



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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PLANNING DEPARTMENT  
300 Sixth Street

Tom Kurtenbach, Planner  
Urban Division  
city web: [www.ci.rapid-city.sd.us](http://www.ci.rapid-city.sd.us)

Phone: 605-394-4120  
Fax: 605-394-6636  
e-mail: [tom.kurtenbach@rcgov.org](mailto:tom.kurtenbach@rcgov.org)

## MEMORANDUM

TO: Rapid City Council

FROM: Tom Kurtenbach, Planner

DATE: April 17, 2003

RE: Authorization for Mayor and Finance Officer to sign a petition to vacate public right of way.

Legal Description: The east 514.7 feet of section line highway along the north property line of Tract C. The section line highway along the north property line of Lot T. The East 87.88 feet of section line highway along the north property line of Lot R. Each of the aforementioned properties lying in the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. The section line highway along the south lot line of the parcel legally described as the unplatted portion of the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

A Vacation of Public Right of Way petition has been submitted in conjunction with a Final Plat request to subdivide an unplatted parcel. The unplatted parcel abuts a section line highway right of way. A portion of the right of way proposed for vacation abuts property owned by the City. As such, the petition document requires the signature of the Mayor and the Finance Officer.

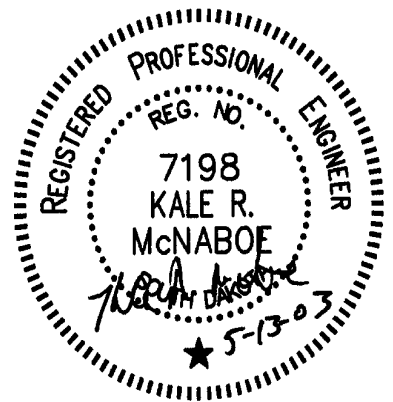
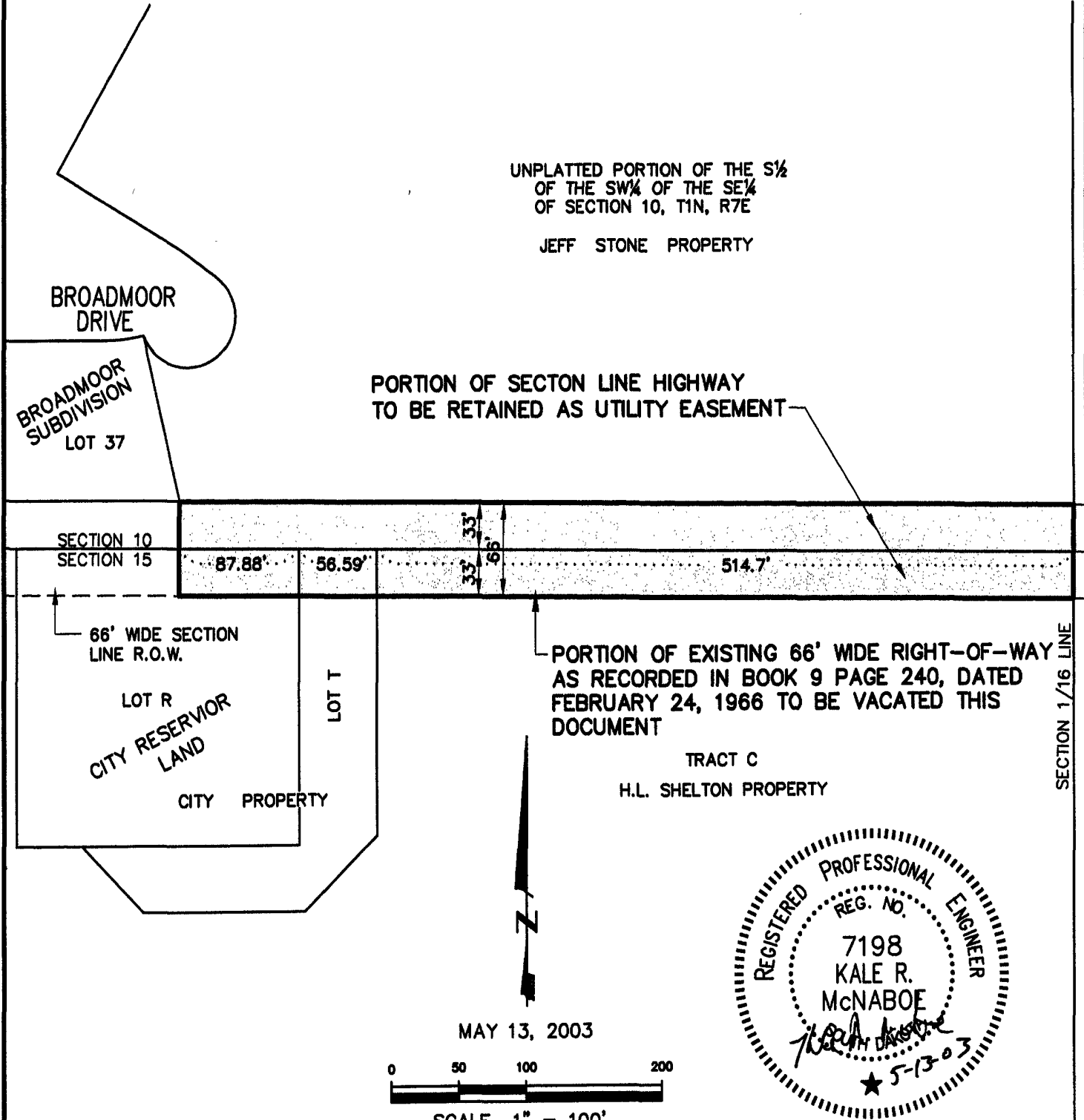
**Staff Recommendation: Authorize the Mayor and Finance Officer to sign the petition to vacate public right of way as it abuts the above legally described property.**



EQUAL OPPORTUNITY EMPLOYER

EXHIBIT 'A'  
**VACATION OF SECTION LINE RIGHT-OF-WAY**

LOCATED IN SW $\frac{1}{4}$  OF THE SE $\frac{1}{4}$  OF SECTION 10 AND  
IN THE NW $\frac{1}{4}$  OF THE NE $\frac{1}{4}$  OF SECTION 15  
T1N, R7E, BHM  
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA



**Renner & Sperlich Engineering Co.**

616 Sixth St. \* Rapid City, SD 57701 \* 605/342-1191  
FAX: 605/342-1405 \* E-MAIL: RSEC@RAPIDNET.COM

PETITION TO VACATE PUBLIC RIGHT-OF-WAY

We, the undersigned, constituting all of the owners of the property adjacent within the described part of public right-of-way and consent to such vacation.

LEGAL DESCRIPTION OF AREA TO BE VACATED: The east 514.7 feet of section line highway along the north property line of Tract C. The section line highway along the north property line of Lot T. The East 87.88 feet of section line highway along the north property line of Lot R. Each of the aforementioned properties lying in the NW1/4 of the NE1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. The section line highway along the south lot line of the parcel legally described as the unplatted portion of the S1/2 of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

THIS PETITION IS BASED UPON THE FOLLOWING FACTS: The topography will not permit development of the right-of-way. City staff recommends vacating the right-of-way.

NAME: Jeff Stone

ADDRESS: 753 Deadwood Ave CITY: Rapid City STATE: SD ZIP: 57702

LEGAL DESCRIPTION: Unplatted Portion of the SE1/2, SW1/4, SE1/4 Section 10, T1N, R7E

SIGNATURE: [Signature] DATE: 1/31/03

Jeff Stone being first duly sworn on oath, states that he or she has read the foregoing petition, knows the contents of such petition, and that said petition is in all things true and correct to the best of his/her knowledge and belief.

Subscribed and sworn to before me on this 31st day of January

My commission expires: July 11, 2008 Notary Public: Karen Jones

NAME: H. L. Shelton

ADDRESS: 3500 Sheridan Lake Rd CITY: Rapid City STATE: SD ZIP: 57702

LEGAL DESCRIPTION: N389.4' of Tract C in NW1/4 NE1/4 Section 15, T1N, R7E

SIGNATURE: [Signature] DATE: 4-2-03

H. L. Shelton being first duly sworn on oath, states that he or she has read the foregoing petition, knows the contents of such petition, and that said petition is in all things true and correct to the best of his/her knowledge and belief.

Subscribed and sworn to before me on this 2nd day of April, 2003

My commission expires: My Commission Expires March 11, 2006 Notary Public: Beverly K. Wittmies

NAME: City of Rapid City

ADDRESS: 300 6th Street CITY: Rapid City STATE: SD ZIP: 57701

LEGAL DESCRIPTION: Lots R & T located in the NW1/4, NE1/4, Section 15, T1N, R7E.

DATED: \_\_\_\_\_, 2002

CITY OF RAPID CITY, a municipal Corporation

BY: Jerry Munson, Mayor

ATTEST: James F. Preston, Finance Officer

(SEAL) State of South Dakota ) ) ss County of Pennington )

On This Day, \_\_\_\_\_, 2002, before me, the undersigned officer, personally appeared Jerry Munson and James F. Preston, who acknowledge themselves to be the Mayor and Finance Officer, respectfully, of the CITY OF RAPID CITY, a municipal corporation, and they, as such Mayor and Finance Officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the CITY OF RAPID CITY by themselves as Mayor and Finance Officer

IN WITNESS WHEREOF, I hereunto set my hand and official seal. \_\_\_\_\_

Notary Public