

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance
Consent

AGENDA ITEM: 5 – K
DATE: October 6-7, 2021

SUBJECT

South Dakota State University Plat Resolution and Greek Village Lease

CONTROLLING STATUTE, RULE, OR POLICY

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

BACKGROUND/DISCUSSION

The property subject to the requested plat was last platted by SDSU as “Lots 1, 2, 3, 4, and 5, Block 1, State Village Addition in the SW ¼ of the SE ¼ of Section 24, T110N, R50W of the 5th P.M., City of Brookings, Brookings County, South Dakota,” filed for record on March 17, 2017 at 8:00 a.m. in Plat Book 35, Page 9. South Dakota State University (SDSU) now wishes to replat Lots 4 and 5 as Lots 4A and 5A to change the boundaries as necessary for project construction allowances; therefore, a re-plat is necessary.

SDSU also requests approval of the Fourth Amendment to the Master Ground Lease between the Board and the South Dakota State College Development Association, included as Attachment II, to accurately reflect the change in legal description due to the replat.

IMPACT AND RECOMMENDATION

SDSU requests the Board of Regents adopt the Resolution set forth in Attachment I requesting the plat to vacate Lots 4 and 5, Block 1, State Village Addition and re-plat as Lots 4A and 5A, Block 1, State Village Addition. SDSU further requests approval of the Fourth Amendment to Master Ground Lease, as set forth in Attachment II.

Staff recommends approval.

ATTACHMENTS

- Attachment I – Resolution Requesting Execution and Filing of the Plat
- Attachment I, Exhibit A – Draft Plat
- Attachment II – Draft Fourth Amendment to Master Ground Lease

DRAFT MOTION 20211006_5-K:

I move to approve and adopt the Resolution set forth in Attachment I, requesting the Commissioner of School and public Lands proceed with the plat as stated therein; and to further approve the Fourth Amendment to Master Ground Lease between the Board and South Dakota State College Development Association, included as Attachment II; and authorize the Board’s Executive Director to execute any additional documents necessary to effectuate the foregoing.

RESOLUTION**Resolution requesting the execution and filing of the Plat of Lots 4A and 5A, Block 1, State Village Addition to the City of Brookings, Brookings County, South Dakota.**

The South Dakota Board of Regents (hereinafter referred to as “BOR”), on behalf of South Dakota State University, pursuant to the authority vested in BOR under SDCL § 5-2-11, 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 plat pertaining to the property currently described as:

Lots 4 and 5, Block 1, State Village Addition in the SW ¼ of the SE ¼ of Section 24, T110N, R50W of the 5th P.M., City of Brookings, Brookings County, South Dakota; and which is to be re-platted as Lots 4A and 5A, Block 1, State Village Addition in the SW ¼ of the SE ¼ of Section 24, T110N, R50W of the 5th P.M. to the City of Brookings, Brookings County, South Dakota.

BOR requests that the final plat be consistent with the draft in Exhibit A, a copy of which is attached hereto and incorporated herein, without restricting the ability of the parties to further revise the plat before executing and filing the same.

Dated this ____ day of October, 2021.

SOUTH DAKOTA BOARD OF REGENTS

By _____

John W. Bastian
President

Certification:

I have compared the foregoing with an action taken by the Board of Regents at its meeting conducted on the ____ day of October, 2021, 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 October, 2021.

SOUTH DAKOTA BOARD OF REGENTS

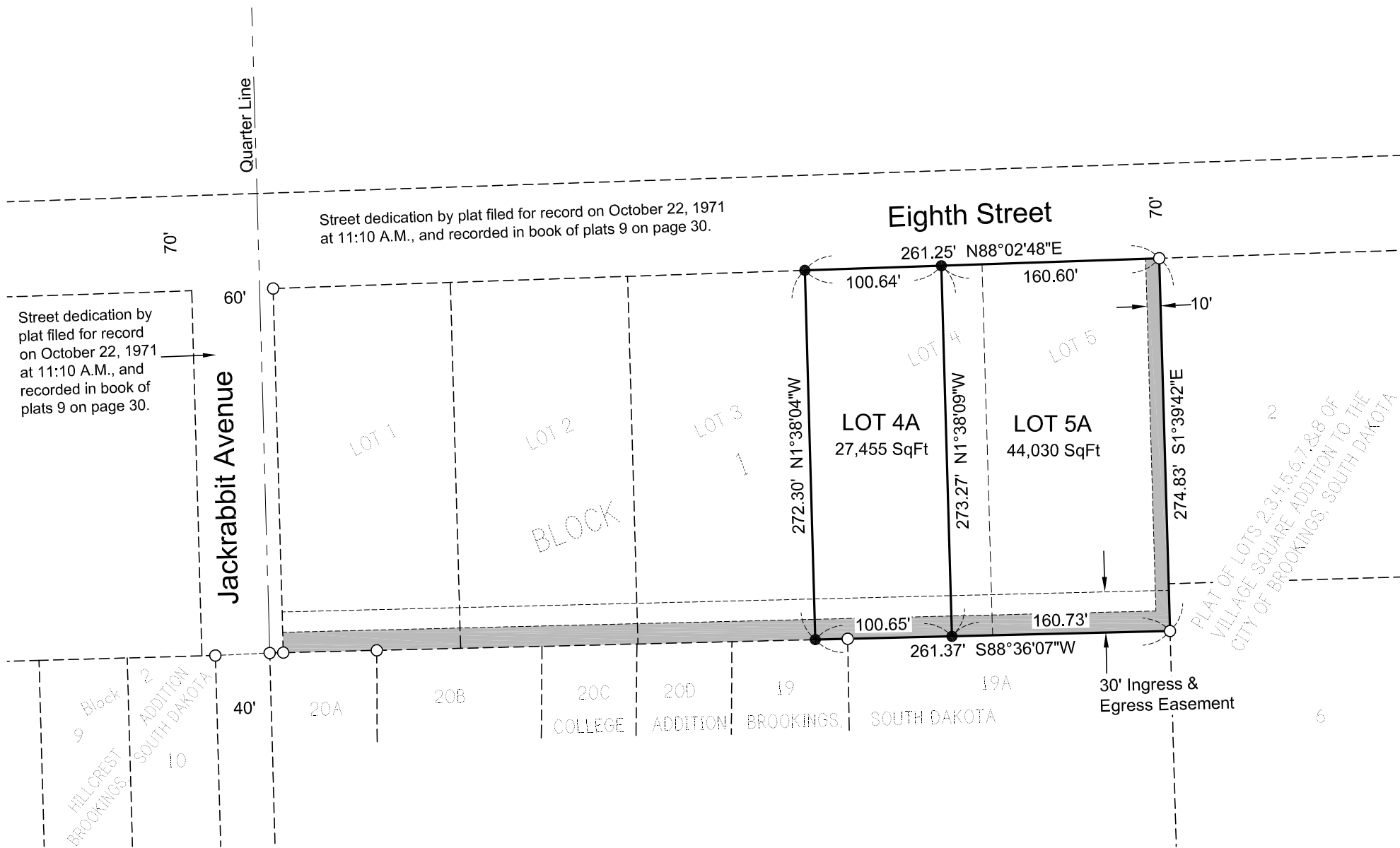
By _____

Jim Thares
Secretary

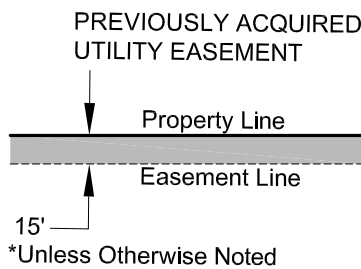
PLAT OF

LOTS 4A & 5A, BLOCK 1, STATE VILLAGE ADDITION IN THE SW 1/4 OF THE SE 1/4 OF SECTION 24, T110N, R50W OF THE 5TH P.M., CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA.

THIS PLAT TO VACATE AND REPLAT LOTS 4 AND 5 OF "PLAT OF LOTS 1, 2, 3, 4 AND 5, BLOCK 1, STATE VILLAGE ADDITION IN THE SW 1/4 OF THE SE 1/4 OF SECTION 24, T110N, R50W OF THE 5TH P.M., CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA", FILED FOR RECORD ON MARCH 17TH, 2017 AT 8:00 A.M. IN PLAT BOOK 35, PAGE 9.

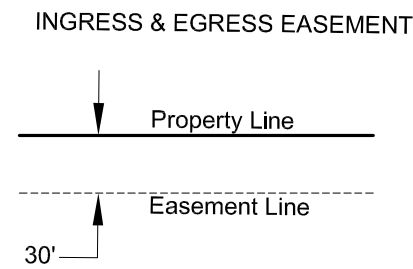


July, 2021
 Scale: 1" = 100'
 ○ Monument Recovered
 ● Monument Set
 (5/8" x 18" Capped Rebar)
 Bearings are Based on Assumed Datum



*Unless Otherwise Noted

Easement filed for Record on August 29th, 1983 at 11:20 A.M. in Misc. Book 103, Page 480.



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 30th day of July 2021 and at the request of the owner of the real property hereinafter described, surveyed and replatted a portion of Block 1 of State Village Addition, City of Brookings, 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 4A & 5A, BLOCK 1, STATE VILLAGE ADDITION IN THE SW 1/4 OF THE SE 1/4 OF SECTION 24, T110N, R50W OF THE 5TH P.M., CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA".

IN WITNESS WHEREOF, I have executed this Surveyor's Certificate this 30th day of July, 2021.



Prepared By:



Civil Engineers & Land Surveyors
 Brookings, South Dakota
 Ph. 605-696-3200

FOURTH AMENDMENT TO MASTER GROUND LEASE

On June 25, 2010, the South Dakota Board of Regents and the South Dakota State College Development Association entered into a Master Ground Lease to facilitate development of a residential site for fraternities and sororities at South Dakota State University (“Master Ground Lease”). On August 12, 2010, the parties entered into a First Amendment to the Master Ground Lease in order to clarify provisions relating to the rights and obligations of Sublessees whose tenancy may be affected by circumstances affecting their organizational status and to assure that non-disturbance agreements may survive termination of the Master Ground Lease by mutual agreement. On December 17, 2010, the parties entered into a Second Amendment to the Master Ground Lease in order to clarify provisions relating to the rights and obligations of Sublessees under clauses stating requirements for indemnification, liability insurance and waivers of subrogation. On April 2, 2015, the South Dakota Board of Regents approved a Third Amendment to the Master Ground Lease but that Third Amendment was not executed. On August 14, 2017, the parties entered into a Revised Third Amendment to Master Ground Lease to expand the definition of “Leased Premises” to include the following additional property:

LOTS 3, 4 & 5, BLOCK 1, STATE VILLAGE ADDITION IN THE SW ¼ OF
THE SE ¼ OF SECTION 24, T110N, R50W OF THE 5th P.M., CITY OF
BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA

In order now to amend the Master Ground Lease to revise the definition of “Leased Premises” due to a replat of the additional property, the parties agree to amend the following enumerated sections of the Master Ground Lease to read as follows:

Section 1.2 Parties to the Lease: shall remain unchanged except that the real property described hereafter is revised and shall amend the definition of “Leased Premises” as follows:

LOTS 3, 4A & 5A, BLOCK 1, STATE VILLAGE ADDITION IN THE SW ¼ OF
THE SE ¼ OF SECTION 24, T110N, R50W OF THE 5th P.M., CITY OF
BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA

IN WITNESS HEREOF, the Lessor and Lessee have signed and sealed this lease effective the day and year first above written.

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