

RESOLUTION AND ORDER

RESOLUTION AND ORDER TO VACATION

Of the following legal description:

Lot Fifty-eight (58) of First Addition Lake Poinsett Heights Subdivision in Government Lot Two (2) of Section Five (5), Township One Hundred Twelve (112) North, Range Fifty-two (52) West of the 5th P.M., Brookings County, South Dakota.

Lot Sixty-three (63) of First Addition Lake Poinsett Heights Subdivision in Government Lot Two (2) of Section Five (5), Township One Hundred Twelve (112) North, Range Fifty-two (52) West of the 5th P.M., Brookings County, South Dakota.

BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF BROOKINGS, SOUTH DAKOTA, AS FOLLOWS:

That after an examination of the avenue designated at 1st Avenue East located in Laketon Township in the plat entitled 1st Addition, Lake Poinsett Heights Subdivision and the Petition of four voters of Laketon Township for vacation of a portion of that highway knows as 1st Avenue East, located between Lots 56, 57, 58, 63, 64 and 65, as described above; "Notice of Hearing" of said Petition having been published in the Brookings Register and the Volga Tribune once per week for 2 weeks prior to this date, namely May 16, 2019 and May 23, 2019, with hearing therein scheduled for the 4th day of June, 2019 at 9:00 a.m. and no one having objected or appeared to appear to object to said Petition, and it appearing that the public interest would be better served by the proposed vacating of said avenue in question and it is further appearing that all the requirements of law regarding vacation have been complied with.

NOW THEREFORE, pursuant to SDCL Chapter 31-3 the vacation of 1st Avenue East, located in the plat entitled: 1st Addition, Lake Poinsett Heights Subdivision, located

between Lots 56, 57, 58, 63 and 65, as described above; is hereby ordered. Said plat is recorded in Book 4 of Plats, Page 28. It was recorded in the Brookings County Register of Deeds office on September 1, 1922, at 8:00 a.m.

The above and forgoing Resolution and Order was moved for adoption by Commissioner KROGMAN, seconded by Commissioner BOERSMA, and all present voted aye and none voted nay whereby the Chairperson declared the same to be duly passed.

Dated at Brookings, South Dakota, this 4th day of June, 2019.



Chairperson of the Brookings County
Commissioners, Brookings County, South Dakota




County Finance Officer

PUBLISH: June 13, 2019

COUNTY COMMISSION
BROOKINGS COUNTY

IN THE MATTER OF THE
VACATION OF A HIGHWAY

PETITION


COMES NOW, Shad Swedlund and Vicki Swedlund and Jeff Hanson as a member of JKBC, LLC hereby petition the Brookings County Commission, pursuant to SDCL 31-3-6, for the vacation of a portion of that highway known as 1st Avenue, East, located in the plat entitled: 1st Addition, Lake Poinsett Heights Subdivision in Lot 2, Section 5, Township 112, Range 52, West of the 5th P.M., Brookings County, South Dakota.

Attached hereto is a map showing 1st Addition, Lake Poinsett Heights Subdivision and your Petitioners state that JKBC, LLC owns 56, 57, 64 and 65 and Swedlund's own lots 58 and 63. That 1st Avenue East proceeds directly between your Petitioners' lots and has never been used as a thoroughfare; that the public interest would be better served by the proposed vacation of that portion of 1st Avenue East that runs between lots 56, 57, 58 and lots 63, 64 and 65.

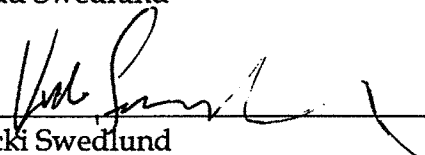
Further, said map demonstrates that 1st Avenue East ends at the end of lots 60 and 61 and that pursuant to a Resolution of the County Commission of the County of Brookings, South Dakota, dated October 17, 2000, the east 71 feet of 1st Avenue East, that being that portion between lots 59, 60 and 61, 62, has been vacated. A copy of said Resolution is attached hereto and incorporated herein by reference the same as if set forth in full.

WHEREFORE, your Petitioner requests that the Commissioners of the County of Brookings, South Dakota, set a time and date for hearing, pursuant to SDCL 31-3-7 and that proper notice be given thereof.

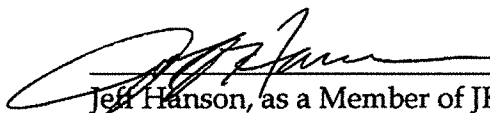
Dated this 30th day of April, 2019.



Shad Swedlund



Vicki Swedlund



Jeff Hanson, as a Member of JKBC, LLC

31-3-7. Public hearing--Notice--Affirmative resolution of board--Order. In case of the filing of a petition described in § 31-3-6, the board shall, after giving notice of a public hearing, hold a public hearing called for the purpose of receiving public testimony about the action proposed by the petition. The board shall give notice of the public hearing by publication in the official newspaper of said township, if any, otherwise in the nearest legal newspaper of said county, once each week for at least two consecutive weeks. The notice of the public hearing shall state the purpose, date, time, and location of the hearing and a legal description of the location of the highway and the action proposed by the petition and how information, opinions, and arguments may be presented by any person unable to attend the hearing. The board shall, by resolution, determine whether the public interest will be better served by such proposed vacating, changing, or locating of the highway in question, and upon resolution in the affirmative, shall make its order that such highway be vacated, changed, or located.

Source: SDC 1939, § 28.0411; SL 1951, ch 138, § 1; SL 1985, ch 233, § 2.

Plot 4-28

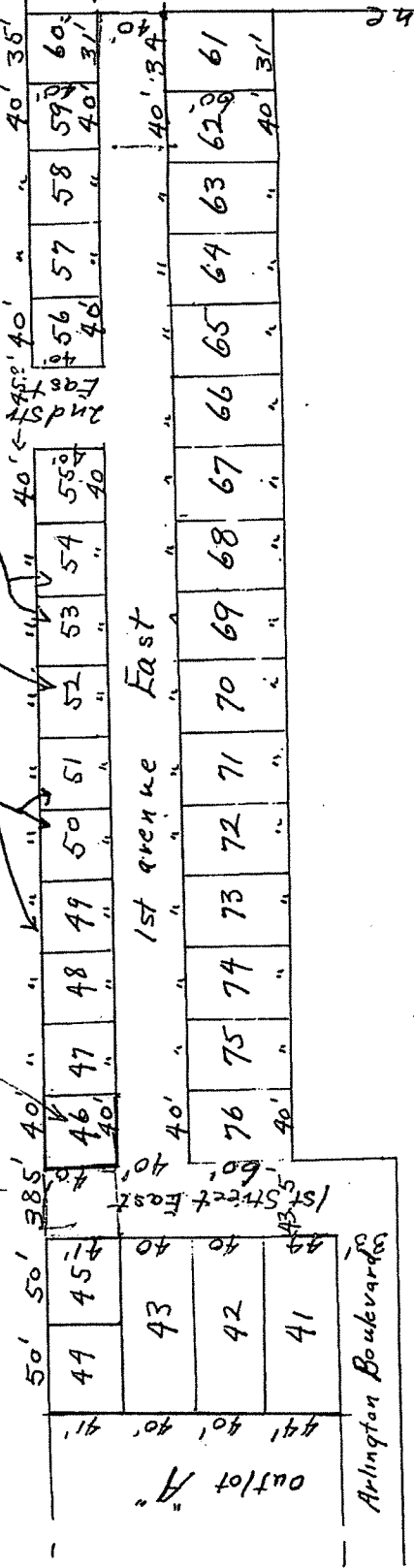
to be shown

to be shown

Vacate Lots 86
Book 33 plate page 86
Vacate Lots 40
Book 4 plate page 151
Vacate Lot 52
plate 28
Vacate Lots 53
54
55
plate 28
Book 28 p

Lake Poinsett

Mender 86°30'W



1st Ave
Book 33
page 86

1st Avenue East

Arlington Boulevard

outlot A

2nd Avenue East
Book 28 p

Lake Poinsett