AGENDA

REGULARILY SCHEDULED MEETING
BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, JULY 16, 2019 – 7:00 PM
EAST SIDE of BSMNT COMMUNITY ROOM,
BROWN COUNTY COURTHOUSE ANNEX

I. Call to Order: Planning/Zoning Commissioner Chairman Jerry Streckfuss
II. Roll Call: Vice Chairman Stan Beckler, Darwin Bettmann, David North, Dale Kurth, Patrick Keatts, B.C. Commissioner Rachel Kippley serving on Planning/Zoning Commission, Jerry Streckfuss;
III. Minutes: ***June 18, 2019***
IV. Old Business:
V. New Business: Planning/Zoning Commission as ***Zoning Board of Adjustment***

1. **Variance for Approach Seperation** in an Agricultural Preservation District (AG-P) described as S1/2S1/2SW1/4 of Section 24-T128N-R62W of the 5th P.M., Brown County, South Dakota (39948 104th St).

2. **Variance to Building Setbacks** in an Agriculture Preservation District (AG-P) for property described as Lot 19 and the west 60 of Lot 18, "Lutgen's South Shore Addition" in the NW1/4 of Section 25, T124N and R65W, of the 5th P.M., Brown County, South Dakota (379252 South Shore Dr).

3. **Variance for Frontage Width** in an Agriculture Preservation District (AG-P) for a proposed property described as Lot 1 "Fliehs-Koehler Subdivision" in the SW1/4 of Section 1-T123N-R65W, of the 5th P.M., Brown County, South Dakota (40548 131st St).

4. **Variance to Building Setbacks** in a Highway Commercial District (HC) for property described as Lot 1 "Weismantel Subdivision" in the SW1/4 of Section 10, T123N and R64W, of the 5th P.M., Brown County, South Dakota (2510 8th Ave NW).

5. **Discussion on proposed Resolution** for Permit Fee and Application Fee changes and updates.

VI. **Other Business:**

Completed as Board of Adjustment and Beginning as Planning Commission

REGULARILY SCHEDULED MEETING
BROWN COUNTY PLANNING/ZONING COMMISSION

Beginning as Planning Commission

I. Old Business:

II. New Business: ***Planning Commission***

10. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for a property: Lot 1, "BCPRL Addition" in the NW1/4 of Section 29-T123N-R64W of the 5th P.M., Brown County, South Dakota (38349 134th St).

11. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for property: Lot 1, "T&J Investments Addition" in the NE1/4 of Section 30-T124N-R63W of the 5th P.M., Brown County, South Dakota (12845 389th Ave).

12. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for property: Lots 1&2, "Fliehs-Koehler Subdivision" in the SW1/4 of Section 1-T123N-R61W of the 5th P.M., Brown County, South Dakota (40546 & 40548 131st St).

13. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Lake Front Residential District (R-3) for property: Lot 19 & west 60' of Lot 18, "Lutgen's South Shore Addition" in the NW1/4 of Section 25-T124N-R65W of the 5th P.M., Brown County, South Dakota (379252 South Shore Dr).

14. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for property: Lots 1-3, "Prairie Hill Farm's Subdivision" in the SW1/4 of Section 11-T124N-R62W of the 5th P.M., Brown County, South Dakota (39805, 39814 & 39816 126th Street).

15. **Preliminary and Final Plat** for a property described as "Wiedmeier Addition" in the town of Stratford in the SW1/4 of Section 04-T121N-R62W of the 5th P.M., Brown County, South Dakota (70 McLoed Ave)

16. **Preliminary and Final Plat** for a property described as "Wiedmeier Block 19 Subdivision" in Stratford in the SW1/4 of Section 04-T121N-R62W of the 5th P.M., Brown County, South Dakota (275 North 4th St)

17. **Preliminary and Final Plat** for a property described as "Fliehs-Koehler Subdivision" in the SW1/4 of Section 1-T123N-R61W of the 5th P.M., Brown County, South Dakota (40546 & 40548 131st St).

18. **Preliminary and Final Plat** for a property described as "Thares Third Subdivision" in the N1/2SE1/4 of Section 35-T124N-R64W of the 5th P.M., Brown County, South Dakota (12961 & 12965 387th Ave).

19. **Preliminary and Final Plat** for a property described as "Pinnacle Ag Subdivision" in the SW1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (13352 384th Ave, 13360 384th Ave and 38420 US Hwy #12).

20. **Petition to Change Road Name** from RO-JU-OS Place road in Section 08-T128N-R65W of the 5th P.M., Palmyra Township, Brown County, South Dakota (10150 to 10199) to "West Elm Lake Dr" road in Section 08-T128N-R65W of the 5th P.M., Palmyra Township, Brown County, South Dakota (10150 to 10199 RO-JU-OS Place).

21. **Petition to Update Comprehensive Plan** for Brown County, South Dakota to meet the needs of Brown County in the future.

III. Other Business:

MINUTES

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, JUNE 18, 2019 - 7:00 P.M.
COMMUNITY ROOM, BROWN COUNTY COURTHOUSE

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

After discussion, Beckler moved and Bettmann seconded to approve the minutes of the May 21, 2019 meeting. All members voted aye, the motion carried.

Chairman Streckfuss then continued with business as follows:

Old Business:
New Business: Planning/Zoning Commission as Zoning **Board of Adjustment (BOA)**

1. ***Variance to Building Setbacks*** **in an Agriculture Preservation District (AG-P) described as OL A, "Streckfuss OL A" in the NW1/4 of Section 35-T122N-R65W, of the 5th P.M., Brown County, South Dakota (37845 141st Street). Submitted by Deanna Nelson. There was not anyone present for this item. Following discussion, Bettmann moved to *approve a variance to building setbacks* to be 75'from the north property line rather than 100' required, for a 26'x30' unattached garage, Kippley seconded, all members voting aye, motion carried.**

2. ***Variance to Lot Size*** **in an Agriculture Preservation District (AG-P) for a proposed property described as Lots 1&2, of "Kienow Real Estate Subdivision" in the SE1/4SE1/4 of Section 31-T122N-R64W of the 5th P.M., Brown County, South Dakota (38282 & 38286 142nd St). Submitted by Randy Kienow. There was not anyone present for this item. Following**

discussion, Beckler moved to *approve a variance to lot size;* Lot 1 to be 34.97± acres & Lot 2 to be 3.85 ± rather than minimum 40.0 acres required, Kurth seconded, all members voting aye, motion carried.

3. ***Variance to Lot Size* in an Agriculture Preservation District (AG-P) for a proposed property described as Outlot 1, "Three M Farms Outlot" in the NW1/4NW1/4 of Section 27-T128N-R62W of the 5th P.M., Brown County, South Dakota (39707 104th St). Submitted by Dorn Malpert of Three M Farms. Present for this item were Dorn Malpert and Traci Malpert. Following discussion, Kurth moved to *approve a variance to lot size;* Outlot 1 to be 5.00± acres rather than minimum 40.0 acres required, North seconded, all members voting aye, motion carried.**

4. ***Variance to Lot Size* in an Agriculture Preservation District (AG-P) for a proposed property described as Lots 1&3, of "Prairie Hill Farms Subdivision" in the SW1/4 of Section 11-T121N-R62W of the 5th P.M., Brown County, South Dakota (39805 & 39816 126th St). Lot 2, which is 6.09± acres will have a rezone petition submitted to zone the lot to Mini Agriculture (M-AG). Submitted by Jim Tharer of Prairie Hill Farms, LLC. Present for this item were Craig Bonn and Gary Deibert. Following discussion it was decided that all three lots should be rezoned as M-AG, North moved to *deny variance to lot sizes* and require that all three lots be rezoned to M-AG. Also, Scott Bader should research the AG-P District Ordinance section to make sure that the lots don't have an exception to stay zoned AG-P District, Kippley seconded, all members voting aye, motion carried. (Scott did verify the Ordinance and all three lots would need to be rezoned to M-AG and Craig Bonn came in to sign the application and had Scott clarify everything showing the Ordinance section to him for understanding.**

5. ***Variance to Lot Frontage* in an Agriculture Preservation District (AG-P) for a proposed property described as Lot 2, of "Prairie Hill Farms Subdivision" in the SW1/4 of Section 11-T121N-R62W of the 5th P.M., Brown County, South Dakota (39814 126th St). Submitted by Jim Tharer of Prairie Hill**

Farms, LLC. Present for this item were Craig Bonn and Gary Deibert. Following discussion, Kurth moved to *approve a variance to lot frontage width;* Lot 2 to be 124' frontage width rather than minimum 200' required, Keatts seconded, all members voting aye, motion carried.

6. ***Special Exception/Conditional Use for a Pet Boarding House business* in an Agricultural District (AG-P) that is proposed to be rezoned to Mini-Agricultural District (M-AG) if approved, the property is described as "Lot 1, "BCPRL Addition" in the NW1/4 of Section 29-T123N-R64W of the 5th P.M., Brown County, South Dakota (38349 134th St). Submitted by Emily Mitchell and Talese Aucoin for Brown County Pet Rescue League (B.C.P.R.L.). Present at the meeting were Emily Mitchell, Becca Aston, Shannon Bohl, Dr. Tim Sahli, Sally Schlepp, John Weaver and Craig Schaunaman. Following discussion, Beckler moved to *approve a special exception/conditional use for a pet boarding business* with stipulations 1. That the parcel be platted 2. The parcel be rezoned to M-AG 3. Business may put up a free-standing sign a minimum of 50' setback 4. May put a small wall sign on building, Kurth seconded, all members voting aye, motion carried.**

7. ***Variance to Principal Structure* in a proposed Mini-Agricultural District (M-AG) for a proposed property described as Lot 1, "BCPRL Addition" in the NW1/4 of Section 29-T123N-R64W of the 5th P.M., Brown County, South Dakota (38349 134th St). Submitted by Emily Mitchell and Talese Aucoin for Brown County Pet Rescue League (B.C.P.R.L.). Present at the meeting were Emily Mitchell, Becca Aston, Shannon Bohl, Dr. Tim Sahli, Sally Schlepp and Craig Schaunaman. Following discussion, Beckler moved to *approve a variance requiring that a house does not need to be present before having a pet boarding business*, North seconded, all members voting aye, motion carried.**

8. ***Variance to Building Setbacks* in a Mini-Agricultural District (M-AG) described as Lot 8, "Camelot Subdivision" in the SE1/4 of Section 19-T123N-R62W, of the 5th P.M., Brown**

County, South Dakota (13390 Sperry Ln). Submitted by Brock Ball. There was not anyone present for this item. Following discussion, Beckler moved to *approve a variance to building setbacks* to be 15'from the north property line rather than 100' required, for a 40'x70' pole building, Bettmann seconded, all members voting aye, motion carried.

9. ***Variance to Lot Size* in an Agriculture Preservation District (AG-P) for a proposed property described as Lots 1&2, "Hansen's Second Subdivision" in the S1/2NE1/4 & N1/2SE1/4 of Section 17-T121N-R62W of the 5th P.M., Brown County, South Dakota (14447 & 14453 396th Ave). Submitted by Harley Hansen. There was not anyone present for this item. Following discussion, Kippley moved to *approve a variance to lot size;* Lot 1 be 1.58 ± acres and Lot 2 to be 20.58 ± acres rather than the minimum 40.0 acres required, Keatts seconded, all members voting aye, motion carried.**

A. **Discu*ssion on Hay Bales vs. Shelterbelt setbacks* in an Agriculture Preservation District (AG-P) for Brown County Ordinance. Submitted by Sam Waldner. Present to discuss this item were Sam Waldner and William Waldner. It was discussed that "square bales, large square bales and round bales of hay or alfalfa get set up against right-of-way lines next to roads and cause drifting of snow and do not allow roads to dry up in the spring when the "hay yard" is right next to a road". "Shelterbelts are required to be back 150' from a road right-of-way when parallel with a road, why can't bales have the same requirement"? The Zoning Board of Adjustment asked if there was one site to use as an example which was SW1/4 of Section 21-T121N-R61W and NE1/4NW1/4 of Sec. 28-T121N-R61W. *The Zoning BOA requested that the Zoning Administrator write a letter to all three (3) Garden Prairie Township Supervisor's asking them to consider having the owner re-locate his hay yard for a start rather than creating another Ordinance.***

B. ***Discussion on changing a Road Name* in a Lake Front District (R-3) in the northern portion of Elm Lake. Submitted by Bobbi Dunlavy. Present for this item was Bobbi Dunlavy. They would**

like to change road name "RO-JU-OS Place" to NW Elm Lake Dr or West Elm Lake Dr. The Minutes from the association meeting were submitted for discussion and their majority vote of all members agreed for the name change. Following discussion, it was recommended that we continue with "West Elm Lake Dr" which is SW of this road. *The Zoning staff will publish this item for next month's meeting as an Agenda item and the "RO-JU-OS Place" association will be responsible for the costs of putting up new signs if approved*.

Other Business: none

Completed as Zoning Board of Adjustment and Beginning as Planning Commission

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REGULARILY SCHEDULED MEETING
BROWN COUNTY PLANNING/ZONING COMMISSION

Old Business:
New Business: Brown County Planning Commission

10. ***Petition to Re-Zone*** **from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for proposed property: Lot 1, "D Patten Addition" in the SW1/4 of Section 28-T126N-R63W of the 5th P.M., Brown County, South Dakota (39044 117th St). Submitted by Doris Patten. There was not anyone present for this item. Following discussion, Beckler moved to *recommend approval of this rezone to the Board of County Commissioners*, Kippley seconded, all members voting aye, motion carried.**

11. ***Preliminary and Final Plat*** **for a property described as D Patten Addition" in the SW1/4 of Section 28-T126N-R63W of the 5th P.M., Brown County, South Dakota, (39044 117th St). Submitted by Doris Patten. Following discussion, North moved to *recommend approval of this plat to the Board of County Commissioners*, with the stipulation that Lot 1 be rezoned to Mini Agriculture (M-AG), seconded by Kippley, all members voting aye, motion carried.**

12. ***Preliminary and Final Plat*** **for a property described as Lots 1&2, "Kienow Real Estate Subdivision" in the SE1/4SE1/4 of Section 31-**

T122N-R64W of the 5th P.M., Brown County, South Dakota (38282 & 38286 142nd St). Submitted by Randy Kienow. Following discussion, Beckler moved to *recommend approval of this plat to the Board of County Commissioners* w/stipulation to have a 50' wide access easement filed for Lot 1 and Lot 2 giving access through the NW corner of Lot 2 for both lots to get to their buildings and including the variance to lot sizes previously approved, seconded by Kurth, Bettmann-yea, North-yea, Kippley-nay, Keatts-yea, (5 to 1), motion carried.

13. ***Preliminary and Final Plat* for a property described as "Three M Farms Outlot" in the NW1/4NW1/4 of Section 27-T128N-R62W of the 5th P.M., Brown County, South Dakota, (39707 104th St). Submitted by Dorn Malpert of Three M Farms. Present for this item were Dorn Malpert and Traci Malpert. Following discussion, Beckler moved to *recommend approval of this plat to the Board of County Commissioners*, seconded by Keatts, all members voting aye, motion carried.**

14. ***Preliminary and Final Plat* for a property described as Lots 1&2, "Wollman-Jones Second Subdivision" in the SW1/4 of Section 29-T124N-R62W of the 5th P.M., Brown County, South Dakota, (12860 & 12874 395th Ave). Submitted by Tony Wollman. Following discussion, Kurth moved to *recommend approval of this plat to the Board of County Commissioners*, seconded by North, all members voting aye, motion carried.**

15. ***Preliminary and Final Plat* for a property described as Lots 1&2, "Dalager Addition to Bath" in the NW1/4 of Section 17-T123N-R62W of the 5th P.M., Brown County, South Dakota, (922 & 936 RR Ave). Submitted by Pat Schumacher for Northern Valley Communications (NVC). In attendance for this item were Pat Schumacher, Justin Scott and Jim Whitman for Bath Township. John Dalager was not in attendance. A discussion took place explaining that "Main Street" goes through the east end of proposed Lot 2, the Post Office is also on Lot 2 and both of these have been here 30-40 years on this property. Following discussion, North moved to *recommend approval of this plat to the Board of County Commissioners with the stipulation that at the very minimum*, a permanent, perpetual, 66' wide access easement be filed on Lot 2 for**

access north to south to be able to cross the railroad tracks from main street going south to a small subdivision of homes. If the parcel owner is in agreement, the 66' wide access easement area may be dedicated as public street right-of-way and be named Main Street for that (137.60' x 66') area. The motion was seconded by Kurth, all members voting aye, motion carried.

16. ***Preliminary and Final Plat*** **for a property described as Prairie Hill Farms Subdivision" in the SW1/4 of Section 11-T121N-R62W of the 5th P.M., Brown County, South Dakota, (39805, 39814 & 39816 126th St). Submitted by Jim Tharer for Prairie Hill Farms. Lots 1&3 will stay zoned as AG-P since they are contiguous to other farm land owned by Prairie Hill Farms. Following discussion, Beckler moved to** ***recommend approval of this plat to the Board of County Commissioners with the stipulation*** **that a Petition to Rezone be submitted for Lot 2, seconded by Keatts, all members voting aye, motion carried.**

17. ***Preliminary and Final Plat*** **for a property described as Lot 1, "BCPRL Addition" in the NW1/4 of Section 29-T123N-R64W of the 5th P.M., Brown County, South Dakota, (38349 134th St). Submitted by Emily Mitchell and Talese Aucoin for Brown County Pet Rescue League (B.C.P.R.L.). Present at the meeting were Emily Mitchell, Becca Aston, Shannon Bohl, Dr. Tim Sahli, Sally Schlepp, John Weaver and Craig Schaunaman. Following discussion, Keatts moved to** ***recommend approval of this plat to the Board of County Commissioners*** **which includes the two (2) Variance requests which were previously approved, seconded by North, all members voting aye, motion carried.**

18. ***Preliminary and Final Plat*** **for a property described as "T&J Investments Addition" in the NE1/4 of Section 30-T124N-R63W of the 5th P.M., Brown County, South Dakota, (12845 389th Ave). Submitted by Todd Muldoon. Following discussion, Beckler moved to** ***recommend approval of this plat to the Board of County Commissioners*****, seconded by Bettmann, all members voting aye, motion carried.**

19. ***Preliminary and Final Plat*** **for a property described as "T Hansen's Second Subdivision" in the S1/2NE1/4 & N1/2SE1/4 of Section 17-**

T121N-R62W of the 5th P.M., Brown County, South Dakota, (14447 & 14453 396th Ave). Submitted by Harley Hansen. Following discussion, Kurth moved to *recommend approval of this plat to the Board of County Commissioners*, seconded by North, all members voting aye, motion carried.

Other Business: Scott let the Planning Commission members know that July will be open discussion on the proposed Comprehensive Plan with Eric Senger from NECOG there for any questions or changes recommended.

There being no further business before the Planning/Zoning Commission, Keatts moved and Kurth seconded to adjourn, all members voting aye, motion carried.
Submitted by: Scott Bader - Planning & Zoning Director.

STAFF REPORT
July 16, 2019

VARIANCE FOR APPROACH SEPARATION **ITEM #01**

GENERAL INFORMATION

PETITIONER	Owen Elsen
REQUEST	**Variance for Approach Separation**
LEGAL DESCRIPTION	S1/2S1/2SW1/4 of Section 24-T128N-R62W of the 5th P.M., Brown County, South Dakota
LOCATION	39948 104th St
EXISTING ZONING	Agricultural Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agricultural Preservation District (AG-P)
South:	Agricultural Preservation District (AG-P)
East:	Agricultural Preservation District (AG-P)
West:	Agricultural Preservation District (AG-P)
PUBLIC UTILITIES	Web Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Variance to approach separation distance to rearrange his existing approaches.

REVIEW: The petitioner is having trouble with soils and getting stuck with trucks for turning, backing up, hauling, etc. He has added concrete, brick, rock, fabric and gravel over the years to try and make the approach locations work. He is now asking to put the west approach more in line with the center of the building where they unload and load since that soil is better than to the west. "The Highway Department agreed and is requiring a minimum of an 18" culvert on new approach and must remove the existing west approach to put new in

BROWN COUNTY
PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: 6/17/19
RECEIPT # 132127
TOWNSHIP: Liberty

FEES: 25.00
PAID: YES/NO CHK/CASH
DATE: 06/17/19

OWNERS SIGNATURE: Owen Elsen Owen Elsen
OWNERS ADDRESS: 10375 400th ave
OWNERS CITY, STATE, ZIP: Hecla SD 57446
OWNERS PHONE: 605-994-7269

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

REQUEST: Petitioner would like to rearrange the locations of his two (2) approaches for an easier path to pull in to the site, load & unload, and pull back out based on existing rock, gravel, stone and fabric installation.

LEGAL DESCRIPTION: S1/2S1/2 SW1/4 of Section 24-T128N-R62W of the 5th P.M. Brown County, South Dakota (39948 104th Street)

Planning Commission Action: Approved / Denied

By: ***Date:***

HEARING DATE: July 16, 2019 **TIME:** 7:00 PM

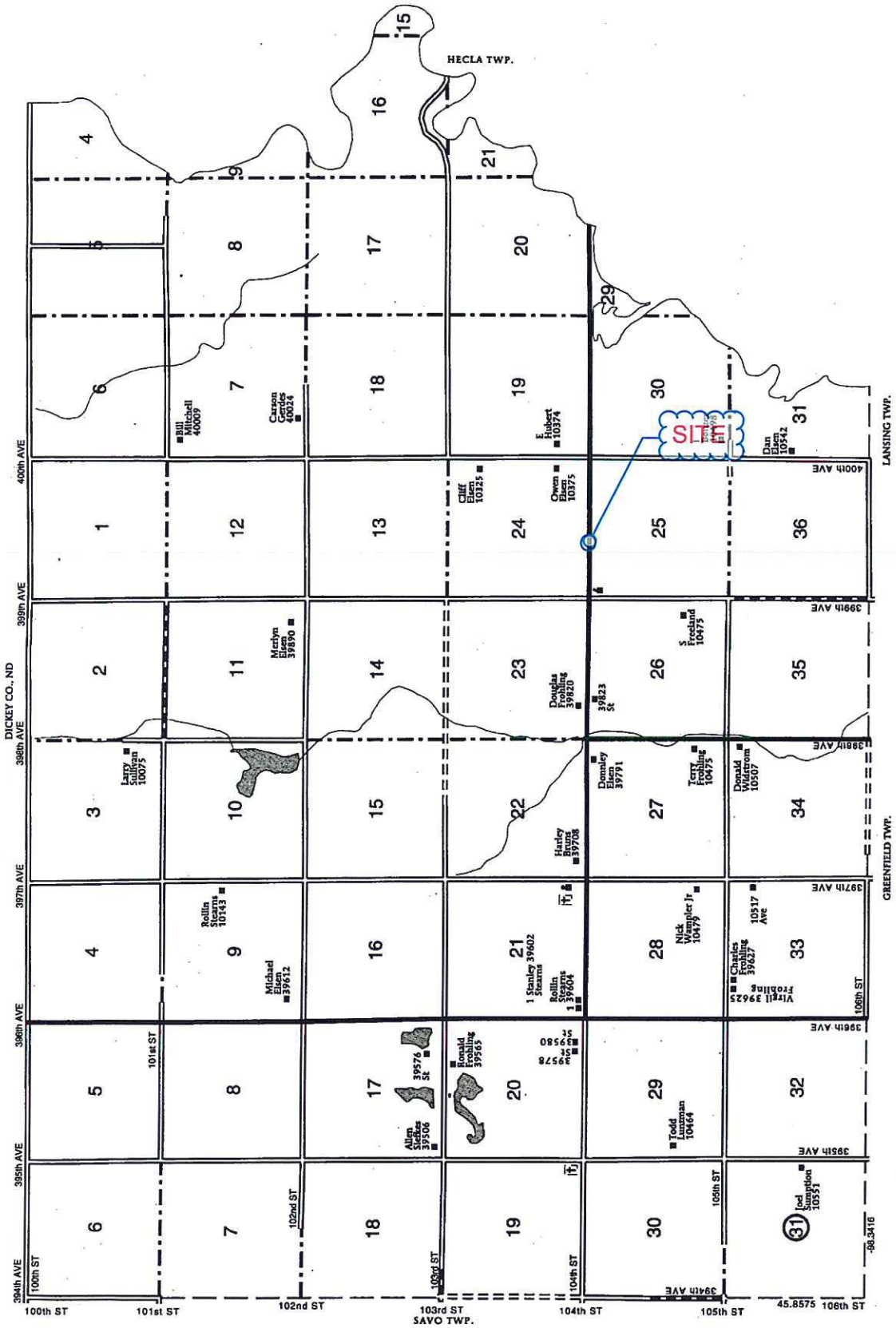
MEETING: located in the Basement Community Room of the Court House Annex
25 Market Street • Aberdeen, South Dakota 57401-4203
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

T-128-N

LIBERTY DIRECTORY

(Residents - Owners or Renters)

R-61-62-W



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a *VARIANCE PETITION*. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on *July 16, 2019 at 7:00 P.M. for the purpose of a Variance for Approach Separation Distance to be less than the 500' minimum required in an Agricultural Preservation District (AG-P).*

Petitioner & owner: *Owen Elsen*

Description of property: S1/2S1/2 SW1/4 of Section 24-T128N-R62W of the 5th P.M., Brown County, South Dakota (39948 104th St)

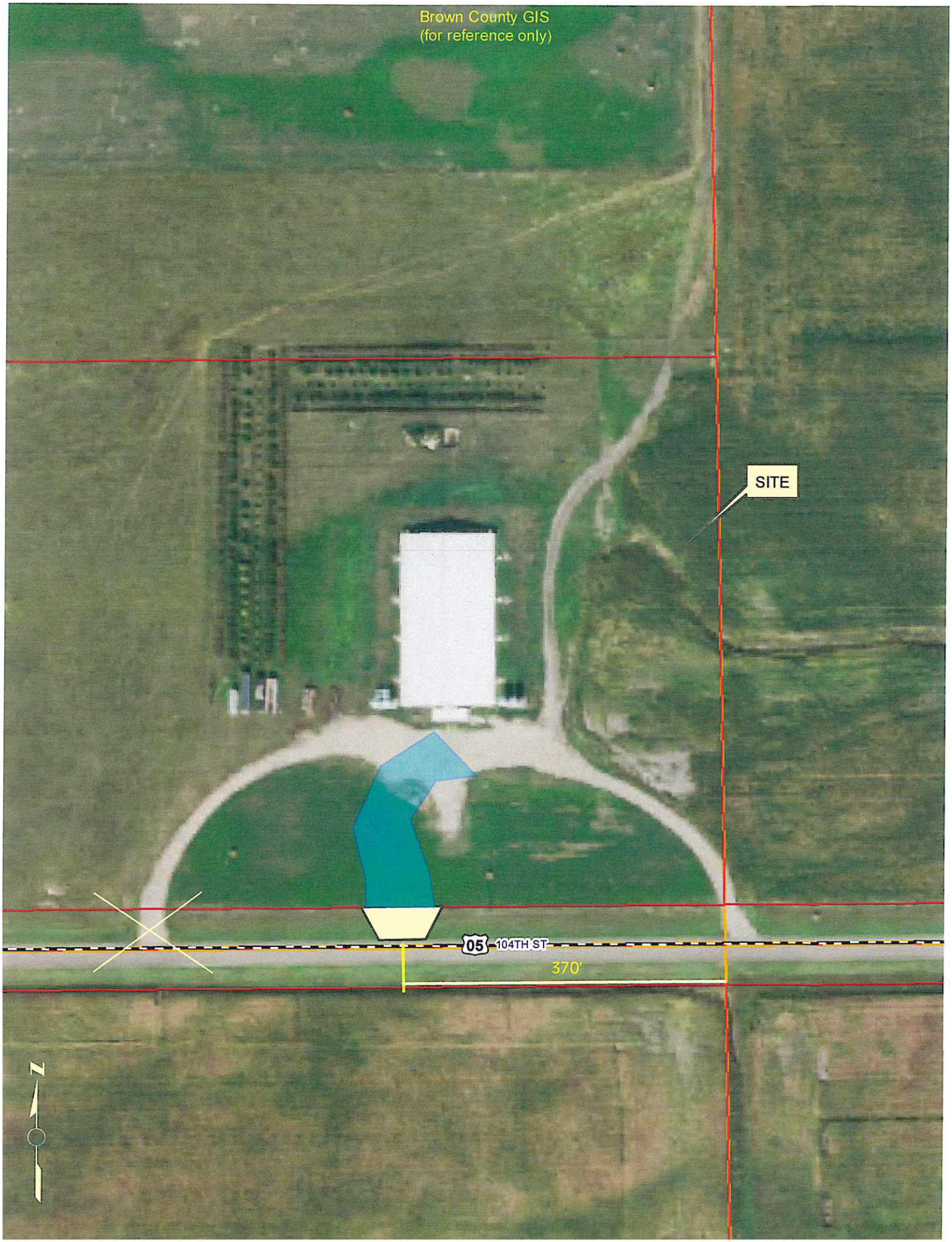
Reason: *Petitioner would like to rearrange the locations of his two (2) approaches for an easier path to pull in to the site, load & unload, and pull back out based on existing rock, gravel, stone and fabric installation.*

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

Dated this 3rd day of July 2019

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

Published once at the total approximate cost of _____.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(for reference only)
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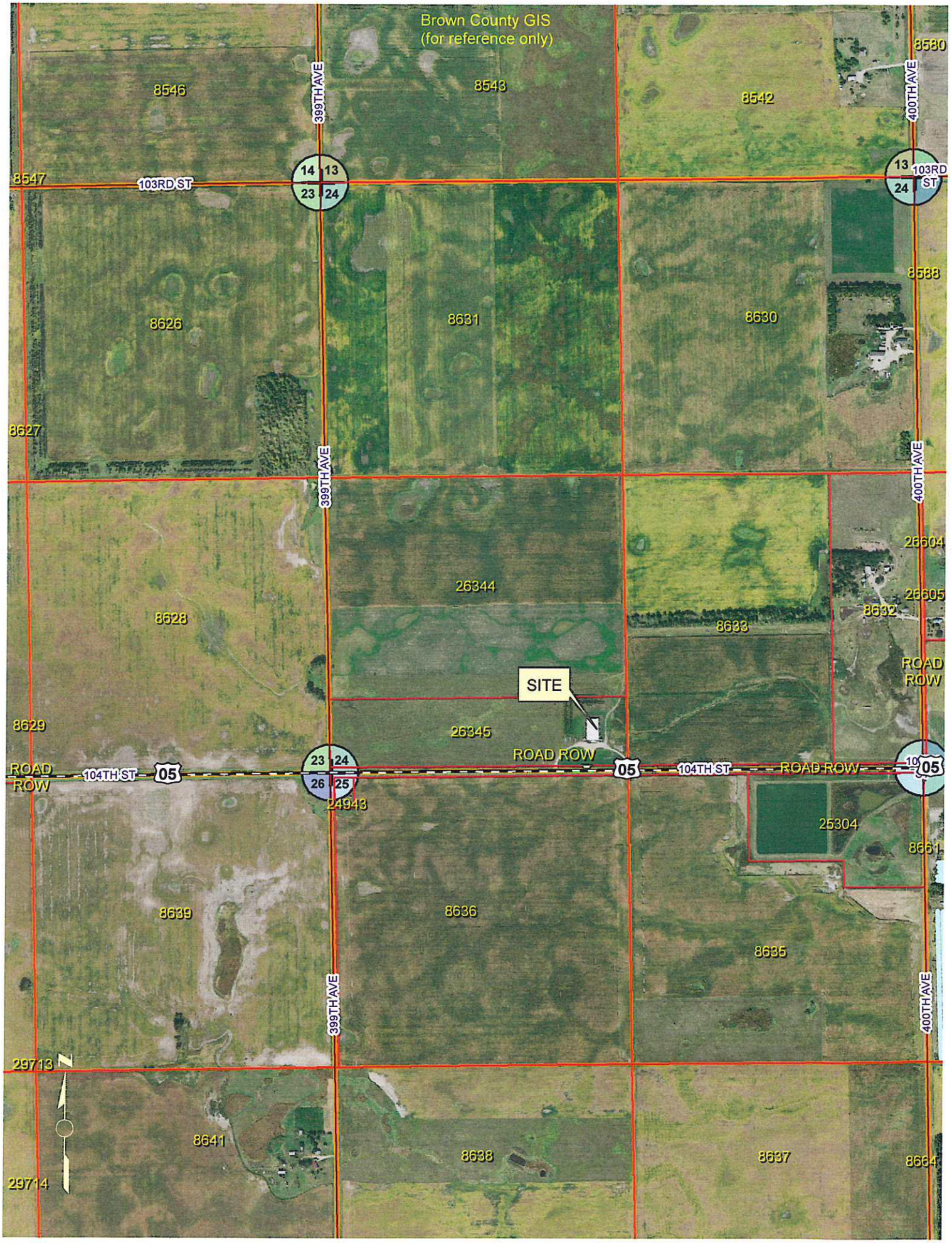
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STAFF REPORT
July 16, 2019

VARIANCE FOR BLDG SETBACKS IN AG-P **ITEM #02**

GENERAL INFORMATION

PETITIONER	Randy Bacon
REQUEST	**Variance for Building Setbacks**
LEGAL DESCRIPTION	Lot 19 and the west 60 of Lot 18, "Lutgen's South Shore Addition" in the NW1/4 of Section 25, T124N and R65W, of the 5th P.M., Brown County, South Dakota.
LOCATION	379252 South Shore Dr
EXISTING ZONING	***Agricultural Preservation District (AG-P)***
SURROUNDING ZONING	
North:	Richmond Lake
South:	Agricultural Preservation District (AG-P)
East:	Agricultural Preservation District (AG-P)
West:	Agricultural Preservation District (AG-P)
PUBLIC UTILITIES	Web Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Variance for Building Setbacks in an *Agricultural Preservation District (AG-P)* allowing for: 20' setback on the east front yard rather than 100' required; 07' on the south side yard rather than 20' required; both are for a 36'x46' garage in AG-P District.

REVIEW: Staff has discussed this with Randy Bacon and Jacquelyn Neuharth is his mother-in-law's land. This parcel is an "existing non-conforming parcel of land" that needs to be rezoned to Lake Front Residential District (R-3). Setbacks for R-3 are 30' rear, 07' side, 50' from high water mark for front. **Recommend approval of Variance for <u>AG-P</u> w/stipulation to rezone to Lake Front Residential District (R-3).**

BROWN COUNTY
PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: June 21, 2019
RECEIPT # 132137
TOWNSHIP: Ravinia Twp

FEES: 25.00
PAID: YES/NO CHK/CASH
DATE: 6/27/19

OWNERS SIGNATURE: Jacquelyn Neuharth
OWNERS ADDRESS: P.O. Box 160
OWNERS CITY, STATE, ZIP: Clayton, NM 88415-0160
OWNERS PHONE:

AGENTS SIGNATURE: Randy Bacon
AGENTS ADDRESS: 379306 South Shore Dr
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-380-2576

REQUEST: Variance to Building Setbacks in an Agricultural Preservation District for a 36'x46' unattached garage to be 20' from east front yard setback rather than 100' required and 07' from south side yard setback rather than 20' required.

LEGAL DESCRIPTION: Lot 19 and west 60' of Lot 18, "Lutgen's South Shore Addition" in the NW1/4 of Section 25-T124N-R65W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: ***Date:***

HEARING DATE: July 16, 2019 **TIME:** 7:00 p.m.

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

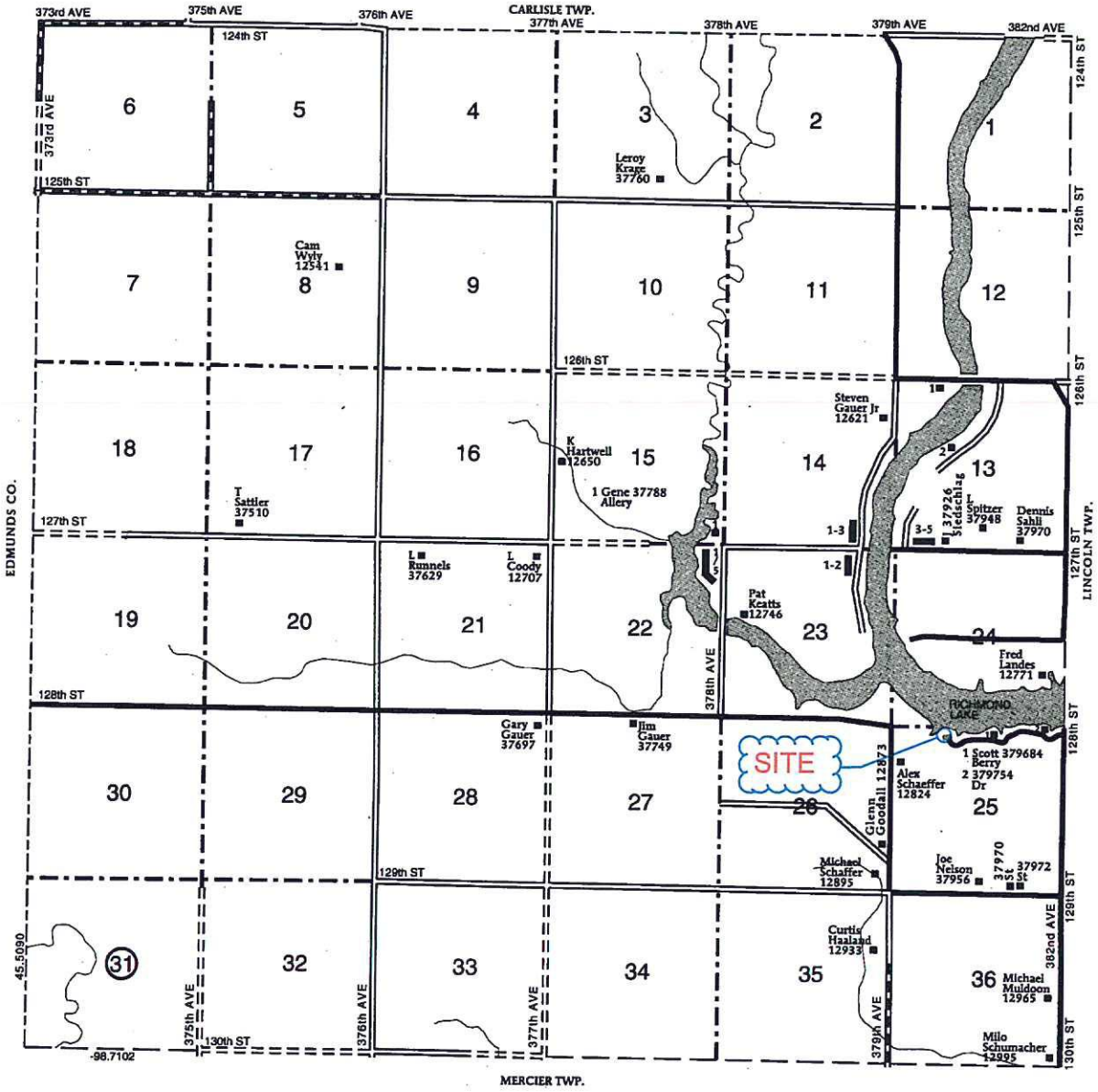
25 Market Street • Aberdeen, South Dakota 57401-4203
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

T-124-N

RAVINIA DIRECTORY

(Residents - Owners or Renters)

R-65-W



RAVINIA TOWNSHIP

SECTION 13
1 Kirchgesler, Jim 37935
2 Bahr, Justin 126401
3 Schmitz, B 37902
4 Vitense, David 37908
5 Biegler, Jerry 37910

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

SECTION 22
1 Myhre, Gary 127093
2 Anderson, Jeremiah 127131
3 Millett, Craig 127151
4 Thayer, Dan 127257
5 Wahl, Lanny 127395

SECTION 23
1 Wolf, Frank 127148
2 Fischer, Brock 127216

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a *VARIANCE PETITION*. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on *July 16, 2019 at 7:00 P.M.* *for the purpose of Variance to Building Setbacks in an Agricultural Preservation District (AG-P).*

Petitioner & owner: *Randy Bacon for Jacquelyn Neuharth*

Description of property: *Lot 19 and the west 60' of Lot 18, "Lutgen's South Shore Addition" in the NW1/4 of Section 25-T124N-R65W of the 5th P.M., Brown County, South Dakota (379252 South Shore Dr).*

Reason: *Variance to Building Setbacks in an Agricultural Preservation District (AG-P) to be 20' from east front yard rather than 100' minimum required; 10' from south side yard rather than 20' required; both are for a 36'x46' Garage.*

_____ .

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

Dated this 3rd day of July 2019

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

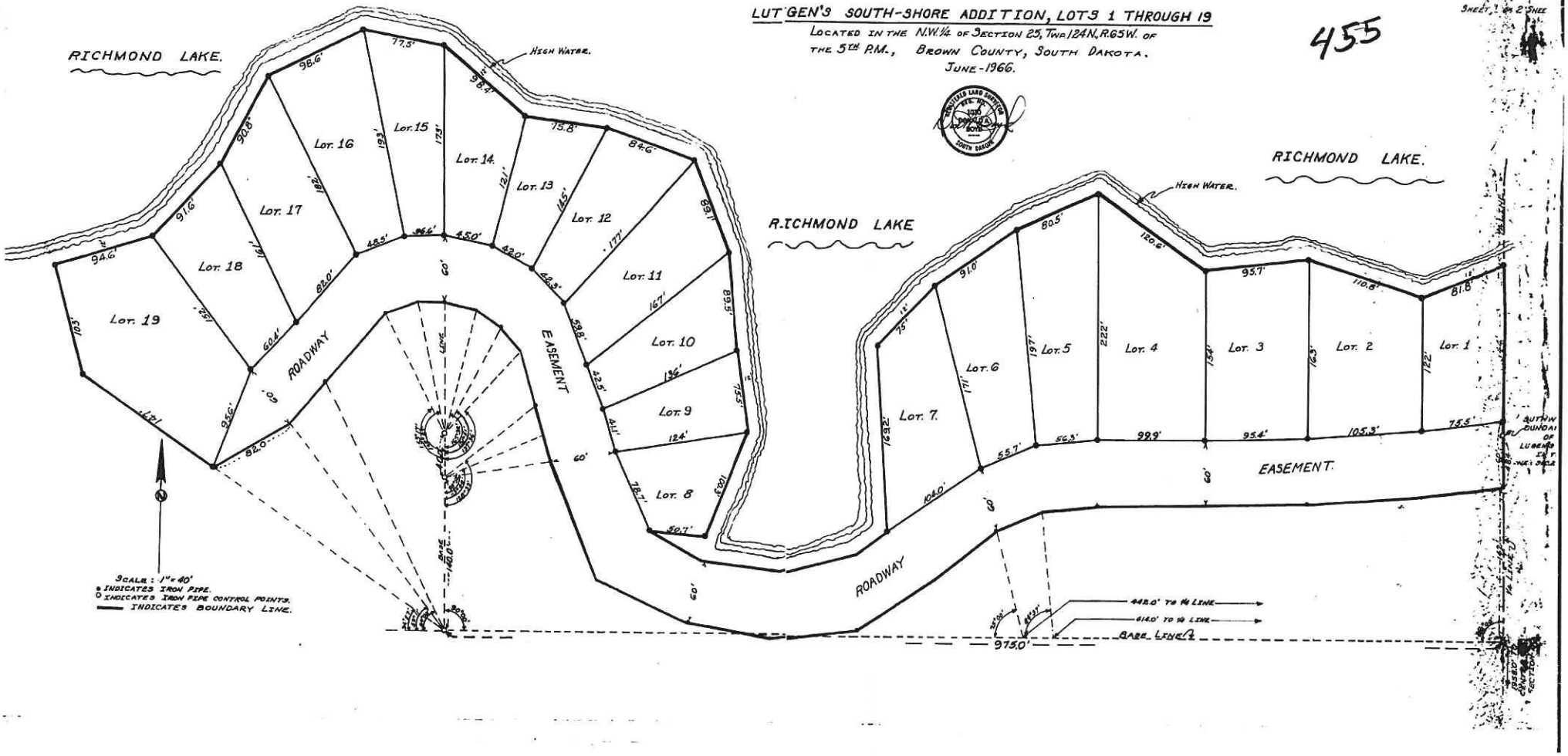
Published once at the total approximate cost of _____.

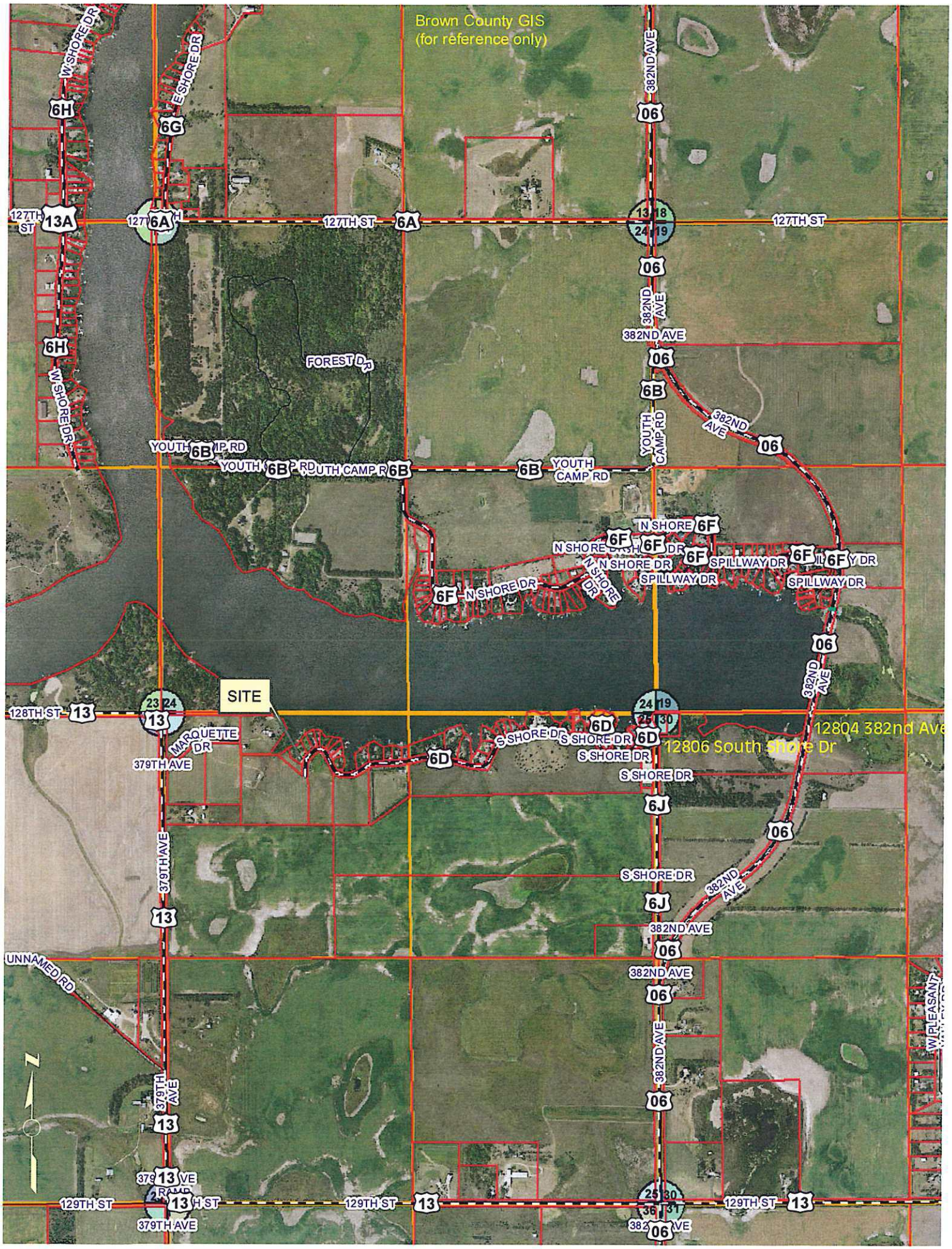
LUTGEN'S SOUTH-SHORE ADDITION, LOTS 1 THROUGH 19

LOCATED IN THE N.W.¼ OF SECTION 25, TWP. 124 N., R. 65 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA.

JUNE - 1966.

455




Brown County GIS
(for reference only)
SITE
12804 382nd Ave
12806 South Shore Dr
127TH ST
128TH ST
129TH ST
382ND AVE
379TH AVE
W SHORE DR
E SHORE DR
YOUTH CAMP RD
N SHORE DR
SPILLWAY DR
S SHORE DR
MARQUETTE DR
UNNAMED RD
FOREST DR
W PLEASANT
6A
6B
6D
6F
6G
6H
6J
06
13
13A


Brown County GIS
(for reference only)
Section Line
SITE
6D
S SHORE DR
N

STAFF REPORT
July 16, 2019

VARIANCE FOR FRONTAGE WIDTH IN AG-P **ITEM # 03**

GENERAL INFORMATION

PETITIONER	Richard Fliehs
REQUEST	**Variance for Frontage Width**
LEGAL DESCRIPTION	Lot 1 "Fliehs-Koehler Subdivision"in the SW1/4 of Section 1-T123N-R65W, of the 5th P.M., Brown County, South Dakota.
LOCATION	40548 131st St
EXISTING ZONING	***Agricultural Preservation District (AG-P)***
SURROUNDING ZONING	
North:	Agricultural Preservation District (AG-P
South:	Agricultural Preservation District (AG-P)
East:	Agricultural Preservation District (AG-P)
West:	Agricultural Preservation District (AG-P)
PUBLIC UTILITIES	Web Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Variance for Frontage Width in an Agricultural Preservation District (AG-P) allowing for: 60' frontage width rather than 200' required.

REVIEW: Staff recommends approval for the variance in AG-P and is recommending on the plat to rezone to M-AG which has the same frontage requirements. Either way, it would have needed a variance the way is drawn. The access will need to be widened so they each have their own portion of driveway, but will share an approach.

BROWN COUNTY
PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: 6/19/19
RECEIPT # 132143
TOWNSHIP: Groton

FEES: 30.00
PAID: YES/NO CHK/CASH
DATE: 6/26/19

OWNERS SIGNATURE: RICH FLIEHS
OWNERS ADDRESS: 40548 131st St
OWNERS CITY, STATE, ZIP: Groton SD 57445
OWNERS PHONE: 605.397.7036

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

REQUEST: PRELIMINARY & FINAL PLAT

LEGAL DESCRIPTION: FLIEHS KOEHLER SUBDIVISION IN THE SW 1/4 OF SECTION 1-T123N-R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA

Planning Commission Action: Approved / Denied

By: ***Date:***

HEARING DATE: July 16, 2019 **TIME:** 7:00pm

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

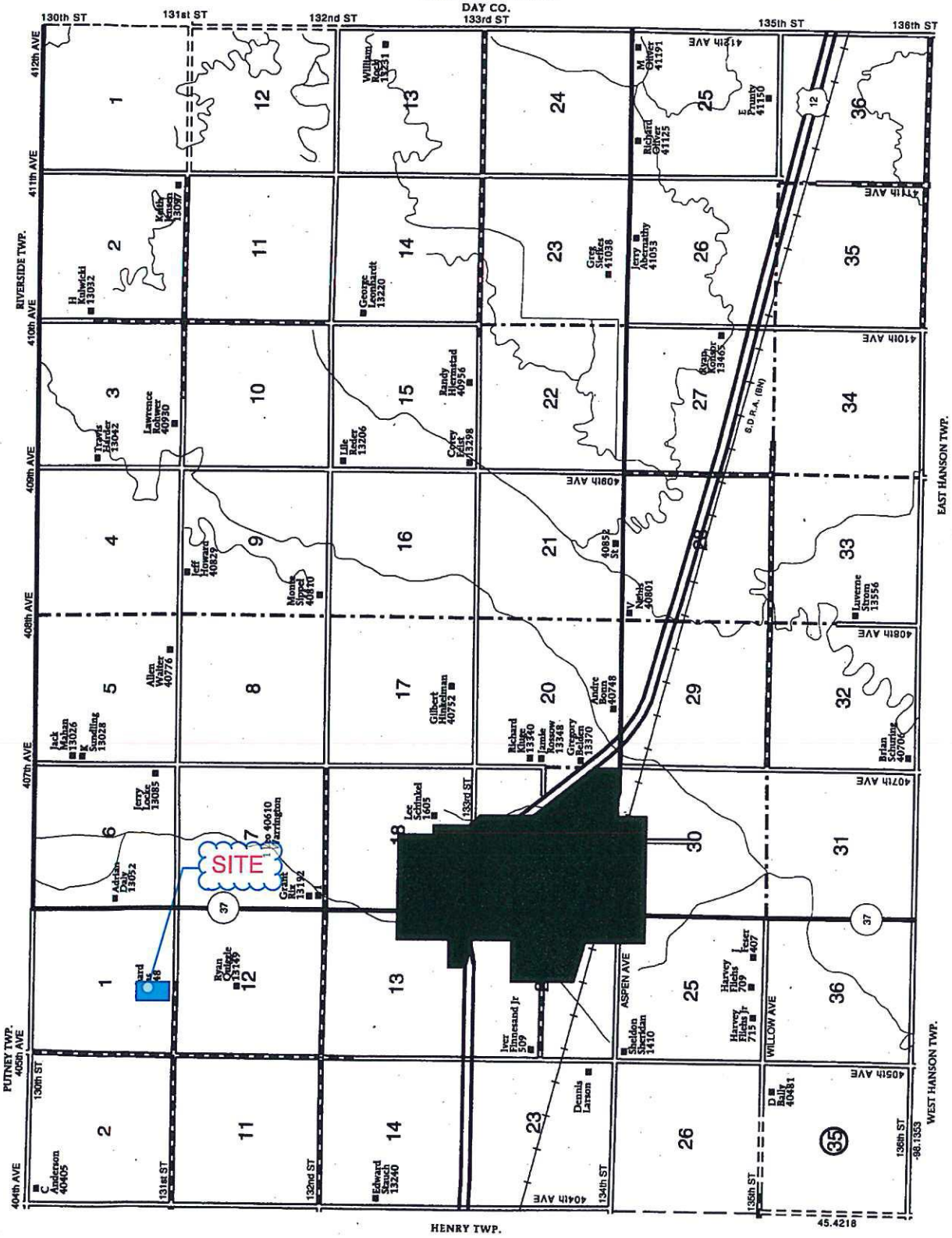
25 Market Street • Aberdeen, South Dakota 57401-4203
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

T-123-N

GROTON DIRECTORY

(Residents - Owners or Renters)

R-60-61-W



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a *VARIANCE PETITION*. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on *July 16, 2019 at 7:00 P.M.* *for the purpose of a Variance.*

Petitioner & owner: Richard Fliehs

Description of property: Lot 1, "Fliehs-Koehler Subdivision" in the SW1/4 of Section 1-T123N-R61W of the 5th P.M., Brown County, South Dakota (40548 131st St).

Reason: asking for a Variance for minimum Frontage Width on a newly platted parcel in an Agricultural Preservation District (AG-P).

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

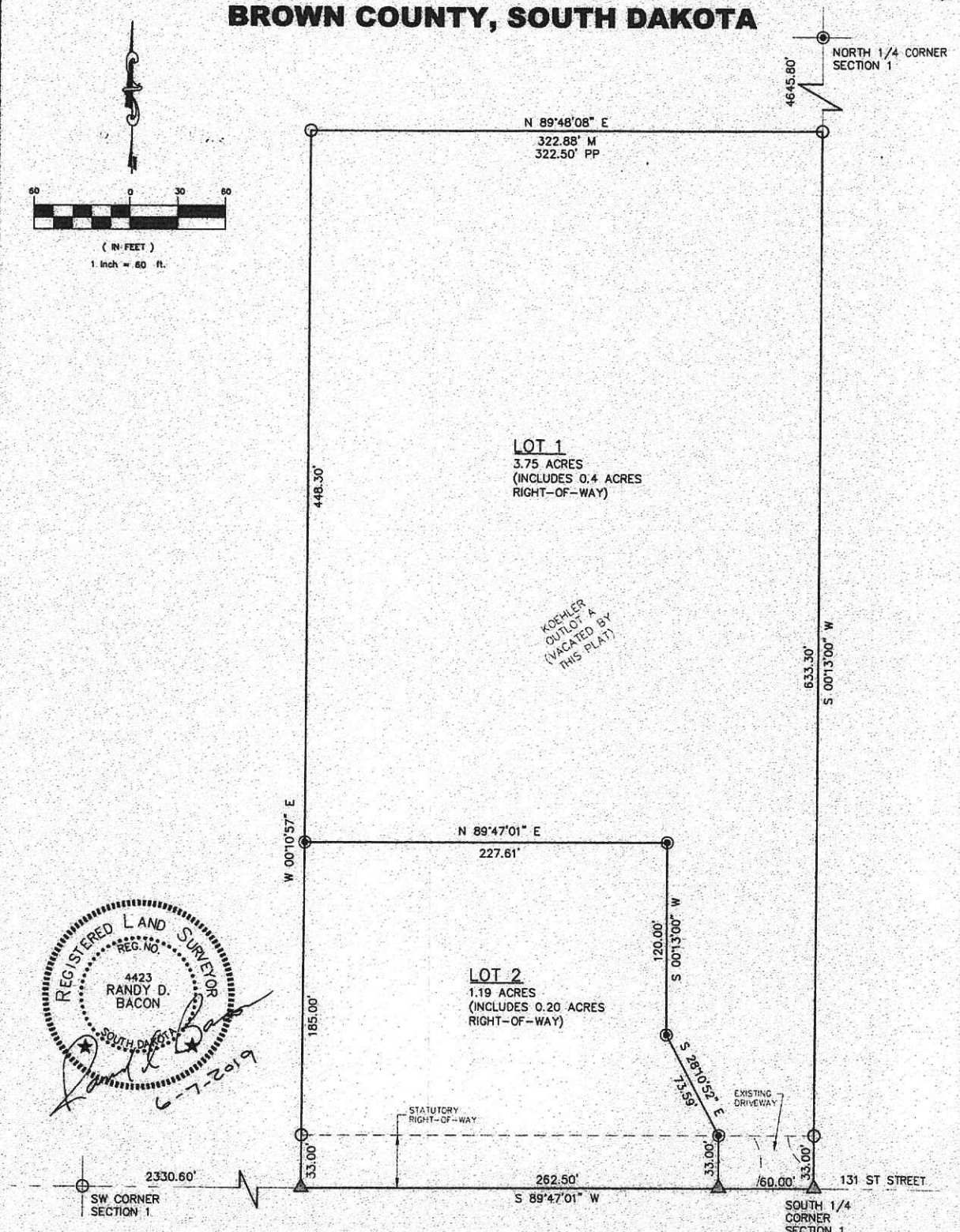
Dated this 3rd day of July 2019

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

Published once at the total approximate cost of _____.

A-7284

PLAT OF
FLIEHS-KOEHLER SUBDIVISION
IN THE SW 1/4 OF SECTION 1-T123N-R61W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



LEGEND

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

BASIS OF BEARINGS

TRUE MERIDIAN – GPS
M = MEASURED THIS SURVEY
PP = PREVIOUS PLAT ON DISTANCE

Helms & ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS
221 Brown County Highway 19
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.3212
Fax: 605.225.3189

DWG. 7284-LS | BY: WRD | SHEET 1 OF 3

A-7284

PLAT OF
FLIEHS-KOEHLER SUBDIVISION
IN THE SW 1/4 OF SECTION 1-T123N-R61W 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 RICHARD D. FLIEHS AS OWNER, AND UNDER HIS DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO JUNE 1, 2019, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: FLIEHS-KOEHLER SUBDIVISION IN THE SW 1/4 OF SECTION 1-T123N-R61W 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 7 DAY OF June, 2019.

Randy D Bacon

RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS FLIEHS-KOEHLER SUBDIVISION IN THE SW 1/4 OF SECTION 1-T123N-R61W 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 NEW AND EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 19 DAY OF JUNE, 2019

FORMERLY DESCRIBED AS:
KOEHLER OUTLOT A IN THE SW 1/4
OF SECTION 1-T123N-R61W OF THE
5TH P.M.

Rich Fliehs

RICHARD D. FLIEHS

DECLARATION OF VACATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED HEREBY DECLARE TO VACATE THAT PORTION AS SHOWN AND MARKED ON THE FOREGOING PLAT AND OF THE PLAT OF KOEHLER OUTLOT A, AS RECORDED AS PLAT NO. 626, ON AUGUST 12, 1987 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.

THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 19 DAY OF JUNE, 2019

Rich Fliehs

RICHARD D. FLIEHS

ACKNOWLEDGEMENT

STATE OF South Dakota
COUNTY OF Brown)SS

ON THIS THE 19th DAY OF June, 2019, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED RICHARD D. FLIEHS KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

Angela Ostermann

NOTARY PUBLIC, South Dakota STATE

MY COMMISSION EXPIRES: 4-18-2023

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 FLIEHS-KOEHLER SUBDIVISION IN THE SW 1/4 OF SECTION 1-T123N-R61W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA. HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

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

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING FLIEHS-KOEHLER SUBDIVISION IN THE SW 1/4 OF SECTION 1-T123N-R61W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA. HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

A-7284

PLAT OF
FLIEHS-KOEHLER SUBDIVISION
IN THE SW 1/4 OF SECTION 1-T123N-R61W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

_____
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS 19 DAY OF June, 20 19.

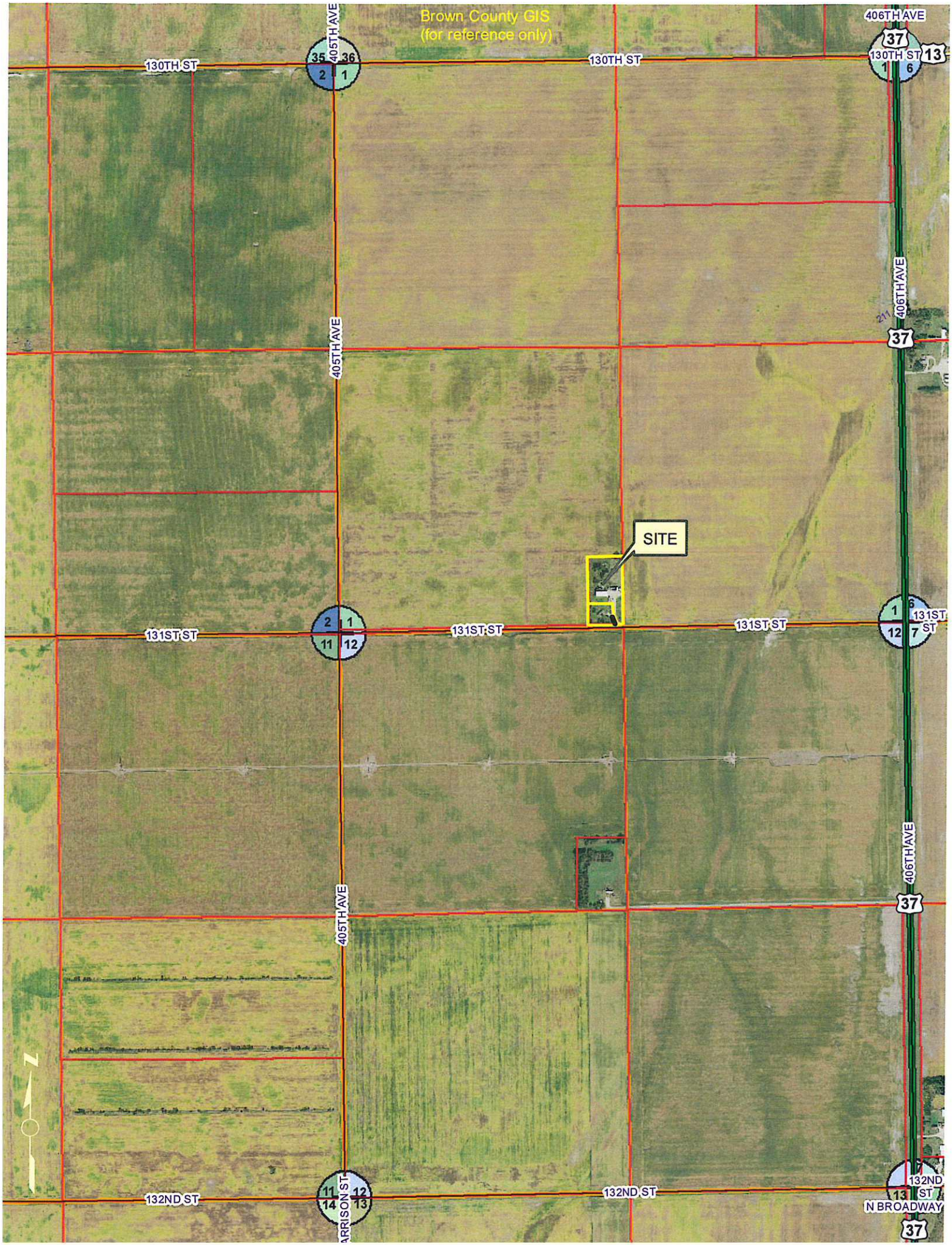
P Vanhuiten, dep treas
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

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

_____
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

DWG. 7284-LS	BY: WRD	SHEET 3 OF 3


Brown County GIS
(for reference only)
130TH ST
130TH ST
130TH ST
405TH AVE
405TH AVE
405TH AVE
406TH AVE
406TH AVE
406TH AVE
SITE
131ST ST
131ST ST
131ST ST
131ST ST
132ND ST
132ND ST
132ND ST
N BROADWAY
37
13


Brown County GIS
(for reference only)
SITE
131ST ST
131ST ST
N

STAFF REPORT
July 16, 2019

VARIANCE FOR BLDG SETBACKS IN AG-P **ITEM #** 04

GENERAL INFORMATION

PETITIONER	Todd Rosebrock
REQUEST	**Variance for Building Setbacks**
LEGAL DESCRIPTION	Lot 1 "Weismantel Subdivision" in the SW1/4 of Section 10, T123N and R64W, of the 5th P.M., Brown County, South Dakota.
LOCATION	2510 8th Ave NW
EXISTING ZONING	Highway Commercial District (HC)
SURROUNDING ZONING	
North:	Agricultural Preservation District (AG-P
South:	Agricultural Preservation District (AG-P)
East:	Agricultural Preservation District (AG-P)
West:	Agricultural Preservation District (AG-P)
PUBLIC UTILITIES	Unknown
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance for side yard & rear yard setbacks in the B.C. Ordiance for expanding storage on an existing approved lot.

REVIEW: Staff recommends approval. HC District in the **City of Aberdeen Ordinance has a 0' setback on side & rear yards & 45' on south front yard. B.C. Ordinance has 25' setback on side & rear yards & 100' on front yard.** Today, July 16, 2019 is the last legal day of the transition period for Aberdeen relinquishing their rights to Brown County in 3-mile district. The owner wants to put 10 units (space for snow pile), ten units (space for snow pile), and so on, wrapping around the north rear yard property line. He would like a variance of B.C. Ordinance to match up with the City's Ordinance setbacks.

BROWN COUNTY
PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: June 26, 2019 *FEES:* 25.00
RECEIPT # _____ *PAID:* *YES/NO CHK/CASH*
TOWNSHIP: Aberdeen Twp *DATE:* _____

OWNERS SIGNATURE: Todd Rosebrock Todd Rosebrock
OWNERS ADDRESS: 1803 North Jay St
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: _____

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

REQUEST: Variance to be 5' on Side Yards setbacks rather than 25' and 5' on Rear Yard setbacks rather than 25' in a Highway Commercial District (HC).

LEGAL DESCRIPTION: Lot 1, Weismantel Subdivision in the SW1/4 of Section 10-123-64 of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied _____

By: _____ ***Date:*** _____

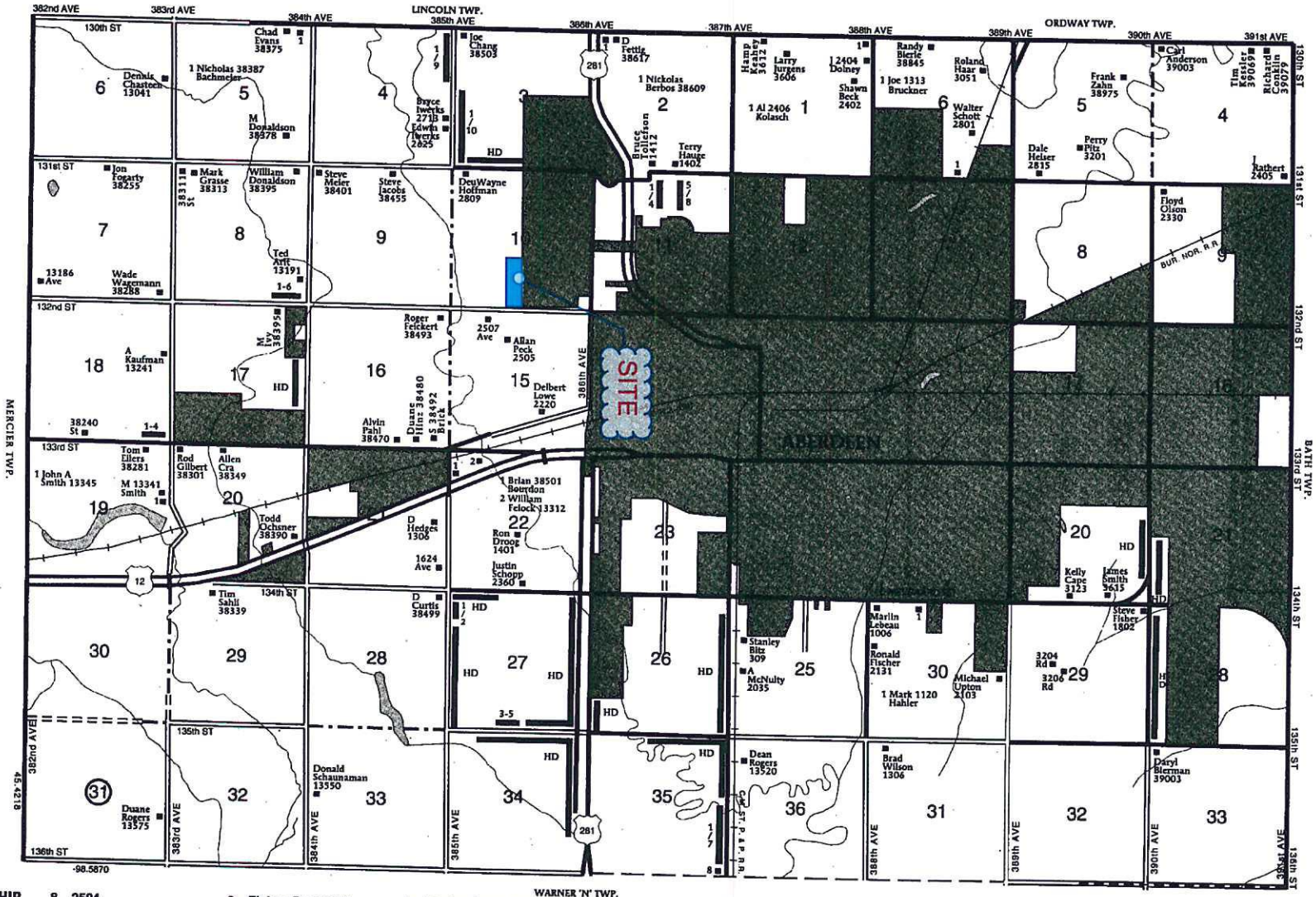
HEARING DATE: July 16, 2019 **TIME:** 7:00 p.m.

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

25 Market Street • Aberdeen, South Dakota 57401-4203
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

T-123-N ABERDEEN DIRECTORY R-63-64-W

(Residents - Owners or Renters)



ABERDEEN TOWNSHIP

SECTION 3
1 2724
2 Smith, Douglas 2716
3 Heintzman, Rob 2708
4 2622
5 Senst, Jeff 2610
6 Zacher, Leland 2602
7 Emery, T 2536
8 2504
9 Bossert, Curt 2422
10 Bollwerk, Donald 2402

SECTION 4W
1 Bisbee, Bruce 3229
2 Moser, Kevin 3221
3 VanderHoek, Corey 3213
4 Goehring, Lareu 3205
5 Dykema, Clay 3133
6 Fisher, Paul 3125
7 Retzlaff, Fred 3105
8 Newman, Marty 3021
9 Huizenga, Arnold 2815

SECTION 8W
1 Brzezinski, Thomas 38374
2 Feickert, David 38382
3 Darling, Roger 38388
4 Streier, Steve 38390
5 Bitz, Robert 38392
6 Zimmer, Kyle 38396

SECTION 11
1 Larson, Dan 2329
2 Kokales, Joe 2327
3 Lipp, Leon 2325
4 Conraads, D 2323
5 Retzer, Robert 2330
6 Hilgemann, Bryon 2328
7 Mauritzson, John 2324
8 Volzke, Dennis 2322

SECTION 18
1 Eichinger, John 38280
2 Dahme, Art 38282
3 Wherry, Lavar 38290
4 Dreis, K 38296

SECTION 27
1 1805
2 Paulsen, William 1823
3 Aberle, Arthur 38548
4 Schwan, Christopher 38554
5 Forkel, Raymond 38556

SECTION 35
1 Brake, Brad 13555
2 Thrash, Peter 13561
3 Swanson, Erlean 13569
4 Boeddeker, William 13573
5 Robinson, Randall 13575
6 Rahm, Marion 13579
7 Schroh, Joseph 13593
8 Fredrickson, Dale 38692

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a *VARIANCE PETITION*. A hearing will be held in the basement of the Courthouse Annex, east side of the Community Meeting Room on *July 16, 2019 at 7:00 pm for requesting a Variance to side and rear setbacks in an approved Highway Commercial District (HC) lot (2510 8th Ave NW).*

Petitioner & Owner: Todd Rosebrock for Stow-N-Go Storage

Description of property: Lot 1, "Weismantel Subdivision" in the SW1/4 of Section 10-T123N-R64W of the 5th P.M., Brown County, South Dakota

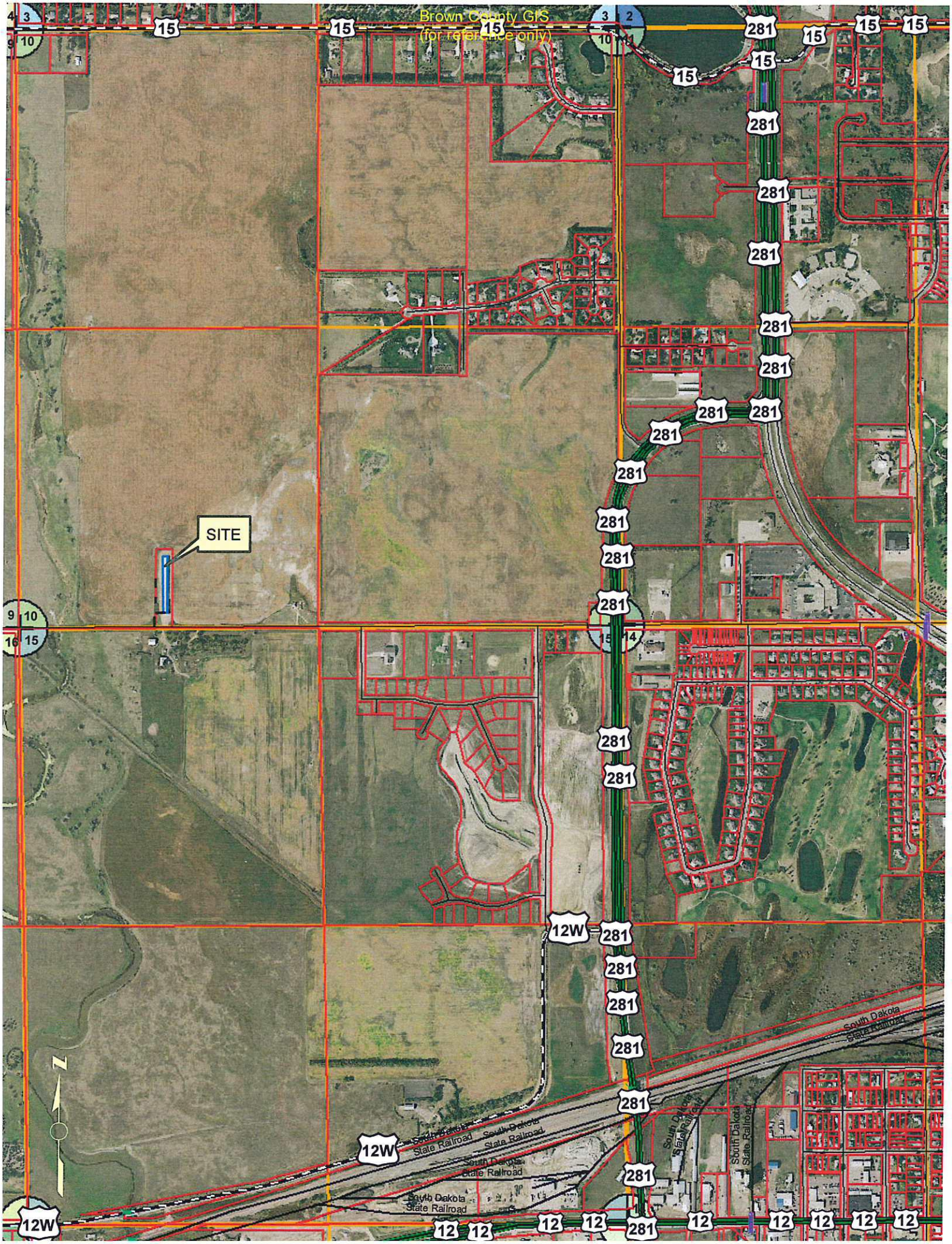
Reason: A Variance has been requested to be 5' from side yard and rear yard setbacks rather than 25' required in the Brown County Ordinance. A side yard and rear yard setback of 0' is standard setback in the City of Aberdeen Zoning Ordinance for Highway Commercial District (HC). July 16, 2019 is the final legal day for a transition period where the City of Aberdeen relinquished their rights of all Planning and Zoning requirements in the "3-mile" Joint Jurisdictional area to Brown County. A Resolution was passed where Brown County may utilize the City's Ordinances in this 3-mile jurisdiction until they have made updates to combine both Ordinances.

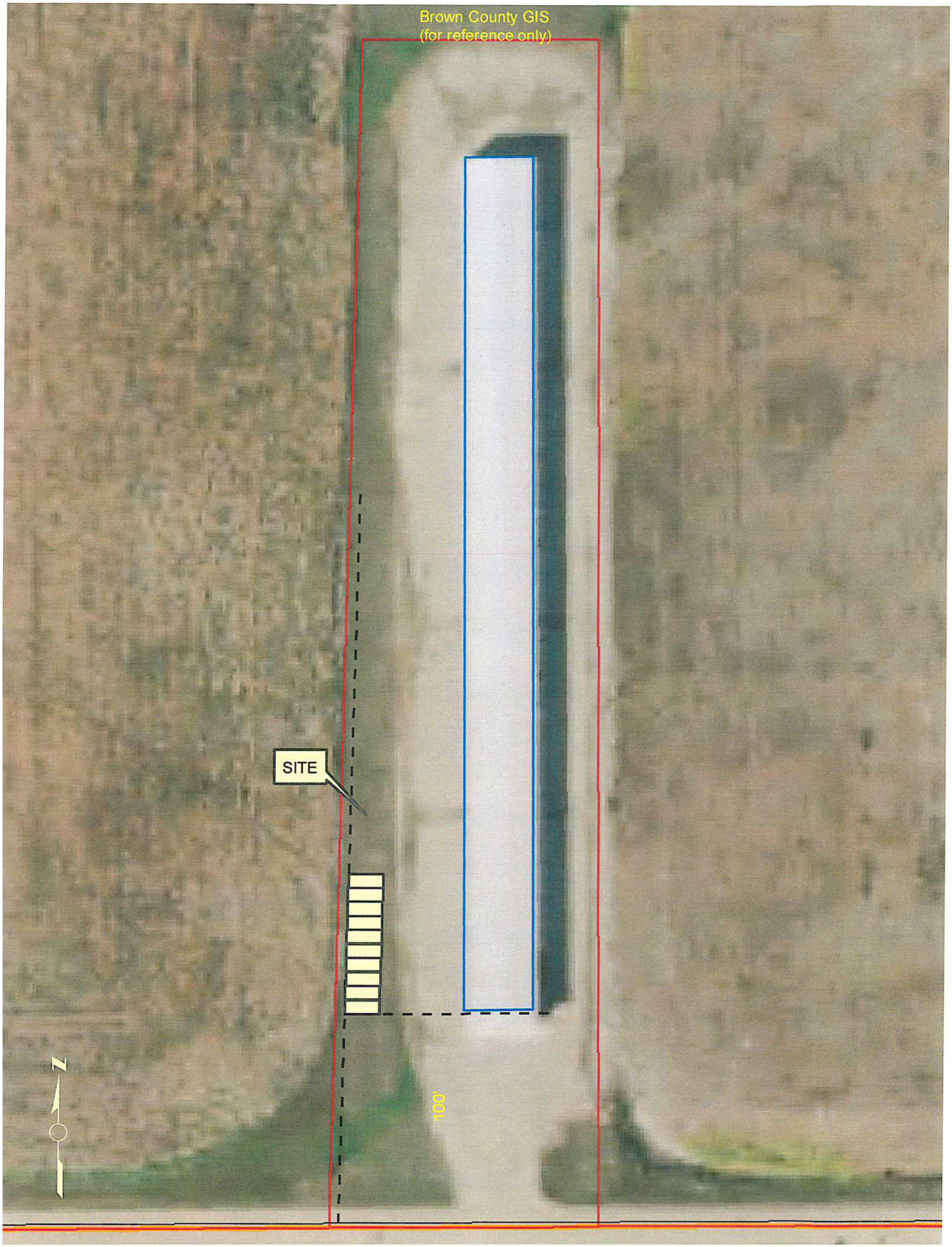
The public is invited to attend the hearing and to present comments and testimony regarding the proposed Special Exception/Conditional Use.

Dated this *3rd day of July 2019*

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

Published once at the total approximate cost of _____.


Brown County GIS
(for reference only)
SITE
15
281
12W
12
South Dakota
State Railroad
N


Brown County GIS
(for reference only)
SITE
100'
N

CHAPTER 4.14 HIGHWAY COMMERCIAL DISTRICT (HC)

4.1401 Intent. The intent of the Highway Commercial District (HC) is to provide commercial areas for those establishments which can function most satisfactorily in an area directly related to a major vehicular circulation route due to the nature of the merchandise handled and the display space required, particularly items requiring expansive display area such as motor vehicles, trailers, and farm implements; the method of transport required of the purchaser for the merchandise handled, particularly goods customarily traded in bulk such as lumber or feed requiring access for the customer to the sales area; primary dependence upon vehicular, as opposed to pedestrian, access such as drive-in facilities and all types of automotive and farm implement services; or the clientele toward which the establishments are primarily oriented, particularly travelers on the highway.

4.1402 Permitted Principal Uses and Structures. The following principal uses and structures shall be permitted in Highway Commercial Districts (HC):

1. Retail sale of: lumber and other building materials, farm equipment, motor vehicles, recreational vehicles, marine craft, aircraft, mobile homes, trailers, farm and garden supplies, fuel and ice;

2. Wholesale sales of: motor vehicles and automotive equipment; drugs, chemicals, and allied products; dry goods and apparel; groceries and related products; electrical goods; hardware, plumbing, heating equipment, and supplies; machinery, equipment and supplies; beer, wine, and distilled alcoholic beverages; paper and paper products, furniture and home furnishings, lumber and construction materials.

3. Funeral and crematory services and supplies;

4. Farm products warehousing and storage;

5. Refrigerated warehousing;

6. Food lockers, provided, that any slaughtering, killing, eviscerating, skinning, or plucking be done indoors;

7. Household goods warehousing and storage;

8. General warehousing and storage;

9. Automobile repair and services;

10. Upholster and furniture repair services;

11. Contract construction services;

12. Bus garaging and equipment maintenance;

13. Motor freight terminals;

14. Motor freight garaging and equipment maintenance;

15. Automobile parking;

16. Libraries; museums; art galleries; planetaria; aquariums; historic and monument sites; auditoriums; exhibition halls; and penny arcades;

17. Miniature golf, gymnasiums and athletic clubs, swimming pools, tennis courts, ice skating, roller skating;

18. Parks;

19. Theaters; stadiums; drive-in movies; arenas and field houses; race tracks; fairgrounds; amusement parks; golf driving ranges; go-cart tracks; golf courses and country clubs; riding stables; play fields and athletic fields; bowling; and swimming pools;

20. Communication and utility uses;

21. Drive-in eating and drinking places; restaurants;

22. Automobile service stations;

23. Motels; and

24. Livestock sales establishments, buying stations.

4.1403 Permitted Accessory Uses and Structures. The following accessory uses and structures shall be permitted in Highway Commercial District (HC):

1. Accessory uses normally appurtenant to the permitted principal uses and structures when established in conformance within the space limits of this district.

4.1404 Minimum Lot Requirements. The minimum lot area shall be ten thousand (10,000) square feet. The minimum lot width shall be one hundred (100) feet.

4.1405 Minimum Yard Requirements. There shall be a front yard of not less than a depth of one hundred (100) feet. Each side yard and rear yard shall be no less than twenty-five (25) feet as measured from the outermost edge of the structure.

4.1406 Maximum Lot Coverage. The maximum lot coverage for all buildings shall not be more than fifty (50) percent of the total area.

4.1407 Maximum Height. The height of all buildings and structures shall not exceed forty-five (45) feet.

4.1408 Service or Access Roads. Service or access roads may be required at the discretion of the Planning Commission.

4.1409 Rezoning of Property.

1. That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.03 of the Revised Brown County Ordinances, as amended, to-wit: **West 198' of the North 990' of the Northwest Quarter (NW 1/4) of Section 4, Township One Hundred Twenty-One (121), Range Sixty-one**


Brown County GIS
(for reference only)
N 5TH ST
N 4TH ST
DAYTON AVE
SITE
STRATFORD
N 4TH ST
N 5TH ST
ASH AVE
N 5TH ST
143RD ST
143RD ST
143RD ST
N

STAFF REPORT
July 16, 2019

PRELIMINARY & FINAL PLAT **ITEM #** 17

GENERAL INFORMATION

PETITIONER	Richard Fliehs
REQUEST	**Preliminary & Final Plat**
LEGAL DESCRIPTION	"Fliehs-Koehler Subdivision" in the SW1/4 of Section 1-T123N-R61W of the 5th P.M., Brown County, South Dakota
LOCATION	40546 & 40548 131st St
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

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

REVIEW: Staff has reviewed this Preliminary and Final Plat and acknowledges that they have existing a shared access. Lot 1&2 do not meet a minimum 40.0 acres for AG-P or qualify for the "farm unit" definition.

STAFF: Recommend approval of plat with the stipulation that they submit a rezone petition for Mini Agriculture District (M-AG). The Petitioner has submitted rezone petition.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME Fliehs-Koehler Subdivision

QUARTER: SW SECTION: 1 TOWNSHIP: 123 RANGE: 61

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

OWNERS NAMES: Richard Fliehs

OWNERS NAMES: _____

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Randy Bacon (Helms & Assoc)

TYPE: PRELIMINARY ____ FINAL ____ BOTH X

FEE: $25.00 ACRES x $1.00 $5.00 TOTAL: $ 30.00 DATE PAID: 06 / 26 /2019

RECEIVED BY PLANNING DEPARTMENT: 06 / 26 /20 19 BY: Scott Bader

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

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

STREETS/ROADS NAMED PROPERLY X

EXISTING ACCESS SHOWN ON PLAT X ACCESS NEEDED ____

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE X

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

HIGHWAY SIGNATURE LINE SIGNED X

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

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: ____ APPROVE ____ DENY ____ RE-SUBMIT ON

_____

CONSIDERED BY COUNTY COMMISSION:

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

BROWN COUNTY
PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: 6/19/19 FEES: 30.00
RECEIPT # 132143 PAID: YES/NO CHK/CASH
TOWNSHIP: Groton DATE: 6/20/19

OWNERS SIGNATURE: RICH FLIEHS
OWNERS ADDRESS: 40548 131st St
OWNERS CITY, STATE, ZIP: Groton SD 57445
OWNERS PHONE: 605 397 7036

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

REQUEST: PRELIMINARY & FINAL PLAT

LEGAL DESCRIPTION: FLIEHS KOEHLER SUBDIVISION IN THE SW 1/4 OF SECTION 1-T123N-R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA

Planning Commission Action: Approved / Denied

By: ***Date:***

HEARING DATE: July 16, 2019 **TIME:** 7:00 pm

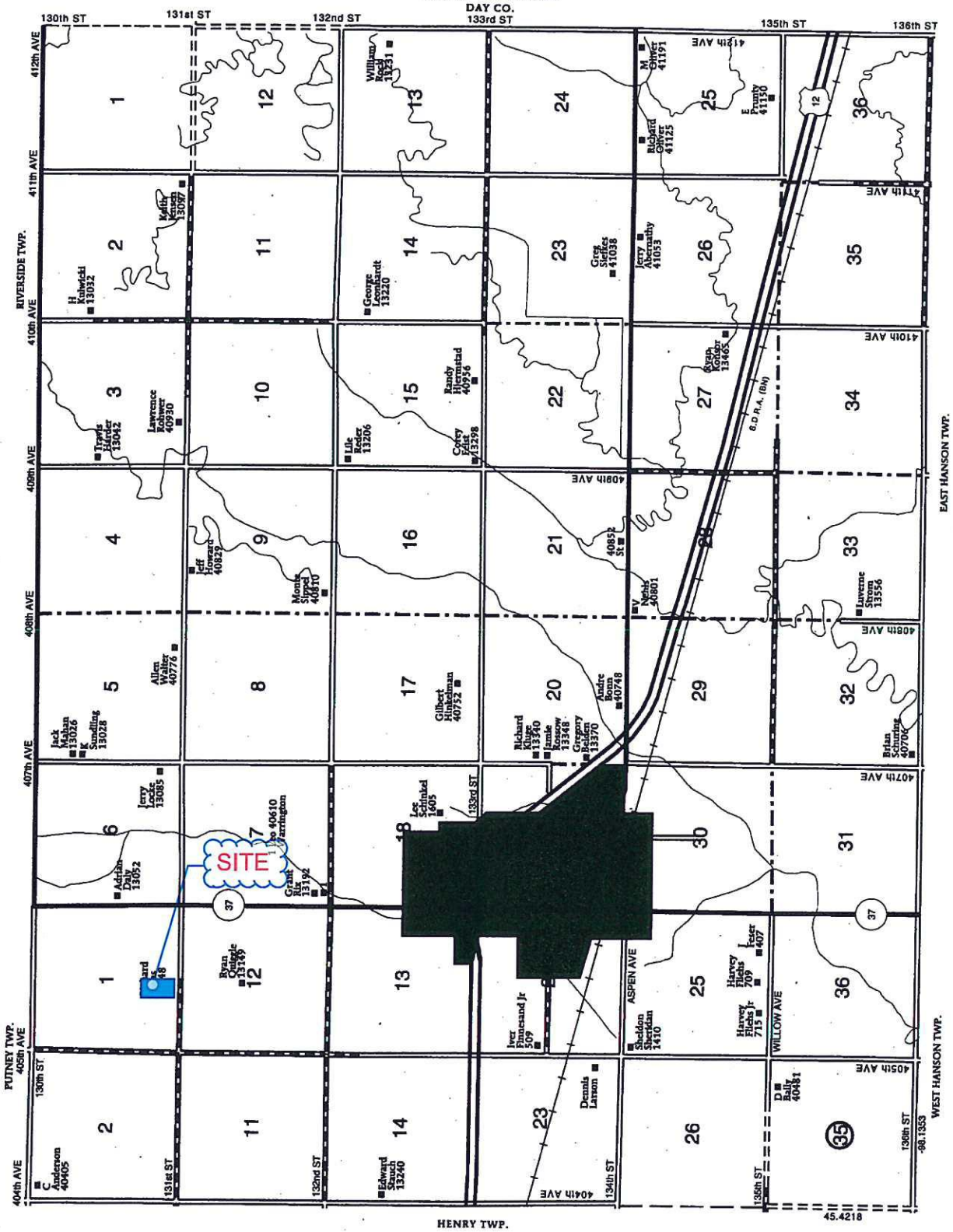
MEETING: located in the Basement Community Room of the Court House Annex
25 Market Street • Aberdeen, South Dakota 57401-4203
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

T-123-N

GROTON DIRECTORY

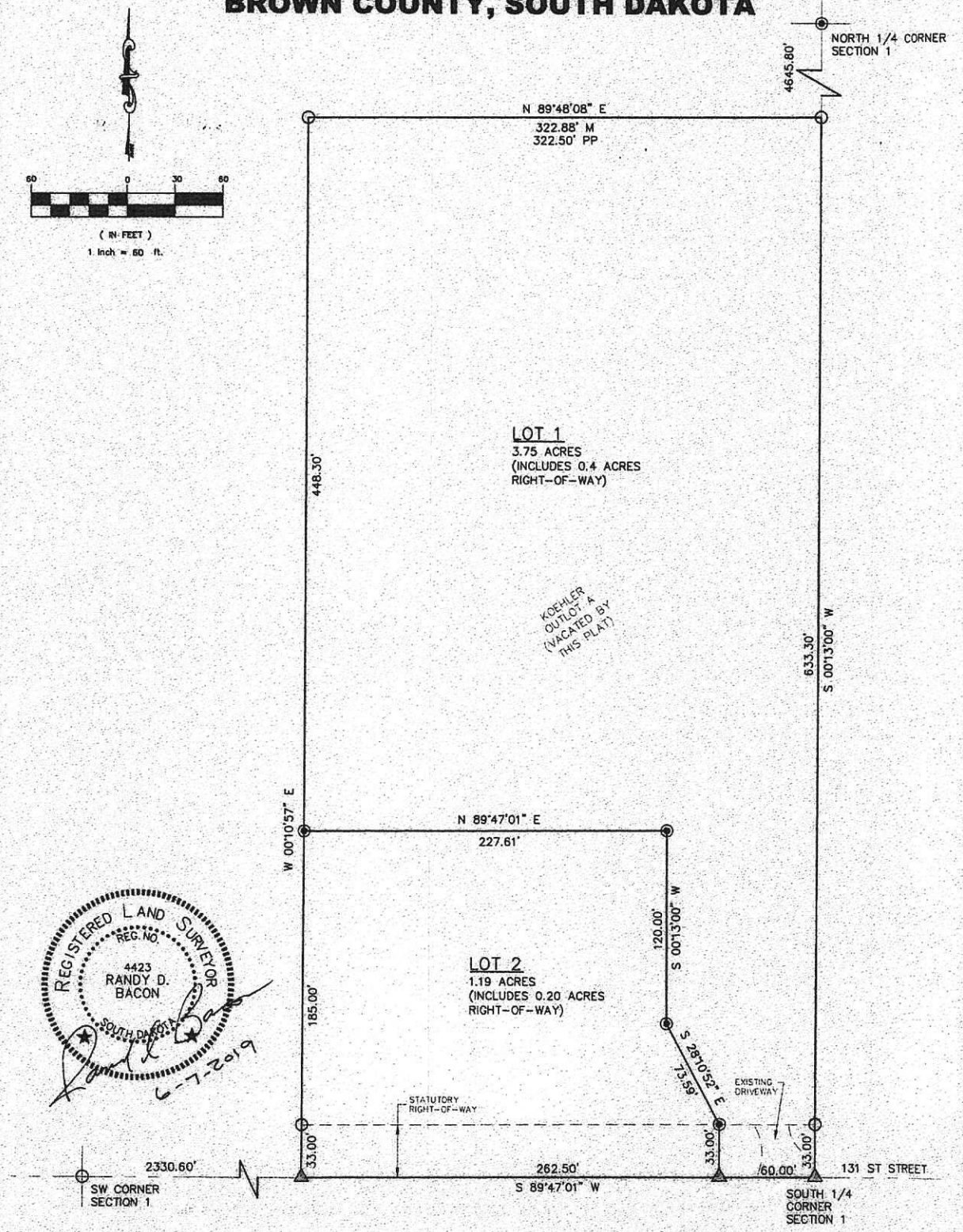
(Residents - Owners or Renters)

R-60-61-W



A-7284

PLAT OF
FLIEHS-KOEHLER SUBDIVISION
IN THE SW 1/4 OF SECTION 1-T123N-R61W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



LEGEND

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

BASIS OF BEARINGS

TRUE MERIDIAN – GPS
M = MEASURED THIS SURVEY
PP = PREVIOUS PLAT ON DISTANCE

Helms & ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS
321 Brown County Highway 19
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

DWG. 7284-LS | BY: WRD | SHEET 1 OF 3

A-7284

PLAT OF
FLIEHS-KOEHLER SUBDIVISION
IN THE SW 1/4 OF SECTION 1-T123N-R61W 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 RICHARD D. FLIEHS AS OWNER, AND UNDER HIS DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO JUNE 1, 2019, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: FLIEHS-KOEHLER SUBDIVISION IN THE SW 1/4 OF SECTION 1-T123N-R61W 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 1 DAY OF June, 2019.

RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS FLIEHS-KOEHLER SUBDIVISION IN THE SW 1/4 OF SECTION 1-T123N-R61W 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 NEW AND EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 19 DAY OF JUNE, 2019.

FORMERLY DESCRIBED AS:
KOEHLER OUTLOT A IN THE SW 1/4
OF SECTION 1-T123N-R61W OF THE
5TH P.M.

RICHARD D. FLIEHS

DECLARATION OF VACATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED HEREBY DECLARE TO VACATE THAT PORTION AS SHOWN AND MARKED ON THE FOREGOING PLAT AND OF THE PLAT OF KOEHLER OUTLOT A, AS RECORDED AS PLAT NO. 626, ON AUGUST 12, 1987 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.

THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 19 DAY OF JUNE, 2019.

RICHARD D. FLIEHS

ACKNOWLEDGEMENT

STATE OF South Dakota
COUNTY OF Brown)SS

ON THIS THE 19th DAY OF June, 2019, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED RICHARD D. FLIEHS KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

Angela Ostermann

NOTARY PUBLIC, South Dakota STATE

MY COMMISSION EXPIRES: 4-18-2023

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 FLIEHS-KOEHLER SUBDIVISION IN THE SW 1/4 OF SECTION 1-T123N-R61W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA. HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

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

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING FLIEHS-KOEHLER SUBDIVISION IN THE SW 1/4 OF SECTION 1-T123N-R61W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA. HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

A-7284

PLAT OF
FLIEHS-KOEHLER SUBDIVISION
IN THE SW 1/4 OF SECTION 1-T123N-R61W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

_____
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

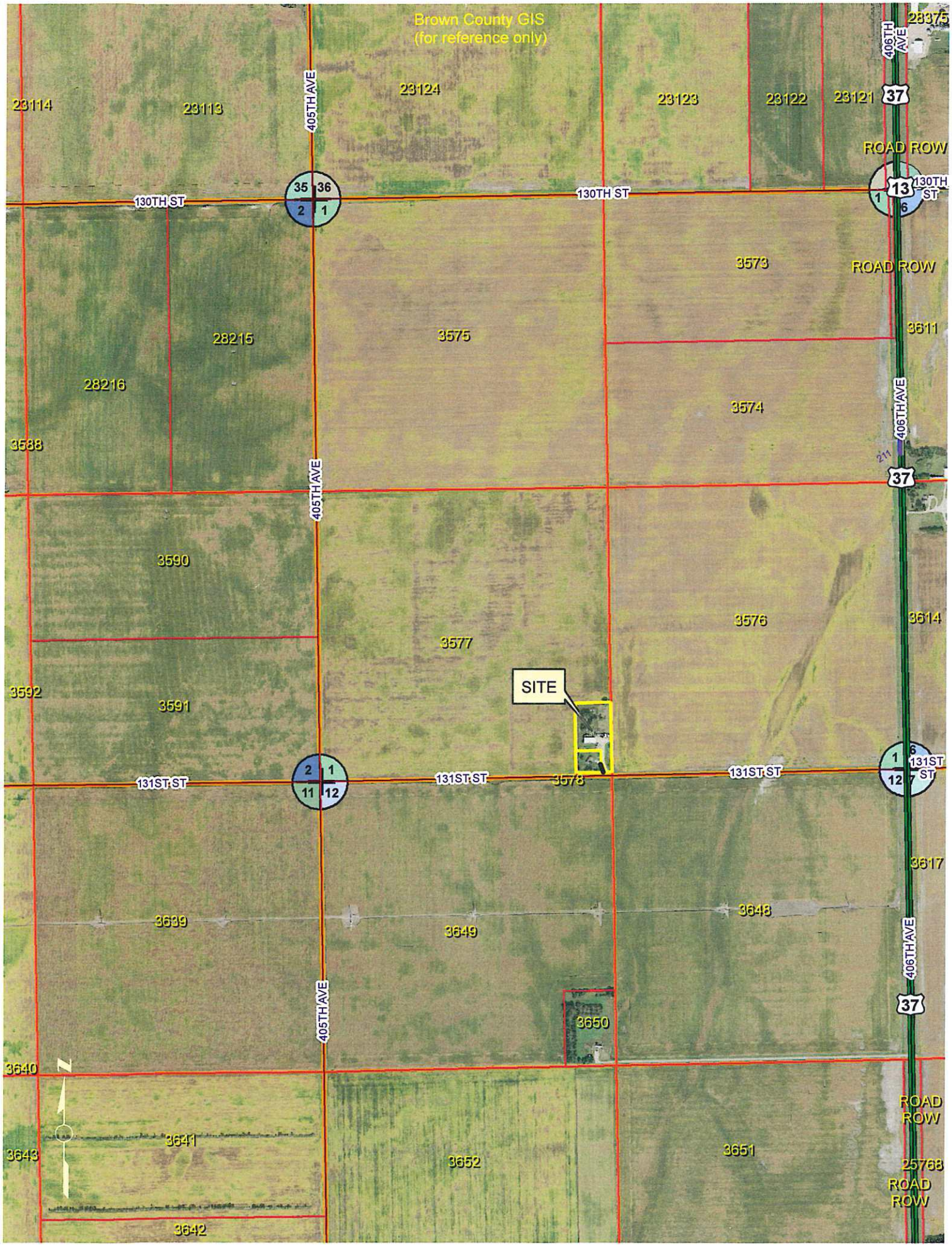
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS 19 DAY OF June, 20 19.

P Vaughter, dep treas
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

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

_____
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA


Brown County GIS
(for reference only)
23114
23113
23124
23123
23122
23121
28375
405TH AVE
406TH AVE
37
ROAD ROW
130TH ST
35
36
2
1
13
6
3573
3611
28215
28216
3575
3574
3588
3590
3576
3614
3577
3592
3591
SITE
131ST ST
11
12
3578
3617
3639
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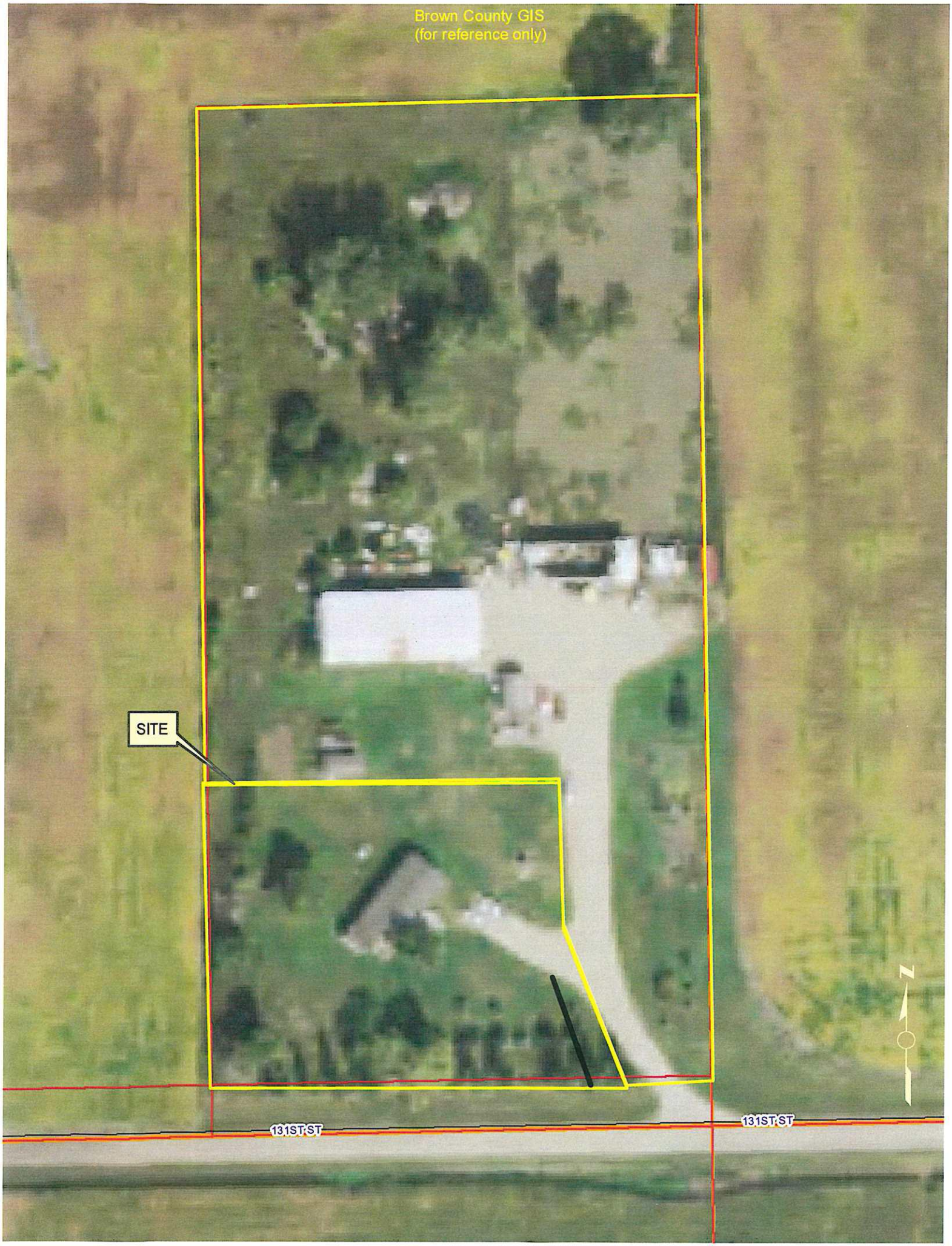
3643
3652
3651
25768
3642


Brown County GIS
(for reference only)
SITE
131ST ST
131ST ST
N

STAFF REPORT
July 16, 2019

PRELIMINARY & FINAL PLAT **ITEM #** 18

GENERAL INFORMATION

PETITIONER	Jim Thares
REQUEST	**Preliminary & Final Plat**
LEGAL DESCRIPTION	"Thares Third Subdivision" in the N1/2SE1/4 of Section 35-T124N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	12961 & 12965 387th Ave
EXISTING ZONING	Mini Agriculture District (M-AG)
SURROUNDING ZONING	
North:	Mini Agriculture District (M-AG)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

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

REVIEW: Staff has reviewed this Preliminary and Final Plat and acknowledges that they have existing access on each parcel. Lot 1 meets a minimum 40.0 acres for AG-P and Lot 2 would qualify for the "farm unit" definition to stay zoned AG-P if they were currently A-1.

STAFF: I don't know why the City had this 80 acres rezoned to M-AG and Jim couldn't remember why they made him rezone it either when it was in their jurisdiction?

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME "Thares Third Subdivision"

QUARTER: N1/2SE1/4 SECTION: 35 TOWNSHIP: 124 RANGE: 64

LOTS 1, 2, 3 1&2 ~~TRACTS 1, 2, 3~~ ~~PARCELS 1, 2, 3~~ ~~NOTHING SHOWN~~

OWNERS NAMES: Prairie Hills Farm LLC

OWNERS NAMES: Jim Thares

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Helms Engineering

TYPE: PRELIMINARY ____ FINAL ____ BOTH X

FEE: $25.00 ACRES x $1.00 71 TOTAL: $ 96.00 DATE PAID: 07 / 09 /2019

RECEIVED BY PLANNING DEPARTMENT: 06 / 26 /2019 BY: Scott Bader

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

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

STREETS/ROADS NAMED PROPERLY X

EXISTING ACCESS SHOWN ON PLAT X ACCESS NEEDED ____

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE X

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

HIGHWAY SIGNATURE LINE SIGNED X

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

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: ____ APPROVE ____ DENY ____ RE-SUBMIT ON

_____

CONSIDERED BY COUNTY COMMISSION:

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

BROWN COUNTY
PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: June 28, 2019
RECEIPT # 132150
TOWNSHIP: Lincoln Twp

FEES: 96.00
PAID: YES/NO CHK/CASH
DATE: July 9, 2019

OWNERS SIGNATURE: Prairie Hills Farms LLC (Jim Thares)
OWNERS ADDRESS: P.O. Box 1359
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57402
OWNERS PHONE:

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

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Thares Third Subdivision" in the N1/2SE1/4 of Section 35-T124N-R64W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

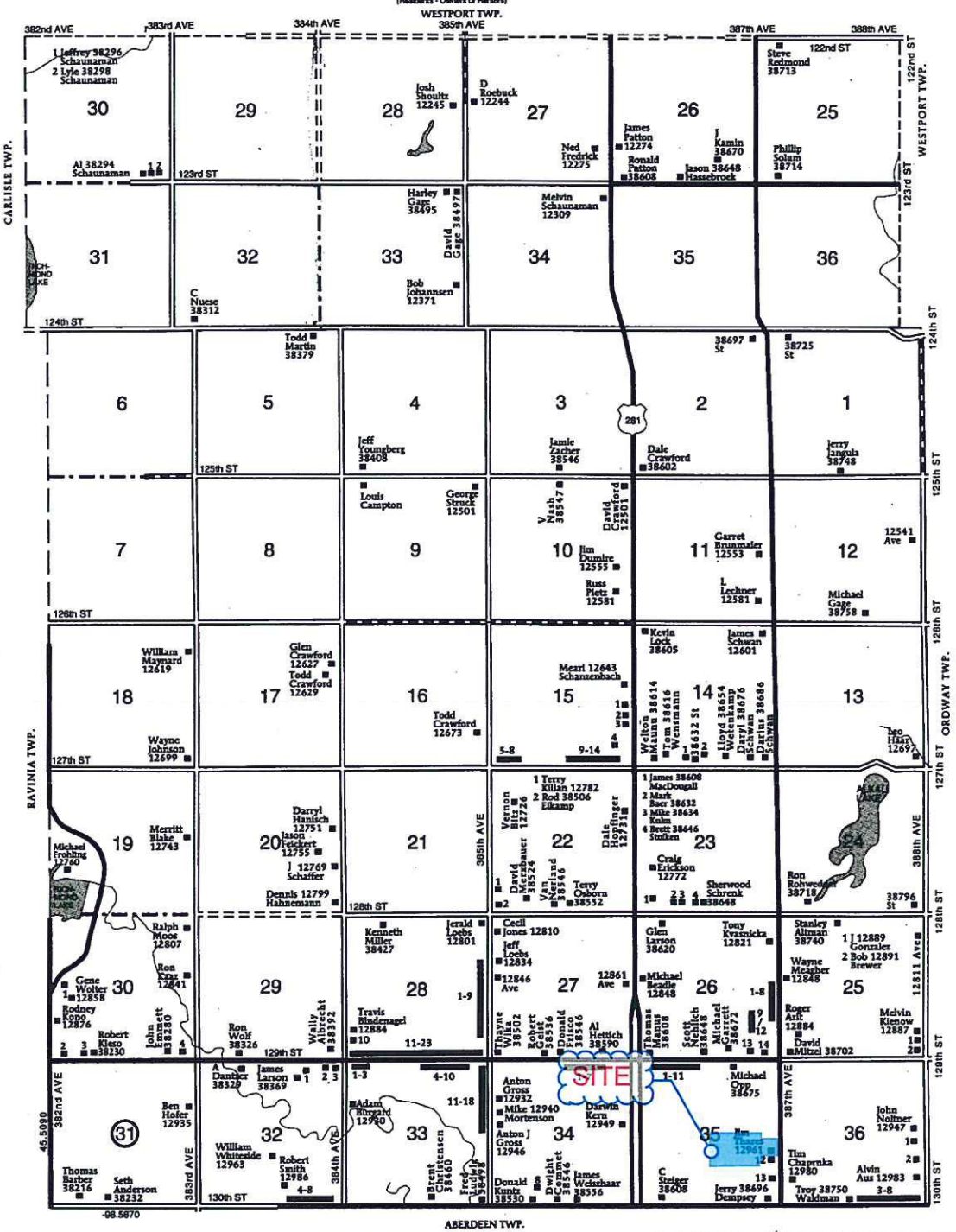
By: ***Date:***

HEARING DATE: July 16, 2019 **TIME:** 7:00 p.m.

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

T-124-125-N LINCOLN DIRECTORY R-64-W

(Residents - Owners or Renters)



LINCOLN TOWNSHIP

SECTION 14

1 Adams, John 38630
2 Mount, Bill 38634

SECTION 15

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

SECTION 26S

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

SECTION 28S

1 Drageset, Jamie 12833
2 Adolf, Gregory 12839
3 Hoeltzner, Curtis 12843
4 Wilkie, Chad 12845
5 Carlson, Cartor 12853
6 Vining, Brad 12861
7 Aman, Dwight 12871
8 Kotzea, D 12881
9 Nordstrom, Allen 12891
10 Hauge, Chad 12888
11 Bitz, Marvin 38404
12 Gab, Dale 38406
13 Bitz, Sheldon 38412
14 Hammrich, Marc 38414
15 Bellikka, Neil 38424
16 Neiber, Danny 38434
17 Jakober, Glen 38452
18 Buechler, Todd 38460
19 Siefken, Lon 38464
20 Habeck, F 38474
21 Kamm, Casey 38478
22 Whitney, Charles 38484
23 Peterson, Kenneth 38488

SECTION 30S

1 Podoll, M 12852
2 Schlagel, Gene 38206
3 38228
4 Mandel, Lonnie 38294

SECTION 32S

1 Lehr, Cary 38373
2 Otto, Randall 38393
3 Gosvener, Ken 12901
4 Martinmaas, Roger 38364
5 Thorstenson, Casey 38370
6 Harms, Bruce 38374
7 Hartung, Mark 38386
8 Keller, Edward 38392

SECTION 33S

1 Waltman, Frank 38405
2 Malsam, Ervin 38409
3 Krueger, Gerald 38413
4 Burt, Roy 38453
5 Sutton, Duane 38459
6 Aman, Bonnell 38463
7 Hagmann, Rick 38469
8 Allbie, M 38479
9 Feickert, Dennis 38485
10 Foss, Kevin 38489
11 Martel, Don 12903
12 Entzel, Ernest 12907
13 Malsom, Bob 12909
14 Falken, Jess 12915
15 Skott, Randy 12921
16 Kurtz, B 12927
17 Gross, Joe 12941
18 Schlosser, Rudolph 12945

SECTION 34S

1 Hartung, John 38549
2 Shilman, Larry 38557
3 Tarrell, Ron 38559
4 Odde, N 38563
5 Volzke, Randy 38587
6 Malsam, Melvin 38589
7 Igo, Loren 38591
8 Ritter, Loren 38534

SECTION 35S

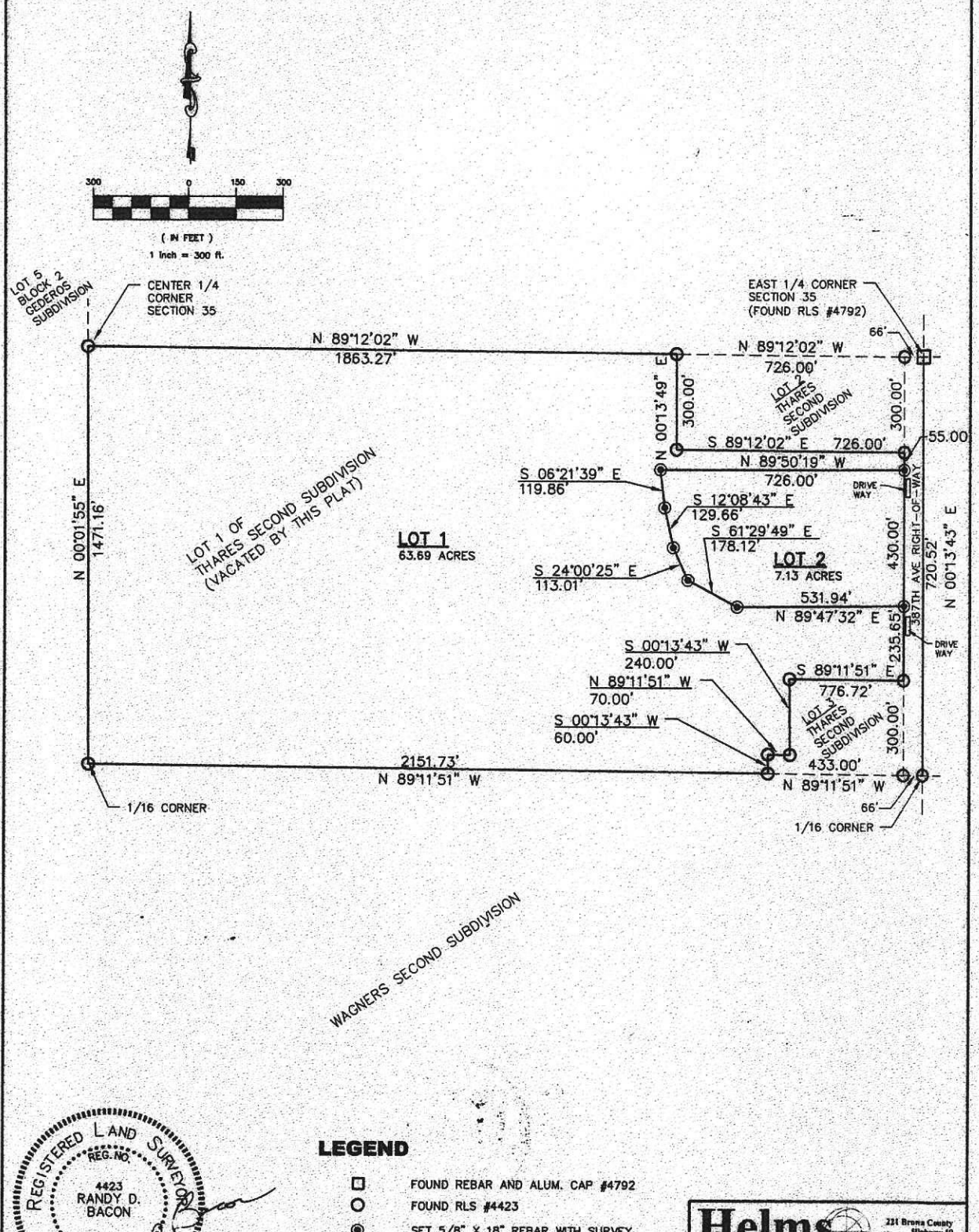
1 Fordham, Donald 38621
2 Luitjens, Mark 38631
3 Hollan, Ray 38635
4 Hendrickson, J 38649
5 Anliker, Alvin 38655
6 Malsam, Joe 38629
7 Hanley, Tom 38630
8 Fix, Jeffrey 38637
9 Binder, Brandon 38643
10 Mercer, V 12911
11 Tchida, Mervin 12914
12 Thares, Clark 12969
13 Diede, James 12979

SECTION 36S

1 Dalager, John 12953
2 Hinds, Bill 12971
3 Waldman, Clarence 38756
4 Waldman, Galen 38762
5 Pence, Bryan 38766
6 Cowan, Richard 38770
7 Lonning, Stuart 38782
8 Bock, Jeff 38792

A-7285

PLAT OF
THARES THIRD SUBDIVISION IN THE N 1/2 OF THE SE 1/4 OF SECTION 35-T124N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



REGISTERED LAND SURVEYOR
REG. NO.
4423
RANDY D. BACON
SOUTH DAKOTA
6-21-19

LEGEND

- □ FOUND REBAR AND ALUM. CAP #4792
- ○ FOUND RLS #4423
- ◉ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423

BASIS OF BEARINGS

TRUE MERIDIAN – GPS

Helms & ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS
221 Brown County Highway 19
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

DWG. 7285-LS	BY: WRD	SHEET 1 OF 3

A-7285

PLAT OF
THARES THIRD SUBDIVISION IN THE N 1/2 OF THE SE 1/4 OF SECTION 35-T124N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF PRAIRIE HILL FARMS L.L.C., A SOUTH DAKOTA LIMITED LIABILITY COMPANY AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO JUNE 1, 2019, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: THARES THIRD SUBDIVISION IN THE N 1/2 OF THE SE 1/4 OF SECTION 35-T124N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA.
I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 21TH DAY OF JUNE, 2019.

Randy D. Bacon

RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS THARES THIRD SUBDIVISION IN THE N 1/2 OF THE SE 1/4 OF SECTION 35-T124N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA. AS SHOWN BY THIS PLAT, AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 24 DAY OF June, 2019.

FORMERLY DESCRIBED AS

LOT 1 OF THARES SECOND SUBDIVISION IN THE N 1/2 OF THE SE 1/4 OF SECTION 35-T124N-R64W OF THE 5TH P.M.

PRAIRIE HILL FARMS L.L.C., A SOUTH DAKOTA LIMITED LIABILITY COMPANY

BY: J Thares

TITLE: President

DECLARATION OF VACATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED HEREBY DECLARE TO VACATE THAT PORTION AS SHOWN AND MARKED ON THE FOREGOING PLAT AND OF THE PLAT OF THARES SECOND SUBDIVISION, AS RECORDED AS PLAT NO. 1783 ON NOVEMBER 1, 2002 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.
THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 24 DAY OF June, 2019.

PRAIRIE HILL FARMS L.L.C., A SOUTH DAKOTA LIMITED LIABILITY COMPANY

BY: J Thares

TITLE: President

ACKNOWLEDGEMENT

STATE OF South Dakota
COUNTY OF Brown)SS
ON THIS THE 24th DAY OF June, 2019, BEFORE ME, Ruth A. Nelson, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED, James C. Thares OF PRAIRIE HILL FARMS, L.L.C., A SOUTH DAKOTA LIMITED LIABILITY COMPANY, AND THAT HE, AS SUCH President, BEING AUTHORIZED SO TO DO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING THE NAME OF THE LIMITED LIABILITY BY HIMSELF AS President. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

Ruth A. Nelson

RUTH A. NELSON NOTARY Seal PUBLIC STATE OF SOUTH DAKOTA

NOTARY PUBLIC, South Dakota STATE

MY COMMISSION EXPIRES: 1/25/2020

A-7285

PLAT OF
THARES THIRD SUBDIVISION IN THE N 1/2 OF THE SE 1/4 OF SECTION 35-T124N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

COUNTY PLANNING COMMISSION CERTIFICATION

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

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING THARES THIRD SUBDIVISION IN THE N 1/2 OF THE SE 1/4 OF SECTION 35-T124N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA. HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

_____
SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

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

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING THARES THIRD SUBDIVISION IN THE N 1/2 OF THE SE 1/4 OF SECTION 35-T124N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA. HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

_____
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

_____
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS 25 DAY OF June, 20 19.

Nowlin, ch dep treas
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

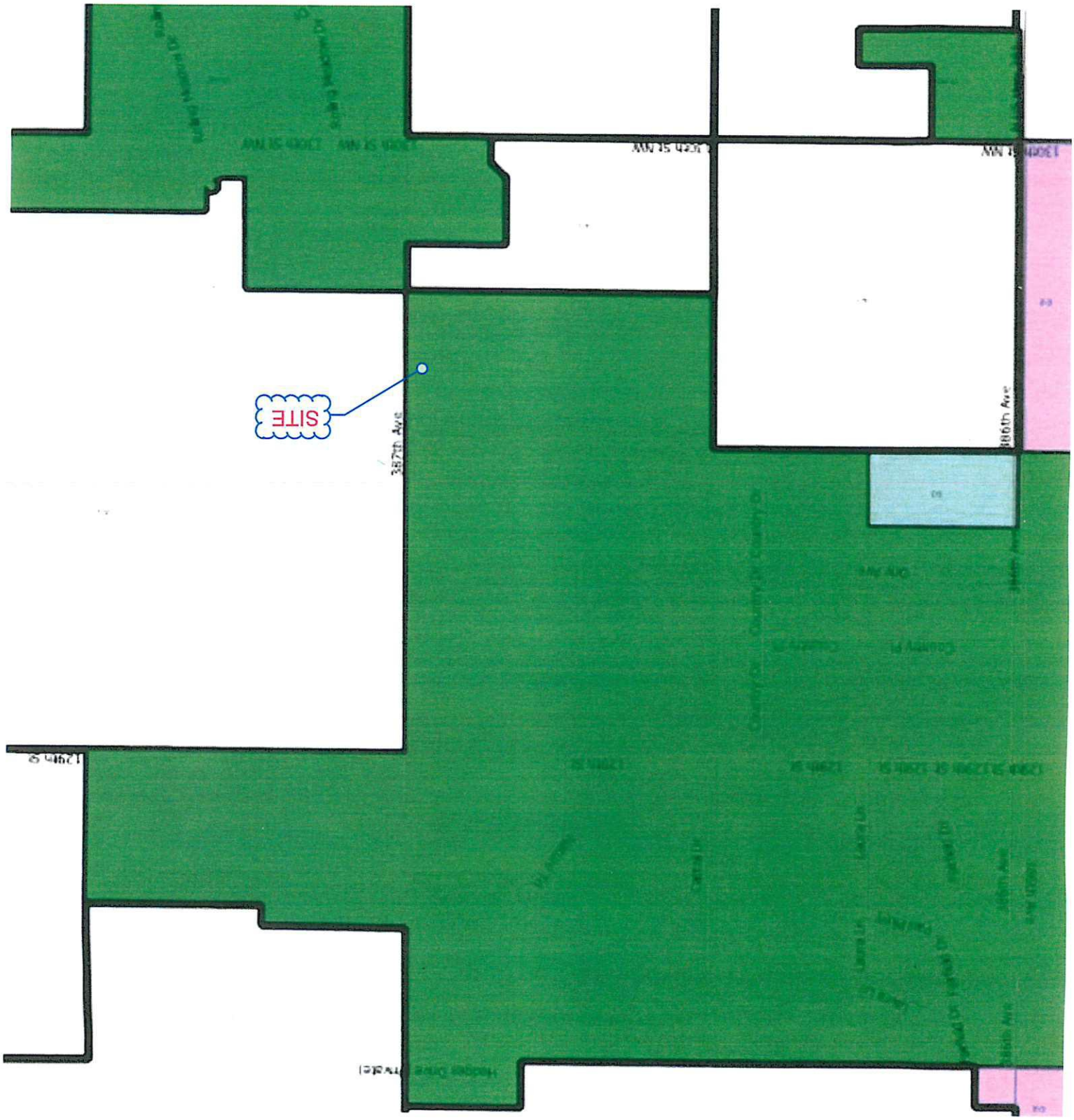
REGISTER OF DEED'S CERTIFICATE

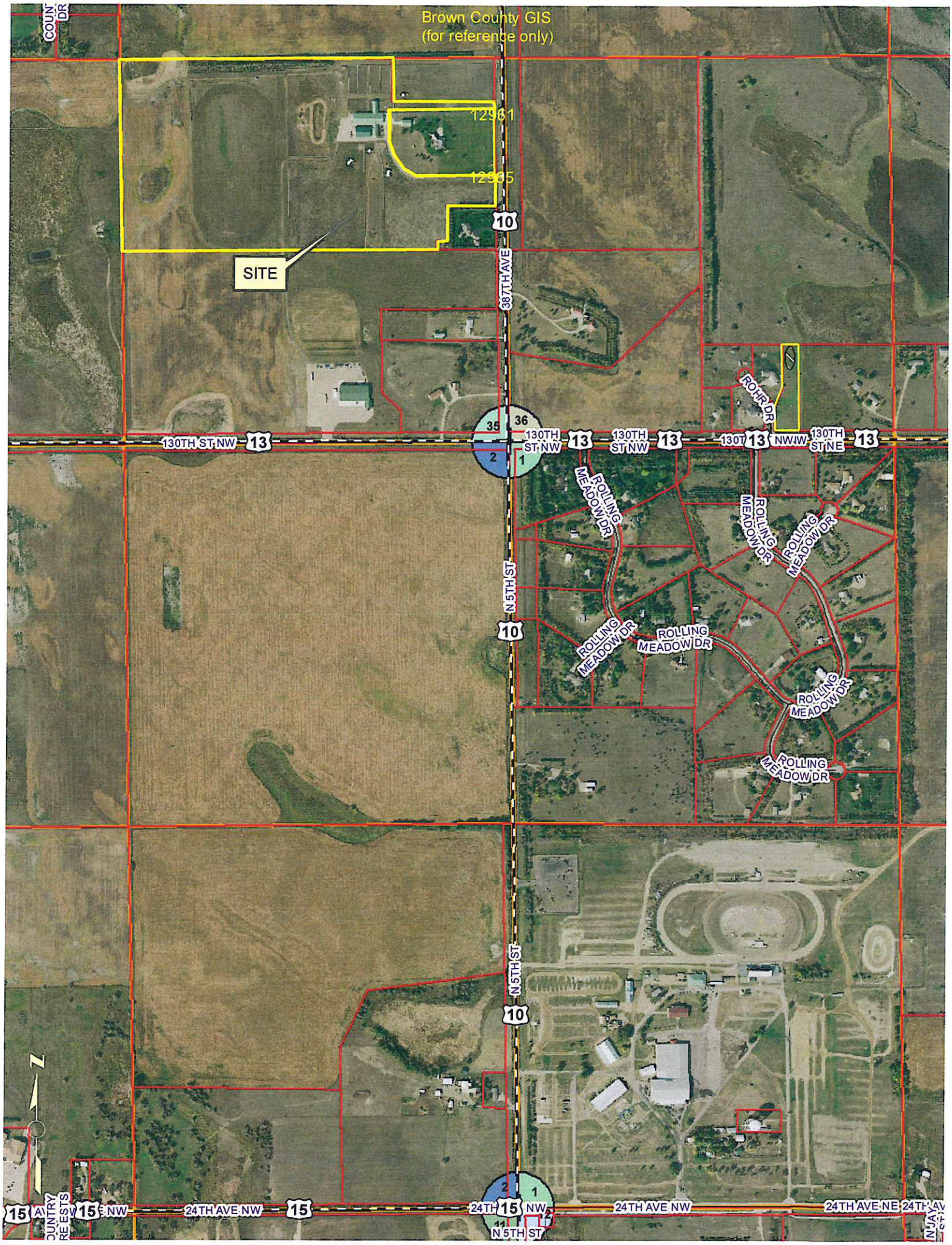
FILED FOR RECORD THIS _____ DAY OF _____, 20____ AT ____ ____O'CLOCK _____, AND DULY RECORDED AS PLAT NO._____.

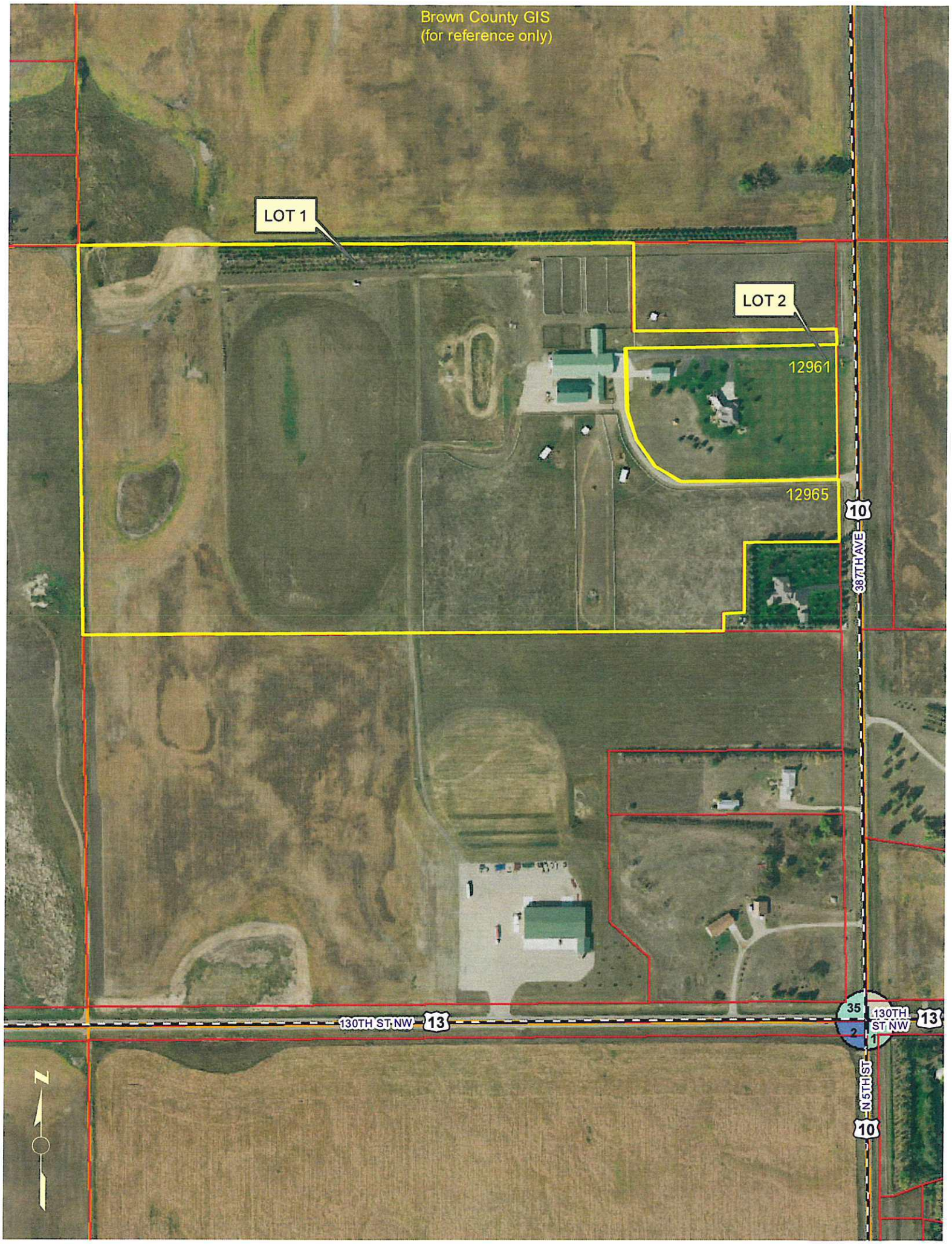
_____
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

Zoning

- A-1 (Agricultural)
- A-2 (Green Belt)
- C-1 (Neighborhood Commercial)
- C-2 (Highway Commercial)
- C-3 (Central Business)
- HC (Health Care)
- I-1 (Industrial Park)
- I-2 (Unrestricted Industrial)
- M (Municipal/County/State Use)
- M-AG (Mini-Agricultural)
- R-1 (Low Density Residential)
- R-2 (Medium Density Residential)
- R-2 (5'S) (5'foot side setbacks)
- R-2A (Manufactured Housing)
- R-3 (High Density Residential)
- R-4 (Special Density Residential))
- R-5 (Trailers/Trailer Park/Planned Residential)


Hedges Drive (Private)
129th St
129th St 129th St 129th St
129th St
129th St
Country Pl
Orr Ave
386th Ave
387th Ave
SITE
130th St NW
130th St NW
130th St NW 130th St NW


Brown County GIS
(for reference only)
12961
12965
SITE
387TH AVE
10
130TH ST NW
13
35
36
2
1
ROHR DR
ROLLING MEADOW DR
N 5TH ST
24TH AVE NW
15
24TH AVE NE
N 5TH ST
COUNTRY ESTS
N


Brown County GIS
(for reference only)
LOT 1
LOT 2
12961
12965
387TH AVE
10
130TH ST NW
13
35
2
1
N 5TH ST
N

STAFF REPORT
July 16, 2019

PRELIMINARY & FINAL PLAT **ITEM #** 19

GENERAL INFORMATION

PETITIONER	Jeremy Schrempp
REQUEST	**Preliminary & Final Plat**
LEGAL DESCRIPTION	"Pinnacle Ag Subdivision" in the SW1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	13352 & 13360 384th Ave
EXISTING ZONING	Heavy Industrial District (H-I)
SURROUNDING ZONING	
North:	Heavy Industrial District (H-I)
South:	Agriculture Preservation District (AG-P)
East:	Heavy Industrial District (H-I)
West:	Heavy Industrial District (H-I)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

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

REVIEW: Staff has reviewed this Preliminary and Final Plat and acknowledges that both lots have existing accesses. Lot 2 has an easement for their access that they have already been using for years.

STAFF: Recommend approval of plat. Both lots are currently zoned correctly.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME Pinnacle AG Subdivision

QUARTER: SW SECTION: 21 TOWNSHIP: 123 RANGE: 64

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

OWNERS NAMES: Jon Swenson

OWNERS NAMES: Jeremy Schrempp

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Randy Bacon - Helms Eng

TYPE: PRELIMINARY ____ FINAL ____ BOTH X

FEE: $25.00 ACRES x $1.00 $10.00 TOTAL: $ 35.00 DATE PAID: 06 / 11 /2019

RECEIVED BY PLANNING DEPARTMENT: 06 / 11 /2019 BY: Scott Bader

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

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

STREETS/ROADS NAMED PROPERLY X

EXISTING ACCESS SHOWN ON PLAT X ACCESS NEEDED ____ includes an easement also

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE X

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

HIGHWAY SIGNATURE LINE SIGNED X

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

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: ____ APPROVE ____ DENY ____ RE-SUBMIT ON

_____

CONSIDERED BY COUNTY COMMISSION:

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

BROWN COUNTY
PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: June 13, 2019
RECEIPT # 132119
TOWNSHIP: Aberdeen Twp

FEES: 35.00
PAID: YES NO CHK CASH
DATE: June 11, 2019

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

AGENTS SIGNATURE: Jerry Schrempp SCHREMPP
AGENTS ADDRESS: 13041 383rd Ave
AGENTS CITY, STATE, ZIP: Aberdeen SD 57401
AGENTS PHONE: 605-200-0605

REQUEST: Preliminary and Final Plat in a Heavy Industrial District (H-I)

LEGAL DESCRIPTION: "Pinnacle Ag Subdivision" in the SW1/4 of Sec. 21-T123N-R64W of the 5th P.M., Brown County, South Dakota
13752 384TH AVE

Planning Commission Action: Approved / Denied

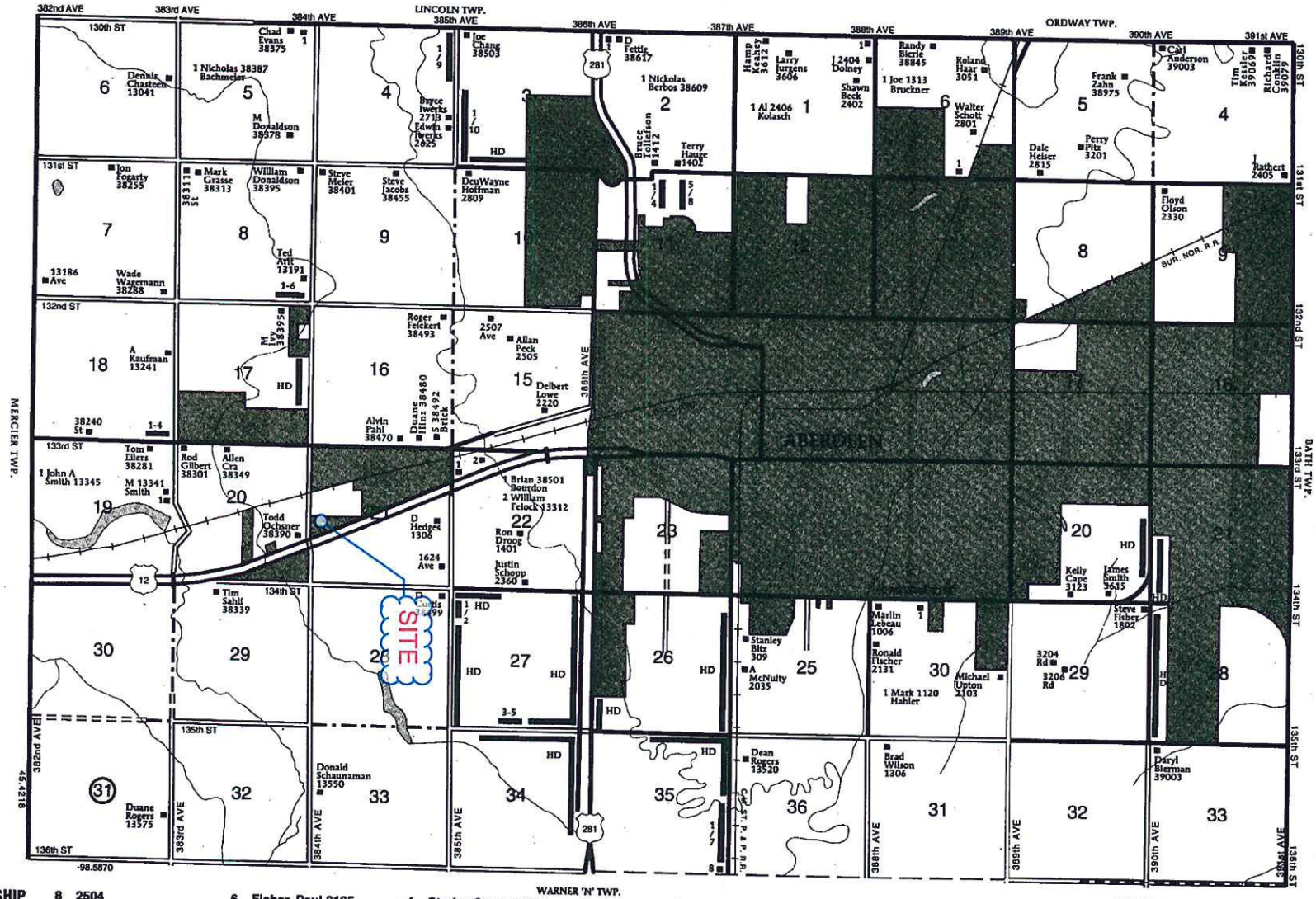
By: ***Date:***

HEARING DATE: July 16, 2019 **TIME:** 7:00 p.m.

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

T-123-N ABERDEEN DIRECTORY R-63-64-W

(Residents - Owners or Renters)



ABERDEEN TOWNSHIP

SECTION 3

1 2724
2 Smith, Douglas 2716
3 Heintzman, Rob 2708
4 2622
5 Senst, Jeff 2610
6 Zacher, Leland 2602
7 Emery, T 2536
8 2504
9 Bossert, Curt 2422
10 Bollwerk, Donald 2402

SECTION 4W

1 Bisbee, Bruce 3229
2 Moser, Kevin 3221
3 VanderHoek, Corey 3213
4 Goehring, Lareu 3205
5 Dykema, Clay 3133
6 Fisher, Paul 3125
7 Retzlaff, Fred 3105
8 Newman, Marty 3021
9 Huizenga, Arnold 2815

SECTION 8W

1 Brzezinski, Thomas 38374
2 Feickert, David 38382
3 Darling, Roger 38388
4 Streier, Steve 38390
5 Bitz, Robert 38392
6 Zimmer, Kyle 38396

SECTION 11

1 Larson, Dan 2329
2 Kokales, Joe 2327
3 Lipp, Leon 2325
4 Conraads, D 2323
5 Retzer, Robert 2330
6 Hilgemann, Bryon 2328
7 Mauritzson, John 2324
8 Volzke, Dennis 2322

SECTION 18

1 Eichinger, John 38280
2 Dahme, Art 38282
3 Wherry, Lavar 38290
4 Dreis, K 38296

SECTION 27

1 1805
2 Paulsen, William 1823
3 Aberle, Arthur 38548
4 Schwan, Christopher 38554
5 Forkel, Raymond 38556

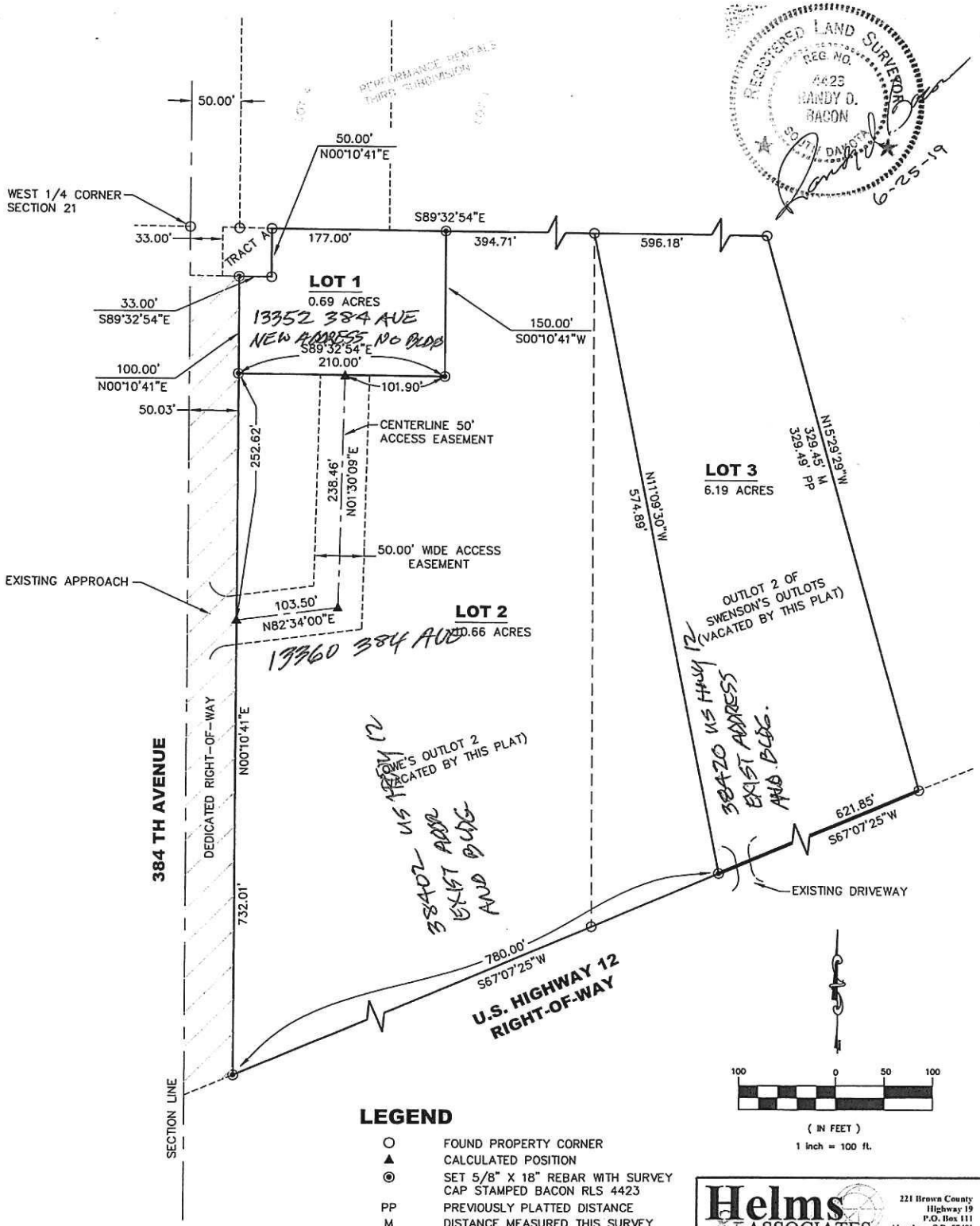
SECTION 35

1 Brake, Brad 13555
2 Thrash, Peter 13561
3 Swanson, Erlean 13569
4 Boeddeker, William 13573
5 Robinson, Randall 13575
6 Rahm, Marion 13579
7 Schroh, Joseph 13593
8 Fredrickson, Dale 38692

BROWN CO., SD

A-6861

PLAT OF
PINNACLE AG SUBDIVISION
IN THE SW 1/4 OF SECTION 21-T123N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



LEGEND

○	FOUND PROPERTY CORNER
▲	CALCULATED POSITION
◉	SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
PP	PREVIOUSLY PLATTED DISTANCE
M	DISTANCE MEASURED THIS SURVEY

BASIS OF BEARINGS

TRUE MERIDIAN – GPS

Helms & ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS
221 Brown County Highway 19
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

DWG. 6861-LS	BY: KMW	SHEET 1 OF 3

A-6861

PLAT OF
PINNACLE AG SUBDIVISION
IN THE SW 1/4 OF SECTION 21-T123N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF PINNACLE AGRICULTURE DISTRIBUTION INCORPORATED, AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO APRIL 1, 2018, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: PINNACLE AG SUBDIVISION IN THE SW 1/4 OF SECTION 21-T123N-R64W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA.
I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.
DATED THIS 25 DAY OF June, 2019.

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

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS PINNACLE AG SUBDIVISION IN THE SW 1/4 OF SECTION 21-T123N-R64W 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 AVENUES, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL ACCESS EASEMENTS, EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 28 DAY OF June, 2019.

PINNACLE AGRICULTURE DISTRIBUTION, INCORPORATED

BY: _____

TITLE: Location Operations Manager

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 LOWE'S OUTLOTS, AS RECORDED AS PLAT NO. 2084 H, ON DECEMBER 29, 2004 AND PLAT OF SWENSON'S OUTLOTS AS RECORDED AS PLAT #2104 ON FEBRUARY 25, 2005 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.
THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 28 DAY OF June, 2019.

PINNACLE AGRICULTURE DISTRIBUTION, INCORPORATED

FORMERLY DESCRIBED AS:
OUTLOT 2 OF LOWE'S OUTLOTS AND OUTLOT 2 OF SWENSON'S OUTLOTS IN THE SW 1/4 OF SECTION 21-T123N-R64W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA

BY: _____

TITLE: Location Operations Manager

CORPORATE ACKNOWLEDGEMENT

STATE OF)
COUNTY OF)SS
ON THIS THE ____ DAY OF _____, 20___, BEFORE ME, _____, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED _____ OF PINNACLE AGRICULTURE DISTRIBUTION, INCORPORATED, AND THAT HE, AS SUCH _____, BEING AUTHORIZED SO TO DO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING THE NAME OF THE CORPORATION BY HIMSELF AS _____ IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

_____

NOTARY PUBLIC, _____ STATE

MY COMMISSION EXPIRES: _____

A-6861

PLAT OF
PINNACLE AG SUBDIVISION
IN THE SW 1/4 OF SECTION 21-T123N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

COUNTY PLANNING COMMISSION CERTIFICATE

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 PINNACLE AG SUBDIVISION IN THE SW 1/4 OF SECTION 21-T123N-R64W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA. HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

_____
SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS 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 PINNACLE AG SUBDIVISION IN THE SW 1/4 OF SECTION 21-T123N-R64W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA., HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

_____
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

HIGHWAY AUTHORITY

BY: _____

TITLE: _____

HIGHWAY ACCESS CERTIFICATE

ACCESS TO _____ 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.

HIGHWAY OR STREET AUTHORITY

BY: _____

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF 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 AS PLAT NO._____.

_____
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

Sec. 60-60. - I-2 unrestricted industrial district.

(a) *Characteristics.* The purpose of this district is to identify and consolidate the various locations of industrially-related land uses which, because of their shipping, storage, and other requirements, exert special demands on the planning area. The I-2 district consolidated locations have been established for maximum transportation facilities and reduced negative aesthetic impact on other land uses in the planning area.

(b) *Permitted uses.* Within the unrestricted industrial district, buildings, structures, and land shall be used only for the following purposes:

(1) Appliance and mechanical instruments manufacturing and sales.

(2) Automotive sales and services.

(3) Bottling, cold storage, ice or locker plants.

(4) Concrete, asphalt and ready-mix manufacturing, operations, and sales.

(5) Contractor's offices, shops, and storage.

(6) Dry cleaning and laundry plants.

(7) Electronic equipment manufacture.

(8) Farm equipment sales and services.

(9) Food and kindred product processing.

(10) Furniture, lumber and wood manufacturing and sales.

(11) Garages for storage, repair, and servicing of motor vehicles.

(12) Hatcheries.

(13) Iron and steel works.

(14) Plumbing, heating, air conditioning manufacture and service.

(15) Metal processing and fabricating.

(16) Milling, animal feed preparation and grain elevators.

(17) Printing and publishing plants.

(18) Public works and public utility facilities, including, but not limited to, transformer stations, pumping stations, water towers, and telephone exchanges.

(19) Sign manufacture.

(20) Stone, clay and glass operations.

(21) Textile and clothing manufacturing.

(22) Transportation terminals and freight yards.

(23) Utility offices, installations, and shops.

(24) Wholesale and warehousing establishments and related storage, completely within an enclosed building.

(25) Accessory buildings, structures, and uses subordinate and customarily incidental to and located on the same lot with any of the foregoing principal uses and that will not create a nuisance or hazard to life or property.

(26) Any uses permitted in C-3 and C-2 districts.

(27) All properties within 300 feet of an educational institution shall comply with requirements as defined in section 60-196, pertaining to school safe zone.

(28) Telecommunication equipment colocated on existing towers and facilities or Stealth Telecommunication Facilities that will not increase the height or area of the supporting structure.

(c) *Special exceptions.* The board of zoning adjustment for the city of Aberdeen, may, by special permit, after a public hearing and subject to such conditions and protective restrictions as set forth in article XI authorize the following exceptions:

(1) Automotive and machinery wrecking, salvage, and junkyards and similar types of used-material businesses or industries, provided that they are conducted within a structure or on a lot enclosed by a solid fence at least eight feet in height.

(2) Butane gas storage plants.

(3) Fertilizer manufacture.

(4) Gasoline, oil and petroleum products, manufacturing, sale, and storage.

(5) Livestock feed lots and sale barns, but not nearer than 1,000 feet to any residential district, incorporated area, or dwelling other than the dwelling of the lessee or owner of the site.

(6) Open storage, parking, or sale of vehicles; raw materials; building materials; supplies; wholesaling, warehousing; manufactured goods; contractors' equipment; and concrete, asphalt and ready-mix manufacturing operations, and sales.

(7) Paint, glue, solvent, alcohol and other chemical production.

(8) Packing plants and slaughterhouses.

(9) Manufacturing, wholesaling or warehousing uses not otherwise specified in subsection (b) of this section subject to the regulations outlined in article VII of this chapter.

(10) Additions to personal residences and remodeling of multifamily and personal residences existing in this section. No new personal residences shall be allowed, and no new multifamily residences or additions to multifamily residences shall be allowed.

(11) New telecommunication facilities or additions in height or area of existing facilities.

(d) *Signs.* All signs must follow article XII of this chapter. This subsection is operative only as to the city zoning jurisdiction within the territory beyond the corporate limits for a distance of three miles in all directions.

(Ord. No. 1164, § 710, 5-20-1968; Ord. No. 1411, § 12, 3-30-1976; Ord. No. 96-08-02, 8-19-1996; Ord. No. 97-08-06, 8-18-1997; Ord. No. 02-09-05, § 3, 3-10-2003; Ord. No. 04-02-02, § 10, 3-1-2004; Ord. No. 09-05-01, §§

COUNTY ORDINANCE

CHAPTER 4.31 PERFORMANCE STANDARDS FOR H-I DISTRICT

4.3101 Performance Standards for an H-I District shall be as follows:

1. Appearance. Junk, salvage, auto wrecking, and similar operations shall be shielded from view from streets and from adjacent properties in another district by means of a sturdy, sight-obscuring fence in good repair, or two rows of alternate planted evergreen or red cedar trees.

2. Fire Hazard. All flammable substances involved in any activity established in this district shall be handled in conformance with the latest edition of the Fire Prevention Code published by the American Insurance Association or other county/city/town ordinances.

3. Noise. All noises and noise-causing activities shall be muffled so that they will not create a disturbance greater than normal peak hour traffic noise on a major street when observed from any area residential district. Major street noise for comparison purposes shall be measured at the property line.

4. Sewage and Liquid Waste. No operation shall be carried on which involves the discharge into a sewer, water course, or the ground of liquid wastes of any radioactive nature, or liquid waste of a chemical nature which are detrimental to normal sewage plant operations or ground conditions.

5. Air Contaminants. Air contaminants and smoke shall be less dark than designated Number Two on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number Two shall be permitted for one (1) four (4) minute period in each one-half (1/2) hour. Light colored contaminants of such opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted. Particulate matter or dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths (.2) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit.

Due to the fact that the possibilities of air contaminants cannot be comprehensively covered in this section there shall be applied the general rule that there shall not be discharged from any source whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health, or safety of any such considerable number of persons or the general public or to cause or have a natural tendency to cause injury or damage to business, vegetation, or property.

6. Odor. Odor-causing operations shall be controlled so as to reduce escape of odors to the minimum practical within the limits of technology and economics.

7. Gases. All noxious gases shall be controlled to the extent that they will not be injurious to life and property. The gases sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million, carbon monoxide shall not exceed twenty-five (25) parts per million, and nitrous fumes shall not exceed five (5) parts per million. All measurements shall be made at the property line.

8. Vibration. All machines including punch presses and stamping machines shall be mounted so as to minimize vibration. Fabrication shall not be so excessive that it interferes with industrial operations on nearer lots.

COUNTY ORDINANCE

CHAPTER 4.16 HEAVY INDUSTRIAL DISTRICT (H-I)

4.1601 Intent. This district is established to provide space for land uses, which are generally incompatible to any adjoining land uses, but which are necessary to the economy of the community. Only those uses will be permitted in this district which cannot realistically and economically meet the performance standards specified in L-I. It is not intended that this district be an easy "catchall" for entrepreneurs to utilize rather than meeting community obligations for being compatible neighbors in the community. In establishing the location of this district (and if possible, only one such contiguous area of the community shall be created), prevailing wind, existing and anticipated adjoining developments, and public interest of the community should be taken into consideration. Every effort shall be made by permitted uses to minimize the causes for incompatibility and every use shall also meet performance standards indicated herein. Location of this district should be the thoroughfare system of the community and be so designed as to not wholly disrupt normal traffic flow.

4.1602 Permitted Principal Uses and Structures. In the Heavy Industrial District (H-I), there shall be no permitted principal uses and structures.

4.1603 Permitted Accessory Uses and Structures. There shall be no accessory uses and structures permitted in a Heavy Industrial District (H-I).

4.1604 Special Exceptions. After the provisions of this Title have been fulfilled, the Board of Adjustment may permit as special exceptions in the Heavy Industrial District, the manufacturing, assembling, compounding, packaging, processing, or treatment of products or raw materials conducted within a structure or enclosed within a metal container, except those industries which are injurious, noxious, or hazardous by reasons of emission of odors, dust, fumes, smoke, noise, or vibrations, including but not limited to the following:

1. Those uses found in L-I;

2. Foundry casting;

3. Acid manufacturing;

4. Salvage yards;

5. Junkyards;

6. Boiler works, blast furnace;

7. Brick manufacturing;

8. Cement manufacturing;

9. Chemical manufacturing;

10. Fertilizer manufacturing;

11. Glue manufacturing;

12. Meat packing plants or slaughterhouses;

13. Paint manufacturing and related operations;

14. Railroad repair shop and similar railroad operations;

15. Soap manufacturing;

16. Stockyards, livestock sale barns;

17. Tannery;

18. Tar or asphalt plants;

19. Bulk fuel plants;

20. Motor power tools and trailers;

21. Assembly of appliances;

22. Laboratories;

23. Paper, plastics, precious or semi-precious metals or stones;

24. Battery manufacturing;

25. Caretaker and watchmen quarters;

26. Medical facilities and accessories to an industrial use;

27. Mineral extraction or milling, providing the following minimal conditions are met;

1. The applicant shall provide;

a. A description of the mineral or minerals to be mined or milled;

b. Maps showing the area within which the mining or milling operations shall be conducted;

c. A description of the surface, land use, and vegetation, as well as a description of nature and depth of the topsoil and subsoil;

d. An environmental assessment which establishes baseline conditions for radioactive and toxic materials in air, ground and surface waters, soils, vegetation, and animals;

e. A description of the overburden, mineral seams, and other geologic formations; their conductivity and hydraulic gradients known to exist above the deepest projected depth of mining operation; and

f. A description of the hydrology to the deepest projected depth of the mining operation, including mapping of the depth, water table level, extent, and flow characteristics of ground water and aquifers for the hydrologic regime of the ground water and drainage basins affected by the mining or milling operation.

2. The applicant shall provide;

A technical description of the mining or milling; types of equipment to be used; detailed site plan of all anticipated construction; an estimated timetable for each phase of work and for final completion of the program; a statement of source, quality, and quantity of water to be used in the mining and milling operations, as well as the chemical and radioactive characteristics of all mined or milled products, waste products, and emissions to the environment.

3. The applicant shall provide:

a. A description of the major environmental impacts upon air quality, water quality and quantity, and land use modification presented by the mining or milling operation; and

b. A description of the proposed plan to address the identified environmental impacts to include:

(1) Methods of separating the topsoil, subsoil, and spoil piles, protecting them from erosion before reclamation begins, and keeping the topsoil free from acid or toxic materials;

(2) Plan for ensuring that acid-forming or toxic materials constituting a hazard uncovered or created during mining or milling are promptly treated in a manner to prevent water and air contamination;

(3) Measures to maintain the quantity and quality of ground and surface water, hydrologic balance, productivity of farmland, and soil and water recharge capacity; and

(4) Procedures to prevent water and air contamination through radioactive or toxic seepage of runoff from tailings ponds, mine wastes, mine dewatering discharge, or other mining and milling related operations.

4. The applicant shall provide a plan for the reclamation of the land after mining is completed. Measures to be taken for surface reclamation shall take into account the impact on adjacent land uses and natural resources, and the proposed future use of the lands mined and adjacent land and shall include:

a. A reclamation schedule;

b. Methods of grading, backfilling, and contouring of disturbed areas and access roads;

c. Methods of waste management and disposal, including liquid and solid waste; and

d. Methods of revegetation.

The applicant shall identify specific phases when monitoring; and inspection of the mining and milling process shall be conducted by County, State, Federal, or independent personnel to assure compliance with all applicable rules and regulations. If the conditional use permit is granted, the permit shall identify the inspection agency, and it shall be the responsibility of the applicant to notify said agency when monitoring or inspection is required. The applicant shall bear the burden of the cost of the monitoring and inspection program as determined by the Commissioners.

A conditional use permit shall be issued only after all conditions specified herein have been met. Evidence of violation of the regulations, including but not limited to air and water contamination, shall be cause for an immediate cessation of the mining and milling.

4.1605 Performance Standards. All uses and structures in Heavy Industrial Districts should use the performance standards in Chapter 4.31 as guidelines.

4.1606 Minimum Lot Requirements. The minimum lot area shall be forty-three thousand five hundred sixty (43,560) square feet. The minimum lot width shall be one hundred fifty (150) feet.

4.1607 Minimum Yard Requirements. There shall be a front yard of not less than a depth of one hundred (100) feet. Each side yard and rear yard shall be no less than twenty five (25) feet as measured from the outermost edge of the structure.

4.1608 Maximum Height. The height of all buildings and structures shall not exceed sixty (60) feet.

4.1609 Service or Access Roads. Service or access roads may be required at the discretion of the Planning Commission.

4.1610 Rezoning of Property.

1. That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.06, Second Revision Brown County Ordinances, as amended, to-wit: **That portion of the NW ¼ 23-T123N-R61W lying north of railroad tracks, Brown County, South Dakota and approximately 3.17 acres in the SW corner of the NE ¼ Sec 23-T123N-R61W, lying north of the railroad tracks, Brown County, South Dakota. (Property to be platted as James Valley Ethanol Outlot 1 in the N ½ of Sec 23-T123N-R61W, Brown County, South Dakota)**, be and the same is hereby changed to Heavy Industrial District (H-I) to be used in accordance with Title 4, Chapter 4.16 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on file in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 6/26/2002).

2. That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.06, Second Revision Brown County Ordinances, as amended, to-wit: **The West 654' of the North 517' of the NE ¼ of Sec 20-**

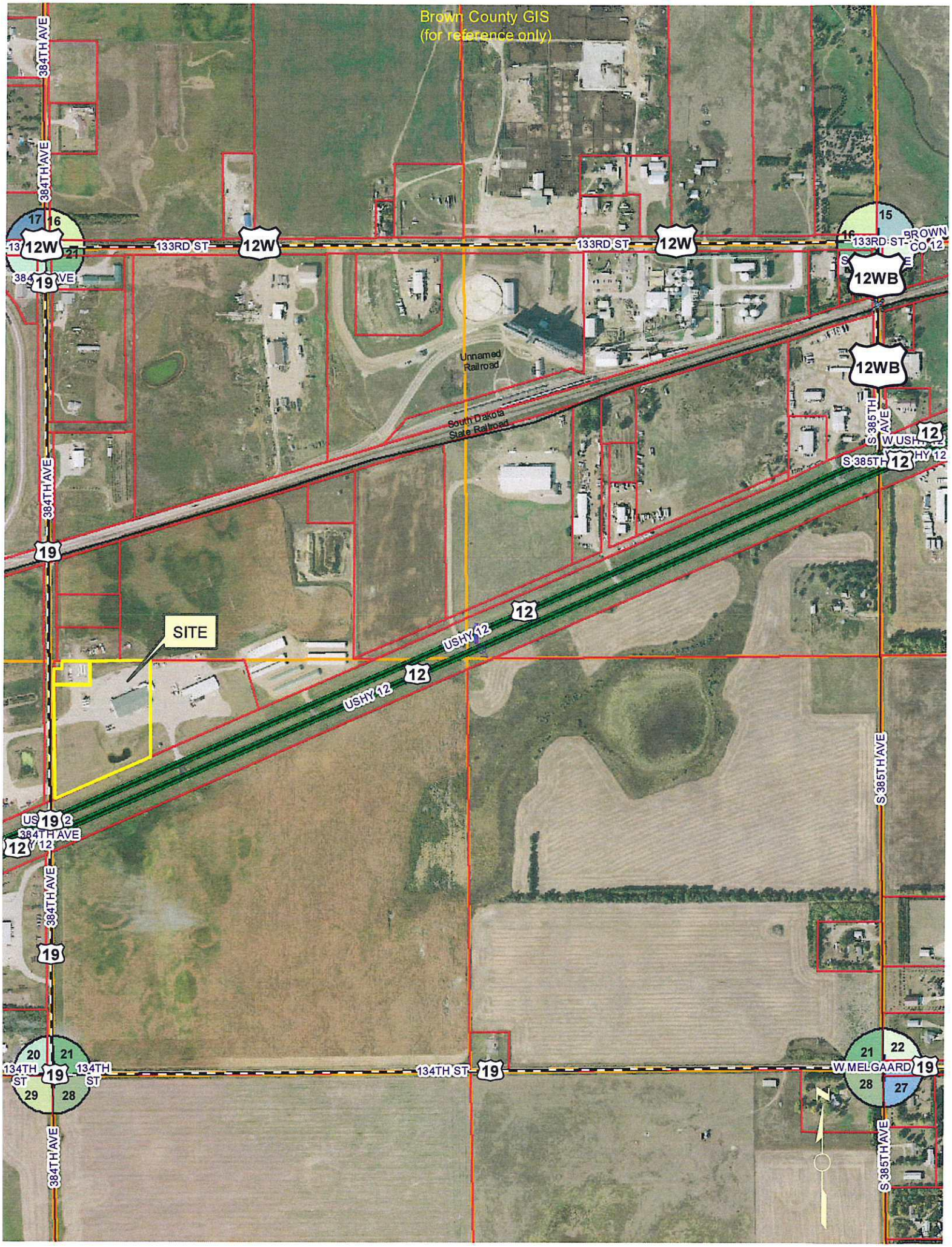
T123N-R62W of the 5th P.M., Brown County, South Dakota, to be known as Sperry Outlot 1 in the NE ¼ of Sec 20-T123N-R62W of the 5th P.M., Brown County, South Dakota, be and the same is hereby changed to Heavy Industrial District (H-I) to be used in accordance with Title 4, Chapter 4.16 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on file in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 8/26/2003).

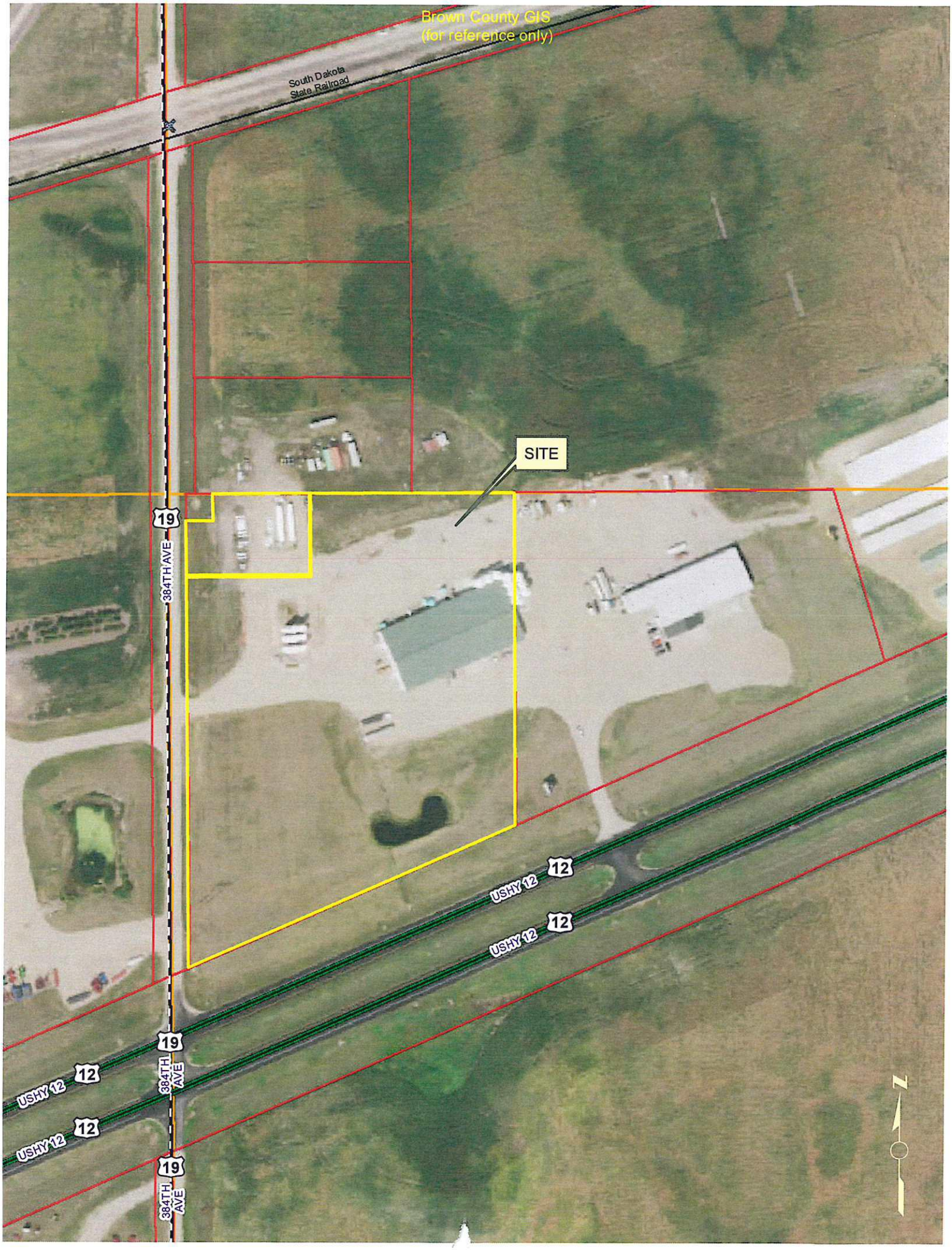
3. That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.06, Second Revision Brown County Ordinances, as amended, to-wit: **The NW ¼ of the NW ¼ of Sec 28-T124N-R63W of the 5th P.M., Brown County, South Dakota**, be and the same is hereby changed to Heavy Industrial District (H-I) to be used in accordance with Title 4, Chapter 4.16 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on file in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances.

4. That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.06, Second Revision Brown County Ordinances, as amended, to-wit: **Meyers Outlot 1 in the SW ¼ of Sec 21-T124N-R63W of the 5th P.M., Brown County, South Dakota**, be and the same is hereby changed to Heavy Industrial District (H-I) to be used in accordance with Title 4, Chapter 4.16 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on file in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances.

5. That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.06, Second Revision Brown County Ordinances, as amended, to-wit: **Meyers Outlot 2 in the SW ¼ of Sec 21-T124N-R63W of the 5th P.M., Brown County, South Dakota**, be and the same is hereby changed to Heavy Industrial District (H-I) to be used in accordance with Title 4, Chapter 4.16 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on file in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 6/11/2006)..

6. That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.06, Second Revision Brown County Ordinances, as amended, to-wit: **SE ¼ of Sec 23-T123N-R65W, except highway, and Lot 1 Didreckson Subdivision in the NW ¼ of Sec 26-T123N-R65W of the 5th P.M., Brown County, South Dakota**, be and the same is hereby changed to Heavy Industrial District (H-I) to be used in accordance with Title 4, Chapter 4.16 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on file in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 6/11/2006).


Brown County GIS
(for reference only)
384TH AVE
133RD ST
12W
12WB
19
12
USHY 12
Unnamed Railroad
South Dakota State Railroad
S 385TH AVE
W USHY 12
SITE
134TH ST
W MELGAARD
BROWN CO 12


Brown County GIS
(for reference only)
South Dakota
State Railroad
SITE
19
384TH AVE
USHY 12
12
USHY 12
12
19
384TH
AVE
USHY 12
12
USHY 12
12
19
384TH
AVE
N

STAFF REPORT
July 18, 2019

ROAD NAME CHANGE in Palmyra Twp **ITEM # 20**

GENERAL INFORMATION

PETITIONER	Bobbi Dunlavy for RO-JU-OS Place
REQUEST	**Preliminary & Final Plat**
LEGAL DESCRIPTION	RO-JU-OS Place road in Section 08-T128N-R65W of the 5th P.M., Brown County, South Dakota
LOCATION	10150 to 10199
EXISTING ZONING	Lake Front District (R-3) & Agriculture Preservation District (AG-P
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Lake Front District (R-3)
East:	Lake Front District (R-3)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a road name change

REVIEW: Staff has reviewed this request. They all seem to be in agreement in their subdivision that they would like to see a change.

STAFF: If approved to change the name, Staff thinks that a continuation of Elm Lake Dr West or West Elm Lake Dr would be better than "North Elm Lake Dr" because there is the other side of the lake that is also north of the highway.

ELM LAKE WATER WESTSIDE ASSOCIATION
Annual Meeting
Monday, September 3, 2018 – 1:30 pm

Chuck German, chairman, called the annual meeting of the Elm Lake Westside Association to order at 1:30 pm on Monday, September 3, 2018, at Chuck and Sue German's lake home.

The following members were present: Butch and Candy Middlestead, Gene Wiek, Bobbi Dunlavy, Tom and Deb Klipfel, Seth and Candice Klipfel, LeRoy and Sharon Ham, Kenny and Billie Ham, John Price, and Chuck and Sue German.

The minutes of the 2017 annual meeting had been sent in the mail for review, and were read by the secretary, Susan German. The minutes are approved as read.

Treasurer, Susan German, reported $4,966.76 in the checking account, as of August 3, 2018. There should be a bill coming for another load of gravel for the road. The treasurer's report will be filed as presented.

Unfinished Business:

1. There was a discussion about gravel for our road. The general consensus was that we would gravel the road up to the members' property lines. There will be another bill coming for an additional load of gravel that was recently put on the road.

New Business:

1. Please make changes/additions of email addresses, etc. to directory as it goes around during the meeting. It will be updated and sent out by email.
2. The rate for WEB water is being increased as of October 31, 2018. It will now be $4.10/1,000 gallons. Butch Middlestead moved, and Gene Wiek seconded the motion that we raise our rate to $4.25 per 1,000 gallons. The motion carried.
3. The secretary had checked into the question that was raised last year about livestock watering from our system. We are operating under a Covenant Agreement; therefore, we have no Bylaws. There is nothing in the covenant about livestock watering. After discussion, the general consensus was that we leave the agreement as it is right now.
4. Bobbi Dunlavy moved that we change the name of our road to "North Elm Lake Drive". Tom Klipfel seconded the motion, and the motion carried. Bobbi will do the legwork on this change.
5. Seth and Candice Klipfel were introduced as the new members of our water association.
6. Gene Wiek explained the situation of the main water meter being in the driveway of their garage. There is a 15 foot easement around the pit, and they are just short of that by about 6 inches. It would cost $1,800 to move the pit. At this time, there has been no other action or contact by WEB water to do this. We will wait and see what they do next.
7. Kenny Ham moved, and Gene Wiek seconded the motion to cast a unanimous ballot for chairman – Chuck German and Secretary-Treasurer, Susan German. The motion carried.

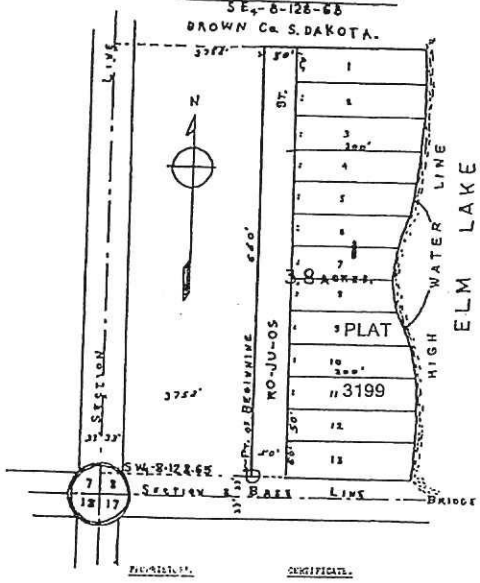
There being no further business, Kenny Ham moved to adjourn the meeting, and Butch Middlestead seconded the motion. The meeting was adjourned at 2:40 pm.

Respectfully submitted,
Susan German, Secretary

RO-JU-OS PARK

SE¼-8-128-65

BROWN Co. S. DAKOTA.



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PROPRIETOR. CERTIFICATE.

THIS IS TO CERTIFY:

That, I, R. J. Dunphy, as owner in fee simple of the land [illegible] in the accompanying [illegible] and approved this survey of said land; that this tract is [illegible] and named RO-JU-OS PARK and that the streets indicated on said [illegible] are hereby dedicated perpetually to the use of the patrons of RO-JU-OS PARK.

R. J. Dunphy
Owner.

Subscribed and sworn to before me this [illegible] day of May, 1954.

(N. D. Goddard)
(Notary Public)
(State of South Dakota)

[illegible]
[illegible] County,
[illegible] Dakota
My [illegible] expires [illegible]

SURVEYOR'S CERTIFICATE.

THIS IS TO CERTIFY that on May 10th, 1954, at the request of R. J. Dunphy, owner, I surveyed [illegible] parcel of land in the south east quarter of Section 8, Tp. [illegible], Range 65W, for the purpose of [illegible] described as follows: BEGINNING at a point thirty-three feet north, and three thousand [illegible] feet west of the southwest corner of said section eighty-three north six hundred sixty feet [illegible] hundred fifty (250) feet, to a point at the high water line of Elm Lake; thence south along said high water line of Elm Lake then six hundred sixty feet to a point thirty-three feet north of the section line or the [illegible] By thence west two hundred fifty (250) feet to the point of beginning. The area of the tract is [illegible] acres. The accompanying map faithfully represents the survey.

E. W. Ackert
County Surveyor, Sidney County,
North Dakota

Subscribed and sworn to before me this [illegible] day of May, 1954.

(Seal of the County Court)
(Sidney County)
(State of North Dakota)

E. E. Anderson
Clerk of the County Court,
[illegible] County, [illegible]

CERTIFICATE.

This is to certify that the 1953 taxes on the southeast quarter of 8-128-65 in Brown County, [illegible] paid.

(County Treasurer)
(Brown County, Seal)
(South Dakota)

O. H. Christian
Treasurer Brown County
South Dakota.

STATE OF SOUTH DAKOTA }
COUNTY OF BROWN } SS.

I hereby certify that this instrument was filed for record in this office at 10:15 o'clock [illegible] Dec. 3, 1954 and duly recorded in Bk _____ page _____.

(Register of Deeds)
(Brown County)
(State of South Dakota

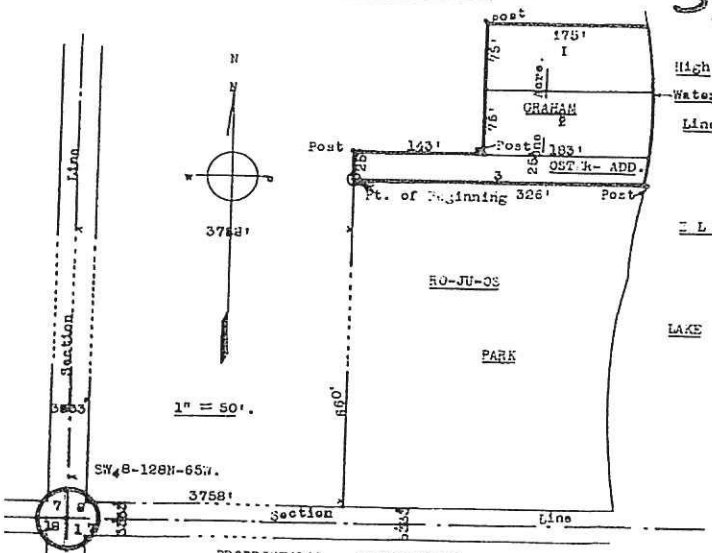
[illegible]
Register of Deeds

360' x 50' in 3" corner now planted as Ro-Ju-Os Park, 3.8 acres.

First half of 1958 tax paid.

Co. Treas.

GRAHAM-OSTER ADDITION
to
RO-JU-OS PARK
SE¼-8-128-65
BROWN COUNTY, S. DAKOTA.



THIS IS TO CERTIFY:

PROPRIETOR'S CERTIFICATE.

THAT I, Harold L. Harrison, an owner of the land described in the following certificate;
That I have authorized and approved this survey of said land;
That there is no encumbrance on this land; and
That this tract is hereby designated Graham-Oster Addition to Ro-Ju-Os Park.

Harold L. Harrison
Owner.

Subscribed and sworn to before me this 30 day of March, 1959.

My Commission expires _____

Notary Public, Dickey Co., N.Dak.

SURVEYOR'S CERTIFICATE.

THIS IS TO CERTIFY that at the request of Harold L. Harrison, owner, I surveyed, staked, and platted a portion of the southeast quarter of Section eight, Township one hundred twenty-eight, Range 65, West, particularly described as follows.: Beginning at a point three thousand seven hundred fifty-eight feet ( ) east; and six hundred ninety-three feet north of the southwest corner of said section eight; Thence east three hundred twenty-six feet(326'); thence north along the high water line of Elm Lake two hundred feet (200'); thence west one hundred seventy-five feet (175'); thence south one hundred fifty feet - (150'); thence west one hundred forty-three feet (143'); thence south twenty-five feet (25') to the point of Beginning. The area of this Addition is (1a.) one acre. Posts referred to in plat are four to six-inch Cedar. The above map represents the survey.

E. W. Ackert
City Engineer, Ellendale, N. Dak.
N. D. License Number 1004.

Subscribed and sworn to before me this 6th of March, 1959.

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Lot H 2 of Lot 1, 2, 3, 4, Sec. 16, T125N, R62W of 5th. P.M.
Showing a part of land for Highway right of way for Brown County, S.D.

SURVEYOR'S CERTIFICATE.
I, H. B. Holstead, registered land surveyor in the state of South Dakota, do hereby certify that at the request of the Commissioners of Brown County, South Dakota, I have surveyed the tract of land as shown on the above plat and such tract shall be hereafter known by the lot number H-2 as designated above. The location and dimensions of the tract are as shown on the plat. In witness thereof, I have set my hand and seal this 10th day of April A.D. 1959

H. B. Holstead
Registered land surveyor

CERTIFICATE BY OWNER
Millicent Atkins
The NE ¼ NW ¼, Sec. 16, T125N, R62W of the 5th P.M. in Brown County South Dakota, do hereby join in and approve the survey and plat of the land shown on the above plat.

Millicent Atkins, Owner(s)

STATE OF SOUTH DAKOTA
COUNTY OF BROWN
On this 11 day of May 1959 before me the undersigned officer personally appeared Millicent Atkins known to me to be the person(s) whose name(s) is subscribed to the above instrument and acknowledged to me that she executed the same.

Carol Coyne Notary Public

My Comm. expires Nov. 11, 1959

STATE OF SOUTH DAKOTA
COUNTY OF BROWN
Filed for record this 14 day of May 1959 and recorded in book of Plats ___ Page ___

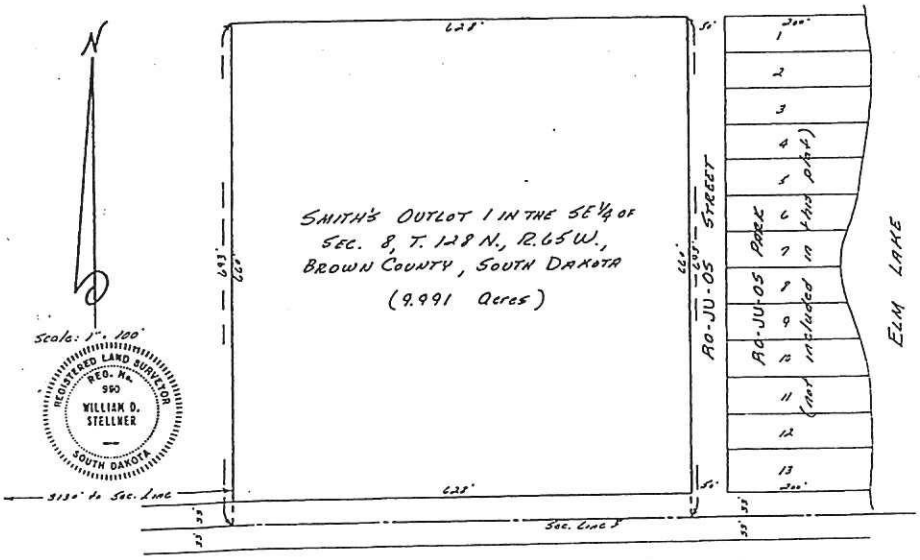
Brown County Register of Deeds

DRAWING NUMBER
1 of 1

DRAWING NUMBER
4-315E

DRAWING NUMBER
1 of 1

Plat Showing
SMITH'S OUTLOT 1 IN THE SE ¼ OF
SEC. 8, T. 128 N., R. 65 W., BROWN COUNTY, SOUTH DAKOTA



OWNER'S CERTIFICATE

We, James J. Neuhardt and Janice K. Neuhardt, do hereby certify that we are the owners of that portion of the South 693 feet of the Southeast Quarter of Section 8, Township 128 North, Range 65 West of the Fifth Principal Meridian, in Brown County, South Dakota, lying West of platted Ao-Ju-Os Street, said street being a part of Ao-Ju-Os Park, and that we have caused a portion of the same to be platted as shown on this plat, which shall hereafter be known and described as "Smith's Outlot 1 in the SE¼ of Sec. 8, T. 128 N., R. 65 W.," containing 9.991 acres, more or less, of which 0.476 acres, more or less, is section line right-of-way.

Signed this 16 day of May, 1975.

James J. Neuhardt
Owner
Janice K. Neuhardt
Owner

State of South Dakota } ss
County of Brown

On this 16th day of May, 1975, before me, a Notary Public, personally appeared James J. Neuhardt and Janice K. Neuhardt, 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.

Arnold L. Hoer
Notary Public, Brown County, South Dakota

My commission expires:
June 5, 1982

SURVEYOR'S CERTIFICATE

I, William D. Stellner, Registered Land Surveyor, do hereby certify that, at the request of the owners, I have platted from the records "Smith's Outlot 1 in the SE¼ of Sec. 8, T. 128 N., R. 65 W.," as shown on this plat, and that said plat is true and correct according to the existing records.

Signed this 14th day of April, 1975.

William D. Stellner
Registered Land Surveyor #990

State of South Dakota } ss
County of Brown

On this 14th day of April, 1975, before me, a Notary Public, personally appeared William D. Stellner, 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:
NOTE MARTIN
Notary Public, Brown County, S. Dak.
My Commission Expires Feb 9, 1978

Mary A. Martin
Notary Public, Brown County, South Dakota

COUNTY PLAN COMMISSION CERTIFICATE

I hereby certify that the following is a correct copy of the resolution duly passed by the County Plan Commission of Brown County, South Dakota at a meeting held on the 11 day of June, 1975.

Dorothy M. Wood
Secretary, Brown County Plan Commission

"Be it resolved by the County Plan Commission of Brown County, South Dakota, that the plat showing "Smith's Outlot 1 in the SE¼ of Sec. 8, T. 128 N., R. 65 W.," having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-2, and any amendments thereof."

APPROVAL BY COUNTY

I hereby certify that the following is a correct copy of the resolution duly passed by the Board of Commissioners of Brown County, South Dakota at a meeting held on the 27 day of June, 1975.

Ruth Humphrey
County Auditor, Brown County, South Dakota

"Be it resolved by the Board of Commissioners of Brown County, South Dakota, that the plat showing "Smith's Outlot 1 in the SE¼ of Sec. 8, T. 128 N., R. 65 W.," 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 this plat are shown by the records of my office to be fully paid.

Signed this 16 day of May, 1975.

B. L. Larson
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I hereby certify that I have received a copy of this plat this 27 day of June, 1975.

Alberta Jacobson by O.B.
Director of Equalization, Brown County, S. Dak.

REGISTER OF DEEDS' CERTIFICATE

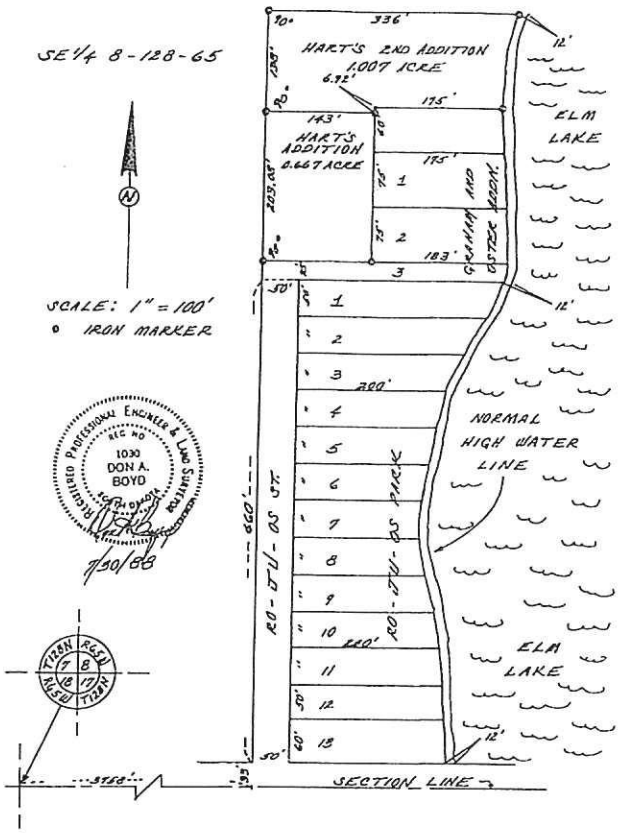
Filed for record this 30 day of June, 1975, at 9:50 o'clock A. M., and duly recorded in Book of Plats No. #4, in envelope 315E therein.

Thomas Kirkeeb
Register of Deeds, Brown County, South Dakota

DRAWING NUMBER

DRAWING NUMBER
7-659E

DRAWING NUMBER
151



PLAT OF HART'S 2ND ADDITION LOCATED IN THE SE 1/4 OF SECTION 8, TOWNSHIP 128 NORTH, RANGE 65 WEST, BROWN COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE

WE, HARVEY J. KEMPF AND KAREN G. KEMPF, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF HART'S 2ND ADDITION, LOCATED IN THE SE 1/4 OF SECTION 8, TOWNSHIP 128 NORTH, RANGE 65 WEST, BROWN COUNTY, SOUTH DAKOTA, THE BOUNDARIES OF SAID HART'S 2ND ADDITION AS SHOWN ON THE WITHIN PLAT. WE FURTHER CERTIFY THAT THE WITHIN PLAT WAS PREPARED AT OUR REQUEST FOR THE PURPOSES INDICATED THEREIN, AND THAT SAME SHALL HEREAFTER BE KNOWN AS "PLAT OF HART'S 2ND ADDITION, LOCATED IN THE SE 1/4 OF SECTION 8, TOWNSHIP 128 NORTH, RANGE 65 WEST, BROWN COUNTY, SOUTH DAKOTA." WE FURTHER CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS. A VEHICLE ACCESS EASEMENT IS HEREBY PROVIDED ACROSS THE WEST 16 FEET OF HART'S ADDITION AND THE SOUTH 16 FEET OF HART'S 2ND ADDITION.

DATE: 8-1-88

Harvey J. Kempf
HARVEY J. KEMPF, OWNER

Karen G. Kempf
KAREN G. KEMPF, OWNER

ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA)
COUNTY OF McPHERSON)SS

ON THIS THE 1ST DAY OF AUGUST, 1988, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED HARVEY J. KEMPF AND KAREN G. KEMPF, 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:
Oct 9, 1995

Eugene E. Hart
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 HART'S 2ND ADDITION, LOCATED IN THE SE 1/4 OF SECTION 8, TOWNSHIP 128 NORTH, RANGE 65 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. HART'S 2ND ADDITION CONTAINS 1.007 ACRE.

DATE: 1 AUGUST 1988

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

ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)SS

ON THIS THE 1ST DAY OF AUGUST, 1988, 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:
Apr. 17, 1989

Robert J. Schoer
NOTARY PUBLIC

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 HART'S 2ND ADDITION, LOCATED IN THE SE 1/4 OF SECTION 8, TOWNSHIP 128 NORTH, RANGE 65 WEST, BROWN COUNTY, SOUTH DAKOTA, BE APPROVED THIS 17 DAY OF [illegible], 1988, IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ALL ACTS AMENDATORY THERETO."

I, [illegible], 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 17 DAY OF [illegible], 1988.

SECRETARY
BROWN COUNTY PLAN COMMISSION
BROWN COUNTY, SOUTH DAKOTA

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 HART'S 2ND ADDITION, LOCATED IN THE SE 1/4 OF SECTION 8, TOWNSHIP 128 NORTH, RANGE 65 WEST, BROWN COUNTY, SOUTH DAKOTA, BE APPROVED THIS 23 DAY OF Aug., 1988, IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ALL ACTS AMENDATORY THERETO."

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 23 DAY OF Aug., 1988.

Burlene Berg
BURLENE BERG, AUDITOR
BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I, ADELINE WIEDRICH, TREASURER OF BROWN COUNTY, SOUTH DAKOTA, DO 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: August 2, 1988

Adeline Wiedrich
ADELINE WIEDRICH, 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 24 DAY OF August, 1988.

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

FILED FOR RECORD THIS 26th DAY OF August, 1988, AT 1:10 O'CLOCK P.M., __.S.T., AND DULY RECORDED IN BOOK NO. 7, PAGE NO. 659E

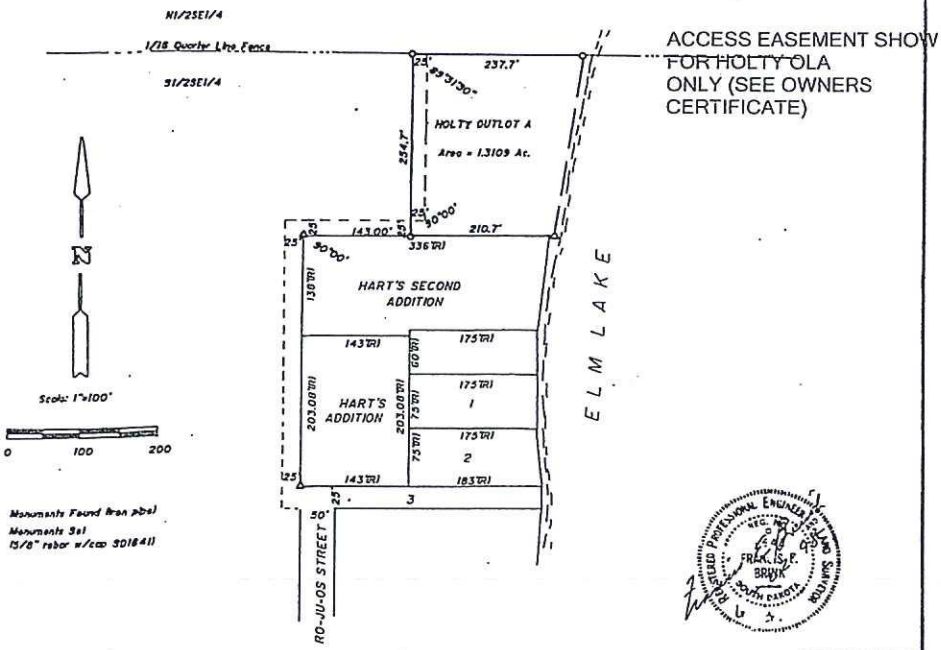
AND DESIGNATED AS PLAT NO. _____.

Donna Kuhfeld Thomas
DONNA KUHFELD, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

DRAWING NUMBER
Book 17
1231-E

DRAWING NUMBER
1 of 1

HOLTY OUTLOT A
S1/2SE1/4 SEC. 8-T128N-R65W of 5th P.M.
BROWN COUNTY, SD



ACCESS EASEMENT SHOW FOR HOLTY OLA ONLY (SEE OWNERS CERTIFICATE)

REGISTERED PROFESSIONAL ENGINEER REG. NO. 5248 FRANCIS E. BRINK SOUTH DAKOTA

OWNER'S CERTIFICATE

We, Harvey J. Kempf and Karen G. Kempf, Husband and Wife, hereby certify that we are the Owners of the South one-half of the Southeast Quarter of Section Eight, Township One Hundred Twenty-eight, Range Sixty-five, Brown County, South Dakota, lying West of the Elm River, except platted portion and except lands deeded, and have caused a portion to be surveyed and platted and designated as "HOLTY OUTLOT A in S1/2SE1/4 SEC. 8-T128N-R65W of 5th P.M., BROWN COUNTY, SD" as shown above, and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations. The easement shown is expressely for access to said HOLTY OUTLOT A and to the N1/2SE1/4 Sec. 8-T128N-R65, Brown County, SD.

Signed this 24th day of JUNE, 1998.

Harvey J. Kempf
Harvey J. Kempf

Karen G. Kempf
Karen G. Kempf

ACKNOWLEDGEMENT OF OWNER

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)

On this, the 24 day of June, 1998 before me, a Notary Public, personally appeared Harvey J. Kempf and Karen G. Kempf, who acknowledged to me that they executed the foregoing instrument for the purposes therein contained by signing.

IN WITNESS WHEREOF, I have hereunto set my hand and seal:

My Commission Expires: 2-7-2002

Francis E. Brink
Notary Public, Brown County, South Dakota

FRANCIS E. BRINK NOTARY PUBLIC SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Francis E. Brink, Licensed Land Surveyor hereby certify that at the request of the Owners shown above, have surveyed and platted "HOLTY OUTLOT A in S1/2SE1/4 of SEC. 8-T128N- R65W of 5th P.M., BROWN COUNTY, SD", as shown on the above plat, have set iron monuments as indicated thereon, and that said survey and plat are true and correct.

Signed this 22nd day of June 1998

Francis E. Brink
South Dakota Licensed Land Surveyor No. 1641

COUNTY PLANNING COMMISSION CERTIFICATE

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 7th day of July, 1998.

Donna B. Seaton
Secretary of County Planning Commission, Brown County, South Dakota

"Be it resolved by the Brown County Planning Commission, Brown County, South Dakota; that the plat showing "HOLTY OUTLOT A in S1/2SE1/4 SEC. 8-T128N-R65W of 5th P.M., BROWN COUNTY, SD", 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 27 day of July, 1998.

Melissa Taylor
County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing, "HOLTY OUTLOT A in the S1/2SE1/4 of SEC. 8-T128N-R65W of 5th P.M., BROWN COUNTY, SD" having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S APPROVAL

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 27th day of July, 1998.

Dave Bochard Co Deputy Treas.
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S APPROVAL

I hereby certify that I have received a copy of this plat this 28 day of July, 1998.

Nancy J. Hinrichs dep assessor
Director of Equalization, Brown County, South Dakota

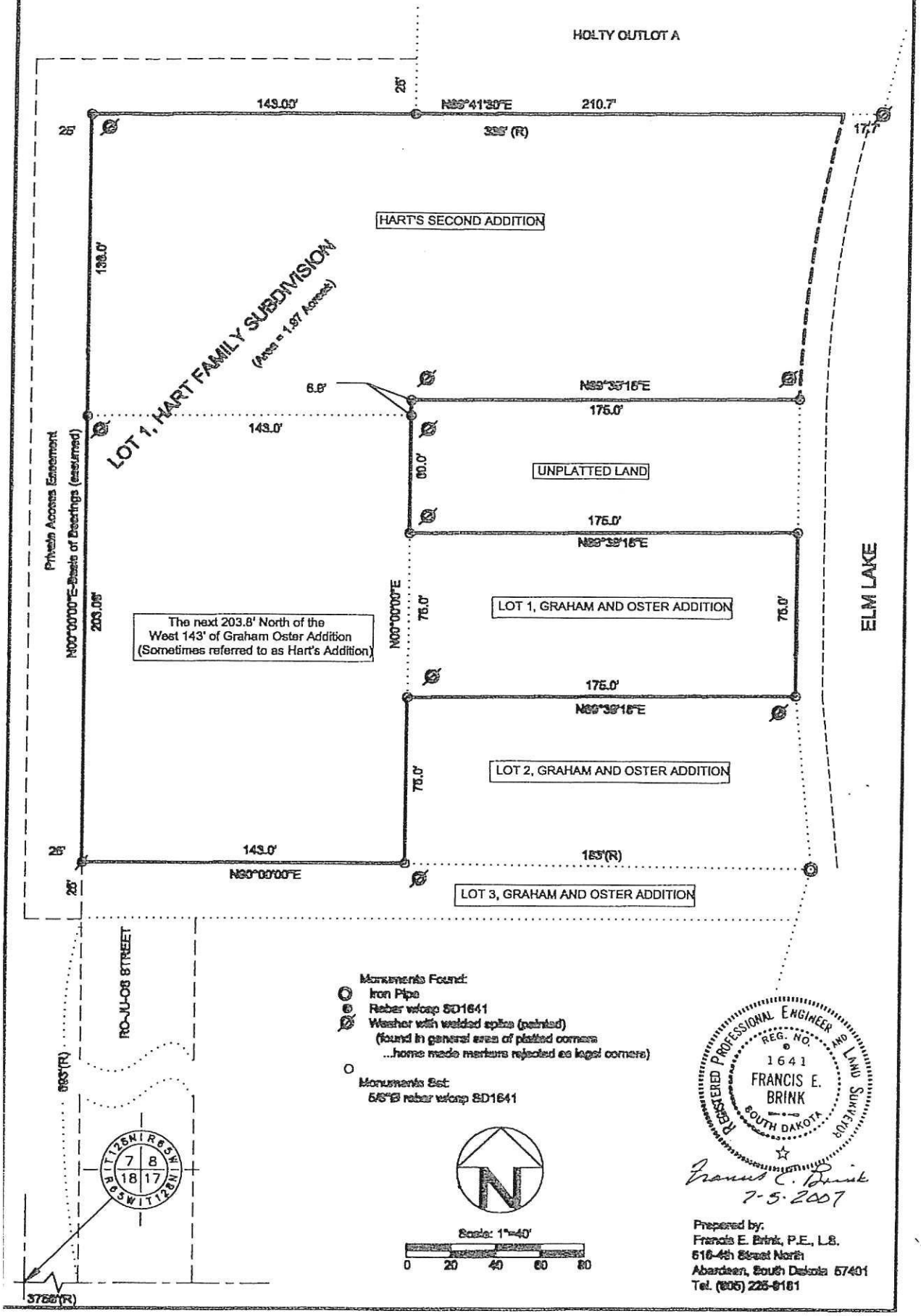
REGISTER OF DEEDS' APPROVAL

Filed for record this 31 day of July, 1998, at 8:49 o'clock A.M., and duly recorded in Book of Plats No. 17, on page 1231E therein.

Carol Stimson; Cathy Lindemann dep
Register of Deeds, Brown County, South Dakota

corrective affp
133mr/370

HART FAMILY SUBDIVISION IN SE1/4 SEC. 8-T128N-R65W of 5th P.M. BROWN COUNTY, SOUTH DAKOTA



HART FAMILY SUBDIVISION IN SE1/4 SEC. 8-T128N-R65W of 5th P.M.

BROWN COUNTY, SOUTH DAKOTA

Sheet 2 of 3

OWNER'S CERTIFICATE

I, Mark Milbrandt, Referee and Sheriff of Brown County, South Dakota hereby certify that I have an interest in parcels of land in Brown County, South Dakota, by virtue of Judgement of Partition and Order for Sale entered by the Fifth Judicial Circuit Court, Brown County, South Dakota on July 31, 2006 and filed in the office of the Brown County Clerk of Courts on October 24, 2003, described as:

Lot one, Graham-Oster Addition to RO-JU-OS Park of the SW1/4 Section 8, Township 128 North, Range 65 West, Brown County, SD

Next 203.8' North of the West 143' of Graham-Oster Addition to RO-JU-OS Park of the SW1/4 Section 8, Township 128 North, Range 65 West, Brown County, SD

Hart's Second Addition located in the SW1/4 Section 8, Township 128 North, Range 65 West, Brown County, SD

And I, the above named individual did authorize a survey and plat of said lands, which shall hereafter be known as **"HART FAMILY SUBDIVISION IN SE1/4 SEC. 8-T128N-R65W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA"**, as shown on the attached plat, and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

Mark Milbrandt

Mark Milbrandt, Referee and Sheriff, Brown County, SD

7.9.07

Date

ACKNOWLEDGEMENT OF OWNER

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)

On this, the 9th day of July, 2007, before me, Joyce A. Kirkemper, a Notary Public, appeared Mark Milbrandt, personally known to me or satisfactorily proven to me to be the Sheriff of Brown County named above and signed the above OWNER'S CERTIFICATE for the purposes therein contained.

My Commission Expires: March 16, 2011

Joyce A. Kirkemper

Notary Public, South Dakota

SURVEYOR'S CERTIFICATE

I, Francis E. Brink, Licensed Land Surveyor, do hereby certify that at the request of the Owners shown above, have surveyed and platted **"HART FAMILY SUBDIVISION IN SE1/4 SEC. 8-T128N-R65W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA"**, as shown on the attached plat; have shown monuments found or set as indicated thereon, and to the best of my knowledge, said survey and plat are true and correct.

Signed this 5th day of July, 2007.

Francis E. Brink

South Dakota Licensed Land Surveyor No. SD1641

HART FAMILY SUBDIVISION IN SE1/4 SEC. 8-T128N-R65W of 5th P.M.

BROWN COUNTY, SOUTH DAKOTA

Sheet 3 of 3

COUNTY PLANNING COMMISSION CERTIFICATE

I hereby certify that the following is a correct copy of the resolution duly passed by the Planning Commission of the Brown County, South Dakota, at a meeting held on the 17 day of July, 2007.

Secretary, Brown County Planning Commission

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing **"HART FAMILY SUBDIVISION IN SE1/4 SEC. 8-T128N-R65W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA"**, having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, 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 24 day of July, 2007

Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing **"HART FAMILY SUBDIVISION IN SE1/4 SEC. 8-T128N-R65W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA"**, having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof".

TREASURER'S CERTIFICATE

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

Signed this 9th day of July, 2007.

County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATION

I hereby certify that I have received a copy of this plat this 9 day of July, 2007.

Director of Equalization, Brown County, South Dakota

REGISTER OF DEED'S CERTIFICATION

Filed for record this 27 day of July, 2007, at 10:50 o'clock A.M., and duly recorded in Book of Plats No. 2340 H.

Carol Sherman by Mariann Malsom Deputy

Register of Deeds, Brown County, South Dakota

BOOK 133 PAGE 370

Document Prepared By:
Francis E. Brink
616-4th Street North
Aberdeen, South Dakota 57401
Tel. (605) 225-9181

REGISTER OF DEEDS
Brown SEAL County
STATE OF SOUTH DAKOTA

INSTR. NO. 098
BK 133 PAGE 370
2008 FEB -6 PM 12: 19
CAROL SHERMAN
BROWN CO. S. DAK.
REGISTER OF DEEDS

SURVEYOR'S AFFIDAVIT OF CORRECTION
HART FAMILY SUBDIVISION IN SE1/4 SEC. 8-T128N-R655 of 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

I, Francis E. Brink, Licensed Land Surveyor in the State of South Dakota, certify that the above named plat, filed in the Brown County Office of Register of Deeds as Plat 2340H, filed on July 28, 2007 contained a typographical error in the identification of the lands included in the plat in the Owners Certificate as being in the SW1/4 Section 8, Township 128 North, Range 65 West, Brown County, SD. The correct location for the lands included in the plat are in the SE1/4 Section 8, Township 128 North, Range 65 West, Brown County, SD. All other aspects of the plat are correct as shown.

Francis E. Brink — 2-06-2008
Francis E. Brink, P.E., L.S. SD1641 — Date

ACKNOWLEDGEMENT OF SURVEYOR

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)
On this, the 6th day of February, 2008 before me, the undersigned Officer, personally appeared Francis E. Brink, who acknowledged to me that he executed the above SURVEYOR'S AFFIDAVIT by signing.

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

Mary Campton
NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES: 3/28/12

MARY CAMPTON NOTARY PUBLIC STATE OF SOUTH DAKOTA Seal

A-6181

PLAT OF

RO-JU-OS PARK SECOND SUBDIVISION

IN THE SE 1/4 OF SECTION 8-T128N-R65W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

50 0 25 50

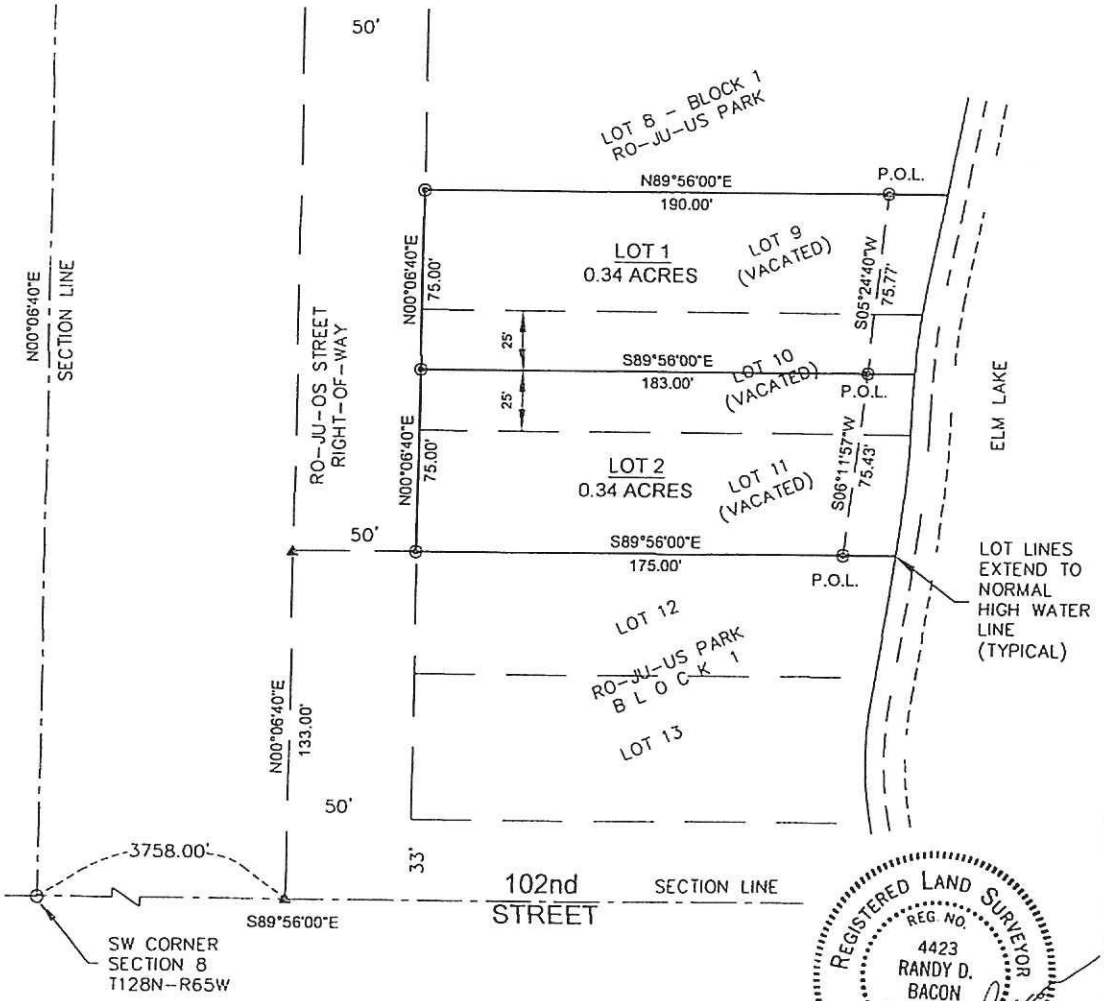
(IN FEET)
1 inch = 50 ft.

LEGEND

⊙	SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
○	FOUND PROPERTY CORNER
▲	CALCULATED POINT
P.O.L.	POINT ON LINE

BASIS OF BEARINGS

GPS OBSERVATION



REGISTERED LAND SURVEYOR
REG. NO.
4423
RANDY D.
BACON
SOUTH DAKOTA

6-22-2015

INSTRUMENT NO. 2015004056
BOOK: 2 PLAT
PAGE: 3199

Pages: 2

2015/07/29 03:06:28 PM

CAROL SHERMAN, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: $ 60.00
Return To: FILED

Helms & ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS
221 Brown County Highway 19
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3199

DWG. 6181-LS	BY: MB	SHEET 1 OF 2

A-6161

PLAT OF
RO-JU-OS PARK
SECOND SUBDIVISION
IN THE SE 1/4 OF SECTION 8-T128N-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 CHARLES DENNERT, RICHARD C. ALLEN AND REBECCA L. ALLEN REVOCABLE TRUST, RICHARD WALTER SCHLOSSER AND HARVEY DALE SCHLOSSER AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO JUNE 12, 2015, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: RO-JU-OS PARK SECOND SUBDIVISION IN THE SE1/4 OF SECTION 8-T128N-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 22 DAY OF JUNE 2015.

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 9, BLOCK 1 AND 1/2 INTEREST IN LOT 10, BLOCK 1, RO-JU-OS PARK, OWNERS- CHARLES DENNERT AND RICHARD C. ALLEN AND REBECCA L. ALLEN REVOCABLE TRUST. LOT 11 AND 1/2 INEREST IN LOT 10, BLOCK 1, BLOCK RO-JU-OS PARK, OWNERS- RICHARD WALTER SCHOLOSSER AND HARVEY DALE SCHLOSSER) SHALL HEREAFTER BE KNOWN AS RO-JU-OS PARK SECOND SUBDIVISION IN THE SE1/4 OF SECTION 8-T128N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA AS SHOWN BY THIS PLAT AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 2 DAY OF July 2015.

CHARLES DENNERT

RICHARD C. ALLEN AND REBECCA L. ALLEN
REVOCABLE TRUST BY REBECCA L. ALLEN TRUSTEE

RICHARD WALTER SCHLOSSER

HARVEY DALE SCHLOSSER

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 RO-JU-OS PARK, RECORDED AS PLAT 388, ON DECEMBER 3, 1954 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.
THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 2 DAY OF July 2015.

CHARLES DENNERT

RICHARD C. ALLEN AND REBECCA L. ALLEN
REVOCABLE TRUST BY REBECCA L. ALLEN TRUSTEE

RICHARD WALTER SCHLOSSER

HARVEY DALE SCHLOSSER

ACKNOWLEDGEMENT

STATE OF)
COUNTY OF)SS

ON THIS THE 2 DAY OF July 2015 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED ~~REBECCA L. ALLEN TRUSTEE AS RICHARD~~ C. ALLEN AND REBECCA L. ALLEN REVOCABLE TRUST KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAMES ~~HAVE BEEN SUBSCRIBED TO THE WITHIN INSTRUMENT~~ AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.
IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC SEAL SOUTH DAKOTA My Commission Expires April 26, 2021 STATE
MY COMMISSION EXPIRES:

ACKNOWLEDGEMENT

STATE OF)
COUNTY OF)SS

ON THIS THE 2 DAY OF July 2015 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED ~~CHARLES DENNERT KNOWN TO ME OR~~ SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME ~~THAT HE EXECUTED THE SAME FOR THE~~ PURPOSES THEREIN CONTAINED.
IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC SEAL SOUTH DAKOTA My Commission Expires April 26, 2021 STATE
MY COMMISSION EXPIRES:

ACKNOWLEDGEMENT

STATE OF)
COUNTY OF)SS

ON THIS THE 6th DAY OF July 2015 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED RICHARD WALTER SCHLOSSER KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.
IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC, R. SCOTT CAMPBELL Notary Public STATE
Brown County, South Dakota
MY COMMISSION EXPIRES My Commission Expires February 15, 2020

ACKNOWLEDGEMENT

STATE OF)
COUNTY OF)SS

ON THIS THE 1 DAY OF July 2015 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED HARVEY DALE SCHLOSSER KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.
IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, STATE
MY COMMISSION EXPIRES

WHITNEY PUBLIC SEAL STATE OF SOUTH DAKOTA
4-16-2021

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 21st DAY OF July 2015.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING RO-JU-OS PARK SECOND SUBDIVISION IN THE SE1/4 OF SECTION 8-T128N-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 28 DAY OF July 2015.

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING RO-JU-OS PARK SECOND SUBDIVISION IN THE SE1/4 OF SECTION 8-T128N-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: NONE - PRIVATE MAINT.
HIGHWAY AUTHORITY
TITLE:

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS 1 DAY OF July 2015

Mary E. Wolfe
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 6th DAY OF July 2015.

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

BROWN COUNTY TREASURER SEAL SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

FILED FOR RECORD THIS 29 DAY OF July 2015 AT 3:06 O'CLOCK P.M. AND DULY RECORDED AS PLAT NO. 3199 THEREIN.

Mariann Matson Deputy
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

DWG. 6161-L8	BY: MB	SHEET 2 OF 2

A-6370

PLAT OF

KLIPFEL SUBDIVISION IN THE N 1/2 SE 1/4 AND NE 1/4 AND NW 1/4 OF SECTION 8-T128N-R65W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

400 0 200 400

(IN FEET)

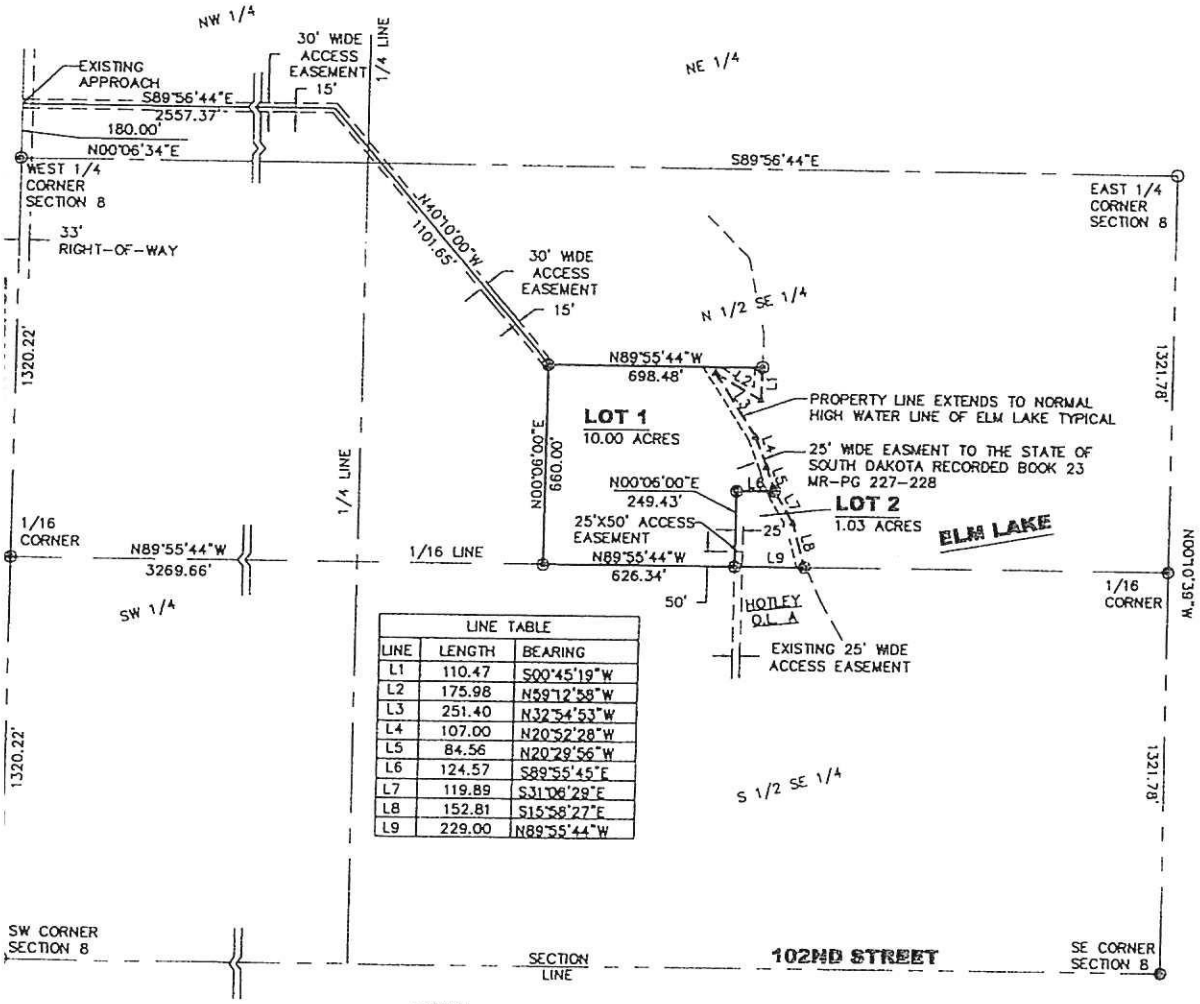
1 inch = 400 ft.

LEGEND

- SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
- FOUND PROPERTY CORNER RLS 4423
- SET 3" SPIKE W/ WASHER STAMPED BACON RLS 4423
- CALCULATED POSITION

BASIS OF BEARINGS

TRUE MERIDIAN (GPS)



LINE TABLE		
LINE	LENGTH	BEARING
L1	110.47	S00°45'19"W
L2	175.98	N59°12'58"W
L3	251.40	N32°54'53"W
L4	107.00	N20°52'28"W
L5	84.56	N20°29'56"W
L6	124.57	S89°55'45"E
L7	119.89	S31°06'29"E
L8	152.81	S15°58'27"E
L9	229.00	N89°55'44"W

REGISTERED LAND SURVEYOR
REG. NO.
4423
RANDY D. BACON
SOUTH DAKOTA

4-8-2016

Helms ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS
221 Brown County Highway 19
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1312
Fax: 605.225.3189

DWG. 6370-LS | BY: TMO | SHEET 1 OF 2

A-6378

PLAT OF

KLIPFEL SUBDIVISION IN THE N 1/2 SE 1/4 AND NE 1/4 AND NW 1/4 OF SECTION 8-T128N-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 THOMAS S. KLIPFEL AND DEBRA K. KLIPFEL AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREON, I DID ON OR PRIOR TO APRIL 5, 2016, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: KLIPFEL SUBDIVISION IN THE N 1/2 SE 1/4 AND NE 1/4 AND NW 1/4 OF SECTION 8-T128N-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 8 DAY OF April 2016

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 THEREON; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS KLIPFEL SUBDIVISION IN THE N 1/2 SE 1/4 AND NE 1/4 AND NW 1/4 OF SECTION 8-T128N-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 NEW ACCESS EASEMENTS AND EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 1 DAY OF June 2016

Thomas S. Klipfel
THOMAS S. KLIPFEL

Debra K. Klipfel
DEBRA K. KLIPFEL

ACKNOWLEDGEMENT
STATE OF SD)
COUNTY OF Brown)SS
ON THIS THE 1 DAY OF June 2016 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED THOMAS S. KLIPFEL AND DEBRA K. KLIPFEL 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.

Michele Utecht

MICHELE UTECHT
Notary Public:
State of North Dakota
My Commission Expires Sept 10, 2016

NOTARY PUBLIC, North Dakota STATE
MY COMMISSION EXPIRES: Sept 10, 2016

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 15th DAY OF July 2016

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING KLIPFEL SUBDIVISION IN THE N 1/2 SE 1/4 AND NE 1/4 AND NW 1/4 OF SECTION 8-T128N-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 9 DAY OF August 2016

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING KLIPFEL SUBDIVISION IN THE N 1/2 SE 1/4 AND NE 1/4 AND NW 1/4 OF SECTION 8-T128N-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: Supervisor

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS 20 DAY OF July 2016

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 DAY OF Aug 2016

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

COUNTY TREASURER BROWN COUNTY SOUTH DAKOTA SEAL

REGISTER OF DEED'S CERTIFICATE

FILED FOR RECORD THIS 15TH DAY OF August 2016 AT 10:30 O'CLOCK AM AND DULY RECORDED IN AS PLAT NO. 3307 THEREON.

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

INSTRUMENT NO. 2016004822
BOOK: 2 PLAT
PAGE: 3307

Pages: 2

2016/08/15 10:30:00 AM

CAROL SHERMAN, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: $ 60.00
Return To: FILED

DWG. 6378-LS	BY: TRB	SHEET 2 OF 2

BR COUNTY ORDINANCE

CHAPTER 4.33 RURAL ADDRESSING

4.3301 Naming of Roads in the Unincorporated Area:

1. The names of roads are hereby fixed and adopted in accordance with and as shown by the official road address maps of the county. The names on these maps shall supersede the road names found on the plats recorded in the office of County Register of Deeds. The County Planner is directed to submit the necessary documentation to attach changes to the plats to correspond with the names on the official road maps of the county.

2. The County Planner will name or approve the naming all future roads in accordance with South Dakota Administrative Rules Chapter 50:02:03 except as specified below.

4.3302 Installation and Maintenance of Road Intersection Signs in the Unincorporated Area:

1. The County Highway Department shall maintain installed signs at designated road intersections.

2. When new roads are platted, whether public or private, the owner or developer shall install or reimburse the County for all material and labor costs associated with the installation of intersection signs.

3. Sign material and location shall be specified by the Highway Superintendent.

4. All installation costs shall be determined by the Highway Superintendent.

5. Townships shall install and maintain intersection signs within their unincorporated towns.

4.3303 Designation of Addresses in the Unincorporated Area:

1. Addresses for buildings on all public and private roads shall be issued by the County Planner in accordance with South Dakota Administrative Rules Chapter 50:02:03 except as specified below.

2. Addresses for buildings on all public and private roads in unincorporated cities and towns within the established zoning jurisdiction of a City or a Township shall be issued by the City or Township in accordance with South Dakota Administrative Rules Chapter 50:02:03 except as listed below.

3. The County Planner shall keep a record of all numbers assigned according to this ordinance and forward a copy to the Register of Deeds, Communications, Assessor's Office and Aberdeen Fire Department.

4. Addressing in the area around the City of Aberdeen bordered by but not to include the following streets shall be an exception:
   - North – 130 Street
   - South – 135 Street
   - East – 392 Avenue
   - West – 385 Avenue

This area will continue to use the addressing conventions of the City of Aberdeen.

4.3304 Posting of Designated Addresses in the Unincorporated Area:

1. The owner or occupant or person in charge of any house or building to which an address has been assigned will be notified by the County Planner of the address assigned to the same at any time after the adoption of this ordinance.

2. Within sixty (60) days after the receipt of such notification from the County Planner, the owner or occupant or person in charge of the structure to which an address has been assigned shall affix the address to the structure, if visible from the road, or to a sign or number post if not visible from the road, in such a way that the address can be clearly seen from the roadway.

3. It shall be the duty of such owner or occupant or person in charge thereof upon affixing the new number to remove any different number which might be mistaken for, or confused with, the number assigned to said structure by the County Planner.

4. Each principle building shall display the address assigned to the frontage on which the front entrance is located. In case a principle building is occupied by more than one business or family dwelling unit, each separate dwelling or unit must display a separate address.

5. Mobile homes located in an organized mobile home park must display their proper lot number on the mobile home lot visible from the driveway/access way.

6. Address characters shall be painted or applied, of contrasting color to the background, of not less than three inches (3") in height.

7. If a building or dwelling is situated in such a way that the address cannot be easily seen from the roadway in front of said structure, then a sign or address post must be used in front of the structure or at the entrance of the primary driveway and placed in such a way that it can easily be seen from the roadway.

4.3305 New Structures:

1. Addresses will be assigned to each proposed lot or tract on the surveyor's copies of final subdivision plats by the County Planner.

2. No building permit shall be issued for any principle building until the owner or developer has procured from the County, City or Township Planner the official address of the premises. Final approval of a certificate of occupancy of any principle building erected or repaired after the effective date of this ordinance shall be withheld until permanent and proper addresses have been displayed in accordance with the requirements of paragraph 4.3304 above.

4.3306 Penalties.

In the event that the owner or occupant or person in charge of any house or building refuses to comply with the terms of this ordinance by failing to affix the address assigned within sixty (60) days after notification, or by failing to remove any old addresses affixed to such structure or

primary driveway or elsewhere which may be confused with the address assigned thereto within said sixty (60) day period, shall be guilty of a class 2 misdemeanor. Each day of non-compliance shall be a separate offense.

4.3307 Conflicting Ordinances.
All ordinances or parts of ordinances in conflict therewith are hereby repealed.

NENA STANDARDS

GUIDELINES FOR REQUESTING A STREET NAME CHANGE ON A PRIVATE STREET

A. Request for a Street Name Change

An application to request a street name change to a private street may be initiated by petition filed with the Planning and Development Department. The petition shall be signed by two-thirds of the record property owners whose property abuts the street in which the proposed name change is being requested. A street name change requires the valid signature of two-thirds of the affected record property owners.

The application shall include the following information:

1) The current street name considered for a street name change.
2) The proposed new street name.
3) A map that correctly identifies the precise location of the subject street. The map should identify the location of the street and the cross streets that intersect with the street. ***Please note that all street name changes shall include the entire length of the street and not just a short segment of the street.***
4) The purpose of the request to rename the street.
5) For requests in honor of an individual, please describe the contribution that the individual has made to the United States and/or the Community and the date that they were deceased.

B. Criteria for Street Naming

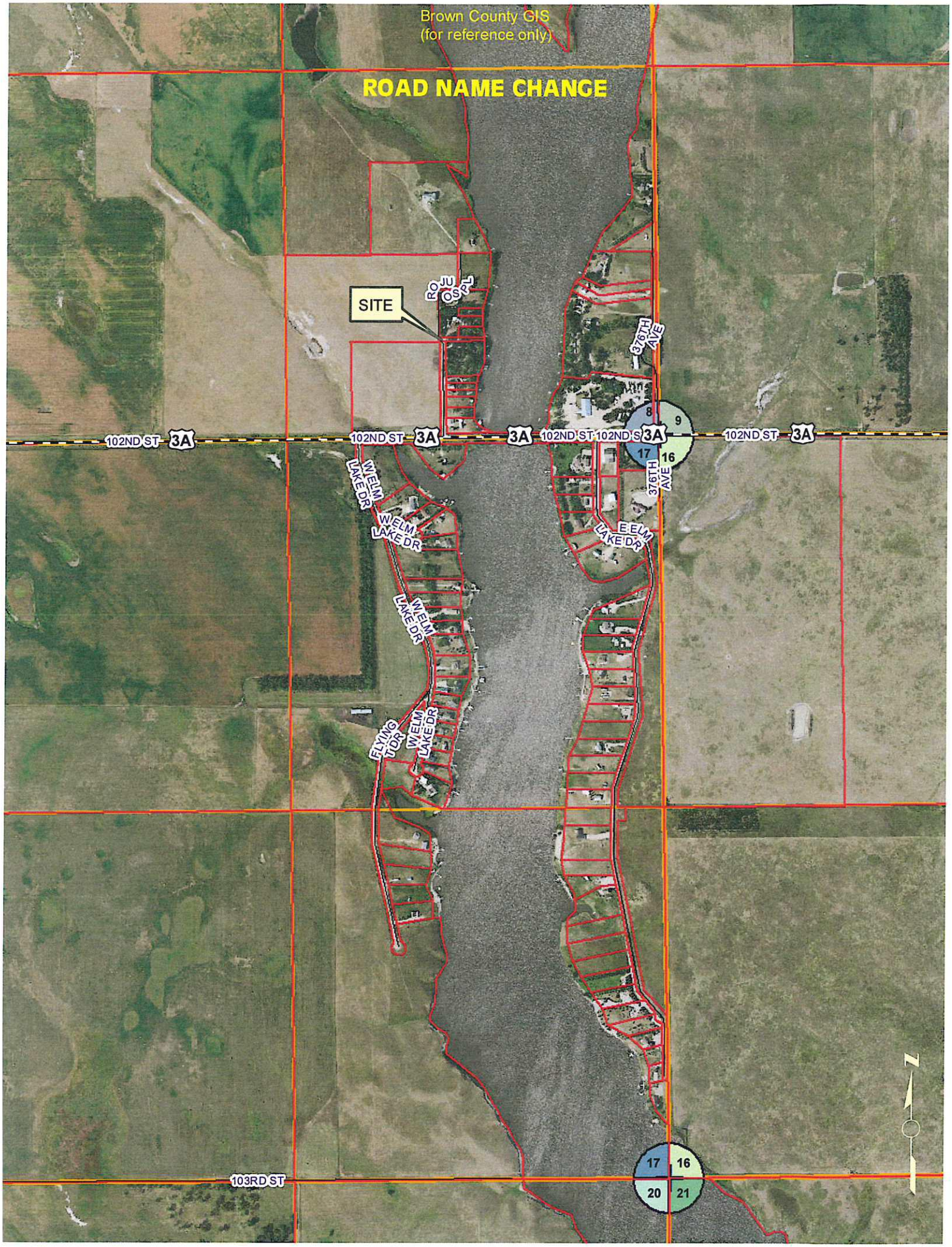
The Planning and Development Department approves the use of a new street name subject to the following criteria.

1) A street name should be appropriate and easy to read.
2) Names having the same or similar pronunciation but with different spellings are prohibited (e.g., Smith, Smyth or Smythe).
3) Avoid the use of derogatory names.
4) Avoid the use of frivolous or complicated words, or unconventional spellings in road names such as Pointe, Greene, or Olde.
5) Avoid the use of abbreviations in street names.
6) Street names shall not exceed a total of 30 letters and/or spaces, including street type and direction.
7) Avoid the use of special characters in road names such as hyphens, apostrophes, dashes or periods.
8) Street Direction (North, South, East or West) shall not be used as a prefix to the street name.
9) Avoid the use of standard suffixes or directional suffixes or prefixes as part of the street name (e.g., Boulevard Drive or Court Street).

10) Avoid the use of family names or individuals names unless that person has:
    a. *achieved prominence as a result of his or her significant, positive contribution to the United States of America and/or local community; and*
    b. *been deceased for at least 5 years.*
11) Any street name that matches an existing or proposed subdivision name shall be located within the subdivision in which it shares the name.
12) Street names shall not duplicate.

After the application and petition for a street name change has been submitted, the Planning and Development Department will verify the names on the petition and make a decision to approve or reject the proposed street name. Once approved the new name will be added to City's Street Name Registry and will be identified as the official road name in databases and on maps maintained by the City.

It is the responsibility of the property owner(s) to obtain new streets sign along the road. A new street sign for a private road can be purchased from the City's Traffic Engineering Division at a cost of $400.00. Signs may also be purchased from a private vendor.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(for reference only)
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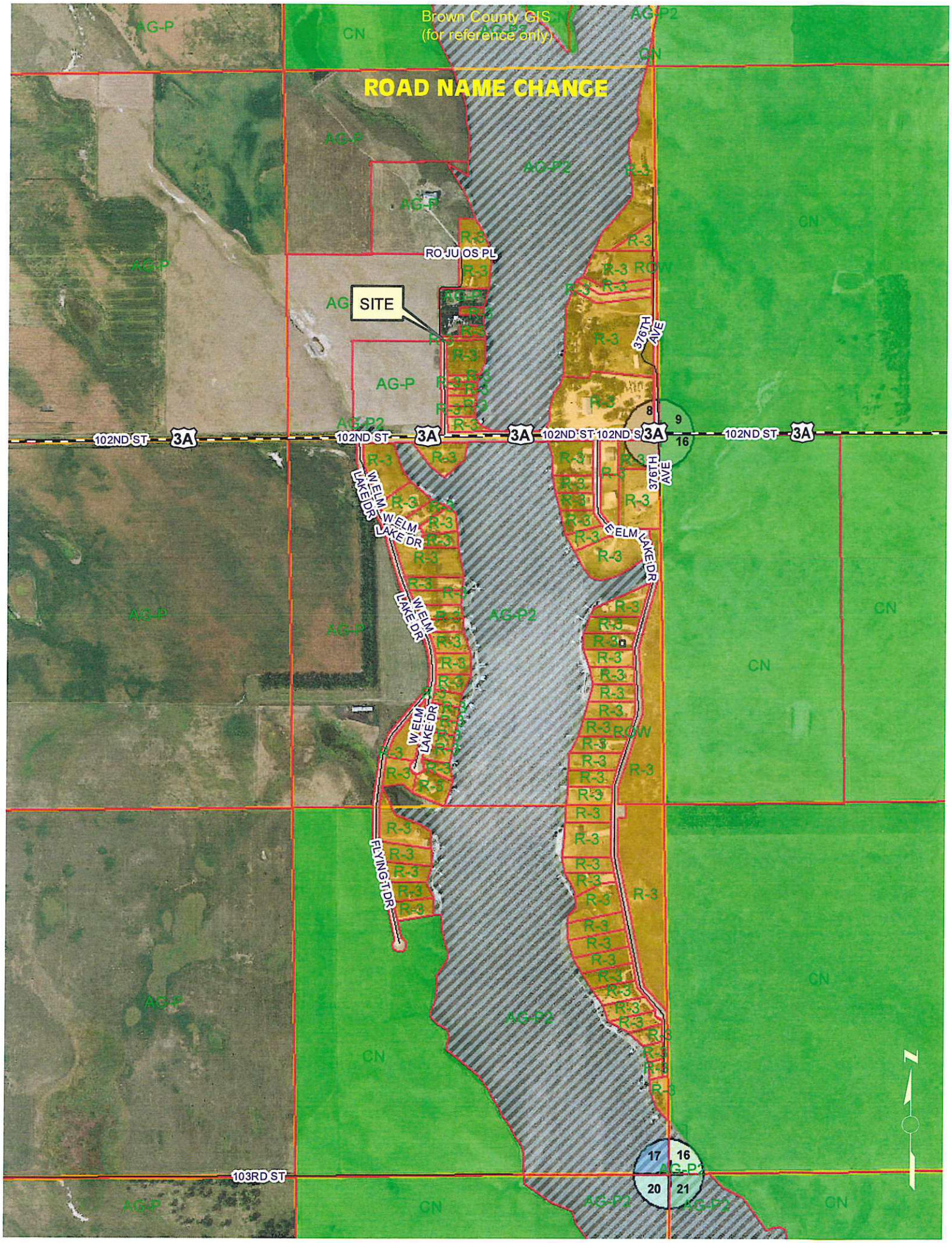
Brown County GIS
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Brown County GIS
(for reference only)
ROAD NAME CHANGE
New Road Names:
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STAFF REPORT

July 18, 2019

COMPREHENSIVE PLAN REVIEW **ITEM # 21**

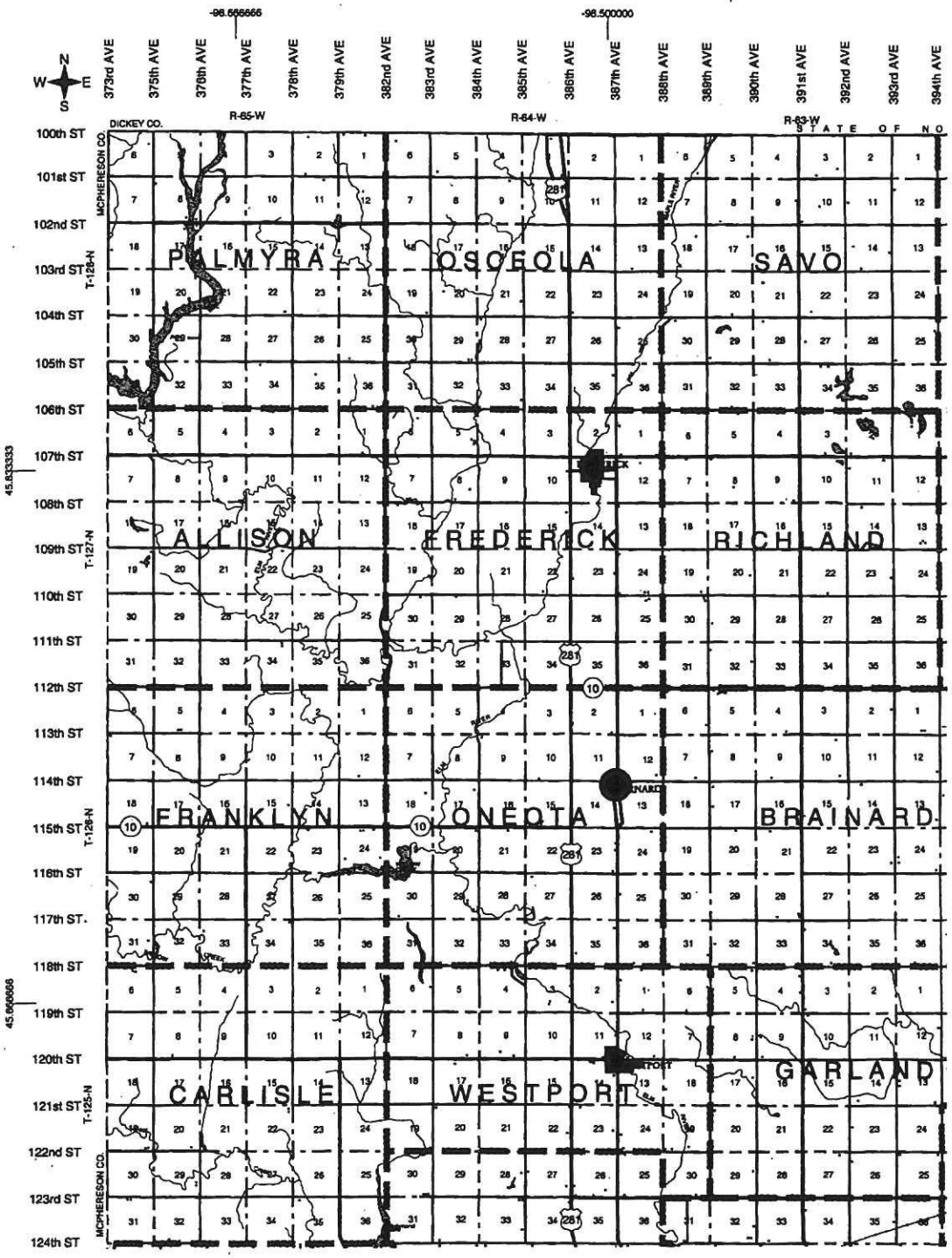
GENERAL INFORMATION

PETITIONER	Brown County Planning/Zoning
REQUEST	**Update Comp Plan**
EXISTING PLAN	Comp Plan last Updated in 1988
SURROUNDING ZONING	
North:	
South:	
East:	
West:	
REPORTED BY	Scott Bader

GENERAL COMMENT: This is a draft of the Comprehensive Plan open for discussion and review to the public and the Planning/Zoning Commission

REVIEW: Staff has updated this Comprehensive Plan to bring the plan current with information and regulations that meet the needs of Brown County in the future.

R-65-W	R-64-W	R-63-W	R-62-W	R-61-W	R-60-W
Palmyra Pages 94-95	Osceola Pages 92-93	Savo Pages 108-109	Liberty Pages 78-79	Hecla Pages 66-67	Portage Pages 96-97
Allison Pages 26-27	Frederick Pages 52-53	Richland Pages 104-105	Greenfield Pages 62-63	Lansing Pages 76-77	North Detroit Pages 86-87
Franklyn Pages 50-51	Oneota Pages 88-89	Brainard Pages 32-33		Shelby Pages 110-111	South Detroit Pages 112-113
Carlisle Pages 36-37	Westport Pages 120-121	Garland Pages 56-57	Columbia 'W' Pages 44-45	Columbia 'E' Pages 42-43	Claremont 'E' Pages 38-39 Claremont 'W' Pages 40-41
Ravinia Pages 102-103	Lincoln Pages 80-81	Ordway Pages 90-91 Prairiewood Village 98-99	Cambria Pages 34-35	Putney Pages 100-101	Riverside Pages 106-107
Mercier Pages 82-83	Aberdeen Pages 24-25	Bath Pages 30-31	Henry Pages 68-69	Groton Pages 64-65	
Highland Pages 70-71	Warner 'N' Pages 114-115	Gem 'W' Pages 60-61	Gem 'E' Pages 58-59	West Hanson Pages 118-119	East Hanson Pages 46-47
New Hope Pages 84-85	Warner 'S' Pages 116-117	West Rondell Pages 122-123	East Rondell Pages 48-49	Garden Prairie Pages 54-55	Bates Pages 28-29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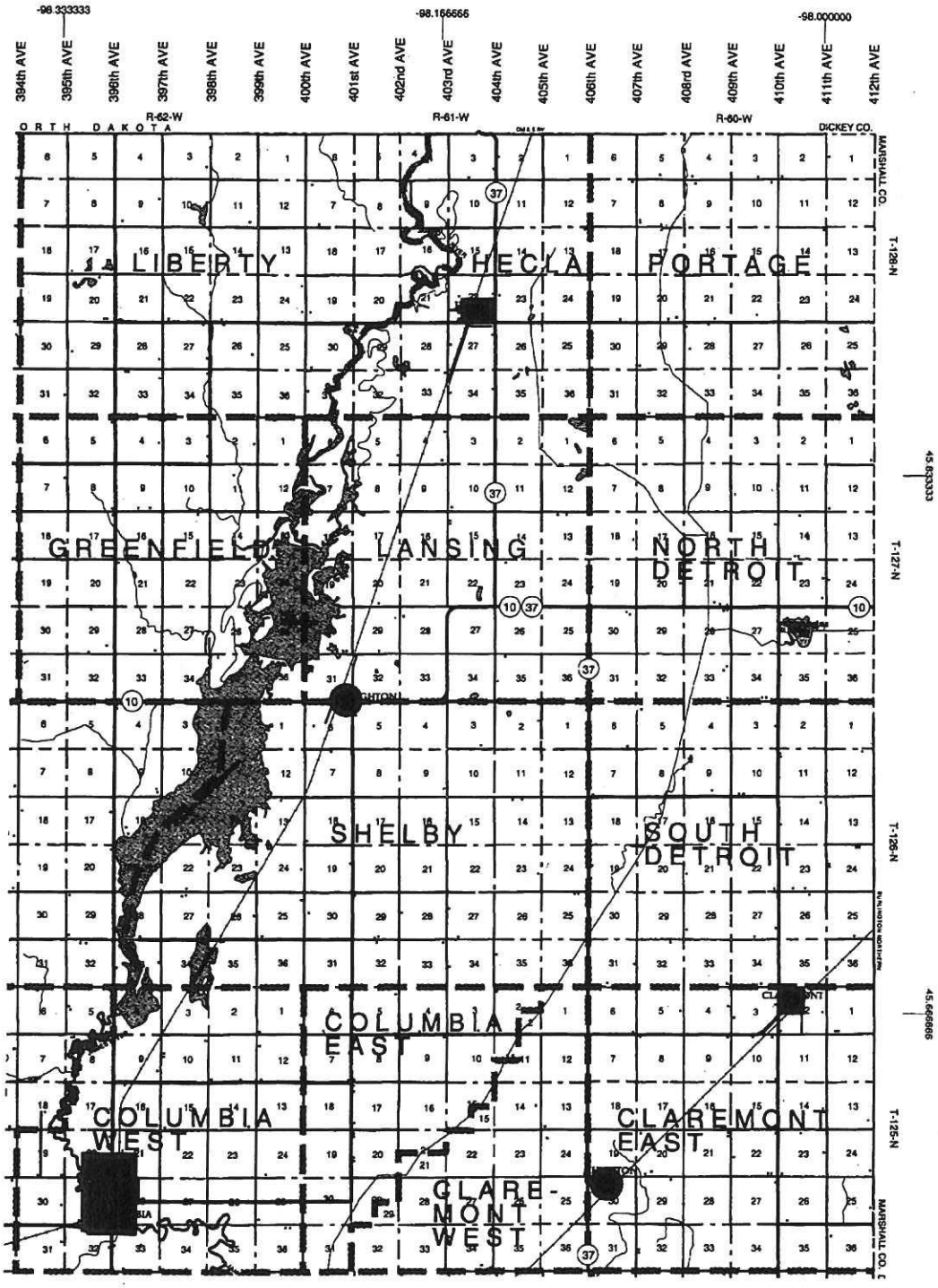
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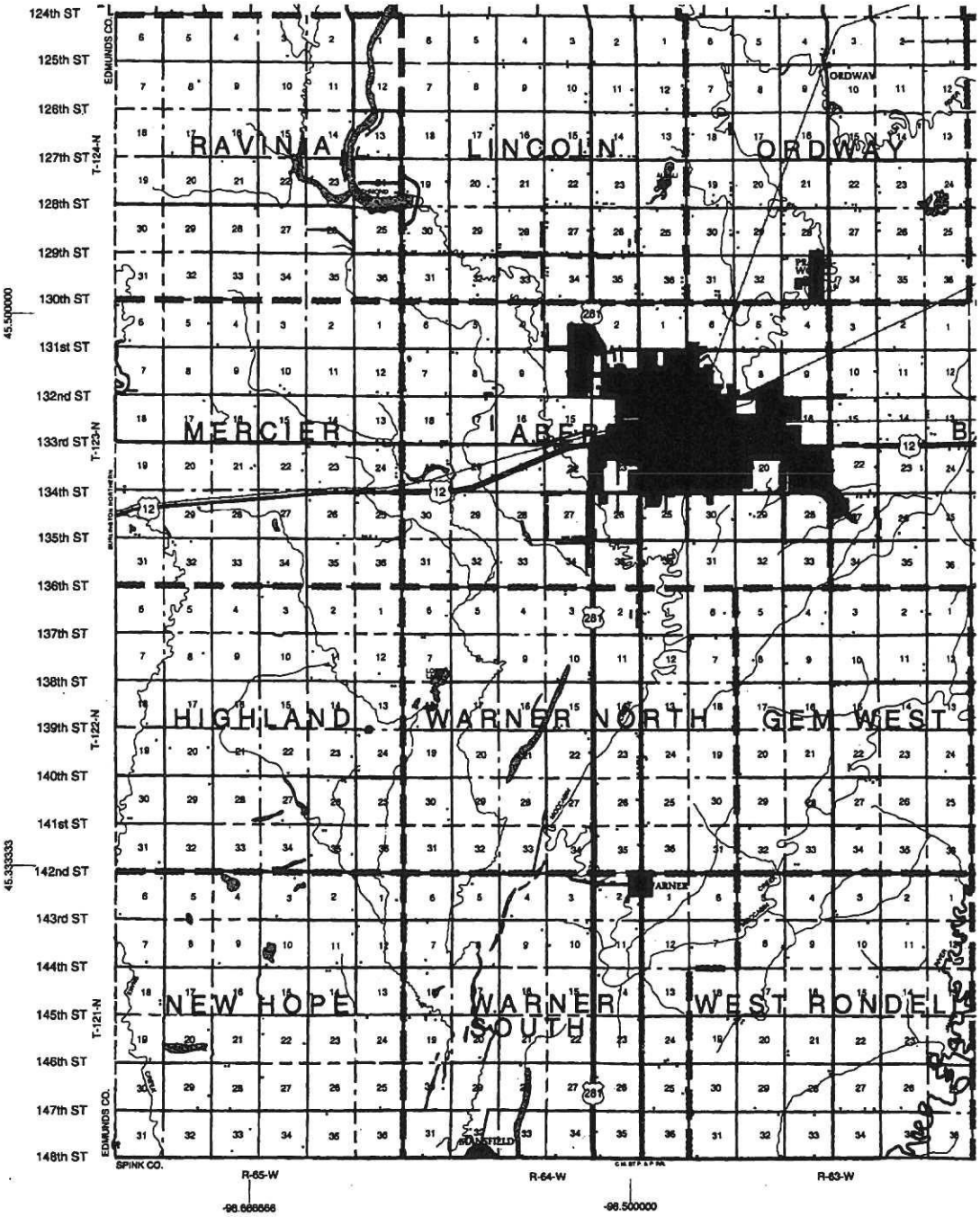
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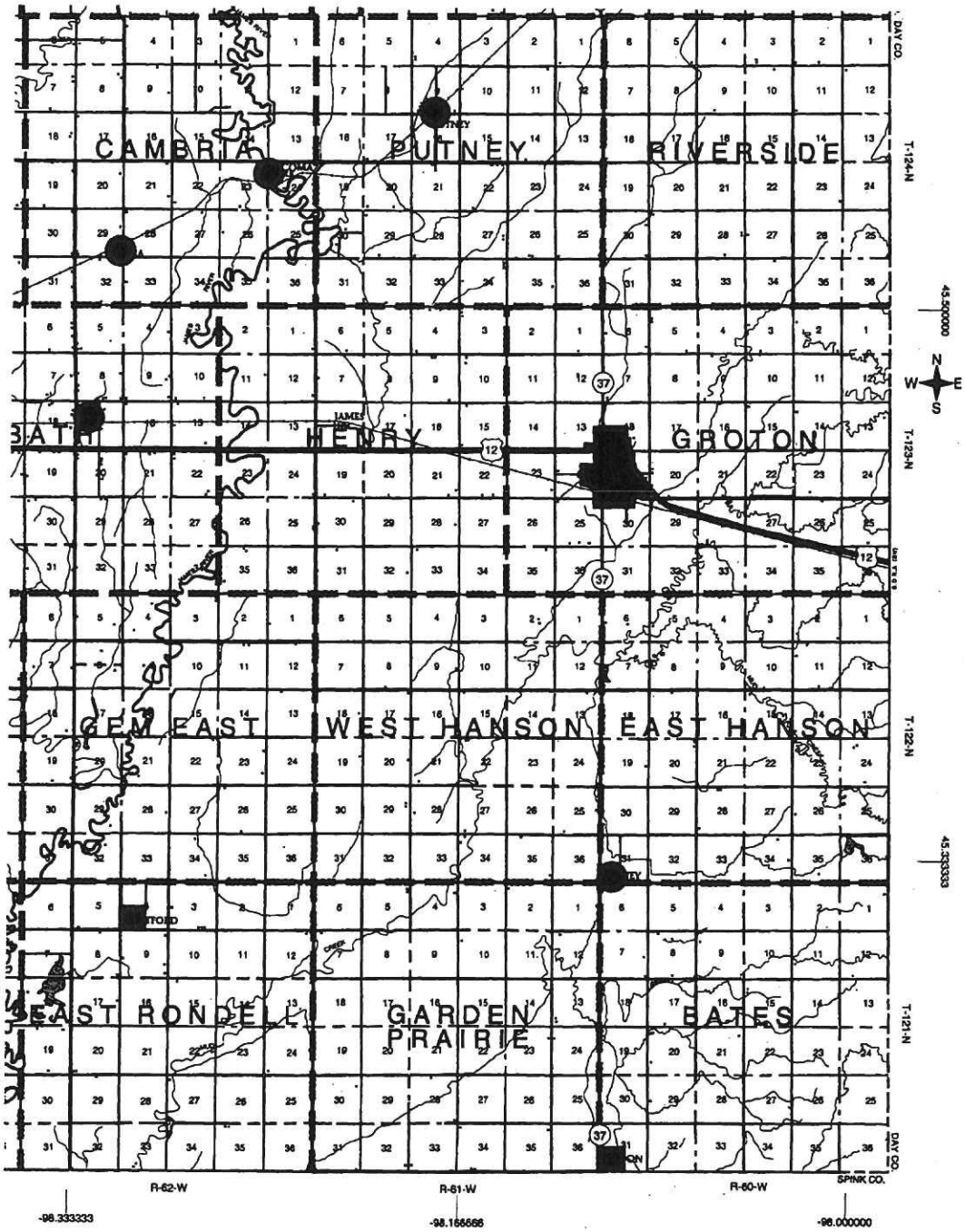
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