



## Division of Planning & Engineering

Office of Right of Way

700 E. Broadway Avenue

Pierre, South Dakota 57501

O: 605.773.3746 | F: 605.773.5867

[dot.sd.gov](http://dot.sd.gov)

September 18, 2023

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

RE: September 26, 2023 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 North Sioux City, South Dakota, the following property acquired for highway right-of-way:

Transfer Segments 1 and 2, being sections of service roads located on the westside of I-29 in and around the City of North Sioux City, South Dakota. Transfer Segment 1 is located on Streeter Drive with the limits being from the junction of North Shore Drive south to River Drive. Transfer Segment 2 is located on Sioux Point Road, with the limits being from the junction at River Drive south to Shay Road. (Exhibit A)

Transfer Segment 1 starts from a point approximately 1,610 feet northwest of the southeast corner of Section 4, Township 89 North, Range 48 West, Union County, and proceeds south to the existing junction with River Drive, where it ends at approximately 3,060 feet northeast of the southwest corner of Section 15, Township 89 North, Range 48 West, Union County. (approximately 1.98 miles in length)

Transfer Segment 2 starts from the ending point of Segment 1 and proceeds south to Shay Road ending approximately 4,080 feet southeast of the northwest corner of Section 22, Township 89 North, Range 48 West, Union County. (approximately 0.82 mile in length)

A portion of North Derby Lane and River Drive located on the east side of I-29, Union County, South Dakota. (Exhibits B and C)

This resolution will transfer DOT right of way property to the city of North Sioux City, South Dakota towards completion of Joint Powers Agreement #717790. The highway right of way described above would be transferred to the city of North Sioux City and the city of North Sioux City would accept

ownership, jurisdiction, operations, replacement, repair and maintenance responsibilities of the above-described right of way.

Mitchell Region DOT and Yankton Area DOT recommend the transfer.

2. Request Transportation Commission approval to disclaim interest in real property as described:

The SW1/4 of Section 21, Township 115 North, Range 47 West of the 5<sup>th</sup> P.M., Deuel County, South Dakota, except for Lot H1 therein.

3. 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.

Property 1)

Lot M2A of the Subdivision of Placer 107, formerly Lot M and Lot M-2 of the Subdivision of Placer 107, in the S1/2 of Section 27, Township 5 North, Range 3 East of the B.H.M., City of Deadwood, Lawrence County, South Dakota. Contains 0.67 acre.

Lot 1 being a portion of Hunter, M.S. 1295, all located in the City of Deadwood, Lawrence County, South Dakota. Contains 0.55 acre.

Lot S Shamrock Subdivision, Pluma Area; and Lot M-1 of the Subdivision of Placer 107 North of the right of way of Highway 85 that lies westerly of the main track of the Chicago, Burlington and Quincy Railroad (formerly the Deadwood Central Railroad) in Pluma Area; all located in Deadwood, Lawrence County, South Dakota, less Lot H1. Contains 0.12 acre.

Lots H1 in Lot M and Lot M-2 of the Subdivision of Placer 107, City of Deadwood, Lawrence County, South Dakota. Contains 0.05 acre.

Lot H1 in Lot S of the Shamrock Lots, consisting of a portion of M.S. 754 and M.S. 1295 and all of Lot M-1 of the Subdivision of M.S. 107; all located in the S1/2 of Section 27, Township 5 North, Range 3 East of the B.H.M., City of Deadwood, Lawrence County, South Dakota. Contains 0.17 acre.

Appraised Value: \$384,000      Total acres: 1.56

Property 2)

Lot M2B of the Subdivision of Placer 107, formerly Lot M and Lot M-2 of the Subdivision of Placer 107, in the S1/2 of Section 27, Township 5 North, Range 3 East of the B.H.M., City of Deadwood, Lawrence County, South Dakota. Contains 0.51 acre.

Appraised Value: \$31,000

The properties are located in the southwest Deadwood city limits and north of the Hwy 85/385 intersection. Access is limited to the existing access easement. All utilities are available nearby. Zoning is Commercial Highway.

Property 1 contains some steep rocky terrain with 1.25 acres of level topography encumbered by a 50-foot-wide overhead powerline and a 0.09-acre permanent access easement. Parcel 2 consists of irregular terrain including a portion of Whitewood Creek.

Rapid City Region DOT and Rapid City Area DOT advises the property is not needed for future department use.

4. Request Transportation Commission approval to grant an electric transmission line permanent easement to East River Electric Power Cooperative, Inc. of Madison, South Dakota upon the following DOT property:

The S 540' of the E 1200' of the SE1/4 of Section 33, Township 96 North, Range 49 West of the 5th P.M., Except Lot B, Lot H1 in SE1/4 33-T96-R49, and Lot H2 in the SE1/4 33-T96N-R49W, Lincoln County, South Dakota.

The above property is located approximately 7 miles east of Beresford in the northwest quadrant of the intersection of Highways 11 and 46. Granting the permanent easement along the south 30 feet of the property allows electrical transmission line poles and conductor overhang to be constructed after completion of DOT project PH 0046(65)373, PCN 04HF. The center of the single pole structures would be placed on DOT property two feet from the right of way line.

East River Electric Power Cooperative, Inc. accepts liability, financial responsibility and future maintenance for the electrical transmission line and facilities. All State and Federal guidelines will be followed during the construction.

Mitchell Region DOT and Yankton Area DOT recommend approval of permanent easement.

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

Lot 2A and Lot B in Lot H1 in the NW1/4 of Section 23, Township 104 North, Range 71 West of the 5th P.M., Brule County, South Dakota.

Mitchell Region DOT and Mitchell Area DOT advises the above property is no longer needed for highway purposes and abandonment is recommended.

6. Request Transportation Commission approval to abandon by resolution the following two permanent easement plats:

Lot PE1 in the W1/2 SE1/4 lying North of the Highway of Section 15, Township 104 North, Range 71 West of the 5th P.M., Brule County, South Dakota.

[As recorded on February 14, 2003 by Micro 03-0163, Slide 179A, in Brule County, South Dakota.]

Lot PE1 in the SE1/4 SE1/4 of Section 15, Township 104 North, Range 71 West of the 5th P.M., except Railroad Right of Way, except Outlot A and except Outlot B, Brule County, South Dakota.

[As recorded on May 9, 2003 by Micro 03-0546, Slide 183, in Brule County, South Dakota.]

The plats were created 2002 for Brule County Project P 0050(00)232, PCN 316M. However, recently completed project P 0050(111)231, PCN 6953 relocated pipe in different permanent easement locations.

The Mitchell Region DOT and Mitchell Area DOT advises the plats are no longer necessary for use in construction or maintenance of highways or for highway purposes and recommend abandonment.

7. Request Transportation Commission approval to abandon by resolution the following properties acquired for highway purposes:

DOT Codington County project S 2851 parcels 1-12 and 14-44 (see attachment).

DOT project S 2851 was cancelled in the mid-1970's. The above parcels are located beginning approximately 4 miles west of Interstate 29 Exit 193 and continue approximately 11½ miles west to Hwy 20. Parcel 13 is owned by SD GFP.

Aberdeen Region DOT and Watertown Area DOT advises the properties are no longer needed for highway purposes and abandonment is recommended.

Sincerely,



John Keyes, Program Manager



**JOINT POWERS AGREEMENT FOR TRANSFER OF RIGHT OF WAY, JURISDICTION,  
OPERATION AND MAINTENANCE FROM  
STATE OF SOUTH DAKOTA  
TO CITY OF  
NORTH SIOUX CITY, 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 North Sioux City, South Dakota, referred to in this Agreement as the "CITY." The parties acknowledge and agree that the transfer of highway right of way under this Agreement is subject to approval by the South Dakota Transportation Commission ("the Commission"). The parties also acknowledge and agree that this Agreement involves removing segments of service roads from the ownership and jurisdiction responsibility from the STATE to the CITY. If the right of way transfer is not approved by a resolution of the Commission, this Agreement will become null and void and of no effect whatsoever.

**1. PURPOSE AND BACKGROUND**

There are two segments of service roads under the ownership and jurisdiction of the STATE that no longer serve as state highway and it is desirable to transfer these segments to the CITY. The first section is located on Streeter Drive, with the limits being from the junction of North Shore Drive south to River Drive, herein called "TRANSFER SEGMENT 1." The second segment is located on Sioux Point Road, with the limits being from the junction at River Drive south to Shay Road, herein called "TRANSFER SEGMENT 2." Because these segments are not functioning as state highways, but instead are functioning as local streets, the parties wish to transfer all responsibility for these segments from the STATE to the CITY.

The purpose of this Agreement is to transfer highway right-of-way and also transfer jurisdiction, operations, replacement, repair and maintenance responsibilities for TRANSFER SEGMENT 1 and TRANSFER SEGMENT 2 from the STATE to the CITY. This Agreement is a joint powers agreement authorized by SDCL Ch. 1-24. The transfer of highway right-of-way will be for public highway purposes pursuant to SDCL §§ 31-19-63 and 31-19-64.

**2. TRANSFER OF JURISDICTION AND OTHER RESPONSIBILITIES**

The CITY will perform all jurisdictional, operational, replacement, repair, and maintenance responsibilities for TRANSFER SEGMENT 1 and TRANSFER SEGMENT 2, referred to in this Agreement as the "Transfer Segments," in and around the city of North Sioux City, South Dakota. The Transfer Segments are highlighted in blue in the aerial photo attached as **Exhibit A**, which is incorporated into and made a part of this Agreement. The Transfer Segments are sections of service roads located on the westside of Interstate 29 ("I-29"). TRANSFER SEGMENT 1 starts from a point approximately 1,610 feet northwest of the southeast corner of Section 4, Township 89 North, Range 48 West in Union County, and proceeds south to the existing junction with River Drive, where it ends at approximately 3,060 feet northeast of the southwest corner of Section 15, Township 89 North, Range 48 West in Union County. TRANSFER SEGMENT 1 is approximately 1.98 miles in length. TRANSFER SEGMENT 2 starts at the same ending point of TRANSFER SEGMENT 1 and proceeds south to Shay Road and ends at approximately 4,080 feet southeast of the northwest corner of Section 22, Township 89 North, Range 48 West in Union County. TRANSFER SEGMENT 2 is approximately 0.82 miles in length.



The City's jurisdictional, operational, replacement, repair and maintenance responsibilities for the Transfer Segments will commence immediately upon the execution of the right of way documents by the STATE. STATE will commence transfer of the Transfer Segments upon approval of the transfer by the Commission.

**3. TRANSFER OF RIGHT OF WAY**

In addition to the transfer of jurisdictional responsibilities of the Transfer Segments, the parties also wish to transfer highway right of way (ROW) located on roads on the east side of I-29, the jurisdiction of which was previously transferred from the STATE to the CITY. The highway ROW is located on North Derby Lane and on River Drive. The real property the parties wish to transfer is highlighted in blue on the attached **Exhibit B**, **Exhibit C**, and **Exhibit D**, which are incorporated into and made a part of this Agreement. If approved by the Commission, the STATE will transfer the real property, legally described as follows, to the CITY:

**TRANSFER SEGMENT 1:**

**Parcel of Land – Lot A in Lot H1**

Legal Description: Plat of Lot A in Highway Lot H1 of the N1/2 of Government Lot 1, Section 4, Township 89 North, Range 48 West of the 5<sup>th</sup> P.M., North Sioux City in Union County, South Dakota, The plat of Lot A of Lot H1 will be filed for record upon execution of this agreement and approval by the Transportation Commission for the transfer.

**North Derby Lane:**

**Parcel 8 – Lot H1**

Legal Description: Lot H1 in the S1/2 NE1/4 of Section 15, Township 89 North, Range 48 West of the 5<sup>th</sup> P.M., North Sioux City in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 140.

**River Drive:**

**Parcel 1 – Lot H1**

Legal Description: Bergstrom Tract 1 in the NW1/4 of Section 14, Township 89 North, Range 48 West of the 5<sup>th</sup> P.M., in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 151.

**Parcel 2 – Lot H1**

Legal Description: Lot 10, in Block 6, Original Plat of Stevens, now North Sioux City, in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 152.

**Parcel 3 – Lot H1**

Legal Description: Lot H1 in Lot 10, Block 7, Original Plat of the Town of Stevens, now the City of North Sioux City in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 137.

**Parcel 4 – Lot H1**

Legal Description: Lot 11, in Block 7, Original Town of Stevens, now North Sioux City in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 153.

**Parcel 5 – Lot H1**

Legal Description: Lots 18 and 19, in Block 8, Original Town of Stevens, now North Sioux City in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 154.

**Parcel 6 – Lot H1**

Legal Description: Lot H1 in Lot "C" of the SE1/4 NW1/4 of Section 15, Township 89 North, Range 48 West of the 5<sup>th</sup> P.M., now North Sioux City in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 138.

**Parcel 7 – Lot H1**

Legal Description: Lot H1 in Replat of Taylor Tract 1 of previously platted Lot "A" in the NE1/4 SW1/4 of Section 15, Township 89 North, Range 48 West of the 5<sup>th</sup> P.M., North Sioux City, in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 139.

**Parcel 9 – Lot H1**

Legal Description: Lot H1 in Lot "S" in the NW1/4 SE1/4 of Section 15, Township 89 North, Range 48 West of the 5<sup>th</sup> P.M., North Sioux City in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 141.

**Parcel 10 – Lot H1**

Legal Description: Lot H1 in A parcel described as: commencing at a point 20 rods East of the Northwest Corner of the SE1/4 of Section 15, Township 89 North, Range 48 West of the 5<sup>th</sup> P.M., North Sioux City, thence South 40 rods; thence East 20 rods; thence North 40 rods; thence West 20 rods to the place of beginning in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 141A.

**Parcel 11 – Lot H1**

Legal Description: Lot H1 in A parcel described as: commencing at the Southwest Corner of the NW1/4 of Section 14, Township 89 North, Range 48 West of the 5<sup>th</sup> P.M., North Sioux City, thence North 330 feet; thence East 132 feet; thence South 330 feet; thence West 132 feet to the place of beginning, in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 142.

**Parcel 12 – Lot H1**

Legal Description: Lot H1 in Lot 11, Block 6, Original Town of Stevens, now North Sioux City, in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 142A.

**Parcel 14 – Lot H1**

Legal Description: Lot H1 in Lot 20, Block 8, Stevens, now North Sioux City, in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 144.

**Parcel 15 – Lot H1**

Legal Description: Lots H1 in Lots 2 and 3, Bruneau's Addition to North Sioux City, in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 145.



**Parcel 16 – Lot H2**

Legal Description: Lot H2 in A parcel described as commencing at the Southwest Corner of Government Lot 2, Section 14, Township 89 North, Range 48 West of the 5<sup>th</sup> P.M., North Sioux City, running thence North along the West line of said lot to a point 21 feet South of the Northeast corner of Government Lot 3 in said section; thence Easterly at an interior angle of 111 degrees 58 minutes, a distance of 438 feet; thence Southerly at an interior angle of 107 degrees a distance of 148 feet to the Big Sioux River; thence Southwesterly along said river to place of beginning, less E-14 in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 146.

**Parcel 17 – Lot H3**

Legal Description: Lot H3 in A parcel described as commencing at the Southwest Corner of Government Lot 2, Section 14, Township 89 North, Range 48 West of the 5<sup>th</sup> P.M., North Sioux City, running thence North along the West line of said lot to a point 21 feet South of the Northeast corner of Government Lot 3 in said section; thence Easterly at an interior angle of 111 degrees 58 minutes, a distance of 438 feet; thence Southerly at an interior angle of 107 degrees a distance of 148 feet to the Big Sioux River; thence Southwesterly along said river to place of beginning, less E-14, in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 147.

**Parcel 18 – Lot H1**

Legal Description: Lot H1 in that part of Lot 1 lying west of a straight line running parallel with the west line of said Lot 1 commencing at the Northwest corner of Lot 10 and extending to the point of intersection of said line with the north line of River Drive, except Lot A of Lot 1, all in Bruneau's Addition to North Sioux City, in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 148.

**Parcel 19 – Lot H1**

Legal Description: Lot H1 in Lot B of Lot 1 of Bruneau's Addition to North Sioux City in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 149.

**Parcel 20 – Lot H1**

Legal Description: Lot H1 in Lot 11 in Bruneau's Addition to North Sioux City, in Union County, South Dakota, according to the plats filed for record in Book 12 of Plats on page 150.

The transfer of the above-referenced right of way will be by quit claim deed(s) and will be for highway purposes only, pursuant to SDCL §§ 31-19-63 and 31-19-64. The STATE will prepare the deed(s) and will arrange for the recording of the deed(s) with the Union County Register of Deeds. I-29 is a controlled access facility pursuant to SDCL Ch. 31-8. In the deed(s), the STATE will reserve the right to completely control access to and from any interstate system (I-29) right of way parcels which abut River Drive, Streeter Drive and Sioux Point Road. The STATE will relinquish its right to control access to and from the parcels which abut River Drive, Streeter Drive and Sioux Point Road to the CITY by way of a Resolution of Abandonment submitted to and approved by the South Dakota Transportation Commission. In the deed(s), the STATE will, pursuant to SDCL Ch. 31-8, et al., reserve for the STATE the right to completely control access between the interstate system (I-29) and TRANSFER SEGMENT 1, TRANSFER SEGMENT 2, and any parcels abutting the interstate system. The STATE will deliver the executed deed(s) to the CITY after the execution of this Agreement. The control of access which remains after the relinquishment or abandonment by the STATE is demonstrated



on **EXHIBIT F**, **EXHIBIT G**, and **EXHIBIT H**, which are incorporated into and made part of this Agreement.

#### **4. PAYMENT OF HIGHWAY FUNDS**

There are current and future improvements needed on the Transfer Segments that both the STATE and the CITY agree need to be completed for the functionality and performance of the Transfer Segments and the I-29 corridor. These improvements and accompanying costs include, but are not limited to, mill and asphalt overlay resurfacing of TRANSFER SEGMENT 1; mill and asphalt overlay resurfacing of TRANSFER SEGMENT 2; and partial costs for realignment of TRANSFER SEGMENT 1 (Streeter Drive) to change the south termini junction with River Drive and TRANSFER SEGMENT 2 (Sioux Point Road) to change the north termini junction with River Drive as shown in Exhibit A. As part of the consideration for these improvements and the CITY's acceptance of responsibilities under this Agreement, the STATE will pay the CITY Three Million Dollars (\$3,000,000.00) in STATE highway funds. The CITY will use these funds for highway purposes only. The STATE will make the payment in a single lump sum. The STATE will make the payment after the following steps have been completed: (1) this Agreement has been fully executed, and (2) the transfer of rights of way under this Agreement has been approved by the Commission and have been filed at the courthouse by the STATE. The CITY will be responsible for any and all design, materials, and construction related expenses for these improvements and will be at the CITY's sole cost and expense. The STATE'S conveyance of Three Million Dollars (\$3,000,000.00) constitutes full and complete payment for acceptance of ownership and any ROW by the CITY.

The CITY will keep detailed records, accounts, invoices and other supporting documents pertaining to the use of the funds paid by the STATE to the CITY under this Agreement. Upon reasonable notice, the CITY will allow the STATE'S officials, agents and employees to examine and copy all such records, accounts, invoices and other supporting documents. CITY will use all funds noted in Section 4., above, to pay for improvement for the Transfer Segments. No part of this deposit will revert to CITY'S general funds, nor will any portion of this deposit be used for any other purpose. If there are any funds remaining from the payment from the STATE, these funds can only be used on construction and maintenance of highways and bridges under CITY'S jurisdiction and control.

#### **5. TRANSFER SEGMENT RIGHT-OF-WAY**

Except as specifically set forth in this paragraph, the CITY will perform all jurisdictional, operational, replacement, repair, and maintenance responsibilities for the Transfer Segments, even though they are primarily located within the I-29 right of way owned by the STATE. The CITY'S responsibilities include, but are not limited to, snow removal, signing, pavement marking, mowing, road surface repairs, ditch and drainage management, fencing, traffic control, and other activities relating to the public's use of the Transfer Segments. For utility permit requests and access permit requests relating to the Transfer Segments, the CITY will consider the approval or denial of any permit to occupy the right of way, and the STATE must concur in the approval or denial of any permit. The parties agree that there will be no transfer of right of way related to the Transfer Segments except as listed Section 3 of this Agreement. Any Transfer Segment right of way currently owned by the STATE will remain in the STATE'S ownership. If improvements are needed on I-29 that cause the Transfer Segments to be relocated, the STATE will pay for relocation of said Transfer Segments.

**6. CITY AUTHORIZATION.**

The CITY has provided the STATE with a true and correct copy of the Resolution of the CITY'S governing body authorizing the CITY to enter into this Agreement and empowering the Mayor to sign this Agreement on behalf of the CITY. A copy of this Resolution is attached to this Agreement as **Exhibit E**.

**7. INDEMNIFICATION**

The CITY will indemnify the STATE, 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 including maintenance of the Transfer Segments.

**8. 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. The effective date of this Agreement will be the date of last signature.

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.

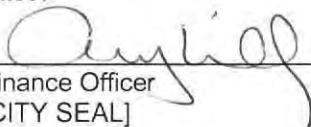
City of North Sioux City, South Dakota

By: 

Its: Mayor

Date: 10-20-21

Attest:

  
Finance Officer  
[CITY SEAL]

State of South Dakota  
Department of Transportation

By: 

Its: Secretary

Date: 10-28-21

Approved as to Form:

/s/ Dustin W. DeBoer  
Special Assistant Attorney General



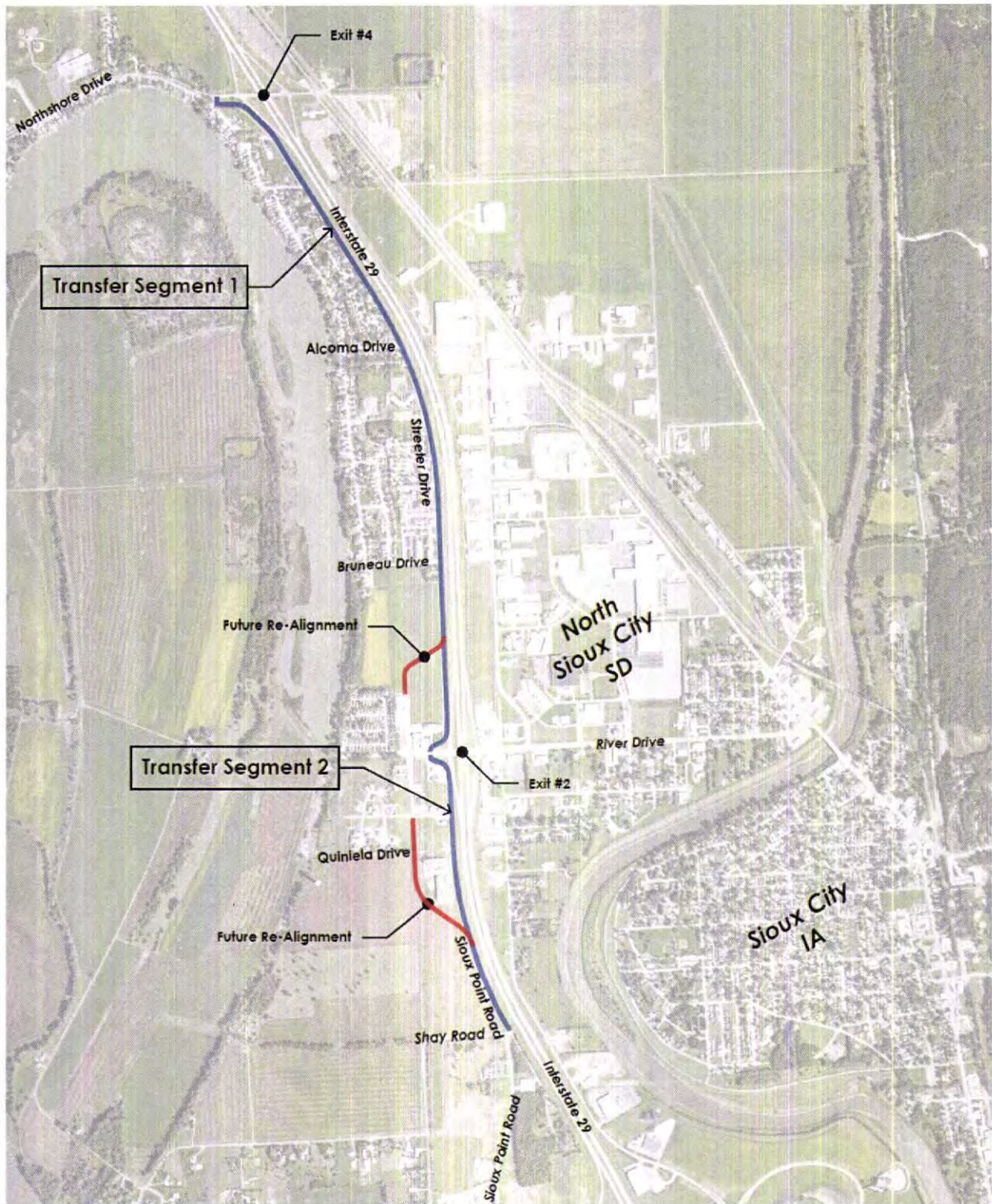


Exhibit A



NDS



9/22/2020 SB No: 19025



EXHIBIT A



ROW Item #1

Proposed Transfer - Parcels 6, 7, 8, 9, & 10 - River Dr. / Derby Ln.



Legend

Proposed Transfer

EXHIBIT B



Proposed Transfer - River Dr.



Legend


 Proposed Transfer

EXHIBIT C



## Proposed Transfer - Lot A - North Sioux City



### Legend


 Proposed Transfer

Exhibit D



RESOLUTION  
#2020-08

**A RESOLUTION APPROVING THE TRANSFER OF STREETER DRIVE AND SIOUX POINT ROAD AND AUTHORIZING THE MAYOR AND FINANCE OFFICER TO EXECUTE ANY AND ALL DOCUMENTS PERTAINING TO SAID TRANSFER**

WHEREAS, the City of North Sioux City desires to approve the acceptance of the transfer of Streeter Drive from Northshore Drive to River Drive and Sioux Point Road from River Drive to Shay Road from the South Dakota Department of Transportation pursuant to the Joint Powers Agreement for Transfer of Right of Way, Jurisdiction, Operation and Maintenance attached hereto; and

WHEREAS, this transfer of Streeter Drive from Northshore Drive to River Drive and Sioux Point Road from River Drive to Shay Road from the South Dakota Department of Transportation to the City of North Sioux City is statutorily authorized pursuant to SDCL 6-5-5; and

WHEREAS, the City of North Sioux City, desires to authorize the Mayor and Finance Officer to sign any and all documents pertaining to the transfer of Streeter Drive from Northshore Drive to River Drive and Sioux Point Road from River Drive to Shay Road from the South Dakota Department of Transportation; and

NOW, THEREFORE, BE IT RESOLVED by the City of North Sioux City, that the City of North Sioux City shall enter into a Transfer Agreement with the South Dakota Department of Transportation regarding Streeter Drive and Sioux Point Road, which transfer is statutorily authorized by SDCL 6-5-5.

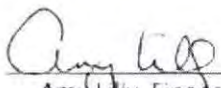
BE IT FURTHER RESOLVED that Rodd Slater and Amy Lilly, as Mayor and Finance Officer of the City of North Sioux City, are hereby authorized to execute the Road Transfer Agreement in the name of the City of North Sioux City any and all documents pertaining to the transfer of Streeter Drive from Northshore Drive to River Drive and Sioux Point Road from River Drive to Shay Road.

Dated this 21<sup>st</sup> day of December, 2020.

CITY OF NORTH SIOUX CITY

  
\_\_\_\_\_  
Rodd Slater, Mayor

ATTEST:

  
\_\_\_\_\_  
Amy Lilly, Finance Officer

Published: 1/28/21

Exhibit E

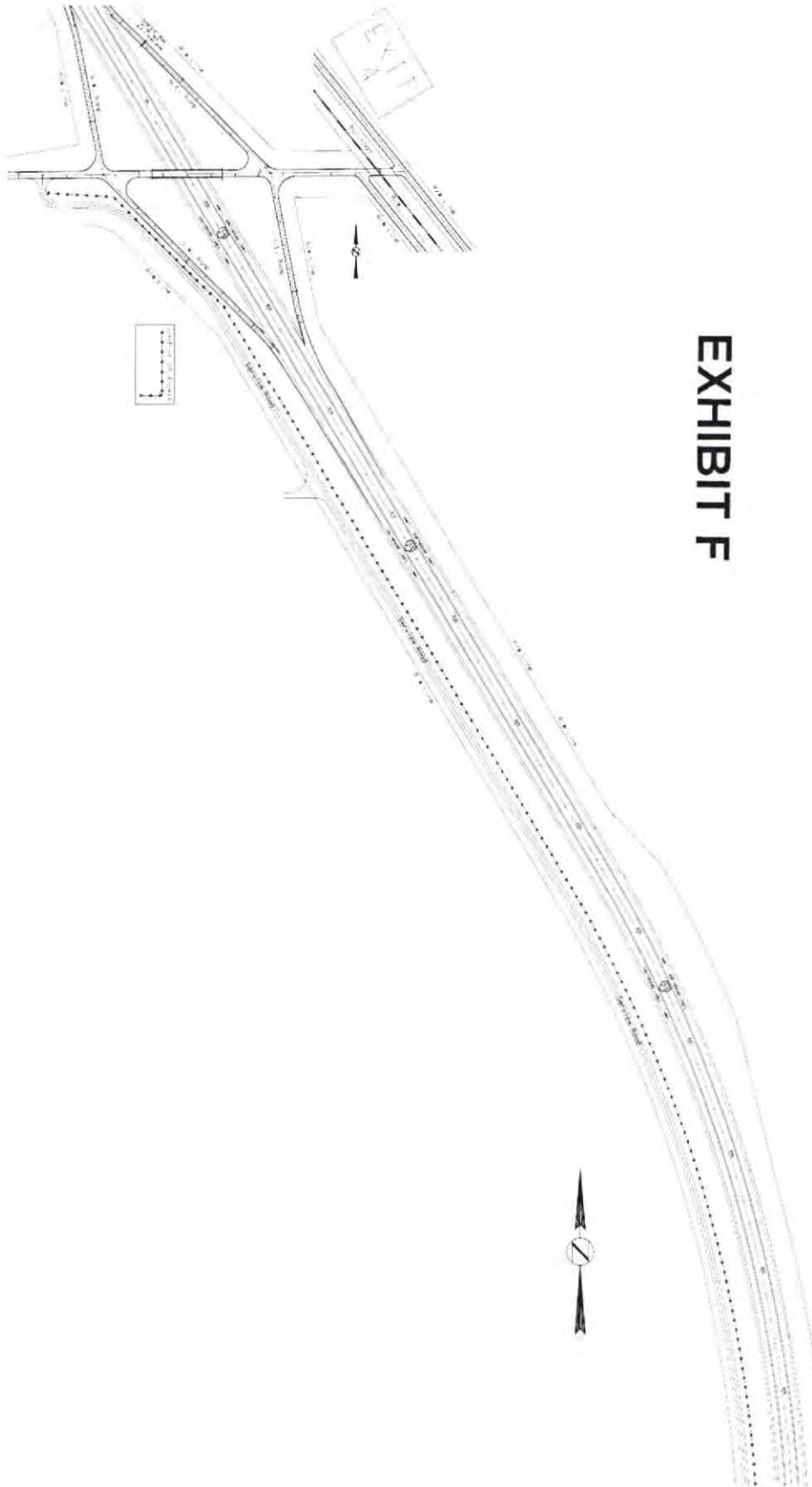
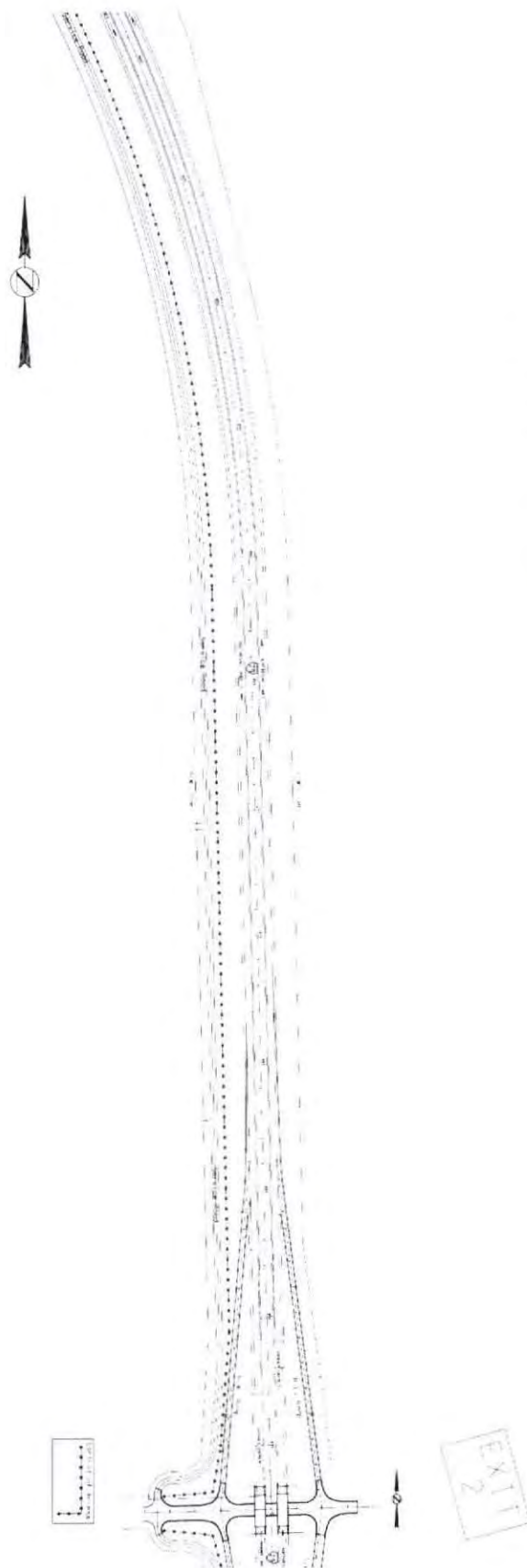
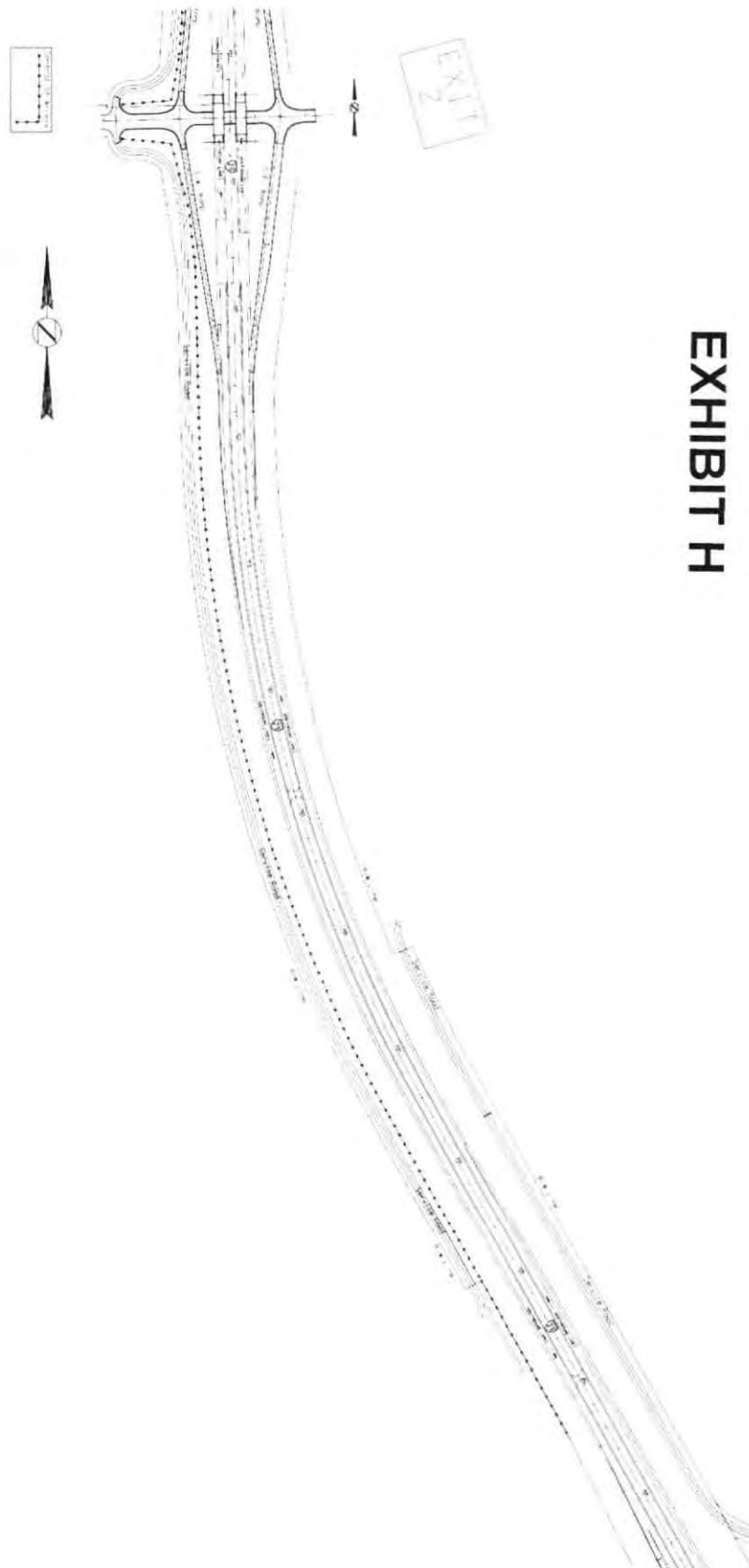


EXHIBIT F

# EXHIBIT G





## EXHIBIT H



Parcel No. 46

## PLAT OF LOT HI-SW 21-115-47

Showing Right of Way to be acquired for highway purposes  
in  
the SW 1/4 of Section 21-Twp 115 North-Range 47 West of the 5th P.M.  
for construction of Federal Aid Project No. FAP 179 (State Work)

DEUEL COUNTY, S.D.A.K.

Scale: 1 inch = 300 feet



Drawing prepared in Plans Dept.  
South Dakota Highway Commission  
Drawn by: JUE checked by: [Signature]  
Date: 8-4-53

## SURVEYOR'S CERTIFICATE

I, H. C. REMPFER 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 OCT 13 1953 day of A. D., 19

H. C. Remper  
REGISTERED LAND SURVEYOR

## CERTIFICATE BY OWNER

Joseph A. Iverson and Gladys K. Iverson owner of SW 1/4 of the 5th P.M. in Deuel Township 115 North Range 47 West 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 B-1 containing 8.18 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 our hand and seal this 7th day of June 19 54  
E. A. Thronlund (SEAL) Joseph A. Iverson (SEAL)  
Gladys K. Iverson (SEAL)

## ACKNOWLEDGEMENT OF OWNER.

State of Minnesota  
County of Lac qui Parle

Do it remembered that on this 7th day of June 19 54 before me, the undersigned, a Notary Public, within and for the County and State of aforesaid, personally appeared Joseph A. Iverson and Gladys K. Iverson and known to me to be the persons who are described in and who executed the within and foregoing instrument and certificate and acknowledged to me that they executed the same.

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

E. A. Thronlund  
NOTARY PUBLIC

State of Minnesota County Lac qui Parle  
My Commission Expires January 28, 1957

## OFFICE OF REGISTER OF DEEDS.

State of South Dakota

County of Deuel

Filed for record this 24th day of June A. D., 19 54 at 10 A.M.  
and recorded in book of Plats 13 on Page 83 therein.

Louis Wagner  
Register of Deeds

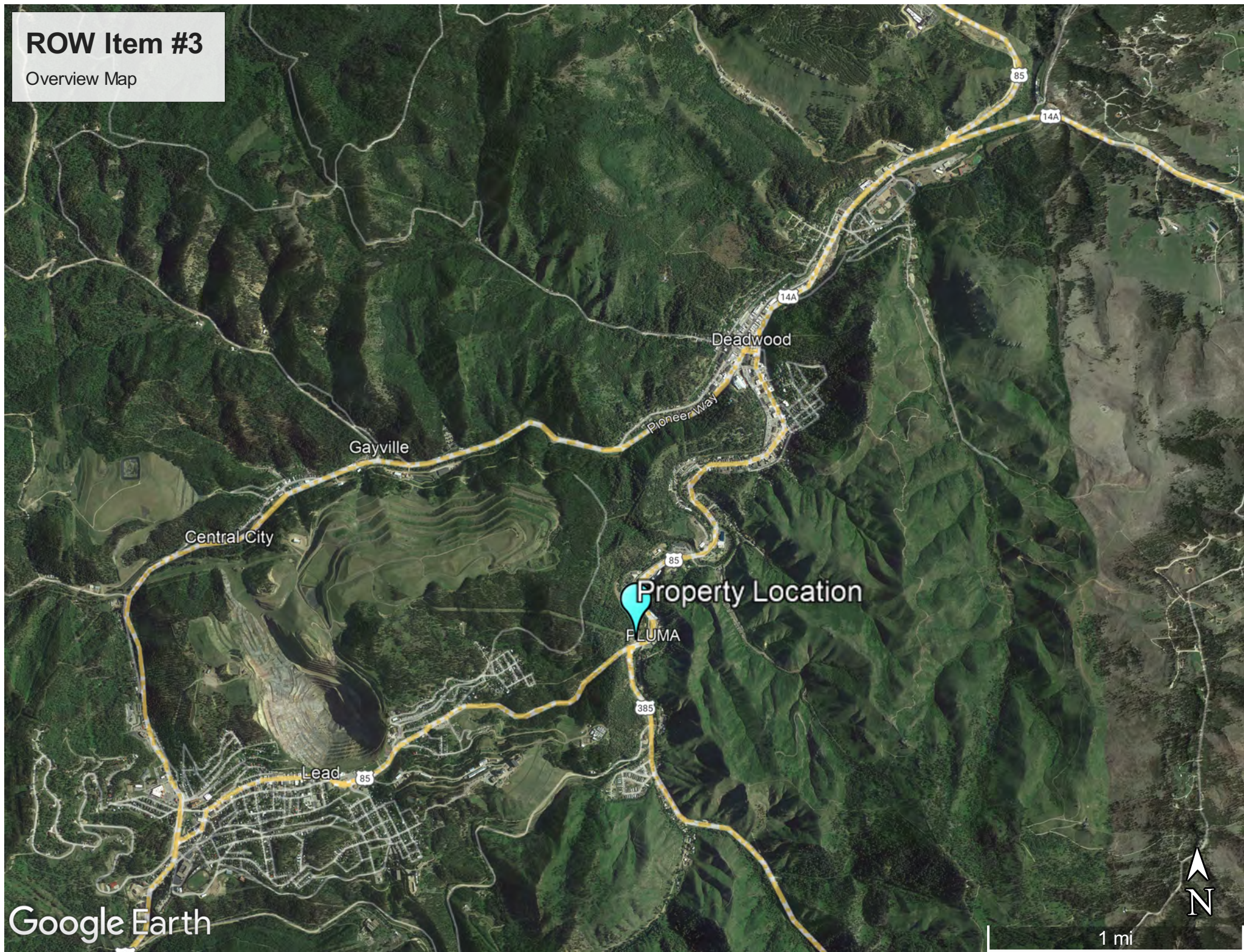
by \_\_\_\_\_  
Deputy.

FAP 179 (State Work)



# ROW Item #3

Overview Map



Google Earth



ROW Item #3

LOT M2A, Lot 1, Lot S, Lot M-1 - 1.56 Acres

5N 3E  
Section: 27

LOT M2B - 0.51 Acres

US HWY 85 85

Access Easement - 0.09 Acres

US HWY 85 2

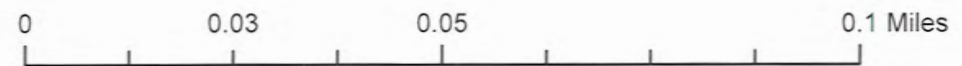
US HWY 385 385

5N 3E  
Section: 34



Legend

Section Line





### ROW Item #3

## Plat Maps

58.07'  
55.06'  
52.36'  
174.75'  
144.15'  
75.14'  
110.12'  
14.53'

- 1) BASIS OF BEARING GCS WGS 1984 WKID: 4326 AUTHORITY: EPSG DATUM WGS 1984
- 2) TOTAL ACREAGE THIS PLAT 1.183 ACRES
- 3) ALL MONUMENTATION WILL BE SET UPON PROJECT COMPLETION

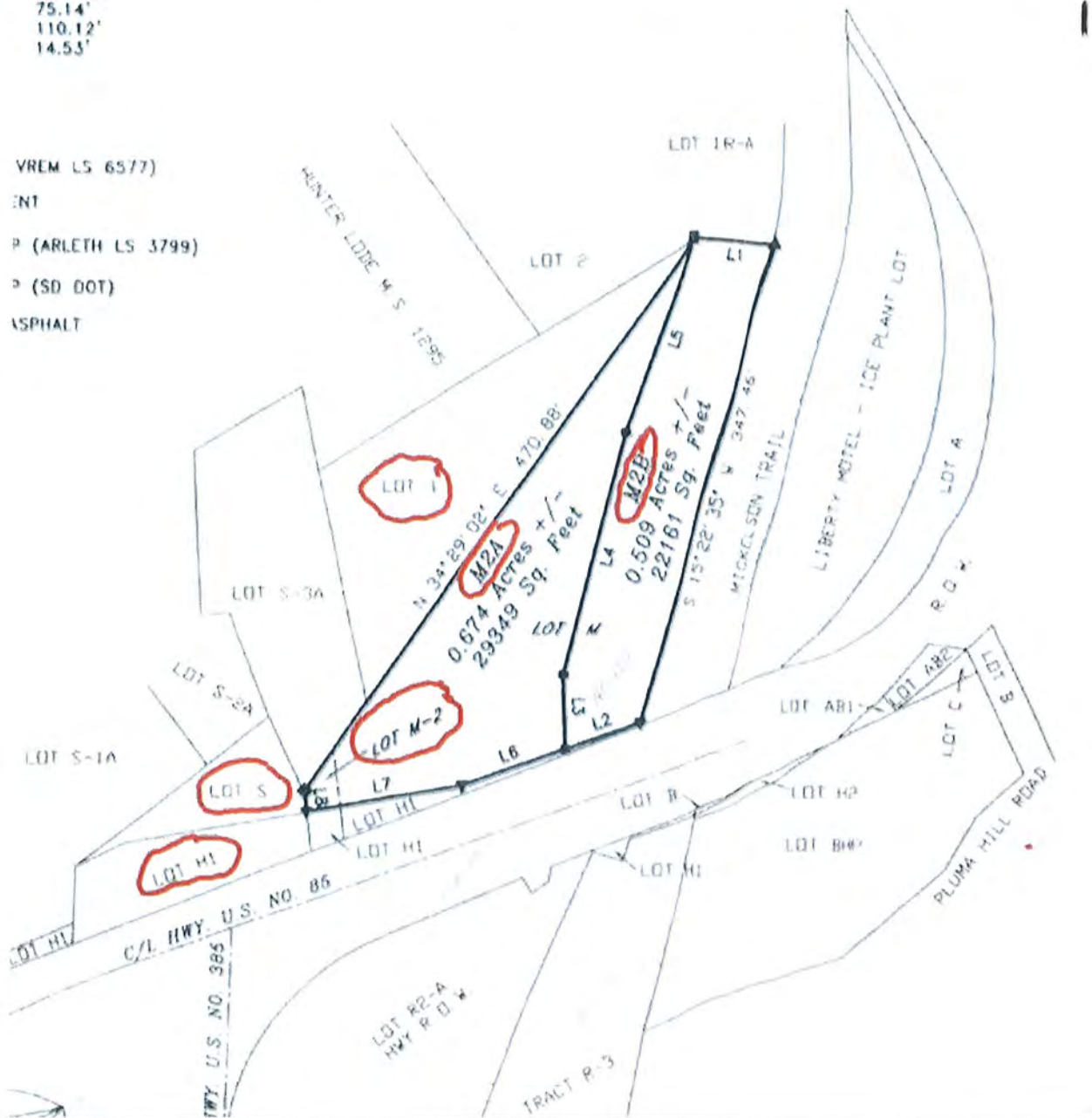
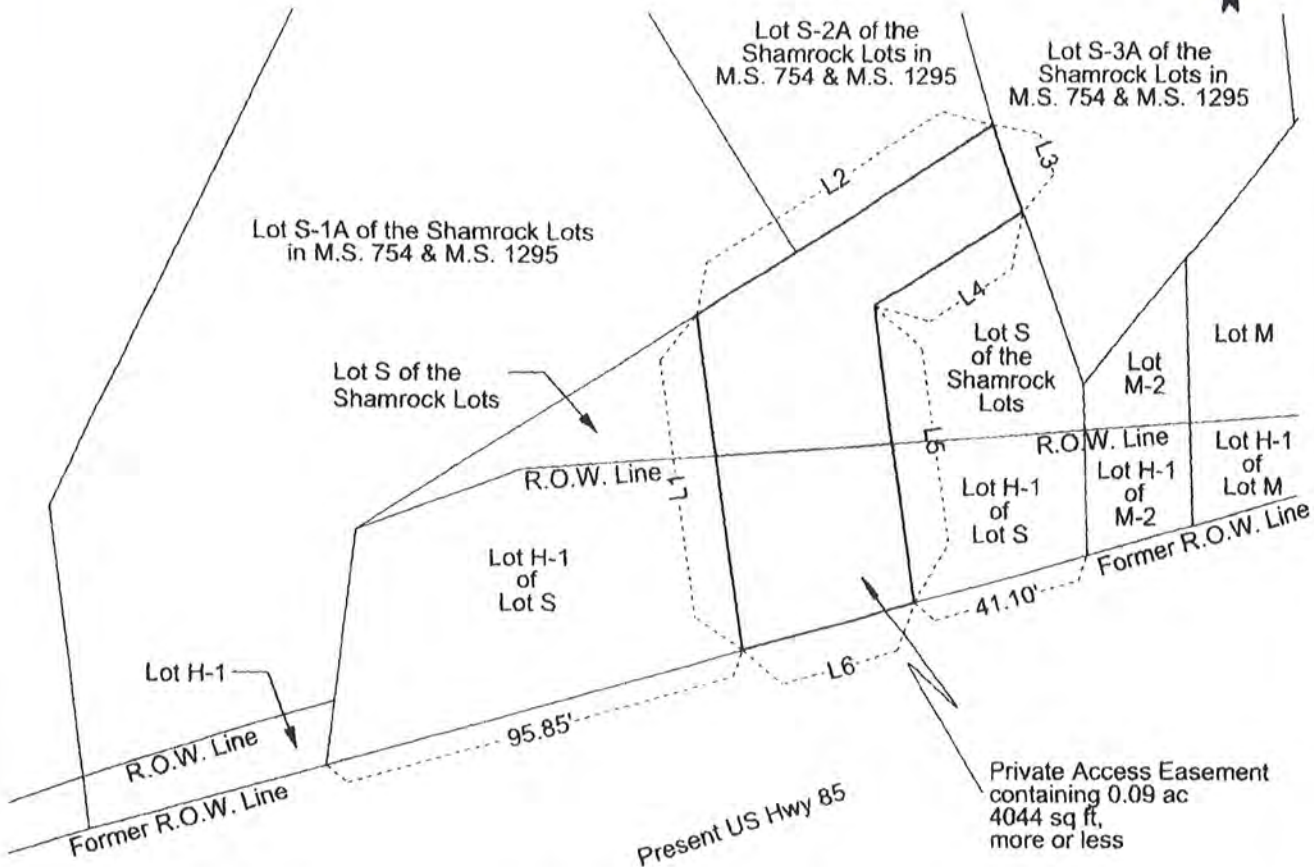


EXHIBIT A

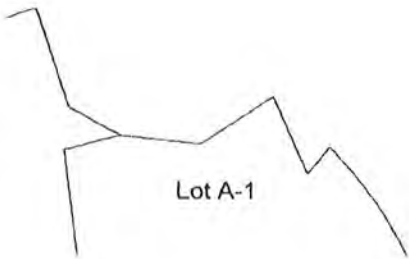
Showing a permanent easement to be dedicated for private access

Located over and across Lot H-1 of Lot S of the Shamrock Lots and over and across Lot S of the Shamrock Lots, Consisting of a portion of M.S. 754 and M.S. 1295 and all of Lot M-1 of the Subdivision of M.S 107, all located in the S1/2 of Section 27 - Township 5 North - Range 3 East of the Black Hills Meridian, City of Deadwood  
LAWRENCE COUNTY, SOUTH DAKOTA

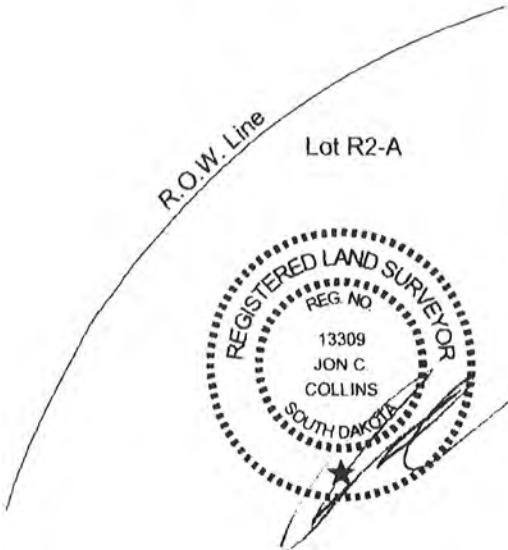
Not to Scale



	Bearing			Length
L1	N	07° 54' 05"	W	75.89
L2	N	57° 28' 25"	E	79.13
L3	S	20° 03' 27"	E	20.49
L4	S	57° 27' 58"	W	39.88
L5	S	07° 54' 05"	E	66.81
L6	S	74° 25' 05"	W	40.36



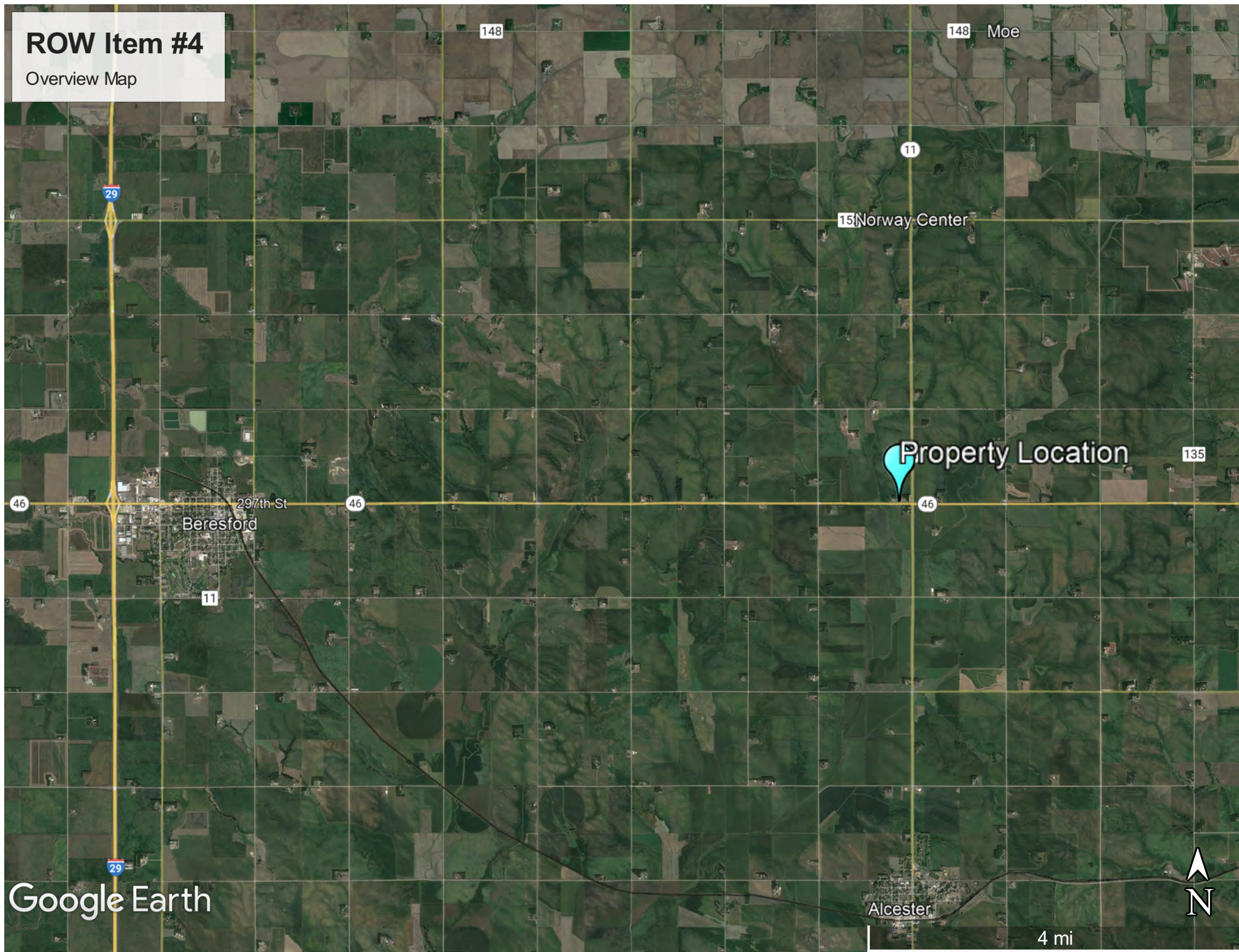
Present US Hwy 385





# ROW Item #4

Overview Map





ROW Item #4

96N 49W  
Section: 33

96N 49W  
Section: 34

Parcel A - 13.1 Acres

Proposed Transmission Line

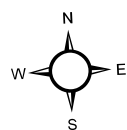
SD HWY 46

46

11  
SD HWY 11

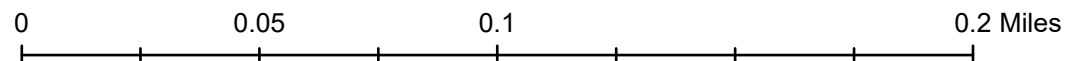
95N 49W  
Section: 04

95N 49W  
Section: 03



# Legend

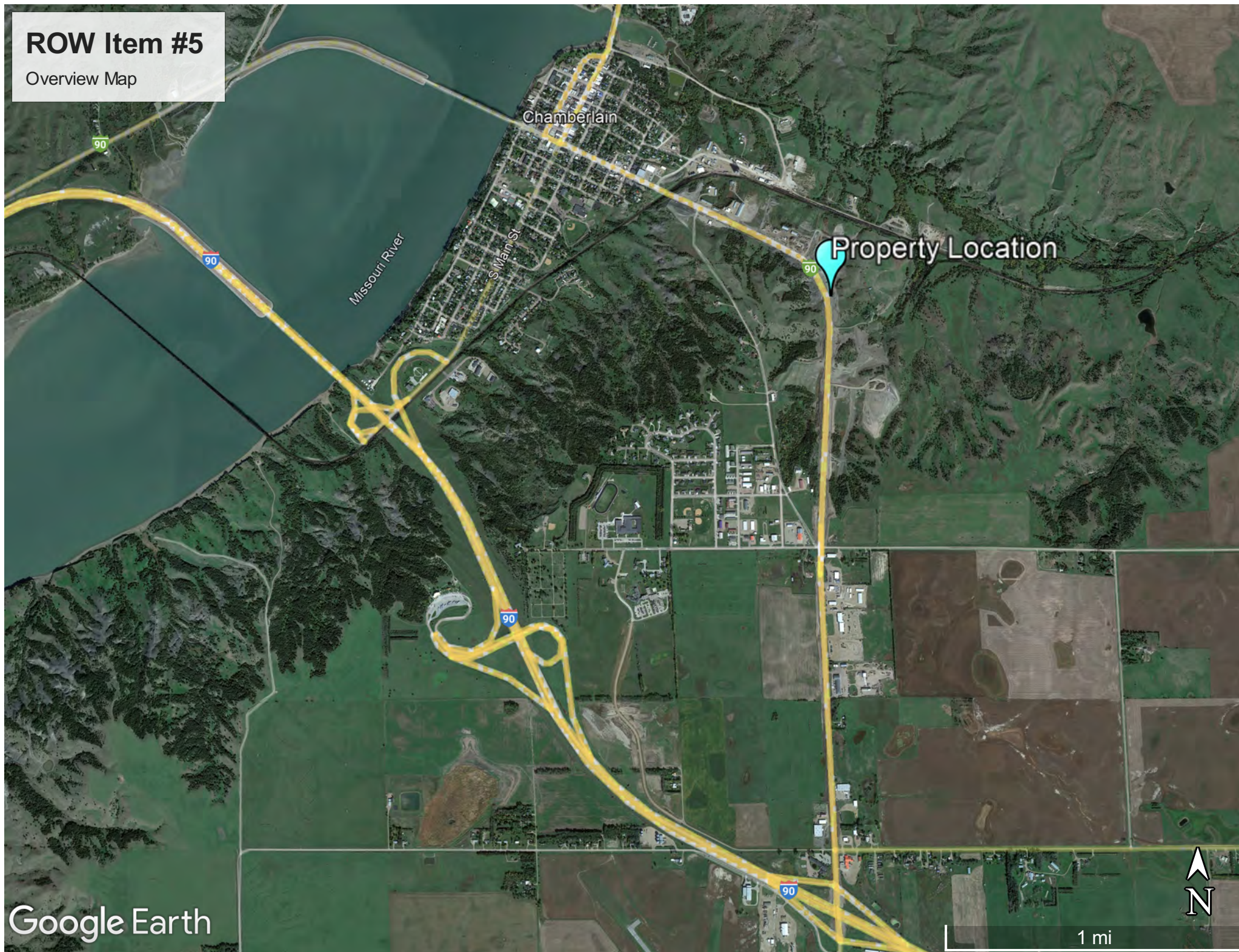
 Section Line





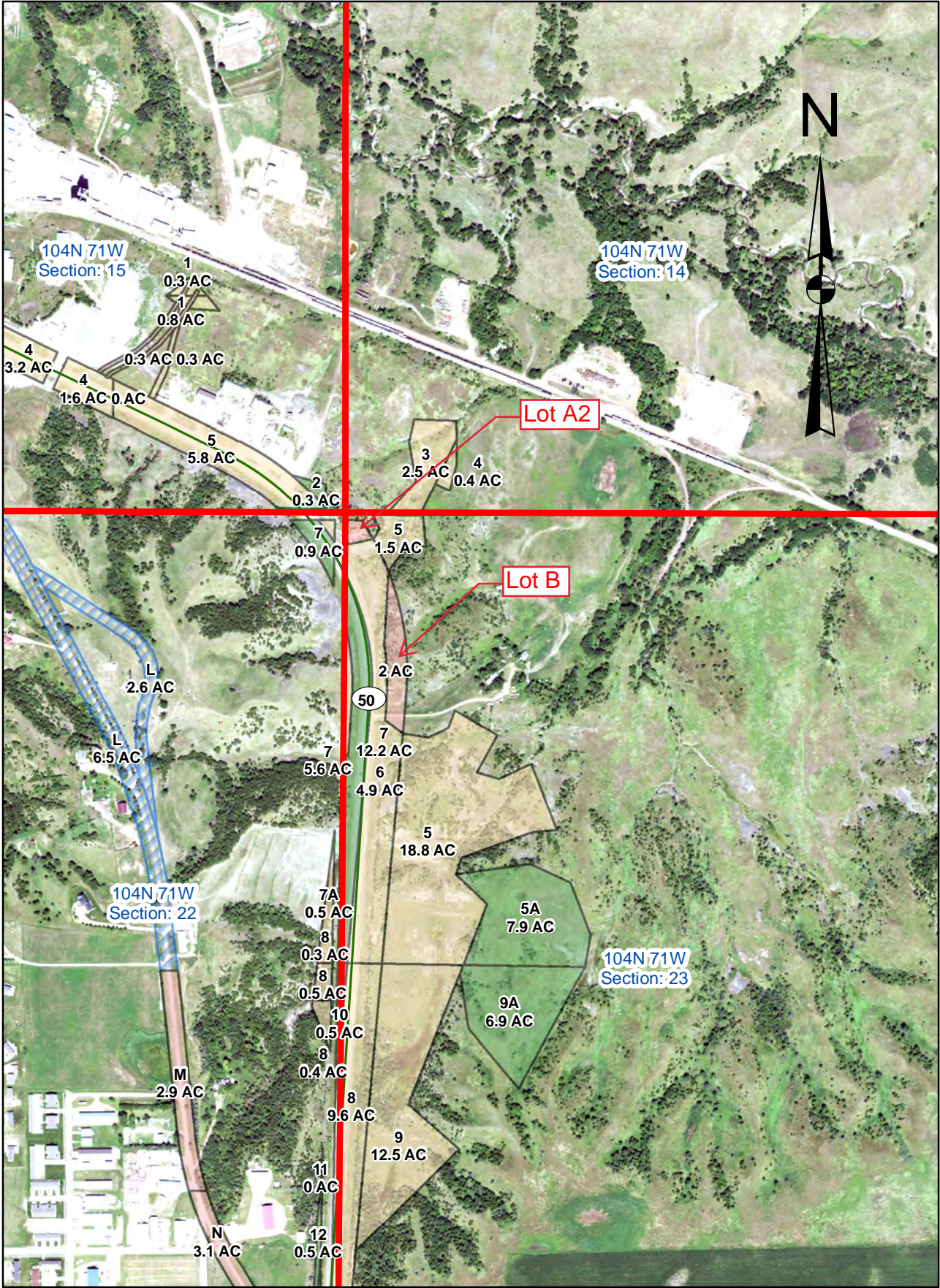
# ROW Item #5

Overview Map





Proposed Abandonment of Lot A2 and Lot B of Lot H1 in Brule County









In Lot H1 in the NW1/4 of Section 23 - Township 104 North - Range 71 West of the 5th P.M.

BRULE COUNTY, SOUTH DAKOTA

#### Snowing highway right of way to be abandoned

Scale: 1 inch = 300 feet

LEGEND  
 = existing right of way  
 = found corner  
<sup>(N)</sup>  = found corner (not used)  
 = set corner  
 All monumentation will be set upon project completion

Lot A2  
containing 0.37 ac  
15975 sq ft,  
more or less

NW Cor.  
23-104-71  
N 537283.00  
E 2237841.36

R= 1532.50' R  
L= 202.68'  
CB= S 26°24'47" E  
CD= 202.53'

**Lot B**  
containing 1.97 ac  
85806 sq ft,  
more or less

NW1/4

N 1/4 Cor.  
23-104-71

R= 1532.50' R  
L= 202.68'  
CB= S 26°24'47" E  
CD= 202.53'

	Bearing		Length		Chord	Radius
L1	N	89° 47'	E	89.53		
C1	S	32° 36'	E	128.44	128.41	1532.50R
L2	S	77° 48'	W	144.00		
L3	S	32° 09'	W	34.38		
L4	N	00° 10'	E	109.14		
C2	S	09° 42'	E	691.26	685.42	1532.50R
C3	S	03° 44'	W	102.85	102.84	2010.50R
L5	S	04° 16'	W	156.42		
L6	N	53° 48'	W	126.00		
L7	N	02° 46'	E	108.00		
C4	N	03° 11'	E	329.22	328.62	1580.00L
L8	N	02° 22'	E	424.19		

W 1/4 Cor.  
23-104-71  
N 534690.71  
E 2237833.35

SEE INSET B

Note: 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 83/11 epoch 2010.00  
Geoid 12A SF = 0.9998387182

Drawn By Crystal L. Stonesifer Date 03/28/2019  
Checked By Jon Nelson Date 03/29/2019

### SURVEYOR'S CERTIFICATE

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 22<sup>nd</sup> day of January A.D. 2020

Registered Land Surveyor  
Registration No. 904



## 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.

6953

Register of Deeds

by

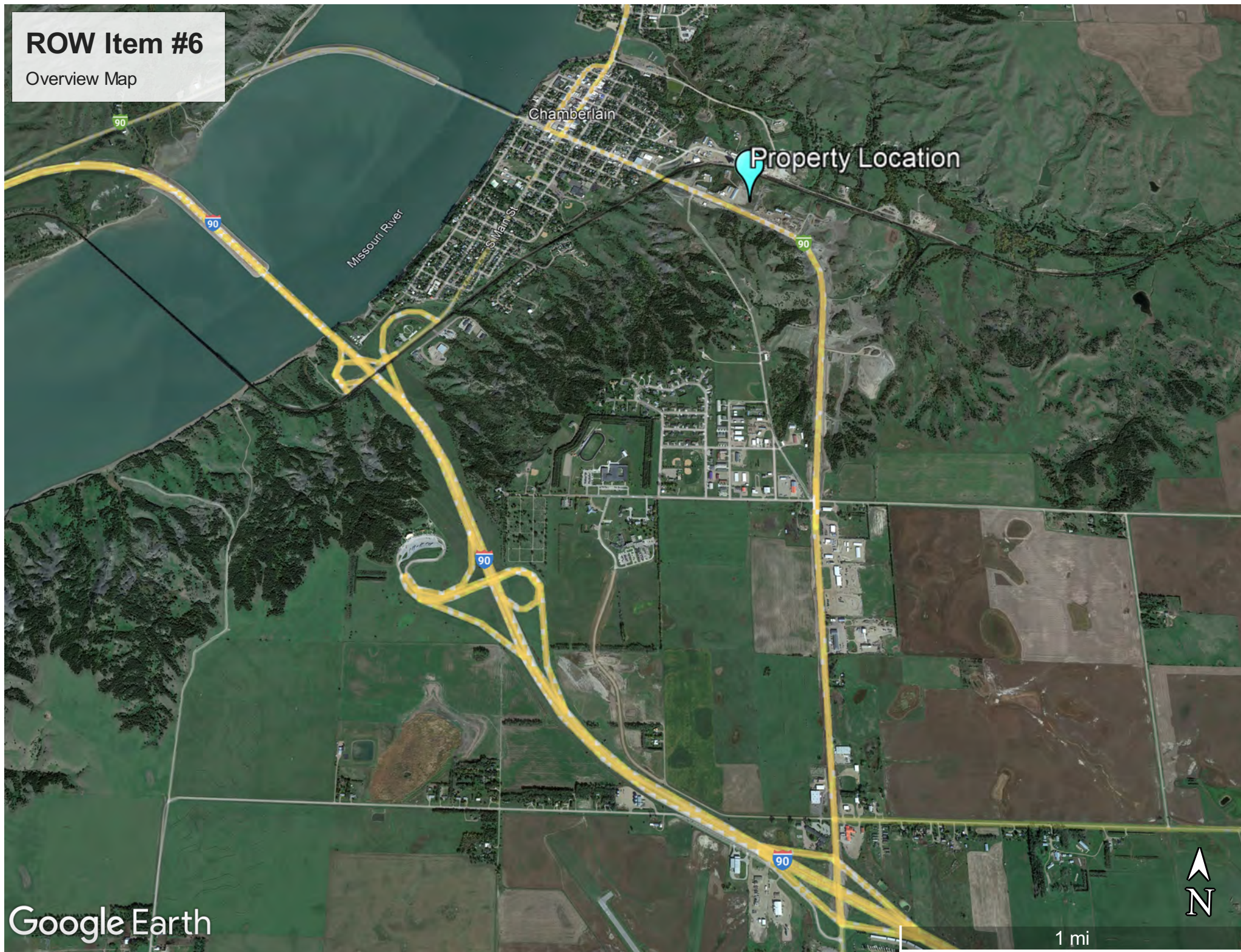
Deputy

abar



# ROW Item #6

Overview Map



Google Earth

1 mi



# Proposed Abandonment of Lots PE1





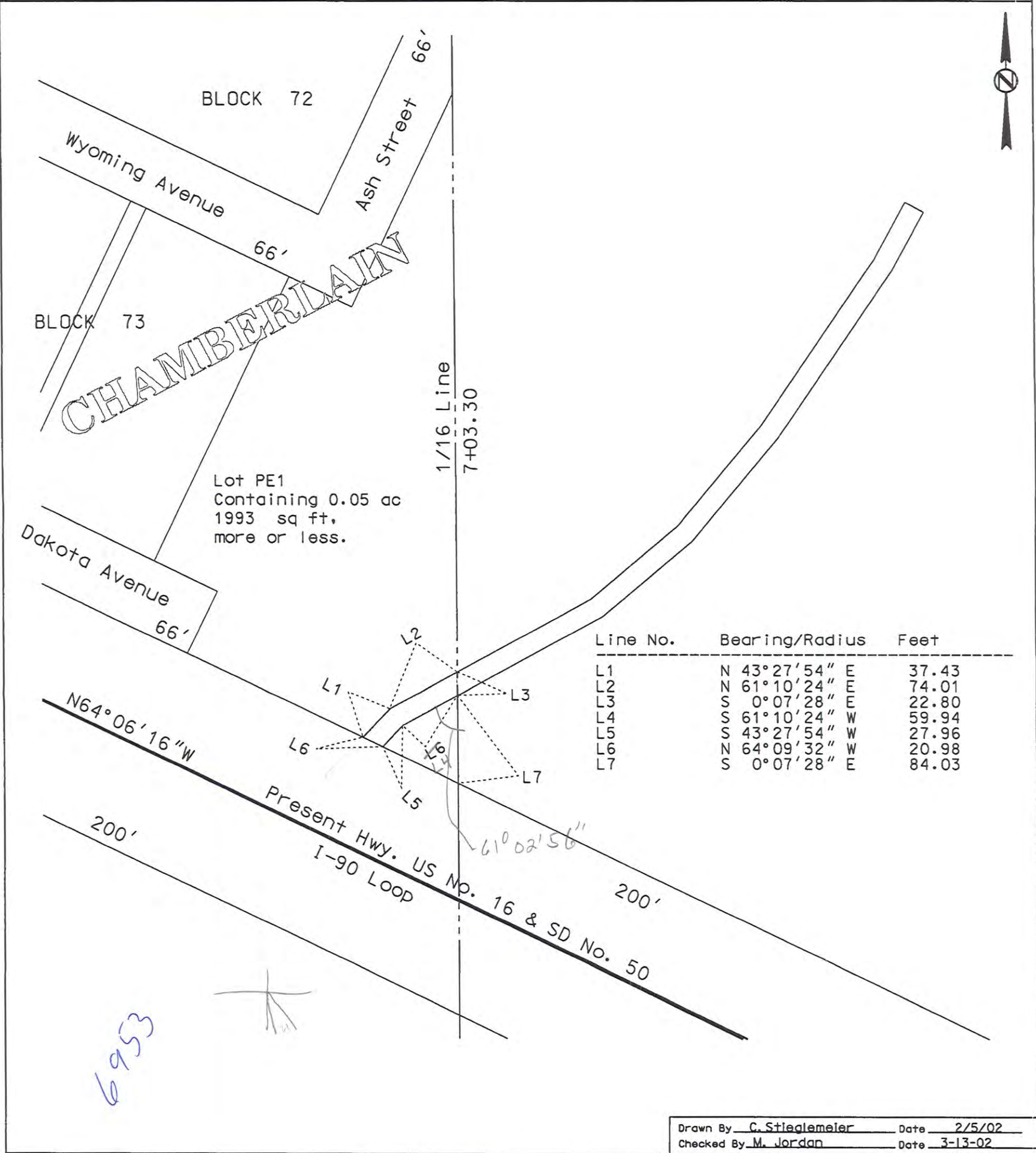
Parcel No. 1

PLAT OF LOT PE1

Showing a permanent easement on a tract of land to be acquired for highway purposes in the unplatted portions of the W2SE4 lying North of the Highway of Section 15 - Township 104 North - Range 71 West of the 5th PM for construction of Project No. P 0050(00)232

BRULE COUNTY, SOUTH DAKOTA

Scale: 1 Inch = 100 feet



SURVEYOR'S CERTIFICATE

I, MICHAEL A. JORDAN, 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 tract 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 tract 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. 5353

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



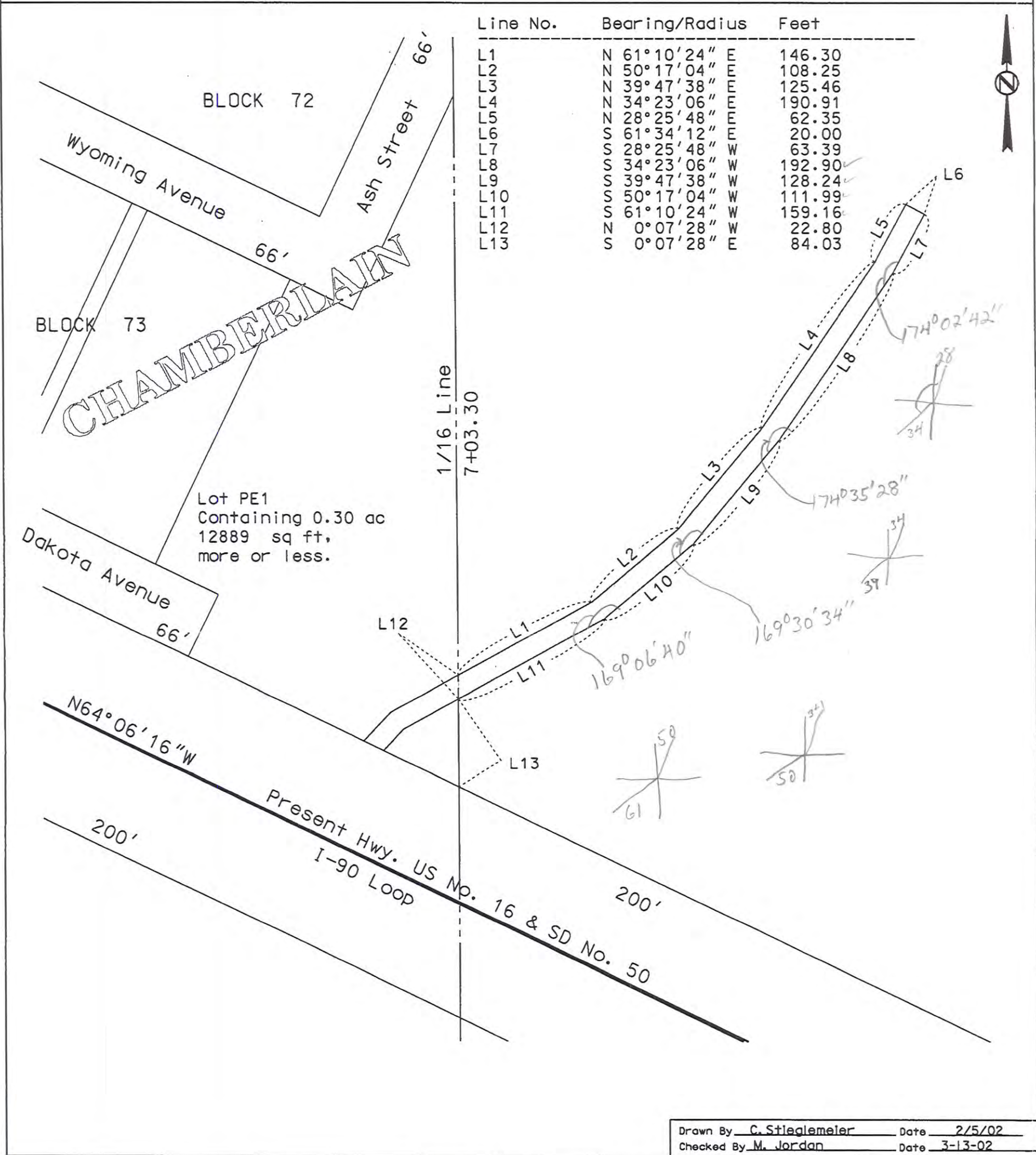
Parcel No. 2

PLAT OF LOT PE1

Showing a permanent easement on a tract of land to be acquired for highway purposes in SE4SE4 of Section 15 - Township 104 North - Range 71 West of the 5th P.M., except Railroad Right of Way, except Outlot A and except Outlot B for construction of Project No. P 0050(00)232

BRULE COUNTY, SOUTH DAKOTA

Scale: 1 Inch = 100 feet



Drawn By C. Stiegemeier Date 2/5/02  
Checked By M. Jordan Date 3-13-02

SURVEYOR'S CERTIFICATE

I, MICHAEL A. JORDAN, 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 tract 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 tract 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. 5353

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 #7  
Overview Map

STATE OF SOUTH DAKOTA  
DEPARTMENT OF HIGHWAYS

PLANS FOR PROPOSED

FEDERAL AID PROJECT  
NO. S 2851  
S.D. TRUNK HIGHWAY NO. 20  
CODINGTON COUNTY  
RIGHT OF WAY PLANS

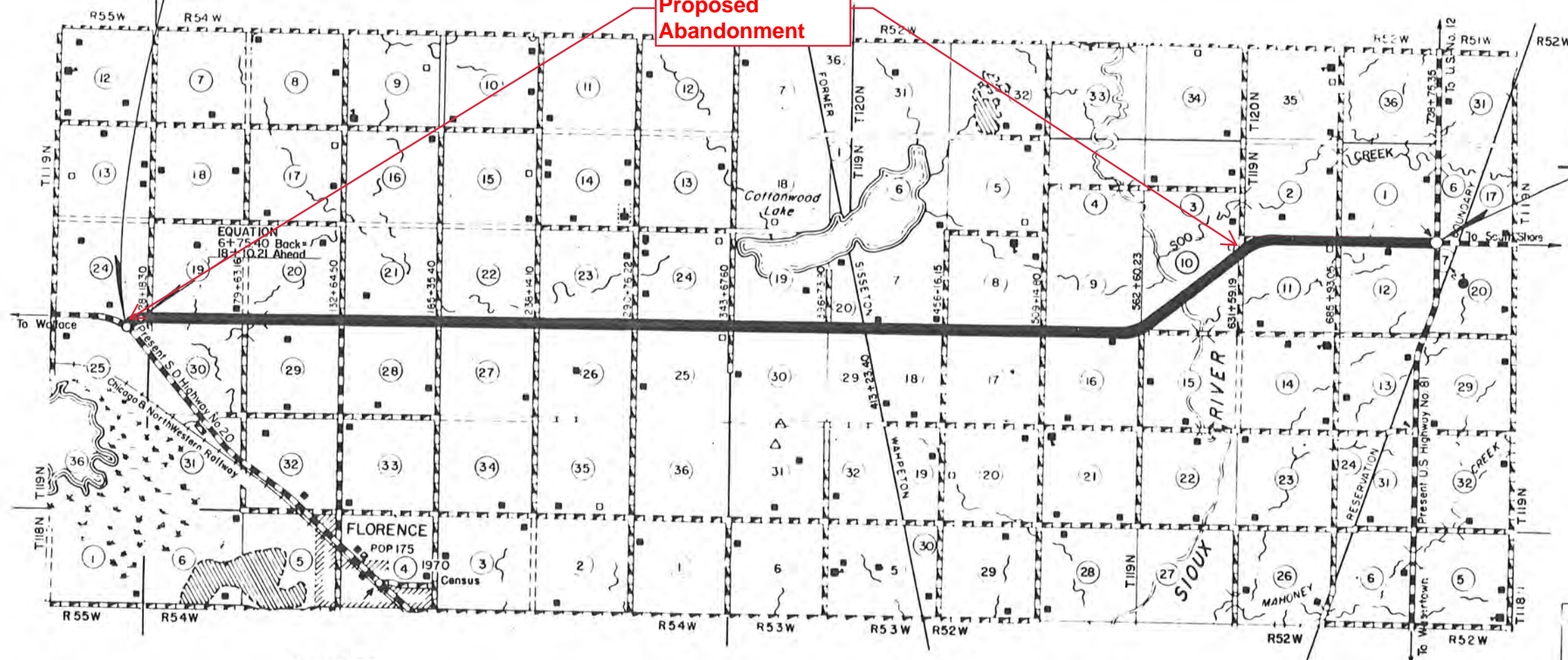
FED. ROAD DIST. NO.	STATE OF	PROJECT NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
5	S D	S2851		1	18

INDEX OF SHEETS

BEGIN S2851  
Station 0+00=Station 408+00 on F199(11)  
Approximately 350.94 feet south and 1548.40  
feet west of the northeast corner of Section 25-  
Township 119 North-Range 55 West.



Proposed  
Abandonment



END S2851  
Station 738+75.35=Station 158+70.80 on  
F152(13)=Station 158+70.80 on F053-7  
(State Work) at the northeast corner of  
Section 12-Township 119 North-Range 52  
West.

LEGEND

STATE AND NATIONAL LINE  
COUNTY LINE  
SECTION LINE  
TOP OF CUT  
TOP OF FILL

SCALES

LAYOUT. 1 1/2 INCHES = 1 MILE  
PLAN. 1 INCH = 200 FEET

LENGTH 72,740.54 FEET 13.777 MILES

REDUCTION SCALE

1 INCH 1 INCH

APPROVED	DATE
HIGHWAY ENGINEER, SOUTH DAKOTA DEPARTMENT OF HIGHWAYS	
U.S. DEPT. OF TRANSPORTATION FEDERAL HIGHWAY ADMIN	
Approved	Date
DIVISION ENGINEER	

**DOT Codington County project S 2851 parcels 1-12 and 14-44**

- 1 Lot H2 in the SE1/4 of Section 24, Township 119 North, Range 55 West of the 5th P.M., Codington County, South Dakota. (Contains 2.08 acres, more or less.)
- 2 Lot H2 in the N1/2 NE1/4 and the SE1/4 NE1/4 of Section 25, Township 119 North, Range 55 West of the 5th P.M., Codington County, South Dakota. (Contains 5.51 acres, more or less.)
- 3 Lot H1 in the S1/2 SW1/4 of Section 19, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 3.17 acres, more or less.)
- 4 Lot H1 in the N1/2 NW1/4 of Section 30, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 5.44 acres, more or less.)
- 5 Lot H1 in the NE1/4 of Section 30, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 2.99 acres, more or less.)
- 6 Lot H1 in the NW1/4 of Section 29, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 8.36 acres, more or less.)
- 7 Lot H1 in the SE1/4 of Section 20, Township 119 North, Range 55 West of the 5th P.M., Codington County, South Dakota. (Contains 2.29 acres, more or less.)
- 8 Lot H2 in the NE1/4 of Section 29, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 6.89 acres, more or less.)
- 9 Lot H2 in the SW1/4 of Section 21, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 3.70 acres, more or less.)
- 10 Lot H1 in the NW1/4 of Section 28, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 5.36 acres, more or less.)
- 11 Lot H1 in the SE1/4 of Section 21, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 4.35 acres, more or less.)
- 12 Lots H1 and P1 in the NE1/4 of Section 28, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 4.80 acres, more or less.)
- 14 Lot H1 of Parcel 2 in the W1/2 SW1/4 and E1/2 SW1/4 of Section 22, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 2.49 acres, more or less.)
- 15 Lot H1 of Parcel 3 and Parcel 1 in the NW1/4 of Section 27, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 2.36 acres, more or less.)
- 16 Lot H1 in the SE1/4 of Section 22, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 4.53 acres, more or less.)
- 17 Lot H1 in the NE1/4 of Section 27, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 4.60 acres, more or less.)



**ROW Item #7**

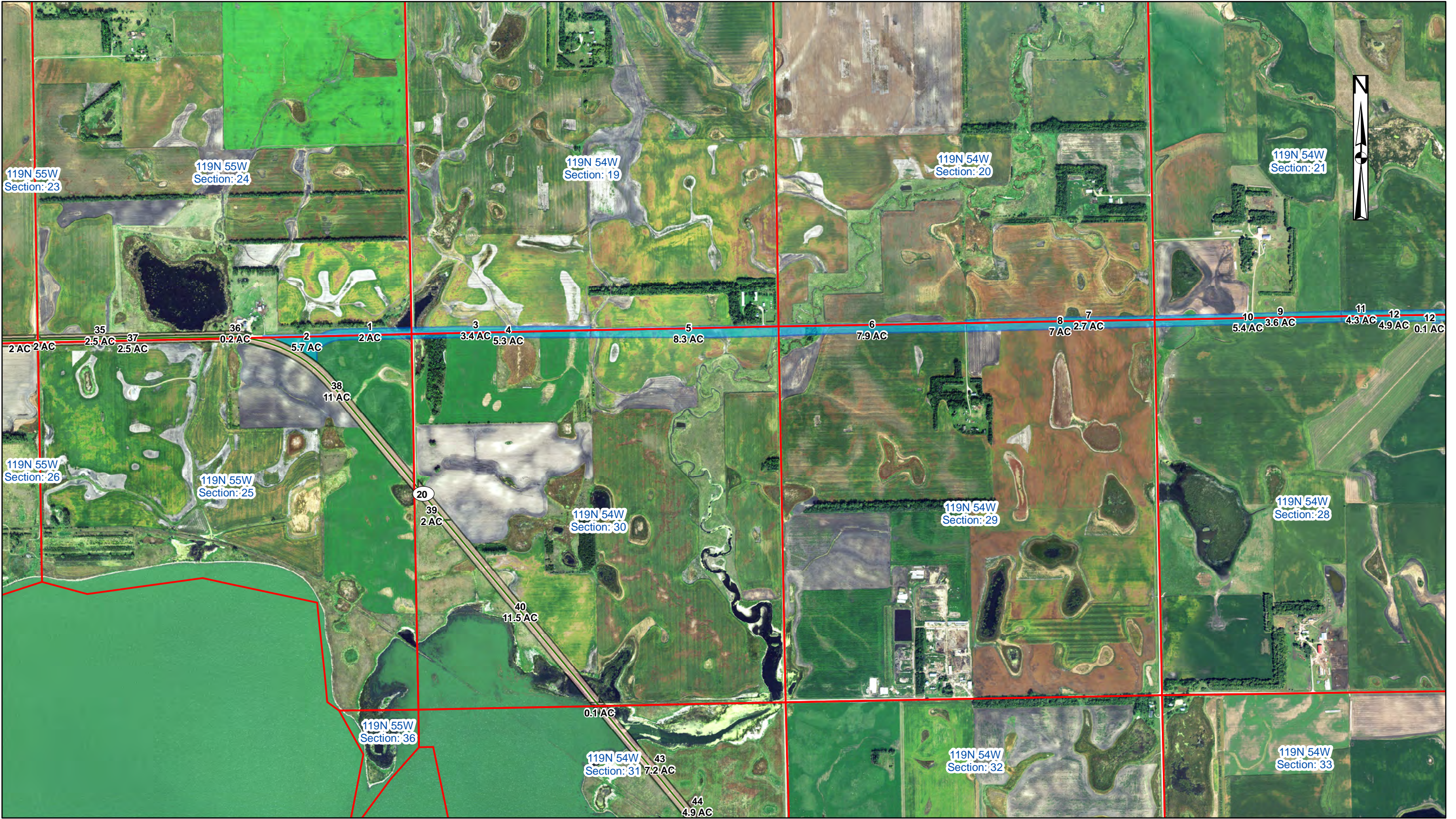
- 18 Lot H1 in the SW1/4 of Section 23, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 4.56 acres, more or less.)
- 19 Lot H1 in the NW1/4 of Section 26, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 4.52 acres, more or less.)
- 20 Lots H2 and P1 in the SE1/4 of Section 23, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 4.57 acres, more or less.)
- 21 Lots P1 and H2 in the NE1/4 of Section 26, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 4.61 acres, more or less.)
- 22 Lot H2 in the SW1/4 of Section 24, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 4.62 acres, more or less.)
- 23 Lot H2 in the NW1/4 of Section 25, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 4.68 acres, more or less.)
- 24 Lot H1 in the SE1/4 of Section 24, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 4.49 acres, more or less.)
- 25 Lot H1 in the W1/2 NE1/4 of Section 25, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 2.31 acres, more or less.)
- 26 Lot H1 in the E1/2 NE1/4 of Section 25, Township 119 North, Range 54 West of the 5th P.M., Codington County, South Dakota. (Contains 2.32 acres, more or less.)
- 27 Lots P1 and H1 in the SW1/4 of Section 19, Township 119 North, Range 53 West of the 5th P.M., Codington County, South Dakota. (Contains 4.36 acres, more or less.)
- 28 Lots P1 and H1 in the W1/2 NW1/4 of Section 30, Township 119 North, Range 53 West of the 5th P.M., Codington County, South Dakota. (Contains 2.55 acres, more or less.)
- 29 Lot H1 in the E1/2 NW1/4 of Section 30, Township 119 North, Range 53 West of the 5th P.M., Codington County, South Dakota. (Contains 2.44 acres, more or less.)
- 30 Lot H1 in the SE1/4 of Section 19, Township 119 North, Range 53 West of the 5th P.M., Codington County, South Dakota. (Contains 6.45 acres, more or less.)
- 31 Lot H1 in the NW1/4 NE1/4 and E1/2 NE1/4 of Section 30, Township 119 North, Range 53 West of the 5th P.M., Codington County, South Dakota. (Contains 3.00 acres, more or less.)
- 32 Lots P1 and H1 of Government Lot 3 in Section 20, Township 119 North, Range 53 West of the 5th P.M., Codington County, South Dakota. (Contains 5.57 acres, more or less.)
- 33 Lots P1 and H1 of Government Lot 5 and E1/2 SW1/4 of Section 7, Township 119 North, Range 52 West of the 5th P.M. (Res.), Codington County, South Dakota. (Contains 2.00 acres, more or less.)
- 34 Lots P1 and H1 of Government Lot 1 in Section 18, Township 119 North, Range 52 West of the 5th P.M. (Res.), Codington County, South Dakota. (Contains 4.12 acres, more or less.)

**ROW Item #7**

- 35 Lot H1 in the W1/2 SE1/4 of Section 7, Township 119 North, Range 52 West of the 5th P.M. (Res.), Codington County, South Dakota. (Contains 1.18 acres, more or less.)
- 36 Lot H1 in the NE1/4 of Section 18, Township 119 North, Range 52 West of the 5th P.M. (Res.), Codington County, South Dakota. (Contains 6.76 acres, more or less.)
- 37 Lot H1 in the S1/2 SW1/4 of Section 8, Township 119 North, Range 52 West of the 5th P.M. (Res.), Codington County, South Dakota. (Contains 4.60 acres, more or less.)
- 38 Lot H1 in the NW1/4 of Section 17, Township 119 North, Range 52 West of the 5th P.M. (Res.), Codington County, South Dakota. (Contains 4.57 acres, more or less.)
- 39 Lot H2 in the SE1/4 of Section 8, Township 119 North, Range 52 West of the 5th P.M. (Res.), Codington County, South Dakota. (Contains 11.96 acres, more or less.)
- 40 Lot H2 in the SW1/4 of Section 9, Township 119 North, Range 52 West of the 5th P.M. (Res.), Codington County, South Dakota. (Contains 13.19 acres, more or less.)
- 41 Lot H1 in the S1/2 SE1/4 and NE1/4 SE1/4 of Section 9, Township 119 North, Range 52 West of the 5th P.M. (Res.), Codington County, South Dakota. (Contains 9.54 acres, more or less.)
- 42 Lot H1 in the SW1/4 of Section 10, Township 119 North, Range 52 West of the 5th P.M. (Res.), Codington County, South Dakota. (Contains 12.24 acres, more or less.)
- 43 Lot H1 in the W1/2 SE1/4 and SE1/4 SE1/4 of Section 10, Township 119 North, Range 52 West of the 5th P.M. (Res.), Codington County, South Dakota. (Contains 0.76 acre, more or less.)
- 44 Lot H1 in the NE1/4 of Section 10, Township 119 North, Range 52 West of the 5th P.M. (Res.), Codington County, South Dakota. (Contains 11.35 acres, more or less.)

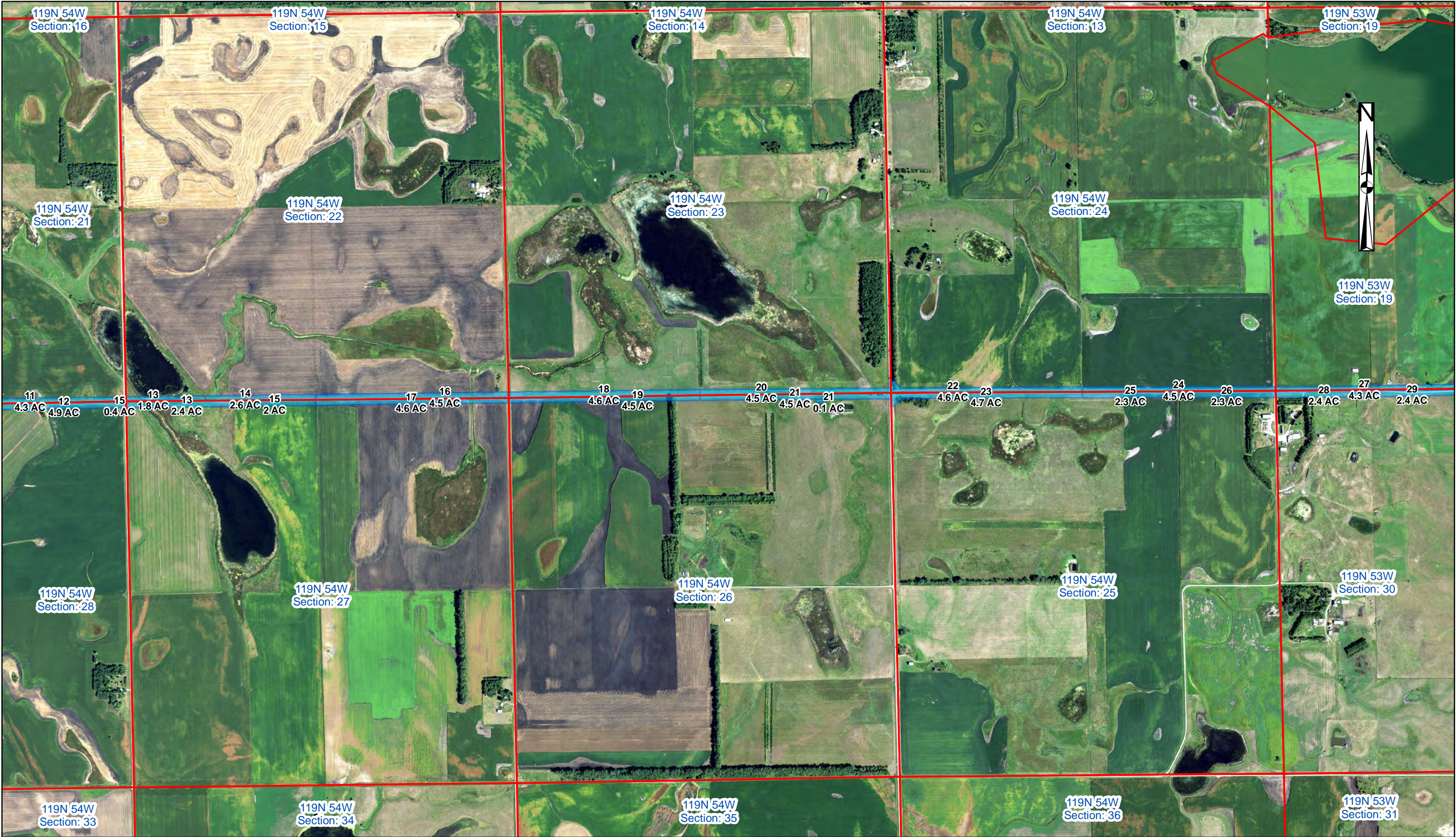


Proposed Abandonment of H Lots for S 2851 in Codington County



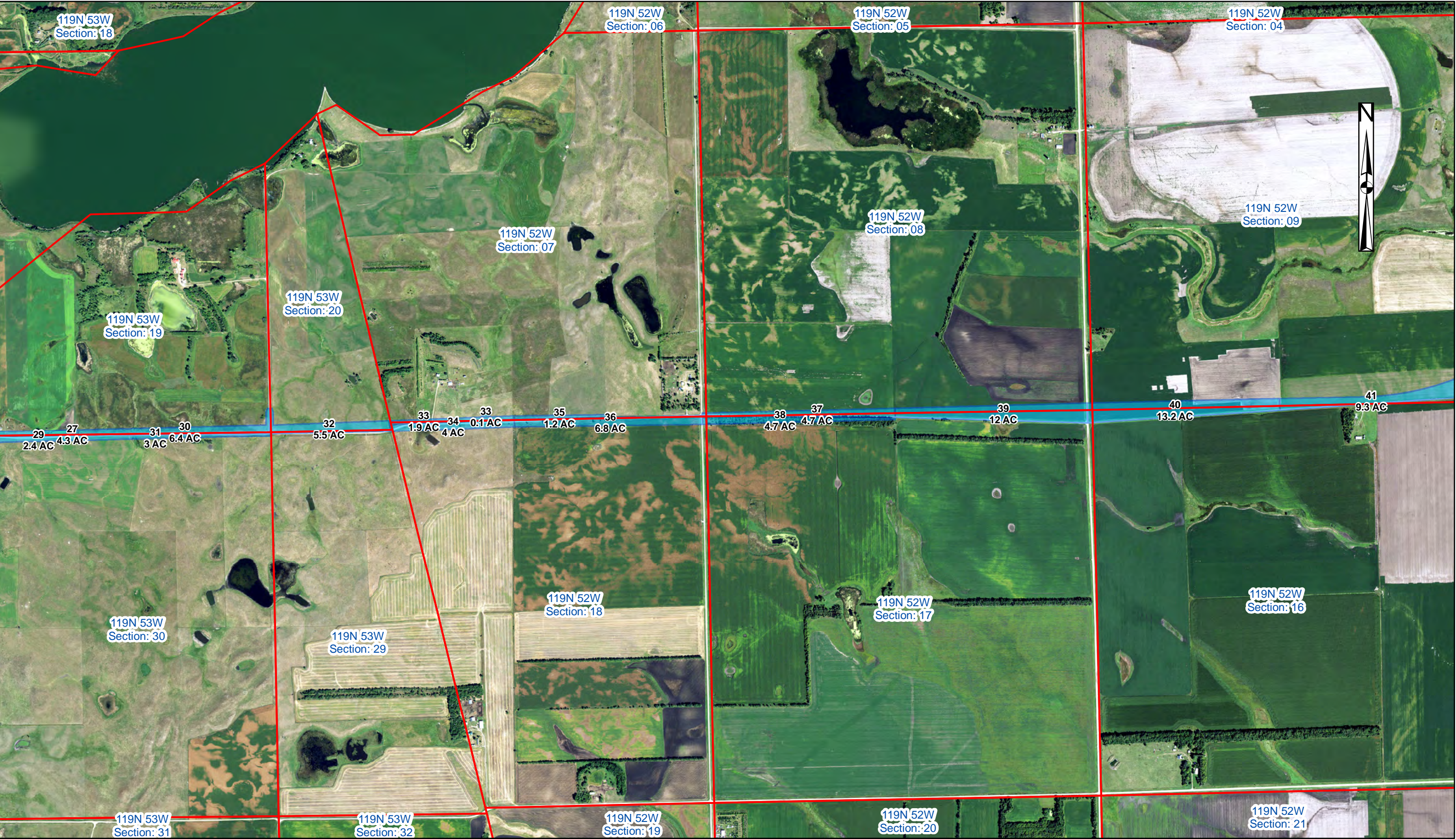


Proposed Abandonment of H Lots for S 2851 in Codington County





Proposed Abandonment of H Lots for S 2851 in Codington County





Proposed Abandonment of H Lots for S 2851 in Codington County

