

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance
Consent

AGENDA ITEM: 4 – O
DATE: April 1, 2020

SUBJECT

SDSU Plat Resolution

CONTROLLING STATUTE, RULE, OR POLICY

SDCL §§ [5-1-7](#) & [5-2-11](#) and SDCL Chs. 11-3 and 43-21

BACKGROUND / DISCUSSION

The property subject to this resolution was first platted by SDSU in 1974 as University First Addition to the City of Brookings. At that time, Block 1 of University First Addition comprised two lots contiguous to a dedicated street. The dedicated street, eighty feet in width, lies to the east of the two lots. That street was never opened, and it was believed to have been properly vacated. Alpha Gamma Rho (“AGR”) fraternity occupies original Lot 2 pursuant to authority provided in SDCL §13-58-25, which lies south of the original Lot 1. Original Lot 2 fronts Eighth Street, which lies south of the lot.

On July 24, 2012, Block 1 of University First Addition was re-platted as Lots 1A, 2A, and 3A, Block 1, University First Addition pursuant to a resolution approved by the Board at its December 15-16, 2011 meeting (Agenda Item III-B). Thereafter, it was determined that the re-plat for Block 1 of University First Addition Plat currently on file required correction. At its April 2-4, 2019 meeting, the Board adopted a resolution requesting the plat to vacate Lots 1A, 2A, and 3A, Block 1, University First Addition and re-plat as Lots 1B and 2B, Block 1, University First Addition (Item 7-P). The City of Brookings did not approve the re-plat due to an erroneous street vacation and requested the following process:

1. Vacate the Plat filed on July 24, 2012, which would result in the reversion to the plat filed in 1974, which correctly shows the street that had been erroneously vacated.
2. A Petition to Vacate the Street would then be submitted for consideration, to be signed by the State of South Dakota and AGR.

DRAFT MOTION 20200401_4-O:

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 actions necessary to effectuate the plat and street vacations in a similar form and function as stated herein, without restricting the ability to make modifications thereto, as necessary and appropriate, to effectuate the intended transactions.

3. After the street is vacated, the Plat approved at the April 2-4, 2019 meeting (re-plat) can be resubmitted with the addition of AGR as owner.

IMPACT AND RECOMMENDATION

SDSU requests the Board of Regents adopt the Resolution and Exhibits set forth in Attachment I, which serve to: (1) vacate the plat filed on July 24, 2012 resulting in reversion to the plat filed in 1974; (2) approve the submission of a Petition to Vacate Street to be signed by the State of South Dakota and AGR; and (3) approve the resubmission of the re-plat approved in 2019 with the addition of AGR as an owner.

ATTACHMENTS

Attachment I – Resolution Requesting Vacation of the 2012 Plat; Authorization for Submission of Petition to Vacate Street; and Resubmission of the 2019 Re-Plat

Attachment I, Exhibit I – Draft Petition to Vacate Plat

Attachment I, Exhibit II – Draft Petition to Vacate Street

Attachment I, Exhibit III – Draft Plat (Resubmission of the 2019 Re-Plat)

RESOLUTION APPROVING THE VACATION OF PLAT OF CERTAIN
LANDS CONTROLLED BY THE BOARD OF REGENTS AND
REQUESTING THE COMMISSIONER OF SCHOOL AND PUBLIC LANDS
TO ASSIST IN THE PREPARATION AND EXECUTION OF SUCH
VACATION

Whereas, the Board of Regents previously authorized the plat and re-plat of a certain tract of land lying within the campus of South Dakota State University as University First Addition to the City of Brookings, Brookings, County, South Dakota; and

Whereas, the Board of Regents granted to Alpha Gamma Rho, a fraternal organization, Lot 2 of University First Addition to the City of Brookings, pursuant to the City of Brookings, pursuant to the authority of §13-58-25 of the South Dakota Codified Laws; and

Whereas, the Board of Regents requested the Commissioner of School and Public Lands to assist in the re-plat of Lots 1 and 2 of University First Addition by resolution of December 16, 2011; and

Whereas, on July 24, 2012, Block 1 of University First Addition was re-platted as Lots 1A, 2A, and 3A, Block 1, University First Addition; and

Whereas, at its April 2-4, 2019 meeting, the Board of Regents adopted a resolution requesting a plat to vacate Lots 1A, 2A, and 3A, Block 1, University First Addition and re-plat as Lots 1B and 2B, University First Addition due to correct an inaccuracy related to legal boundaries; and

Whereas, the City of Brookings has rejected the 2019 re-plat due to an erroneous street vacation, but has suggested remedies to address the issue to which South Dakota State University and the Board of Regents agree.

Whereas the Board does hereby:

1. Approve the proposal of the University to vacate the Plat of Lots 1A, 2A, and 3A, Block 1, University First Addition, which was filed for record with the Brookings County Register of Deeds on July 24, 2012 at 8:00 a.m. in Book 30, Page 34, which will result in a reversion to the Plat of Lots 1 and 2, Block 1, University First Addition, which was filed for record with the Brookings County Register of Deeds on January 24, 1974 at 10:00 a.m. in Book 10, Page 56.
2. Approve the proposal of the Petition for Vacation of Street regarding the street located north of 8th Street in Brookings, South Dakota and adjacent to property formerly platted as Block 1, University First Addition.
3. Authorize South Dakota State University to resubmit for approval the re-plat approved in 2019 with the addition of AGR as an owner.
4. Request the Commissioner of School and Public Lands to prepare the necessary

documentation and/or assist the BOR General Counsel and the President of South Dakota State University to prepare and to obtain the execution of such documents as may be necessary to complete the vacation of the plat and of the street with reasonable modifications as necessary to effectuate transactions, as provided in this Resolution.

5. Authorize the BOR General Counsel, in consultation with the President of South Dakota State University, to approve such changes in the approved engineering drawings, plats or easement specifications as may be necessary or prudent to give effect to the Board's intent as declared herein; and provided that any such changes be reported to the Board as information items.

Dated this ____ of April, 2020.

South Dakota Board of Regents

By: _____
President

Certification:

I have compared the foregoing with an action taken by the Board of Regents at a regular meeting of the Board in _____, South Dakota, on the ____ day of April, 2020, 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 ____ of April, 2020.

South Dakota Board of Regents

By: _____
Secretary

PETITION TO VACATE

TO THE CITY COUNCIL OF THE CITY OF BROOKINGS, SOUTH DAKOTA

The undersigned, State of South Dakota and Alpha Phi-Alpha Gamma Rho Alumni Association of Brookings, South Dakota, being the record owners of the following described real estate situated in the City of Brookings, County of Brookings and State of South Dakota, to-wit:

LOTS 1A, 2A, AND 3A, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA

do hereby petition to the City Council to vacate the above-described real estate as presently platted and that hereto attached made a part of this petition is a plat showing the real estate to be vacated.

IN WITNESS WHEREOF, I have executed this Petition to Vacate this _____ day of _____, 2020.

STATE OF SOUTH DAKOTA

Kristi Noem, Governor
State of South Dakota

Attest: _____
Ryan Brunner, Commissioner
School and Public Lands

ALPHA PHI-ALPHA GAMMA RHO
ALUMNI ASSOCIATION OF BROOKINGS,
SOUTH DAKOTA

Keith H. Goering, Treasurer

STATE OF SOUTH DAKOTA)
)ss
COUNTY OF HUGHES)

The undersigned, being first duly sworn upon oath, deposes and states as follows:

- 1. That all of the facts stated above are true and correct to the best of their knowledge; and
- 2. That the undersigned are owners of the property described above which is the subject of this Petition to Vacate and have joined in this Petition and consent to the vacation of the above described property.

Dated this _____ day of _____, 2020.

STATE OF SOUTH DAKOTA

Kristi Noem, Governor
State of South Dakota

Attest: _____
Ryan Brunner, Commissioner
School and Public Lands

STATE OF SOUTH DAKOTA)
)ss
COUNTY OF HUGHES)

On this _____ day of _____, 2020, before me, _____, the undersigned officer, personally appeared Kristi Noem, Governor of the State of South Dakota, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that she executed the within and foregoing instrument on behalf of the State of South Dakota as the free act and deed of the State of South Dakota.

In witness thereof, I have hereunto set my hand and official seal.

(SEAL)

Notary Public, State of South Dakota
My Commission Expires: _____

STATE OF SOUTH DAKOTA)
)ss
COUNTY OF HUGHES)

On this _____ day of _____, 2020, before me, _____, the undersigned officer, personally appeared Ryan Brunner, Commissioner of School and Public Lands of the State of South Dakota, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the within and foregoing instrument on behalf of the State of South Dakota as the free act and deed of the State of South Dakota.

In witness thereof, I have hereunto set my hand and official seal.

(SEAL)

Notary Public, State of South Dakota
My Commission Expires: _____

STATE OF SOUTH DAKOTA)
)ss
COUNTY OF BROOKINGS)

The undersigned, being first duly sworn upon oath, deposes and states as follows:

1. That all of the facts stated above are true and correct to the best of their knowledge; and
2. That the undersigned are owners of the property described above which is the subject of this Petition to Vacate and have joined in this Petition and consent to the vacation of the above described property.

Dated this _____ day of _____, 2020.

ALPHA PHI-ALPHA GAMMA RHO
ALUMNI ASSOCIATION OF BROOKINGS,
SOUTH DAKOTA

Keith H. Goering, Treasurer

STATE OF SOUTH DAKOTA)
)ss
COUNTY OF BROOKINGS)

On this _____ day of _____, 2020, before me, _____, the undersigned officer, personally appeared Keith H. Goering, Treasurer of Alpha Phi-Alpha Gamma Rho Alumni Association of Brookings, South Dakota, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the within and foregoing instrument on behalf of the Alpha Phi-Alpha Gamma Rho Alumni Association of Brookings, South Dakota as the free act and deed of the Alpha Phi-Alpha Gamma Rho Alumni Association of Brookings, South Dakota

In witness thereof, I have hereunto set my hand and official seal.

(SEAL)

Notary Public, State of South Dakota
My Commission Expires: _____

18239180 Filed July 24, 2012 @8:00 AM Recorded Book 50 Page 34

**PLAT OF
LOTS 1A, 2A & 3A, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY
OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA.**

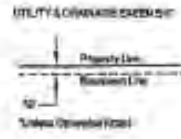
THIS PLAT TO VACATE AND RE-PLAT LOTS 1, 2, AND TO RE-PLAT THE VACATED STREET OF "PLAT OF LOTS 1 AND 2, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA, 5th & 6th SECTION 24, T12N, R30W 4th P.M." ALONG WITH ALL EXISTING EASEMENTS, FILED FOR RECORD ON JANUARY 24th, 1974 AT 10:00 A.M. IN PLAT BOOK 14, PAGE 52.



August 2011
Scale 1"=60'
Monument Recovered
• 60' x 10' Copied (Refer)
• Duplicates are Filed
on Assessed Order

AREAS

| | |
|--------|-----------------|
| LOT 1A | 3866 ± SQ. FT. |
| LOT 2A | 6145 ± SQ. FT. |
| LOT 3A | 15204 ± SQ. FT. |



SUBJECT MATTER

I, William L. Lupton, a Registered Land Surveyor of the State of South Dakota, do hereby certify that on or before the 22nd day of August, 2011 I was at the request of the owner of the real property hereafter described, surveyed and replatted "Plat of Lots 1, 2, Block 1, University First Addition to the City of Brookings, Brookings County, South Dakota SE 1/4, SE 1/4, Section 24, T12N, R30W 4th P.M." along with the existing Vacated Street, as shown on the plat and marked upon the ground according to the marked notes on the plat, and that the attached plat is a true and correct representation of said survey as that the general of land is placed therein: "PLAT OF LOTS 1A, 2A & 3A, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA".

IN WITNESS WHEREOF, I have executed this Surveyor's Certificate on the 22nd day of August, 2011



Prepared by:

CIVIL DESIGN INC.

500 Broadway & 1st Street
Brookings, South Dakota
P.O. 605-605-2001

18239180

OWNER'S CERTIFICATE

WE, The South Dakota Board of Regents, owners of the tract of land shown in the foregoing plat, hereby certify that we did authorize and do join in, and approve the above survey and plat, and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations. There is hereby granted to the City of Brookings or the holder of any City franchise, an easement at locations shown in the above plat for the purpose of installing and maintaining any utility line. Any land shown in the above plat and designated as a street, road, alley, park or public ground is hereby dedicated to public use as such however, but such dedication shall not be a donation of the fee of such land.

THIS PLAT TO VACATE AND REPLAT LOTS 1, 2, AND REPLAT THE VACATED STREET OF "PLAT OF LOTS 1 AND 2, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA, 56A & 57A SECTION 34, T11CN, R30W 20N P.1M," ALONG WITH ALL EXISTING EASEMENTS, FILED FOR RECORD ON JANUARY, 24TH, 1974 AT 10:58 A.M. IN PLAT BOOK 13, PAGE 26.

The portion so plated shall hereafter be designated as, "PLAT OF LOTS 1A, 2A & 2B, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA".

IN WITNESS WHEREOF, we have caused this Owner's Certificate to be signed on 18 day of July, 2012.

Walter T. Kott
Walter T. Kott
Vice President, Board of Regents
South Dakota Board of Regents

STATE OF South Dakota
COUNTY OF Brookings

On this 18 day of July, 2012 before me the undersigned Notary Public within and for the State and County aforesaid, personally appeared, Walter T. Kott, known to be the person described in the foregoing instrument, as such being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of The South Dakota Board of Regents as an Authorized Representative.

Walter T. Kott
NOTARY PUBLIC
My commission expires 11-14-13



CITY MANAGER'S CERTIFICATE

WHEREAS, The South Dakota Board of Regents, owners of the hereinafter real property has submitted a proposed plat "PLAT OF LOTS 1A, 2A & 2B, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA", and the Brookings City Manager, being the duly authorized administrative official authorized to approve plats, having examined the proposed plat and it appears that all municipal taxes and special assessments if any upon said plat and survey, have been accounted according to law. Access to the public streets, subject to all applicable municipal ordinances, is hereby granted except as may be designated "no access" on the attached plat.

Dated this 24 day of July, 2012

Jeremy Walden
CITY MANAGER
CITY OF BROOKINGS, SOUTH DAKOTA
ATTEST:

CITY CLERK'S CERTIFICATE

Jeremy Walden, being the duly appointed, qualified and acting City Clerk of the City of Brookings, do hereby certify that *Jeremy Walden*, Mayor of the City of Brookings, did personally appear and acknowledged to me that he executed the foregoing City Manager's Certificate for the purposes stated within.

Dated this 24 day of July, 2012
Jeremy Walden
CITY CLERK
CITY OF BROOKINGS, SOUTH DAKOTA

COUNTY FINANCE CERTIFICATE

I, Finance Officer of Brookings County, South Dakota, do hereby certify that all taxes which are here upon any land included in the above (and the foregoing) plat, as shown by the records of my office, have been fully paid.

Dated this 23 day of July, 2012.

Michelle Sp
COUNTY FINANCE OFFICER
BROOKINGS COUNTY, SOUTH DAKOTA



DIRECTOR OF EDUCATION

I, Director of Education of Brookings County, South Dakota, do hereby certify that a copy of the above plat has been filed at my office.

Dated this 23 day of July, 2012.

James A. Rasmussen
DIRECTOR OF EDUCATION
BROOKINGS COUNTY, SOUTH DAKOTA

REGISTER OF DEEDS

STATE OF SOUTH DAKOTA }
COUNTY OF BROOKINGS }

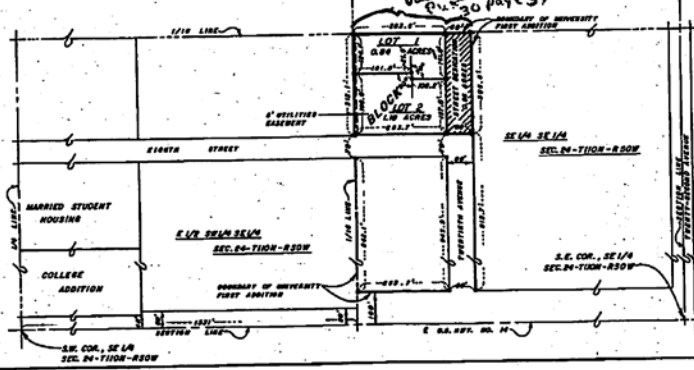
Filed for record this 24 day of July, 2012, at 3:00 o'clock P.M. and received in Book 50 of Plats on page 34

Debra A. Chapman
REGISTER OF DEEDS
BROOKINGS COUNTY, SOUTH DAKOTA



Prepared by:
CIVIL DESIGN INC
2011 Engineers & Land Surveyors
Brookings, South Dakota
Ph. 605-690-3200

PLAT OF LOTS 1 AND 2, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA SE 1/4 SE 1/4 SECTION 24, T10N, R50W 5TH P.M.



PREPARED BY J.T. BARBER & ASSOCIATES, INC. CONSULTING ENGINEERS BROOKINGS, SOUTH DAKOTA DRAWN BY: S.A.R. FEBRUARY 2, 1973

SURVEYOR'S CERTIFICATE

I, James O. Edwards, a Registered Land Surveyor, do hereby certify that, at the request of Kenneth S. Hayter, I have surveyed a portion of the SE 1/4 Section 24, T10N, R50W, 5th P.M. and marked upon the ground the boundaries thereof in the manner shown above and shall be hereafter known as: Lot 1 and 2 of Block 1 and a portion of the Twentieth Avenue in University First Addition to the City of Brookings, Brookings County, South Dakota.

Said Lots, Block and Street shall be hereafter known by the designation shown above. The location and dimensions of the said Lots, Block and Street are shown in the above plat.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 22 DAY OF FEBRUARY, A.D., 1973.

James O. Edwards Registered Land Surveyor



ACKNOWLEDGMENT OF SURVEYOR

STATE OF SOUTH DAKOTA COUNTY OF BROOKINGS

On this day, before me, the undersigned, a Notary Public within and for the state and county aforesaid, personally appeared James O. Edwards, known to me to be the person who executed the foregoing surveyor's certificate and acknowledged to me that he executed the same.

WITNESS MY HAND AND SEAL THIS 22 DAY OF FEBRUARY, 1973.

My Commission Expires January 4, 1981

Kenneth J. Brosten Notary Public



CERTIFICATE OF OWNER

This is to certify that the State of South Dakota is the owner of the land shown on the accompanying plat and described in the above Surveyor's Certificate. I, M. BRIGGS, do hereby certify that I did authorize Kenneth S. Hayter to request James O. Edwards, a Registered Land Surveyor in the State of South Dakota to survey and plat said property and I do hereby approve this survey and plat, and that the said tract of land is free from any encumbrance. There is hereby granted to the City of Brookings, or to the holder of any utility franchise, an easement at the locations shown in the above plat, for the purpose of installing or maintaining any utility line.

Any land shown in the above plat and designated as a street or alley 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.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 20 DAY OF November, 1973.

M. Briggs, President, South Dakota State University

ACKNOWLEDGMENT OF OWNER

STATE OF SOUTH DAKOTA COUNTY OF BROOKINGS

On this day, before me, the undersigned, a Notary Public within and for the state and county aforesaid, personally appeared M. BRIGGS, President (title), of South Dakota State University, and that he, as such President, by himself as President of South Dakota State University, executed the foregoing instrument for the purposes therein contained, by signing the name of State of South Dakota.

Notary Public - South Dakota

RESOLUTION NO. 174

BE IT RESOLVED BY THE CITY OF BROOKINGS:

WHEREAS, the State of South Dakota, owner of the hereinafter described real property, and M. Briggs, S.D. Univ. have submitted to the governing board a proposed plat of the following described real estate situated in the County of Brookings in the State of South Dakota, to wit: Lots 1 and 2 of Block 1 and a portion of Twentieth Avenue in University First Addition to the City of Brookings in the SE 1/4, SE 1/4 Section 24, T10N, R50W, 5th P.M., Brookings County, South Dakota, and the Board of City Commissioners of said City having examined the proposed plat and it appearing that all municipal taxes and special assessments, if any, upon said plat and survey, have been accounted according to law.

NOW, THEREFORE, BE IT RESOLVED THAT SAID PLAT AND SURVEY BE AND ARE IN ALL THINGS ACCEPTED AND APPROVED. PASSED AND APPROVED THIS 18 DAY OF December, 1973.

CITY AUDITOR'S CERTIFICATE

I, Bryce Smith, being the duly appointed, qualified and acting City Auditor of the City of Brookings, South Dakota, do hereby certify that I have compared the copy of the foregoing Resolution No. 174 with the original thereof as contained in the minutes of said Board of City Commissioners for the meeting of said Board held on the 18 day of December, 1973, and that the foregoing is a true and correct copy of said resolution and that the same has not been modified and that more than twenty (20) days have elapsed since the publication of said resolution.

Dated this 20 day of December, 1973.

Bryce Smith City Auditor of the City of Brookings, South Dakota

DIRECTOR OF EQUALIZATION

I, Floyd Fisher, Director of Equalization, Brookings County, South Dakota, do hereby certify that a copy of the above plat has been filed in my office.

Floyd Fisher Director of Equalization, Brookings County, South Dakota

COUNTY TREASURER'S CERTIFICATE

I, Kenneth Heman, Treasurer of Brookings 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 in my office, have been paid in full.

Kenneth Heman Treasurer, Brookings County, South Dakota

REGISTER OF DEEDS

STATE OF SOUTH DAKOTA COUNTY OF BROOKINGS Filed for record this 24 day of January, A.D., 1974, at 2:15 P.M., and recorded in Book of Plats 10 on page 56 therein.

Rachel Hinchelbeck Register of Deeds Deputy

PETITION FOR VACATION OF STREET (LOCATED NORTH OF EIGHTH STREET AND ADJACENT TO PROPERTY FORMERLY PLATTED AS BLOCK ONE (1), UNIVERSITY ADDITION TO THE CITY OF BROOKINGS, SOUTH DAKOTA)

The undersigned, being the sole adjoining property owners of that certain portion of a Street located North of Eighth Street and adjacent to property formerly platted as Block One (1), University Addition to the City of Brookings, South Dakota as is set forth on the attached map. The property to be vacated is identified as "vacated" and is marked with diagonal lines.

This Petition for Vacation is prepared in accordance with SDCL 9-45-7. The undersigned, being the owners of the property adjoining the above-described property, hereby consent to the Vacation of the above-described property.

The facts and reasons for such vacation are that the portion of the street that is the subject of this Petition is not used or required for public transportation. The State of South Dakota and Alpha Phi-Alpha Gamma Rho Alumni Association of Brookings, South Dakota are the owners of property adjoining the part of the street to be vacated and the State of South Dakota and Alpha Phi-Alpha Gamma Rho Alumni Association of Brookings, South Dakota hereby execute this Petition and Consent to the vacation of the above-described property.

IN WITNESS WHEREOF, I have executed this Petition to Vacate this _____ day of _____, 2020.

STATE OF SOUTH DAKOTA

Kristi Noem, Governor
State of South Dakota

Attest: _____
Ryan Brunner, Commissioner
School and Public Lands

ALPHA PHI-ALPHA GAMMA RHO
ALUMNI ASSOCIATION OF BROOKINGS,
SOUTH DAKOTA

LEGAL DESCRIPTION OF
ADJOINING PROPERTY:
Lots One (1) and Two (2),
Block One (1), UNIVERSITY
FIRST ADDITION TO THE
CITY OF BROOKINGS.

Keith H. Goering, Treasurer

STATE OF SOUTH DAKOTA)
)ss
COUNTY OF HUGHES)

The undersigned, being first duly sworn upon oath, deposes and states as follows:

- 1. That all of the facts stated above are true and correct to the best of their knowledge; and

- 2. That the undersigned are owners of property adjoining the property described above which is the subject of this Petition to Vacate and have joined in this Petition and consent to the vacation of the above described property.

Dated this _____ day of _____, 2020.

STATE OF SOUTH DAKOTA

Kristi Noem, Governor
State of South Dakota

Attest: _____
Ryan Brunner, Commissioner
School and Public Lands

STATE OF SOUTH DAKOTA)
)ss
COUNTY OF HUGHES)

On this _____ day of _____, 2020, before me, _____, the undersigned officer, personally appeared Kristi Noem, Governor of the State of South Dakota, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that she executed the within and foregoing instrument on behalf of the State of South Dakota as the free act and deed of the State of South Dakota.

In witness thereof, I have hereunto set my hand and official seal.

(SEAL)

Notary Public, State of South Dakota
My Commission Expires: _____

STATE OF SOUTH DAKOTA)
)ss
COUNTY OF HUGHES)

On this _____ day of _____, 2020, before me, _____, the undersigned officer, personally appeared Ryan Brunner, Commissioner of School and Public Lands of the State of South Dakota, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the within and foregoing instrument on behalf of the State of South Dakota as the free act and deed of the State of South Dakota.

In witness thereof, I have hereunto set my hand and official seal.

(SEAL)

Notary Public, State of South Dakota
My Commission Expires: _____

STATE OF SOUTH DAKOTA)
)ss
COUNTY OF BROOKINGS)

The undersigned, being first duly sworn upon oath, deposes and states as follows:

- 3. That all of the facts stated above are true and correct to the best of their knowledge;
and
- 4. That the undersigned are owners of property adjoining the property described above
which is the subject of this Petition to Vacate and have joined in this Petition and
consent to the vacation of the above described property.

Dated this _____ day of _____, 2020.

ALPHA PHI-ALPHA GAMMA RHO
ALUMNI ASSOCIATION OF BROOKINGS,
SOUTH DAKOTA

Keith H. Goering, Treasurer

STATE OF SOUTH DAKOTA)
)ss
COUNTY OF BROOKINGS)

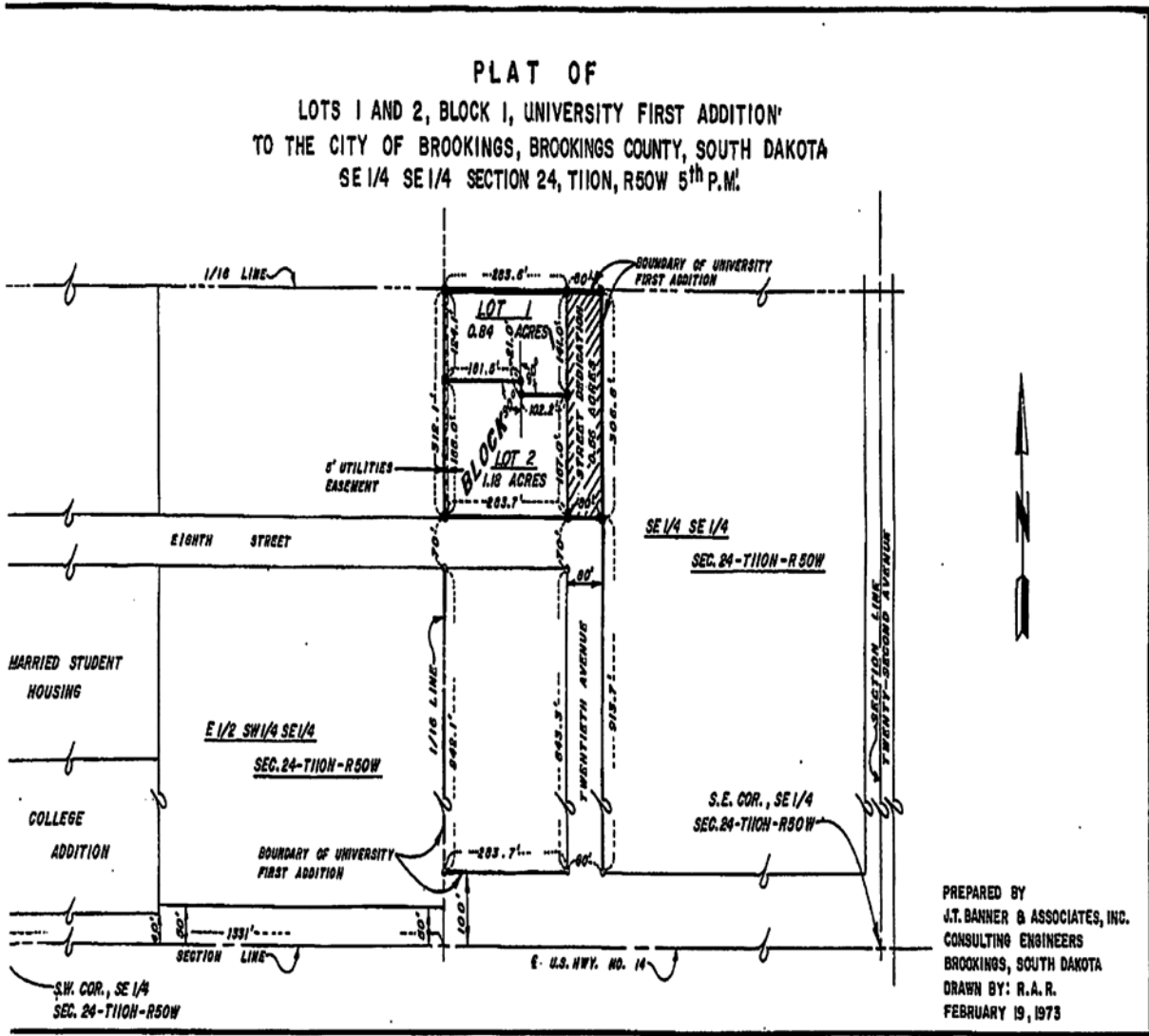
On this _____ day of _____, 2020, before me, _____,
the undersigned officer, personally appeared Keith H. Goering, Treasurer of Alpha Phi-
Alpha Gamma Rho Alumni Association of Brookings, South Dakota, known to me or
satisfactorily proven to be the person whose name is subscribed to the within instrument and
acknowledged that he executed the within and foregoing instrument on behalf of the Alpha Phi-
Alpha Gamma Rho Alumni Association of Brookings, South Dakota as the free act and deed of
the Alpha Phi-Alpha Gamma Rho Alumni Association of Brookings, South Dakota

In witness thereof, I have hereunto set my hand and official seal.

(SEAL)

Notary Public, State of South Dakota
My Commission Expires: _____

10-56



ATTACHMENT I 3

SURVEYOR'S CERTIFICATE

I, James O. Edwards, a Registered Land Surveyor, do hereby certify that, at the request of Kenneth S. Hayter, I have surveyed a portion of the SE 1/4 SE 1/4

**PLAT OF
LOTS 1B AND 2B, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY OF
BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA.**

THIS PLAT TO VACATE AND REPLAT LOTS 1A, 2A, AND 3A OF "PLAT OF LOTS 1A, 2A, 3A, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA", FILED FOR RECORD ON JULY 24TH, 2012 AT 1:00 A.M. IN PLAT BOOK 30, PAGE 34.



SURVEYOR'S CERTIFICATE

I, Andrew E. Kangas, a Registered Land Surveyor of the State of South Dakota, do hereby certify that on or before the 22nd day of February, 2019 and at the request of the owner of the real property hereinafter described, surveyed and replatted a portion of "Plat of Lots 1A, 2A, 3A, Block 1, University First Addition to the City of Brookings, Brookings County, South Dakota, as shown on the plat, and marked upon the ground boundaries thereof in the manner shown on the plat, and that the attached plat is a true and correct representation of said survey and that the parcel of land so platted contains: "PLAT OF LOTS 1B AND 2B, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA".

IN WITNESS WHEREOF, I have executed this Surveyor's Certificate this 22nd day of February, 2019.

Prepared By
CDI CIVIL DESIGN INC
Civil Engineers & Land Surveyors
Brookings, South Dakota
Ph. 605-696-3200



OWNER'S CERTIFICATE

We, The South Dakota Board Of Regents, owners of the tracts of land shown in the foregoing plat, hereby certify that we did authorize and do join in, and approve the above survey and plat, and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations. There is hereby granted to the City of Brookings or the holder of any utility franchise, an easement at locations shown in the above plat for the purpose of installing and maintaining any utility line. Any land shown in the above plat and designated as a street, road, alley, park or public ground 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.

THIS PLAT TO VACATE AND REPLAT LOTS 1A, 2A, AND 3A OF "PLAT OF LOTS 1A, 2A, 3A, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA", FILED FOR RECORD ON JULY 24TH, 2019 AT 9:00 A.M. IN PLAT BOOK 30, PAGE 34

The portion so platted shall hereafter be designated as, "PLAT OF LOTS 1B AND 2B, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA".

IN WITNESS WHEREOF, We have executed this Owner's Certificate this ____ day of _____, 2019

Authorized Representative
South Dakota Board of Regents

STATE OF _____)
) SS
COUNTY OF _____)

On this ____ day of _____, 2019 before me the undersigned Notary Public within and for the State and County aforesaid, personally appeared _____ known to be the person described in the foregoing instrument, as such being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of The South Dakota Board of Regents as an Authorized Representative.

NOTARY PUBLIC
My commission expires: _____

CITY MANAGER'S CERTIFICATE

WHEREAS, The South Dakota Board of Regents, owners of the hereinafter real property has submitted a proposed plat "PLAT OF LOTS 1B AND 2B, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA", and the Brookings City Manager, being the duly authorized administrative official authorized to approve plats, having examined the proposed plat and it appears that all municipal taxes and special assessments if any upon said plat and survey, have been executed according to law. Access to the public streets, subject to all applicable municipal ordinances, is hereby granted except as may be designated "no access" on the attached plat.

Dated this ____ day of _____, 2019.

CITY MANAGER
CITY OF BROOKINGS, SOUTH DAKOTA
ATTEST

CITY CLERK'S CERTIFICATE

I, _____, being the duly appointed, qualified and acting City Clerk of the City of Brookings, do hereby that _____ City Manager of the City of Brookings, did personally appear and acknowledged to me that he executed the foregoing City Manager's Certificate for the purposes stated within

CITY CLERK
CITY OF BROOKINGS, SOUTH DAKOTA

COUNTY FINANCE CERTIFICATE

I Finance Officer of Brookings County, South Dakota, do hereby certify that all taxes which are liens upon any land included in the above (and the foregoing) plats, as shown by the records of my office, have been fully paid.

Dated this ____ day of _____, 2019.

COUNTY FINANCE OFFICER
BROOKINGS COUNTY, SOUTH DAKOTA

DIRECTOR OF EQUALIZATION

I, Director of Equalization of Brookings County, South Dakota, do hereby certify that a copy of the above plat has been filed at my office.

Dated this ____ day of _____, 2019.

DIRECTOR OF EQUALIZATION
BROOKINGS COUNTY, SOUTH DAKOTA

REGISTER OF DEEDS

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF BROOKINGS)

Filed for record this ____ day of _____, 2019, at ____ o'clock _____ M., and recorded in Book _____ of Plats on page _____

REGISTER OF DEEDS
BROOKINGS COUNTY, SOUTH DAKOTA



Prepared by
CDI CIVIL DESIGN INC
Civil Engineers & Land Surveyors
Brookings, South Dakota
Ph. 605-696-3200