



Division of Planning & Engineering  
Office of Right of Way  
700 E. Broadway Avenue  
Pierre, South Dakota 57501  
O: 605.773.3746  
[dot.sd.gov](http://dot.sd.gov)

January 21, 2026

Mike Behm,  
Director of Planning and Engineering  
Department of Transportation  
700 E. Broadway Avenue  
Pierre, South Dakota 57501

RE: January 29, 2026 Transportation Commission Agenda

Dear Mr. Behm:

The following items are recommended for Commission consideration:

1. Request Transportation Commission approval to transfer by resolution to the City of Hot Springs, Fall River County, South Dakota, the following property acquired for DOT right of way:

Lot H2 in Lot 9 and Outlot 9a in Block 5 of Original Town of Hot Springs, Fall River County, South Dakota. (contains 0.11 acre) (see attachments)

Lot H2 in Lot 10, Outlot 10a, Lot 11, Outlot 11a, Lot 12 and Outlot 12a in Block 18 of Petty's Addition to Hot Springs, Fall River County, South Dakota. (contains 0.29 acre)

This resolution will meet requirements of project NH 0018(184)39, PCN 03TH agreements between DOT and the City of Hot Springs. The property described above would be transferred to the City of Hot Springs and the City of Hot Springs would accept ownership, jurisdiction, operational and maintenance responsibilities of the property. DOT Rapid City Region and Custer Area recommend the transfer.

2. Request Transportation Commission approval to abandon by resolution the following property acquired for highway right of way:

Lot A in Lot H2 in the NE1/4 SE1/4 of Section 15, Township 92 North, Range 52 West of the 5th P.M., Clay County, South Dakota.

Lot A is located along Hwy 19 near the Hwy 50 intersection on the west side of Vermillion. (see attachments) DOT Mitchell Region and Yankton Area advise the above property is no longer needed for highway purposes and recommend abandonment.

3. Request Transportation Commission approval to grant a 30-foot-wide 115V transmission line permanent utility easement to East River Electric of Madison, South Dakota, within the following DOT property:

Lot BP in the NE1/4 of Section 2, Township 110 North, Range 55 West of the 5th P.M., Kingsbury County, South Dakota.

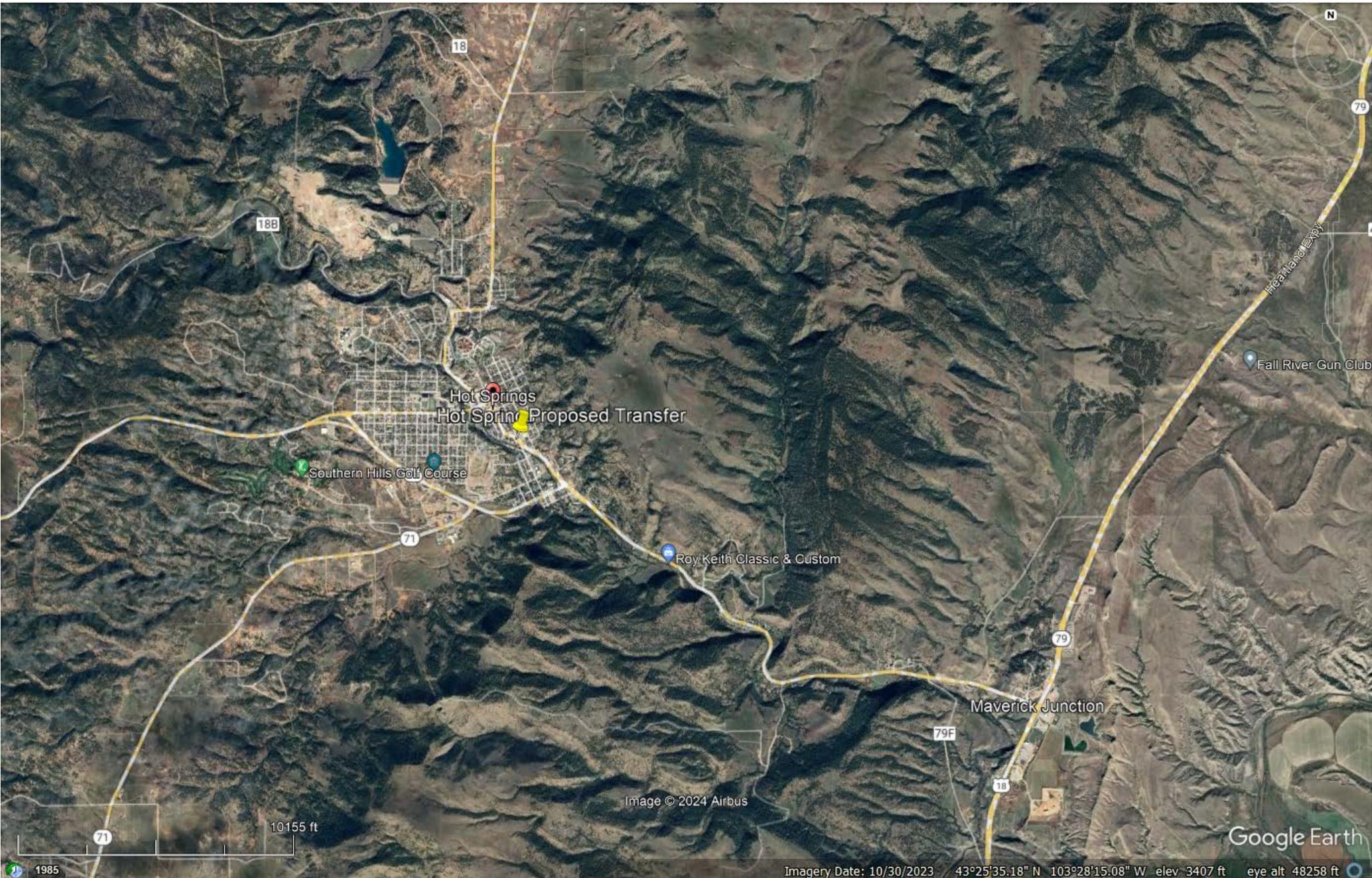
The property is located along Hwy 14 west of Lake Preston. East River Electric accepts liability and financial responsibility for the transmission line easement. All State and Federal guidelines will be followed during the construction. DOT Aberdeen Region and Huron Area recommend approval of the 115V transmission line permanent utility easement.

Sincerely,

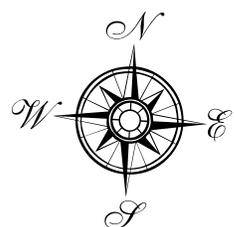
A handwritten signature in blue ink that reads "John Keyes". The signature is written in a cursive, slightly slanted style.

John Keyes, Program Manager

# ROW Item #1 Overview Map



# Proposed Transfer - City of Hot Springs



## Legend

 Commission Items



# PLAT OF LOT H2

in Lot 9 and Outlot 9a in Block 5 of Original Town of Hot Springs

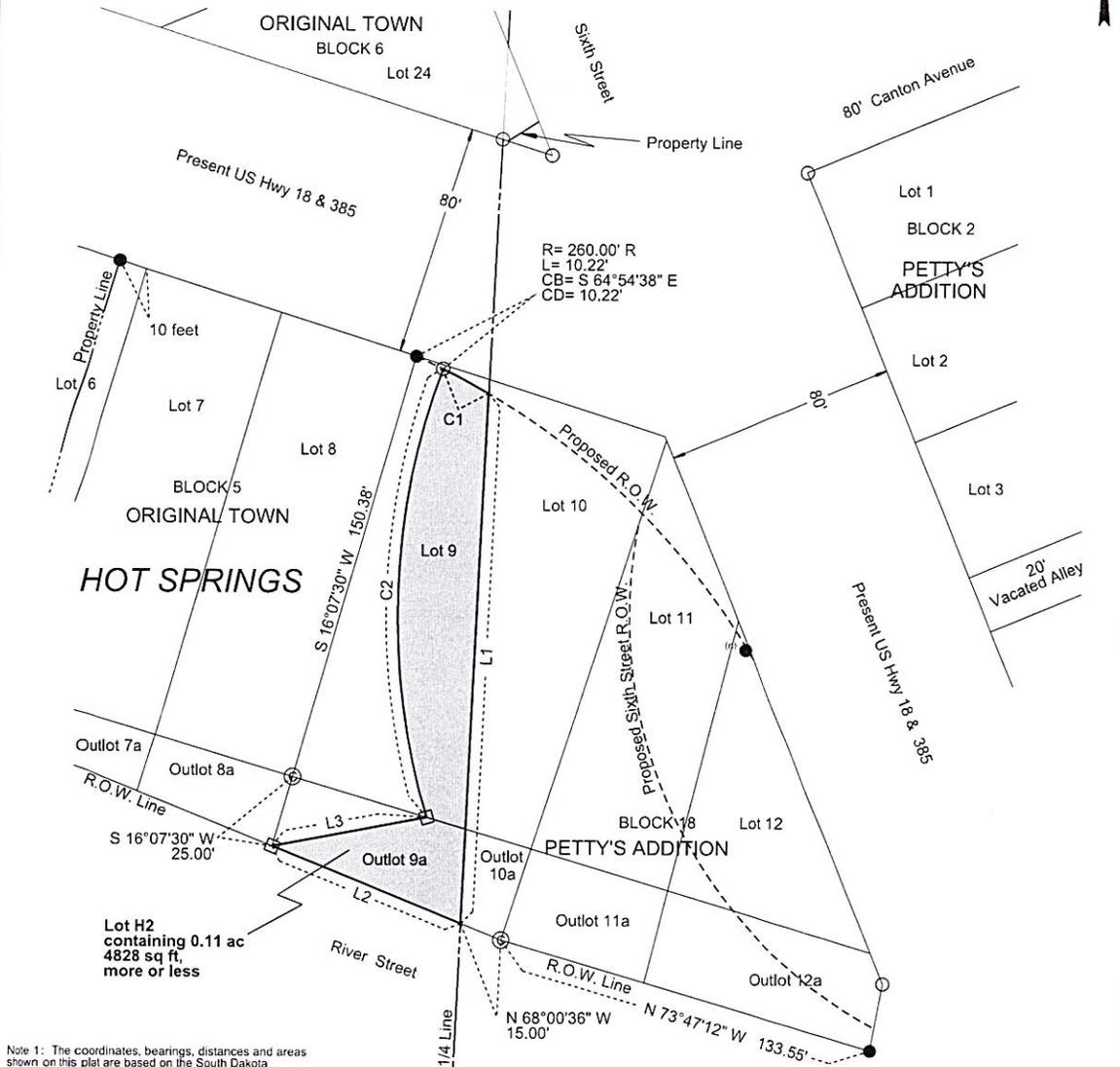
FALL RIVER COUNTY, SOUTH DAKOTA

Showing highway right of way to be transferred to the city of Hot Springs

Scale: 1 inch = 40 feet

- LEGEND**
- = found R.O.W. corner
  - = set R.O.W. corner
  - ⊙ = calculated corner
  - = set property corner
  - (n) = not used for boundary location

	Bearing	Length	Chord	Radius
C1	S 61° 48' 39" E	17.91	17.91	260.00R
L1	S 02° 39' 51" W	182.25		
L2	N 68° 00' 36" W	70.40		
L3	N 79° 10' 33" E	54.26		
C2	N 01° 44' 09" E	156.81	154.03	240.00R



Note 1: The coordinates, bearings, distances and areas shown on this plat are based on the South Dakota State Plane Coordinate System Grid North - South Zone, NAD 83/07 epoch 2002.00 Geoid 09 CSF = 0.99974953 U.S. Survey Feet

Note 2: All monumentation will be set upon project completion.

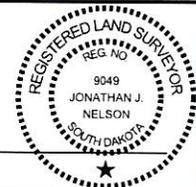
Revised Date: 09/18/2025 CLS  
 Drawn By Kimberly L. Herrman Date 01/09/2019  
 Checked By Jon Nelson Date 09/19/2025

## SURVEYOR'S CERTIFICATE

I, JONATHAN J. NELSON, 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. 9049



## 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.

03TH

Register of Deeds

by

Deputy

027p1

# PLAT OF LOT H2

in Lot 10, Outlot 10a, Lot 11, Outlot 11a, Lot 12 and Outlot 12a in Block 18 of Petty's Addition to Hot Springs

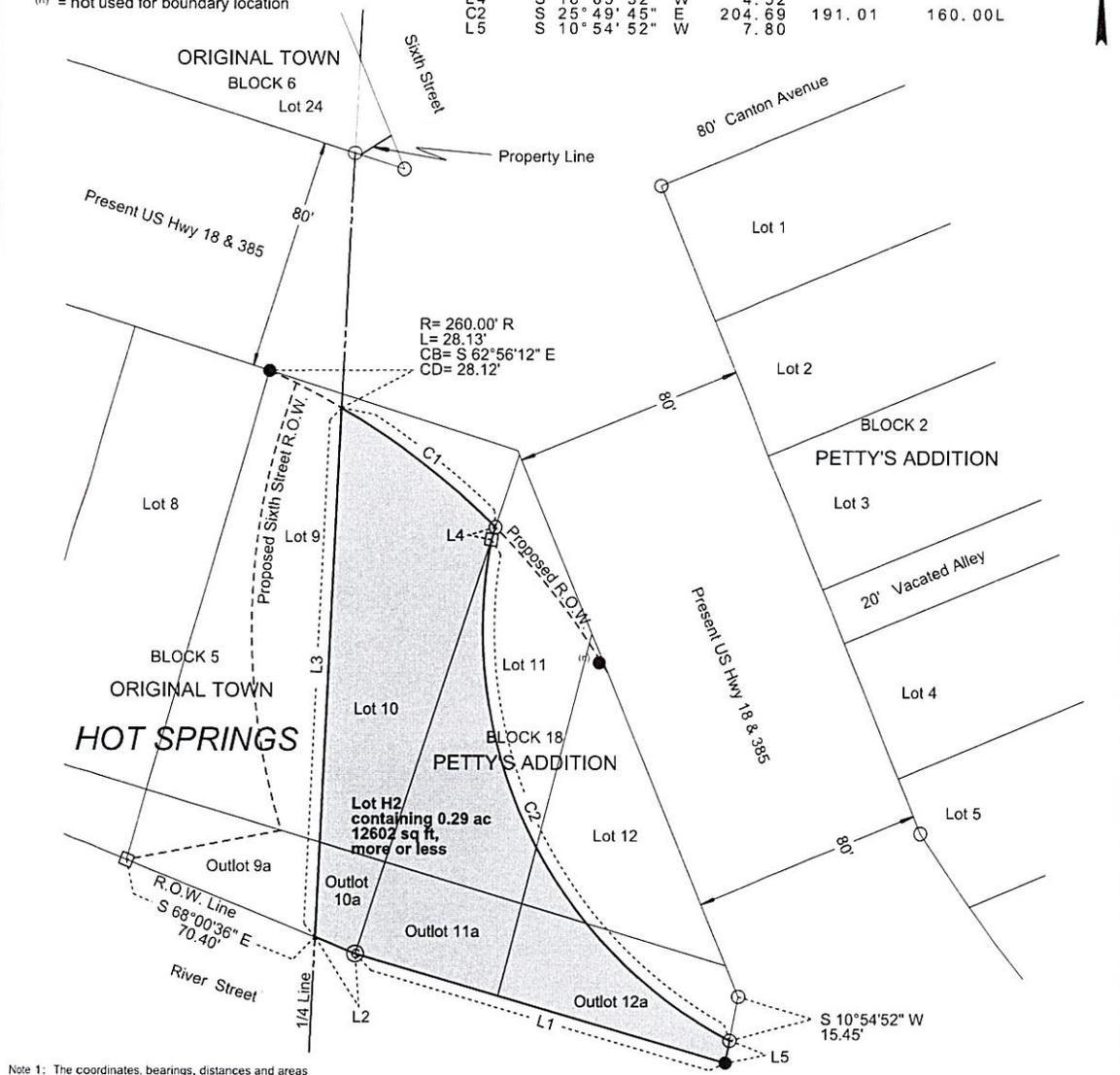
FALL RIVER COUNTY, SOUTH DAKOTA

Showing highway right of way to be transferred to the city of Hot Springs

Scale: 1 inch = 40 feet

- LEGEND**
- = found R.O.W. corner
  - = set R.O.W. corner
  - ⊙ = calculated corner
  - = set property corner
  - ⊖ = not used for boundary location

	Bearing	Length	Chord	Radius
L1	N 73° 47' 12" W	133.55		
L2	N 68° 00' 36" W	15.00		
L3	N 02° 39' 51" E	182.25		
C1	S 52° 23' 57" E	67.50	67.31	260.00R
L4	S 18° 05' 32" W	4.52		
C2	S 25° 49' 45" E	204.69	191.01	160.00L
L5	S 10° 54' 52" W	7.80		



Note 1: The coordinates, bearings, distances and areas shown on this plat are based on the South Dakota State Plane Coordinate System Grid North - South Zone, NAD 83/07 epoch 2002.00 Geoid 09 CSF = 0.99974953 U.S. Survey Feet

Note 2: All monumentation will be set upon project completion.

Revised Date: 09/18/2025 CLS

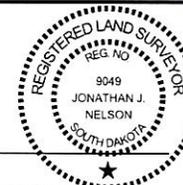
Drawn By Kimberly L. Herman Date 12/17/2018  
 Checked By Jon Nelson Date 09/19/2025

## SURVEYOR'S CERTIFICATE

I, JONATHAN J. NELSON, 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. 9049



## 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.

03TH

Register of Deeds

by

Deputy

027p4

**REAL PROPERTY TRANSFER AGREEMENT  
BETWEEN  
STATE OF SOUTH DAKOTA  
AND  
HOT SPRINGS, SOUTH DAKOTA**

This Agreement is between the State of South Dakota, acting by and through its Department of Transportation, referred to in this Agreement as the "STATE," and the city of Hot Springs, South Dakota, referred to in this Agreement as the "CITY." This Agreement is subject to approval by the South Dakota Transportation Commission ("the Commission") and will be null and void if not approved by the Commission.

**1. PURPOSE AND BACKGROUND**

The purpose of this Agreement is to transfer a certain parcel of land with operational and maintenance responsibilities from the STATE to the CITY for public highway purposes pursuant to SDCL §§ 31-19-63 and 31-19-64.

**2. REAL PROPERTY FOR WHICH OWNERSHIP IS TO BE TRANSFERRED**

A. If approved by the Commission, the STATE will transfer to the CITY by quit claim deed, pursuant to SDCL §§ 31-19-63 and SDCL 31-19-64, all of the STATE's ownership interests in and operational and maintenance responsibilities to portions of Sixth Street, referred to in this Agreement as the "Transfer Segment," located in the city of Hot Springs, South Dakota, or within the territorial jurisdiction of the city of Hot Springs, South Dakota.

B. The STATE will transfer the Transfer Segment, legally described as follows, to the CITY:

Lot H2 in Lot 9 and Outlot 9a in Block 5 of Original Town of Hot Springs, Fall River County, South Dakota; and

Lot H2 in Lot 10, Outlot 10a, Lot 11, Outlot 11a, Lot 12 and Outlot 12a in Block 18 of Petty's Addition to Hot Springs, Fall River County, South Dakota

C. The CITY will accept ownership and maintenance responsibilities of the entire Transfer Segment.

**3. THE STATE AGREES TO THE FOLLOWING:**

If approved by the Commission, the STATE will transfer the Transfer Segment to the CITY upon execution of this Agreement. The STATE will prepare the documents necessary to convey ownership of the Transfer Segment and arrange for the recording of the transfer deed.

**4. THE CITY AGREES TO THE FOLLOWING:**

The CITY will accept maintenance responsibilities of the Transfer Segment upon full execution of this Agreement. The CITY will accept ownership of the Transfer Segment upon delivery by the STATE to the CITY of the necessary documents of conveyance.

**5. INDEMNIFICATION**

The CITY will indemnify the STATE, including its officers, agents, and employees, against any and all actions, suits, damages, liability, or other proceedings that arise as a result of the CITY's performance under this Agreement. This section does not require the CITY to be responsible for or defend against claims or damages arising solely from errors or omissions of the STATE, its officers, agents, or employees.

6. MISCELLANEOUS

- A. The CITY may not assign this Agreement, in whole or in part, without the STATE's prior written consent. This Agreement may not be amended, except in writing, which writing will be expressly identified as a part of this Agreement and must be signed by an authorized representative of each of the parties.
- B. The STATE makes no representations or warranties of title for any of the property to be conveyed pursuant to this Agreement.
- C. This Agreement will be effective as of date of last signature.
- D. The CITY has designated its Mayor as the CITY's duly authorized representative and has empowered the Mayor with the authority to sign this Agreement on behalf of the CITY.

This Agreement is binding upon the signatories not as individuals but solely in their capacities as officials of their respective organizations and acknowledges proper action of the STATE and the CITY to enter into same.

City of Hot Springs, South Dakota

State of South Dakota  
Department of Transportation

By: [Signature]

By: [Signature]

Its: Mayor

Its: Secretary

Date: 12-2-25

Date: 1-20-26

Attest:

[Signature]  
City Auditor/Clerk

Approved as to Form:

/s/ Paul W. Coppock  
Special Assistant Attorney General



# ROW Item #2

## Overview Map

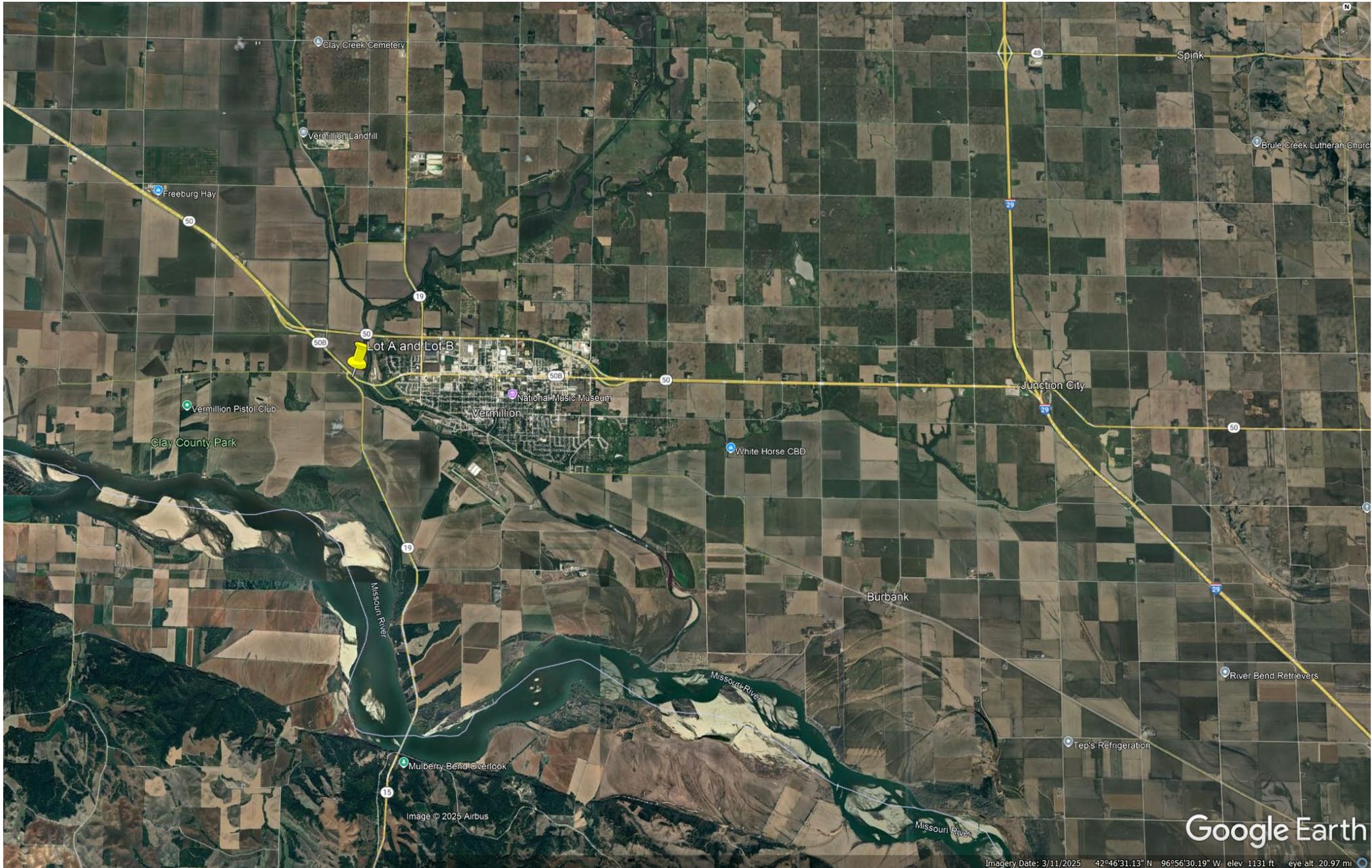
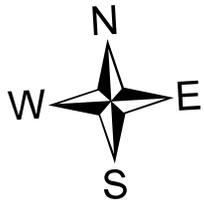


Image © 2025 Airbus

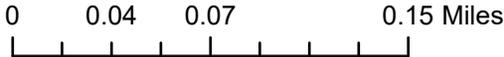
Google Earth

Imagery Date: 3/11/2025 42°46'31.13" N 96°56'30.19" W elev 1131 ft eye alt 20.97 mi

# Proposed Abandonment Clay County



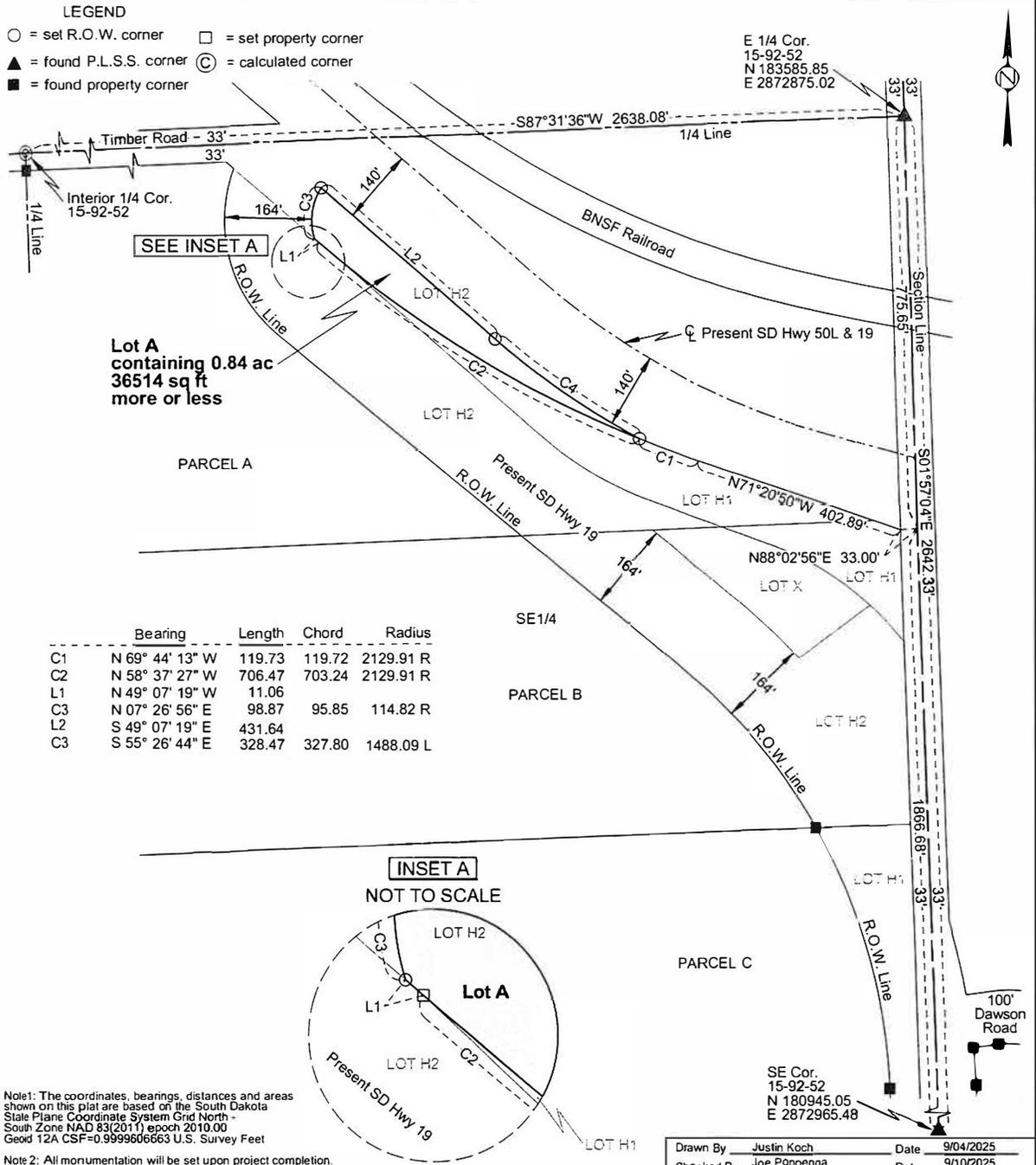
**Legend**  
 Commission Items



# PLAT OF LOT A

in Lot H2 in the NE 1/4 SE 1/4 of Section 15 - Township 92 North - Range 52 West of the 5th P.M.

CLAY COUNTY, SOUTH DAKOTA  
 Showing a parcel of land for highway purposes to be abandoned  
 Scale: 1 inch = 200 feet



## SURVEYOR'S CERTIFICATE

I, JOSEPH A. POPPENGA, 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 tract 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 10th day of September, A.D., 2025.

*Joe Poppenga*  
 Registered Land Surveyor  
 Registration No. 10140



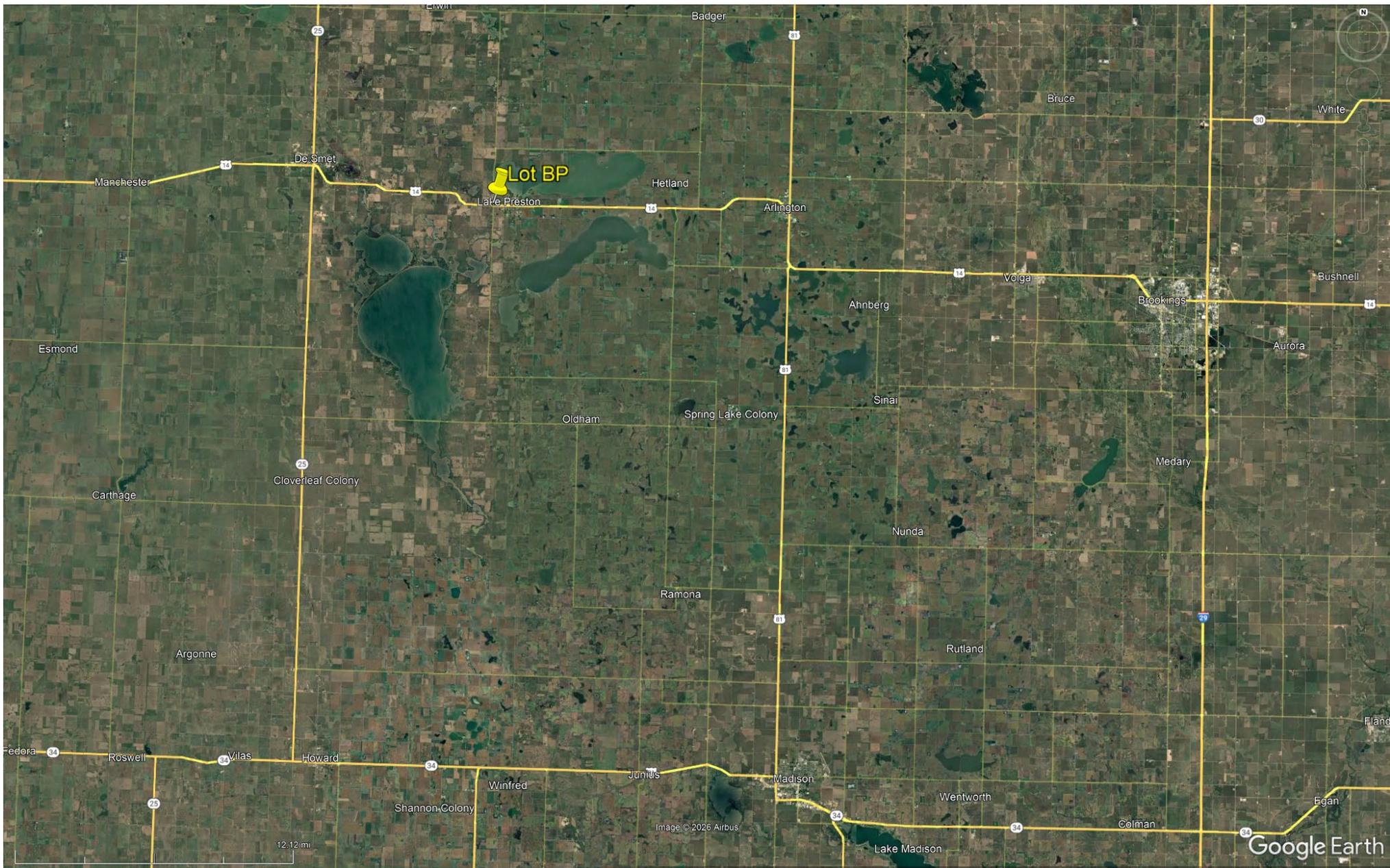
## OFFICE OF REGISTER OF DEEDS

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

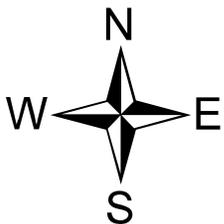
# ROW Item #3

## Overview Map



# Kingsbury County Permanent Utility Easement

ROW Item #3

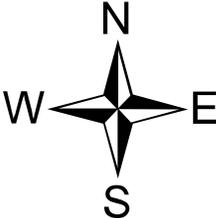
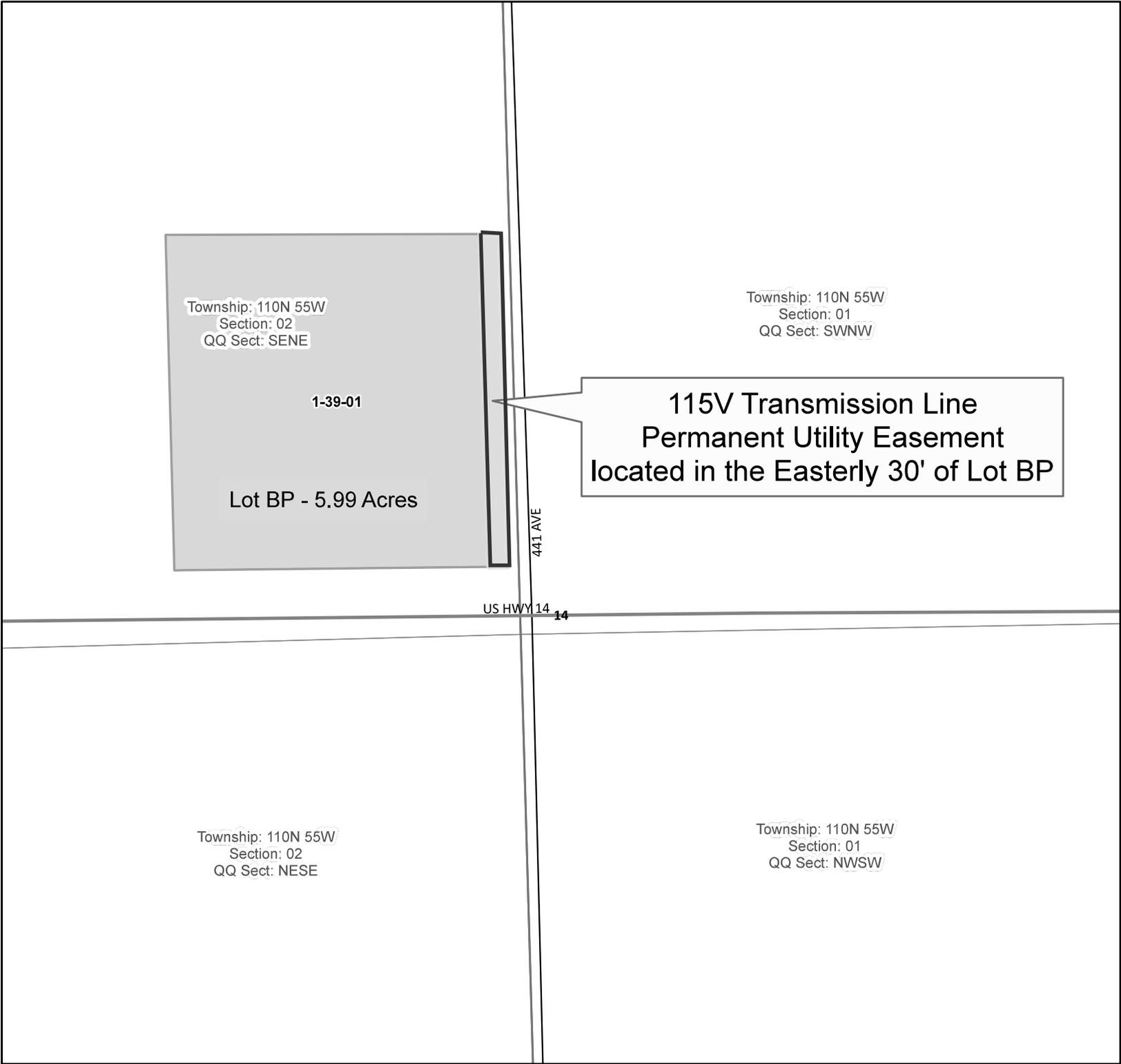


### Legend

- Commission Items
- Excess Land
- Retain

0 0.02 0.04 0.09 Miles

# Exhibit



### Legend

- Commission Items
- Excess Land
- Retain

