

**Department of Transportation**  
**Division of Planning/Engineering**  
**Right of Way Program**  
**700 E Broadway Avenue**  
**Pierre, South Dakota 57501-2586**  
**605/773-3746 FAX: 605/773-4249**

June 20, 2016

Mike Behm,  
Director of Planning and Engineering  
Department of Transportation  
Pierre, South Dakota 57501

RE: June 23, 2016 Transportation Commission Agenda

Dear Mr. Behm:

The following items are recommended for Commission consideration:

1. Transfer – Hughes County

This resolution will transfer the states interest in US14P in Hughes County. Hughes County would accept ownership, jurisdiction and maintenance responsibilities of US14P.

The State's interest in portions of US Highway 14P more particularly described as:

From the east radius point of the intersection with US Highway 83 and 198 Street, between Section 11 and Section 14, east to 306 Avenue, and then south to the north radius point of the intersection of 306 Avenue and US Highway 14, between Section 13 and Section 14, Township 112 North, Range 77 West, of the 5<sup>th</sup> P.M., Hughes County, South Dakota. Total segment length is 1.071 miles.

A strip of land parallel to and adjacent to the regular public road right of way along the south side of Section 11, Township 112 North, Range 77 West of the 5th PM; said strip of land being 17 feet wide and extending from the north and south one-quarter line to the west boundary line of the public road right of way on the east side of said Section 11, Hughes County, South Dakota. Said strip of land contains 1.02 acres, more or less.

The portion of Lot H-1 lying east of Lot H3 of Lot H1 in the Southwest Quarter of Section 11, Township 112 North, Range 77 West of the 5th PM, Hughes County, South Dakota, containing 0.95 acres, more or less.

A strip of land parallel to and adjacent to the regular public road right of way along the north side of Section 14, Township 112 North, Range 77 West of the 5th P.M.; said strip of land being 17 feet wide and 2619.2 feet, more or less, long and extending from the north and south one-quarter line of said Section 14 to the west boundary line of the regular public road right of way along the east side of said Section 14, Hughes County, South Dakota. Said strip of land contains 1.02 acres, more or less.

A strip of land parallel to and adjacent to the regular public road right of way along the North side of Section 14, Township 112 North, Range 77 West of the 5th P.M.; said strip of land being 17 feet wide and 2577.3 feet, more or less, long and extending from a point, 75 feet East of the West Section line of said Section 14, to the North and South one-quarter line of said section 14, Hughes County, South Dakota. Said strip contains 1.01 acres, more or less.

Lot H3 a tract of land being a portion of highway right of way lying Southwest of Lot H1, in the Southwest Quarter (SW1/4) of Section 11, Township 112 North, range 77 West, except Lot H2 therein, of the 5<sup>th</sup> P.M., Hughes County, South Dakota, containing 0.05 acres (2,156 square feet), more or less. (See attachment).

2. Abandonment – in Hughes County:

Request Transportation Commission approval to abandon portions of South Dakota Highway 14P:

This resolution will abandon by resolution the following properties acquired for highway right-of-way:

Lot H2 in the SW1/4 of Section 12, Township 112 North, Range 77 West of the 5th P.M., Hughes County, South Dakota.

Said Lot H2 contains 0.14 acre.

The above property Lot H2 is no longer needed for highway purposes and abandonment is recommended by DOT Pierre Region/Area. (See attached plat)

3. Disposal of excess property in Pennington County.

Request Transportation Commission approval to dispose of the following DOT property in accordance with the procedures provided by SDCL 31-2-27 and ARSD chapter 10:02:01.

Lot A2 in the SW1/4 SW1/4 of Section 13, Township 1 North, Range 8 East of the B.H.M., Pennington County, South Dakota.

Appraised Value: \$1,800

Lot A2 contains 0.86 acre located southeast of Rapid City at the Hwy 44 and Anderson Road intersection. The property is excess from completed construction project P 0044(52)50, PCN 6437.

No access will be allowed from Hwy 44.

Rapid City Area DOT advises the property is not needed for future department use. (See attached plat)

4. Disposal of excess property in Pennington County.

Request Transportation Commission approval to dispose of the following DOT property in accordance with the procedures provided by SDCL 31-2-27 and ARSD chapter 10:02:01.

Lots A & B in the NW1/4 SE1/4 lying north of Highway 44 in Section 14, Township 1 North, Range 8 East of the B.H.M., Pennington County, South Dakota.

Appraised Value: \$970

Lots A & B contain 0.46 acre located southeast of Rapid City at the Hwy 44 and Apple Tree Road intersection. The property is excess from completed construction project P 0044(52)50, PCN 6437.

No access will be allowed from Hwy 44.

Rapid City Area DOT advises the property is not needed for future department use. (See attached plat)

5. Disposal of excess property in Pennington County.

Request Transportation Commission approval to dispose of the following DOT property in accordance with the procedures provided by SDCL 31-2-27 and ARSD chapter 10:02:01.

Lot E in a portion of Lot H2 in Lot A of the SW1/4 and in a portion of Lot H3 in the SW1/4, all within Section 28, Township 2 North, Range 8 East of the B.H.M., Rapid City, Pennington County, South Dakota.

Appraised Value: \$36,600

Lot E contains 1.41 acres of mostly flat grassland located in the northeast quadrant of the Dyess Avenue and Interstate 90 intersection in Rapid City. Lot E is zoned commercial, but lacks public utilities.

No access will be allowed from I90.

Rapid City Area DOT advises the property is not needed for future department use. (See attached plat)

6. Disposal of excess property in Pennington County

Request Transportation Commission approval to dispose of the following DOT property in accordance with the procedures provided by SDCL 31-2-27, and ARSD chapter 10:02:01.

Lot A in a portion of Lot H1 in the N1/2 SE1/4 of Section 30, Township 2 North, Range 8 East of the B.H.M., Pennington County, South Dakota.

The above property contains 1.43 acres located adjacent to the north side of Interstate 90 approximately one-half mile east of Lacrosse St. in Rapid City.

The South Dakota Department of Transportation desires to enter into a project settlement agreement and deed the above property to Hay Land, LLC of 3213 West Main Street, Rapid City, SD formerly FMLC, Inc.

The State and FMLC, Inc. entered into a Right of Way (ROW) Agreement, approved April 14, 2005, pursuant to Federal Aid Project No. IM 90-2(134)59. The ROW Agreement included a special condition whereby the State agreed to abandon its interest in any property no longer needed for highway purposes on the north side of Interstate 90 in the North Half of the Southeast Quarter of Section 30 Township 2N Range 9 East of the B.H.M., Pennington County, South Dakota. At the time the April 14, 2005 ROW Agreement was entered into, the State believed that its interest in Lot A was in the form of a highway easement and that once the State abandoned its interest, FMLC, Inc. would obtain title to Lot A. At the time of the 2005 ROW Agreement, FMLC, Inc. owned the property adjoining Lot A. It was subsequently learned that Lot A was owned by the United States government. The United States government had previously obtained titled to Lot A through condemnation but was not

interested in retaining its reversionary interest to Lot A. As a result, the United States government conveyed fee title interest in Lot A to the State pursuant to a warranty deed dated May 1, 2009. Lot A is no longer needed by the State for highway purposes. The parties wish to honor the intent of the 2005 ROW agreement which would result in title to Lot A being vested Hay Land, LLC, the company that purchased FMLC, Inc.'s assets. (See attached plat)

7. Condemnation – NH-PH 0018(177)104, PCN 02QC/02NH SD; Oglala Lakota County

Parcel 37A – Winston R. Nelson Life Estate

8. Abandonment of temporary construction easements– Davison County

This resolution will abandon the temporary easements on Davison County Project EM-PH 2090(21)332, PCN 010Q.

Sincerely,

Joel W. Gengler,  
Right of Way Program Manager





Drawn by: CFM Checked by: SKA  
Date: 7-30-40

SURVEYOR'S CERTIFICATE

I, E. W. Meeker Registered Land Surveyor, do hereby certify that, at the direction of the South Dakota State Highway Commission, I have surveyed the tract of land as shown on the above plat and such tract shall be hereafter known by the lot number designated above. The location and dimensions of the tract are as shown on the plat. In witness whereof, I have set my hand and seal this 30th day of July A. D., 1940

SEAL

E. W. Meeker  
REGISTERED LAND SURVEYOR.

CERTIFICATE BY OWNER

J. A. Wies owner of the SW 1/4 of Section 12 Township 112 North Range 77 West of the 5 PM in Hughes County, South Dakota, do hereby join in and approve the survey and plat of the land and the highway or road as represented and shown on the above plat; and the land therein represented and designated as LOT H-2 containing 0.14 acres more or less, as shown and represented by said survey and plat, is hereby intended for and dedicated to the public for a public highway and road, but this dedication shall not be taken to be a grant or donation of the fee of said highway or road as shown on said plat.

Witness hand and seal this 10 day of March 1943  
\_\_\_\_\_  
(SEAL) J. A. Wies (SEAL)  
\_\_\_\_\_  
(SEAL) \_\_\_\_\_ (SEAL)  
\_\_\_\_\_  
(SEAL) \_\_\_\_\_ (SEAL)

ACKNOWLEDGEMENT OF OWNER.

State of South Dakota  
County of Hughes ss.

Be it remembered that on this 10 day of March 1943 before me, the undersigned, a Notary Public, within and for the County and State aforesaid, personally appeared J. A. Wies and \_\_\_\_\_ and \_\_\_\_\_ known to me to be the person who described in and who executed the within and foregoing instrument and certificate and acknowledged to me that \_\_\_\_\_ executed the same.

SEAL.

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

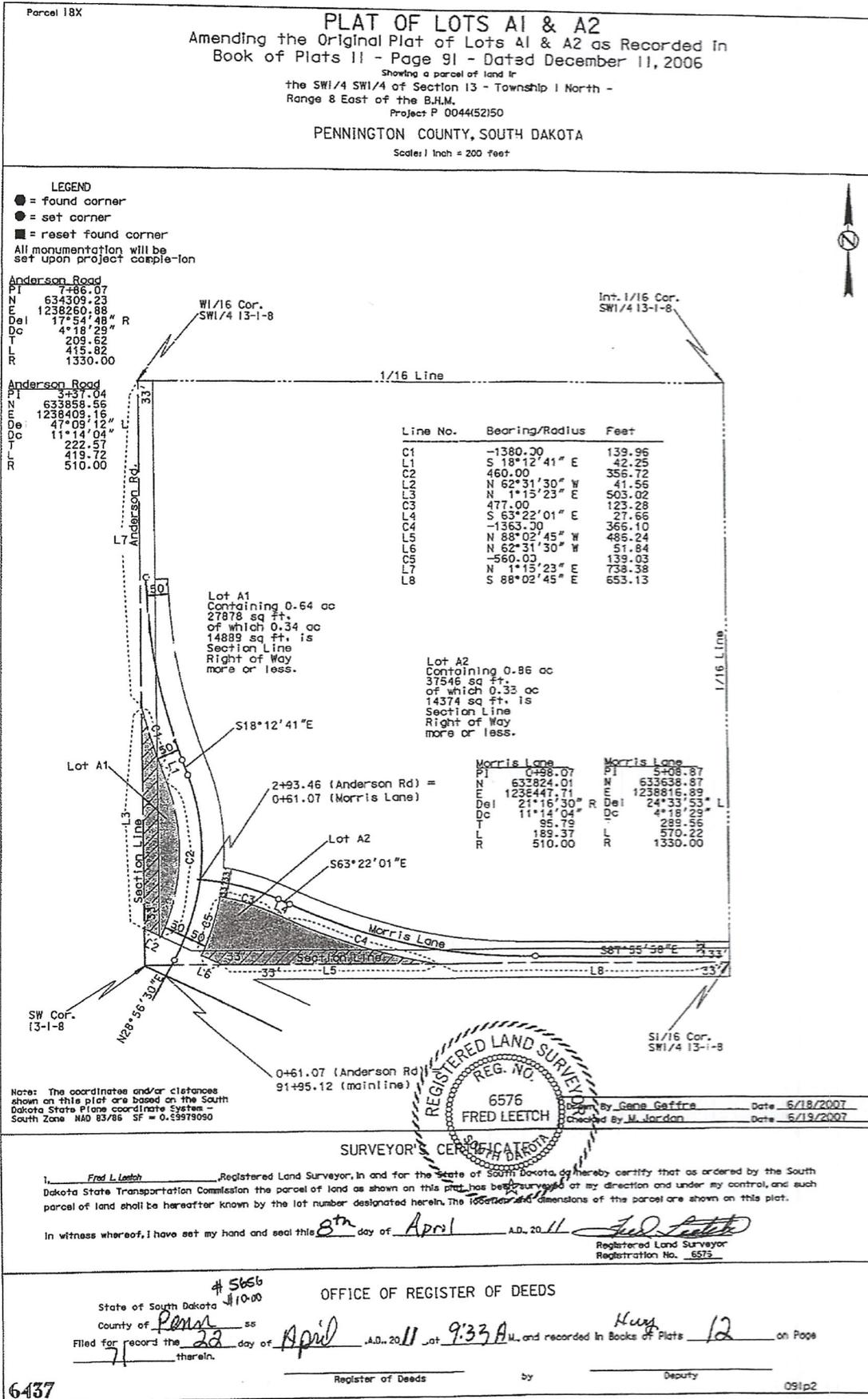
Lloyd Young  
NOTARY PUBLIC  
State of \_\_\_\_\_ County.

OFFICE OF REGISTER OF DEEDS.

State of South Dakota.  
County of Hughes ss.

Filed for record this 17th day of March A. D., 1943 at 9<sup>00</sup> A. M., and recorded in book of Plats \_\_\_\_\_ on Page \_\_\_\_\_ therein.

Fee 60¢ by E. K. Exum Register of Deeds, Deputy.

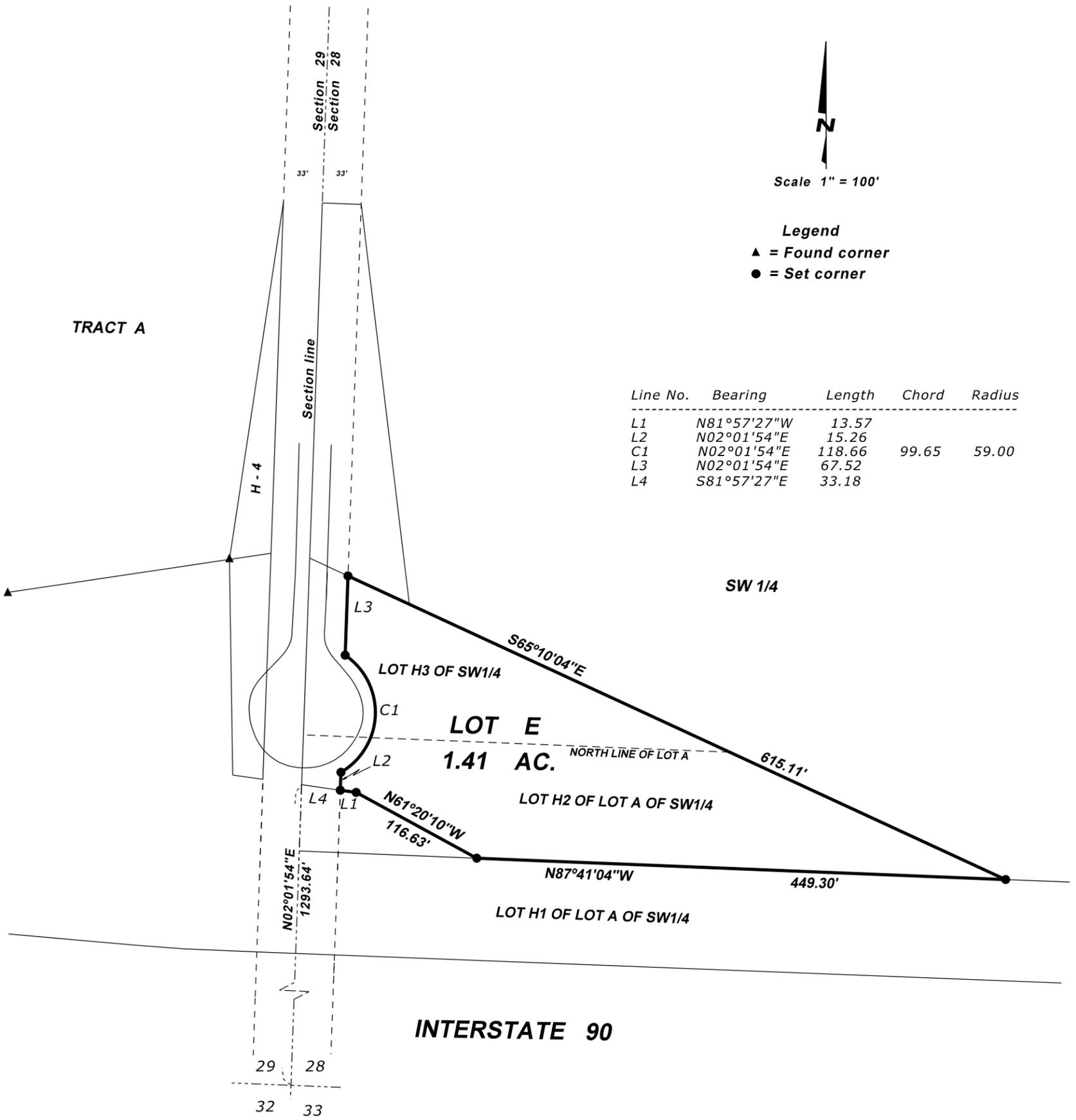




# PLAT OF LOT E

Showing a parcel of land which is in a portion of Lot H2 in lot A of the SW1/4 and in a portion of Lot H3 in the SW1/4, All within Section 28, Township 2 North - Range 8 East of the B.H.M.

RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA



**Legend**  
 ▲ = Found corner  
 ● = Set corner

Line No.	Bearing	Length	Chord	Radius
L1	N81°57'27"W	13.57		
L2	N02°01'54"E	15.26		
C1	N02°01'54"E	118.66	99.65	59.00
L3	N02°01'54"E	67.52		
L4	S81°57'27"E	33.18		

Note: The coordinates and/or distances shown on this plat are based on the South Dakota State Plane Coordinate System. South Zone NAD 83 (2011) SF = .99979378

Prepared by: Tom Buck  
 SDDOT, PO Box 1970  
 Rapid City, SD 57709  
 (605) 394-2244

### SURVEYOR'S CERTIFICATE

I, TOM BUCK, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the South Dakota Department of Transportation the parcel of land as shown on this plat has been surveyed at my direction and under my control, and such parcel of land shall be hereafter known by the lot number designated herein. The location and dimensions of the parcel are shown on this plat.

In witness whereof, I have set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_.

\_\_\_\_\_  
 Registered Land Surveyor  
 Registration No. 6779

### OFFICE OF REGISTER OF DEEDS

State of South Dakota  
 County of \_\_\_\_\_ ss  
 Filed for record the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, at \_\_\_\_\_ M., and recorded in Books of Plats \_\_\_\_\_ on Page \_\_\_\_\_ therein.  
 \_\_\_\_\_ Register of Deeds by \_\_\_\_\_ Deputy

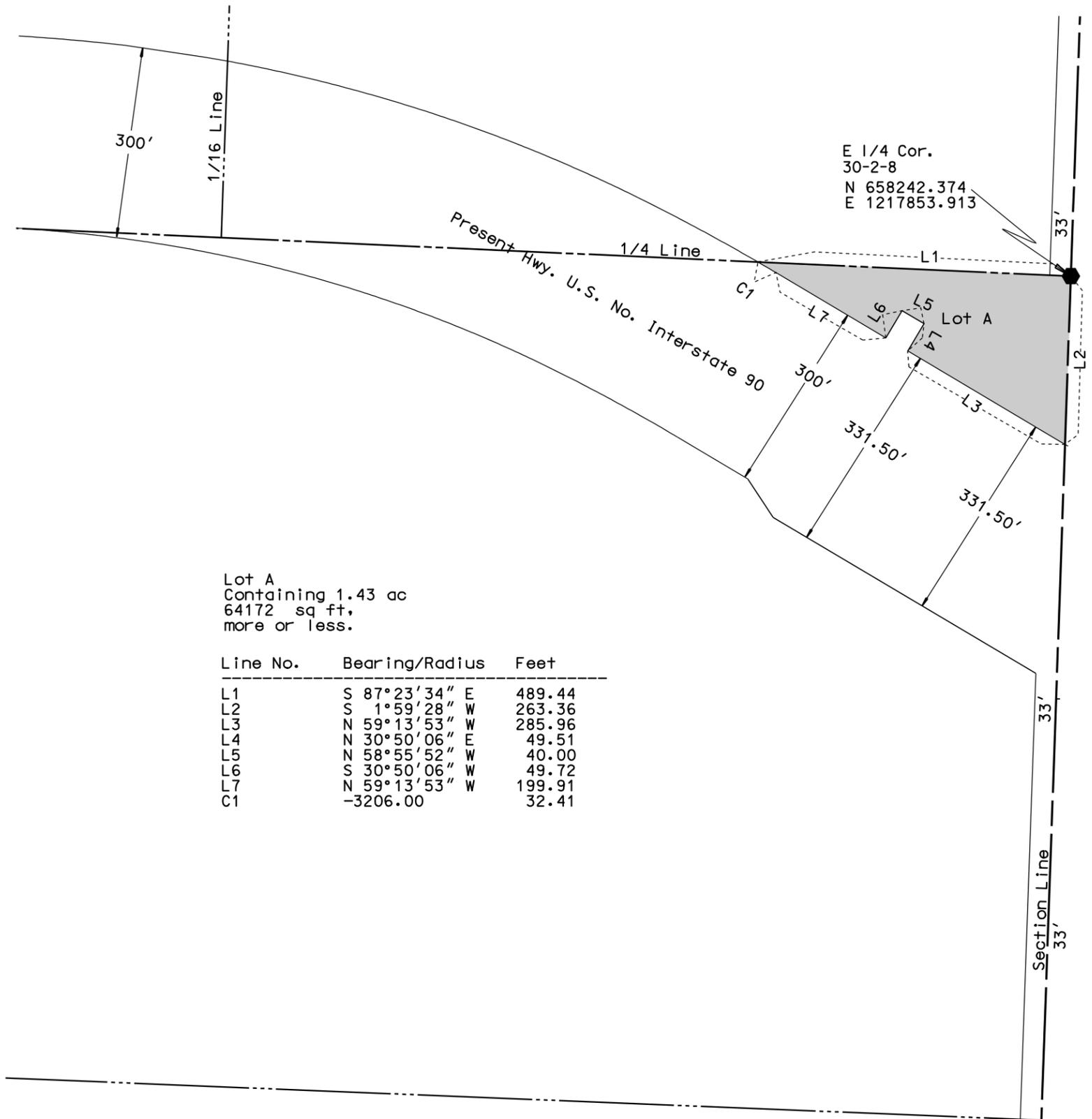
# PLAT OF LOT A

Showing a parcel of land  
in a portion of Lot H1 in the N1/2 SE1/4 of  
Section 30 - Township 2 North - Range 8 East of the B.H.M.

PENNINGTON COUNTY, SOUTH DAKOTA

Scale: 1 Inch = 200 feet

**LEGEND**  
 ● = found corner  
 ● = set corner  
 ■ = reset found corner  
 All monumentation will be set upon project completion



Lot A  
Containing 1.43 ac  
64172 sq ft,  
more or less.

Line No.	Bearing/Radius	Feet
L1	S 87° 23' 34" E	489.44
L2	S 1° 59' 28" W	263.36
L3	N 59° 13' 53" W	285.96
L4	N 30° 50' 06" E	49.51
L5	N 58° 55' 52" W	40.00
L6	S 30° 50' 06" W	49.72
L7	N 59° 13' 53" W	199.91
C1	-3206.00	32.41

Note: The coordinates, distances and areas shown on this plat are based on the South Dakota State Plane coordinate System - South Zone NAD 83/96 SF = 0.999791902

Drawn By Bill Thomas Date 9-15-09  
 Checked By Gene Geffre Date 9-15-09

## SURVEYOR'S CERTIFICATE

I, FRED LEETCH, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the South Dakota State Transportation Commission the parcel of land as shown on this plat has been surveyed at my direction and under my control, and such parcel of land shall be hereafter known by the lot number designated herein. The location and dimensions of the parcel are shown on this plat.

In witness whereof, I have set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_.

Registered Land Surveyor  
 Registration No. 6576

## OFFICE OF REGISTER OF DEEDS

State of South Dakota  
 County of \_\_\_\_\_ ss  
 Filed for record the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, at \_\_\_\_\_ M., and recorded in Books of Plats \_\_\_\_\_ on Page \_\_\_\_\_ therein.