

Resolution No. 21-025

WHEREAS, a Petition for Vacation of Lot H-1 in the Southeast Quarter (SE¼) of Section Thirty-six (36), 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 has been filed, the purpose of which is to request that Lot H-1 be vacated because the Lot which is the subject of the Petition has never been used for street or highway purposes, and is not required for public transportation, street or highway purposes. The area of Lot H-1 is approximately .25 acres in size, and was originally conveyed to the City for highway purposes. The area is more suitable for residential and utility easement purposes. The real property proposed to be vacated is described as follows:

Lot H-1 in the Southeast Quarter (SE¼) of Section Thirty-six (36), 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

WHEREAS, the Deed currently held by the City, considered as a whole, contains a reversionary clause which indicates that the City only possesses an easement for highway purposes which is subject to reversion if the property is not used for highway purposes. The Deed was obtained nearly 40 years ago, and no use as a highway has been necessary or is now required. Therefore, this parcel is suitable for reversion to the owner of the underlying property, which is Denholm Addition LLC, and

WHEREAS, Notice of Public Hearing of the aforesaid Petition for Vacation was given and the Petition was heard and considered by the City Council on Tuesday, March 23, 2021 at 6:00 o'clock P.M., at the Chambers of the City of Brookings, and the City Council having considered the public comment and weighed any objections to the Petition,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Brookings, South Dakota that the above-described Lot H-1 is not required for highway purposes and is therefore hereby vacated, and the Mayor, City Manager and City Clerk are authorized to convey Lot H-1 to Denholm Addition LLC, the adjoining and underlying owner, subject to the reservation of a utility easement in the North Ten Feet (N 10') of the above-described property.

Dated this 23rd day of March, 2021.

CITY OF BROOKINGS, SOUTH DAKOTA

Keith Corbett, Mayor

ATTEST:

Bonnie Foster, City Clerk