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**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING  
MONDAY, FEBRUARY 27, 2012, 5:30 P.M.  
CITY COUNCIL CHAMBERS, 3<sup>RD</sup> FLOOR, MUNICIPAL BUILDING, 123 SOUTH LINCOLN STREET**

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1. ROLL CALL
  
2. ORDINANCE NO. 12-01-02 (402) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM SECTION 704 (R-2) TO SECTION 714 (M-AG)  
LOTS 13A, 18, 19A, 20, AND 22, DOK-B SUBDIVISION IN THE SE ¼ OF SECTION 22, T123N, R64W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA  
POSSIBLE FIRST READING OF ORDINANCE NO. 12-01-02
  
3. RESOLUTION NO. 12-02-01R (404) – RESOLUTION TO VACATE PUBLIC RIGHT-OF-WAY DEDICATED RIGHT-OF-WAY AS SHOWN ON LIEN OUTLOT B LOCATED IN THE SW 1/4 OF THE SE ¼ OF SECTION 15 AND THE SE ¼ OF THE SW ¼ OF SECTION 15, T123N, R64W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA  
DEDICATED RIGHT-OF-WAY AS SHOWN ON LIEN OUTLOT C LOCATED IN THE NW ¼ OF SECTION 22, T123N, R64W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA  
DEDICATED RIGHT-OF-WAY AS SHOWN AS EXTENDING FROM LIEN OUTLOT B WEST INTO THE RAILROAD RIGHT-OF-WAY IN THE SW ¼ OF SECTION 15, T123N, R64W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA  
POSSIBLE APPROVAL OF RESOLUTION NO. 12-02-01R

**ANY OTHER SUCH BUSINESS WHICH MAY COME BEFORE THIS COUNCIL AT THE MEETING**

City of Aberdeen  
Request for Council Action

Agenda Item No.	2	Meeting Date:	February 27, 2012
Agenda Section	New Business Joint City/County Meeting	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	12-01-02 (402)	Prepared by:	John Stoll - Planner
No. of Attachments	7	Presented by:	Brett Bill Planning and Zoning Director/Building Official

Item:

Rezoning: R-2 (Medium Density Residential District) to M-Ag (Mini-Agricultural District) 1504, 1605 and 1705 Boschee Drive; 1228 U.S. Highway #281; 2120 134<sup>th</sup> Street – Robert King, Kevin Boschee, Diana Daley, and David Osborn.

City Manager's Proposed Action:

Motion by \_\_\_\_\_, Second by \_\_\_\_\_ to approve first/second reading of the proposed petition to rezone. – City Council

Motion by \_\_\_\_\_, Second by \_\_\_\_\_ to approve first/second reading of the proposed petition to rezone. – County Commission

Overview:

The petitioners are requesting this rezoning with the intention of bringing the lots into compliance with their current land use. This rezoning was stipulated by the Aberdeen Board of Zoning Adjustment in order to permit one of the petitioners to construct an accessory structure on a lot without a primary structure. The accessory structure in question would serve the present agricultural use of the property.

Primary/Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report  
Petitions to Rezone  
Map of proposed Rezone  
Ordinance

ORDINANCE NO. 12-01-02  
AN ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE  
CERTAIN DESCRIBED PROPERTY

BE IT ORDAINED by the Aberdeen City Council, Brown County, South Dakota, that the Petition to Amend Ordinance No. 1164 to rezone the following described property filed by Robert L. King, David Osborn, Diana Daly, and Kelvin Boschee is hereby granted and Ordinance No. 1164 is hereby amended to change the zoning on the following described property from its present zoning designation of Section 704 (R-2) Medium Density Residential District to Section 714 (M-AG) Mini-Agricultural District, said property being described as follows:

Lots 13A, 18, 19A, 20, and 22, DOK-B Subdivision in the SE ¼ of Section 22, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota

BE IT FURTHER ORDAINED by the Aberdeen City Council, Brown County, South Dakota, that the zoning official for the City of Aberdeen is hereby authorized to change the official zoning map for the City of Aberdeen to reflect this Ordinance.

Notice of Hearing January 6, 12, and 19, 2012

Passed First Reading \_\_\_\_\_

Passed Second Reading \_\_\_\_\_

Adopted \_\_\_\_\_

Published \_\_\_\_\_

Effective Date \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

**STAFF REPORT**  
**February 21, 2012**

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**PETITION TO REZONE**

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GENERAL INFORMATION

PETITIONER            Robert L. King, Kevin Boschee, Diana Daley, David Osborn

REQUEST                **Petition to Rezone**

LEGAL DESCRIPTION    Lots 18, 20, 22 DOK-B Subdivision, and Lot 13A, and 19A DOK-B Second Subdivision in the SE ¼ of Section 22, Township 123 N, Range 64 West

LOCATION                1504, 1605, 1705 Boschee Dr; 1228 US Highway 281; and 2120 134<sup>th</sup> St.

EXISTING ZONING        Medium Density Residential District

**SURROUNDING ZONING**

    North:            Medium Density Residential District  
    South:            Medium Density Residential District  
    East:             Medium Density Residential District  
    West:             Mini-Agricultural District

PUBLIC UTILITIES        WEB Water

REPORTED BY           John Stoll

RECOMMENDATION:    Staff recommends approval of this petition to Rezone.

GENERAL COMMENTS: The petitioners are requesting this petition to rezone in order to bring the lots into compliance with their current use. This was stipulated by the Board of Zoning Adjustment to allow the petitioner to construct an accessory structure with no primary structure on the lot. The accessory structure in question would serve the present agricultural use of the property.

REVIEW:                Staff have reviewed this petition to Rezone and concur with its approval.

REZONING PETITION (Three Mile Jurisdiction)

To the City Commission and County Commission  
City Hall and Brown County Courthouse  
Aberdeen, SD 57401

Petition No:	_____
Date:	_____
Receipt No:	_____
Filing Fee: City	<u>\$180</u> County <u>\$150</u>
(non-refundable)	
Ord/Res No:	_____

City Commission and County Commission Members

I/We, the undersigned, do hereby petition the City Commission of Aberdeen and the Brown County Commission, Brown County, South Dakota, to rezone property as follows:

Legal Description (Please print in black ink or type):

Dak-B Subdivision SE Quarter Section 22 Township 123  
Range 64 Lot 22

General Area Location or Street Address: 1228 US Highway 281

From the Medium Density Residential District

To the Mini-Ag District

Purpose: Zone Property to Current Use

Size of Parcel: 43.37 Acres

Existing Land Use: Ag

Petitioner (Print): Robert L King

Signature: Robert L King

Date: 12/20/11 Phone: 226-1932

Address: 821-12th Ave. SE  
Aberdeen SD 57401  
City State Zip

Checked by:	_____
Given Sign:	_____
Exhibit A:	<u>PCS</u>
Site Plan:	_____
PC Meeting:	_____
1st Reading:	_____
2nd Reading/Final Adoption:	_____

Owner (Print): DAVID OSBORN

Signature: David Osborn  
If different than above.

Date: 12/20/11 Phone: 226-3504

Address: 803-NE 17th Ave.  
Aberdeen SD 57401  
City State Zip

(Additional Signatures may be submitted on a separate page)

REZONING PETITION (Three Mile Jurisdiction)

To the City Commission and County Commission  
City Hall and Brown County Courthouse  
Aberdeen, SD 57401

Petition No:	_____
Date:	_____
Receipt No:	_____
Filing Fee: City	<u>\$180</u> County <u>\$150</u>
(non-refundable)	
Ord/Res No:	_____

City Commission and County Commission Members

I/We, the undersigned, do hereby petition the City Commission of Aberdeen and the Brown County Commission, Brown County, South Dakota, to rezone property as follows:

Legal Description (Please print in black ink or type):

DOK-B 2nd Subdivision SE Quarter Section 22 Township 123  
Range 64 Lot 13A

General Area Location or Street Address: 2120-134<sup>th</sup> Street

From the Medium Density Residential District

To the Mini-Ag District

Purpose: Zone Property to Current Use

Size of Parcel: 14.22 Acres

Existing Land Use: Ag

Petitioner (Print): Robert L. King

Signature: Robert L. King

Date: 12/20/11 Phone: 226-1902

Address: 821-12<sup>th</sup> Ave. SE.  
Aberdeen SD 57401  
City State Zip

Checked by:	_____
Given Sign:	_____
Exhibit A:	<u>SDCS</u>
Site Plan:	_____
PC Meeting:	_____
1st Reading:	_____
2nd Reading/Final	_____
Adoption:	_____

Owner (Print): DIANA DALY

Signature: Diana Daly If different than above.

Date: 12/20/11 Phone: 626-3333 (work)

Address: 411 - 7<sup>th</sup> Ave. SE Apt. 1  
Aberdeen SD 57401  
City State Zip

(Additional Signatures may be submitted on a separate page)

**REZONING PETITION (Three Mile Jurisdiction)**

To the City Commission and County Commission  
City Hall and Brown County Courthouse  
Aberdeen, SD 57401

Petition No:	_____
Date:	12/20/11
Receipt No:	455627
Filing Fee: City	180
County	150
(non-refundable)	
Ord/Res No:	12-01-02 (402)

City Commission and County Commission Members

I/We, the undersigned, do hereby petition the City Commission of Aberdeen and the Brown County Commission, Brown County, South Dakota, to rezone property as follows:

Legal Description (Please print in black ink or type):

Deer-B subdivision SE QUARTER section 22 township 23  
RANGE 64 Lots 19A & 20

General Area Location or Street Address: 1605 Sanchez Dr. & 1700 Sanchez Dr.

From the Medium Density Residential District

To the Mini-Ag District

Purpose: Zone property to current use

Size of Parcel: 40.5

Existing Land Use: Ag

Petitioner (Print): Robert L. King

Signature: R. L. King

Date: 12-20-11 Phone: 226-1902

Address: 821 12<sup>th</sup> AVE. S.E.  
Aberdeen S.D. 57401  
City State Zip

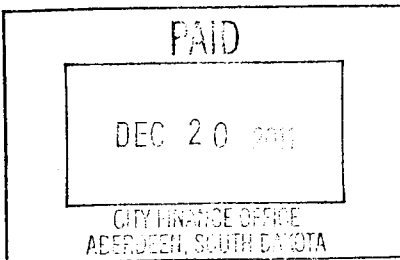
Owner (Print): \_\_\_\_\_  
*If different than above.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City State Zip



Checked by:	<u>[Signature]</u>
Given Sign:	<u>[Signature]</u>
Exhibit A:	<u>[Signature]</u>
Site Plan:	_____
PC Meeting:	<u>11/17/12</u>
1st Reading:	<u>1/23</u>
2nd Reading/Final Adoption:	<u>1/30</u>

(Additional Signatures may be submitted on a separate page)

REZONING PETITION (Three Mile Jurisdiction)

To the City Commission and County Commission  
City Hall and Brown County Courthouse  
Aberdeen, SD 57401

Petition No:	_____
Date:	_____
Receipt No:	_____
Filing Fee: City	#180
County	#150
(non-refundable)	
Ord/Res No:	_____

City Commission and County Commission Members

I/We, the undersigned, do hereby petition the City Commission of Aberdeen and the Brown County Commission, Brown County, South Dakota, to rezone property as follows:

Legal Description (Please print in black ink or type):

DOK-B Subdivision SE Quarter Section 22 Township 123  
Range 64 Lot 18

General Area Location or Street Address: 1504 Boschee Drive

From the Medium Density Residential District

To the Mini Hg District

Purpose: Zone Property to current use

Size of Parcel: 12.66 Acres

Existing Land Use: Hg

Petitioner (Print): Robert L. King

Signature: Robt L. King

Date: 12/20/11 Phone: 226-1932

Address: 821- 12th Ave. SE  
Aberdeen SD 57401  
City State Zip

Checked by:	_____
Given Sign:	_____
Exhibit A:	<u>YES</u>
Site Plan:	_____
PC Meeting:	_____
1st Reading:	_____
2nd Reading/Final	_____
Adoption:	_____

Owner (Print): Melvin Boschee

Signature: [Signature] If different than above.

Date: 12/20/11 Phone: 626-3333 (work)

Address: 1504 Boschee Drive  
Aberdeen SD 57401  
City State Zip

(Additional Signatures may be submitted on a separate page)

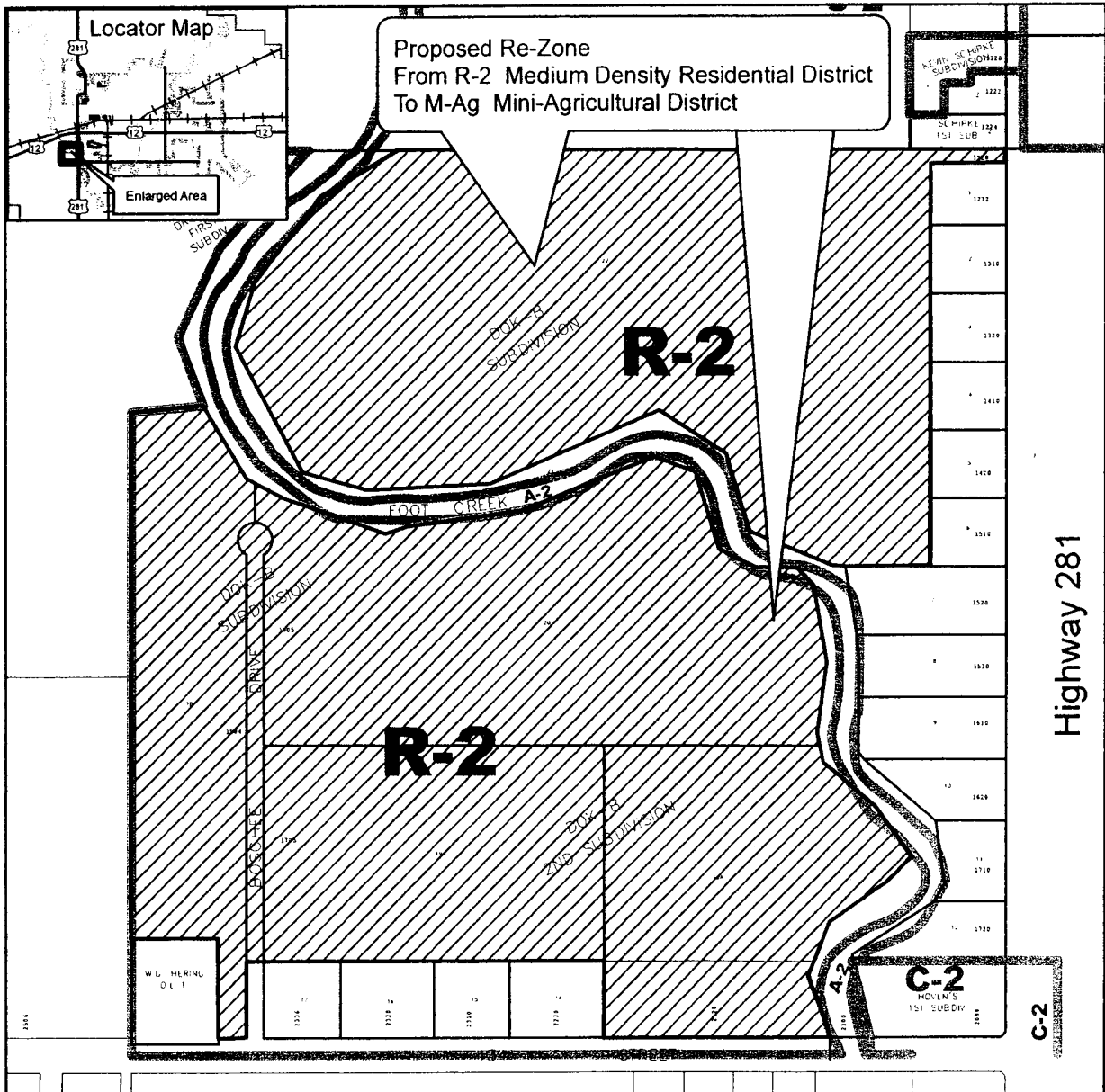


# Proposed Re-Zone

Address / Legal Description : 1504, 1605 & 1705 Boschee Drive; 2120 134th St; 1228 US Highway 281 / Lots 18, 20, & 22 DOK-B Subdivision, Lots 13A & 19A, DOK-B 2nd Subdivision in the SE 1/4 of Section 22, T123N R64W

Current Zone: R-2 Medium Density Residential District

Proposed Zone: M-Ag Mini-Agricultural District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 12-01-02 (402)  
 Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota  
 Not a Legal Document

City of Aberdeen  
Request for Council Action

Agenda Item No.	3	Meeting Date:	February 27, 2012
Agenda Section	Joint City/ County	Originating Dept:	Planning and Zoning Dept.
Resolution	No. 12-02-01R (404)		
Ordinance		Prepared by:	
No. of Attachments	4	Presented by:	Brett Bill, Planning/Zoning Director and Building Official

Item:

Vacation of Right-of-Way – Resolution No. 12-02-01R (404)

Dedicated right-of-way as shown on Lien Outlot B located in the SW ¼ of the SE ¼ of Section 15 and In the SE ¼ of the SW ¼ of Section 15, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota  
 Dedicated right-of-way as shown on Lien Outlot C located in the NW ¼ of Section 22, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota  
 Dedicated right-of-way as shown as extending from Lien Outlot B west into the railroad right-of-way in the SW ¼ of Section 15, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota

City Manager's Proposed Action:

Motion by \_\_\_\_\_, Second by \_\_\_\_\_ to approve Resolution No. 12-02-01R to vacate public right-of-way.

Overview:

The right-of-way to be vacated by this petition is located Northwest and Southwest of the intersection of 6<sup>th</sup> Avenue, SW and Highway 281 South. The petitioners are requesting this vacation of right-of-way since it is no longer used by the public with the understanding that all rights are reserved for any utilities that may be located within the right-of-way. The Joint Planning and Zoning Commission is recommending approval of this vacation.

Issues/Alternatives to Consider:

None

Budgetary/Fiscal Issues:

None

Attachments:

- Resolution No. 12-02-01R
- Staff Report
- Petition to Vacate
- Map of Proposed Vacation of Public Right-Of-Way

RESOLUTION NO. 12-02-01 R

RESOLUTION TO VACATE PUBLIC RIGHT-OF-WAY

BE IT RESOLVED by the Aberdeen City Council, Brown County, Aberdeen, South Dakota that the Petition to Vacate the Public Right-of-Way filed by Jason Lien and Brown County is hereby granted and the public right-of-way is hereby vacated for the following described areas:

Dedicated right-of-way as shown on Lien Outlot B located in the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 15 and in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 15, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota

Dedicated right-of-way as shown on Lien Outlot C located in the NW  $\frac{1}{4}$  of Section 22, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota

Dedicated right-of-way as shown as extending from Lien Outlot B west into the railroad right-of-way in the SW  $\frac{1}{4}$  of Section 15, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota

BE IT FURTHER RESOLVED by the Aberdeen City Council, Brown County, Aberdeen, South Dakota, that a certified copy of this Resolution shall be filed for record and duly recorded in the Office of the Register of Deeds in Brown County.  
Dated this 27<sup>th</sup> day of February, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Finance Officer

**STAFF REPORT**  
**January 17, 2012**

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**Vacation of Right-of-Way**

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GENERAL INFORMATION

PETITIONER	Jason Lien and Brown County
REQUEST	<b>Vacate of Brown County Right of Way</b>
LEGAL DESCRIPTION	Dedicated right of way as shown on Lien Outlot B located in the Southwest Quarter of the Southeast Quarter of Section 15 and in the Southeast Quarter of the Southwest Quarter of Section 15, Township 123 North and R64W of the Fifth Principal Meridian, Brown County, South Dakota recorded as plat number 15, on page 1165E on November 28, 1997 in the Brown County, Register of Deeds Office.  Dedicated right of way as shown on Lien Outlot C located in the Northwest Quarter of Section 22, Township 123 North and R64W of the Fifth Principal Meridian, Brown County, South Dakota recorded as hanging plat file 2729 on January 18, 2011 in the Brown County, Register of Deeds Office.  Dedicated right of way as shown as extending from Lien Outlot B west into the railroad right of way in the Southwest Quarter of Section 15, Township 123 North and R64W of the Fifth Principal Meridian, Brown County, South Dakota.
Location	Northwest and Southwest of the intersection of 6 <sup>th</sup> Ave SW and Highway 281 South
EXISTING ZONING	Unrestricted Industrial District
SURROUNDING ZONING	
North:	Agricultural District
South:	Municipal, State, and County Use District
East:	Unrestricted Industrial District
West:	Unrestricted Industrial District
PUBLIC UTILITIES	None
REPORTED BY	John Stoll

RECOMMENDATION: Staff recommends approval of this vacation since it is no longer used by the public with the understanding that all rights are reserved for any utilities that may be located within the right-of-way.

GENERAL COMMENTS: This vacated right of way will be split among properties.

REVIEW: Staff have reviewed this Petition to Vacate Right-of-Way and concur with its approval.

**STAFF REPORT  
OCTOBER 18, 2011**

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**VACATE COUNTY R/W**

**ITEM #3**

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GENERAL INFORMATION

PETITIONER

Jason Lien and Brown County

REQUEST

**Vacate of Brown County right of way**

LEGAL DESCRIPTION

Dedicated right of way as shown on Lien Outlot B located in the Southwest Quarter of the Southeast Quarter of Section 15 and in the Southeast Quarter of the Southwest Quarter of Section 15, Township 123 North and R64W of the Fifth Principal Meridian, Brown County, South Dakota recorded as plat number 15, on page 1165E on November 28, 1997 in the Brown County, Register of Deeds Office.

Dedicated right of way as shown on Lien Outlot C located in the Northwest Quarter of Section 22, Township 123 North and R64W of the Fifth Principal Meridian, Brown County, South Dakota recorded as hanging plat file 2729 on January 18, 2011 in the Brown County, Register of Deeds Office.

Dedicated right of way as shown as extending from Lien Outlot B west into the railroad right of way in the Southwest Quarter of Section 15, Township 123 North and R64W of the Fifth Principal Meridian, Brown County, South Dakota.

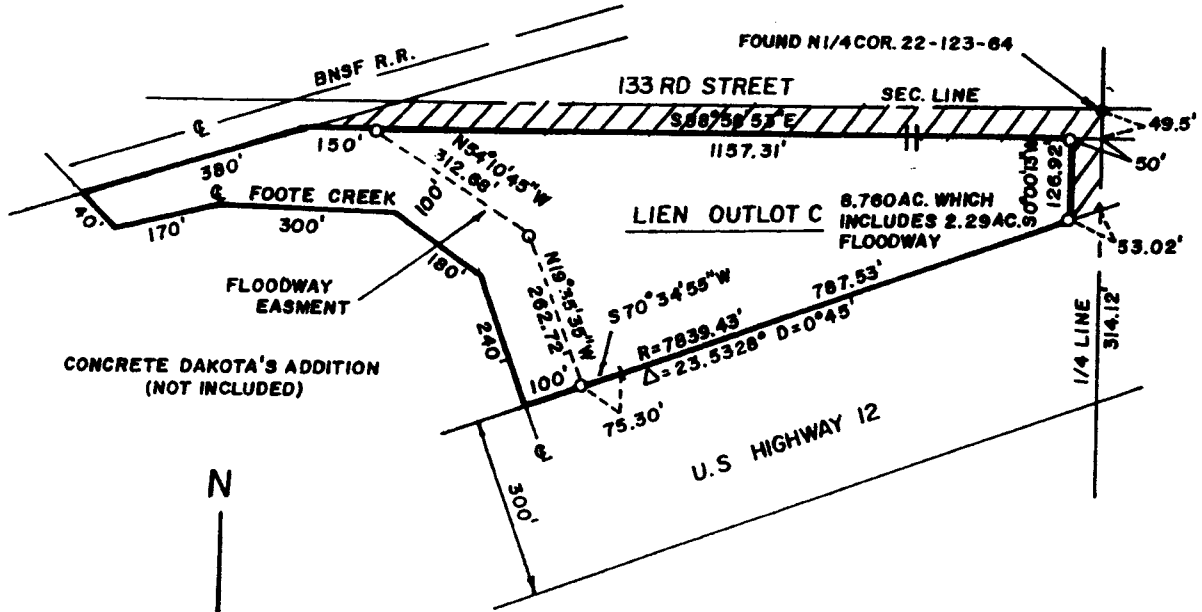
RECOMMENDATION:

Staff recommends approval of this vacation since it is no longer used by the public.

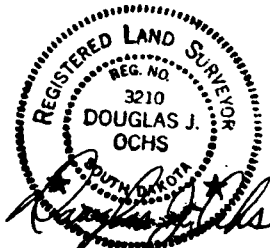
GENERAL COMMENT:

This vacated right of way will be split among properties.

PLAT SHOWING  
 LIEN OUTLOT C IN THE NW 1/4 OF SEC. 22, T. 123 N., R. 64 W.  
 OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA



SCALE : 1" = 200'



11-9-2010

BEARING BASIS PREVIOUS PLAT

O - CAPPED REBAR OCHS RLS 3210

— — — EXISTING APPROACH

HIGHWAY AUTHORITY CERTIFICATE

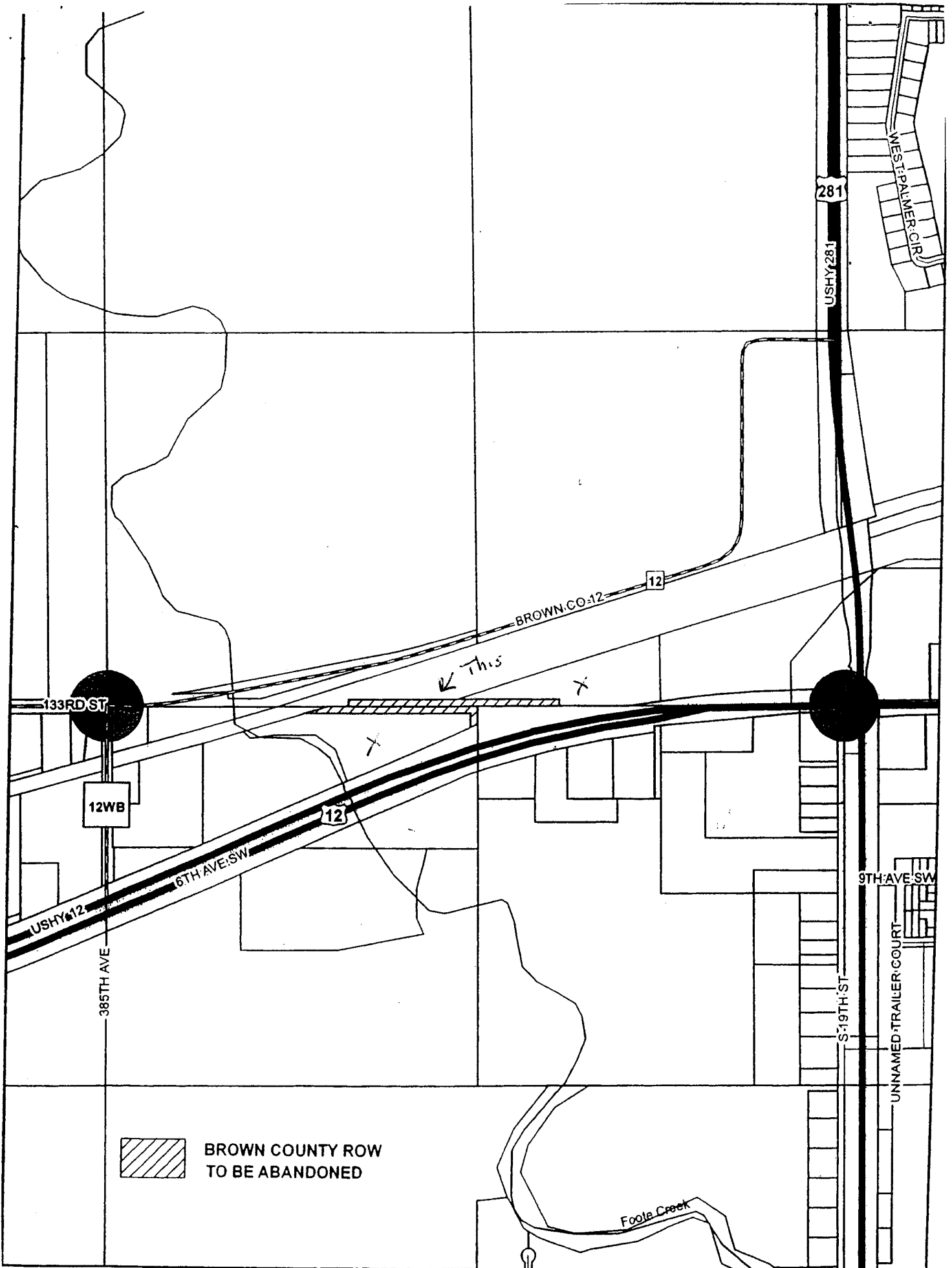
THE LOCATION OF THE EXISTING APPROACH IS HEREBY APPROVED. ANY CHANGE IN LOCATION OR NEW APPROACHES SHALL REQUIRE ADDITION APPROVAL AND PERMITS.

SIGNED THIS 27<sup>th</sup> DAY OF December, 2010.

[Signature] Area Engineer  
 HIGHWAY AUTHORITY TITLE

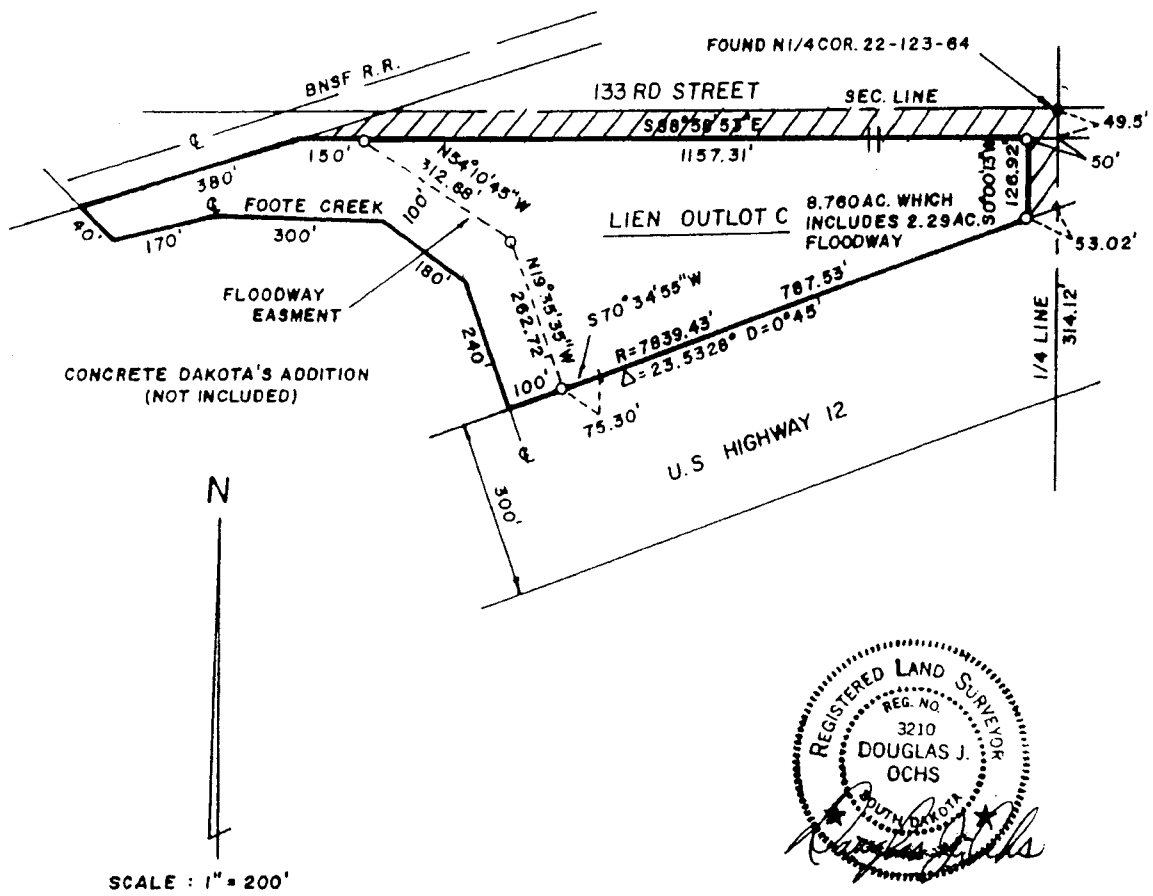
PREPARED BY:

STELLNER ENGINEERING CO.  
 P.O. BOX 921  
 ABERDEEN, SD 57402-0921  
 605-225-0583





PLAT SHOWING  
 LIEN OUTLOT C IN THE NW 1/4 OF SEC. 22, T. 123 N., R. 64 W.  
 OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA

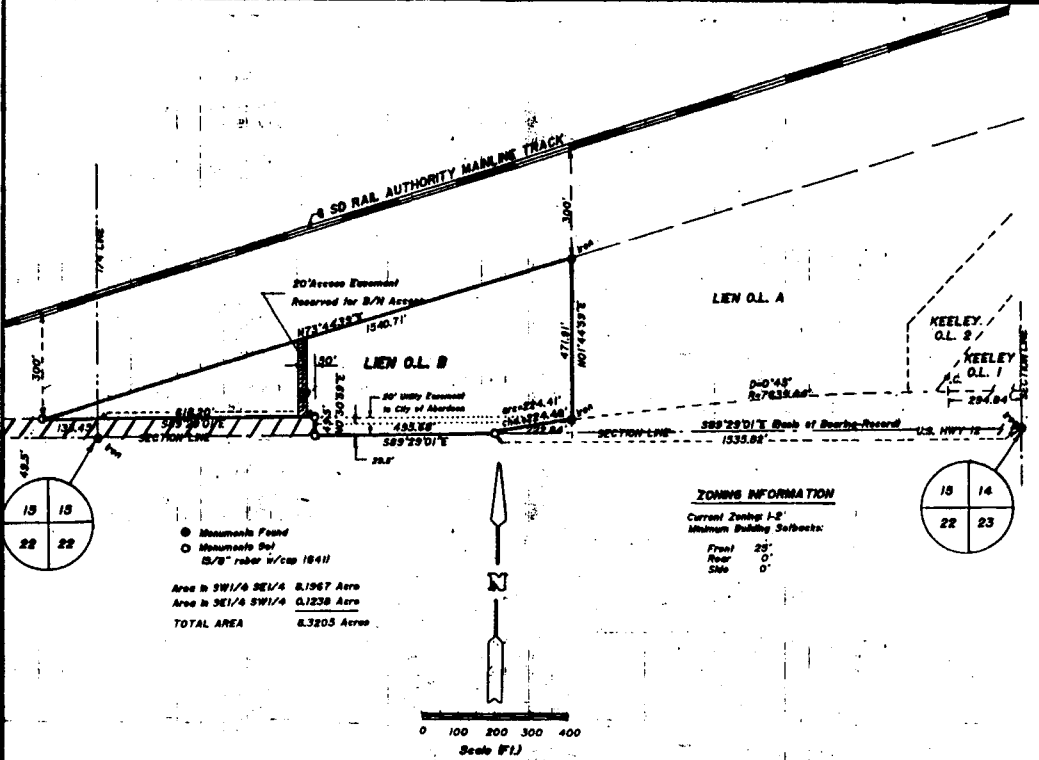


BEARING BASIS PREVIOUS PLAT  
 O - CAPPED REBAR OCHS RLS 3210  
 — — — EXISTING APPROACH

HIGHWAY AUTHORITY CERTIFICATE  
 THE LOCATION OF THE EXISTING APPROACH IS HEREBY APPROVED. ANY CHANGE IN LOCATION OR NEW APPROACHES SHALL REQUIRE ADDITIONAL APPROVAL AND PERMITS.  
 SIGNED THIS 27<sup>th</sup> DAY OF December, 2010.  
[Signature] Area Engineer  
 HIGHWAY AUTHORITY TITLE

PREPARED BY:  
 STELLNER ENGINEERING CO.  
 P.O. BOX 921  
 ABERDEEN, SD 57402-0921  
 605-225-0583

**LIEN OUTLOT B**  
LOCATED IN THE SW1/4SE1/4 SEC.15 AND  
IN SE1/4SW1/4 SEC. 15, T123N-R64W, 51th P.M.  
BROWN COUNTY, SOUTH DAKOTA



Monuments Found  
 Monument 90'  
 15/8" rebar w/cap 18411

Area in SW1/4 SE1/4 8.1567 Acre  
 Area in SE1/4 SW1/4 0.1238 Acre  
**TOTAL AREA 8.3205 Acre**

**ZONING INFORMATION**  
 Current Zoning I-E  
 Minimum Building Setbacks:  
 Front 25'  
 Rear 0'  
 Side 0'

**OWNER'S CERTIFICATE**  
 The B N LEASING CORPORATION, a Delaware Corporation, does hereby certify that it is the Owner of a parcel of land located in the SE1/4SE1/4 and the SW1/4SW1/4 of Section 15, Township 123 North, Range 64 West, Brown County, South Dakota, more particularly described as follows:

Commencing at the intersection of the East line of said Section 15 with the centerline of the former Chicago, Milwaukee & St. Paul Railway Company's (now operated by the Burlington Northern and Santa Fe Railway Company) Main Trunk centerline, as now located and constructed; thence South along the East line of said Section 15 a distance of 308.8 feet; thence Southwesterly, deflecting an angle of 73 degree 50 minutes, measured from South to West from said East line, along a line parallel with said Main Trunk centerline 1370 feet, more or less, to a point in the East line of said SE1/4SE1/4 land; the True Point of Beginning; thence continuing Southwesterly parallel with said Main Trunk centerline 1,496 feet, more or less, to the intersection with a line drawn parallel with and distant 49.5 feet North, as measured at right angles from the South line of said Section 15; thence East along the last described parallel line 748 feet, more or less, to the intersection with a line drawn at right angles to the South line of said Section 15 at a point being 2,031.5 feet West of the Southeast corner of said Section 15, as measured along the South line of said Section 15; thence South at right angles 49.5 feet to the South line of said Section 15; thence East along the South line of said Section 15 a distance of 498.48 feet to a point being 1,538.52 feet West of the Southeast corner of said Section 15; thence Easterly along the Northerly right-of-way line of U.S. Highway No. 12, as described in Quitclaim deed dated June 30, 1970 from Chicago, Milwaukee, St. Paul and Pacific Railroad Company to the State of South Dakota, as being the Northerly line of Lot #2 in the S1/2SE1/4 of Section 15, said Northerly line being along a 0 degree 48 minute curve concave South, an arc distance of 218 feet, more or less, the East line of said S1/2SE1/4SE1/4; thence North along said East line 471.91 feet, more or less to the True Point of Beginning.

We further certify we have caused the property to be surveyed and plotted and designated as Lien Outlot B located in the SW1/4 SE1/4 of Section 15 and in the SE1/4 SW1/4 of Section 15, Township 123 North, Range 64 West, Brown County, South Dakota as shown above, and that development of this land shall conform to all existing applicable zoning, subdivision and setback control regulations.

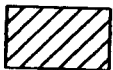
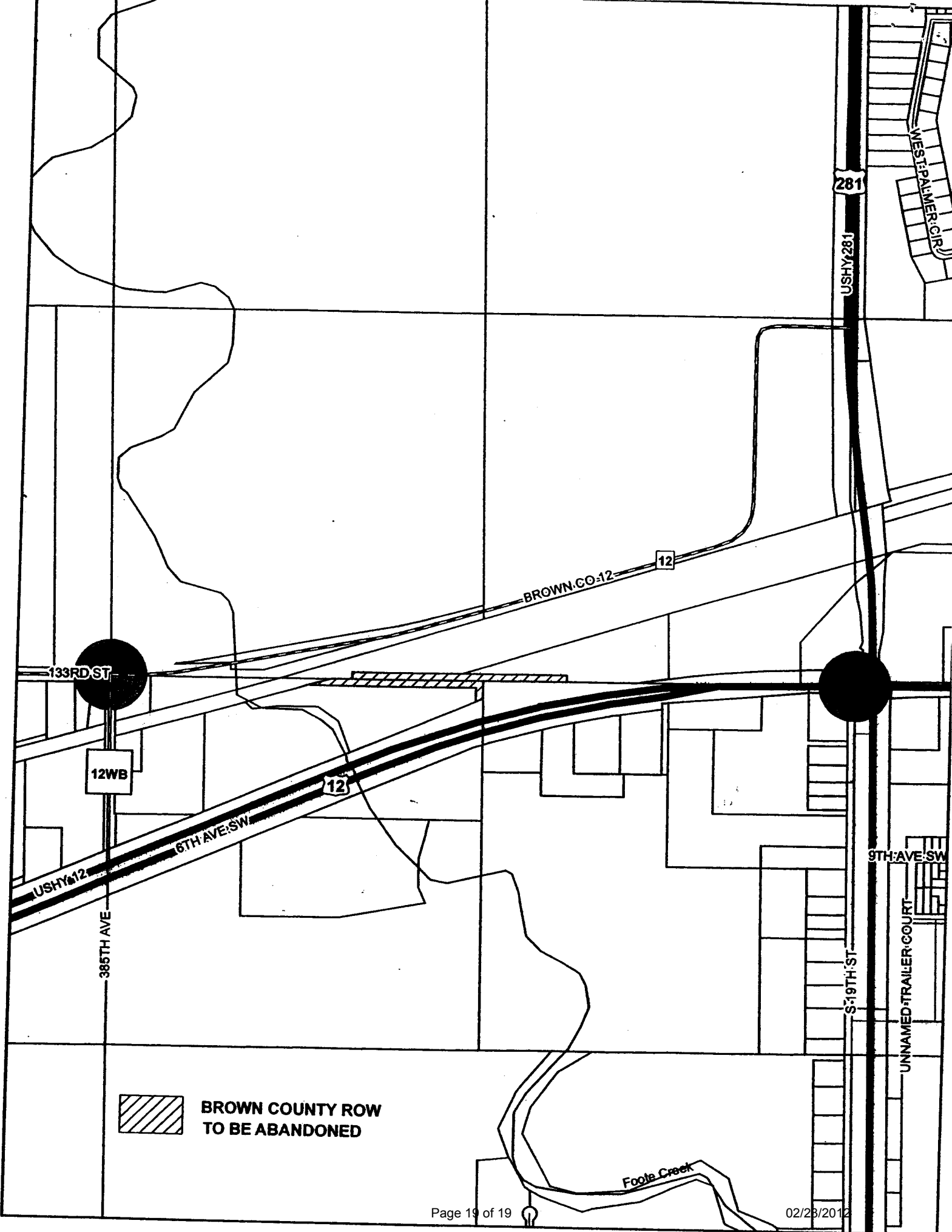
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 1997  
 FOR: B N LEASING CORPORATION  
 BY: David P. Schneider, General Director Real Estate

**ACKNOWLEDGMENT OF OTHER**  
 STATE OF TEXAS )  
 COUNTY OF \_\_\_\_\_ )  
 On this, the \_\_\_\_\_ day of \_\_\_\_\_, 1997, before me, a Notary Public, personally appeared David P. Schneider, who acknowledged to me that he executed the foregoing instrument for the purposes therein contained by signing.  
 IN WITNESS WHEREOF, I have hereunto set my hand and seal:  
 My Commission Expires: \_\_\_\_\_  
 Notary Public, \_\_\_\_\_ County, Texas

**SURVEYOR'S CERTIFICATE**  
 I, Francis E. Brink, Licensed Land Surveyor, do hereby certify that at the request of the Owners shown above, have surveyed and platted "LIEN OUTLOT B located in the SW1/4 SE1/4 of Section 15 and in the SE1/4 SW1/4 of Section 15, T123N, R64W, Brown County South Dakota" as shown on the above plat; have set iron pins as indicated thereon, and that said survey and plat are true and correct.  
 Signed this 16<sup>th</sup> day of April 1997  
 Francis E. Brink  
 South Dakota Licensed Land Surveyor No. 1641



576



**BROWN COUNTY ROW  
TO BE ABANDONED**