



Division of Secretariat
Office of Legal Counsel
700 East Broadway Avenue
Pierre, South Dakota 57501
O: 605.773.3262 | F: 605.773.4442
dot.sd.gov

MEMORANDUM

TO: Secretary Jundt and Kellie Beck
FROM: Karla L. Engle
DATE: May 8, 2024
RE: Quiet Title Action – Disclaimer of Interest in Real Property

In the early 1980s, the Division of Railroads for State of South Dakota, acting by and through its Department of Transportation (SDDOT), owned a rail line extending from Dell Rapids to Sioux Falls. SDDOT received a request from Gene Williams and his son, Michael G. Williams, to convey some excess property near Renner to Renner Grain, Inc. On August 29, 1983, the Secretary of Transportation executed a Quit Claim Deed conveying the following excess property to Renner Grain, Inc.:

William's Tract 1 in the SW1/4 of the SW ¼ of Section 9 – T102N – R49W, Minnehaha County, South Dakota.

It is expressly understood that the 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.

For some unknown reason, the deed was not recorded with the Register of Deeds. Neither SDDOT nor the Williams family has the original deed, although SDDOT has a copy of the deed. Since execution of the deed in 1983, SDDOT has not used, occupied, maintained, or otherwise exerted any rights over the above-described property, except the mining rights expressly reserved in the deed. When SDDOT conveyed the Dell Rapids to Sioux Falls railroad line to L.G. Everist by deed dated October 25, 1983, SDDOT excepted out the above-described property. This exception in the L.G. Everist deed is consistent with how SDDOT handles previously sold excess parcels when a railroad line is subsequently sold. Other than the SDDOT's reservation of mining rights, which is required by law, SDDOT has no need for the above-described property.

Recently, SDDOT received a request from legal counsel for Michael G. Williams to issue a corrective deed identifying Michael G. Williams as the grantee, rather than Renner Grain, Inc. Apparently, due to some miscommunication between the Williamses and their prior attorney, the corporate documents to form Renner Grain, Inc. were never executed and filed. Michael Williams has asserted he has been occupying and using the property since the conveyance of the above-described property in 1983, and he has provided documentation that he has been paying real property taxes on the property. SDDOT has no reason to doubt these assertions.

Due to questions about the legality of issuing a corrective deed to one of the two individuals involved in the original transaction over forty years ago, SDDOT declined to grant the request for a corrective deed. As an alternative, SDDOT proposed to ask the Railroad Board about the possibility of executing a disclaimer of interest in the above-described property, subject to the reservation of mining rights referenced in the deed of August 29, 1983. Such a disclaimer would address SDDOT's lack of ownership interest in the property, without requiring SDDOT to weigh in on the separate issue of the current owner of the property.

I am attaching copies of the August 29, 1983 deed to Renner Grain, Inc., the plat of the above-described property, and the deed to L.G. Everist. I will be happy to address any questions you may have about this matter.

QUITCLAIM DEED

DIVISION OF RAILROADS, FOR THE STATE OF SOUTH DAKOTA, Grantor, of Hughes County, State of South Dakota, for and in consideration of One Thousand Three Hundred (1,300) Dollars and other valuable consideration CONVEYS AND QUITCLAIMS to Renner Grain, Inc. of Rt. 10, Box 127, Sioux Falls, South Dakota 57101, all interest in the following described real estate:

William's Tract 1 in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9 - T102N-R49W, Minnehaha County, South Dakota.

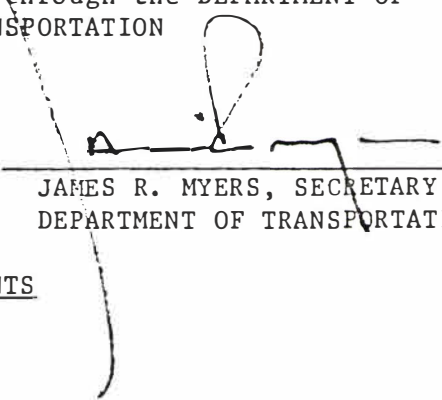
It is expressly understood that the Grantor reserves all rights to all deposits of coal, ores, metals, and other minerals, asphaltum, oil, gas and other like substance, together with the right to prospect for, mine and remove the same upon rendering compensation to the owner or lessee for all damages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

Dated this 29th day of August, 1983.

Approved as to Form


Assistant Attorney General
JAMES I. HARE

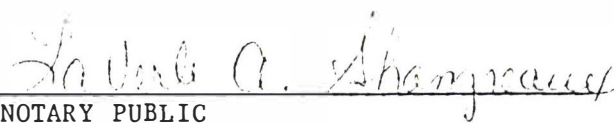
DIVISION OF RAILROADS FOR THE STATE OF SOUTH DAKOTA Acting by and through the DEPARTMENT OF TRANSPORTATION

By: 
JAMES R. MYERS, SECRETARY
DEPARTMENT OF TRANSPORTATION

ACKNOWLEDGEMENTS

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF HUGHES)

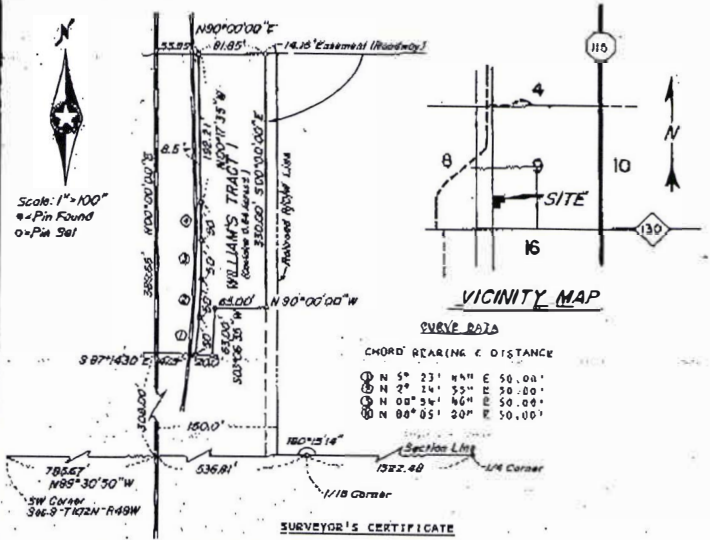
On this 29th day of August, 1983, before me, a Notary Public within and for said County and State, personally appeared JAMES R. MYERS, SECRETARY, DEPARTMENT OF TRANSPORTATION, known to me to be the person who is described in and who executed the within and foregoing instrument and acknowledged to me that he executed the same freely.


NOTARY PUBLIC

My Commission Expires:

Jan. 6, 1991
(SEAL)

WILLIAM'S TRACT 1 IN THE SW 1/4 OF SW 1/4 OF SEC. 9-T102N-R49W, MINNEHAHA COUNTY, SOUTH DAKOTA



SURVEYOR'S CERTIFICATE
 I, RICHARD F. SAYRE, A REGISTERED ENGINEER AND LAND SURVEYOR OF SIOUX FALLS, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF GENE WILLIAMS, I DID ON OR PRIOR TO June 24, 1983, SURVEY THAT PARCEL OF LAND DESCRIBED AS FOLLOWS: WILLIAM'S TRACT 1 IN THE SW 1/4 OF SW 1/4 OF SECTION 9 - T102N - R49W, MINNEHAHA COUNTY, SOUTH DAKOTA.

I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THE WITHIN AND FOREGOING IS A TRUE AND CORRECT REPRESENTATION OF THE LAND DESCRIBED.
 DATED THIS 24th DAY OF June, 1983. *Richard F. Sayre*
 REGISTERED ENGINEER AND LAND SURVEYOR
 SIOUX FALLS, SOUTH DAKOTA

ON THIS, THE 24th DAY OF June, 1983, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RICHARD F. SAYRE, WELL KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE FOREGOING AND WITHIN INSTRUMENT, AND DULY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS OFFICIAL CAPACITY AS A REGISTERED ENGINEER AND LAND SURVEYOR FOR THE PURPOSES THEREIN SET FORTH.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL.
 MY COMMISSION EXPIRES: 7/6/85
Richard F. Sayre
 NOTARY PUBLIC, MINNEHAHA COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE
 KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED HEREBY CERTIFY THAT IT IS THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT, THE PLAT IS OF A PARCEL OF GROUND LOCATED IN THE SW 1/4 OF SECTION 9 - T102N - R49W; THAT SAID PLAT HAS BEEN MADE AT THE REQUEST AND UNDER THE DIRECTION FOR THE PURPOSES THEREIN INDICATED; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS WILLIAM'S TRACT 1 IN THE SW 1/4 OF SW 1/4 OF SECTION 9 - T102N - R49W, MINNEHAHA COUNTY, SOUTH DAKOTA. I HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS, ROADS, AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT. I ALSO CERTIFY THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

THAT THE UNDERSIGNED SHALL RESERVE UNTO OURSELVES, OUR SUCCESSORS, AND ASSIGNS AND THOSE WHOM WE MAY ELECT AN EASEMENT FOR DRIVEWAY PURPOSES OVER AND ACROSS THE AREA AS SHOWN, SAID DRIVEWAY TO BE USED IN COMMON WITH THE BUYER, HIS SUCCESSORS, AND ASSIGNS.
 IN WITNESS WHEREOF, I HEREBY SET MY HAND THIS 24th DAY OF August, 1983.
 OWNER: DIVISION OF RAILROADS FOR THE STATE OF SOUTH DAKOTA
 JAMES R. MYERS, SEC. OF TRANSPORTATION

BE IT REMEMBERED THAT ON THIS 29th DAY OF August, 1983, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC, WITHIN AND FOR THE COUNTY AND STATE AFORESAID, PERSONALLY APPEARED JAMES R. MYERS, KNOWN TO ME TO BE THE SECRETARY OF TRANSPORTATION WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

Jan 6, 1991
James R. Myers
 NOTARY PUBLIC, DeWitt COUNTY, SOUTH DAKOTA

CITY PLANNING COMMISSION

BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA, THAT WILLIAM'S TRACT 1 IN THE SW 1/4 OF SW 1/4 OF SECTION 9 - T102N - R49W, MINNEHAHA COUNTY, SOUTH DAKOTA WHICH HAS BEEN FILED IN THE OFFICE OF THE CITY FINANCE DIRECTOR OF THE CITY OF SIOUX FALLS, ON THIS 17th DAY OF JANUARY, 1984, BE APPROVED AND THAT THE SAME BE CERTIFIED TO THE CITY COMMISSION OF THE CITY OF SIOUX FALLS, WITH THE RECOMMENDATIONS THAT SAID PLAY BE APPROVED.

[Signature]
 CITY PLANNING COMMISSION CHAIRMAN

CITY ENGINEER'S APPROVAL

I, RAY JORGENSEN, CITY ENGINEER OF THE CITY OF SIOUX FALLS, DO HEREBY CERTIFY THAT I OR AN AUTHORIZED AGENT OF MINE DID DULY APPROVE THIS PLAT, AND THAT THERE (ARE/ARE NOT) ANY ASSESSMENTS PENDING NOT YET FILED WITH THE FINANCE DEPARTMENT WHICH COULD BE LIENS AGAINST THIS PROPERTY.

[Signature]
 CITY ENGINEER, CITY OF SIOUX FALLS, SOUTH DAKOTA

CITY COMMISSION APPROVAL

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SIOUX FALLS, THAT THE PLAT OF WILLIAM'S TRACT 1 IN THE SW 1/4 OF SW 1/4 OF SECTION 9 - T102N - R49W, MINNEHAHA COUNTY, SOUTH DAKOTA, LYING WITHIN THE THREE-MILE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA, IS APPROVED AND THE CITY FINANCE DIRECTOR OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA, IS HEREBY DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME THEREON.

ADOPTED THIS 17th DAY OF JANUARY, 1984.
 ATTEST: M. SZAMEIT, CITY FINANCE DIRECTOR
 BY: [Signature] CITY CLERK OF RECORDS

STATE OF SOUTH DAKOTA)
 COUNTY OF MINNEHAHA)

I, F. L. TIEMER, THE DULY APPOINTED, QUALIFIED, AND ACTING CITY CLERK OF RECORDS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA, HEREBY CERTIFY THAT THE ABOVE RESOLUTION IS A TRUE AND CORRECT COPY OF THE RESOLUTION ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SIOUX FALLS, AT A MEETING HELD ON THE 17th DAY OF JANUARY, 1984.

WITNESS MY HAND AS CITY CLERK OF RECORDS AND THE OFFICIAL SEAL OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA.
 CITY CLERK OF RECORDS

CERTIFICATE OF COUNTY PLANNING COMMISSION

APPROVED BY THE MINNEHAHA COUNTY PLANNING COMMISSION ON THIS 24th DAY OF June, 1983.

[Signature]
 COUNTY PLANNING COMMISSION CHAIRMAN

COUNTY COMMISSIONERS APPROVAL

I, [Signature] HEREBY CERTIFY THAT THE PLAT OF WILLIAM'S TRACT 1 IN THE SW 1/4 OF SW 1/4 OF SECTION 9 - T102N - R49W, MINNEHAHA COUNTY, SOUTH DAKOTA, PREPARED BY RICHARD F. SAYRE, LICENSED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, WAS DULY SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS AND THAT AFTER DUE CONSIDERATION OF THE SAME BOARD, THE BOARD OF COMMISSIONERS AT ITS MEETING HELD ON THE 4th DAY OF October, 1983, APPROVED SAID PLAT.

[Signature]
 BOARD OF COUNTY COMMISSIONERS CHAIRMAN

COUNTY TREASURER'S CERTIFICATE

I, [Signature] TREASURER OF MINNEHAHA COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON THE LAND SHOWN IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF MY OFFICE HAVE BEEN PAID IN FULL.

[Signature]
 COUNTY TREASURER, MINNEHAHA COUNTY, SOUTH DAKOTA

DIRECTOR OF EQUALIZATION

I, [Signature] DIRECTOR OF EQUALIZATION OF MINNEHAHA COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.

[Signature]
 DIRECTOR OF EQUALIZATION, MINNEHAHA COUNTY, SOUTH DAKOTA

REGISTER OF DEEDS

FILED FOR RECORD THIS 17th DAY OF JANUARY, 1984, AT 12:16 O'CLOCK P. M., AND RECORDED IN BOOK 45 OF PLATS ON PAGE 36.

[Signature]
 REGISTER OF DEEDS, MINNEHAHA COUNTY, SOUTH DAKOTA



8F/17271M

QUITCLAIM DEED

313979

DIVISION OF RAILROADS, FOR THE STATE OF SOUTH DAKOTA, Grantor, of Hughes County, State of South Dakota, for and in consideration of Five Hundred Eighty Five Thousand Dollars (\$585,000) and other valuable consideration CONVEYS AND QUITCLAIMS to L.G. Everist, Inc., of 313 S. Phillips, Sioux Falls, South Dakota, subject to any and all exceptions and reservations hereinafter set forth, all interest in the following described real estate including (except where otherwise noted) all of Grantor's operating right-of-way, abutting extra width properties, trackage including industrial sidings, buildings, bridges, culverts, right-of-way fences and all other fixtures attached thereto comprising the line of railroad between Sioux Falls and Trent, South Dakota, more particularly described as follows:

Commencing at the Moody and Minnehaha County line in Gov. Lot 2, Section 2, Township 104 North, Range 49 West of the 5th P.M., also known as Milepost 92.83, and additionally known as Railroad Engineer's Survey Station Number 5854+58, and extending in a Southerly direction a distance of approximately 18.73 miles in and through the County of Minnehaha and terminating at the South line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 28, Township 102 North, Range 49 West of the 5th P.M., also known as Milepost 74.1, and additionally known as Railroad Engineer's Survey Station Number 6807+96, containing a gross area of 243.99 acres, more or less, all of which is more particularly described on Right-of-Way and Track maps designated V.S.D.17/3 through 8, inclusive, and on Station maps V.S.D.17/S-4 (Dell Rapids); and V.S.D.17/S-5 (Baltic) all of which are included herein and made a part hereof by reference, and as was conveyed to the South Dakota Railroad Authority by the Trustee of the property of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company by a deed dated November 13, 1980. (Trent to Sioux Falls Line)

ALSO

Commencing at a point approximately 333 feet North of the South line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 105 North, Range 49 West of the 5th P.M., also known as Milepost 97.4, and additionally known as Railroad Engineer's Survey Station Number 5617+58, and further known as the South line of Second Street in Trent and extending in a Southerly direction a distance of approximately 4.57 miles in and through the County of Moody and terminating at the Moody and Minnehaha County line in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 35, Township 105 North, range 49 West of the 5th P.M., also known as Milepost 92.83 and additionally known as Railroad Engineer's Survey Station Number 5854+58, containing a gross area of 60.64 acres, more or less, all of which is more particularly described on Right-of-Way and Track maps designated V.S.D.17/2 through 3, inclusive, and on Station map V.S.D.17/S-2 (Trent), all of which are included herein and made a part hereof by reference, and as was conveyed to the South Dakota Railroad Authority by the Trustee of the property of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company by a deed dated November 13, 1980. (Trent to Sioux Falls Line)

TRANSFER FEE PAID \$ _____ EXEMPT DATE NOV 01 1983

EXCEPTING therefrom all of the following described property:

Weelborg's Tract 1 in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, T102N, R49W, Minnehaha County, South Dakota, containing a gross area of .17 acres, more or less, and reserving unto the owner of Weelborg's Tract 1, his assigns and heirs, the access to said property over the existing 14.16 foot roadway.

ALSO

McGowan's Tract 1 in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, T102N, R49W, Minnehaha County, South Dakota, containing a gross area of .38 acres, more or less and reserving unto the owner of McGowan's Tract 1, his assigns or heirs, access to said property over the existing 14.16 foot roadway.

ALSO

William's Tract 1 in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, T102N, R49W, Minnehaha County, South Dakota, containing a gross area of .64 acres, more or less, and reserving unto the owner of William's Tract 1, his assigns or heirs, access to said property over the existing access road.

ALSO

Tracts 2 through 5 of Railway Addition to the City of Baltic, Minnehaha County, South Dakota, containing a gross area of 3.9 acres, more or less.

ALSO

Tract 1 of Railway Addition to the City of Baltic, Minnehaha County, South Dakota, containing a gross area of .69 acres, more or less.

ALSO

Tract 6 of Railway Addition to the City of Baltic, Minnehaha County, South Dakota, containing a gross area of .21 acres, more or less, and reserving unto the owner of Tract 6 of Railway additions, his assigns or heirs, access to said property over the existing 20 foot access road.

ALSO

Tract 7 of Railway Addition to the City of Baltic, Minnehaha County, South Dakota containing a gross area of .74 acres, more or less.

ALSO

Dell Rapids Co-op Grain Tract 1 being a portion of Lots 1 thru 6 of Block 21 of Original Dell Rapids, City of Dell Rapids, Minnehaha County, South Dakota containing a gross area of .33 acres, more or less.

ALSO

Dell Rapids Co-op Grain Tract 2 being a portion of Lots 1, 2, 3 and 7 through 12 and that portion of the Alley vacated in Block 20 of Original Dell Rapids, City of Dell Rapids, Minnehaha County, South Dakota containing a gross area of .67 acres, more or less.

ALSO

Dell Rapids Co-op Grain Tract 3 being a portion of Lots 3 through 6 of Block 3 of Original Dell Rapids, City of Dell Rapids, Minnehaha County, South Dakota containing a gross area of .12 acres, more or less.

ALSO

Dell Rapids Co-op Grain Tract 4 being a portion of Lots 9 through 12 of Block 19 and a portion of Lot 4 of Block 4 and the vacated portion of Second Street between Blocks 4 and 19 of Original Dell Rapids, City of Dell Rapids, Minnehaha County, South Dakota containing a gross area of .05 acres, more or less.

ALSO

Railroad Tract 2 in Block K of Original Dell Rapids, City of Dell Rapids, Minnehaha County, South Dakota containing a gross area of .04 acres, more or less.

ALSO

Railroad Parcel 1 of Tract 1 of County Auditor's Subdivision of the SW $\frac{1}{4}$ of Section 10, T104N, R49W, 5th PM, City of Dell Rapids, Minnehaha County, South Dakota containing a gross area of .08 acres, more or less.

ALSO

Mobil Tract 1 being a portion of Lots 10, 11 and 12 of Block 20 of Original Dell Rapids, City of Dell Rapids, Minnehaha County, South Dakota containing a gross area of .1 acres, more or less.

ALSO

Dearduff Tract 1 in the North $\frac{1}{2}$ of Block K of Original Dell Rapids, City of Dell Rapids, Minnehaha County, South Dakota containing a gross area of .13 acres, more or less.

ALSO

Dearduff Tract 2 in the South $\frac{1}{2}$ of Block 23 of Original Dell Rapids, being a portion of Lots 30 thru 36, City of Dell Rapids, Minnehaha County, South Dakota containing a gross area of .1 acres, more or less.

ALSO

Dell Rapids Lumber Tract 1 in the South $\frac{1}{2}$ of Block 23 of Original Dell Rapids being a portion of Lots 27, 28 and 29, City of Dell Rapids, Minnehaha County, South Dakota containing a gross area of .02 acres, more or less.

ALSO

Weelborg's Tract 1 in the W $\frac{1}{2}$ of Section 36, T105N, R49W, Moody County, South Dakota containing a gross area of 2 acres, more or less.

ALSO

Lot 1 of Block 1 and Lot 1 of Block 2 Cargill Addition to the City of Trent being a part of the NE $\frac{1}{4}$, Sec 13, T105N, R49W, City of Trent, Moody County, South Dakota containing a gross area of 8.05 acres, more or less.

