

Resolution 23-034

A Resolution Concerning the Exchange of Real Property

Be It Resolved by the City Council of the City of Brookings, South Dakota as follows:

Whereas, in accordance with SDCL 6-5-1, which permits municipalities and school districts to exchange land, and for the purpose of acquisition of necessary right-of-way for street and other public uses, the City desires to acquire from Brookings School District 5-1, additional right-of-way located upon the following described property:

The East Thirty Feet (E 30') of Christie Third Addition, Except Blocks Two (2) and Three (3) thereof, in the South One-half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Two (2), Township One Hundred Nine (109) North, Range Fifty (50) West of the 5th P.M., City of Brookings, County of Brookings, State of South Dakota, and

Whereas, Brookings School District 5-1 desires to acquire the following property for the relocation and reconstruction of Hillcrest School, and

Whereas, the City of Brookings, in order to assist Brookings School District 5-1 in the relocation and reconstruction of Hillcrest School, hereby conveys the following described property to Brookings School District 5-1:

Lot "N" of the North One-half (N $\frac{1}{2}$) of Section Twenty-five (25), Township One Hundred Ten (110) North, Range Fifty (50) West of the 5th P.M., City of Brookings, County of Brookings, State of South Dakota, and the North Twenty-three Feet (N 23') of the West Two Hundred Eighty-six and Eight Tenths Feet (W 286.8') which is adjacent to, abutting and North of Lot "N", together with a Temporary Construction Easement for the construction staging area north of and adjacent to Lot "N", and

Whereas, the City of Brookings and Brookings School District 5-1 agree that in addition to the exchange of the above-described properties, the following "additional requirements" shall be performed:

- A. The Brookings School District 5-1 will promptly compensate the City for the cost of the appraisal of the exchange lands described herein, and will reimburse or convey to the City either monetarily or with land which is equal to or greater in value or size to the land exchanged under this Resolution to meet the grant requirements of the National Park Service (as administered by the State of South Dakota) within five years; and
- B. The pavilion (gazebo picnic) structures will be moved or replaced with similar structures, as approved by the City, at the cost of the Brookings School District 5-1; and

- C. The playground in the northeast area of the School District property shall remain open to the public.

Now, Therefore, It Is Hereby Resolved by the City Council of the City of Brookings, South Dakota, as follows:

- A. That the City of Brookings acquire the above-described right-of-way from Brookings School District 5-1 for street and other public uses; and
- B. That the City of Brookings conveys the real property described immediately above to Brookings School District 5-1 for relocation and reconstruction of Hillcrest School purposes, together with a Temporary Construction Easement; and
- C. The “additional requirements” set forth above shall be performed by Brookings School District 5-1; and
- D. That the Mayor, City Manager, City Clerk, and City Attorney are authorized to execute a Real Estate Exchange Agreement and other required documents in accordance with this Resolution.

Passed and approved this 11th day of April, 2023.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk