

# AGENDA

## REGULAR SCHEDULED MEETINGS BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, JANUARY 18, 2022 – 7:00 PM

BROWN COUNTY COURTHOUSE ANNEX in the BSMNT COMMUNITY ROOM,

- I. **Call to Order:** by Chairman Stan Beckler for [Brown County Planning/Zoning Commission](#)
- II. **Roll Call:** David North - Vice Chair, Darwin Bettmann, Dale Kurth, Patrick Keatts, James Meyers, Brown County Commissioner Mike Gage and Chairman Stan Beckler. Also in attendance for today's meeting are Ron Keller and Scott Bader from Planning & Zoning Department.
- III. Rachel Kippley – Brown County Commissioner that was serving on our P&Z Board has resigned her position as County Commissioner, Planning Commissioner and Zoning Board member to work in the Fair and Fairgrounds Departments. The Board of Brown County Commission has granted her to be an employee of Brown County. We thank her for being timely, prompt, and dependable for our monthly discussions, meetings, special meetings, and working on decisions for ordinance changes.
- IV. **Minutes:** December 21, 2021, Motion: 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_
- V. **Old Business:**
  1. **Sign-up sheet:** is on the table by the door entrance, and you can clearly mark YES or NO if you want to speak to the Board on any Agenda Item.
  2. **Permits:** Anyone present for a Variance Request or Conditional Use Petition that has been submitted to the Zoning Board of Adjustment (BOA) **IS STILL REQUIRED to get a Building Permit, Zoning Permit, Floodplain Permit (FPDP), or Use Permit, from the Zoning Office BEFORE STARTING** your project if the request is approved through the Zoning BOA. Penalties are assigned when starting without proper permits in-place.
- VI. **New Business:** *Planning/Zoning Commission as [Zoning Board of Adjustment \(BOA\)](#).*
  1. **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as Proposed Lot 1, “Dennert Addition” in the NE1/4 of Section 4-T125N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (11847 391<sup>st</sup> Ave; Garland Twp).
  2. **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as Proposed Lot 1, “Svarstad Addition” in the SE1/4 of Section 10-T122N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13797 392<sup>nd</sup> Ave; Gem Twp).
  3. **Variance for Building Setbacks** in a Lake Front Residential District (R-3) described as Proposed Lot 1, “Wayne and Nancy Johnson First Richmond Lake Subdivision” in the NW1/4 of Section 13-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (126219 North Bridge Rd; Ravinia Twp).
- VII. **Other Business:**

*Completed as [Zoning Board of Adjustment \(BOA\)](#) & going to [Planning Commission](#)*

I. **Old Business:**

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

**10. Rezone Parcel** from Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P) for properties previously described as Lot 1, Block 2; Lot 4, Block 2; & Lot 5, Block 2, "Whitetail Meadows First Subdivision" in the NW1/4 of Section 26-T123N-R65W of the 5th P.M., Brown County, South Dakota (US Hwy #12 West & 387<sup>th</sup> Ave; Mercier Twp.).

**11. Preliminary & Final Plat** for a property described as "Dennert Addition" in the NE1/4 of Section 4-T125N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (11847 391<sup>st</sup> Ave; Garland Twp.).

**12. Preliminary & Final Plat** for a property described as "Wayne and Nancy Johnson First Richmond Lake Subdivision" in the NW1/4 of Section 13-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (126219 North Bridge Rd; Ravinia Twp.).

**13. Preliminary & Final Plat** for a property described as "Svarstad Addition" in the SE1/4 of Section 10-T122N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13797 392<sup>nd</sup> Avenue; Gem Twp.).

**14. Preliminary & Final Plat** for a property described as "Pasch Second Subdivision" in the SW1/4 of Section 8-T122N-R61W of the 5<sup>th</sup> P.M., Brown County, South Dakota (40112 & 40132 138<sup>th</sup> Street; West Hanson Twp.).

**15. Other Business: Brown County P&Z discusses "Whitetail Meadows" future rezone**

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



# MINUTES

## REGULAR SCHEDULED MEETING

### BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, DECEMBER 21, 2021 - 7:00 P.M.

COMMUNITY ROOM, BROWN COUNTY COURTHOUSE

- I. **Call to Order:** The Brown County Planning/Zoning Commission meeting was called to order by Chairman, Stan Beckler.
- II. **Roll Call:** Members of the Brown County Planning/Zoning Commission present for roll call were David North, Darwin Bettmann, Dale Kurth, James Meyers, County Commissioner Mike Gage and Stan Beckler. Absent was Patrick Keatts. Also present for the meeting were staff members Scott Bader and Chris Anderson from the Planning/Zoning Office.
- III. **Meeting:** This meeting was conducted in the basement Community Room using social distancing protocol recommendations for spacing chairs at the Board Tables and the audience area, as much as possible based on number of items and expected number of people.
- IV. **Minutes:** After discussion about previous months Minutes, North moved and Kurth seconded to approve the November 16, 2021 Minutes of the Planning Commission and Zoning Board of Adjustment (BOA) monthly meeting. All members voted aye, the motion carried.
- V. **Old Business:**
  1. Noting a Sign-up Sheet at the door entrance on a table for anyone that hasn't signed the sheet or wants to speak on a particular Agenda Item.
  2. It was announced - *Anyone present for a Variance Application or Conditional Use Petition being submitted to the Zoning Board of Adjustment (BOA) IS STILL REQUIRED to get all applicable PERMITS from the Zoning Office BEFORE STARTING your project if the submitted project and requests are altered or fully approved through the BOA. Penalties are assigned without proper permits in-place.*
  3. Mike Lillis asked to speak before the BOA for Jordan Klipfel. Mike said he is the contractor for Jordan's project and got involved after it was already started. He said that they would like to have more time to move the shed, pool and deck. The Board asked him what kind of time he was requesting. He said the first part of February-ish. The Board asked Scott Bader from the P&Z Office if they have started any penalties since the previous meetings where they gave Mr. Klipfel 90 days to comply before any other penalties would start. Mr. Bader mentioned that he had a note written down for this meeting to let the BOA know that the Planning & Zoning Office will be sending out a letter notifying Klipfel's that they will be assessed a penalty of \$100/day until the shed, pool and deck are moved back to a minimum

of 45' from the south property line since there has not been any movement towards compliance during site visits. The Board denied Mike Lillis and Jordan Klipfel any extension because this project started without a permit, they requested a variance in August that was denied, the Board assigned a 90 day deadline at the September meeting to move the shed, above-ground pool and surrounding deck, trim trees and shrubs the width of the right-of-way for farm equipment and vehicular travel and there has been no movement to comply with any of the Boards' requirements. Mr. Bader cut down the trees and shrubs, raked up the tree-line area, moved Mr. Klipfel's wood pallets and a scraper blade attachment for him.

**VI. New Business: Planning/Zoning Commission as Zoning BOA – (SDCL 11-2-49)**

1. **Special Exception/Conditional Use** in a Heavy Industrial District (H-I) described as Lot 1, "Wolff's First Addition" in the N1/2 of Section 21-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota. (38466 West Highway 12; Aberdeen Twp). Submitted by Jonathon Swenson. Jonathon Swenson was in attendance for this item. Following discussion on FoF, North moved, and Meyers seconded to **approve the finding of facts** as presented. Also following discussion North moved and Meyers seconded to approve the **special exception/conditional use with stipulations** that the City of Aberdeen Zoning Minutes be complied with on each lot by cleaning everything up in a neat and orderly manor before this permit can be issued for the addition that was started without a permit, all members voting aye, motion carried.
2. **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 1, "J and J Fischbach Addition" in the NE1/4 of the NE1/4 of Section 32-T121N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38989 147<sup>th</sup> Street; West Rondell Twp). Submitted by James Fischbach. Following discussion on FoF, Kurth moved, and North seconded to **approve the finding of facts** as presented. Also following discussion Kurth moved and North seconded to **approve a variance for lot size**, all members voting aye, motion carried.

**Other Business: None**

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

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# MINUTES

## BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, DECEMBER 21, 2021 - 7:00 P.M.  
COMMUNITY ROOM, BROWN COUNTY COURTHOUSE

Old Business: None

New Business: Planning Commission

10. **Rezone Parcel** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for a property described as Lot 2, "Munger Second Addition" in the SE1/4 of Section 17-T121N-R64W of the 5th P.M., Brown County, South Dakota (38398 145<sup>th</sup> Street; Warner South Twp). Submitted by Steve Munger. Following discussion, Meyers moved, Bettmenn seconded to **recommend approval of this rezone on Lot 2** (28.81 acres ) to the Board of County Commissioners, all members voting aye, motion carried.
11. **Rezone Parcel** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for a property described as proposed Lot 1, "Alex's First Addition" in the S1/2 of the SE1/4 of Section 36-T124N-R65W of the 5th P.M., Brown County, South Dakota (12981 382<sup>nd</sup> Avenue; Ravinia Twp). Submitted by Alex Droog. Following discussion, North moved, Gage seconded to **recommend approval of this rezone on proposed Lot 1** (17.5 acres) to the Board of County Commissioners, all members voting aye, motion carried.
12. **Rezone Parcel** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for a property described as proposed Lot 1 "Dargatz Addition" in Section 14-T123N-R60W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13285 411<sup>th</sup> Avenue; Groton Twp). Submitted by Erretta Dargatz. Following discussion, Kurth moved, North seconded to **recommend approval of this rezone on proposed Lot 1** (28.39 acres) to the Board of County Commissioners, all members voting aye, motion carried.
13. **Preliminary & Final Plat** for a property described as "Fey Addition to Pleasant Valley Estates" in the SE1/4 of Section 30-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12879 East Pleasant Valley Drive; Lincoln Twp). Submitted by Kelby Fey. Following discussion, Meyers moved, Gage seconded to **recommend approval of this plat** to the Board of County Commissioners, all members voting aye, motion carried.
14. **Preliminary & Final Plat** for a property described as "Emery First Addition" in the NE1/4 of Section 30-T127N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38279 110<sup>th</sup> Street; Frederick Twp). Submitted by Ethan Emery. Following discussion, North moved,

Meyers seconded to **recommend approval of this plat** to the Board of County Commissioners, all members voting aye, motion carried.

15. **Preliminary & Final Plat** for a property described as “Scheuffele-Volzke First Addition” in the NW1/4 of Section 11-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (2322 & 2323 Country Aire Estates; Aberdeen Twp). Submitted by Dennis Volzke. Following discussion, Gage moved, Kurth seconded to **recommend approval of this plat** to the Board of County Commissioners, all members voting aye, motion carried.
16. **Preliminary & Final Plat** for a property described as “Dargatz Addition” in Section 14-T123N-R60W of the 5<sup>th</sup> P.M., Brown County, South Dakota (41047 132<sup>nd</sup> Street; 13265 411<sup>th</sup> Avenue; and 13285 411<sup>th</sup> Avenue; Groton Twp). Submitted by Erretta Dargatz. Following discussion, North moved, Bettmann seconded to **recommend approval of this plat**, to the Board of County Commissioners, all members voting aye, motion carried.
17. **Preliminary & Final Plat** for a property described as “Alex’s First Addition” in the S1/2 of the SE1/4 of Section 36-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12981 382<sup>nd</sup> Avenue; Ravinia Twp). Submitted by Alex Droog. Following discussion, Meyers moved, Kurth seconded to **recommend approval of this plat** to the Board of County Commissioners, all members voting aye, motion carried.
18. **Preliminary & Final Plat** for a property described as “J and J Addition” in the NE1/4 of the NE ¼ of Section 32-T121N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38989 147<sup>th</sup> Street; West Rondell Twp). Submitted by James Fischbach. Following discussion, North moved, Bettmann seconded to **recommend approval of this plat** to the Board of County Commissioners, all members voting aye, motion carried.

#### **Other Business:**

In **July 2005**, all the “Whitetail Meadows First Subdivision” in the NW1/4 Section 26-T123N-R65W, Brown County, South Dakota platted parcels were rezoned from AG-P District to M-AG District. In **May 2010**, Lot 1, Blk 2; Lot 4, Blk 2; & Lot 5, Blk 2 of “Whitetail Meadows First Subdivision” were all three vacated back into the NW1/4 of Section 26-T123N-R65W because there was a binding Wetland Easement contract between the owner and USF&WS. These three lots were vacated back to the quarter of land but were not rezoned back to the AG-P District during this vacation process. The location of these three lots still shows them as M-AG District. The P&Z Office wants to rezone these previous three lots back to AG-P District. The P&Z office is asking the Planning/Zoning Commission for the approval to waive the rezoning fees since the rezoning did not take place when the lots were vacated and there are no longer any legal descriptions for these three lots. We will need to use “*previously described as*” to bring them through the Planning Commission and County Commission.

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

Submitted by: Scott Bader & Chris Anderson – Br. Co. P&Z Department.



# STAFF REPORT

January 18, 2022

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## VARIANCE FOR LOT SIZE

ITEM #1

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### GENERAL INFORMATION:

PETITIONER: Dana Dennert

REQUEST: **VARIANCE FOR LOT SIZE IN  
AG-P DISTRICT**

LEGAL DESCRIPTION: Proposed Lot I, "Dennert Addition" in the NE1/4 of Section 4-T125N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota

TOWNSHIP: Garland Twp

LOCATION: 11847 391<sup>st</sup> Avenue

EXISTING ZONING: Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

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

PUBLIC UTILITIES: WEB Water

REPORTED BY: Ron Keller

**GENERAL COMMENT:** The petitioner is requesting a Variance to Lot Size for one parcel to be smaller than a minimum 40.0 acre parcel in AG-P District and for this lot to stay zoned as AG-P District per 4.0605 of Brown County Ordinances.

**REVIEW:** Staff has reviewed this request and recommends approval. A Variance for Lot I to be 4.47 acres.

(Dana Dennert)

VARIANCE FINDINGS WORKSHEET

**Prong One**

*Whether granting the variance runs counter to the public interest?*

| Consider the entire public— <i>not</i> just the neighbors                       | Findings                                   |   |   |
|---|--|---|---|
| 1. Does it injure the neighborhood?   | Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> |   |
| 2. Does it conform to the neighborhood?   | Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            |   |
| 3. Does it conform to the general purpose of the zoning ordinances?             | Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            | Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605. |
| 4. Does it conform to the comprehensive plan currently in place?                | Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            |   |
| 5. Does it harm the public safety, health, or general welfare of the community? | Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> |   |

**Prong Two**

*Whether special conditions exist to grant a variance?*

| Physical conditions— <i>not</i> money or econ hardship   | Findings                                   |   |   |
|--|--|---|---|
| 1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property?<br>*Explicitly state the condition on the property that is a special condition if one exists.<br>*It <b>must</b> be a physical condition.<br>*Exception: legal justification (for example, estoppel) is a special circumstance. | Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> | Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605. |
| a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship?<br>*That does <b>not</b> mean money, econ hardship, or allowing a use that's prohibited ( <i>i.e.</i> , not otherwise excluded) in the zoning district.  | Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> |   |
| b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.   | Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            |   |




# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR VARIANCE

DATE: December 17, 2021  
RECEIPT # 620591  
TOWNSHIP: Garland Twp

FEES: \$125.00  
PAID: YES / NO CHK/CASH  
DATE: December 20, 2021

OWNERS SIGNATURE: Dana Dennert   
OWNERS ADDRESS: 11821 391st Ave  
OWNERS CITY, STATE, ZIP: Columbia, SD 57433  
OWNERS PHONE: 605-396-2348

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

REQUEST: Variance to Lot Size to allow a parcel to be smaller than 40.0 acres and stay zoned as AG-P District per Chapter 4.0605 of Zoning Ordinances.

LEGAL DESCRIPTION: Proposed Lot I, "Dennert Addition" in the NE1/4 of Section 4-T125N-R63W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: Ron Keller Date: \_\_\_\_\_

HEARING DATE: January 18, 2022 TIME: 7:00 p.m.

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

25 Market Street • Aberdeen, South Dakota 57401-4203

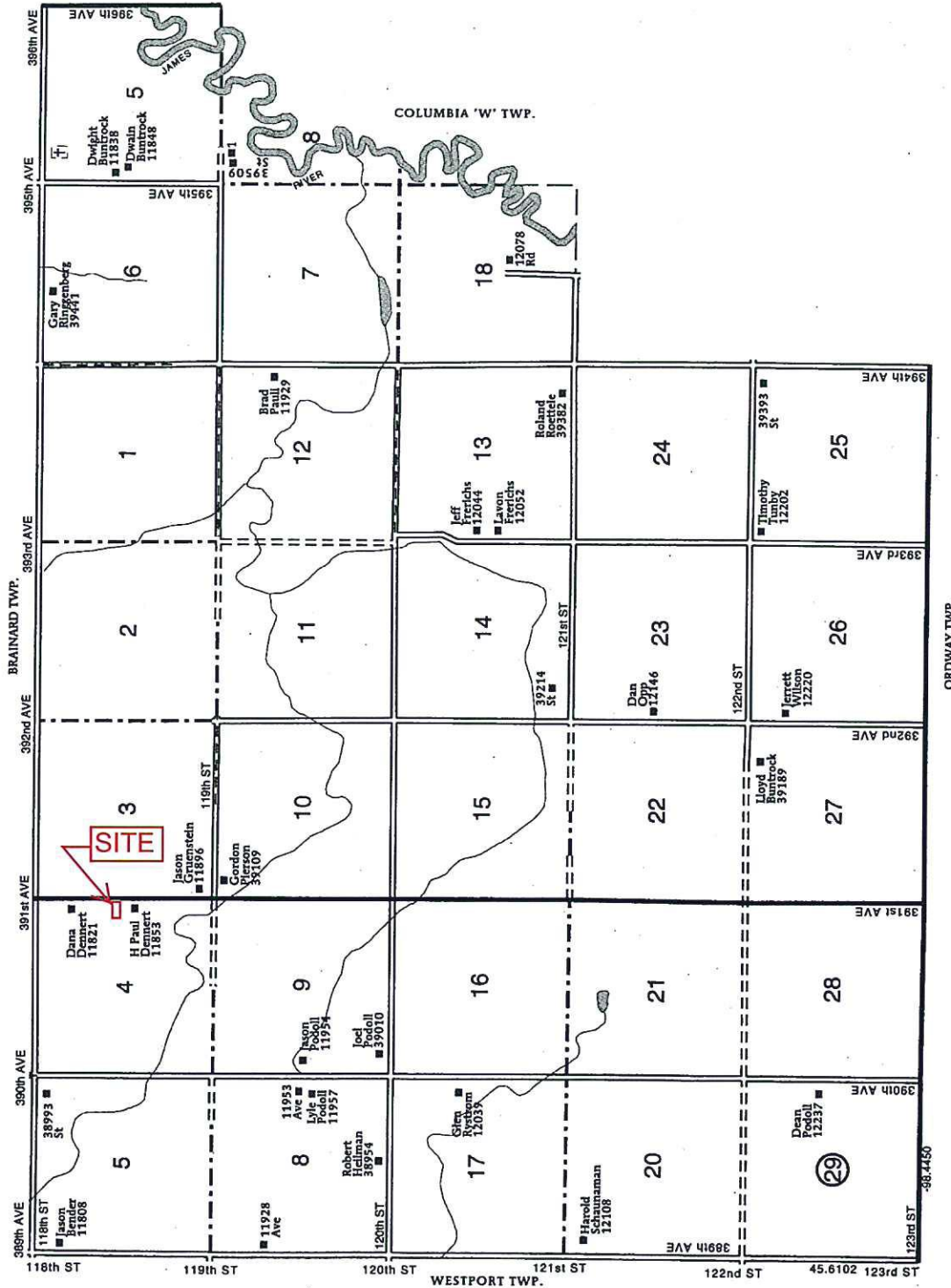
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

**1 Dropper holds 20 Drops which is 1 milliliter/cubic centimeter**  
**½ Dropper yields 10 Drops which is 0.5 ml/cc**  
**1 Tablespoon (T.) = 3 teaspoons (t) = 15ml/cc**  
**1ml/cc = ½t • 15ml/cc = 1T • 34ml/cc = 1 fl. oz. • 240 ml/cc = 1c.**

T-125-N

**GARLAND DIRECTORY**  
(Residents - Owners or Renters)

R-62-63-W



**GARLAND TOWNSHIP**  
**SECTION 1E**  
**1 Dennert, Terry 39515**



## 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 January 18, 2022 at 7:00 P.M.

Petitioner / Owner: Dana Dennert

Description of property: Proposed Lot 1, "Dennert Addition" in the NE1/4 of Section 4-T125N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (11847 391<sup>st</sup> Avenue).

Reason: Variance to Lot Size for a parcel to be smaller than 40.0 acre parcels in AG-P District and stay zoned as AG-P District per 4.0605 of Brown County Ordinances.

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

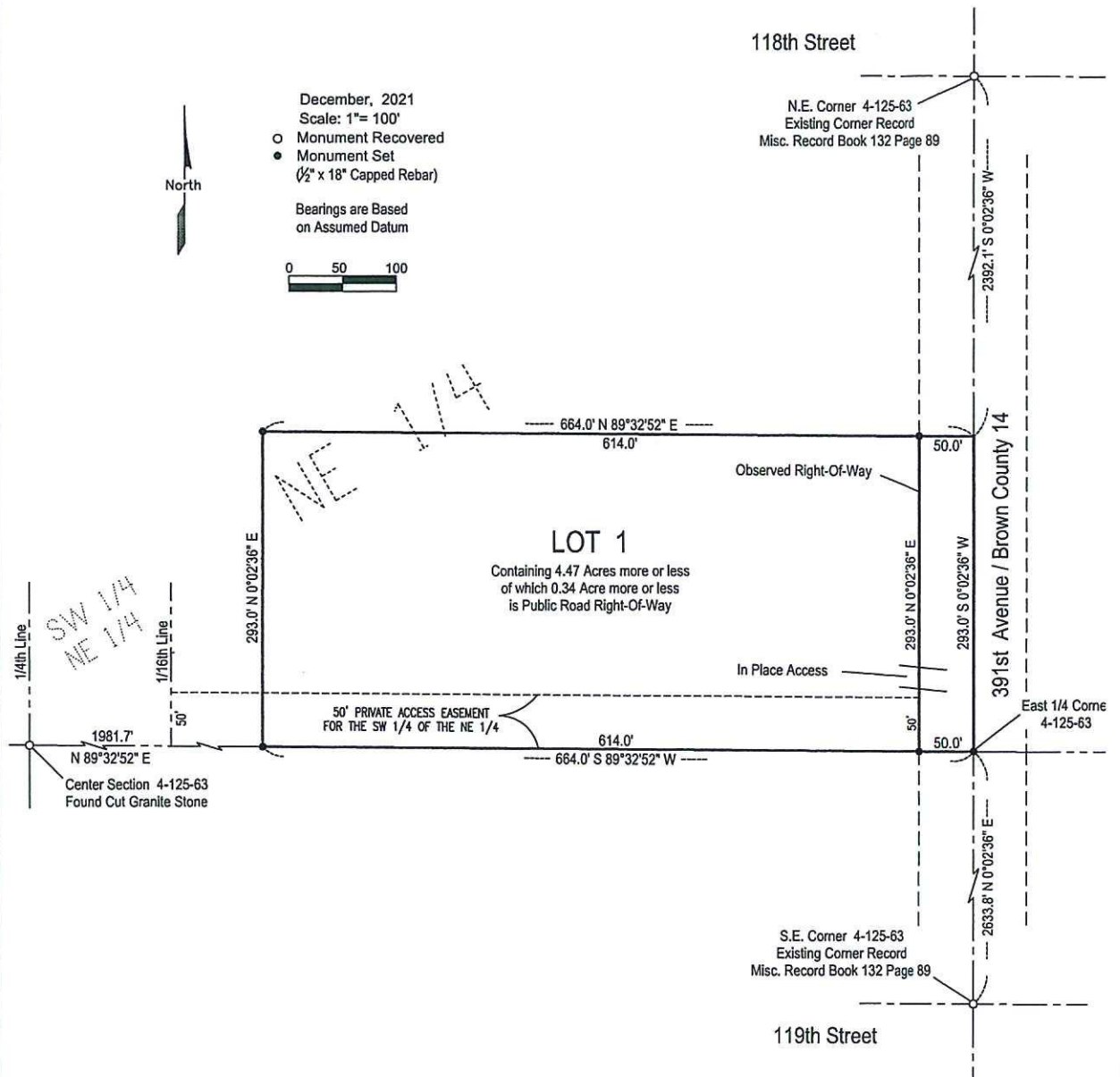
Dated this 6<sup>th</sup> day of January 2022

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

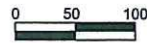
Published once at the total approximate cost of \_\_\_\_\_.

PLAT OF

“DENNERT ADDITION” IN THE NE¼ SECTION 4, T125N, R63W OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA



December, 2021  
Scale: 1"= 100'  
○ Monument Recovered  
● Monument Set  
(½" x 18" Capped Rebar)  
Bearings are Based on Assumed Datum



SW 1/4  
NE 1/4

NE 1/4

**SURVEYOR'S CERTIFICATE**  
I, Mike J. Lapka, a Registered Land Surveyor of the State of South Dakota, do hereby certify that on or before the 2nd day of December, 2021 and at the request of the owners of the real property hereinafter described, surveyed the NE¼ of Section 4, Township 125 North, Range 63 West of the 5th P.M., Brown County, South Dakota, as shown on the plat, and marked upon the ground boundaries thereof in the manner shown on the plat, and that the attached plat is a true and correct representation of said survey and that the parcel of land so platted contains: PLAT OF "DENNERT ADDITION" IN THE NE¼ SECTION 4, T125N, R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA.  
IN WITNESS WHEREOF, I have executed this Surveyor's Certificate this 2nd day of December, 2021.

Prepared By:  
**LAPKA LAND SURVEYING**  
1248 Church Street  
Leola, South Dakota 57456  
Ph. 605-690-3685





PLAT OF

"DENNERT ADDITION" IN THE NE 1/4 SECTION 4, T125N, R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA

CERTIFICATE OF OWNERSHIP

State of South Dakota County of Brown

We, Dana P. Dennert and Nancy Dennert do hereby certify that we are the owners of the S 1/2 NE 1/4 of 4-125-63, as shown and described hereon, that we do approve this plat as hereon shown and that the development of this property shall conform to all existing zoning, subdivision, erosion and sediment control.

Dana P. Dennert Address \_\_\_\_\_

Nancy Dennert Address \_\_\_\_\_

ACKNOWLEDGMENT OF OWNERSHIP

State of South Dakota County of Brown

On this 20 day of December 2021 before me, the undersigned officer, personally appeared, Dana P. Dennert and Nancy Dennert, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same for the purposes therein contained. In witness whereof I hereunto set my hand and Official Seal.

My commission expires: 11-2-2027
D. Chris Anderson
NOTARY PUBLIC

COUNTY PLANNING COMMISSION CERTIFICATE

State of South Dakota County of Brown

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown, 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, "DENNERT ADDITION" IN THE NE 1/4 SECTION 4, T125N, R63W 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 \_\_\_\_\_

Chairman \_\_\_\_\_

APPROVAL BY COUNTY

State of South Dakota County of Brown

I hereby certify that the following is a correct copy of the resolution duly passed by the Board of Commissioners of Brown, 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, "DENNERT ADDITION" IN THE NE 1/4 SECTION 4, T125N, R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, having been examined, is hereby approved in accordance with the provisions of SDCL 11-2-3, and any amendments thereof."

Chairman \_\_\_\_\_

Auditor \_\_\_\_\_

APPROVAL OF HIGHWAY OR STREET AUTHORITY

The location of the proposed access to the abutting County or State Highway, or City Street as shown hereon, is hereby approved. Any changes in the location of proposed access shall require additional approval.

HIGHWAY OR STREET AUTHORITY \_\_\_\_\_

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



Prepared By: LAPKA LAND SURVEYING, 1248 Church Street, Leola, South Dakota 57456, Ph. 605-690-3685

PLAT OF

“DENNERT ADDITION” IN THE NE¼ SECTION 4, T125N, R63W OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA

CERTIFICATE OF COUNTY TREASURER

State of South Dakota County of Brown

I, \_\_\_\_\_, Brown County Treasurer do hereby certify that the \_\_\_\_\_ taxes, which are liens upon the lands platted hereon, as shown by the records of my office, have been fully paid.

\_\_\_\_\_  
County Treasurer

Date \_\_\_\_\_

BROWN COUNTY DIRECTOR OF EQUALIZATION CERTIFICATE

State of South Dakota County of Brown

I, \_\_\_\_\_, County Director of Equalization, hereby certify that I have received a copy of this plat.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
County Director of Equalization

Date \_\_\_\_\_

OFFICE OF REGISTER OF DEEDS

State of South Dakota County of Brown

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_.

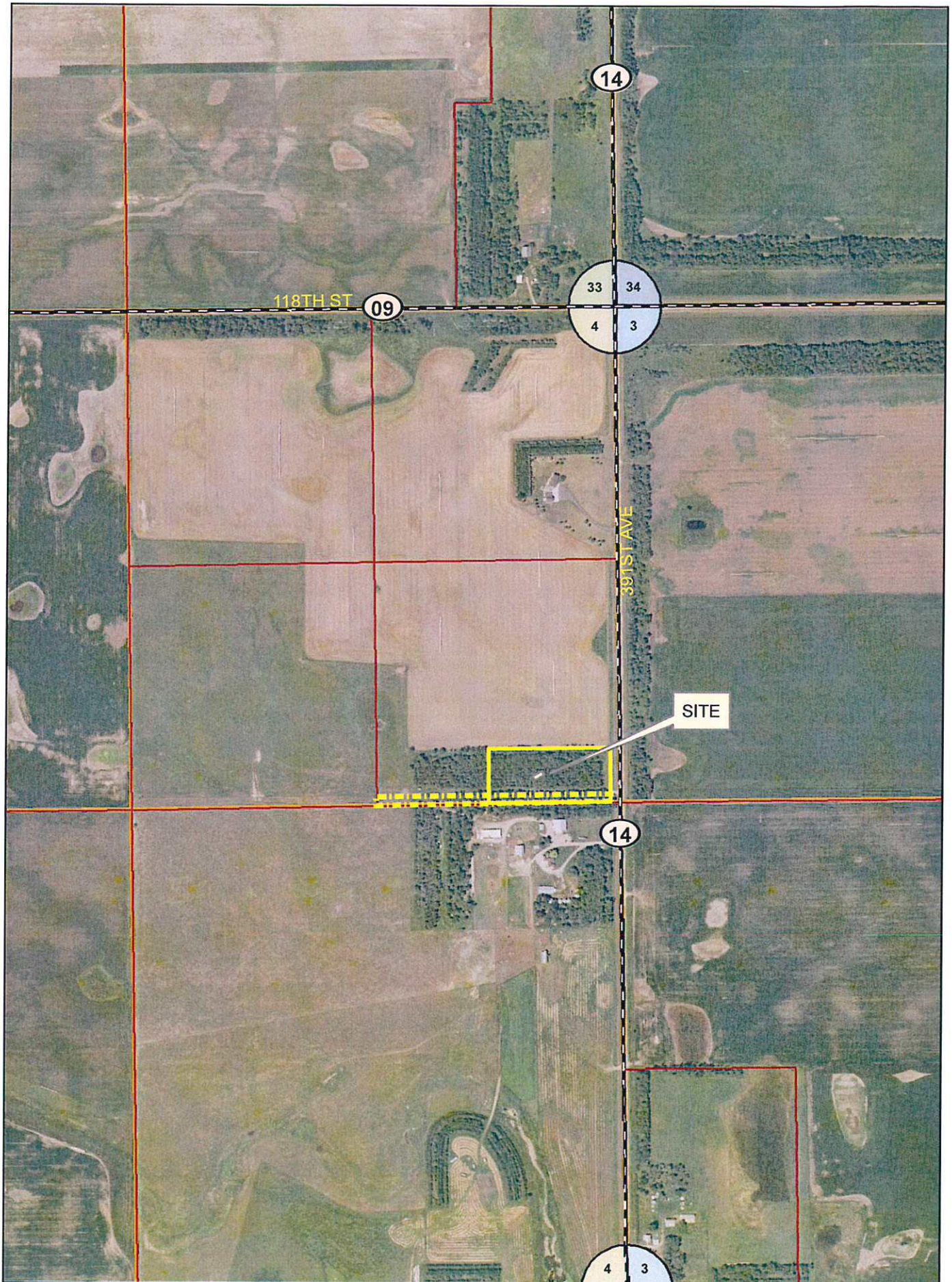
Document No. \_\_\_\_\_

Register of Deeds \_\_\_\_\_



Prepared By:  
**LAPKA LAND SURVEYING**  
1248 Church Street  
Leola, South Dakota 57456  
Ph. 605-690-3685











**Dana & Nancy Dennert**  
11821 391<sup>st</sup> Avenue  
Columbia, SD 57433

**Brad Pauli**  
Attn: Garland Twp  
11929 394<sup>th</sup> Avenue  
Columbia, SD 57433

**Karlen & Karlen**  
2062 Promise Road, Apt. 1202  
Rapid City, SD 57701

**Dwight Buntrock**  
11838 395<sup>th</sup> Avenue  
Columbia, SD 57433

**Barrett Properties LLC**  
11896 391<sup>st</sup> Avenue  
Columbia, SD 57433

# LOCALiQ

Aberdeen News  
Watertown Public Opinion

**Order Confirmation**  
Not an Invoice

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

|                    |            |
|--------------------|------------|
| Date:              | 01/03/2022 |
| Order Number:      | 6731331    |
| Prepayment Amount: | \$ 0.00    |

|                   |         |
|-------------------|---------|
| Column Count:     | 1       |
| Line Count:       | 44.0000 |
| Height in Inches: | 0.0000  |

**Print**

| Product               | #Insertions | Start - End             | Category       |
|-----------------------|-------------|-------------------------|----------------|
| ABD The American News | 1           | 01/06/2022 - 01/06/2022 | Public Notices |
| ABD aberdeennews.com  | 1           | 01/06/2022 - 01/06/2022 | Public Notices |

|                                 |                |
|---------------------------------|----------------|
| <b>Total Order Confirmation</b> | <b>\$17.32</b> |
|---------------------------------|----------------|



**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 January 18, 2022 at 7:00 P.M.

Petitioner / Owner: Dana Dennert

Description of property: Proposed Lot 1, "Dennert Addition" in the NE1/4 of Section 4-T125N-R63W of the 5th P.M., Brown County, South Dakota (11847 391st Avenue; Garland Twp).

Reason: Variance to Lot Size for a parcel to be smaller than 40.0 acre parcels in AG-P District and stay zoned as AG-P District per 4.0605 of Brown County Ordinances.

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

Dated this 6th day of January 2022  
Planning/Zoning Commission and

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

Office: (605) 626-7144  
Published once at the total  
approximate cost of \$17.32.  
Jan. 6, 2022 #6731331

# STAFF REPORT

January 18, 2022

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**VARIANCE FOR LOT SIZE**

**ITEM #2**

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**GENERAL INFORMATION:**

PETITIONER: Arne Svarstad

REQUEST: **VARIANCE FOR LOT SIZE IN  
AG-P DISTRICT**

LEGAL DESCRIPTION: Proposed Lot 1, "Svarstad Addition" in the SE1/4  
of Section 10-T122N-R63W of the 5<sup>th</sup> P.M., Brown  
County, South Dakota

TOWNSHIP: Gem Twp

LOCATION: 13797 392<sup>nd</sup> Avenue

EXISTING ZONING: Agriculture Preservation District (AG-P)

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

PUBLIC UTILITIES: WEB Water

REPORTED BY: Ron Keller

**GENERAL COMMENT:** The petitioner is requesting a Variance to Lot Size for one parcel to be smaller than a minimum 40.0 acre parcel in AG-P District and for this lot to stay zoned as AG-P District per 4.0605 of Brown County Ordinances.

**REVIEW:** Staff has reviewed this request and recommends approval. A Variance for Lot 1 to be 2.19 acres.



(Arne Svarstad)

VARIANCE FINDINGS WORKSHEET

**Prong One**

*Whether granting the variance runs counter to the public interest?*

| Consider the entire public—not just the neighbors                               | Findings                                   |   |   |
|---|--|---|---|
| 1. Does it injure the neighborhood?   | Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> |   |
| 2. Does it conform to the neighborhood?   | Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            |   |
| 3. Does it conform to the general purpose of the zoning ordinances?             | Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            | Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605. |
| 4. Does it conform to the comprehensive plan currently in place?                | Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            |   |
| 5. Does it harm the public safety, health, or general welfare of the community? | Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> |   |

**Prong Two**

*Whether special conditions exist to grant a variance?*

| Physical conditions—not money or econ hardship   | Findings                                   |   |   |
|--|--|---|---|
| 1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property?<br>*Explicitly state the condition on the property that is a special condition if one exists.<br>*It <b>must</b> be a physical condition.<br>*Exception: legal justification (for example, estoppel) is a special circumstance. | Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> | Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605. |
| a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship?<br>*That does <b>not</b> mean money, econ hardship, or allowing a use that's prohibited ( <i>i.e.</i> , not otherwise excluded) in the zoning district.  | Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> |   |
| b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.   | Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            |   |

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR VARIANCE

DATE: December 16, 2021

FEES: \$125.00

RECEIPT # 620601

PAID: YES/NO CHK/CASH

TOWNSHIP: GEM Twp

DATE: January 11, 2022

OWNERS SIGNATURE: Arne Svarstad 

OWNERS ADDRESS: 13797 392nd Ave

OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401

OWNERS PHONE: 605-228-8913

AGENTS SIGNATURE: \_\_\_\_\_

AGENTS ADDRESS: \_\_\_\_\_

AGENTS CITY, STATE, ZIP: \_\_\_\_\_

AGENTS PHONE: \_\_\_\_\_

**REQUEST:** Variance to Lot Size in an AG-P District for Lot 1 to be 2.19 acres rather than the minimum of 40.0 acres per 4.0605 of Title 4 in the Brown County Ordinance.

**LEGAL DESCRIPTION:** Lot 1, "Svarstad Addition" in the SE1/4 of Section 10-T122N-R63W of the 5th P.M., Brown County, South Dakota.

**Planning Commission Action:** Approved / Denied

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

**HEARING DATE:** January 18, 2022 **TIME:** 7:00 p.m.

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

25 Market Street • Aberdeen, South Dakota 57401-4203

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



# YOUR FARM & HOME PLAT & DIRECTORY

This Directory Contains All Rural Residents, Their Addresses, Outline Of The Farm, Number Of Acres, Telephone Numbers, County Roads, Highways, Interstate, and Landmarks Such As: Rivers, Lakes, Churches and Cemeteries

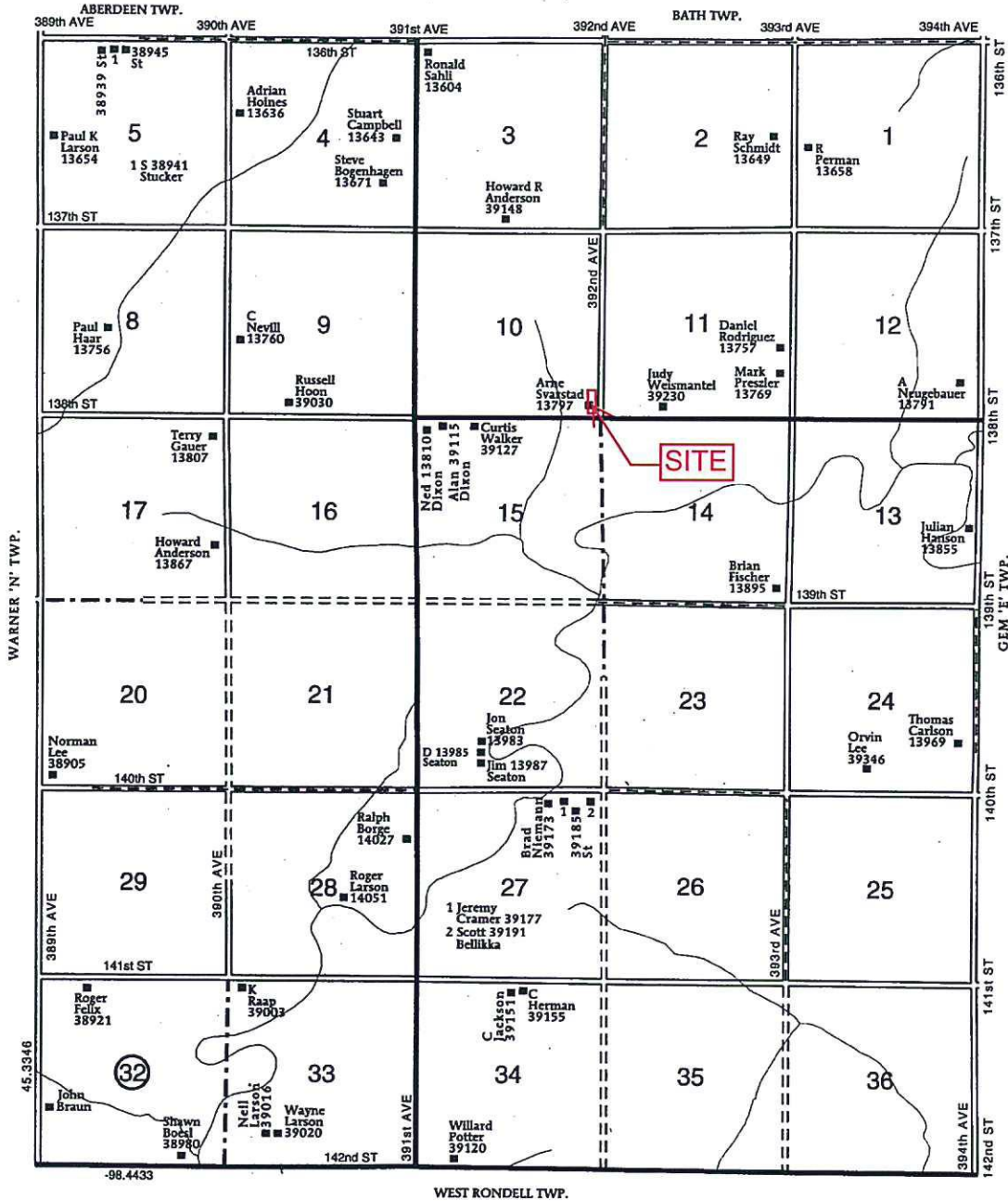
**KEEP IT NEAR YOUR PHONE...**You'll Be Surprised At How Many Different Uses You Find For This Handy Rural Directory

T-122-N

## GEM 'W' DIRECTORY

R-63-W

(Residents - Owners or Renters)



## NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on January 18, 2022 at 7:00 P.M. for the purpose of a Variance to Lot Size in an AG-P District (AG-P).

Petitioner / Owner: Arne Svarstad

Description of property: Lot 1, "Svarstad Addition" in the SE1/4 of Section 10-T122N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13797 392<sup>nd</sup> Ave; GEM Twp).

Reason: *Variance to Lot Size in an AG-P District for Lot 1 to be 2.19 acres rather than the minimum of 40.0 acres required in Title 4, Chapter 4.0605 of Br Co Ordinances.*

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

*Dated this 6th day January 2022*

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

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



PLAT SHOWING  
**SVARSTAD ADDITION**

IN THE SE1/4 OF SECTION 10,  
 TOWNSHIP 122 NORTH, RANGE 63 WEST OF THE 5th P.M.,  
 BROWN COUNTY, SOUTH DAKOTA



E1/4 Cor. Sec. 10-122-63  
 (FOUND BLM Brass Cap)  
 N = 572993.59  
 E = 2381469.02

N89° 21' 06"E  
 33.00'

N89° 21' 05"E 177.00'

40' Access Easement  
 to the Remaining  
 Portion of the SE1/4  
 of Section 10-122-63

| #  | BEARING     | DISTANCE |
|----|-------------|----------|
| L1 | N70°29'31"W | 104.43'  |
| L2 | N87°41'22"W | 79.34'   |
| L3 | N1°01'42"W  | 40.07'   |
| L4 | S87°41'22"E | 87.72'   |
| L5 | S70°29'31"E | 95.49'   |
| L6 | S1°01'42"E  | 42.71'   |

In-Place Access

17' Dedicated to the  
 Public for Highway Purposes

S1/4 Cor. Sec. 10-122-63  
 (FOUND BLM Brass Cap)  
 N = 570321.10  
 E = 2378894.71

SE Cor. Sec. 10-122-63  
 (FOUND BLM Brass Cap)  
 N = 570350.77  
 E = 2381516.46

DRAWING SCALE  
 0 100'  
 SCALE IN FEET

Prepared By:



619 14th Avenue S, Faulkton, South Dakota 57438  
 Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com  
 Project No. ALS21120 Field Survey Date: 10-5-2021



NORTH

LEGEND

- PIN FOUND (AS NOTED)
- PIN SET w/CAP L5 11699
- ⊗ CALCULATED CORNER

BASIS OF BEARINGS

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

PLAT SHOWING  
**SVARSTAD ADDITION**  
 IN THE SE1/4 OF SECTION 10,  
 TOWNSHIP 122 NORTH, RANGE 63 WEST OF THE 5th P.M.,  
 BROWN COUNTY, SOUTH DAKOTA

**OWNER'S CERTIFICATE**

I, Arne N. Svarstad, do hereby certify I am the owner of the Southeast Quarter (SE1/4) of Section Ten (10), Township One Hundred Twenty-Two (122) North, Range Sixty-Three (63) West of the 5th P.M., Brown County, South Dakota, and that I have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as:

**"SVARSTAD ADDITION IN THE SE1/4 OF SECTION 10, TOWNSHIP 122 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA"**

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

By this plat, I, Arne N. Svarstad, do hereby DEDICATE the 40' Access Easement as shown and the attached plat for Ingress/Egress to the remaining portion of the SE1/4 of Section 10, Township 122 North, Range 63 West of the 5th P.M., Brown County, South Dakota.

By this plat, I, Arne N. Svarstad, do hereby DEDICATE the 17' as shown on the attached plat to the Public forever for Highway Purposes.

Owners:

Arne N. Svarstad  
 Arne N. Svarstad (an undivided one-half interest) A.S.  
 Signed this 16<sup>th</sup> day of December, 2021.

COUNTY OF Brown )  
 STATE OF South Dakota ) SS

On this the 16<sup>th</sup> day of December, 2021, before me, Kara M. Pharis, the undersigned officer, personally appeared Arne N. Svarstad, known to me or satisfactorily proven to be the person who, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

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

My Commission Expires: 08/21/2025  
Kara M. Pharis  
 Notary Public



**SURVEYOR'S CERTIFICATE**

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owner, I have surveyed and platted "SVARSTAD ADDITION IN THE SE1/4 OF SECTION 10, TOWNSHIP 122 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 16<sup>th</sup> day of DECEMBER, 2021.

ZACHARY M. REMILY, LS 11699

**TOWNSHIP HIGHWAY APPROVAL**

"Existing Access to 392nd AVENUE is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Highway or Street Authority

**COUNTY PLANNING COMMISSION APPROVAL**

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "SVARSTAD ADDITION IN THE SE1/4 OF SECTION 10, TOWNSHIP 122 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

**COUNTY COMMISSION APPROVAL**

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 County Auditor  
 Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "SVARSTAD ADDITION IN THE SE1/4 OF SECTION 10, TOWNSHIP 122 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

**TREASURER'S CERTIFICATE**

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

Signed this 16<sup>th</sup> day of December, 2021.

Naumetia  
 County Treasurer  
 Brown County, South Dakota

**DIRECTOR OF EQUALIZATION CERTIFICATE**

I hereby certify that I have received a copy of this plat this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Director of Equalization  
 Brown County, South Dakota

**REGISTER OF DEEDS' CERTIFICATE**

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

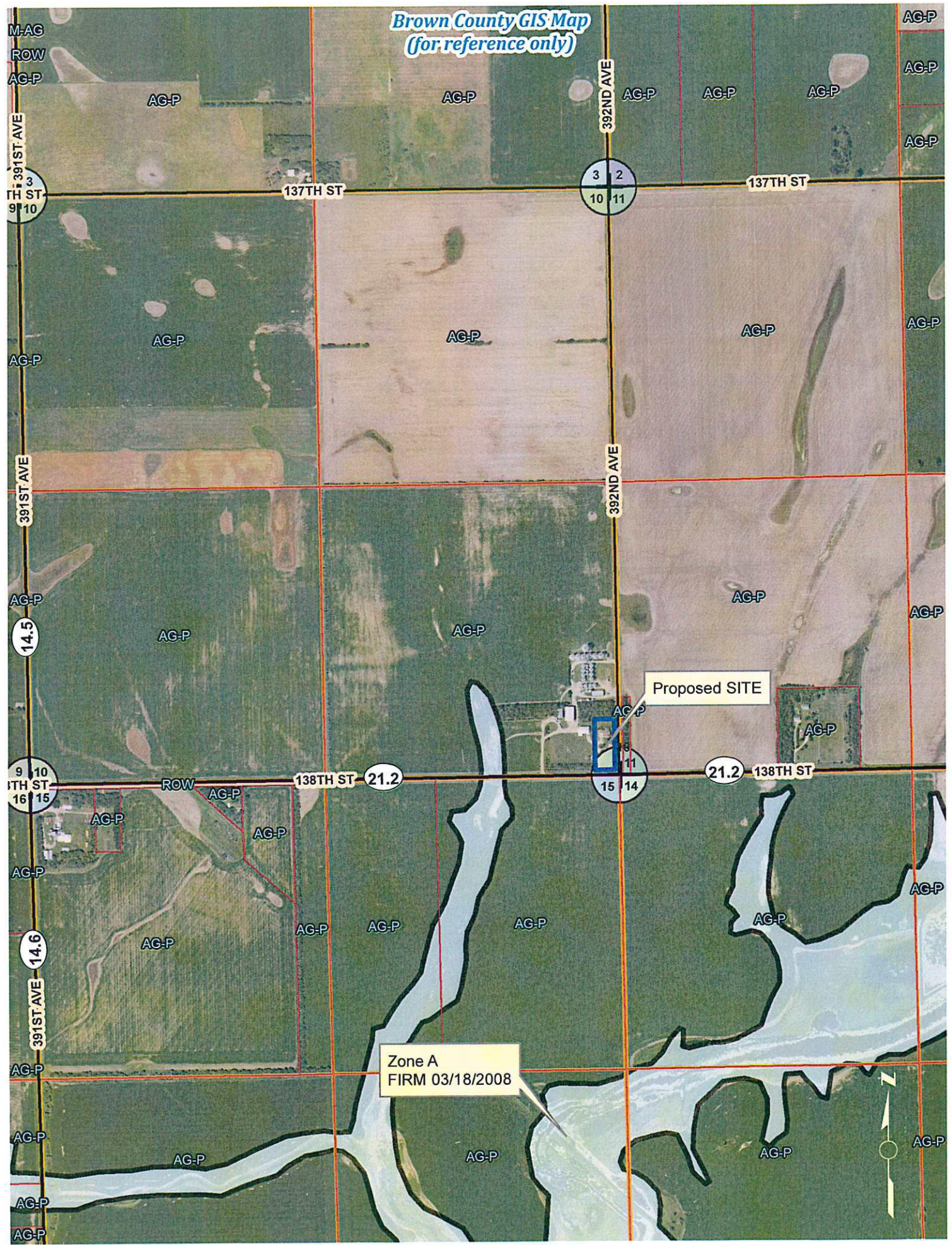
at \_\_\_\_\_ O'clock \_\_\_\_\_ M., and duly recorded as Hanging

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

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



*Brown County GIS Map  
(for reference only)*



M-AG  
ROW  
AG-P  
391ST AVE  
3  
9TH ST  
9'10  
AG-P  
391ST AVE  
14.5  
9TH ST  
10  
16  
15  
391ST AVE  
14.6  
AG-P  
AG-P  
AG-P

137TH ST

392ND AVE  
3 2  
10 11

137TH ST

AG-P  
AG-P  
AG-P

AG-P

AG-P

AG-P

AG-P

AG-P

391ST AVE

392ND AVE

AG-P

AG-P

AG-P

AG-P

AG-P

9TH ST

ROW

138TH ST

21.2

15 14

21.2

138TH ST

AG-P

AG-P

AG-P

AG-P

AG-P

AG-P

AG-P

AG-P

AG-P

AG-P

AG-P

AG-P

AG-P

AG-P

AG-P

AG-P

Zone A  
FIRM 03/18/2008

Proposed SITE





*Brown County GIS Map  
(for reference only)*



392ND AVE

13785 392nd Ave

13797 392nd Ave

21.2 138TH ST

10 138TH ST  
15 14 ST

Proposed SITE





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

**Howard Anderson**  
Attn: Gem Twp  
39148 137<sup>th</sup> Street  
Aberdeen, SD 57401

**Howard Anderson**  
39148 137<sup>th</sup> Street  
Aberdeen, SD 57401

**Ehresmann Land Ltd.**  
1898 Eisenhower Circle  
Aberdeen, SD 57401

**Paul Larson**  
13654 389<sup>th</sup> Avenue  
Aberdeen, SD 57401

**Richards Family Trust**  
4440 37<sup>th</sup> Avenue S. Apt. 313  
Fargo, ND 58104

**Dean Weismantel**  
39230 138<sup>th</sup> Street  
Aberdeen, SD 57401



Aberdeen News  
Watertown Public Opinion

**Order Confirmation**

**Not an Invoice**

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

|                           |            |
|---------------------------|------------|
| <b>Date:</b>              | 01/03/2022 |
| <b>Order Number:</b>      | 6731333    |
| <b>Prepayment Amount:</b> | \$ 0.00    |

|                          |         |
|--------------------------|---------|
| <b>Column Count:</b>     | 1       |
| <b>Line Count:</b>       | 45.0000 |
| <b>Height in Inches:</b> | 0.0000  |

**Print**

| Product               | #Insertions | Start - End             | Category       |
|-----------------------|-------------|-------------------------|----------------|
| ABD The American News | 1           | 01/06/2022 - 01/06/2022 | Public Notices |
| ABD aberdeennews.com  | 1           | 01/06/2022 - 01/06/2022 | Public Notices |

|                                 |                |
|---------------------------------|----------------|
| <b>Total Order Confirmation</b> | <b>\$17.60</b> |
|---------------------------------|----------------|



**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 January 18, 2022 at 7:00 P.M. for the purpose of a Variance to Lot Size in an AG-P District (AG-P).

Petitioner / Owner: Arne Svarstad

Description of property: Lot 1, "Svarstad Addition" in the SE1/4 of Section 10-T122N-R63W of the 5th P.M., Brown County, South Dakota (13797 392nd Ave; GEM Twp).

Reason: Variance to Lot Size in an AG-P District for Lot 1 to be 2.19 acres rather than the minimum of 40.0 acres required in Title 4, Chapter 4.0605 of Br Co Ordinances.

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

Dated this 6th day January 2022

Planning/Zoning Commission &

Scott Bader – P&Z Director

25 Market Street

Aberdeen, SD 57401

Office: (605) 626-7144

Published once at the total approximate cost of \$17.60.

Jan. 6, 2022 #6731333

# STAFF REPORT

January 18, 2021

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## VARIANCE FOR STRUCTURE SETBACKS

ITEM # 3

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### GENERAL INFORMATION:

PETITIONER: Wayne and Nancy Johnson Trust

REQUEST: **Variance for Structure Setbacks**

LEGAL DESCRIPTION: Proposed Lot 1, "Wayne and Nancy Johnson First Richmond Lake Subdivision" in the NW1/4 of Section 13-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota

LOCATION: 126219 North Bridge Road

TOWNSHIP: Ravinia Twp

EXISTING ZONING: Lake Front Residential District (R-3)

SURROUNDING ZONING:

- North: Lake Front Residential District (R-3)
- South: Lake Front Residential District (R-3)
- East: Agriculture Preservation District (AG-P)
- West: Water (AG-P2)

REPORTED BY: Ron Keller

**GENERAL COMMENT:** The petitioner is requesting a variance to be 25'-0" from the east rear yard property line rather than the 30'-0" required for a new residence.

**REVIEW:** Staff has reviewed this request and recommends approval. The petitioners are requesting this variance to construct a new residence closer than the 30' setback to avoid their existing cabin which they plan on living in while the new residence is being constructed. The old cabin will be torn down upon completion of their new residence.



(Wayne Johnson)

VARIANCE FINDINGS WORKSHEET

**Prong One**

*Whether granting the variance runs counter to the public interest?*

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

**Prong Two**

*Whether special conditions exist to grant a variance?*

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

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR VARIANCE

DATE: December 22, 2021  
RECEIPT # 620600  
TOWNSHIP: Ravinia Twp

FEES: \$125.00  
PAID: YES/NO CHK/CASH  
DATE: 1-7-2022

OWNERS SIGNATURE: Wayne and Nancy Johnson Trust *Nancy Johnson*  
OWNERS ADDRESS: 126219 North Bridge Road  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 605-380-7359 (Wayne)

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

REQUEST: Variance to Setbacks in R-3 District to be 25'-0" from the east rear yard property line rather than the 30'-0" required for a new residence.

LEGAL DESCRIPTION: Proposed Lot 1, "Wayne and Nancy Johnson First Richmond Lake Subdivision" in the NW1/4 of Section 13-T124N-R65W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

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

HEARING DATE: January 18, 2021 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



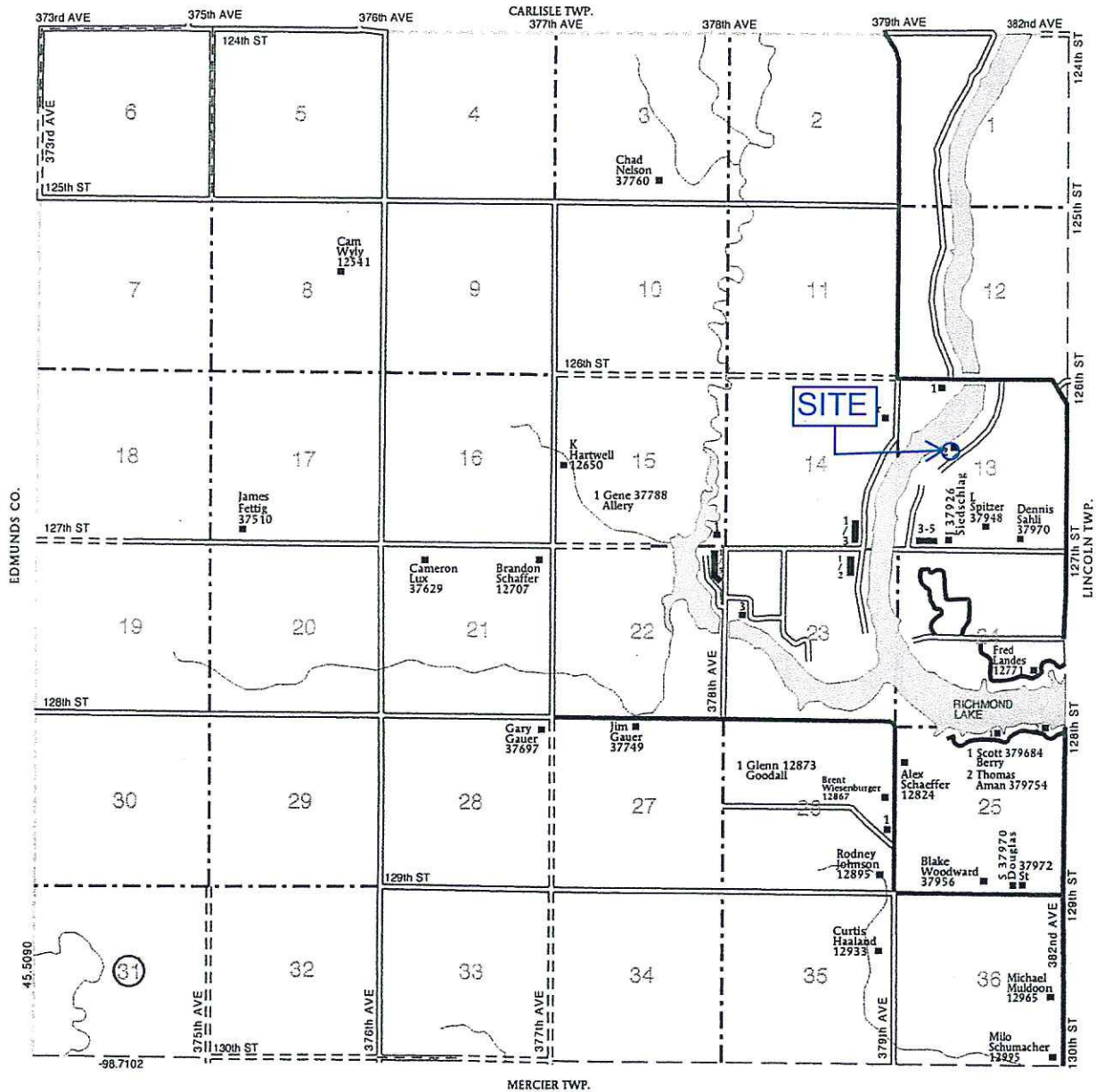
| To Convert | Multiply by | Result    |
|------------|-------------|-----------|
| ounces     | 28.3495     | grams     |
| grams      | .0353       | ounces    |
| pounds     | .4536       | kilograms |
| kilograms  | 2.2050      | pounds    |

T-124-N

RAVINIA DIRECTORY

R-65-W

(Residents - Owners or Renters)



**RAVINIA TOWNSHIP**

**SECTION 13**

- 1 Kirchgiesler, Jim 37935
  - 2 Bahr, Justin 126401
  - 3 Peterson, L 37902
  - 4 Vitense, David 37908
  - 5 Goldade, Gerald 37910
- SECTION 14**
- 1 Mishaw, Mark 126928

- 2 Lutz, Douglas 126966
  - 3 126974
- SECTION 22**
- 1 Myhre, Gary 127093
  - 2 Huber, S 127131
  - 3 Millett, Craig 127151
  - 4 Thayer, Dan 127257
  - 5 Wahl, Lanny 127395

**SECTION 23**

- 1 127148
- 2 Fischer, Brock 127216
- 3 Keatts, Pat 12746

## 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 January 18, 2022 at 7:00 P.M.

Petitioner / Owner: Wayne and Nancy Johnson Trust

Description of property: Lot 1, "Wayne and Nancy Johnson First Richmond Lake Subdivision" in the NW1/4 of Section 13-T124N-R65W, Brown County, South Dakota (126219 North Bridge Road; Ravinia Twp).

Reason: Request for a Variance to Building Setbacks from the east rear yard property line in a Lake Front Residential District (R-3) for a new residence.

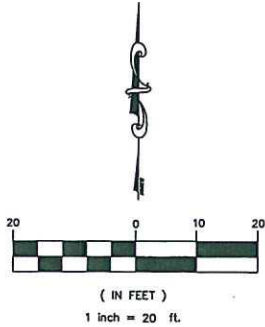
The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 6th day of January 2022.

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

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

# PLAT OF WAYNE AND NANCY JOHNSON FIRST RICHMOND LAKE SUBDIVISION, IN THE NW 1/4 OF SECTION 13-T124N-R65W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



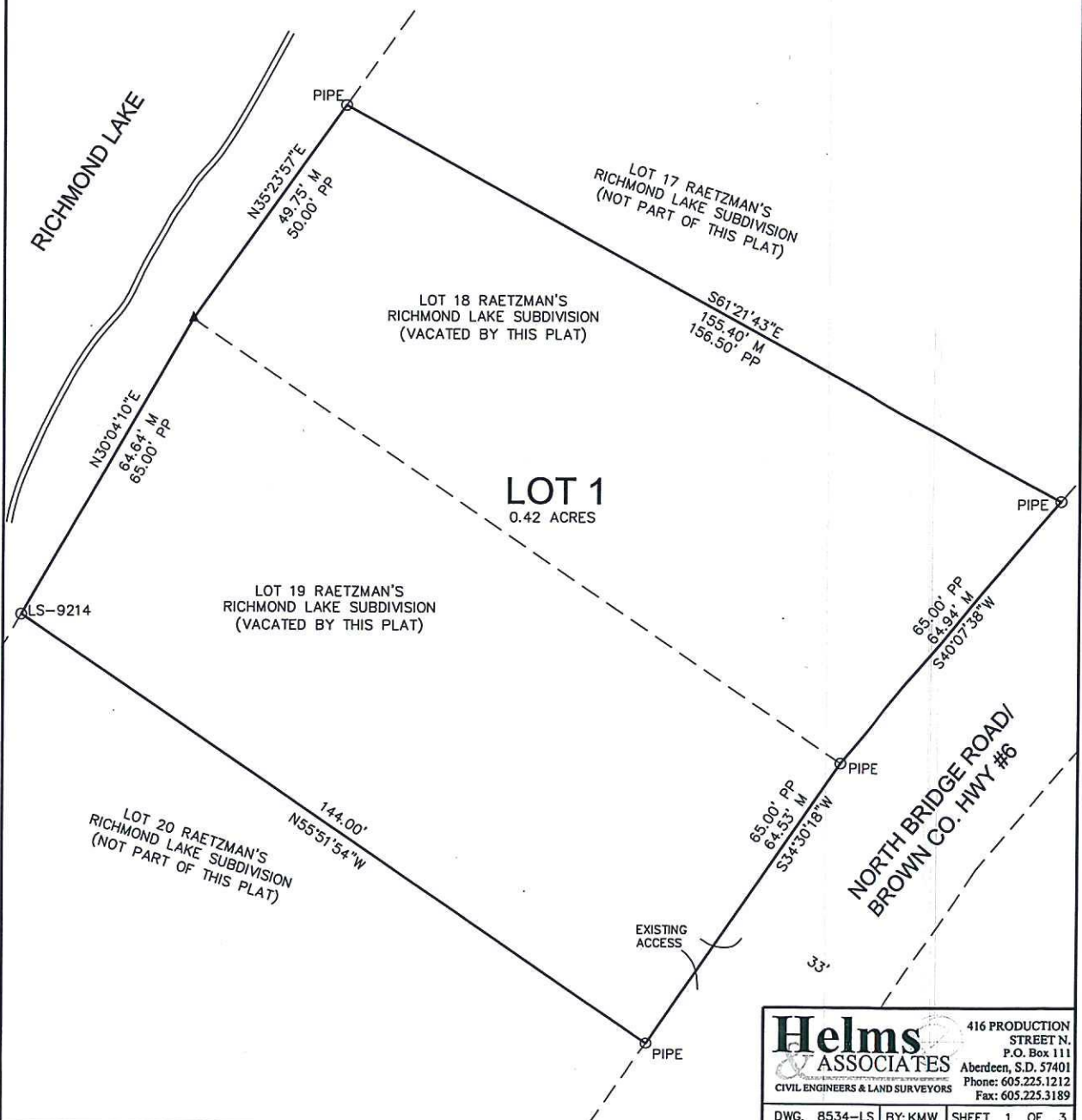
### LEGEND

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



### BASIS OF BEARINGS

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



**Helms & Associates**  
CIVIL ENGINEERS & LAND SURVEYORS

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

DWG. 8534-LS BY: KMW SHEET 1 OF 3




PLAT OF  
WAYNE AND NANCY JOHNSON FIRST RICHMOND LAKE SUBDIVISION,  
IN THE NW 1/4 OF SECTION 13-T124N-R65W OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF WAYNE A. JOHNSON AND NANCY L. JOHNSON, TRUSTEES OF THE WAYNE AND NANCY JOHNSON LIVING TRUST, AND ANY AMENDMENTS THERETO, AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO DECEMBER 13, 2021, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: WAYNE AND NANCY JOHNSON FIRST RICHMOND LAKE SUBDIVISION, IN THE NW 1/4 OF SECTION 13-T124N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA.

I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.  
DATED THIS 20 DAY OF December, 2021.

  
ROBERT K. KIESO RLS #9214

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE WAYNE AND NANCY JOHNSON LIVING TRUST, 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; WAYNE AND NANCY JOHNSON FIRST RICHMOND LAKE SUBDIVISION, IN THE NW 1/4 OF SECTION 13-T124N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.  
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 21 DAY OF December, 2021.

WAYNE AND NANCY JOHNSON LIVING TRUST

PREVIOUSLY DESCRIBED AS: LOT 18 AND LOT 19 OF  
RAETZMAN'S RICHMOND LAKE SUBDIVISION, IN THE NE 1/4 NW 1/4  
OF SECTION 13 T124N R65W OF THE 5TH P.M., BROWN COUNTY,  
SOUTH DAKOTA.

  
WAYNE A. JOHNSON (TRUSTEE)

  
NANCY L. JOHNSON (TRUSTEE)

DECLARATION OF VACATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED HEREBY DECLARE TO VACATE THAT PORTION AS SHOWN AND MARKED ON THE FOREGOING PLAT AND OF THE PLAT OF RAETZMAN'S RICHMOND LAKE SUBDIVISION, AS RECORDED AS PLAT NO. 401, IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.  
THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 21 DAY OF December, 2021.

WAYNE AND NANCY JOHNSON LIVING TRUST


  
WAYNE A. JOHNSON (TRUSTEE)

  
NANCY L. JOHNSON (TRUSTEE)

ACKNOWLEDGEMENT

STATE OF SD )  
COUNTY OF BROWN )SS

ON THIS THE 21 DAY OF DECEMBER, 2021, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED WAYNE A. JOHNSON AND NANCY L. JOHNSON, KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.



NOTARY PUBLIC, SOUTH DAKOTA STATE

MY COMMISSION EXPIRES: 7/20/2026

PLAT OF  
WAYNE AND NANCY JOHNSON FIRST RICHMOND LAKE SUBDIVISION,  
IN THE NW 1/4 OF SECTION 13-T124N-R65W OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA

COUNTY PLANNING COMMISSION CERTIFICATION

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

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING: WAYNE AND NANCY JOHNSON FIRST RICHMOND LAKE SUBDIVISION, IN THE NW 1/4 OF SECTION 13-T124N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

\_\_\_\_\_  
SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

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

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING: WAYNE AND NANCY JOHNSON FIRST RICHMOND LAKE SUBDIVISION, IN THE NW 1/4 OF SECTION 13-T124N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

\_\_\_\_\_  
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

BY: \_\_\_\_\_  
HIGHWAY AUTHORITY

TITLE: \_\_\_\_\_

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

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

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

REGISTER OF DEED'S CERTIFICATE

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

\_\_\_\_\_  
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

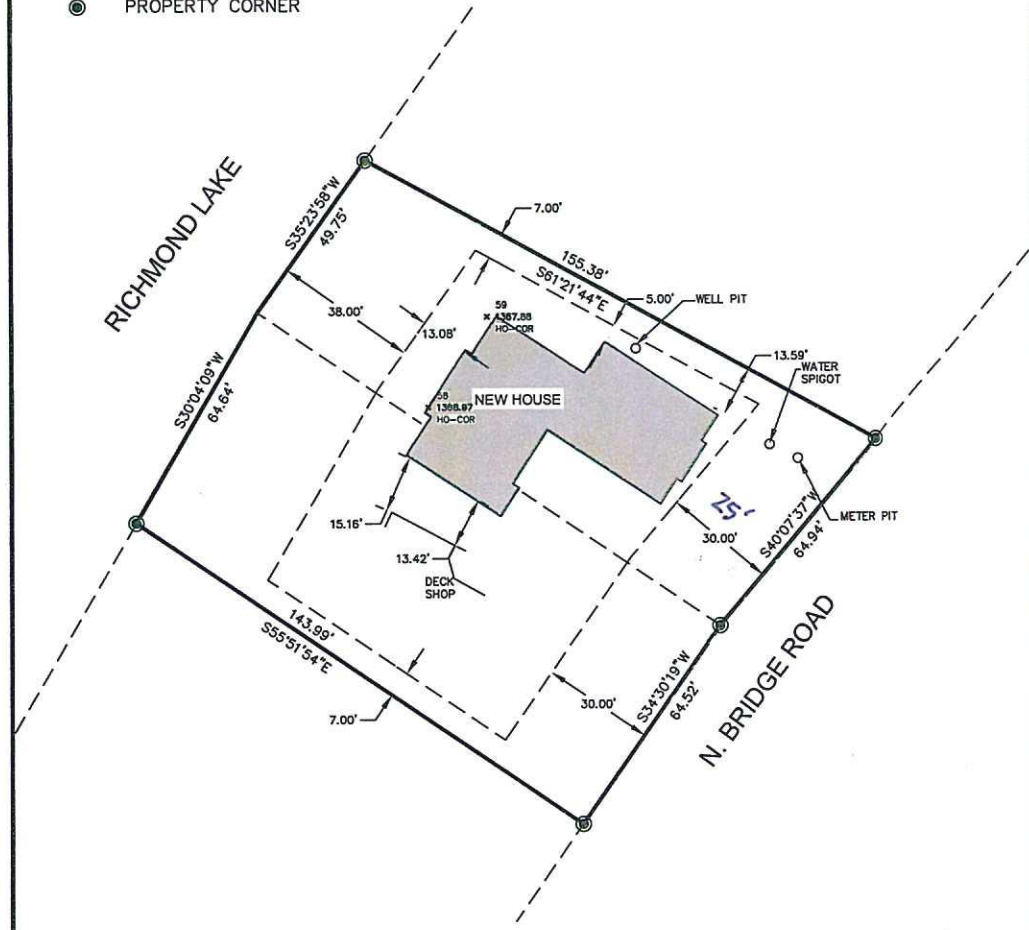
# CERTIFICATE OF SURVEY

LOT 18 AND LOT 19 RAETZMAN'S RICHMOND LAKE SUBDIVISION  
IN THE NW 1/4 OF SECTION 13 T124N R65W OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA

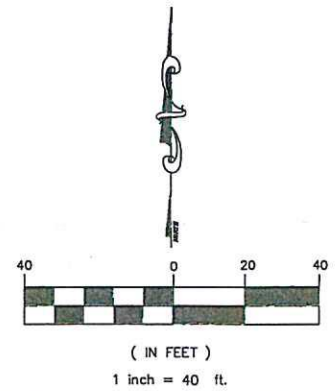
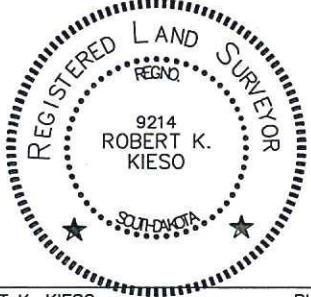
(TO BE RE-PLATTED INTO ONE LOT)

### LEGEND

● PROPERTY CORNER



I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF SOUTH DAKOTA.



ROBERT K. KIESO RLS 9214



P.O. BOX 111- 416 N. PRODUCTION ST.  
ABERDEEN, SOUTH DAKOTA 57401  
PHONE: (605)225-1212  
FAX: (605)225-3189

|  |            |           |        |
|--|------------|-----------|--------|
| 126229 NORTH BRIDGE ROAD<br>ABERDEEN, SOUTH DAKOTA |            |           |        |
| Dwg. No.   | Date:      | Drawn By: | SHEET  |
| A-8534   | 11/29/2021 | BKK       | 1 OF 1 |



*Brown County GIS Map  
(for reference only)*

06.6 126TH ST

126TH ST

RICHMOND LAKE

N BRIDGE RD

06G

SITE





*Brown County GIS Map  
(for reference only)*

RICHMOND LAKE

SITE

N BRIDGE RD

06G





**Wayne & Nancy Johnson**  
126219 North Bridge Road  
Aberdeen, SD 57401

**Steven Salwei**  
Attn: Ravinia Twp  
37832 Richmond Drive  
Aberdeen, SD 57401

**Daryl Ebach**  
1729 South 7<sup>th</sup> Street  
Aberdeen, SD 57401

**Joe Berbos**  
126741 East Shore Drive  
Aberdeen, SD 57401

**Larry Brick**  
126239 North Bridge Road  
Aberdeen, SD 57401

**Melvin Diers**  
126215 North Bridge Road  
Aberdeen, SD 57401

**Ward Gilchrist**  
126203 North Bridge Road  
Aberdeen, SD 57401



Aberdeen News  
Watertown Public Opinion

**Order Confirmation**

**Not an Invoice**

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

|                           |            |
|---------------------------|------------|
| <b>Date:</b>              | 01/03/2022 |
| <b>Order Number:</b>      | 6731342    |
| <b>Prepayment Amount:</b> | \$ 0.00    |

|                          |         |
|--------------------------|---------|
| <b>Column Count:</b>     | 1       |
| <b>Line Count:</b>       | 44.0000 |
| <b>Height in Inches:</b> | 0.0000  |

**Print**

| <b>Product</b>        | <b>#Insertions</b> | <b>Start - End</b>      | <b>Category</b> |
|-----------------------|--------------------|-------------------------|-----------------|
| ABD The American News | 1                  | 01/06/2022 - 01/06/2022 | Public Notices  |
| ABD aberdeennews.com  | 1                  | 01/06/2022 - 01/06/2022 | Public Notices  |

|                                 |                |
|---------------------------------|----------------|
| <b>Total Order Confirmation</b> | <b>\$17.32</b> |
|---------------------------------|----------------|



**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 January 18, 2022 at 7:00 P.M.

Petitioner / Owner: Wayne and Nancy Johnson Trust

Description of property: Lot 1, "Wayne and Nancy Johnson First Richmond Lake Subdivision" in the NW1/4 of Section 13-T124N-R65W, Brown County, South Dakota (126219 North Bridge Road; Ravinia Twp).

Reason: Request for a Variance to Building Setbacks from the east rear yard property line in a Lake Front Residential District (R-3) for a new residence.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 6th day of January 2022.

Planning/Zoning Commission

Scott Bader – P&Z Director  
25 Market Street

Aberdeen, SD 57401

Office: (605) 626-7144

Published once at the total approximate cost of \$17.32.

Jan. 6, 2022 #6731342

# STAFF REPORT

January 18, 2021

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**REZONE PARCELS: M-AG to AG-P**

**ITEM # 10**

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**GENERAL INFORMATION:**

PETITIONER: Brown County Planning & Zoning Office

REQUEST: **Rezone Parcels: M-AG to AG-P**

LEGAL DESCRIPTION: Previously described Lot 1, Block 2; Lot 4, Block 2; & Lot 5, Block 2, "Whitetail Meadows First Subdivision" in the NW1/4 of Section 26-T123N-R65W of the 5th P.M., Brown County, South Dakota

TOWNSHIP: Mercier Twp

LOCATION: West Hwy 12 east of Whitetail Meadows

EXISTING ZONING: Mini-Agriculture District (M-AG)

SURROUNDING ZONING:

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

REPORTED BY: Scott Bader

**GENERAL COMMENT:** The petitioner is requesting this rezone from Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P) to bring these parcels into compliance for their current and future use.

**REVIEW:** Staff has reviewed this request and recommends approval. In May 2010, these 3 platted parcels were vacated from "Whitetail Meadows First Subdivision" back into the NW1/4 of Section 26-T123N-R65W due to a binding Wetland Easement contract between the owner and USF&WS and the lots were not rezoned back to the AG-P District during the vacation process.



# NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a REZONE PETITION. A hearing will be held in the Courthouse Annex in the basement Community Room, on January 18, 2022 at 7:00 P.M. for the purpose of Rezoning from a Mini-Agriculture District (M-AG) to an Agricultural Preservation District (AG-P).

Petitioner: Brown County Planning & Zoning

Description of property: Previously described Lot 1, Block 2; Lot 4, Block 2; and Lot 5, Block 2, "Whitetail Meadows First Subdivision" in the NW1/4 of Section 26-T123N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota.

Reason: To bring the Zoning into compliance for the current use of the property.

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

*Dated this 6th day of January 2022*

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

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

# POACHING FOODS

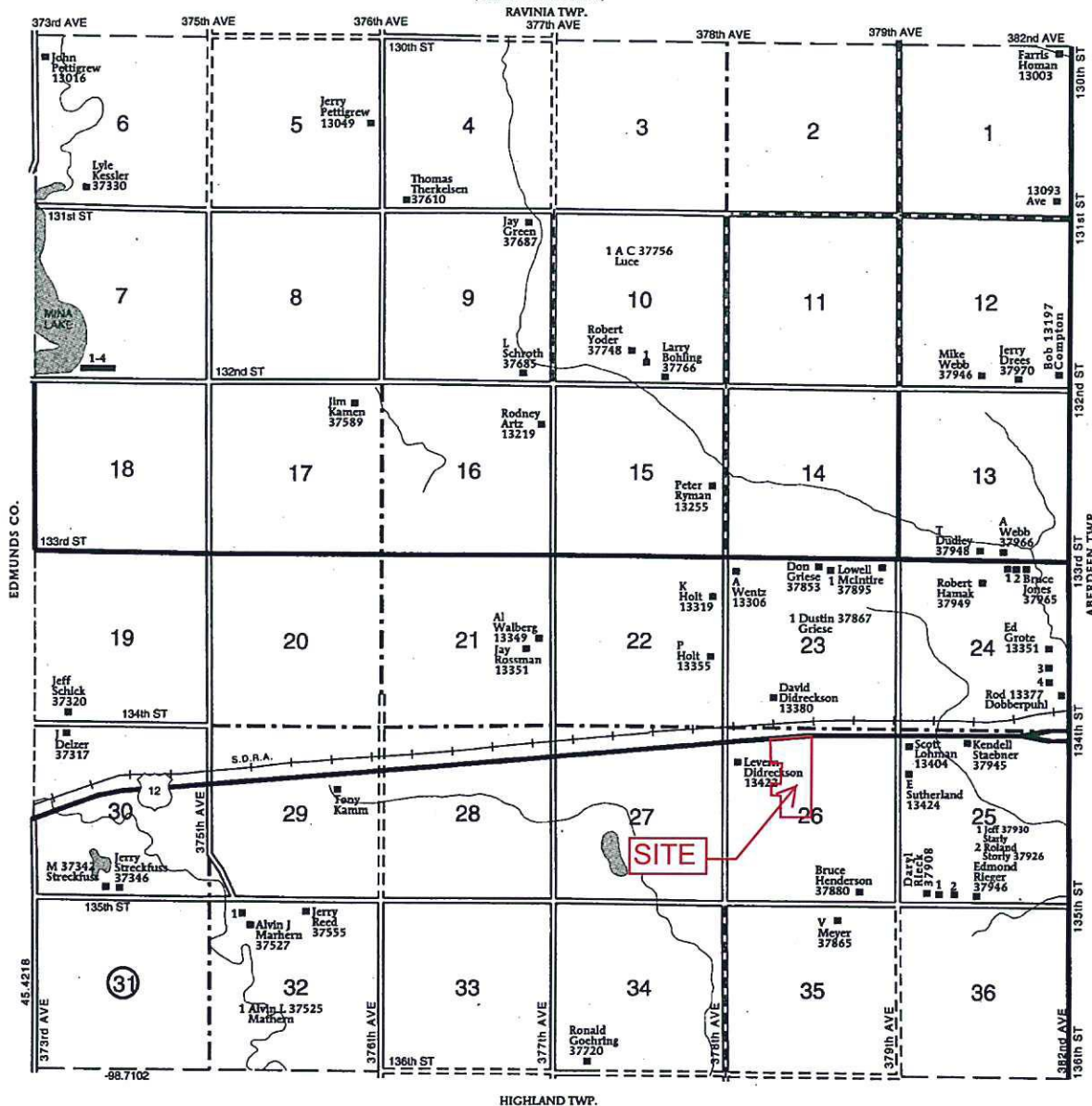
Similar to simmering, poaching is cooking food gently in liquid just below the boiling point. During poaching, the liquid's flavor is picked-up by the ingredient being poached.

T-123-N

MERCIER DIRECTORY

R-65-W

(Residents - Owners or Renters)



**MERCIER TOWNSHIP**

**SECTION 7**

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

**SECTION 24**

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



**REZONE PETITION**

BROWN COUNTY COMMISSION  
25 MARKET ST  
ABERDEEN, SD 57401

Petition No: \_\_\_\_\_  
Date: \_\_\_\_\_  
Receipt: \_\_\_\_\_  
Filing Fee: ~~\$350~~  
(non-refundable)

**Board of Brown County Commissioners:**

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

**Legal Description:**

Previously described as: Lot 1; Block 2, Lot 4; Block 2 & Lot 5, Block 2, "Whitetail Meadows First Subdivision" in the NW1/4 of Section 26-T123N-R65W of the 5th P.M., Brown County, South Dakota.

**General Area Location or Street Address:** 13422, 13424 & 13432 Ringneck Lane, Aberdeen, SD 57401 – Mercier Township  
From Agriculture Preservation District (AG-P)  
To Mini Agriculture District (M-AG)

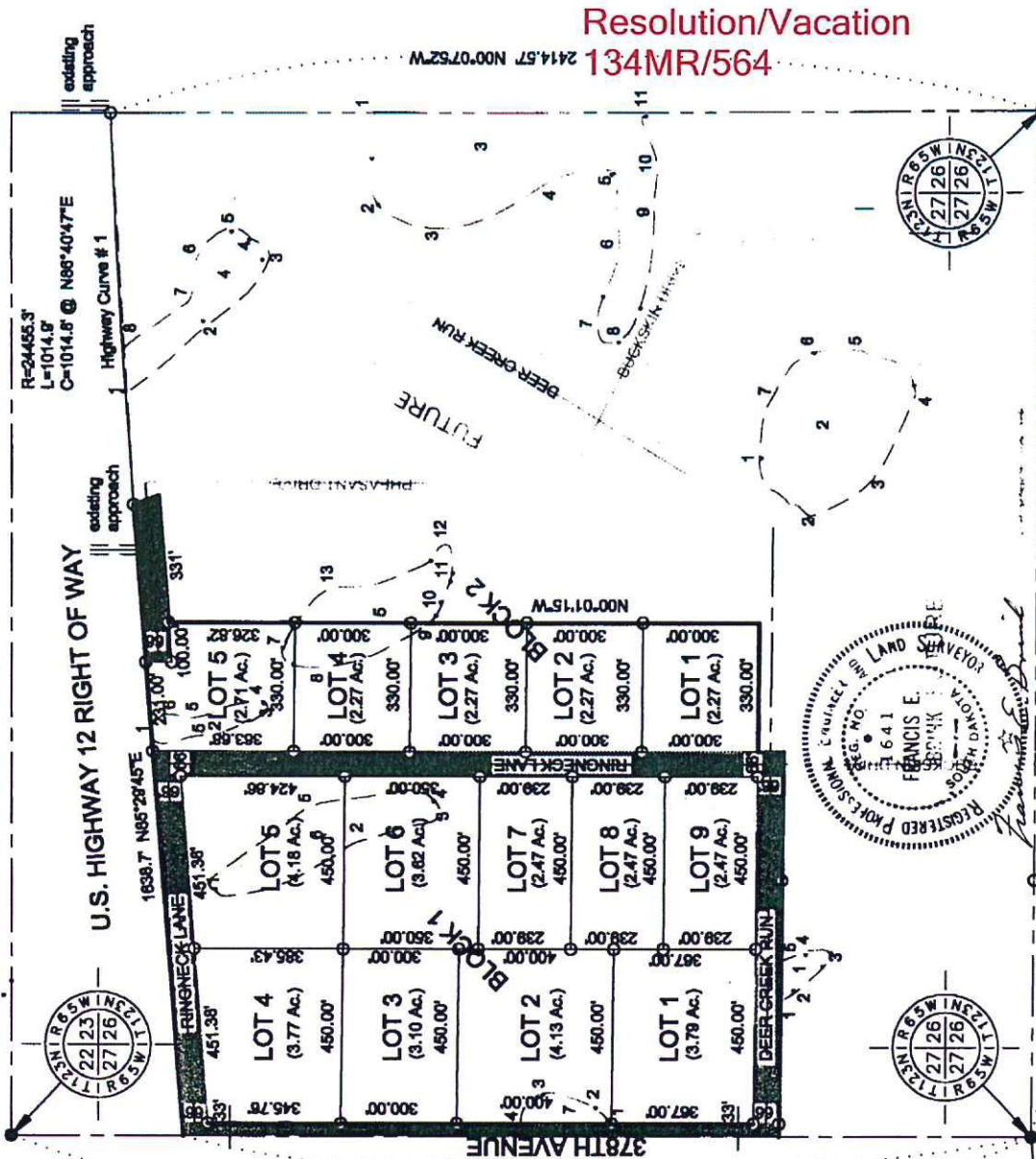
**Purpose:** To Bring into Compliance

**Size of Parcel:** Lot 1 = 2.35± acres, Lot 2 = 2.3± acres, Lot 5 = 2.3± acres

**Existing Land Use:** Wetland Easement and Agriculture

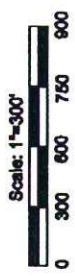
**Petitioner:** Brown County Planning/Zoning Office  
**Signature:** \_\_\_\_\_  
**Date:** 12/30/2021 **Phone:** 605-626-7144  
**Address:** 25 Market Street Aberdeen, SD 57401

**Owner: (Print)** \_\_\_\_\_  
**Signature:** \_\_\_\_\_  
**Date:** \_\_\_\_\_ **Phone:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
\_\_\_\_\_  
City State Zip



SHHEET 2 OF 3

WHITETAIL MEADOWS FIRST SUBDIVISION IN  
 NW1/4 SEC. 26-T123N-R65W of 5th P.M.  
 BROWN COUNTY, SOUTH DAKOTA  
 (WETLAND EASEMENT COORDINATES)



2844.0' N00°01'15"W  
 (Basis of Bearings-Assumed)

| # | PT | N    | E    | # | PT | N    | E    |
|---|----|------|------|---|----|------|------|
| 1 | 1  | 657  | 349  | 4 | 1  | 1924 | 1824 |
| 1 | 2  | 623  | 380  | 4 | 2  | 2113 | 2113 |
| 1 | 3  | 630  | 474  | 4 | 3  | 2001 | 2273 |
| 1 | 4  | 692  | 468  | 4 | 4  | 2030 | 2327 |
| 1 | 5  | 655  | 455  | 4 | 5  | 2080 | 2344 |
| 2 | 1  | 707  | 1755 | 4 | 6  | 2169 | 2290 |
| 2 | 2  | 684  | 1604 | 4 | 7  | 2182 | 2176 |
| 2 | 3  | 423  | 1695 | 4 | 8  | 2041 | 2041 |
| 2 | 4  | 311  | 1915 | 4 | 9  | 2282 | 1054 |
| 2 | 5  | 487  | 2034 | 4 | 10 | 2118 | 1044 |
| 2 | 6  | 571  | 2031 | 4 | 11 | 1995 | 1125 |
| 2 | 7  | 673  | 1913 | 4 | 12 | 2007 | 1133 |
| 3 | 1  | 1710 | 2647 | 4 | 13 | 2163 | 1089 |
| 3 | 2  | 1708 | 2424 | 4 | 14 | 2251 | 1084 |
| 3 | 3  | 1654 | 2356 | 4 | 15 | 1944 | 1296 |
| 3 | 4  | 1288 | 2468 | 4 | 16 | 1880 | 1218 |
| 3 | 5  | 1098 | 2491 | 4 | 17 | 1588 | 1314 |
| 3 | 6  | 1078 | 2309 | 4 | 18 | 1538 | 1382 |
| 3 | 7  | 1132 | 2103 | 4 | 19 | 1511 | 1455 |
| 3 | 8  | 1078 | 2081 | 4 | 20 | 1518 | 1530 |
| 3 | 9  | 968  | 2387 | 4 | 21 | 1815 | 1418 |
| 3 | 10 | 982  | 2632 | 4 | 22 | 2135 | 654  |
| 3 | 11 | 1022 | 2649 | 4 | 23 | 1798 | 745  |
|   |    |      |      | 4 | 24 | 1538 | 820  |
|   |    |      |      | 4 | 25 | 1522 | 868  |
|   |    |      |      | 4 | 26 | 1871 | 851  |
|   |    |      |      | 4 | 27 | 1084 | 34   |
|   |    |      |      | 4 | 28 | 1134 | 76   |
|   |    |      |      | 4 | 29 | 1263 | 115  |
|   |    |      |      | 4 | 30 | 1330 | 34   |

P.O.B. for Wetland Coordinates  
 N=0.00'  
 E=0.00'

Prepared By Francis E. Brink, P.E., L.S.  
 618-4th Street North  
 Aberdeen, South Dakota 57401  
 Tel. (605) 225-9181



5-10-2005

2861.41' S88°25'25"E



WHITETAIL MEADOWS FIRST SUBDIVISION IN  
NW1/4 SEC. 28-T123N-R65W of 5th P.M.  
BROWN COUNTY, SOUTH DAKOTA



TABLE OF AREAS

|          |           |
|----------|-----------|
| BLOCK 1  | 27.53 Ac. |
| BLOCK 2  | 11.79 Ac. |
| ROADWAYS | 7.17 Ac.  |
| TOTAL    | 46.49 Ac. |

LEGEND

- Monuments Found-Iron Rod
- Monuments Set: 5/8" dia. Rebar w/asp SD1641

Lands Dedicated for Streets

Wetland Easements held by USF & WS  
(See Sheet 2 of 3 for Coordinates)

HIGHWAY AUTHORITY CERTIFICATE

The location of the property lines abutting the State Highway, as shown hereon, is hereby approved.

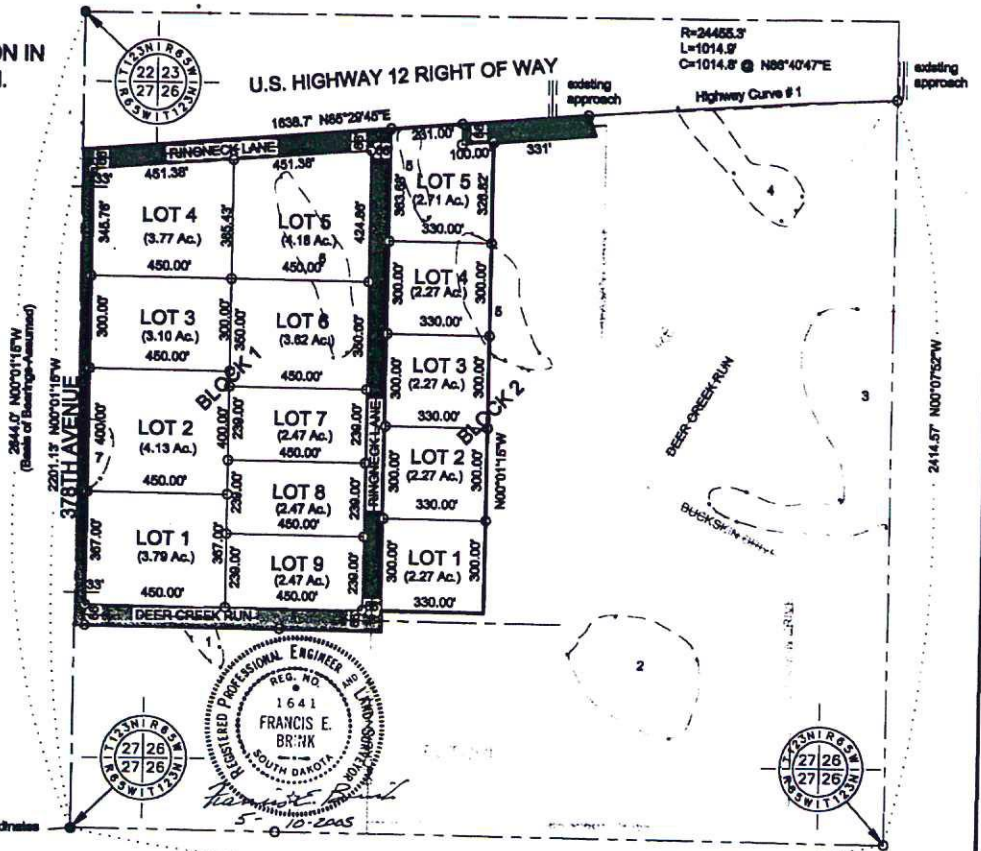
Any change in the location of existing access or any new access shall require additional approvals.

By: Henry M. Pittore 5/15/65  
For the Highway Authority Date

Title: Engineering Supervisor

Prepared By Francis E. Brink, P.E., L.S.  
816-4th Street North  
Aberdeen, South Dakota 57401  
Tel. (605) 225-6181

P.O.B. for Wetland Coordinates  
N=0.00  
E=0.00



vacate plat 134mr/564

E001

WHITETAIL MEADOWS FIRST SUBDIVISION IN NW1/4 SEC. 26-T123N-R65W of 5<sup>th</sup> P.M., BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

We, Lavern O. Didreckson and Trudy R. Didreckson, husband and wife, hereby certify that we are the owners of the Northwest Quarter (NW1/4) of Section 26, Township 123 North, Range 65 West of the 5<sup>th</sup> P.M., Brown County, South Dakota, except highway and railroad rights of way, and did authorize a survey and plat of a portion, which shall hereafter be known as "WHITETAIL MEADOWS FIRST SUBDIVISION IN NW1/4 SEC. 26-T123N-R65W of the 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. Lands shown as dedicated for streets are dedicated to the perpetual use of the public for streets.

Signed this, the 10<sup>th</sup> day of May, 2005

Lavern O. Didreckson  
Lavern O. Didreckson

Trudy R. Didreckson  
Trudy R. Didreckson

ACKNOWLEDGEMENT OF OWNER

STATE OF SOUTH DAKOTA )  
COUNTY OF BROWN )

On this, the 10<sup>th</sup> day of May, 2005, before me, Francis E. Brink, a Notary Public, appeared Lavern O. Didreckson and Trudy R. Didreckson, personally known to me or satisfactorily proven to me to be the individual named above and signed the above OWNER'S CERTIFICATE for the purposes therein contained.

My Commission Expires: 2-7-2008

Francis E. Brink  
Notary Public, State of 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 "WHITETAIL MEADOWS FIRST SUBDIVISION IN NW1/4 SEC. 26-T123N-R65W of the 5th P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat; have shown monuments found and set thereon, and to the best of my knowledge, said survey and plat are true and correct.

Signed this 10<sup>th</sup> day of May, 2005

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

COUNTY PLANNING COMMISSION CERTIFICATE

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

Dakota, at a meeting held on the 21 day of June, 2005.

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

"Be it resolved by the Brown County Planning Commission, Brown County, South Dakota, that the plat showing "WHITETAIL MEADOWS FIRST SUBDIVISION IN NW1/4 SEC. 26-T123N-R65W of the 5th P.M., BROWN COUNTY, SOUTH DAKOTA", having been examined, is hereby approved in accordance with the provisions of SDCLS of 1967, Chapter 11-6, and any amendments thereof.

COUNTY COMMISSION APPROVAL

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

meeting held on the 28 day of June, 2005.

Mavis Taylor  
County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "WHITETAIL MEADOWS FIRST SUBDIVISION IN NW1/4 SEC. 26-T123N-R65W of the 5th P.M., BROWN COUNTY, SOUTH DAKOTA", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

TREASURER'S CERTIFICATE

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

Signed this 27<sup>th</sup> day of June, 2005.

Shirley Ederson  
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATION

I hereby certify that I have received a copy of this plat this 28 day of June, 2005.

Kelly Bush  
Director of Equalization, Brown County, South Dakota

REGISTER OF DEEDS CERTIFICATION

Filed for record this 28<sup>th</sup> day of June, 2005, at 4:00 o'clock P.M., and duly recorded in Book of Plats

No. 2142H

Carol Sherman by A. Elmer - Dep.  
Register of Deeds, Brown County, South Dakota



Prepared by:  
Francis E. Brink  
Brink Engineering  
616-4<sup>th</sup> Street North  
Aberdeen, South Dakota 57401  
Tel. (605) 225-9181

### APPROACH ACCESS

The Mercier Township hereby grants permission for approach locations for WHITETAIL MEADOWS FIRST SUBDIVISION IN NW1/4 SEC. 26-T123N-R65W, BROWN COUNTY, SOUTH DAKOTA, to 378<sup>th</sup> Avenue as follows:  
RINGNECK LANE, DEER CREEK RUN and to Lots 1, 2, 3, and 4, Block 1.

Lyle Kessler  
Chairman

7<sup>th</sup> June - 05  
Date

Mercier Township, Brown County, South Dakota

STATE OF SOUTH DAKOTA )  
COUNTY OF BROWN )

On this the 7 day of June, 2005 before me, Jerry T. Streckfuss  
a Notary Public, personally appeared Lyle Kessler, known to me or satisfactorily satisfied to me  
to be the person described in the foregoing instrument, and acknowledged that he executed the same in the  
capacity therein stated and for the purposes therein contained.

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

My Commission Expires:

My Commission Expires 01-02-2008

Jerry T. Streckfuss  
Notary Public, South Dakota



Document Prepared by:  
Brown County Commission  
25 Market Street, Ste 1  
Aberdeen SD 57401  
(605) 626-7110

JJA 134 PAGE 564

INSTR. NO. 460  
BK 134 MR PAGE 564

2010 JUN 16 AM 8:44

CAROL SHERMAN ✓  
BROWN CO. S. DAK.  
REGISTER OF DEEDS



**VACATE PLAT:**

Commissioner Sutton offered the following Resolution:

RESOLUTION #48-10

WHEREAS, Levern Didrickson, pursuant to SDCL 11-3-20.1, presented an Application for Vacation of Plat legally identified as:

Lt 1 Blk 2, Lt 4 Blk 2 and Lt 5 Blk 2 Whitetail Meadows First Subdivision in the NW ¼ of Sec 26-T123N-R65W, Brown County, South Dakota

WHEREAS, the granting of the request will not authorize the closing or obstruction of any public highway according to law, and all property taxes on such plat are paid.


NOW, THEREFORE, BE IT RESOLVED, that the plats legally identified as:

Lt 1 Blk 2, Lt 4 Blk 2 and Lt 5 Blk 2 Whitetail Meadows First Subdivision in the NW ¼ of Sec 26-T123N-R65W, Brown County, South Dakota

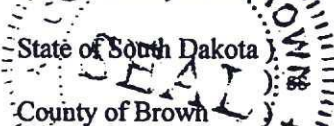
is hereby vacated.

Seconded by Commissioner Elliott. Roll call vote: Hansen-aye, Elliott-aye, Sutton-aye, Wiese-aye, Fischbach-aye. Resolution adopted.

Dated this 18<sup>th</sup> day of May 2010.

  
Tom Fischbach, Chairman  
Brown County Commission

ATTEST:   
Maxine Taylor, Brown County Auditor



On this 18<sup>th</sup> day of May 2010, before me the undersigned officer, personally appeared Tom Fischbach and Maxine Taylor, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same for the purposes therein contained.

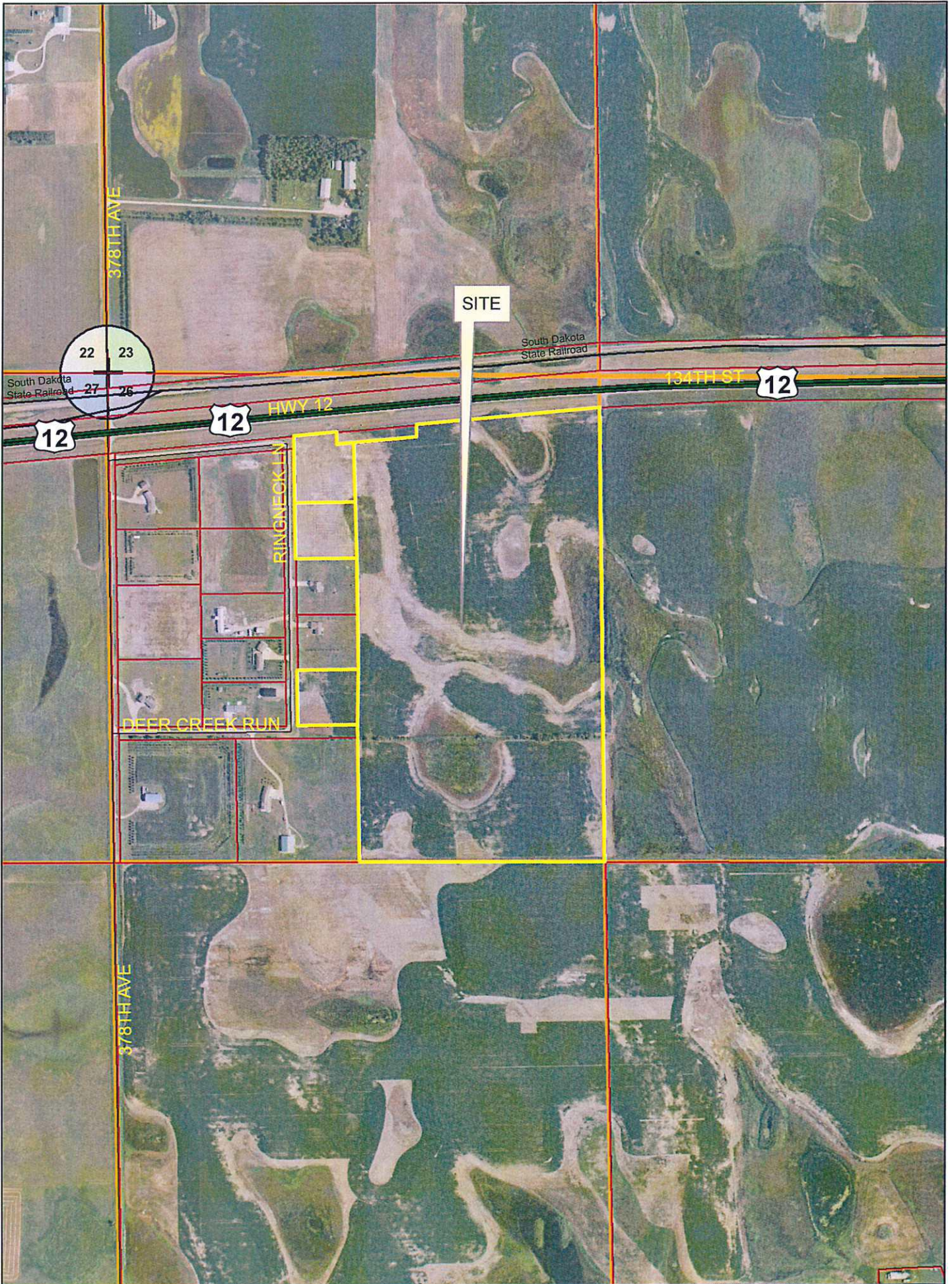
IN WITNESS WHEREOF I hereunto set my hand and official seal.

  
Notary Public, South Dakota

My Commission Expires:

My Commission Expires  
08/16/2012





378TH AVE

22 23

South Dakota State Railroad

27 26

12

12

HWY 12

134TH ST

12

RINGNECK LN

DEER CREEK RUN

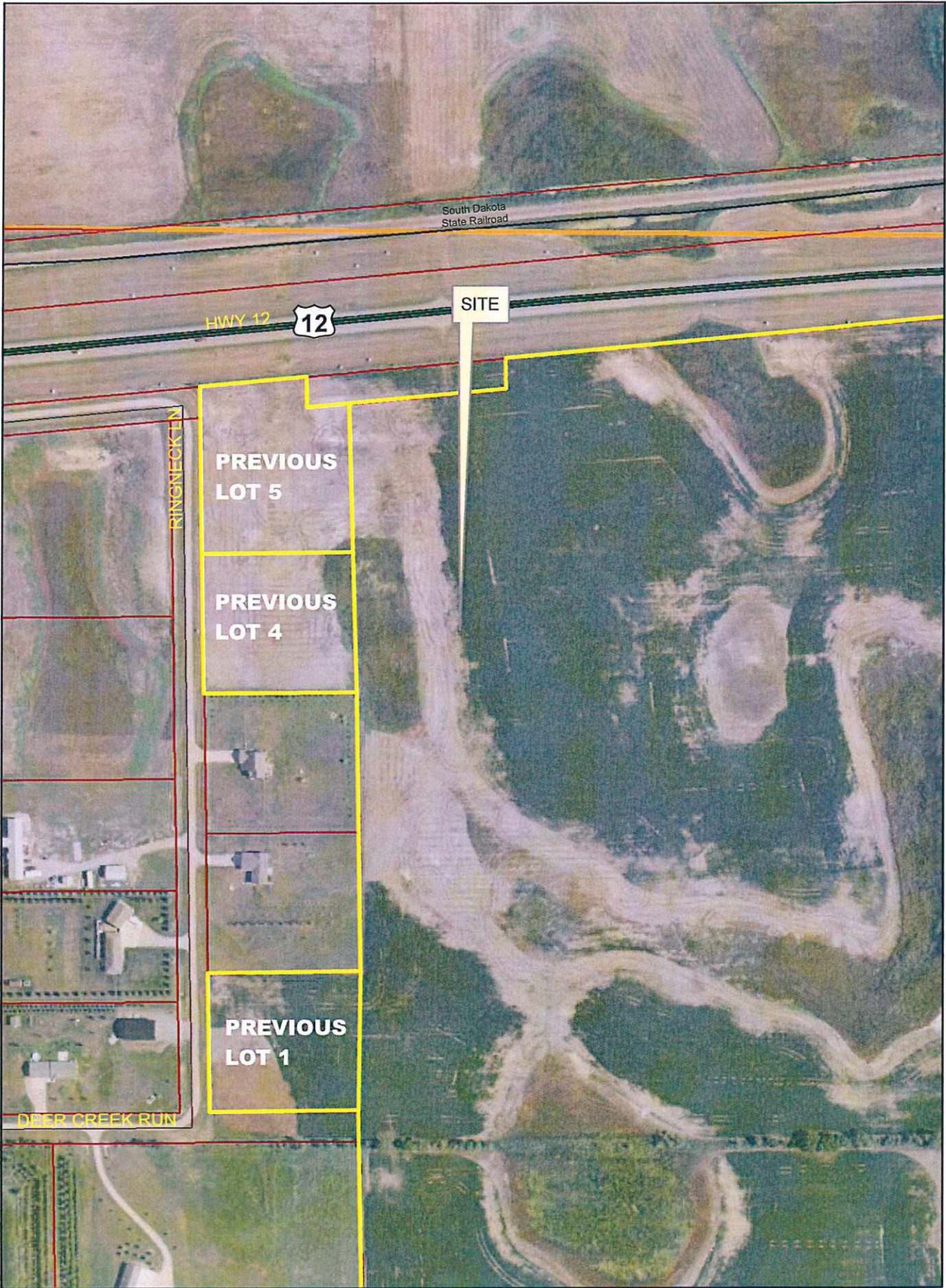
SITE

South Dakota State Railroad

378TH AVE







South Dakota State Railroad

HWY 12

12

SITE

PREVIOUS LOT 5

PREVIOUS LOT 4

PREVIOUS LOT 1

RINGNECKEN

DEER CREEK RUN



**Levern Didreckson**  
1020 6<sup>th</sup> Avenue SE; PMB 150  
Aberdeen, SD 57401

**Alan & Debra Kones**  
13430 Ringneck Lane  
Aberdeen, SD 57401

**Allen Luce**  
Attn: Mercier Twp  
37756 132<sup>nd</sup> Street  
Aberdeen, SD 57401

**Christian & Gina Pirlet**  
13426 Ringneck Lane  
Aberdeen, SD 57401

**Rivett Family Trust**  
PO Box 4850  
Aberdeen, SD 57402-4850

**David Didreckson**  
13380 378<sup>th</sup> Avenue  
Aberdeen, SD 57401

**Donald Mitzel**  
38391 US Highway 12  
Aberdeen, SD 57401

**Wilson Family Farm Trust**  
c/o Farmers National Co.  
PO Box 542016  
Omaha, NE 68154

**Brad & Pamela F<sup>ie</sup>chtner**  
37823 Deer Creek Run  
Aberdeen, SD 57401

**Brian & Janet Jenson**  
37816 Deer Creek Run  
Aberdeen, SD 57401

**Daryl & Glenda Johnson**  
13431 Ringneck Lane  
Aberdeen, SD 57401

**Joshua Fettig**  
13429 Ringneck Lane  
Aberdeen, SD 57401



**Order Confirmation**  
**Not an Invoice**

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

|                           |            |
|---------------------------|------------|
| <b>Date:</b>              | 01/03/2022 |
| <b>Order Number:</b>      | 6731359    |
| <b>Prepayment Amount:</b> | \$ 0.00    |

|                          |         |
|--------------------------|---------|
| <b>Column Count:</b>     | 1       |
| <b>Line Count:</b>       | 56.0000 |
| <b>Height in Inches:</b> | 0.0000  |

**Print**

| Product               | #Insertions | Start - End             | Category       |
|-----------------------|-------------|-------------------------|----------------|
| ABD The American News | 1           | 01/06/2022 - 01/06/2022 | Public Notices |
| ABD aberdeennews.com  | 1           | 01/06/2022 - 01/06/2022 | Public Notices |

|                                 |                |
|---------------------------------|----------------|
| <b>Total Order Confirmation</b> | <b>\$20.68</b> |
|---------------------------------|----------------|



**NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a REZONE PETITION. A hearing will be held in the Courthouse Annex in the basement Community Room, on January 18, 2022 at 7:00 P.M. for the purpose of Rezoning from a Mini-Agriculture District (M-AG) to an Agricultural Preservation District (AG-P).

Petitioner: Brown County Planning & Zoning

Description of property: Previously described Lot 1, Block 2; Lot 4, Block 2; and Lot 5, Block 2, "Whitetail Meadows First Subdivision" in the NW1/4 of Section 26-T123N-R65W of the 5th P.M., Brown County, South Dakota.

Reason: To bring the Zoning into compliance for the current use of the property.

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

Dated this 6th day of January 2022

Planning/Zoning Commission and

Scott Bader – P&Z Director  
25 Market Street

Aberdeen, SD 57401

Office: (605) 626-7144

Published once at the total approximate cost of \$20.68.

Jan. 6, 2022 #6731359

# STAFF REPORT

January 18, 2022

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**PRELIMINARY & FINAL PLAT**

**ITEM # 11**

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**GENERAL INFORMATION:**

|                     |   |
|---------------------|---|
| PETITIONER:         | Dana Dennert  |
| REQUEST:            | <b>PRELIMINARY &amp; FINAL PLAT</b>   |
| LEGAL DESCRIPTION:  | “Dennert Addition” in the NE1/4 of Section 4-T125N-R63W of the 5 <sup>th</sup> P.M., Brown County, South Dakota |
| LOCATION:           | 11847 391 <sup>st</sup> Avenue  |
| TOWNSHIP:           | Garland Twp   |
| EXISTING ZONING     | Agriculture Preservation District (AG-P)  |
| SURROUNDING ZONING: |   |
| North:              | Agriculture Preservation District (AG-P)  |
| South:              | Agriculture Preservation District (AG-P)  |
| East:               | Agriculture Preservation District (AG-P)  |
| West:               | Agriculture Preservation District (AG-P)  |
| PUBLIC UTILITIES:   | WEB Water   |
| REPORTED BY:        | Ron Keller  |

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

**GENERAL REVIEW:** Staff recommends approval. Owner is platting Lot 1 to sell to his son to build a new house.



**PLAT APPROVAL CHECKLIST**

SUBDIVISION NAME: Dennert

PLAT OF  
**DENNERT ADDITION**  
IN THE NE QUARTER OF SECTION 4, TOWNSHIP 125 NORTH, RANGE 63 WEST  
OF THE FIFTH P.M., BROWN COUNTY, SOUTH DAKOTA

LEGAL SECTION: QUARTER: NE SECTION: 4 TOWNSHIP: 125 RANGE: 63

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

OWNERS NAMES: Dana Dennert Nancy Dennert

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

ENGINEER OR SURVEYOR: Mike Lapka (Lapka Land Surveying)

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

PLAT FEE PER PLAT: \$100.00 DATE PAID: 12 / 20 /20 21

RECEIVED BY PLANNING DEPARTMENT: 12 / 20 /20 21 BY: Ron Keller

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

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

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

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

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

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

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

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

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

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W X

**AFTER PLANNING COMMISSION MEETING**

CONSIDERED BY COUNTY PLANNING COMMISSION:

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

CONSIDERED BY COUNTY COMMISSION:

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

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR PLAT APPROVAL

DATE: December 17, 2021  
RECEIPT # 620591  
TOWNSHIP: Garland Twp

FEEs: \$100.00  
PAID: YES/NO CHK/CASH  
DATE: December 20, 2021

OWNERS SIGNATURE: Dana Dennert   
OWNERS ADDRESS: 11821 391st Avenue  
OWNERS CITY, STATE, ZIP: Columbia, SD 57433  
OWNERS PHONE: 605-396-2348

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

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Dennert Addition" in the NE1/4 of Section 4-T125N-R63W  
of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

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

HEARING DATE: January 18, 2021 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



**1 Dropper holds 20 Drops which is 1 milliliter/cubic centimeter**

**½ Dropper yields 10 Drops which is 0.5 ml/cc**

**1 Tablespoon (T.) = 3 teaspoons (t) = 15ml/cc**

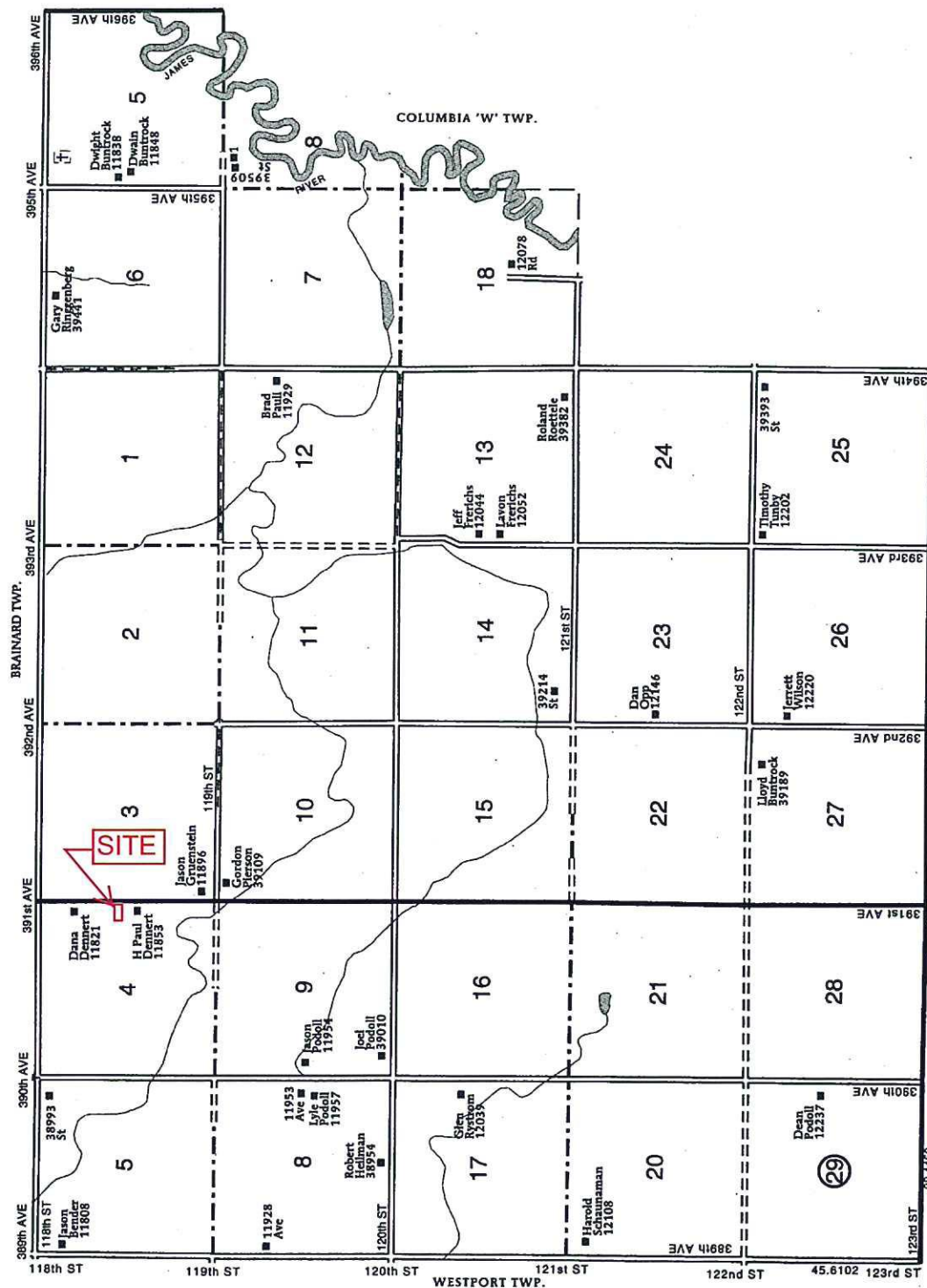
**1ml/cc = ½t • 15ml/cc = 1T • 34ml/cc = 1 fl. oz. • 240 ml/cc = 1c.**

T-125-N

GARLAND DIRECTORY

R-62-63-W

(Residents - Owners or Renters)

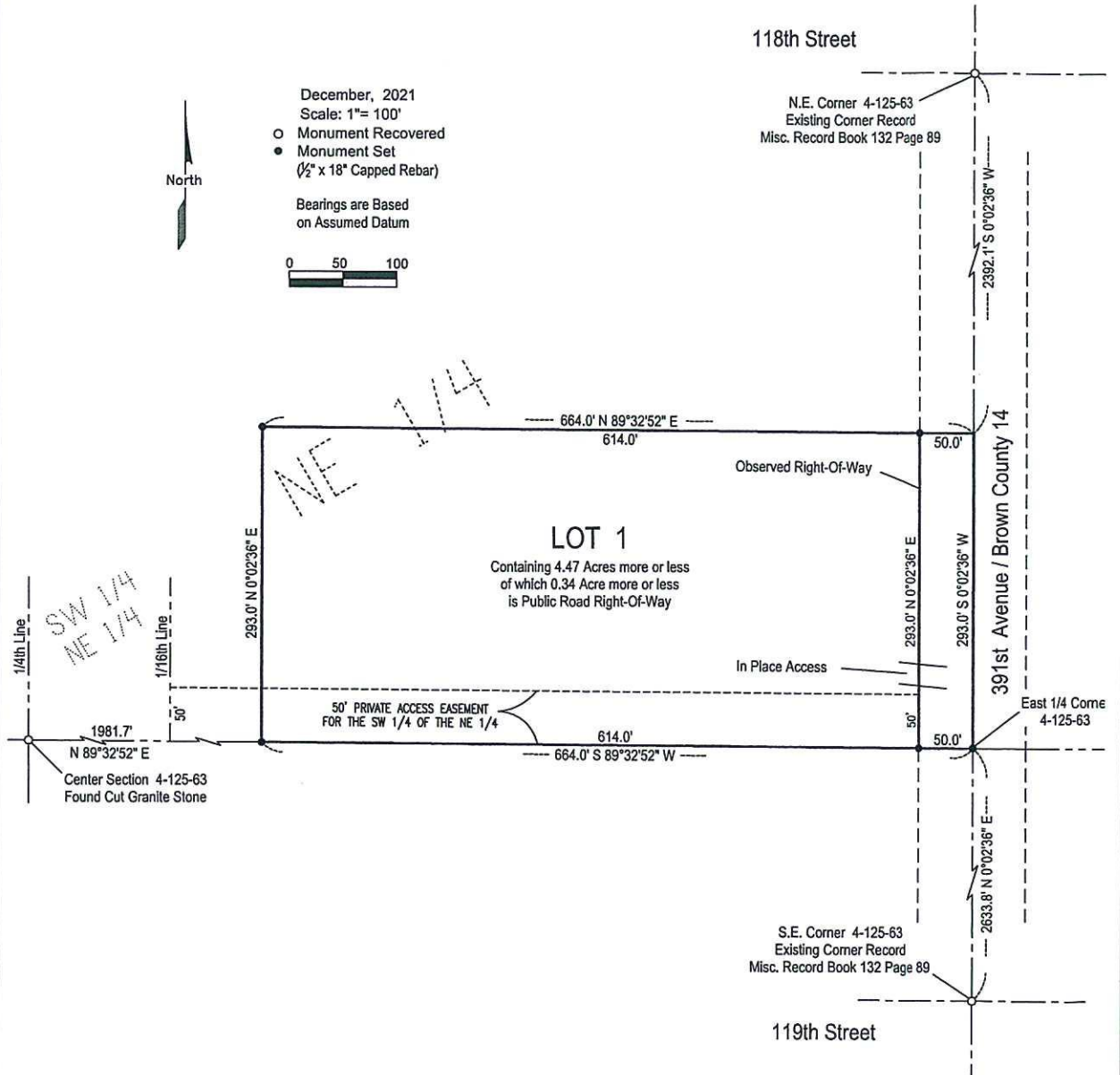


ORDWAY TWP.

GARLAND TOWNSHIP  
SECTION 3E  
1 Dennert, Terry 39515

PLAT OF

“DENNERT ADDITION” IN THE NE¼ SECTION 4, T125N, R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA



**SURVEYOR'S CERTIFICATE**

I, Mike J. Lapka, a Registered Land Surveyor of the State of South Dakota, do hereby certify that on or before the 2nd day of December, 2021 and at the request of the owners of the real property hereinafter described, surveyed the NE¼ of Section 4, Township 125 North, Range 63 West of the 5th P.M., Brown County, South Dakota, as shown on the plat, and marked upon the ground boundaries thereof in the manner shown on the plat, and that the attached plat is a true and correct representation of said survey and that the parcel of land so platted contains: PLAT OF "DENNERT ADDITION" IN THE NE¼ SECTION 4, T125N, R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA.

IN WITNESS WHEREOF, I have executed this Surveyor's Certificate this 2nd day of December, 2021.

Prepared By:  
**LAPKA LAND SURVEYING**  
1248 Church Street  
Leola, South Dakota 57456  
Ph. 605-690-3685





PLAT OF

"DENNERT ADDITION" IN THE NE 1/4 SECTION 4, T125N, R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA

CERTIFICATE OF OWNERSHIP

State of South Dakota County of Brown

We, Dana P. Dennert and Nancy Dennert do hereby certify that we are the owners of the S 1/2 NE 1/4 of 4-125-63, as shown and described hereon, that we do approve this plat as hereon shown and that the development of this property shall conform to all existing zoning, subdivision, erosion and sediment control.

Dana P. Dennert Address \_\_\_\_\_

Nancy Dennert Address \_\_\_\_\_

ACKNOWLEDGMENT OF OWNERSHIP

State of South Dakota County of Brown

On this 22 day of December 2021 before me, the undersigned officer, personally appeared, Dana P. Dennert and Nancy Dennert, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same for the purposes therein contained. In witness whereof I hereunto set my hand and Official Seal.

My commission expires: 11-2-2027
D. Chris Anderson
NOTARY PUBLIC

COUNTY PLANNING COMMISSION CERTIFICATE

State of South Dakota County of Brown

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown, 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, "DENNERT ADDITION" IN THE NE 1/4 SECTION 4, T125N, R63W 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 \_\_\_\_\_

Chairman \_\_\_\_\_

APPROVAL BY COUNTY

State of South Dakota County of Brown

I hereby certify that the following is a correct copy of the resolution duly passed by the Board of Commissioners of Brown, 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, "DENNERT ADDITION" IN THE NE 1/4 SECTION 4, T125N, R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, having been examined, is hereby approved in accordance with the provisions of SDCL 11-2-3, and any amendments thereof."

Chairman \_\_\_\_\_

Auditor \_\_\_\_\_

APPROVAL OF HIGHWAY OR STREET AUTHORITY

The location of the proposed access to the abutting County or State Highway, or City Street as shown hereon, is hereby approved. Any changes in the location of proposed access shall require additional approval.

HIGHWAY OR STREET AUTHORITY \_\_\_\_\_

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



Prepared By:
LAPKA LAND SURVEYING
1248 Church Street
Leola, South Dakota 57456
Ph. 605-690-3685

PLAT OF

“DENNERT ADDITION” IN THE NE¼ SECTION 4, T125N, R63W OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA

CERTIFICATE OF COUNTY TREASURER

State of South Dakota County of Brown

I, \_\_\_\_\_, Brown County Treasurer do hereby certify that the \_\_\_\_\_ taxes, which are liens upon the lands platted hereon, as shown by the records of my office, have been fully paid.

\_\_\_\_\_  
County Treasurer

Date \_\_\_\_\_

BROWN COUNTY DIRECTOR OF EQUALIZATION CERTIFICATE

State of South Dakota County of Brown

I, \_\_\_\_\_, County Director of Equalization, hereby certify that I have received a copy of this plat.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
County Director of Equalization

Date \_\_\_\_\_

OFFICE OF REGISTER OF DEEDS

State of South Dakota County of Brown

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_.

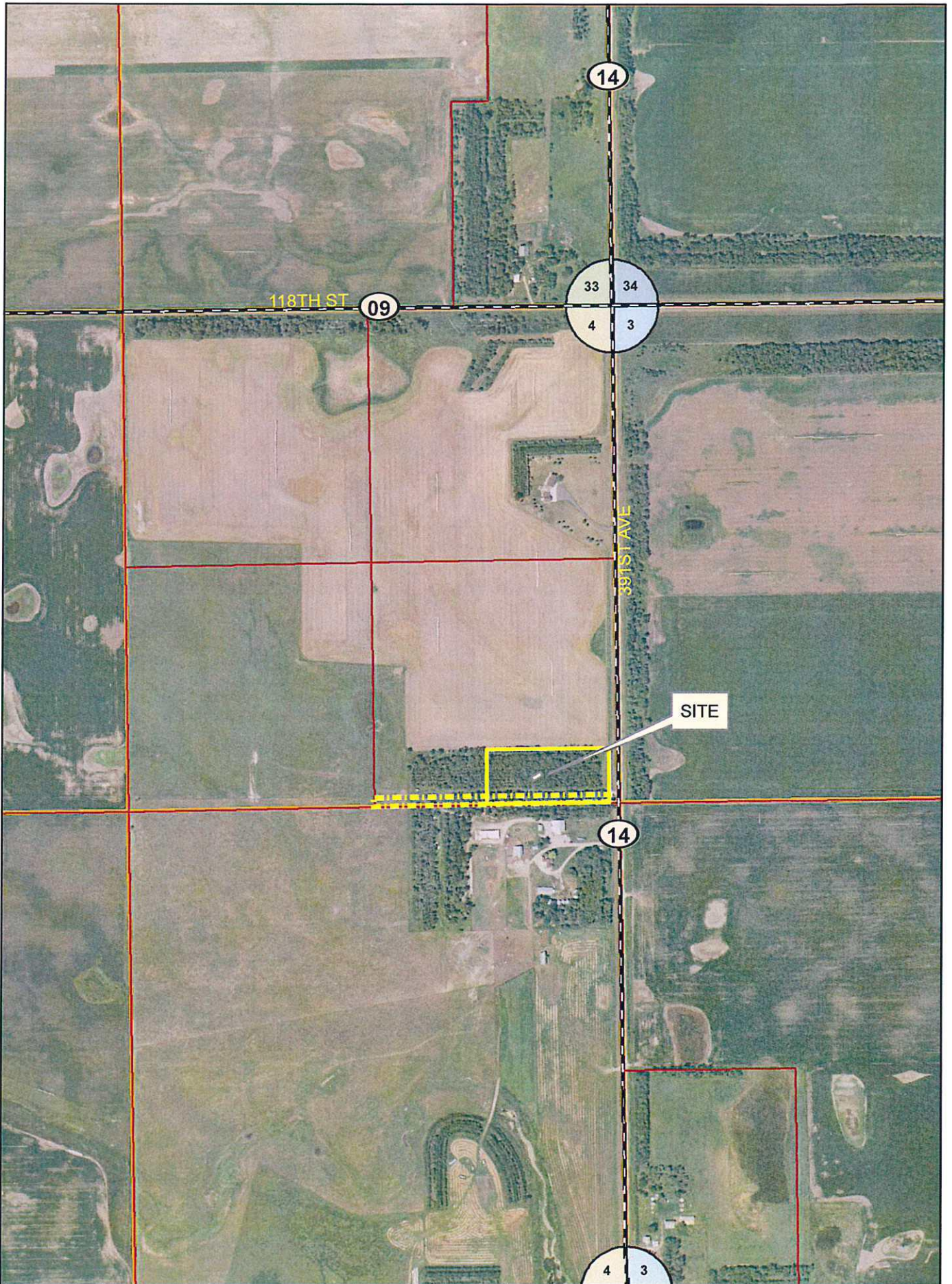
Document No. \_\_\_\_\_

Register of Deeds \_\_\_\_\_

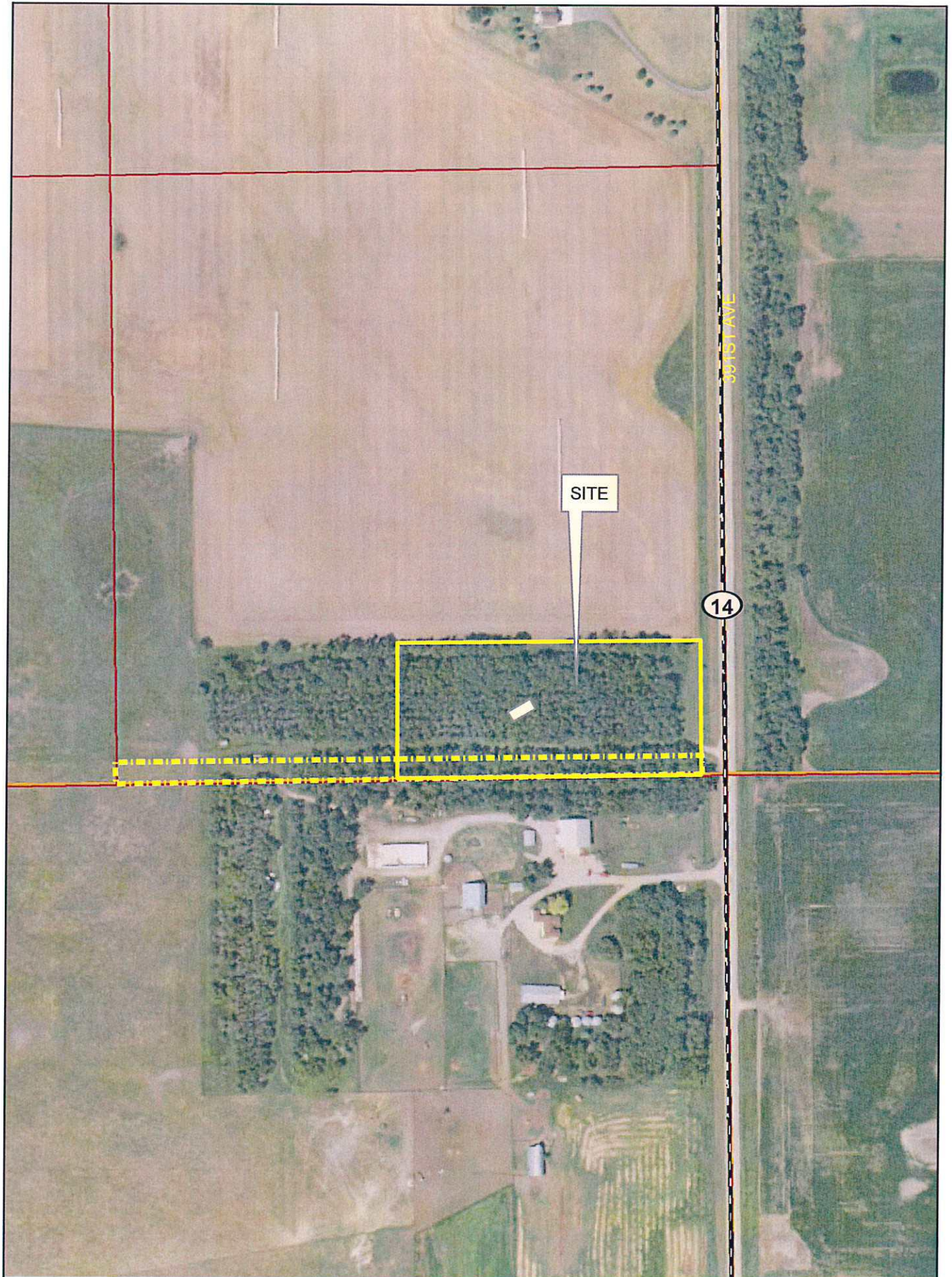


Prepared By:  
**LAPKA LAND SURVEYING**  
1248 Church Street  
Leola, South Dakota 57456  
Ph. 605-690-3685











# STAFF REPORT

January 18, 2022

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**PRELIMINARY & FINAL PLAT**

**ITEM # 12**

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**GENERAL INFORMATION:**

PETITIONER: Wayne & Nancy Johnson Trust

REQUEST: **PRELIMINARY & FINAL PLAT**

LEGAL DESCRIPTION: "Wayne and Nancy Johnson First Richmond Lake Subdivision" in the NW1/4 of Section 13-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota

LOCATION: 126219 North Bridge Road

TOWNSHIP: Ravinia Twp

EXISTING ZONING Lake Front Residential District (R-3)

SURROUNDING ZONING:

|        |  |
|--------|--|
| North: | Lake Front Residential District (R-3)    |
| South: | Lake Front Residential District (R-3)    |
| East:  | Agriculture Preservation District (AG-P) |
| West:  | Water (AG-P2)                            |

PUBLIC UTILITIES: WEB Water

REPORTED BY: Ron Keller

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

**GENERAL REVIEW:** Staff recommends approval. Owner is platting two lots into one lot for future development.

**PLAT APPROVAL CHECKLIST**

SUBDIVISION NAME: Wayne and Nancy Johnson First Richmond

PLAT OF  
**WAYNE AND NANCY JOHNSON FIRST RICHMOND SUBDIVISION**  
IN THE NW QUARTER OF SECTION 13, TOWNSHIP 124 NORTH, RANGE 65 WEST  
OF THE FIFTH P.M., BROWN COUNTY, SOUTH DAKOTA

LEGAL SECTION: QUARTER: NW SECTION: 13 TOWNSHIP: 124 RANGE: 65

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

OWNERS NAMES: Wayne and Nancy Johnson Trust

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

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Associates)

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

PLAT FEE PER PLAT: \$100.00 DATE PAID: 12 / 21 /20 21

RECEIVED BY PLANNING DEPARTMENT: 12 / 21 /20 21 BY: Ron Keller

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

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

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

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

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

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

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

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

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

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W X

**AFTER PLANNING COMMISSION MEETING**

CONSIDERED BY COUNTY PLANNING COMMISSION:

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

CONSIDERED BY COUNTY COMMISSION:

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



# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR PLAT APPROVAL

DATE: December 16, 2021  
RECEIPT # 620593  
TOWNSHIP: Ravinia

FEES: \$100.00  
PAID: YES/NO CHK/CASH  
DATE: December 21, 2021

OWNERS SIGNATURE: Wayne and Nancy Johnson Trust Wayne Johnson  
OWNERS ADDRESS: 126219 North Bridge Rd  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 605 380 7359 (WAYNE)

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

REQUEST: Preliminary and Final Plat

LEGAL DESCRIPTION: "Wayne and Nancy Johnson First Richmond Lake Subdivision"  
in the NW1/4 of Section 13-T124N-R65W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

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

HEARING DATE: January 18, 2021 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

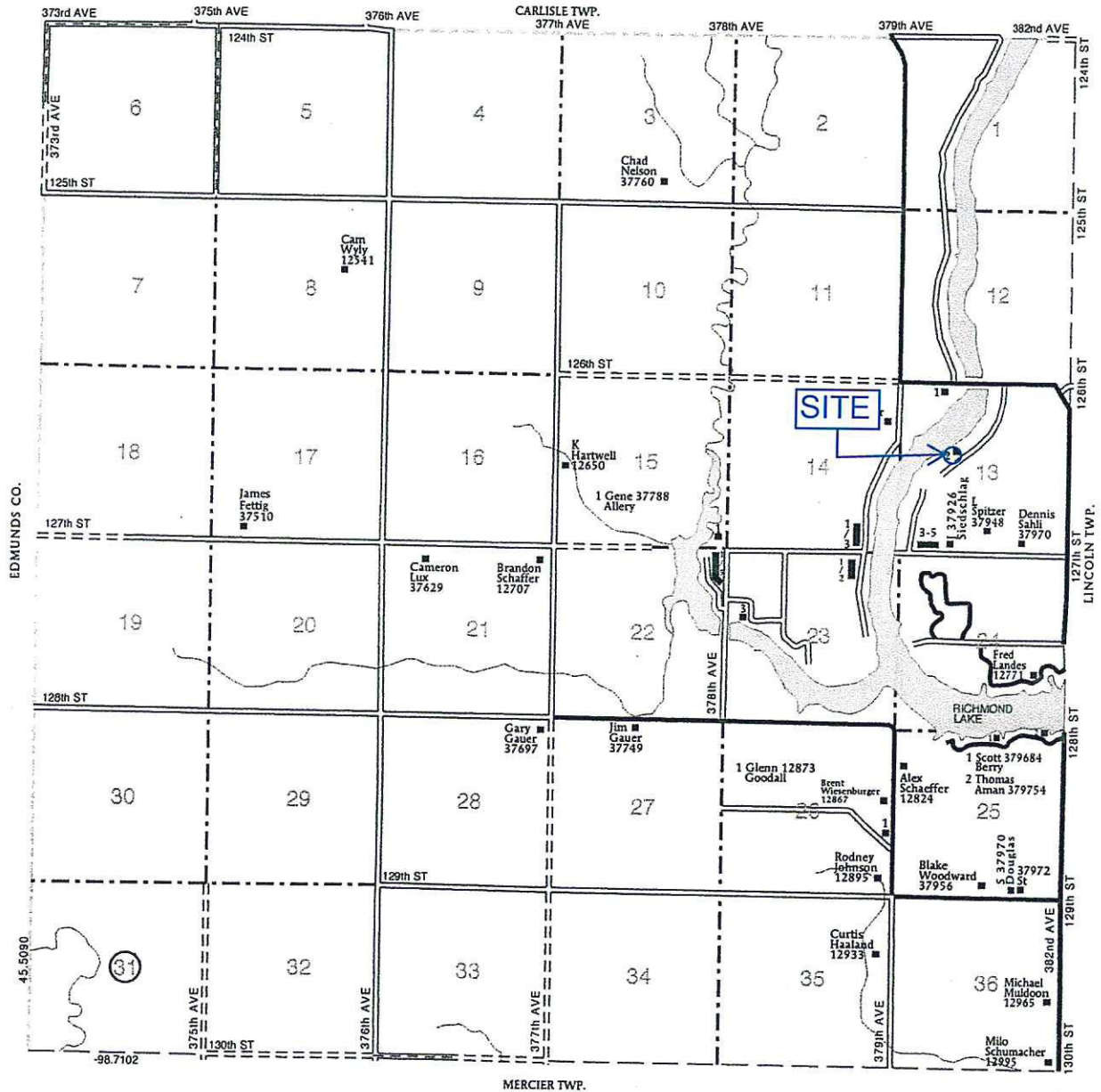
| To Convert | Multiply by | Result    |
|------------|-------------|-----------|
| ounces     | 28.3495     | grams     |
| grams      | .0353       | ounces    |
| pounds     | .4536       | kilograms |
| kilograms  | 2.2050      | pounds    |

T-124-N

# RAVINIA DIRECTORY

(Residents - Owners or Renters)

R-65-W



**RAVINIA TOWNSHIP**

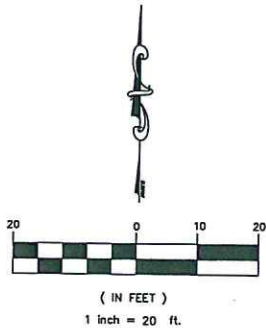
- SECTION 13**  
 1 Kirchgester, Jim 37935  
 2 Bahr, Justin 126401  
 3 Peterson, L 37902  
 4 Vitense, David 37908  
 5 Goldade, Gerald 37910  
**SECTION 14**  
 1 Mishaw, Mark 126928

- 2 Lutz, Douglas 126966  
 3 126974  
**SECTION 22**  
 1 Myhre, Gary 127093  
 2 Huber, S 127131  
 3 Millett, Craig 127151  
 4 Thayer, Dan 127257  
 5 Wahl, Lanny 127395

- SECTION 23**  
 1 127148  
 2 Fischer, Brock 127216  
 3 Keatts, Pat 12746



# PLAT OF WAYNE AND NANCY JOHNSON FIRST RICHMOND LAKE SUBDIVISION, IN THE NW 1/4 OF SECTION 13-T124N-R65W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



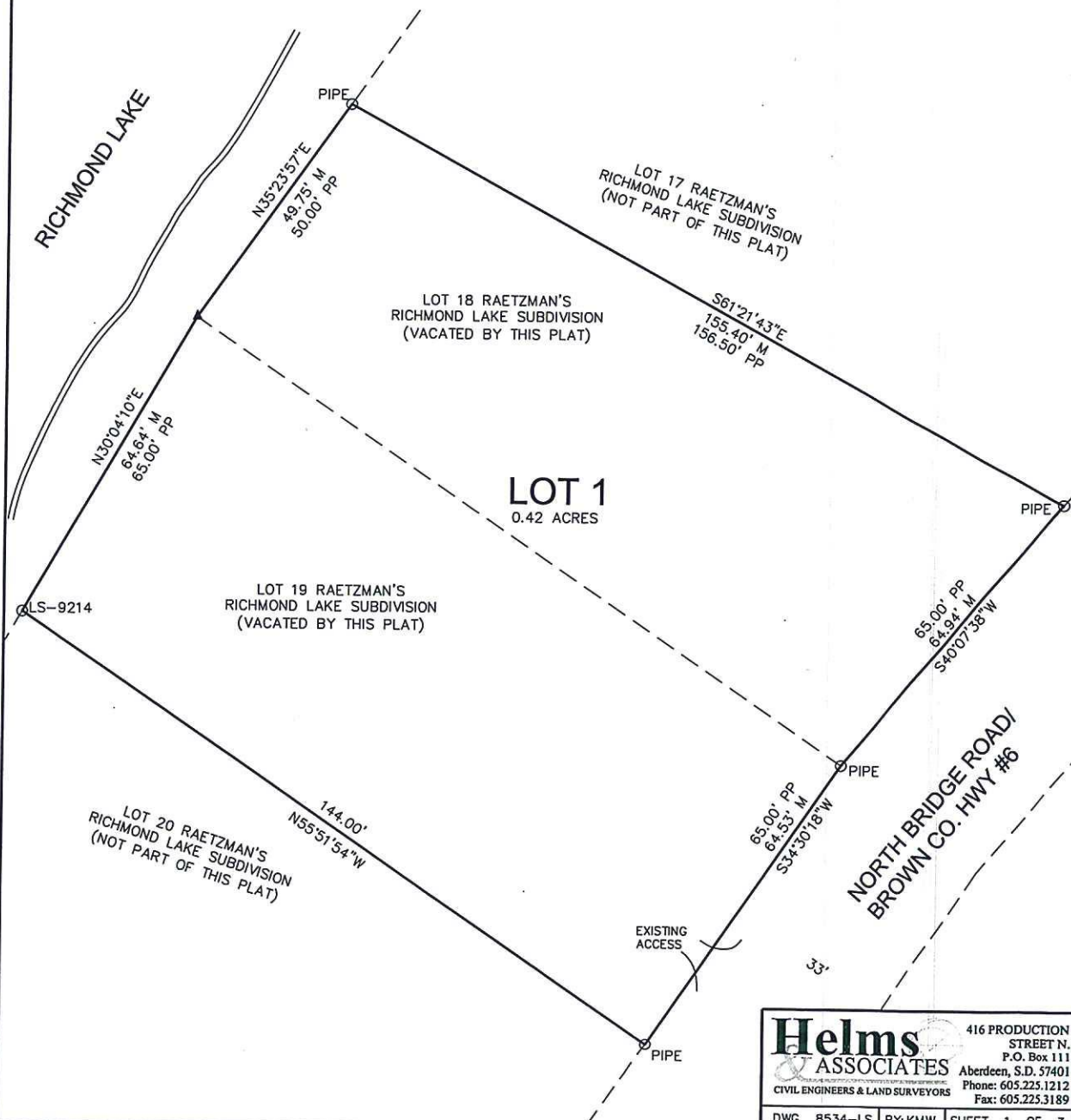
### LEGEND

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



### BASIS OF BEARINGS

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



**Helms & Associates**  
CIVIL ENGINEERS & LAND SURVEYORS

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

DWG. 8534-LS BY: KMW SHEET 1 OF 3

PLAT OF  
WAYNE AND NANCY JOHNSON FIRST RICHMOND LAKE SUBDIVISION,  
IN THE NW 1/4 OF SECTION 13-T124N-R65W OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF WAYNE A. JOHNSON AND NANCY L. JOHNSON, TRUSTEES OF THE WAYNE AND NANCY JOHNSON LIVING TRUST, AND ANY AMENDMENTS THERETO, AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO DECEMBER 13, 2021, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: WAYNE AND NANCY JOHNSON FIRST RICHMOND LAKE SUBDIVISION, IN THE NW 1/4 OF SECTION 13-T124N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA.

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

DATED THIS 20 DAY OF December, 2021.

  
ROBERT K. KIESO RLS #9214

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE WAYNE AND NANCY JOHNSON LIVING TRUST, 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; WAYNE AND NANCY JOHNSON FIRST RICHMOND LAKE SUBDIVISION, IN THE NW 1/4 OF SECTION 13-T124N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.  
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 21 DAY OF December, 2021.

WAYNE AND NANCY JOHNSON LIVING TRUST

PREVIOUSLY DESCRIBED AS: LOT 18 AND LOT 19 OF  
RAETZMAN'S RICHMOND LAKE SUBDIVISION, IN THE NE 1/4 NW 1/4  
OF SECTION 13 T124N R65W OF THE 5TH P.M., BROWN COUNTY,  
SOUTH DAKOTA.

  
WAYNE A. JOHNSON (TRUSTEE)

  
NANCY L. JOHNSON (TRUSTEE)

DECLARATION OF VACATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED HEREBY DECLARE TO VACATE THAT PORTION AS SHOWN AND MARKED ON THE FOREGOING PLAT AND OF THE PLAT OF REATZMAN'S RICHMOND LAKE SUBDIVISION, AS RECORDED AS PLAT NO. 401, IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.

THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 21 DAY OF December, 2021.

WAYNE AND NANCY JOHNSON LIVING TRUST

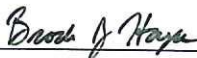
  
WAYNE A. JOHNSON (TRUSTEE)

  
NANCY L. JOHNSON (TRUSTEE)

ACKNOWLEDGEMENT

STATE OF SD )  
COUNTY OF BROWN )SS

ON THIS THE 21 DAY OF DECEMBER, 2021, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED WAYNE A. JOHNSON AND NANCY L. JOHNSON, KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.



NOTARY PUBLIC, SOUTH DAKOTA STATE

MY COMMISSION EXPIRES: 7/20/2026



PLAT OF  
WAYNE AND NANCY JOHNSON FIRST RICHMOND LAKE SUBDIVISION,  
IN THE NW 1/4 OF SECTION 13-T124N-R65W OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA

COUNTY PLANNING COMMISSION CERTIFICATION

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

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING; WAYNE AND NANCY JOHNSON FIRST RICHMOND LAKE SUBDIVISION, IN THE NW 1/4 OF SECTION 13-T124N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

\_\_\_\_\_  
SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

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

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING; WAYNE AND NANCY JOHNSON FIRST RICHMOND LAKE SUBDIVISION, IN THE NW 1/4 OF SECTION 13-T124N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

\_\_\_\_\_  
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

BY: \_\_\_\_\_  
HIGHWAY AUTHORITY

TITLE: \_\_\_\_\_

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

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

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

REGISTER OF DEED'S CERTIFICATE

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

\_\_\_\_\_  
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA





401

**OWNER'S CERTIFICATE.**

I, William A. Raetzman, do hereby certify that I am the absolute and unqualified owner of the North 1/2 of the Northeast quarter and all of the Northwest quarter lying east of Richmond Lake in Section 13, Township 124 Range 65, Brown County, South Dakota, and that I have caused a portion of the same to be surveyed and platted as shown on this plat, and to be known as "RAETZMAN'S RICHMOND LAKE SUBDIVISION".  
Dated Sept. 16<sup>th</sup> 1959

*William A. Raetzman*  
Owner

State of South Dakota } ss  
County of Brown

On this 16<sup>th</sup> day of September 1959, personally appeared William A. Raetzman, known to me to be the person described in and who executed the above instrument, and who acknowledged to me that he executed the same.

FRANK L. SIEH Notary Public, So. Dak.

**SURVEYOR'S CERTIFICATE.**

I, Arthur S. Mannes, Registered Professional Engineer and Land Surveyor, do hereby certify that I have surveyed and platted "RAETZMAN'S RICHMOND LAKE SUBDIVISION" as shown on this plat and that said plat is correct.

Signed this 2<sup>nd</sup> day of September 1959

*Arthur S. Mannes*  
Registered Professional Engineer  
and Land Surveyor.

State of South Dakota } ss  
County of Brown

On this 2<sup>nd</sup> day of September 1959, personally appeared Arthur S. Mannes, 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.

*Clayton Crowell*  
Notary Public, So. Dak.

I hereby certify that all taxes which are liens upon any of the lands included in the accompanying plat are shown by the records of my office to have been paid in full.

Dated \_\_\_\_\_ 1959

County Treasurer.

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_ 1959 at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded in Book \_\_\_\_\_ Page \_\_\_\_\_ and designated Map No. \_\_\_\_\_

*Walter B. ...*  
Register of Deeds  
Brown County, S.D.

**RESOLUTION:** 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 Raetzman's Richmond Lake Subdivision, in the N. 1/2 of NE 1/4 and all of the NW 1/4 lying east of Richmond Lake, in Section 13-124-65 Brown County, South Dakota, is approved this 31<sup>st</sup> day of Sep 1959."

**AUDITOR'S CERTIFICATE.**

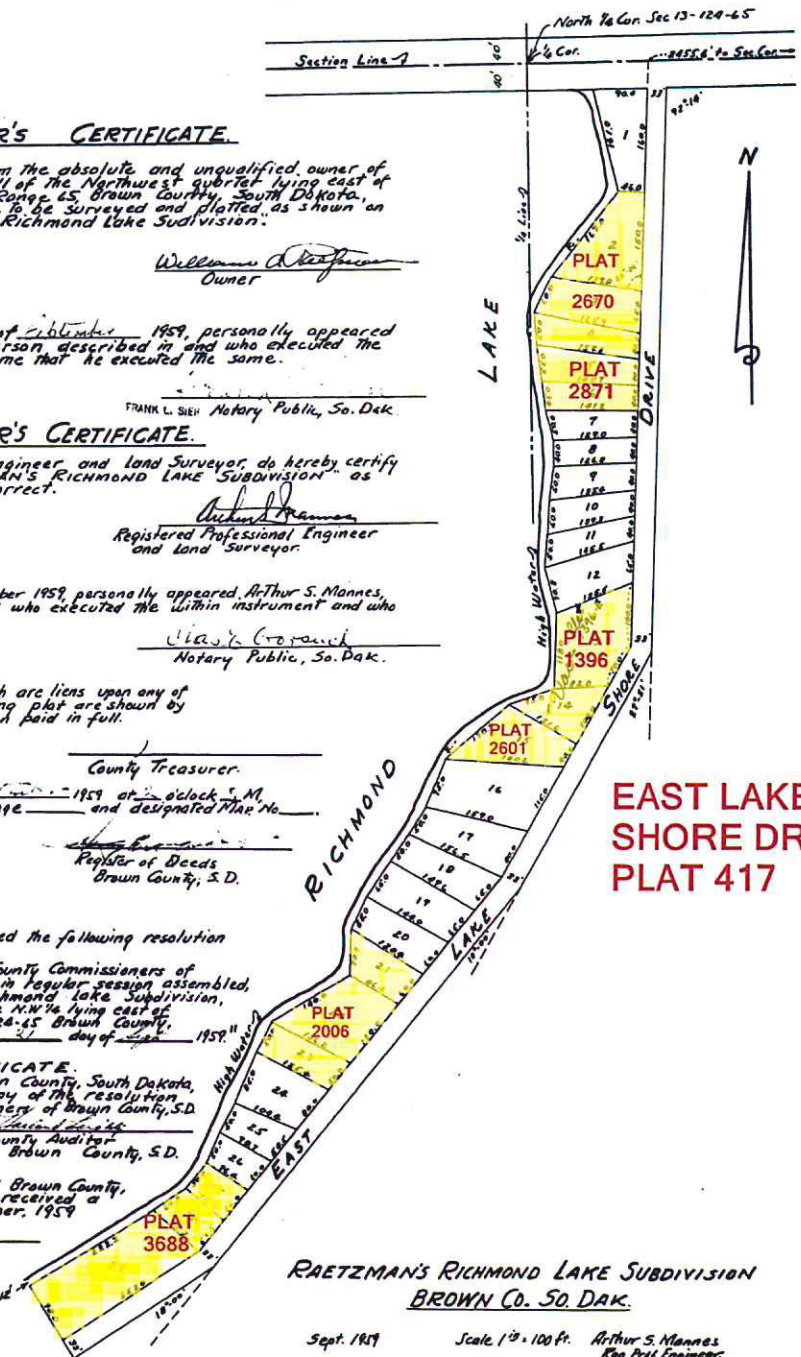
I, C. Harlan Leighty, County Auditor of Brown County, South Dakota, do hereby certify that the foregoing is a copy of the resolution adopted by the Board of County Commissioners of Brown County, S.D.

*C. Harlan Leighty*  
County Auditor  
Brown County, S.D.

**RECEIPT.**

I, H. J. DeVries, Director of Equalization of Brown County, South Dakota, hereby certify that I have received a copy of this plat, this \_\_\_\_\_ day of September, 1959

*H. J. DeVries*  
Director of Equalization  
of Brown County, S. Dak.



**EAST LAKE SHORE DRIVE PLAT 417**

**RAETZMAN'S RICHMOND LAKE SUBDIVISION  
BROWN CO. SO. DAK.**

Sept. 1959 Scale 1" = 100 ft. Arthur S. Mannes  
Reg. Prof. Engineer.

A. Raetzman, do hereby certify that I am the absolute owner of the N 1/2 NE 1/4 and all of the NW 1/4, lying east of Richmond Lake, Section 13, Township 124 North, Range 65 West of the 5th P. M., Brown County, South Dakota, except the deeded lots in Raetzman's Richmond Lake Subdivision, and that I have caused a portion of the same to be platted as shown on this plat to be known as East Lake Shore Drive and dedicated for public use.

Signed this 12<sup>th</sup> day of October, 1967.

416

STATE OF SOUTH DAKOTA )  
 ) SS  
 COUNTY OF BROWN

On this 12<sup>th</sup> day of October, 1962, personally appeared before me, Wm. A. Raetzman, known to me to be the person described in and who executed the above instrument, and who acknowledged to me that he executed the same.

My Commission expires:  
May 26<sup>th</sup> 1967

Frank L. Seeh  
 Notary Public, South Dakota

**SURVEYOR'S CERTIFICATE**

I, Waldo L. Scott, a Registered Engineer and Land Surveyor of Watertown, South Dakota, do hereby certify that at the instance and request and under the direction of Wm. A. Raetzman, the Owner, did on or prior to October 4, 1962, plat the parcel of land as shown on the attached plat.

I further certify that the said plat is a true and correct representation of the said parcel as so platted by me as East Lake Shore Drive in the NW 1/4 and the N 1/2 of the NE 1/4 Section 13, Township 124 North, Range 65 West of the 5th P. M., Brown County, South Dakota.

In witness whereof, I hereby set my hand this 5<sup>th</sup> day of October, 1962.

Waldo L. Scott  
 Registered Engineer and Land Surveyor

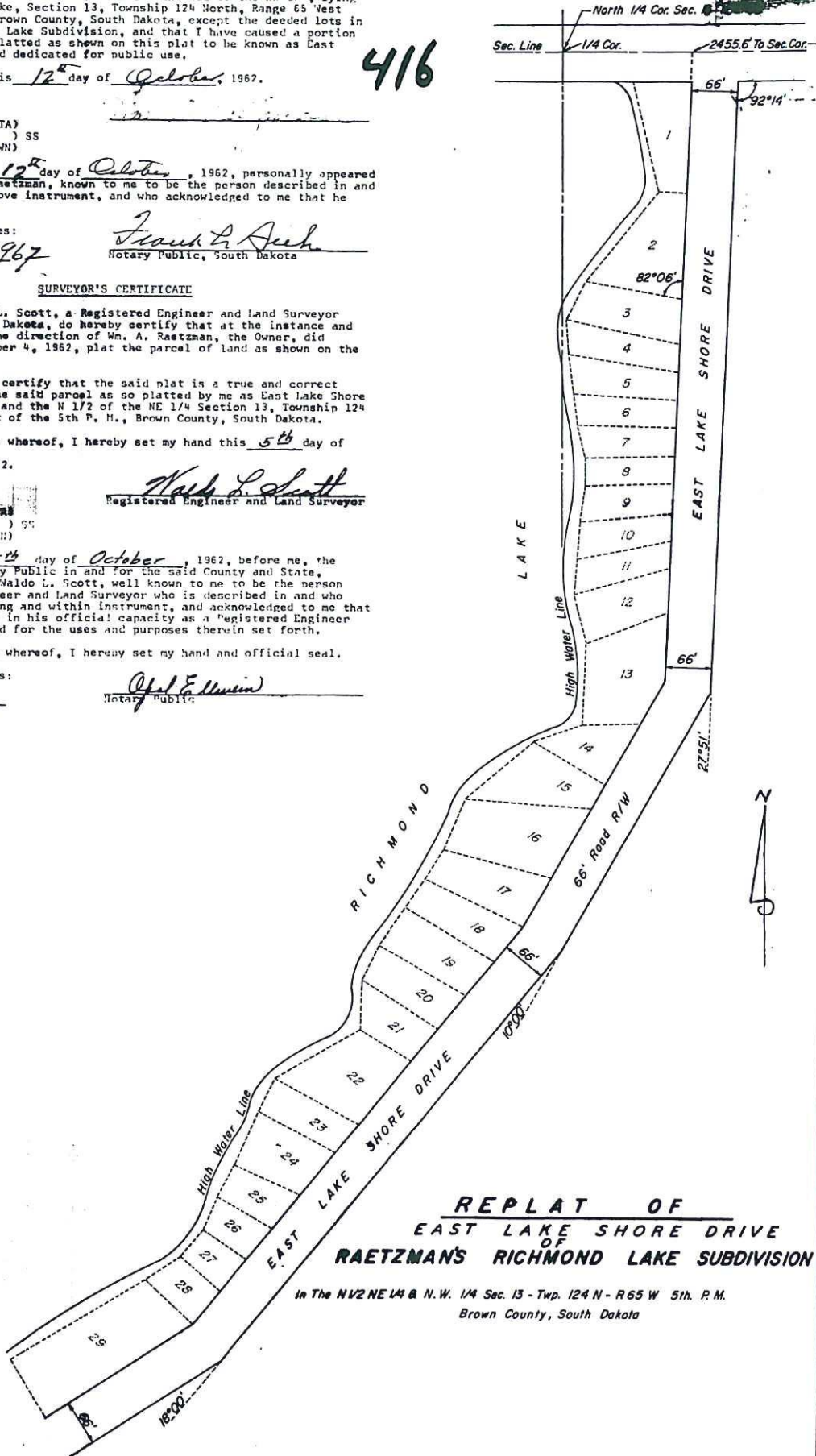
STATE OF SOUTH DAKOTA )  
 ) SS  
 COUNTY OF CODINGTON

On this 5<sup>th</sup> day of October, 1962, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared Waldo L. Scott, well known to me to be the person and Registered Engineer and Land Surveyor who is described in and who executed the foregoing and within instrument, and acknowledged to me that he executed the same in his official capacity as a Registered Engineer and Land Surveyor and for the uses and purposes therein set forth.

In witness whereof, I hereby set my hand and official seal.

My Commission expires:  
4-10-66

Orval Edlin  
 Notary Public



**REPLAT OF  
 EAST LAKE SHORE DRIVE  
 OF  
 RAETZMAN'S RICHMOND LAKE SUBDIVISION**

In The N1/2 NE 1/4 & N.W. 1/4 Sec. 13 - Twp. 124 N - R 65 W 5th. P.M.  
 Brown County, South Dakota







*Brown County GIS Map  
(for reference only)*

06.6 126TH ST

126TH ST

RICHMOND LAKE

N BRIDGE RD

06G

SITE





*Brown County GIS Map  
(for reference only)*

RICHMOND LAKE

N BRIDGE RD 06G

SITE





# STAFF REPORT

January 18, 2022

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**PRELIMINARY & FINAL PLAT**

**ITEM # 13**

---

**GENERAL INFORMATION:**

PETITIONER: Arne Svarstad

REQUEST: **PRELIMINARY & FINAL PLAT**

LEGAL DESCRIPTION: "Svarstad Addition" in the SE1/4 of Section 10-T122N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota

LOCATION: 13797 392<sup>nd</sup> Avenue

TOWNSHIP: Gem Twp

EXISTING ZONING Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

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

PUBLIC UTILITIES: WEB Water

REPORTED BY: Ron Keller

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

**GENERAL REVIEW:** Staff recommends approval.



**PLAT APPROVAL CHECKLIST**

SUBDIVISION NAME "Svarstad Addition"

QUARTER: SE1/4 SECTION: 10 TOWNSHIP: 122N RANGE: 63W

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

OWNERS NAMES: Arne Svarstad

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

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

ENGINEER OR SURVEYOR: Zach Remily - Assurance

TYPE: PRELIMINARY \_\_\_\_\_ FINAL \_\_\_\_\_ BOTH X

FEE: ~~\$125.00~~ <sup>100.00</sup> TOTAL: \$ <sup>100.00</sup> ~~125.00~~ DATE PAID: 01 / 11 /2022

RECEIVED BY PLANNING DEPARTMENT: 12 / 16 /2021 BY: Scott Bader

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

PLAT: ON 11 x 17 MYLAR \_\_\_\_\_ ON 11 x 17 PHOTO PAPER X

STREETS/ROADS NAMED PROPERLY X NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT NO

EXISTING ACCESS SHOWN ON PLAT Yes 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: December 16, 2021  
RECEIPT # 620601  
TOWNSHIP: Gem Twp

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

OWNERS SIGNATURE: Arne Svarstad *Arne Svarstad*  
OWNERS ADDRESS: 13797 392nd Avenue  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 605-228-8913

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

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Svarstad Addition" in the SE1/4 of Section 10-T122N-R63W  
of the 5th P.M., Brown County, South Dakota

**Planning Commission Action: Approved / Denied**

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

HEARING DATE: January 18, 2021 TIME: 7:00 pm

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

25 Market Street • Aberdeen, South Dakota 57401-4203

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



# YOUR FARM & HOME PLAT & DIRECTORY

This Directory Contains All Rural Residents, Their Addresses, Outline Of The Farm, Number Of Acres, Telephone Numbers, County Roads, Highways, Interstate, and Landmarks Such As: Rivers, Lakes, Churches and Cemeteries

**KEEP IT NEAR YOUR PHONE...**You'll Be Surprised At How Many

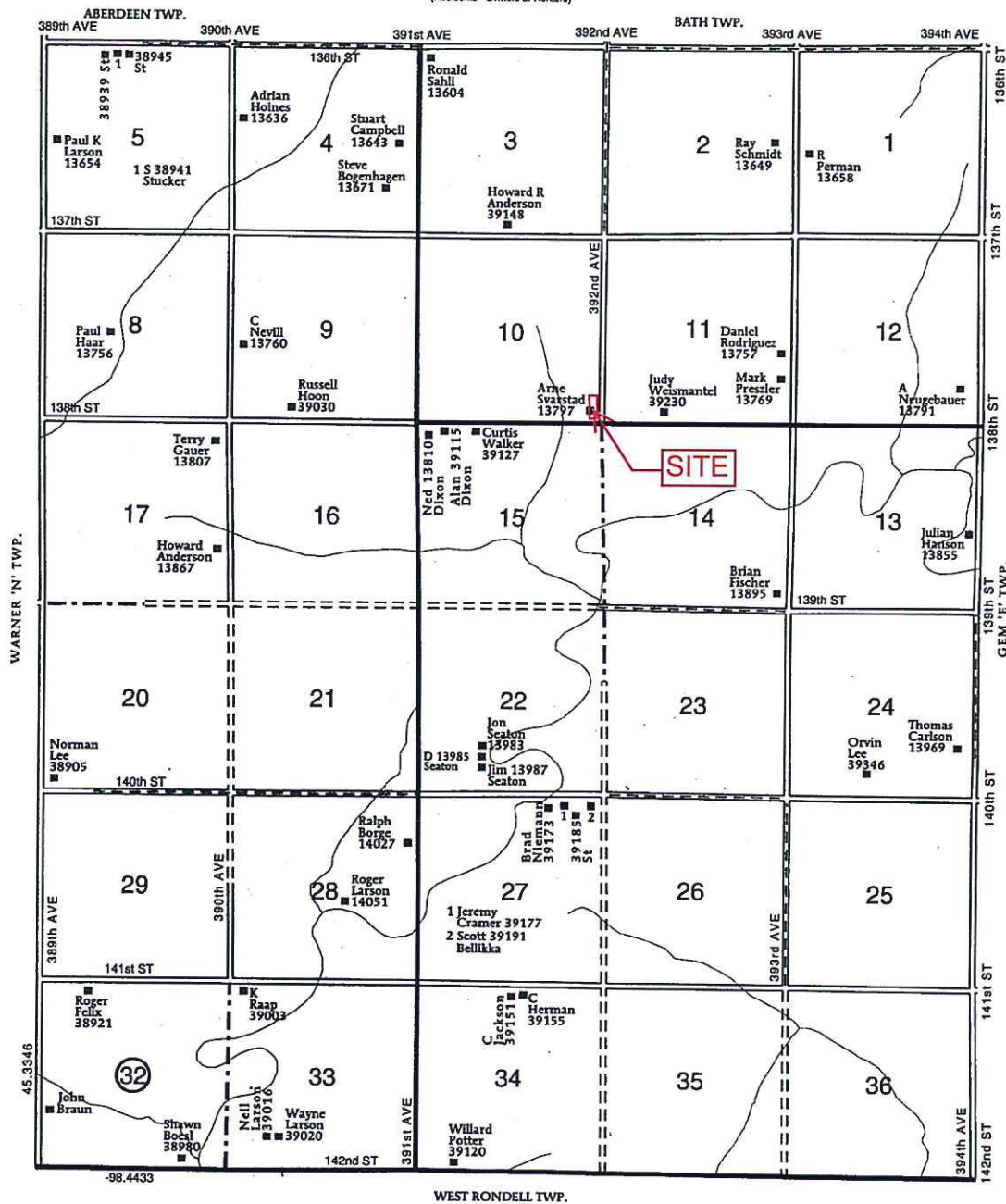
Different Uses You Find For This Handy Rural Directory

T-122-N

## GEM 'W' DIRECTORY

R-63-W

(Residents - Owners or Renters)



PLAT SHOWING  
**SVARSTAD ADDITION**

IN THE SE1/4 OF SECTION 10,  
 TOWNSHIP 122 NORTH, RANGE 63 WEST OF THE 5th P.M.,  
 BROWN COUNTY, SOUTH DAKOTA



E1/4 Cor. Sec. 10-122-63  
 (FOUND BLM Brass Cap)  
 N = 572993.59  
 E = 2381469.02

N89° 21' 06"E  
 33.00'

N89° 21' 05"E 177.00'

**Lot 1**  
 Contains 2.19 Acres  
 of which  
 0.34 Acres is Section Line & Highway ROW

40' Access Easement  
 to the Remaining  
 Portion of the SE1/4  
 of Section 10-122-63

| #  | BEARING     | DISTANCE |
|----|-------------|----------|
| L1 | N70°29'31"W | 104.43'  |
| L2 | N87°41'22"W | 79.34'   |
| L3 | N1°01'42"W  | 40.07'   |
| L4 | S87°41'22"E | 87.72'   |
| L5 | S70°29'31"E | 95.49'   |
| L6 | S1°01'42"E  | 42.71'   |

17' Dedicated to the  
 Public for Highway Purposes

S1/4 Cor. Sec. 10-122-63  
 (FOUND BLM Brass Cap)  
 N = 570321.10  
 E = 2378894.71

SE Cor. Sec. 10-122-63  
 (FOUND BLM Brass Cap)  
 N = 570350.77  
 E = 2381516.46



Prepared By:



619 14th Avenue S, Faulkton, South Dakota 57438  
 Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com  
 Project No. ALS21120 Field Survey Date: 10-5-2021



LEGEND

- PIN FOUND (AS NOTED)
- PIN SET w/CAP L5 11699
- ⊗ CALCULATED CORNER

BASIS OF BEARINGS

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



PLAT SHOWING  
**SVARSTAD ADDITION**

IN THE SE1/4 OF SECTION 10,  
TOWNSHIP 122 NORTH, RANGE 63 WEST OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA

**OWNER'S CERTIFICATE**

I, Arne N. Svarstad, do hereby certify I am the owner of the Southeast Quarter (SE1/4) of Section Ten (10), Township One Hundred Twenty-Two (122) North, Range Sixty-Three (63) West of the 5th P.M., Brown County, South Dakota, and that I have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as:

**"SVARSTAD ADDITION IN THE SE1/4 OF SECTION 10, TOWNSHIP 122 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA"**

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

By this plat, I, Arne N. Svarstad, do hereby DEDICATE the 40' Access Easement as shown and the attached plat for Ingress/Egress to the remaining portion of the SE1/4 of Section 10, Township 122 North, Range 63 West of the 5th P.M., Brown County, South Dakota.

By this plat, I, Arne N. Svarstad, do hereby DEDICATE the 17' as shown on the attached plat to the Public forever for Highway Purposes.

Owners:

Arne N. Svarstad  
Arne N. Svarstad (an undivided one-half interest) A.S.  
Signed this 16<sup>th</sup> day of December, 2021.

COUNTY OF Brown )  
STATE OF South Dakota ) SS

On this the 16<sup>th</sup> day of December, 2021, before me, Kara M. Pharis, the undersigned officer, personally appeared Arne N. Svarstad, known to me or satisfactorily proven to be the person who, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

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

My Commission Expires: 08/21/2025  
Kara M. Pharis  
Notary Public



**SURVEYOR'S CERTIFICATE**

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owner, I have surveyed and platted "SVARSTAD ADDITION IN THE SE1/4 OF SECTION 10, TOWNSHIP 122 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 10<sup>th</sup> day of DECEMBER, 2021.

ZACHARY M. REMILY, LS 11699

**TOWNSHIP HIGHWAY APPROVAL**

"Existing Access to 392nd AVENUE is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Highway or Street Authority

**COUNTY PLANNING COMMISSION APPROVAL**

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "SVARSTAD ADDITION IN THE SE1/4 OF SECTION 10, TOWNSHIP 122 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

**COUNTY COMMISSION APPROVAL**

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
County Auditor  
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "SVARSTAD ADDITION IN THE SE1/4 OF SECTION 10, TOWNSHIP 122 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

**TREASURER'S CERTIFICATE**

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

Signed this 16<sup>th</sup> day of December, 2021.

Naudsted  
County Treasurer  
Brown County, South Dakota

**DIRECTOR OF EQUALIZATION CERTIFICATE**

I hereby certify that I have received a copy of this plat this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Director of Equalization  
Brown County, South Dakota

**REGISTER OF DEEDS' CERTIFICATE**

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

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

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







*Brown County GIS Map  
(for reference only)*



392ND AVE

13785 392nd Ave

13797 392nd Ave

21.2 138TH ST

10 138TH ST  
15 14 ST

Proposed SITE





# STAFF REPORT

January 18, 2022

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**PRELIMINARY & FINAL PLAT**

**ITEM # 14**

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**GENERAL INFORMATION:**

PETITIONER: Donald Pasch / Robert Pasch

REQUEST: **PRELIMINARY & FINAL PLAT**

LEGAL DESCRIPTION: "Pasch Second Subdivision" in the SW1/4 of Section 8-T122N-R61W of the 5<sup>th</sup> P.M., Brown County, South Dakota

LOCATION: 40112 & 40132 138<sup>th</sup> Street

TOWNSHIP: West Hanson Twp

EXISTING ZONING Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

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

PUBLIC UTILITIES: WEB Water

REPORTED BY: Ron Keller

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

**GENERAL REVIEW:** Staff recommends approval. Parcel is being divided equally between two family members.



**PLAT APPROVAL CHECKLIST**

SUBDIVISION NAME: Pasch Second

PLAT OF  
**PASCH SECOND SUBDIVISION**  
IN THE SW QUARTER OF SECTION 8, TOWNSHIP 122 NORTH, RANGE 61 WEST  
OF THE FIFTH P.M., BROWN COUNTY, SOUTH DAKOTA

LEGAL SECTION: QUARTER: SW SECTION: 8 TOWNSHIP: 122 RANGE: 61

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

OWNERS NAMES: Donald Pasch Robert Pasch

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

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Associates)

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

PLAT FEE PER PLAT: \$100.00 DATE PAID: \_\_\_\_\_ / \_\_\_\_\_ /20 \_\_\_\_\_

RECEIVED BY PLANNING DEPARTMENT: \_\_\_\_\_ / \_\_\_\_\_ /20 \_\_\_\_\_ BY: \_\_\_\_\_

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

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

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

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

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

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

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

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

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

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W X

**AFTER PLANNING COMMISSION MEETING**

CONSIDERED BY COUNTY PLANNING COMMISSION:

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

CONSIDERED BY COUNTY COMMISSION:

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

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR PLAT APPROVAL

DATE: December 27, 2021  
RECEIPT # 620595 / 620596  
TOWNSHIP: West Hanson Twp

FEES: \$100.00  
PAID: (YES/NO) (CHK/CASH)  
DATE: 12/27/2021

OWNERS SIGNATURE: Donald Pasch *Donald Pasch*  
OWNERS ADDRESS: 1356 Lynnwood Dr  
OWNERS CITY, STATE, ZIP: Watertown, SD 57201  
OWNERS PHONE: 605-237-1990

AGENTS SIGNATURE: Robert Pasch *Robert Pasch*  
AGENTS ADDRESS: 14053 436th Ave  
AGENTS CITY, STATE, ZIP: Webster, SD 57274  
AGENTS PHONE: 605-460-0157

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Pasch Second Subdivision" in the SW1/4 of Section 8-T122N-R61W  
of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

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

HEARING DATE: January 18, 2021 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



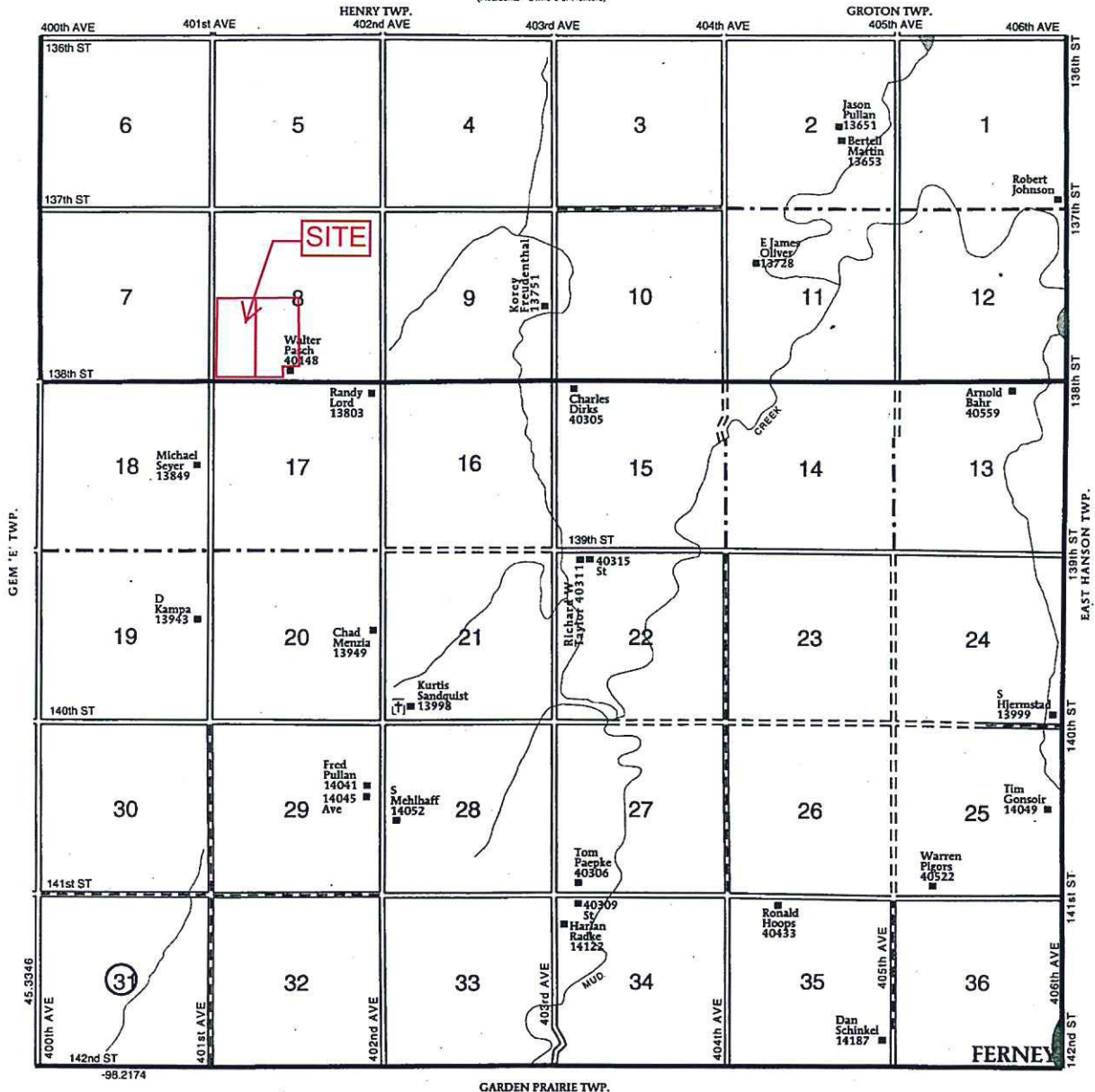
| To Convert | Multiply by | Result    |
|------------|-------------|-----------|
| ounces     | 28.3495     | grams     |
| grams      | .0353       | ounces    |
| pounds     | .4536       | kilograms |
| kilograms  | 2.2050      | pounds    |

T-122-N

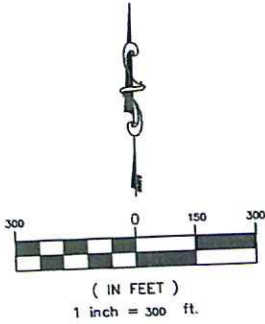
WEST HANSON DIRECTORY

R-61-W

(Residents - Owners or Renters)



# PLAT OF PASCH SECOND SUBDIVISION IN THE SW 1/4 OF SECTION 8-T122N-R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA

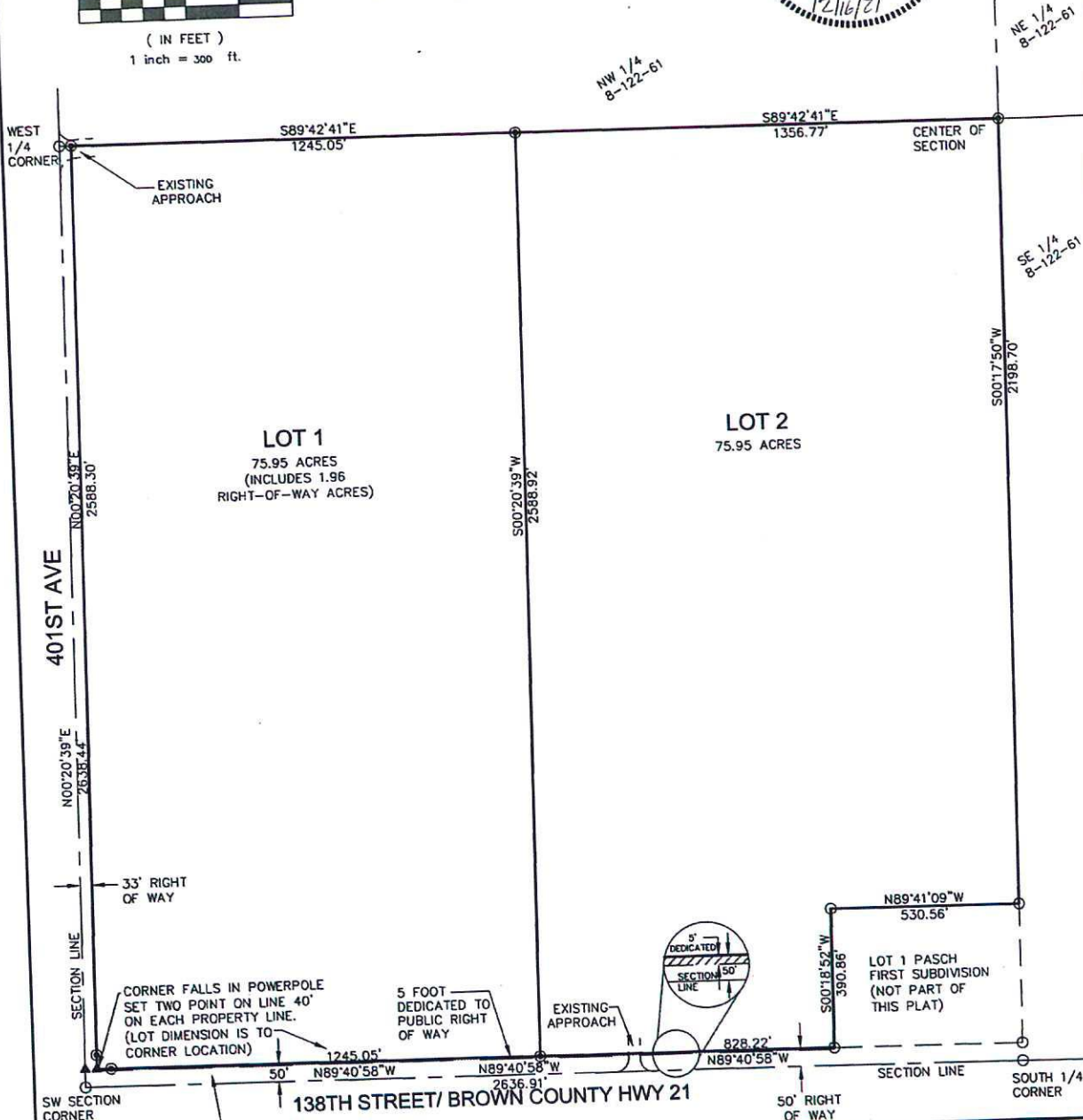


### LEGEND

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

### BASIS OF BEARINGS

GPS OBSERVATION



**LOT 1**  
75.95 ACRES  
(INCLUDES 1.96  
RIGHT-OF-WAY ACRES)

**LOT 2**  
75.95 ACRES

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

DWG. 8519-LS BY: GSK SHEET 1 OF 3

SOUTH 12 FEET OF LAND ALONG THE SW 1/4 OF SECTION 8 T122N-R61W OF THE 5TH P.M. FOR HIGHWAY PURPOSES. SAID STRIP OF LAND BEING PARALLEL AND ADJACENT TO THE PRESENT PUBLIC HIGHWAY. DEED OF RECORD BOOK 148 PAGE 57 TO BROWN COUNTY.



# PLAT OF PASCH SECOND SUBDIVISION IN THE SW 1/4 OF SECTION 8-T122N-R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA

### SURVEYOR'S CERTIFICATE


I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF ROBERT W. PASCH AND DONALD L. PASCH AS OWNER(S), AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO DECEMBER 1, 2021 SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: PASCH SECOND SUBDIVISION IN THE SW 1/4 OF SECTION 8-T122N-R61W OF THE 5TH PM BROWN COUNTY, SOUTH DAKOTA  
I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.  
DATED THIS 16<sup>th</sup> DAY OF December, 2021.

  
ROBERT K. KIESO RLS #9214

### OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS; PASCH SECOND SUBDIVISION IN THE SW 1/4 OF SECTION 8-T122N-R61W AS SHOWN BY THIS PLAT, AND WE HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.  
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 17<sup>th</sup> DAY OF December, 2021

PREVIOUSLY DESCRIBED AS: SW 1/4 OF SECTION  
8-T122N-R61W OF THE 5TH P.M., BROWN COUNTY SOUTH DAKOTA;  
EXCEPT LOT 1, PASCH FIRST SUBDIVISION IN THE SW 1/4 OF SECTION  
8-T122N-R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA.

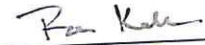
  
ROBERT W. PASCH

  
DONALD L. PASCH

### ACKNOWLEDGEMENT

STATE OF SD )  
COUNTY OF BROWN )SS

ON THIS THE 17<sup>th</sup> DAY OF December, 2021, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED ROBERT W. PASCH 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, SOUTH DAKOTA STATE

MY COMMISSION EXPIRES: 11/2/2027

### ACKNOWLEDGEMENT

STATE OF SD )  
COUNTY OF BROWN )SS

ON THIS THE 17<sup>th</sup> DAY OF December, 2021, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DONALD L. PASCH 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, SOUTH DAKOTA STATE

MY COMMISSION EXPIRES: 11/2/2027

# PLAT OF PASCH SECOND SUBDIVISION IN THE SW 1/4 OF SECTION 8-T122N-R61W 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 PASCH SECOND SUBDIVISION IN THE SW 1/4 OF SECTION 8-T122N-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 PASCH SECOND SUBDIVISION IN THE SW 1/4 OF SECTION 8-T122N-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

### HIGHWAY AUTHORITY CERTIFICATE

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

BY: \_\_\_\_\_  
HIGHWAY AUTHORITY

TITLE: \_\_\_\_\_

### DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

### TREASURER'S CERTIFICATE

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

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

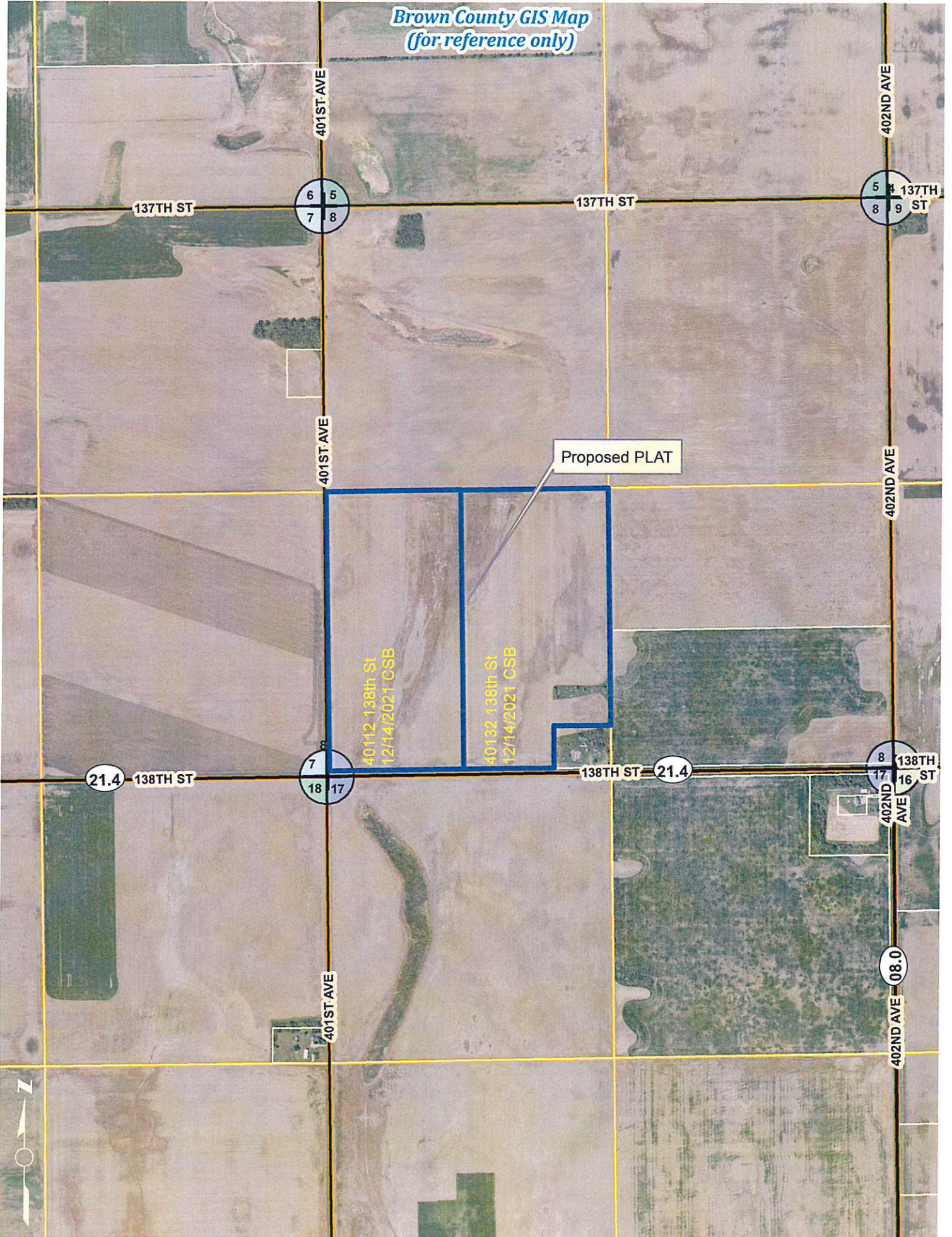
### REGISTER OF DEED'S CERTIFICATE

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

\_\_\_\_\_  
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA



*Brown County GIS Map  
(for reference only)*





*Brown County GIS Map  
(for reference only)*

401ST AVE

Proposed PLAT

40112 138th St  
12/14/2021 CSB

40132 138th St  
12/14/2021 CSB

7 8  
138TH ST 18 17

138TH ST

21.4



401ST AVE