

All Planning Commission Meetings are recorded.

CITY OF CUSTER
PLANNING AND ZONING COMMISSION AGENDA
Tuesday September 10th, 2019 at 5:00 P.M.
Custer City Hall, 622 Crook Street, Custer, SD 57730

1. **Call to Order - Roll Call:**
2. **Approve Agenda:** September 10th, 2019
3. **Approve Minutes:** August 13th, 2019
4. **Declaration of Conflict of Interest:**
5. **Public Hearings:**
 - a. Public Hearing - Conditional Use Permit Request, Short Term Rental – 146 S 7th Street
 - b. Public Hearing - Conditional Use Permit Request, Short Term Rental – 945 Harney Street
 - c.
6. ~~Old Business~~
 - a. —
7. **New Business:**
 - a. Minor Plat – Childers Tract and Warne Tract North of Deer Ridge Subdivision
 - b. Minor Plat – A Plat of Lot A North and Lot A South
 - c. Preliminary Plat – Akers Subdivision, Tracts Wendell 3, Tract Wendell 4, Tract Effertz 1 and Tract 4
 - d.
8. ~~Discussion Items:~~
 - a.
9. **Public Comments** (3-minute max. per person, with total communication period to not exceed 15 minutes):
10. **Planning Administrator Updates:**
11. **Harassment Video**
12. **Adjournment**

ADA Compliance: The City of Custer City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Finance Office 24 hours prior to the meeting so that appropriate services are available.

DRAFT

Page 1 of 1

MINUTES OF THE August 13th, 2019 MEETING OF THE OF THE CITY OF CUSTER
PLANNING COMMISSION

Roll Call: 5:00 pm

Members Present: Joe Uhrich-Vice Chairman; Kathy Johnson; Fred Mills – Alternate (voting in place of absent members); Marc Moore – Alternate (voting in place of absent members).

Members Absent: Jerad Tennyson-Chairman; Scott Olson; Larry Maciejewski; Rick Hudson.

Other Parties Present: Tim Hartmann–Planning Administrator; Dixie Whittaker – Council Representative; Public Attendees.

Agenda: Commissioner Johnson moved, with a second by Commissioner Mills to approve the agenda. Motion unanimously carried.

Minutes: Commissioner Mills moved, with a second by Commissioner Moore to approve the July 9th, 2019 minutes. Motion unanimously carried.

Declaration of Conflict of Interest: None stated.

Public Hearings:

a. Public Hearing – Setback Variance Request, 216 N 9th Street, Tract 1 of Block 50 Subdivision

Planning Administrator and Planning Commissioners discussed the variance request. Discussion included but was not limited to the portion of the property affected by floodplain, existing structures on the property, and the proposed construction. After the discussion, Commissioner Mills, moved with a second by Commissioner Moore to recommend approval by the Board of Adjustment of the variance as presented. Commissioner Mills motion carried unanimously with Commissioners Johnson, Mills, Moore, and Uhrich all voting Yes.

Old Business:

a.

New Business:

a. Final Plat – Spring Subdivision Lot 2R and Lot 3.

Planning Administrator explained the addition of the 30' Utility Easement added to the final plat. After a brief discussion, Commissioner Mills moved, with a second by Commissioner Moore to recommend approval of the final plat by the Council. Mills motion carried unanimously.

Discussion Items:

a. Adoption of the 2018 International Building Codes

Planning Administrator presented the draft ordinance for adoption of the 2018 International Building Codes. Brief discussion was held concerning the draft ordinance and proposed amendments.

Public Comments:

No public comments were heard.

Planning Administrator Updates

Planning Administrator and commission members gave various updates.

Harassment Video

The Commission and Planning Administrator discussed tabling the video due to only half of the Commission being in attendance. After the discussion Commissioner Moore moved, with a second by Commissioner Mills to table the video until the September 10th, 2019 meeting. Moores motion carried unanimously.

Adjournment:

Being no further business before the Commission, Commissioner Johnson moved, with a second by Commissioner Moore to adjourn. Motion unanimously carried. The meeting adjourned at 5:50 pm.

Approved:

Attest:

Joe Uhrich, Vice Chairman

Tim Hartmann, Planning Administrator



Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: 146 S 7th Street - Conditional Use Permit, Short Term Rental
Applicant: Moonlight Ridge Rentals / Stephen Yenulonis
Fee Paid: \$200.00
Location: South 7th Street, at the intersection of Gordon Street, Block 104
Date: August 4, 2019
Planning Commission Meeting: September 10, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The City has received application for a Conditional Use Permit review of the above referenced property to consider a request to utilize the property as a short-term rental. As specified in the application, the applicant plans to utilize the structure as a short-term rental while also continuing to utilize such as an owner-occupied residence a portion of the time. Per Custer Municipal Code 17.12.050 short term rentals are a permitted conditional use. A single-family dwelling is a principal use. Staff would also like to note that the applicant is not the current owner of the property. Written consent by the property owner has been provided, and applicant responsibility public notification has been completed by the applicant.

SURROUNDING AREA

The immediate area surrounding 146 S 7th Street is composed mainly of other residential uses.

The adjacent properties to the North, East, South, and West are within the Residential Zone. On the North West side is Harbach Park. To staff's knowledge, all adjacent properties currently exist as residential uses.

VEHICULAR ACCESS AND PARKING

Staff has viewed the property from an access and parking standpoint in correlation with the proposed use, size, and parking provided. The home is a 2 bed, 1 bath 1016 sq. ft home. The unfinished basement and attic will be locked and restricted from guests entering. As noted in the applicant's submittal paperwork, the gravel driveway adjacent to the home and off the street (approximately 2400 sq. ft) will comfortably fit five vehicles. Staff sees no concerns with the parking provided in comparison to the home size.

OTHER ORDINANCE CONCERNS

Staff conducted an in-office review and a windshield survey of the property on September 5th. No ordinance violations were found.

LEGAL REVIEW

City legal has reviewed the application and has no concerns with the insurance information provided.

RECOMMENDED ACTION BY PLANNING COMMISSION

All applicable public notification has been completed. Upon review of CUP review staff feels the criteria are satisfied. Staff supports approval of the Conditional Use Permit by the Planning Commission.

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824
Fax: (605) 673-2411

Conditional Use Permit Application

Applicant Information

Applicant Moonlight Ridge Rentals
 Address 11 Pinewood Terrace
Custer SD 57730
 City State Zip
 Phone 605-440-3155
 E-mail: moonlightridge.rentals@gmail.com

(Owner of property if different than applicant)

Owner Ione Hanson
 Address 3120 7th SW Apt 11
Minot ND 58701
 City State Zip
 Phone 701-509-1075
 E-mail: _____

Proposed Conditional Use 24/7 Contact

Name Stephen Yenuonis
 Address PO Box 3025
Custer SD 57730
 City State Zip
 Phone 605-440-3155
 E-mail: syenuon@mail.bw.edu

Please Note

- If applicant is not the owner, written authorization of such application from the owner will be required.
- The applicant shall be responsible for mail notification of such application.
- Planning Commission meets the 2nd Tuesday of each month. Application and supporting documents must be provided to the Planning Administrator 20 days prior to the meeting.

Property Address 146 S. 7th Street, Custer, SD 57730

Legal Description \$.90' OF LOTS 1 & 2 BLDG 104, CUSTER CITY 7300005010400102 S. 75' OF LOT 3 BLDG 104 CUSTER CITY 7300005010400302

Lot 1, 2, 3 Block 104 Subdivision n/a

Size .3 acres (acres)(square feet) Property Zoning District Residential 0

Water Services City Sewer Services City

Describe Current Use Single family

Describe Proposed Use (Include Site Plan) Short-term rental/primary residence

I hereby confirm that I have completed and possess all applicable South Dakota State licensing requirements.

SY
Initial

I hereby confirm that the proposed use will maintain appropriate Commercial Liability Insurance.

SY
Initial

Please Include the Following Information as Required at least 20 days prior to the Planning Commission meeting.

- Site Plan and or Floor Plan as Needed – A Site Plan is mapped or drawn to scale information to show buildings, parking and new or existing features that implement the CUP.
- Certificate of appropriate commercial liability insurance.
- Written authorization from the property owner. (if applicant is not the property owner.)
- Conditional Use Permit Criteria narrative
- Conditional Use Permit Fee Payment

Owner/Applicant Signature: _____



Date: 8/4/2019

622 Crook Street
Custer, SD 57730

Planning Department

Conditional Use Permit Application

Phone: (605) 673-4824
Fax: (605) 673-2411

- K. that the Planning Commission may impose reasonable conditions in granting a Conditional Use on the condition that the individual accepting those conditions is bound by them; and that the Commission may consider any public comments and comments from public officials.

Official Use Only

Date Filed 8/9/2019 Permit Fee 200.⁰⁰
Permit/Receipt Number 46880 Parcel ID # 0082601
Planning Commission/Public Hearing Date _____
Received By _____

Dear Custer City and the Planning Committee,

We, Stephen and Shannan Yenulonis, are writing this letter to outline the purpose for our conditional use permit and how the property in application meets the criteria set forth within CMC 17.52.040. The conditional use permit we are applying for, through the DBA of "Moonlight Ridge Rentals", is for short term rental use. The .3 acres of three lots, includes a house which is described as 1,016sq/ft with two bedrooms and one bathroom. The house also includes a front and back living room space, a kitchen, and a dining room. The unfinished basement and attic will be locked to restrict future guests from entering. An inspection and appraisal will take place and the results will be considered for following through with the contract set in place between the current seller and us. We, Shannan and I, plan to live in the house temporarily for a period of time before it is rented out and used as a future business.

The home located at 146 S. 7th St. in the Custer City Limits in Custer County South Dakota is located within a residential housing district. The property sits on a corner lot and is inclusive of three City lots in total. The property will be surveyed to meet all setback requirements for the zoning district. The property utilizes City water and Sewer and is fully equipped with electricity. The driveway is long and able to comfortably fit five (plus) vehicles parked within, meeting the criteria requiring vehicles staying at a short term rental property not be parked on the city streets. The property includes a retaining wall that allows for rainstorm water drainage to flow away from the property.

With Custer being a main attraction area for tourism and family vacations, there is an increasing need for temporary housing. In recent years, there has been a shift of interest within society for the comfort of staying in a rented home versus a hotel room. This permit would allow for the property to supply the need of temporary residence by providing a short term rental home. The property falls inline with all ordinances and will not include any type of additional or special use lighting outside of normal exterior "porch" style lights. The exterior lights will have adequate covering and be facing down as to not cause a menace to neighboring properties. The rental agreements will include rules to comply with noise ordinances and will require all pets be leashed or with a fenced in pen inside and outside of the house.

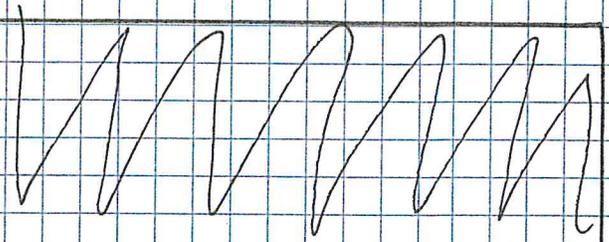
Included with this letter is the application provided to me by the Custer City Hall as well as a site plan and floor plan drawing, an insurance quote, and written authorization from the current property owner. The payment of fees will also be included. All State licensing, as this letter is written, is currently in the process of being obtained and will be completed before the permit would be put too use in April of 2020.

Thank you for your time and consideration in this application process. We aim to provide what we see as a necessary service for the vacation and tourism traffic that comes through the town. Please direct any questions to Stephen Yenulonis who can be reached at 605-440-3155 or through e-mail at moonlightridgerentals@gmail.com.



8/6/2019

Not To Scale



drive way

shed
garage

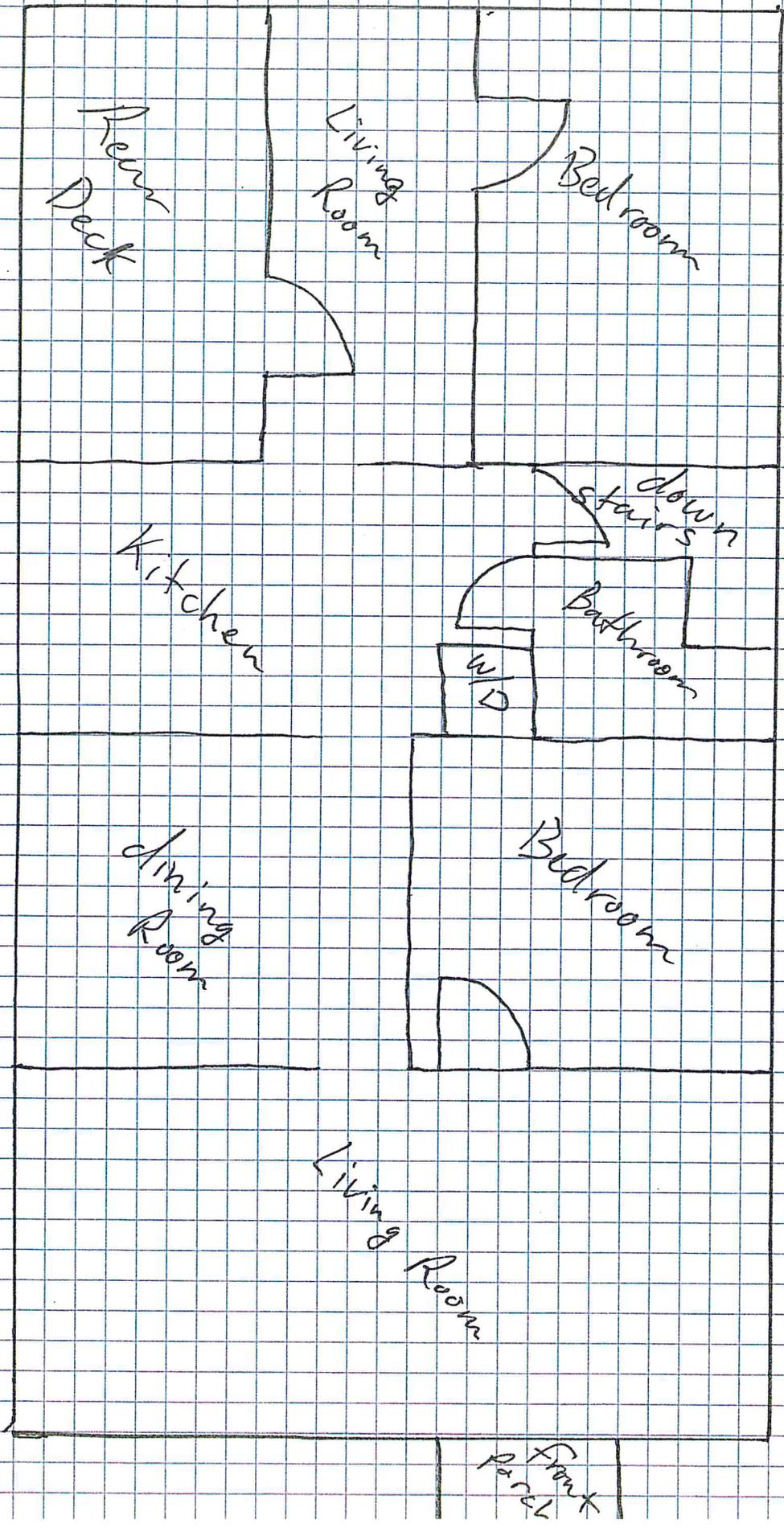
7th

house

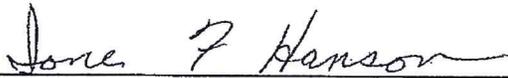
(Propane)

(Retaining wall)

Not To Scale



I, lone F. Hanson, acknowledge that, Stephen R. & Shannan d. Yenulonis, is applying for a conditional use permit for property currently under contract located at 146 South 7th Street in Custer City, Custer, SD. I agree to the terms of the current purchase agreement and consent to Stephen & Shannan Yenulonis applying for a conditional use permit at the same property. I fully understand and agree that the conditional use permit may be applied for as a business name. I acknowledge and give consent that the permit requires a sign be placed in the front yard of the property located at 146 South 7th Street, Custer, SD. If the purchase agreement for the same property becomes terminated at any time per contingencies listed within the contract the conditional use permit applied for shall become null and void.



lone F. Hanson

Date: Aug 5, 19



Affidavit of Certification for Neighboring Property Owner Notification

I hereby state that to the best of my knowledge all property owners within 250 feet, exclusive of rights of way and any properties under the same ownership, of my property have been notified by Certified Mail or Hand Delivered at least 10 days prior to the upcoming public hearing.

Dated this the 29th day of August, 2019.

[Signature]
Signed

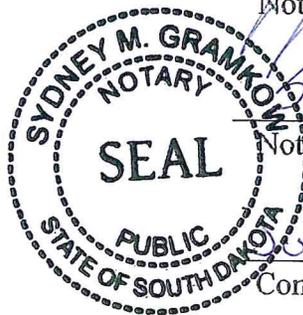
Stephen Xenoulouis
Name Printed

STATE OF SOUTH DAKOTA

COUNTY OF Custer

Subscribed and sworn before me this the 29th day of Custer, 2019.

[Signature]
Notary Signature



Sydney M Gramkow
Notary Name Printed

June 7th 2024
Commission Expires



Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: 945 Harney Street - Conditional Use Permit, Short Term Rental
Applicant: William & Theresa Wakeland
Fee Paid: \$200.00
Location: Harney Street, at the intersection of 10th Street, Block 50
Date: September 4, 2019
Planning Commission Meeting: September 10, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The City has received application for a Conditional Use Permit review of the above referenced property to consider a request for continued use of the property as a short-term rental. The applicant is pursuing zoning compliance as they plan to continue use of the structure as a short-term rental. Per Custer Municipal Code 17.12.050 short term rentals are a permitted conditional use.

SURROUNDING AREA

The immediate area surrounding 945 Harney Street is composed mainly of other residential uses.

The adjacent properties to the North, East, South, and West are within the Residential Zone. To staff's knowledge, all adjacent properties currently exist as residential uses. South East across Harney and 10th Street right-of-way is zoned Industrial. Note the adjacent to the property across 10th Street to the East is a boarding house with a conditional use permit approved December of 2014.

VEHICULAR ACCESS AND PARKING

Staff has viewed the property from an access and parking standpoint in correlation with the proposed use, size, and parking provided. The home is a 3 bed, 2 bath 1280 sq. ft home. Staff sees no concerns with the parking provided in comparison to the home size. Per the site plan and a site visit, there is a 12'x20' carport plus an approximately 400 sq. ft gravel driveway adjacent to the home and off the street. Staff feels this is adequate parking to support the proposed short-term rental.

OTHER ORDINANCE CONCERNS

Staff conducted an in-office review and a windshield survey of the property on September 5th. No ordinance violations were found.

LEGAL REVIEW

City legal has reviewed the application and has no concerns with the insurance information provided.

RECOMMENDED ACTION BY PLANNING COMMISSION

All applicable public notification has been completed. Upon review of the CUP staff feels the criteria are satisfied. Staff supports approval of the Conditional Use Permit by the Planning Commission.

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824

Fax: (605) 673-2411

Conditional Use Permit Application

Applicant Information

Applicant Theresa & William Wakeland
 Address 12245 Walker Rd.
Custer SD 57730
 City State Zip
 Phone 673-3063
 E-mail: misschance@goldenwest.net

(Owner of property if different than applicant)

Owner _____
 Address SAME

 City State Zip
 Phone _____
 E-mail: _____

Proposed Conditional Use 24/7 Contact

Name Same as above
 Address _____

 City State Zip
 Phone _____
 E-mail: _____

Please Note

- If applicant is not the owner, written authorization of such application from the owner will be required.
- The applicant shall be responsible for mail notification of such application.
- Planning Commission meets the 2nd Tuesday of each month. Application and supporting documents must be provided to the Planning Administrator 20 days prior to the meeting.

Property Address 945 Harney St. Custer, SD. 57730

Legal Description Schill 1-1 S/T/R: 006 0050 000

Lot 6 Block 50 + 15' of vacated 10th St. Subdivision _____

Size 0.22 (acres)(square feet) Property Zoning District _____

Water Services City Sewer Services City

Describe Current Use vacation rental, short term rental

Describe Proposed Use (Include Site Plan) vacation rental, traveling nurse rental, short term rental

I hereby confirm that I have completed and possess all applicable South Dakota State licensing requirements. tw
Initial

I hereby confirm that the proposed use will maintain appropriate Commercial Liability Insurance. tw
Initial

Please Include the Following Information as Required at least 20 days prior to the Planning Commission meeting.

- Site Plan and or Floor Plan as Needed – A Site Plan is mapped or drawn to scale information to show buildings, parking and new or existing features that implement the CUP.
- Certificate of appropriate commercial liability insurance.
- Written authorization from the property owner. (if applicant is not the property owner.)
- Conditional Use Permit Criteria narrative
- Conditional Use Permit Fee Payment

Owner/Applicant Signature: Theresa Wakeland

Date: 8-22-19

Conditional Use Permit Application

Conditional Use Permit Criteria Narrative

(Applicant shall complete)

The following are considerations, per CMC 17.52.040, that the Planning Commission shall use in determining the approval or denial of a Conditional Use Permit. Please provide comment on the below criteria.

- ✓A. that adequate utilities, public safety, water supply, sewage disposal, surface drainage, flood control, soil conservation, access roads, drainage and other necessary facilities have been considered and/or are being provided;
All above are currently provided.
- ✓B. that the Conditional Use is consistent with the surrounding area in terms of character and density;
Single family use. Residential home.
- ✓C. that the Conditional Use conforms with and is a compatible use within the Comprehensive Plan;
Single family use. Residential home.
- ✓D. The proposed use shall be in compliance with all other ordinances.
Yes
- ✓E. The proposed use shall comply with all specific restrictions and requirements of the zone district.
Yes
- ✓F. The proposed use shall be eligible for a Conditional Use Permit based on the Zoning District.
Yes
- ✓G. Lighting shall be designed so that it presents a minimal impact to adjacent property. All exterior light sources must be shielded and directed downward.
Porch lights.
- ✓H. The proposed use shall have adequate vehicular access and parking to serve the proposed use.
Yes
- ✓I. The proposed use shall comply with all applicable state licensing requirements and/or regulations.
Yes
- ✓J. The proposed use shall maintain appropriate commercial liability insurance.
Yes

622 Crook Street
Custer, SD 57730

Planning Department

Conditional Use Permit Application

Phone: (605) 673-4824
Fax: (605) 673-2411

- ✓k. that the Planning Commission may impose reasonable conditions in granting a Conditional Use on the condition that the individual accepting those conditions is bound by them; and that the Commission may consider any public comments and comments from public officials.

Official Use Only

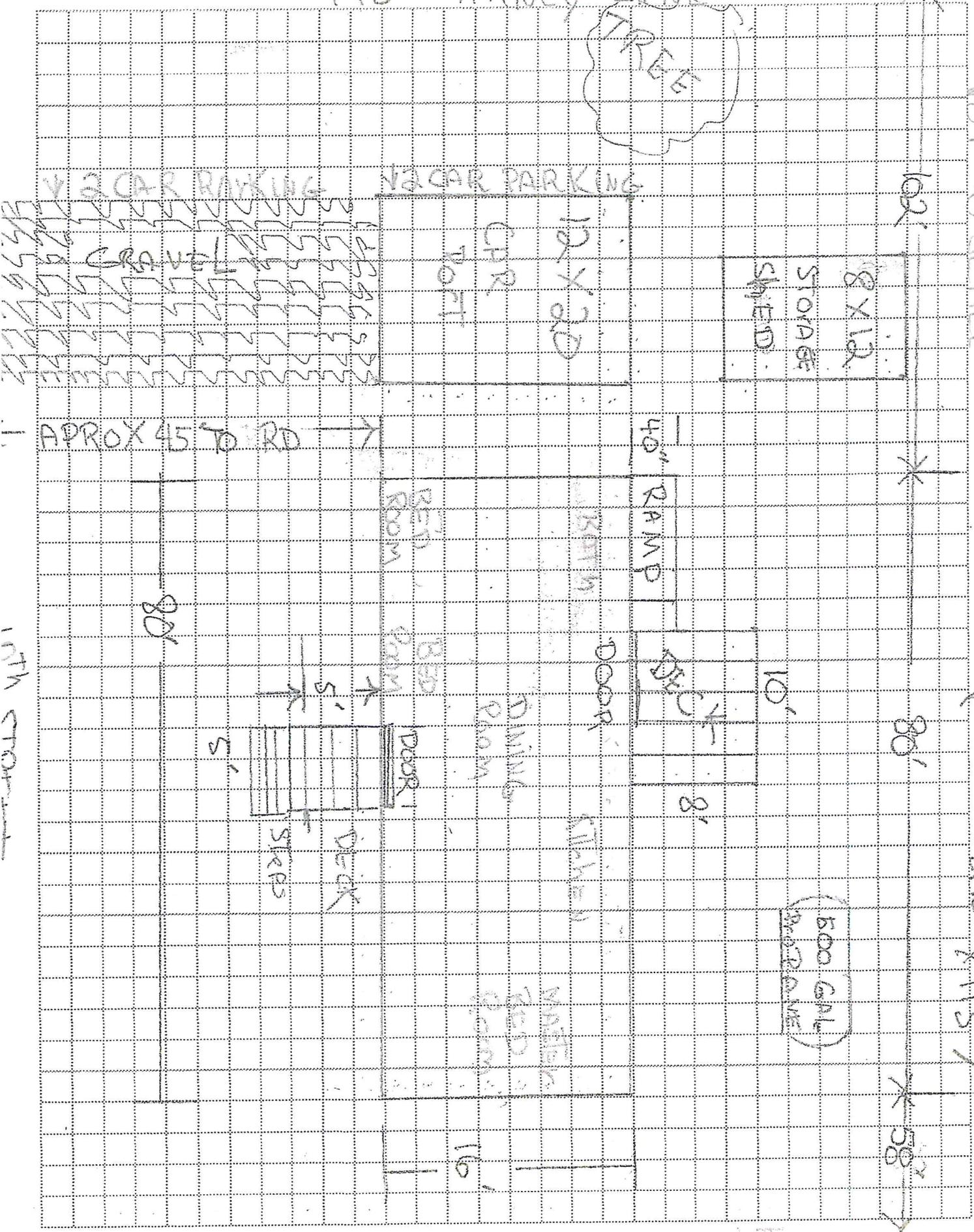
Date Filed 8-22-19. Permit Fee 200⁰⁰
Permit/Receipt Number 46958. Parcel ID # 00372.
Planning Commission/Public Hearing Date _____
Received By _____

945 HARNEY LANE

12' FEET

"NOT TO SCALE"

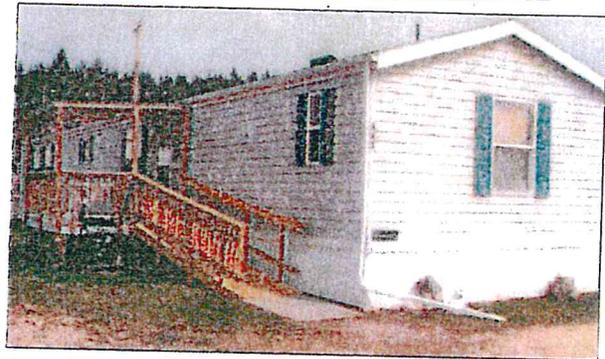
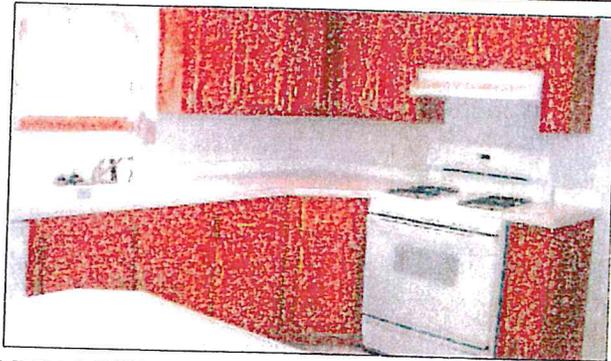
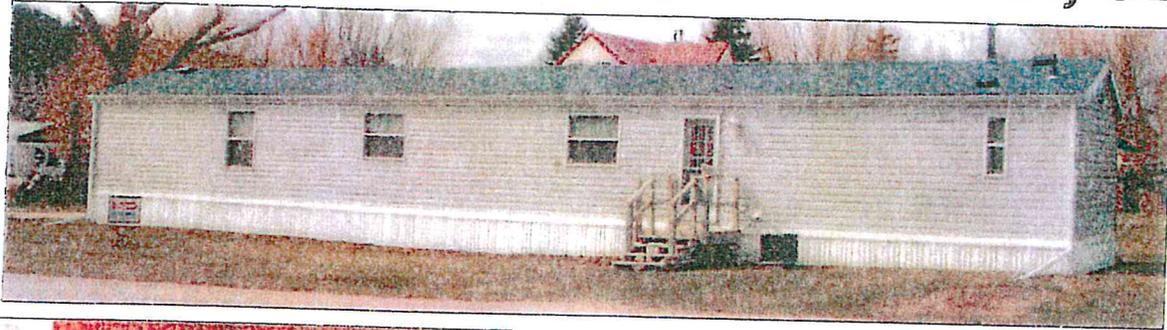
(LOT SIZE 240' X 115')



INTN STAIRS

HOME IS PARTLY CENTERED ON LOT

at 945 Harney St • Custer, SD



LEGAL DESCRIPTION: Lot 6 of Block 50 + 15 feet of vacated 10th St., Custer City, SD. Including a 2000 model Marshfield 16x80 mobile home, three bedrooms, two baths.

This is a very well-kept property with a very desirable location. The home is in near new condition and has an excellent floor plan. All appliances in the home sell with the home. Propane tank and lawn shed are also included. This is a rare opportunity for affordable living in Custer.



Affidavit of Certification for Neighboring Property Owner Notification

I hereby state that to the best of my knowledge all property owners within 250 feet, exclusive of rights of way and any properties under the same ownership, of my property have been notified by Certified Mail or Hand Delivered at least 10 days prior to the upcoming public hearing.

Dated this the 27th day of August, 20 19.

William E Wakeford
Signed

WILLIAM E WAKEFORD
Name Printed

STATE OF SOUTH DAKOTA

COUNTY OF Custer

Subscribed and sworn before me this the 27th day of August, 20 19.

Sydney M Gramkow
Notary Signature

Sydney M Gramkow
Notary Name Printed



June 7th 2024
Commission Expires

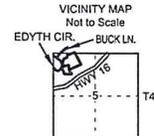
(B)
9/15/19

A PLAT OF CHILDERS TRACT AND WARNE TRACT NORTH OF DEER RIDGE SUBDIVISION, LOCATED IN THE NW1/4 OF SECTION 5, T4S, R4E, AND THE SW1/4 OF SECTION 32, T3S, R4E, B.H.M., CUSTER COUNTY, SOUTH DAKOTA Formerly Lots 13 and 18R of Deer Ridge Subdivision

NOTE: For a plat of Lot 13, see Book 11 of plats on page 492.

NOTE: For the resolution vacating the section line across Lot 18R, see Misc. Book 40M on page 693.

NOTE: For a plat of Lot 18R of Deer Ridge Subdivision, see Book 12 of Plats on page 741.

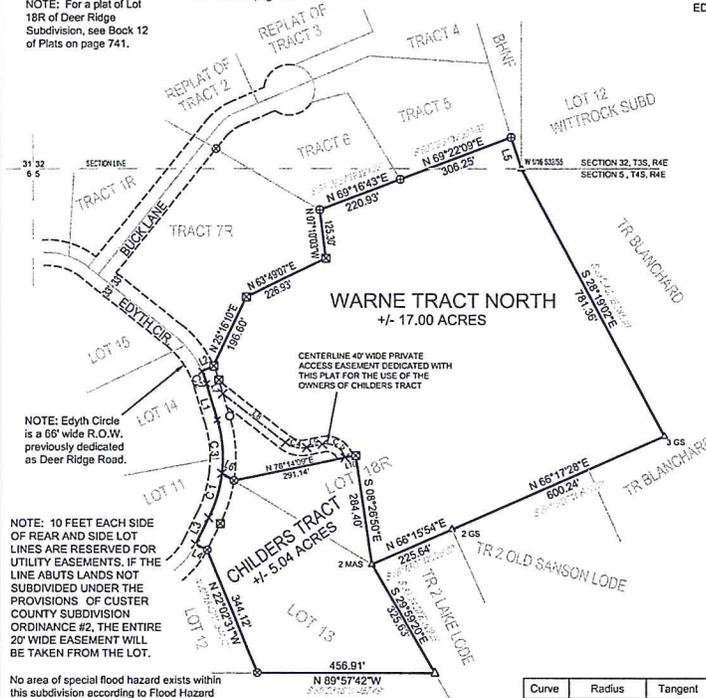
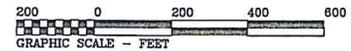


DATE SURVEYED
12 Aug. 2019

BASIS OF BEARING - GPS OBSERVATION taken S 08°35'22"E 817.64' from the SW corner of Childers Tract.
LAT: 43°43'57.03528"
LONG: -103°40'31.14687"

LEGEND

- ☒ Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
 - ⊙ Found rebar w/aluminum cap marked "BRYANT LS 2196"
 - ⊙ Found rebar w/aluminum cap marked "ANDERSEN PLS 2842"
 - △ Found stone monument
 - Found rebar without cap
 - × angle point not monumented
- Stant lettering denotes record calls



NOTE: Edyth Circle is a 69' wide R.O.W. previously dedicated as Deer Ridge Road.

NOTE: 10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENTS, IF THE LINE ABUTS LANDS NOT SUBDIVIDED UNDER THE PROVISIONS OF CUSTER COUNTY SUBDIVISION ORDINANCE #2, THE ENTIRE 20' WIDE EASEMENT WILL BE TAKEN FROM THE LOT.

No area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 45033C0400F, effective date: Jan. 6, 2012.

CERTIFICATE OF SURVEYOR
I, John D. McBride Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.
IN WITNESS WHEREOF, I hereunto set my hand and official seal.
Dated this ___ day of ___, 2019.

John D. McBride SDRLS No. 5906

STATE OF _____, COUNTY OF _____
I, Cynthia S. Childers, do hereby certify that I am the owner of the within described lands and that the within plat was made at my direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
Dated this ___ day of ___, 2019.

ACKNOWLEDGMENT OF OWNERSHIP
STATE OF _____, COUNTY OF _____
On this ___ day of ___, 2019, before me, a Notary Public, personally appeared Cynthia S. Childers, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public
My commission expires _____

STATE OF _____, COUNTY OF _____
The Greg L. Warne Trust, does hereby certify that it is the owner of the within described lands and that the within plat was made at its direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
Dated this ___ day of ___, 2019.

Greg L. Warne.(TRUSTEE)

ACKNOWLEDGMENT OF OWNERSHIP
STATE OF _____, COUNTY OF _____
On this the ___ day of ___, 2019, before me, the undersigned officer, personally appeared Greg L. Warne, Trustee of Greg L. Warne Trust, known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that she executed the same in the capacity therein stated and for the purposes therein contained.
IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Public
My commission expires _____

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION
I, Director of Equalization of Custer County, do hereby certify that my office has been furnished with a true copy of the within plat.
Dated this ___ day of ___, 2019.

Director of Equalization of Custer County

OFFICE OF THE REGISTER OF DEEDS
Filed for record this ___ day of ___, 2019, at ___ o'clock ___ M. and recorded in Book ___ of Plats on page ____.

Custer County Register of Deeds

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	346.45'	60.98'	120.73'	19°57'59"	16°32'17"	120.12'	N 16°24'12" E
C2	247.54'	16.84'	33.64'	7°47'09"	23°08'46"	33.61'	S 20°28'06" E
C3	346.45'	70.74'	139.57'	23°04'54"	16°32'17"	138.63'	S 04°53'41" E
C4	66.27'	30.80'	57.66'	49°50'59"	86°27'28"	56.86'	S 76°48'16" E
C5	50.00'	45.99'	74.37'	85°13'06"	114°35'30"	67.70'	S 59°07'13" E

WATER PROTECTION STATEMENT

Pursuant to SDCL 11-3-8.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protections, conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

CERTIFICATE OF HIGHWAY AUTHORITY

It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.

Highway Authority _____ Date: _____

CERTIFICATE OF COUNTY TREASURER

I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.
Dated this ___ day of ___, 2019.

Custer County Treasurer

RESOLUTION OF THE CITY COUNCIL

Whereas there has been presented to the City Council of Custer, South Dakota, the within plat of the above described lands, and it appearing to the Council that said plat conforms to the existing plats of said City, that the streets set forth therein conforms to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that said plat and the survey thereof have been executed according to law, now therefore,
BE IT RESOLVED, that said plat is hereby approved in all respects.
Dated at Custer, South Dakota this ___ day of ___, 2019.

Mayor

CERTIFICATE OF CITY FINANCE OFFICER

I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota at a meeting held on the ___ day of ___, 2019.

Custer City Finance Officer

ANDERSEN ENGINEERS
Land Surveyors, Professional Engineering, & Environmental Consultants

Drawn by DR	Date 8/22/2019	P.O. Box 446 Edgemont, SD 57735 (605)-682-5500
Approved by McB	Date 8/23/2019	andersenengineers@gwinc.net
Scale 1"=200'	Sheet 1 of 1	File Name: L13_DEER_RIDGE_2019



Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: Preliminary Plat, Childers Tract and Warne Tract N of Deer Ridge Subdivision
Applicant: Gregg Warne
Location: Approximately 2.7 miles West of Custer. Near the int of Deer Ridge Road and Buck Lane
Legal Desc.: Childers Tract and Warne Tract N of Deer Ridge Subdivision - See Plat for full legal
Fee Paid: \$150.00
Date Prepared: September 5, 2019
Planning Commission Meeting: September 10, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a lot line adjustment with two parcels that are not within the city of Custer but is subject to review by the City under the City's extraterritorial jurisdiction. The proposed plat will perform a lot line adjustment between the existing Lot 18R (18.04 acres) and Lot 13 (3.96 acres), creating the proposed Warne Tract North (17.00 acres) and the proposed Childers Tract (5.04 acres). The property owners have agreed to such lot line adjustment due to topography of the land and in order to establish more desirable access to the proposed Childers Tract.

Individual wells and wastewater systems are available and serve the existing homes on the properties.

The area is in the county and therefore has no zoning.

COMPREHENSIVE PLAN

The land use section of the Comprehensive Plan identifies this area as Rural Residential.

ROUTING SHEET RESPONSES

CC Planning – Minor redline corrections.

ACCESS

Existing access to the area is provided from US Hwy 16 to Wind Dance Ranch Road to Edyth Circle. Edyth Circle serves the current parcels.

Edyth Circle is a 66' Dedicated Public Right of Ways.

Both parcels will retain their public access to Edyth Circle. This plat will also dedicate a private access easement for the proposed Childers Tract across the Proposed Warn Tract North. The existing access to the structure on the proposed Childers Tract is steep and difficult to utilize in the winter months.

SECTION LINE VACATION

The section line rights of way that run east and west through the north end of the proposed Warne Tract North was vacated by resolution filed in Misc. Book 40 Page 693 Signed by the Custer County Commission on December 9th, 2003.

PREVIOUS PLAT IN THE AREA

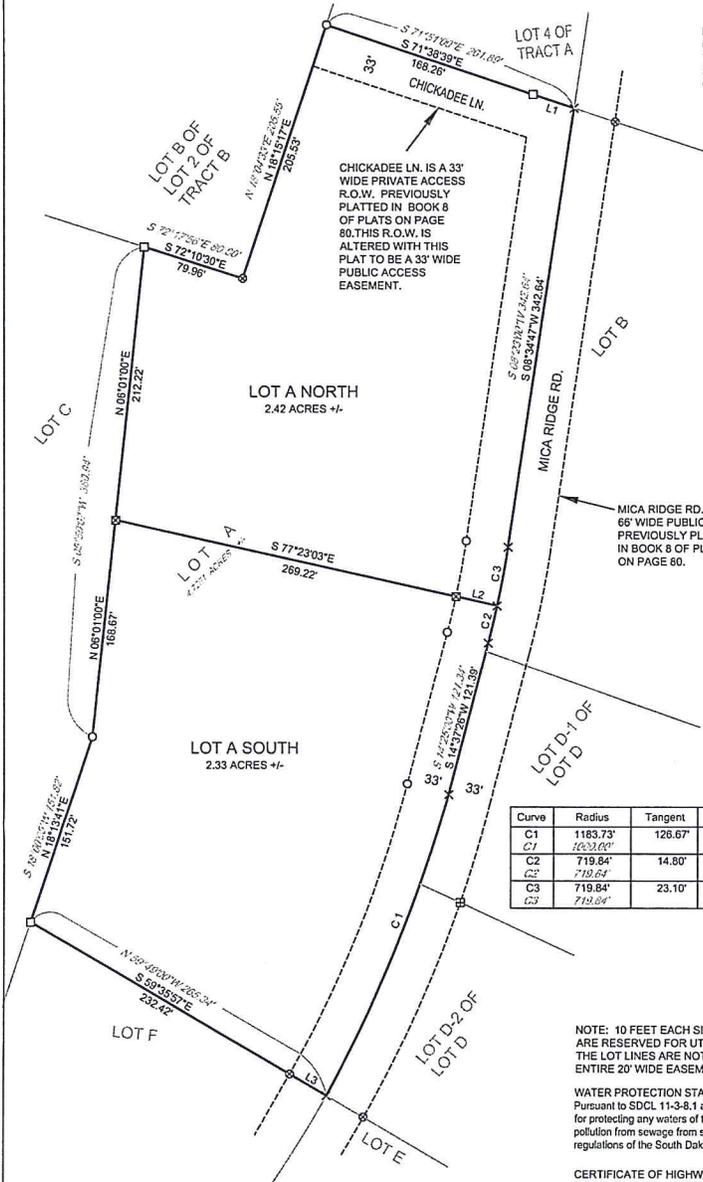
The plat filed in plat book 12 page 741, filed on December 4, 2018 performed a lot line adjustment with the existing Lot 18R and Tract 7R to the N, N/W. The proposed plat is adjusting a southern lot line of the existing Lot 18R to provide more desirable access to the existing Lot 13.

SUMMARY AND STAFF RECCOMENDATION

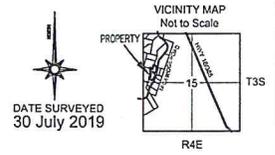
This plat is presented to shift the proposed lot line change to better match topography and grant a private access easement to the proposed Childers Tract as existing access is rather steep and ineffective in the winter months. Staff supports a recommendation of approval for the minor plat.

(B)
9/5/19

A PLAT OF
**LOT A NORTH AND LOT A SOUTH, LOCATED IN THE SW1/4
 NW1/4 SECTION 15, T3S, R4E, B.H.M., CUSTER COUNTY,
 SOUTH DAKOTA**
 FORMERLY REPLAT OF LOT A OF LOT 3 OF TRACT B OF M.S. 2063



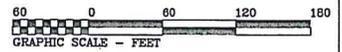
NOTE: FOR THE REPLAT OF LOT A OF LOT 3 OF TRACT B OF M.S. 2063, SEE BOOK 12 OF PLATS ON PAGE 480.



BASIS OF BEARING - GPS OBSERVATION taken S 62°10'33"E 143.55' from the NW corner of Lot A North.
 OPUS STATIC SOLUTION NAD83(2011)
 LAT: 43°47'28.84477"
 LONG: -103°38'7.94429"

LEGEND

- ☒ Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5905"
- ☒ Found rebar w/aluminum cap marked "BUCKHORN LS 4896"
- ☒ Found rebar w/aluminum cap marked "BRYANT LS 2196"
- ☒ Found rebar w/plastic cap marked "HANSON 6251"
- Found Rebar
- × angle point not monumented
- 522.66' Slant lettering denotes record calls



NOTE: 20' WIDE UTILITY & MINOR DRAINAGE EASEMENTS ON ALL SUBDIVISION LOT LINES NOT ADJACENT TO PUBLIC R.O.W. OR UNPLATTED LAND AND ON THE INTERIOR SIDE OF ALL LOT LINES WHICH BORDER LAND THAT HAVE NOT BEEN SUBDIVIDED.

Course	Bearing	Distance
L1	S 71°42'43" E	33.68'
L1	S 71°31'00" E	33.40'
L2	S 77°23'03" E	33.00'
L2	S 77°23'03" E	32.66'
L3	S 69°49'00" E	33.01'

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	1183.73'	126.67'	252.38'	12°12'58"	4°50'25"	251.91'	S 21°50'19" W
C1	1233.61'	126.67'	243.32'	14°23'39"	4°50'25"	243.32'	N 27°42'30" E
C2	719.84'	14.80'	29.60'	2°21'22"	7°57'34"	29.60'	N 13°28'47" E
C3	719.84'	23.10'	46.18'	3°40'33"	7°57'34"	46.17'	N 10°27'50" E
C3	719.84'	23.10'	46.18'	3°40'33"	7°57'34"	46.17'	N 10°27'50" E

NOTE: 10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENTS. IF BOTH SIDES OF THE LOT LINES ARE NOT CONTROLLED BY THIS PLAT THE ENTIRE 20' WIDE EASEMENT WILL BE TAKEN FROM THE LOT.

No area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 46033C0095F, effective date: Jan. 6, 2012.

WATER PROTECTION STATEMENT

Pursuant to SDCL 11-3-8.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protection, conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

CERTIFICATE OF HIGHWAY AUTHORITY

It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.

Highway Authority _____ Date: _____

CERTIFICATE OF COUNTY TREASURER

I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.
 Dated this ___ day of ___, 2019.

Custer County Treasurer

RESOLUTION OF THE CITY COUNCIL

Whereas there has been presented to the City Council of Custer, South Dakota, the within plat of the above described lands, and it appearing to the Council that said plat conforms to the existing plats of said City, that the streets set forth therein conforms to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that said plat and the survey thereof have been executed according to law, now therefore, BE IT RESOLVED, that said plat is hereby approved in all respects.
 Dated at Custer, South Dakota this ___ day of ___, 2019.

Mayor

CERTIFICATE OF CITY FINANCE OFFICER

I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota at a meeting held on the ___ day of ___, 2019.

Custer City Finance Officer

CERTIFICATE OF SURVEYOR

I, John D. McBride Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.
 IN WITNESS WHEREOF, I hereunto set my hand and official seal.
 Dated this ___ day of ___, 2019.

John D. McBride SDRLS No. 5906

STATE OF _____ COUNTY OF _____
 We, Dustin A. Graf and Jennifer M. Graf, do hereby certify that we are the owners of the within described lands and that the within plat was made at our direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
 Dated this ___ day of ___, 2019.

Dustin A. Graf _____ Jennifer M. Graf _____

ACKNOWLEDGMENT OF OWNERSHIP
 STATE OF _____ COUNTY OF _____
 On this ___ day of ___, 2019, before me, a Notary Public, personally appeared Dustin A. Graf and Jennifer M. Graf, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.

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

Notary Public _____ My commission expires _____

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION
 I, Director of Equalization of Custer County, do hereby certify that my office has been furnished with a true copy of the within plat.
 Dated this ___ day of ___, 2019.

Director of Equalization of Custer County

OFFICE OF THE REGISTER OF DEEDS
 Filed for record this ___ day of ___, 2019, at ___ o'clock ___ M, and recorded in Book ___ of Plats on page ___.

Custer County Register of Deeds

Prepared by
ANDERSEN ENGINEERS
Land Surveying, Professional Engineering, & Environmental Consultants

Drawn by RW	Date 8/13/2019	P.O. Box 446 Edgemont, SD 57735 (605) 692-5500
Approved by McB	Date 8/14/2019	andersenengineers@gwic.net
Scale 1"=60'	Sheet 1 of 1	File Name: L_A_L2_TB_MS2063



Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: Minor Plat, Lot A North and Lot B South
Applicant: Dustin and Jennifer Graf
Location: Approximately 1.0-mile North North/West of Custer. Hwy 16/385, Custer Limestone Road, Mica Ridge Road
Legal Desc.: Lot A North and Lot A South - See Plat for full legal
Fee Paid: \$450.00
Date Prepared: September 5, 2019
Planning Commission Meeting: September 10, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a two-parcel subdivision that is not within the city of Custer but is subject to review by the City under the City's extraterritorial jurisdiction. The proposed plat will divide the existing Replat of Lot A (4.75 acres) into two Lots, Lot A North (2.42 acres) and Lot B South (2.33 acres). The existing Replat of Lot A has an existing dwelling with accessory structures on the north end of the property. All will be located on the proposed Lot A North. Such dwelling has a private well and septic system. The proposed Lot A South does not have any water or sewer services established but will remain of adequate size to support well and septic.

The area is in the county and therefore has no zoning.

COMPREHENSIVE PLAN

The land use section of the Comprehensive Plan identifies this area as Rural Residential.

ROUTING SHEET RESPONSES

CC Planning – Minor redline corrections and Chickadee Lane discussion.

ACCESS

Existing access to the area is provided from US Hwy 16/385, Custer Limestone Road, and Mica Ridge Road.

Mica Ridge Road is a 66' Public Access Easement. Half of such easement is shared by the property as Mica Ridge Road continues through the property.

The proposed Lot A North also has a 33' Private Access Easement for Chickadee Lane adjacent to the North property line. Per Custer County Ordinance #2 Private Access Easements are intended to serve only 1 parcel. Because Chickadee Lane currently serves 3 parcels, the applicant has agreed to grant Public Access for the portion of Chickadee Lane that crosses the property being platted at this time.

Access to the proposed Lot A North is planned to remain as established. The proposed Lot A South is preferred to be access directly from Mica Ridge Road.

STAFF RECCOMENDATION

Staff supports a recommendation to the Council for approval.

9/5/19

AKERS SUBDIVISION

PLAT OF TRACT WENDELL 3, TRACT WENDELL 4, TRACT EFFERTZ 1 AND TRACT 4
 (FORMERLY TRACT WENDELL 1, TRACT WENDELL 2, TRACT EFFERTZ, TRACT LYLE-ROSE,
 TRACT WENDELL REVISED, TRACT WENDELL, LOT 1, LOT 2, LOT 4 OF AKERS SUBDIVISION)
 LOCATED IN THE NE1/4 AND SE1/4 NE1/4 OF SECTION 33, T3S, R4E, BHM
 CUSTER COUNTY, SOUTH DAKOTA

LEGEND

- CORNER SET THIS SURVEY
REBAR WITH ALUMINUM CAP
MARKED BUCKHORN SURVEYING
R.L.S. 4896
- ▲ CORNER FOUND THIS SURVEY
REBAR WITH ALUMINUM CAP
MARKED BUCKHORN SURVEYING
- CORNER FOUND THIS SURVEY
REBAR WITH ALUMINUM CAP
MARKED BRYANT RLS 2196
- CORNER FOUND THIS SURVEY
B.L.M./G.L.O. BRASS MONUMENT
- POWER POLE
- P- CENTERLINE OF 20' POWER
LINE EASEMENT

NOTE

FIRM PANEL 46033C 0400 F DATED
 JANUARY 06, 2012 INDICATES THERE
 IS NO PRESENCE OF A FLOOD HAZARD
 AREA WITHIN THE SUBDIVISION AREA
 REPRESENTED ON THIS PLAT

NOTE

A 20' WIDE UTILITY EASEMENT SHALL
 EXIST CENTERED ON ALL SUBDIVISION
 LOT LINES NOT ADJACENT TO PUBLIC
 RIGHTS-OF-WAY OR UNPLATTED LAND
 AND ON THE INTERIOR SIDE OF LOT LINES
 THAT BORDER LAND THAT HAS NOT BEEN
 SUBDIVIDED, UNLESS OTHER SUITABLE
 UTILITY EASEMENTS HAVE BEEN SHOWN.

WATER PROTECTION STATEMENT

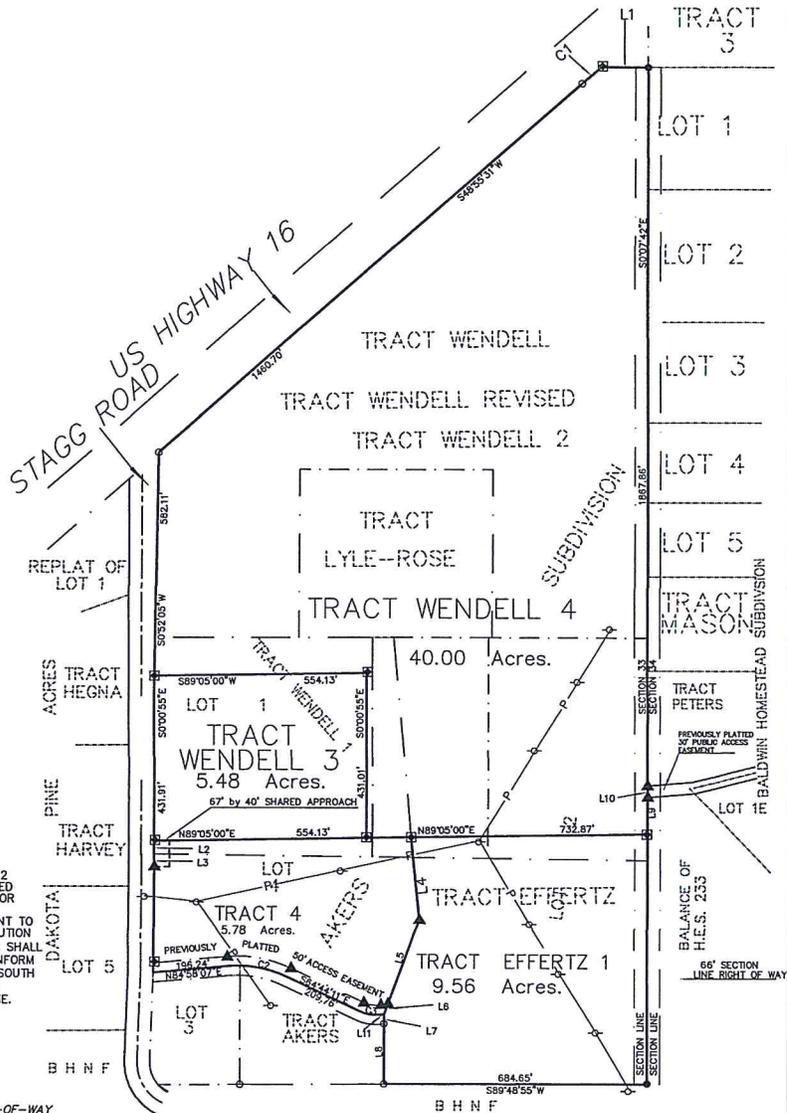
PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2
 THE DEVELOPER OF THE PROPERTY DESCRIBED
 WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR
 PROTECTING ANY WATERS OF THE STATE
 INCLUDING GROUNDWATER, LOCATED ADJACENT TO
 OR WITHIN SUCH PLATTED AREA FROM POLLUTION
 FROM SEWAGE FROM SUCH SUBDIVISION AND SHALL
 IN PROSECUTION OF SUCH PROTECTIONS CONFORM TO
 AND FOLLOW ALL REGULATIONS OF THE SOUTH
 DAKOTA DEPARTMENT OF ENVIRONMENT AND
 NATURAL RESOURCES RELATING TO THE SAME.

NOTE

US HIGHWAY 16 IS A 120' PUBLIC RIGHT-OF-WAY
 STAGG ROAD IS A 66' DEDICATED
 PUBLIC ACCESS AND UTILITY EASEMENT
 AS PER SDCL 31-3-1.

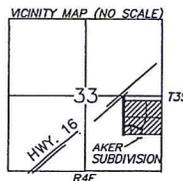
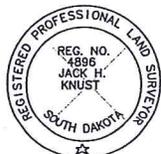
NOTE

TRACTS WENDELL 1, WENDELL 2, AND
 TRACT EFFERTZ OF AKERS SUBDIVISION
 ARE RECORDED IN PLAT BOOK 12 PAGE 776.
 TRACTS WENDELL REVISED OF AKERS SUBDIVISION
 IS RECORDED IN PLAT BOOK 12 PAGE 683.
 LOTS 1-4 OF AKERS SUBDIVISION
 ARE RECORDED IN PLAT BOOK 12 PAGE 259
 TRACTS WENDELL AND LYLE-ROSE OF AKERS SUBDIVISION
 ARE RECORDED IN PLAT BOOK 11 PAGE 430.
 TRACTS 1 AND AKERS OF AKERS SUBDIVISION
 ARE RECORDED IN PLAT BOOK 9 PAGE 193.



NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	1°22'14"	66.14'	2764.79'	N50°23'05"E	66.14'
C2	24°17'13"	127.17'	300.00'	N76°52'48"W	126.22'
C3	35°11'50"	61.43'	100.00'	S82°20'06"E	60.47'

NUM	BEARING	DISTANCE
L1	N89°45'30"E	121.54'
L2	N0°07'42"W	34.09'
L3	N1°14'07"E	33.02'
L4	S6°43'41"E	213.62'
L5	S6°11'57"E	233.42'
L6	N20°03'07"E	28.86'
L7	N0°08'28"W	26.13'
L8	N0°08'28"W	155.89'
L9	S0°14'07"E	96.94'
L10	S0°14'07"E	30.07'
L11	N80°03'55"W	4.25'



AKERS SUBDIVISION

PLAT OF TRACT WENDELL 3, TRACT WENDELL 4, TRACT EFFERTZ 1 AND TRACT 4 (FORMERLY TRACT WENDELL 1, TRACT WENDELL 2 TRACT EFFERTZ, , TRACT LYLE-ROSE, TRACT WENDELL REVISED, TRACT WENDELL, LOT 1, LOT 2, LOT 4 OF AKERS SUBDIVISION) LOCATED IN THE NE1/4 SE1/4 AND SE1/4 NE1/4 OF SECTION 33. T3S. R4E, BHM CUSTER COUNTY, SOUTH DAKOTA

STATE OF SOUTH DAKOTA S.S. COUNTY OF CUSTER

WE DID AUTHORIZE AND DO HEREBY APPROVE THE SURVEY AND WITHIN PLAT OF SAID LAND, WE FURTHER CERTIFY THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, AND SEDIMENT CONTROL REGULATIONS. OWNERS: ON THE DAY OF , 20. BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED KNOWN BY ME TO BE THE PERSON(S) DESCRIBED IN THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME. NOTARY PUBLIC MY COMMISSION EXPIRES

STATE OF SOUTH DAKOTA S.S. COUNTY OF CUSTER

WE DID AUTHORIZE AND DO HEREBY APPROVE THE SURVEY AND WITHIN PLAT OF SAID LAND, WE FURTHER CERTIFY THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, AND SEDIMENT CONTROL REGULATIONS. OWNERS: ON THE DAY OF , 20. BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED KNOWN BY ME TO BE THE PERSON(S) DESCRIBED IN THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME. NOTARY PUBLIC MY COMMISSION EXPIRES

STATEMENT OF SURVEYOR FOR BUCKHORN SURVEYING INC.

I, JACK H. KNUST, REGISTERED LAND SURVEYOR NO. 4896 OF THE STATE OF SOUTH DAKOTA DO HEREBY STATE THAT BEING SO AUTHORIZED, THE SURVEY AND WITHIN PLAT OF THE LAND SHOWN AND DESCRIBED HEREON WERE MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE WITHIN PLAT IS A REPRESENTATION OF SAID SURVEY.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS DAY OF , 20.

FOR BUCKHORN SURVEYING INC.

BY JACK H. KNUST, REGISTERED LAND SURVEYOR:



CERTIFICATE OF COUNTY TREASURER

I, TREASURER OF CUSTER COUNTY, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON THE WITHIN DESCRIBED LANDS ARE FULLY PAID ACCORDING TO THE RECORDS OF MY OFFICE.

DATED THIS DAY OF , 20.

TREASURER:

CERTIFICATE OF HIGHWAY AUTHORITY:

IT APPEARS THAT EVERY LOT HAS AN ACCEPTABLE APPROACH LOCATION ONTO A PUBLIC ROAD AND THE LOCATION OF THE INTERSECTION(S) OF ANY PROPOSED SUBDIVISION ROAD(S) OR PRIVATE ACCESS ROAD(S) WITH EXISTING PUBLIC ROAD IS HEREBY APPROVED.

DATED THIS DAY OF , 20.

HIGHWAY AUTHORITY:

RESOLUTION OF GOVERNING BOARD

STATE OF SOUTH DAKOTA S.S. CITY OF CUSTER

WHEREAS THERE HAS BEEN PRESENTED TO THE CITY OF CUSTER, SOUTH DAKOTA, THE WITHIN PLAT OF THE ABOVE DESCRIBED LANDS AND IT APPEARING TO THE COUNCIL THAT: a. THE SYSTEM OF STREETS SET FORTH THEREIN CONFORM TO THE SYSTEM OF STREETS OF THE EXISTING PLATS OF THE MUNICIPALITY, b. ALL PROVISIONS OF ANY THREE MILE LIMIT SUBDIVISION HAVE BEEN FULLY COMPLIED WITH, c. ALL TAXES AND SPECIAL ASSESSMENTS UPON THE SUBDIVISION HAVE BEEN FULLY PAID, AND d. THE PLAT AND SURVEY THEREOF HAVE BEEN EXECUTED ACCORDING TO LAW. NOW THEREFORE, BE IT RESOLVED THAT SAID PLAT IS HEREBY APPROVED IN ALL RESPECTS, THIS DAY OF , 20.

MAYOR OF THE CITY OF CUSTER:

I, FINANCE OFFICER OF THE CITY OF CUSTER, DO HEREBY CERTIFY THAT AT AN OFFICIAL MEETING HELD ON THE DAY OF , 20 THE CUSTER CITY COUNCIL, BY RESOLUTION DID APPROVE THE PLAT AS SHOWN HEREON.

CUSTER CITY FINANCE OFFICER:

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, DIRECTOR OF EQUALIZATION OF CUSTER COUNTY, DO HEREBY CERTIFY THAT I HAVE ON RECORD A COPY OF THE WITHIN DESCRIBED PLAT, DATED THIS DAY OF , 20.

DIRECTOR OF EQUALIZATION:

CERTIFICATE OF REGISTER OF DEEDS

FILED FOR RECORD THIS DAY OF , 20, AT O'CLOCK M.

AND RECORDED IN BOOK OF PLATS ON PAGE

REGISTER OF DEEDS, CUSTER COUNTY



Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: Minor Plat, Akers Subdivision
Applicant: Mark Wendell
Location: East side of Stagg Road, at the intersection of Stagg Road and US HWY 16
Legal Desc.: Tract Wendell 3, Tract Wendell 4, Tract Effertz 1 and Tract 4
Date Prepared: August 16, 2019
Planning Commission Meeting: September 10, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The Plat is for a lot line adjustment (non-subdivision) that is not within the corporate limits of the City of Custer but is subject to approval by the City under the 3-mile extraterritorial jurisdiction. Individual wells and wastewater systems serve the proposed Tract Wendell 4 and Tract Effertz 1. A well is installed on the proposed Tract Wendell 3. Access is from Stagg Road.

This plat will shift two lot lines involving the existing Tract Wendell 4 (40.00 acres), Tract Effertz (8.50 acres), Tract Wendell 1 (7.29 acres), and Lot 4 of Tract 1 (8.50 acres). Creating the proposed Tract Wendell 4, Tract Wendell 3, Tract 4 and Tract Effertz 1.

This property is in the county and has no zoning.

COMPREHENSIVE PLAN

The Comprehensive Plan identifies this area for Rural Residential development.

ACCESS

Existing access to the proposed Tract Wendell 4 and Tract Wendell 3 has been provided by Stagg Road.

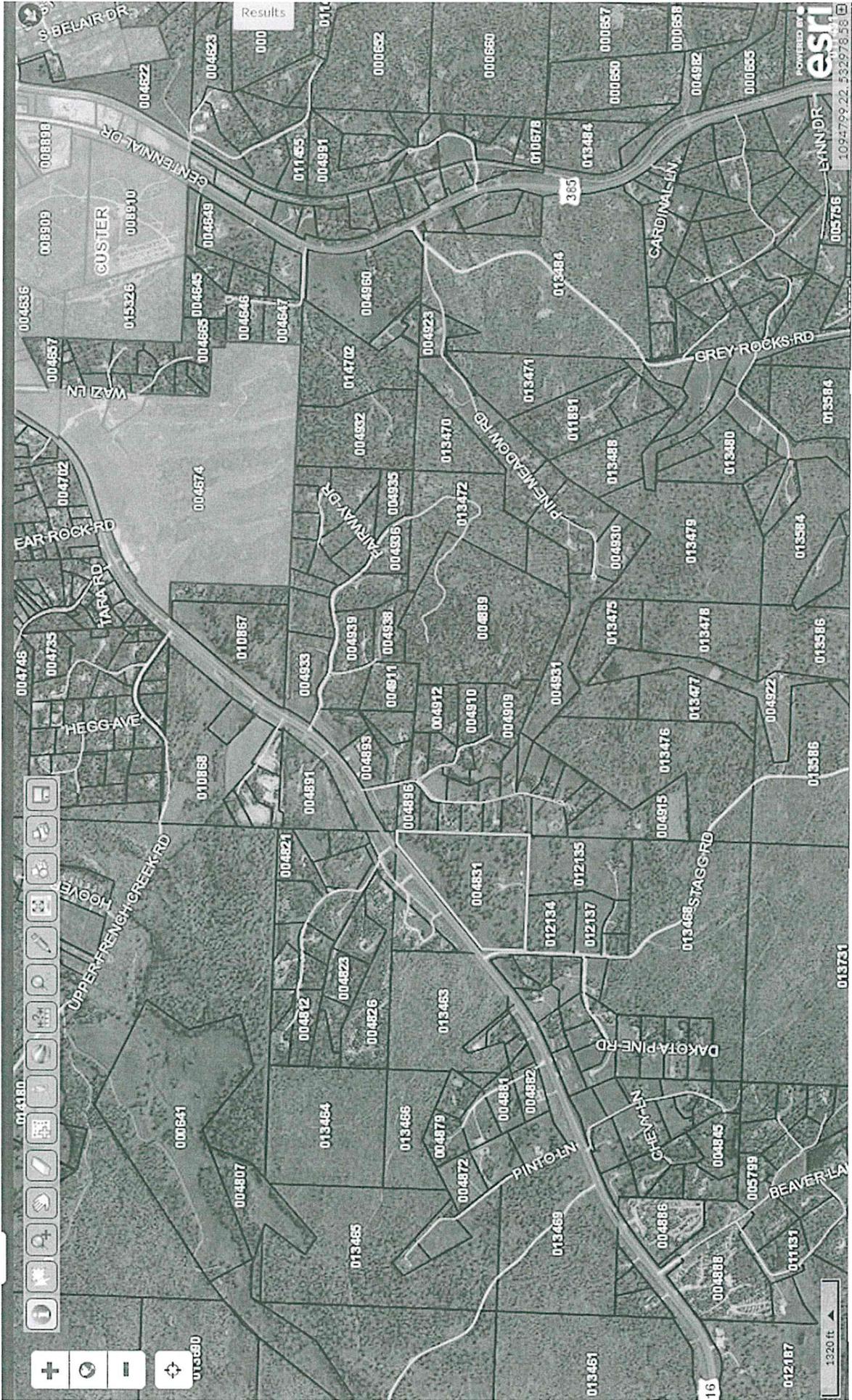
The proposed Tract Effertz 1 and Tract 4 is accessed from Stagg Road, and then via a previously platted 50' Access Easement (Plat Book 9, page 193).

RECENT PREVIOUS PLAT IN THE AREA

A recent plat of the property was reviewed by the City and is filed in Plat Book 12 Page 776.

SUMMARY AND STAFF RECCOMENDATION

This plat is presented as a non-subdivision plat very similar to the recently approved plat. Staff supports a recommendation of approval to the City Council.



DRAWING NUMBER
12 PLAT 716

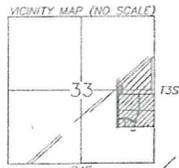
DRAWING NUMBER
12 PLAT 716

ca 1 pg 78/80

AKERS SUBDIVISION
 PLAT OF TRACT WENDELL 1, TRACT WENDELL 2, AND TRACT EFFERTZ
 (FORMERLY TRACT WENDELL REVISED, TRACT WENDELL, TRACT LYLE-ROSE, LOT 1,
 AND LOT 2 OF AKERS SUBDIVISION) LOCATED IN THE NE1/4 SE1/4 AND SE1/4 NE1/4
 OF SECTION 33, T3S, R4E, B.H.M. CUSTER COUNTY, SOUTH DAKOTA

NUM	BEARING	DISTANCE
L1	N89°45'30"E	121.54'
L2	N0°07'42"W	33.09'
L3	S89°23'56"E	117.10'
L4	S6°43'41"E	163.67'
L5	N20°00'10"E	233.42'
L6	N20°03'07"E	28.86'
L7	N0°08'28"W	26.13'
L8	N0°08'28"W	155.89'
L9	N0°00'30"E	159.75'
L10	S2°26'40"W	160.44'
L11	S01°4'07"E	603.45'

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	1°22'14"	66.14'	2764.79'	N50°23'05"E	66.14'



- LEGEND**
- ☐ CORNER SET THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BUCKHORN SURVEYING R.L.S. 4899
 - ▲ CORNER FOUND THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BUCKHORN SURVEYING
 - CORNER FOUND THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BRYANT RLS 2196
 - CORNER FOUND THIS SURVEY B.L.M./C.L.O. BRASS MONUMENT
 - POWER POLE
 - P- CENTERLINE OF 20' POWER LINE EASEMENT

NOTE
 FIRM PANEL 46033C 0400 F DATED JANUARY 08, 2012 INDICATES THERE IS NO PRESENCE OF A FLOOD HAZARD AREA WITHIN THE SUBDIVISION AREA REPRESENTED ON THIS PLAT

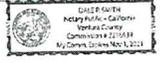
NOTE
 A 20' WIDE UTILITY EASEMENT SHALL EXIST CENTERED ON ALL SUBDIVISION LOT LINES NOT ADJACENT TO PUBLIC RIGHTS-OF-WAY OR UNPLATTED LAND AND ON THE INTERSECTIONS OF LOT LINES THAT BORDER LAND THAT HAS NOT BEEN SUBDIVIDED, UNLESS OTHER SUITABLE UTILITY EASEMENTS HAVE BEEN SHOWN.

WATER PROTECTION STATEMENT
 PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE INCLUDING GROUNDWATER, LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH SUBDIVISION AND SHALL IN PROSECUTION OF SUCH PROTECTIONS CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME.

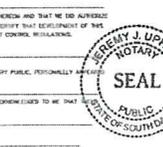
NOTE
 US HIGHWAY 16 IS A 120' PUBLIC RIGHT-OF-WAY STAGG ROAD IS A 66' DEDICATED PUBLIC ACCESS AND UTILITY EASEMENT AS PER SDCL 31-3-1.

NOTE
 TRACTS WENDELL REVISED OF AKERS SUBDIVISION IS RECORDED IN PLAT BOOK 12 PAGE 683.
 LOTS 1-4 OF AKERS SUBDIVISION ARE RECORDED IN PLAT BOOK 12 PAGE 259.
 TRACTS WENDELL AND LYLE-ROSE OF AKERS SUBDIVISION ARE RECORDED IN PLAT BOOK 11 PAGE 430.
 TRACTS 1 AND AKERS OF AKERS SUBDIVISION ARE RECORDED IN PLAT BOOK 9 PAGE 193.

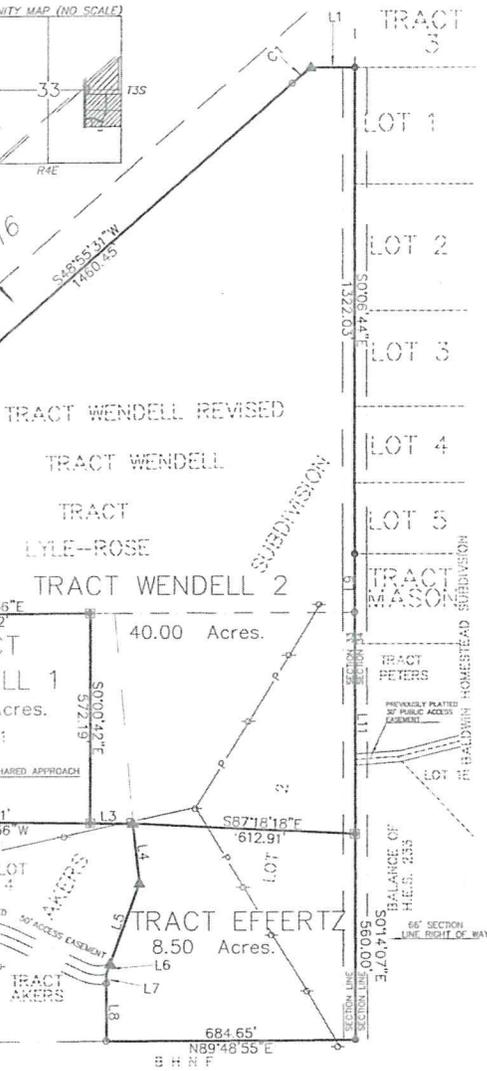
STATE OF SOUTH DAKOTA
 COUNTY OF CUSTER S.S.
 I, Mark Wendell and Elsie Wendell
 DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED HEREIN AND THAT WE DO AUTHORIZE AND DO HEREBY AUTHORIZE THE SURVEY AND WITHIN PLAT OF SAID LANDS WE HEREBY CERTIFY THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, AND EASEMENT CONTROL REGULATIONS.
 ON THE 12th DAY OF June, 2012, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED Mark Wendell and Elsie Wendell
 KNOWN BY ME TO BE THE PERSONS SIGNING IN THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.
 MY COMMISSION EXPIRES Nov 1, 2021



I, Nita Effertz
 DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED HEREIN AND THAT WE DO AUTHORIZE AND DO HEREBY AUTHORIZE THE SURVEY AND WITHIN PLAT OF SAID LANDS WE HEREBY CERTIFY THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, AND EASEMENT CONTROL REGULATIONS.
 ON THE 12th DAY OF June, 2012, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED Nita Effertz
 KNOWN BY ME TO BE THE PERSONS SIGNING IN THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.
 MY COMMISSION EXPIRES 2-15-24



STATEMENT OF SURVEYOR
 FOR BUCKHORN SURVEYING INC
 I, JACK H. KNUST, REGISTERED LAND SURVEYOR NO. 14986 OF THE STATE OF SOUTH DAKOTA, DO HEREBY STATE THAT BEING SO AUTHORIZED, THE SURVEY AND WITHIN PLAT OF THE LAND SHOWN AND DESCRIBED HEREIN WERE MADE UNDER MY RESPONSIBLE SUPERVISION AND APPROVATION AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE WITHIN PLAT IS A REPRESENTATION OF SAID SURVEY IN WRITING HERETOBY MADE SET BY HAND AND SEAL.
 ON THE 12th DAY OF June, 2012.
Jack H. Knust
 REGISTERED LAND SURVEYOR



CERTIFICATE OF COUNTY TREASURER
 I, TREASURER OF CUSTER COUNTY, DO HEREBY CERTIFY THAT ALL TAXES DUE ON THE WITHIN DESCRIBED LANDS ARE FULLY PAID ACCORDING TO THE RECORDS OF MY OFFICE, DATED THIS 13 DAY OF June, 2012.
 TREASURER Karen Woodman



RESOLUTION OF GOVERNING BOARD
 STATE OF SOUTH DAKOTA
 CITY OF CUSTER
 WHEREAS THERE HAS BEEN PRESENTED TO THE CITY OF CUSTER, SOUTH DAKOTA, THE WITHIN PLAT OF THE ABOVE DESCRIBED DESCRIBED LANDS AND WHEREAS THE CITY OF CUSTER HAS THE DUTY OF STREETS SET FORTH THEREIN CONFORM TO THE SYSTEM OF STREETS OF THE MUNICIPALITY;
 AND WHEREAS THE CITY OF CUSTER HAS REVIEWED THE WITHIN PLAT AND HAS DETERMINED THAT THE WITHIN PLAT IS IN ACCORDANCE WITH THE CITY CHARTER AND ORDINANCES;
 NOW, THEREFORE, BE IT RESOLVED THAT SAID PLAT BE HEREBY APPROVED IN ALL RESPECTS.
 PASSED AT A REGULAR MEETING OF THE CITY OF CUSTER, SOUTH DAKOTA, ON THE 12th DAY OF June, 2012.
 I, Barry Woodford, Mayor of the City of Custer, do hereby certify that at an official meeting of the City of Custer, South Dakota, on the 12th day of June, 2012, the City Council has approved the within plat as shown herein.
 DIRECTOR OF EQUALIZATION Barry Woodford



CERTIFICATE OF HIGHWAY AUTHORITY
 THE LOCATION OF THE PROPOSED ACCESS ROAD ACROSS THE COUNTY OR STATE HIGHWAY OR THE CITY STREET, AND SUCH HIGHWAY IS HEREBY APPROVED, AND CHANGE IN THE LOCATION OF THE PROPOSED ACCESS SHALL BE MADE ACCORDING TO THE CITY CHARTER.
 HIGHWAY AUTHORITY Barry Woodford 6/13/12

CERTIFICATE OF DIRECTOR OF EQUALIZATION
 I, DIRECTOR OF EQUALIZATION OF CUSTER COUNTY, HEREBY CERTIFY THAT I HAVE ON RECORD A COPY OF THE WITHIN DESCRIBED PLAT, DATED THIS 13th DAY OF June, 2012.
 DIRECTOR OF EQUALIZATION Barry Woodford

CERTIFICATE OF REGISTER OF DEEDS
 I, REGISTER OF DEEDS OF CUSTER COUNTY, HEREBY CERTIFY THAT I HAVE ON RECORD A COPY OF THE WITHIN DESCRIBED PLAT, DATED THIS 13th DAY OF June, 2012.
 REGISTER OF DEEDS Barry Woodford

