



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

June 20, 2023

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

RE: Right of Way Consideration for June 29, 2023 Transportation Commission Agenda

Dear Mr. Behm:

The following items are recommended for Commission consideration:

1. Condemnation – NH 0044(227)40, PCN 08D9, Pennington County

Request Transportation Commission resolution determining that the taking and damaging of real property interests in and to the following property is necessary for a public purpose and authorizing condemnation:

Parcel 2 – Robin L. Patterson

To date, the Department of Transportation has been unable to acquire the real property interests through negotiations for the project NH 0044(227)40, Pennington County, PCN 08D9, SD44 - From Canyon Road to Chapel Lane in Rapid City. Rockfall hazard mitigation. (See Attachments)

2. Disposal of Excess Property – Clay 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 BP1 in Auditor's Tract No. 3, Lot BP3 in Auditor's Tract No. 4 and Lot BP7 in Auditor's Tract No. 2, all in the SW1/4; and also Lot BP8 in Auditor's Tract No. 4 in the SE1/4; all in Section 14, Township 92 North, Range 52 West of the 5th P.M., Clay County, South Dakota, containing 17.4 acres, more or less.

Appraised Value: \$62,500

Lot BP2 in Auditor's Tract No. 3, Lot BP4 in Auditor's Tract No. 4, Lot BP5 in Auditor's Tract No. 1 and Lot BP6 in Auditor's Tract No. 2; all in the SW1/4 of Section 14, Township 92 North, Range 52 West of the 5th P.M., Clay County, South Dakota, containing 5.2 acres, more or less.

Appraised Value: \$24,000

Location of the above property is on the west side of Vermillion near the Hwy 19 and Hwy 50 intersection. Zoning is A-1 Agricultural. The City of Vermillion has access jurisdiction. The above parcels are excess property after completed DOT project BRF 2050(02)408, PCN 1369, and Yankton Area DOT requests the property disposal. (See Attachments)

3. Request Transportation Commission approval to vacate by resolution the following plats:

Parcel 5: Lot H1 in the NE1/4 of Section 24, Township 117 North, Range 53 West of the 5th P.M., lying west of the right-of-way of the Burlington Northern Railroad Company, Codington County, South Dakota.

Parcel 6: Lot PE1 in the railroad right-of-way in the NE1/4 of Section 24, Township 117 North, Range 53 West of the 5th P.M., Codington County, South Dakota.

The above plats were recorded on July 9, 2007 in Book of Plats "O" P, page 197 and on June 23, 2005 in Book of Plats "O" P, page 57. DOT project P 0020(68)394, PCN 4792 (North Connector) was cancelled.

The Watertown Area DOT requests the plats be vacated. (See Attachments)

4. Abandonment – Brule County

Request Transportation Commission approval to abandon by resolution the temporary easements on Brule County Project P 0050(111)231, PCN 6953.

5. Abandonment – Lincoln County

Request Transportation Commission approval to abandon by resolution the temporary easements on Lincoln County Project IM 0292(92)73, PCN 06X4.

6. Abandonment – Edmunds County

Request Transportation Commission approval to abandon by resolution the temporary easements on Edmunds County DOT Project NH-PH 0012(229)264, PCN 06C7.

7. Abandonment – Turner County

Request Transportation Commission approval to abandon by resolution the temporary easements on Turner County DOT project P-PH 0046(60)346, PCN 04J5.

8. Abandonment – Clay County

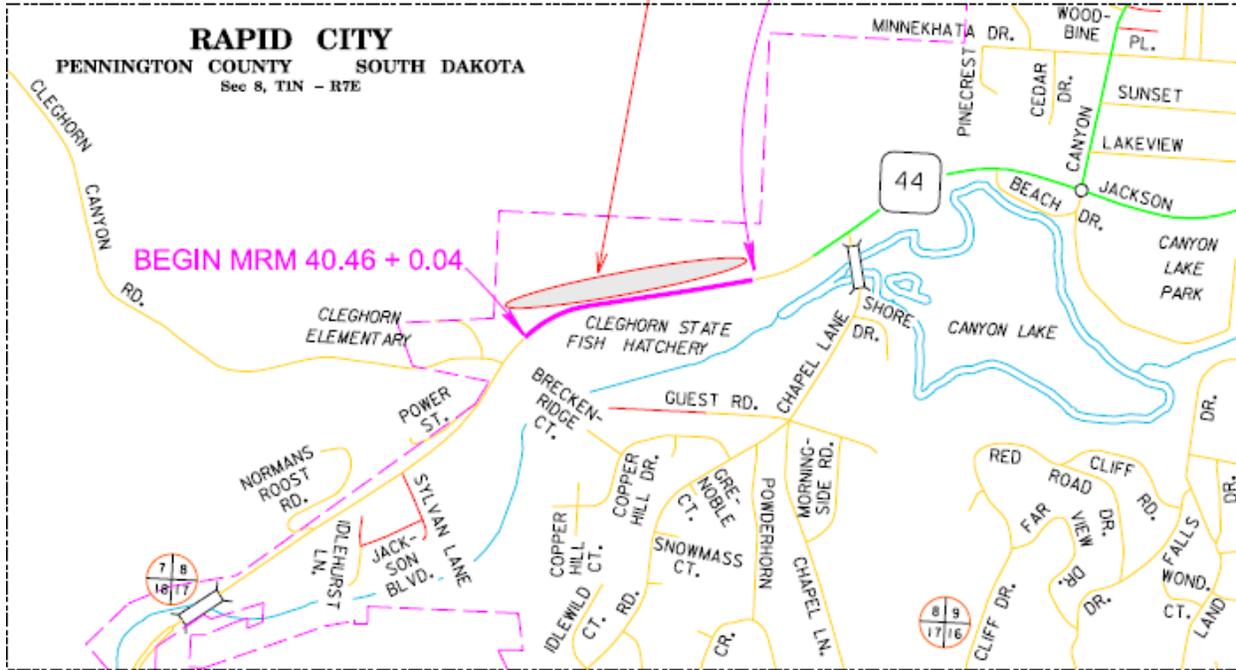
Request Transportation Commission approval to abandon by resolution the temporary easements on Clay County DOT project P-PH 0046(60)346, PCN 04J5.

Sincerely,



John Keyes, Program Manager

Attachment A



PLAT OF LOT H1

in Lot 3 of Vista Lake Subdivision #2, formerly all of Lot 1 of Lot F-1 and a portion of Lot F-1 of Fish Hatchery Subdivision, located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 8 - Township 1 North - Range 7 East of the B.H.M.

PENNINGTON COUNTY, SOUTH DAKOTA

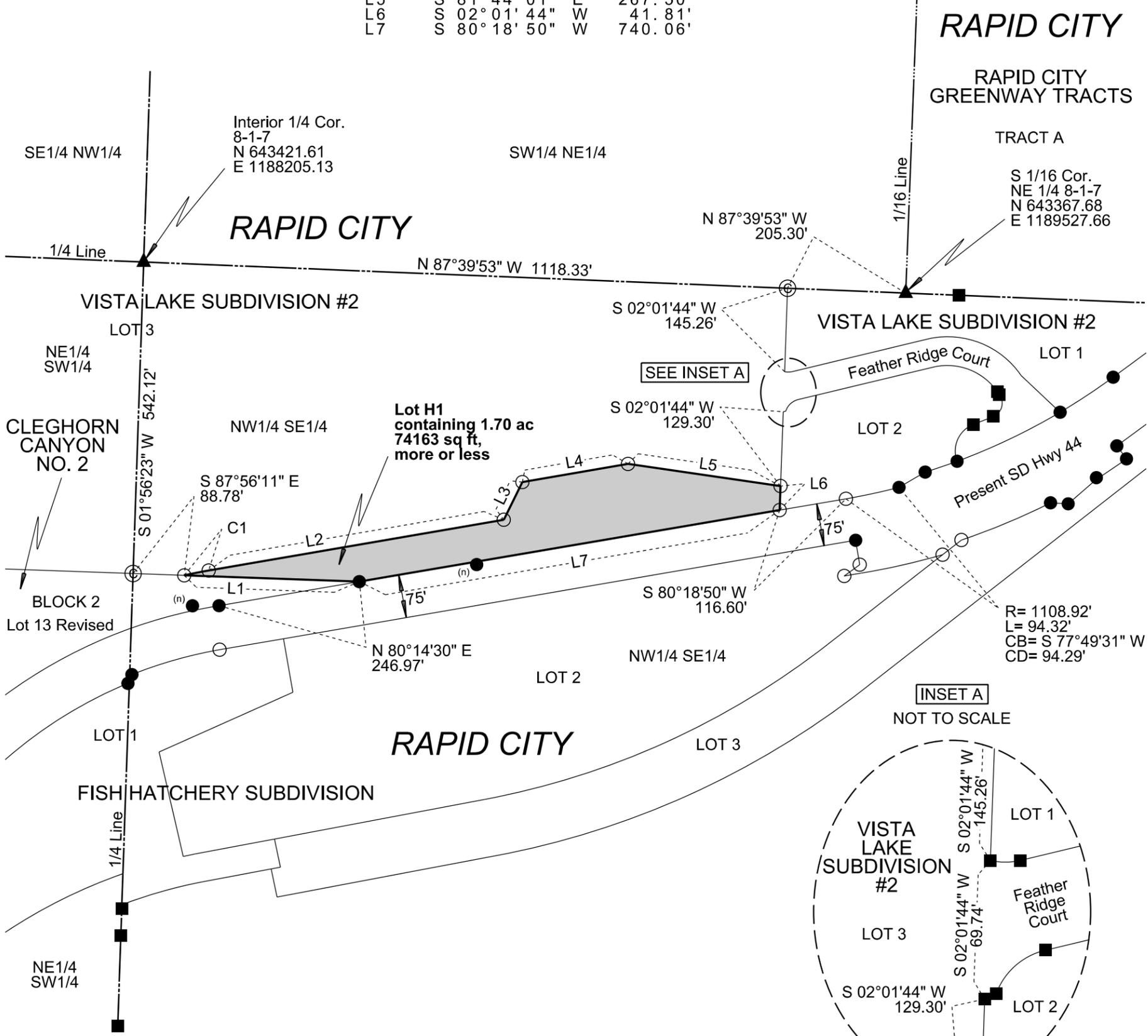
Showing a parcel of land to be acquired for highway purposes

Scale: 1 inch = 200 feet

LEGEND

- = found R.O.W. corner
- = set R.O.W. corner
- ▲ = found P.L.S.S. corner
- ⊙ = calculated corner
- = found property corner
- (n) = not used for boundary location

	Bearing	Length	Chord	Radius
L1	N 87° 56' 11" W	304.04'		
C1	N 78° 52' 37" E	45.92'	45.91'	925.18'
L2	N 80° 12' 51" E	517.00'		
L3	N 26° 15' 14" E	73.00'		
L4	N 80° 12' 51" E	186.00'		
L5	S 81° 44' 01" E	267.50'		
L6	S 02° 01' 44" W	41.81'		
L7	S 80° 18' 50" W	740.06'		



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(2011) epoch 2010.00 Geoid12A SF = 0.99967555

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

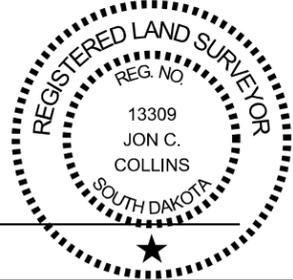
Drawn By Jonathan A Egge Date 10/31/2022
 Checked By J.C.C. Date 10/31/2022

SURVEYOR'S CERTIFICATE

I, JON C. COLLINS, 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. 13309



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.

08D9
 NH 0044(227)40

Register of Deeds

by

Deputy

Robin L. Patterson

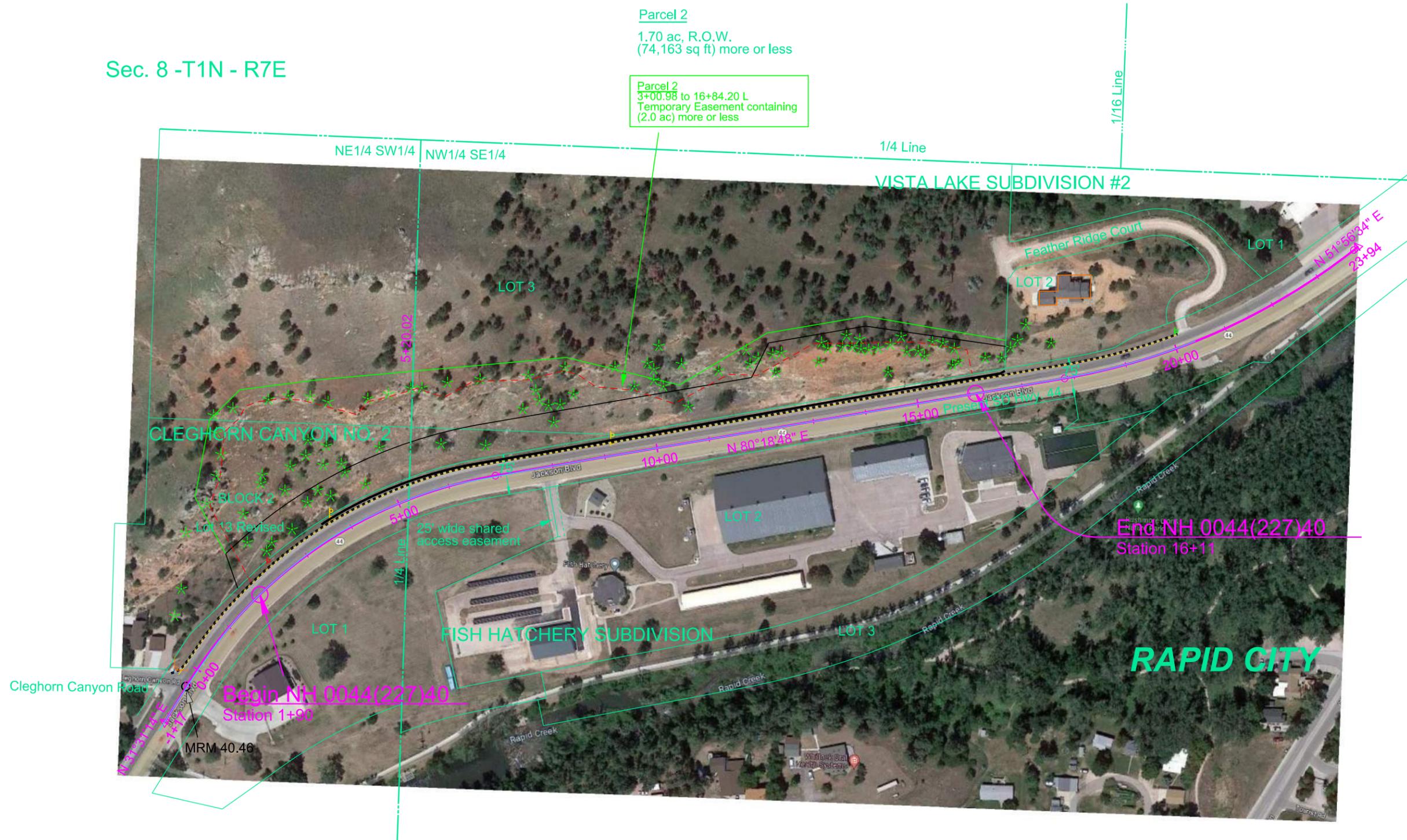
Lot 3 of Vista Lake Subdivision #2, formerly all of Lot 1 of Lot F-1 and a portion of Lot F-1 of Fish Hatchery Subdivision, located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 8 - Township 1 North - Range 7 East of the B.H.M.

Parcel 2

1.70 ac, R.O.W.
(74,163 sq ft) more or less

Parcel 2
3+00.98 to 16+84.20 L
Temporary Easement containing
(2.0 ac) more or less

Sec. 8 -T1N - R7E



Plot Scale - 1:200

Plotted From - Irrc11951

File - ...108D9_ROW Photo.dgn

Parcel No. 11

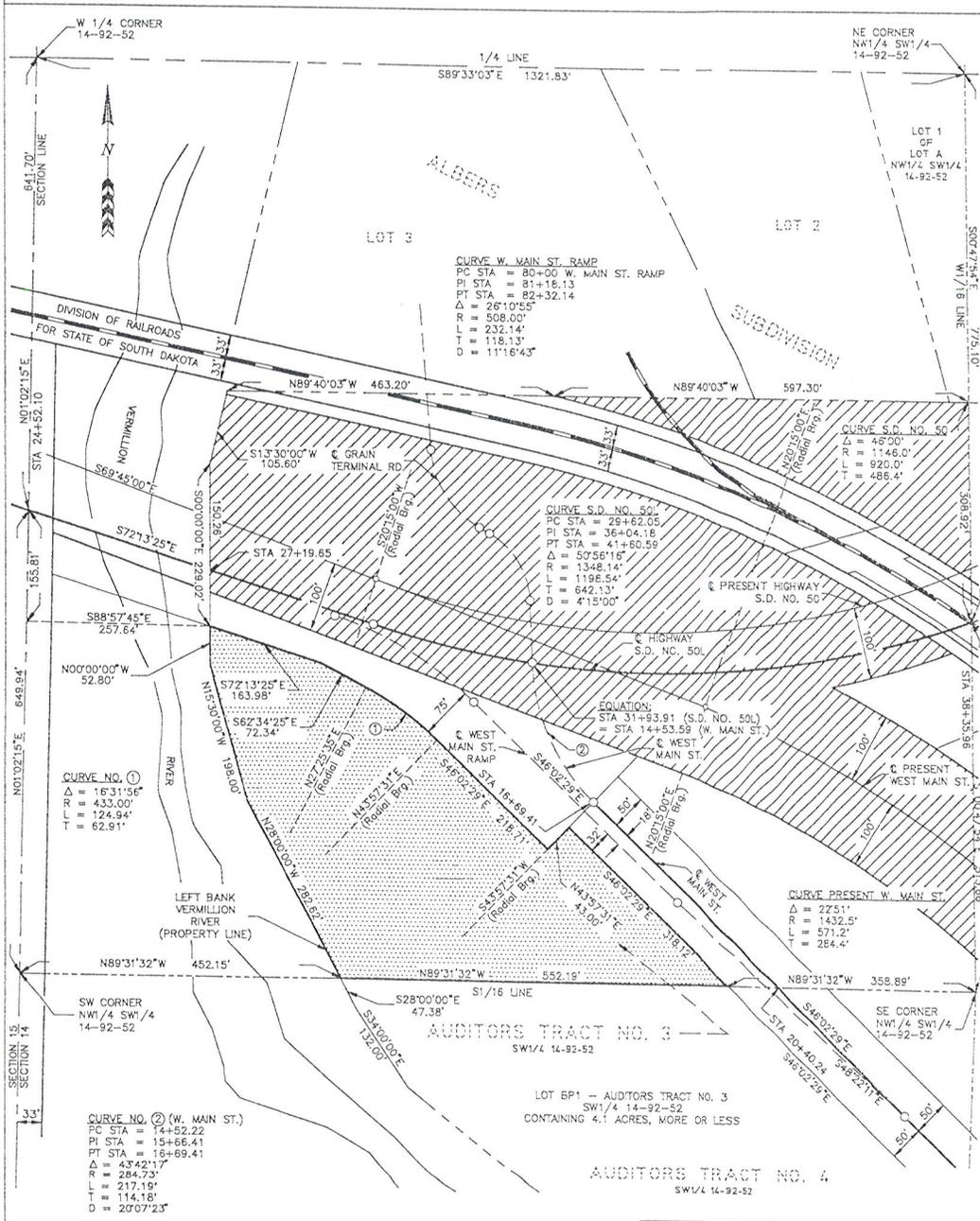
PLAT OF LOT BP1

Showing a tract of land to be acquired for highway purposes in Auditors Tract No. 3 in the SW1/4 of Section 14 - Township 92 North - Range 52 West of the 5th P.M. for construction of Project No. BRF 2050 (02) 406

CLAY COUNTY, SOUTH DAKOTA

Scale: 1 inch = 100 feet

PREPARED BY:
WILSEY & ASSOCIATES, INC.
P.O. BOX 200, 406 MAIN AVENUE
BRANDON, SOUTH DAKOTA 57005
PHONE: (605) 582-7266
BY:
MARK A. TURNER
R.L.S. NO. 5086

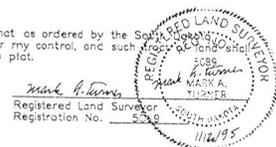


Drawn by:	S.H.H./T.M.W.	Date:	01/12/95
Checked by:	M.A.T.	Date:	01/12/95

SURVEYOR'S CERTIFICATE

I, MARK A. TURNER, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the State Transportation Commission the tract of land as shown on this plat has been surveyed at my direction and under my control, and such facts as 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 12th day of January, A.D., 1995



84653

OFFICE OF REGISTER OF DEEDS

State of South Dakota
County of Clay ss
Filed for record the 13 day of September, A.D., 1995 at 1:00 P M., and recorded in Book of Plats 6 on Page 87 therein.

Register of Deeds by Deputy

Parcel No. 12

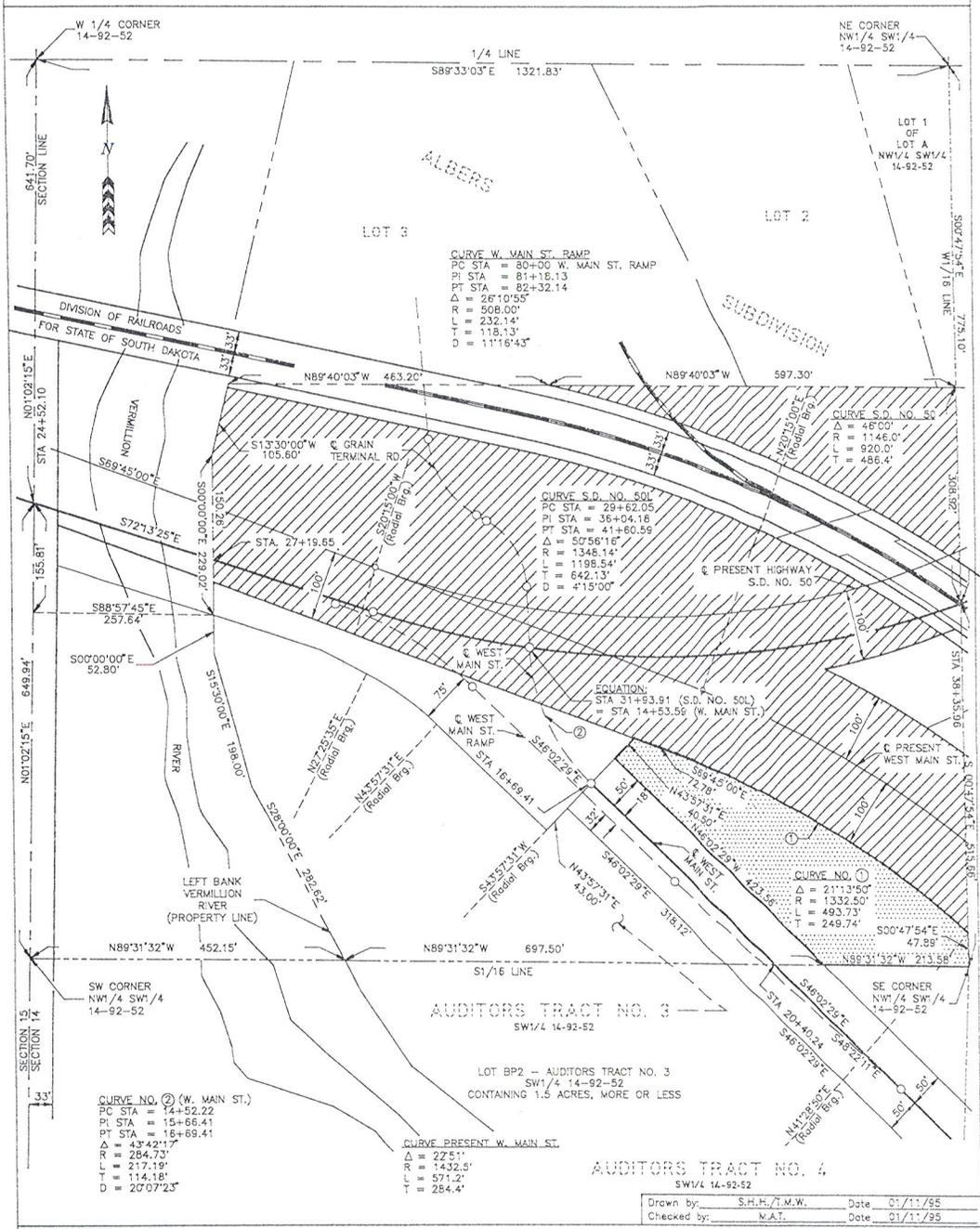
PREPARED BY:
WILSEY & ASSOCIATES, INC.
P.O. BOX 200, 406 MAIN AVENUE
BRANDON, SOUTH DAKOTA 57005
PHONE: (605) 582-7260
BY:
MARK A. TURNER
R.L.S. NO. 5086

PLAT OF LOT BP2

Showing a tract of land to be acquired for highway purposes in Auditors Tract No. 3 in the SW1/4 of Section 14 - Township 92 North - Range 52 West of the 5th P.M. for construction of Project No. BRF 2050 (02) 408

CLAY COUNTY, SOUTH DAKOTA

Scale: 1 inch = 100 feet

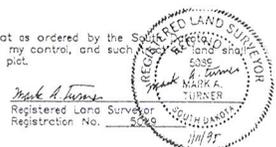


Drawn by: S.H.H./T.M.W. Date: 07/11/95
Checked by: M.A.T. Date: 07/11/95

SURVEYOR'S CERTIFICATE

I, MARK A. TURNER, 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 11th day of January, A.D., 19 95



84654 OFFICE OF REGISTER OF DEEDS
State of South Dakota
County of Clay
Filed for record the 13 day of September, A.D., 19 95, at 1007 M., and recorded in Book of Plats 6 on Page 188 therein.

Register of Deeds by Deputy

Parcel No. 13

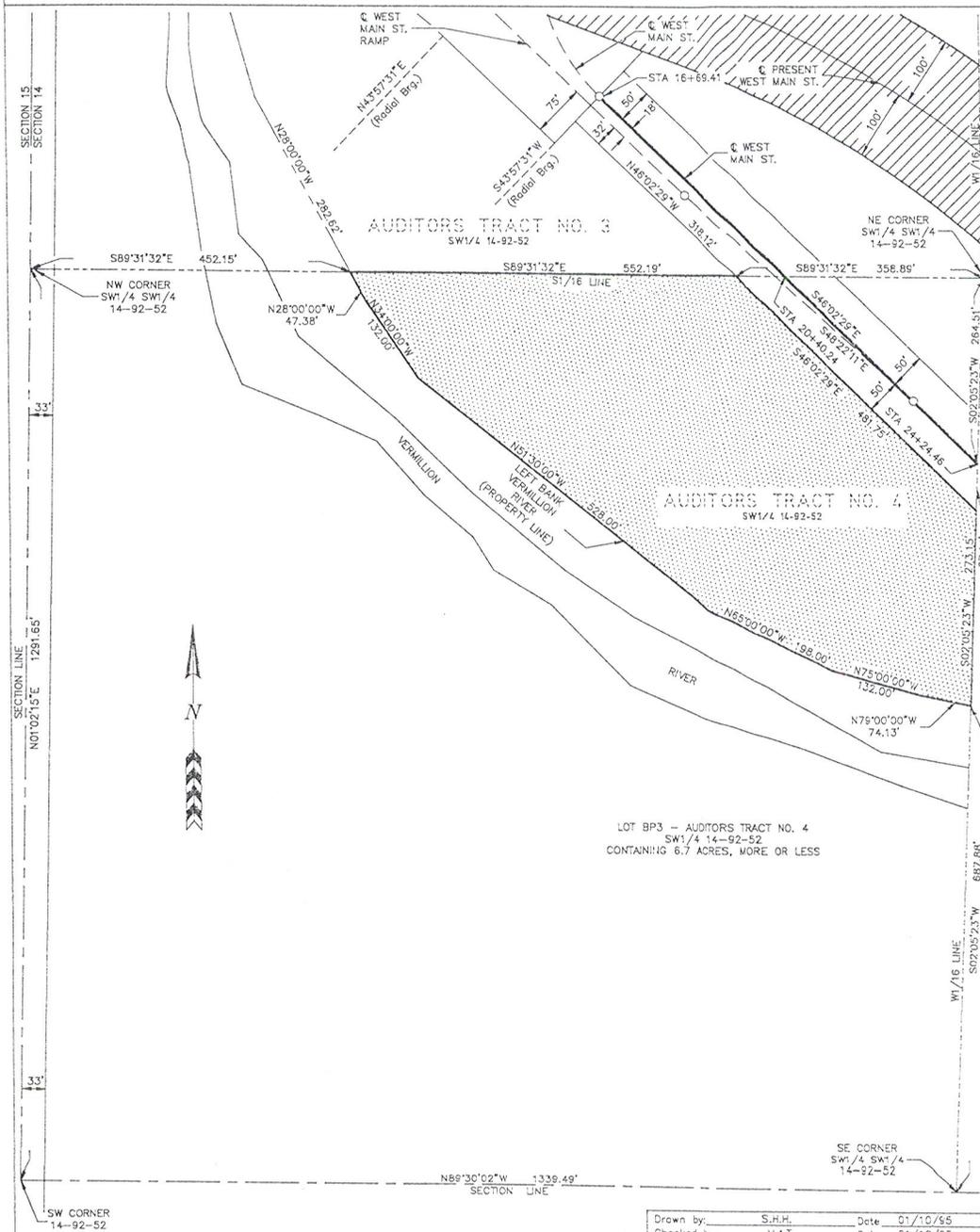
PLAT OF LOT BP3

Showing a tract of land to be acquired for highway purposes in Auditors Tract No. 4 in the SW1/4 of Section 14 - Township 92 North - Range 52 West of the 5th P.M. for construction of Project No. BRF 2050 (02) 408

CLAY COUNTY, SOUTH DAKOTA

Scale: 1 inch = 100 feet

PREPARED BY:
MILSEY & ASSOCIATES, INC.
P.O. BOX 200, 406 MAIN AVENUE
BRANDON, SOUTH DAKOTA 57005
PHONE: (605) 582-7260
BY:
MARK A. TURNER
R.L.S. NO. 5069



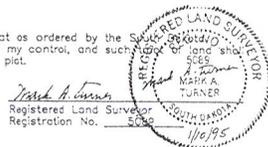
LOT BP3 - AUDITORS TRACT NO. 4
SW1/4 14-92-52
CONTAINING 6.7 ACRES, MORE OR LESS

Drawn by:	S.H.H.	Date:	01/10/95
Checked by:	M.A.T.	Date:	01/10/95

SURVEYOR'S CERTIFICATE

I, MARK A. TURNER, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the State Transportation Commission the tract of land as shown on this plat has been surveyed at my direction and under my control, and such map or plat 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 10th day of January, A.D., 1995



84655 OFFICE OF REGISTER OF DEEDS
State of South Dakota
County of Clay ss
Filed for record the 13 day of Sept., A.D., 1995, at 1:00 P. M., and recorded in Book of Plots 6 on Page 166 therein.
Register of Deeds by Deputy

Parcel No. 14

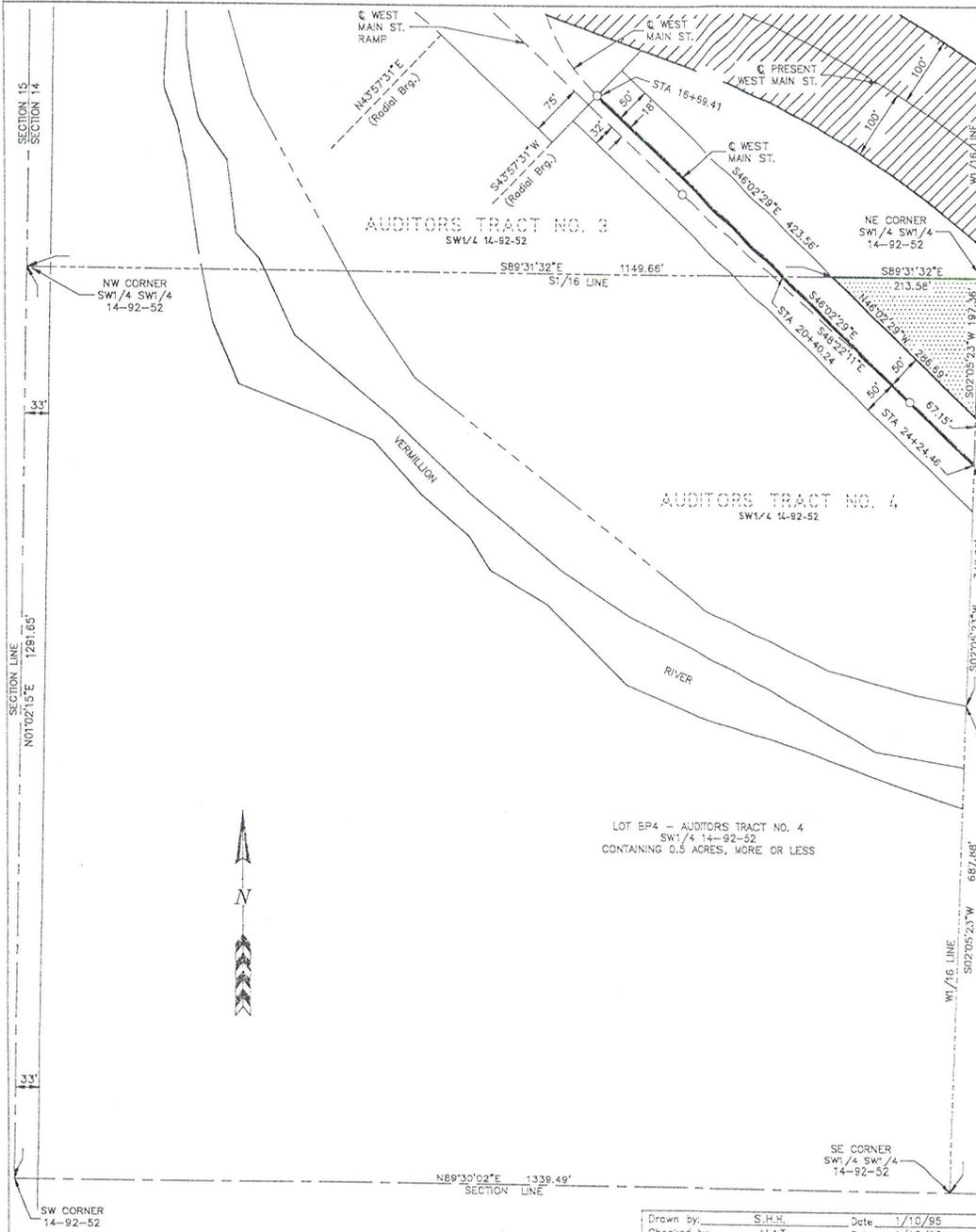
PREPARED BY:
WILSEY & ASSOCIATES, INC.
P.O. BOX 200, 406 MAIN AVENUE
BRANDON, SOUTH DAKOTA 57005
PHONE: (605) 582-7260
BY:
MARK A. TURNER
R.L.S. NO. 5069

PLAT OF LOT BP4

Showing a tract of land to be acquired for highway purposes in Auditors Tract No. 4
in the SW1/4 of Section 14 - Township 92 North - Range 52 West of the 5th P.M.
for construction of Project No. BRF 2050 (02) 40B

CLAY COUNTY, SOUTH DAKOTA

Scale: 1 inch = 100 feet



LOT BP4 - AUDITORS TRACT NO. 4
SW1/4 14-92-52
CONTAINING 0.5 ACRES, MORE OR LESS



Drawn by:	S.H.M.	Date	1/10/95
Checked by:	M.A.T.	Date	1/10/95

SURVEYOR'S CERTIFICATE

I, MARK A. TURNER, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the 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 10th day of January, A.D., 19 95. Mark A. Turner
Registered Land Surveyor
Registration No. 5069



84656
State of South Dakota

OFFICE OF REGISTER OF DEEDS

County of Clay ss
Filed for record the 13 day of Sept., A.D., 19 95 at 1:00 P. M., and recorded in Book of Plats 6 on Page 109 therein.

Register of Deeds by Deputy

Parcel No. 15

PLAT OF LOT BP5

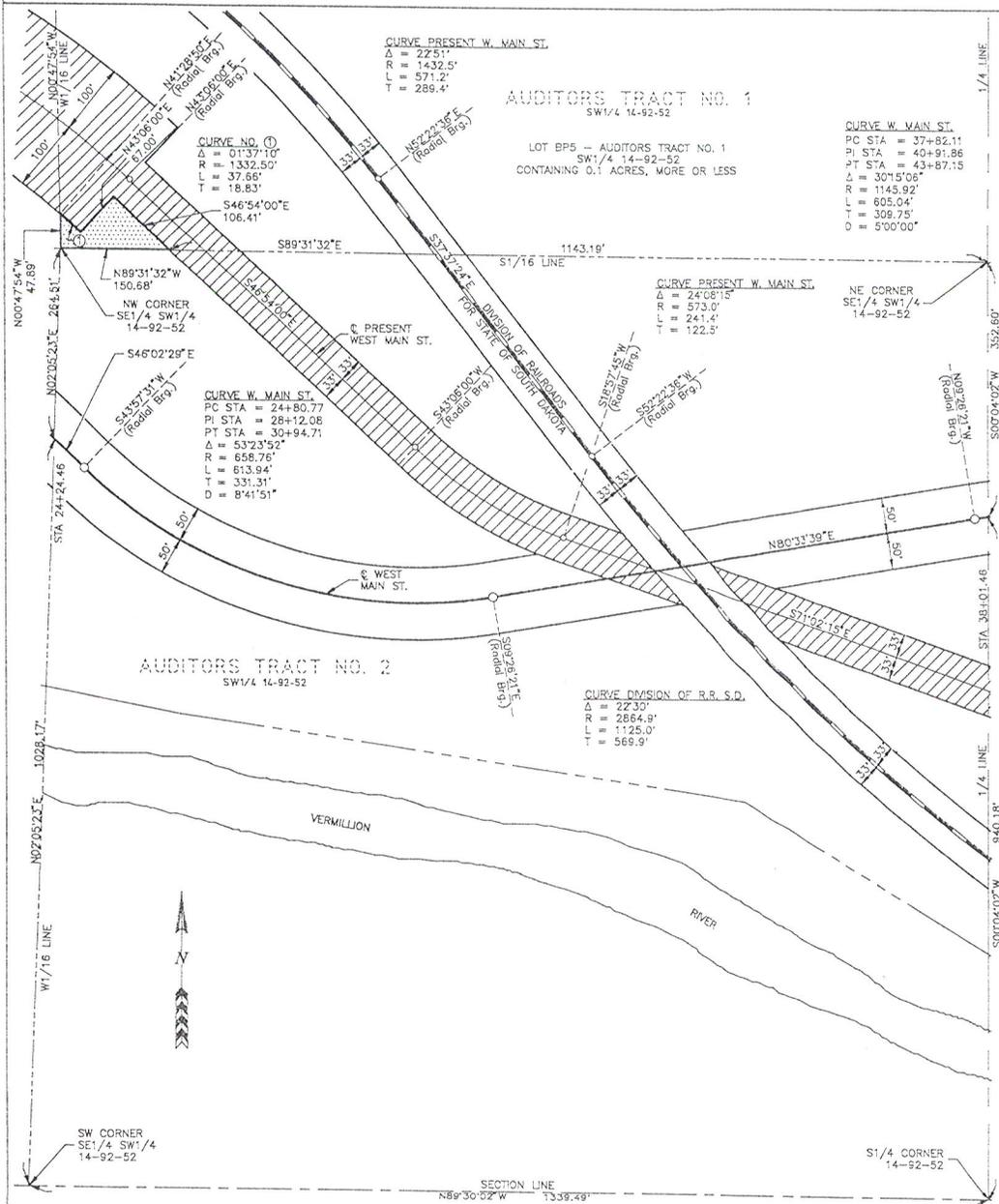
PREPARED BY:
WILSEY & ASSOCIATES, INC.
P.O. BOX 200, 406 MAIN AVENUE
BRANDON, SOUTH DAKOTA 57005
PHONE: (605) 582-7260

BY:
MARK A. TURNER
R.L.S. NO. 5089

Showing a tract of land to be acquired for highway purposes in Auditors Tract No. 1
in the SW1/4 of Section 14 - Township 92 North - Range 52 West of the 5th P.M.
for construction of Project No. BRF 2050 (02) 408

CLAY COUNTY, SOUTH DAKOTA

Scale: 1 inch = 100 feet



Drawn by:	S.H.H.	Date	01/10/95
Checked by:	M.A.T.	Date	01/10/95

SURVEYOR'S CERTIFICATE

I, MARK A. TURNER, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the State Transportation Commission the tract of land as shown on this plat has been surveyed at my direction and under my control, and such survey is 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 10th day of January, A.D., 1995.
Mark A. Turner
Registered Land Surveyor
Registration No. 5089



84657
 State of South Dakota
 County of Clay, ss
 Filed for record the 13 day of Sept., A.D., 1995 at 1:00 P. M., and recorded in Book of Plats 6 on Page 189 therein.

OFFICE OF REGISTER OF DEEDS

Register of Deeds by Deputy

Parcel No. 16

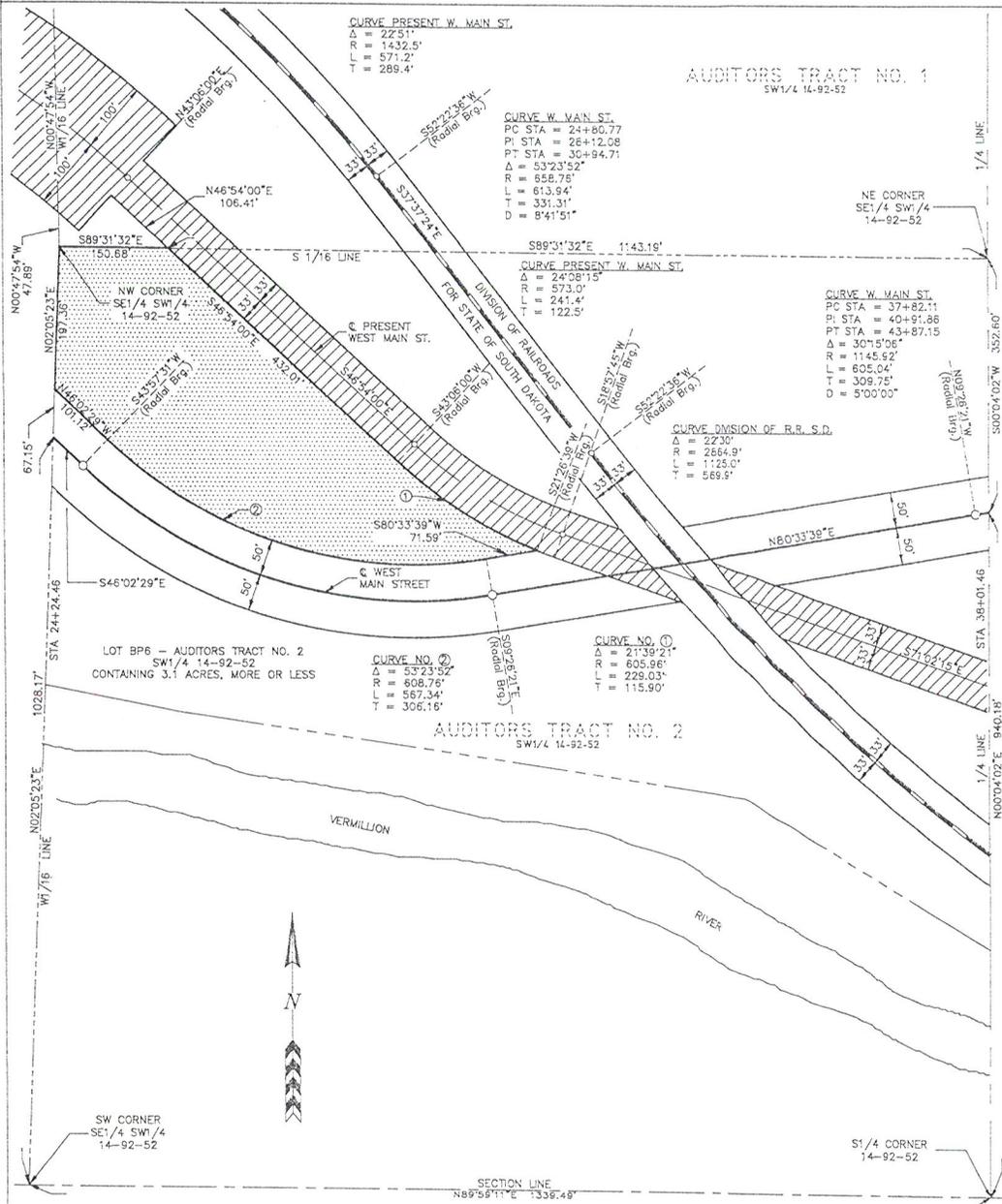
PLAT OF LOT BP6

Showing a tract of land to be acquired for highway purposes in Auditors Tract No. 2 in the SW1/4 of Section 14 - Township 92 North - Range 52 West of the 5th P.M. for construction of Project No. BRF 2050 (02) 408

CLAY COUNTY, SOUTH DAKOTA

Scale: 1 inch = 100 feet

PREPARED BY:
WILSEY & ASSOCIATES, INC.
P.O. BOX 200, 406 MAIN AVENUE
BRANDON, SOUTH DAKOTA 57005
PHONE: (605) 582-7260
BY:
MARK A. TURNER
R.L.S. NO. 5086

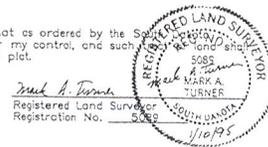


Drawn by:	S.H.H.	Date:	01/10/95
Checked by:	M.A.T.	Date:	01/10/95

SURVEYOR'S CERTIFICATE

I, MARK A. TURNER, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the State Transportation Commission the tract of land as shown on this plat has been surveyed at my direction and under my control, and such survey 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 10th day of January, A.D., 1995



84658

OFFICE OF REGISTER OF DEEDS

State of South Dakota

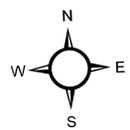
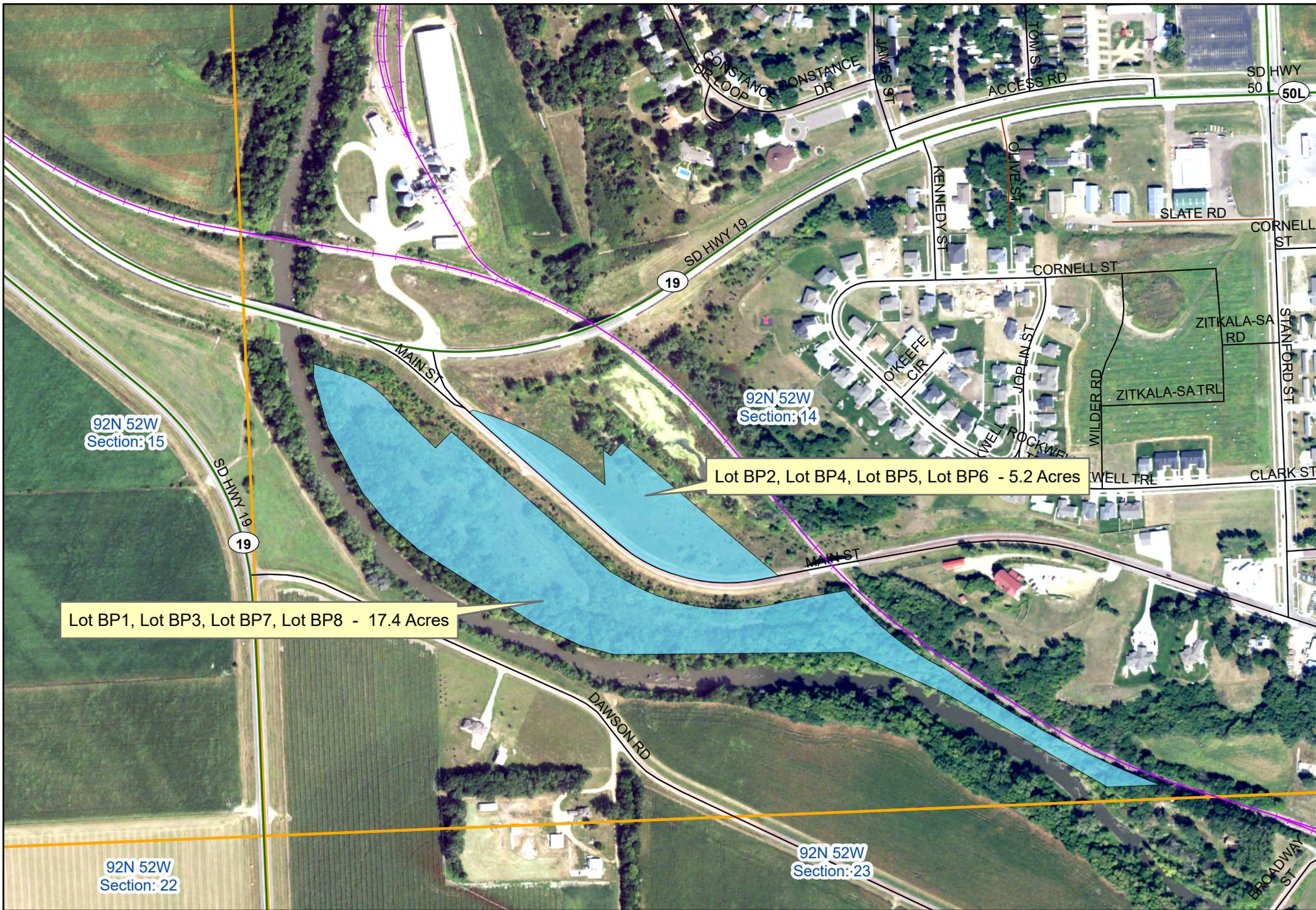
County of Clay

Filed for record the 13th day of September, A.D., 1995 at 1:00 P.M., and recorded in Book of Picts 6 on Page 190 therein.

Register of Deeds

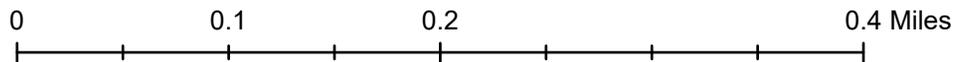
by

Deputy



Legend

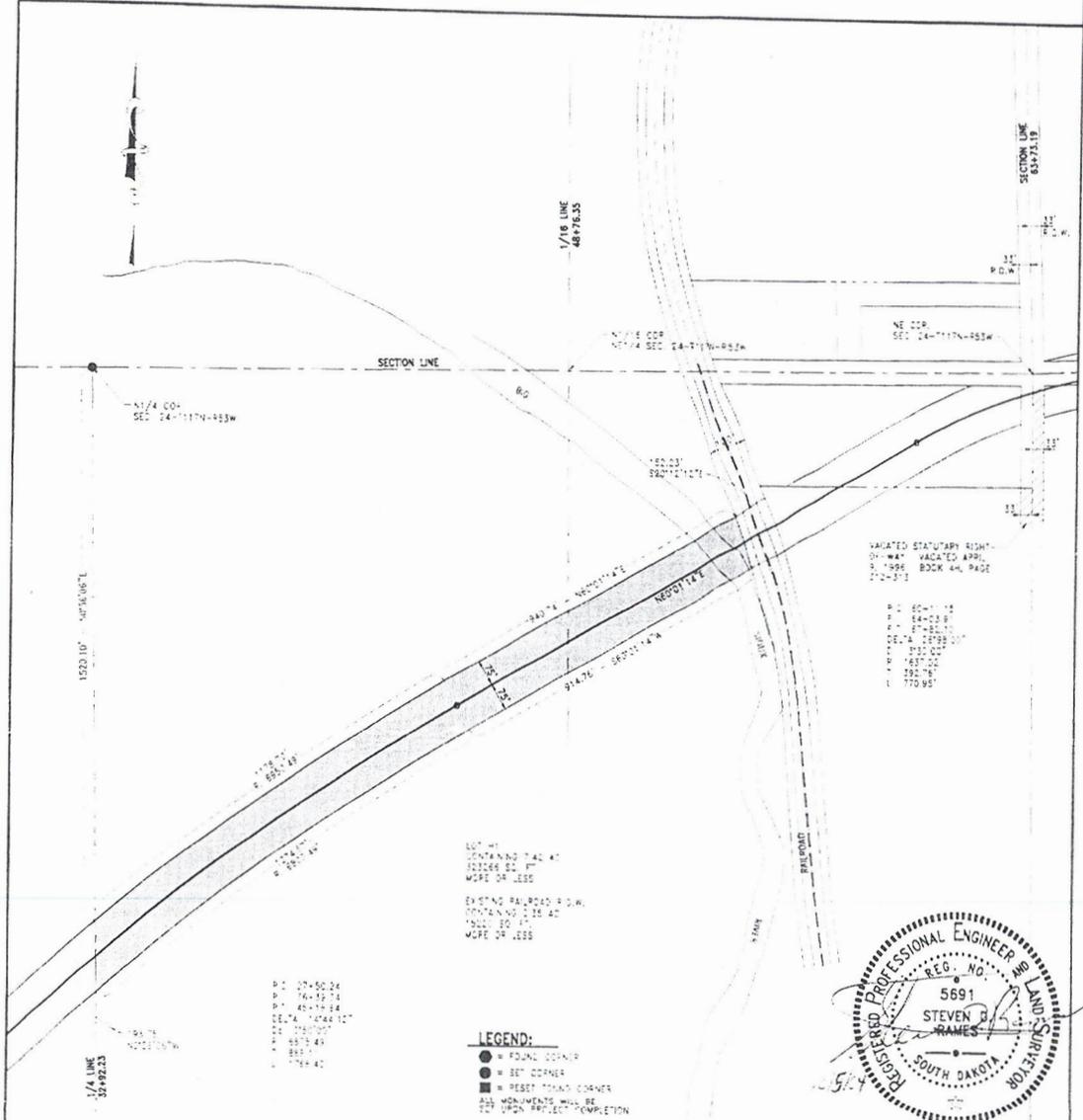
 Section Line



PARCEL 5

PLAT OF LOT H1

SHOWING A TRACT OF LAND TO BE ACQUIRED FOR HIGHWAY PURPOSES IN ALL THAT PART OF THE NE¼ OF SECTION 24, TOWNSHIP 117 NORTH RANGE 52 WEST OF THE 5TH P.M., LYING WEST OF THE RIGHT-OF-WAY OF THE BURLINGTON NORTHERN RAILROAD COMPANY FOR CONSTRUCTION OF PROJECT No. P00201681394
 CODINGTON COUNTY, SOUTH DAKOTA
 SCALE: 1" = 300'-0"



VACATED STATUTORY RIGHT-OF-WAY VACATED APR. 9, 1998 BOOK 44, PAGE 172-173

P.C. 20-1-18
 P. 24-03-8
 P. 27-05-11
 P. 28-08-10
 P. 29-02-10
 P. 30-02-10
 P. 31-02-10
 P. 32-02-10
 P. 33-02-10
 P. 34-02-10

LOT H1
 CONTAINING 742 AC
 20266 SQ. FT.
 MORE OR LESS

EXISTING RAILROAD R.O.W.
 CONTAINING 226 AC
 15611 SQ. FT.
 MORE OR LESS

P. 1 07-50-24
 P. 2 16-12-11
 P. 3 43-12-24
 DEL. N. 17422.10"
 DEL. E. 17422.10"
 P. 4 55-12-49
 P. 5 55-12-49
 P. 6 55-12-49

LEGEND:
 ● = FOUND CORNER
 ○ = SET CORNER
 ■ = RESET TOWNSHIP CORNER
 ALL MONUMENTS WILL BE SET UPON PROJECT COMPLETION



NOTE: THE COORDINATES AND/OR DISTANCES SHOWN ON THIS PLAT ARE BASED ON THE SOUTH DAKOTA STATE PLANE COORDINATE SYSTEM - ZONE 4001, NAD 83, OF = 0.999996030

Drawing Prepared By Banner Associates, Inc.
 Brookings, South Dakota
 Drawn By: S.A.N. Date: 10-05-14
 Checked By: S.D.R. Date: 10-08-14

SURVEYOR'S CERTIFICATE

I, Steven D. Romes, 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 the plat.

In witness whereof, I have set my hand and seal this 5 day of Oct, A.D. 2014

Steven D. Romes
 Steven D. Romes
 Registered Land Surveyor
 Registration No. 5691

Banner Associates, Inc.
 408 22nd Ave South
 Brookings, SD 57006
 Phone: (605) 692-6342

OFFICE OF REGISTER OF DEEDS

State of South Dakota
 County of Codington, SS
 Filed for record the 9th day of July, A.D. 2014, at 11:35 A.M. and recorded in Book of Plats 201 of Page 197 therein.

Ann Seifel
 Register of Deeds

PARCEL 6

PLAT OF LOT PE1

2005-3482

SHOWING A TRACT OF LAND TO BE ACQUIRED AS PERMANENT EASEMENT FOR HIGHWAY PURPOSES IN THE RAILROAD RIGHT-OF-WAY IN THE NE4 OF SECTION 24 - TOWNSHIP 117 NORTH - RANGE 53 WEST OF THE 5TH P.M. FOR CONSTRUCTION OF PROJECT No. P0020(69)394

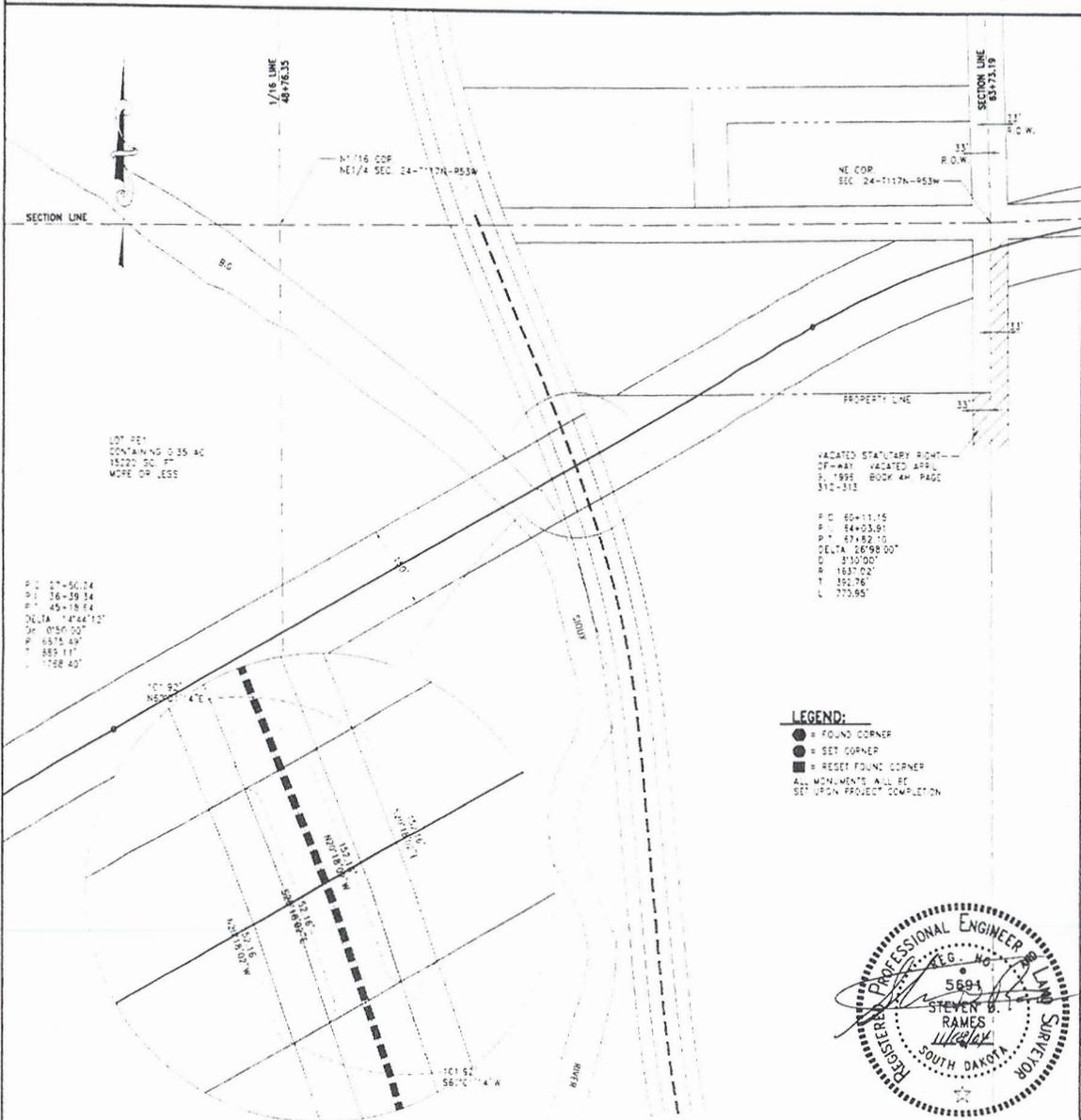
CODINGTON COUNTY, SOUTH DAKOTA

SCALE: 1" = 200'-0"

Book "0" P

Page 57

NIC



LOT PE1
CONTAINING 0.35 AC
15220 SQ. FT.
MORE OR LESS

P.C. 27-50.24
P.L. 36-39.34
P.T. 49-18.54
DELTA 1444.12'
Ch. 0150.00'
P. 6375.69'
T. 889.11'
L. 1158.40'

VACATED STATUTORY RIGHT-
OF-WAY VACATED APRIL
2, 1995 BOOK 44 PAGE
312-313

P.C. 60-11.15
P.L. 54-03.81
P.T. 47-82.10
DELTA 2698.00'
C. 832.00'
R. 1637.02'
T. 352.76'
L. 773.95'

NOTE: THE COORDINATES AND/OR DISTANCES SHOWN ON THIS PLAT ARE BASED ON THE SOUTH DAKOTA STATE PLANE COORDINATE SYSTEM - ZONE 4501, NAD 83, SF = 0.999985030

Drawing Prepared By Banner Associates, Inc.
Brookings, South Dakota
Drawn By: S.A.N. Date: 11-18-04
Checked By: S.D.R. Date: 11-18-04



SURVEYOR'S CERTIFICATE

I, Steven D. Rames, 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 the plat.

In witness whereof, I have set my hand and seal this 16 day of Nov, A.D., 2004.

Steven D. Rames
Steven D. Rames
Registered Land Surveyor
Registration No. 5694
Banner Associates, Inc.
409 22nd Ave. South
Brookings, SD 57006
Phone: (605) 692-6342

OFFICE OF REGISTER OF DEEDS

State of South Dakota
County of Codington ss
Filed for record the 23rd day of June, A.D., 2005, at 12:25 P.M., and recorded in Book of Plats "0" Part Page 57 therein.
Ann Siefel
Register of Deeds