



Davison County Planning & Zoning  
200 E. 4<sup>th</sup> Ave.  
Mitchell, SD 57301-2631  
Phone (605) 995-8615



PLANNING COMMISSION AGENDA  
April 2, 2024

1. Call to order at 7:00 P.M. by Chairman Haines.
2. Roll Call.
3. Approve the agenda.
4. Declare conflicts of interest.
5. Approve the March 5, 2024, Minutes.
6. Public input for items not on the agenda, no action will be taken.
7. Consider Plat of Lots A, B and C of Fawn Creek Addition, a Subdivision of previously platted Lot No. 3, in the W1/2 of the W1/2 of Section 31, T 104 N, R 60 W of the 5th P.M. Davison County, South Dakota; and Lots D and E of Fawn Creek Addition, a Subdivision of previously platted Lot No. 3 and of Irregular Tract No. 2 within Lot No. 3, in the W1/2 of the W1/2 of Section 31, T 104 N, R 60 W of the 5th P.M. Davison County, South Dakota; at the request of City of Mitchell.
8. Consider a Conditional Use application to construct a wind energy tower in the Agricultural District; at the request of L & C Bainbridge Land LLC.
9. Consider a variance application requested by Derek Mueller of:
  1. +/- 45', creating a setback of +/- 5' from the proposed building to the south property line, where the rear yard setback is 50' in the Agricultural District.
10. Consider a variance application requested by Doug & Joy Schley of:
  1. +/- 25', creating a setback of +/- 25' from the proposed house to the proposed north property line, where the rear yard setback is 50' in the Agricultural District.
  2. +/- 13.01 acres, creating a lot size of +/- 11.99 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.
  3. +/- 23.54 acres, creating a lot size of +/- 1.46 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.
11. Consider Plat of Lots 1 and 2 of Schley Addition in the SW1/4 of Section 26, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota; at the request of Doug & Joy Schley.
12. Consider Plat of Tract 1 of Volesky Properties Addition, in the west 7 Rods of the NE1/4 of the NE1/4; and in Lot 3B of the NW1/4 of the NE1/4 of Section 26, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Volesky Properties LLC.
13. Additional comments from the group.
14. Set date and time for next meeting – May 7, 2024 @ 7:00 P.M.
15. Adjournment.

*Karen Wegleitner*

Karen Wegleitner  
Deputy Director of Planning & Zoning

## PLANNING COMMISSION MINUTES

March 5, 2024

1. Chairman Haines called the meeting to order at 1:15 P.M.
2. Roll call-quorum is met, simple majority vote required for all items.
  - Present: Bruce Haines, Steve Thiesse, Lewis Bainbridge, Dave Anderson, Ray Gosmire, Mike Blaalid, Chris Nebelsick, Jeff Bathke & Karen Wegleitner.
  - Absent: None.
  - Guests: Lance Olsen and Henry Bartscher.
3. Consider the proposed agenda.
  - Motion by Chris Nebelsick, seconded by Mike Blaalid, to approve the proposed agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. None.
5. Consider the previous minutes. Motion by Dave Anderson, seconded by Steve Thiesse, to approve the February 6, 2024 proposed minutes. All members voted aye, motion carried.
6. Public input for items not on the agenda. Hearing none, the meeting continued.
7. Consider a variance application requested by Focus Land & Cattle LLC of:
  1. +/- 30', creating a setback of +/- 45' from the house to the north property line, where the front yard setback is 75' in the Agricultural Residential District.
  2. +/- 15.267 acres, creating a lot size of +/- 9.733 acres, where the minimum lot size is 25 acres for a residence in the Agricultural Residential District.

This request is located in N1/2 of the NE1/4 of Section 8, T 102 N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the variance application. The applicant was not present to answer questions.

**Discussion:** Applicant bought the property with plans to Plat and sell the farmstead. The board discussed why have a 25 acres requirement if we allow under the required amount and how the required acres came about. This application falls under Section 4:07(1), which allows the acres to be a minimum of 3 acres due to the site being a farmstead. The board questioned why we are asking for setback variances if this is an existing farmstead, and it is due to the existing property lines being changed and creating a new parcel.

- Motion by Chris Nebelsick, seconded by Lewis Bainbridge, to recommend approval of the Variance Permit to the Board of Adjustment.

**Roll call vote:**

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – aye, Anderson – nay, motion carried.

8. Consider a Plat of Tract 1 of Tupper's Addition in the NE1/4 of the NE1/4 of Section 8, T 102 N, R 60, West of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Focus Land & Cattle LLC.

This request is located in N1/2 of the NE1/4 of Section 8, T 102 N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Plat proposal. The applicant was not present to answer questions.

**Discussion:** The only concern was if the fence was in the right-of-way on 408<sup>th</sup> Ave., since it is a 100' right-of-way instead of 66' and the fence is on the applicant's property.

- Motion by Chris Nebelsick, seconded by Mike Blaalid, to recommend approval of the Plat to the County Commissioners.

**Roll call vote:**

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – aye, Anderson – aye, motion carried.

9. Consider a variance application requested by Lance & Larry Olsen of:
1. +/- 16.97 acres, creating a lot size of +/- 8.03 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.

This request is located in NE1/4 of Section 4, T 102 N, R 61, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the variance application. The applicant was present to answer questions.

**Discussion:** Lance Olsen explained the house was built in 2002 and is their dad's current residence. They plan on selling the house in the future. The applicant farms the remaining ground surrounding the residence. He would like to keep the south access to the field for ease of access.

- Motion by Steve Thiesse, seconded by Chris Nebelsick, to recommend approval of the Variance Permit to the Board of Adjustment.

**Roll call vote:**

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – aye, Anderson – nay, motion carried.

10. Consider a Plat of Olsen Tract 1, a Subdivision of the NE1/4 of Section 4, T 102 N, R 61, West of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Lance & Larry Olsen. This request is located in NE1/4 of Section 4, T 102 N, R 61, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Plat proposal. The applicant was present to answer questions.

**Discussion:** No concerns or comments on Plat.

- Motion by Chris Nebelsick, seconded by Ray Gosmire, to recommend approval of the Plat to the County Commissioners.

**Roll call vote:**

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – aye, Anderson – aye, motion carried.

11. Consider a variance application requested by Henry & Lesley Bartscher of:
1. +/- 20', creating a setback of +/- 30' from the proposed house to the north property line, where the side yard setback is 50' in the Agricultural District.
  2. +/- 25', creating a setback of +/- 50' from the proposed house to the east property line, where the front yard setback is 75' in the Agricultural District.
  3. +/- 24 acres, creating a lot size of +/- 1 acre, where the minimum lot size is 25 acres for a residence in the Agricultural District.
  4. +/- 4.556 acres, creating a lot size of +/- 20.444 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.

This request is located in S.56 Rods of the SE1/4 of the SE1/4 of Section 19, T 102 N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the variance application. The applicant was present to answer questions.

**Discussion:** Henry Bartscher had to Plat his land due to being described by measurements and decided to create a 1-acre lot for his son to place a house on. Achieving a 3-acre parcel was difficult due to the shape of his property, wanting to keep his shelterbelt and access to the other side of his property. The access off 260th street is too wet to use.

The board would like to see the house moved back to the 75' setback instead of the proposed 50' to the east property line. They are okay with the proposed 30' setback on the north side but would be difficult to add trees due to the distance between house and property line.

Henry explained the placement of the house is due to the waterway just west of the proposed house. Angling the house and garage will help maintain the 75' to the east and not mess with the waterway. Henry will have to determine if he will need a rear setback from the west due

to pushing the house back. He will measure and let us know before the Board of Adjustment meeting next Tuesday.

Henry explained there is a rural water line that goes through his property and the driveway will start from the southeast corner and curve up to the garage. He is unaware of any easements for the rural water line.

- Motion by Ray Gosmire, seconded by Steve Thiesse, to recommend approval of the Variance Permit with the recommendation to remove the variance of +/- 25', creating a setback of +/- 50' from the proposed house to the east property line, where the front yard setback is 75' in the Agricultural District to the Board of Adjustment.

**Roll call vote:**

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – aye, Anderson – nay, motion carried.

12. Consider a Plat of Tract 1 and Tract 2 of Hank's Addition in the SE1/4 of the SE1/4 of Section 19, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota; at the request of Henry & Lesley Bartscher.

This request is located in S.56 Rods of the SE1/4 of the SE1/4 of Section 19, T 102 N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Plat proposal. The applicant was present to answer questions.

**Discussion:** No concerns or comments on Plat.

- Motion by Chris Nebelsick, seconded by Lewis Bainbridge, to recommend approval of the Plat to the County Commissioners.

**Roll call vote:**

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – aye, Anderson – aye, motion carried.

13. Additional Comments from the Group

- None

14. Set date and time for next meeting – April 2, 2024 @ 7:00 P.M.

15. At 2:37, a motion was made by Steve Thiesse, seconded by Mike Blaalid, to adjourn the meeting. All members voted aye, motion carried.

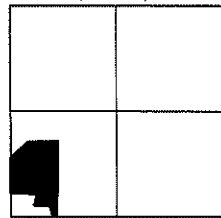
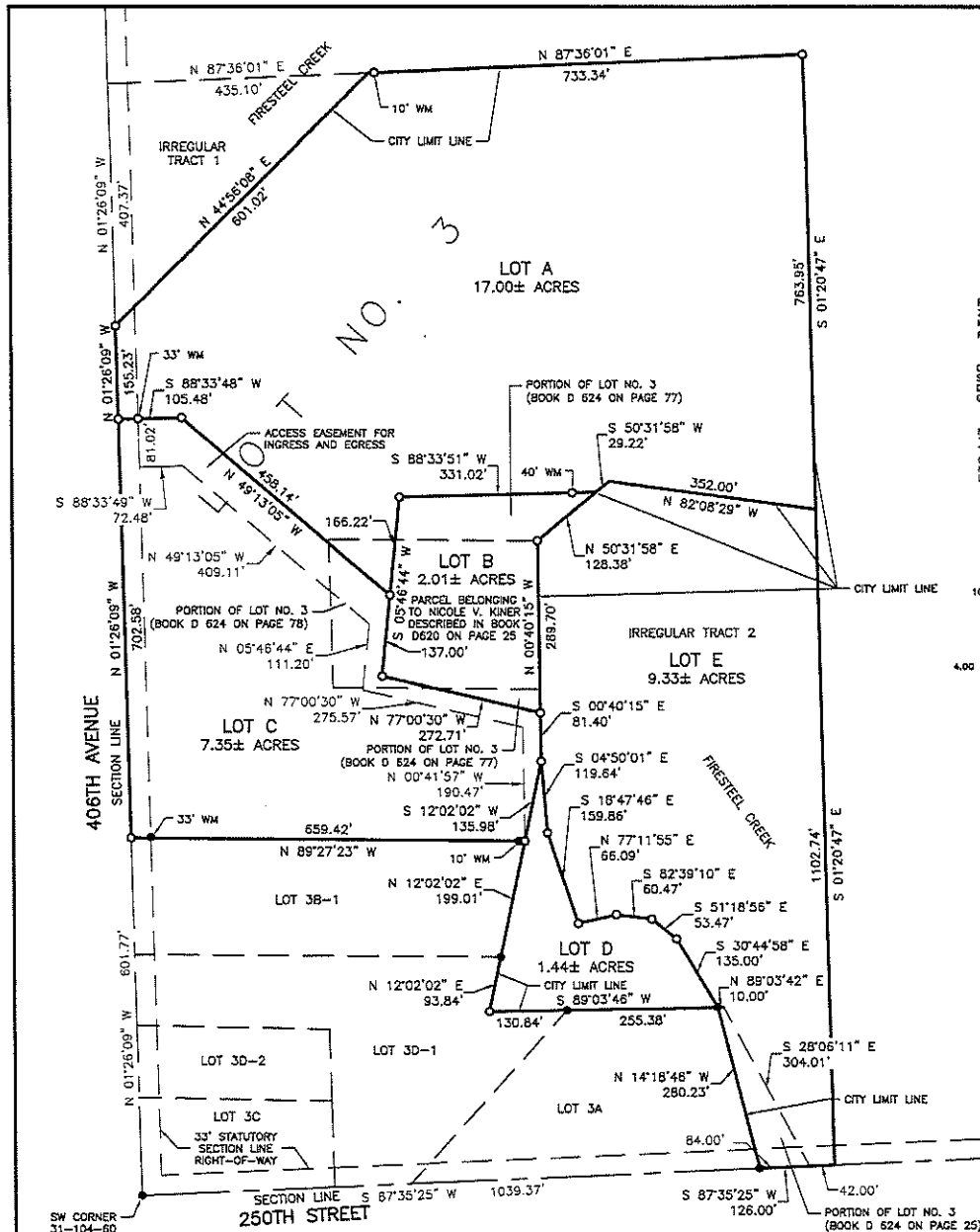
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Bruce Haines  
Planning Commission Chairperson

*Karen Wegleitner*

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Karen Wegleitner  
Deputy Director of Planning & Zoning



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

COORDINATE SYSTEM IS SOUTH DAKOTA SOUTH ZONE,  
STATE PLANE - NORTH AMERICAN  
DATUM 1983 - GRID IS  
GRID BEARINGS AND GROUND DISTANCES ARE SHOWN.

NOTE:  
THIS SURVEY WAS PERFORMED WITHOUT  
THE BENEFIT OF A TITLE REPORT OR TITLE  
COMMITMENT. EASEMENTS OF RECORD WERE  
NOT RESEARCHED AND ARE NOT SHOWN  
UNLESS OTHERWISE NOTED.

**LEGEND**

- - FOUND IRON MONUMENT
- - SET 3/8" X 18" REBAR WITH PLASTIC CAP NO. 13714
- 100' (P) - PLATTED BEARING OR DISTANCE
- 100' (M) - 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 (AW-13714)
- WM - WITNESS MONUMENT



1 inch = 200 Feet

**A PLAT OF LOTS A, B AND C OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; AND LOTS D AND E OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3 AND OF IRREGULAR TRACT NO. 2 WITHIN LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA**

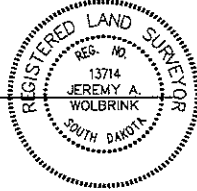
**SURVEYOR'S CERTIFICATE**

I, Jeremy A. Wolbrink, the undersigned, do hereby certify that I am a Registered Land Surveyor in the State of South Dakota. At the request of the owners as listed in the Owner's Certificate, Dedication and Agreement of Protection of Water, and under their direction for purposes indicated therein, I did on or prior to March 4, 2024, survey those parcels of land described as follows: LOTS A, B AND C OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; AND LOTS D AND E OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3 AND OF IRREGULAR TRACT NO. 2 WITHIN LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, 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 March, 2024.

Registered Land Surveyor #SD13714



A PLAT OF LOTS A, B AND C OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; AND LOTS D AND E OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3 AND OF IRREGULAR TRACT NO. 2 WITHIN LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE, DEDICATION AND AGREEMENT OF PROTECTION OF WATER

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned, do hereby certify that we are the absolute and unqualified owners of all of the land included in the within and foregoing plat; the plat is of a parcel of ground located in PREVIOUSLY PLATTED LOT NO. 3 AND OF IRREGULAR TRACT NO. 2 WITHIN LOT NO. 3, ALL IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., A PORTION OF WHICH LIES WITHIN THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA; that the plat has been made at our request and under our direction for the purposes indicated therein; which said property as so surveyed and platted shall hereafter be known as LOTS A, B AND C OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; AND LOTS D AND E OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3 AND OF IRREGULAR TRACT NO. 2 WITHIN LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as shown by this plat; and we hereby dedicate to the public, for public use forever as such, the streets, if any, as shown or described on said plat; and that development of the land included within the boundaries of said Lots A, B, C, D AND E shall conform to all existing applicable zoning, subdivision, erosion, sediment control and drainage regulations and ordinances; further that there now exists 406th Avenue and 250th Street; and that an access easement shall be dedicated by this plat as shown. 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 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 Agriculture and Natural Resources relating to the same. Additionally, the developer of the property described within this plat shall be liable for any pollution that occurs from failure to execute such protections or follow such regulations, exception being those lots in subdivisions that show documentation that wastewater drainage shall be connected to a municipal system.

IN WITNESS WHEREOF, we have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Ralph E. Kiner, owner portions of Lot No. 3

\_\_\_\_\_  
Pamela K. Kiner, owner of portions of Lot No. 3

STATE OF SOUTH DAKOTA)  
                                  )SS  
COUNTY OF DAVISON)

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, \_\_\_\_\_, the undersigned officer, personally appeared Ralph E. Kiner and Pamela K. Kiner, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same for the purposes therein contained.

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

\_\_\_\_\_  
Notary Public, South Dakota  
My Commission Expires: \_\_\_\_\_

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Nicole V. Kiner, owner of portions of Lot No. 3

STATE OF SOUTH DAKOTA)  
                                  )SS  
COUNTY OF DAVISON)

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, \_\_\_\_\_, the undersigned officer, personally appeared Nicole V. Kiner, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same for the purposes therein contained.

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

\_\_\_\_\_  
Notary Public, South Dakota  
My Commission Expires: \_\_\_\_\_

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Robert B. Everson, Jr., Mayor  
The City of Mitchell, South Dakota, a South Dakota municipal corporation, owner of Irregular Tract No. 2 within Lot No. 3, and a portion of Lot No. 3, described in Book D624 on Page 25

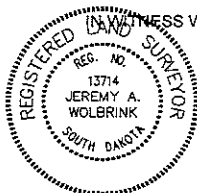
CORPORATION ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA)  
                                  )SS  
COUNTY OF DAVISON)

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, \_\_\_\_\_, the undersigned officer, personally appeared Robert B. Everson, Jr., of the City of Mitchell, South Dakota, a South Dakota municipal corporation, and that he, as such Mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal corporation by himself as Mayor.

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

\_\_\_\_\_  
Notary Public, South Dakota  
My Commission Expires: \_\_\_\_\_



**& 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

A PLAT OF LOTS A, B AND C OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; AND LOTS D AND E OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3 AND OF IRREGULAR TRACT NO. 2 WITHIN LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, the plat of LOTS A, B AND C OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; AND LOTS D AND E OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3 AND OF IRREGULAR TRACT NO. 2 WITHIN LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, 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 LOTS A, B AND C OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; AND LOTS D AND E OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3 AND OF IRREGULAR TRACT NO. 2 WITHIN LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, 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.

The undersigned hereby certifies that the foregoing resolution was passed by the City Planning Commission of Mitchell, South Dakota, at a meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Chairperson/Vice-Chairperson of Mitchell City Planning Commission

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 \_\_\_\_\_, 2024; and

WHEREAS, it appears from an examination of the plat of LOTS A, B AND C OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; AND LOTS D AND E OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3 AND OF IRREGULAR TRACT NO. 2 WITHIN LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Jeremy A. Wolbrink, 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 A, B AND C OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; AND LOTS D AND E OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3 AND OF IRREGULAR TRACT NO. 2 WITHIN LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

The undersigned hereby certifies that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Finance Officer/Deputy Finance Officer of City of Mitchell

RESOLUTION OF COUNTY PLANNING COMMISSION

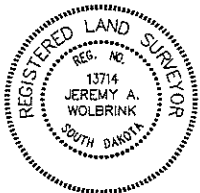
WHEREAS, the plat of LOTS A, B AND C OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; AND LOTS D AND E OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3 AND OF IRREGULAR TRACT NO. 2 WITHIN LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, duly licensed Land Surveyor in and for the State of South Dakota, heretofore filed in the office of the County Auditor of Davison County, South Dakota, has been submitted to the County Planning Commission of the said County of Davison, South Dakota; and

WHEREAS, the County 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 County of Davison, South Dakota, heretofore adopted by this Commission;

NOW THEREFORE, be it resolved by the County Planning Commission of Davison County, South Dakota, that the plat of LOTS A, B AND C OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; AND LOTS D AND E OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3 AND OF IRREGULAR TRACT NO. 2 WITHIN LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, a Land Surveyor, be and the same is hereby approved and its adoption by the Board of Commissioners of the County of Davison, South Dakota, is hereby recommended.

The undersigned hereby certifies that the foregoing resolution was passed by the County Planning Commission of Davison County, South Dakota, at a meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Chairperson/Vice-Chairperson of Davison County Planning Commission



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



A PLAT OF LOTS A, B AND C OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; AND LOTS D AND E OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3 AND OF IRREGULAR TRACT NO. 2 WITHIN LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

RESOLUTION BY BOARD OF COUNTY COMMISSIONERS

Be it resolved by the Board of County Commissioners of Davison County, South Dakota, that the plat of LOTS A, B AND C OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; AND LOTS D AND E OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3 AND OF IRREGULAR TRACT NO. 2 WITHIN LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, which has been submitted for examination pursuant to law, is hereby approved and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Chairperson/Vice-Chairperson, Board of County Commissioners of Davison County

AUDITOR'S CERTIFICATE

I do hereby certify that the above resolution was adopted by the Board of County Commissioners of Davison County, South Dakota, at a regular meeting held on \_\_\_\_\_, 2024, approving the above-named plat.

Auditor/Deputy Auditor, Davison County

CERTIFICATE OF HIGHWAY AUTHORITY

The location of the existing/proposed approaches is hereby approved. Any change in the location of the existing/proposed approaches shall require additional approval.

By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_ Highway Authority

CERTIFICATE OF COUNTY TREASURER

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/Deputy Treasurer, Davison County Date

DIRECTOR OF EQUALIZATION

I hereby certify that a copy of the plat of LOTS A, B AND C OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; AND LOTS D AND E OF FAWN CREEK ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOT NO. 3 AND OF IRREGULAR TRACT NO. 2 WITHIN LOT NO. 3, IN THE WEST 1/2 OF THE WEST 1/2 OF SECTION 31, T 104 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.

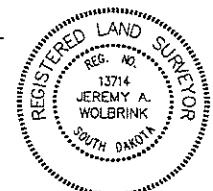
Director of Equalization/Deputy Director of Equalization, Davison County Date

REGISTER OF DEEDS

STATE OF SOUTH DAKOTA) )SS COUNTY OF DAVISON)

FILED for record this \_\_\_\_\_ day of \_\_\_\_\_, 2024, at \_\_\_\_\_, and recorded in Book \_\_\_\_\_ of Plats on Page(s) \_\_\_\_\_ therein and recorded on Microfilm Number \_\_\_\_\_.

Register of Deeds, Davison County By \_\_\_\_\_ Deputy











# DAVISON COUNTY CONDITIONAL USE APPLICATION

**Applicant Name:** L & C Bainbridge Land LLC

**Applicant Mailing Address:** 26355 406<sup>th</sup> Ave., Ethan, SD 57334

**Application Date:** 3/11/24

**Applicant Email:** lcbainbrige@santel.net

**Contact Phone:** 605-999-4640

**Owner Name:** Lewis Bainbridge

**Owner Address:** Same

**Owner Contact Phone:** Same

**Parcel Number of Parent Parcel:** 11000-10161-124-00

**Legal Description of parcel:** SE1/4 of Section 12, T 101 N, R 61, West of the 5th P.M., Davison County, South Dakota, less Lot A of Bainbridge Sub.

**Zoning District:** Ag

**Reason for Conditional Use Request:** To construct wind energy tower for supplementing energy needs for the farm.

**Section of Code Allowing Conditional Use:** Section 3:04(43), 1106(A), and 1206(A)

**Fee Collected for Condition Use (\$150):** 3/11/24

**Check #:** 35053

**Receipt #:** 16489

**Planning Commission Hearing Date:** 4/2/24

**Board of Adjustment Hearing Date:** 4/16/24

**FOR ANIMAL FEEDING OPERATIONS ONLY:**

**Current Animal Units in Operation:** N/A

**Proposed Expansion of Operation:** N/A

**Required Items:**

- Detailed site plan (GIS Photo of the property)
- Location and use of adjacent structures
- Application Fee

**Signatures of Applicant:** \_\_\_\_\_

**Date:** 11/22/2024





Dean W. Miller LT

Kummer Family Irrevocable Land Trust

Kummer Family Irrevocable Land Trust

7

406<sup>TH</sup> AVE

406<sup>TH</sup> AVE

CSB

+/- 95' away from property line

Tower is 100'  
Turbines are 31' in diameter  
Total height of tower is 116.5'

L & C Bainbridge Land LLC

**DAVISON COUNTY  
VARIANCE APPLICATION**

**Applicant Name:** Derek Mueller

**Applicant Address:** 26325 408<sup>th</sup> Ave., Ethan, SD 57334

**Applicant Email:** \_\_\_\_\_

**Application date:** 3/11/24

**Application deadline:** 3/18/24

**Contact Phone:** 999-4934

**Owner Name:** Same

**Owner Address:** Same

**Owner Contact Phone:** Same

**Parcel Number of parent parcel:** 10093-10160-001-00

**Legal Description of current parcel(s):** Tract 1 of DJM Addition in the NW1/4 of the NW1/4 of Section 9, T 101 N, R 60, West of the 5th P.M., Davison County, South Dakota.

**Proposed Legal Description of parcels:** No plat, only variance.

**Reason for Variance:** Recommend granting a variance of:

1. +/- 45', creating a setback of +/- 5' from the proposed building to the south property line, where the minimum rear yard setback is 50' in the Ag District.

This request is pursuant to Section 3:08(1)(b) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended.

**Reason for Request to include hardships:** Applicant is unable to place building 50' away due to truck route and the other building. Unable to place building in different location due to truck route and farms other half of property.

**Section of Code Allowing Variance:** 3:08(1)(b), 11:06(B), and 12:06(B)

**Fee Collected for Variance (\$150):** 3/11/24

**Check #:** 1664

**Receipt #:** 16493

**Planning Commission Hearing Date:** 4/2/24

**Board of Adjustment Hearing Date:** 4/16/24

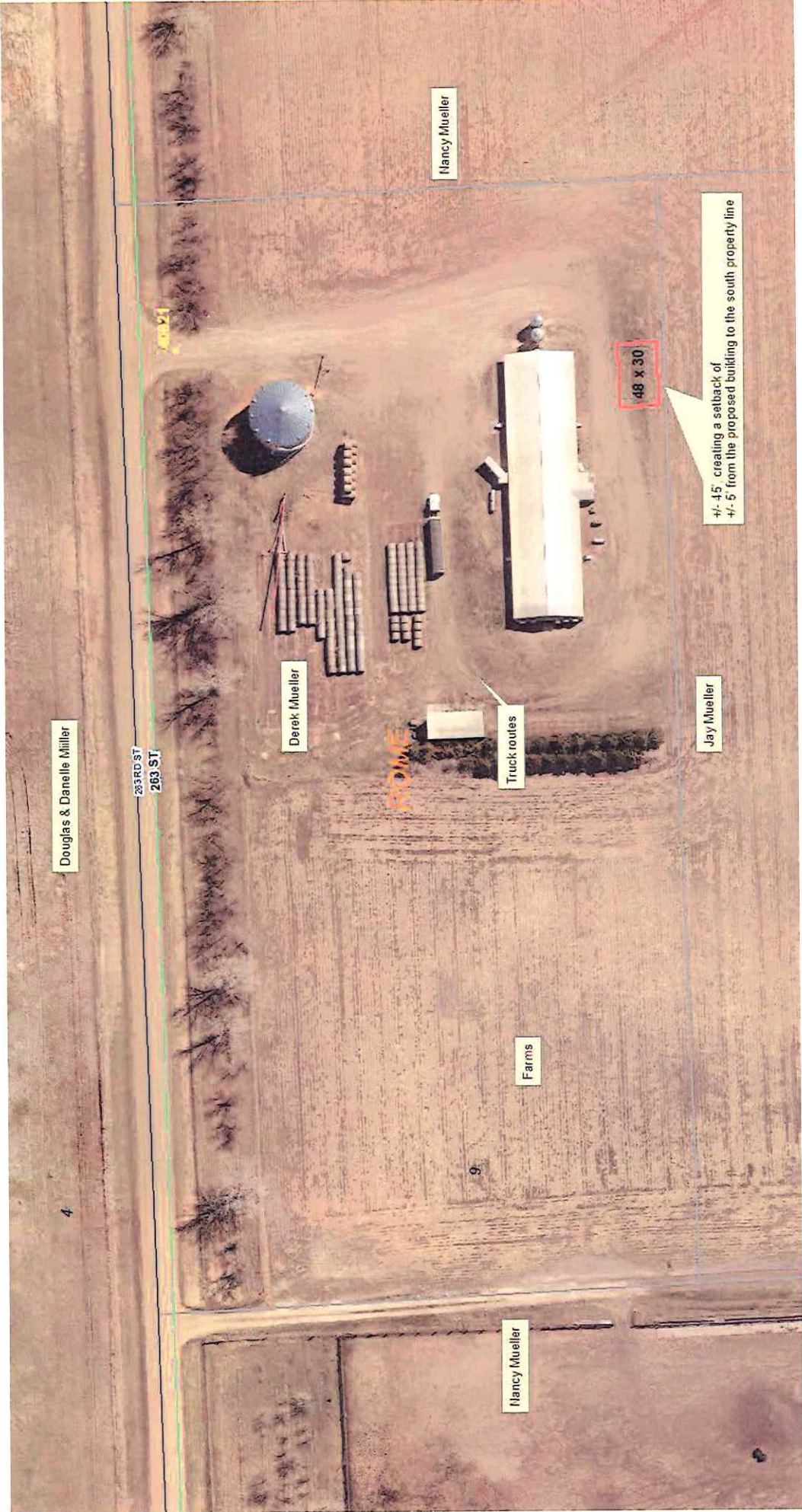
**Required Items:**

- Detailed site plan (GIS Photo of the property)
- Location and use of adjacent structures/land Agricultural
- Application Fee

**Signatures of Applicant:** \_\_\_\_\_

**Date:** \_\_\_\_\_





Douglas & Danelle Miller

233 RD ST  
263 ST

4

Derek Mueller

SCOWME

Truck routes

Farms

9

Nancy/Mueller

Nancy Mueller

Jay/Mueller

48 x 30

+/- 45' creating a setback of +/- 5' from the proposed building to the south property line

# DAVISON COUNTY VARIANCE APPLICATION

**Applicant Name:** Doug & Joy Schley  
**Applicant Address:** 41024 261st St., Mitchell, SD 57301  
**Applicant Email:** dwschley@gmail.com

**Application date:** 3/13/24  
**Application deadline:** 3/18/24  
**Contact Phone:** 770-9702

**Owner Name:** Same  
**Owner Address:** Same  
**Owner Contact Phone:** Same

**Parcel Number of parent parcel:** 09000-10260-263-10

**Legal Description of current parcel(s):** Lot A-1, Subdivision of Lot A in the SW1/4 of Section 26, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota, except H-2.

**Proposed Legal Description of parcels:** Lots 1 and 2 of Schley Addition in the SW1/4 of Section 26, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota.

**Reason for Variance:** Recommend granting a variance of:

1. +/- 25', creating a setback of +/- 25' from the proposed house to the proposed north property line, where the rear yard setback is 50' in the Agricultural District.
2. +/- 13.01 acres, creating a lot size of +/- 11.99 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.
3. +/- 23.54 acres, creating a lot size of +/- 1.46 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.

This request is pursuant to Section 3:07(2), 3:07(5), & 3:08(1)(b) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended.

**Reason for Request to include hardships:** Applicants would like to Plat out a lot for their daughter to build a residence on. The size and location of the lot is due to the floodplain and ease of access.

**Section of Code Allowing Variance:** 3:07(2), 3:07(5), 3:08(1)(b), 11:06(b), & 12:06(b)

**Fee Collected for Variance (\$150):** 3/13/24

**Check #:** 1534

**Receipt #:** 16504

**Planning Commission Hearing Date:** 4/2/24

**Board of Adjustment Hearing Date:** 4/16/24

**Required Items:**

- Detailed site plan (GIS Photo of the property)
- Location and use of adjacent structures/land Agricultural, Residential
- Application Fee

**Signatures of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_





Lot 1 of Schley Addition  
+/- 13.01 acres, creating a lot size of +/- 11.99 acres  
Doug & Joy Schley

+/- 25', creating a setback of +/- 25'  
from the proposed house to the proposed north property line

Leona Bartscher

Jon & Tanya Bartscher

Lot 2 of Schley Addition  
+/- 23.54 acres, creating a lot size of +/- 1.46 acres

Douglas Deurmier

261 ST

281ST ST

26

PROSPER

35





1 Inch = 100 Feet

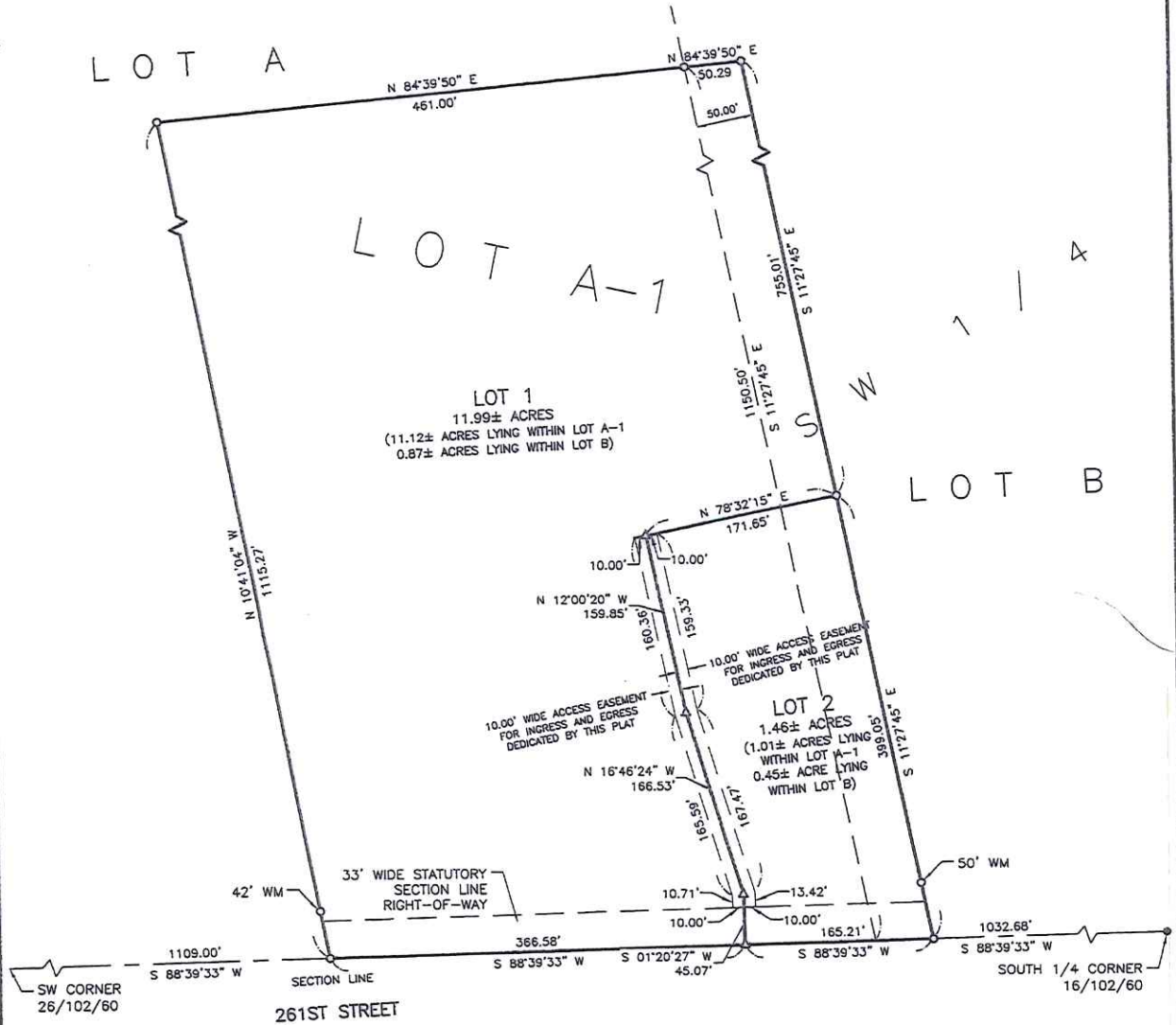
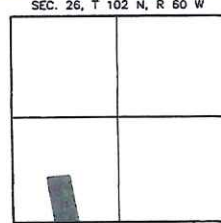
**LEGEND**

- = FOUND IRON MONUMENT
- = SET 3/8" x 18" REDBAR WITH PLASTIC CAP NO. 13714
- 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 JAW-13714
- WM = WITNESS MONUMENT

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

COORDINATE SYSTEM IS SOUTH DAKOTA SOUTH ZONE,  
STATE PLANE - NORTH AMERICAN  
DATUM 1983 - GRID 18.  
GRID BEARINGS AND GROUND DISTANCES ARE SHOWN.

NOTE:  
THIS SURVEY WAS PERFORMED WITHOUT  
THE BENEFIT OF A TITLE REPORT OR TITLE  
COMMITMENT. EASEMENTS OF RECORD WERE  
NOT RESEARCHED AND ARE NOT SHOWN  
UNLESS OTHERWISE NOTED.



**A PLAT OF LOTS 1 AND 2 OF SCHLEY ADDITION IN THE SW 1/4 OF SECTION 26, T 102 N, R 60 W OF THE 5th P.M., DAVISON COUNTY, SOUTH DAKOTA**

**SURVEYOR'S CERTIFICATE**

I, Jeremy A. Wolbrink, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of the owners as listed under the Owner's Certificate and Dedication, and under their direction for purposes indicated therein, I did on or prior to February 28, 2024, survey those parcels of land described as follows: LOTS 1 AND 2 OF SCHLEY ADDITION IN THE SW 1/4 OF SECTION 26, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA. This plat does hereby vacate LOT A-1, A SUBDIVISION OF LOT A IN THE SW 1/4 OF SECTION 26, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, AS RECORDED IN PLAT BOOK 9 ON PAGE 20; AND THOSE PORTIONS OF LOTS A AND B IN THE SW 1/4 OF SECTION 26, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, AS RECORDED IN PLAT BOOK 4 ON PAGE 149, LYING WITHIN LOTS 1 AND 2 OF SCHLEY ADDITION IN THE SW 1/4 OF SECTION 26, T 102 N, R 60 W OF THE 5TH P.M., 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 14th day of March, 2024.

*Jeremy A. Wolbrink*  
Registered Land Surveyor #SD13714



# A PLAT OF LOTS 1 AND 2 OF SCHLEY ADDITION IN THE SW 1/4 OF SECTION 26, T 102 N, R 60 W OF THE 5th P.M., DAVISON COUNTY, SOUTH DAKOTA

## OWNER'S CERTIFICATE, DEDICATION AND AGREEMENT OF PROTECTION OF WATER

KNOW ALL MEN BY THESE PRESENTS that Douglas W. Schley and Joy L. Schley, the undersigned, hereby certify that we are the Trustees of the Douglas W. Schley and Joy L. Schley Joint Revocable Living Trust dated the 30<sup>th</sup> day of August 2016, and that said Trust is the absolute and unqualified owners of LOT A-1, A SUBDIVISION OF LOT A IN THE SW 1/4 OF SECTION 26, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; and that Leona M. Bartscher hereby certifies that she is the absolute and unqualified owner of LOT B IN THE SW 1/4 OF SECTION 26, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; the plat is of a parcel of ground located in THE SW 1/4 OF SECTION 26, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; that the plat has been made at our request and under our direction for the purposes indicated therein; which said property as so surveyed and platted shall hereafter be known as LOTS 1 AND 2 OF SCHLEY ADDITION IN THE SW 1/4 OF SECTION 26, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as shown by this plat; and we hereby dedicate 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 Lots 1 and 2 shall conform to all existing applicable zoning, subdivision, erosion, sediment control and drainage regulations and ordinances; further that there now exists 261st Street; furthermore this plat dedicates a private access easement for ingress and egress as shown. 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 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 Agriculture and Natural Resources relating to the same. Additionally, the developer of the property described within this plat shall be liable for any pollution that occurs from failure to execute such protections or follow such regulations, exception being those lots in subdivisions that show documentation that wastewater drainage shall be connected to a municipal system.

We also hereby certify that the platting of said LOTS 1 AND 2 OF SCHLEY ADDITION IN THE SW 1/4 OF SECTION 26, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, does hereby vacate LOT A-1, A SUBDIVISION OF LOT A IN THE SW 1/4 OF SECTION 26, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, AS RECORDED IN PLAT BOOK 9 ON PAGE 20; AND THOSE PORTIONS OF LOTS A AND B IN THE SW 1/4 OF SECTION 26, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, AS RECORDED IN PLAT BOOK 4 ON PAGE 149, LYING WITHIN LOTS 1 AND 2 OF SCHLEY ADDITION IN THE SW 1/4 OF SECTION 26, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

IN WITNESS WHEREOF, we have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
 Douglas W. Schley, Trustee of the Douglas W. Schley and Joy L. Schley Joint Revocable Living Trust dated the 30<sup>th</sup> day of August 2016

\_\_\_\_\_  
 Joy L. Schley, Trustee of the Douglas W. Schley and Joy L. Schley Joint Revocable Living Trust dated the 30<sup>th</sup> day of August 2016

STATE OF SOUTH DAKOTA)  
 )SS  
 COUNTY OF DAVISON)

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, \_\_\_\_\_, the undersigned officer, personally appeared Douglas W. Schley and Joy L. Schley, Trustees of the Douglas W. Schley and Joy L. Schley Joint Revocable Living Trust dated the 30<sup>th</sup> day of August 2016 known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged to me that they 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, South Dakota  
 My Commission Expires: \_\_\_\_\_

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
 Leona M. Bartscher

STATE OF SOUTH DAKOTA)  
 )SS  
 COUNTY OF DAVISON)

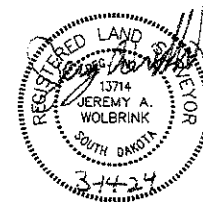
On this, the \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, \_\_\_\_\_, the undersigned officer, personally appeared Leona M. Bartscher, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same for the purposes therein contained.

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

\_\_\_\_\_  
 Notary Public, South Dakota  
 My Commission Expires: \_\_\_\_\_



**& 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









Lot 1 of Schley Addition  
+/- 11.99 acres  
Doug & Joy Schley

Lot 2 of Schley Addition  
+/- 1.46 acres

Leona Bartscher

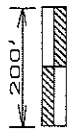
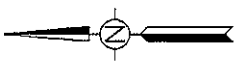
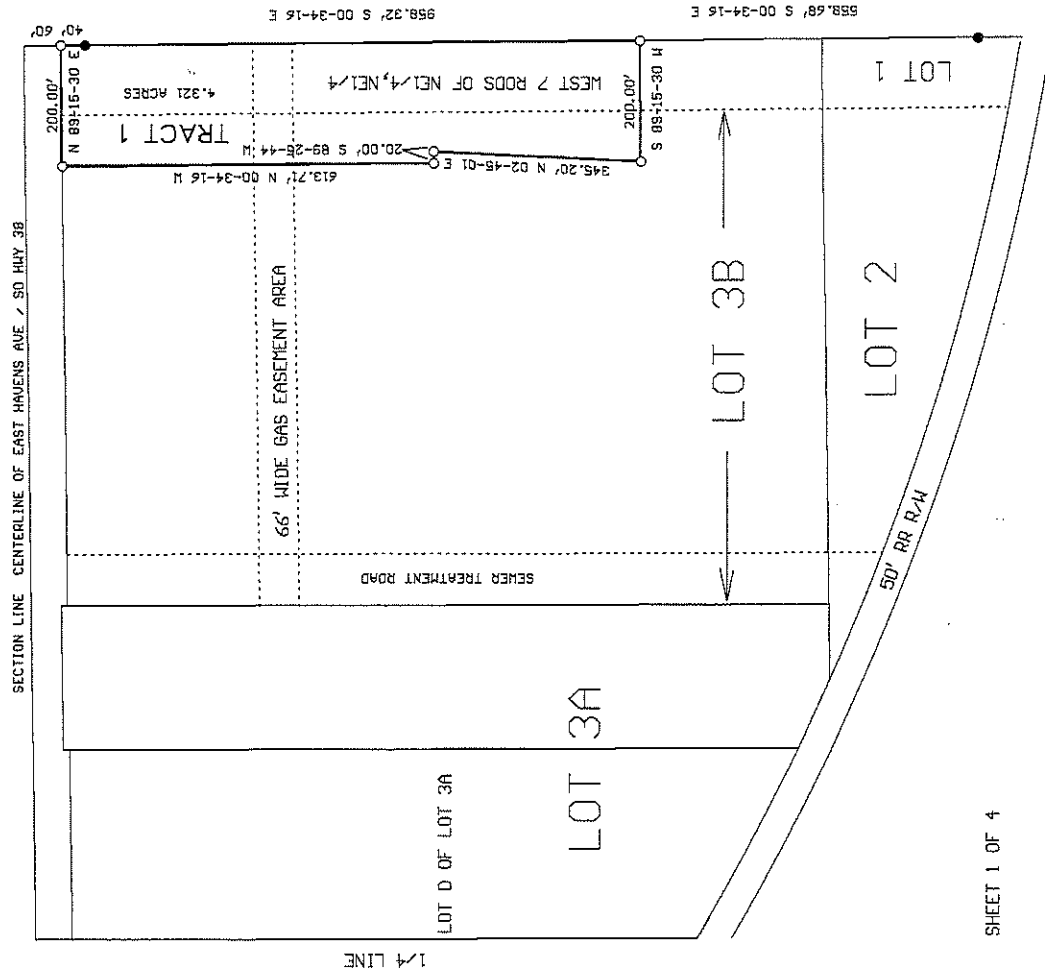
Jon & Tanya Bartscher

Douglas Deurmier

261ST ST

281ST ST

PLAT OF TRACT 1 OF VOLESKY PROPERTIES ADDITION, IN THE WEST 7 RODS OF THE NE1/4 OF THE NE1/4 OF THE NW1/4; AND IN LOT 3B OF THE NW1/4 OF THE NE1/4 OF SECTION 26, T103N, R60W OF 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.



SCALE :

- FOUND REBAR WITH CAP
- SET 5/8" REBAR WITH CAP
- STAMPED TOM WEEK LS 2912



PLAT OF TRACT 1 OF VOLESKY PROPERTIES ADDITION, IN THE WEST 7 RODS OF THE NE1/4 OF THE NE1/4; AND IN LOT 3B OF THE NW1/4 OF THE NE1/4 OF SECTION 26, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY OF TRACT 1 OF VOLESKY PROPERTIES ADDITION, IN THE WEST 7 RODS OF THE NE1/4 OF THE NE1/4; AND IN LOT 3B OF THE NW1/4 OF THE NE1/4 OF SECTION 26, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA. I HAVE SET IRON PINS AS SHOWN AND SURVEY AND PLAT ARE CORRECT TO MY KNOWLEDGE AND BELIEF.

DATED THIS 9TH. DAY OF MARCH, 2024.

\_\_\_\_\_  
THOMAS LYNN WEEK  
REGISTERED LAND SURVEYOR  
REG. NO. 2912

CERTIFICATE OF STREET AUTHORITY

ACCESS TO SD HWY 38 IS APPROVED. THIS ACCESS APPROVAL DOES NOT REPLACE THE NEED FOR ANY PERMITS REQUIRED BY LAW TO ESTABLISH THE PRECISE ACCESS LOCATION, INCLUDING PERMIT REQUIREMENTS SET FORTH IN ADMINISTRATIVE RULE OF SOUTH DAKOTA 70:09:01:02.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
STATE HIGHWAY AUTHORITY

DIRECTOR OF EQUALIZATION CERTIFICATE

THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF EQUALIZATION OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT HE/SHE HAS RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF  
EQUALIZATION, DAVISON COUNTY, S.D.

TREASURER CERTIFICATE

THE UNDERSIGNED, COUNTY TREASURER\DEPUTY TREASURER OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
TREASURER/DEPUTY TREASURER DAVISON COUNTY, S.D.



PLAT OF TRACT 1 OF VOLESKY PROPERTIES ADDITION, IN THE WEST 7 RODS OF THE NE1/4 OF THE NE1/4; AND IN LOT 3B OF THE NW1/4 OF THE NE1/4 OF SECTION 26, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE AND AGREEMENT OF PROTECTION OF WATER

I, TARA VOLESKY, AS MEMBER MANAGER OF VOLESKY PROPERTIES LLC., DO HEREBY CERTIFY THAT VOLESKY PROPERTIES LLC., IS THE ABSOLUTE AND UNQUALIFIED OWNER OF TRACT 1 OF VOLESKY PROPERTIES ADDITION, IN THE WEST 7 RODS OF THE NE1/4 OF THE NE1/4; AND IN LOT 3B OF THE NW1/4 OF THE NE1/4 OF SECTION 26, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

THAT THE ABOVE SURVEY AND PLAT WERE MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND INCLUDED IN THE BOUNDARIES OF TRACT 1, SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH ADDITION, 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. ADDITIONALLY THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE LIABLE FOR ANY POLLUTION THAT OCCURS FROM FAILURE TO EXECUTE SUCH PROTECTIONS OR FOLLOW SUCH REGULATIONS, EXCEPTION BEING THOSE LOTS IN SUBDIVISIONS THAT SHOW DOCUMENTATIONS THAT WASTE WATER DRAINAGE SHALL BE CONNECTED TO A MUNICIPAL SYSTEM.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_  
TARA VOLESKY  
MEMBER MANAGER

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED TARA VOLESKY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT SHE AS MEMBER MANAGER, EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREBY SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES \_\_\_\_\_  
NOTARY PUBLIC

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE DAVISON COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE PLAT REPRESENTING TRACT 1 OF VOLESKY PROPERTIES ADDITION, IN THE WEST 7 RODS OF THE NE1/4 OF THE NE1/4; AND IN LOT 3B OF THE NW1/4 OF THE NE1/4 OF SECTION 26, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, AND FINDS AS A FACT THAT SAID PLAT IS IN CONFORMITY AND DOES NOT CONFLICT WITH THE MASTER PLAN FOR DAVISON COUNTY, AND THE SAME IS HEREBY APPROVED AND ITS ADOPTION BY THE BOARD OF COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA IS RECOMMENDED.

THE FOREGOING RESOLUTION WAS PASSED BY THE COUNTY PLANNING COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA, AT A MEETING THEREOF HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CHAIRMAN/VICE CHAIRMAN, PLANNING COMMISSION

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: TRACT 1 OF VOLESKY PROPERTIES ADDITION, IN THE WEST 7 RODS OF THE NE1/4 OF THE NE1/4; AND IN LOT 3B OF THE NW1/4 OF THE NE1/4 OF SECTION 26, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA AND HAS SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, \_\_\_\_\_, COUNTY AUDITOR/DEPUTY AUDITOR OF DAVISON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
COUNTY AUDITOR/DEPUTY AUDITOR  
\_\_\_\_\_  
CHAIRMAN/VICE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

PLAT OF TRACT 1 OF VOLESKY PROPERTIES ADDITION, IN THE WEST 7 RODS OF THE NE1/4 OF THE NE1/4; AND IN LOT 3B OF THE NW1/4 OF THE NE1/4 OF SECTION 26, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, THE PLAT OF TRACT 1 OF VOLESKY PROPERTIES ADDITION, IN THE WEST 7 RODS OF THE NE1/4 OF THE NE1/4; AND IN LOT 3B OF THE NW1/4 OF THE NE1/4 OF SECTION 26, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY THOMAS LYNN WEEK, DULY LICENSED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, HERETOFORE FILED IN THE OFFICE OF 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 TRACT 1 OF VOLESKY PROPERTIES ADDITION, IN THE WEST 7 RODS OF THE NE1/4 OF THE NE1/4; AND IN LOT 3B OF THE NW1/4 OF THE NE1/4 OF SECTION 26, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY THOMAS LYNN WEEK, 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 \_\_\_\_\_, \_\_\_\_\_.

CITY PLANNING COMMISSION BY: \_\_\_\_\_

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 \_\_\_\_\_, \_\_\_\_\_; AND WHEREAS, IT APPEARS FROM AN EXAMINATION OF THE PLAT OF TRACT 1 OF VOLESKY PROPERTIES ADDITION, IN THE WEST 7 RODS OF THE NE1/4 OF THE NE1/4; AND IN LOT 3B OF THE NW1/4 OF THE NE1/4 OF SECTION 26, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, AS PREPARED BY THOMAS LYNN WEEK, 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 TRACT 1 OF VOLESKY PROPERTIES ADDITION, IN THE WEST 7 RODS OF THE NE1/4 OF THE NE1/4; AND IN LOT 3B OF THE NW1/4 OF THE NE1/4 OF SECTION 26, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY THOMAS LYNN WEEK, A LAND SURVEYOR, BE AND THE SAME IS HEREBY APPROVED AND THE DESCRIPTION SET FORTH HEREIN 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 \_\_\_\_\_, \_\_\_\_\_.

FINANCE OFFICER BY: \_\_\_\_\_

REGISTER OF DEEDS CERTIFICATE

THE UNDERSIGNED, REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT THE ORIGINAL PLAT WAS FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ O'CLOCK \_\_\_\_ M., AND DULY RECORDED IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_.

REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, S.D.

