

MEMORANDUM

TO: MAYOR
CITY COUNCIL

FROM: BONNIE HUGHES

SUBJECT: SURPLUS PROPERTY

DATE: SEPTEMBER 4, 2001

In 1972 the City asked the Pennington County Housing and Redevelopment Commission for additional right of way on Curtis Street and for a 5' sewer easement which ended up to be a deeded strip of land 5' x 140' or 700 SF. This small parcel of land is no longer needed for sanitary sewer and the party who owns the property adjoining it on each side would like to purchase this in order to develop a parking lot.

In order for the City of accomplish this the Council must declare the parcel surplus, appoint freeholders, and conduct a sale by sealed bid. Attached for your approval is the resolution declaring the property surplus and authorizing the sale.

An estimated time frame for this sale is to advertise on September 20 and 27 open on October 1 and award at the Council meeting that evening.

If you have questions, please contact me.

RESOLUTION DECLARING REAL PROPERTY SURPLUS,
ESTABLISHING ITS FAIR MARKET VALUE,
SETTING THE TERMS OF SALE, AND AUTHORIZING ITS SALE

WHEREAS the following described property is no longer needed or useful for municipal purposes of the City of Rapid City.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the following described real property is hereby declared surplus:

The West Five Feet (W 5') of Lot A of Block Twenty-eight (28),
Airport Addition, Rapid City, Pennington County, South Dakota.

BE IT FURTHER RESOLVED that Dan Bjerke, Gary Shepherd, and Bonnie Hughes, real property owners of the City of Rapid City, are hereby appointed to appraise the fair market value for said property.

BE IT FURTHER RESOLVED that the City of Rapid City may dispose of these parcels of land to the highest bidder for cash; and

BE IT FURTHER RESOLVED that the City Finance Officer and all other officers and employees of the City of Rapid City are hereby authorized and directed to proceed with the sale of said property pursuant to SDCL 6-13.

Dated this _____ day of _____, 2001.

CITY OF RAPID CITY

Jerry Munson, Mayor

ATTEST:

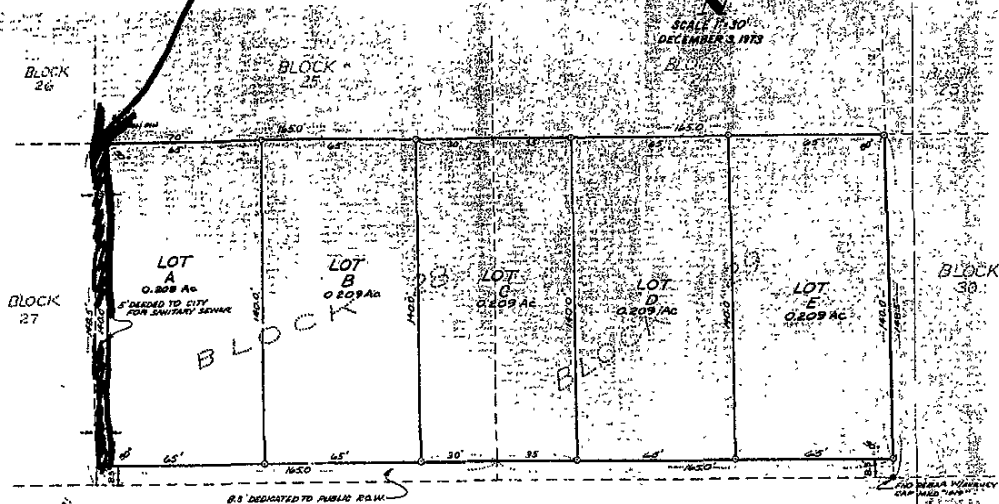
Finance Officer

(SEAL)

Prepared By: CITY ATTORNEY'S OFFICE

PLAT OF A PORTION OF AIRPORT ADDITION - INCLUDING
 LOTS A & B OF BLOCK 28, AND
 LOTS D & E OF BLOCK 29, AND
 LOT C OF BLOCKS 28 & 29
 LOCATED IN MAP OF S14 1/2 SECTION 25, T8N, R7E, B1M,
 RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

**SUBJECT
 PARCEL**



CURTIS STREET

NOTES:

- DENOTES "FOUND SURVEY MONUMENT"
- ⊙ DENOTES SET 5/8" REBAR WITH SURVEY GAP MARKED "FRANCHIS - MONUM 103"
- UTILITY & DRAINAGE EASEMENTS 10' ON THE INTERIOR SIDES OF ALL SUBJECT LOT LINES.
- ANY LAND SHOWN ON THE WITHIN PLAT AS DEDICATED TO PUBLIC RIGHT-OF-WAY IS HEREBY DEDICATED TO PUBLIC USE AS SUCH FOREVER, BUT SUCH DEDICATION SHALL NOT BE CONSTRUED TO BE A DONATION OF THE FEE OF SUCH LAND.

CERTIFICATE OF OWNERSHIP

STATE OF SOUTH DAKOTA
 COUNTY OF PENNINGTON

I, DAVID L. BLAIR, EXECUTIVE DIRECTOR OF PENNINGTON COUNTY HOUSING AND REDEVELOPMENT COMMISSION, DO HEREBY CERTIFY THAT THE SAID PENNINGTON COUNTY HOUSING AND REDEVELOPMENT COMMISSION IS THE OWNER OF THE LAND SHOWN AND DESCRIBED HEREON, THAT I DID AUTHORIZE AND DO HEREBY APPROVE THE SURVEY AND WITHIN PLAT OF SAID LAND FOR AND ON BEHALF OF PENNINGTON COUNTY HOUSING AND REDEVELOPMENT COMMISSION.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND SEAL.

() PENNINGTON COUNTY HOUSING AND REDEVELOPMENT COMMISSION

DAVID L. BLAIR, EXECUTIVE DIRECTOR

ON THE 16th DAY OF January, 1977
 BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED DAVID L. BLAIR, KNOWN TO ME TO BE THE EXECUTIVE DIRECTOR OF PENNINGTON COUNTY HOUSING AND REDEVELOPMENT COMMISSION AND THE PERSON DESCRIBED IN THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME.

NOTARY PUBLIC: John F. ...
 MY COMMISSION EXPIRES: _____

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, DIRECTOR OF EQUALIZATION OF PENNINGTON COUNTY, DO HEREBY CERTIFY THAT I HAVE ON RECORD IN MY OFFICE A COPY OF THE WITHIN DESCRIBED PLAT.

DATED THIS 24 DAY OF January, 1977
John ...
 DIRECTOR OF EQUALIZATION OF PENNINGTON COUNTY

APPROVED: G. W. ...
 DIRECTOR OF EQUALIZATION OF PENNINGTON COUNTY

CERTIFICATE OF SURVEYOR

STATE OF SOUTH DAKOTA
 COUNTY OF PENNINGTON

I, JAMES P. HEALD, REGISTERED LAND SURVEYOR NO. 2199 OF THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I WAS SO AUTHORIZED; I MADE THE SURVEY AND WITHIN PLAT OF THE LAND SHOWN AND DESCRIBED HEREON AND THAT THE SAME IS, IN ALL THINGS, TRUE AND CORRECT. ALL AREA AMOUNTS SHOWN ON THE WITHIN PLAT SHALL BE FOLLOWED WITH THE WORDS "MORE OR LESS".

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND SEAL.

REGISTERED LAND SURVEYOR: James P. Heald

ON THE 12th DAY OF December, 1973, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED JAMES P. HEALD, KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME.

NOTARY PUBLIC: William J. Nelson
 MY COMMISSION EXPIRES: 12-30-78

CERTIFICATE OF FINANCE OFFICER

I, FINANCE OFFICER OF THE CITY OF RAPID CITY, DO HEREBY CERTIFY THAT ALL SPECIAL ASSESSMENTS WHICH ARE LIENS UPON THE WITHIN DESCRIBED LANDS ARE FULLY PAID ACCORDING TO THE RECORDS OF MY OFFICE.

DATED THIS 22 DAY OF June, 1976
William ...
 FINANCE OFFICER OF THE CITY OF RAPID CITY

RESOLUTION BY GOVERNING BOARD

STATE OF SOUTH DAKOTA
 COUNTY OF PENNINGTON

I, FINANCE OFFICER OF THE CITY OF RAPID CITY, DO HEREBY CERTIFY THAT AT AN OFFICIAL MEETING HELD ON 10 _____, 1976, THE COMMON COUNCIL BY RESOLUTION DID APPROVE THE PLAT AS SHOWN HEREON.

William ...
 FINANCE OFFICER OF THE CITY OF RAPID CITY

CERTIFICATE OF COUNTY TREASURER

I, TREASURER OF PENNINGTON COUNTY, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON THE WITHIN DESCRIBED LANDS ARE FULLY PAID ACCORDING TO THE RECORDS OF MY OFFICE.

DATED THIS 21st DAY OF January, 1977
Michael V. ...
 TREASURER OF PENNINGTON COUNTY

STATE OF SOUTH DAKOTA
 COUNTY OF PENNINGTON
 I, Michael V. ...
 TREASURER OF PENNINGTON COUNTY
 My commission expires _____

A G R E E M E N T

This Agreement made the 21st day of October, 1974,
by and between the City of Rapid City
whose address is 22 Main Street, Rapid City, South Dakota 57701

(hereinafter with its successors and assigns called the "Grantee,")
and the ECONOMIC DEVELOPMENT ADMINISTRATION, UNITED STATES OF AMERICA,
whose address is Main Commerce Building, Washington, D.C. 20230 (here-
inafter with its successors and assigns called "EDA"):

WHEREAS, pursuant to application designated as EDA Project No.
05-11-01320.76, a request was made by the Grantee for financial
assistance pursuant to the Public Works and Economic Development Act
of 1965 (P.L. 89-136; 42 U.S.C. 3121, et seq.); and

WHEREAS, by Offer of Grant dated October 10, 1972, EDA
offered a grant in the amount of \$718,000 (subsequently reduced
to \$570,000 based on revised cost estimates) to the Grantee to
assist in financing the construction of street improvements and
storm sewers

(hereinafter called the "Project Facilities") in the City of Rapid
City, South Dakota
the location of which is more particularly described in Exhibit "A"
which is attached hereto and made a part hereof, all or part of which
Project Facilities will be to the use and benefit of the real property
described in said Exhibit "A"; and

WHEREAS, on October 18, 1972, the Grantee accepted
the Offer of Grant subject to the "Standard Terms and Conditions" in-
corporated therein by reference; and

WHEREAS, pursuant to the aforesaid "Standard Terms and Conditions"
and by virtue of its acceptance of the Offer of Grant, the Grantee
covenanted and agreed that it, or a successor satisfactory to EDA, will
retain title to the Project Facilities for their useful life and that
the Project Facilities will be devoted to public purposes; and

WHEREAS, it is desirable that the Grantee's covenant be recorded
in the appropriate public records affecting real property in Pennin-
ton County, and thereby constitute notice to all persons
of restrictions on title to and use of the Project Facilities;

NOW THEREFORE, in consideration of financial assistance rendered
and/or to be rendered by EDA and to assure that the benefits of the
Project Facilities will accrue to the public as intended by both EDA
and the Grantee, the Grantee hereby covenants and agrees, as follows:

1. That, for the term specified in 2, below, the Grantee
will retain its title to the Project Facilities and its title to the
real property upon which said Project Facilities are located, which
real property is described in Exhibit "A" attached hereto, and made a
part hereof;
2. That the term for which the Grantee agrees to retain its
title to the Project Facilities and its title to the real property upon
which the Project Facilities are located shall be for the useful life
of the Project Facilities;
3. That during the term specified in 2, above, the Project
Facilities will be held for and be devoted to public purposes only; and
4. That the covenants and restrictions herein contained shall
be real covenants and shall run with the land described in Exhibit "A"
hereto; provided, however, that the Grantee may, at its sole option,
terminate the aforesaid covenants and restrictions at any time after the

expiration of the term set forth in 2, above; provided further, however, that prior to the expiration of said term the covenants and restrictions may be terminated only with the prior written consent of EDA.

IN WITNESS WHEREOF, the Undersigned has hereunto set its hand as of the day and year first above written by its duly authorized officer.

(SEAL)

City of Rapid City
Grantee
By: [Signature]
Title: Mayor

ATTEST:

[Signature]
Title: Finance Officer

WITNESS:

[Signature]
[Signature]

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

On this 6 day of November, 1974, personally appeared before me [Signature] to me known to be the individual described in, and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the purposes and uses therein mentioned, as Mayor and Finance Officer of the City of Rapid City.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 6 day of November, 1974.



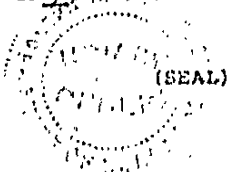
[Signature]
Notary Public in and for the State
of South Dakota
My Commission Expires 12/8/78
ECONOMIC DEVELOPMENT ADMINISTRATION
UNITED STATES OF AMERICA

By: [Signature]
Regional Director

STATE OF COLORADO
COUNTY OF DENVER

On this 21st day of October, 1974, before me, a Notary Public, personally appeared Craig M. Smith, Regional Director, Rocky Mountain Regional Office, Economic Development Administration, United States of America, known to me to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained, and that he is duly authorized in the premises.

GIVEN UNDER MY HAND AND SEAL this 21st day of October, 1974.



[Signature]
Notary Public in and for the City and
County of Denver, Colorado

My Commission expires June 6, 1978

PLAT

BLK. 19

BLK. 20

BLK. 47

LOTS 1 THRU 3 OF A & B BLK. 46

LOTS A & B BLK. 45, C BLK. 45

F THRU H, BLK. 51

LOTS A THRU C BLK. 44

BLK. 52

LOTS A & B BLK. 43

OF LOTS A THRU D

BLK. 85

BLK.

OF LOTS A THRU D

. 2

BLK. 105

BLK. 106

LOTS A

AVE.



SUBJECT PARCEL

482

WRIGHT

CURTIS

LINDBERGH

2025