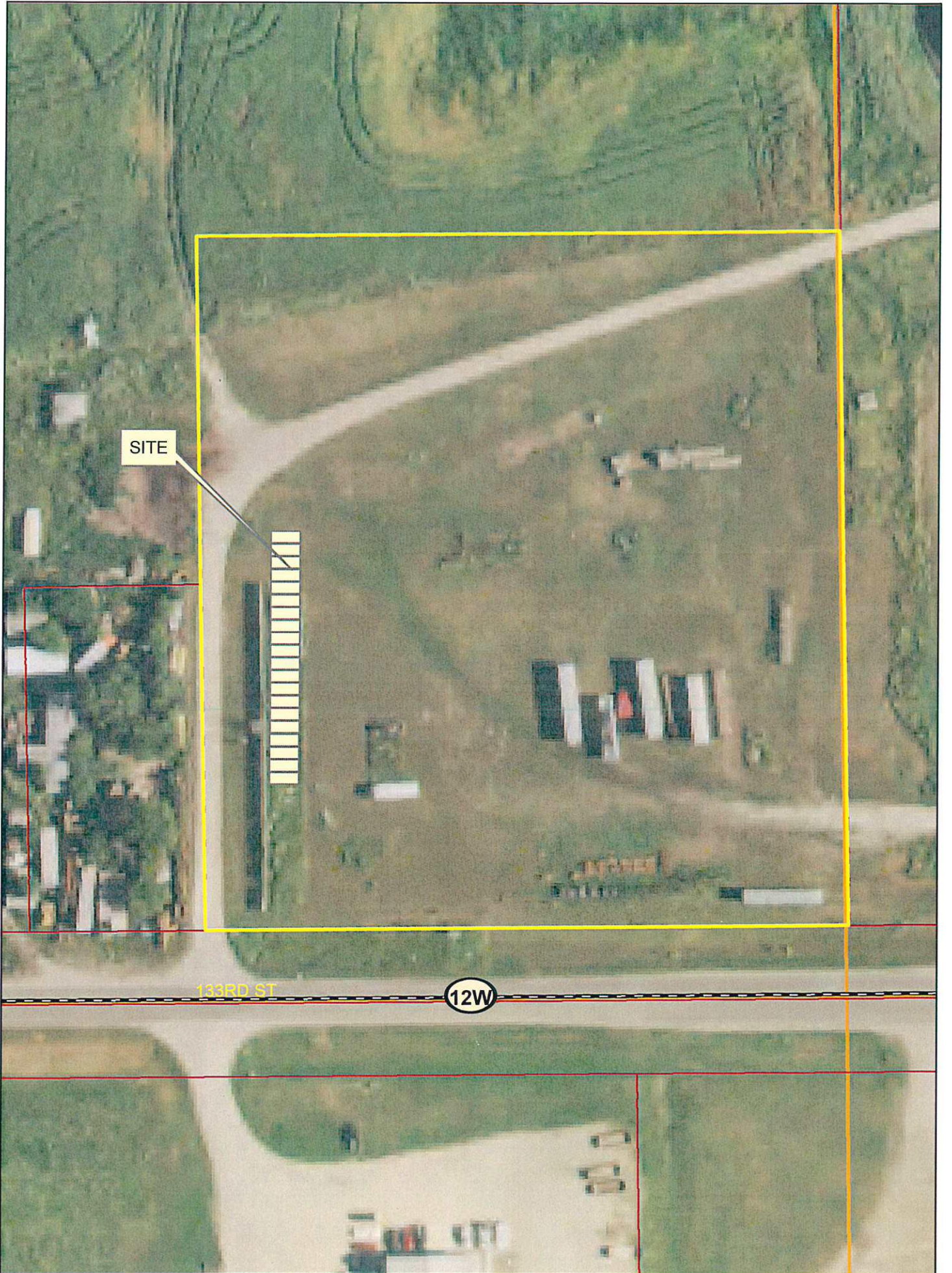
Unnamed Railroad

South Dakota
State Railroad

12

12

HWY 12



SITE

133RD ST

12W

L & P Livestock Inc.
PO Box 1827
Aberdeen, SD 57402-1827

James Kunkle
Attn: Aberdeen Twp
13229 384th Avenue
Aberdeen, SD 57401

Allan Wellman
116 South State Street
Aberdeen, SD 57401

Agtegra
908 South Lamont Street
Aberdeen, SD 57401

Dakotaland LLC
172 Nesbitt Drive
Mina, SD 57451

Ad Preview

NOTICE OF HEARING CONDITIONAL USE

Application has been made to Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on August 16, 2022, at 7:00 P.M.

Petitioner: L & P Livestock Inc.-Terry Larson
Description of property: Lot 2, "Thorpe Second Subdivision" in the S1/2 of Section 16-T123N-R64W of the 5th P.M., Brown County, South Dakota (approx. 38442 133rd Street).

Reason: For the purpose of conditional use for shipping containers in a Heavy Industrial District (H-1). The public is invited to attend the hearing and to present comments and testimony regarding the proposed special exception/conditional use.

Dated this 4th day of August 2022.
Planning/Zoning Commission

Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 4, 2022,
at the total approximate
cost of \$17.88 and may be
viewed free of charge at
www.sdpublicnotices.com
7609116

STAFF REPORT

August 16, 2022

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE TO BUILDING SETBACKS

ITEM # 02

GENERAL INFORMATION:

PETITIONER: Jeremy Walberg

REQUEST: **VARIANCE TO BUILDING SETBACKS in Agriculture Preservation District (AG-P) proposed to be rezoned to Mini-Agriculture (M-AG) District.**

LEGAL DESCRIPTION: Lot 1, "Hagemann First Subdivision" in the SE1/4 of Section 26-T124N-R63W of the 5th P.M., Brown County, South Dakota.

TOWNSHIP: Ordway Twp

LOCATION: 39296 129th Street

EXISTING ZONING: Agriculture Preservation District (AG-P) being rezoned to Mini-Agriculture District (M-AG)

SURROUNDING ZONING:

North:	Mini-Agriculture District (M-AG)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)

REPORTED BY: Ron Keller

GENERAL COMMENT: The petitioner is requesting a Variance to Building Setbacks in a future to be rezoned Mini-Agriculture District (M-AG). The Variance Petition is to have a front south yard property line setback and east front yard property line setback of 80' rather than 100' required in M-AG District in the Brown County Ordinances.

REVIEW: Staff has reviewed this request. The petitioner recently lost their house to a fire. He would like to build a new residence near the same location to reuse the existing septic tank and leach field north of proposed residence.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: July 18, 2022
RECEIPT # 620793
TOWNSHIP: Ordway Twp

FEES: \$125.00
PAID: YES/NO CHK/CASH
DATE: July 28, 2022

OWNERS SIGNATURE: Jeremy Walberg
OWNERS ADDRESS: 39296 129th Street
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-380-4651

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

REQUEST: Variance to Building Setbacks in a future Mini-Agriculture District (M-AG) to have a Front South Yard Setback and East Front Yard Setback of 80'-0" rather than the 100'-0" required for a new house.

LEGAL DESCRIPTION: Lot 1, "Hagemann First Subdivision" in the SE1/4 of Section 26-T124N-R63W of the 5th P.M., Brown County, South Dakota
(39296 129th Street; Ordway Twp.)

Planning Commission Action: Approved / Denied

By: _____ Date: _____

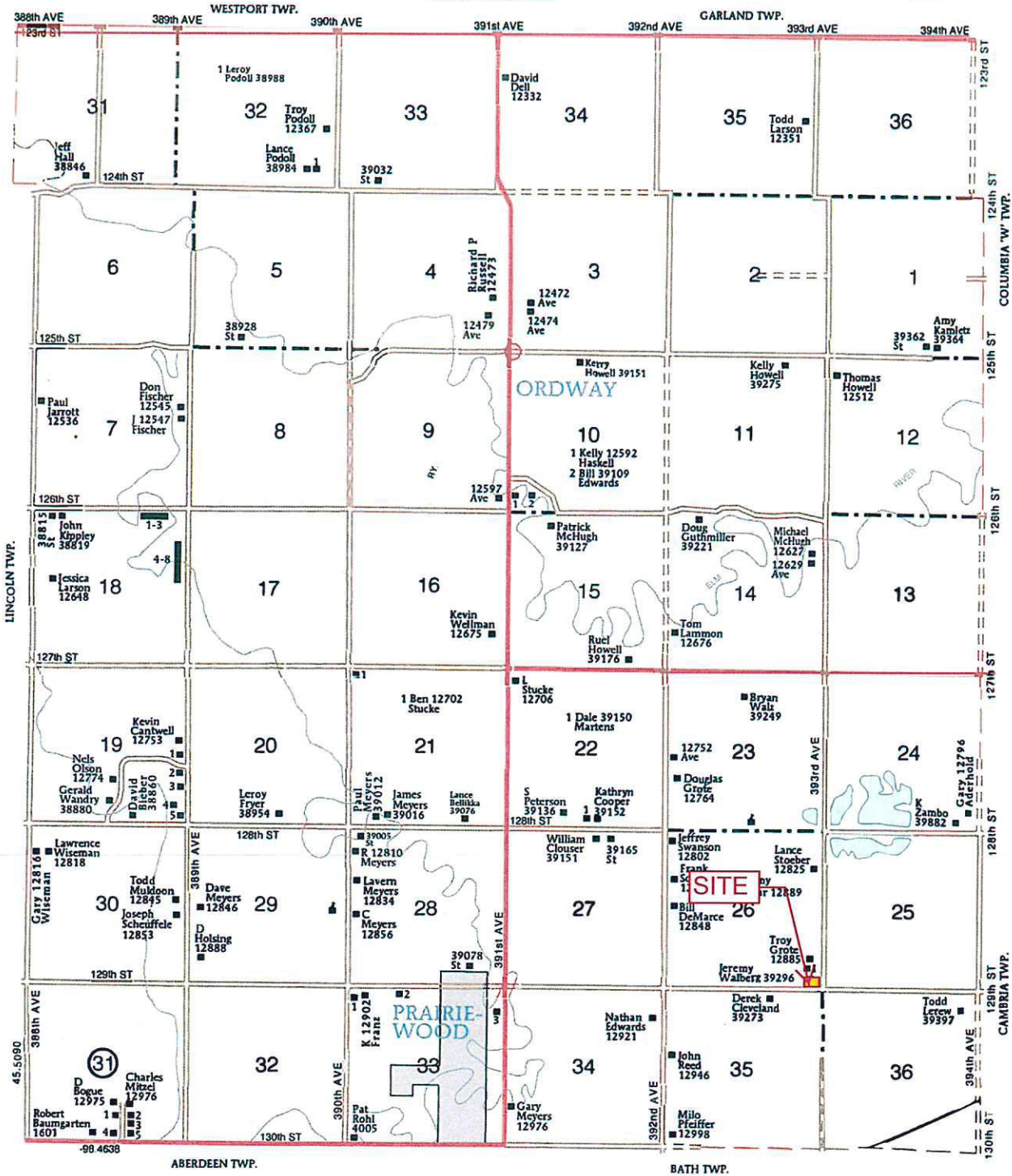
HEARING DATE: August 16, 2022 **TIME:** 7:00 p.m.

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

(Residents - Owners or Renters)



ORDWAY TOWNSHIP

SECTION 18

- 1 Anderson, James 38873
- 2 Mitzel, Edward 38879
- 3 Siefken, S 38883
- 4 Johnson, Nickolas 12625
- 5 12631
- 6 Ivey, Len 12641
- 7 Winkler, Barry 12643
- 8 Lambert, Larry 12649

SECTION 19

- 1 Felckert, Matthew 12761
- 2 Bercier, John 12767

- 3 Klinkel, Scott 12777
- 4 Thorpe, Ray 12791
- 5 Poor, Roger 12797

SECTION 31S

- 1 Lindseth, Mark 12981
- 2 Erdmann, Kenneth 12982
- 3 Quam, Everett 12990
- 4 Drube, Kurt 12997
- 5 Clouser, Bill 12996

SECTION 33S

- 1 Wagner, E 12904
- 2 Sommers, Mike 39097
- 3 Telgen, Wayne 12919

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 Brown County Courthouse Annex in the Basement Community Meeting Room, on August 16, 2022, at 7:00 P.M.

Owner: Jeremy Walberg

Description of property: Lot 1, "Hagemann First Subdivision" in the SE1/4 of Section 26-T124N-R63W of the 5th P.M., Brown County, South Dakota (39296 129th Street; Ordway Twp.).

Reason: Variance to Building Setbacks in a future Mini-Agriculture District (M-AG) to have a Front South Yard Setback of 80'-0" rather than the 100'-0" required.

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

Dated this *4th day of August 2022*

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

Published once at the total approximate cost of _____.

(Jeremy Walberg)

VARIANCE FINDINGS WORKSHEET

Prong One

Whether granting the variance runs counter to the public interest?

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

Prong Two

Whether special conditions exist to grant a variance?

Physical conditions— <i>not</i> money or econ hardship	Findings	
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It <i>must</i> be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> The petitioner lost their home to fire and would like to build near the same location to reuse existing septic tank and leach field north of proposed residence.
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does <i>not</i> mean money, econ hardship, or allowing a use that's prohibited (<i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

HAGEMANN FIRST SUBDIVISION IN
SE1/4 SEC. 26-T124N-R63W of 5th P.M.
BROWN COUNTY, SOUTH DAKOTA



Scale: 1"=100'

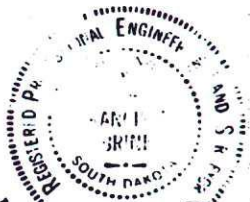


LEGEND

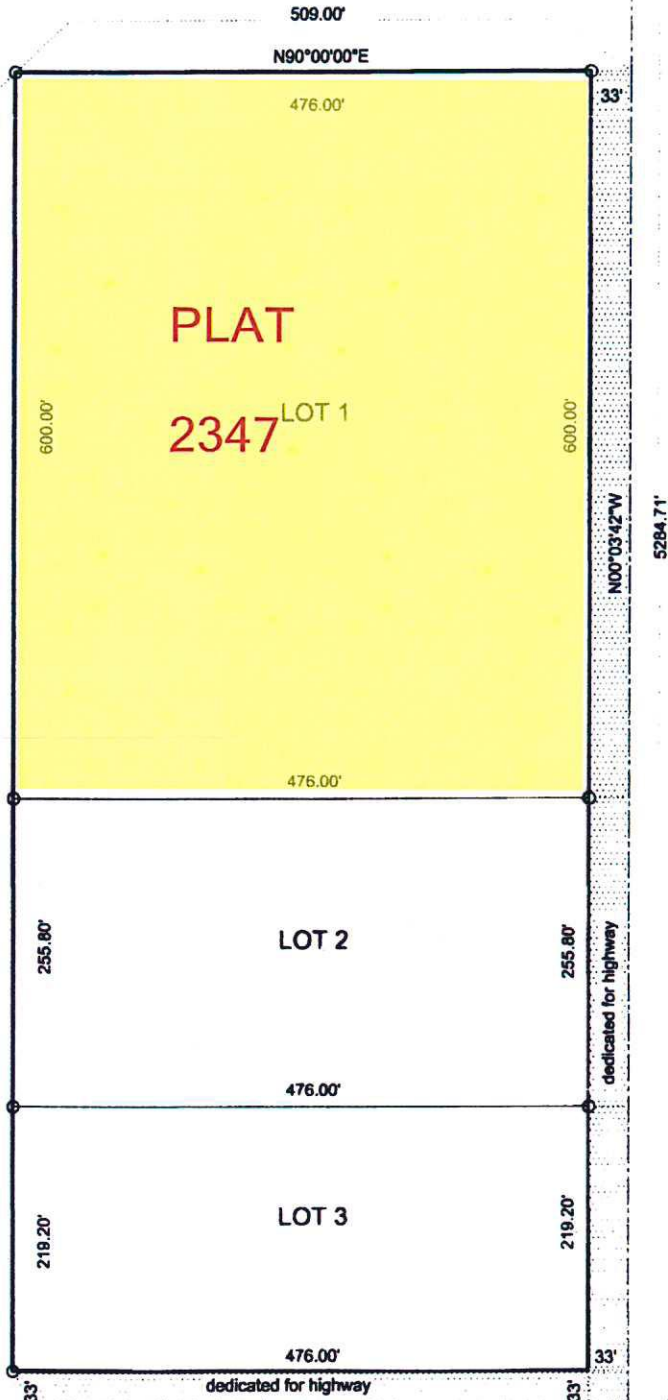
- Monuments Found-Iron Pipe
Monuments Set:
- 5/8" dia. rebar w/cap SD1641

AREAS

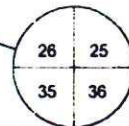
Lot 1.....6.556 Ac.
Lot 2.....2.795 Ac.
Lot 3.....2.395 Ac.
Highway.....1.201 Ac.
TOTAL.....12.947 Ac.



Francis E. Druil
10-23-2002



N90°00'00"E Basis of Bearings, Assumed
2652.28'



OWNER'S CERTIFICATE

We, Veryl D. Hagemann and Joyce L. Hagemann, husband and wife, hereby certify that we are the owners of the East 509 feet of the South 1108 feet of the SE1/4 Sec. 26-T124N-R63W, Brown County, South Dakota, and did authorize a survey and plat of said lands, which shall hereafter be known as "HAGEMANN FIRST SUBDIVISION IN SE1/4 SEC. 26-T124N-R63W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA", as shown on the attached plat, and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations. Roadways shown as dedicated are dedicated to the perpetual use of the public.

Signed this 23 day of October, 2002

Veryl D. Hagemann
Veryl D. Hagemann

Joyce L. Hagemann
Joyce L. Hagemann

ACKNOWLEDGEMENT OF OWNERS

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)

On this, the 23rd day of October, 2002, before me, Francis E. Brink, a Notary Public, appeared Veryl D. Hagemann and Joyce L. Hagemann, personally known to me or satisfactorily proven to me to be the individuals named above and signed the above OWNER'S CERTIFICATE for the purposes therein contained.

My Commission Expires: 2-7-2008
Francis E. Brink
Notary Public, South Dakota

SURVEYOR'S CERTIFICATE

I, Francis F. Brink, Licensed Land Surveyor, do hereby certify that the request of the Owners shown above, have surveyed and platted "HAGEMANN FIRST SUBDIVISION IN SE1/4 SEC 26-T124N-R63W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat; have shown monuments found and set as indicated thereon, and to the best of my knowledge, said survey and plat are true and correct.

Signed this 23rd day of October, 2002
Francis F. Brink
South Dakota Licensed Land Surveyor No. SD1641

COUNTY PLANNING COMMISSION CERTIFICATE

I hereby certify 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 19 day of November, 2002. Andrey Jacobson
Secretary of County Planning Commission, Brown County, SD

"Be it resolved by the Brown County Planning Commission, Brown County, South Dakota, that the plat showing "HAGEMANN FIRST SUBDIVISION IN SE1/4 SEC 26-T124N-R63W of 5th P.M. BROWN COUNTY, SOUTH DAKOTA", having been examined, is hereby approved in accordance with the provisions of SDCLS of 1967, 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 26 day of November, 2002. Makine Taylor
County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "HAGEMANN FIRST SUBDIVISION IN SE1/4 SEC. 26-T124N-R63W of 5th P.M. BROWN COUNTY, SOUTH DAKOTA", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

TREASURER'S CERTIFICATE

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

Signed this 22nd day of Nov., 2002. Sheila Edelson
County Treasurer, Brown County, South Dakota

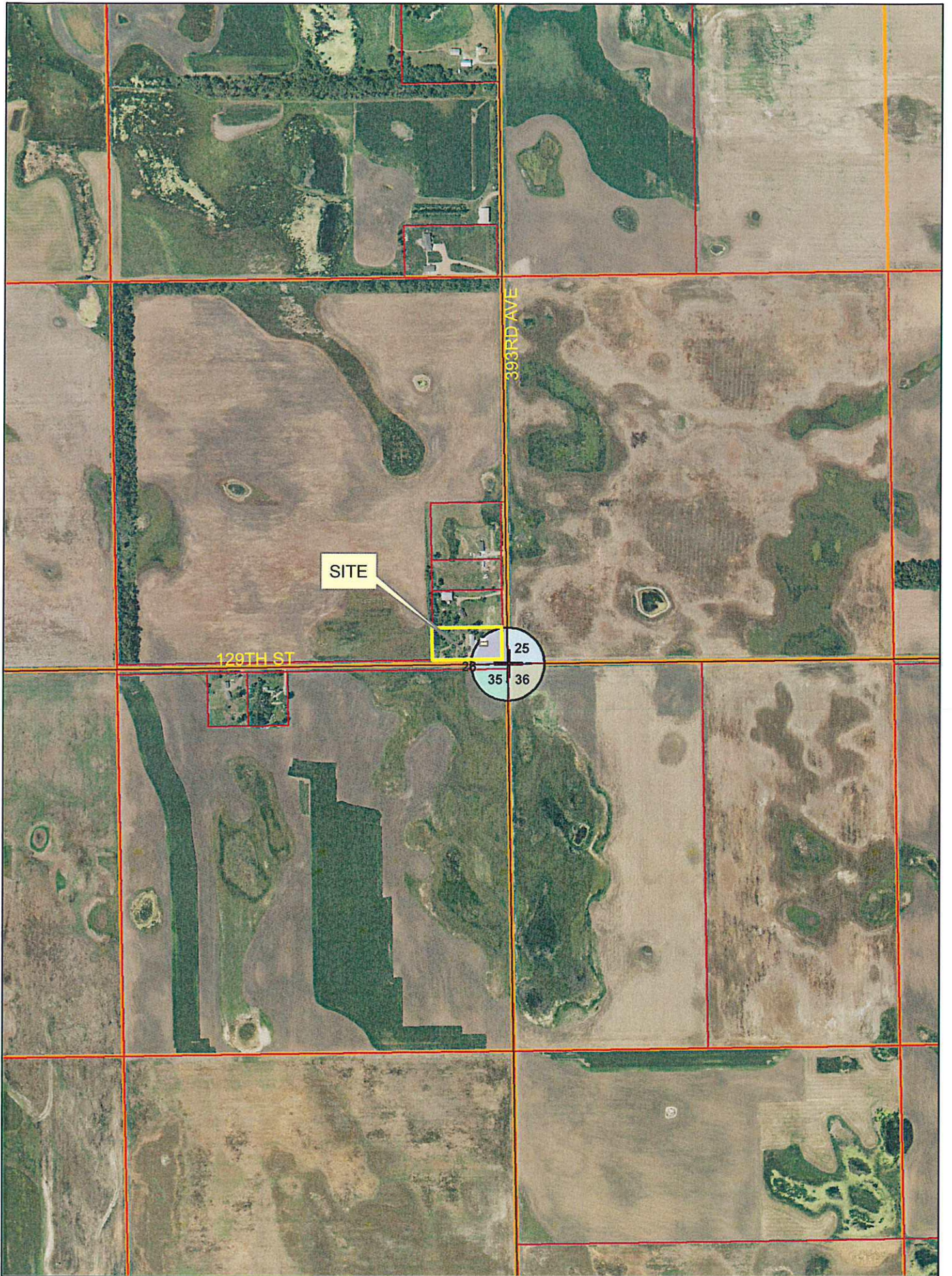
DIRECTOR OF EQUALIZATION'S CERTIFICATION

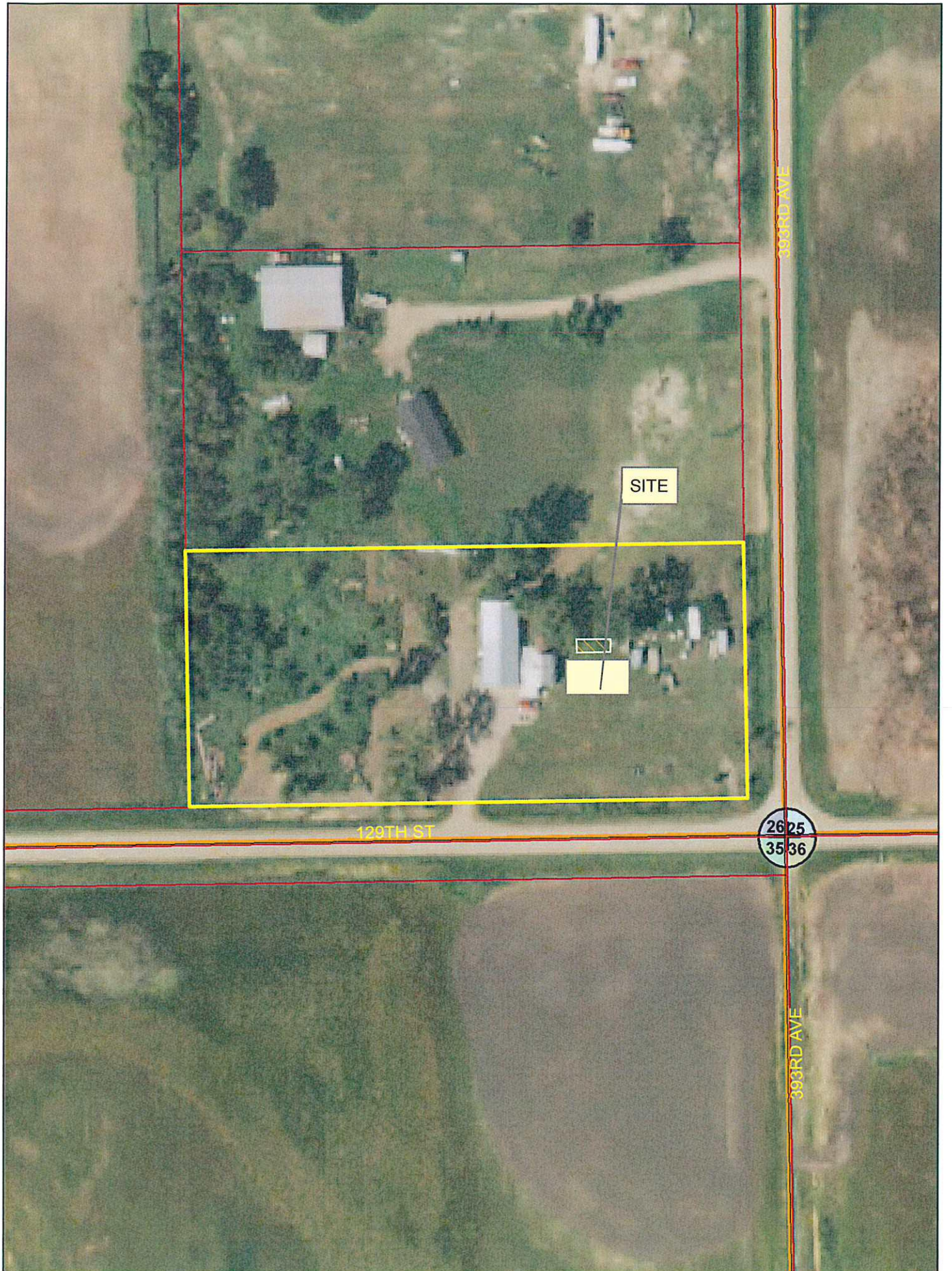
I hereby certify that I have received a copy of this plat this 24 day of October, 2002.
Linda J. Warren, Deputy
Director of Equalization, Brown County, South Dakota

REGISTER OF DEEDS CERTIFICATION

Filed for record this 26th day of November, 2002, at 11:50 o'clock A.M., and duly recorded in Book of

Plats No. 1789H
Carol Sherman, Jodi Buhl, Deputy
Register of Deeds, Brown County, South Dakota





SITE

129TH ST

393RD AVE

393RD AVE

2625
3536

Jeremy & Brittany Walberg
39296 129th Street
Aberdeen, SD 57401

David Dell
Attn: Ordway Twp
12332 391st Avenue
Columbia, SD 57433

**Everson Family LP c/o Rebecca
Mazza**
6008 Kellogg Avenue
Edina, MN 55424

Howard Hedger Inc
PO Box 1359
Aberdeen, SD 57402-1359

Claudia Svarstad Trust
4515 West 50th Avenue
Denver, CO 80212

Ehresmann Land LP
1898 Eisenhower Circle
Aberdeen, SD 57401

Jeremy & Lindsey Lesnar
12889 393rd Avenue
Aberdeen, SD 57401

Ad Preview

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 Brown County Courthouse Annex in the Basement Community Room, on August 16, 2022, at 7:00 P.M.

Owner: Jeremy Walberg

Description of property: Lot 1, "Hagemann First Subdivision" in the SE1/4 of Section 26-T124N-R63W of the 5th P.M., Brown County, South Dakota (39296 129th Street; Ordway Twp.).

Reason: Variance to Building Setbacks in a future Mini-Agriculture District (M-AG) to have a Front South Yard Setback of 80'-0" rather than the 100'-0" required.

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

Dated this 4th day of August 2022
Planning/Zoning Commission and

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

Office: (605) 626-7144
Published August 4, 2022,
at the total approximate
cost of \$17.60 and may be
viewed free of charge at
www.sdpublicnotices.com
7609118

STAFF REPORT

August 16, 2022

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE TO APPROACH SEPARATION

ITEM # 03

GENERAL INFORMATION:

PETITIONER: Grant Gilchrist

REQUEST: **VARIANCE TO APPROACH SEPARATION**

LEGAL DESCRIPTION: Lot 1, "First Subdivision of Hanson's Outlot 1" in the NE1/4 of Section 20-T126N-R62W of the 5th P.M., Brown County, South Dakota

TOWNSHIP: Brainard Twp

LOCATION: 11507 396th Avenue

EXISTING ZONING: Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

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

REPORTED BY: Ron Keller

GENERAL COMMENT: The petitioner is requesting a Variance to Approach Separation for a proposed new approach to be 440' from an existing approach rather than the 500' required.

REVIEW: Staff has reviewed this request.

**BROWN COUNTY
PLANNING & ZONING COMMISSION**

APPLICATION FOR VARIANCE

DATE: July 29, 2022
RECEIPT # 620791
TOWNSHIP: Brainard Twp

FEES: \$125.00
PAID: (YES/NO) CHK/CASH Credit Card
DATE: July 28, 2022

OWNERS SIGNATURE: Grant Gilchrist
OWNERS ADDRESS: 11505 396th Avenue (PO Box 115)
OWNERS CITY, STATE, ZIP: Columbia, SD 57433
OWNERS PHONE: (605) 396-7111

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

REQUEST: A Variance to Approach Separation distance to be 440' rather than the 500' required by Brown County Zoning Ordinances.

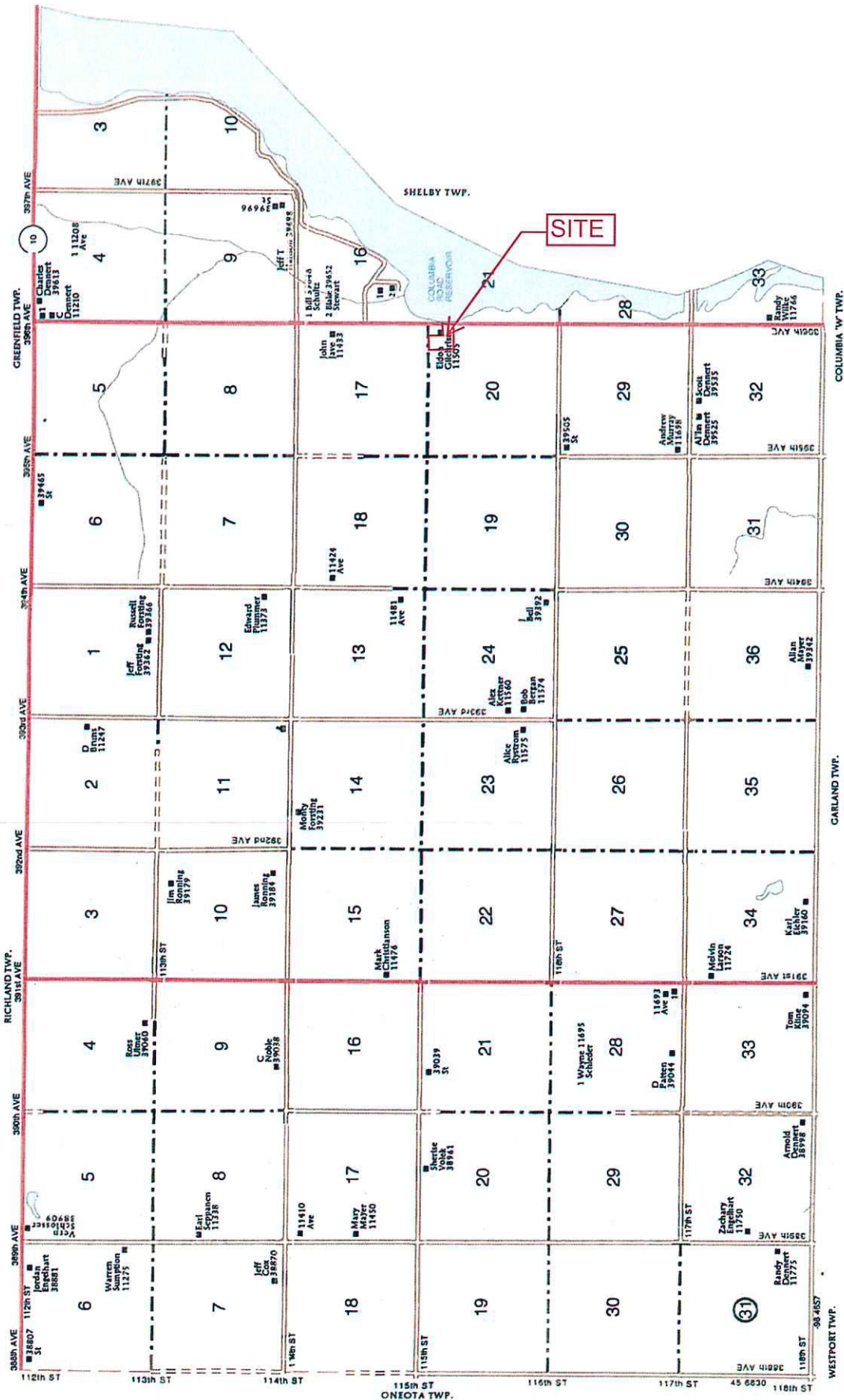
LEGAL DESCRIPTION: Lot 1, "First Subdivision of Hanson's Outlot 1" in the NE1/4 of Section 20-T126N-R62W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied _____

By: _____ Date: _____

HEARING DATE: August 16, 2022 **TIME:** 7:00 pm

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



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 basement of the Courthouse Annex in the Community Meeting Room, on August 16, 2022, at 7:00 P.M.

Petitioner / Owner: Grant Gilchrist

Description of property: Lot 1, "First Subdivision of Hanson's Outlot 1" in the NE1/4 of Section 20-T126N-R62W of the 5th P.M., Brown County, South Dakota (11507 396th Avenue).

Reason: Variance to Approach Separation Distance measured from the centerline of each approach.

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

Dated this 4th day of August 2022.

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

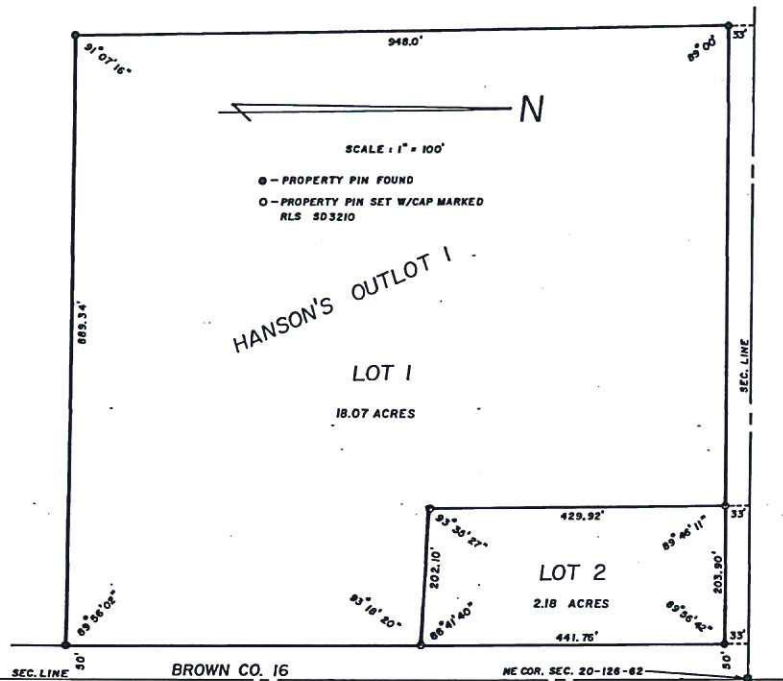
Published once at the total approximate cost of _____.

(Grant Gilchrist)
VARIANCE FINDINGS WORKSHEET

Prong One		
<i>Whether granting the variance runs counter to the public interest?</i>		
Consider the entire public— <i>not</i> just the neighbors	Findings	
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
4. Does it conform to the comprehensive plan currently in place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Prong Two		
<i>Whether special conditions exist to grant a variance?</i>		
Physical conditions— <i>not</i> money or econ hardship	Findings	
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It must be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does not mean money, econ hardship, or allowing a use that's prohibited (<i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

PLAT SHOWING

LOTS 1 AND 2, FIRST SUBDIVISION OF HANSON'S OUTLOT 1 IN THE NE 1/4 OF SEC. 20, T.126N., R.62W., BROWN COUNTY, SOUTH DAKOTA



OWNER'S CERTIFICATE

We, Eldon and Susanne Cilchrist, do hereby certify that we are the owners of Hanson's Outlot 1 in the NE 1/4 of Sec. 20, T. 126 N., R. 62 W., Brown County, South Dakota, and that we have caused the same to be surveyed and subdivided as shown on the accompanying plat which shall hereafter be known and described as "Lots 1 and 2, First Subdivision of Hanson's Outlot 1 in the NE 1/4 of Sec. 20, T. 126 N., R. 62 W., Brown County, South Dakota," containing 18.07 and 2.18 acres, respectively. We do further certify that the development of the land included in this plat shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Signed this 28th day of October, 1994.

OWNER - ELDON CILCHRIST
OWNER - SUSANNE CILCHRIST

Signed this 28th day of October, 1994.

STATE OF SOUTH DAKOTA) as
COUNTY OF BROWN)
On this 28th day of October, 1994, before me, Mark D. Wernstedt, the undersigned officer, personally appeared Eldon and Susanne Cilchrist, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and who acknowledged to me that they executed the same for the purposes therein contained. IN WITNESS WHEREOF I hereunto set my official hand and seal.
My commission expires: 5-6-99
Mark D. Wernstedt
Notary Public, Brown County, South Dakota

SURVEYOR'S CERTIFICATE

I, Douglas J. Ochs, Registered Land Surveyor, do hereby certify that, at the request of the owners, I have surveyed and plotted "Lots 1 and 2, First Subdivision of Hanson's Outlot 1 in the NE 1/4 of Sec. 20, T. 126 N., R. 62 W., Brown County, South Dakota," and that I have set from rebar property pins as denoted hereon and that said survey and plat are true and correct to the best of my knowledge and belief.
Signed this 22nd day of October, 1994.

Douglas J. Ochs
Registered Land Surveyor 13230

COUNTY PLAN COMMISSION CERTIFICATE

I hereby certify that the following is a correct copy of the resolution duly passed by the County Plan Commission of Brown County, South Dakota at a meeting held on the 7th day of December, 1994.

Douglas J. Ochs
Secretary, Brown County Plan Commission

"Be it resolved by the County Plan Commission of Brown County, South Dakota that the plat showing "Lots 1 and 2, First Subdivision of Hanson's Outlot 1 in the NE 1/4 of Sec. 20, T. 126 N., R. 62 W., Brown County, South Dakota," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-2, and any amendments thereof."

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 13th day of November, 1994.

Wesley J. Ochs
County Auditor, Brown County, South Dakota

"Be it resolved by the Board of Commissioners of Brown County, South Dakota that the plat showing "Lots 1 and 2, First Subdivision of Hanson's Outlot 1 in the NE 1/4 of Sec. 20, T. 126 N., R. 62 W., Brown County, South Dakota," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-2, and any amendments thereof."

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the land included in this plat are shown by the records of my office to be fully paid.
Signed this 2nd day of December, 1994.

Douglas J. Ochs
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I hereby certify that I have received a copy of this plat this 27th day of November, 1994.

Robert B. Ochs
Director of Equalization, Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this 14th day of December, 1994, at 1:25 o'clock P.M., and duly recorded in Book of Plats No. 11 in envelope 939-E therein.

Carol Newman
Register of Deeds, Brown County, South Dakota

**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: Hanson's Outlot 1

Section NE 1/4 of 20 Township 126 Range 62

County Highway: Br. Co. 16 Approximate location: 440' S of existing driveway at 11505 396th Avenue

For the purpose of serving: Better access to barn and cattle

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.

Grant Gilchrist

Print Name

11505 396th Ave (PO Box 115)

Address

Columbia SD 57433

City/State/Zip

605-396-7111

Phone/Cell Phone


Applicants Signature

\$50.00 Fee (please attach copy of check)

Check # Credit Card Date 7-28-2022

Receipt # 620791

Date 7-28-22

Culvert Required: _____ Yes _____ No

_____ Date _____
Brown County Highway Superintendent Signature

Remarks: _____

_____ Date _____
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.



396TH AVE

SAND LAKE DR

AUTO TOUR RTE

396TH AVE

16.3

17 16
20 21

396TH AVE

16.3

SAND LAKE RECREATION AREA RD

396TH AVE

16.3

396TH AVE

16.3

116TH ST

20 21
29 28

36

SITE



396TH AVE
16.3

17 16
20 21

396TH AVE
16.3

440'

SITE

Grant Gilchrist
PO Box 115
Columbia, SD 57433

Jeff Forsting
Attn: Brainard Twp
39362 113th Street
Columbia, SD 57433

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

Jean McDonald
7080 W Stetson Place #21
Littleton, CO 80123

Lake Region Farm
1419 North Main Street
Aberdeen, SD 57401

Ad Preview

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 lower-level Community Meeting Room, on August 16, 2022, at 7:00 P.M.

Petitioner / Owner: Grant Gilchrist

Description of property: Lot 1, "First Subdivision of Hanson's Outlot 1" in the NE1/4 of Section 20-T126N-R62W of the 5th P.M., Brown County, South Dakota (11507 396th Avenue).

Reason: Variance to Approach Separation Distance measured from the centerline of each approach.

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

Dated this 4th day of August 2022.

Planning/Zoning Commission and

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

Office: (605) 626-7144
Published August 4, 2022,
at the total approximate
cost of \$17.60 and may be
viewed free of charge at
www.sdpublicnotices.com
7609125

STAFF REPORT

August 16, 2022

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE TO APPROACH SEPARATION

ITEM # 04

GENERAL INFORMATION:

PETITIONER: Grant Gilchrist

REQUEST: **VARIANCE TO APPROACH SEPARATION**

LEGAL DESCRIPTION: The SE1/4 of the SE1/4 of Section 7-T125N-R61W of the 5th P.M., Brown County, South Dakota

TOWNSHIP: Columbia Twp

LOCATION: 40096 120th Street

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)

REPORTED BY: Ron Keller

GENERAL COMMENT: The petitioner is requesting a Variance to Approach Separation for a proposed new approach to be 115' from an existing approach rather than the 500' required.

REVIEW: Staff has reviewed this request.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: July 29, 2022
RECEIPT # 620791
TOWNSHIP: Columbia Twp

FEES: \$125.00
PAID: YES/NO CHK/CASH Credit Card
DATE: July 28, 2022

OWNERS SIGNATURE: Grant Gilchrist
OWNERS ADDRESS: 11505 396th Avenue (PO Box 115)
OWNERS CITY, STATE, ZIP: Columbia, SD 57433
OWNERS PHONE: (605) 396-7111

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

REQUEST: A Variance to Approach Separation distance to be 115' rather than the 500' required by Brown County Zoning Ordinances.

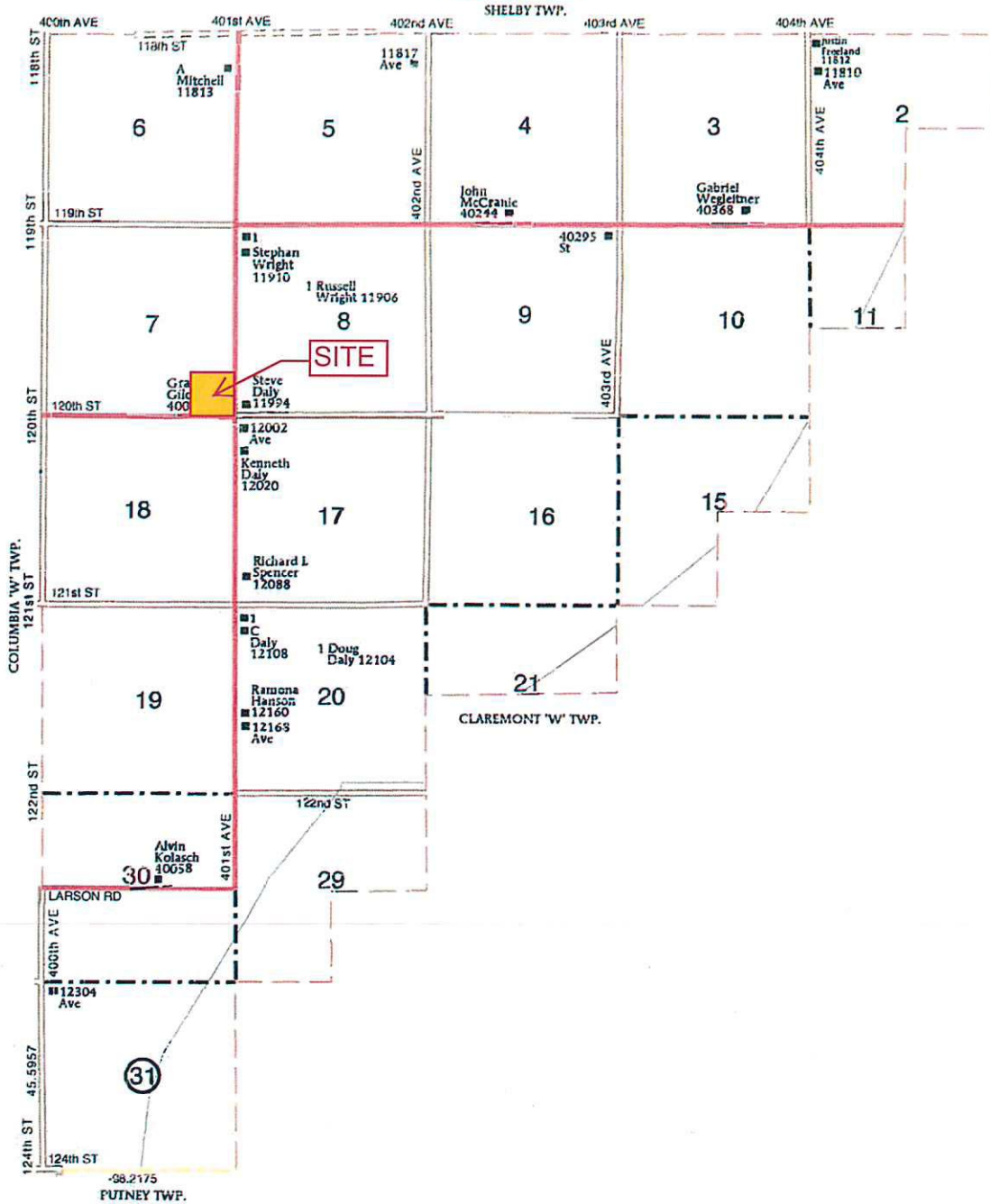
LEGAL DESCRIPTION: The SE1/4 of the SE1/4 of Section 7-T125N-R61W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: August 16, 2022 TIME: 7:00 pm

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



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 basement of the Courthouse Annex in the Community Meeting Room, on August 16, 2022, at 7:00 P.M.

Petitioner / Owner: Grant Gilchrist

Description of property: The SE1/4 of the SE1/4 of Section 7-T125N-R61W of the 5th P.M., Brown County, South Dakota (40096 120th Street).

Reason: Variance to Approach Separation Distance measured from the centerline of each approach.

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

Dated this 4th day of August 2022.

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

Published once at the total approximate cost of _____.

(Grant Gilchrist-2)
VARIANCE FINDINGS WORKSHEET

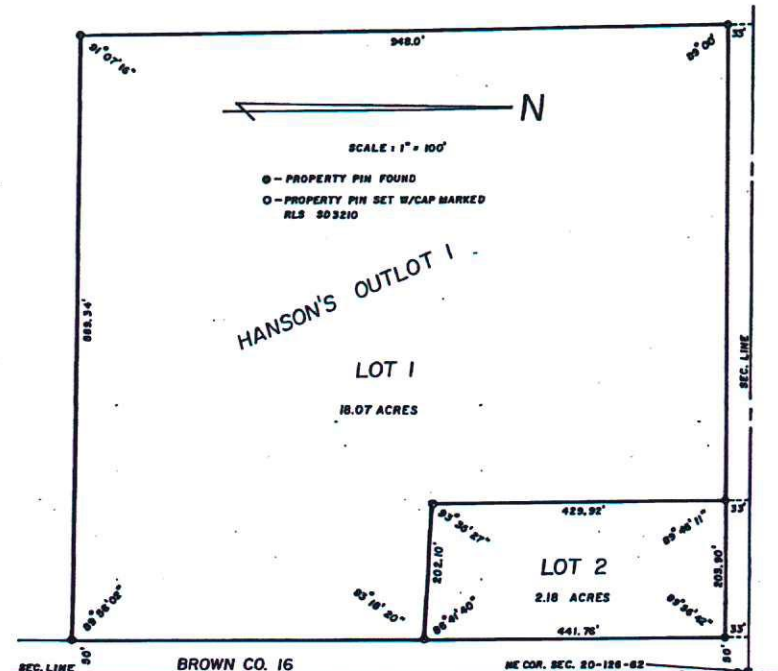
Prong One		
<i>Whether granting the variance runs counter to the public interest?</i>		
Consider the entire public— <i>not</i> just the neighbors	Findings	
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
4. Does it conform to the comprehensive plan currently in place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Prong Two		
<i>Whether special conditions exist to grant a variance?</i>		
Physical conditions— <i>not</i> money or econ hardship	Findings	
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It must be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does not mean money, econ hardship, or allowing a use that's prohibited (<i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

11-939E

1 of 1

PLAT SHOWING

LOTS 1 AND 2, FIRST SUBDIVISION OF HANSON'S OUTLOT 1 IN THE NE 1/4 OF SEC. 20, T.126N, R.62W, BROWN COUNTY, SOUTH DAKOTA



OWNER'S CERTIFICATE

We, Eldon and Suzanne Gilchrist, do hereby certify that we are the owners of Hanson's Outlot 1 in the NE 1/4 of Sec. 20, T. 126 N., R. 62 W., Brown County, South Dakota, and that we have caused the same to be surveyed and subdivided as shown on the accompanying plat which shall hereafter be known and described as "Lots 1 and 2, First Subdivision of Hanson's Outlot 1 in the NE 1/4 of Sec. 20, T. 126 N., R. 62 W., Brown County, South Dakota," containing 18.07 and 2.18 acres, respectively. We do further certify that the development of the land included in this plat shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Signed this 28th day of October, 1994.

Signed this 28th day of October, 1994.

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)

On this 28th day of October, 1994, before me, Madeline D. DeWinst, the undersigned officer, personally appeared Eldon and Suzanne Gilchrist, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and who acknowledged to me that they executed the same for the purposes therein contained. IN WITNESS WHEREOF I hereunto set my official hand and seal.

My commission expires: 5-1-99

Eldon Gilchrist
OWNER - ELDON GILCHRIST

Suzanne Gilchrist
OWNER - SUZANNE GILCHRIST

Madeline D. DeWinst
Notary Public, Brown County, South Dakota

SURVEYOR'S CERTIFICATE

I, Douglas J. Oehm, Registered Land Surveyor, do hereby certify that, at the request of the owners, I have surveyed and platted "Lots 1 and 2, First Subdivision of Hanson's Outlot 1 in the NE 1/4 of Sec. 20, T. 126 N., R. 62 W., Brown County, South Dakota," and that I have set from other property pins as denoted hereon and that said survey and plat are true and correct to the best of my knowledge and belief.

Signed this 22nd day of October, 1994.

Douglas J. Oehm
Registered Land Surveyor #1212

COUNTY PLAN COMMISSION CERTIFICATE

I hereby certify that the following is a correct copy of the resolution duly passed by the County Plan Commission of Brown County, South Dakota at a meeting held on the 9th day of November, 1994.

"As it resolved by the County Plan Commission of Brown County, South Dakota that the plat showing "Lots 1 and 2, First Subdivision of Hanson's Outlot 1 in the NE 1/4 of Sec. 20, T. 126 N., R. 62 W., Brown County, South Dakota," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-1, and any amendments thereof."

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 13th day of November, 1994.

"As it resolved by the Board of Commissioners of Brown County, South Dakota that the plat showing "Lots 1 and 2, First Subdivision of Hanson's Outlot 1 in the NE 1/4 of Sec. 20, T. 126 N., R. 62 W., Brown County, South Dakota," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-1, and any amendments thereof."

TREASURER'S CERTIFICATE

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

Signed this 2nd day of December, 1994.

Diana Brund
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I hereby certify that I have received a copy of this plat this 20th day of November, 1994.

D. L. B.
Director of Equalization, Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this 14th day of December, 1994, at 1:25 o'clock P.M., and duly recorded in Book of Plats No. 11 in envelope 939-E therein.

Carl Newman
Register of Deeds, Brown County, South Dakota

**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: SE 1/4

Section 7 Township 125 Range 61

County Highway: Br. Co. 18 Approximate location: North of junction of Co. Hwy 9 & Co. Hwy 18. 40096 120th St

For the purpose of serving: move existing approach 120 ft south - better access to expanded cattle feed bunkers

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.

Grant Gilchrist

\$50.00 Fee (please attach copy of check)

Print Name

11505 396th Ave (PO Box 115)

Check # Credit Card Date 7-28-2022

Address

Columbia SD 57433

Receipt # 620791

City/State/Zip

605-396-7111

Phone/Cell Phone



Date 7-28-22

Applicants Signature

Culvert Required: _____ Yes _____ No

_____ Date _____
Brown County Highway Superintendent Signature

Remarks: _____

_____ Date _____
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.

*Brown County
Planning/Zoning Office*

(Use for reference only)

18.2

401ST AVE

Remove
this approach

SITE

7 8
18 17

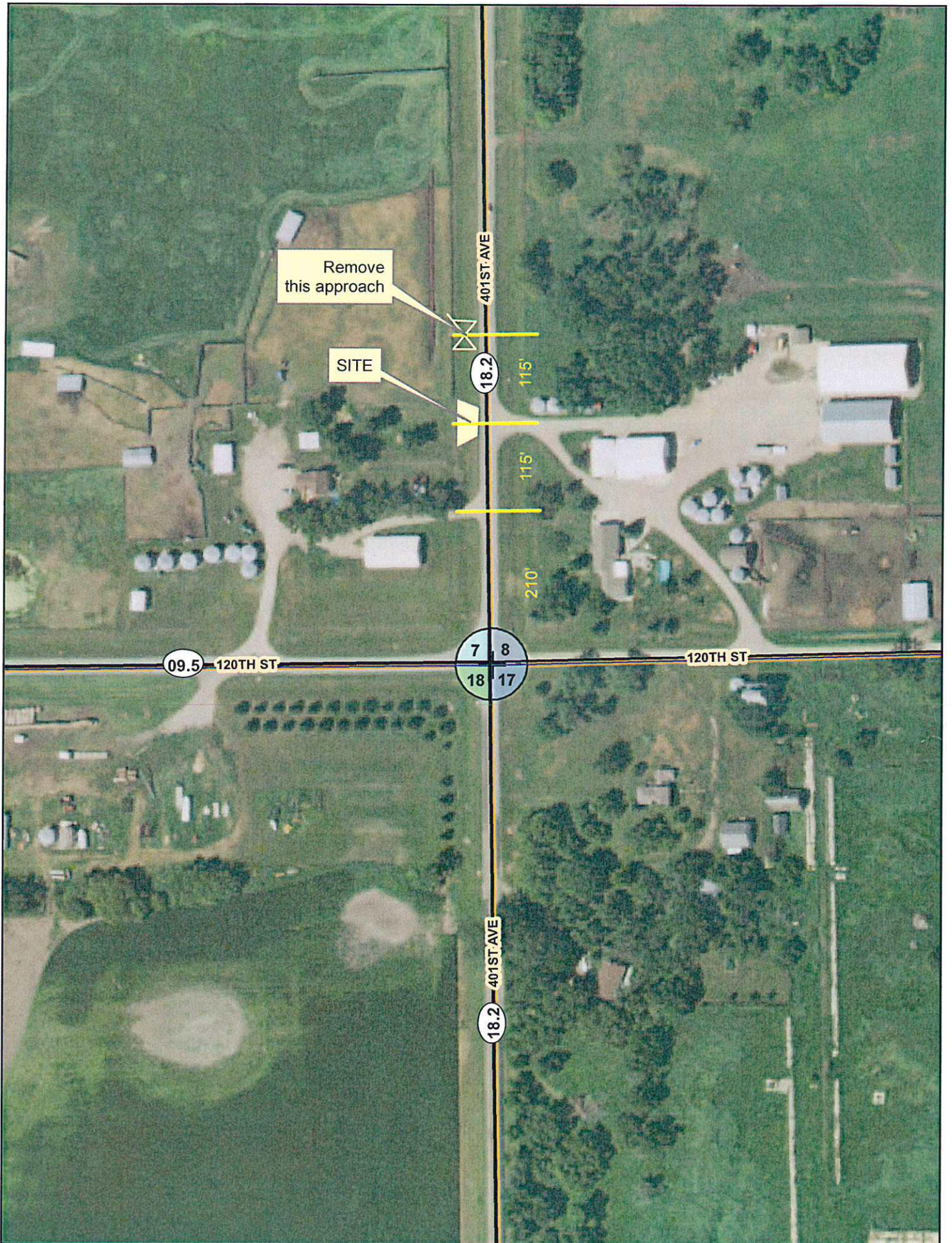
09.5 120TH ST

120TH ST

18.2

401ST AVE





Remove this approach

SITE

401ST AVE

18.2

115'

115'

210'

09.5 120TH ST

7 8
18 17

120TH ST

401ST AVE
18.2

Grant Gilchrist
PO Box 115
Columbia, SD 57433

Nathan Miller
Attn: Columbia Twp
40295 119th Street
Houghton, SD 57449

Steven & Patricia Daly
11994 401st Avenue
Columbia, SD 57433

Andrew & Lucille Daly
40096 120th Street
Columbia, SD 57433

Roson Land LLC
39656 Larson Road
Columbia, SD 57433

Ad Preview

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 lower-level Community Room, on August 16, 2022, at 7:00 P.M.

Petitioner / Owner: Grant Gilchrist

Description of property: The SE1/4 of the SE1/4 of Section 7-T125N-R61W of the 5th P.M., Brown County, South Dakota (40096 120th Street).

Reason: Variance to Approach Separation Distance measured from the centerline of each approach.

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

Dated this 4th day of August 2022.

Planning/Zoning Commission and

Scott Bader – P&Z Director
25 Market Street

Aberdeen, SD 57401

Office: (605) 626-7144

Published August 4, 2022, at the total approximate cost of \$16.76 and may be viewed free of charge at www.sdpublicnotices.com
7609132

STAFF REPORT

August 16, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

Rezone Parcels from AG-P to R-3 & M-AG Districts **ITEM #10**

GENERAL INFORMATION:

PETITIONER:	Nolan Ulmer
REQUEST:	Rezone Parcels: AG-P to R-3 & M-AG Districts
LEGAL DESCRIPTION:	Lots 1-17, "Bauer's Fourth Addition" in the S1/2 of Section 7-T123N-R65W of the 5 th P.M., Brown County, South Dakota
LOCATION:	North Sunrise Drive & Ebby Lane (Mina Lake)
TOWNSHIP:	Mercier Twp
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:	Mina Lake (AG-P2) / Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water; Local Well Water on site Mina Utility District Assoc.
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this rezone to bring these parcels into compliance for their future use.

GENERAL REVIEW: Staff has reviewed this request.

NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex lower level Community Room, on August 16, 2022, at 7:00 p.m.

Owner & Petitioner: Nolan Ulmer

Description of property: Lots 1-17, "Bauer's Fourth Addition" in the S1/2 Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (North Sunrise Drive & Ebby Lane, Mercier Twp.).

Reason: Rezoning from Agriculture Preservation District (AG-P) to Lake Front Residential District (R-3) and Mini-Agriculture District (M-AG) to bring these parcels into compliance for their future use.

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

Dated this 4th day of August 2022.

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

Published once at the total approximate cost of _____.

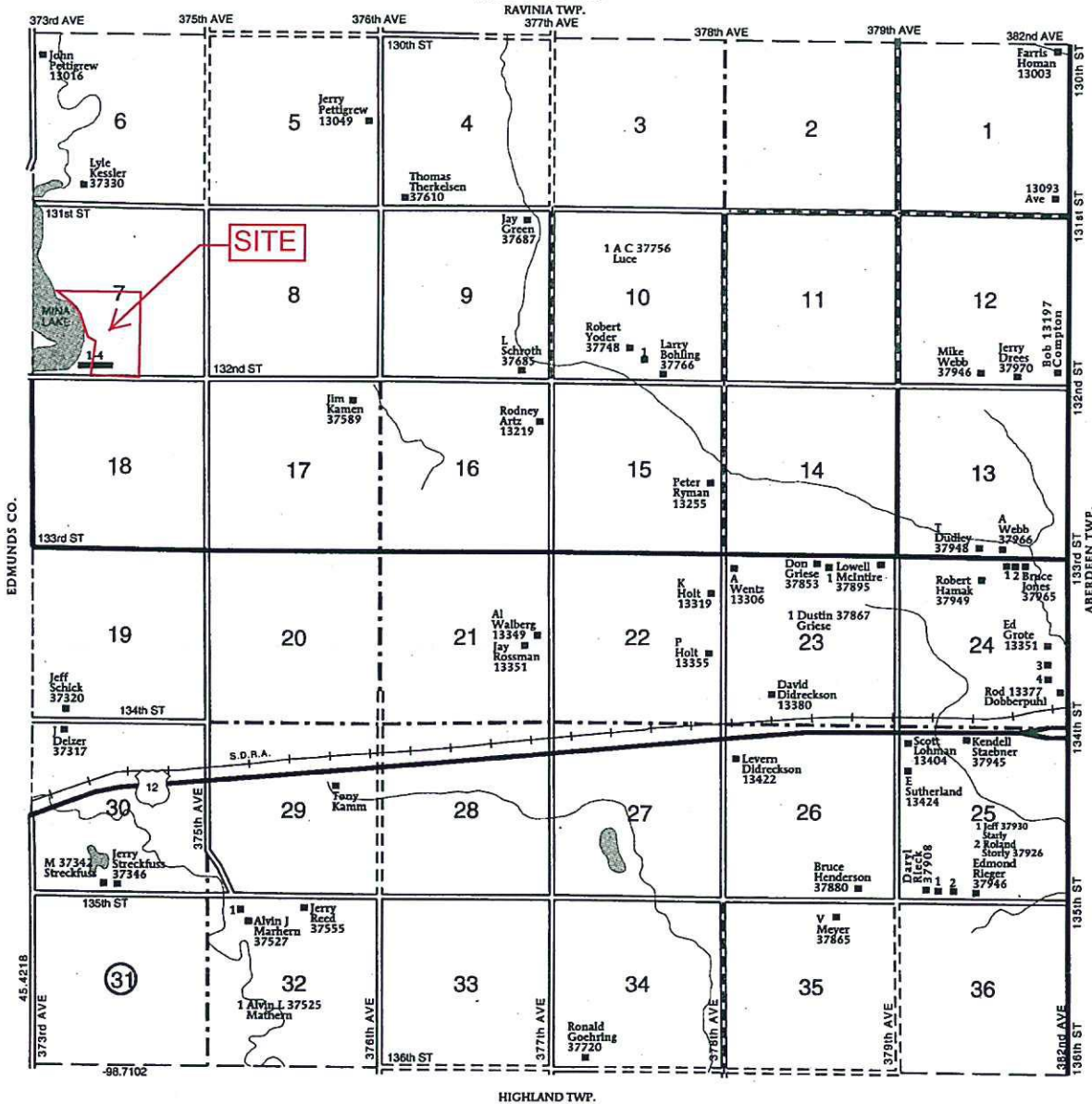
POACHING FOODS

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



MERCIER TOWNSHIP

SECTION 7

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

SECTION 24

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

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: _____
Receipt: 620798
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:

Lots 1 thru 17, "Bauer's Fourth Addition" in the S1/2 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: North Sunrise Drive & Ebby Lane (Mina Lake)

From the Agriculture Preservation District (AG-P)
To the Lake Front Residential (Lots 1 thru 9 & Lots 11 thru 17) District (R-3)
To the Mini-Agriculture (Lot 10) District M-AG)

Purpose: To bring into compliance for their future use.

Size of Parcel: Lot 1=1.22 ac, Lot 2=1.13 ac, Lot 3=1.29 ac, Lot 4=1.07 ac, Lot 5=0.77 ac, Lot 6=0.65 ac, Lot 7=0.60 ac, Lot 8=0.62 ac, Lot 9=0.69, Lot 10=20.01 ac, Lot 11=1.39 ac, Lot 12=1.43 ac, Lot 13=1.46 ac, Lot 14=1.48 ac, Lot 15=2.32 ac, Lot 16=2.32 ac, Lot 17=2.95 ac

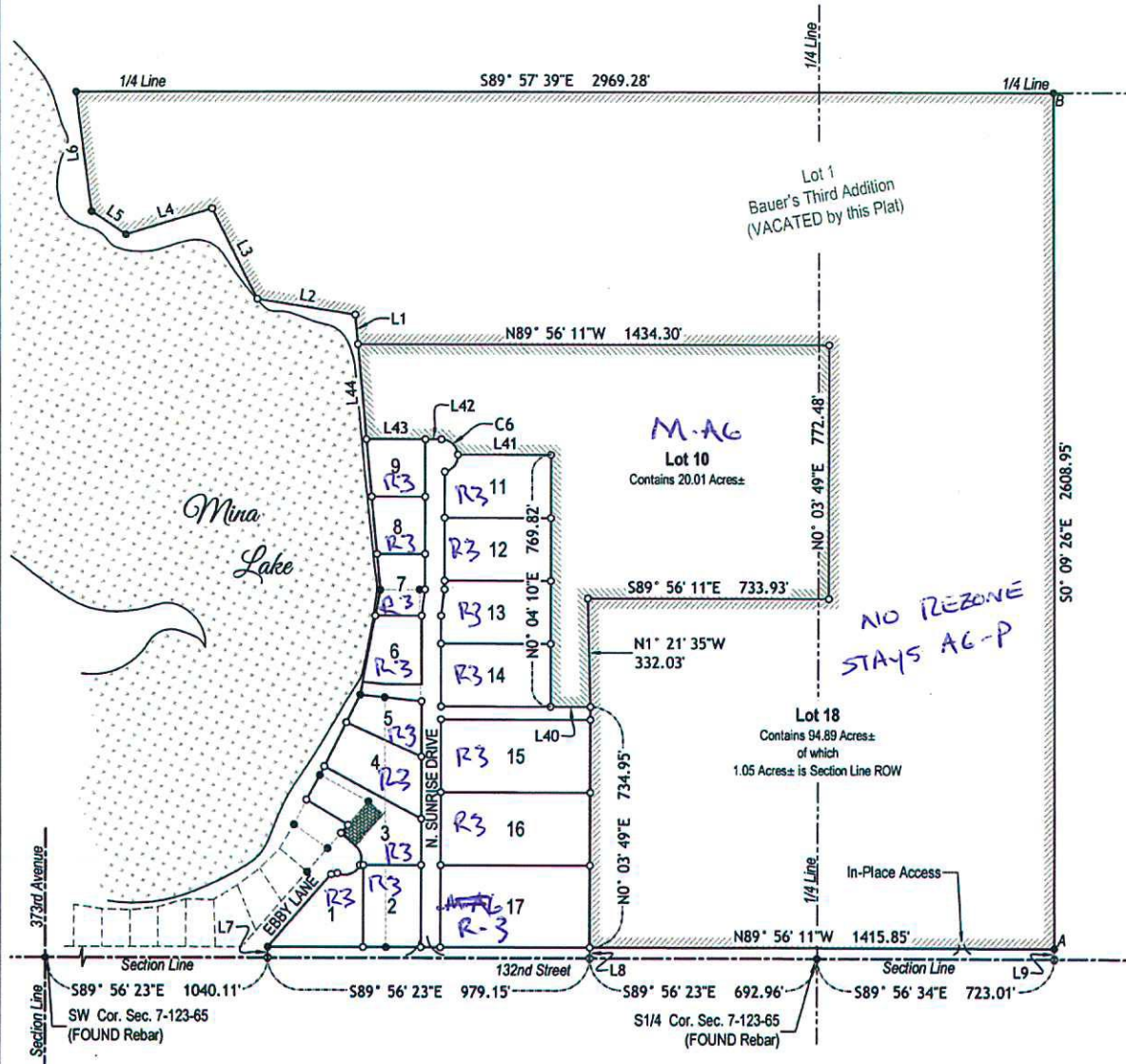
Existing Land Use: Agriculture

Owner: Mina, North LLC-Nolan Ulmer
Signature: _____
Date: Aug 1 2022 Phone: 970-396-8423
Address: PO Box 203
Aberdeen, SD 57402-0203
City State Zip

Owner: Dakota Plains Preserve LLC
Signature: [Signature]
Date: 8/1/22 Phone: 402.681.3466
Address: 8005 Farnam Dr. #204
Omaha, NE, 68114
City State Zip

PLAT SHOWING BAUER'S FOURTH ADDITION

IN THE S1/2 OF SECTION 7, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA



DRAWING SCALE
0 350'
SCALE IN FEET

CURVE TABLE					
#	LENGTH	RADIUS	DELTA ANGLE	Ch	CL
C6	75.11'	50.00'	86°03'55"	N46°58'02"W	68.24'

LINE TABLE		
#	BEARING	DISTANCE
L1	N5°13'40"W	89.50'
L2	N80°49'18"W	300.37'
L3	N26°19'50"W	308.07'
L4	S73°12'21"W	273.80'
L5	N55°53'30"W	124.92'
L6	N7°21'20"W	368.20'
L7	S0°06'55"W	33.11'
L8	S0°03'49"W	33.12'
L9	S0°09'26"E	33.00'
L40	N89°56'17"W	120.55'
L41	N89°55'50"W	284.00'
L42	N90°00'00"W	49.98'
L43	N89°55'47"W	177.56'
L44	N5°13'40"W	289.32'

LEGEND

- A ● PIN FOUND (LS 3210)
- B ● PIN FOUND (LS 4423)
- C ● PIN FOUND (REBAR)
- PIN SET w/CAP LS 11699
- ⊙ CALCULATED CORNER

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

PLAT NOTES
LOTS 1-5, BAUER'S FOURTH ADDITION
CAN BE FOUND ON SHEET 2 OF 7.

LOTS 6-14, BAUER'S FOURTH ADDITION
CAN BE FOUND ON SHEET 3 OF 7.

LOTS 15-17, BAUER'S FOURTH ADDITION
CAN BE FOUND ON SHEET 4 OF 7.

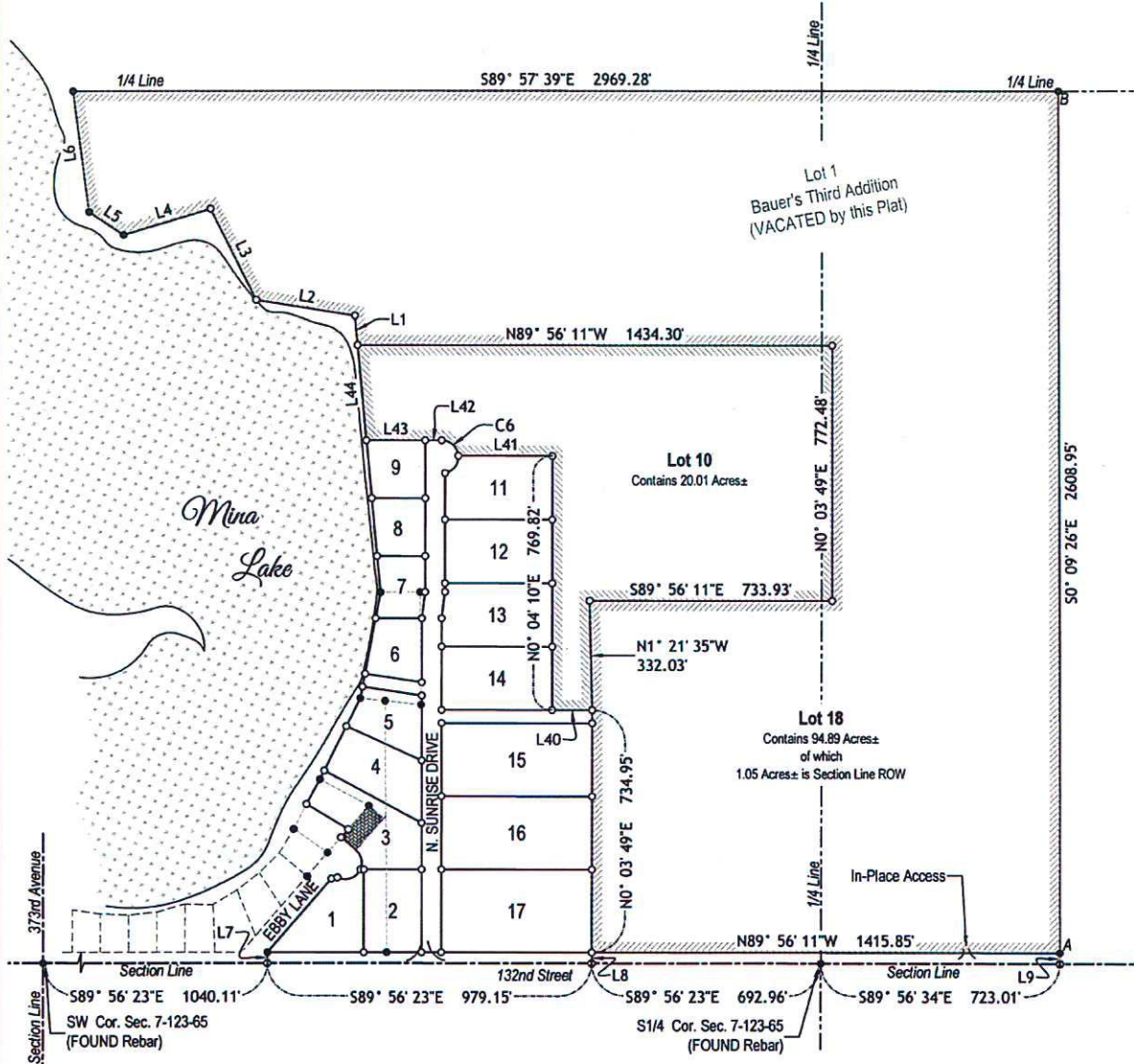


Prepared By:
619 14th Avenue S, Faulkton, South Dakota 57438
Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com
Project No. ALS22081 Field Survey Date: 06-07-2022



PLAT SHOWING
BAUER'S FOURTH ADDITION

IN THE S1/2 OF SECTION 7, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE 5th P.M.,
 BROWN COUNTY, SOUTH DAKOTA



CURVE TABLE					
#	LENGTH	RADIUS	DELTA ANGLE	Ch	CL
C6	75.11'	50.00'	86°03'55"	N46°58'02"W	68.24'

LINE TABLE		
#	BEARING	DISTANCE
L1	N5°13'40"W	89.50'
L2	N80°49'18"W	300.37'
L3	N26°19'50"W	308.07'
L4	S73°12'21"W	273.80'
L5	N55°53'30"W	124.92'
L6	N7°21'20"W	368.20'
L7	S0°06'55"W	33.11'
L8	S0°03'49"W	33.12'
L9	S0°09'26"E	33.00'
L40	N89°56'17"W	120.55'
L41	N89°55'50"W	284.00'
L42	N90°00'00"W	49.98'
L43	N89°55'47"W	177.56'
L44	N5°13'40"W	289.32'

LEGEND

- A ● PIN FOUND (LS 3210)
- B ● PIN FOUND (LS 4423)
- C ● PIN FOUND (REBAR)
- PIN SET w/CAP LS 11699
- ⊗ CALCULATED CORNER

BASIS OF BEARINGS

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

PLAT NOTES

LOTS 1-5, BAUER'S FOURTH ADDITION
 CAN BE FOUND ON SHEET 2 OF 7.

LOTS 6-14, BAUER'S FOURTH ADDITION
 CAN BE FOUND ON SHEET 3 OF 7.

LOTS 15-17, BAUER'S FOURTH ADDITION
 CAN BE FOUND ON SHEET 4 OF 7.

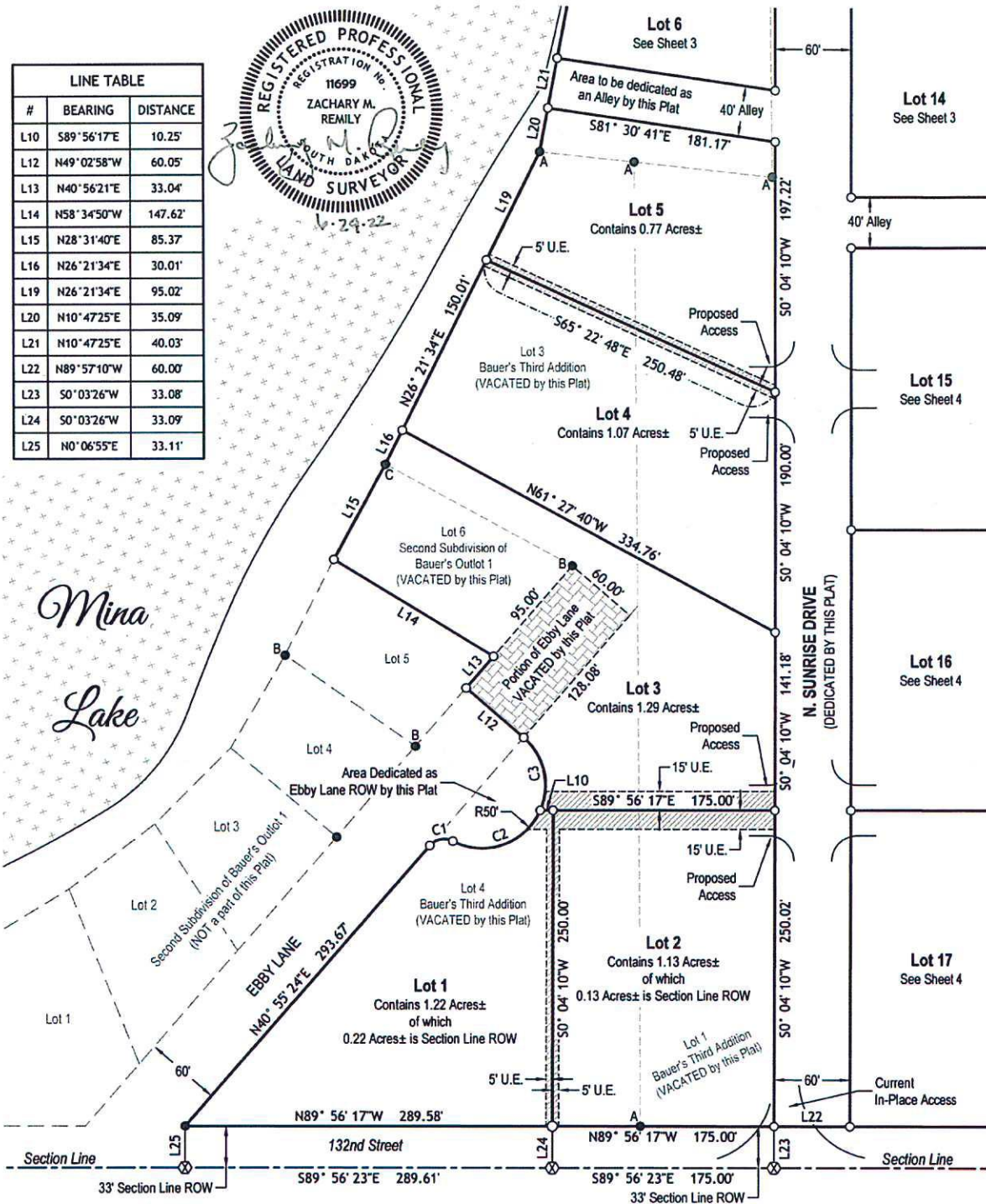


Prepared By:
 619 14th Avenue S, Faulkton, South Dakota 57438
 Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com
 Project No. ALS22061 Field Survey Date: 06-07-2022

PLAT SHOWING BAUER'S FOURTH ADDITION

IN THE S1/2 OF SECTION 7, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

LINE TABLE		
#	BEARING	DISTANCE
L10	S89° 56' 17"E	10.25'
L12	N49° 02' 58"W	60.05'
L13	N40° 56' 21"E	33.04'
L14	N58° 34' 50"W	147.62'
L15	N28° 31' 40"E	85.37'
L16	N26° 21' 34"E	30.01'
L19	N26° 21' 34"E	95.02'
L20	N10° 47' 25"E	35.09'
L21	N10° 47' 25"E	40.03'
L22	N89° 57' 10"W	60.00'
L23	S0° 03' 26"W	33.08'
L24	S0° 03' 26"W	33.09'
L25	N0° 06' 55"E	33.11'



CURVE TABLE					
#	LENGTH	RADIUS	DELTA ANGLE	Ch	CL
C1	20.07	15.00'	76° 39' 27"	N79° 15' 08"E	18.61'
C2	82.05	50.00'	94° 01' 13"	N70° 34' 15"E	73.15'
C3	63.37	50.00'	72° 38' 34"	N12° 45' 41"W	59.21'

LEGEND

- A ● PIN FOUND (LS 3210)
- B ● PIN FOUND (LS 4423)
- C ● PIN FOUND (Rebar)
- PIN SET w/CAP LS 11699
- ⊙ CALCULATED CORNER
- U.E. UTILITY EASEMENTS (TYP) AS SHOWN

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



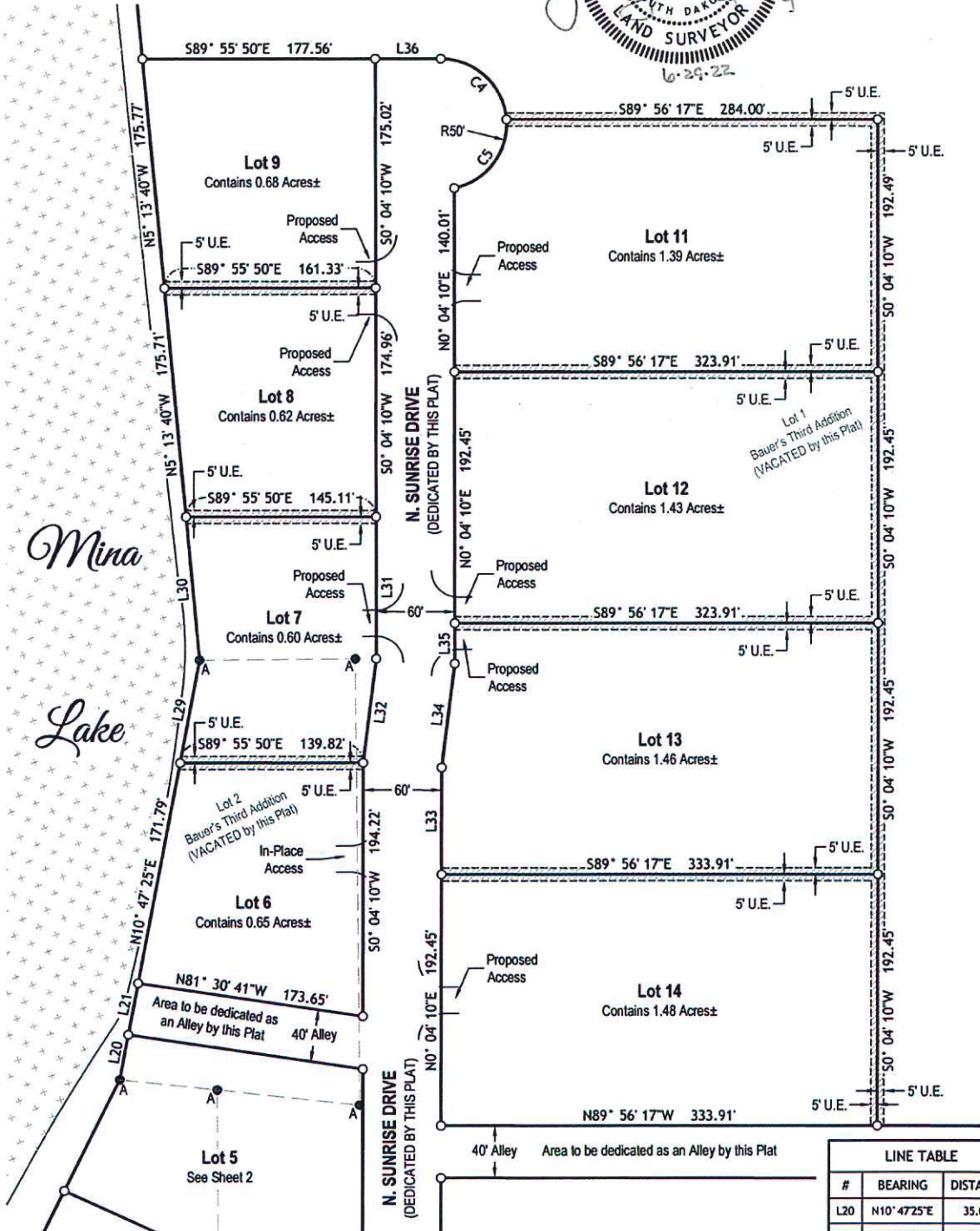
Prepared By:
619 14th Avenue S, Faulkton, South Dakota 57438
Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com
Project No. ALS22061 Field Survey Date: 06-07-2022



PLAT SHOWING
BAUER'S FOURTH ADDITION
 IN THE 51/2 OF SECTION 7, TOWNSHIP 123 NORTH,
 RANGE 65 WEST OF THE 5th P.M.,
 BROWN COUNTY, SOUTH DAKOTA



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



#	LENGTH	RADIUS	DELTA ANGLE	Ch	CL
C5	72.00'	50.00'	82°30'36"	N37°19'13"E	65.94'
C4	75.11'	50.00'	86°03'55"	N46°58'02"W	68.24'

- LEGEND**
- A ● PIN FOUND (LS 3210)
 - B ● PIN FOUND (LS 4423)
 - C ● PIN FOUND (Rebar)
 - PIN SET w/CAP LS 11699
 - ⊙ CALCULATED CORNER
 - U.E. UTILITY EASEMENTS (TYP) AS SHOWN



NORTH

#	BEARING	DISTANCE
L20	N10°47'25"E	35.09'
L21	N10°47'25"E	40.03'
L29	N10°47'25"E	80.00'
L30	N5°13'40"W	110.20'
L31	S0°04'10"W	108.63'
L32	S7°13'32"W	80.33'
L33	N0°04'10"E	81.90'
L34	N7°13'32"E	80.28'
L35	N0°04'10"E	30.90'
L36	N89°55'50"W	49.98'

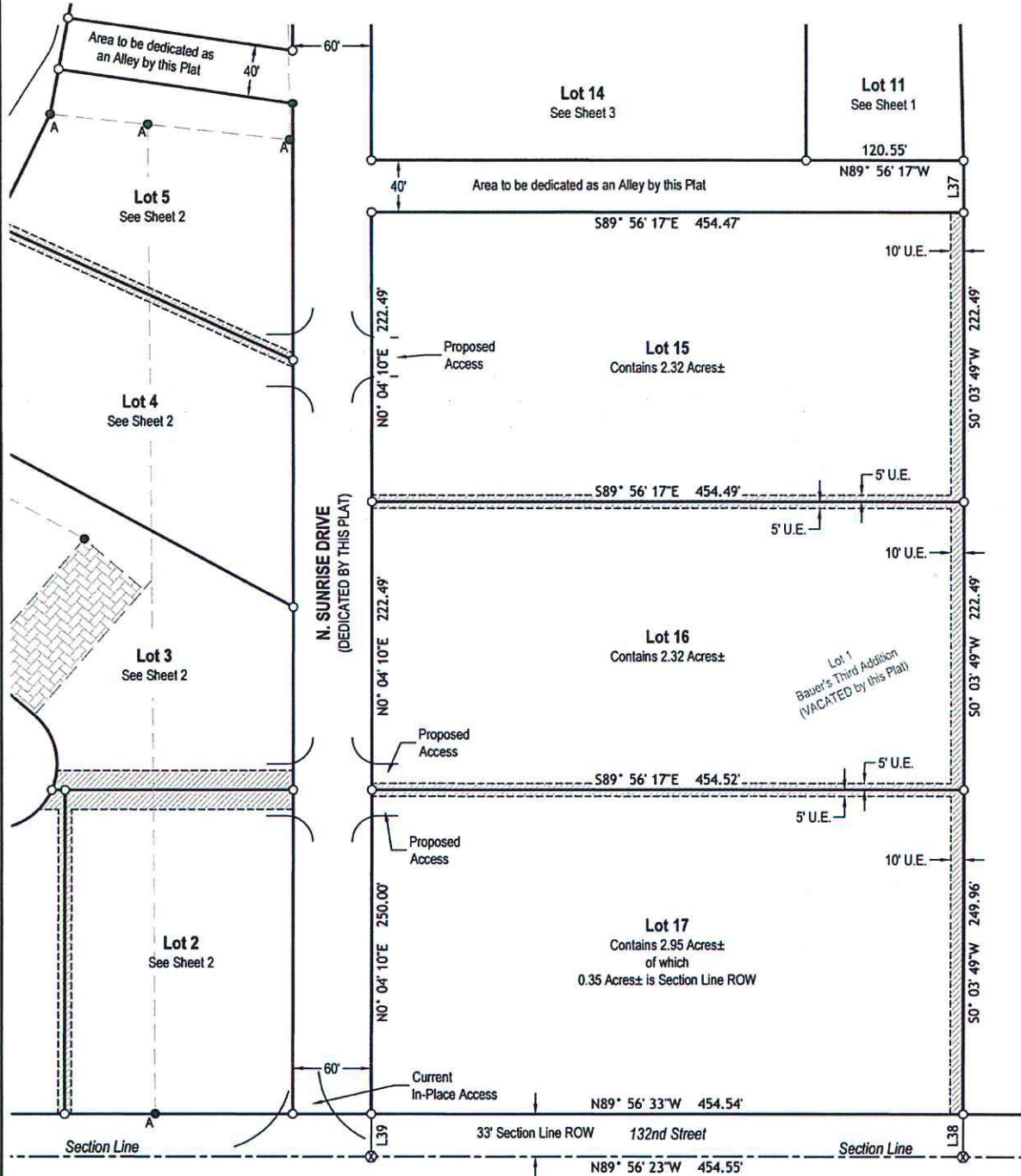


Prepared By: Assurance
 619 14th Avenue S, Faulkton, South Dakota 57438
 Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com
 Project No. ALS22061 Field Survey Date: 06-07-2022



PLAT SHOWING
BAUER'S FOURTH ADDITION

IN THE S1/2 OF SECTION 7, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE 5th P.M.,
 BROWN COUNTY, SOUTH DAKOTA



LEGEND

- A PIN FOUND (LS 3210)
- B PIN FOUND (LS 4423)
- C PIN FOUND (Rebar)
- o PIN SET w/CAP LS 11699
- ⊙ CALCULATED CORNER
- U.E. UTILITY EASEMENTS (TYP) AS SHOWN

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



LINE TABLE		
#	BEARING	DISTANCE
L37	S0° 03' 49" W	40.00'
L38	S0° 03' 49" W	33.12'
L39	S0° 04' 10" W	33.10'



Prepared By:
 619 14th Avenue S, Faulkton, South Dakota 57438
 Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com
 Project No. ALS22061 Field Survey Date: 06-07-2022



PLAT SHOWING

BAUER'S FOURTH ADDITION

IN THE S1/2 OF SECTION 7, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, Roger Feickert, do hereby certify that I am the owner of Lots 1 and 2 of Bauer's Third Addition in the South One-Half (S1/2) of Section Seven (7), Township One Hundred Twenty-Three (123) North, Range Sixty-Five (65) West of the 5th P.M., Brown County, South Dakota, and that I have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as:

"BAUER'S FOURTH ADDITION IN THE S1/2 OF SECTION 7, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA"

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

By this plat, I, Roger Feickert, do hereby VACATE Lots 1 and 2 of Bauer's Third Addition in the South One-Half (S1/2) of Section Seven (7), Township One Hundred Twenty-Three (123) North, Range Sixty-Five (65) West of the 5th P.M., Brown County, South Dakota as filed for record on January 17, 2006 at 1:40 P.M., and duly recorded as Hanging Plat No. 2411H.

By this plat, I, Roger Feickert, do hereby DEDICATE to the public forever, N. SUNRISE DRIVE along with the alleys, as shown on the attached plat for street purposes.

By this plat, I, Roger Feickert, do hereby DEDICATE for perpetual use by all public utilities, the utility easements shown or referenced on the attached plat.

Owner: Roger Feickert

Signature of Roger Feickert

Signed this 30th day of June, 2022.

COUNTY OF Brown)
STATE OF South Dakota) SS

On this the 30th day of June, 2022, before me, Roger Feickert the undersigned officer, personally appeared Roger Feickert, known to me or satisfactorily proven to be the person who, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

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

My Commission Expires: 6/1/23

Signature of Sara Shelbourn, Notary Public

My comm. exp. 6/1/23



OWNER'S CERTIFICATE

Mina North, LLC., does hereby certify that it is the owner of Lots 3 and 4 of Bauer's Third Addition in the South One-Half (S1/2) of Section Seven (7), Township One Hundred Twenty-Three (123) North, Range Sixty-Five (65) West of the 5th P.M., Brown County, South Dakota, and that it has caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as:

"BAUER'S FOURTH ADDITION IN THE S1/2 OF SECTION 7, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA"

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

By this plat, Mina North, LLC., does hereby VACATE Lots 3 and 4 of Bauer's Third Addition in the South One-Half (S1/2) of Section Seven (7), Township One Hundred Twenty-Three (123) North, Range Sixty-Five (65) West of the 5th P.M., Brown County, South Dakota as filed for record on January 17, 2006 at 1:40 P.M., and duly recorded as Hanging Plat No. 2411H.

By this plat, Mina North, LLC., does hereby DEDICATE to the public forever, that portion of Ebby Lane as shown on page 2 of the attached plat for street purposes.

By this plat, Mina North, LLC., does hereby VACATE that portion of Ebby Lane as shown on page 2 and filed in the Plat of Bauer's Third Addition in the S1/2 of Section Seven (7), Township One Hundred Twenty-Three (123) North, Range Sixty-Five (65) West of the 5th P.M., Brown County, South Dakota as filed for record on January 17, 2006 at 1:40 P.M., and duly recorded as Hanging Plat No. 2411H.

By this plat, Mina North, LLC., does hereby DEDICATE for perpetual use by all public utilities, the utility easements shown or referenced on the attached plat.

Owner: Mina North, LLC.

Signature of Nolan Ulmer, Manager/Member

Signature of Nolan Ulmer

Signed this 30th day of June, 2022.

COUNTY OF Brown)
STATE OF South Dakota) SS

On this 30th day of June, 2022, before me, a notary public, the undersigned officer, personally appeared Nolan Ulmer, who acknowledge himself/herself to be the manager, of Mina North, LLC., and that he/she as such manager, being authorized to do so, executed the forgoing instrument for the proposed therein contained, by signing the name of the LLC. by himself/herself as manager.

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

My Commission Expires: 6/1/23

Signature of Sara Shelbourn, Notary Public



PLAT SHOWING

BAUER'S FOURTH ADDITION

IN THE S1/2 OF SECTION 7, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

Dakota Plains Preserve, LLC., a Nebraska Limited Liability Company, does hereby certify that it is the owner of Lot Six (6), Second Subdivision of Bauer's Outlot 1 in the Southwest Quarter (SW1/4) of Section Seven (7), Township One Hundred Twenty-Three (123) North, Range Sixty-Five (65) West of the 5th P.M., Brown County, South Dakota, and that it has caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as:

"BAUER'S FOURTH ADDITION IN THE S1/2 OF SECTION 7, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA"

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

By this plat, Dakota Plains Preserve, LLC., a Nebraska Limited Liability Company, does hereby VACATE Lot Six (6), Second Subdivision of Bauer's Outlot 1 in the Southwest Quarter (SW1/4) of Section Seven (7), Township One Hundred Twenty-Three (123) North, Range Sixty-Five (65) West of the 5th P.M., Brown County, South Dakota as filed for record on August 11, 2004 at 10:53 A.M., and duly recorded as Hanging Plat No. 2011H.

By this plat, Dakota Plains Preserve, LLC., a Nebraska Limited Liability Company, does hereby DEDICATE to the public forever, that portion of Ebby Lane as shown on page 2 of the attached plat for street purposes.

By this plat, Dakota Plains Preserve, LLC., a Nebraska Limited Liability Company, does hereby VACATE that portion of Ebby Lane the public forever, that portion of Ebby Lane as shown on page 2 and filed in the Plat of Bauer's Third Addition in the S1/2 of Section Seven (7), Township One Hundred Twenty-Three (123) North, Range Sixty-Five (65) West of the 5th P.M., Brown County, South Dakota as filed for record on January 17, 2006 at 1:40 P.M., and duly recorded as Hanging Plat No. 2411H.

Owner: **Dakota Plains Preserve, LLC., a Nebraska Limited Liability Company**

Iris J. Moore, President
Print Name & Title

[Signature]
Signature

Signed this 2nd day of July, 2022.

COUNTY OF Brown)
STATE OF South Dakota) SS

On this 2nd day of July, 2022, before me, a notary public, the undersigned officer, personally appeared Iris J. Moore who acknowledge himself/herself to be the President of Dakota Plains Preserve, LLC., a Nebraska Limited Liability Company, and that he/she as such President, being authorized to do so, executed the forgoing instrument for the proposed therein contained, by signing the name of the LLC. by himself/herself as President.

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

My Commission Expires: 1-18-24
[Signature]
Notary Public

SURVEYOR'S CERTIFICATE

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

"BAUER'S FOURTH ADDITION IN THE S1/2 OF SECTION 7, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA"

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

Signed this 29th day of June, 2022.

[Signature]
ZACHARY M. REMILY, LS 11699

MERCIER TOWNSHIP HIGHWAY APPROVAL

"Existing Access to **132nd STREET** is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

Signed this _____ day of _____, 2022.

Highway or Street Authority

COUNTY PLANNING COMMISSION APPROVAL

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

Meeting held on the _____ day of _____, 2022.

Secretary of County Planning Commission
Brown County, South Dakota

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

"BAUER'S FOURTH ADDITION IN THE S1/2 OF SECTION 7, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA"

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

COUNTY COMMISSION APPROVAL

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

Meeting held on the _____ day of _____, 2021.

County Auditor
Brown County, South Dakota

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

"BAUER'S FOURTH ADDITION IN THE S1/2 OF SECTION 7, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA"

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

PLAT SHOWING

BAUER'S FOURTH ADDITION

IN THE S1/2 OF SECTION 7, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

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

Signed this ____ day of _____, 2022.

County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

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

this ____ day of _____, 2022.

Director of Equalization
Brown County, South Dakota

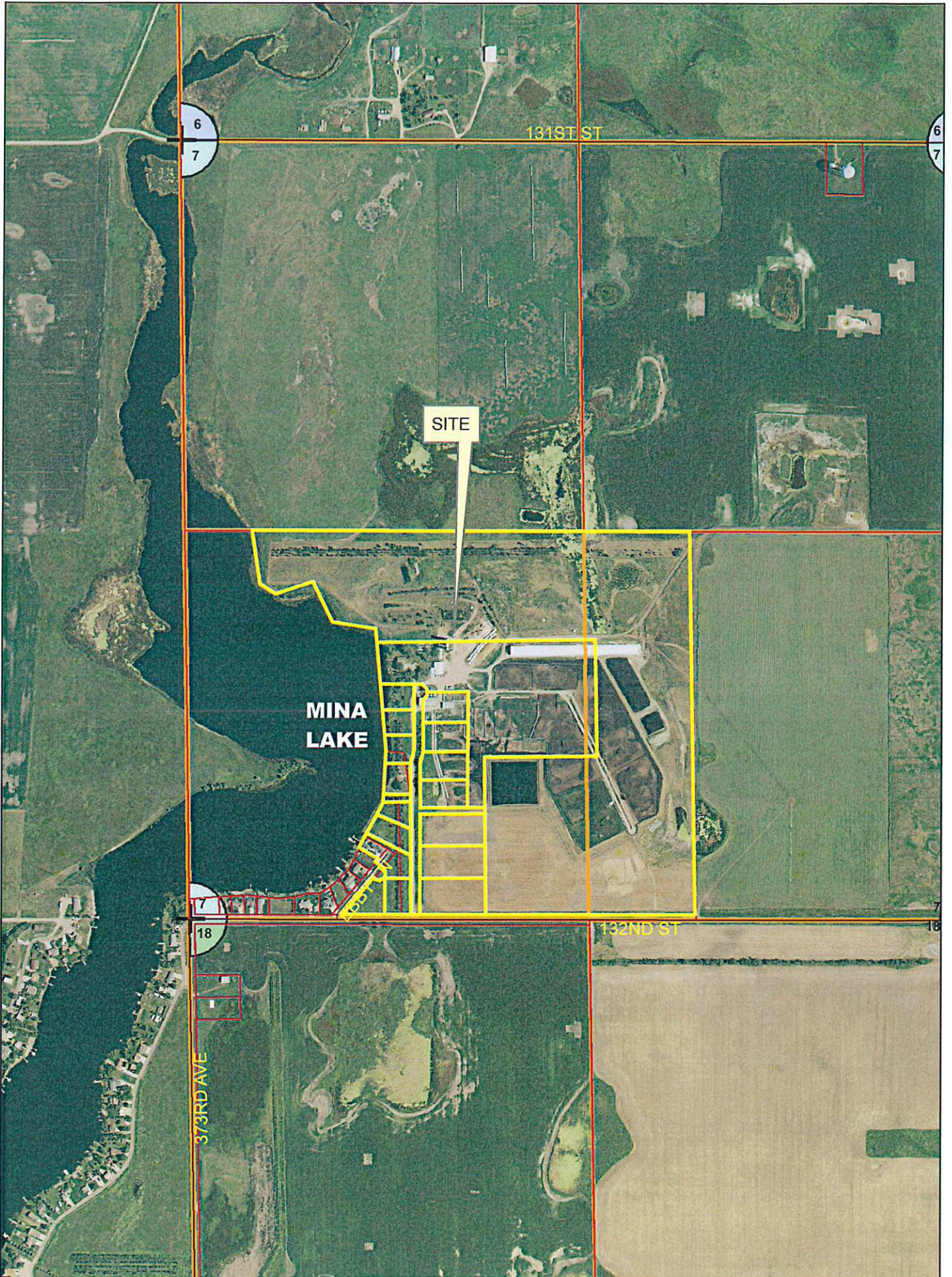
REGISTER OF DEEDS' CERTIFICATE

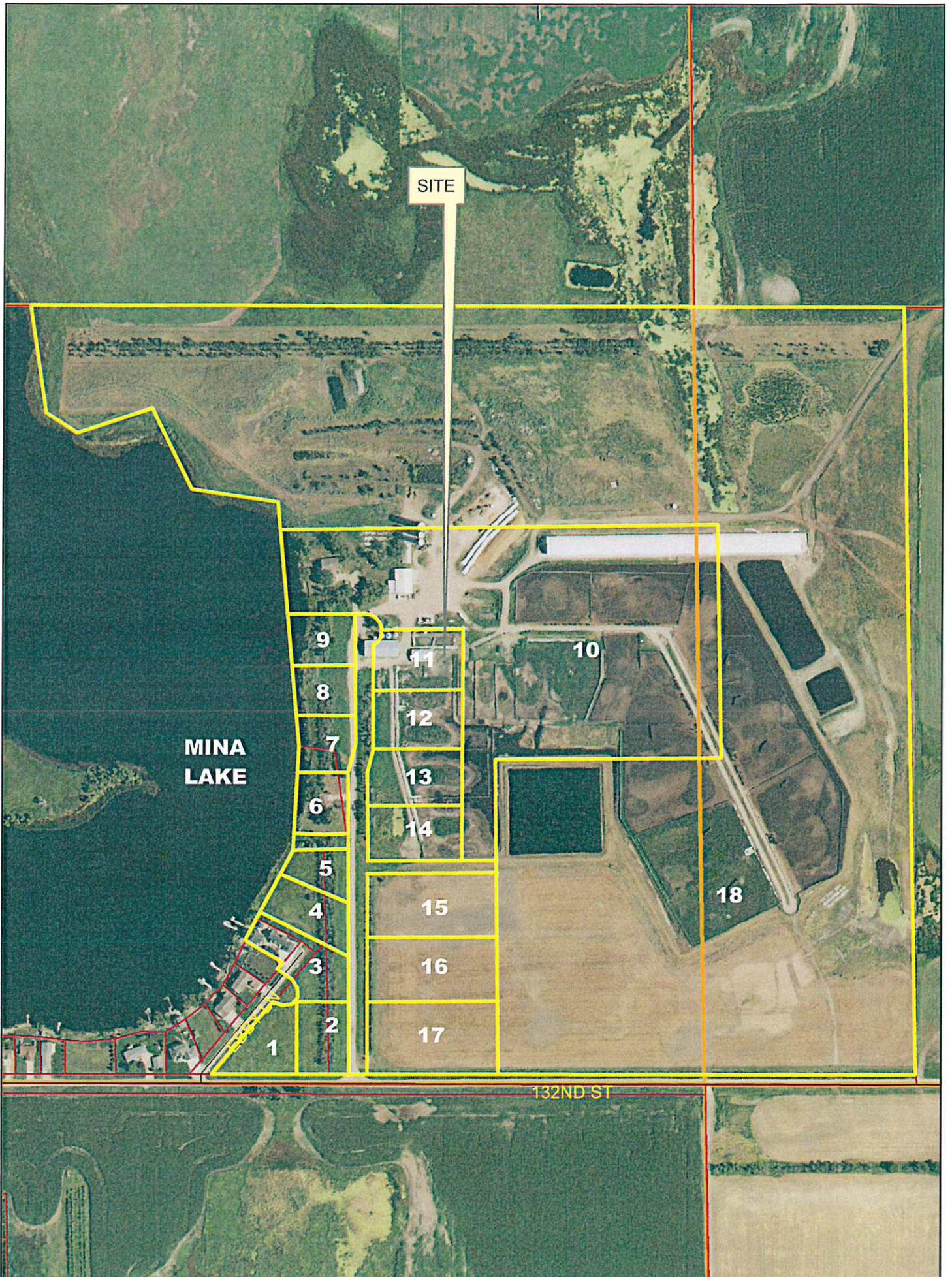
Filed for record this ____ day of _____, 2022.

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

No. _____.

Register of Deeds
Brown County, South Dakota





SITE

MINA LAKE

132ND ST

9

8

7

6

5

4

3

2

1

11

12

13

14

15

16

17

10

18

Mina North LLC
PO Box 203
Aberdeen, SD 57402-0203

Dakota Plains Preserve
8005 Farnam Dr., Ste 204
Omaha, NE 68114-3426

Roger Feickert
38493 132nd Street
Aberdeen, SD 57401

Allen Luce
Attn: Mercier Twp
37756 132nd Street
Aberdeen, SD 57401

Gregory & Leanne Hoffman
206 Sunrise Drive
Mina, SD 57451

Marlene Tuchscherer
37328 Ebby Lane
Mina, SD 57451

Larry & Cynthia Sime
37326 Ebby Lane
Mina, SD 57451

Jeffrey & Jessica Evenson
37324 Ebby Lane
Mina, SD 57451

NOTICE OF HEARING
A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex lower-level Community Room, on August 16, 2022, at 7:00 p.m.
Owner & Petitioner: Nolan Ulmer

Description of property: Lots 1-17, "Bauer's Fourth Addition" in the S1/2 Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (North Sunrise Drive & Ebby Lane, Mercier Twp.).
Reason: Rezoning from Agriculture Preservation District (AG-P) to Lake Front Residential District (R-3) and Mini-Agriculture District (M-AG) to bring these parcels into compliance for their future use.
The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.
Dated this 4th day of August 2022.
Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 4, 2022,
at the total approximate cost of \$21.24 and may be viewed free of charge at www.sdpublishnotices.com
7609172

STAFF REPORT

August 16, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

Rezone Parcel from AG-P to M-AG District

ITEM #11

GENERAL INFORMATION:

PETITIONER:	Todd Lunzman
REQUEST:	Rezone Parcel: AG-P to M-AG District
LEGAL DESCRIPTION:	Proposed Lot I, "Howell-Lunzman Addition" in the SW $\frac{1}{4}$ of Section 29-T128N-R62W of the 5 th P.M., Brown County, South Dakota
LOCATION:	10464 395 th Avenue
TOWNSHIP:	Liberty Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	Unknown
REPORTED BY:	Chris Anderson

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

GENERAL REVIEW: Staff has reviewed this request.

NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex lower-level Community Room, on August 16, 2022, at 7:00 p.m.

Owner & Petitioner: Todd and Pamela Lunzman

Description of property: Proposed Lot 1, "Howell-Lunzman Addition" in the SW1/4 Section 29-T128N-R62W of the 5th P.M., Brown County, South Dakota (10464 395th Avenue, Liberty Twp.).

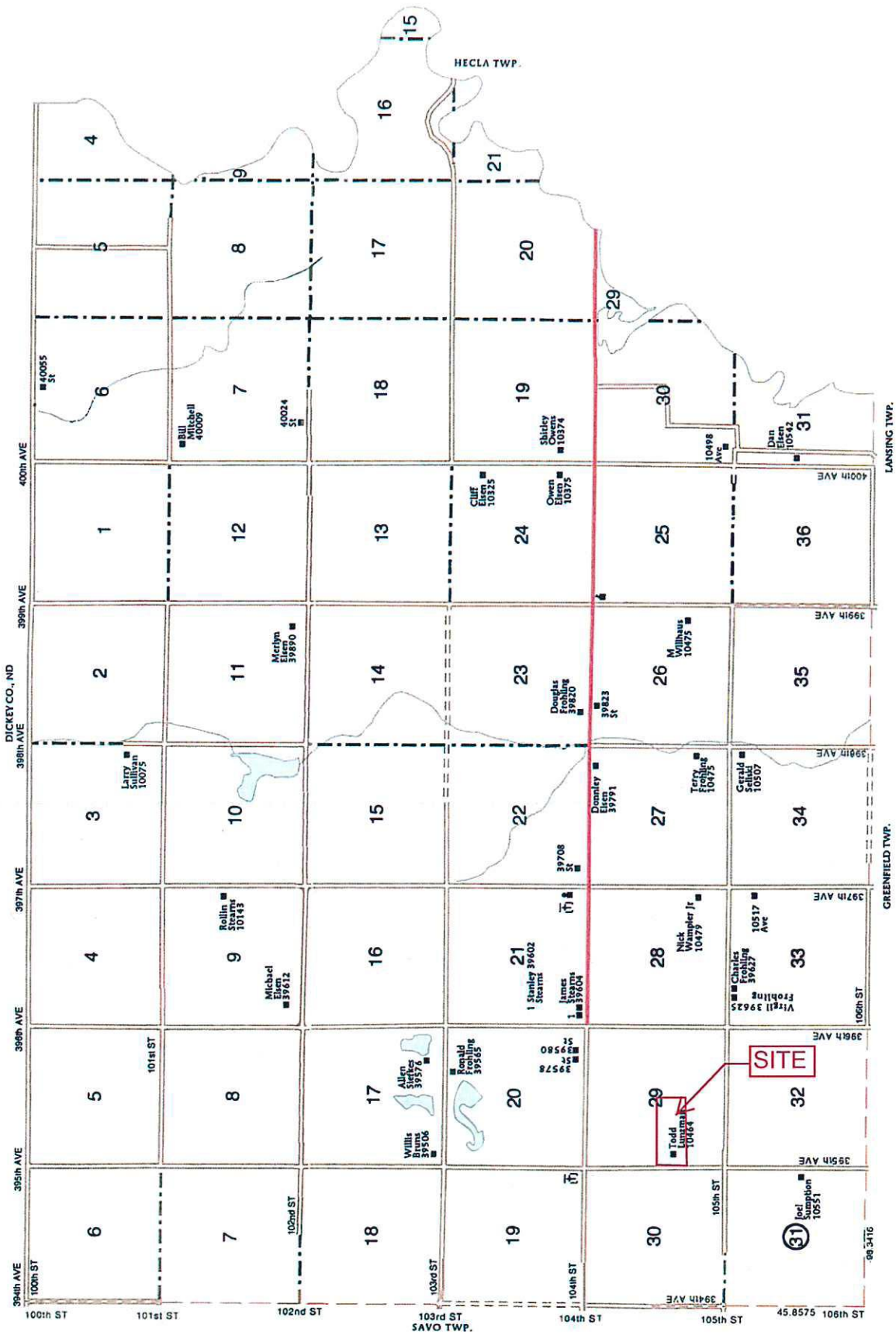
Reason: Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

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

Dated this 4th day of August 2022.

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

Published once at the total approximate cost of _____.



REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: 7-11-22
Receipt: 620769
Filing Fee: \$350
(non-refundable)

Brown County Commission Members:

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

Legal Description:

Proposed Lot 1, "Howell-Lunzman Addition" in the SW1/4 of Section 29-
T128N-R62W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 10464 395th Avenue
From the Agriculture Preservation District
To the Mini-Agriculture District

Purpose: To Bring into Compliance
Size of Parcel: 22.0 Acres
Existing Land Use: Mini-Agriculture

Owner/Petitioner: (Print) Todd Lunzman
Signature: Todd Lunzman
Date: 7-28-22 Phone: (605) 994-2143
Address: 10464 395th Avenue
Hecla, SD 57446
City State Zip

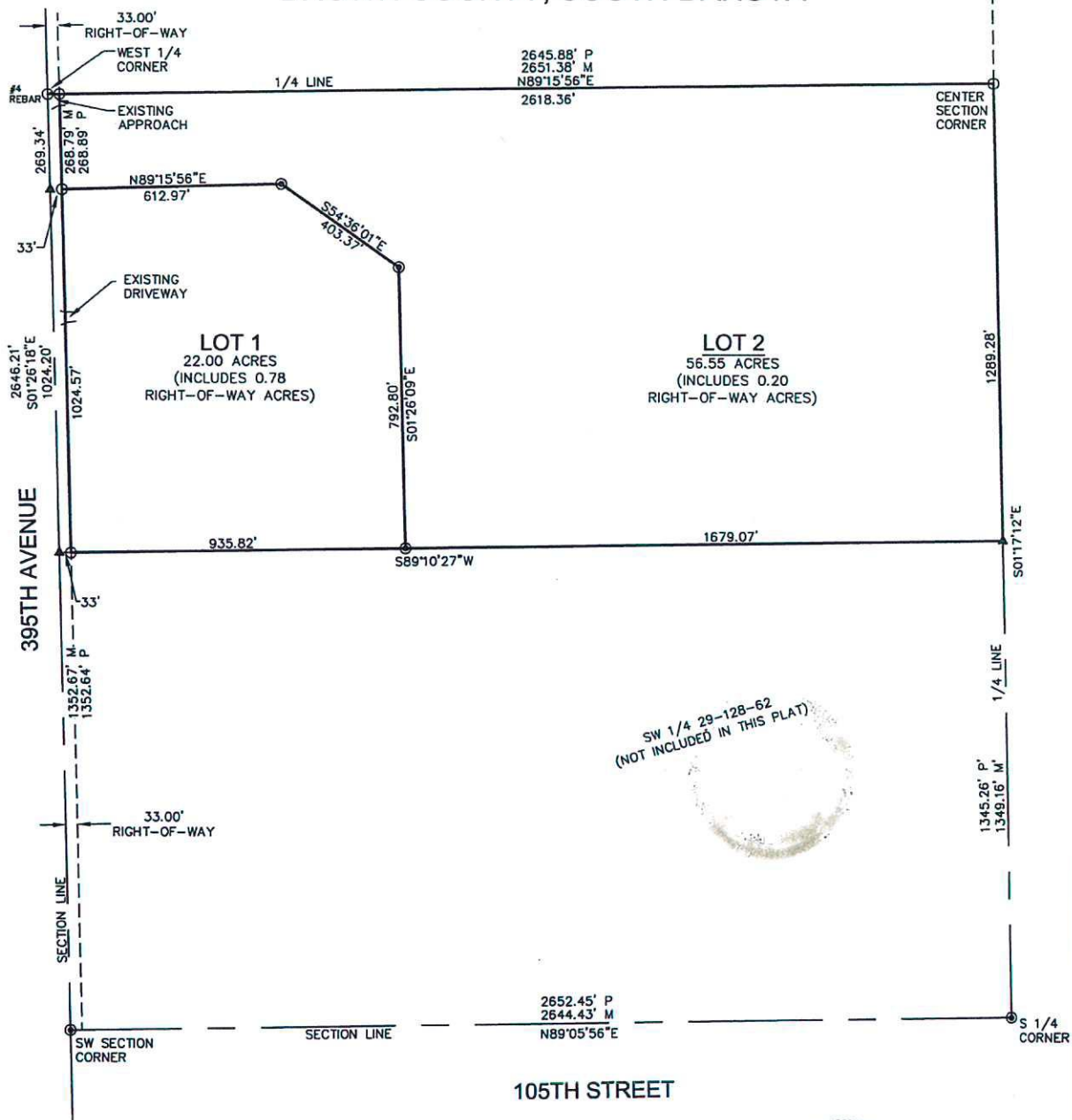
Owner: (Print) Todd Lunzman
Signature: Todd Lunzman
Date: 7-28-22 Phone: (605) 994-2143
Address: 10464 395th Avenue
Hecla, SD 57446
City State Zip

Additional Signatures may be submitted on a separate page.

PLAT OF

A-8759

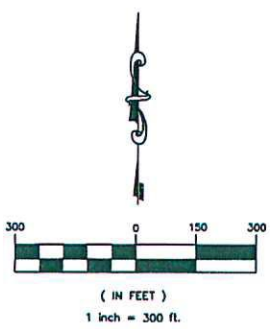
HOWELL-LUNZMAN ADDITION
IN THE SW 1/4 OF SECTION 29-T128N-R62W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA



SW 1/4 29-128-62
(NOT INCLUDED IN THIS PLAT)

LEGEND

- FOUND PROPERTY CORNER LS 3210 UNLESS OTHERWISE NOTED
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- ▲ CALCULATED POSITION
- P PREVIOUSLY PLATTED
- M MEASURED IN FIELD



BASIS OF BEARINGS

SD STATE PLANE NORTH ZONE
NAD 83 (2011) US SURVEY FEET
DISTANCES ARE GROUND

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

DWG. 8759-LS BY:KMW SHEET 1 OF 3

PLAT OF
HOWELL-LUNZMAN ADDITION
IN THE SW 1/4 OF SECTION 29-T128N-R62W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

WE, LEE AND JULIE HOWELL LIVING TRUST, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF LOT 1, HERTHER ADDITION IN THE SW 1/4 OF SECTION 29 T128N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS; HOWELL-LUNZMAN ADDITION IN THE SW 1/4 OF SECTION 29-T128N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

BY THIS PLAT, WE DO HEREBY VACATE LOT 1 HERTHER ADDITION IN THE SW 1/4 OF SECTION 29-T128N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS FILED FOR RECORD ON OCTOBER 9, 2002, AND DULY RECORDED AS PLAT NO. 1773H, IN THE BROWN COUNTY REGISTER OF DEEDS OFFICE.



LEE HOWELL (TRUSTEE)

Signed this 28th day of June 2022



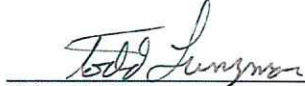
JULIE HOWELL (TRUSTEE)

Signed this 26 day of June 2022

OWNER'S CERTIFICATE

WE, TODD A. LUNZMAN AND PAMELA LUNZMAN, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF LOT 2, HERTHER ADDITION IN THE SW 1/4 OF SECTION 29 T128N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS; HOWELL-LUNZMAN ADDITION IN THE SW 1/4 OF SECTION 29-T128N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

BY THIS PLAT, WE, TODD A. LUNZMAN AND PAMELA LUNZMAN, DO HEREBY VACATE LOT 2 HERTHER ADDITION IN THE SW 1/4 OF SECTION 29-T128N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS FILED FOR RECORD ON OCTOBER 9, 2002, AND DULY RECORDED AS PLAT NO. 1773H, IN THE BROWN COUNTY REGISTER OF DEEDS OFFICE.



TODD A. LUNZMAN

Signed this 11 day of July 2022



PAMELA LUNZMAN

Signed this 11 day of July 2022




ACKNOWLEDGMENT

STATE OF South Dakota
COUNTY OF Minnehaha)SS

ON THIS THE 26 DAY OF JUNE 2022 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED LEE HOWELL AND JULIE HOWELL, 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.

MY COMMISSION EXPIRES: December 27, 2027


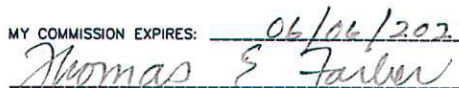
NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF)
COUNTY OF)SS

ON THIS THE 11 DAY OF July 2022 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED TODD A. LUNZMAN AND PAMELA LUNZMAN, 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.

MY COMMISSION EXPIRES: 06/06/2028


NOTARY PUBLIC




PLAT OF
HOWELL-LUNZMAN ADDITION
IN THE SW 1/4 OF SECTION 29-T128N-R62W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "HOWELL-LUNZMAN ADDITION IN THE SW 1/4 OF SECTION 29-T128N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" AS SHOWN ON THE ATTACHED PLAT, THAT I HAVE FOUND AND/OR SET IRON PINS AS INDICATED THEREON. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 21st DAY OF June, 2022


ROBERT K. KIESO RLS #9214

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF 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; HOWELL-LUNZMAN ADDITION IN THE SW 1/4 OF SECTION 29-T128N-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; HOWELL-LUNZMAN ADDITION IN THE SW 1/4 OF SECTION 29-T128N-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

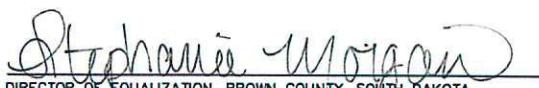
THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTY ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS 11 DAY OF July, 2022


STEPHANIE MORGAN
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 11 DAY OF July, 2022

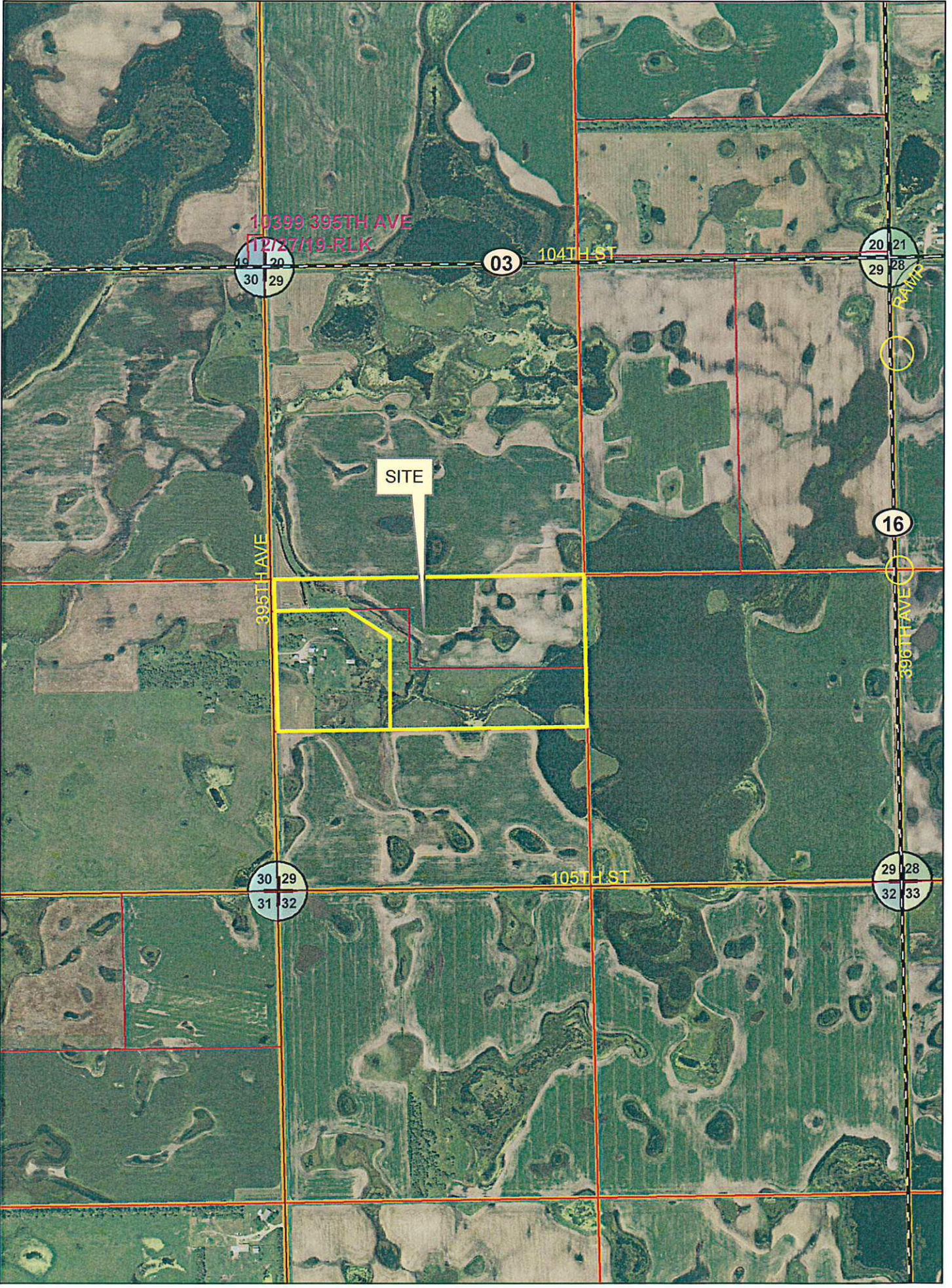

CYNTHIA MEYER, COUNTY TREASURER
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

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



10399 395TH AVE
12/27/19-RLK

03

104TH ST

20 21
29 28

RAIMP

SITE

16

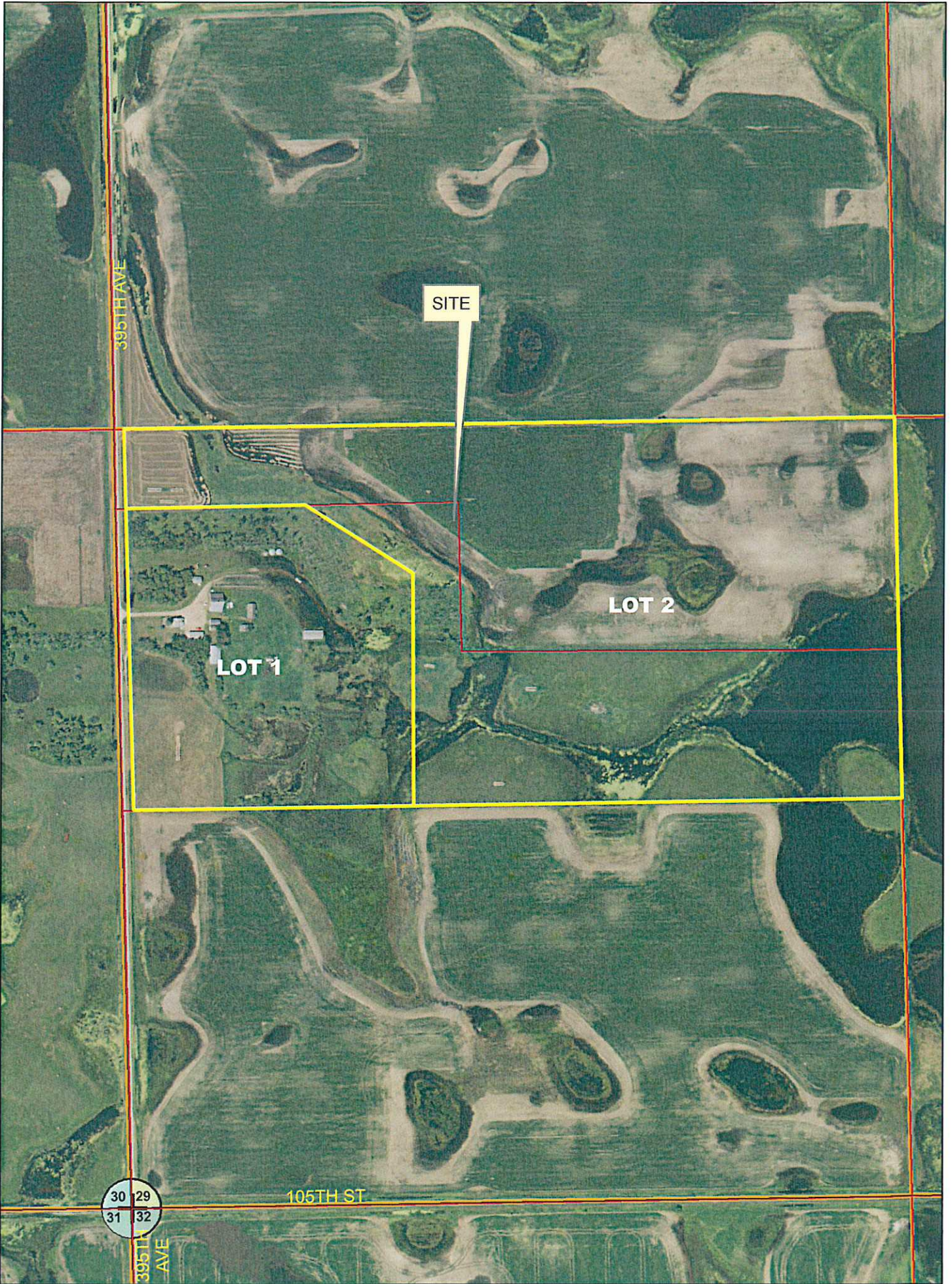
395TH AVE

396TH AVE

30 29
31 32

105TH ST

29 28
32 33



SITE

LOT 1

LOT 2

30 29
31 32

395TH AVE

105TH ST

395TH AVE

Todd & Pamela Lunzman

10464 395th Avenue
Hecla, SD 57446

Daniel Elsen

Attn: Liberty Twp
10542 400th Avenue
Hecla, SD 57446

Lee & Julie Howell Trust

2201 West Black Rock Circle
Sioux Falls, SD 57108

Clifford Elsen

10325 400th Avenue
Hecla, SD 57446

Ad Preview

NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex lower-level Community Room, on August 16, 2022, at 7:00 p.m.

Owner / Petitioner: Todd and Pamela Lunzman
Description of property: Proposed Lot 1, "Howell-Lunzman Addition" in the SW1/4 Section 29-T128N-R62W of the 5th P.M., Brown County, South Dakota (10464 395th Avenue, Liberty Twp.).
Reason: Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

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

Dated this 4th day of August 2022.

Planning/Zoning Commission and

Scott Bader – P&Z Director
25 Market Street

Aberdeen, SD 57401
Office: (605) 626-7144

Published August 4, 2022,
at the total approximate
cost of \$20.96 and may be
viewed free of charge at
www.sdpublicnotices.com
7609174

STAFF REPORT

August 16, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

Rezone Parcels from AG-P to M-AG Districts

ITEM #12

GENERAL INFORMATION:

PETITIONER:	Mark Thompson
REQUEST:	Rezone Parcels: AG-P to M-AG Districts
LEGAL DESCRIPTION:	Proposed Lot I, "Mark Thompson Second Addition" and Lot I, "Mark Thompson Addition" both in the SE1/4 of Section 9-T128N-R61W of the 5 th P.M., Brown County, South Dakota
LOCATION:	403 rd Avenue and 126 th Street
TOWNSHIP:	Putney 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:	BDM Water
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this rezone to bring these parcels into compliance for their current use.

GENERAL REVIEW: Staff has reviewed this request.

NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex lower-level Community Room, on August 16, 2022, at 7:00 p.m.

Owner & Petitioner: Mark Thompson

Description of properties: Proposed Lot 1, "Mark Thompson Second Addition" and Lot 1, "Mark Thompson Addition" both in the SE1/4 Section 9-T124N-R61W of the 5th P.M., Brown County, South Dakota (103rd Avenue and 126th Street, Putney Twp.).

Reason: Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use.

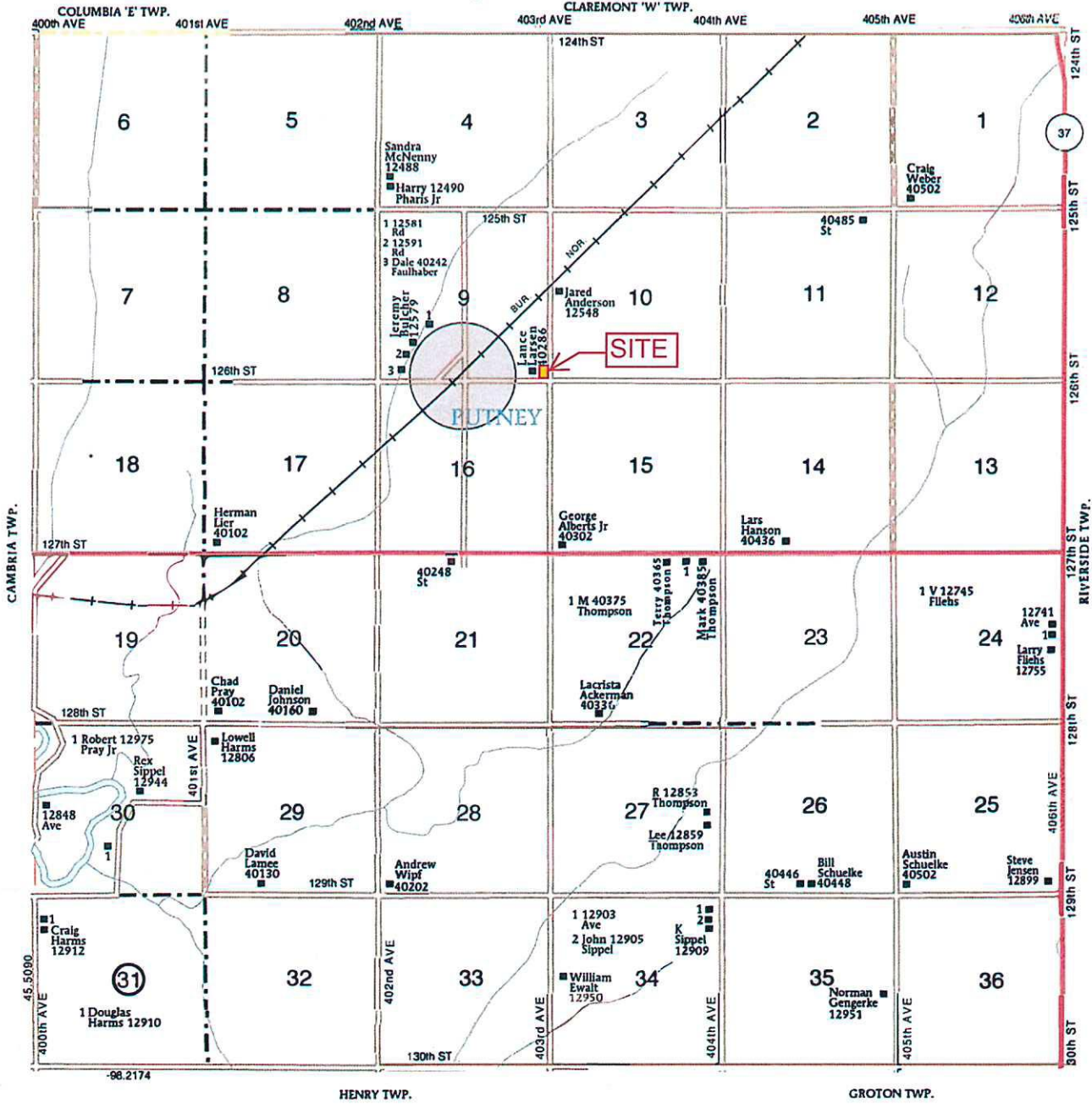
The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date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

Dated this 4th day of August 2022.

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

Published once at the total approximate cost of _____.

(Residents - Owners or Renters)



REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: 7-11-22
Receipt: 620771
Filing Fee: \$350
(non-refundable)

Brown County Commission Members:

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

Legal Description:

Proposed Lot 1, "Mark Thompson Second Addition" and Lot 1, "Mark Thompson Addition" both in the SE1/4 of Section 9-T124N-R61W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 403rd Avenue & 126th Street
From the Agriculture Preservation (AG-P) **District**
To the Mini Agriculture (M-AG) **District**

Purpose: To bring these parcels into compliance for future use
Size of Parcel: 6.83 Acres
Existing Land Use: Agriculture

Petitioner: (Print) Mark Thompson
Signature: *Mark Thompson*
Date: 7/11/2022 Phone: (605) 397-8556 380-8556
Address: 40385 127th Street
Groton, SD 57445
City State Zip

Owner: (Print) Mark Thompson
Signature: *Mark Thompson*
Date: 7/11/2022 Phone: (605) 397-8556
Address: 40385 127th Street
Groton, SD 57445
City State Zip

Additional Signatures may be submitted on a separate page.

PLAT OF
MARK THOMPSON SECOND ADDITION
IN THE SE 1/4 OF SECTION 9 T124N R61W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

WE, MARK AND JUNE THOMPSON, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE SE 1/4 OF SECTION 9 T124N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, LYING SOUTH AND EAST OF THE GREAT NORTHERN RAILWAY COMPANY RIGHT OF WAY ACROSS SAID SE 1/4, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS; MARK THOMPSON SECOND ADDITION IN THE SE 1/4 OF SECTION 9 T124N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

MARK THOMPSON
Signed this ____ day of _____, 20__

JUNE THOMPSON
Signed this ____ day of _____, 20__

ACKNOWLEDGMENT

STATE OF)
COUNTY OF)SS

ON THIS THE ____ DAY OF _____, 20__, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MARK THOMPSON AND JUNE THOMPSON 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.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNER(S), I HAVE SURVEYED AND PLATTED "MARK THOMPSON SECOND ADDITION IN THE SE 1/4 OF SECTION 9 T124N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" AS SHOWN ON THE ATTACHED PLAT, THAT I HAVE FOUND AND/OR SET IRON PINS AS INDICATED THEREON. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS ____ DAY OF _____, 20__.

ROBERT K. KIESO RLS #9214

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF 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 THOMPSON SECOND ADDITION IN THE SE 1/4 OF SECTION 9 T124N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

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

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING MARK THOMPSON SECOND ADDITION IN THE SE 1/4 OF SECTION 9 T124N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

PLAT OF
MARK THOMPSON SECOND ADDITION
IN THE SE 1/4 OF SECTION 9 T124N R61W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

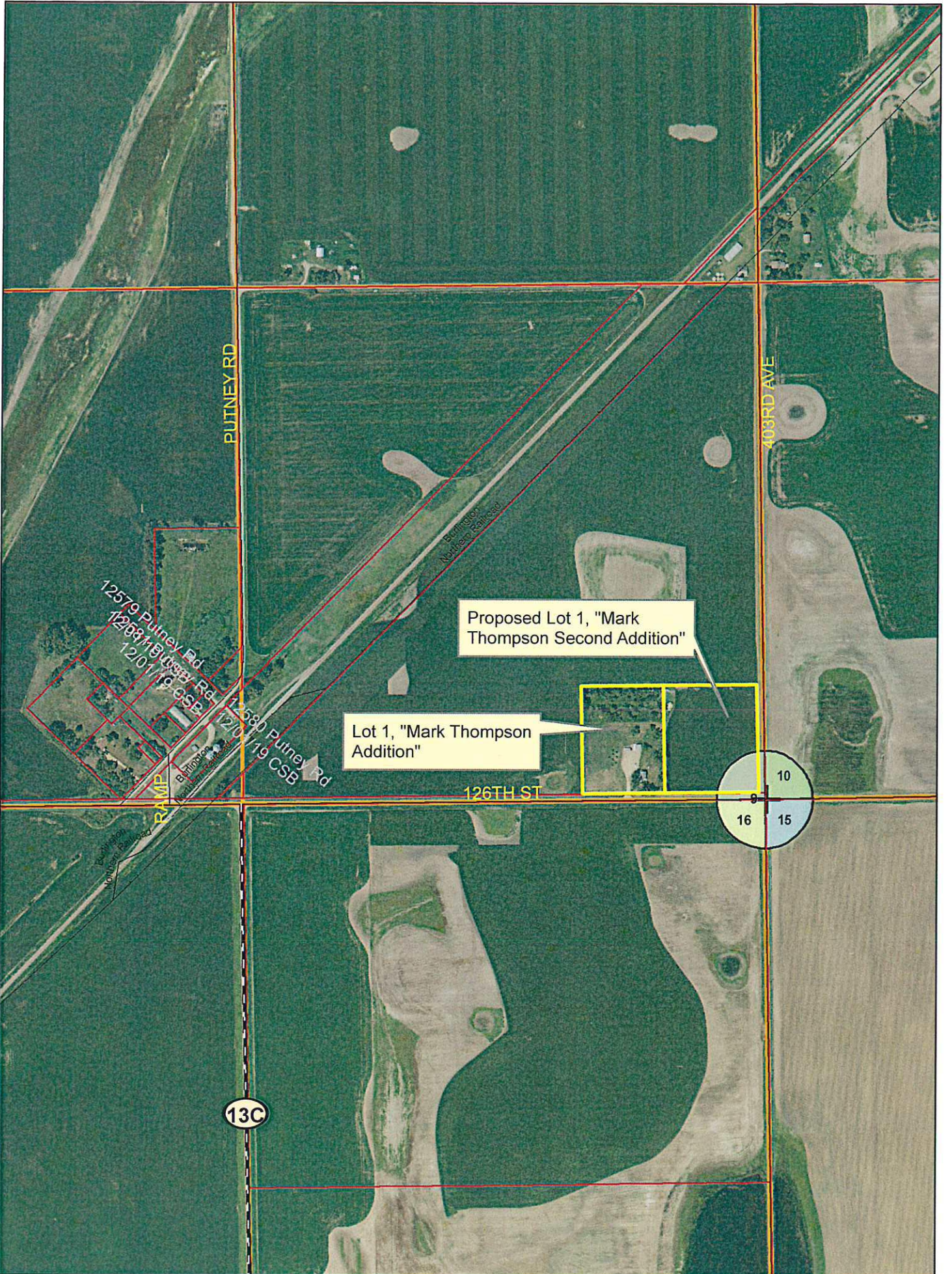
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

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

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA



PUTNEY RD

403RD AVE

Proposed Lot 1, "Mark Thompson Second Addition"

Lot 1, "Mark Thompson Addition"

12579 Putney Rd
12681 1/2 126th St
12011/19 CSB

13C

10
15
16

126TH ST

12580 Putney Rd
12011/19 CSB

RAMP

Burlington
Northern
Railroad

Burlington
Northern
Railroad

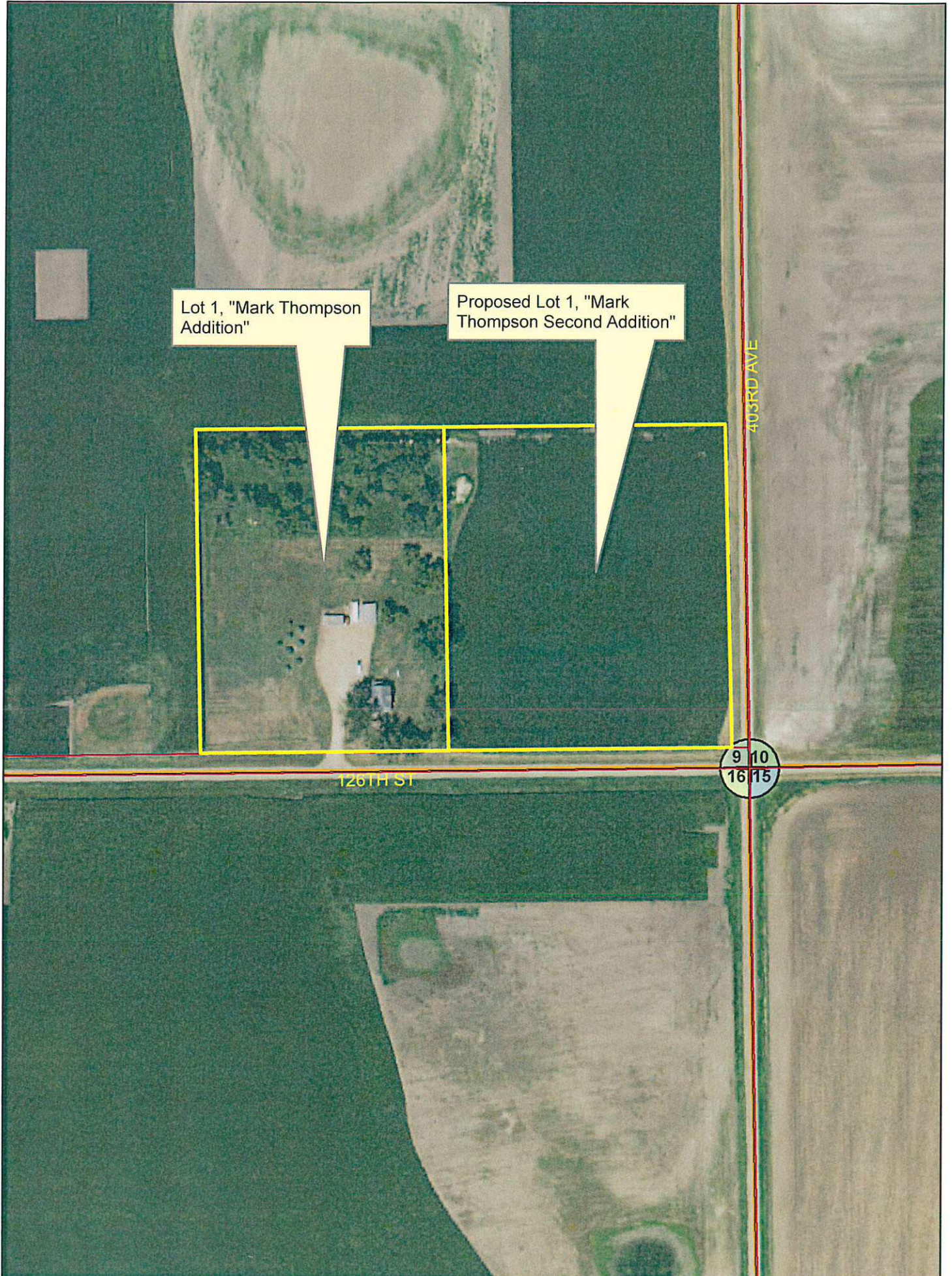
Lot 1, "Mark Thompson Addition"

Proposed Lot 1, "Mark Thompson Second Addition"

403RD AVE

9 10
16 15

126TH ST



Mark & June Thompson

40385 127th Street
Groton, SD 57445

Lance Flihs

Attn: Putney Twp
12741 406th Avenue
Groton, SD 57445

Lance Larsen

40286 126th Street
Groton, SD 57445

Michael Alberts

40302 127th Street
Groton, SD 57445

Jeffrey Flihs

501 15th Avenue East
Groton, SD 57445

Arthur & Linda Gengerke

835 East 5th Avenue
Groton, SD 57445

Ad Preview

NOTICE OF HEARING
A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex lower level Community Room, on August 16, 2022, at 7:00 p.m.

Owner / Petitioner: Mark Thompson
Description of properties: Proposed Lot 1, "Mark Thompson Second Addition" and Lot 1, "Mark Thompson Addition", both in the SE1/4 Section 9-T124N-R61W of the 5th P.M., Brown County, South Dakota (103rd Avenue and 126th Street, Putney Twp.).
Reason: Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use.

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

Dated this 4th day of August 2022.
Planning/Zoning Commission and

Scott Bader – P&Z Director
25 Market Street

Aberdeen, SD 57401

Office: (605) 626-7144

Published August 4, 2022, at the total approximate cost of \$21.52 and may be viewed free of charge at www.sdpublicnotices.com
7609185

STAFF REPORT

August 16, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

Rezone Parcel from AG-P to M-AG District

ITEM #13

GENERAL INFORMATION:

PETITIONER: Jeremy Walberg and Troy Grote

REQUEST: **Rezone Parcel: AG-P to M-AG District**

LEGAL DESCRIPTION: Lot 3, "Hagemann First Subdivision" and Lots 1 and 2, "Garrett's Subdivision of Lot 1, Hagemann First Subdivision" in the SE1/4 of Section 26-T124N-R63W of the 5th P.M., Brown County, South Dakota

LOCATION: 39296 129th Street,
12885 & 12887 393rd Avenue

TOWNSHIP: Ordway Twp

EXISTING ZONING: Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)

PUBLIC UTILITIES: WEB Water

REPORTED BY: Chris Anderson

GENERAL COMMENT: The petitioners are requesting this rezone to bring these parcels into compliance for their current use.

GENERAL REVIEW: Staff has reviewed this request.

NOTICE OF HEARING

A *PETITION to REZONE* has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex lower-level Community Room, on *August 16, 2022, at 7:00 p.m.*

Owner & Petitioner: Jeremy and Brittany Walberg and Troy Grote

Description of property: Lot 3, "Hagemann First Subdivision" and Lots 1 and 2, "Garrett's Subdivision of Lot 1, Hagemann First Subdivision: in the SE1/4 of Section 26-T124N-R63W of the 5th P.M., Brown County, South Dakota (39296 129th Street, and 12885 and 12887 393rd Avenue, Ordway Twp.).

Reason: Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use.

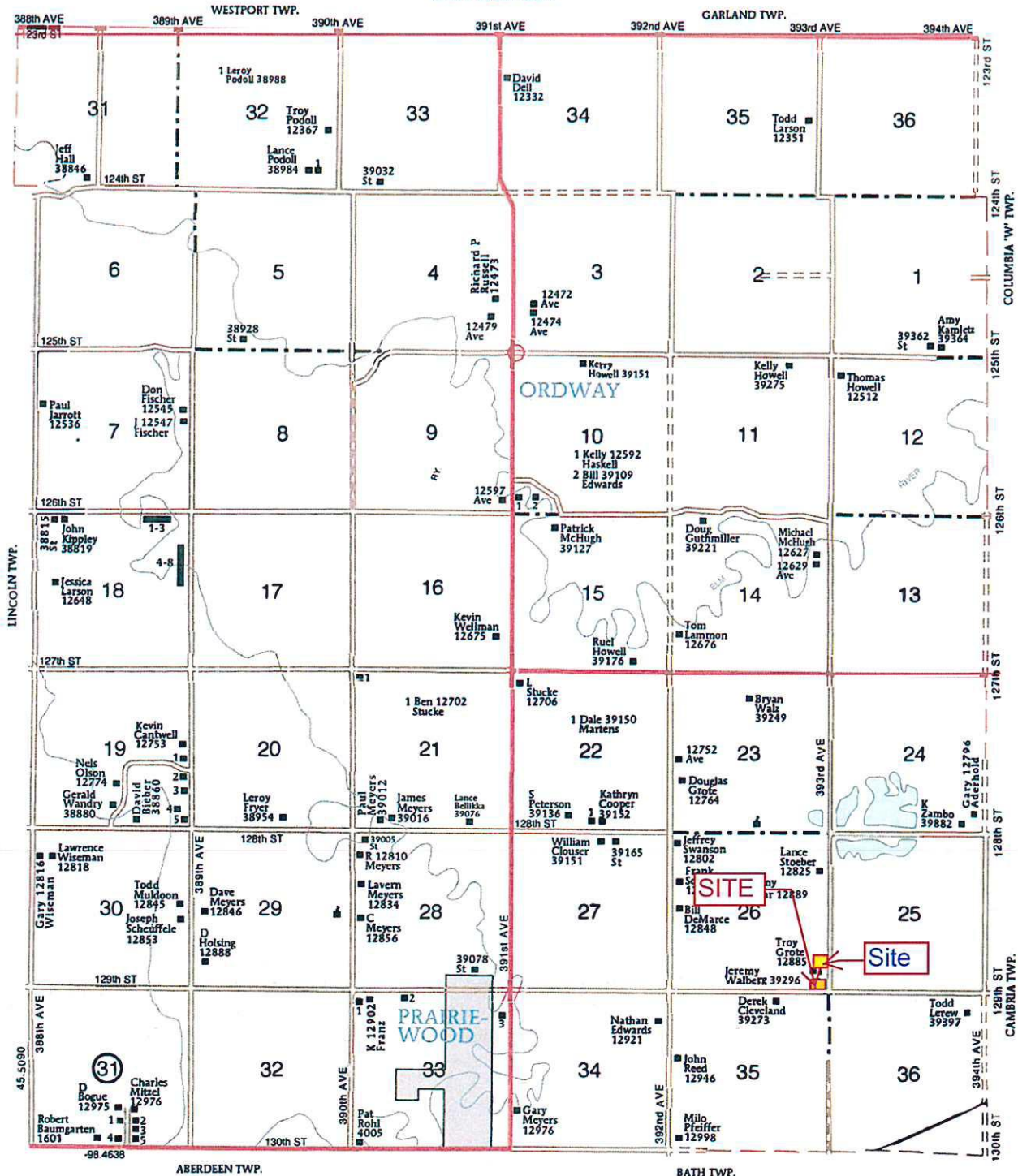
The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date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

Dated this 4th day of August 2022.

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

Published once at the total approximate cost of _____.

(Residents - Owners of Plots)



ORDWAY TOWNSHIP

SECTION 10

- 1 Anderson, James 38873
- 2 Mitzel, Edward 38879
- 3 Siefken, S 38883
- 4 Johnson, Nickolas 12625
- 5 12631
- 6 Ivey, Len 12641
- 7 Winkler, Barry 12643
- 8 Lambert, Larry 12649

SECTION 19

- 1 Felckert, Matthew 12761
- 2 Bercler, John 12767

- 3 Klinkel, Scott 12777
- 4 Thorpe, Ray 12791

SECTION 31S

- 1 Lindseth, Mark 12981
- 2 Erdmann, Kenneth 12982
- 3 Quam, Everett 12990
- 4 Drube, Kurt 12997
- 5 Clouser, Bill 12996

SECTION 33S

- 1 Wagner, E 12904
- 2 Sommers, Mike 39097
- 3 Telgen, Wayne 12919

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: 7-28-22
Receipt: 620792
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 3, "Hagemann First Subdivision" and Lots 1 and 2, "Garrett's Subdivision of Lot 1, Hagemann First Subdivision" in the SE1/4 of Section 26-T124N-R63W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 39296 129th Street & 12885/12887 393rd Avenue

From the Agriculture Preservation **District**
To the Mini-Agriculture **District**

Purpose: To bring parcels into compliance
Existing Land Use: Agriculture

Petitioner: (Print) Jeremy Walberg
Signature: [Signature]
Date: 28 JUL 2022 Phone: (605) 380-4651
Address: 39296 129th Street
Aberdeen, SD 57401
City State Zip

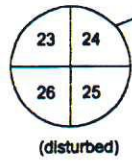
Petitioner: (Print) Troy Grote
Signature: [Signature]
Date: 7/29/22 Phone: (605) 824-2423
Address: 12885 393rd Avenue
Aberdeen, SD 57401
City State Zip

Owner: (Print) Jeremy Walberg
Signature: [Signature]
Date: 28 JUL 2022 Phone: (605) 380-4651
Address: 39296 129th Street
Aberdeen, SD 57401
City State Zip

Owner: (Print) Troy Grote
Signature: [Signature]
Date: 7/29/22 Phone: (605) 824-2423
Address: 12885 393rd Avenue
Aberdeen, SD 57401
City State Zip

Additional Signatures may be submitted on a separate page.

HAGEMANN FIRST SUBDIVISION IN
SE1/4 SEC. 26-T124N-R63W of 5th P.M.
BROWN COUNTY, SOUTH DAKOTA



Scale: 1"=100'

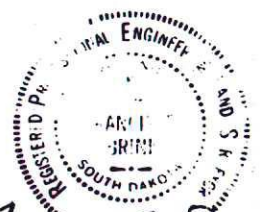


LEGEND

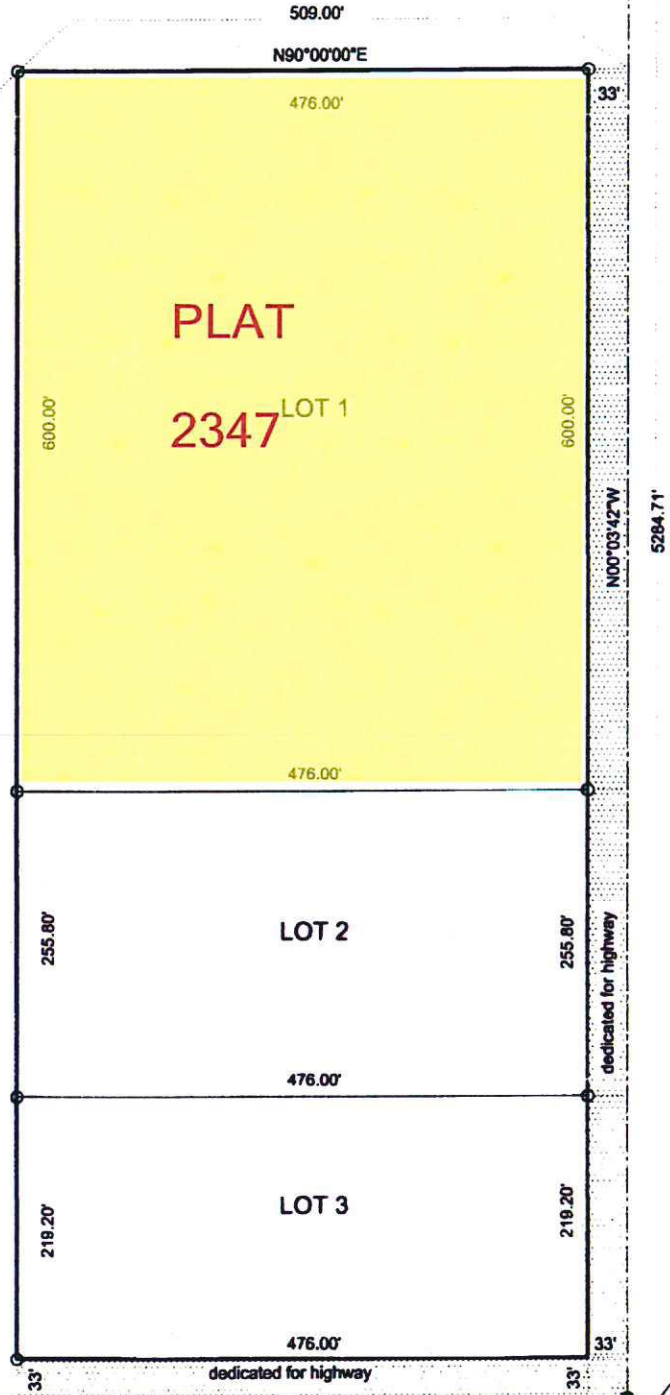
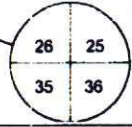
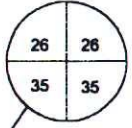
- Monuments Found-Iron Pipe
Monuments Set:
- 5/8" dia. rebar w/cap SD1641

AREAS

Lot 1.....	6.556 Ac.
Lot 2.....	2.795 Ac.
Lot 3.....	2.395 Ac.
Highway.....	1.201 Ac.
TOTAL.....	12.947 Ac.



Francis E. Frink
10-23-2002



N90°00'00"E Basis of Bearings, Assumed
2852.28'

OWNER'S CERTIFICATE

We, Veryl D. Hagemann and Joyce L. Hagemann, husband and wife, hereby certify that we are the owners of the East 509 feet of the South 1108 feet of the SE1/4 Sec. 26-T124N-R63W, Brown County, South Dakota, and did authorize a survey and plat of said lands, which shall hereafter be known as "HAGEMANN FIRST SUBDIVISION IN SE1/4 SEC. 26-T124N-R63W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA", as shown on the attached plat, and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations. Roadways shown as dedicated are dedicated to the perpetual use of the public.

Signed this 23 day of October, 2002

Veryl D. Hagemann
Veryl D. Hagemann

Joyce L. Hagemann
Joyce L. Hagemann

ACKNOWLEDGEMENT OF OWNERS

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)

On this, the 23rd day of October, 2002, before me, Francis E. Brink, a Notary Public, appeared Veryl D. Hagemann and Joyce L. Hagemann, personally known to me or satisfactorily proven to me to be the individuals named above and signed the above OWNER'S CERTIFICATE for the purposes therein contained.

My Commission Expires: 2-7-2008

Francis E. Brink
Notary Public, South Dakota

SURVEYOR'S CERTIFICATE

I, Francis F. Brink, Licensed Land Surveyor, do hereby certify that the request of the Owners shown above, have surveyed and platted "HAGEMANN FIRST SUBDIVISION IN SE1/4 SEC 26-T124N-R63W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat; have shown monuments found and set as indicated thereon, and to the best of my knowledge, said survey and plat are true and correct.

Signed this 23rd day of October, 2002

Francis E. Brink
South Dakota Licensed Land Surveyor No. SD1641

COUNTY PLANNING COMMISSION CERTIFICATE

I hereby certify 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 19 day of November, 2002.

Audrey Jacobson
Secretary of County Planning Commission, Brown County, SD

"Be it resolved by the Brown County Planning Commission, Brown County, South Dakota, that the plat showing "HAGEMANN FIRST SUBDIVISION IN SE1/4 SEC 26-T124N-R63W of 5th P.M. BROWN COUNTY, SOUTH DAKOTA", having been examined, is hereby approved in accordance with the provisions of SDCLS of 1967, 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 26 day of November, 2002.

Margie Taylor
County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "HAGEMANN FIRST SUBDIVISION IN SE1/4 SEC. 26-T124N-R63W of 5th P.M. BROWN COUNTY, SOUTH DAKOTA", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

TREASURER'S CERTIFICATE

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

Signed this 22nd day of Nov., 2002.

Sheila Edison
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATION

I hereby certify that I have received a copy of this plat this 24 day of October, 2002.

Linda Warren, Deputy
Director of Equalization, Brown County, South Dakota

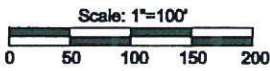
REGISTER OF DEED'S CERTIFICATION

Filed for record this 26th day of November, 2002, at 1:50 o'clock A.M., and duly recorded in Book of

Plats No. 1789H

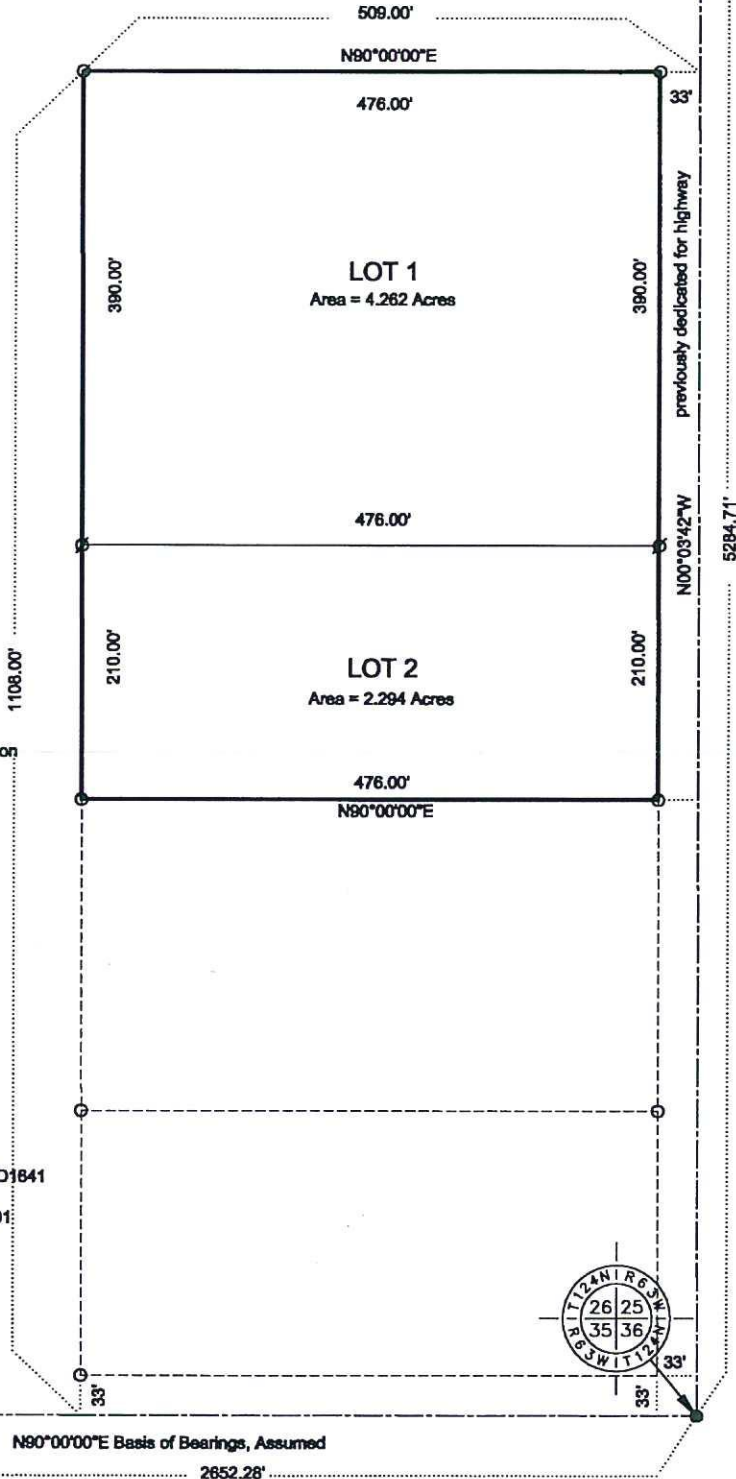
Carol Sherman, Opelia Buehl, Deputy
Register of Deeds, Brown County, South Dakota

**GARRETT'S SUBDIVISION OF LOT 1 IN
HAGEMANN FIRST SUBDIVISION IN
SE1/4 SEC. 26-T124N-R63W of 5th P.M.
BROWN COUNTY, SOUTH DAKOTA**



LEGEND

- Monuments Found-Iron Pipe
 - 5/8" dia. rebar w/cap SD1641
 - Monuments Set:
 - ⊘ 5/8" dia. rebar w/cap SD1641
- Lots in Hagemann 1st Subdivision



Prepared By: Francis E. Brink, P.E., L.S., SD1641
816-4th Street North
Aberdeen, South Dakota 57401
Tel. (605 225-9181)



N80°00'00"E Basis of Bearings, Assumed
2652.28'

GARRETT'S SUBDIVISION OF LOT 1 IN HAGEMANN FIRST SUBDIVISION IN SE1/4 SEC. 26-T124N-R63W of 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

Sheet 2 of 2

OWNER'S CERTIFICATE

We, Lonnie W. Garrett, Sr. and Dixie M. Garrett, husband and wife, hereby certify that we are the owners of Lot 1, Hagemann First Subdivision in SE1/4 Sec. 26-T124N-R63W, Brown County, South Dakota, and did authorize a survey and replat of said lot, which shall hereafter be known as "GARRETT'S SUBDIVISION OF LOT 1 IN HAGEMANN FIRST SUBDIVISION IN SE1/4 SEC. 26-T124N-R63W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA", as shown on the attached plat, and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

Signed this 15th day of August, 2007

Lonnie W. Garrett, Sr.
Lonnie W. Garrett, Sr.

Dixie M. Garrett
Dixie M. Garrett

ACKNOWLEDGEMENT OF OWNERS

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)

On this, the 15th day of August, 2007, before me, Francis E. Brink, a Notary Public, appeared Lonnie W. Garrett, Sr. and Dixie M. Garrett, personally known to me or satisfactorily proven to me to be the individuals named above and signed the above OWNER'S CERTIFICATE for the purposes therein contained.

My Commission Expires: 2-7-2008

Francis E. Brink
Notary Public, South Dakota

SURVEYOR'S CERTIFICATE

I, Francis E. Brink, Licensed Land Surveyor, do hereby certify that the request of the Owners shown above, have surveyed and platted "GARRETT'S SUBDIVISION OF LOT 1 IN HAGEMANN FIRST SUBDIVISION IN SE1/4 SEC 26-T124N-R63W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat; have shown monuments found and set as indicated thereon, and to the best of my knowledge, said survey and plat are true and correct.

Signed this 9th day of August, 2007

Francis E. Brink
South Dakota Licensed Land Surveyor No. SD1641

COUNTY PLANNING COMMISSION CERTIFICATE

I hereby certify 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 21st day of August, 2007.

Stacy H. Buehler
Secretary of County Planning Commission, Brown County, SD

"Be it resolved by the Brown County Planning Commission, Brown County, South Dakota, that the plat showing "GARRETT'S SUBDIVISION OF LOT 1 IN HAGEMANN FIRST SUBDIVISION IN SE1/4 SEC 26-T124N-R63W of 5th P.M. BROWN COUNTY, SOUTH DAKOTA", having been examined, is hereby approved in accordance with the provisions of SDCLS of 1967, 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 21st day of August, 2007.

Madeline Taylor
County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "GARRETT'S SUBDIVISION OF LOT 1 IN HAGEMANN FIRST SUBDIVISION IN SE1/4 SEC. 26-T124N-R63W of 5th P.M. BROWN COUNTY, SOUTH DAKOTA", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

TREASURER'S CERTIFICATE

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

Signed this 21st day of August, 2007.

Doreen Bonhauel Co. State Treas
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATION

I hereby certify that I have received a copy of this plat this 21 day of August, 2007.

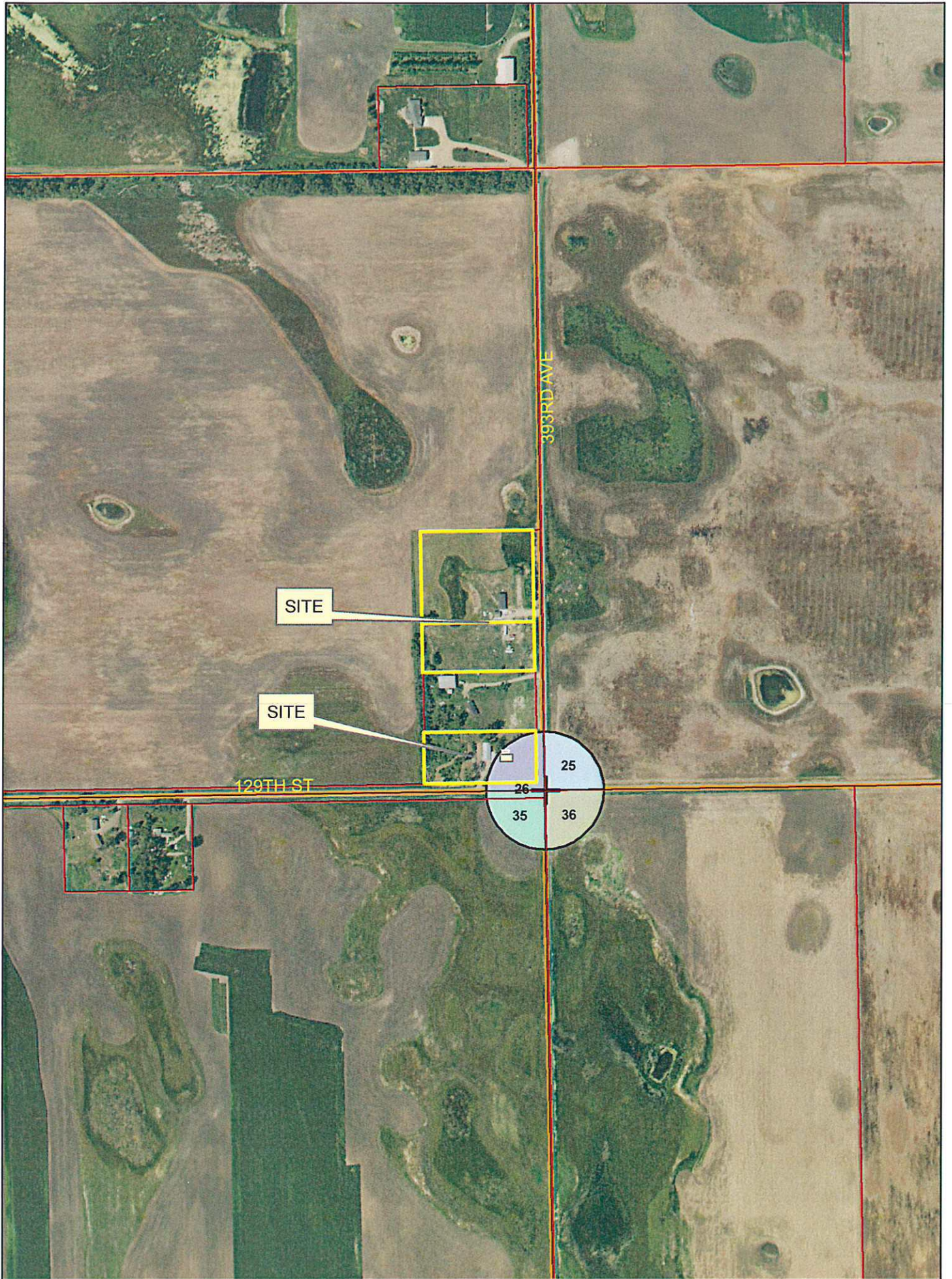
Lisa J. Hanson
Director of Equalization, Brown County, South Dakota

REGISTER OF DEED'S CERTIFICATION

Filed for record this 29 day of August, 2007, at 8:10 o'clock A.M., and duly recorded in Book of Plats No. 2347 H

Carol Sherman by Kimberly Byram
Register of Deeds, Brown County, South Dakota

✓
2347 H
2347 H



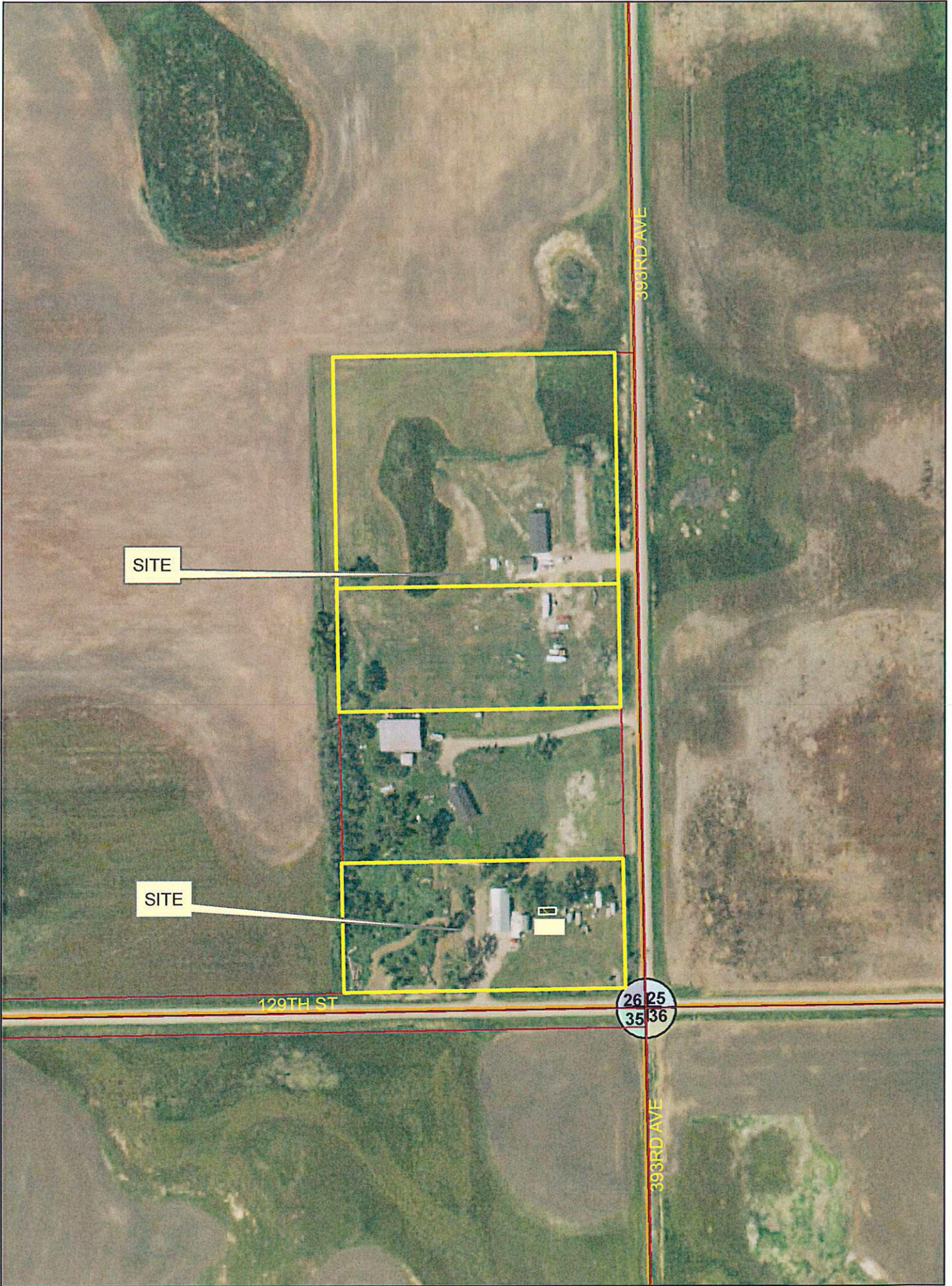
SITE

SITE

393RD AVE

129TH ST

	25
26	
35	36



SITE

SITE

129TH ST

26 25
35 36

393RD AVE

393RD AVE

Jeremy & Brittany Walberg
39296 129th Street
Aberdeen, SD 57401

David Dell
Attn: Ordway Twp
12332 391st Avenue
Columbia, SD 57433

**Everson Family LP c/o Rebecca
Mazza**
6008 Kellogg Avenue
Edina, MN 55424

Howard Hedger Inc
PO Box 1359
Aberdeen, SD 57402-1359

Claudia Svarstad Trust
4515 West 50th Avenue
Denver, CO 80212

Ehresmann Land LP
1898 Eisenhower Circle
Aberdeen, SD 57401

Jeremy & Lindsey Lesnar
12889 393rd Avenue
Aberdeen, SD 57401

Troy Grote
12885 393rd Avenue
Aberdeen SD 57401

Ad Preview

NOTICE OF HEARING
A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex lower-level Community Room, on August 16, 2022, at 7:00 p.m.

Owner / Petitioner:
Jeremy and Britfany Walberg and Troy Grote
Description of property:
Lot 3, "Hagemann First Subdivision" and Lots 1 and 2, "Garrett's Subdivision of Lot 1, Hagemann First Subdivision" in the SE1/4 of Section 26-T124N-R63W of the 5th P.M., Brown County, South Dakota (39296 129th Street, and 12885 and 12887 393rd Avenue, Ordway Twp.).

Reason: Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use.

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

Dated this 4th day of August 2022.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401

Office: (605) 626-7144

Published August 4, 2022,
at the total approximate
cost of \$22.36 and may be
viewed free of charge at
www.sdpublicnotices.com
7609188

STAFF REPORT

August 16, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

Rezone Parcels from R-I to HC Districts

ITEM #14

GENERAL INFORMATION:

PETITIONER:	Stacy Gossman
REQUEST:	Rezone Parcels: R-I to HC Districts
LEGAL DESCRIPTION:	Lot 1, "Ronnie's Way Addition" and Lot 1, "Creekside Addition" both in the NW1/4 of Section 17-T123N-R63W of the 5 th P.M., Brown County, South Dakota
LOCATION:	2520 8 th Ave NE & 578 N Roosevelt Street
TOWNSHIP:	Aberdeen Twp
EXISTING ZONING	Residential District (R-I)
SURROUNDING ZONING:	
North:	Residential District (R-I)
South:	Residential District (R-I)
East:	Residential District (R-I)
West:	City of Aberdeen
PUBLIC UTILITIES:	Unknown
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this rezone to Highway Commercial (HC) to bring these parcels into compliance for their future use.

GENERAL REVIEW: Staff has reviewed this request.

NOTICE OF HEARING

A *PETITION to REZONE* has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex lower-level Community Room, on August 16, 2022, at 7:00 p.m.

Owner & Petitioner: Stacy Gossman

Description of properties: Lot 1, "Ronnie's Way Addition" and Lot 1, "Creekside Addition" both in the NW1/4 Section 17-T123N-R63W of the 5th P.M., Brown County, South Dakota (2520 8th Avenue NE & 578 North Roosevelt Street, Aberdeen Twp.).

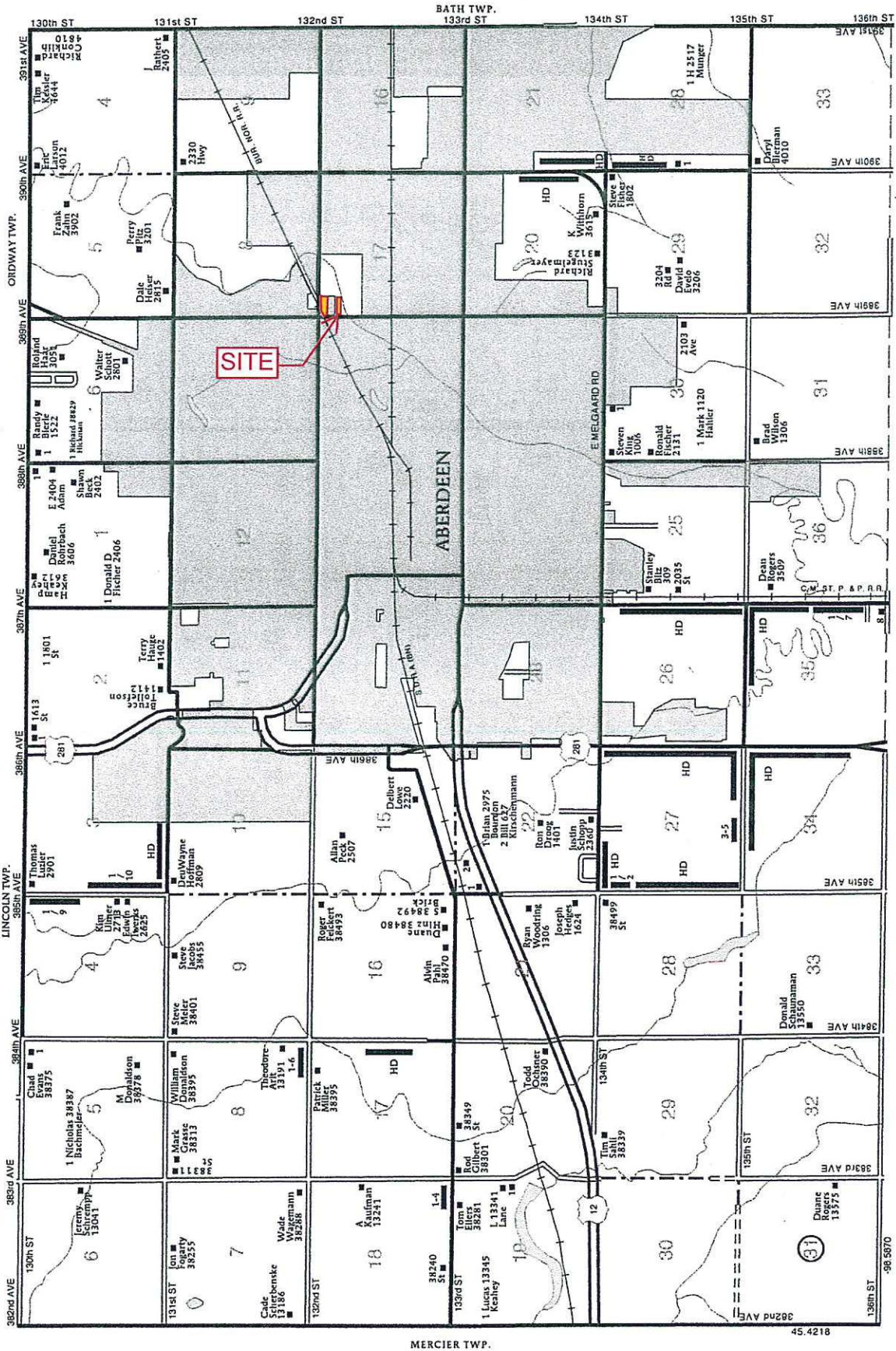
Reason: Rezoning from Residential District (R-1) to Highway Commercial District (HC) to bring these parcels into compliance for their future use.

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

Dated this 4th day of August 2022.

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

Published once at the total approximate cost of _____.



GEM 'W' TWP.

WARNER 'N' TWP.

SEE PAGE 134 FOR ADDITIONAL NAMES NOT LISTED ON MAP

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: 7-28-22
Receipt: 620796
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, "Ronnie's Way Addition" and Lot 1, "Creekside Addition" both in the NW1/4 of Section 17-T123N-R63W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 2502 8th Ave NE & 578 N Roosevelt Street

From the Residential District
To the Highway Commercial District

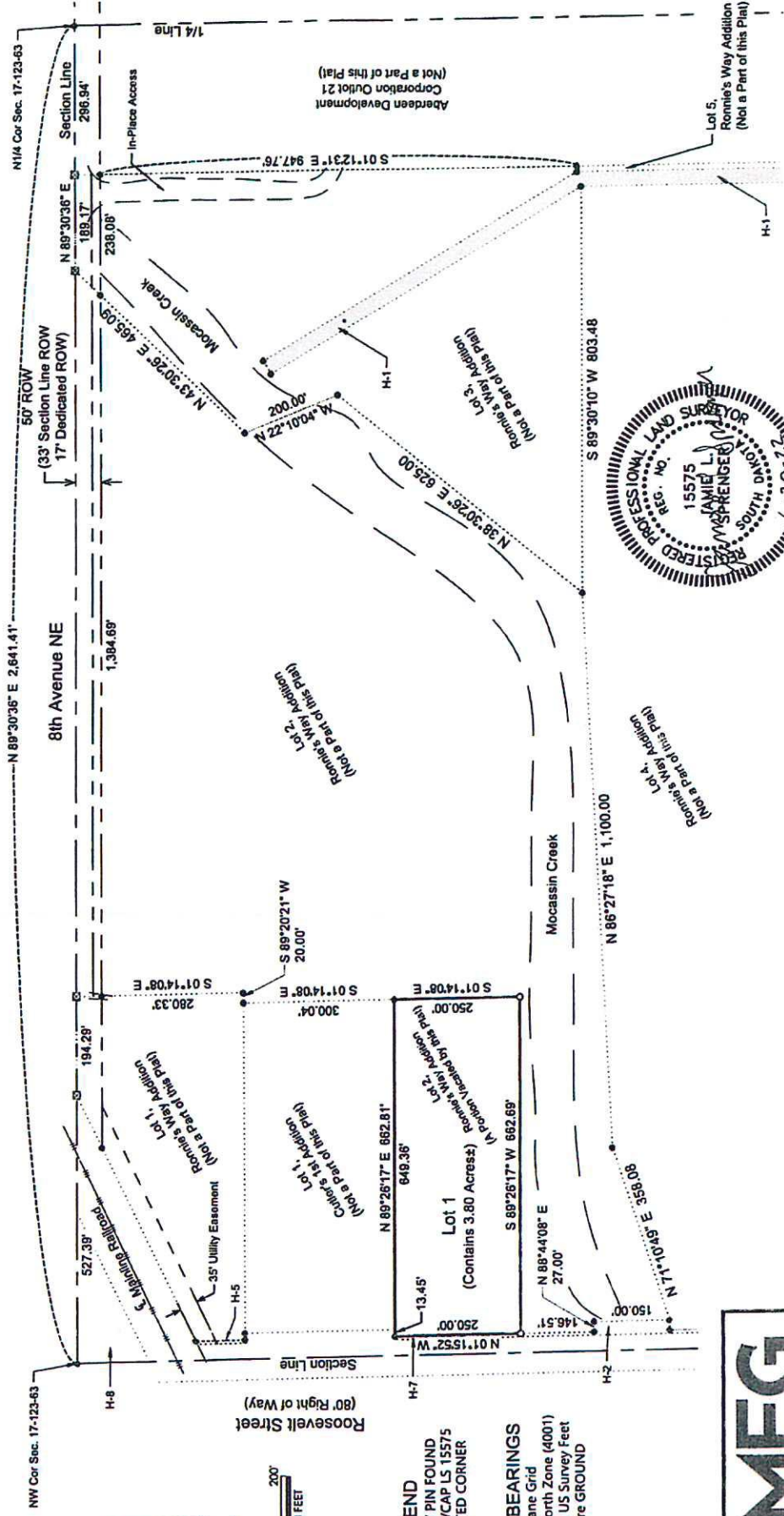
Purpose: To Bring into Compliance
Size of Parcel: Lot 1, "Ronnie's"=3.60 acres; Lot 1, "Creekside"=3.80 acres
Existing Land Use: Agriculture

Owner/Petitioner: (Print) Stacy Gossman
Signature: [Signature]
Date: 7-29-22 Phone: (605) 380-2203 225-6392
Address: PO Box 939
Aberdeen, SD 57402-0939
City State Zip

Owner: (Print) Stacy Gossman
Signature: [Signature]
Date: 7-29-22 Phone: (605) 380-2203
Address: PO Box 939
Aberdeen, SD 57402-0939
City State Zip

Additional Signatures may be submitted on a separate page.

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



LEGEND

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

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

IMEG
314 MILWAUKEE AVE NE
SUITE 2
ABERDEEN, SD 57401
PH: 605.255.3484
WWW.IMEGSD.COM

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

OWNER'S CERTIFICATE

I, Stacy J. Gossman, do hereby certify that I am the owner of Lots Two (2) and Three (2), Ronnie's Way Addition, in the Northwest Quarter (NW1/4) of Section Seventeen (17), Township One Hundred Twenty-Three (123) North, Range Sixty-Three (63) West of the 5th P.M., Brown County, South Dakota, and that I have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "CREEKSIDE ADDITION IN THE NW1/4 OF SECTION 17, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, I, Stacy J. Gossman, do hereby vacate a Portion of Lot 2, Ronnie's Way Addition, in the NW1/4 of Section 17, Township 123 North, Range 63 West of the 5th P.M., Brown County, South Dakota, as file for record on July 15, 2021, at 11:41 A.M., and duly recorded as Hanging Plat 3745 therein.

Owner: Stacy J. Gossman

 Signature

Signed this _____ day of _____, 2022.

COUNTY OF _____)
) SS
 STATE OF _____)

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

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

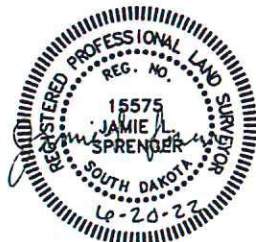
My Commission Expires: _____

 Notary Public

SURVEYOR'S CERTIFICATE

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

Signed this 20th day of JUNE, 2022.



HIGHWAY APPROVAL

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

Signed this _____ day of _____, 2022.

 Print Name and Title

 Signature

COUNTY PLANNING COMMISSION APPROVAL

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

 Secretary of County Planning Commission, Brown County, South Dakota

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

COUNTY COMMISSION APPROVAL

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

 County Auditor, Brown County, South Dakota

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

TREASURER'S CERTIFICATE

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

Signed this _____ day of _____, 2022.

 County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

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

 Director of Equalization, Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

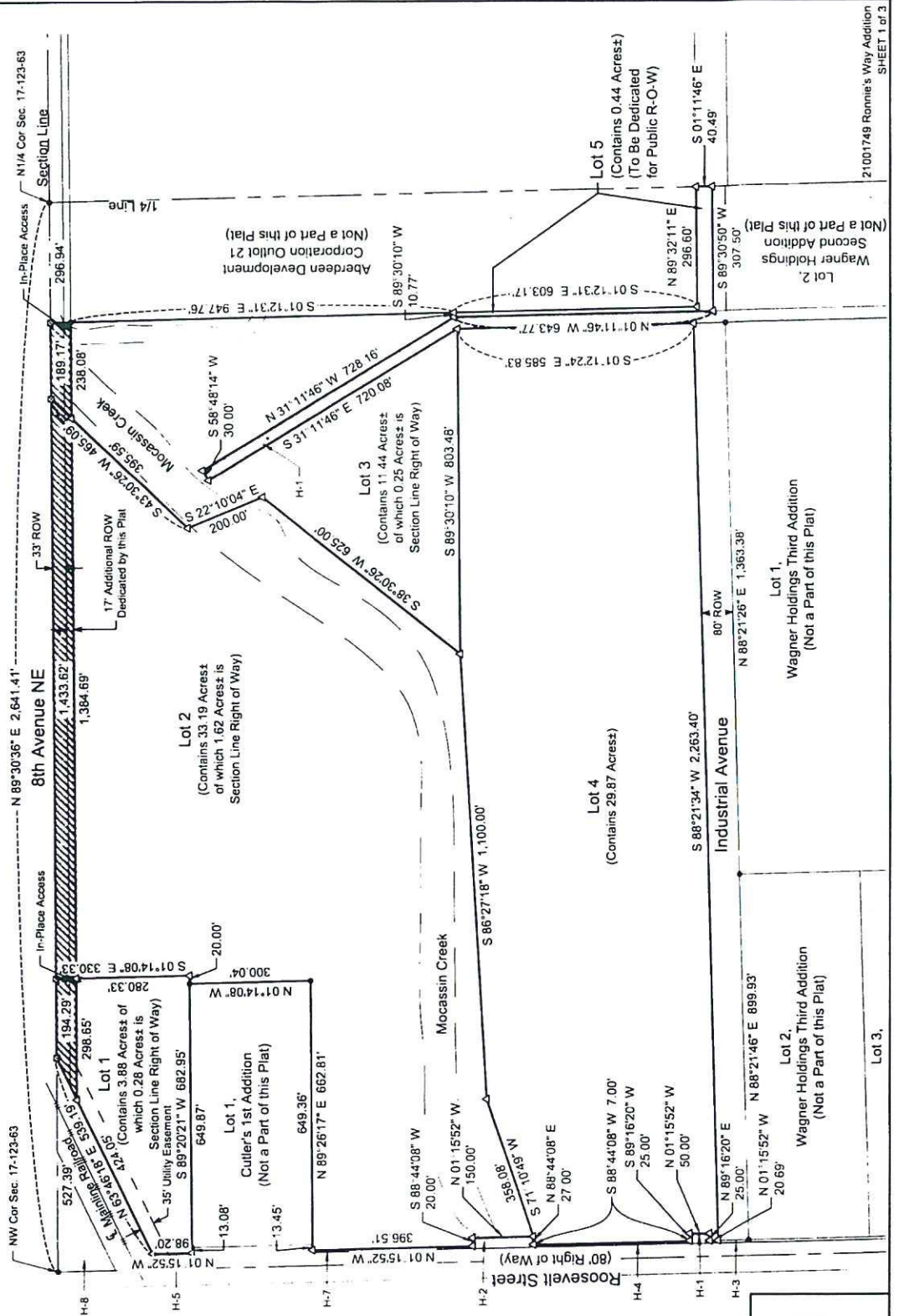
Filed for record this _____ day of _____, 2022, at

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

 Register of Deeds, Brown County, South Dakota



PLAT SHOWING
RONNIE'S WAY ADDITION
 IN THE NW1/4 OF SECTION 17,
 TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA



LEGEND

- PROPERTY PIN FOUND
- ▲ PIN SET w/CAP LS 7893
- ⊠ CALCULATED CORNER

BASIS OF BEARINGS

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



IMEG
 3714 MILWAUKEE AVENUE
 SUITE 2
 ABERDEEN, SD 57401
 PH: 605.255.3434
 WWW.IMEGSD.COM

PLAT SHOWING
RONNIE'S WAY ADDITION
IN THE NW1/4 OF SECTION 17,
TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

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 June, 2021.

David North
Secretary of County Planning Commission
Brown County, South Dakota

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

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the 22nd day of June, 2021.

Xannette Meclain, dep Auditor
County Auditor
Brown County, South Dakota

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

TREASURER'S CERTIFICATE

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

Signed this 9 day of June, 2021.

Cynthia J. Menges, ck. deptreasurer
County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this 8 day of June, 2021.

Becky Wiseman
Director of Equalization
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this 15th day of July, 2021, at 11:41 O'clock A.M., and duly recorded as Hanging Plat No. 3745.

Cindy Woodford, Deputy
Register of Deeds
Brown County, South Dakota

INSTRUMENT NO. 202104542
BOOK: 2 PLAT
PAGE: 3745

Pages: 3



2021/07/15 11:41:35 AM

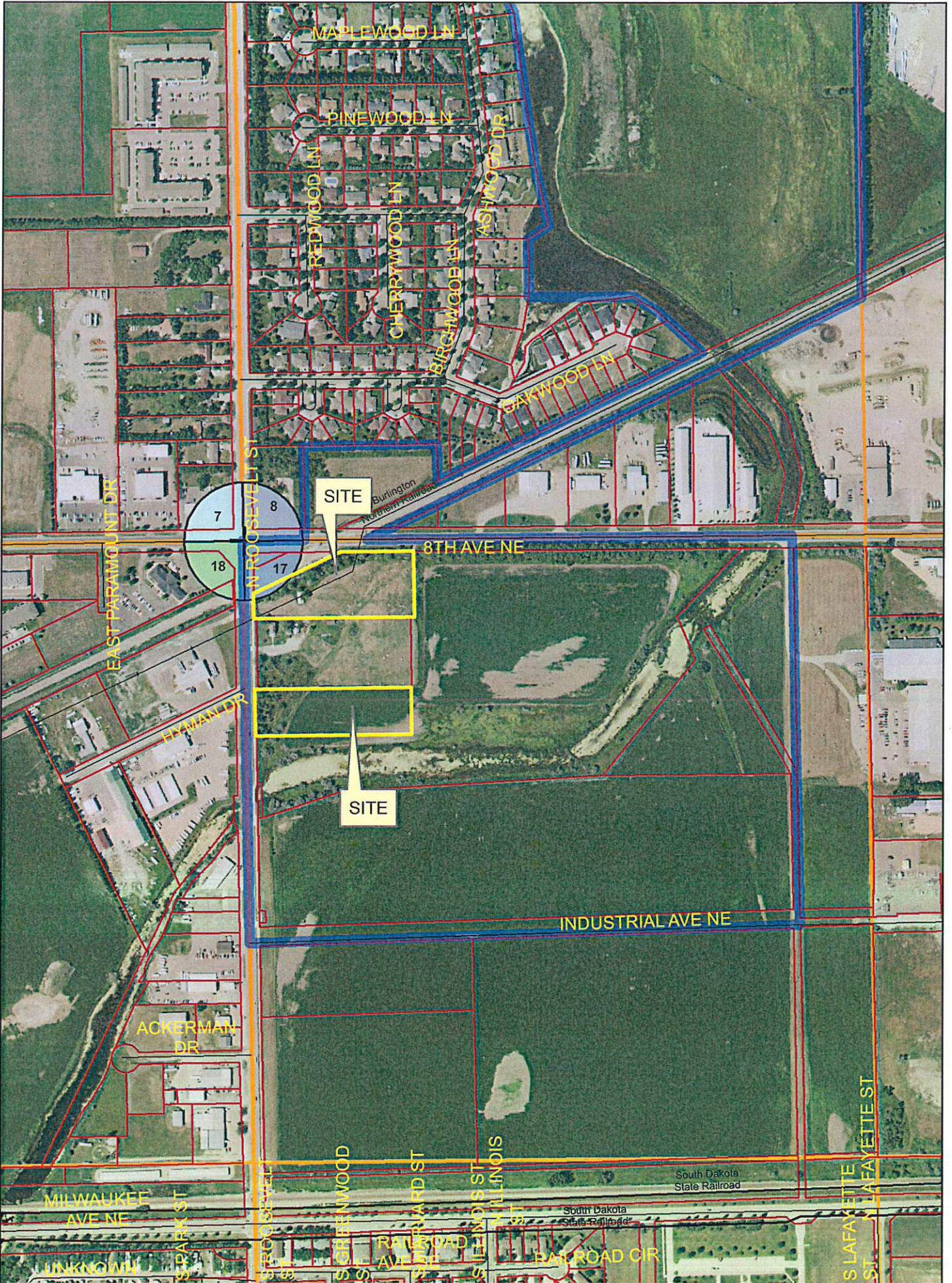
ROBERTA NICHOLS, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

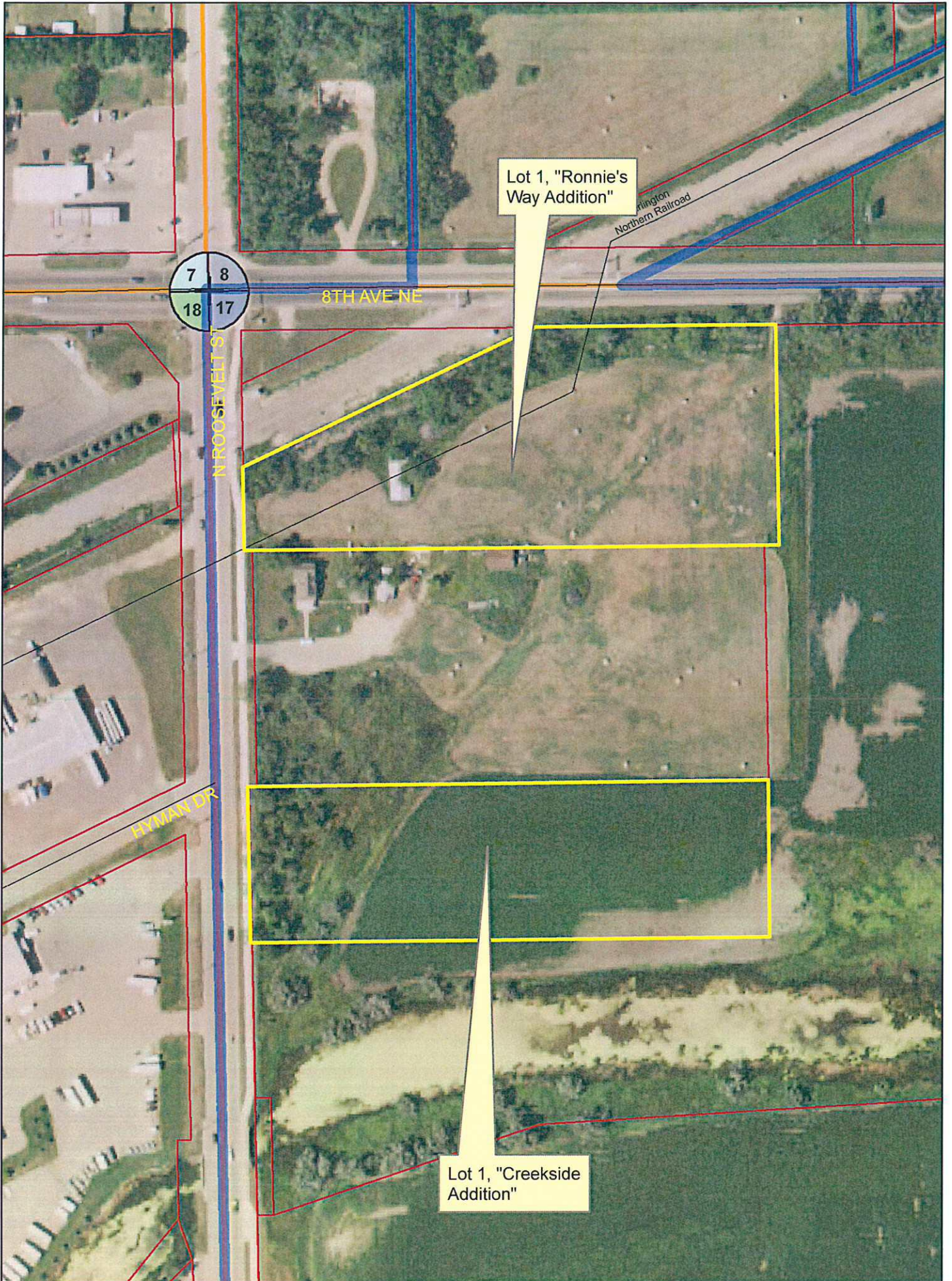
Recording Fee: \$ 60.00
Return To: FILED



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

PH 605 225 3494
www.imegcorp.com





Lot 1, "Ronnie's Way Addition"

Wilmington Northern Railroad

8TH AVENUE NE

N ROOSEVELT ST

HYMAN DR

Lot 1, "Creekside Addition"

7 8
18 17

Stacy Gossman
PO Box 939
Aberdeen, SD 57402-0939

James Kunkle
Attn: Aberdeen Twp
13229 384th Avenue
Aberdeen, SD 57401

Skyline Development LLC
2301 8th Avenue NE, Suite 120
Aberdeen, SD 57401

F & L Investments LLC
502 South Jay Street
Aberdeen, SD 57401

Dennis & Wanda Gelling
1906 Country Lane
Aberdeen, SD 57401

Travis & Andrea Wald
37249 114th Street
Westport, SD 57481

Area Federal Credit Union
PO Box 1495
Aberdeen, SD 57402-1495

Aberdeen Pit Stop
120 West Sweet Avenue
Bismarck, ND 58504

Ad Preview

NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex lower-level Community Room, on August 16, 2022, at 7:00 p.m.

Owner / Petitioner: Stacy Gossman
Description of properties: Lot 1, "Ronnie's Way Addition" and Lot 1, "Creekside Addition" both in the NW1/4 Section 17-T123N-R63W of the 5th P.M., Brown County, South Dakota (2520 8th Avenue NE & 578 North Roosevelt Street, Aberdeen Twp.).

Reason: Rezoning from Residential District (R-1) to Highway Commercial District (HC) to bring these parcels into compliance for their future use.

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

Dated this 4th day of August 2022.

Planning/Zoning Commission and

Scott Bader – P&Z Director
25 Market Street

Aberdeen, SD 57401

Office: (605) 626-7144

Published August 4, 2022,
at the total approximate

cost of \$21.24 and may be
viewed free of charge at

www.sdpublicnotices.com
7609213

STAFF REPORT

August 16, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

Rezone Parcel from **AG-P** to **M-AG** District

ITEM # 15

GENERAL INFORMATION:

PETITIONER:	James Whitman
REQUEST:	Rezone Parcel: AG-P to M-AG District
LEGAL DESCRIPTION:	Proposed Lot 1, "Whitman's First Subdivision" in the N1/2 of the NE1/4 of Section 29-T123N-R62W of the 5 th P.M., Brown County, South Dakota
LOCATION:	134 th Street & 396 th Avenue
TOWNSHIP:	Bath Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Mini-Agriculture District (M-AG)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

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

GENERAL REVIEW: Staff has reviewed this request.

NOTICE OF HEARING

A *PETITION to REZONE* has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex lower-level Community Room, on August 16, 2022, at 7:00 p.m.

Owner & Petitioner: James Whitman

Description of property: Proposed Lot 1, "Whitman's First Subdivision" in the N1/2 of the NE1/4 of Section 29-T123N-R62W of the 5th P.M., Brown County, South Dakota (134th Street & 396th Avenue, Bath Twp.).

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

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

Dated this 4th day of August 2022.

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

Published once at the total approximate cost of _____.

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: 7-26-22
Receipt: 620787
Filing Fee: \$350
(non-refundable)

Brown County Commission Members:

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

Legal Description:

Proposed Lot 1, "Whitman's First Subdivision" in the N1/2 of the NE1/4 of Section 29-T123N-R62W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 134th Street & 396th Avenue
From the Agriculture Preservation District
To the Mini-Agriculture District

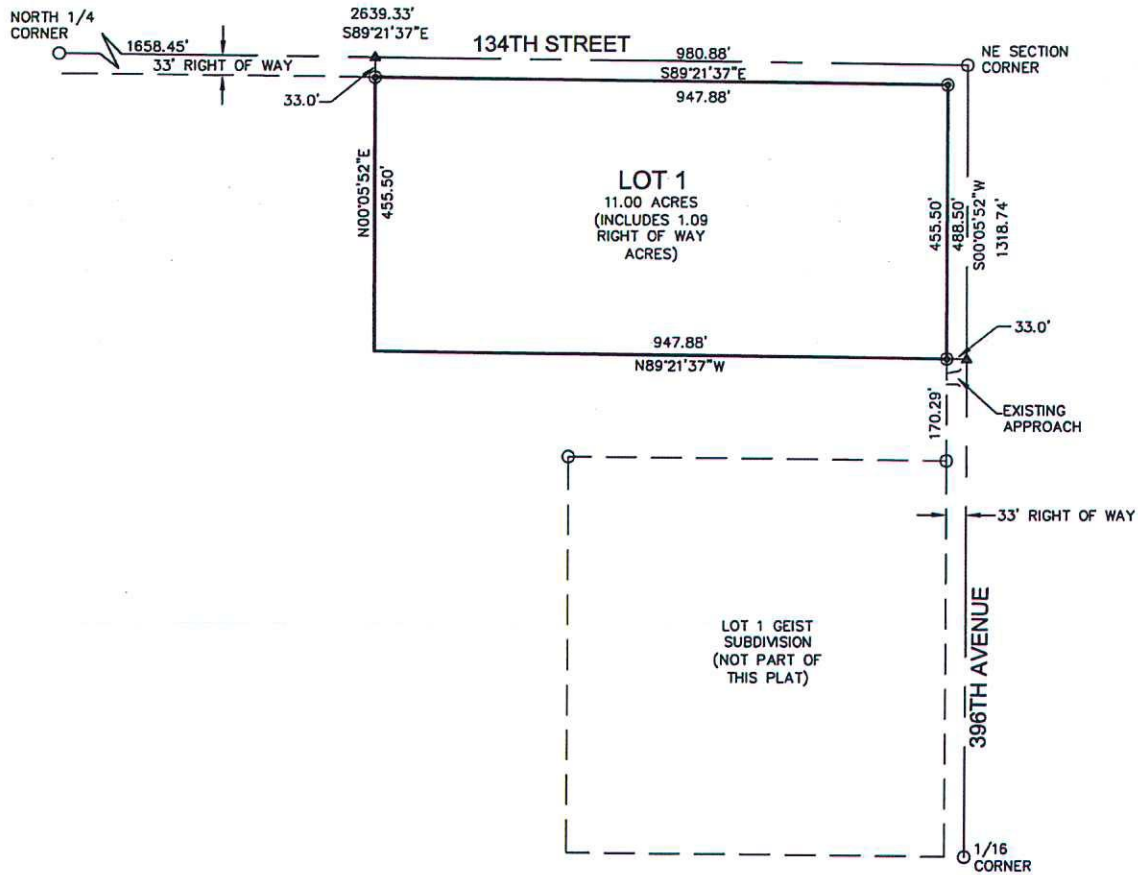
Purpose: To Bring into Compliance
Size of Parcel: 11.00 acres
Existing Land Use: Agriculture

Owner/Petitioner: (Print) James Whitman
Signature: *James Whitman*
Date: 7/26/22 Phone: (605) 388-7660
Address: 39561 134th Street
Bath, SD 57427
City State Zip

Owner: (Print) James Whitman
Signature: *James Whitman*
Date: 7/26/22 Phone: (605) 388-7660
Address: 39561 134th Street
Bath, SD 57427
City State Zip

Additional Signatures may be submitted on a separate page.

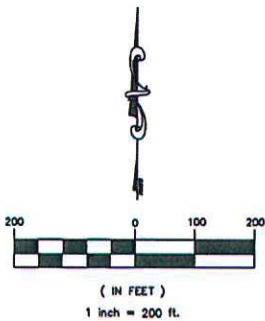
PLAT OF WHITMAN'S FIRST SUBDIVISION IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



LEGEND

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

BASIS OF BEARINGS
TRUE MERIDIAN - GPS



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

CIVIL ENGINEERS & LAND SURVEYORS

DWG. 8773-LS BY: BKK SHEET 1 OF 3

PLAT OF
WHITMAN'S FIRST SUBDIVISION
IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-R62W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, JAMES A. WHITMAN DO HEREBY CERTIFY THAT I AM THE OWNER OF THE N 1/2 NE 1/4 OF SECTION 29 T123N R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, EXCEPT WHITMAN'S OUTLOTS 1 AND 2 AND LOT 1 GEIST SUBDIVISION IN THE N 1/2 NE 1/4 OF SECTION 29 T123N R62W, AND THAT I HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS; WHITMAN'S FIRST SUBDIVISION IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-R62W 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 THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

James A. Whitman
JAMES A. WHITMAN
Signed this 18 day of July 2022

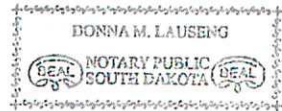
ACKNOWLEDGMENT

STATE OF SD)
COUNTY OF Brown)SS

ON THIS THE 18th DAY OF July, 2022, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JAMES A. WHITMAN 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.

MY COMMISSION EXPIRES: 2-13-2026
Donna M. Lausing
NOTARY PUBLIC



SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "WHITMAN'S FIRST SUBDIVISION IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" AS SHOWN ON THE ATTACHED PLAT, THAT I HAVE FOUND AND/OR SET IRON PINS AS INDICATED THEREON. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 14th DAY OF July, 2022

Robert K. Kieso
ROBERT K. KIESO RLS #9214

PLAT OF
WHITMAN'S FIRST SUBDIVISION
IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-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 WHITMAN'S FIRST SUBDIVISION IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-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 WHITMAN'S FIRST SUBDIVISION IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-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 COUNTY ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

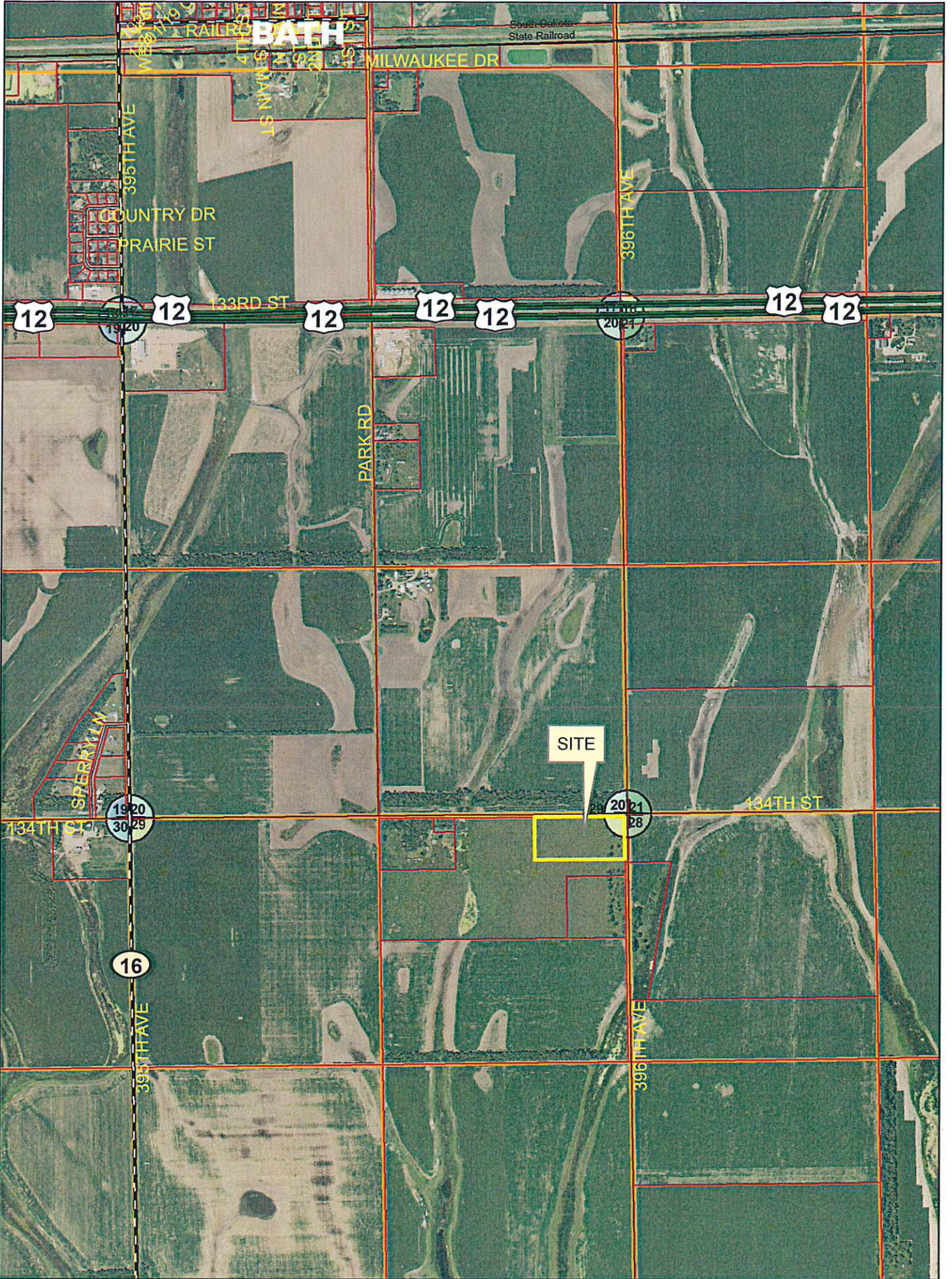
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

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

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA



BATH

South Dakota State Railroad

MILWAUKEE DR

395TH AVE

COUNTRY DR
PRAIRIE ST

396TH AVE

12

12

12

12

12

12

12

12

133RD ST

PARK RD

SPERRY LN

19/20
30/29

SITE

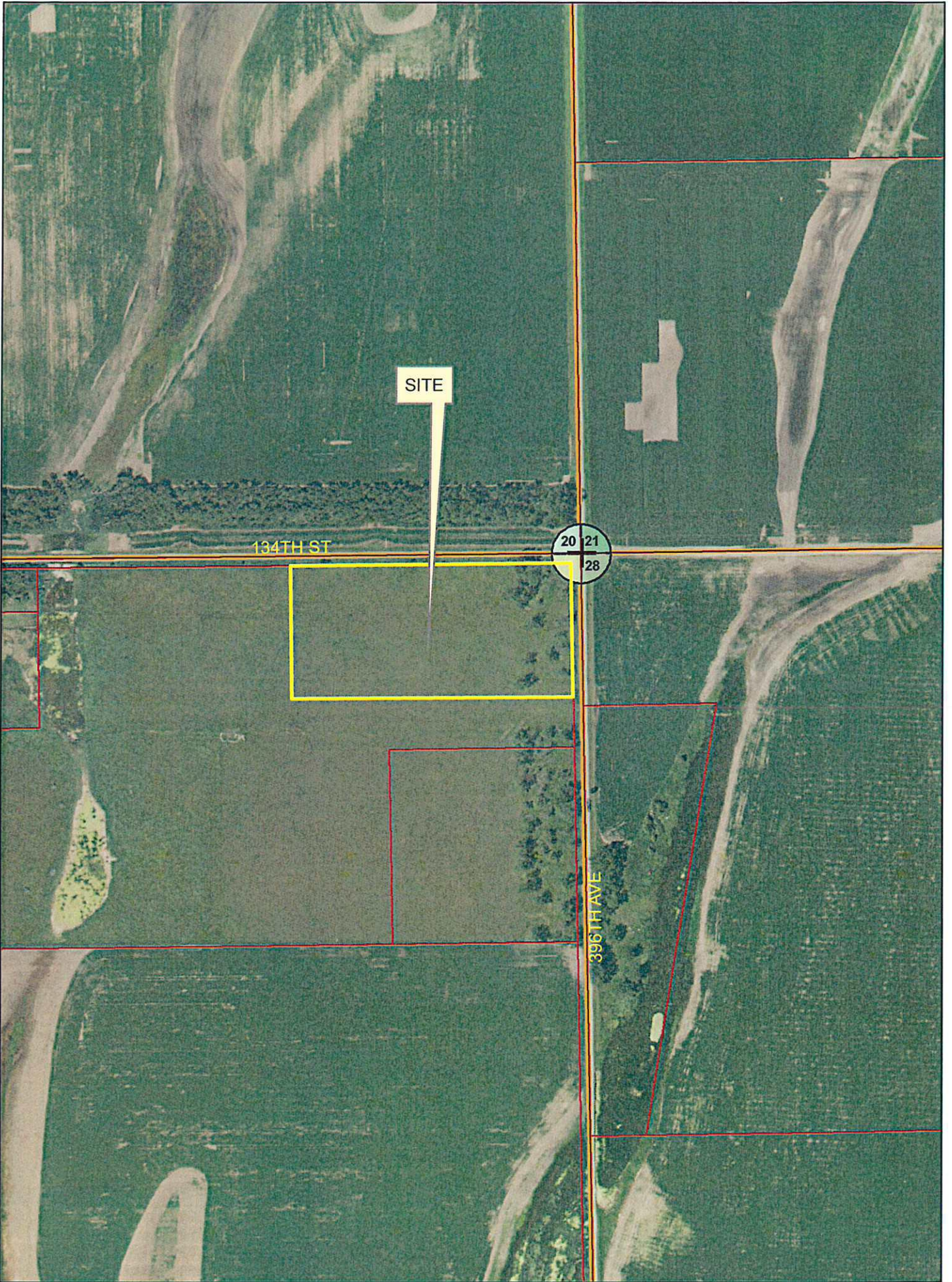
20/21
20/28

134TH ST

16

395TH AVE

396TH AVE



SITE

134TH ST

20 21
28

396TH AVE

James & Mary Anne Whitman
39561 134th Street
Bath SD 57427

Vivian Locken
1425 15th Ave SE #212
Aberdeen SD 57401

Scott Sperry
13186 396th Avenue
Bath SD 57427

Roger Locken
39667 136th Street
Bath SD 57427

Bruce & Kristi Geist
1102 S Wells Street
Aberdeen SD 57401

Bath Township
C/O David Bruckner
39554 132nd Street
Bath SD 57427

Ad Preview

NOTICE OF HEARING
A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex lower-level Community Room, on August 16, 2022, at 7:00 p.m.

Owner / Petitioner: James Whitman
Description of property: Proposed Lot 1, "Whitman's First Subdivision" in the N1/2 of the NE1/4 of Section 29-T123N-R62W of the 5th P.M., Brown County, South Dakota (134th Street & 396th Avenue, Bath Twp.).

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

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

Dated this 4th day of August 2022.

Planning/Zoning Commission and

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

Office: (605) 626-7144
Published August 4, 2022,
at the total approximate
cost of \$21.24 and may be
viewed free of charge at
www.sdpublicnotices.com
7609214

STAFF REPORT

August 16, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM # 16

GENERAL INFORMATION:

PETITIONER:	Todd Lunzman
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	“Howell-Lunzman Addition” in the SW1/4 of Section 29-T128N-R62W of the 5 th P.M., Brown County, South Dakota
LOCATION:	10452 & 10464 395 th Avenue
TOWNSHIP:	Liberty Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	Unknown
REPORTED BY:	Chris Anderson

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

GENERAL REVIEW: Staff has reviewed this plat.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Howell-Lunzman Addition

LEGAL SECTION: QUARTER: SW SECTION: 29 TOWNSHIP: 128 RANGE: 62

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

SCHOOL DISTRICT: Britton-Hecla

UTILITIES: Unknown

OWNERS NAMES: Lee Howell Julie Howell

OWNERS NAMES: Todd Lunzman Pamela Lunzman

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Associates)

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

PLAT FEE PER PLAT: \$100.00 DATE PAID: 07 / 11 /20 22

RECEIVED BY PLANNING DEPARTMENT: 07 / 11 /20 22 BY: Chris Anderson

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

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

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

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

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE:

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

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

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

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W

AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

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

CONSIDERED BY COUNTY COMMISSION:

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

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: July 11, 2022
RECEIPT # 620768
TOWNSHIP: Liberty Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: July 11, 2022

OWNERS SIGNATURE: Todd Lunzman 
OWNERS ADDRESS: 10464 395th Avenue
OWNERS CITY, STATE, ZIP: Hecla, SD 57446
OWNERS PHONE: (605) 994-2143

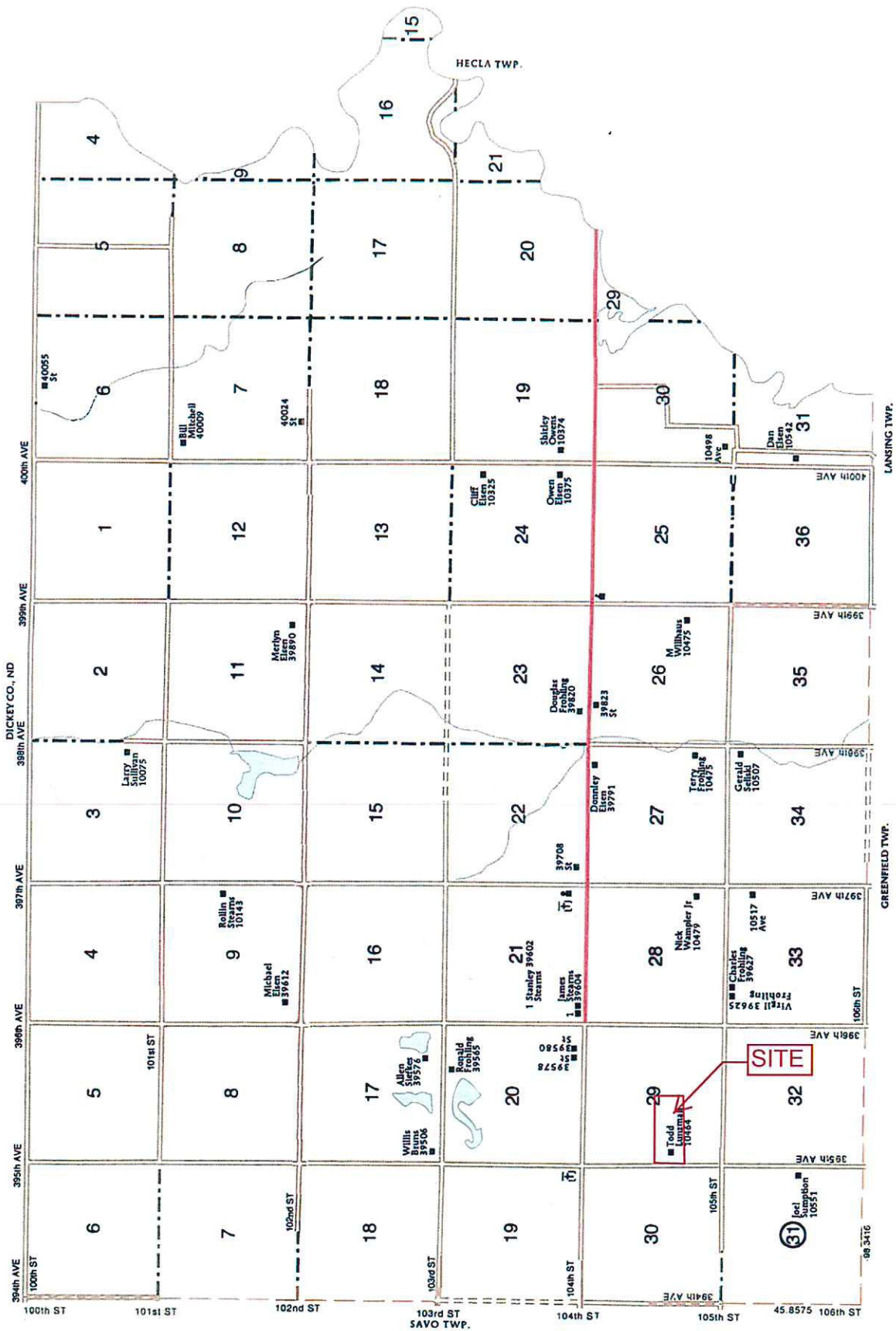
AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

REQUEST: Preliminary & Final Plat

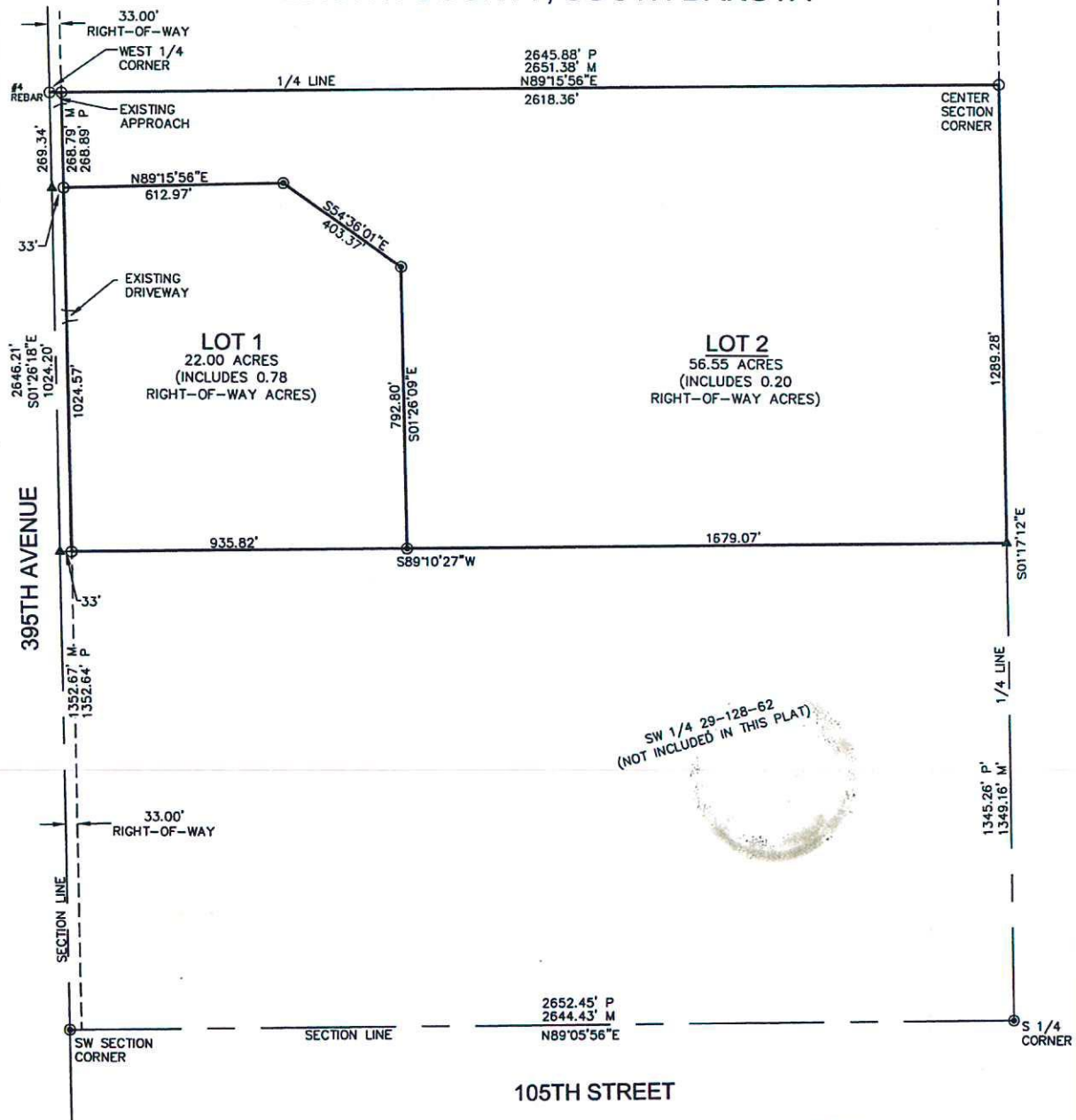
LEGAL DESCRIPTION: "Howell-Lunzman Addition" in the SW1/4 of
Section 29-T128N-R62W of the 5th P.M., Brown County, South Dakota

<p>Planning Commission Action: Approved / Denied _____</p> <p>_____</p> <p>_____</p> <p>By: _____ Date: _____</p> <p>HEARING DATE: <u>August 16, 2022</u> TIME: <u>7:00 pm</u></p>

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



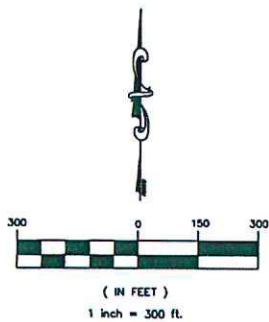
PLAT OF HOWELL-LUNZMAN ADDITION IN THE SW 1/4 OF SECTION 29-T128N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



SW 1/4 29-128-62
(NOT INCLUDED IN THIS PLAT)

LEGEND

- FOUND PROPERTY CORNER LS 3210 UNLESS OTHERWISE NOTED
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- ▲ CALCULATED POSITION
- P PREVIOUSLY PLATTED
- M MEASURED IN FIELD



BASIS OF BEARINGS

SD STATE PLANE NORTH ZONE
NAD 83 (2011) US SURVEY FEET
DISTANCES ARE GROUND

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


DWG. 8759-LS BY:KMW SHEET 1 OF 3

PLAT OF
HOWELL-LUNZMAN ADDITION
IN THE SW 1/4 OF SECTION 29-T128N-R62W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA


OWNER'S CERTIFICATE

WE, LEE AND JULIE HOWELL LIVING TRUST, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF LOT 1, HERTHER ADDITION IN THE SW 1/4 OF SECTION 29 T128N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS: HOWELL-LUNZMAN ADDITION IN THE SW 1/4 OF SECTION 29-T128N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

BY THIS PLAT, WE DO HEREBY VACATE LOT 1 HERTHER ADDITION IN THE SW 1/4 OF SECTION 29-T128N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS FILED FOR RECORD ON OCTOBER 9, 2002, AND DULY RECORDED AS PLAT NO. 1773H, IN THE BROWN COUNTY REGISTER OF DEEDS OFFICE.



LEE HOWELL (TRUSTEE)
Signed this 28th day of June 2022

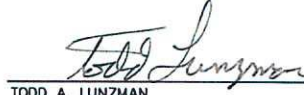


JULIE HOWELL (TRUSTEE)
Signed this 26 day of June 2022


OWNER'S CERTIFICATE

WE, TODD A. LUNZMAN AND PAMELA LUNZMAN, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF LOT 2, HERTHER ADDITION IN THE SW 1/4 OF SECTION 29 T128N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS: HOWELL-LUNZMAN ADDITION IN THE SW 1/4 OF SECTION 29-T128N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

BY THIS PLAT, WE, TODD A. LUNZMAN AND PAMELA LUNZMAN, DO HEREBY VACATE LOT 2 HERTHER ADDITION IN THE SW 1/4 OF SECTION 29-T128N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS FILED FOR RECORD ON OCTOBER 9, 2002, AND DULY RECORDED AS PLAT NO. 1773H, IN THE BROWN COUNTY REGISTER OF DEEDS OFFICE.



TODD A. LUNZMAN
Signed this 11 day of July 2022




PAMELA LUNZMAN
Signed this 11 day of July 2022



ACKNOWLEDGMENT

STATE OF South Dakota
COUNTY OF Minnehaha)SS

ON THIS THE 26 DAY OF JUNE 2022 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED LEE HOWELL AND JULIE HOWELL, 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.

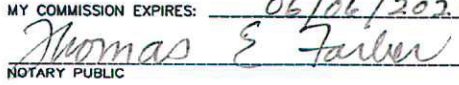
IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES: December 27, 2027


NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF)
COUNTY OF)SS

ON THIS THE 11 DAY OF July 2022 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED TODD A. LUNZMAN AND PAMELA LUNZMAN, 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.
MY COMMISSION EXPIRES: 06/06/2028


NOTARY PUBLIC



PLAT OF
HOWELL-LUNZMAN ADDITION
IN THE SW 1/4 OF SECTION 29-T128N-R62W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "HOWELL-LUNZMAN ADDITION IN THE SW 1/4 OF SECTION 29-T128N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" AS SHOWN ON THE ATTACHED PLAT, THAT I HAVE FOUND AND/OR SET IRON PINS AS INDICATED THEREON. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 21st DAY OF June, 2022


ROBERT K. KIESO RLS #9214

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF 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; HOWELL-LUNZMAN ADDITION IN THE SW 1/4 OF SECTION 29-T128N-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; HOWELL-LUNZMAN ADDITION IN THE SW 1/4 OF SECTION 29-T128N-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 COUNTY ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS 11 DAY OF July, 2022


DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

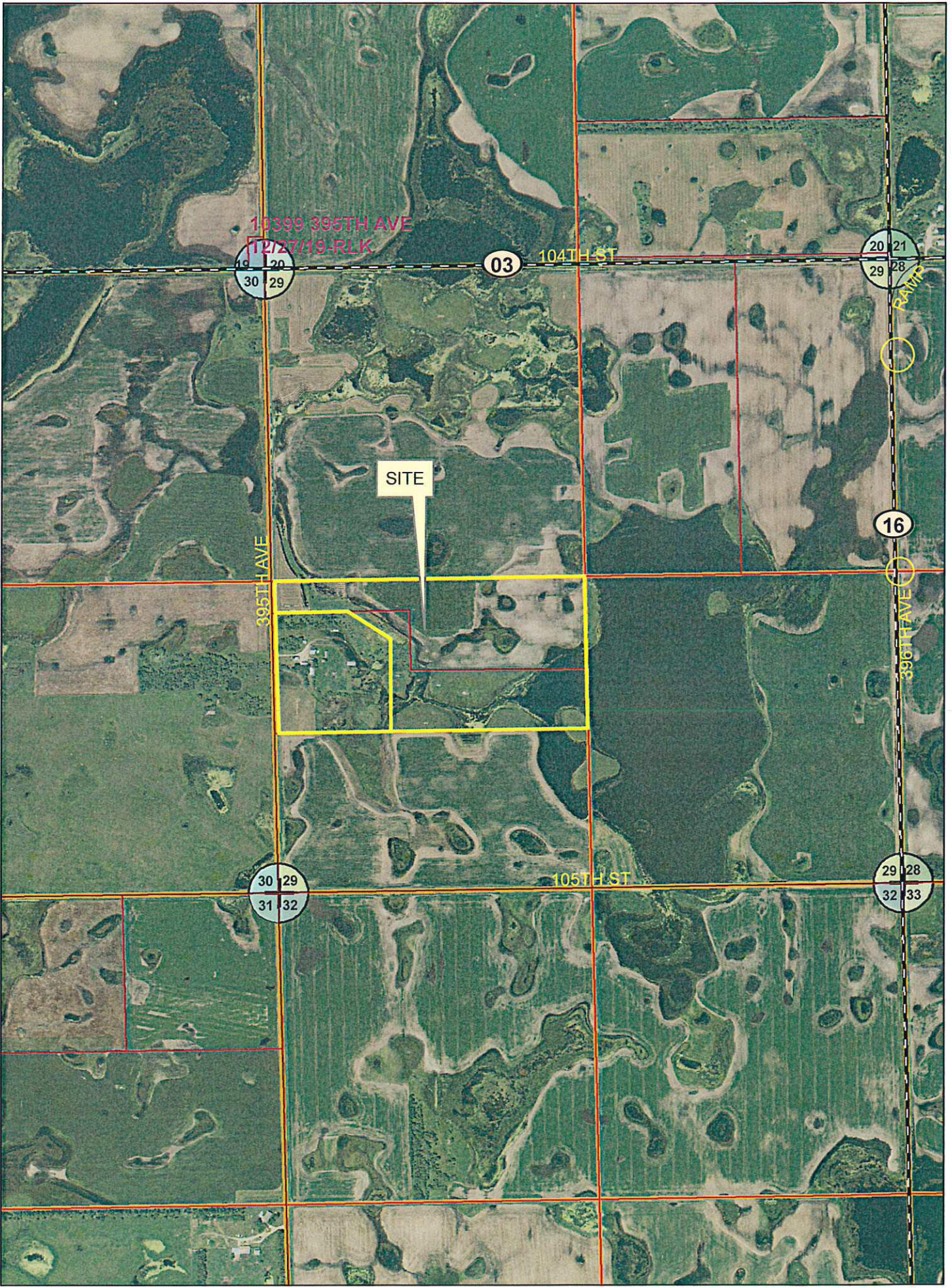
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS 11 DAY OF July, 2022.


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



10399 395TH AVE
T2/27/19-RLK

03

104TH ST

20 21

29 28

RAINF

SITE

395TH AVE

16

396TH AVE

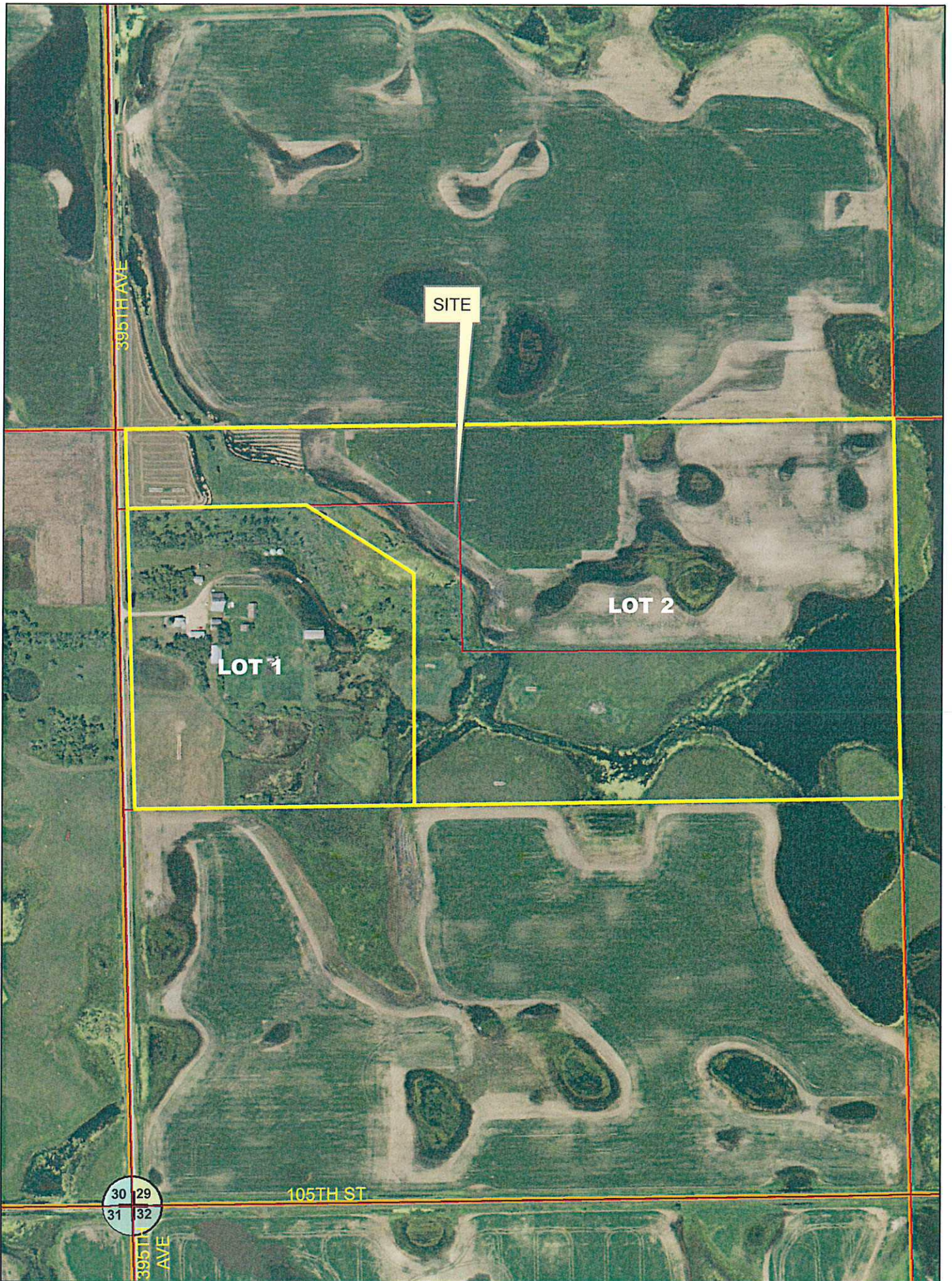
30 29

31 32

105TH ST

29 28

32 33



SITE

LOT 1

LOT 2

395TH AVE

105TH ST

30 29
31 32

395TH AVE

STAFF REPORT

August 16, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM # 17

GENERAL INFORMATION:

PETITIONER:	Mark Thompson
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	“Mark Thompson Second Addition” in the SE1/4 of Section 9-T124N-R61W of the 5 th P.M., Brown County, South Dakota
LOCATION:	40294 126 th Street
TOWNSHIP:	Putney 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:	BDM Water
REPORTED BY:	Ron Keller

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

GENERAL REVIEW: Staff has reviewed this plat.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Mark Thompson Second Addition

LEGAL SECTION: QUARTER: SE SECTION: 9 TOWNSHIP: 124 RANGE: 61

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

SCHOOL DISTRICT: Groton

UTILITIES: Unknown

OWNERS NAMES: Mark Thompson June Thompson

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Associates)

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

PLAT FEE PER PLAT: \$100.00 DATE PAID: 07 / 11 /20 22

RECEIVED BY PLANNING DEPARTMENT: 07 / 11 /20 22 BY: Ron Keller

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

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

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

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

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE: X

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

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

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

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W X

AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

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

CONSIDERED BY COUNTY COMMISSION:

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

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: July 11
~~June 30, 2022~~

RECEIPT # 620770

TOWNSHIP: Putney Twp

FEES: \$100.00

PAID: YES/NO CHK/CASH

DATE: July 11, 2022

OWNERS SIGNATURE: Mark Thompson *Mark Thompson*

OWNERS ADDRESS: 40358 127th St

OWNERS CITY, STATE, ZIP: Groton, SD 57445

OWNERS PHONE: (605) 380-8556

AGENTS SIGNATURE: _____

AGENTS ADDRESS: _____

AGENTS CITY, STATE, ZIP: _____

AGENTS PHONE: _____

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Mark Thompson Second Addition" in the SE1/4 of
Section 9-T124N-R61W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: August 16
~~July 19, 2022~~ TIME: 7:00 pm

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

25 Market Street • Aberdeen, South Dakota 57401-4203

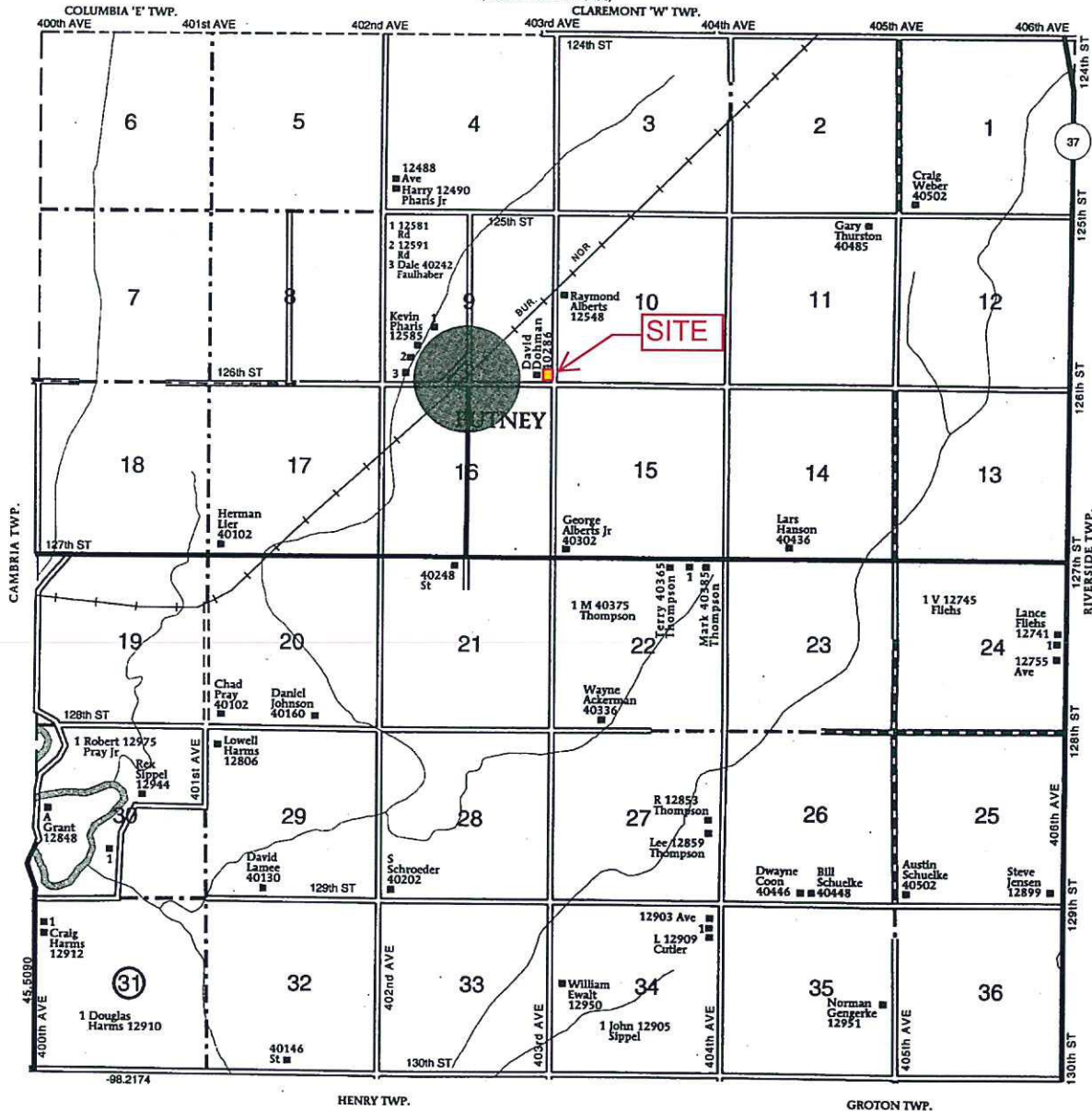
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



T-124-N

PUTNEY DIRECTORY
(Readers - Owners or Renters)

R-61-W



PLAT OF
 MARK THOMPSON SECOND ADDITION
 IN THE SE 1/4 OF SECTION 9 T124N R61W OF THE 5th P.M.,
 BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

WE, MARK AND JUNE THOMPSON, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE SE 1/4 OF SECTION 9 T124N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, LYING SOUTH AND EAST OF THE GREAT NORTHERN RAILWAY COMPANY RIGHT OF WAY ACROSS SAID SE 1/4, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS: MARK THOMPSON SECOND ADDITION IN THE SE 1/4 OF SECTION 9 T124N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

 MARK THOMPSON

Signed this _____ day of _____, 20____

 JUNE THOMPSON

Signed this _____ day of _____, 20____

ACKNOWLEDGMENT

STATE OF _____)
 COUNTY OF _____)SS

ON THIS THE _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MARK THOMPSON AND JUNE THOMPSON 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.

MY COMMISSION EXPIRES: _____

 NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNER(S), I HAVE SURVEYED AND PLATTED "MARK THOMPSON SECOND ADDITION IN THE SE 1/4 OF SECTION 9 T124N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" AS SHOWN ON THE ATTACHED PLAT, THAT I HAVE FOUND AND/OR SET IRON PINS AS INDICATED THEREON. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS ____ DAY OF _____, 20____.

 ROBERT K. KIESO

RLS #9214

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF 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 THOMPSON SECOND ADDITION IN THE SE 1/4 OF SECTION 9 T124N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

 SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

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

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING MARK THOMPSON SECOND ADDITION IN THE SE 1/4 OF SECTION 9 T124N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

 COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

PLAT OF
MARK THOMPSON SECOND ADDITION
IN THE SE 1/4 OF SECTION 9 T124N R61W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

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

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

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

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA



SITE

403RD AVE

126TH ST

9 10
16 15

403RD AVE

STAFF REPORT

August 16, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM # 18

GENERAL INFORMATION:

PETITIONER:	Lyle Biegler
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	“BNB Second Richmond Lake Subdivision” in the NW1/4 of Section 25-T124N-R65W of the 5 th P.M., Brown County, South Dakota
LOCATION:	37911 Marquette Drive
TOWNSHIP:	Ravinia Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Lake Front Residential District (R-3)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water; Lake Sanitary District
REPORTED BY:	Ron Keller

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

GENERAL REVIEW: Staff has reviewed this plat.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: BNB Second Richmond Lake Subdivision

LEGAL SECTION: QUARTER: NW SECTION: 25 TOWNSHIP: 124 RANGE: 65

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

SCHOOL DISTRICT: Aberdeen

UTILITIES: WEB Water; Lake Sanitary District

OWNERS NAMES: Lyle Biegler Megan Biegler

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Associates)

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

PLAT FEE PER PLAT: \$100.00 DATE PAID: 07 / 21 /2022

RECEIVED BY PLANNING DEPARTMENT: 07 / 21 /20 22 BY: Scott Bader

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

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

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

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

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE:

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

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

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

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W _____

AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

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

CONSIDERED BY COUNTY COMMISSION:


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

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: July 29, 2022
RECEIPT # 620784
TOWNSHIP: Ravinia Twp

FEEs: \$100.00
PAID: YES/NO CHK/CASH
DATE: 7/21/2022

OWNERS SIGNATURE: Lyle Biegler 
OWNERS ADDRESS: 1117 N Main St
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-351-1794

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

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "BNB Second Richmond Lake Subdivision" in the NW1/4
of Section 25-T124N-R65W of the 5th P.M., Brown County, South Dakota

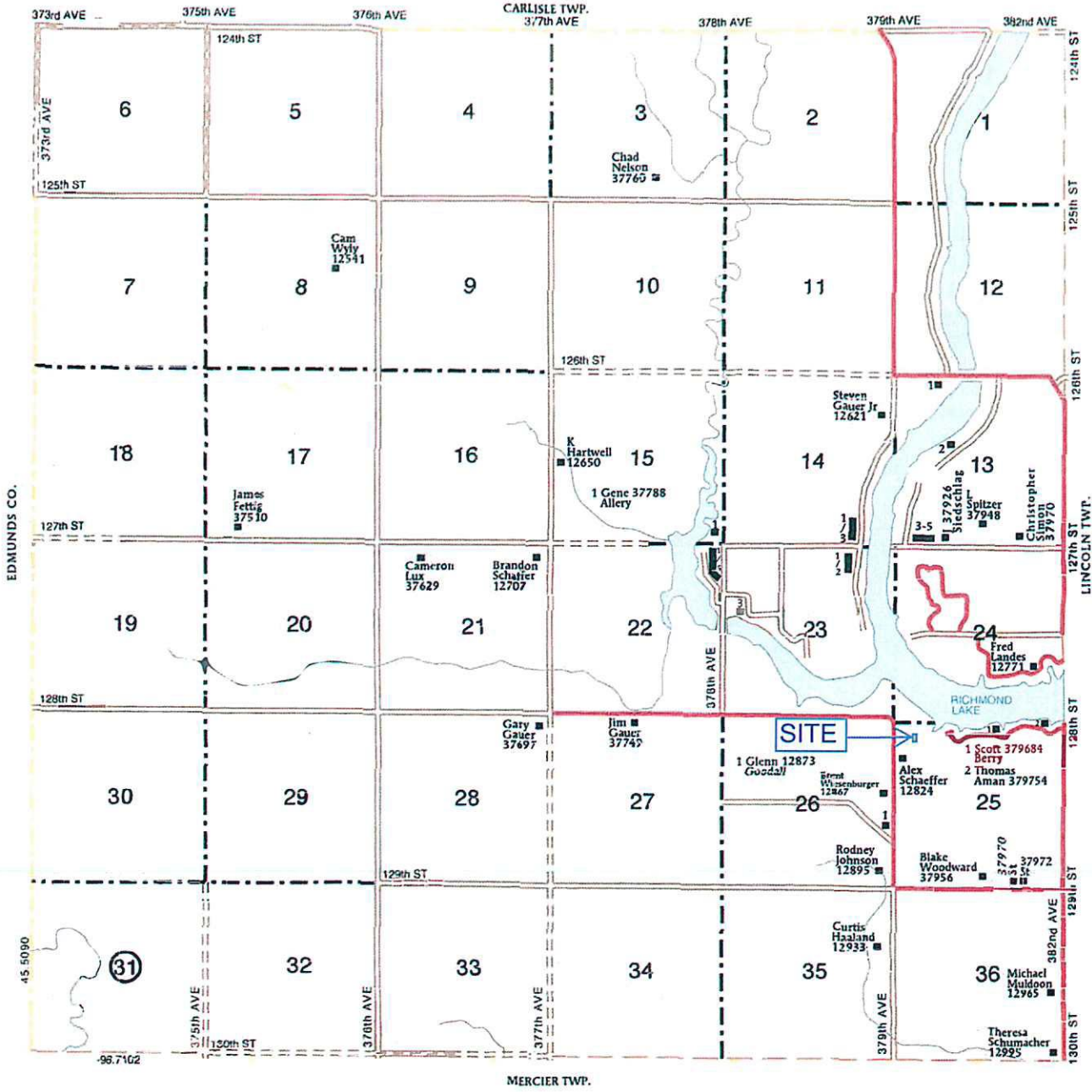
Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: August 16, 2022 TIME: 7:00 pm

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

(Residents - Owners of Homes)



RAVINIA TOWNSHIP

- SECTION 13**
 1 Kirchgesser, Jim 37835
 2 Bahr, Jualln 126401
 3 Peterson, L 37902
 4 Wiest, Brandon 37908
 5 Goldade, Gerald 37910
- SECTION 14**
 1 Mishaw, Mark 126928
 2 Lutz, Douglas 126966
 3 126974

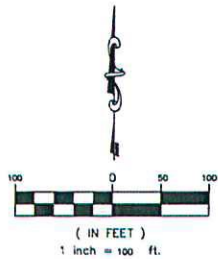
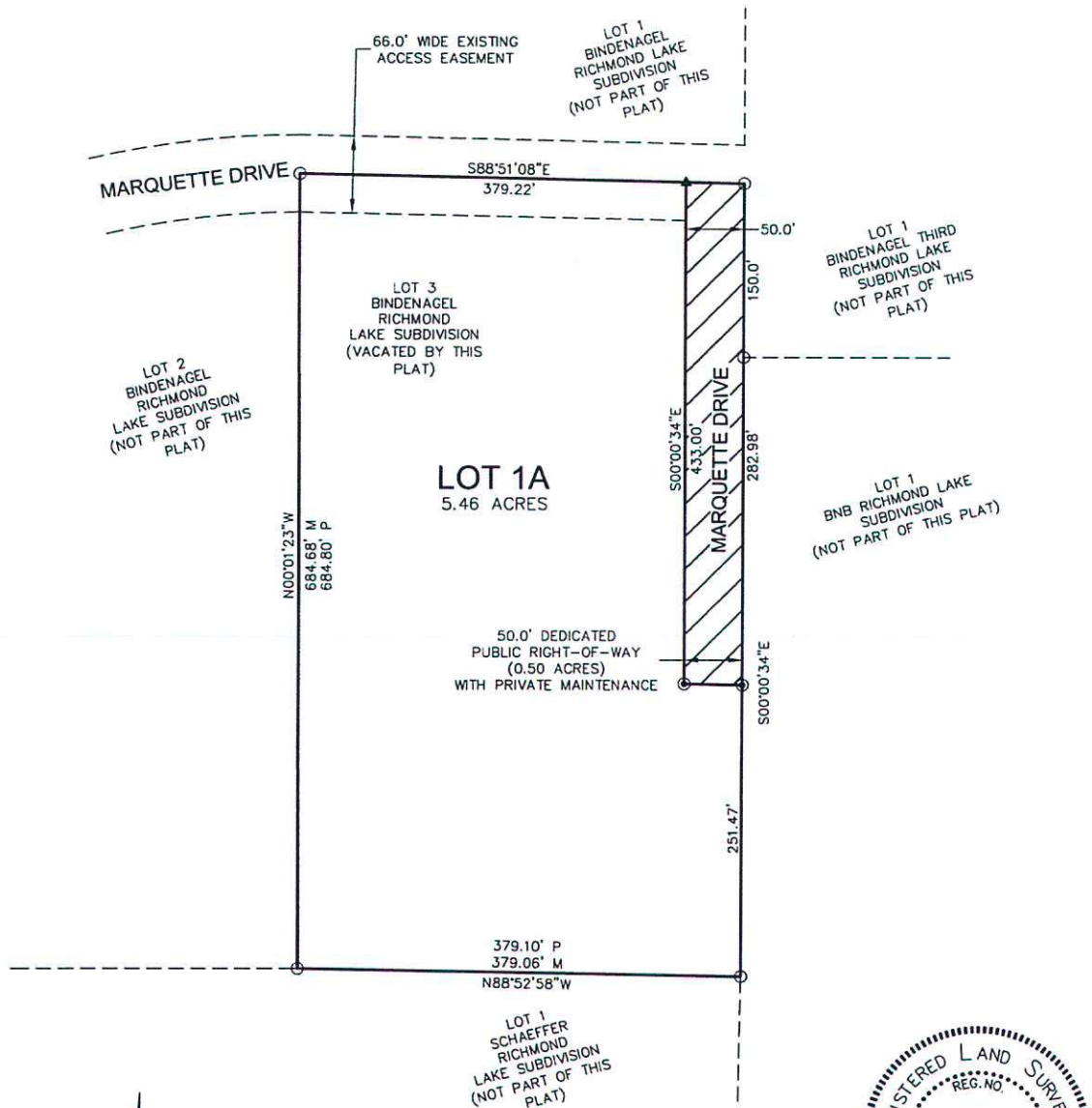
SECTION 22

- 1 Myhra, Gary 127093
 2 Huber, S 127131
 3 Millett, Craig 127151
 4 Theyer, Dan 127257
 5 Wahl, Lanny 127395
- SECTION 23**
 1 127148
 2 127216
 3 Koatts, Pat 12746

PLAT OF

A-8793

BNB SECOND RICHMOND LAKE SUBDIVISION
IN THE NW 1/4 OF SECTION 25-T124N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA



LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- ▲ CALCULATED POSITION
- DEDICATED PUBLIC RIGHT-OF-WAY WITH PRIVATE MAINTENANCE

BASIS OF BEARINGS

SD STATE PLANE NORTH ZONE
NAD 83 (2011) US SURVEY FEET
DISTANCES ARE GROUND



Helms ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS

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

DWG. 8793-LS BY:KMW SHEET 1 OF 3

PLAT OF

A-8793

BNB SECOND RICHMOND LAKE SUBDIVISION
IN THE NW 1/4 OF SECTION 25-T124N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

WE, LYLE W. BIEGLER AND MEGAN M. BIEGLER, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF LOT 3, BINDENAGEL RICHMOND LAKE SUBDIVISION IN THE NW 1/4 OF SECTION 25-T124N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS; BNB SECOND RICHMOND LAKE SUBDIVISION IN THE NW 1/4 OF SECTION 25-T124N-R65W 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 THE CONSTRUCTION, REPAIR AND MAINTENANCE OF DEDICATED ROAD IS THE RESPONSIBILITY OF OWNER OF LOT 1A BNB SECOND RICHMOND LAKE SUBDIVISION IN THE NW 1/4 OF SECTION 25-T124N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA AND OWNER OF LOT 1, BNB RICHMOND LAKE SUBDIVISION IN THE NW 1/4 OF SECTION 25-T124N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA; AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

BY THIS PLAT, WE DO HEREBY VACATE LOT 3, BINDENAGEL RICHMOND LAKE SUBDIVISION IN THE NW 1/4 OF SECTION 25-T124N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS FILED FOR RECORD ON OCTOBER 24, 2012, AND DULY RECORDED AS PLAT NO. 2926, IN THE BROWN COUNTY REGISTER OF DEEDS OFFICE.

LYLE W. BIEGLER

Signed this _____ day of _____, 20____

MEGAN M. BIEGLER

Signed this _____ day of _____, 20____

ACKNOWLEDGMENT

STATE OF)
COUNTY OF)SS

ON THIS THE ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED LYLE W. BIEGLER AND MEGAN M. BIEGLER, KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON 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.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "BNB SECOND RICHMOND LAKE SUBDIVISION IN THE NW 1/4 OF SECTION 25-T124N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" AS SHOWN ON THE ATTACHED PLAT, THAT I HAVE FOUND AND/OR SET IRON PINS AS INDICATED THEREON. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS ____ DAY OF _____, 20____.

ROBERT K. KIESO RLS #9214

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF 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; BNB SECOND RICHMOND LAKE SUBDIVISION IN THE NW 1/4 OF SECTION 25-T124N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

PLAT OF

A-8793

BNB SECOND RICHMOND LAKE SUBDIVISION
IN THE NW 1/4 OF SECTION 25-T124N-R65W 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 BNB SECOND RICHMOND LAKE SUBDIVISION IN THE NW 1/4 OF SECTION 25-T124N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

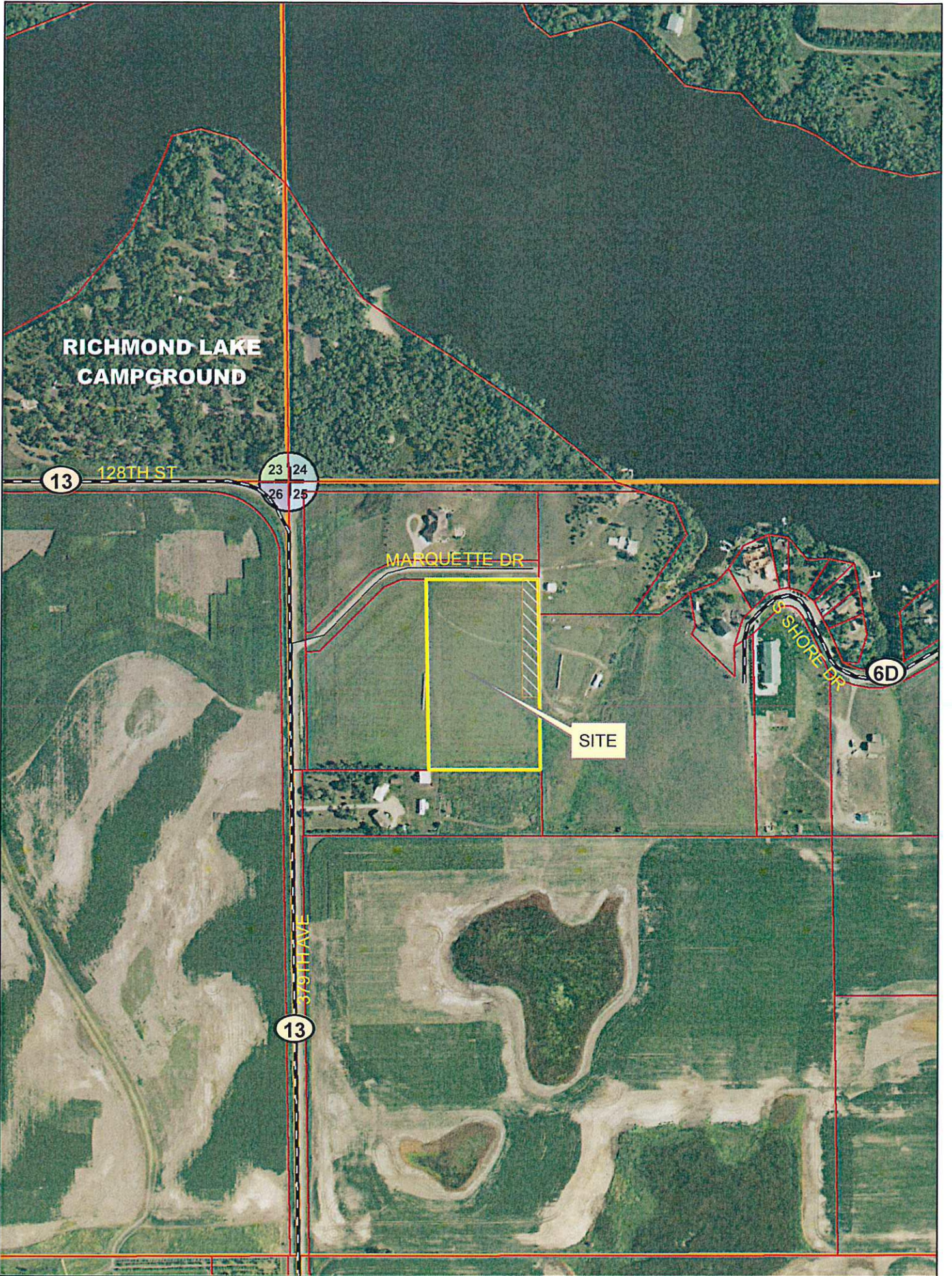
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

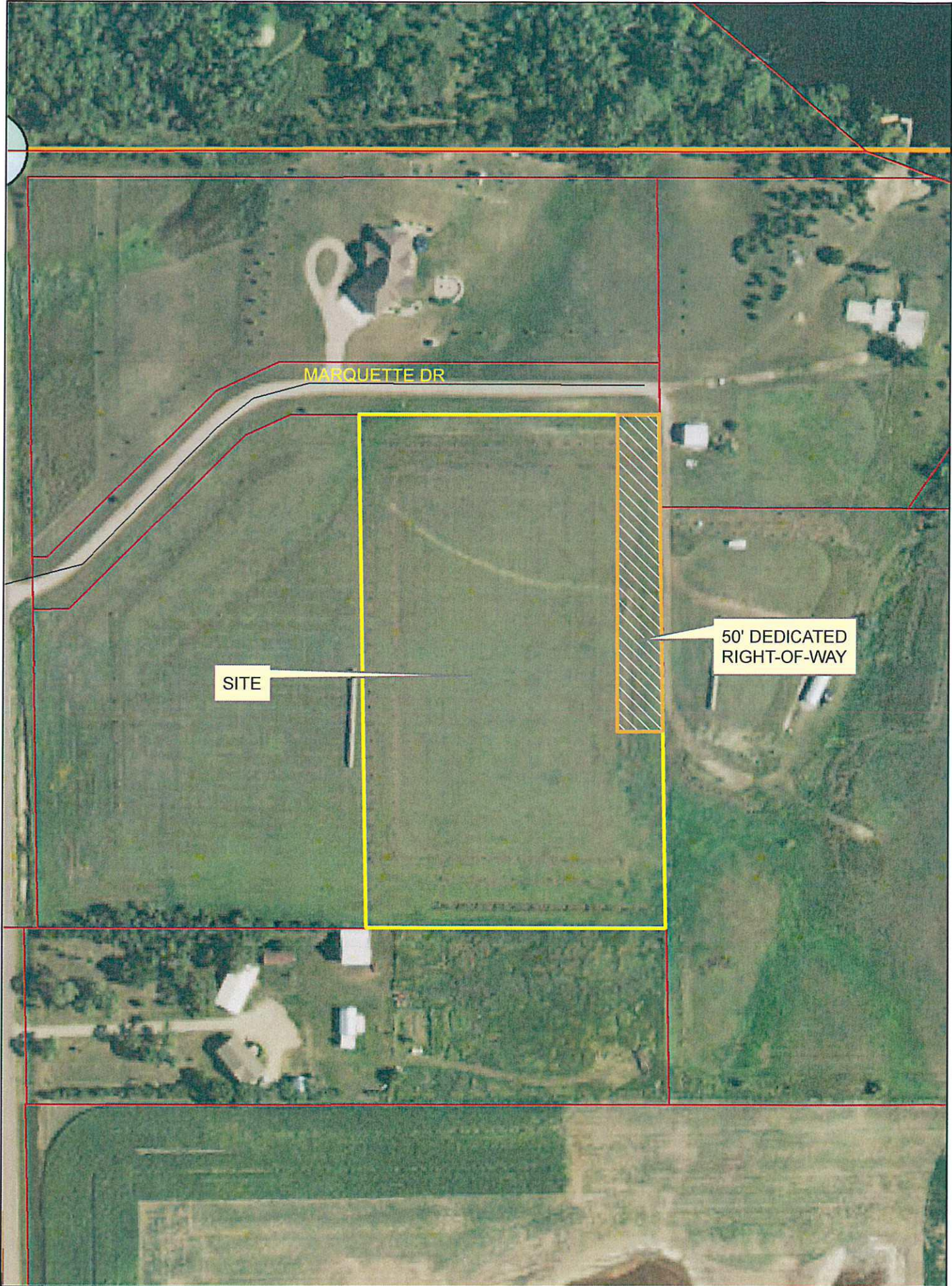
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

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

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA





MARQUETTE DR

SITE

50' DEDICATED
RIGHT-OF-WAY

STAFF REPORT

August 16, 2022

PRELIMINARY & FINAL PLAT

ITEM # 19

GENERAL INFORMATION:

PETITIONER:	James Whitman
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	“Whitman’s First Subdivision” in the N1/2 of the NE1/4 of Section 29-T123N-R62W of the 5 th P.M., Brown County, South Dakota
LOCATION:	134 th Street & 396 th Avenue
TOWNSHIP:	Bath Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Mini-Agriculture District (M-AG)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB
REPORTED BY:	Ron Keller

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

GENERAL REVIEW: Staff has reviewed this plat.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Whitman's First Subdivision

LEGAL SECTION: QUARTER: NE SECTION: 29 TOWNSHIP: 123 RANGE: 62

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

SCHOOL DISTRICT: Aberdeen

UTILITIES: WEB water

OWNERS NAMES: James Whitman

OWNERS NAMES: Mary Anne Whitman

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Associates)

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

PLAT FEE PER PLAT: \$100.00 DATE PAID: 7 / 26 /2022

RECEIVED BY PLANNING DEPARTMENT: 7 / 26 /2022 BY: Ron Keller

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

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

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

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

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE: X

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

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

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

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W X

AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

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

CONSIDERED BY COUNTY COMMISSION:

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

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: July 29, 2022
RECEIPT # 620788
TOWNSHIP: Bath Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 7/26/2022

OWNERS SIGNATURE: James Whitman *James Whitman*
OWNERS ADDRESS: 39561 134th Street
OWNERS CITY, STATE, ZIP: Bath, SD 57427
OWNERS PHONE: 605-380-7660

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

REQUEST: Preliminary & Final Plat

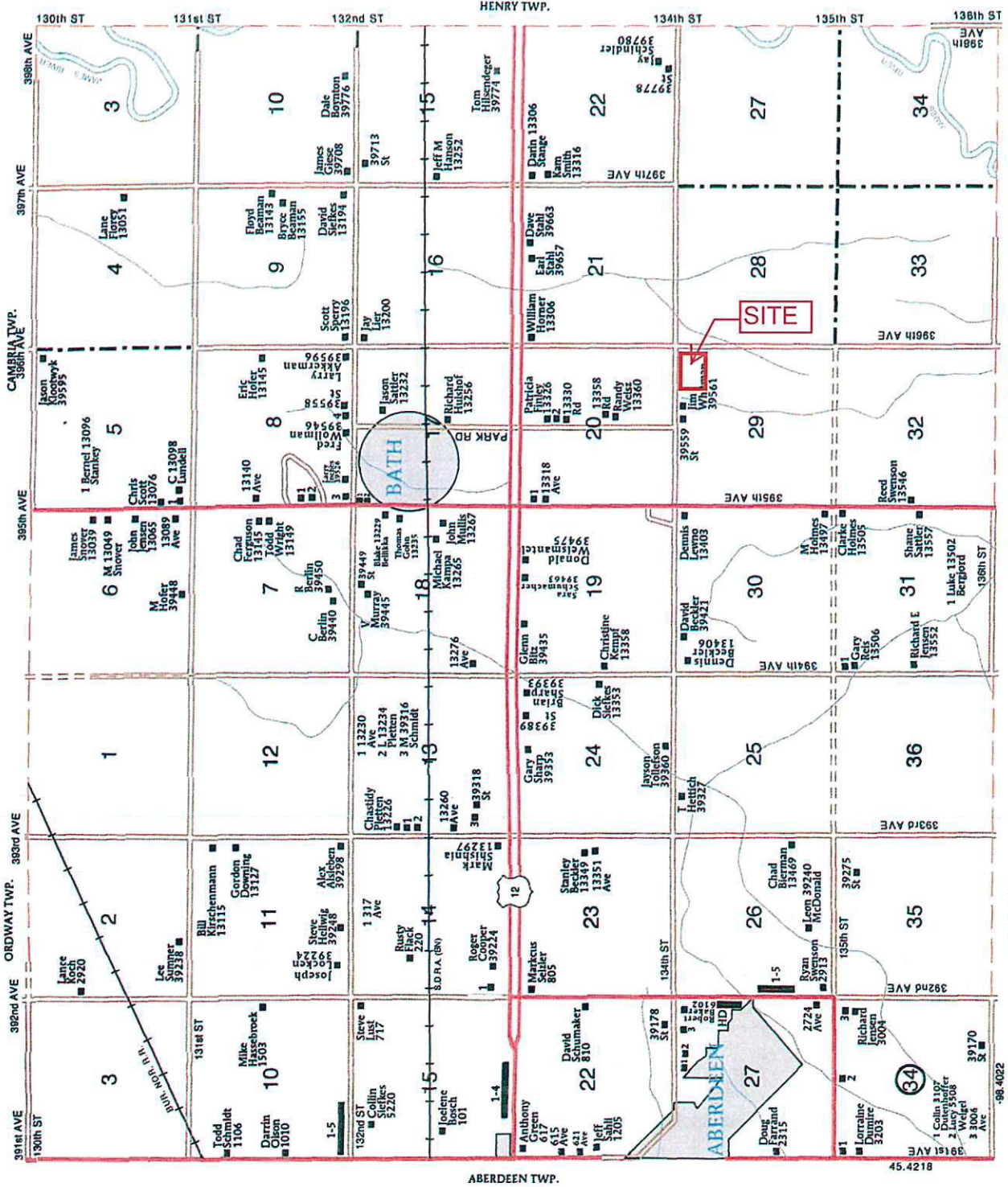
LEGAL DESCRIPTION: "Whitman's First Subdivision" in the N1/2 of the NE1/4 of Section 29-T123N-R62W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: August 16, 2022 TIME: 7:00 pm

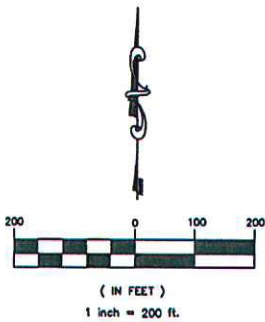
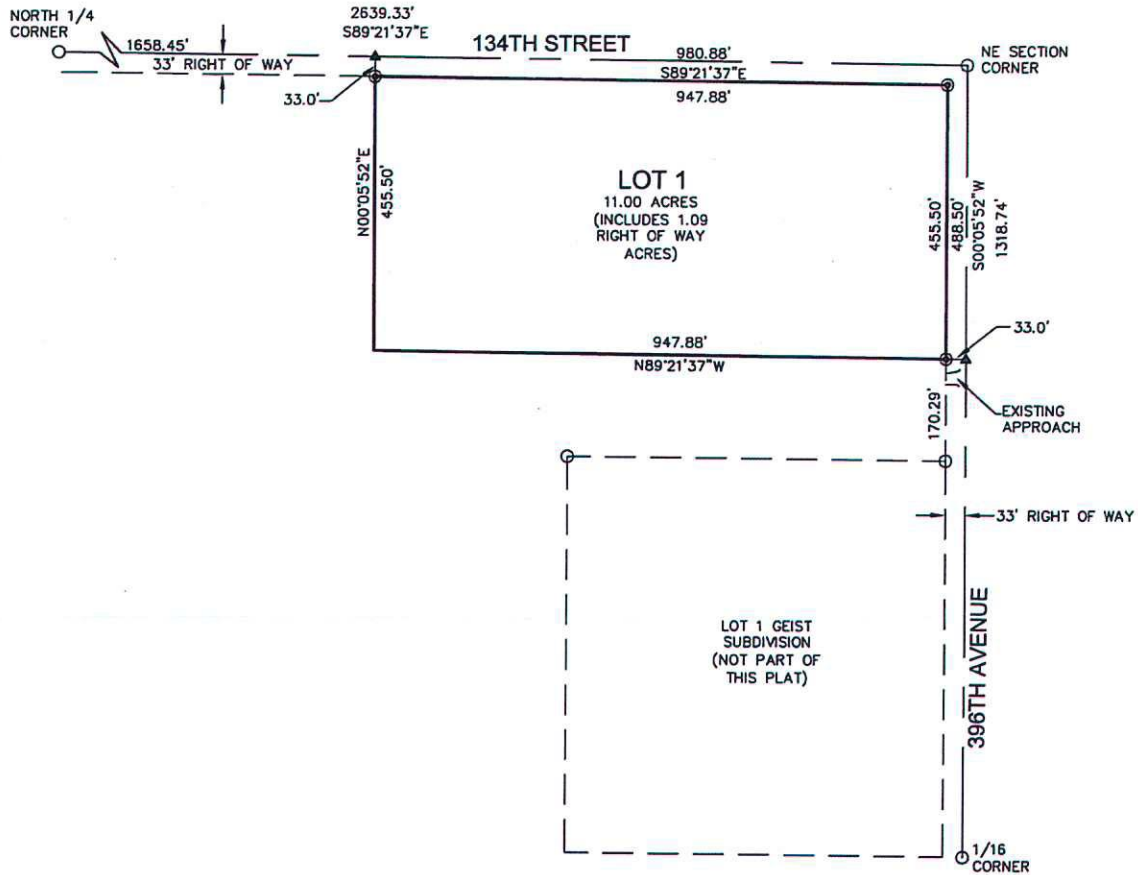
MEETING: located in the Basement Community Room of the Court House Annex
25 Market Street • Aberdeen, South Dakota 57401-4203
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



BATH TOWNSHIP

- SECTION 8**
- 1 Haugen, James 13164
- 2 Kroll, John 13174
- 3 Monson, Steve 39510
- 4 Bruckner, David 39554
- SECTION 10W**
- 1 Bornemann, Kyle 5005
- 2 Dewey, Justin 5025
- 3 5081
- 4 Gross, Del 5115
- 5 Mathern, A 5219
- SECTION 15W**
- 1 5405
- 2 Eilers, Todd 5455
- 3 Ellingson, Malynn 5485
- 4 Gossman, S 5755
- SECTION 17**
- 1 Buechler, Jerry 13228
- 2 Wolf, Justin 13230
- SECTION 20**
- 1 Westphal, Henry 13316
- 2 Rohrbach, Kevin 13328
- SECTION 26**
- 1 Bellikka, Daryl 2111
- 2 Kohhaas, Paul 2135
- 3 Grise, Doug 2215
- 4 Bjorklund, Richard 2317
- 5 Paulson, David 2519
- SECTION 27W**
- 1 Caton, Caleb 5256
- 2 Johnson, K 5950

PLAT OF WHITMAN'S FIRST SUBDIVISION IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



LEGEND

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

BASIS OF BEARINGS

TRUE MERIDIAN - GPS



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

DWG. 8773-LS BY: BKK SHEET 1 OF 3

PLAT OF
WHITMAN'S FIRST SUBDIVISION
IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-R62W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, JAMES A. WHITMAN DO HEREBY CERTIFY THAT I AM THE OWNER OF THE N 1/2 NE 1/4 OF SECTION 29 T123N R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, EXCEPT WHITMAN'S OUTLOTS 1 AND 2 AND LOT 1 GEIST SUBDIVISION IN THE N 1/2 NE 1/4 OF SECTION 29 T123N R62W, AND THAT I HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS; WHITMAN'S FIRST SUBDIVISION IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-R62W 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 THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

James A. Whitman
JAMES A. WHITMAN
Signed this 18 day of July 2022

ACKNOWLEDGMENT

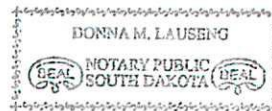
STATE OF SD)
COUNTY OF Brown)SS

ON THIS THE 18th DAY OF July, 2022, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JAMES A. WHITMAN 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.

MY COMMISSION EXPIRES: 2-13-2026

Donna M. Lausing
NOTARY PUBLIC



SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "WHITMAN'S FIRST SUBDIVISION IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" AS SHOWN ON THE ATTACHED PLAT, THAT I HAVE FOUND AND/OR SET IRON PINS AS INDICATED THEREON. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 17 DAY OF July 2022

Robert K. Kieso
ROBERT K. KIESO RLS #9214

PLAT OF
WHITMAN'S FIRST SUBDIVISION
IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-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 WHITMAN'S FIRST SUBDIVISION IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-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

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COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

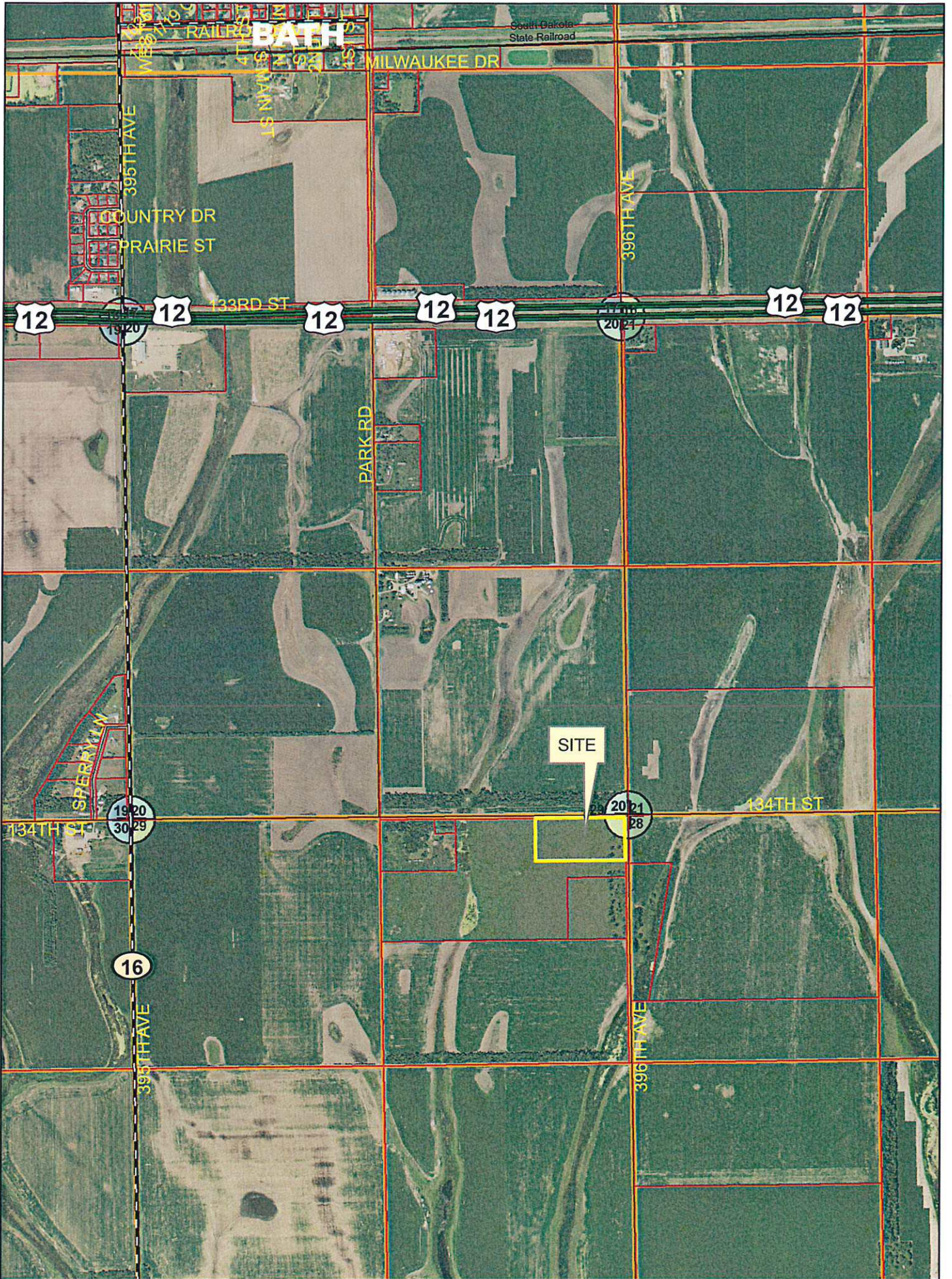
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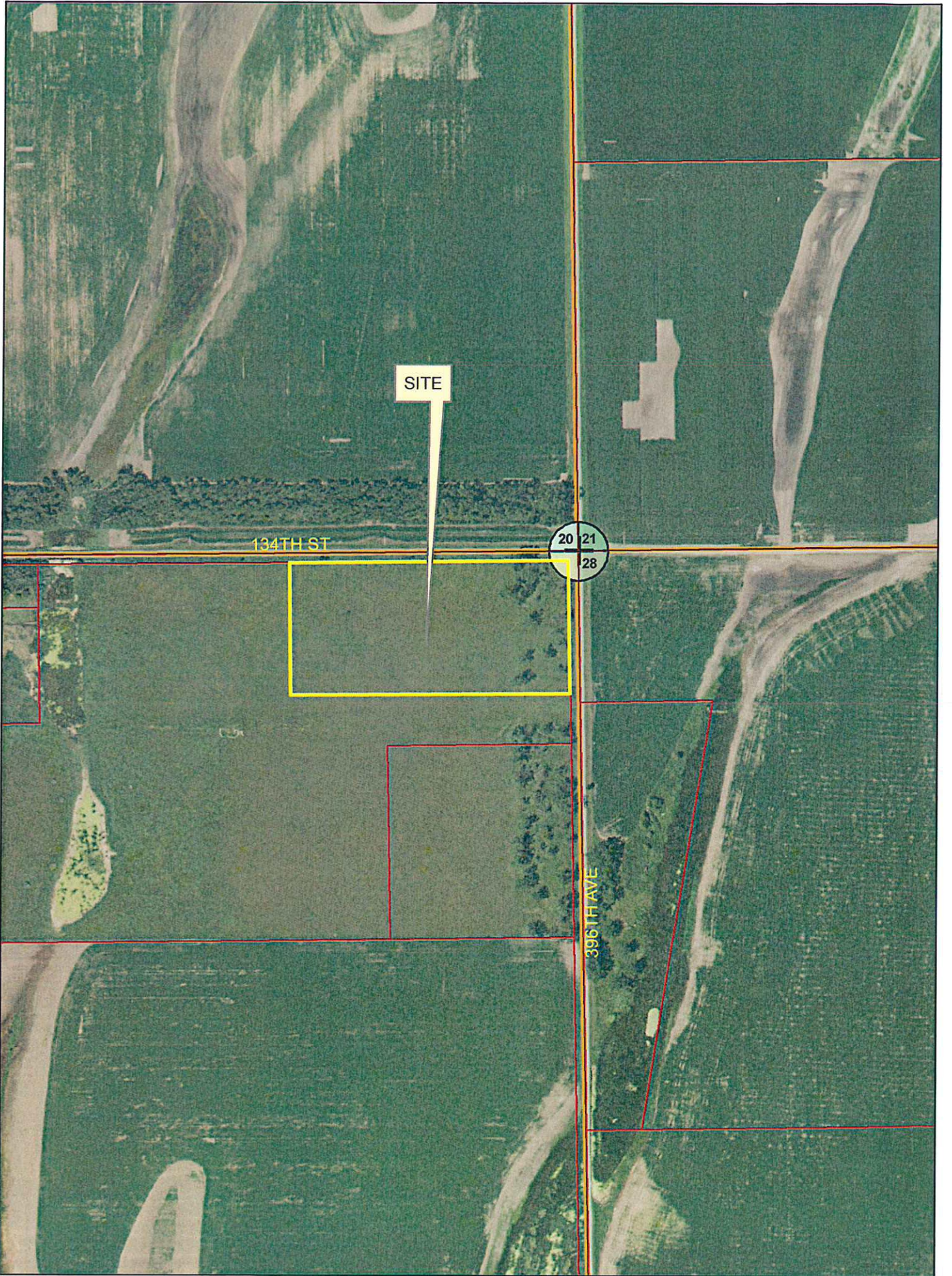
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

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





SITE

134TH ST

20 21
28

396TH AVE