
RESOLUTION NO. 24-14**A RESOLUTION TO CORRECT THE LEGAL DESCRIPTION OF A PORTION OF PUBLIC ACCESS EASEMENT
VACATED IN THE CITY OF BOX ELDER, PENNINGTON COUNTY, SOUTH DAKOTA PURSUANT TO
RESOLUTION 24-05**

WHEREAS, following the receipt of a valid petition to vacate the public access portion of easements within the jurisdiction of the City of Box Elder, South Dakota, Resolution 24-05 was passed by the Common Council of the City of Box Elder on March 5, 2024 vacating the public access portion of easements within the jurisdiction of the City of Box Elder, South Dakota described as follows:

A 60 feet wide public access easement, portions of which are located in Lot A of Lot 3 of Block 1, Seger Crossing Subdivision; Lots 4, 5R, 7R, 8, 9, 10 and 11 of Block 1, Seger Crossing Subdivision; and Lot 2 of Lot B of Quality Subdivision, All in Section 27, T2N, R8E, B.H.M., Box Elder, Pennington County, South Dakota, as recorded in Documents A201816195, A201816194, A201816760, A201816192 as corrected by A201816760, A201900355, and A201816193, at the Pennington County Register of Deeds; and

WHEREAS, the legal description of said vacation needs to be corrected and amended from said legal description to;

The public access portion of the 60 feet wide public access, utility, and drainage easement located on Lots 7R, 8, and 10 of Block 1, Seger Crossing Subdivision, Section 27, T2N, R8E, B.H.M., Box Elder, Pennington County, South Dakota, as recorded in Document A201816193 at the Pennington County Register of Deeds; and

WHEREAS, the associated utility and drainage easements and the rights of utility carriers, public authorities, and their contractors and subcontractors to place, construct, maintain, service, repair and enter upon the easement areas for such purposes shall remain in place, as noted on the attached Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Box Elder, that the legal description of the public access portion of easements vacated within the municipal boundaries of the City of Box Elder pursuant to Resolution 24-05 be corrected and amended to read as follows:

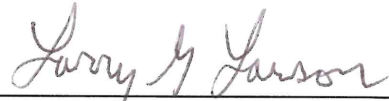
The public access portion of the 60 feet wide public access, utility, and drainage easement located on Lots 7R, 8, and 10 of Block 1, Seger Crossing Subdivision, Section 27, T2N, R8E, B.H.M., Box Elder, Pennington County, South Dakota, as recorded in Document A201816193 at the Pennington County Register of Deeds and as shown on the attached Exhibit A.

BE IT FURTHER RESOLVED, by the Common Council of the City of Box Elder, that , the public access, utility, and drainage easements which are located on Lot A of Lot 3 of Block 1, Seger Crossing

Subdivision; Lots 4, 5R, 9 and 11 of Block 1, Seger Crossing Subdivision and Lot 2 of Lot B of Quality Subdivision, all in Section 27, T2N, R8E, B.H.M., Box Elder, Pennington County, South Dakota, as recorded in Documents A201816195, A201816194, A201816760, A201816192 as corrected by A201816760, A201900355, and A201816193, at the Pennington County Register of Deeds, shall remain in place;

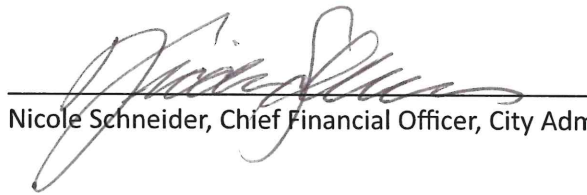
BE IT FURTHER RESOLVED by the **Common Council of the City of Box Elder**, that to the extent allowed by law, said correction and amendment be applied retroactively to the effective date of Resolution 24-05 and that this resolution be filed in Pennington County reflecting the proper legal description of the vacated public access portion of easements.

PASSED, APPROVED AND ADOPTED this 20 day of August, 2024.

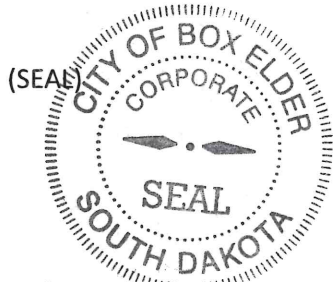


Larry Larson, Mayor

ATTEST:



Nicole Schneider, Chief Financial Officer, City Administrator



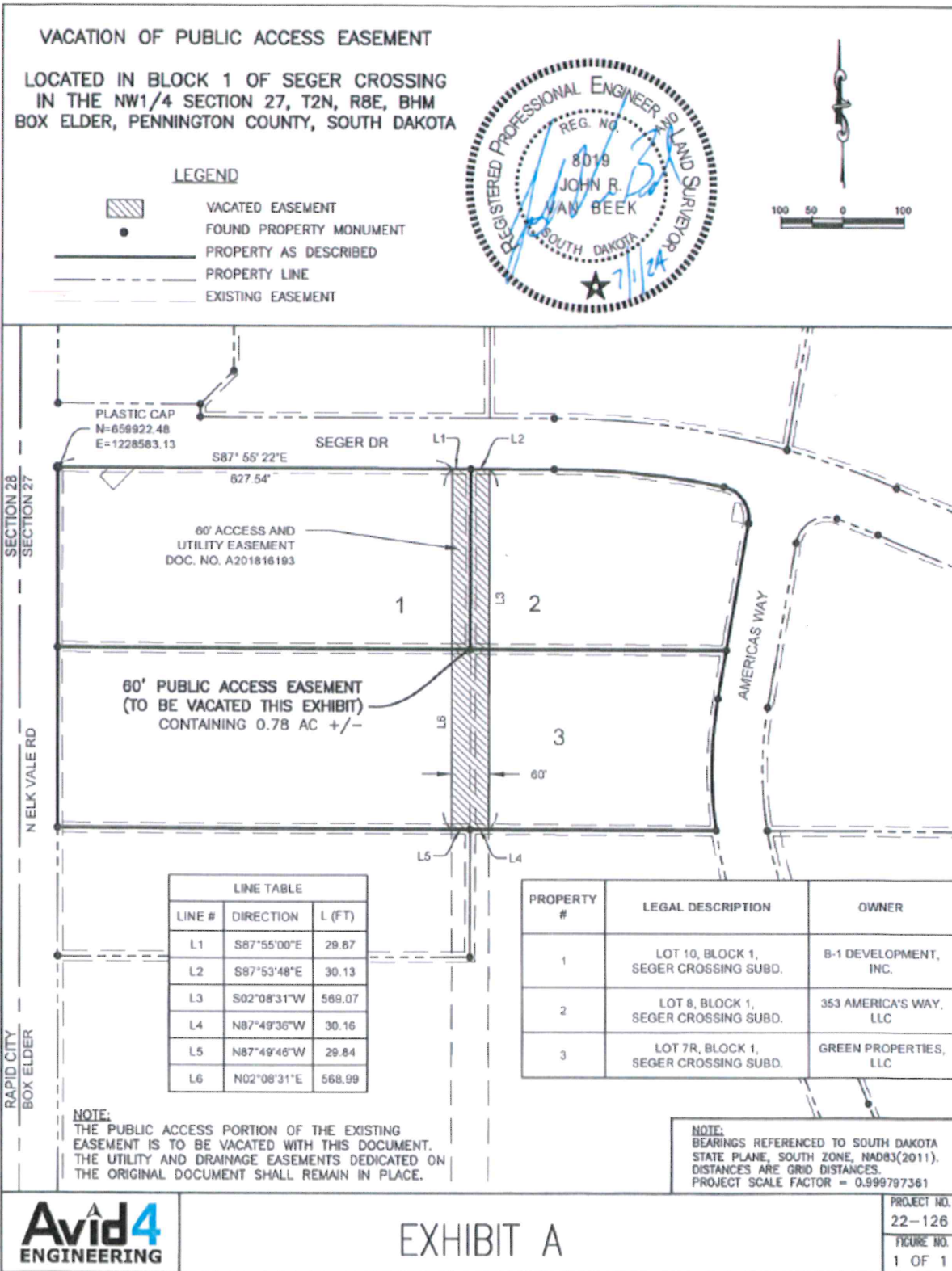
ATTESTATION

I, Chaz Kokesh, the City Clerk of the City of Box Elder, South Dakota, do hereby attest and state the above resolution was published on August 29, 2024 in the manner required by law and that all procedures required by the State of South Dakota law were complied with. This resolution shall become effective on the twentieth day after its publication, that date being: September 18, 2024.



Chaz Kokesh, City Clerk

**CITY OF BOX ELDER RESOLUTION NO. 24-14
EXHIBIT A**



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