

# AGENDA

## REGULAR SCHEDULED MEETINGS BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, SEPTEMBER 20, 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 Ron Keller.
  - III. **Minutes:** August 16, 2022 Motion: 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_
  - 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 1, "South Dakota Wheat Growers Bath-Grebner Terminal Addition" in the S1/2 of Section 14-T123N-R63W of the 5th P.M., Brown County, South Dakota (105 392<sup>nd</sup> Avenue South, Bath Twp.).
    2. **Conditional Use Petition (CUP)** in a Rural Urban District (RU) described as "Meints Outlot 1" in the SE1/4 of Section 20-T125N-R62W of the 5th P.M., Brown County, South Dakota (12165 396<sup>th</sup> Ave., City of Columbia).
    3. **Conditional Use Petition (CUP)** in an Agriculture Preservation District (AG-P) described as The S1/2 of Section 19-T123N-R64W Lying South of the Railroad R.O.W. of the 5<sup>th</sup> P.M., Brown County, South Dakota (38284 134<sup>th</sup> Street, Aberdeen 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, September 20, 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 October 18, 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 Lot 1 & 2, "Bindenagel Richmond Lake Subdivision", Lot 1, "Bindenagel Third Richmond Lake Subdivision", and Lot 1A, "BNB Second Richmond Lake Subdivision", all in the NW1/4 of Section 25-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (37905, 37908, 37911, 37918 Marquette Drive, Richmond Lake, Ravinia Twp.).
11. **Rezone Parcel** from Residential District (R-1) and Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for properties described as "Schott Outlot" and Lot 1, "Haar Addition" both in the SE1/4 of Section 6-T123N-R63W, and Proposed Lots 1 thru 4, "Haar's Second Addition" in the E1/2 of Section 6-T123N-R63W, of the 5<sup>th</sup> P.M., Brown County, South Dakota (2801, 2955, 2975, 3051, 3059 and 3135 N Roosevelt St., Aberdeen Twp.).
12. **Rezone Parcels** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for property described as Proposed Lot 1, "Mahan Addition" in the NW1/4 of Section 5-T123N-R60W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13026 407<sup>th</sup> Ave., Groton Twp.).
13. **Preliminary & Final Plat** for a property described as "Haar's Second Addition" in the E1/2 of Section 6-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (2975, 3051, 3059, & 3135 N Roosevelt St., Aberdeen Twp.)
14. **Preliminary & Final Plat** for a property described as "Rohl Country Addition" in the NW1/4 of Section 35-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38635 129<sup>th</sup> St., Lincoln Twp.)
15. **Preliminary & Final Plat** for a property described as "Mahan Addition" in the NW1/4 of Section 5-T123N-R60W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13026 407<sup>th</sup> Ave., Groton Twp.)
16. **Preliminary & Final Plat** for a property described as "Gauer First Richmond Lake Addition" in the SE1/4 of Section 24-T124N-R65W of the 5<sup>th</sup> P.M., and in the SW1/4 of Section 19-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (379995 & 379999 N Shore Dr., Lincoln & Ravinia Twp.)

III. **Other Business:**

- IV. **Motion to Adjourn: 1<sup>st</sup>** \_\_\_\_\_ **2<sup>nd</sup>** \_\_\_\_\_

# MINUTES

## REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY AUGUST 16, 2022 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

- I. **Call to Order:** The *Brown County Planning/Zoning Commission* meeting was called to order by Stan Beckler-Chairman.
- II. **Roll Call:** Members of the Brown County Planning/Zoning Commission present for roll call were David North-Vice Chairman, Darwin Bettmann, Dale Kurth, Patrick Keatts, James Meyers, County Commissioner Michael Gage, serving on this Board, Deputy States Attorney Ross Aldentaler and Stan Beckler- Chairman. Planning Technician Chris Anderson and Planning Director Scott Bader were present from the Planning/Zoning Department.
- III. **Minutes:** After discussion about previous months Minutes, North moved and Keatts seconded to approve the Minutes for the July 19, 2022, Planning/Zoning Commission meeting. All members voted aye; the motion carried.
- IV. **Old Business:**
  1. **Sign-up Sheet:** at door entrance on the table for anyone to speak on an Agenda Item.
  2. **Permits:** Anyone present that has submitted Zoning Board of Adjustment Items such as a Variance Petition or Conditional Use Petition (CUP) is still required to get their required PERMITS from the Zoning Office before starting their project if their request gets approved.
- V. **New Business:** *Planning/Zoning Commission as Zoning Board of Adjustment (BOA)*
  1. **Conditional Use Petition (CUP)** in a Heavy Industrial District (H-I) described as Lot 2, "Thorpe Second Subdivision" in the S1/2 of Section 16-T123N-R64W of the 5th P.M., Brown County, South Dakota (approx. 38442 133<sup>rd</sup> Street, Aberdeen Twp). Submitted by Terry Larson. In attendance for this item was Terry Larson and Allen Wellman (neighbor). Following discussion on FoF, Kurth moved, and North seconded to **approve the finding of facts** as presented. Also following discussion Kurth moved, and North seconded to **approve the conditional use petition (CUP)** to allow:
    - a. a maximum of 20 steel storage container units set in a straight line (N to S) along the west property line by the existing wood fence (minimum 100' front yard setback).
    - b. a small sign shall be installed a minimum of 50' back from property line with the *parcel address, name of the storage company and contact phone number* posted by the west entrance.
    - c. owner must provide lighting of the storage area.
    - d. all storage units must be painted the same color for aesthetics.
    - e. each *unit number* must be posted on the front of each container.
    - f. this conditional use petition (CUP) is approved for the *current owners only* with no transferring of ownership allowed without pre-approval of the Zoning Board of Adjustment (BOA), all members voting aye, motion carried.

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 3, "Hagemann First Subdivision" in the SE1/4 of Section 26-T124N-R63W of the 5th P.M., Brown County, South Dakota (39296 129<sup>th</sup> Street, Ordway Twp). Submitted by Jeremy Walberg. In attendance for this item was Jeremy Walberg. Following discussion on FoF Meyers moved, and Bettmann seconded to **approve the finding of facts** as presented. Also following discussion Meyers moved, and Bettmann seconded to **approve the variance to building setbacks** to have a minimum south Front Yard Setback of 80' from property line and a minimum east Front Yard Setback of 80' from property line rather than the minimum 100' setback required, all members voting aye, motion carried.
  
3. **Variance to Approach Separation Distance** 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 5<sup>th</sup> P.M., Brown County, South Dakota (11507 396<sup>th</sup> Avenue, Brainard Twp). Submitted by Grant Gilchrist. No one was in attendance for this item. Following discussion on FoF, North moved, and Keatts seconded to **approve the finding of facts** as presented. Also following discussion North moved, and Keatts seconded to **approve the variance to approach separation distance** to be a minimum of 440' south of existing approach rather than the minimum of 500' required, all members voting aye, motion carried.
  
4. **Variance to Approach Separation Distance** in an Agriculture Preservation District (AG-P) described as The SE1/4 of the SE1/4 of Section 7-T125N-R61W of the 5<sup>th</sup> P.M., Brown County, South Dakota (40096 120<sup>th</sup> Street, Columbia Twp). Submitted by Grant Gilchrist. No one was in attendance for this item. Following discussion on FoF, Kurth moved, and Gage seconded to **approve the finding of facts** as presented. Following discussion on the approach location. Kurth moved, and Gage seconded to **approve the variance to approach separation distance** to be a minimum of 115' south from the existing approach rather than a minimum of 500' as required; the existing north approach on the west side of highway is to be removed; the new approach is to be installed on the west side, straight across from the existing approach on the east side of highway, all members voting aye, motion carried.

VI. Other Business: None

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

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# MINUTES

## REGULAR SCHEDULED MEETING

### BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, AUGUST 16, 2022 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

- I. **Old Business:** Amendment Discussion to Brown County Ordinance Title 4 for Chapters 4.22 through Chapter 4.29 for Administrative Rules and Enforcement are still Tabled until further notice, by the States Attorney Office.

II. **New Business: Planning Commission**

10. **Rezone Petition** from Agriculture Preservation District (AG-P) to 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 5<sup>th</sup> P.M., Brown County, South Dakota (North Sunrise Drive & Ebby Lane-Mina Lake, Mercier Twp). Submitted by Nolan Ulmer. In attendance for this item was Nolan Ulmer. Following discussion, Meyers moved, North seconded to **recommend approval of the rezone petition** for [Lots 1-9 & Lots 11-17 for Lake Front Residential District (R-3); Lot 10 for Mini Agriculture District (M-AG)] to the Board of County Commissioners, all members voting aye, motion carried.
11. **Rezone Petition** 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 5<sup>th</sup> P.M., Brown County, South Dakota (10464 395<sup>th</sup> Avenue, Liberty Twp). Submitted by Todd Lunzman. In attendance for this item was Todd Lunzman. Following discussion, North moved, Keatts seconded to **recommend approval of the rezone petition** for Lot 1 to the Board of County Commissioners, all members voting aye, motion carried.
12. **Rezone Petition** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for properties described as Proposed Lot 1, "Mark Thompson Second Addition" and Lot 1, "Mark Thompson Addition" both in the SE1/4 of Section 9-T128N-R61W of the 5<sup>th</sup> P.M., Brown County, South Dakota (403<sup>rd</sup> Avenue & 126<sup>th</sup> Street, Putney Twp.). Submitted by Mark Thompson. Following discussion, Kurth moved, Gage seconded to **recommend approval of the rezone petition** for both of Lot 1's listed above, to the Board of County Commissioners, all members voting aye, motion carried.
13. **Rezone Petition** 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 5<sup>th</sup> P.M., Brown County, South Dakota (39296 129<sup>th</sup> Street and 12885 & 12887 393<sup>rd</sup> Avenue, Ordway Twp). Submitted by Jeremy Walberg. In attendance for this item was Jeremy Walberg. Following discussion, Gage moved, North seconded the motion to **recommend approval of the rezone petition** for Lot 3, and Lots 1 & 2 as listed above, to the Board of Brown County Commissioners, all members voting aye, motion carried.
14. **Rezone Petition** from Residential District (R-1) to Highway Commercial (HC) for properties described as Lot 1, "Ronnie's Way Addition" and Lot 1, "Creeside Addition" both in the NW1/4 of Section 17-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (2520 8<sup>th</sup> Avenue NE & 578 N Roosevelt Street, Aberdeen Twp). Submitted by Stacy Gossman. In attendance for this item was Stacy Gossman. Following discussion, Keatts moved, Meyers seconded the motion to **recommend approval of the rezone petition** for both Lot 1's as listed above to the Board of Brown County Commissioners, noting that there is floodplain and floodway regulations that need to be met for any future development on these two (2) lots, all members voting aye, motion carried.
15. **Rezone Petition** 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 5<sup>th</sup> P.M., Brown County, South Dakota (134<sup>th</sup> Street

& 396<sup>th</sup> Avenue, Bath Twp). Submitted by Jim Whitman. In attendance for this item were neighbors Kristi and Bruce Geist. Following discussion, Meyers moved, Kurth seconded the motion to **recommend approval of the rezone petition** for Lot 1 as listed above, to the Board of Brown County Commissioners, all members voting aye, motion carried.

16. **Preliminary & Final Plat** for a property described as “Howell-Lunzman Addition” in the SW1/4 of Section 29-T128N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (10452 & 10464 395<sup>th</sup> Avenue, Liberty Twp). Submitted by Todd Lunzman. In attendance for this item was Todd Lunzman. 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.
17. **Preliminary & Final Plat** for a property described as “Mark Thompson Second Addition” in the SE1/4 of Section 9-T124N-R61W of the 5<sup>th</sup> P.M., Brown County, South Dakota (40294 126<sup>th</sup> Street, Putney Twp). Submitted by Mark Thompson. 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.
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 5<sup>th</sup> P.M., Brown County, South Dakota (37911 Marquette Drive, Ravinia Twp) with a short segment of road right-of-way being dedicated for better access. Submitted by Lyle Biegler. 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.
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 5<sup>th</sup> P.M., Brown County, South Dakota (13405 396<sup>th</sup> Avenue, Bath Twp). Submitted by Jim Whitman. 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.

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 Chris Anderson and Planning Director Scott Bader.

# STAFF REPORT

September 20, 2022

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BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

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**Conditional Use Petition (CUP)**

**ITEM # 01**

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**GENERAL INFORMATION:**

PETITIONER: Agtegra-Tracy Hutson

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

LEGAL DESCRIPTION: Lot 1, "South Dakota Wheat Growers Bath-Grebner Terminal Addition" in the S1/2 of Section 14-T123N-R63W of the 5th P.M., Brown County, South Dakota.

TOWNSHIP: Bath Twp

LOCATION: 105 392<sup>nd</sup> Avenue South

EXISTING ZONING: Heavy Industrial District (H-I)

SURROUNDING ZONING:

- North: Agriculture Preservation District (AG-P)
- South: Highway Commercial District (HC) / Multi-Zone District (MZ)
- East: Agriculture Preservation District (AG-P)
- West: Agriculture Preservation District (AG-P) / Mini-Agriculture District (M-AG)

REPORTED BY: Ron Keller

**GENERAL COMMENT:** The petitioner is requesting a Conditional Use Petition (CUP) for a 140' x 450' steel grain bunker 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: August 5, 2022  
RECEIPT # 816608  
TOWNSHIP: Bath Twp

FEES: \$225.00  
PAID: YES/NO CHK/CASH/CC  
DATE: August 10, 2022

OWNERS SIGNATURE: Agtegra  
OWNERS ADDRESS: 908 S Lamont St  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 605-252-0423 (Tracy Hutson)

AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

REQUEST: Conditional Use Permit for a 140' x 450' steel grain bunker in a  
Heavy Industrial District (H-I).

LEGAL DESCRIPTION: Lot 1, "South Dakota Wheat Growers Bath-Grebner  
Terminal Addition" in the S1/2 of Section 14-T123N-R63W of the 5th P.M.,  
Brown County, South Dakota (105 392nd Avenue South; Bath Twp.)

SIGNATURE:   
8-10-22

Planning Commission Action: Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

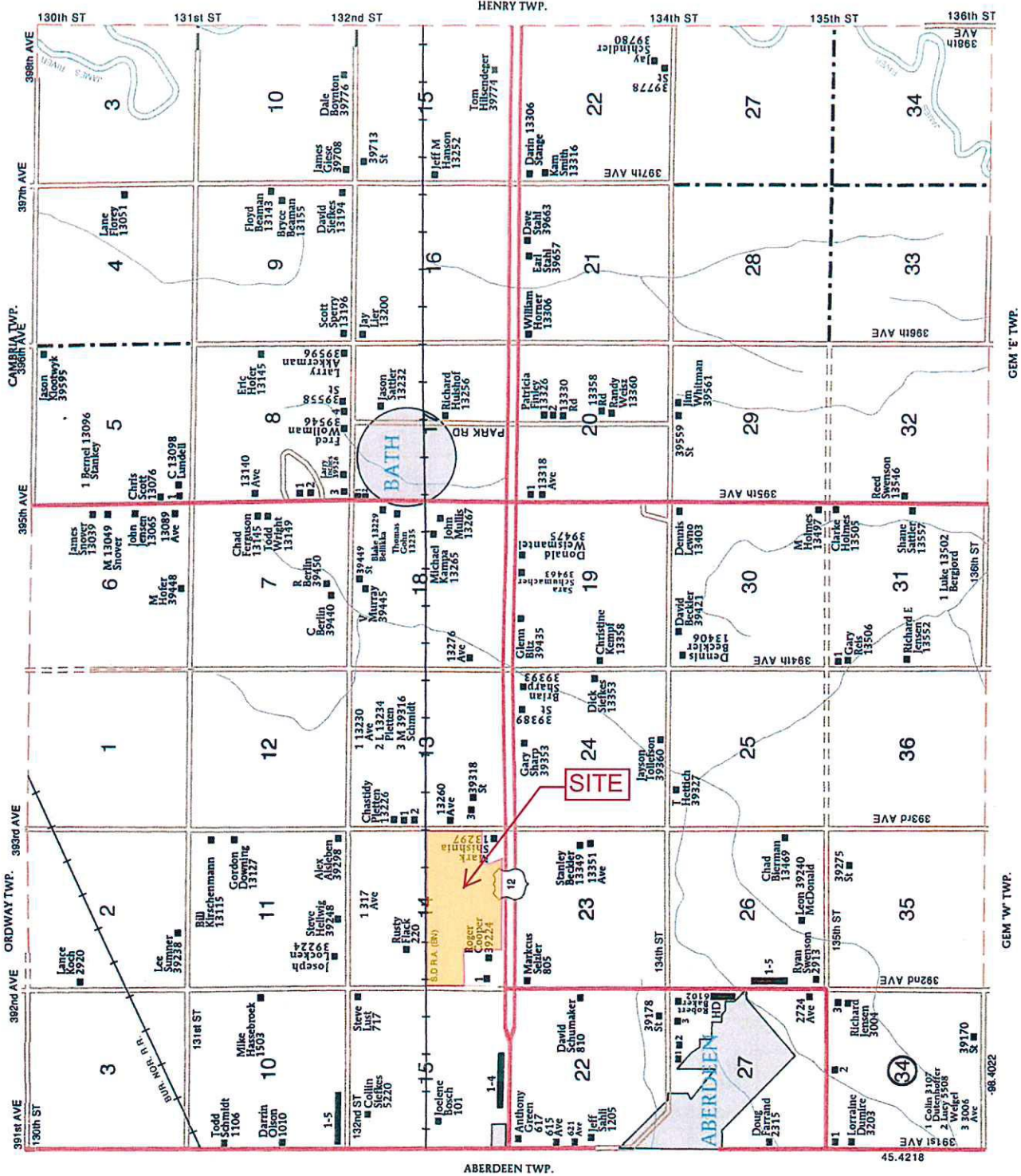
HEARING DATE: September 20, 2022 TIME: 7:00 pm

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

## **NOTICE OF HEARING CONDITIONAL USE**

Application has been made to Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on September 20, 2022, at 7:00 P.M.

Petitioner: Agtegra-Tracy Hutson

Description of property: Lot 1, "South Dakota Wheat Growers Bath-Grebner Terminal Addition" in the S1/2 of Section 14-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (105 392<sup>nd</sup> Avenue South).

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

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

*Dated this 8th day of September 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) Steel Grain Bunker in Heavy Industrial
Applicant:	Name Agtegra-Tracy Hutson • Address 908 S Lamont St, Aberdeen, SD 57401
Landowner:	• Agtegra
Legal Description:	Lot 1, "South Dakota Wheat Growers Bath-Grebner Terminal Addition" in the S1/2 of Section 14-T123N-R63W of the 5th P.M., Brown County, South Dakota
Location:	105 392nd Avenue South, 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 minimal screening on the property.

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

Conditional Use 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 grain storage.

(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.

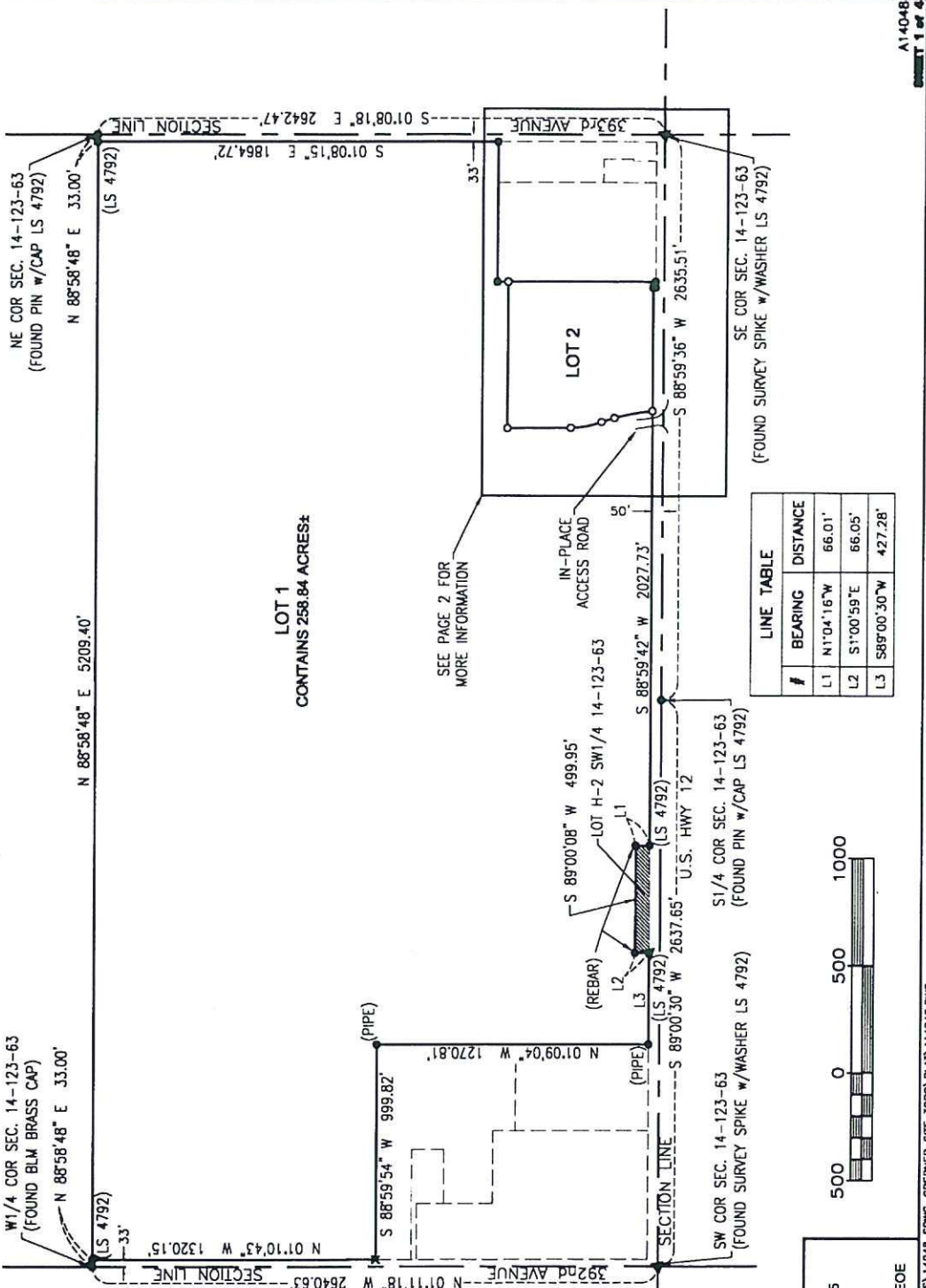
(i) Character of Neighborhood. The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by design, setback, nature of operation, and other devices, the character of the neighborhood will be maintained.

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.

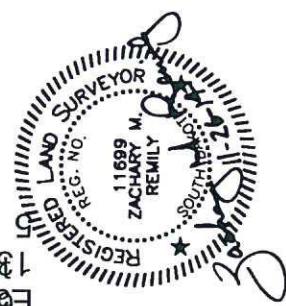
**SOUTH DAKOTA WHEAT GROWERS BATH-GREBNER TERMINAL ADDITION**  
**PLAT SHOWING**  
**IN THE S1/2 OF SECTION 14**  
**TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.,**  
**BROWN COUNTY, SOUTH DAKOTA**



LOT 1  
CONTAINS 258.84 ACRES±

SEE PAGE 2 FOR  
MORE INFORMATION

LINE TABLE		
#	BEARING	DISTANCE
L1	N1°04'16\"W	66.01'
L2	S1°00'59\"E	66.05'
L3	S89°00'30\"W	427.28'

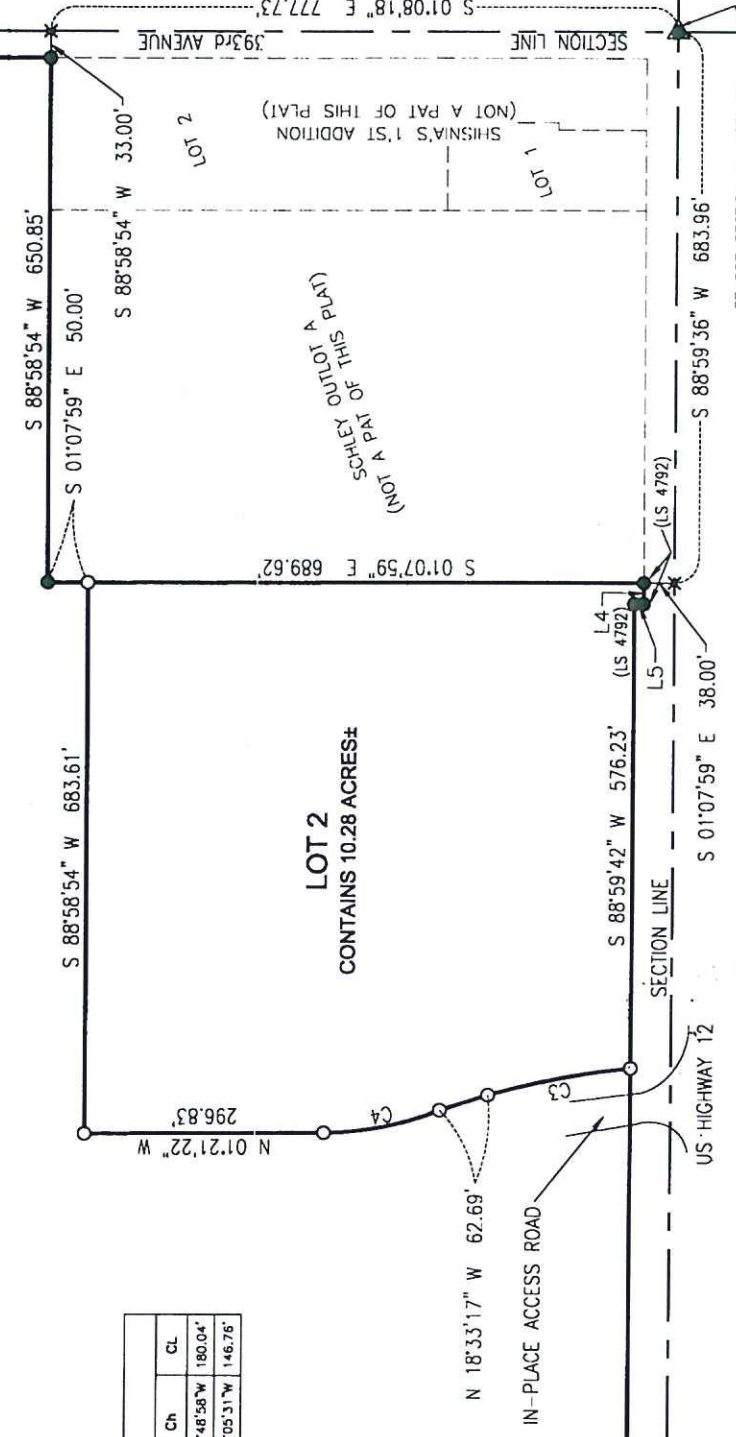


**BASIS OF BEARINGS**  
 STATE PLANE GRID  
 SOUTH DAKOTA NORTH ZONE (4001)  
 NAD '83 (2011) US SURVEY FEET  
 DISTANCES ARE GROUND

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

**PREPARED BY:**  
  
 Clark Engineering Corporation  
 2301 8th Avenue NE, Suite 125  
 Aberdeen, SD 57401  
 Phone: (605) 225-2494  
 Fax: (605) 225-5433  
 Aberdeen@clark-eng.com EOE

**SOUTH DAKOTA WHEAT GROWERS BATH-GREBNER TERMINAL ADDITION**  
**PLAT SHOWING**  
**IN THE S1/2 OF SECTION 14**  
**TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.,**  
**BROWN COUNTY, SOUTH DAKOTA**



**CURVE TABLE**

I	LENGTH	RADIUS	DELTA ANGLE	Ch	CL
C1	180.27'	1025.00'	1°04'36"	N11°48'58" W 180.04'	
C2	147.59'	400.00'	2'1°08'28"	N12°05'31" W 146.76'	

**LINE TABLE**

I	BEARING	DISTANCE
L4	S89°03'50"W	26.16'
L5	N1°09'58"W	11.97'



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

**PREPARED BY:**

**CLARK**  
**ENGINEERING CORPORATION**

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

**BASIS OF BEARINGS**  
 STATE PLANE GRID  
 SOUTH DAKOTA NORTH ZONE (4001)  
 NAD '83 (2011) US SURVEY FEET  
 DISTANCES ARE GROUND

SE COR SECTION 14-123-63  
 (FOUND SURVEY SPIKE w/WASHER LS 4792)



**PLAT SHOWING  
SOUTH DAKOTA WHEAT GROWERS  
BATH-GREBNER TERMINAL ADDITION  
IN THE S1/2 OF SECTION 14  
TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA**

**OWNER'S CERTIFICATE**

SOUTH DAKOTA WHEAT GROWERS ASSOCIATION, A COOPERATIVE ASSOCIATION, DOES HEREBY CERTIFY THAT IT IS THE OWNER OF FIRST REPLAT OF SOUTH DAKOTA WHEAT GROWERS ADDITION IN THE S1/2 OF SECTION 14, TOWNSHIP 123 NORTH, RANGE 63 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 "SOUTH DAKOTA WHEAT GROWERS BATH-GREBNER TERMINAL ADDITION IN THE S1/2 OF SECTION 14, 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, SOUTH DAKOTA WHEAT GROWERS ASSOCIATION, A COOPERATIVE ASSOCIATION, DOES HEREBY VACATE FIRST REPLAT OF SOUTH DAKOTA WHEAT GROWERS ADDITION IN THE S1/2 OF SECTION 14, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AS FILED FOR RECORD ON DECEMBER 30, 2004 AT 2:01 P.M., AND DULY RECORDED AS HANGING PLAT FILE 2099H.

SIGNED THIS 4<sup>th</sup> DAY OF December, 2014.

OWNER: SOUTH DAKOTA WHEAT GROWERS ASSOCIATION,  
A COOPERATIVE ASSOCIATION

Dale Locken, CEO/Treasurer  
PRINT NAME AND TITLE

Dale Locken  
SIGNATURE

COUNTY OF Brown )  
STATE OF South Dakota ) SS

ON THIS 4<sup>th</sup> DAY OF December, 2014, BEFORE ME, A NOTARY PUBLIC, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED Dale Locken, WHO ACKNOWLEDGE HIMSELF/HERSELF TO BE THE CEO/Treasurer OF SOUTH DAKOTA WHEAT GROWERS ASSOCIATION, A COOPERATIVE ASSOCIATION, AND THAT HE/SHE AS SUCH CEO/Treasurer, BEING AUTHORIZED TO DO SO, EXECUTED THE FORGOING INSTRUMENT FOR THE PROPOSED THEREIN CONTAINED, BY SIGNING THE NAME OF THE ASSOCIATION BY HIMSELF/HERSELF AS CEO/Treasurer.



Valerie J. Weisser  
NOTARY PUBLIC

**SURVEYOR'S CERTIFICATE**

I, ZACHARY M. REMILY, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT, AT THE REQUEST OF THE OWNER(S), I HAVE SURVEYED AND PLATTED "SOUTH DAKOTA WHEAT GROWERS BATH-GREBNER TERMINAL ADDITION IN THE S1/2 OF SECTION 14, 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 26<sup>th</sup> DAY OF November, 2014.



**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 11<sup>th</sup> DAY OF December, 2014.

St H. Buhl  
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 "SOUTH DAKOTA WHEAT GROWERS BATH-GREBNER TERMINAL ADDITION IN THE S1/2 OF SECTION 14, 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 23 DAY OF December, 2014.

Melanie Fischer  
COUNTY AUDITOR  
BROWN COUNTY, SOUTH DAKOTA

"BE IT RESOLVED BY THE COUNTY COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING "SOUTH DAKOTA WHEAT GROWERS BATH-GREBNER TERMINAL ADDITION IN THE S1/2 OF SECTION 14, 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."

**PREPARED BY:**



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

**PLAT SHOWING  
SOUTH DAKOTA WHEAT GROWERS  
BATH-GREBNER TERMINAL ADDITION  
IN THE S1/2 OF SECTION 14  
TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA**

**CITY PLANNING COMMISSION APPROVAL**

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY PLANNING COMMISSION OF ABERDEEN, SOUTH DAKOTA, AT A MEETING HELD ON THE 26<sup>th</sup> DAY OF December, 2014.

Karl Alberts  
FINANCE OFFICER  
ABERDEEN, SOUTH DAKOTA

"BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING "SOUTH DAKOTA WHEAT GROWERS BATH-GREBNER TERMINAL ADDITION IN THE S1/2 OF SECTION 14, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA" HAVING BEEN EXAMINED IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL OF 1967, CHAPTER 11-6, AND ANY AMENDMENTS THEREOF."

**CITY COUNCIL APPROVAL**

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY COUNCIL OF ABERDEEN, SOUTH DAKOTA, AT A MEETING HELD ON THE 22<sup>nd</sup> DAY OF December, 2014.

Karl Alberts  
FINANCE OFFICER  
ABERDEEN, SOUTH DAKOTA

"BE IT RESOLVED BY THE CITY COUNCIL OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING "SOUTH DAKOTA WHEAT GROWERS BATH-GREBNER TERMINAL ADDITION IN THE S1/2 OF SECTION 14, 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."

**HIGHWAY APPROVAL**

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


SIGNED THIS 26<sup>th</sup> DAY OF November, 2014.

Robert J. Ward Engineering Supervisor  
PRINT NAME AND TITLE  
Robert J. Ward  
SIGNATURE

**TREASURER'S CERTIFICATE**

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

SIGNED THIS 26 DAY OF Nov, 2014.

  
Heidi Anderson  
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

**DIRECTOR OF EQUALIZATION CERTIFICATE**

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT THIS 5<sup>th</sup> DAY OF December, 2014.

[Signature]  
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

**REGISTER OF DEEDS' CERTIFICATE**

FILED FOR RECORD THIS 23<sup>rd</sup> DAY OF December, 2014, AT 2:54 O'CLOCK P.M., AND DULY RECORDED AS HANGING PLAT No. 3148

Cindy Woodford Deputy  
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

INSTRUMENT NO. 201406881  
BOOK: 2 PLAT  
PAGE: 3148

Pages: 4

2014/12/23 02:54:54 PM

CAROL SHERMAN, REGISTER OF DEEDS  
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 60.00  
Return To: FILED

PREPARED BY:

**CLARK**  
ENGINEERING CORPORATION

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

A14048  
SHEET 4 of 4

BY THIS PLAT, SOUTH DAKOTA WHEAT GROWERS ASSOCIATION, A COOPERATIVE ASSOCIATION, DOES HEREBY VACATE LOT A, FIRST REPLAT OF SOUTH DAKOTA WHEAT GROWERS ADDITION IN THE S1/2 OF SECTION 14, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AS FILED FOR RECORD ON DECEMBER 30, 2004 AT 2:01 P.M., AND DULY RECORDED AS HANGING PLAT FILE 2099H.

SIGNED THIS 15 DAY OF July, 2016

OWNER: SOUTH DAKOTA WHEAT GROWERS ASSOCIATION, A COOPERATIVE ASSOCIATION

Dale Locker CEO/Treasurer

PRINT NAME & TITLE

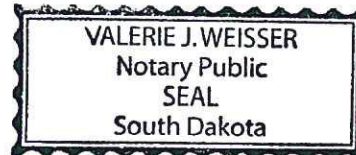
Dale Locker, CEO/Treasurer  
SIGNATURE

COUNTY OF Brown)  
) SS  
STATE OF South Dakota)

ON THIS 15<sup>th</sup> DAY OF July, 2016, BEFORE ME, A NOTARY PUBLIC, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED Dale Locker, WHO ACKNOWLEDGE HIMSELF/HERSELF TO BE THE CEO/Treasurer, OF SOUTH DAKOTA WHEAT GROWERS ASSOCIATION, A COOPERATIVE ASSOCIATION, AND THAT HE/SHE AS SUCH CEO/Treasurer, BEING AUTHORIZED TO DO SO, EXECUTED THE FORGOING INSTRUMENT FOR THE PROPOSED THEREIN CONTAINED, BY SIGNING THE NAME OF THE COOPERATIVE ASSOCIATION BY HIMSELF/HERSELF AS CEO/Treasurer.

NOTARY PUBLIC: Valerie J. Weisser

MY COMMISSION EXPIRES: 5/25/22



My Commission Expires: 5/25/22

\*\*\*\*\*



Zachary M. Remily  
REGISTERED LAND SURVEYOR #11699  
ZACHARY M. REMILY

COUNTY OF Brown )  
STATE OF South Dakota ) SS

ON THIS 12<sup>th</sup> DAY OF July, 2016, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED ZACHARY M. REMILY, KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

NOTARY PUBLIC: Lancombe Kruse

MY COMMISSION EXPIRES: Oct. 24, 2017



**PREPARED BY:** CLARK ENGINEERING CORPORATION  
2301 8<sup>TH</sup> AVE. N.E.  
ABERDEEN, SD 57401  
(605)225-3494

INSTRUMENT NO. 2016004203  
BOOK: 138MR MISCELLANEOUS  
PAGE: 371

Pages: 3



2016/07/18 02:01:48 PM

CAROL SHERMAN, REGISTER OF DEEDS  
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 30.00  
Return To: FILED

**SURVEYOR'S AMMENDMENT TO THE OWNER'S CERTIFICATE FOR THE PLAT OF "SOUTH DAKOTA WHEAT GROWERS BATH-GREBNER TERMINAL ADDITION IN THE S1/2 OF SECTION 14, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5<sup>th</sup> P.M., BROWN COUNTY, SOUTH DAKOTA" FILED FOR RECORD ON DECEMBER 23, 2014 AT 2:54 P.M., AND DULY RECORDED AS HANGING PLAT No. 3148.**

**THE CURRENT OWNER'S CERTIFICATE ON SHEET 2 OF 4 OF THE PLAT READS:**

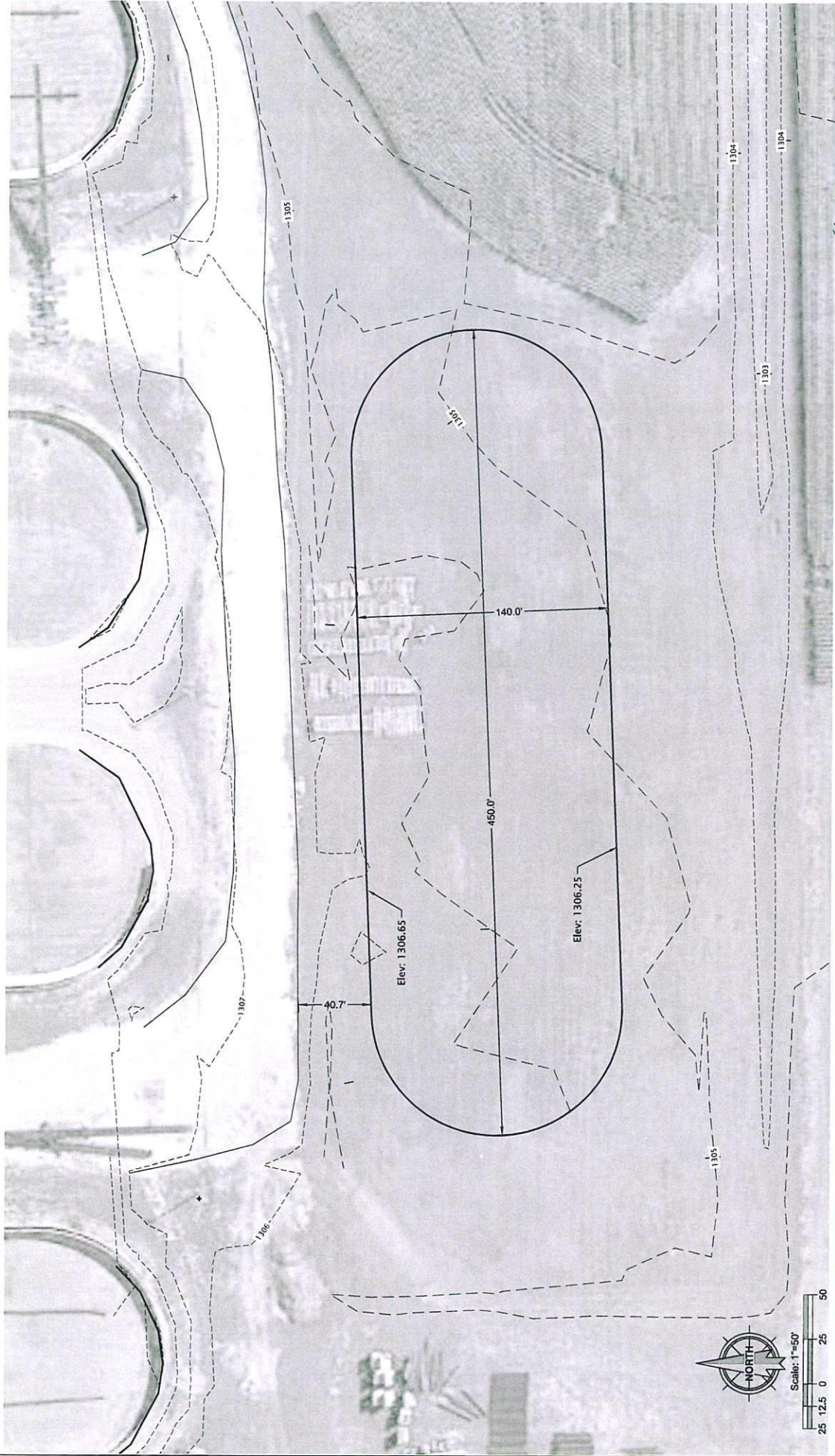
SOUTH DAKOTA WHEAT GROWERS ASSOCIATION, A COOPERATIVE ASSOCIATION, DOES HEREBY CERTIFY THAT IT IS THE OWNER OF FIRST REPLAT OF SOUTH DAKOTA WHEAT GROWERS ADDITION IN THE S1/2 OF SECTION 14, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5<sup>th</sup> P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT IT HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREINAFTER KNOWN AND DESCRIBED AS "SOUTH DAKOTA WHEAT GROWERS BATH-GREBNER TERMINAL ADDITION IN THE S1/2 OF SECTION 14, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5<sup>th</sup> 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, SOUTH DAKOTA WHEAT GROWERS ASSOCIATION, A COOPERATIVE ASSOCIATION, DOES HEREBY VACATE FIRST REPLAT OF SOUTH DAKOTA WHEAT GROWERS ADDITION IN THE S1/2 OF SECTION 14, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5<sup>th</sup> P.M., BROWN COUNTY, SOUTH DAKOTA, AS FILED FOR RECORD ON DECEMBER 30, 2004 AT 2:01 P.M., AND DULY RECORDED AS HANGING PLAT FILE 2099H.

**THE OWNER'S CERTIFICATE ON SHEET 2 OF 4 OF THE PLAT SHALL BE CORRECTED TO READ:**

SOUTH DAKOTA WHEAT GROWERS ASSOCIATION, A COOPERATIVE ASSOCIATION, DOES HEREBY CERTIFY THAT IT IS THE OWNER OF LOT A, FIRST REPLAT OF SOUTH DAKOTA WHEAT GROWERS ADDITION IN THE S1/2 OF SECTION 14, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5<sup>th</sup> 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 "SOUTH DAKOTA WHEAT GROWERS BATH-GREBNER TERMINAL ADDITION IN THE S1/2 OF SECTION 14, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5<sup>th</sup> P.M., BROWN COUNTY, SOUTH DAKOTA" AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

Proposed Site



Aglegra - Grebner

CAD Filename:  
Existing Conditions

CDI Project No.  
2022-083

Drawn By:  
CDM

Checked By:  
AEK

Scale:  
1" = 50'

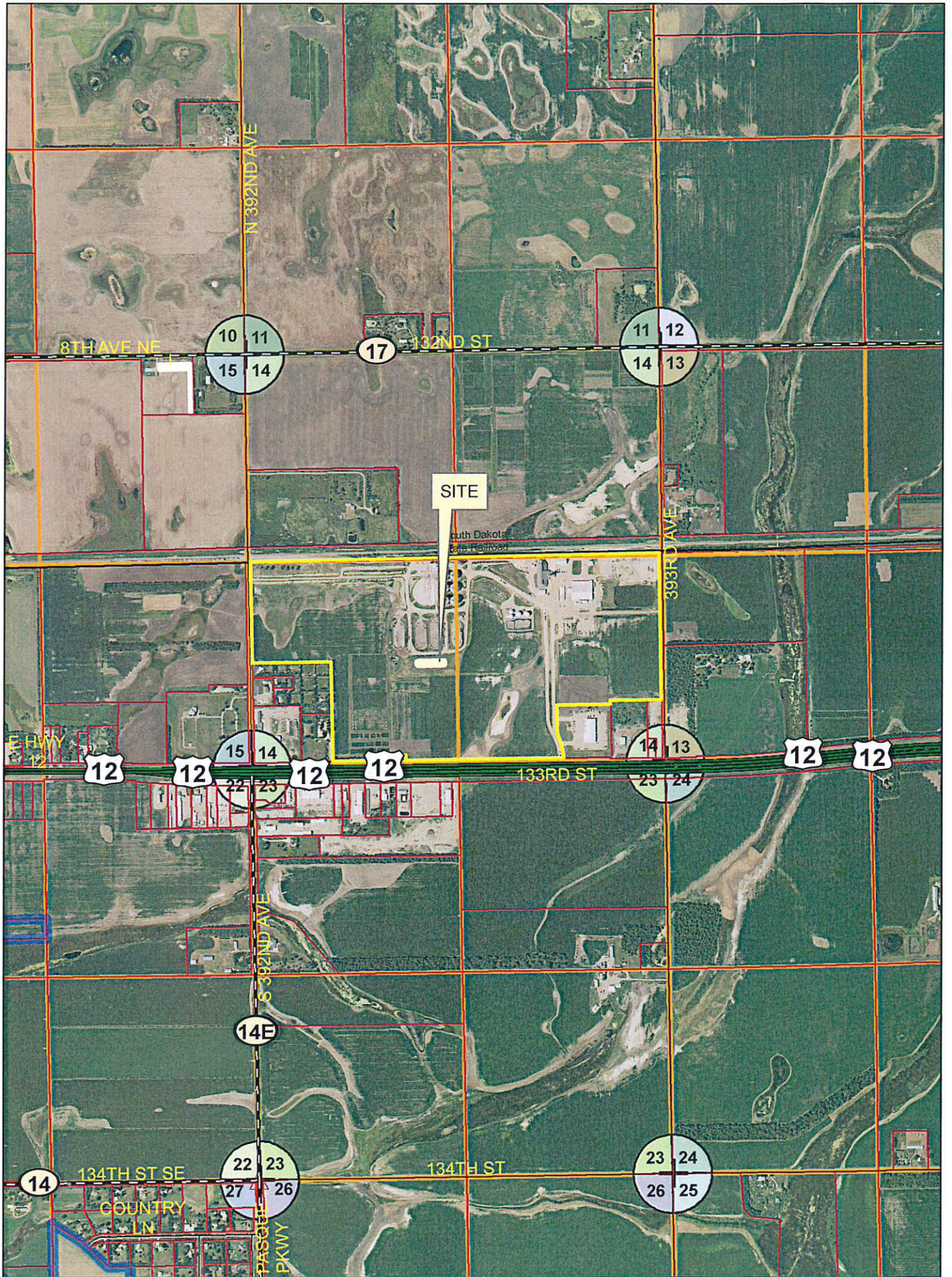
Date:  
7/28/2022

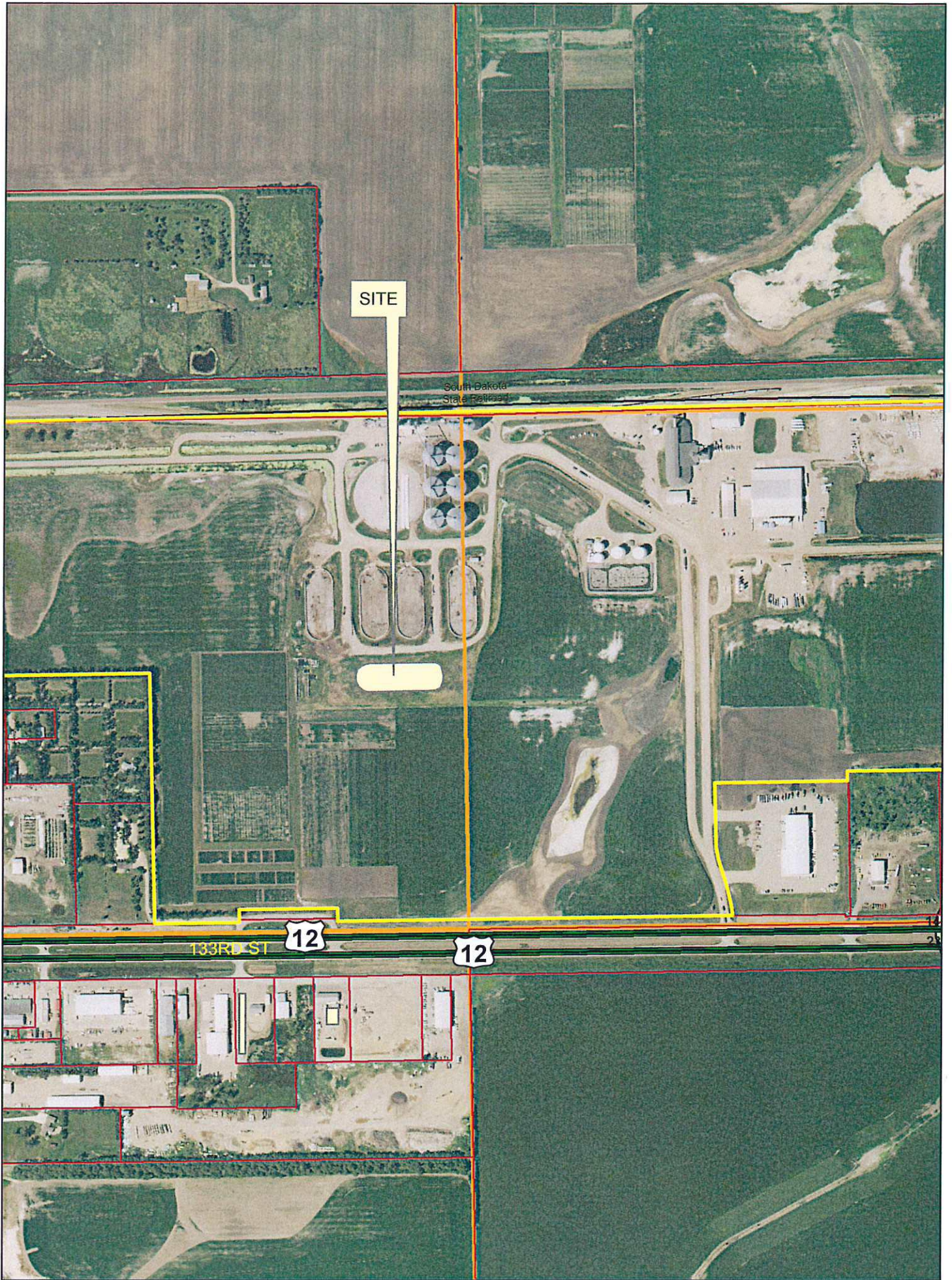


609 Main Ave S  
Brookings, SD  
605-696-3200

Sheet No:

of No:





SITE

South Dakota  
State Railroad

133RD ST

12

12

14

28



**Agtegra**

908 Lamont Street South  
Aberdeen, SD 57401

**David Bruckner**

Attn: Bath Twp  
39554 132<sup>nd</sup> Street  
Bath, SD 57427

**B & B Real Estate LLC**

723 Commerce Street  
Aberdeen, SD 57401

**Matthew Vogel**

PO Box 269  
Aberdeen, SD 57402-0269

**DFP Properties LLP**

3409 North Lewis Avenue  
Sioux Falls, SD 57104

**Roger Cooper Trust**

39224 133<sup>rd</sup> Street  
Aberdeen, SD 57401

**Gordon Schmidt Investments**

39316 133<sup>rd</sup> Street  
Bath, SD 57427

**Charles Webster**

2441 Lock B Road North  
Clarksville, TN 37043

**John & Kathleen Andersen**

220 392<sup>nd</sup> Avenue North  
Aberdeen, SD 57401

**3L Real Estate LP**

1306 North 5<sup>th</sup> Street  
Groton, SD 57445

**Lois Pletten**

13234 393<sup>rd</sup> Avenue  
Bath, SD 57427

**Paul & Wendy Meyers**

39012 128<sup>th</sup> Street  
Aberdeen, SD 57401

**H5 Investments LLC**

404 W Lyncrest Trail  
Sioux Falls, SD 57108

**Dixie Mattern**

183 Lake Drive West  
Mina, SD 57451

**Stuart & Janet Barton**

1525 North Jackson Street  
Aberdeen, SD 57401

**Michael & Tracy Cutler**

101 391<sup>st</sup> Avenue South  
Aberdeen, SD 57401

## 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 September 20, 2022, at 7:00 P.M.

Petitioner: Agtegra-Tracy Hufson

Description of property: Lot 1, "South Dakota Wheat Growers Bath-Greber Terminal Addition" in the S1/2 of Section 14-T123N-R63W of the 5th P.M., Brown County, South Dakota (105 392nd Avenue South).

Reason: For the purpose of conditional use for a grain bunker in a Heavy Industrial District (H-1).

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

Dated this 8th day of September 2022.  
Planning/Zoning Commission

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

Office: (605) 626-7144  
Published Sept. 8, 2022, at the total approximate cost of \$17.60 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)  
7747088

# STAFF REPORT

September 20, 2022

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BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

**Conditional Use Petition (CUP)**

**ITEM # 02**

---

**GENERAL INFORMATION:**

PETITIONER: Carl Hanson

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

LEGAL DESCRIPTION: "Meints Outlot 1" in the SE1/4 of Section 20-T125N-R62W of the 5th P.M., Brown County, South Dakota.

TOWNSHIP: Columbia City

LOCATION: 12165 396<sup>th</sup> Avenue

EXISTING ZONING: Rural Urban District (RU)

SURROUNDING ZONING:

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

REPORTED BY: Ron Keller

**GENERAL COMMENT:** The petitioner is requesting a Conditional Use Petition (CUP) to develop an RV Park consisting of 5 camper spots in a Rural Urban District (RU).

**REVIEW:** Staff has reviewed this request.

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: August 30, 2022  
RECEIPT # 816639  
TOWNSHIP: City of Columbia

FEES: \$225.00  
PAID: YES/NO CHK/CASH  
DATE: 9-2-2022

OWNERS SIGNATURE: Carl Hanson  
OWNERS ADDRESS: 39432 128th St  
OWNERS CITY, STATE, ZIP: Bath, SD 57427  
OWNERS PHONE: 605-715-7770

AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

REQUEST: Conditional Use Permit for an RV Park in a Rural Urban District (RU).

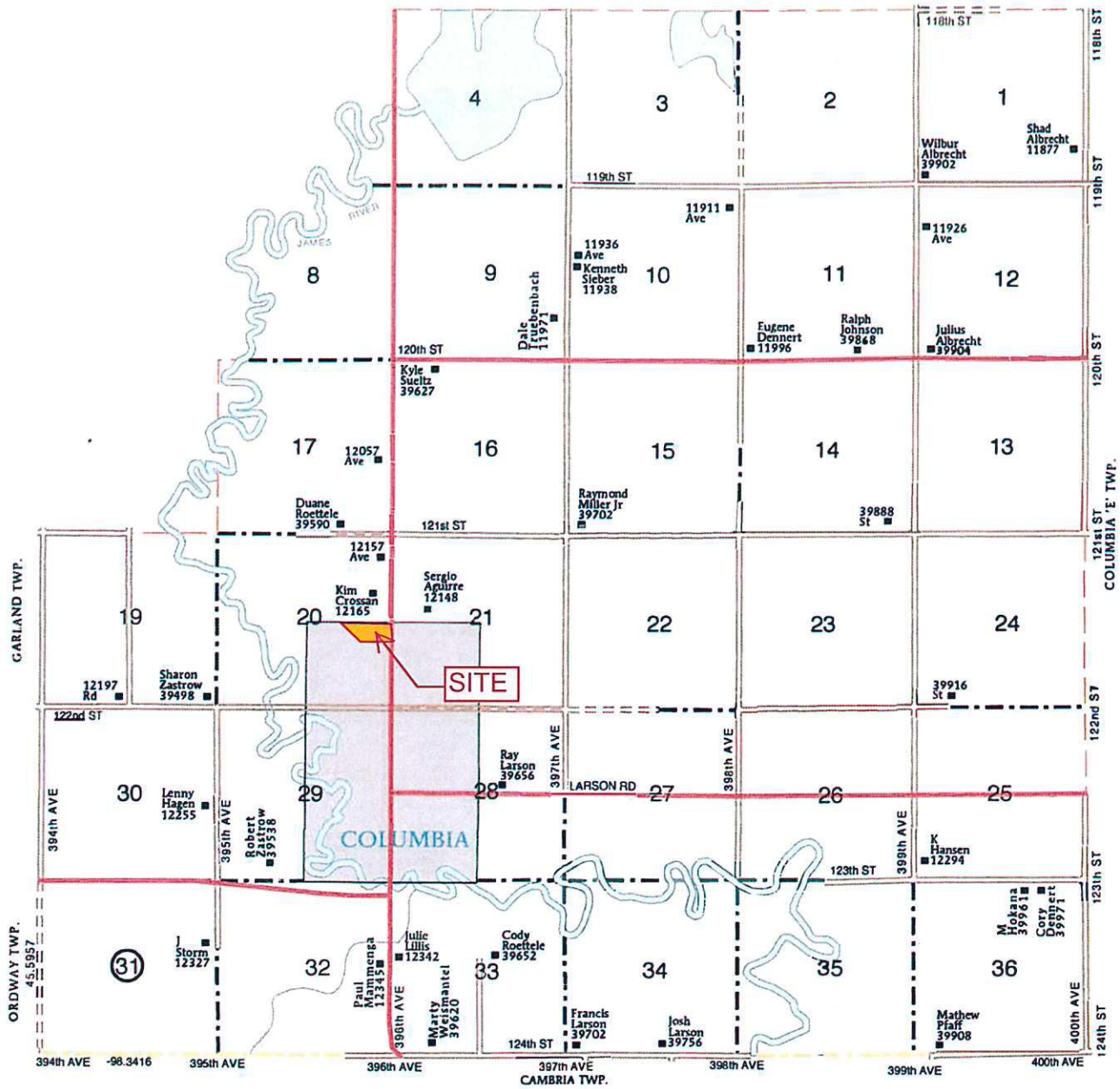
LEGAL DESCRIPTION: "Meints Outlot 1" in the SE1/4 of Section 20-T125N-  
R62W of the 5th P.M., Brown County, South Dakota  
(12165 396th Avenue; City of Columbia)

SIGNATURE: Carl Hanson  
9-2-22

<p><b>Planning Commission Action: Approved / Denied</b> _____</p> <p>_____</p> <p>_____</p> <p><b>By:</b> _____ <b>Date:</b> _____</p> <p><b>HEARING DATE:</b> <u>September 20, 2022</u> <b>TIME:</b> <u>7:00 pm</u></p>
--

(Residents - Owners or Renters)

SHELBY TWP.



## 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 September 20, 2022, at 7:00 P.M.

Petitioner: Carl Hanson

Description of property: "Meints Outlot 1" in the SE1/4 of Section 20-T125N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12165 396<sup>th</sup> Avenue; City of Columbia).

Reason: For the purpose of a conditional use for an RV Park in a Rural Urban District (RU).

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

*Dated this 8th day of September 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) RV Park in Rural Urban District (RU)
Applicant:	Name Carl Hanson • Address 39432 128th St, Bath, SD 57427
Landowner:	• Carl Hanson
Legal Description:	"Meints Outlot 1" in the SE1/4 of Section 20-T125N-R62W of the 5th P.M., Brown County, South Dakota
Location:	12165 396th Avenue, Columbia, SD 57433
Size:	
Physical Description:	
Tax ID:	
Current Zoning:	Rural Urban District (RU)
Existing Land Use:	
Surrounding Zoning:	• Rural Urban District (RU) / 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: Rural Urban District (RU)

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 accommodate any refuse.

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

Conditional Use has utilities available.

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

Conditional Use has adequate 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 a 4' x 8' sign.

(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 an RV Park.

(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.

DRAWING NUMBER

DRAWING NUMBER

8-709E

DRAWING NUMBER

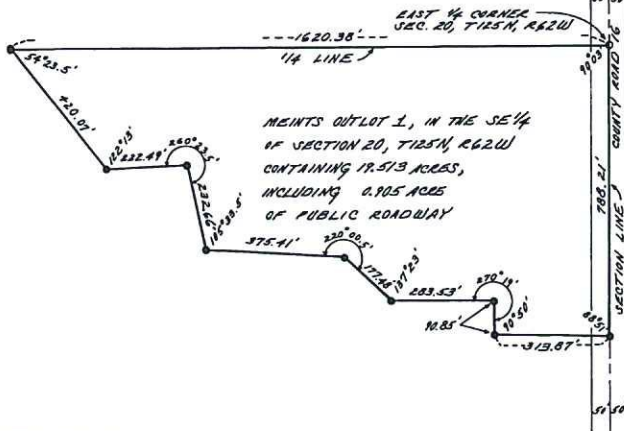
101

SAFECO PRODUCTS - NEW HAVEN, CONNECTICUT  
REPRODUCED BY FOUR NUMBER 10527

SAFECO PRODUCTS - NEW HAVEN, CONNECTICUT  
REPRODUCED BY FOUR NUMBER 10527

SAFECO PRODUCTS - NEW HAVEN, CONNECTICUT  
REPRODUCED BY FOUR NUMBER 10527

PLAT OF MEINTS OUTLOT 1, LOCATED IN THE SE 1/4 OF SECTION 20, TOWNSHIP 125 NORTH, RANGE 62 WEST, BROWN COUNTY, SOUTH DAKOTA



MEINTS OUTLOT 1, IN THE SE 1/4 OF SECTION 20, T125N, R62W CONTAINING 19.513 ACRES, INCLUDING 0.905 ACRES OF PUBLIC ROADWAY

SCALE: 1" = 200'  
EXISTING IRON MARKER.  
SET 3/8" X 2" REBAR WITH CAP.

**OWNER'S CERTIFICATE**

I, ADINA MEINTS, DO HEREBY CERTIFY THAT I AM THE OWNER OF MEINTS OUTLOT 1, LOCATED IN THE SE 1/4 OF SECTION 20, TOWNSHIP 125 NORTH, RANGE 62 WEST, BROWN COUNTY, SOUTH DAKOTA, THE BOUNDARIES OF SAID MEINTS OUTLOT 1 AS SHOWN ON THE WITHIN PLAT. I FURTHER CERTIFY THAT THE WITHIN PLAT WAS PREPARED AT MY REQUEST FOR THE PURPOSES INDICATED THEREIN, AND THAT SAME SHALL HEREAFTER BE KNOWN AS "PLAT OF MEINTS OUTLOT 1, LOCATED IN THE SE 1/4 OF SECTION 20, TOWNSHIP 125 NORTH, RANGE 62 WEST, BROWN COUNTY, SOUTH DAKOTA." I FURTHER CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.

DATE: November 17<sup>th</sup> 1989

Adina Meints  
ADINA MEINTS, OWNER

ACKNOWLEDGMENT STATE OF SOUTH DAKOTA) COUNTY OF BROWN )SS

ON THIS 17<sup>th</sup> DAY OF November, 1989, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED ADINA MEINTS, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT, AND WHO ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

MY COMMISSION EXPIRES: 9-24-95

Shay K. Miller  
NOTARY PUBLIC

**SURVEYOR'S CERTIFICATE**

I, DON A. BOYD, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED MEINTS OUTLOT 1, LOCATED IN THE SE 1/4 OF SECTION 20, TOWNSHIP 125 NORTH, RANGE 62 WEST, BROWN COUNTY, SOUTH DAKOTA, AT THE REQUEST OF THE OWNER, AS SHOWN ON THE WITHIN PLAT, AND SAID SURVEY AND PLAT IS IN ALL RESPECTS TRUE AND ACCURATE. I FURTHER CERTIFY THAT I HAVE SET IRON MARKERS IN THE GROUND AT THE LOCATIONS INDICATED. MEINTS OUTLOT 1 CONTAINS 19.513 ACRES, INCLUDING 0.905 ACRE OF PUBLIC ROADWAY.

DATE: 15 NOVEMBER 1989

Don A. Boyd  
DON A. BOYD, P.E., L.S., S.D. REG. NO. 1030

**RESOLUTION BY THE COUNTY PLAN COMMISSION**

ON MOTION MADE AND CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED: "BE IT RESOLVED BY THE COUNTY PLAN COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, IN REGULAR SESSION ASSEMBLED, THAT THE PLAT OF MEINTS OUTLOT 1, LOCATED IN THE SE 1/4 OF SECTION 20, TOWNSHIP 125 NORTH, RANGE 62 WEST, BROWN COUNTY, SOUTH DAKOTA, BE APPROVED THIS 6 DAY OF Nov., 1989, IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ALL ACTS AMENDATORY THEREOF."

I, Stanley M. Wood, SECRETARY, BROWN COUNTY PLAN COMMISSION, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE RESOLUTION ADOPTED BY THE BOARD OF THE BROWN COUNTY PLAN COMMISSION AT A MEETING OF THE BOARD HELD ON THE 6 DAY OF Nov., 1989.

Stanley M. Wood  
SECRETARY, BROWN COUNTY PLAN COMMISSION

**RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS, BROWN COUNTY, SOUTH DAKOTA**

ON MOTION MADE AND CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED: "BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, IN REGULAR SESSION ASSEMBLED, THAT THE PLAT OF MEINTS OUTLOT 1, LOCATED IN THE SE 1/4 OF SECTION 20, TOWNSHIP 125 NORTH, RANGE 62 WEST, BROWN COUNTY, SOUTH DAKOTA, BE APPROVED THIS 13 DAY OF Nov., 1989, IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ALL ACTS AMENDATORY THEREOF."

I, BURLENE BERG, AUDITOR OF BROWN COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, AT A MEETING OF THE BOARD HELD ON THE 13 DAY OF Nov., 1989.

Burlene Berg  
BURLENE BERG, AUDITOR, BROWN COUNTY, SOUTH DAKOTA

**TREASURER'S CERTIFICATE**

I, ADELINE WIEDERICK, TREASURER, BROWN COUNTY, SOUTH DAKOTA, HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID.

DATE: November 22, 1989

Adeline Wiederick  
ADELINE WIEDERICK, TREASURER, BROWN COUNTY, SOUTH DAKOTA

I, DANA PULFREY, DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA, HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT THIS 18 DAY OF January, 1989.

Dana Pulfrey  
DANA PULFREY, DIRECTOR OF EQUALIZATION  
BROWN COUNTY, SOUTH DAKOTA

FILED FOR RECORD THIS 18<sup>th</sup> DAY OF December, 1989, AT 2:32 O'CLOCK P.M., S.T., AND DULY RECORDED IN BOOK NO. 8, PAGE NO. -.

AND DESIGNATED AS PLAT NO. 709-E.

Donna Kuhfeld  
DONNA KUHFIELD, REGISTER OF DEEDS  
BROWN COUNTY, SOUTH DAKOTA



SITE

396TH AVE

ABANDONED RAILROAD

16

20

21

29

28

6TH AVE NE

122ND ST

N ESPLANADE ST

N LAKE BLVD

5TH AVE NW

N JAMES ST

4TH AVE NW 255 4TH AVE NW

12718/19 - RLK

248 3RD AVE NW

118 3RD AVE NW

3RD AVE NW 4572/28 - RLK

N MICHIGAN ST

39611

16



SITE

16

396TH AVE

16

**Carl Hanson**

39432 128<sup>th</sup> Street  
Bath, SD 57427

**Corey Mitchell**

Attn: City of Columbia  
211 S James St / PO Box 107  
Columbia, SD 57433

**Curtis Mitchell**

2118 N Jay Street  
Aberdeen, SD 57401

**Denise Knecht**

302 Elm Street  
Houghton, SD 57449

**Sergio Aguirre**

12148 396<sup>th</sup> Avenue  
Columbia, SD 57433

**Larson Land Ltd. Partnership**

39656 Larson Rd / PO Box 17  
Columbia, SD 57433

## 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 September 20, 2022, at 7:00 P.M.

Petitioner: Carl Hanson

Description of property: "Meints Outlot 1" in the SE1/4 of Section 20-T125N-R62W of the 5th P.M., Brown County, South Dakota (12165 396th Avenue; City of Columbia).  
Reason: For the purpose of a conditional use for an RV Park in a Rural Urban District (RU).

The public is invited to attend the hearing and to present comments and testimony regarding the proposed conditional use.  
Dated this 8th day of September 2022.

Planning/Zoning Commission

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

Office: (605) 626-7144  
Published Sept. 8, 2022, at the total approximate cost of \$16.76 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)  
7747137



# STAFF REPORT

September 20, 2022

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BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

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Conditional Use Petition (CUP)

ITEM # 03

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## **GENERAL INFORMATION:**

PETITIONER: Ochsner Real Estate LP

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

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

TOWNSHIP: Aberdeen Twp.

LOCATION: 38284 134<sup>th</sup> 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 Conditional Use Petition (CUP) for a side rail track sistering off the main BNSF rail line to load, unload and store various goods on site temporarily. Also to include various goods loaded and unloaded from semi-truck and stored on site temporarily in an Agriculture Preservation District (AG-P).

**REVIEW:** Staff has reviewed this request. If approved, the BC Planning & Zoning Department requests a stipulation that the property be rezoned to Light Industrial District (L-I) to continue the approved use.

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: September 2, 2022  
RECEIPT # 816643  
TOWNSHIP: Aberdeen Twp

FEES: \$225.00  
PAID: YES/NO CHK/CASH  
DATE: Sept 7, 2022

OWNERS SIGNATURE: Ochsner Real Estate LP  
OWNERS ADDRESS: 13350 379th Ave  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 605-290-1001 (Jake Ochsner)

AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

**REQUEST:** Conditional Use Permit for a side rail track sistering off the main BNSF rail line to load, unload and store various goods on site temporarily. Also to include various goods loaded and unloaded from semi-truck and stored on site temporarily in an AG-P District.

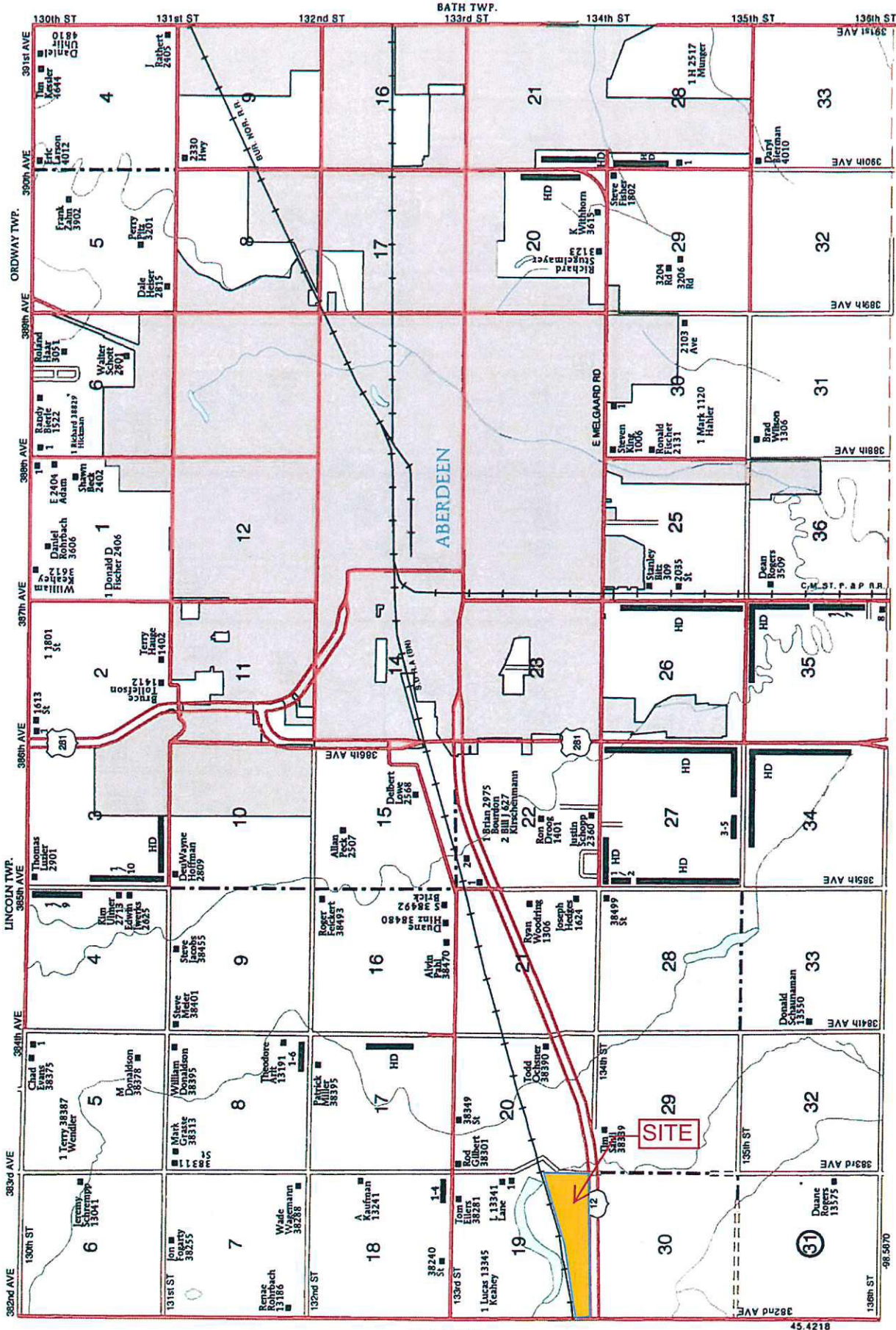
**LEGAL DESCRIPTION:** The S1/2 of Section 19-T123N-R64W Lying South of the Railroad R.O.W. of the 5th P.M., Brown County, South Dakota (38284 134th Street; Aberdeen Twp.)

**SIGNATURE:** Jacob Ochsner  
Date 9-7-22

**Planning Commission Action:** Approved / Denied

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**HEARING DATE:** September 20, 2022 **TIME:** 7:00 pm



SEE PAGE 21 FOR  
ADDITIONAL NAMES NOT  
LISTED ON MAPS.

MERCIER TWP.

## 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 September 20, 2022, at 7:00 P.M.

Petitioner: Ochsner Real Estate LP

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

Reason: For a conditional use for a side rail track sistering off the main BNSF rail line to load, unload and store various goods on site temporarily. Also to include various goods loaded and unloaded from semi-truck and stored on site temporarily in an Agriculture Preservation District (AG-P).

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

*Dated this 8th day of September 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) Rail line & storage in AG-P
Applicant:	Name Ochsner Real Estate LP • Address 13350 379th Ave, Aberdeen, SD 57401
Landowner:	• Ochsner Real Estate LP
Legal Description:	The S1/2 of Section 19-T123N-R64W Lying South of the Railroad R.O.W. of the 5th P.M., Brown County, South Dakota
Location:	38284 134th Street, Aberdeen, SD 57401
Size:	
Physical Description:	
Tax ID:	
Current Zoning:	Agriculture Preservation District (AG-P)
Existing Land Use:	
Surrounding Zoning:	• Agriculture Preservation District (AG-P)
Utilities:	
Ordinance:	
Report by:	Scott Bader

*FINDINGS*

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

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

YES  No

**CRITERIA FOR EVALUATING CONDITIONAL USE SDCL 11-2-17.3**

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

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

Conditional Use has adequate ingress, egress and traffic flow.

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

Conditional Use has adequate loading areas 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 accommodate any refuse.

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

Conditional Use has utilities available.

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

Conditional Use has 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 not have a business sign.

(g) Required yards and other open spaces;

Conditional Use meets yard and space requirements.

*SPECIAL EXCEPTION/CONDITIONAL USE*  
*WORKSHEET*

<b>(h) General compatibility with adjacent property in the district</b>
Conditional Use is compatible with other properties in the district.
<b>SPECIFIC RULES GOVERNING INDIVIDUAL SPECIAL EXCEPTIONS BCO 4.2402(5) (if any)</b>
Most don't have any. Examples that do are Mining and CAFOs
<b>BCO 4.2402 (6) CONDITIONS AND SAFEGUARDS</b>
<b>(a) Fire Hazard.</b> 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 a rail line side track.
<b>(b) Noise.</b> The use shall not include noise which objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
Conditional Use would create some noise.
<b>(c) Vibration.</b> The use shall not include vibration, which is discernible without instruments on any adjoining lot or property.
Conditional Use would create some vibration.
<b>(d) Air Pollution.</b> 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.
<b>(e) Odors.</b> 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.

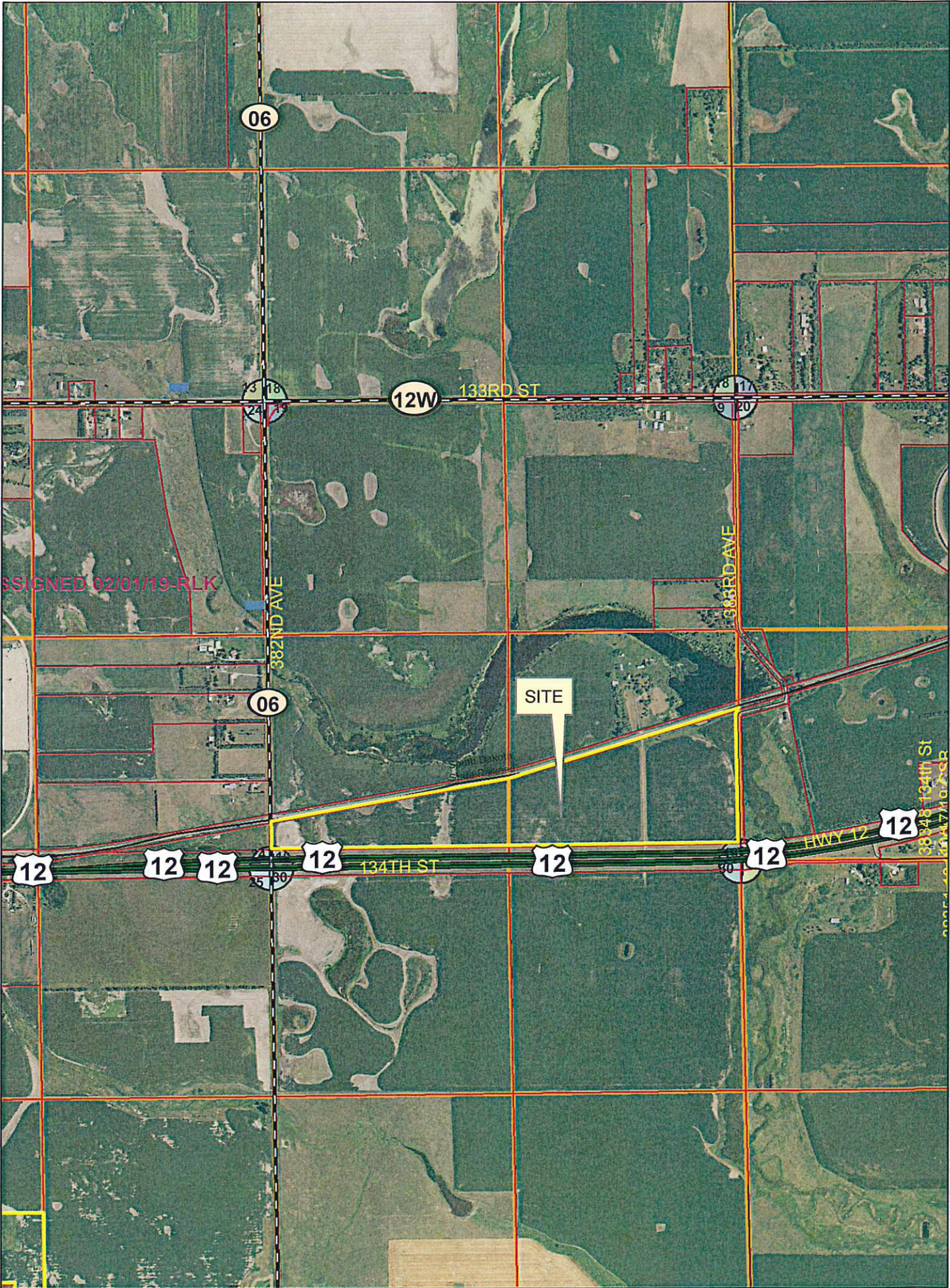
(i) Character of Neighborhood. The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by design, setback, nature of operation, and other devices, the character of the neighborhood will be maintained.

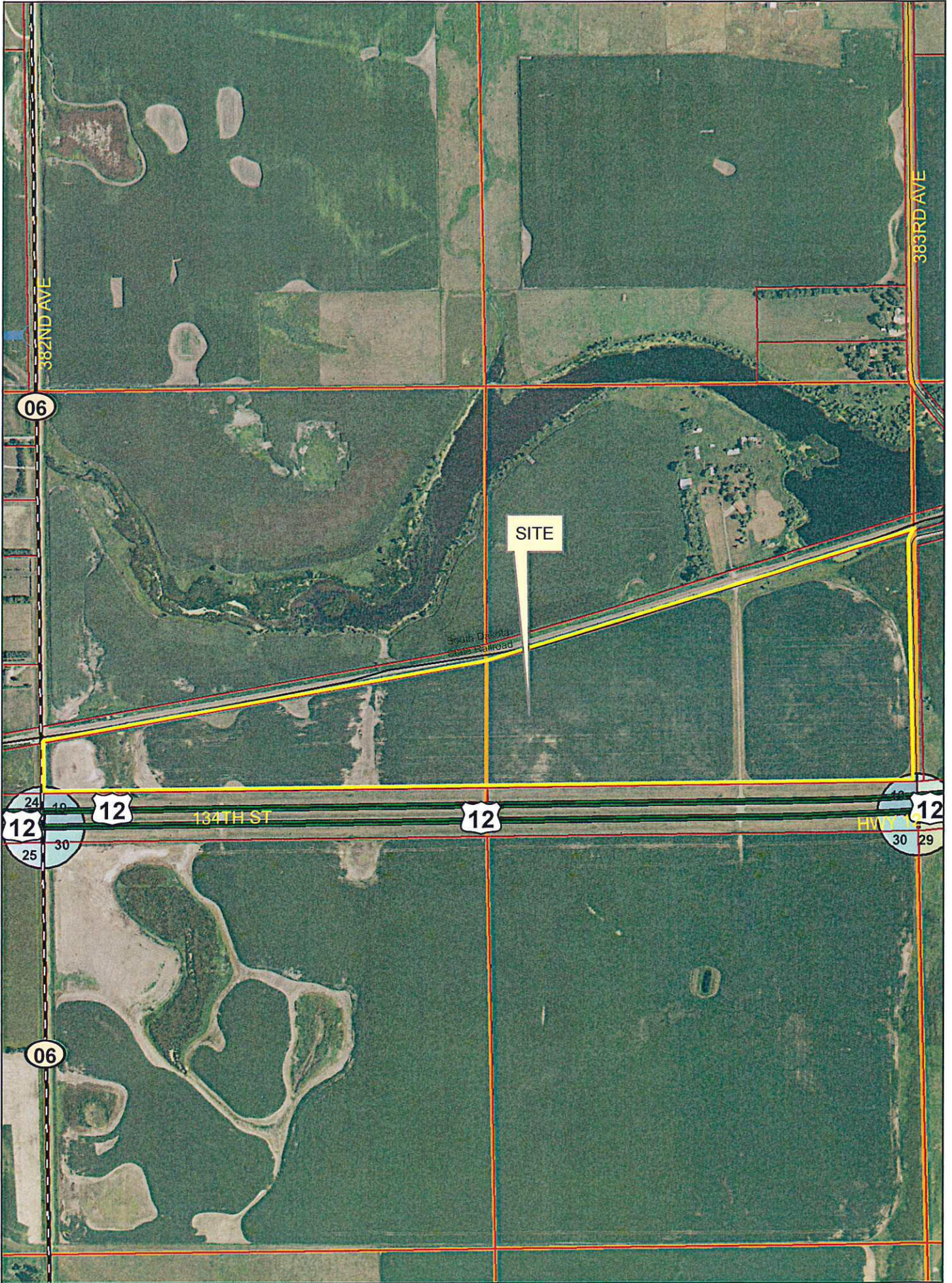
The character of the neighborhood will not be altered significantly.

(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.







Ochsner Real Estate LP  
13350 379<sup>th</sup> Ave  
Aberdeen SD 57401

Aberdeen Township  
C/O James Kunkel  
13229 384<sup>th</sup> Ave  
Aberdeen SD 57401

Rodney & Sandra Dobberpuhl  
13377 382<sup>nd</sup> Ave  
Aberdeen SD 57401

Thunderhead Farms LLC  
1611 S Roosevelt St  
Aberdeen SD 57401

Chad Schaunaman  
12657 386<sup>th</sup> Ave  
Aberdeen SD 57401

Marilyn Hanson  
16706 Leavenworth Circle  
Omaha NE 68118-2721

Sally Schlepp  
38333 134<sup>th</sup> Street  
Aberdeen SD 57401

Ken & Wanda Fuhrmann  
1405 N State Street  
Aberdeen SD 57401

## 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 September 20, 2022, at 7:00 P.M.

Petitioner: Ochsner Real Estate LP

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

Reason: For a conditional use for a side rail track sistering off the main BNSF rail line to load, unload and store various goods on site temporarily. Also to include various goods loaded and unloaded from semi-truck and stored on site temporarily in an Agriculture Preservation District (AG-P). The public is invited to attend the hearing and to present comments and testimony regarding the proposed conditional use. Dated this 8th day of September 2022.

Planning/Zoning Commission

Scott Bader – P&Z Director  
25 Market Street

Aberdeen, SD 57401

Office: (605) 626-7144

Published Sept. 8, 2022, at the total approximate cost of \$19.28 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)  
7747139

# STAFF REPORT

September 20, 2022

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## BROWN COUNTY PLANNING/ZONING COMMISSION

Rezone Parcels from AG-P to M-AG & R-3 Districts

ITEM # 10

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### GENERAL INFORMATION:

PETITIONER: Lyle Biegler, Diane Bindenagel, Travis Bindenagel

REQUEST: **Rezone Parcel: AG-P to M-AG and R-3 Districts**

LEGAL DESCRIPTION: Lot 1 and Lot 2, "Bindenagel Richmond Lake Subdivision", Lot 1, "Bindenagel Third Richmond Lake Subdivision" and Lot 1A, "BNB Second Richmond Lake Subdivision", all in the NW1/4 of Section 25-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota

LOCATION: 37905, 37908, 37911, 37918 Marquette Drive

TOWNSHIP: Ravinia Twp

EXISTING ZONING: Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

- North: Agriculture Preservation, Richmond Lake & Recreational District (AG-P / AG-P2 / RC)
- South: Agriculture Preservation & Lake Front Residential District (AG-P / R-3)
- East: Agriculture Preservation, Richmond Lake & Lake Front Residential District (AG-P / AG-P2 / R-3)
- West: Agriculture Preservation District (AG-P)

PUBLIC UTILITIES: WEB Water & Lake Sanitary District

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 September 20, 2022, at 7:00 p.m.

Owner & Petitioner: Lyle Biegler, Diane Bindenagel, Travis Bindenagel

Description of property: Lot 1 and Lot 2, "Bindenagel Richmond Lake Subdivision", Lot 1, "Bindenagel Third Richmond Lake Subdivision" and Lot 1A, "BNB Second Richmond Lake Subdivision", all in the NW1/4 of Section 25-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (37905, 37908, 37911, 37918 Marquette Drive, Ravinia Twp.).

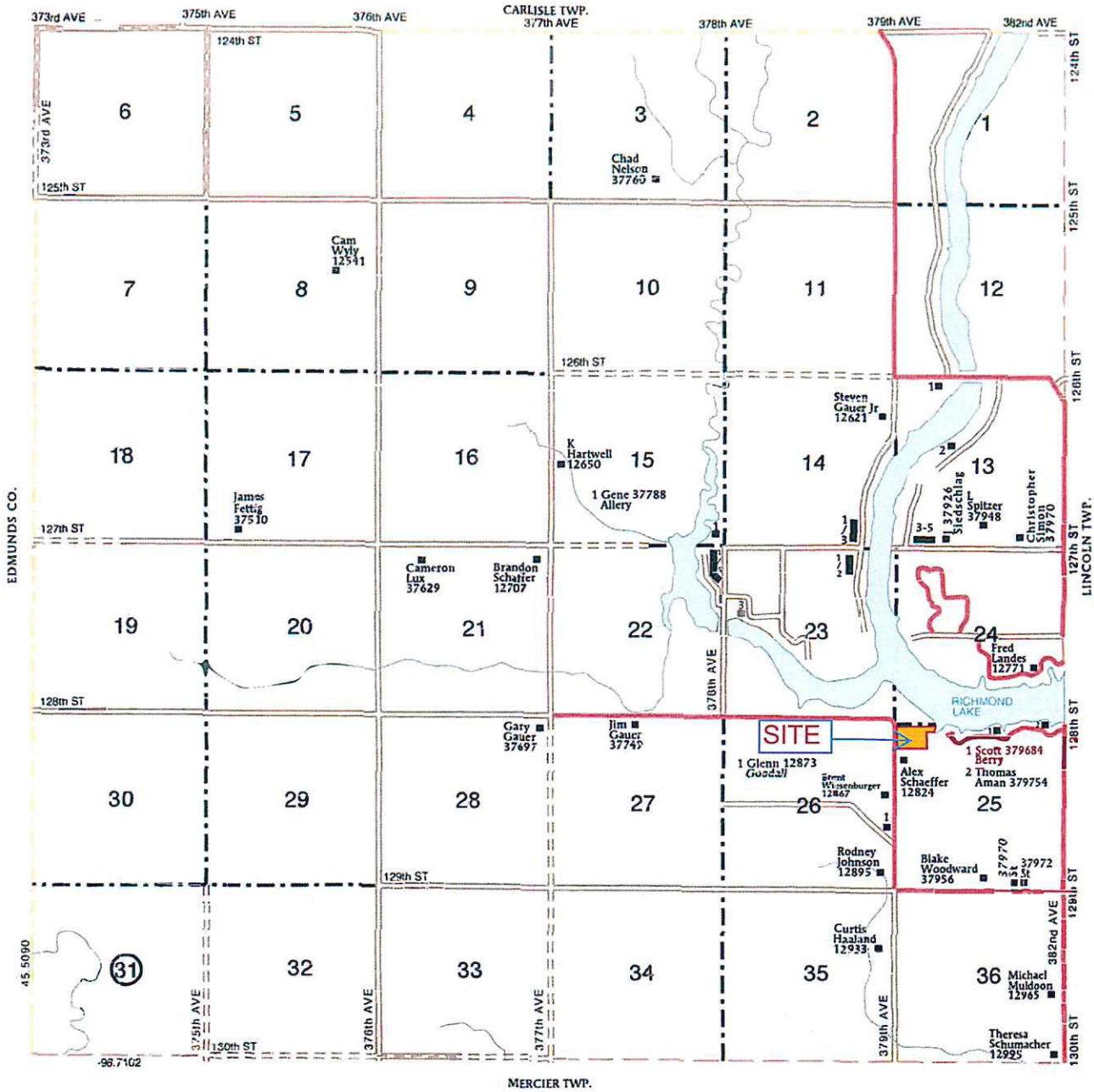
Reason: Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture and Lake Front Residential District (M-AG/R-3) to bring these parcels into compliance for their current use.

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 8th day of September 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 \_\_\_\_\_.



**RAVINIA TOWNSHIP**

- SECTION 13**  
 1 Kirchgessler, Jim 37935  
 2 Bahr, Justin 126401  
 3 Peterson, L 37902  
 4 Wiest, Brandon 37908  
 5 Goldade, Gerald 37910
- SECTION 14**  
 1 Mishaw, Mark 126926  
 2 Lutz, Douglas 126986  
 3 126974

**SECTION 22**

- 1 Myhre, Gary 127093  
 2 Huber, S 127131  
 3 Millett, Craig 127151  
 4 Theyer, Dan 127257  
 5 Wahi, Lanny 127395

**SECTION 23**

- 1 127148  
 2 127216  
 3 Koatts, Pat 12746

**REZONE PETITION**

BROWN COUNTY COMMISSION  
25 MARKET ST  
ABERDEEN, SD 57401

Petition No: \_\_\_\_\_  
Date: \_\_\_\_\_  
Receipt: 816637  
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 and Lot 2, "Bindenagel Richmond Lake Subdivision". Lot 1, "Bindenagel Third Richmond Lake Subdivision" and Lot 1A, "BNB Second Richmond Lake Subdivision", all in the NW1/4 of Section 25-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota

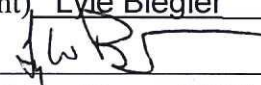
General Area Location or Street Address: 37905, 37908, 37911, 37918 Marquette Drive (Richmond Lake)

From the Agriculture Preservation (AG-P) District  
To the Lake Front Residential (R-3) District (37918 Marquette Drive)  
To the Mini-Agriculture (M-AG) District (37905, 37908 & 37911 Marquette Dr.)

Purpose: To bring parcels into compliance for their current use.

Size of Parcel: Richmond Lake Subdivision Lot 1 = 5.64 acres, Lot 2 = 5.44 acres; Richmond Lake Third Subdivision Lot 1 = 4.22 acres; BNB 2<sup>nd</sup> Richmond Lake Lot 1A = 5.96 acres

Existing Land Use: Mini-Agriculture and Residential

Petitioner: (Print) Lyle Biegler  
Signature:   
Date: 9/1/22 Phone: (605) 351-1794  
Address: 1117 N Main Street  
Aberdeen SD 57401  
City State Zip



Additional Signatures submitted on next page.

Petitioner: (Print) Travis Bindenagel

Signature: *Travis Bindenagel*

Date: 9/1/22 Phone: 605-380-4834

Address: 37908 Marquette Drive

Aberdeen SD 57401

City State Zip

Petitioner: (Print) Diane Bindenagel

Signature: *Diane Bindenagel*

Date: 9-1-22 Phone: 605-450-9706

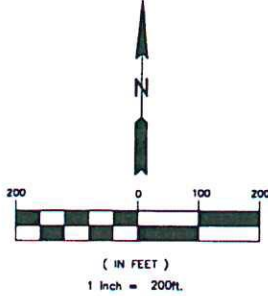
Address: 2332 Crystal Avenue SE

Aberdeen SD 57401

City State Zip

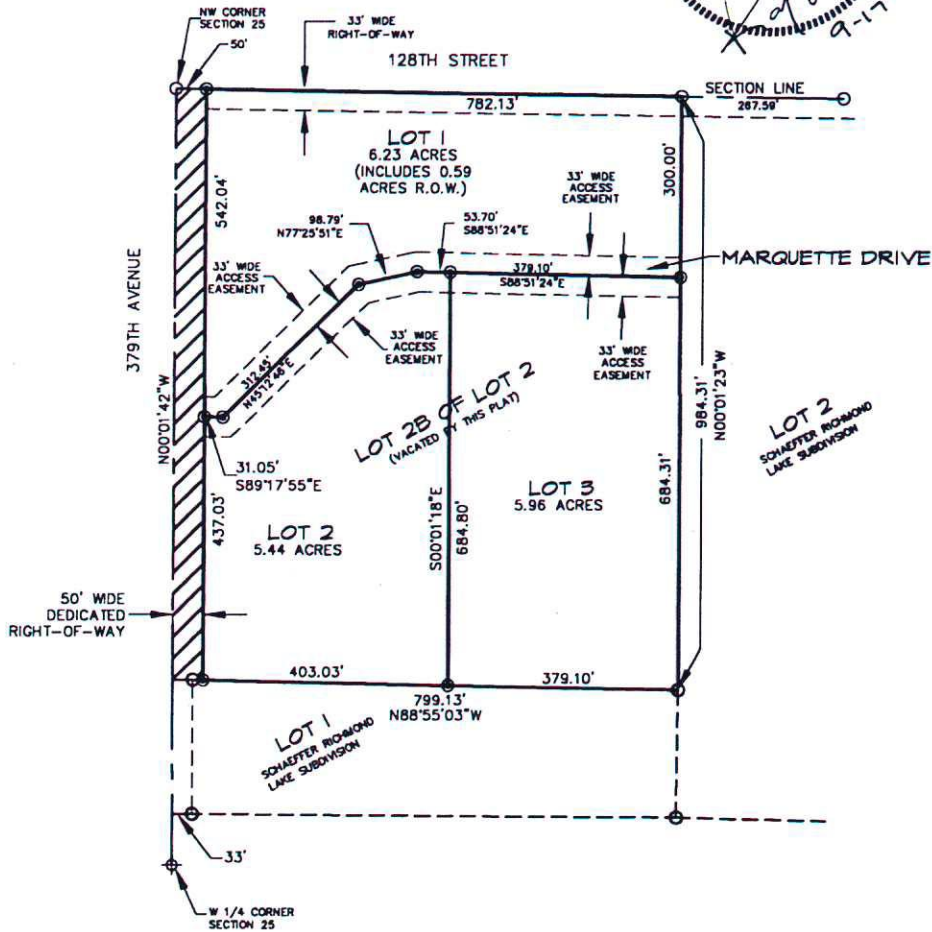
**PLAT OF  
BINDENAGEL RICHMOND LAKE SUBDIVISION  
IN THE NW1/4 OF SECTION 25-T124N-R65W OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA**

6614-PLAT



**LEGEND**

- ⊙ 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
- FOUND 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
- BASE OF BEARING GPS OBSERVATION



**H HILLES and ASSOCIATES**  
 REGISTERED ENGINEERS AND LAND SURVEYORS  
 P.O. BOX 10 - 800 BROWN COUNTY SD  
 AUSTIN, SOUTH DAKOTA 57004  
 PHONE 605-886-0800 - FAX 605-886-0800

**PLAT OF**  
**BINDENAGEL RICHMOND LAKE SUBDIVISION**  
**IN THE NW1/4 OF SECTION 25-T124N-R65W OF THE 5th P.M.,**  
**BROWN COUNTY, SOUTH DAKOTA**

6894-PLAT



**SURVEYOR'S CERTIFICATE**

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF JACKIE BINDENAGEL AND TRAVIS BINDENAGEL AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO AUGUST 20, 2012, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: BINDENAGEL RICHMOND LAKE SUBDIVISION IN THE NW1/4 OF SECTION 25-T124N-R65W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA.  
 I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.  
 DATED THIS 17 DAY OF September, 2012

  
 RANDY D. BACON RLS #1423



**OWNER'S CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED, (FORMERLY DESCRIBED AS LOT 28 OF LOT 2 SCHAEFFER RICHMOND LAKE SUBDIVISION IN THE NW1/4 OF SECTION 25-T124N-R65W), SHALL HEREAFTER BE KNOWN AS BINDENAGEL RICHMOND LAKE SUBDIVISION IN THE NW1/4 OF SECTION 25-T124N-R65W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.  
 IN WITNESS WHEREOF I HAVE HERETO SET MY HAND THIS 5 DAY OF Oct., 2012.

  
 JACKIE BINDENAGEL  
  
 TRAVIS BINDENAGEL

**DECLARATION OF VACATION**

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED HEREBY DECLARE TO VACATE THAT PORTION AS SHOWN AND MARKED ON THE FOREGOING PLAT AND OF THE PLAT OF LOT 28 OF LOT 2 SCHAEFFER RICHMOND LAKE SUBDIVISION AS RECORDED IN BOOK OF PLAT #1848 ON MARCH 28, 2003 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.  
 THIS IN WITNESS WHEREOF I HAVE HERETO SET MY HAND THIS 5 DAY OF Oct., 2012

  
 JACKIE BINDENAGEL  
  
 TRAVIS BINDENAGEL

**ACKNOWLEDGEMENT**

STATE OF South Dakota  
 COUNTY OF Brown

ON THIS THE 5<sup>th</sup> DAY OF Oct, 2012, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JACKIE BINDENAGEL AND TRAVIS BINDENAGEL, 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 HERETO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC  STATE  
 MY COMMISSION EXPIRES SEPTEMBER 6, 2013

**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 16<sup>th</sup> DAY OF Oct, 2012

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BINDENAGEL RICHMOND LAKE SUBDIVISION IN THE NW1/4 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

**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 23 DAY OF October, 2012

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BINDENAGEL RICHMOND LAKE SUBDIVISION IN THE NW1/4 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

**HIGHWAY AUTHORITY CERTIFICATE**

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

BY:   
 HIGHWAY AUTHORITY  
 TITLE: Superintendent 10/10/12

**DIRECTOR OF EQUALIZATION'S CERTIFICATE**

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS 5<sup>th</sup> DAY OF October, 2012

  
 DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

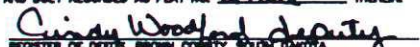
**TREASURER'S CERTIFICATE**

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 5<sup>th</sup> DAY OF October, 2012

  
 COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

**REGISTER OF DEEDS CERTIFICATE**

FILED FOR RECORD THIS 24<sup>th</sup> DAY OF October, 2012 AT 2:00 O'CLOCK P.M. AND DULY RECORDED AS PLAT NO. 2926 THEREIN.

  
 REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

INSTRUMENT NO. 201207552  
 BOOK: 2 PLAT  
 PAGE: 2926

Pages: 2

2012/10/24 02:08:40 PM

CAROL SHERMAN, REGISTER OF DEEDS  
 BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 60.00  
 Return To: FILED

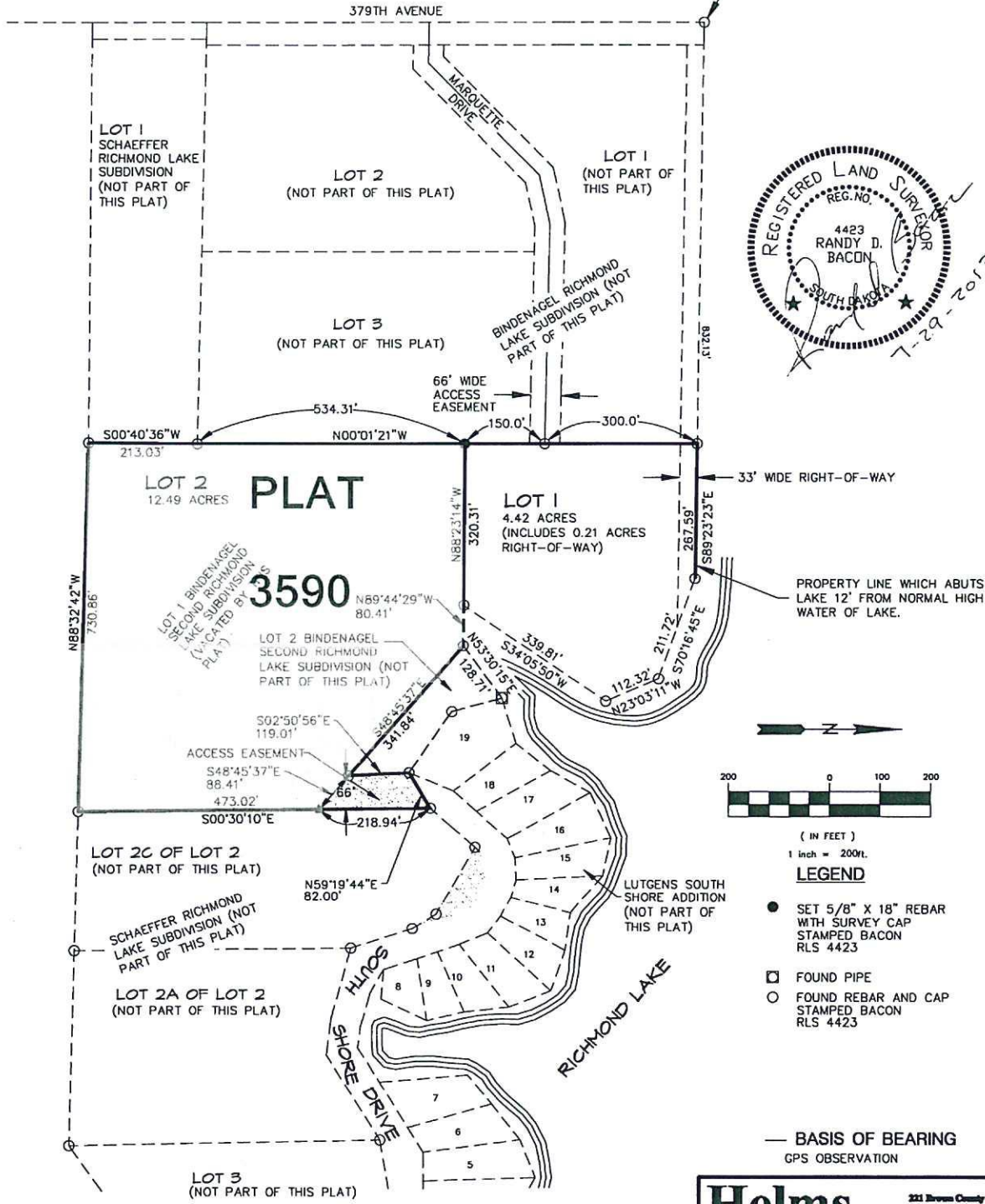
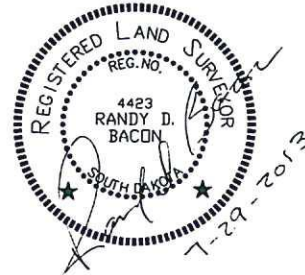


**PLAT OF**

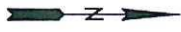
A-5674

**BINDENAGEL THIRD RICHMOND LAKE SUBDIVISION  
IN THE NW 1/4 OF SECTION 25-T124N-R65W OF THE 5TH P.M.  
BROWN COUNTY, SOUTH DAKOTA**

NW CORNER  
SECTION 25



PROPERTY LINE WHICH ABUTS  
LAKE 12' FROM NORMAL HIGH  
WATER OF LAKE.



( IN FEET )  
1 inch = 200ft.

**LEGEND**

- SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
- FOUND PIPE
- FOUND REBAR AND CAP STAMPED BACON RLS 4423

— BASIS OF BEARING  
GPS OBSERVATION

**Helms ASSOCIATES**  
CIVIL ENGINEERS & LAND SURVEYORS

221 Brown County  
Highway 29  
P.O. Box 111  
Aberdeen, S.D. 57401  
Phone: (605) 226-5222  
Fax: (605) 226-5229

DWG. 5674-LS-3 BY: CLB SHEET 1 OF 2

PLAT OF

A-5674

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

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF JOEL BINDENAGEL AND DIANE BINDENAGEL AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO JULY 14, 2013, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: BINDENAGEL THIRD RICHMOND LAKE SUBDIVISION IN THE NW 1/4 OF SECTION 25-T124N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT. DATED THIS 29 DAY OF JULY 2013

Randy D. Bacon
RANDY D. BACON RLS #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT: THAT THE PLAT HAS BEEN MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED (FORMERLY DESCRIBED AS LOT 1 OF BINDENAGEL SECOND RICHMOND LAKE SUBDIVISION) SHALL HEREAFTER BE KNOWN AS BINDENAGEL THIRD 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 THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL ACCESS EASEMENTS AND TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS. IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 2nd DAY OF August 2013

Joel Bindenagel
JOEL BINDENAGEL
Diane Bindenagel
DIANE BINDENAGEL

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 BINDENAGEL SECOND RICHMOND LAKE SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 2939, ON NOVEMBER 28, 2012 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.

THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 1st DAY OF August 2013

Joel Bindenagel
JOEL BINDENAGEL
Diane Bindenagel
DIANE BINDENAGEL

ACKNOWLEDGEMENT
STATE OF South Dakota

COUNTY OF Brown, SS

ON THIS THE 1st DAY OF August 2013, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JOEL BINDENAGEL AND DIANE BINDENAGEL

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.



James E. Thorpe
NOTARY PUBLIC, South Dakota STATE
MY COMMISSION EXPIRES: November 15, 2014

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 30th DAY OF August 2013.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BINDENAGEL THIRD 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

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 27th DAY OF August 2013.

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BINDENAGEL THIRD 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

HIGHWAY AUTHORITY CERTIFICATE

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

BY: Highway Authority
TITLE: Superintendent

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS 2 DAY OF August 2013

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 1st DAY OF August 2013

County Treasurer, Brown County, South Dakota

REGISTER OF DEEDS CERTIFICATE

FILED FOR RECORD THIS 27 DAY OF August 2013 AT 10:54 O'CLOCK AM AND DULY RECORDED AS OF PLAT NO. 3017 THEREIN.

INSTRUMENT NO. 201306108
BOOK: 2 PLAT
PAGE: 3017

Pages: 2

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



DWG. 5674-L8 BY: CLB SHEET 2 OF 2

2013/08/27 10:54:15 AM

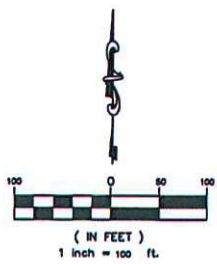
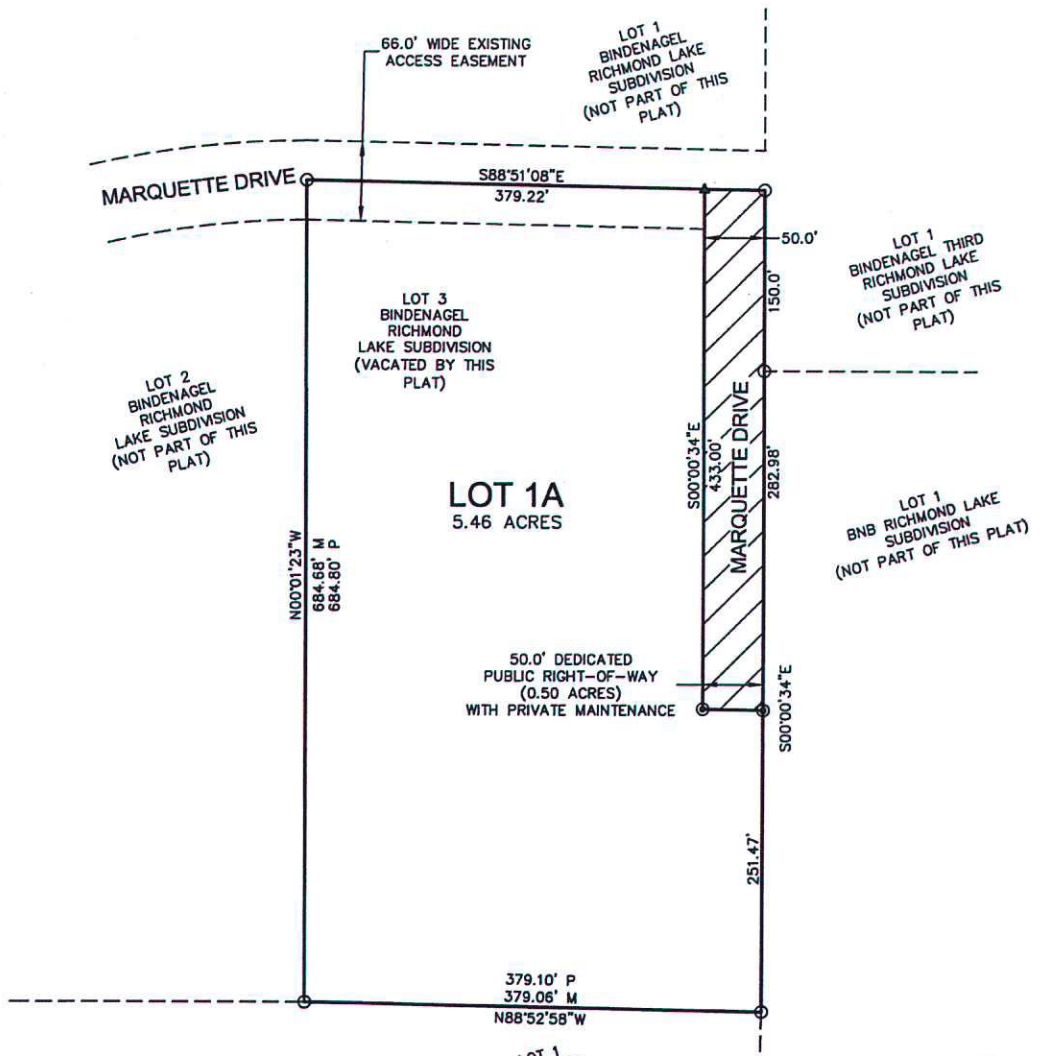
CAROL SHERMAN, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 60.00
Return To: FILED

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

PLAT OF


A-8793

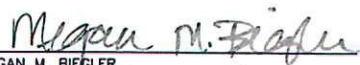
BNB SECOND RICHMOND LAKE SUBDIVISION  
 IN THE NW 1/4 OF SECTION 25-T124N-R65W OF THE 5th P.M.,  
 BROWN COUNTY, SOUTH DAKOTA

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 21 day of July 2022


  
 MEGAN M. BIEGLER  
 Signed this 21 day of July 2022

ACKNOWLEDGMENT

STATE OF South Dakota  
 COUNTY OF Brown )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: 11-02-2027  
  
 D. Chris Anderson  
 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 18<sup>th</sup> DAY OF July 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; 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\_\_\_\_.

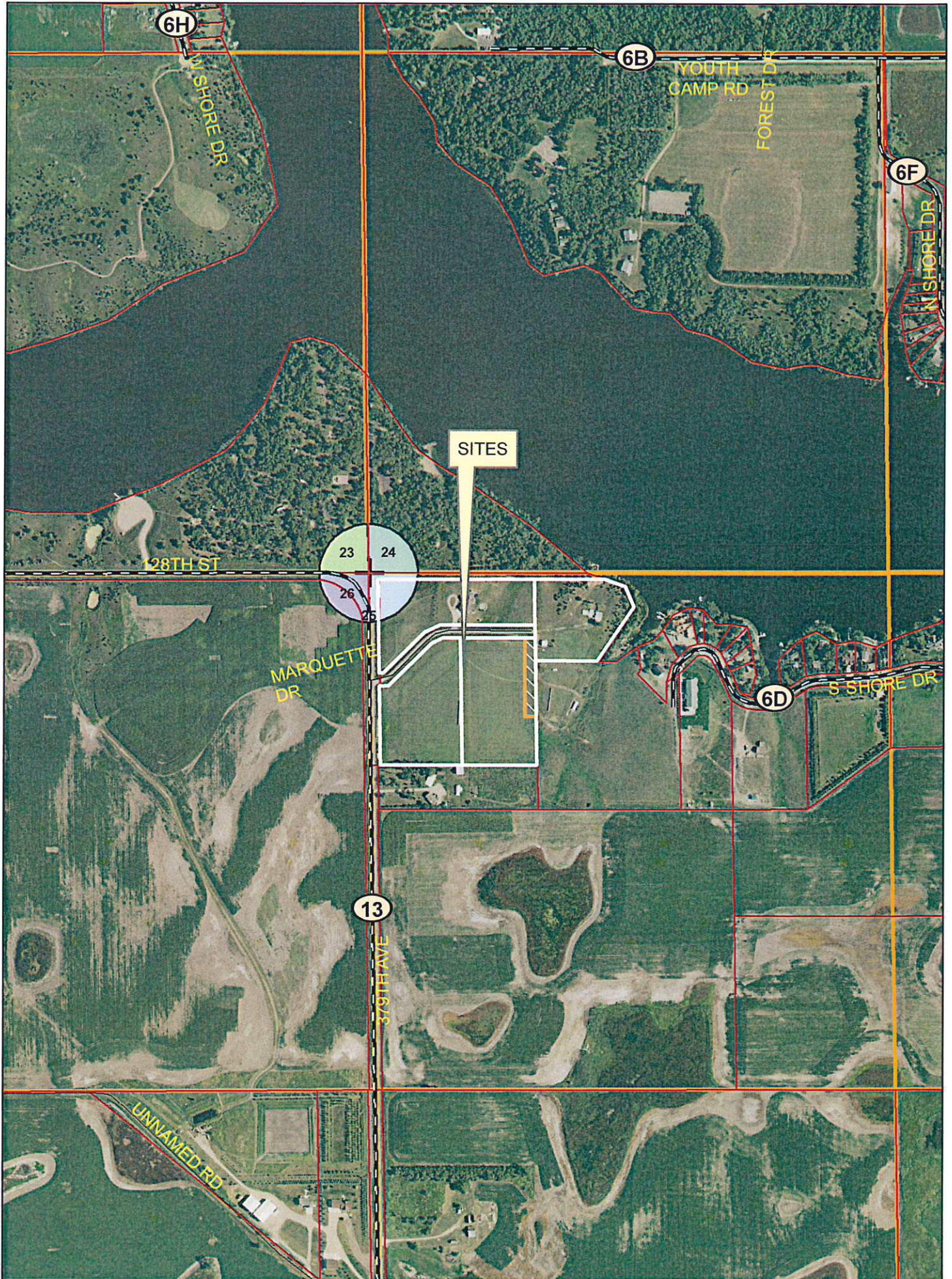
\_\_\_\_\_  
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

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







**Lyle Biegler**

1117 North Main Street  
Aberdeen, SD 57401

**Diane Bindenagel**

2332 Crystal Avenue SE  
Aberdeen, SD 57401

**Travis & Jackie Bindenagel**

37908 Marquette Drive  
Aberdeen, SD 57401

**Steven Salwei**

Attn: Ravinia Twp  
37832 Richmond Drive  
Aberdeen, SD 57401

**SD Game, Fish & Parks**

523 East Capitol Avenue  
Pierre, SD 57501

**Sonja Volk**

7673 W Euclid Drive  
Littleton, CO 80123

**Alex & Diane Schaeffer**

12824 379<sup>th</sup> Avenue  
Aberdeen, SD 57401

**NOTICE OF HEARING**  
A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on September 20, 2022, at 7:00 P.M.

**Owner & Petitioner:** Lyle Biegler, Diane Bindenagel, Travis Bindenagel  
**Description of property:** Lot 1 and Lot 2, "Bindenagel Richmond Lake Subdivision", Lot 1, "Bindenagel Third Richmond Lake Subdivision" and Lot 1A, "BNB Second Richmond Lake Subdivision", all in the NW1/4 of Section 25-T124N-R63W of the 5th P.M., Brown County, South Dakota (37905, 37908, 37911, 37918 Marquette Drive, Ravinia Twp.).

**Reason:** Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture and Lake Front Residential District (M-AG/R-3) 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 Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of September 2022.

Planning/Zoning Commission and

Scott Bader – P&Z Director  
25 Market Street

Aberdeen, SD 57401

Office: (605) 626-7144

Published Sept. 8, 2022, at the total approximate cost of \$23.48 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)  
7747133

# STAFF REPORT

September 20, 2022

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## BROWN COUNTY PLANNING/ZONING COMMISSION

**Rezone Parcels from R-I / AG-P to M-AG**

**ITEM # 11**

---

### GENERAL INFORMATION:

PETITIONER: Rory Haar, Estate of Roland W. Haar and Walter Schott

REQUEST: **Rezone Parcels: R-I / AG-P to M-AG District**

LEGAL DESCRIPTION: "Schott Outlot" and Lot 1, "Haar Addition" both in the SE1/4 of Section 6-T123N-R63W. Proposed Lots 1 thru 4, "Haar's Second Addition" in the E1/2 of Section 6-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota

LOCATION: 2801, 2955, 2975, 3051, 3059 and 3135 N. Roosevelt Street

TOWNSHIP: Aberdeen Twp

EXISTING ZONING Residential District (R-I) / Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

North:	Agriculture Preservation District (AG-P)
South:	Non-County District (NC)
East:	Agriculture Preservation (AG-P)
West:	Agriculture Preservation District (AG-P) / Mini-Agriculture District (M-AG)

PUBLIC UTILITIES: WEB Water

REPORTED BY: Ron Keller

**GENERAL COMMENT:** The petitioners are requesting this rezone to bring these parcels into compliance for their current and 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 Basement Community Room, on September 20, 2022, at 7:00 p.m.

Owner & Petitioner: Rory Haar, Estate of Roland W. Haar and Walter Schott

Description of property: "Schott Outlot" and Lot 1, "Haar Addition" both in the SE1/4 of Section 6-T123N-R63W. Proposed Lots 1 thru 4, "Haar's Second Addition" in the E1/2 of Section 6-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (2801, 2955, 2975, 3051, 3059 and 3135 North Roosevelt Street, Aberdeen Twp.).

Reason: Rezoning from Agriculture Preservation District (AG-P) / Residential District (R-1) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current and future use.

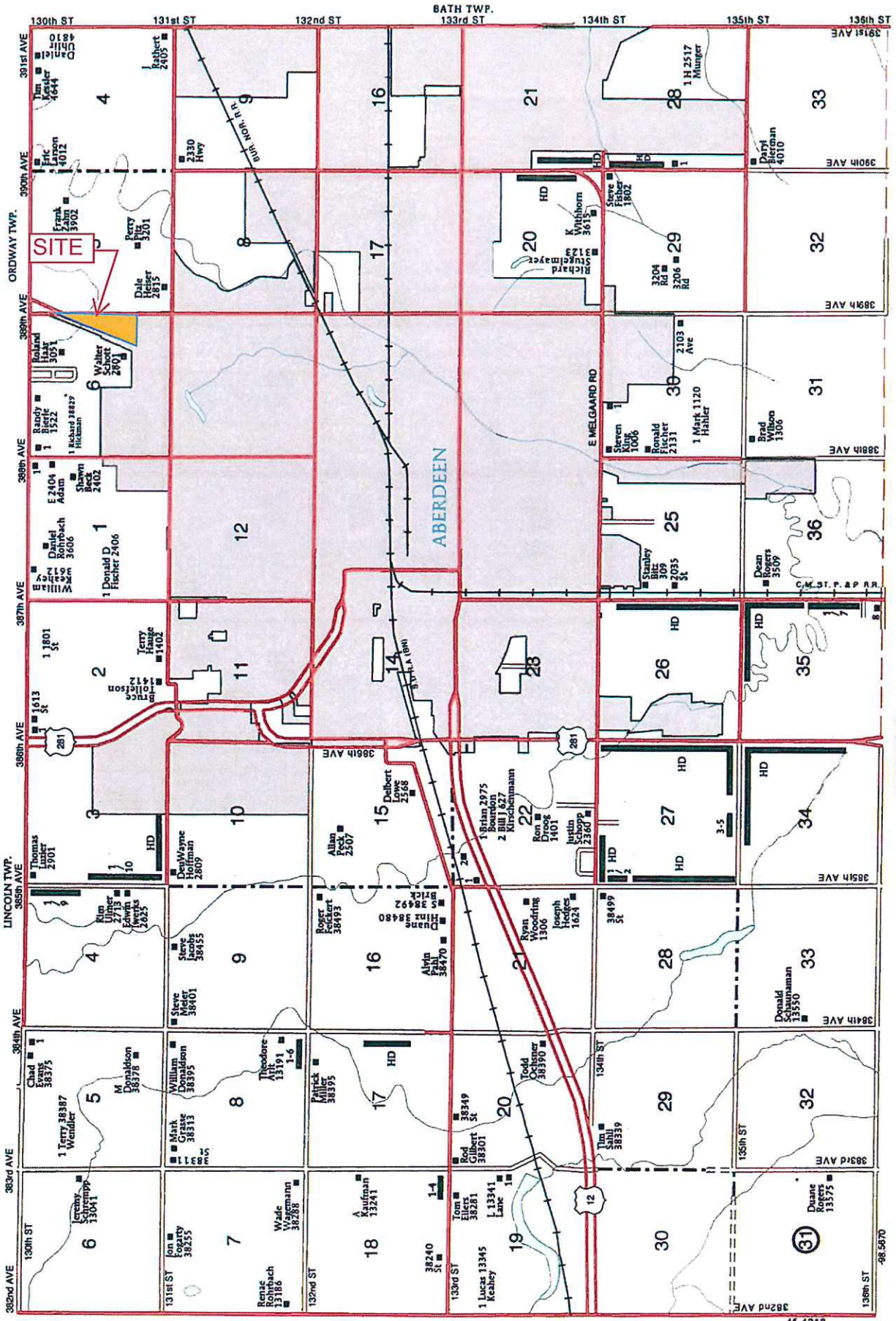
The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date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

Dated this 8th day of September, 2022.

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

Published once at the total approximate cost of \_\_\_\_\_.

(Residents - Owners or Renters)



SEE PAGE 21 FOR ADDITIONAL NAMES NOT LISTED ON MAPS.

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MERCIER TWP.

45.4218

**REZONE PETITION**

BROWN COUNTY COMMISSION  
25 MARKET ST  
ABERDEEN, SD 57401

Petition No: \_\_\_\_\_  
Date: \_\_\_\_\_  
Receipt: 816613  
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:

"Schott Outlot" and Lot 1, "Haar Addition" both in the SE1/4 of Section 6-T123N-R63W. Proposed Lots 1 thru 4, "Haar's Second Addition" in the E1/2 of Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 2801,2955,2975,3051,3059 and 3135 N Roosevelt St

From the Agriculture Preservation (AG-P) & Residential (R-1) District (AG-P)  
To the Mini-Agriculture (M-AG) District M-AG

Purpose: To bring these parcels into compliance for their current and future use.

Size of Parcels: Schott Outlot = 8.05 acres; Lot 1 "Haar's Addit." = 5.97 acres;  
Proposed Lot 1 = 9.14 acres; Proposed Lot 2 = 3.13 acres; Proposed Lot 3 = 5.54 acres  
& Proposed Lot 4 = 6.36 acres

Existing Land Use: Agriculture and Residential

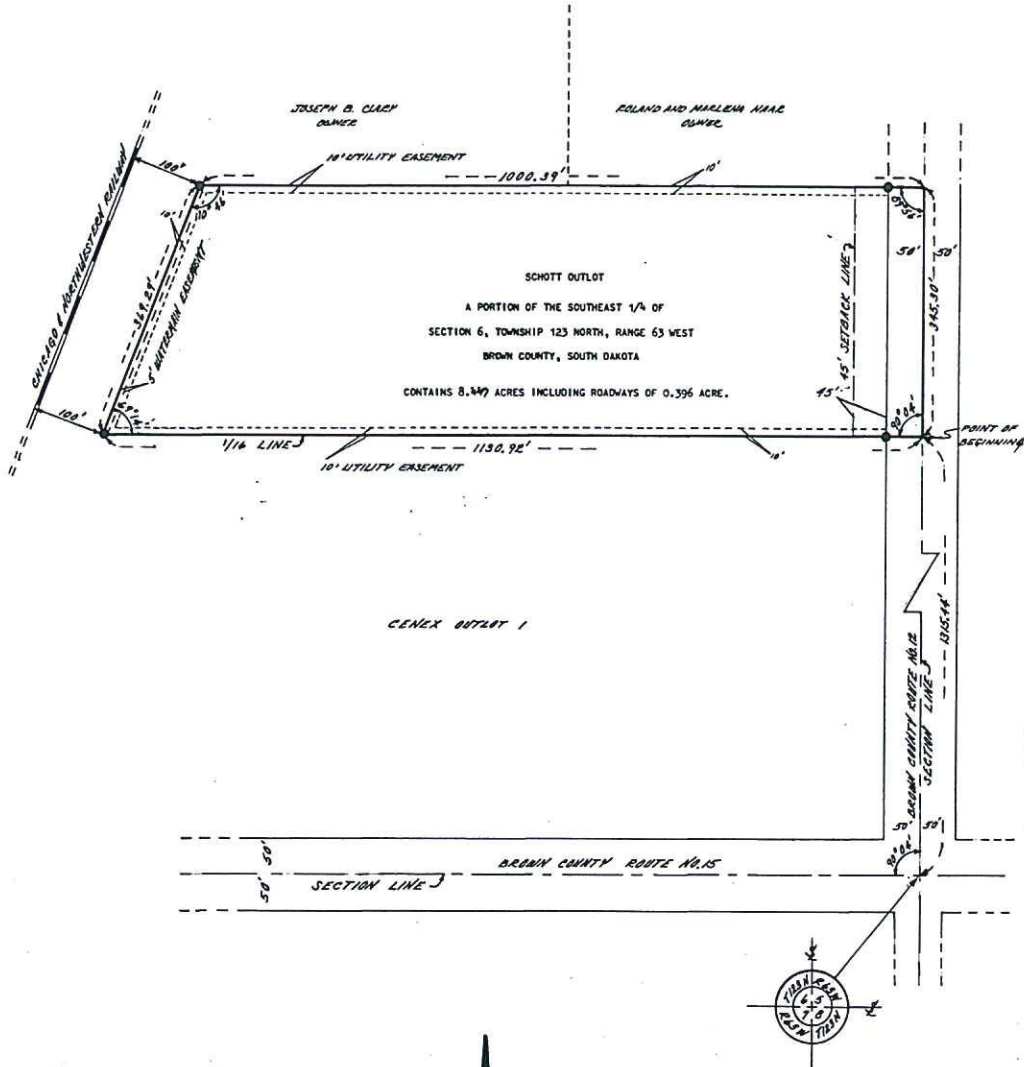
Owner: Rory Haar  
Signature: *Rory Haar*  
Date: 8-12-2022 Phone: 605-380-0311  
Address: 2955 N Roosevelt Street  
Aberdeen, SD 57401  
City State Zip

Owner: Estate of Roland W. Haar  
Signature: *Rory Haar*  
Date: 8-12-2022 Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
City State Zip

Owner: Walter Schott  
Signature: *Walter Schott*  
Date: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: 2801 N Roosevelt Street  
Aberdeen, SD 57401  
City State Zip



PLAT OF SCHOTT OUTLOT, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH PRINCIPAL MERIDIAN,  
BROWN COUNTY, SOUTH DAKOTA



SCALE: 1" = 100'

● - INDICATES IRON PIPE

4-332E

2 of 2

PLAT OF SCHOTT OUTLOT, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH PRINCIPAL MERIDIAN,  
BROWN COUNTY, SOUTH DAKOTA  
(ENDORSEMENTS)  
SHEET 2 OF 2

**OWNER'S CERTIFICATE**

WE, WALTER AND PHYLLIS A. SCHOTT, DO HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF SCHOTT OUTLOT, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH PRINCIPAL MERIDIAN, BROWN COUNTY, SOUTH DAKOTA, THE BOUNDARIES OF SAID SCHOTT OUTLOT AS INDICATED ON THE WITHIN PLAT. WE FURTHER CERTIFY THAT SAID SCHOTT OUTLOT IS FREE FROM ANY ENCUMBRANCE, AND THAT THE WITHIN PLAT WAS MADE AT OUR REQUEST FOR THE PURPOSES INDICATED THEREIN, AND THAT SAME SHALL HEREAFTER BE KNOWN AS "PLAT OF SCHOTT OUTLOT, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH PRINCIPAL MERIDIAN, BROWN COUNTY, SOUTH DAKOTA." THE 24" STEEL WATERMAIN EASEMENT INDICATED ON THE ACCOMPANYING PLAT IS HEREBY DEDICATED FOR THE USE OF THE CITY OF ABERDEEN, SOUTH DAKOTA. WE FURTHER CERTIFY THAT WE HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE FOREVER, THE ROADWAYS AS SHOWN ON THE WITHIN PLAT. WE FURTHER DEDICATE A TEN FOOT UTILITY EASEMENT ADJACENT AND PARALLEL TO ALL SIDE AND REAR BOUNDARY LINES.

DATE MAY 5 1975

Walter Schott  
WALTER SCHOTT, OWNER  
Phyllis A. Schott  
PHYLLIS A. SCHOTT, OWNER

**ACKNOWLEDGMENT**

STATE OF SOUTH DAKOTA )  
COUNTY OF BROWN )  
ON THIS THE 5th DAY OF May, 1975, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED WALTER AND PHYLLIS A. SCHOTT, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT, AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.  
MY COMMISSION EXPIRES: 11 September 1981

Richard W. Weigel  
NOTARY PUBLIC

**SURVEYOR'S CERTIFICATE**

I, DON A. BOYD, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED SCHOTT OUTLOT, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH PRINCIPAL MERIDIAN, BROWN COUNTY, SOUTH DAKOTA, AT THE REQUEST OF THE OWNERS, AS SHOWN ON THE WITHIN PLAT, AND SAID PLAT IS IN ALL RESPECTS TRUE AND ACCURATE. SAID SCHOTT OUTLOT CONTAINS 8.447 ACRES, INCLUDING ROADWAYS OF 0.396 ACRE.

DATE 30 APRIL 1975

Don A. Boyd  
DON A. BOYD, P.E. AND L.S.  
SOUTH DAKOTA REG. NO. 1030

**ACKNOWLEDGMENT**

STATE OF SOUTH DAKOTA )  
COUNTY OF BROWN )  
ON THIS THE 30th DAY OF April, 1975, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED DON A. BOYD, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT, AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.  
MY COMMISSION EXPIRES: 11 Sept 1981

Kae (O'Donnell) Weigel  
KAE (O'DONNELL) WEIGEL, NOTARY PUBLIC

**RESOLUTION BY THE CITY PLAN COMMISSION**

"BE IT RESOLVED BY THE CITY PLAN COMMISSION THAT THE WITHIN PLAT IS HEREBY APPROVED IN THE MANNER PROVIDED BY SDCL 11-6, AND ALL ACTS AMENDATORY THERETO."  
I, WINIFRED KRAFT, CITY AUDITOR, HEREBY CERTIFY THAT THE ABOVE RESOLUTION IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF THE CITY PLAN COMMISSION OF ABERDEEN, SOUTH DAKOTA, AT A MEETING OF THE BOARD HELD ON THE 18 DAY OF June, 1975.

Winifred Kraft  
WINIFRED KRAFT, CITY AUDITOR  
CITY OF ABERDEEN, SOUTH DAKOTA

**RESOLUTION BY THE CITY COMMISSION, CITY OF ABERDEEN, SOUTH DAKOTA**

"BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING SCHOTT OUTLOT, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH PRINCIPAL MERIDIAN, BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3-6, AND ALL ACTS AMENDATORY THERETO."  
I, WINIFRED KRAFT, CITY AUDITOR, HEREBY CERTIFY THAT THE ABOVE RESOLUTION IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF ABERDEEN, SOUTH DAKOTA, AT A MEETING OF THE BOARD HELD ON THE 1st DAY OF July, 1975.

Winifred Kraft  
WINIFRED KRAFT, CITY AUDITOR  
CITY OF ABERDEEN, SOUTH DAKOTA

**RESOLUTION BY THE COUNTY PLAN COMMISSION**

ON THE MOTION MADE AND CARRIED THE FOLLOWING RESOLUTION WAS ADOPTED: BE IT RESOLVED BY THE COUNTY PLAN COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, IN REGULAR SESSION ASSEMBLED, THAT THE PLAT OF SCHOTT OUTLOT, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH PRINCIPAL MERIDIAN, BROWN COUNTY, SOUTH DAKOTA, BE APPROVED THIS 18 DAY OF June, 1975, IN ACCORDANCE WITH THE PROVISIONS OF SDCL CHAPTER 11-2-2, AND ALL ACTS AMENDATORY THERETO."  
I, CARL PETER, CHAIRMAN, BROWN COUNTY PLAN COMMISSION, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE RESOLUTION ADOPTED BY THE BOARD OF THE BROWN COUNTY PLAN COMMISSION AT A MEETING OF THE BOARD HELD ON THE 18 DAY OF June, 1975.

Carl H. Meyer  
CARL H. PETER, CHAIRMAN  
BROWN COUNTY PLAN COMMISSION

**RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS, BROWN COUNTY, SOUTH DAKOTA**

ON MOTION MADE AND CARRIED THE FOLLOWING RESOLUTION WAS ADOPTED: "BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, IN REGULAR SESSION ASSEMBLED, THAT THE PLAT OF SCHOTT OUTLOT, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH PRINCIPAL MERIDIAN, BROWN COUNTY, SOUTH DAKOTA, BE APPROVED THIS 20 DAY OF January, 1976, IN ACCORDANCE WITH THE PROVISIONS OF SDCL CHAPTER 11-3, AND ALL ACTS AMENDATORY THERETO."  
I, RUTH HEMPHRIES, COUNTY AUDITOR OF BROWN COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA.

DATED THIS 20 DAY OF January, 1976

Ruth Hemphries  
RUTH HEMPHRIES, COUNTY AUDITOR  
BROWN COUNTY, SOUTH DAKOTA

**TREASURER'S CERTIFICATE**

I, BERNARD L. LARSON, TREASURER OF BROWN COUNTY, SOUTH DAKOTA, HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID.

DATE Dec 23, 1975

Bernard L. Larson  
BERNARD L. LARSON, TREASURER  
BROWN COUNTY, SOUTH DAKOTA

I, ALBERTA JACOBSON, DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA, HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT THIS 12 DAY OF January, 1976

Alberta Jacobson  
ALBERTA JACOBSON, DIRECTOR OF EQUALIZATION  
BROWN COUNTY, SOUTH DAKOTA

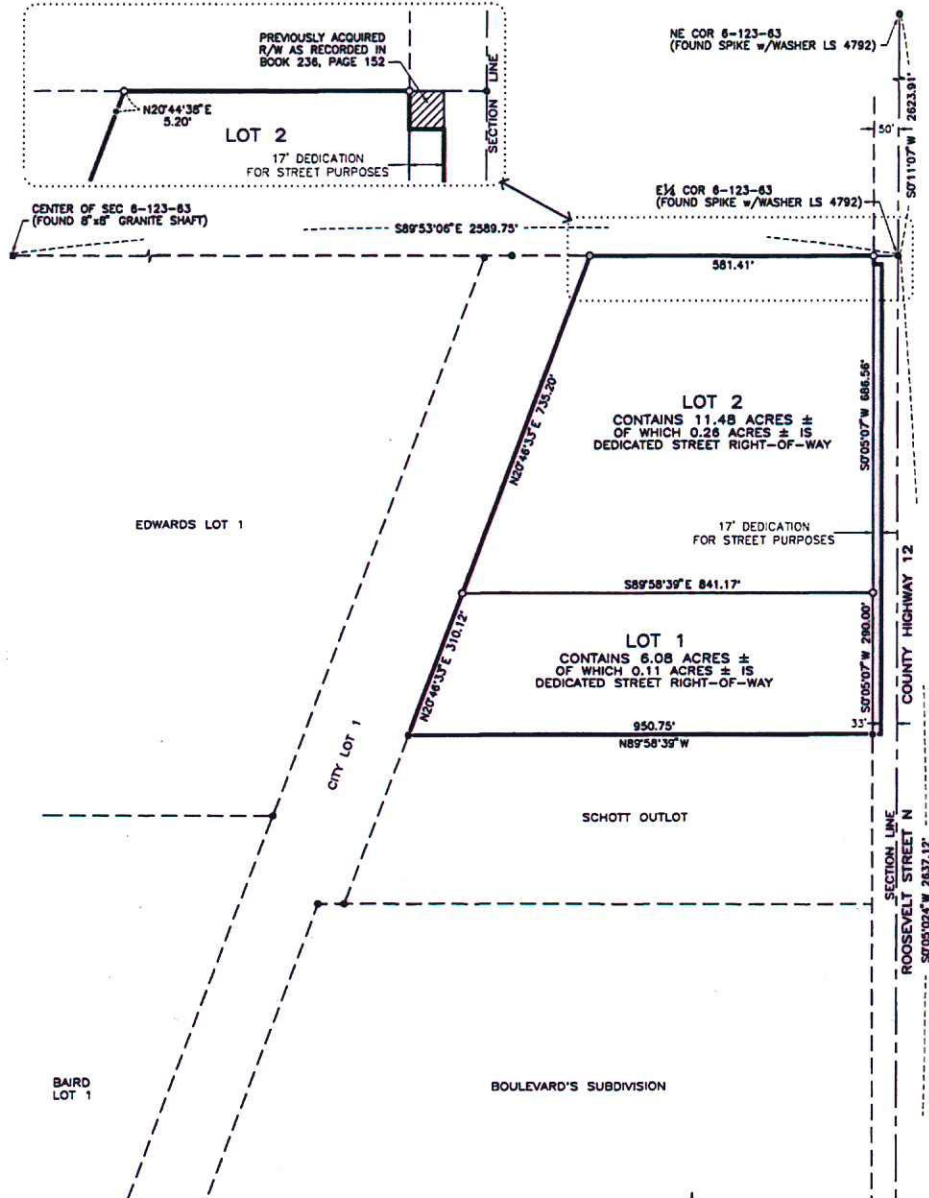
FILED FOR RECORD THIS 16th DAY OF January, 1976, AT 8 O'CLOCK, A.M., S.D., AND DULY RECORDED IN BOOK NO. 4 PAGE NO. 332 AND DESIGNATED AS PLAT NO. 332

Donna Kuhfeld  
DONNA KUHFIELD, REGISTER OF DEEDS  
BROWN COUNTY, SOUTH DAKOTA

DAFCO PRODUCTS • NEW HOPE, MINNESOTA  
RECORD BY PLAN NUMBER 8552

DAFCO PRODUCTS • NEW HOPE, MINNESOTA  
RECORD BY PLAN NUMBER 8552

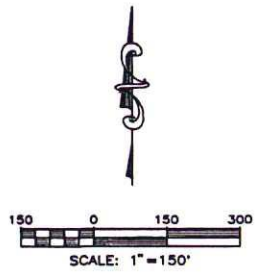
### PLAT SHOWING HAAR'S ADDITION IN THE SE 1/4 OF SECTION 6, T123N R63W OF THE 5th P.M. BROWN COUNTY, SOUTH DAKOTA



**LEGEND**

- PIN SET w/CAP LS 4792
- PIN FOUND
- FOUND 8"x8" GRANITE SHAFT

**BASIS of BEARINGS**  
ASSUMED



DRAWING NUMBER  
1747-H

SAFCO PRODUCTS • NEW HOPE, MINNESOTA  
PRODUCER BY PART NUMBER 8552

DRAWING NUMBER  
2 of 2

SAFCO PRODUCTS • NEW HOPE, MINNESOTA  
PRODUCER BY PART NUMBER 8552

# PLAT SHOWING HAAR'S ADDITION IN THE SE 1/4 OF SECTION 6, T123N R63W OF THE 5th P.M. BROWN COUNTY, SOUTH DAKOTA

## OWNER'S CERTIFICATE

WE, ROLAND W. HAAR AND MARLENE J. HAAR, HUSBAND AND WIFE AS JOINT TEANTS WITH FULL RIGHTS OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE NORTH 59 RODS EAST OF THE VACATED CHICAGO AND NORTHWESTERN TRITRANSPORTATION COMPANY RAILROAD RIGHT-OF-WAY NOW KNOWN AS CITY LOT 1 IN THE SOUTHEAST QUARTER (SE $\frac{1}{4}$ ) OF SECTION SIX (6), TOWNSHIP ONE HUNDRED TWENTY-THREE (123) NORTH, RANGE SIXTY-THREE (63) WEST OF THE FIFTH PRINCIPAL MERIDIAN, BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED A PORTION OF THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT, WHICH SHALL HERINAFTER BE KNOWN AND DESCRIBED AS "HAAR'S ADDITION IN THE SE $\frac{1}{4}$  OF SECTION 6, T123N R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA", AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBMVISION AND SEDIMENT CONTROL REGULATIONS.

WE ALSO HEREBY DEDICATE TO THE PUBLIC, THE EAST 17 FEET OF HAAR'S ADDITION ADJACENT TO THE WEST RIGHT-OF-WAY LINE OF ROOSEVELT STREET N (COUNTY HIGHWAY 12) FROM SCHOTT'S OUTLOT NORTH TO THE PREVIOUSLY DEDICATED RIGHT-OF-WAY AS DESCRIBED IN BOOK 236, PAGE 152 OF DEEDS FOR STREET PURPOSES.

SIGNED THIS 21<sup>st</sup> DAY OF June, 2002.

OWNERS:  
Roland W. Haar  
ROLAND W. HAAR  
Marlene J. Haar  
MARLENE J. HAAR

STATE OF SOUTH DAKOTA }  
COUNTY OF BROWN } SS

HAAR, KNOWN TO ME THE SAME AS ROLAND W. HAAR AND MARLENE J. HAAR, DAY OF June, 2002, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED ROLAND W. HAAR AND MARLENE J. HAAR, AND WHO EXECUTED THE WITHIN INSTRUMENT, AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THE SAME AS ROLAND W. HAAR AND MARLENE J. HAAR.



EXPIRES: October 27, 2005

LuVonne Krause  
NOTARY PUBLIC

## SURVEYOR'S CERTIFICATE

I, LOUIS P. O'DONNELL, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT, AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "HAAR'S ADDITION IN THE SE $\frac{1}{4}$  OF SECTION 6, T123N R63W 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 21<sup>st</sup> DAY OF June, 2002.

Louis P. O'Donnell  
LOUIS P. O'DONNELL  
REGISTERED LAND SURVEYOR #4792



## CITY PLANNING COMMISSION APPROVAL

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY PLANNING COMMISSION OF ABERDEEN, SOUTH DAKOTA, AT A MEETING HELD ON THE 16<sup>th</sup> DAY OF July, 2002.

Ken J. O'Brien  
CITY FINANCE OFFICER  
ABERDEEN, SOUTH DAKOTA

"BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING "HAAR'S ADDITION IN THE SE $\frac{1}{4}$  OF SECTION 6, T123N R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA," HAVING BEEN EXAMINED IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL OF 1967, CHAPTER 11-6, AND ANY AMENDMENTS THEREOF."

## CITY COMMISSION APPROVAL

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY COMMISSION OF ABERDEEN, SOUTH DAKOTA, AT A MEETING HELD ON THE 22<sup>nd</sup> DAY OF July, 2002.

Ken J. O'Brien  
CITY FINANCE OFFICER  
ABERDEEN, SOUTH DAKOTA

"BE IT RESOLVED BY THE CITY COMMISSION OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING "HAAR'S ADDITION IN THE SE $\frac{1}{4}$  OF SECTION 6, T123N R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA," HAVING BEEN EXAMINED IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL OF 1967, CHAPTER 11-3, AND ANY AMENDMENTS THEREOF."

## COUNTY 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 16<sup>th</sup> DAY OF July, 2002.

Andrew Jacobson  
SECRETARY OF THE COUNTY PLANNING COMMISSION  
BROWN COUNTY, SOUTH DAKOTA

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING "HAAR'S ADDITION IN THE SE $\frac{1}{4}$  OF SECTION 6, T123N R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA," HAVING BEEN EXAMINED IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL OF 1967, CHAPTER 11-6, AND ANY AMENDMENTS THEREOF."

## 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 23<sup>rd</sup> DAY OF July, 2002.

Alvin J. ...  
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

"BE IT RESOLVED BY THE COUNTY COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING "HAAR'S ADDITION IN THE SE $\frac{1}{4}$  OF SECTION 6, T123N R63W 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 27<sup>th</sup> DAY OF June, 2002.

Doree Richard Co. Deputy Treas  
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

## DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT THIS 21<sup>st</sup> DAY OF July, 2002.

Kathy Fischer  
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

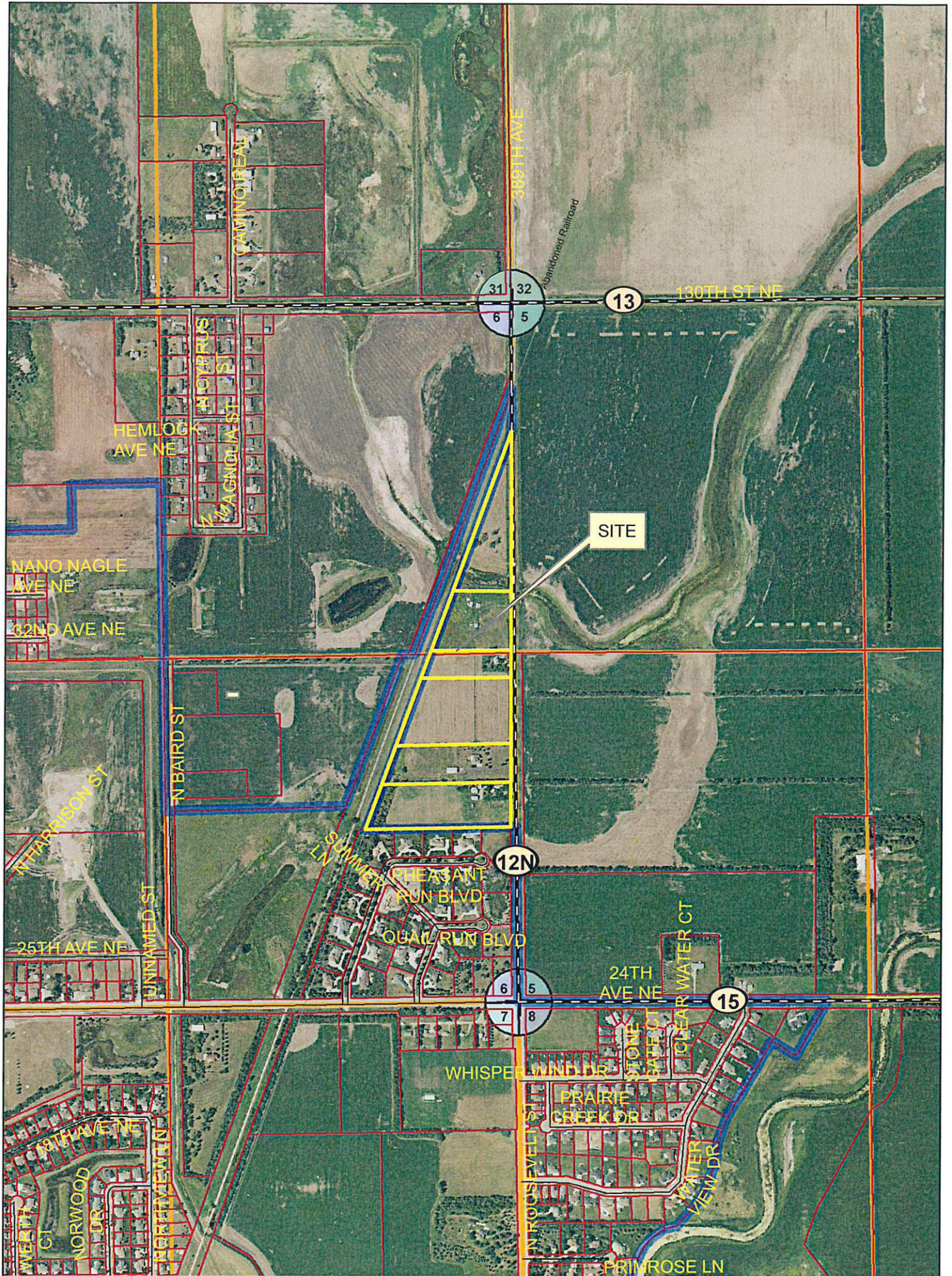
## REGISTER OF DEEDS' CERTIFICATE

FILED FOR RECORD THIS 30<sup>th</sup> DAY OF July, 2002, AT 11:00 O'CLOCK A.M., AND DULY RECORDED IN HANGING PLAT FILE 1747H

Andrew Schwan  
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA



1011 First Avenue SE  
Aberdeen, SD 57402  
(605) 225-3494  
fax (605) 225-5433



31 32  
6 5

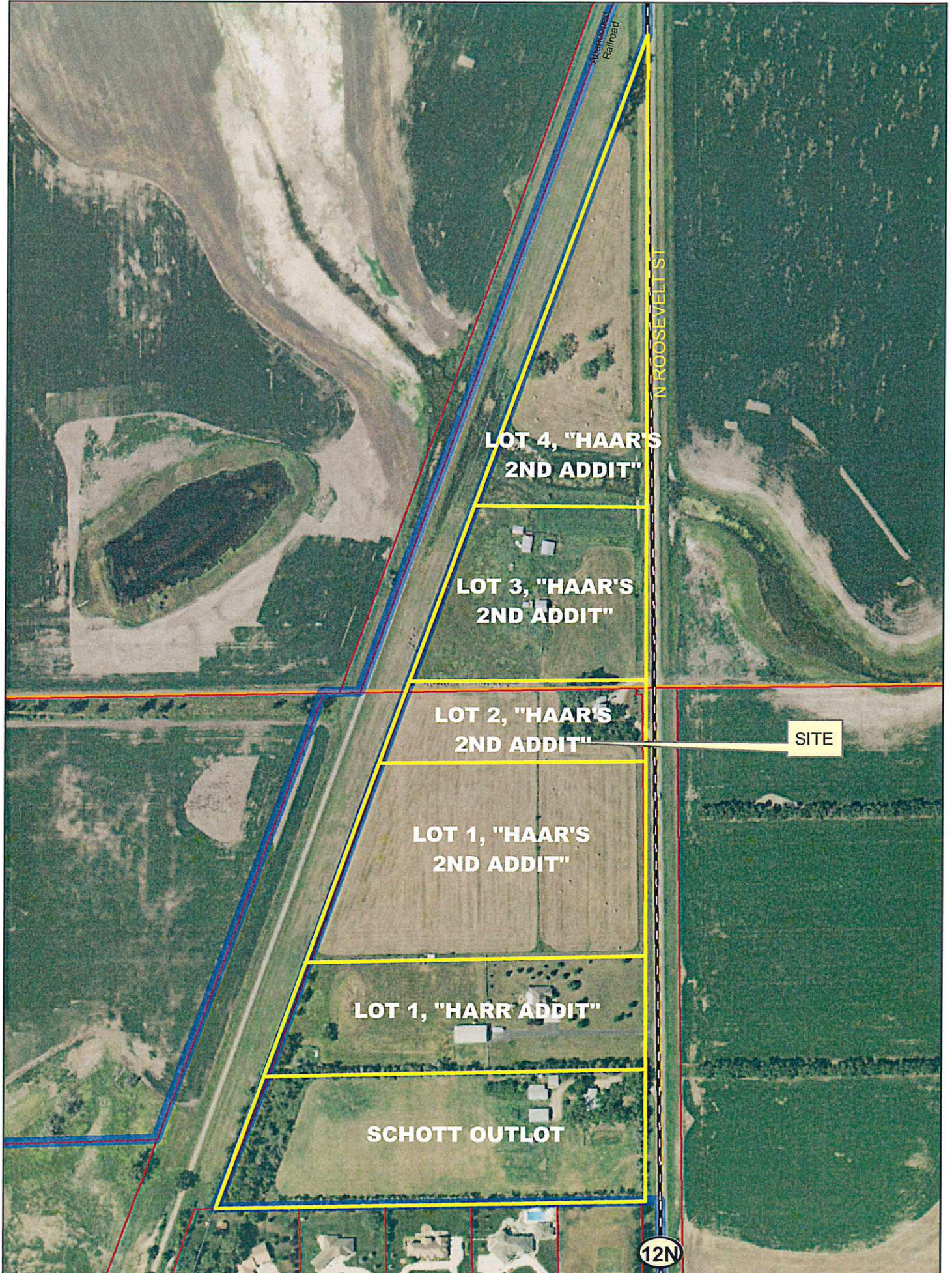
13

12N

6 5  
7 8

15

SITE



**LOT 4, "HAAR'S  
2ND ADDIT"**

**LOT 3, "HAAR'S  
2ND ADDIT"**

**LOT 2, "HAAR'S  
2ND ADDIT"**

**LOT 1, "HAAR'S  
2ND ADDIT"**

**LOT 1, "HARR ADDIT"**

**SCHOTT OUTLOT**

**N ROOSEVELT ST**

**Abandoned  
Railroad**

**SITE**

**12N**

**Rory Haar**

2955 N Roosevelt Street  
Aberdeen, SD 57401

**Nathan & Jacqueline Reede**

5237 Highway 12 East, Suite 1  
Aberdeen, SD 57401

**Walter Schott**

2801 N Roosevelt Street  
Aberdeen, SD 57401

**Richard Conklin**

2710 Pheasant Run Boulevard  
Aberdeen, SD 57401

**Estate of Roland W. Haar c/o  
Rory Haar**

2955 N Roosevelt Street  
Aberdeen, SD 57401

**James Kunkle**

Attn: Aberdeen Twp  
13229 384<sup>th</sup> Avenue  
Aberdeen, SD 57401

**Aberdeen City c/o Robin  
Bobzien**

123 S Lincoln Street  
Aberdeen, SD 57401

**Juanita Howell**

39151 125<sup>th</sup> Street  
Columbia, SD 57433

**Svarstad Real Estate LP II**

13797 392<sup>nd</sup> Avenue  
Aberdeen, SD 57401

**Jessica Johnston**

2525 Pheasant Run Boulevard  
Aberdeen, SD 57401

**Natalie Braun**

2605 Pheasant Run Boulevard  
Aberdeen, SD 57401

**Greg & Stephanie Aas**

2615 Pheasant Run Boulevard  
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 in the Courthouse Annex in the basement Community Meeting Room, on September 20, 2022, at 7:00 P.M.

**Owner & Petitioner:** Rory Haar, Estate of Roland W. Haar and Walter Schott  
**Description of property:** "Schott Outlot" and Lot 1, "Haar Addition" both in the SE1/4 of Section 6-T123N-R63W. Proposed Lots 1 thru 4, "Haar's Second Addition" in the E1/2 of Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota (2801, 2955, 2975, 3051, 3059 and 3135 North Roosevelt Street, Aberdeen Twp.).

**Reason:** Rezoning from Agriculture Preservation District (AG-P) / Residential District (R-1) to Municipal District (M-AG) to bring these parcels into compliance for their current and 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 8th day of September, 2022.  
Planning/Zoning Commission and

Scott Bader – P&Z Director  
25 Market Street

Aberdeen, SD 57401

Office: (605) 626-7144

Published Sept. 8, 2022, at the total approximate cost of \$23.20 and may be viewed free of charge at [www.sdpublishing.com](http://www.sdpublishing.com)  
7747093



# STAFF REPORT

September 20, 2022

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## BROWN COUNTY PLANNING/ZONING COMMISSION

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

**ITEM # 12**

---

### **GENERAL INFORMATION:**

PETITIONER:	Lon Gellhaus for Derrill J. Mahan Family Trust
REQUEST:	<b>Rezone Parcel: AG-P to M-AG District</b>
LEGAL DESCRIPTION:	Proposed Lot 1, "Mahan Addition" in the NW1/4 of Section 5-T123N-R60W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
LOCATION:	13026 407 <sup>th</sup> Avenue
TOWNSHIP:	Groton 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 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 September 20, 2022, at 7:00 p.m.

Petitioner: Lon Gellhaus for Derill J. Mahan Family Trust

Description of property: Proposed Lot 1, "Mahan Addition" in the NW1/4 of Section 5-T123N-R60W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13026 407<sup>th</sup> Avenue, Groton 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.

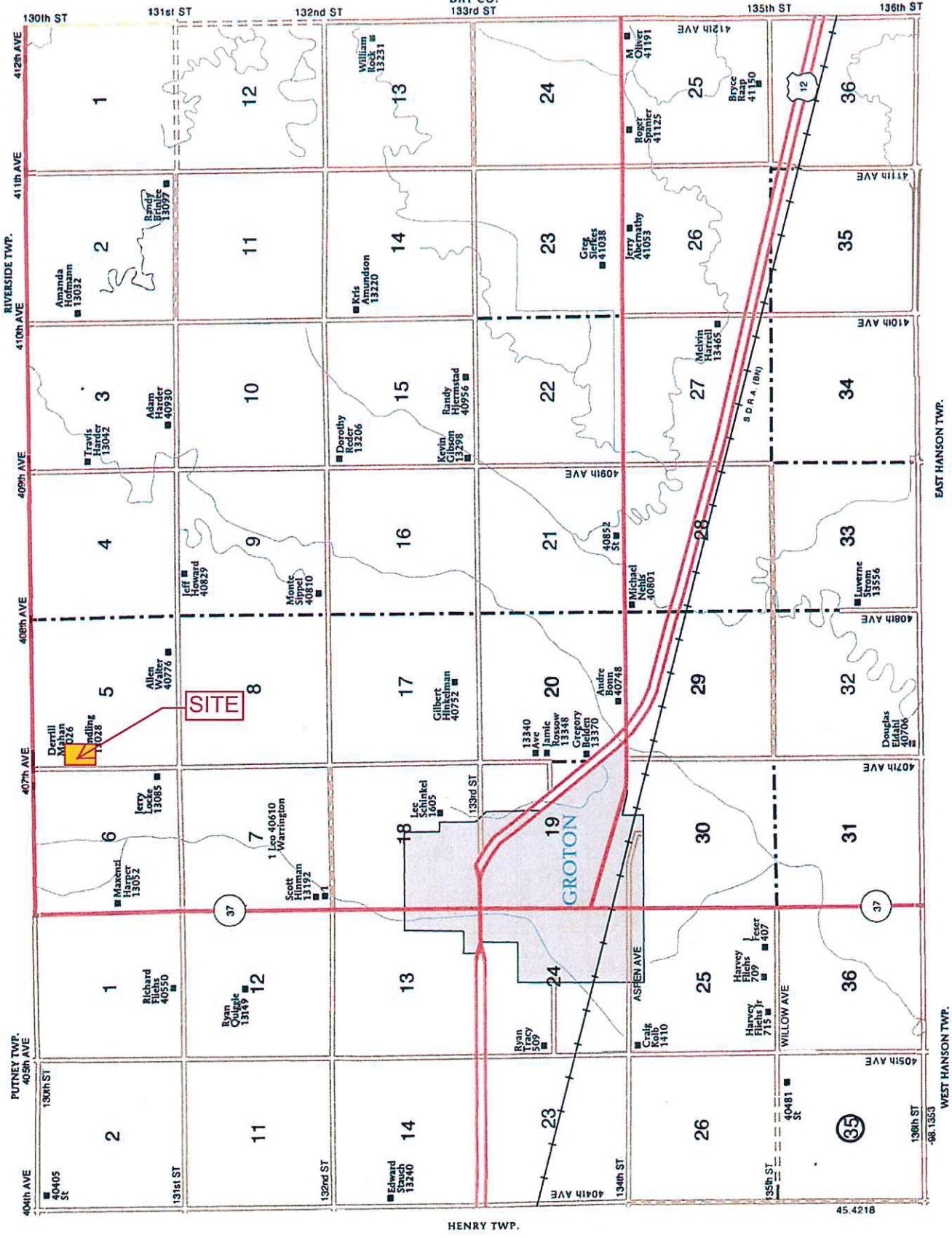
Dated this 8th day of September 2022.

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)

DAY CO.  
133rd ST



**REZONE PETITION**

BROWN COUNTY COMMISSION  
25 MARKET ST  
ABERDEEN, SD 57401

Petition No: \_\_\_\_\_  
Date: \_\_\_\_\_  
Receipt: 8/66/6  
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, "Mahan Addition" in the NW1/4 of Section 5-T123N-R60W  
of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 13026 407th Avenue  
From the Agriculture Preservation District  
To the Mini-Agriculture District

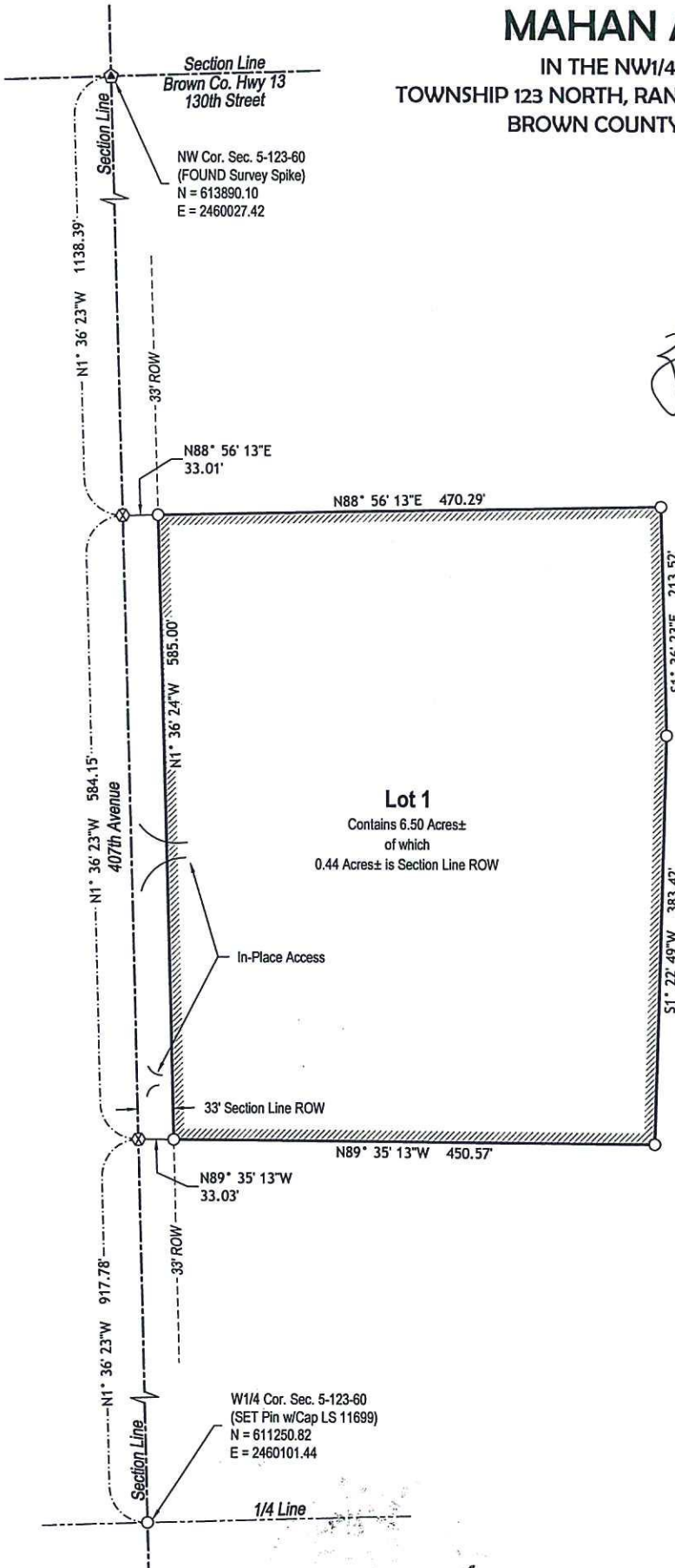
Purpose: To Bring into Compliance  
Size of Parcel: 6.50 acres  
Existing Land Use: Mini-Agriculture

Petitioner: (Print) Lon Gellhaus  
Signature: *Lonald L. Beerhan*  
Date: 9-1-22 Phone: (605)-225-6522(w) / (605)-380-6522(c)  
Address: 120 S Lincoln St, PO Box 73  
Aberdeen, SD 57402-0073  
City State Zip

Owner: (Print) Derrill J. Mahan Family Trust  
Signature: *Lonald L. Beerhan Atty.*  
Date: 9-1-22 Phone: 605-225-6522  
Address: PO Box 387  
Groton, SD 57445  
City State Zip

Additional Signatures may be submitted on a separate page.

PLAT SHOWING  
**MAHAN ADDITION**  
 IN THE NW1/4 OF SECTION 5,  
 TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5th P.M.,  
 BROWN COUNTY, SOUTH DAKOTA



**Lot 1**  
 Contains 6.50 Acres±  
 of which  
 0.44 Acres± is Section Line ROW

- LEGEND**
- PIN FOUND (AS NOTED)
  - PIN SET w/CAP LS 11699
  - ⊗ SPIKE FOUND (AS NOTED)
  - ⊙ CALCULATED CORNER

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



Prepared By:

619 14th Avenue S, Faulkton, South Dakota 57438  
 Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com  
 Project No. ALS22076 Field Survey Date: 06-16-2022



NORTH

PLAT SHOWING  
**MAHAN ADDITION**

IN THE NW1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA

**OWNER'S CERTIFICATE**

We, Thomas P. Mahan and John R. Mahan, co-trustees, of the Derrill J. Mahan Family Trust u/va dated the 4th day of December, 2018, do hereby certify that the Family Trust is the owner of the Northwest Quarter (NW1/4) of Section Five (5), Township One Hundred Twenty-Three (123) North, Range Sixty (60) West of the 5th P.M., Brown County, South Dakota, and that we, as co-trustees, 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:

**"MAHAN ADDITION IN THE NW1/4 OF SECTION 5,  
TOWNSHIP 123 NORTH, RANGE 60 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.

Owner: Derrill J. Mahan Family Trust  
u/va dated the 4th day of December, 2018

Thomas P. Mahan TTE  
Thomas P. Mahan, co-trustee

Signed this 15 day of August, 2022.

John R. Mahan  
John R. Mahan, co-trustee

Signed this 15 day of August, 2022.

COUNTY OF Brown )  
STATE OF South Dakota ) SS

On this the 15 day of August, 2022, before me, Lonald L. Gellhaus, the undersigned officer, personally appeared Thomas P. Mahan, co-trustee, of the Derrill J. Mahan Family Trust u/va dated the 4th day of December, 2018 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: 5-7

Lonald L. Gellhaus  
Notary Public



COUNTY OF Brown )  
STATE OF South Dakota ) SS

On this the 15 day of August, 2022, before me, Lonald L. Gellhaus, the undersigned officer, personally appeared John R. Mahan, co-trustee, of the Derrill J. Mahan Family Trust u/va dated the 4th day of December, 2018 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: 5-25-28

Lonald L. Gellhaus  
Notary Public



**SURVEYOR'S CERTIFICATE**

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

**"MAHAN ADDITION IN THE NW1/4 OF SECTION 5,  
TOWNSHIP 123 NORTH, RANGE 60 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 21st day of July, 2022.

Zachary M. Remily  
ZACHARY M. REMILY, LS 11699

**GROTON TOWNSHIP HIGHWAY APPROVAL**

"Existing Access to 407th AVENUE 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.

Print Name & 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.

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:

**"MAHAN ADDITION IN THE NW1/4 OF SECTION 5,  
TOWNSHIP 123 NORTH, RANGE 60 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 \_\_\_\_\_, 2022.

County Auditor  
Brown County, South Dakota

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

**"MAHAN ADDITION IN THE NW1/4 OF SECTION 5,  
TOWNSHIP 123 NORTH, RANGE 60 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

# MAHAN ADDITION

IN THE NW1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 60 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

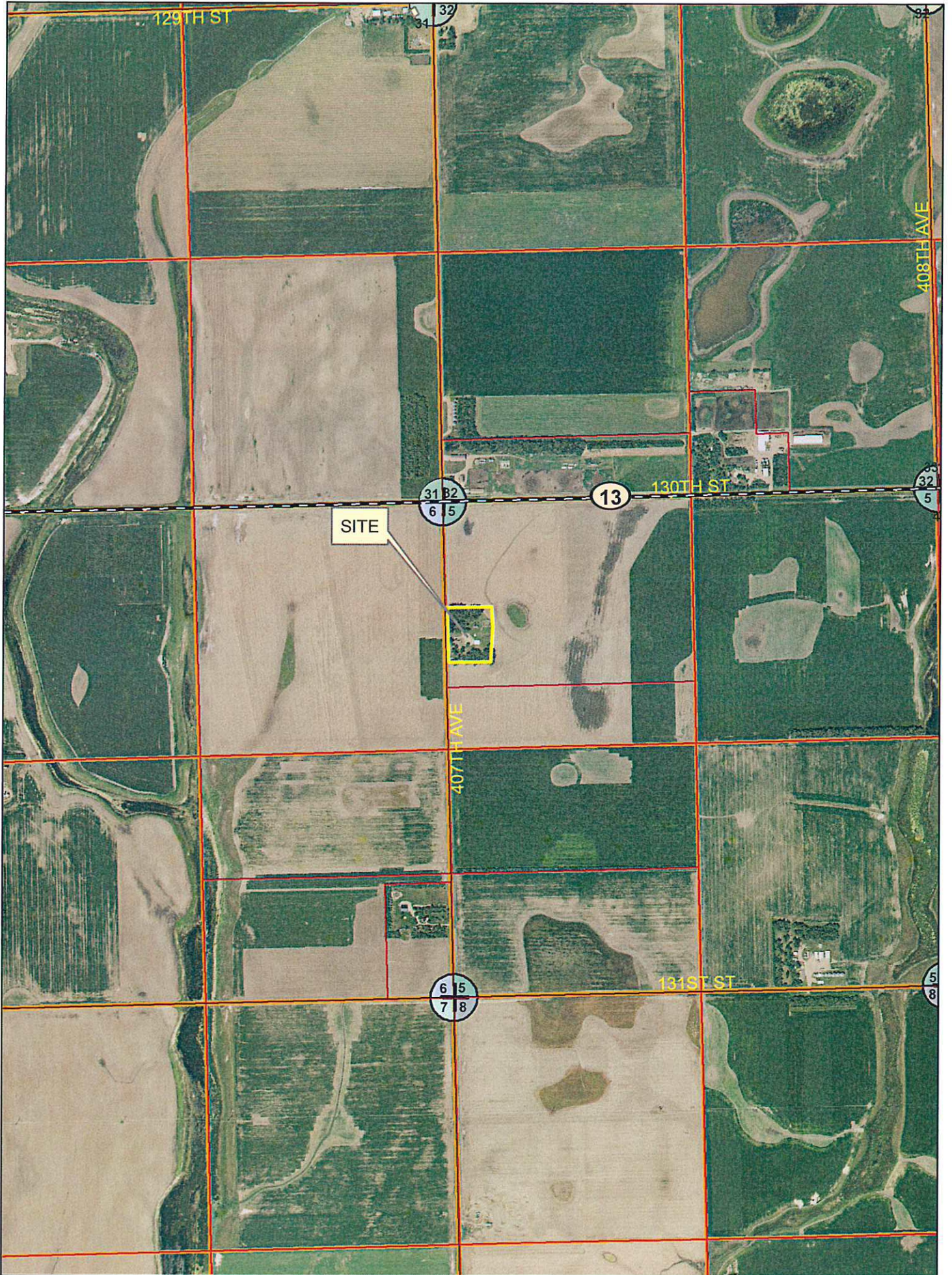
### REGISTER OF DEEDS' CERTIFICATE

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 2022,

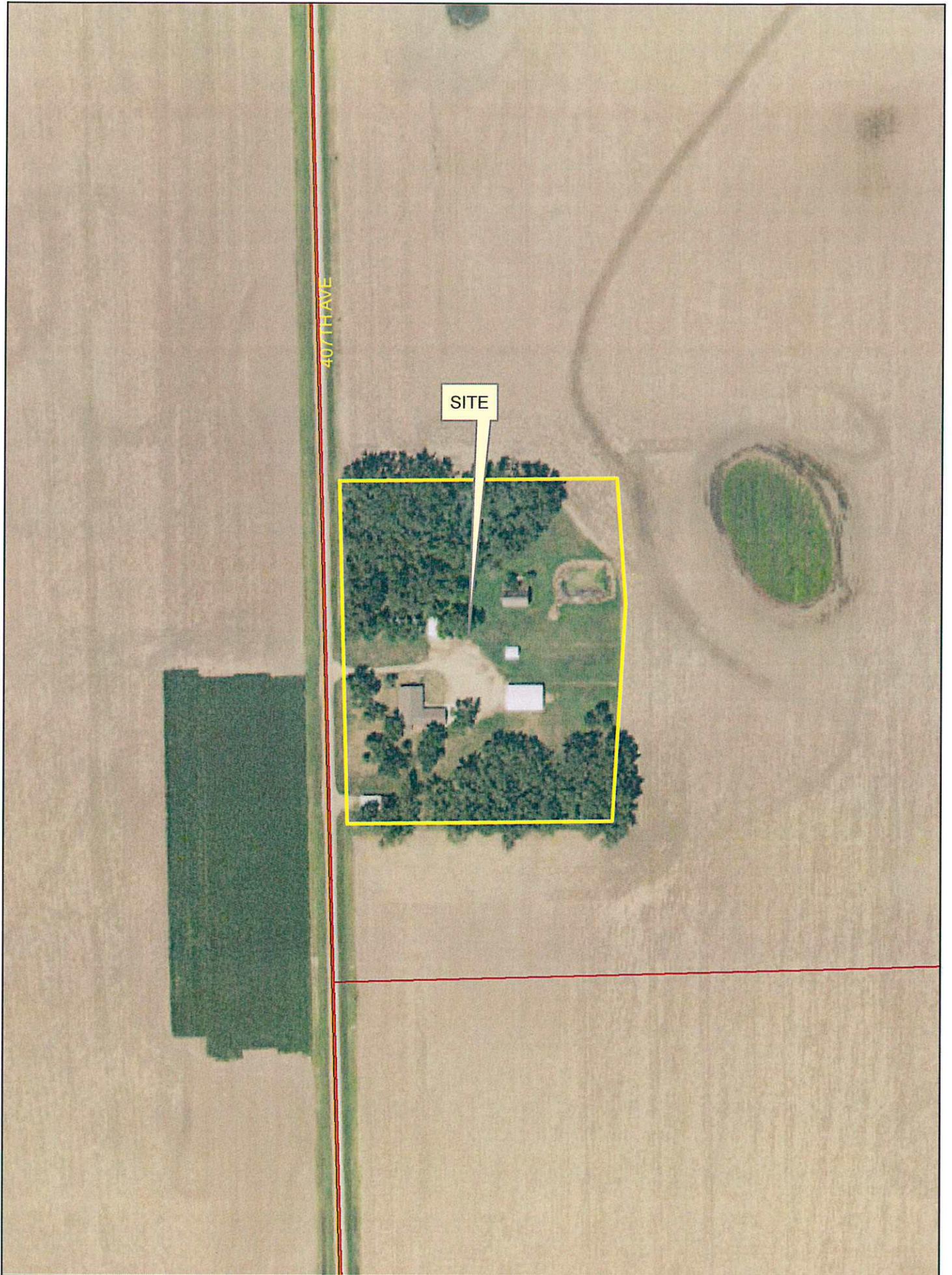
at \_\_\_\_\_ O'clock \_\_\_\_ M., and duly recorded as Hanging Plat

No. \_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds  
Brown County, South Dakota







SITE

407TH AVE

**Derrill J. Mahan Family Trust**  
PO Box 387  
Groton, SD 57445

**Allen Walter**  
Attn: Groton Twp  
40776 131<sup>st</sup> Street  
Groton, SD 57445

**Allen & Joyce Walter**  
40776 131<sup>st</sup> Street  
Groton, SD 57445

**D & J Walter Ltd. Partnership**  
40776 131<sup>st</sup> Street  
Groton, SD 57445

**Jesse Howard**  
40702 130<sup>th</sup> Street  
Groton, SD 57445

**Steve & Peggy Simon**  
40756 130<sup>th</sup> Street  
Groton, SD 57445

**Groton Auto & Tractor Co.**  
PO Box 647  
Groton, SD 57445-0647

## 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 in the basement Community Meeting Room, on September 20, 2022, at 7:00 P.M.  
Petitioner: Lon Geilhaus for Derill J. Mahan Family Trust

Description of property: Proposed Lot 1, "Mahan Addition" in the NW1/4 of Section 5-T123N-R60W of the 5th P.M., Brown County, South Dakota (13026 407th Avenue, Groton Twp.).

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 Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of September 2022.

Planning/Zoning Commission and

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

Office: (605) 626-7144

Published Sept. 8, 2022, at the total approximate cost of \$21.24 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)  
7747089

# STAFF REPORT

September 20, 2022

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BROWN COUNTY PLANNING/ZONING COMMISSION

**PRELIMINARY & FINAL PLAT**

**ITEM # 13**

---

## GENERAL INFORMATION:

PETITIONER:	Rory Haar
REQUEST:	<b>PRELIMINARY &amp; FINAL PLAT</b>
LEGAL DESCRIPTION:	“Haar’s Second Addition” in the E1/2 of Section 6-T123N-R63W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
LOCATION:	2975, 3051, 3059 & 3135 North Roosevelt Street
TOWNSHIP:	Aberdeen Twp
EXISTING ZONING	Agriculture Preservation District (AG-P) / Residential District (R-1)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Residential District (R-1)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P) / Mini-Agriculture District (M-AG)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

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

**GENERAL REVIEW:** Staff has reviewed this plat.

## PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Haar's Second Addition

LEGAL SECTION: QUARTER: E1/2 SECTION: 6 TOWNSHIP: 123 RANGE: 63

MANDATORY LOTS: 1,2,3,4 TRACTS \_\_\_\_\_ PARCELS \_\_\_\_\_ OUTLOTS \_\_\_\_\_ OTHER \_\_\_\_\_

SCHOOL DISTRICT: Aberdeen

UTILITIES: WEB Water

OWNERS NAMES: Estate of Roland W. Haar

OWNERS NAMES: \_\_\_\_\_

ENGINEER OR SURVEYOR: Jamie Sprenger (IMEG)

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

PLAT FEE PER PLAT: \$100.00 DATE PAID: 08 / 12 /20 22

RECEIVED BY PLANNING DEPARTMENT: 08 / 12 /20 22 BY: Ron Keller

REASON FOR PLAT: DEVELOPMENT \_\_\_\_\_ CONVEYANCE  FINANCIAL PURPOSES \_\_\_\_\_ OTHER \_\_\_\_\_

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

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

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

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE:

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

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

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

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W

### AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: \_\_\_\_\_ APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: \_\_\_\_\_ APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR PLAT APPROVAL

DATE: August 31, 2022  
RECEIPT # 816613  
TOWNSHIP: Aberdeen Twp

FEES: \$100.00  
PAID: YES/NO CHK CASH  
DATE: 8/12/2022

OWNERS SIGNATURE: The Estate of Roland W. Haar Ry Haar  
OWNERS ADDRESS: \_\_\_\_\_  
OWNERS CITY, STATE, ZIP: \_\_\_\_\_  
OWNERS PHONE: \_\_\_\_\_

AGENTS SIGNATURE: Rory Haar Ry Haar  
AGENTS ADDRESS: 2955 N Roosevelt Street  
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401  
AGENTS PHONE: 605-380-0311

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Haar's Second Addition" in the E1/2 of Section 6-T123N  
R63W of the 5th P.M., Brown County, South Dakota

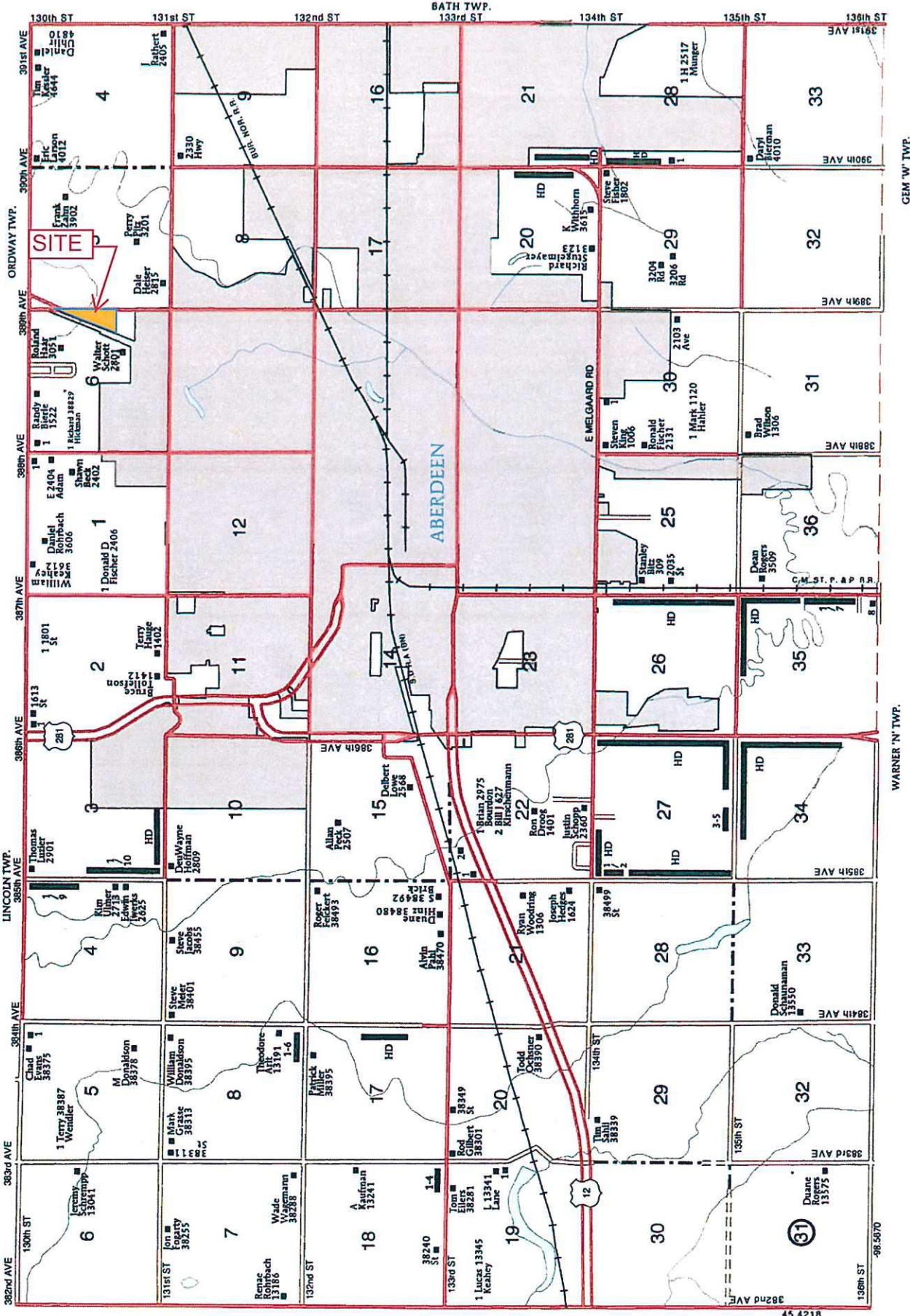
Planning Commission Action: Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

HEARING DATE: September 20, 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

(Residence - Owners or Renters)



SEE PAGE 21 FOR ADDITIONAL NAMES NOT LISTED ON MAPS.

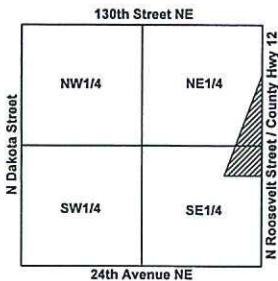
© Farm & Home Publishers, Ltd.

MERCIER TWP.

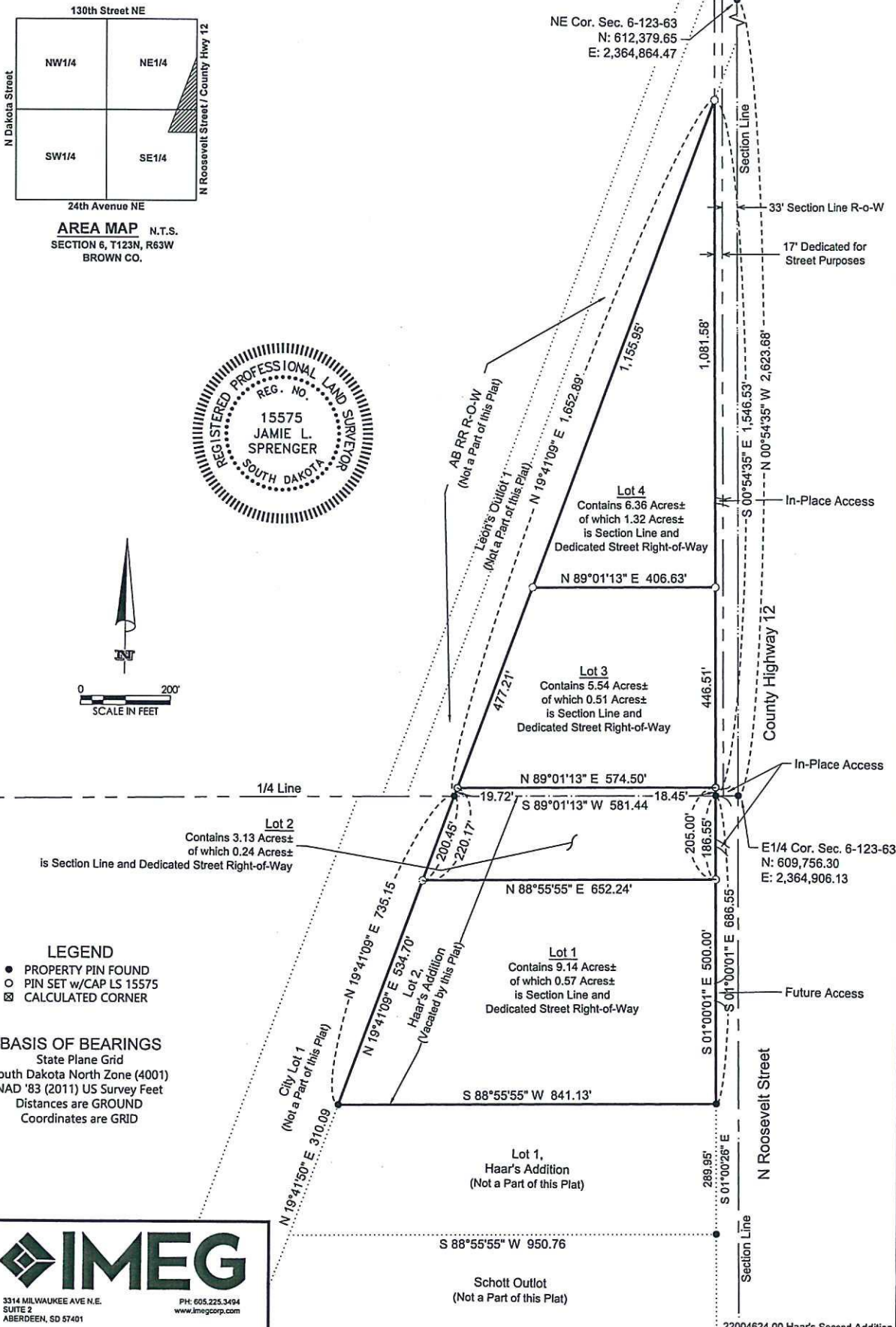
45.4218

# PLAT SHOWING HAAR'S SECOND ADDITION

IN THE E1/2 OF SECTION 6, TOWNSHIP 123 NORTH,  
RANGE 63 WEST OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA



**AREA MAP** N.T.S.  
SECTION 6, T123N, R63W  
BROWN CO.



- 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  
Coordinates are GRID

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

PH: 605.225.3494  
www.imegcorp.com



PLAT SHOWING  
**HAAR'S SECOND ADDITION**

IN THE E1/2 OF SECTION 6, TOWNSHIP 123 NORTH,  
RANGE 63 WEST OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA

**OWNER'S CERTIFICATE**

The Estate of Roland W. Haar, does hereby certify that it is the owner of Lot Two (2), Haar's Addition, in the Southeast Quarter (SE1/4) of Section Six (6), Township One Hundred Twenty-Three (123) North, Range Sixty-Three (63) West of the 5th P.M., Brown County, South Dakota, and that part of the Northeast Quarter (NE1/4) of Section Six (6), Township One Hundred Twenty-Three (123) North of Range Sixty-Three (63), lying east of the Chicago and Northwestern Railroad right-of-way, as said railroad right-of-way presently exists, subject to highway right-of-way lying adjacent thereto, 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 "HAAR'S SECOND ADDITION IN THE E1/2 OF SECTION 6, 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, the Estate of Roland W. Haar, does hereby vacate Lot 2, Haar's Addition, in the SE1/4 of Section 6, Township 123 North, Range 63 West of the 5th P.M., Brown County, South Dakota, as filed for record on January 21, 2004, at 2:15 P.M., and duly recorded as Hanging Plat 1747 therein.

Owner: The Estate of Roland W. Haar

\_\_\_\_\_  
Kary Haar, Personal Representative

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

COUNTY OF \_\_\_\_\_ )  
STATE OF \_\_\_\_\_ ) SS

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned officer, personally appeared Kary Haar, 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

Owner: The Estate of Roland W. Haar

\_\_\_\_\_  
Rory Haar, Personal Representative

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

COUNTY OF \_\_\_\_\_ )  
STATE OF \_\_\_\_\_ ) SS

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned officer, personally appeared Rory Haar, 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.

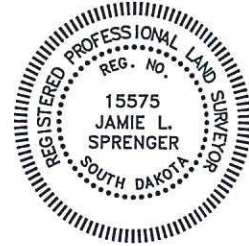
My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
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 "HAAR'S SECOND ADDITION IN THE E1/2 OF SECTION 6, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.



**HIGHWAY APPROVAL**

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

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Signature

**COUNTY PLANNING COMMISSION APPROVAL**

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

\_\_\_\_\_  
Secretary of County Planning Commission, Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "HAAR'S SECOND ADDITION IN THE E1/2 OF SECTION 6, 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 "HAAR'S SECOND ADDITION IN THE E1/2 OF SECTION 6, 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. \_\_\_\_\_.

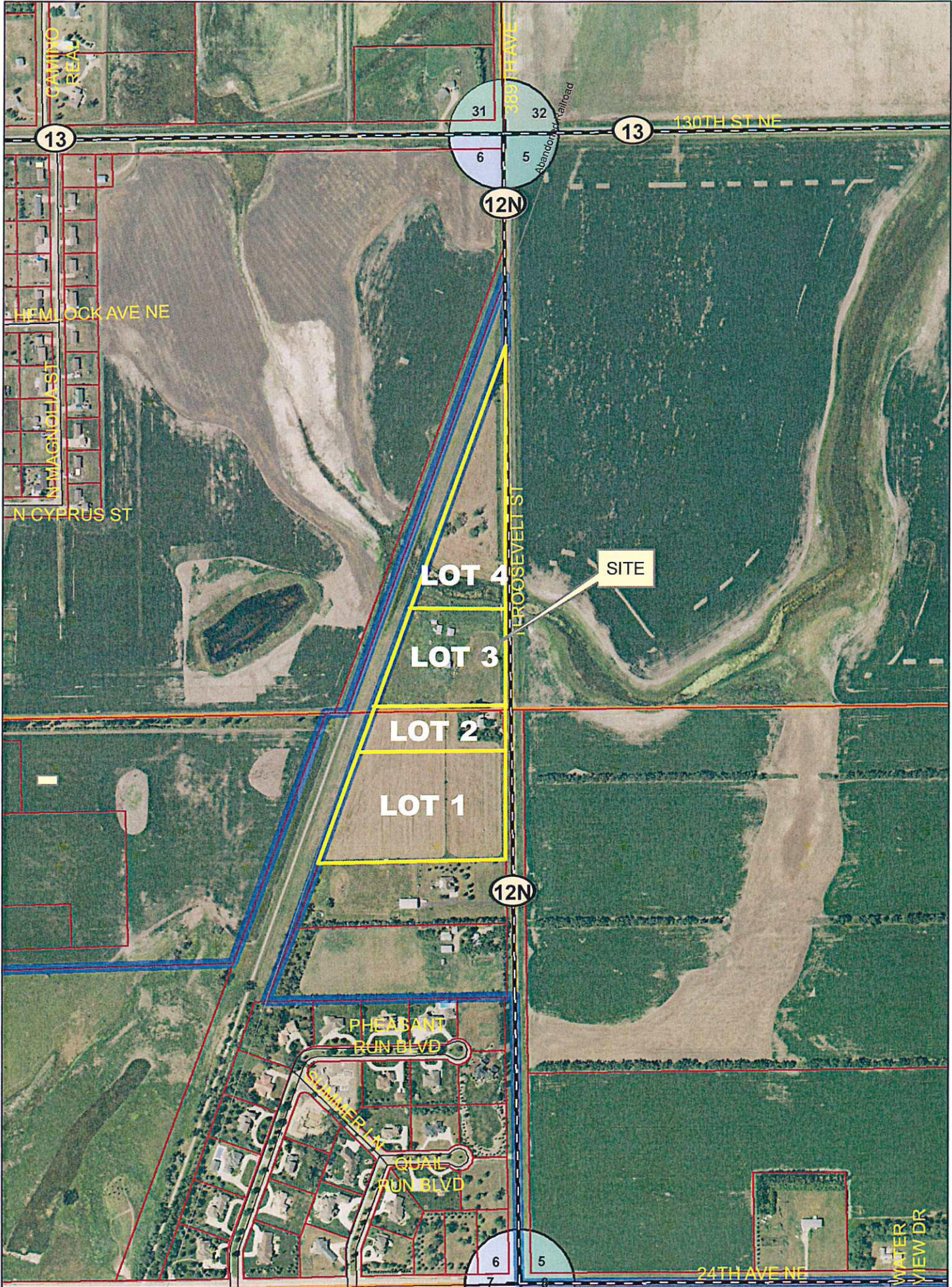
\_\_\_\_\_  
Register of Deeds, Brown County, South Dakota

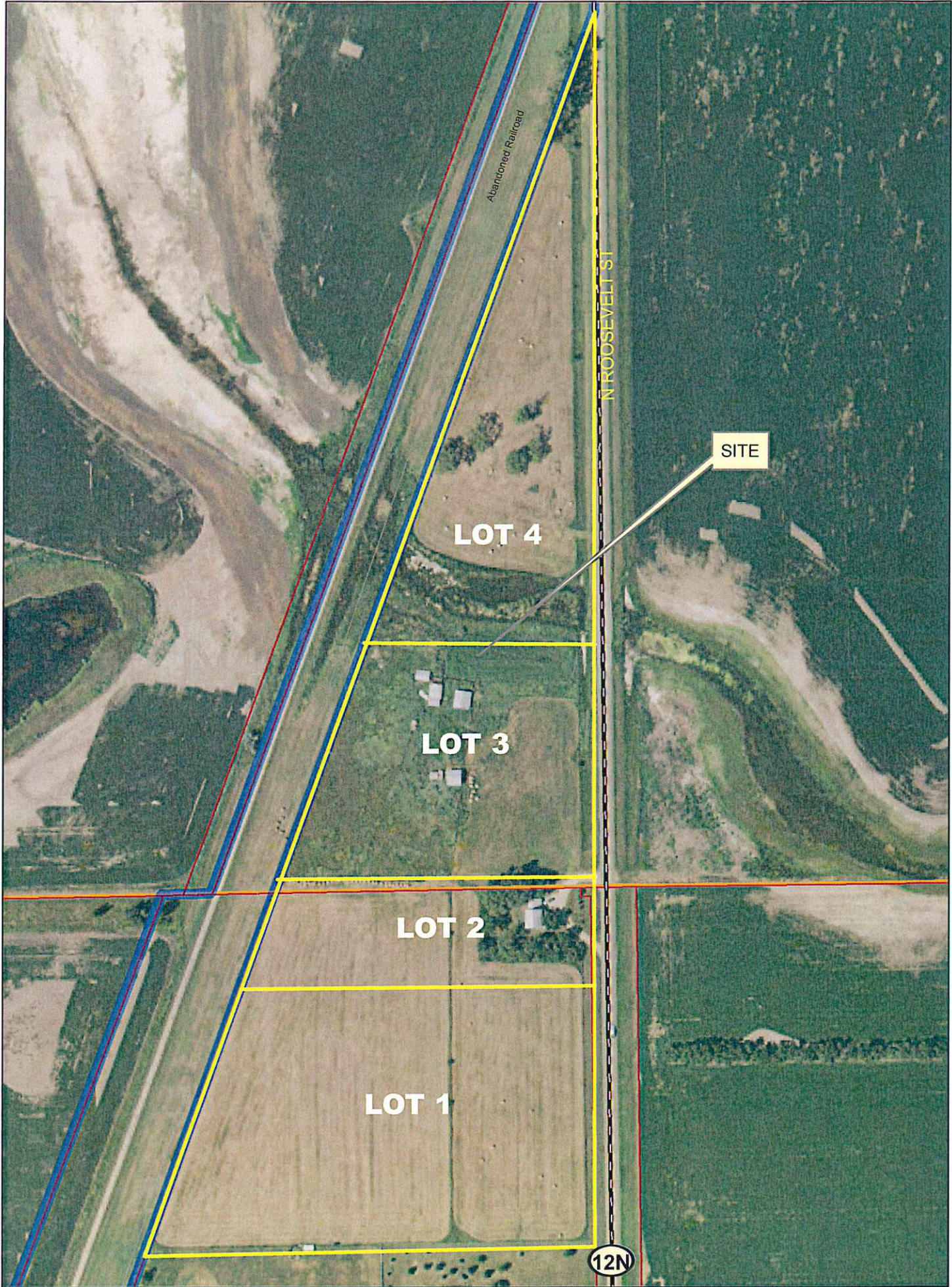
22004624.00 Haar's Second Addition  
SHEET 2 of 2



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

PH: 605.225.3494  
www.imegcorp.com





Abandoned Railroad

N ROOSEVELT ST

SITE

LOT 4

LOT 3

LOT 2

LOT 1

12N

# STAFF REPORT

September 20, 2022

---

BROWN COUNTY PLANNING/ZONING COMMISSION

**PRELIMINARY & FINAL PLAT**

**ITEM # 14**

---

## GENERAL INFORMATION:

PETITIONER:	Michael Rohl
REQUEST:	<b>PRELIMINARY &amp; FINAL PLAT</b>
LEGAL DESCRIPTION:	“Rohl Country Addition” in the NW1/4 of Section 35-T124N-R64W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
LOCATION:	38635 129 <sup>th</sup> Street
TOWNSHIP:	Lincoln Twp
EXISTING ZONING	Mini-Agriculture District (M-AG)
SURROUNDING ZONING:	
North:	Mini-Agriculture District (M-AG)
South:	Mini-Agriculture District (M-AG)
East:	Mini-Agriculture District (M-AG)
West:	Mini-Agriculture District (M-AG)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

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

**GENERAL REVIEW:** Staff has reviewed this plat.

## PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Rohl Country Addition

LEGAL SECTION: QUARTER: NW1/4 SECTION: 35 TOWNSHIP: 124 RANGE: 64

MANDATORY LOTS: 1 TRACTS \_\_\_\_\_ PARCELS \_\_\_\_\_ OUTLOTS \_\_\_\_\_ OTHER \_\_\_\_\_

SCHOOL DISTRICT: Aberdeen

UTILITIES: WEB Water

OWNERS NAMES: Michael Rohl

OWNERS NAMES: \_\_\_\_\_

ENGINEER OR SURVEYOR: Jamie Sprenger (IMEG)

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

PLAT FEE PER PLAT: \$100.00 DATE PAID: 08 / 15 /20 22

RECEIVED BY PLANNING DEPARTMENT: 08 / 15 /20 22 BY: Ron Keller

REASON FOR PLAT: DEVELOPMENT \_\_\_\_\_ CONVEYANCE \_\_\_\_\_ FINANCIAL PURPOSES  OTHER \_\_\_\_\_

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

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

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

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE:

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

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

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

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W

### AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: \_\_\_\_\_ APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: \_\_\_\_\_ APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_

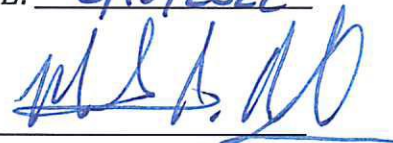
# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR PLAT APPROVAL

DATE: August 31, 2022  
RECEIPT # 816614  
TOWNSHIP: Lincoln Twp

FEES: \$100.00  
PAID: YES/NO CHK/CASH  
DATE: 8/15/2022

OWNERS SIGNATURE: Michael Rohl  
OWNERS ADDRESS: 38635 129th Street  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 605 228 3925



AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Rohl Country Addition" in the NW1/4 of Section 35-  
T124N-R64W of the 5th P.M., Brown County, South Dakota

**Planning Commission Action: Approved / Denied**

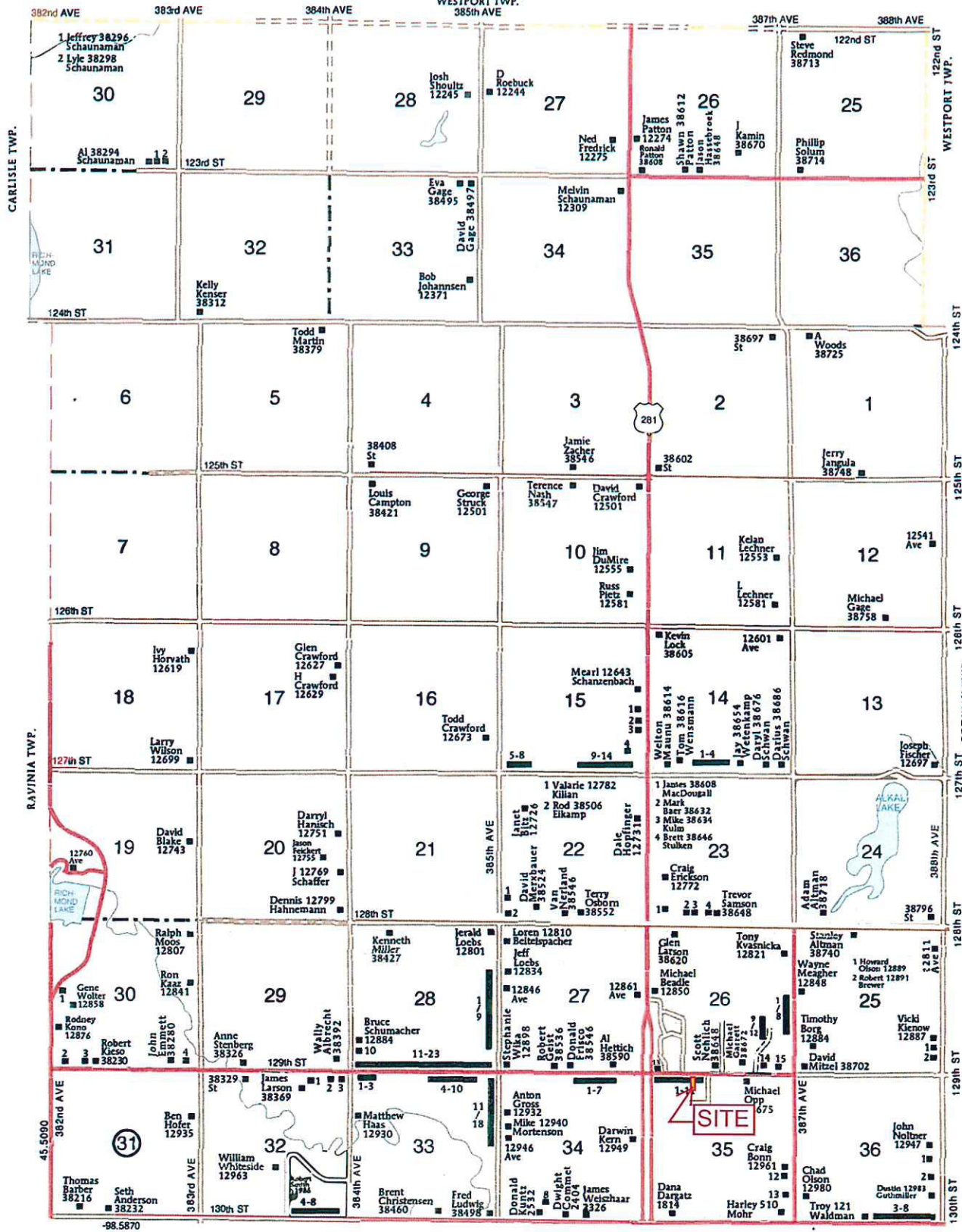
By: \_\_\_\_\_ Date: \_\_\_\_\_

**HEARING DATE: September 20, 2022 TIME: 7:00 pm**

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

(Residents - Owners or Renters)

WESTPORT TWP.  
385th AVE



ABERDEEN TWP.

**LINCOLN TOWNSHIP**

**SECTION 14**

- 1 Merriman, Rich 38620
- 2 Carlson, Perry 38630
- 3 Alibee, K 38632
- 4 Mount, Bill 38634

**SECTION 15**

- 1 Schaunaman, Mysty 12657
- 2 Berg, Tom 12663
- 3 Heath, Pat 12667
- 4 Klesz, Marvin 12685
- 5 Sawatzky, Michael 38502

- 6 Carroll, Jared 38504
- 7 Frohling, Leslie 38512
- 8 Kamphus, Dustin 38518
- 9 Williams, Eugene 38552
- 10 Black, Casey 38556
- 11 Mitzel, Michael 38560
- 12 Malsam, Adam 38570
- 13 Nelson, Mark 38574
- 14 Madsen, Scott 38576

**SECTION 26S**

- 1 Wetenkamp, Lloyd D 12847
- 2 Hedges, Kendall 38693

- 3 Labay, Richard 12851
- 4 Kolb, Myron 12855
- 5 Heldrich, Asher 12857
- 6 Wacholz, B 12861
- 7 Simonson, Lee 12869
- 8 Rychlik, Travis 12875
- 9 Keller, Mike 12862
- 10 Matthews, Joshua 12866
- 11 Vetch, David 12870
- 12 Call, Ty 12874
- 13 Johnson, Brandon 38608
- 14 Wahl, Eldon 38686

**SECTION 28S**

- 1 Drageset, Jamie 12833
- 2 Adolf, Gregory 12839
- 3 Hoeltzner, Curtis 12843
- 4 Wilkie, Chad 12845
- 5 Carlson, Cartor 12853
- 6 Vining, Brad 12861
- 7 Aman, Dwight 12871
- 8 Kotzea, Dale 12881
- 9 Rau, Scott 12891
- 10 Bulsing, Bren 12888

- 11 Blitz, Marvin 38404
- 12 Gab, Dale 38406
- 13 Poor, Dustin 38412
- 14 Schauer, Shane 38414
- 15 Bellikka, Neil 38424
- 16 Royer, Toby 38434
- 17 Jakober, Glenn 38452
- 18 Buechler, Todd 38460
- 19 Slefken, Lon 38464
- 20 Habeck, F 38474
- 21 Kamm, Casey 38478
- 22 Waage, Adam 38484

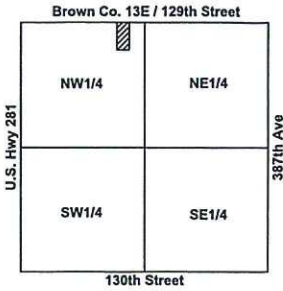
**SECTION 30S**

- 1 Odde, Kirby 12852
- 2 Schlager, Gene 38206
- 3 38228
- 4 Mandel, Lonnie 38294

SEE PAGE 21 FOR ADDITIONAL NAMES NOT LISTED ON MAPS.

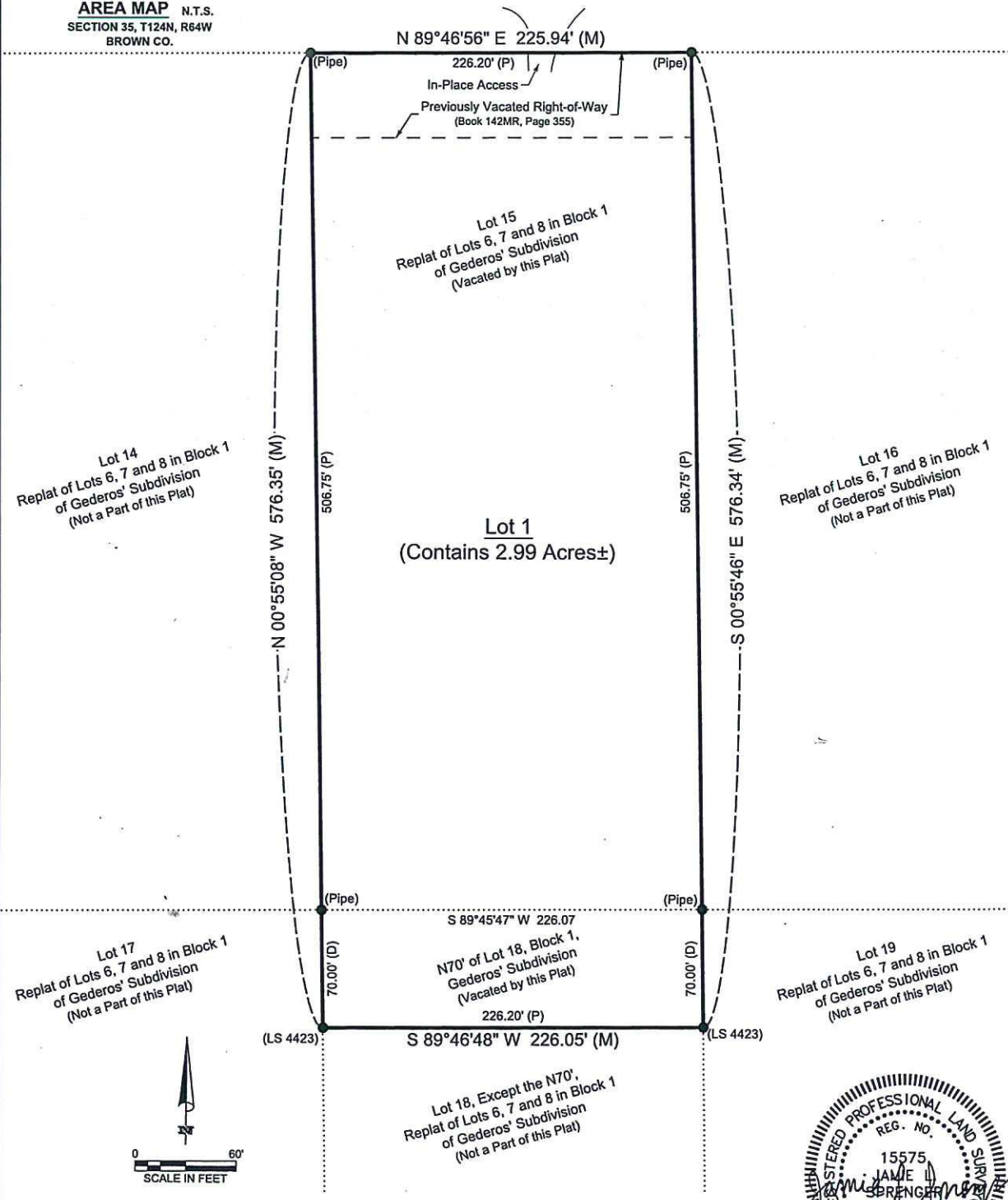
# PLAT SHOWING ROHL COUNTRY ADDITION

IN THE NW1/4 OF SECTION 35, TOWNSHIP 124 NORTH,  
RANGE 64 WEST OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA



**AREA MAP** N.T.S.  
SECTION 35, T124N, R64W  
BROWN CO.

Brown County Highway 13E / 129th Street  
(80' Right-of-Way)



3314 Milwaukee Avenue NE  
Suite 2  
Aberdeen, SD 57401

PH: 605.225.3494  
www.imegcorp.com

- LEGEND:**
- PIN FOUND (AS NOTED)
  - R/W RIGHT-OF-WAY
  - (M) MEASURED INFORMATION
  - (P) PLATTED INFORMATION
  - (D) DEEDED INFORMATION

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





PLAT SHOWING  
**ROHL COUNTRY ADDITION**  
 IN THE NW1/4 OF SECTION 35, TOWNSHIP 124 NORTH,  
 RANGE 64 WEST OF THE 5th P.M.,  
 BROWN COUNTY, SOUTH DAKOTA

**OWNER'S CERTIFICATE**

I, Michael H. Rohl, do hereby certify that I am the owner of Lot Fifteen (15) and the North Seventy Feet (N70') of Lot Eighteen (18) of Replat of Lots 6, 7, and 8 in Block 1 of Gederos' Subdivision in the Northwest Quarter (NW1/4) of Section Thirty-Five (35), Township One Hundred Twenty-Four (124) North, Range Sixty-Four (64) 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 "ROHL COUNTRY ADDITION IN THE NW1/4 OF SECTION 35, TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, I, Michael H. Rohl, do hereby vacate Lot 15 and the N70' of Lot 18, Replat of Lots 6, 7, and 8 in Block 1 of Gederos' Subdivision in the NW1/4 of Section 35, Township 124 North, Range 64 West of the 5th P.M., Brown County, South Dakota, as filed for record on June 24, 1977, at 2:05 P.M., and duly recorded in Book of Plats No. 4, on page 386 therein.

Owner: Michael H. Rohl  
 Signature: [Signature]

Signed this 12 day of August, 2022.

COUNTY OF Brown )  
 STATE OF South Dakota ) SS

On this the 12 day of August, 2022, before me, the undersigned officer, personally appeared Michael H. Rohl, 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: 09-20-2024  
 Notary Public: [Signature]



**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 owner, I have surveyed and platted "ROHL COUNTRY ADDITION IN THE NW1/4 OF SECTION 35, TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 29<sup>th</sup> day of July, 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 12<sup>th</sup> day of August, 2022.

Dale Rogers BC HWY SEPT.  
 Print Name and Title

[Signature]  
 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 "ROHL COUNTRY ADDITION IN THE NW1/4 OF SECTION 35, TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

**COUNTY COMMISSION APPROVAL**

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

County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "ROHL COUNTRY ADDITION IN THE NW1/4 OF SECTION 35, TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

**TREASURER'S CERTIFICATE**

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

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

County Treasurer, Brown County, South Dakota

**DIRECTOR OF EQUALIZATION CERTIFICATE**

I hereby certify that I have received a copy of this plat this 15 day of August, 2022.

[Signature]  
 Director of Equalization, Brown County, South Dakota

**REGISTER OF DEEDS' CERTIFICATE**

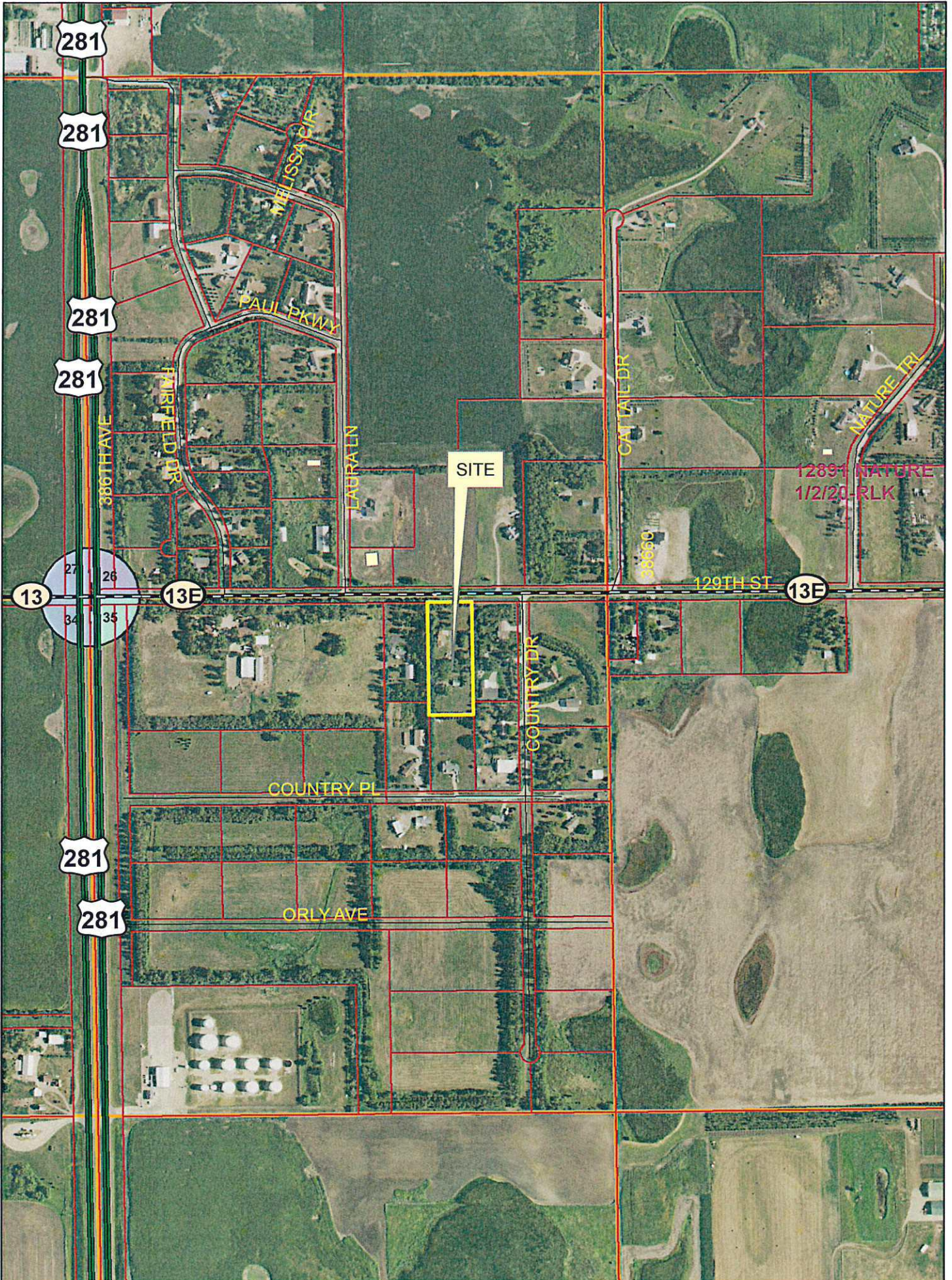
Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 2022, at

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

Register of Deeds, Brown County, South Dakota



3314 Milwaukee Avenue NE PH: 605.225.3494  
 Suite 2 www.imegcorp.com  
 Aberdeen, SD 57401



281

281

281

281

13

13E

13E

SITE

12894 NATURE  
1/21/20 -RLK

281

281

COUNTRY PL

ORLY AVE

FAIRFIELD DR

LAURA LN

CAPITAL DR

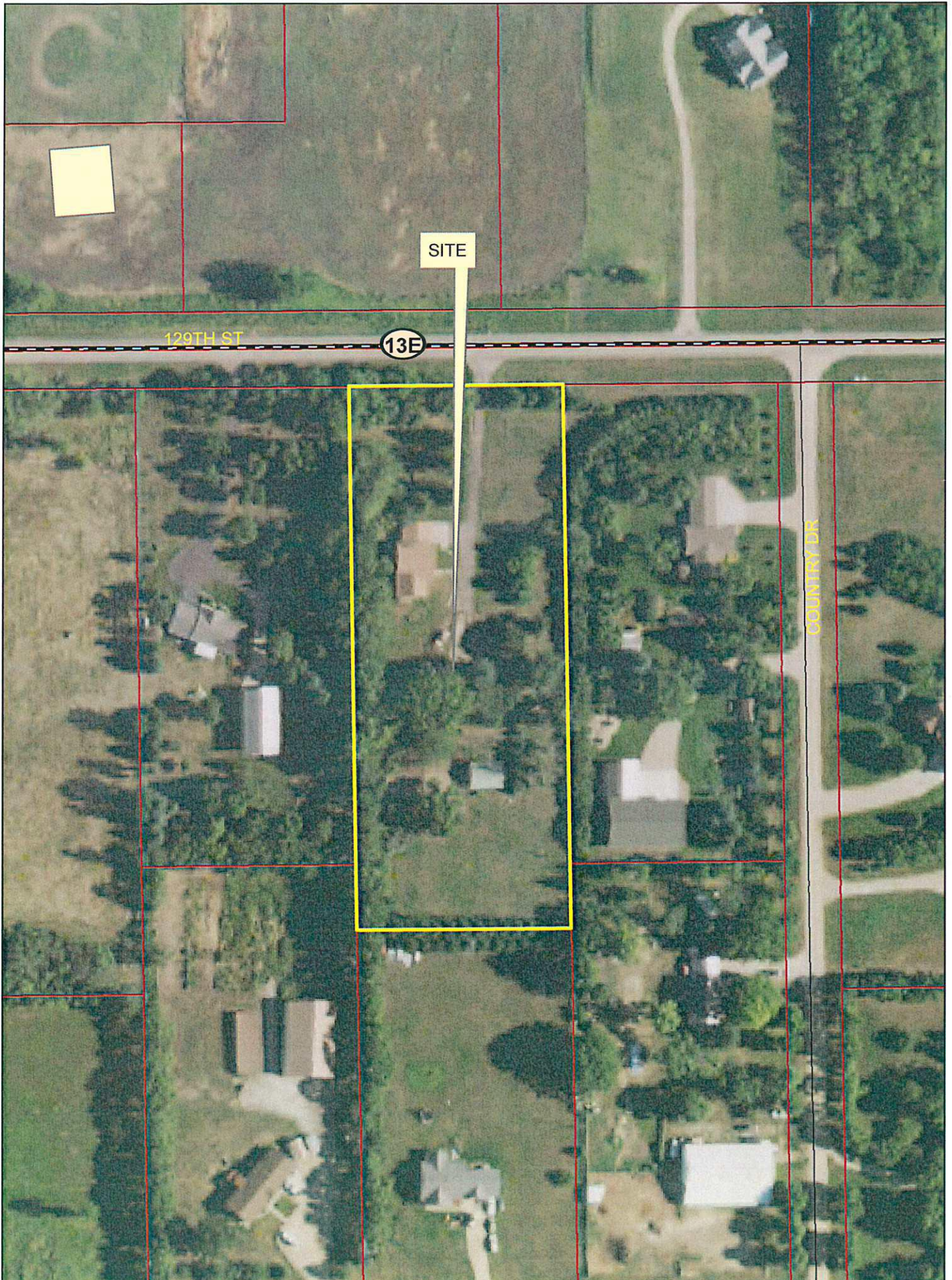
NATURE TRL

COUNTRY DR

27  
26  
34  
35

36660

129TH ST



SITE

129TH ST

13E

COUNTRY DR

# STAFF REPORT

September 20, 2022

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BROWN COUNTY PLANNING/ZONING COMMISSION

**PRELIMINARY & FINAL PLAT**

**ITEM # 15**

---

**GENERAL INFORMATION:**

PETITIONER:	Lon Gellhaus for Derrill J. Mahan Family Trust
REQUEST:	<b>PRELIMINARY &amp; FINAL PLAT</b>
LEGAL DESCRIPTION:	“Mahan Addition” in the NW1/4 of Section 5-T123N-R60W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
LOCATION:	13026 407 <sup>th</sup> Avenue
TOWNSHIP:	Groton 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: Mahan Addition

LEGAL SECTION: QUARTER: NW SECTION: 5 TOWNSHIP: 123 RANGE: 60

MANDATORY LOTS: 1 TRACTS \_\_\_\_\_ PARCELS \_\_\_\_\_ OUTLOTS \_\_\_\_\_ OTHER \_\_\_\_\_

SCHOOL DISTRICT: Groton Area

UTILITIES: BDM Water

OWNERS NAMES: Derrill J. Mahan Family Trust

OWNERS NAMES: \_\_\_\_\_

ENGINEER OR SURVEYOR: Zachary Remily (Assurance Land Surveying)

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

PLAT FEE PER PLAT: \$100.00 DATE PAID: 8 / 16 /2022

RECEIVED BY PLANNING DEPARTMENT: 8 / 16 /2022 BY: Ron Keller

REASON FOR PLAT: DEVELOPMENT \_\_\_\_\_ CONVEYANCE  FINANCIAL PURPOSES \_\_\_\_\_ OTHER \_\_\_\_\_

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

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

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

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE:

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

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

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

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W

### AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: \_\_\_\_\_ APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: \_\_\_\_\_ APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_


# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR PLAT APPROVAL

DATE: August 16, 2022  
RECEIPT # 816615  
TOWNSHIP: Groton Twp

FEES: \$100.00  
PAID: YES/NO CHK/CASH  
DATE: 8-16-2022

OWNERS SIGNATURE: Derrill J. Mahan Family Trust  
OWNERS ADDRESS: PO Box 387  
OWNERS CITY, STATE, ZIP: Groton, SD 57445  
OWNERS PHONE: \_\_\_\_\_

AGENTS SIGNATURE: Lon Gellhaus   
AGENTS ADDRESS: 120 S Lincoln Street, PO Box 73  
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57402-0073  
AGENTS PHONE: 225-6522 (w) / 380-6522 (c)

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Mahan Addition" in the NW1/4 of Section 5-T123N-R60W  
of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

HEARING DATE: September 20, 2022 TIME: 7:00 pm

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

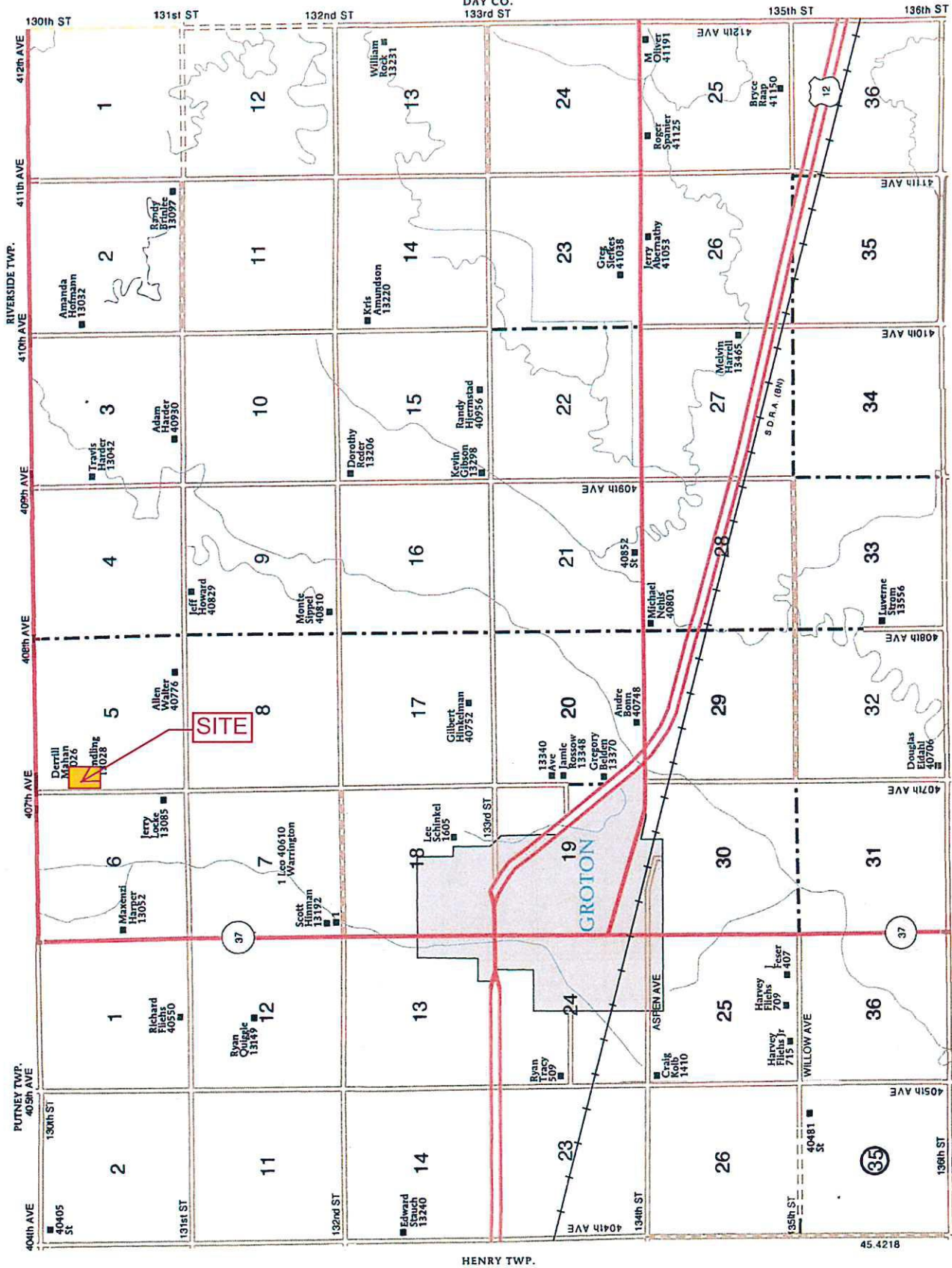
25 Market Street • Aberdeen, South Dakota 57401-4203

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

(Residents - Owners or Renters)

DAY CO.

133rd ST

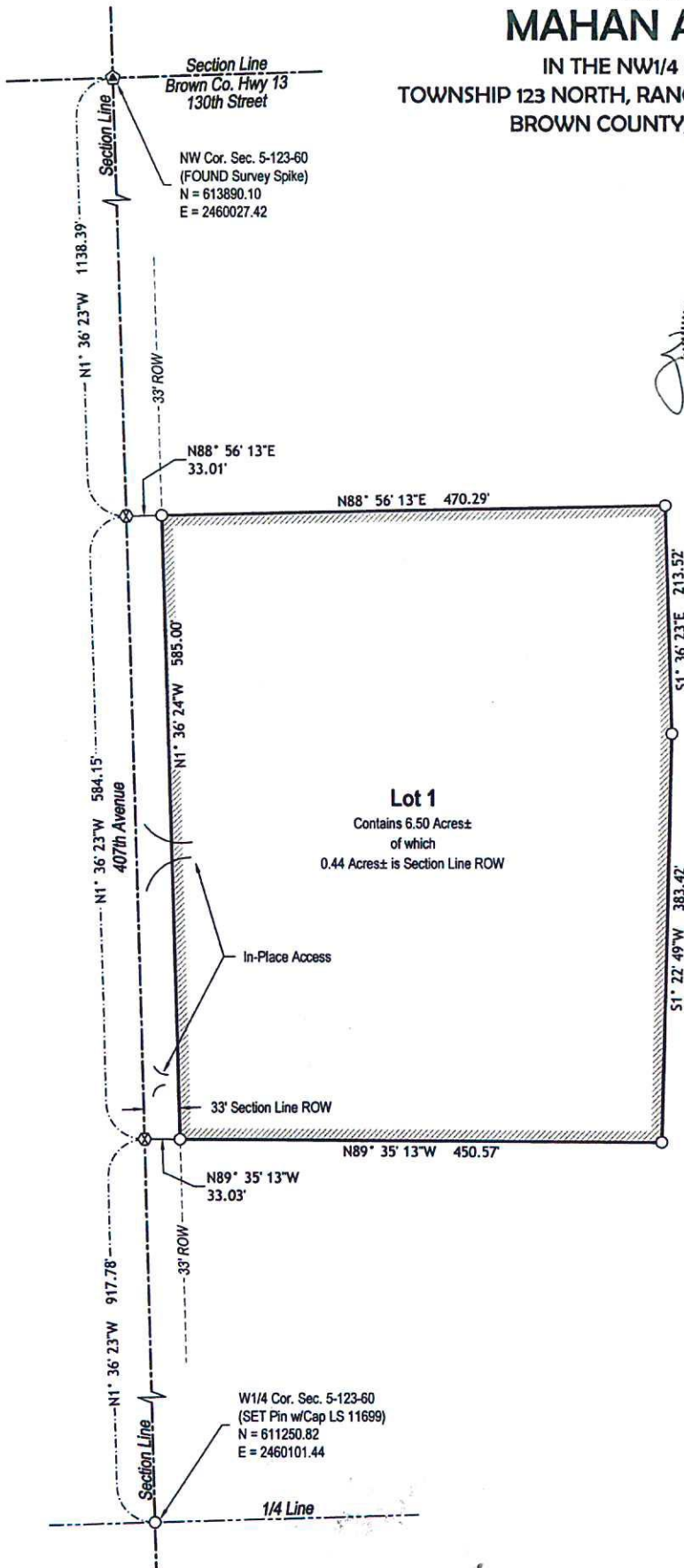


HENRY TWP.

45.4218

PLAT SHOWING  
**MAHAN ADDITION**

IN THE NW1/4 OF SECTION 5,  
 TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5th P.M.,  
 BROWN COUNTY, SOUTH DAKOTA



**Lot 1**  
 Contains 6.50 Acres  
 of which  
 0.44 Acres is Section Line ROW

W1/4 Cor. Sec. 5-123-60  
 (SET Pin w/Cap LS 11699)  
 N = 611250.82  
 E = 2460101.44

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

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



Prepared By:

619 14th Avenue S, Faulkton, South Dakota 57438  
 Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com  
 Project No. ALS22076 Field Survey Date: 06-16-2022



**NORTH**  
 SHEET 1 OF 3



PLAT SHOWING

MAHAN ADDITION

IN THE NW1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

We, Thomas P. Mahan and John R. Mahan, co-trustees, of the Derrill J. Mahan Family Trust u/a dated the 4th day of December, 2018, do hereby certify that the Family Trust is the owner of the Northwest Quarter (NW1/4) of Section Five (5), Township One Hundred Twenty-Three (123) North, Range Sixty (60) West of the 5th P.M., Brown County, South Dakota, and that we, as co-trustees, 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:

"MAHAN ADDITION IN THE NW1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 60 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.

Owner: Derrill J. Mahan Family Trust u/a dated the 4th day of December, 2018

Thomas P. Mahan, co-trustee

Signed this 15 day of August, 2022.

John R. Mahan, co-trustee

Signed this 15 day of August, 2022.

COUNTY OF Brown ) STATE OF South Dakota ) SS

On this the 15 day of August, 2022, before me, Ronald L. Gellhaus the undersigned officer, personally appeared Thomas P. Mahan, co-trustee, of the Derrill J. Mahan Family Trust u/a dated the 4th day of December, 2018 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: 5-25-28 Notary Public



COUNTY OF Brown ) STATE OF South Dakota ) SS

On this the 15 day of August, 2022, before me, Ronald L. Gellhaus, the undersigned officer, personally appeared John R. Mahan, co-trustee, of the Derrill J. Mahan Family Trust u/a dated the 4th day of December, 2018 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: 5-25-28 Notary Public



SURVEYOR'S CERTIFICATE

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

"MAHAN ADDITION IN THE NW1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 60 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 July, 2022.

Zachary M. Remily, LS 11699

GROTON TOWNSHIP HIGHWAY APPROVAL

"Existing Access to 407th AVENUE 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.

Print Name & 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.

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:

"MAHAN ADDITION IN THE NW1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 60 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 \_\_\_, 2022.

County Auditor Brown County, South Dakota

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

"MAHAN ADDITION IN THE NW1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 60 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

# MAHAN ADDITION

IN THE NW1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 60 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

### REGISTER OF DEEDS' CERTIFICATE

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 2022,

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

No. \_\_\_\_\_.

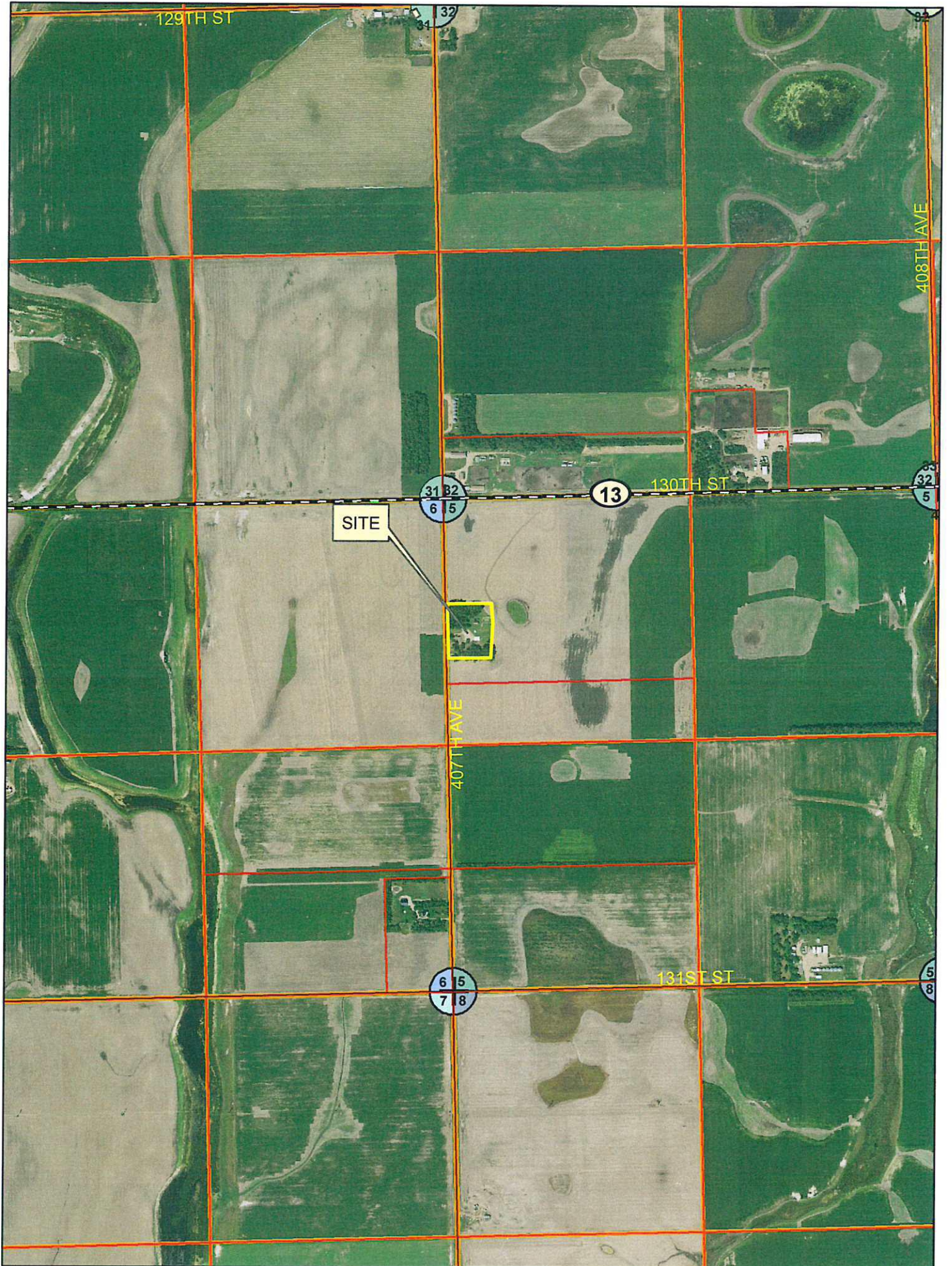
\_\_\_\_\_  
Register of Deeds  
Brown County, South Dakota

### 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



407TH AVE

SITE



# STAFF REPORT

September 20, 2022

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## BROWN COUNTY PLANNING/ZONING COMMISSION

**PRELIMINARY & FINAL PLAT**

**ITEM # 16**

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### GENERAL INFORMATION:

PETITIONER:	Gary and Carol Gauer
REQUEST:	<b>PRELIMINARY &amp; FINAL PLAT</b>
LEGAL DESCRIPTION:	“Gauer First Richmond Lake Addition” in the SE1/4 of Section 24-T124N-R65W of the 5 <sup>th</sup> P.M., and in the SW1/4 of Section 19-T124N-R64W of the 5 <sup>th</sup> P.M. all in Brown County, South Dakota
LOCATION:	379995 & 379999 N Shore Dr
TOWNSHIP:	Lincoln & Ravinia Twp
EXISTING ZONING	Lake Front Residential District (R-3)
SURROUNDING ZONING:	
North:	Highway Commercial District (H-C)
South:	Richmond Lake (AG-P2)
East:	Lake Front Residential District (R-3)
West:	Lake Front Residential District (R-3)
PUBLIC UTILITIES:	WEB Water; Lake Sanitary District
REPORTED BY:	Ron Keller

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

**GENERAL REVIEW:** Staff has reviewed this plat.

**PLAT APPROVAL CHECKLIST**

SUBDIVISION NAME: Gauer First Richmond Lake Addition

LEGAL SECTION: QUARTER SE & SW SECTION: 24 & 19 TOWNSHIP: 124 RANGE: 65 & 64

MANDATORY LOTS: 1 TRACTS \_\_\_\_\_ PARCELS \_\_\_\_\_ OUTLOTS \_\_\_\_\_ OTHER \_\_\_\_\_

SCHOOL DISTRICT: Aberdeen Area

UTILITIES: WEB Water, Lake Sanitary District

OWNERS NAMES: Gary Gauer

OWNERS NAMES: Carol Gauer

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: 08 / 29 /2022

RECEIVED BY PLANNING DEPARTMENT: 08 / 29 /20 22 BY: Ron Keller

REASON FOR PLAT: DEVELOPMENT \_\_\_\_\_ CONVEYANCE \_\_\_\_\_ FINANCIAL PURPOSES  OTHER \_\_\_\_\_

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

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

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

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE:

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

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

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

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W

**AFTER PLANNING COMMISSION MEETING**

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: \_\_\_\_\_ APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: \_\_\_\_\_ APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR PLAT APPROVAL

DATE: August 31, 2022  
RECEIPT # 816629  
TOWNSHIP: Lincoln & Ravinia Twp

FEES: \$100.00  
PAID: YES/NO CHK/CASH  
DATE: ~~8/30/22~~  
8/29/2022

OWNERS SIGNATURE: Gary & Carol Gauer *Gary Gauer*  
OWNERS ADDRESS: 379995 N Shore Dr  
OWNERS CITY, STATE, ZIP: Aberdeen SD 57401  
OWNERS PHONE: 605-228-9934 (Gary)

AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

REQUEST: Preliminary & Final Plat

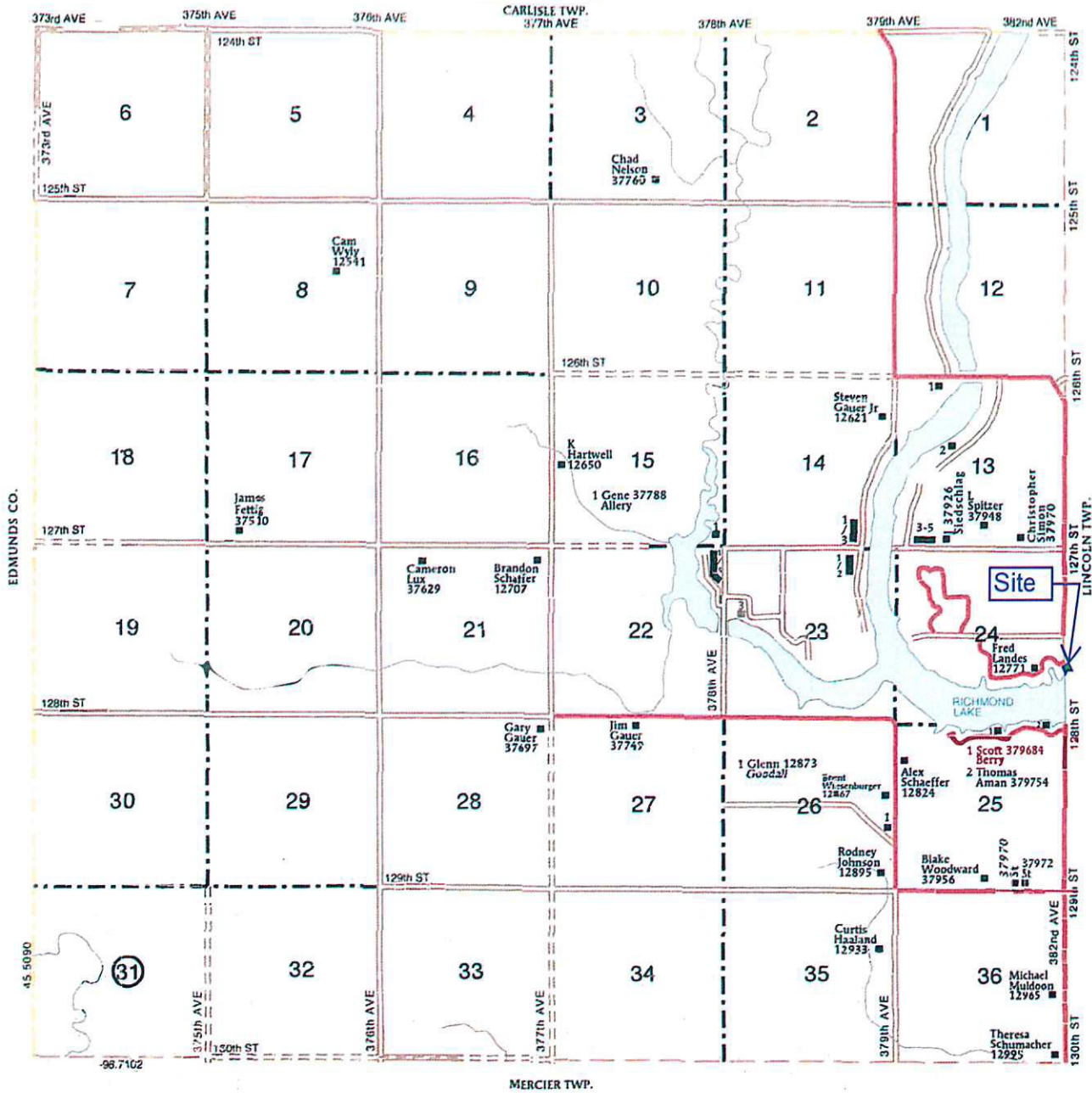
LEGAL DESCRIPTION: "Gauer First Richmond Lake Addition" in the SE1/4 of Section 24-T124N-R65W of the 5th P.M., and in the SW1/4 of Section 19-T124N-R64W of the 5th P.M., all in Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

HEARING DATE: September 20, 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



**RAVINIA TOWNSHIP**

- SECTION 13**  
 1 Kirchgastler, Jim 37935  
 2 Behr, Justin 126401  
 3 Peterson, L 37902  
 4 Wiest, Brandon 37908  
 5 Goldade, Gerald 37910

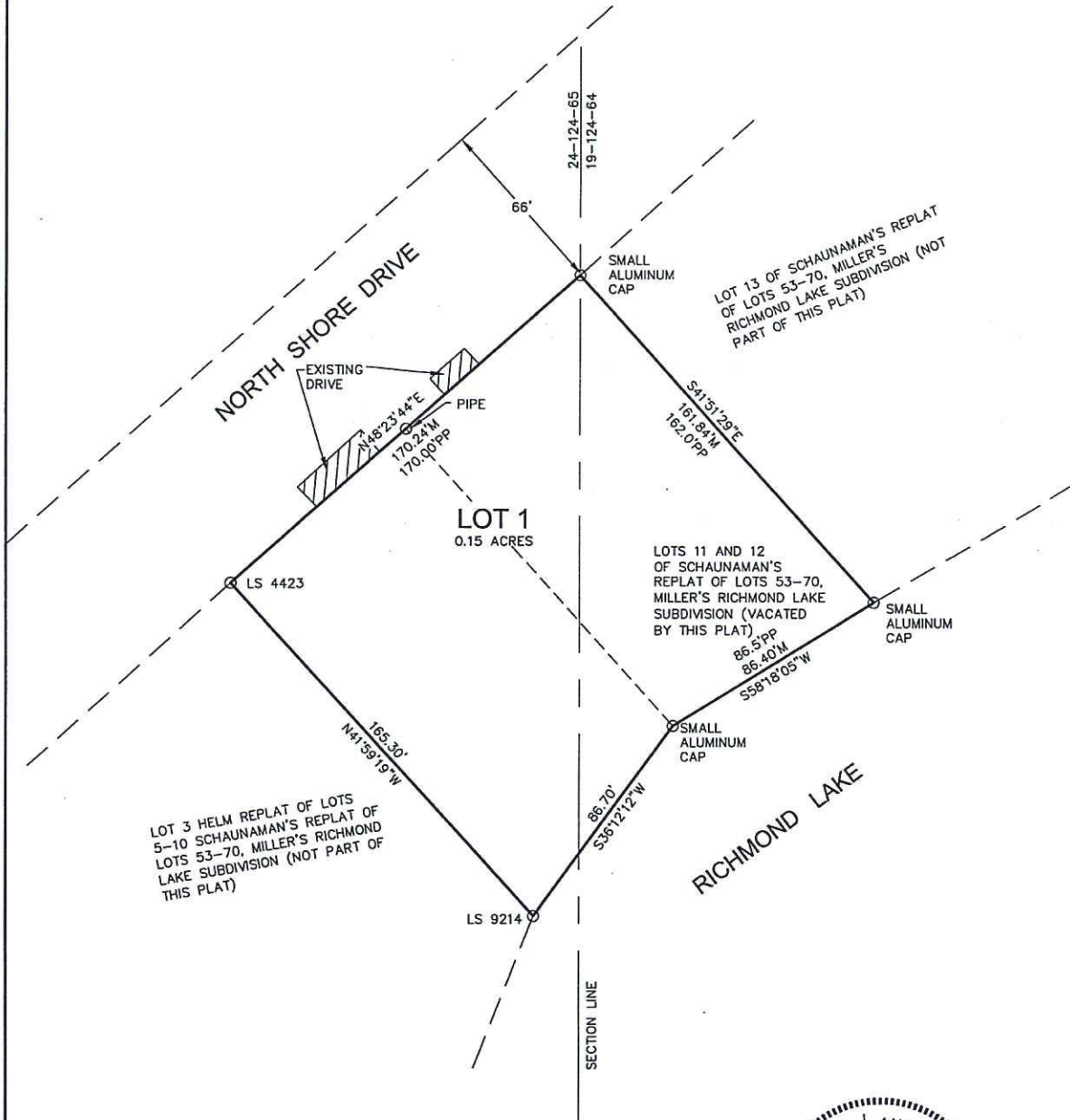
- SECTION 14**  
 1 Mishaw, Mark 126928  
 2 Lutz, Douglas 126966  
 3 126974

- SECTION 22**  
 1 Myhre, 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 Keatts, Pat 12746



**PLAT OF**  
**GAUER FIRST RICHMOND LAKE ADDITION**  
**IN THE SE 1/4 OF SECTION 24 T124N R65W OF THE 5th P.M.,**  
**AND IN THE SW 1/4 OF SECTION 19 T124N R64W**  
**OF THE 5TH P.M. ALL IN BROWN COUNTY, SOUTH DAKOTA**



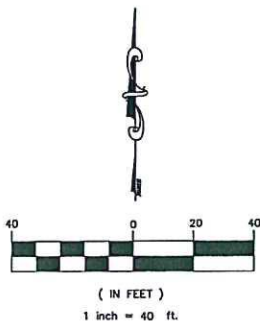
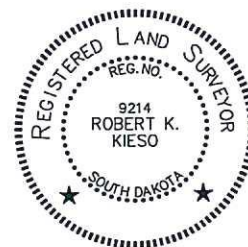
LOT 3 HELM REPLAT OF LOTS 5-10 SCHAUNAMAN'S REPLAT OF LOTS 53-70, MILLER'S RICHMOND LAKE SUBDIVISION (NOT PART OF THIS PLAT)

LOT 13 OF SCHAUNAMAN'S REPLAT OF LOTS 53-70, MILLER'S RICHMOND LAKE SUBDIVISION (NOT PART OF THIS PLAT)

LOTS 11 AND 12 OF SCHAUNAMAN'S REPLAT OF LOTS 53-70, MILLER'S RICHMOND LAKE SUBDIVISION (VACATED BY THIS PLAT)

**LEGEND**

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



**BASIS OF BEARINGS**

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

**Helm 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. 8910-LS | BY: BKK | SHEET 1 OF 3

PLAT OF  
GAUER FIRST RICHMOND LAKE ADDITION  
IN THE SE 1/4 OF SECTION 24 T124N R65W OF THE 5th P.M.,  
AND IN THE SW 1/4 OF SECTION 19 T124N R64W  
OF THE 5TH P.M., ALL IN BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

WE, GARY GAUER AND CAROL GAUER, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF LOTS 11 AND 12 OF SCHAUNAMAN'S REPLAT OF LOTS 53-70, MILLER'S RICHMOND LAKE SUBDIVISION, 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; GAUER FIRST RICHMOND LAKE ADDITION IN THE SE 1/4 OF SECTION 24 T124N R65W OF THE 5TH P.M., AND IN THE SW 1/4 OF SECTION 19 T124N R64W OF THE 5TH P.M., ALL IN 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 LOTS 11 AND 12 OF SCHAUNAMAN'S REPLAT OF LOTS 53-70, MILLER'S RICHMOND LAKE SUBDIVISION AS FILED FOR RECORD ON JANUARY 10, 1975 AND DULY RECORDED AS PLAT NO. 297, IN THE BROWN COUNTY REGISTER OF DEEDS OFFICE.

\_\_\_\_\_  
GARY GAUER  
Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
CAROL GAUER  
Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

ACKNOWLEDGMENT

STATE OF )  
COUNTY OF )SS

ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED GARY GAUER AND CAROL GAUER 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 OWNERS, I HAVE SURVEYED AND PLATTED "GAUER FIRST RICHMOND LAKE ADDITION IN THE SE 1/4 OF SECTION 24 T124N R65W OF THE 5TH P.M., AND IN THE SW 1/4 OF SECTION 19 T124N R64W OF THE 5TH P.M., ALL IN 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

PLAT OF

A-8910

GAUER FIRST RICHMOND LAKE ADDITION  
IN THE SE 1/4 OF SECTION 24 T124N R65W OF THE 5th P.M.,  
AND IN THE SW 1/4 OF SECTION 19 T124N R64W  
OF THE 5TH P.M. ALL IN 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 GAUER FIRST RICHMOND LAKE ADDITION IN THE SE 1/4 OF SECTION 24 T124N R65W OF THE 5TH P.M., AND IN THE SW 1/4 OF SECTION 19 T124N R64W OF THE 5TH P.M., ALL IN 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 GAUER FIRST RICHMOND LAKE ADDITION IN THE SE 1/4 OF SECTION 24 T124N R65W OF THE 5TH P.M., AND IN THE SW 1/4 OF SECTION 19 T124N R64W OF THE 5TH P.M., ALL IN 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

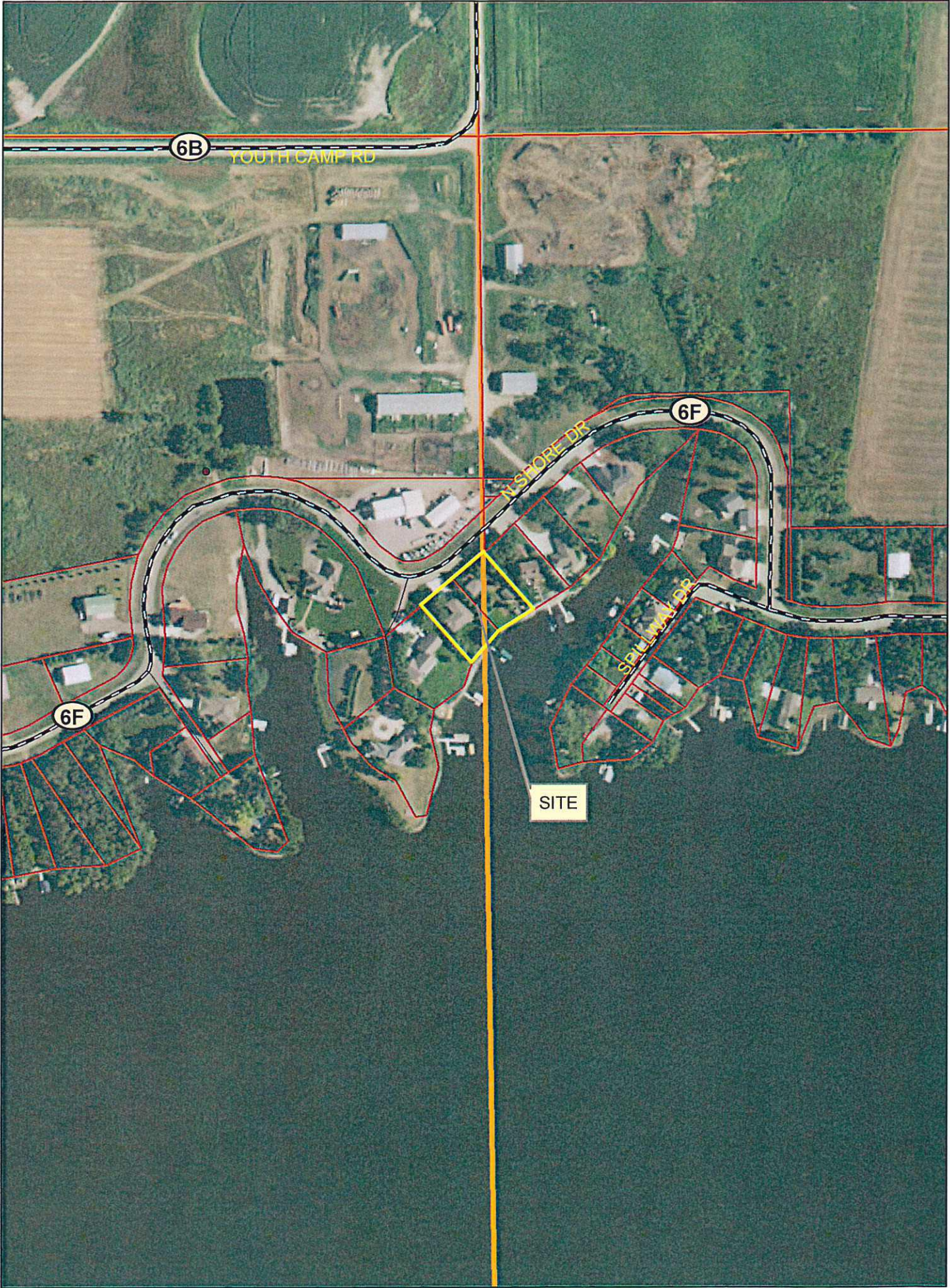
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

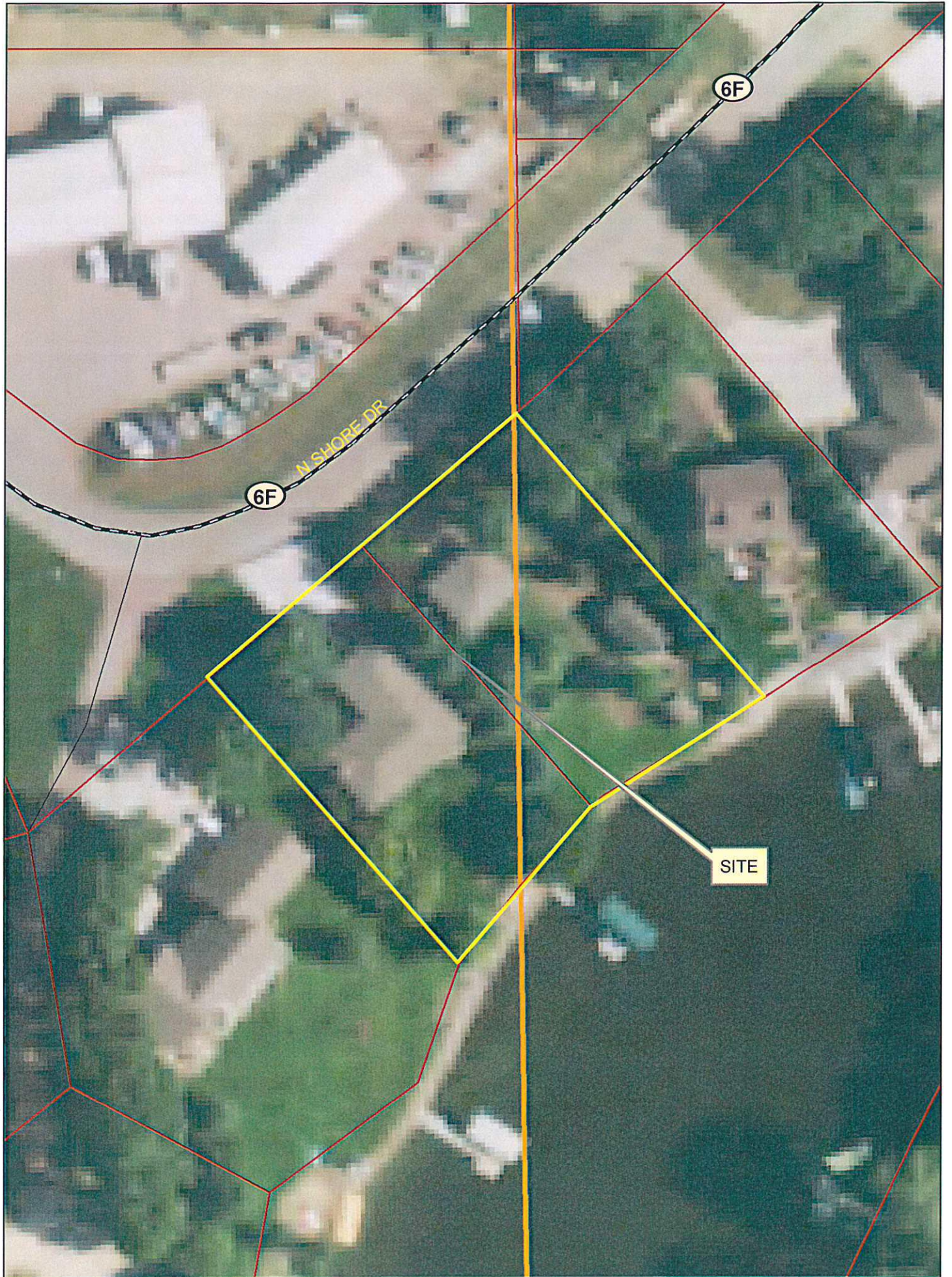
\_\_\_\_\_  
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

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





6F

6F

N SHOPE DR

SITE