

1. Agenda

Documents: [10-13-15 AGENDA.PDF](#)

2. Packet

Documents: [10-13-15 PACKET.PDF](#)

PLANNING COMMISSION AGENDA

City Council Chambers

DATE: TUESDAY, October 13, 2015

TIME: 12:00 NOON

CALL TO ORDER:

ROLL CALL:

APPROVE AGENDA:

MINUTES: Regular Meeting September 28, 2015

NEXT MEETING: Monday, October 26, 2015

PLAT: Lot 10, Block 9 of the Woods First Addition, a subdivision of the East ½ of the SW ¼ of Section 23, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota

PLAT: Lot 9, Block 8 of CJM Second Addition, in the NW ¼ of Section 32, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota

PLAT: Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block 5, MLC Addition, in the NE ¼ of the SW ¼ of Section 28, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota

PLAT: Charles Avenue and Snead Avenue in the Woods First Addition, a subdivision of the East ½ of the SW ¼ of Section 23, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota

PLAN APPROVAL: Voelzke - 505 E Juniper – addition. Zoned HB

PLAN APPROVAL: Woodland Heights/Ethan Lumber

CONSIDER APPROVAL: Street vacation behind Fischer Rounds at 1130 S Burr

OTHER BUSINESS:

ADJOURN:

"The City of Mitchell invites all interested parties to give oral or written comments. If special accommodations are required, please notify the Public Works Department at 995-8433 at least 24 hours prior to the scheduled meeting."

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**CITY OF MITCHELL
CITY PLANNING COMMISSION
MINUTES, September 28, 2015**

NOT APPROVED

Call to Order: Chairman Larson called the September 28, 2015 meeting to order at 12:00 pm, Council Chambers, 612 N Main St, Mitchell, SD

Members Present: Larson, Fergen, Griffith, Meyers, Molumby, Schmucker, and Doescher

Members Absent: Everson

Others Present: Putnam, McGannon, Johnson, London, Koch, Bathke, Jenniges, and Mayor Toomey

Agenda: Motion by Schmucker, seconded by Griffith to approve the agenda as presented. All members present voting aye, motion carried.

Minutes: Motion by Griffith, seconded by Schmucker to approve the minutes of the September 14, 2015 meeting. All members present voting aye, motion carried.

Next Meeting: Motion by Fergen, seconded by Griffith to schedule the next meeting for Tuesday, October 13, 2015. All members present voting aye, motion carried.

Conditional Use: Laura Picek (applicant) and Avera Queen of Peace (owner) has made an application for a family residential child care, conditional use permit, at 1209 E. 5th Avenue, legally described as Lot 4, Block 6, Gleeson's Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R4 High Density Residential District.

The applicant was not present. No one testified in in opposition of the applicant. No written objections were received.

The public notice was published in the *Mitchell Daily Republic* on September 18 & 23, 2015 and letters to the neighboring property owners were sent on September 17, 2015.

Motion by Fergen, seconded by Griffith to recommend the Board of Adjustment approve the conditional use permit with three conditions:

- 1) The permit is not transferable
- 2) If the business ceases for a period of longer than 6 months then a new permit must be approved
- 3) The applicant passes a fire inspection

All members present voting aye, motion carried.

Plat: A Plat of Lots 1, 2, and 3 of Raml First Addition in the West ½ of the East ½ of the NW ¼ of Section 4, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Putnam mentioned the county planning commission will hear this plat and a county variance of this property at their next regular meeting. Bathke indicated this will be October 8, 2015.

Schmucker indicated that this area is showing some growth, so it may be advisable the 40' easement should be 66' wide. It was noted this property is within the county zoning jurisdiction, but state law requires plats within 3 miles of the city limits be reviewed by the city. Bathke indicated the property to the south of the proposed lots is in a flood plain. Staff shared with the commissioners the requirements of septic tank requirements in relation to access to potable water and the require parcel size per state law.

Motion by Schmucker, seconded by Molumby to approve the plat with the recommendation the county changed the 40' easement to 66'. All members present voting aye, motion carried.

Plan Approval: Dennis Wagner 505 East Juniper, Highway Oriented Business District. Jason Carpenter, Area Steel Representative, was present to answer questions about the proposed addition. Motion by Molumby, seconded by Griffith to approve the plan. All members present voting aye, motion carried.

Other Business:

Koch indicated that we may want to revise the verbiage in our letters that we send to neighboring property owners that notifies them of pending land use applications. Putnam and Koch will review the letters that are sent from the Planning and Zoning Office. No action taken.

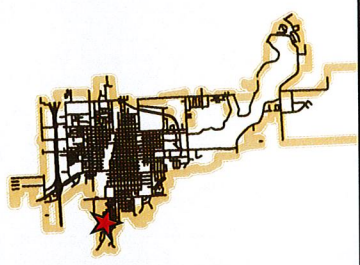
Putnam also reminded the commission members that if they want to attend the SD Planners Conference, which will be in Mitchell, please let him know.

Jeff Bathke introduced the Mark Jenniges, the new Deputy County Planning and Zoning Administrator.

Chairman Larson adjourned the meeting at 12:30 pm.

Chairman

Date



THE WOOD'S 1ST

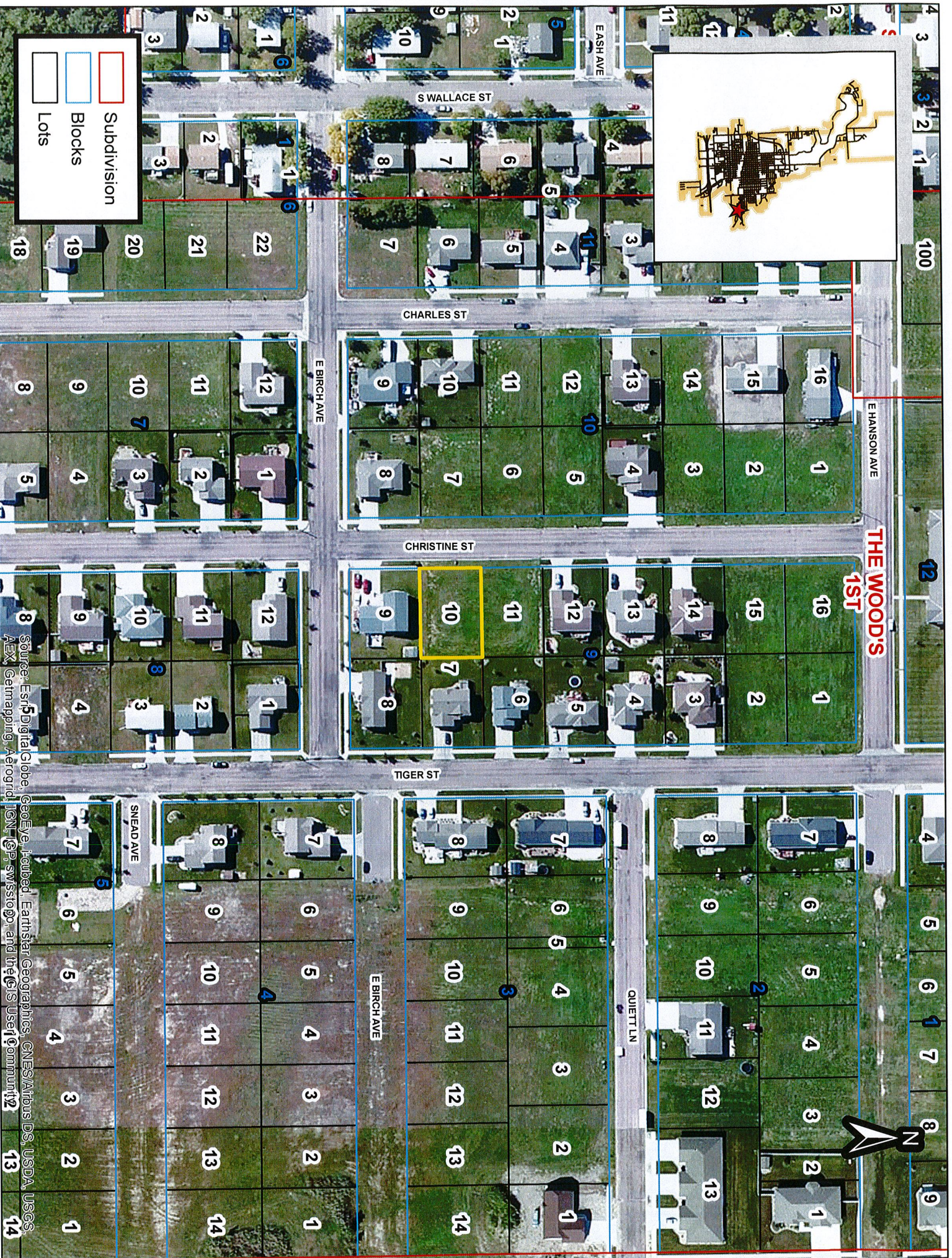
1ST



Subdivision

Blocks

Lots



Source: Esri, DigitalGlobe, GeoEye, AeroGRID, IGN, Swayze, and the GIS User Community

SEC. 23, T 103 N, R 60 W



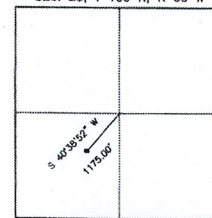
GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

Easements Within Each Lot:

Side Without Streets = 5' Wide Utility and Drainage Easement
Rear of Lot = 5' Wide Utility and Drainage Easement
Abutting Street = 5' Wide Utility Easement



LOCATION MAP

SCALE: 1" = 3000'

LEGEND

- = FOUND IRON MONUMENT
- = SET 3/8" x 12" REBAR WITH PLASTIC CAP NO. 6702
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' = MEASURED BEARING OR DISTANCE
- ⊠ = SET NAIL
- ▲ = SET SURVEY SPIKE
- ⬢ (P) = PLATTED DISTANCE IN CHAINS
- = FOUND NAIL
- ◇ = SET 3/8" x 12" SPIKE W/ WASHER PLR-6702
- WM = WITNESS MONUMENT

PREPARED BY: PAUL J. REILAND, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

BEARINGS ARE BASED ON AN ASSUMED COORDINATE SYSTEM USING GPS GRID BEARINGS/GROUND DISTANCES



A PLAT OF LOT 10, BLOCK 9 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, Paul J. Reiland, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of CJM Consulting, Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to October 7, 2015, survey those parcels of land described as follows: LOT 10, BLOCK 9 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

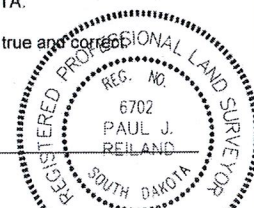
In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.

Dated this _____ day of _____, 2015.

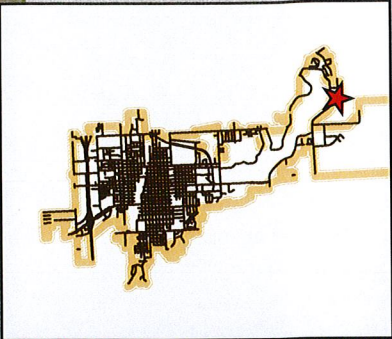
Registered Land Surveyor #SD6702

SPN

& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015



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Engineers, Planners and Surveyors
 2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota
 Phone: (605) 996-7761 Fax: (605) 996-0015



- Subdivision
- Blocks
- Lots

20-B

20-A

19

18

17

16

15

14

6

8
7

8

9

12

13

CJM'S
2ND

9A

9

CJM'S
1ST

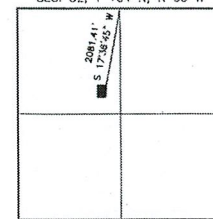
Source: Esri, DigitalGlobe, GeoEye, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.



LOCATION MAP
SCALE: 1" = 3600'

LEGEND

- = FOUND IRON MONUMENT
- = SET 5/8" X 18" REBAR WITH PLASTIC CAP NO. 6702
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' = MEASURED BEARING OR DISTANCE
- ⊠ = SET NAIL
- ▲ = SET SURVEY SPIKE
- 4.00 CH (P) = PLATTED DISTANCE IN CHAINS
- = FOUND NAIL
- ◇ = SET 3/8" X 12" SPIKE W/WASHER P.R.-6702
- WM = WITNESS MONUMENT

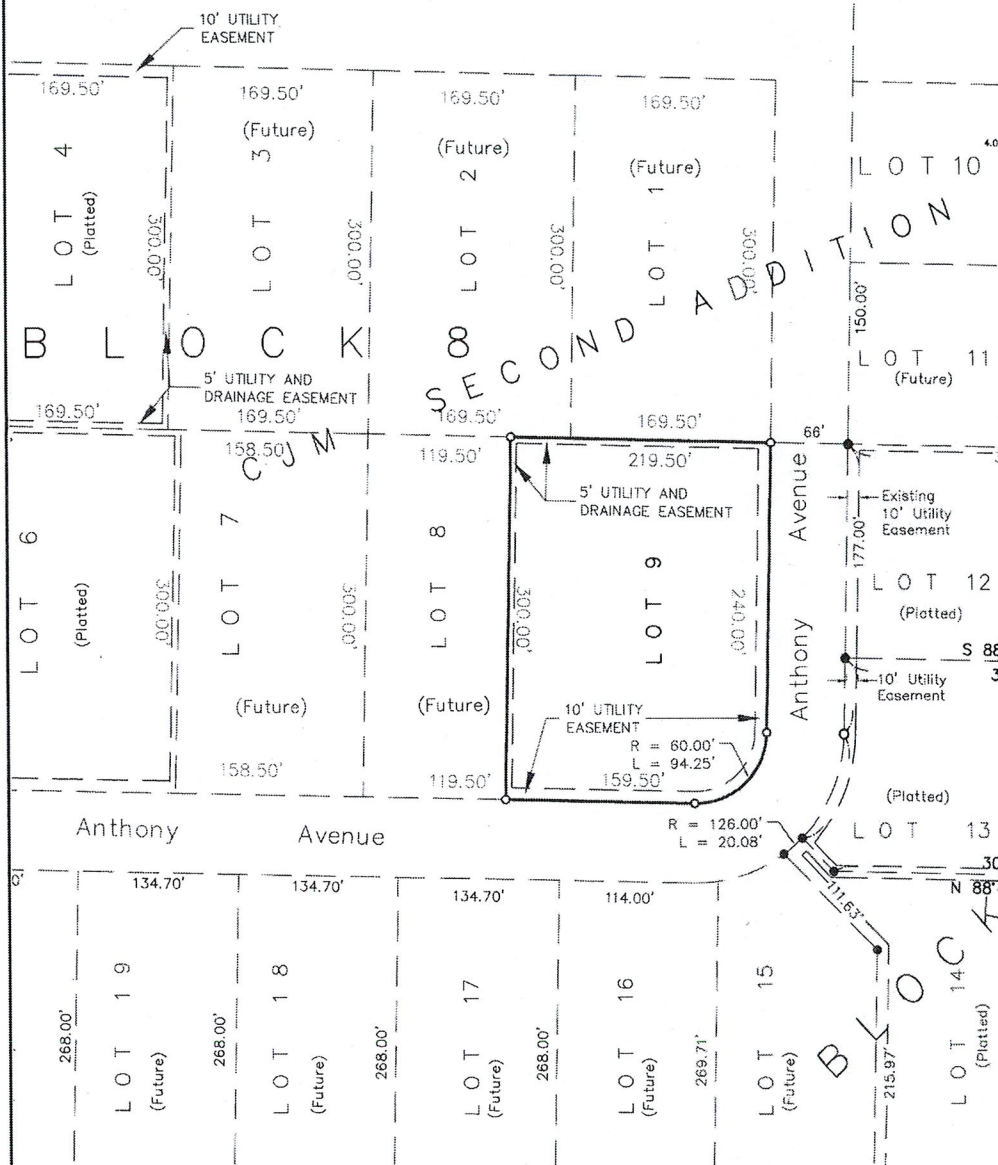
PREPARED BY: PAUL J. REILAND, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX
388 MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

BEARINGS ARE BASED ON AN
ASSUMED COORDINATE SYSTEM
USING GPS GRID BEARINGS/GROUND
DISTANCES

EASEMENTS WITHIN LOT 9,
BLOCK 8, DEDICATED BY
THIS PLAT:

NORTH AND WEST SIDES
= 5' UTILITY AND DRAINAGE
EASEMENT

SOUTH AND EAST SIDES
ALONG ANTHONY AVENUE
= 10' UTILITY EASEMENT.



A PLAT OF LOT 9, BLOCK 8 OF CJM SECOND ADDITION, IN THE NW 1/4 OF SECTION 32, T 104 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, Paul J. Reiland, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of CJM Consulting, Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to October 7, 2015, survey those parcels of land described as follows: LOT 9, BLOCK 8 OF CJM SECOND ADDITION, IN THE NW 1/4 OF SECTION 32, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.

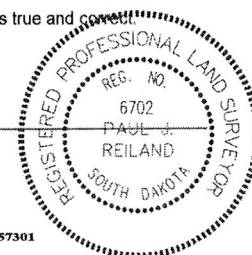
Dated this _____ day of _____, 2015.

Registered Land Surveyor #SD6702

SPN

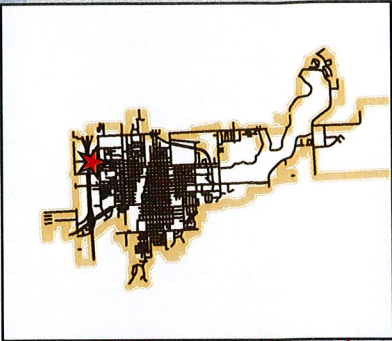
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Subdivision

Blocks

Lots



SUNNYSIDE

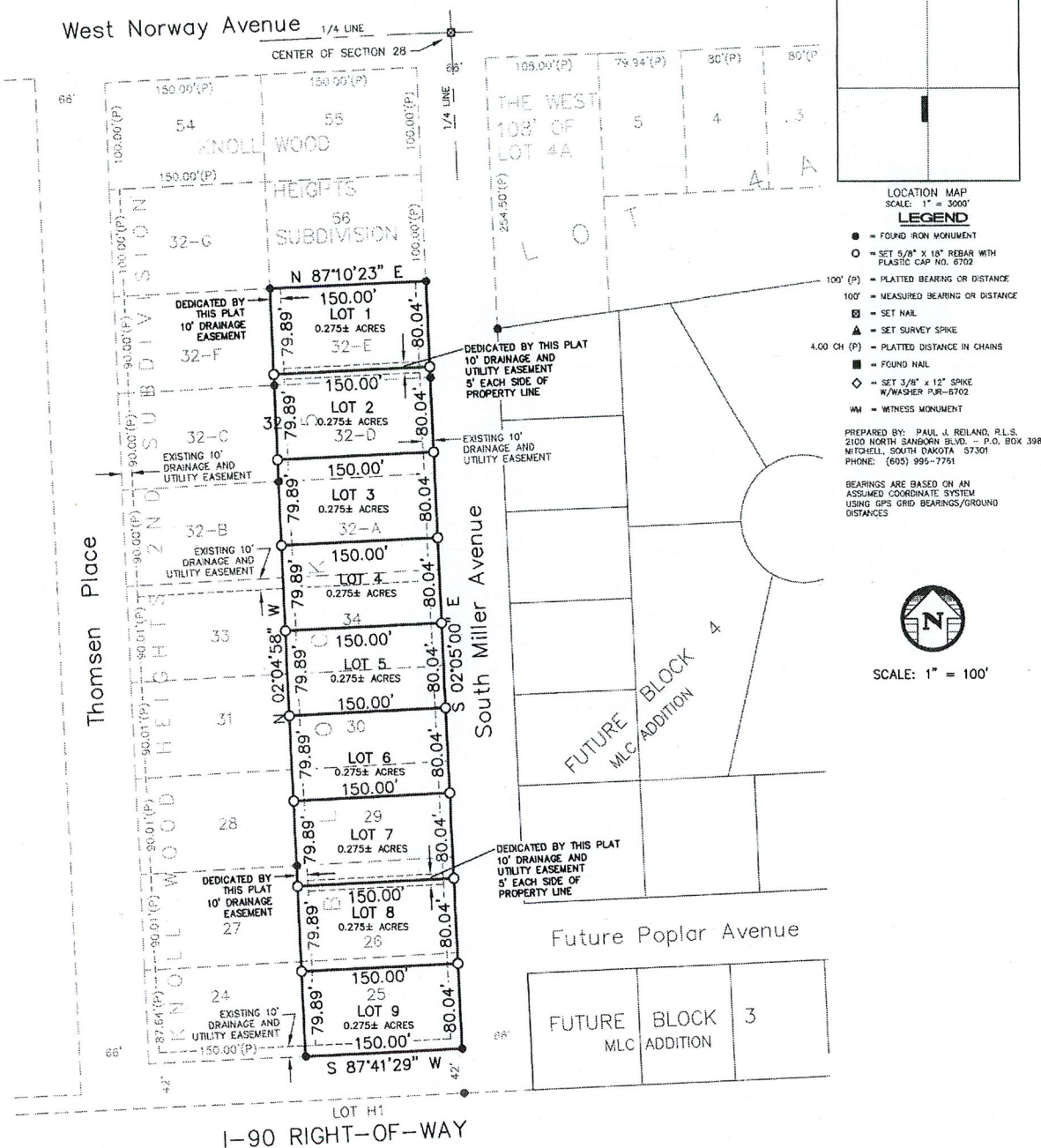
KNOLLWOOD HEIGHTS

UNIVERSITY

MORNINGVIEW ADDITION

MHC ADDITION

Source: Esri, DigitalGlobe, GeoEye, iSat, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



A PLAT OF LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 9, BLOCK 5, MLC ADDITION, IN THE NE 1/4 OF THE SW 1/4 OF SECTION 28, T 103 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

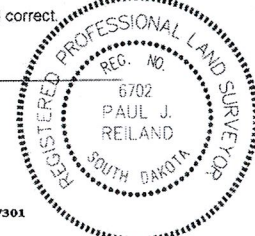
I, Paul J. Reiland, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of Mueller Lumber Company, a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to September 15, 2015, survey those parcels of land described as follows: LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 9, BLOCK 5, MLC ADDITION, IN THE NE 1/4 OF THE SW 1/4 OF SECTION 28, T 103 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA. This plat does hereby vacate previously platted LOTS 25, 26, 29, 30 AND 34 OF THE KNOLLWOOD HEIGHTS 2nd SUBDIVISION, NE 1/4 OF THE SW 1/4 OF SECTION 28, T 103 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, AS RECORDED IN PLAT BOOK 17 ON PAGE 40; AND LOTS 32-A, 32-D AND 32-E, A SUBDIVISION OF PREVIOUSLY PLATTED LOT 32 OF THE KNOLLWOOD HEIGHTS 2nd SUBDIVISION, NE 1/4 OF THE SW 1/4 OF SECTION 28, T 103 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, AS RECORDED IN PLAT BOOK 17 ON PAGE 63.

In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.
Dated this _____ day of _____, 2015.

Registered Land Surveyor #SD6702

SPN

& Associates
Engineers, Planners and Surveyors
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Phone: (605) 996-7761 Fax: (605) 996-0015



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A PLAT OF LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 9, BLOCK 5, MLC ADDITION, IN THE NE 1/4 OF THE SW 1/4 OF SECTION 28, T 103 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

RESOLUTION OF CITY COUNCIL

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the _____ day of _____, 2015; and

WHEREAS, it appears from an examination of the plat of LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 9, BLOCK 5, MLC ADDITION, IN THE NE 1/4 OF THE SW 1/4 OF SECTION 28, T 103 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 9, BLOCK 5, MLC ADDITION, IN THE NE 1/4 OF THE SW 1/4 OF SECTION 28, T 103 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

I, _____, Finance Officer of the City of Mitchell, South Dakota, hereby certify that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the _____ day of _____, 2015.

FINANCE OFFICER --- BY: _____

CERTIFICATE OF COUNTY TREASURER

I, _____, hereby certify that I am the duly elected, qualified, and acting Treasurer of Davison County, South Dakota, and I hereby certify that all taxes which would, if not paid, be liens upon any of the land included in the within and foregoing plat, as shown by the records of my office, have been fully paid.

Treasurer, Davison County

DIRECTOR OF EQUALIZATION

I, _____, Director of Equalization of Davison County, South Dakota, hereby certify that a copy of the plat of LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 9, BLOCK 5, MLC ADDITION, IN THE NE 1/4 OF THE SW 1/4 OF SECTION 28, T 103 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, has been received by me and is filed in my office.

DIRECTOR OF EQUALIZATION: _____

REGISTER OF DEEDS

STATE OF SOUTH DAKOTA)
_____)SS
COUNTY OF DAVISON)

FILED for record this _____ day of _____, 2015, at _____, and recorded in Book _____ of Plats on Page _____ therein and recorded on Microfilm Number _____.

By _____
Register of Deeds, Davison County

Deputy

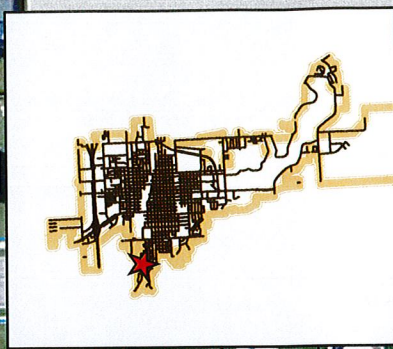


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Phone: (605) 996-7761 Fax: (605) 996-0015



THE WOOD'S 1ST

TRACT A

WILD OAK GOLF CLUB

TRACT J

- Subdivision
- Blocks
- Lots
- ROW

TRACT A

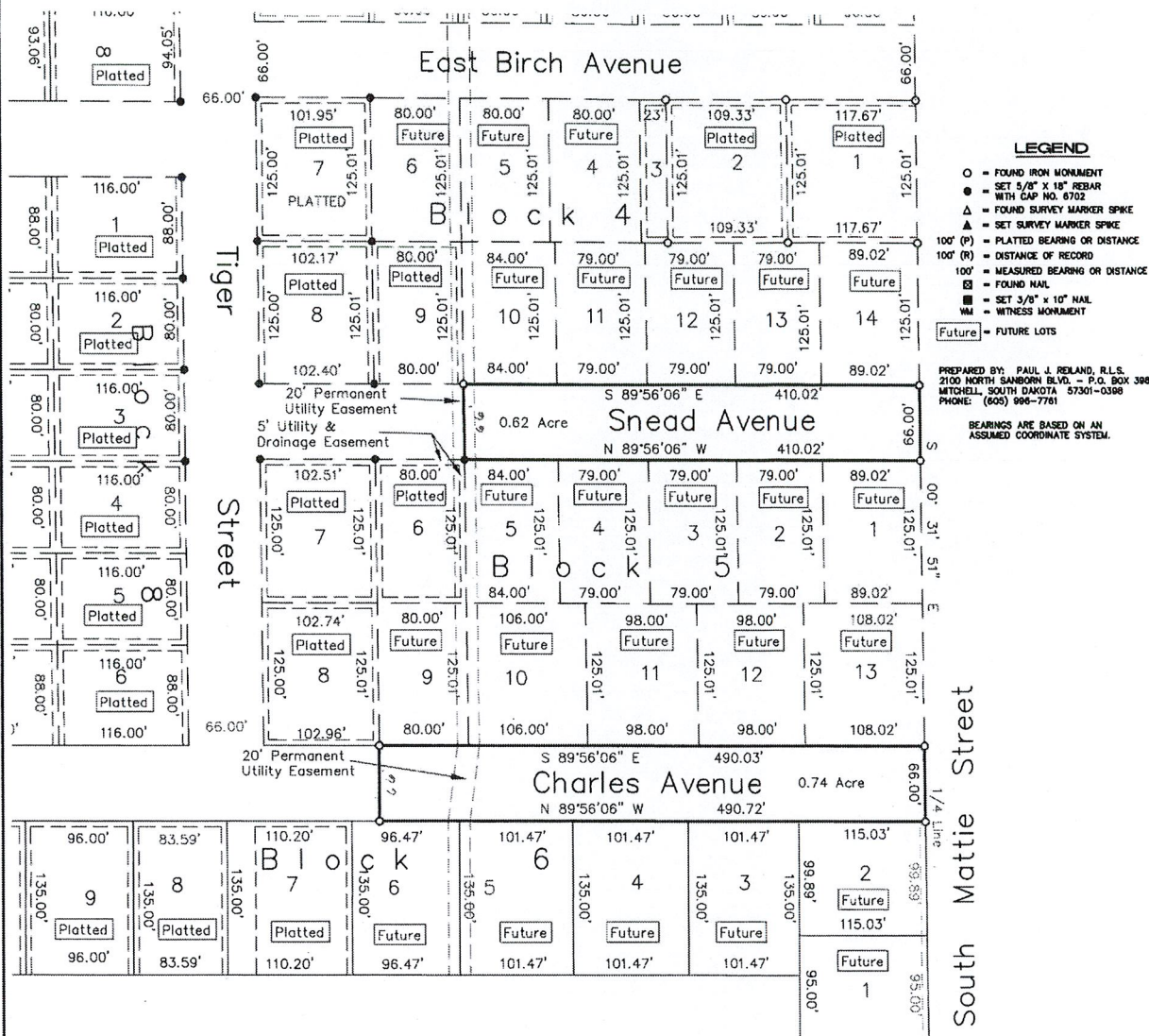
Source: Esri, DigitalGlobe, GeoEye, iSat, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomatics, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

GRAPHIC SCALE



(IN FEET)

1 inch = 100 ft.



A PLAT OF CHARLES AVENUE AND SNEAD AVENUE IN THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, Paul J. Reiland, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of CJM Consulting, Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to October 7, 2015, survey those parcels of land described as follows: CHARLES AVENUE AND SNEAD AVENUE IN THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.

Dated this _____ day of _____, 2015.

Registered Land Surveyor #SD6702

SPN

& Associates

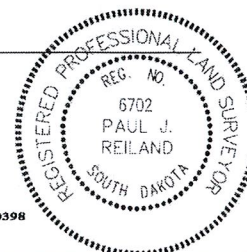
Engineers, Planners and Surveyors

2100 North Sanborn Blvd. - P.O. Box 398

Mitchell, South Dakota 57301-0398

Phone: (605) 996-7761

Fax: (605) 996-0015



A PLAT OF CHARLES AVENUE AND SNEAD AVENUE IN THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS that I, the undersigned, hereby certify that CJM Consulting, Inc., a South Dakota corporation, is the absolute and unqualified owner of all of the land included in the within and foregoing plat; the plat is of a parcel of ground located in THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA; that the plat has been made at the request of CJM Consulting, Inc., a South Dakota corporation, and under its direction for the purposes indicated therein; which said property as so surveyed and platted shall hereafter be known as CHARLES AVENUE AND SNEAD AVENUE IN THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as shown by this plat; and CJM Consulting, Inc., a South Dakota corporation, hereby dedicates to the public, for public use forever as such, the streets and alleys, if any, as shown and marked on said plat; and that development of the land included within the boundaries of said Charles Avenue and Snead Avenue shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations; further that there now exists South Mattie Street and portions of Charles Avenue and Snead Avenue.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2015.

Charles J. Mauszycki, Jr., Vice President of CJM Consulting, Inc.,
a South Dakota corporation

CORPORATION ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

On this, the _____ day of _____, 2015, before me, _____, the undersigned officer, personally appeared Charles J. Mauszycki, Jr., of CJM Consulting, Inc., a South Dakota corporation, and that he, as such Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Vice President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public, South Dakota
My Commission Expires: _____

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, the plat of CHARLES AVENUE AND SNEAD AVENUE IN THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, duly licensed Land Surveyor in and for the State of South Dakota, heretofore filed in the office of the City Finance Officer of Mitchell, South Dakota, has been submitted to the City Planning Commission of the said City of Mitchell, South Dakota; and

WHEREAS, the City Planning Commission, in regular meeting assembled, had duly considered said plat and finds as a fact that said plat is in conformity and does not conflict with the Master Plan for the City of Mitchell, South Dakota, heretofore adopted by this Commission;

NOW THEREFORE, be it resolved by the City Planning Commission of Mitchell, South Dakota, that the plat of CHARLES AVENUE AND SNEAD AVENUE IN THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, a Land Surveyor, be and the same is hereby approved and its adoption by the City Council of the City of Mitchell, South Dakota, is hereby recommended.

I, _____, Chairman of the City Planning Commission for the City of Mitchell, South Dakota, do hereby certify that the foregoing resolution was passed by the City Planning Commission of Mitchell, South Dakota, at a meeting thereof held on the _____ day of _____, 2015.

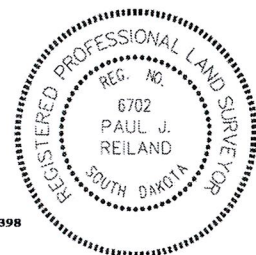
CITY PLANNING COMMISSION --- BY: _____

SPN

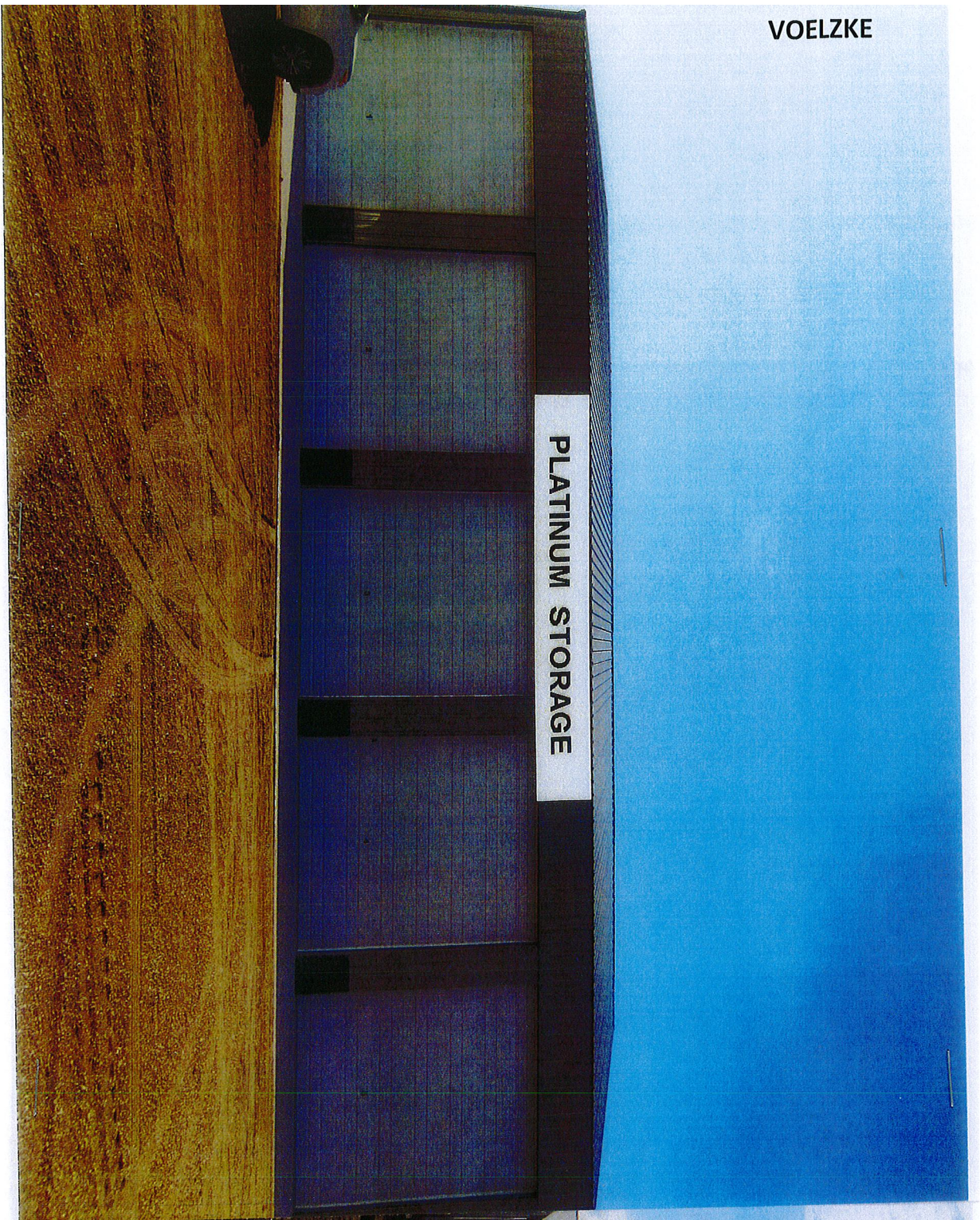
& Associates

Engineers, Planners and Surveyors

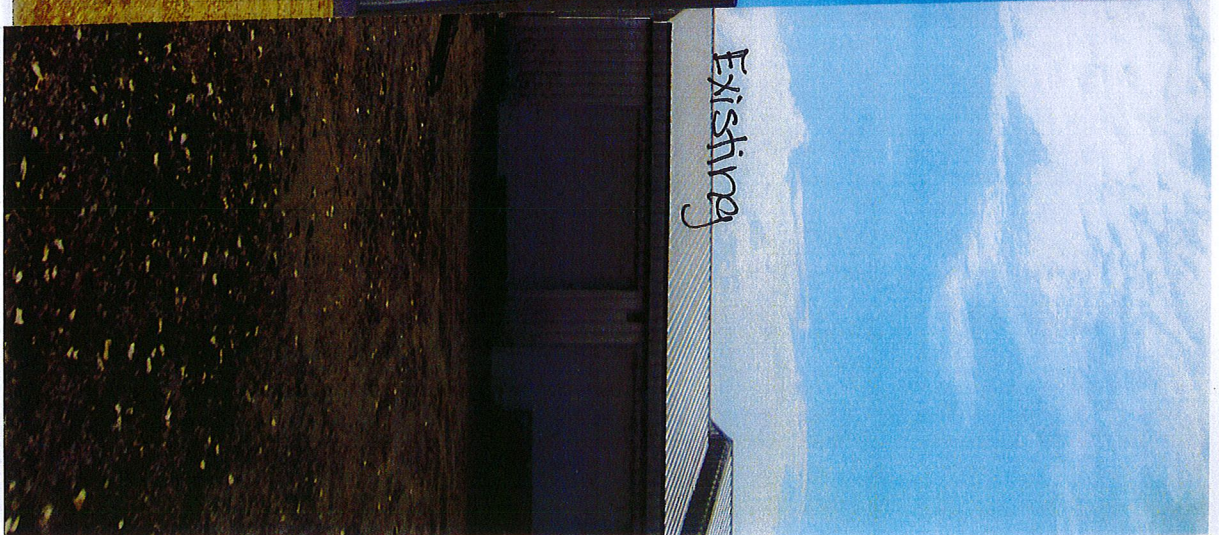
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301-0398
Phone: (605) 996-7761 Fax: (605) 996-0015



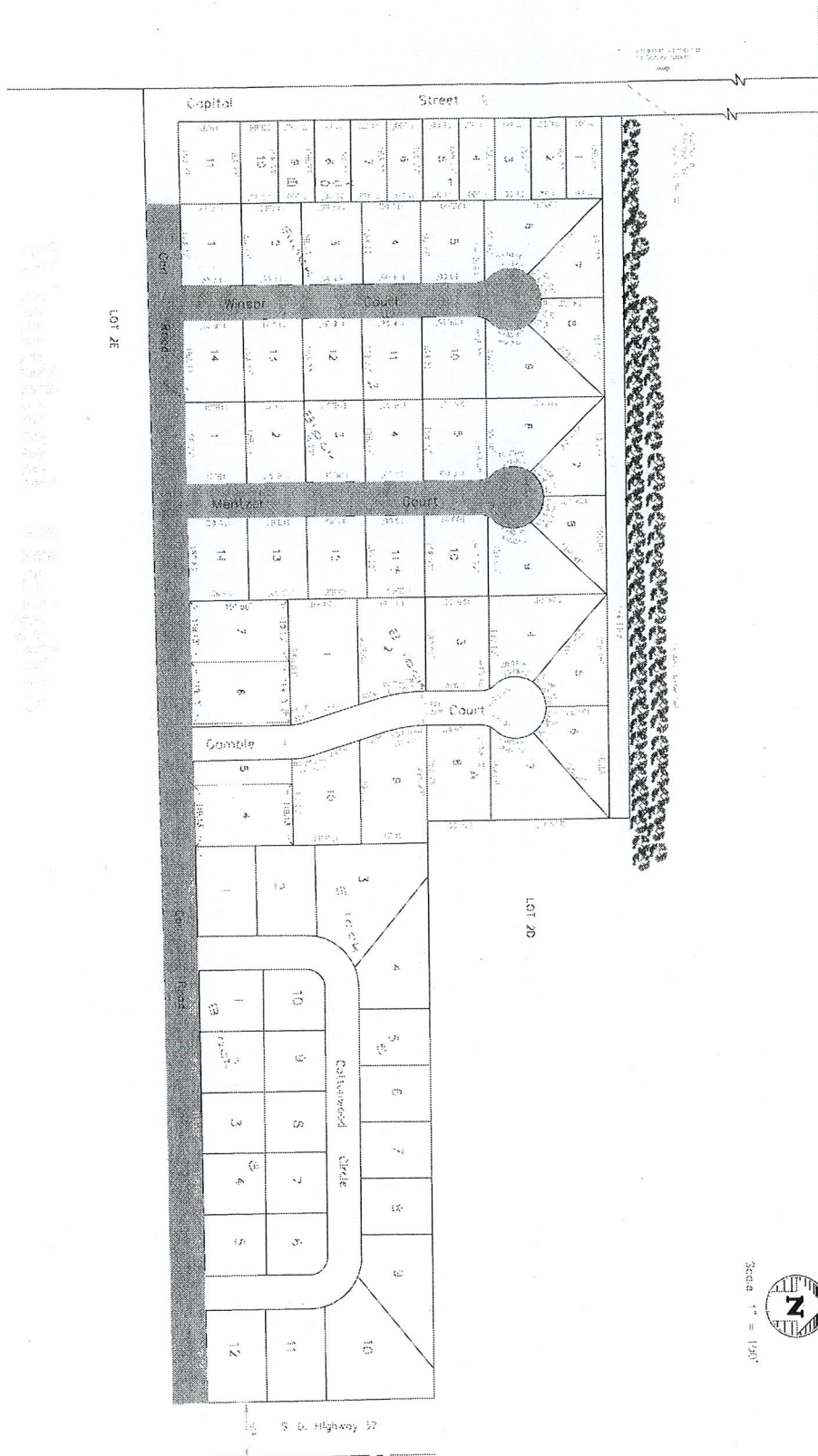
0398



Existing



WOODLAND HEIGHTS/ETHAN LUMBER





FOR VISUAL PURPOSES ONLY

17' x 200'

E JUNIPER AVE

190WL

190EL

PETITION

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
MITCHELL, SOUTH DAKOTA:

The undersigned, being the owner of real property abutting the portion of the street hereinafter described, hereby petitions this governing body to vacate the portion of said street set forth below pursuant to the statutes in such cases made, and provided, particularly SDCL 9-45-7, et. seq., and the Petitioner respectfully shows and represents the following:

1. The portion of the subject street to be vacated is as follows:

The West Twelve Feet (W.12') of the unnamed street lying east of the South Two Hundred Feet (S.200') of Block Thirteen (13), Weaver's Squares Addition to the Town (now City) of Mitchell, Davison County, South Dakota.

2. An illustration of the portion of the street proposed to be vacated is attached hereto, marked "Exhibit A" and by this reference is incorporated herein.
3. The portion of the street sought to be vacated is a portion of the public right-of-way and not the actual street.
4. The above property constitutes all of the land adjoining the portion of the street sought to be vacated.

WHEREFORE, Petitioner respectfully prays that the governing body order this Petition to be filed with the City Finance Officer, and directs that notice of the time and place when the Petition will be considered be given by publication once each week for two successive weeks; and that upon said hearing, the governing body adopt a resolution vacating the portion of the alley set forth in this Petition pursuant to SDCL 9-45-7 et seq.

Dated this 28th day of September, 2015.

THOMSEN ENTERPRISES LLC

By 
Jerry Thomsen, Managing Member

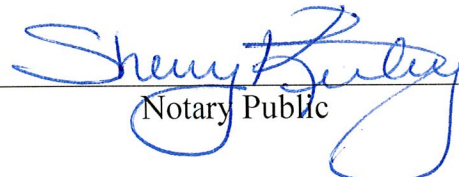
STATE OF SOUTH DAKOTA
SS
COUNTY OF DAVISON

Jerry Thomsen, being first duly sworn on oath, deposes and says that he is the Managing Member of Thomsen Enterprises LLC, a South Dakota limited liability company, the Petitioner signing the foregoing Petition; that he has read the above and foregoing Petition and knows the contents thereof, and the same are true to his own knowledge and belief, and further that he is signing this Petition on behalf of Thomsen Enterprises LLC in his capacity as Managing Member of Thomsen Enterprises LLC.

THOMSEN ENTERPRISES LLC

By 
Jerry Thomsen, Managing Member

Subscribed and sworn to before me this 28th day of September, 2015.


Notary Public

My Commission Expires: 11-26-20

NOTICE OF HEARING

TO: CITY COUNCIL OF THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA AND THE PUBLIC:

YOU ARE HEREBY NOTIFIED that Thomsen Enterprises LLC has petitioned the City Council of the City of Mitchell, South Dakota requesting the vacation a portion of a street located within the City of Mitchell, Davison County with the same being particularly described as the following:

The West Twelve Feet (W.12') of the unnamed street lying east of the South Two Hundred Feet (S. 200') of Block Thirteen (13), Weaver's Squares Addition to the Town (now City) of Mitchell, Davison County, South Dakota

The petitioner is the sole owner of the property and request vacation of 12 feet of the western portion of the public right-of-way as described above.

You are hereby notified that a public hearing will be held by the said City Council on October 19, 2015 at 7:30 p.m., at the Council Chambers, City Hall, 612 N. Main St, Mitchell, South Dakota to consider said matter and to determine whether or not the request should be granted at which time and place any and all interested parties may appear and be heard with reference thereto.

Dated this the 28 th day of September, 2015.

Michelle Bathke
City Finance Officer

Published twice: Thursday October 1, 2015 and Thursday October 8, 2015

Approximate Costs: