

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance
Consent

AGENDA ITEM: 4 – K
DATE: August 7-8, 2019

SUBJECT

NSU Plat Resolution

CONTROLLING STATUTE, RULE, OR POLICY

SDCL [§5-1-7](#)
[Chapter 90 of the 2019 Session Laws](#) (HB 1037)
SDCL Chs. [11-3](#) and [43-21](#).

BACKGROUND/DISCUSSION

The Legislature approved [HB 1037](#) during the 2019 Legislative Session (Chapter 90 of the 2019 Session Laws), which authorizes the Board to construct the Regional Sports Complex at NSU. To facilitate construction of the Regional Sports Complex, the City of Aberdeen approved a request to vacate 15th Avenue SE between Herret Street and South State Street. As part of that process, a new plat is required to reflect the vacated street. Additionally, the construction of the new SDSBVI and vacation of the prior SDSBVI upon completion of the new facility, require platting to properly reflect the parcels of property and to allow for the necessary land swap upon completion of the project to satisfy the relevant trust requirements.

IMPACT AND RECOMMENDATION

NSU requests the Board of Regents adopt the Resolution set forth in Attachment I requesting the plat to vacate a portion of 15th Avenue SE and to otherwise properly identify the relevant parcels of property as reflected therein.

Staff recommends approval.

ATTACHMENTS

Attachment I – Resolution Requesting Execution and Filing of the Plat
Attachment II – Draft Plat

DRAFT MOTION 20190807_4-K:

I move to approve and adopt the Resolution set forth in Attachment I, requesting the Commissioner of School and Public Lands to proceed with the plat as stated therein.

RESOLUTION

Resolution requesting the execution and filing of the Plat of NSU Athletic Field Addition to Aberdeen, in the SE 1/4 of Section 24-T123N-R64W of the 5th P.M., Brown County, South Dakota.

The South Dakota Board of Regents (hereinafter referred to as “BOR”), on behalf of Northern State University, pursuant to the authority vested in BOR under SDCL § 5-2-11 and other applicable law, hereby requests the Commissioner of School and Public Lands to draw up all necessary documents and to forward them to the Governor to request their execution in order to execute and file the attached plat pertaining to the:

NSU Athletic Field Addition to Aberdeen, in the SE ¼ of Section 24-T123N-R64W of the 5th P.M., Brown County, South Dakota.

BOR requests that the final plat be generally consistent with the draft plat attached hereto as Exhibit I, without restricting the ability of the parties to further revise the plat to effectuate its intended purpose before executing and filing the same. This resolution shall also serve to ratify, request and/or approve any and all documents, transactions and/or actions necessary to effectuate the execution and filing of the plat contemplated herein.

Dated this ____ day of August, 2019

SOUTH DAKOTA BOARD OF REGENTS

By _____

Kevin V. Schieffer

President

Certification:

I have compared the foregoing with an action taken by the Board of Regents at its meeting conducted on the ____ day of August, 2019, and I hereby certify that the same is a true, correct, and complete copy thereof and that the same has not been rescinded.

Dated this ____ day of August, 2019

SOUTH DAKOTA BOARD OF REGENTS

By _____

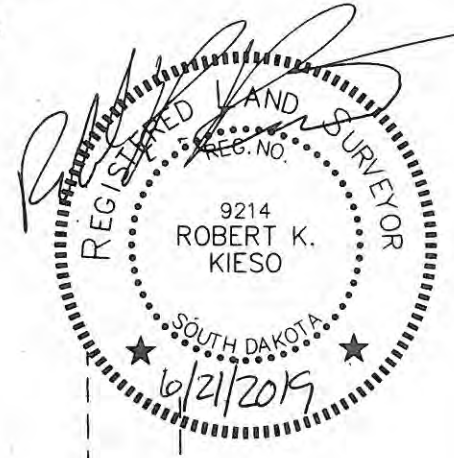
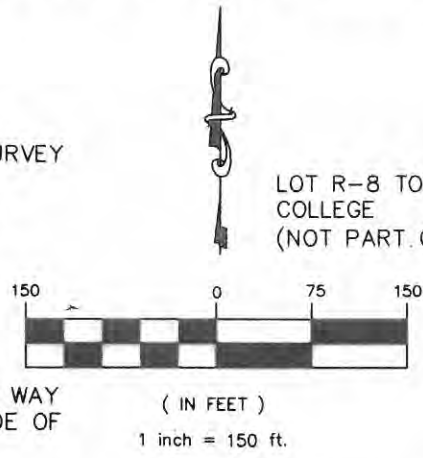
James Morgan

Secretary

PLAT OF NSU ATHLETIC FIELD ADDITION TO ABERDEEN, IN THE SE 1/4 OF SECTION 24-T123N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

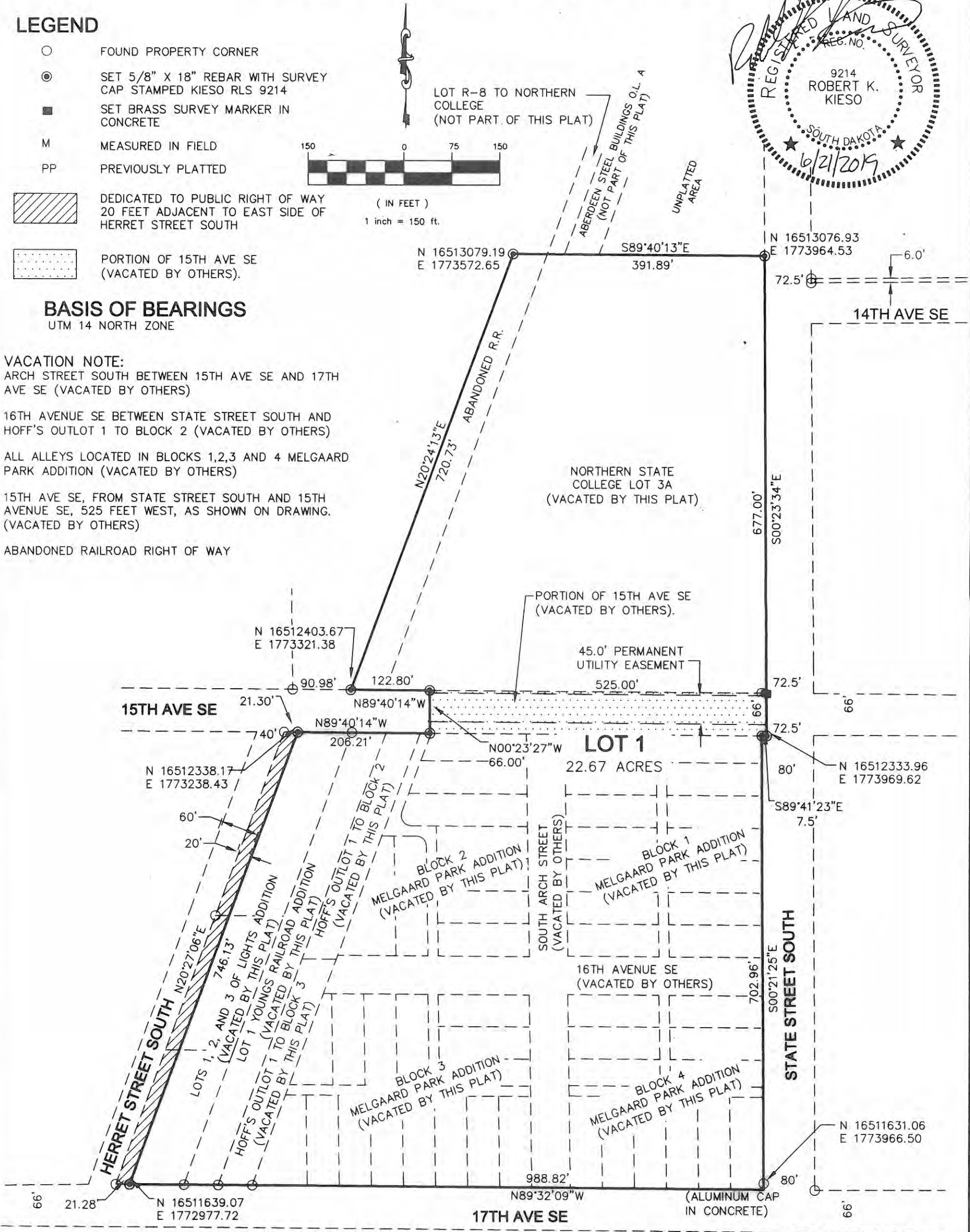
LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- SET BRASS SURVEY MARKER IN CONCRETE
- M MEASURED IN FIELD
- PP PREVIOUSLY PLATTED
- DEDICATED TO PUBLIC RIGHT OF WAY 20 FEET ADJACENT TO EAST SIDE OF HERRET STREET SOUTH
- PORTION OF 15TH AVE SE (VACATED BY OTHERS).



BASIS OF BEARINGS
UTM 14 NORTH ZONE

VACATION NOTE:
 ARCH STREET SOUTH BETWEEN 15TH AVE SE AND 17TH AVE SE (VACATED BY OTHERS)
 16TH AVENUE SE BETWEEN STATE STREET SOUTH AND HOFF'S OUTLOT 1 TO BLOCK 2 (VACATED BY OTHERS)
 ALL ALLEYS LOCATED IN BLOCKS 1,2,3 AND 4 MELGAARD PARK ADDITION (VACATED BY OTHERS)
 15TH AVE SE, FROM STATE STREET SOUTH AND 15TH AVENUE SE, 525 FEET WEST, AS SHOWN ON DRAWING. (VACATED BY OTHERS)
 ABANDONED RAILROAD RIGHT OF WAY



Helms

ASSOCIATES

221 Brown County Highway 19
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

CIVIL ENGINEERS & LAND SURVEYORS

PLAT OF
NSU ATHLETIC FIELD ADDITION TO ABERDEEN,
IN THE SE 1/4 OF SECTION 24-T123N-R64W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF STATE OF SOUTH DAKOTA FOR THE BENEFIT OF THE SOUTH DAKOTA BOARD OF REGENTS, AND BENEFIT OF NORTHERN STATE COLLEGE, (NOW KNOWN AS NORTHERN STATE UNIVERSITY) AS OWNER, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO MAY 28, 2019, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: NSU ATHLETIC FIELD ADDITION TO ABERDEEN, IN THE SE 1/4 OF SECTION 24-T123N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA.

I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 21 DAY OF June, 2019


ROBERT K. KIESO RLS #9214

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS; NSU ATHLETIC FIELD ADDITION TO ABERDEEN, IN THE SE 1/4 OF SECTION 24-T123N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND WE HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID ADDITION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20_____.

PREVIOUSLY PLATTED AS:

BLOCKS 1, 2, 3, AND 4, MELGAARD PARK ADDITION TO ABERDEEN, SOUTH DAKOTA (VACATED BY THIS PLAT) AND ALL 16TH AVENUE SE, SOUTH ARCH STREET, AND ALLEYS ADJACENT TO SAID BLOCKS, (VACATED BY OTHERS)

HOFF'S OUTLOT 1 TO BLOCK 2 AND HOFF'S OUTLOT 1 TO BLOCK 3, MELGAARD PARK ADDITION TO ABERDEEN SOUTH DAKOTA (VACATED BY THIS PLAT)

LOTS 1, 2, AND 3 OF LIGHTS ADDITION TO ABERDEEN BEING A REPLAT OF LIGHT'S OUTLOTS 1, 2, AND 3 IN THE SE 1/4 OF SECTION 24, T123N R64W, ABERDEEN, BROWN COUNTY, SOUTH DAKOTA (VACATED BY THIS PLAT)

AND YOUNG'S RAILROAD ADDITION TO THE CITY OF ABERDEEN, (VACATED BY THIS PLAT)

NORTHERN STATE COLLEGE LOT 3A, (VACATED BY THIS PLAT)

ABANDONED RAILROAD

PORTION OF 15TH AVENUE SE, AS SHOWN ON THIS PLAT, (VACATED BY OTHERS)

OWNER: STATE OF SOUTH DAKOTA,
NORTHERN STATE UNIVERSITY

KRISTI NOEM GOVERNOR,
STATE OF SOUTH DAKOTA

ATTEST: _____
RYAN BRUNNER, COMMISSIONER OF SCHOOL
AND PUBLIC LANDS

DECLARATION OF VACATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED HEREBY DECLARE TO VACATE THAT PORTION AS SHOWN AND MARKED ON THE FOREGOING PLAT AND OF THE PLAT OF MELGAARD PARK ADDITION TO ABERDEEN, AS RECORDED AS PLAT 344C, ON JULY 17, 1928; AND THE PLAT OF HOFF'S OUTLOT 1 TO BLOCK 2 AND HOFF'S OUTLOT 1 TO BLOCK 3, MELGAARD PARK ADDITION TO ABERDEEN AS RECORDED IN BOOK OF PLATS NO. 1 ENVELOPE 81 ON FEBRUARY 24, 1970; AND LOTS 1, 2, AND 3 OF LIGHTS ADDITION TO ABERDEEN BEING A REPLAT OF LIGHT'S OUTLOTS 1, 2, AND 3, AS RECORDED IN BOOK OF PLATS NO. 7 ENVELOPE 624E ON JUNE 17, 1987, AND YOUNG'S RAILROAD ADDITION TO THE CITY OF ABERDEEN, AS RECORDED AS HANGING PLAT NO. 1737H ON JULY 23, 2002, AND NORTHERN STATE COLLEGE LOT 3A, AS RECORDED AS PLAT 572-E ON OCTOBER 2, 1985, ALL IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.

THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20_____.

OWNER: STATE OF SOUTH DAKOTA,
NORTHERN STATE UNIVERSITY

KRISTI NOEM GOVERNOR,
STATE OF SOUTH DAKOTA

ATTEST: _____
RYAN BRUNNER, COMMISSIONER OF SCHOOL
AND PUBLIC LANDS

ACKNOWLEDGEMENT

STATE OF _____)
COUNTY OF _____)SS

ON THIS THE _____ DAY OF _____, 20_____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED KRISTI NOEM, GOVERNOR, STATE OF SOUTH DAKOTA KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, _____ STATE

MY COMMISSION EXPIRES: _____

PLAT OF
NSU ATHLETIC FIELD ADDITION TO ABERDEEN,
IN THE SE 1/4 OF SECTION 24-T123N-R64W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

ACKNOWLEDGEMENT

STATE OF _____)
COUNTY OF _____)SS

ON THIS THE _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED RYAN BRUNNER, COMMISSIONER OF SCHOOL AND PUBLIC LANDS, KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, _____ STATE
MY COMMISSION EXPIRES: _____

CITY PLANNING COMMISSION CERTIFICATE

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY PLANNING COMMISSION OF ABERDEEN, SOUTH DAKOTA AT A MEETING HELD ON THE _____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING NSU ATHLETIC FIELD ADDITION TO ABERDEEN, IN THE SE 1/4 OF SECTION 24-T123N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

FINANCE OFFICER ABERDEEN, SOUTH DAKOTA

APPROVAL BY CITY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY COUNCIL OF ABERDEEN, SOUTH DAKOTA AT A MEETING HELD ON THE _____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE CITY COUNCIL OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING NSU ATHLETIC FIELD ADDITION TO ABERDEEN, IN THE SE 1/4 OF SECTION 24-T123N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

FINANCE OFFICER ABERDEEN, SOUTH DAKOTA

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS _____ DAY OF _____, 20____.

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS _____ DAY OF _____, 20____.

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____, 20____ AT _____ O'CLOCK _____, AND DULY RECORDED IN HANGING PLATS NO. _____

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA