

Department of Transportation

Division of Planning/Engineering

Right of Way Program

700 E Broadway Avenue

Pierre, South Dakota 57501-2586

605/773-3746 FAX: 605/773-5867

January 20, 2021

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

RE: January 28, 2021 Transportation Commission Agenda

Dear Mr. Behm:

The following items are recommended for Commission consideration:

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

Lot H2 in Golden Treasure Fraction of Mineral Survey No. 1198, Pennington County, South Dakota, containing 0.02 acre.

Appraised Value: \$100

Lot H2 is located on the west side of US Hwy 16A approximately one and one-half miles northwest of Keystone. No public access is available due to the property being surrounded by private ownership. Rapid City Area DOT advises Lot H2 is not needed for future department use. (See attachments)

2. Request Transportation Commission approval to amend control of access language shown on a Department of Transportation Quit Claim Deed recorded in Book DH, page 232 on September 20, 2011 in Hutchinson County.

Existing deed access reference: “No access will be allowed to or from public right of way from the above-referenced property, other than as may be approved by the Department.”

Proposed deed access reference: “No access will be allowed to or from U.S. Highway 81 from the above-referenced property, other than as may be approved by the Department.”

The recorded deed access reference restricts access from County and Township roads. A corrective deed with the amended control of access language would allow access other than from U.S. Highway 81.

Yankton Area DOT recommends approval of the deed control of access correction. (See attachments)

3. Request Transportation Commission approval acknowledging the conditions set forth within Resolution 2018-12.04 have been met and satisfied.

The South Dakota Transportation Commission, pursuant to Resolution 2018-12.04, recorded on December 4, 2020, set forth conditions precedent which were required to be met before the State of South Dakota’s interest in the following property would be abandoned:

Lot AB1 in a portion of Lot H3 in the SW1/4 of Section 27, Township 2 North, Range 8 East of the B.H.M., City of Box Elder, Pennington County, South Dakota. (contains 3.56 acres)

The above property is no longer needed for highway purposes and abandonment was recommended by DOT Rapid City Area. All of the conditions set forth within Resolution 2018-12.04 have been met and satisfied, this resolution would therefore confirm conditions are now met and abandon said property described above.

4. Abandonment – Buffalo County

This resolution will abandon the temporary easement on Buffalo County Project P 0013(25), PCN 041C.

5. Abandonment – Clark County

This resolution will abandon the temporary easements on Clark County Project P 0013(25), PCN 041C.

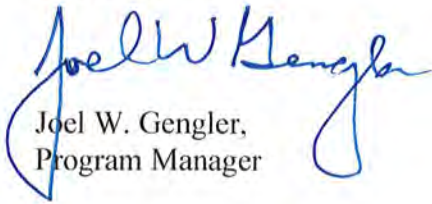
6. Abandonment – Lincoln County

This resolution will abandon the temporary easements on Lincoln County Project IM 29-2(61)71, PCN 3167.

7. Abandonment – Pennington County

This resolution will abandon the temporary easements on Pennington County Project P 0231(12)80, PCN 02R5.

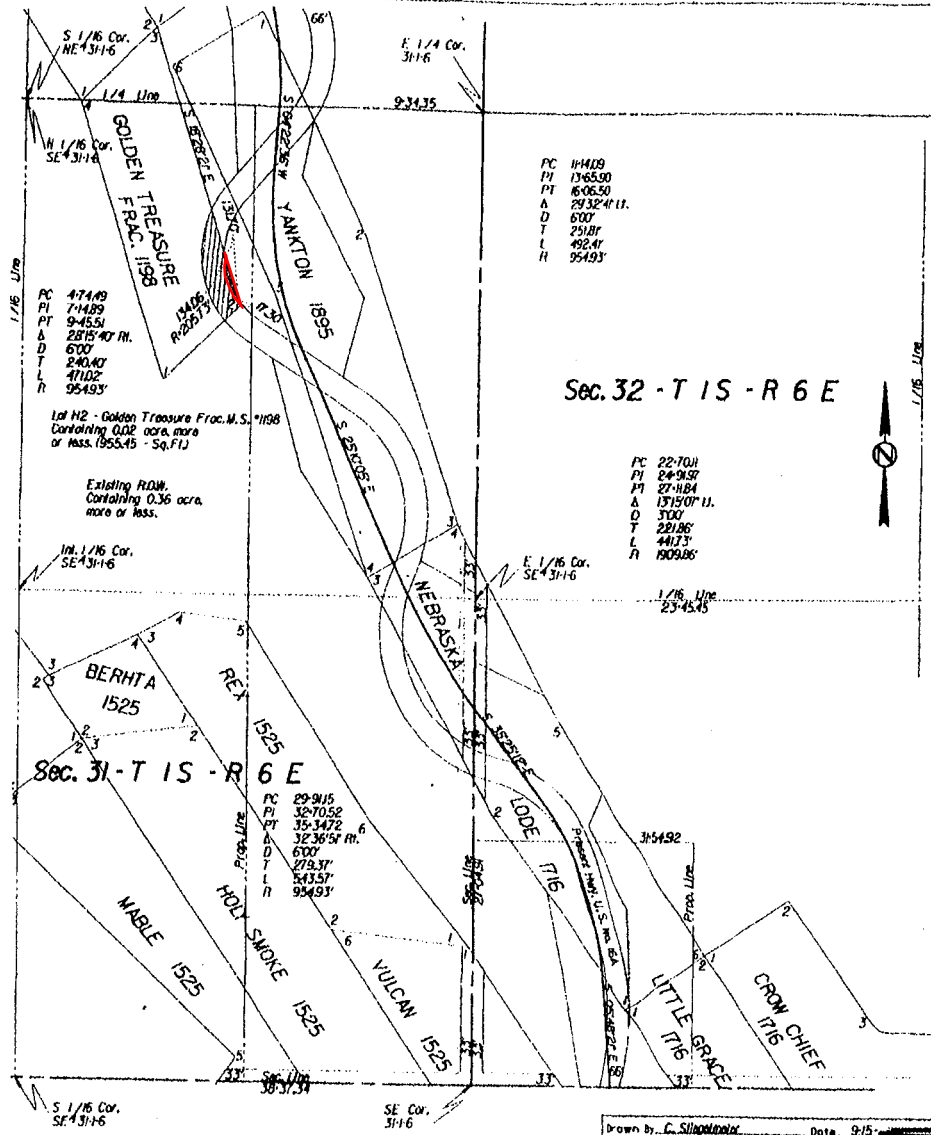
Sincerely,

A handwritten signature in blue ink that reads "Joel W. Gengler". The signature is fluid and cursive, with a large loop at the end of the last name.

Joel W. Gengler,
Program Manager

PLAT OF LOT H2 - GOLDEN TREASURE FRAC. M.S. #1198

Showing a tract of land to be acquired for highway purposes in Golden Treasure Fraction of Mineral Survey No. 1198 for construction of Project No. F 10692156
PENNINGTON COUNTY, SOUTH DAKOTA
Scale 1 inch = 200 feet



Drawn by E. Silgman Date 9/15
Checked by T. G. Date 6

I, ROBERT J. TIMELIN, 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 by my direction and under my control, and such tract of land shall hereafter be 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 24 day of August, A.D. 1988 Robert J. Timelin
Registered Land Surveyor
Registration No. 4521

ACKNOWLEDGEMENT OF SURVEYOR

State of SOUTH DAKOTA
County of PENNINGTON

Be it remembered that on this 24 day of August, 1988, before me, the undersigned, a Notary Public, within and for the County and State aforesaid, personally appeared ROBERT J. TIMELIN, known to me to be the person who is described in and who executed the within and foregoing instrument and certificate and acknowledged to me that he executed the same.

SEAL My commission Expires _____ Notary Public
State of SOUTH DAKOTA County PENNINGTON

OFFICE OF REGISTER OF DEEDS

State of South Dakota
County of Pennington
Filed for record the 24 day of August, A.D. 1988, at 10:22 A.M. and recorded in books of Plots Map 7 on Page 207 therein.

James S. Silgman by _____
Register of Deeds Deputy

Pennington County - Highway 16A Attachment #1 Item #1



Legend

 Proposed Sale

0 20 40 80 Feet

Hutchinson County, South Dakota
REGISTER OF DEEDS



Filed for record this 20 day
of September, 2011
at 10 o'clock a m and recorded
in Book DH Page 232

Julie Hovboldt
Register of Deeds

Darin Muth
Dentist
112128 Department of Transportation

STATE OF SOUTH DAKOTA
QUIT CLAIM DEED

THE STATE OF SOUTH DAKOTA, ACTING BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, "Grantor," of Hughes County, State of South Dakota, for and in consideration of One Dollar (\$1.00) and other valuable consideration, CONVEYS AND QUITCLAIMS to Michael V. Jaspers and Robin L. Jaspers, hereinafter referred to as "Grantees," whose post office address is 46831 262nd St, Sioux Falls, South Dakota 57107, all Grantor's interest in the following described real estate:

Lot BP2 and Lot BP3 in Government Lot 2, 3 & 4 less Lot A of Section 12, Township 100 North, Range 56 West of the 5th P.M., Hutchinson County, South Dakota.

Grantor reserves all rights to all deposits of coal, ores, metals, and other minerals, asphaltum, oil, gas, and other like substance, together with the right to prospect for, mine, and remove the same upon rendering compensation to the owner or lessee for all damages that may be caused by such prospecting or removal.

Grantor reserves the right to control access to the above-referenced property in accordance with the authority granted to the South Dakota Transportation Commission to construct and maintain controlled access facilities pursuant to SDCL ch. 31-8. No access will be allowed to or from public right of way from the above-referenced property, other than as may be approved by the Department.

EXEMPT FROM TRANSFER FEE SDCL 43-4-22 (2).

**EXEMPT FROM
TRANSFER FEE**

Dated this 15th day of September, 2011.

Approved as to Form:

[Signature]
Special Assistant Attorney General

STATE OF SOUTH DAKOTA acting by and through its
DEPARTMENT OF TRANSPORTATION

By: [Signature]
Darin P. Bergquist, Its Secretary

ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF HUGHES)

On this 15th day of September, 2011, before me, a Notary Public within and for said County and State, personally appeared Darin P. Bergquist, Secretary of the South Dakota Department of Transportation, known to me to be the person who is described in and who executed the within and foregoing instrument in the capacity indicated and acknowledged to me that he executed the same freely.

Andrew J. Jacobson
NOTARY PUBLIC

My Commission Expires: 1/15/2015



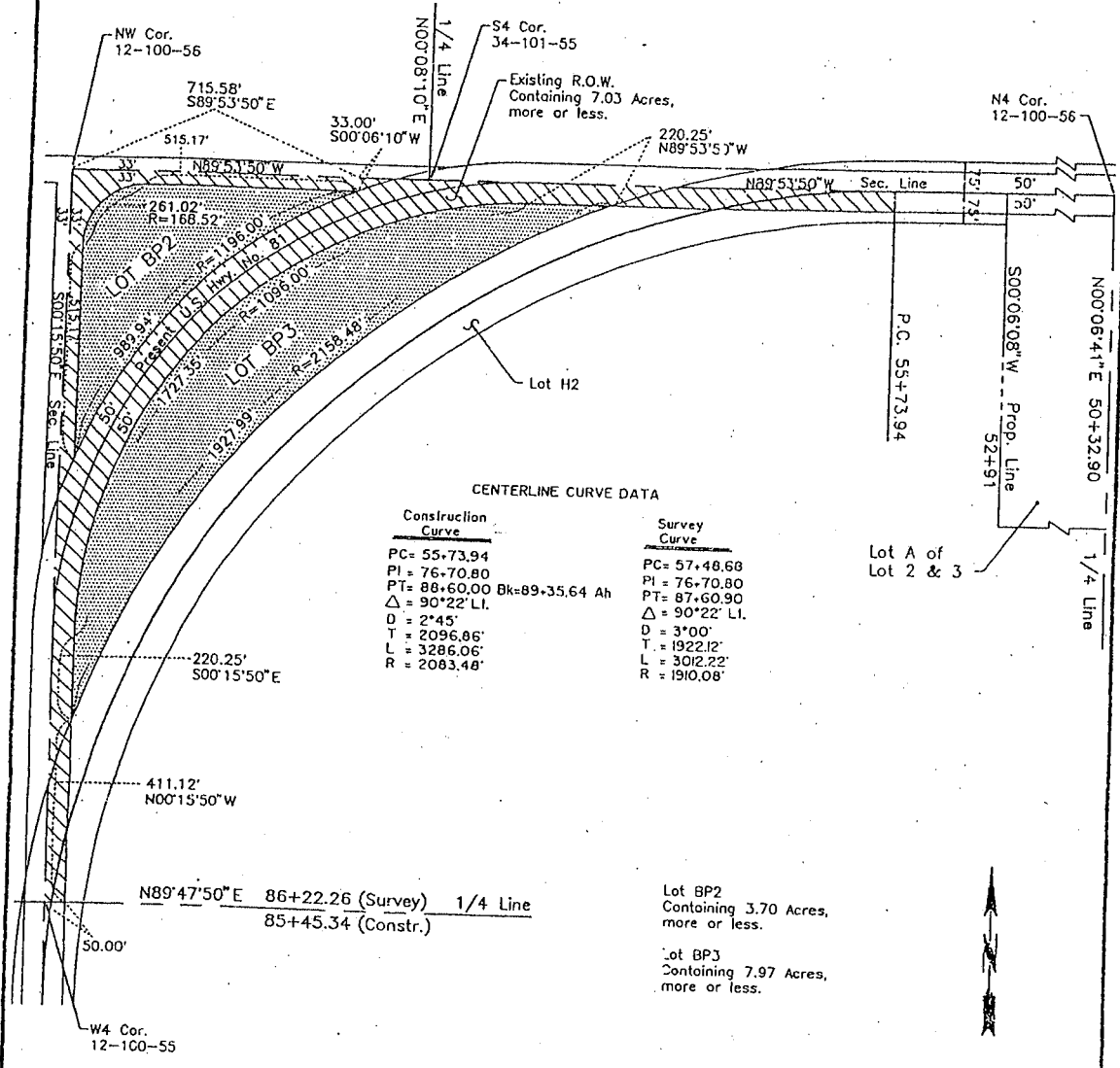
PLAT OF LOT BP2 & LOT BP3.

Showing a tract of land to be acquired for highway purposes in Government Lot 2, 3 & 4 less Lot A of Section 12 - Township 100 North - Range 56 West of the 5th P.M. for construction of Project No. F0081(51)35

Attachment #5

HUTCHINSON COUNTY, SOUTH DAKOTA

Scale: 1 inch = 200 feet



CENTERLINE CURVE DATA

Construction Curve	Survey Curve
PC= 55+73.94	PC= 57+48.68
PI= 76+70.80	PI= 76+70.80
PT= 88+60.00	PT= 87+60.90
Δ= 90°22' LI.	Δ= 90°22' LI.
D= 2°45'	D= 3°00'
T= 2096.86'	T= 1922.12'
L= 3286.06'	L= 3012.22'
R= 2083.48'	R= 1910.08'

Lot BP2
Containing 3.70 Acres,
more or less.

Lot BP3
Containing 7.97 Acres,
more or less.

Drawing prepared by:
DeWild Grant Reckert & Assoc. Co.
Sioux Falls, South Dakota

Drawn by C. Gilliland Date 2-24-92
Checked by H. Meyerhoff Date 2-25-92

SURVEYOR'S CERTIFICATE

I, ROBERT J. THIELEN, 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 plot 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 the plat.

In witness whereof, I have set my hand and seal this 28th day of May, A.D. 1991.
Robert J. Thielen
Registered Land Surveyor—Registration No. 4424

OFFICE OF REGISTER OF DEEDS

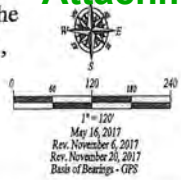
State of South Dakota
County of Hutchinson

Filed for record the 11th day of September, A.D., 1992 at 10:00 A.M., and recorded in
Book of Plots 112-20 on Page 192 therein.

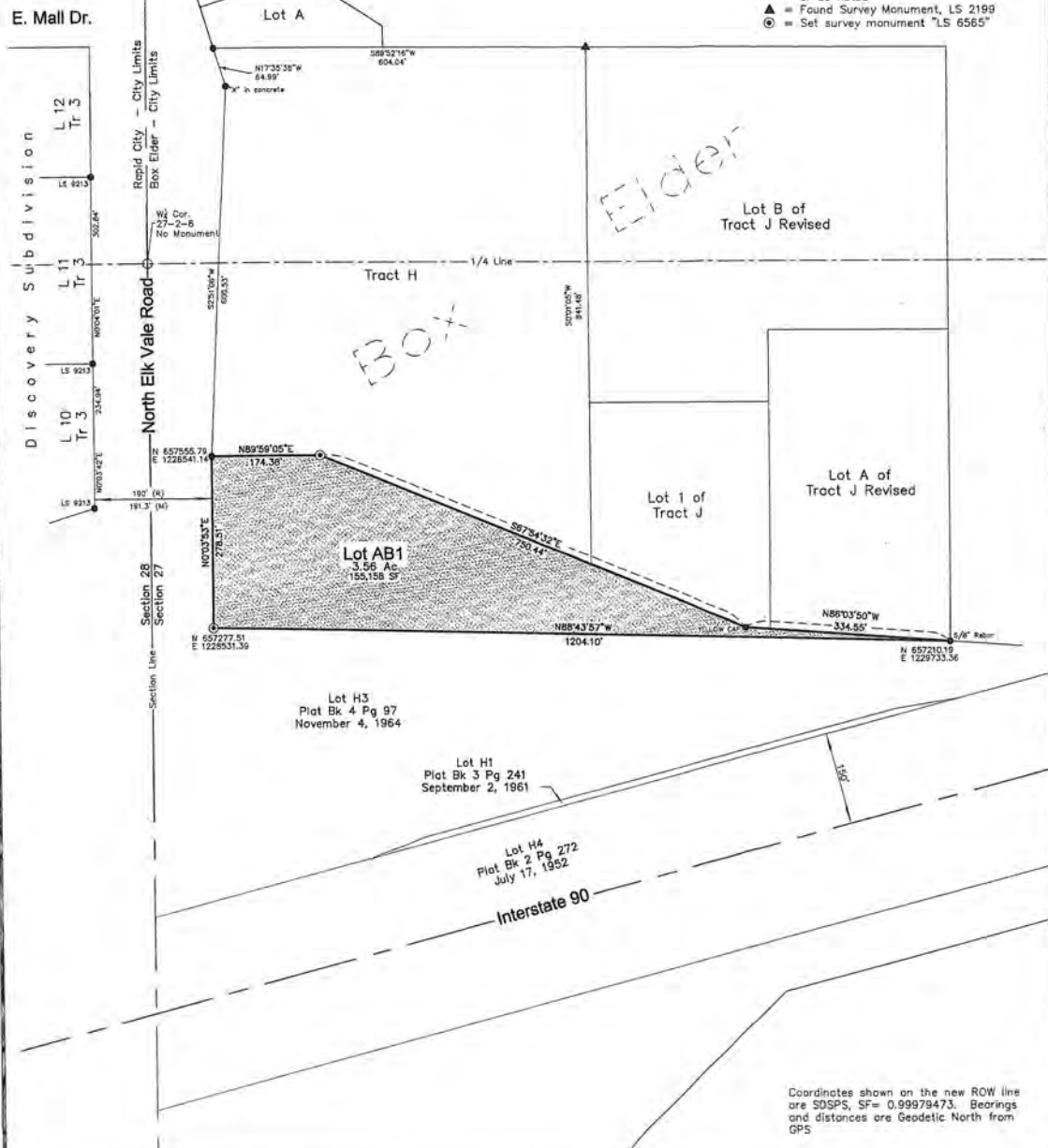
Judy Robinson
Register of Deeds by _____ Deputy

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Plat of Lot AB1
 showing a parcel of land to be abandoned in a portion of Lot H3 in the
 SW¹/₄ of Section 27, Township 2 North, Range 8 East, of the B.H.M.,
 City of Box Elder,
 Pennington County, South Dakota



LEGEND
 ● = Found Survey Monument, LS 2652 or as noted
 ▲ = Found Survey Monument, LS 2199
 ⊙ = Set survey monument "LS 6565"



Coordinates shown on the new ROW line are SDSPS, SF= 0.99979473. Bearings and distances are Geodetic North from GPS

CERTIFICATE OF REGISTERED LAND SURVEYOR

I, Ronald W. Fisk, Registered Land Surveyor No. 6565 in the State of South Dakota, do hereby certify that at the request of the South Dakota Department of Transportation, I did prepare this plat for the abandonment of the Interstate 90 Right of Way as shown hereon. No Right of Way is being acquired by this plat.

In Witness Whereof, I have hereunto set my hand and official seal
 this 2nd day of August, 2018
 Ronald W. Fisk
 Registered Land Surveyor No. 6565



OFFICE OF THE REGISTER OF DEEDS

State of South Dakota
 County of Pennington
 Filed for record this _____ day of _____, 20____, at _____ and recorded as Document No. _____
 Register of Deeds

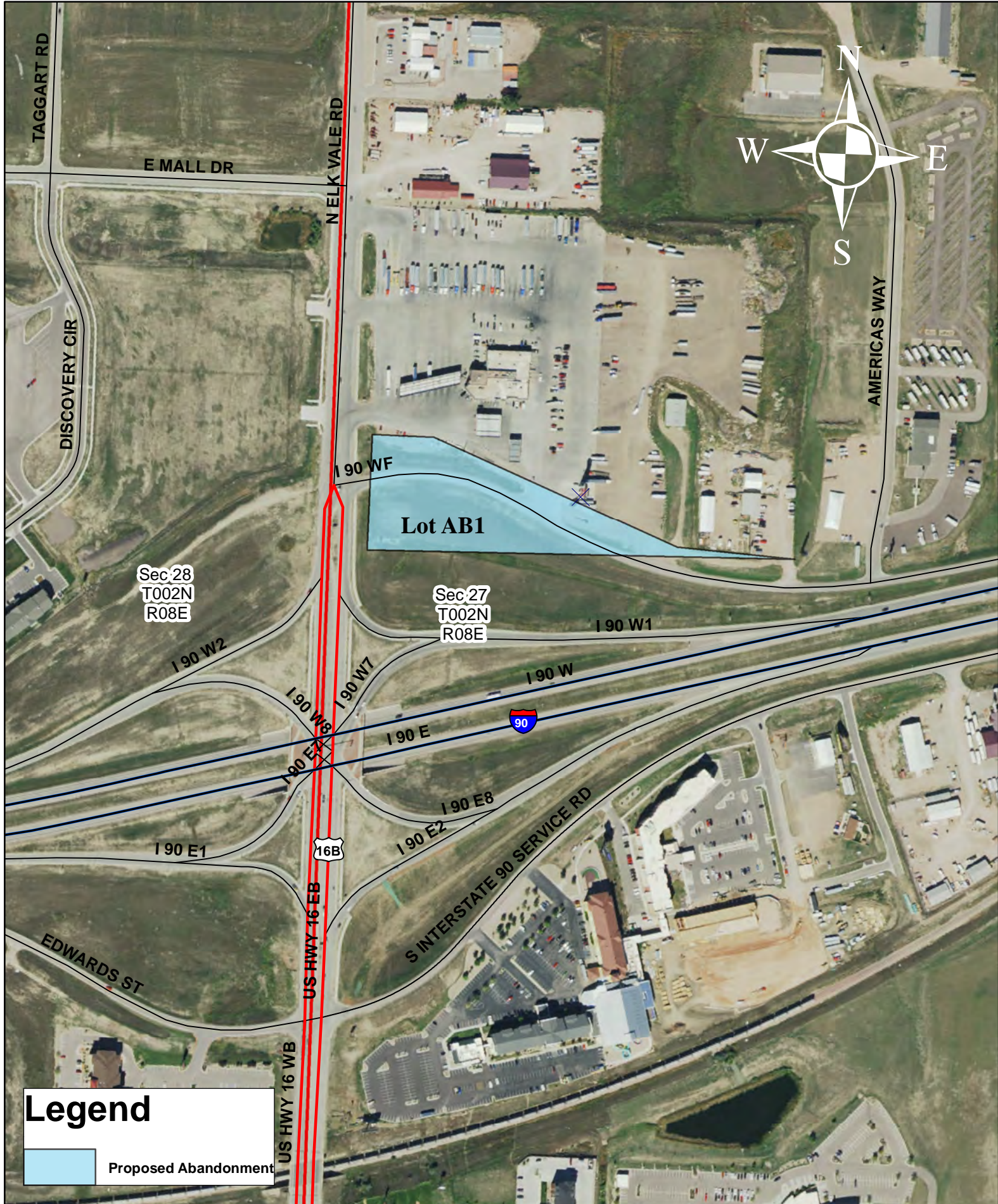
Prepared by:

 FISK LAND SURVEYING & CONSULTING ENGINEERS, INC.
 1022 Main Street • P.O. Box #134
 Rapid City, SD 57709
 File Number 17-01-02

City of Box Elder Proposed Abandonment of Lot AB1

Attachment #5

Item #3



Legend

Proposed Abandonment