

**RESOLUTION APPROVING REVOCATION OF COVENANTS ON PRIVATE
PROPERTY GENERALLY LOCATED AT 205, 207 & 213 N. BERRY PINE ROAD
PURSUANT TO SDCL 11-5-6.**

WHEREAS, the owners of the properties generally located at 205, 207, and 213 North Berry Pine Road in Rapid City desire to revoke the restrictive covenants on their properties; and

WHEREAS, these properties are legally described as:

Lots 16, 17, 18, 19 of Lot H, and Lots 21, 22, 24, 25, all being located in Berry Pines Subdivision, being a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 2 North, Range 7 East, B.H.M., as shown by that certain plat thereof as filed on June 15, 1955 at 4:00 p.m. in Book 6 of Plats at Page 99 in the Office of the Register of Deeds of Pennington County, South Dakota; and

Tracts 1 and 2 of Neisen Subdivision in the City of Rapid City, Pennington County, South Dakota (formerly all of Lot E and Lot b of Berry Pines Subdivision; Lot F of Berry Pines Subdivision; Lot A of Lot 17, and Lot 24 of a portion of Lot H and of vacated right-of-way in Berry Pines Subdivision; and Lots 18, 19, 21 and 22 of a portion of Lot H and vacated right-of-way in Berry Pines Subdivision, located in Section 32, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota); and

Lot L of Berry Pines Subdivision in the City of Rapid City, Pennington County, South Dakota (formerly Lot D, Lot (a) of Lot E, Lot 25, Lot B of Lot 17 of Lot H, located in Section 32, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota); and

Lot K of Berry Pines Subdivision in the City of Rapid City, Pennington County, South Dakota (formerly Lot C, Lot 26, Lot 16 of Lot H, located in Section 32, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota); and

WHEREAS, the restrictive covenants in question were placed on the property in 1955; and

WHEREAS, the restrictive covenants that the property owners seek to have removed regulate the uses and types of structures allowed on the property; and

WHEREAS, now that these properties are within the City limits the City's zoning and land use ordinances effectively regulate the areas covered by the restrictive covenants; and

WHEREAS, under South Dakota law a restrictive covenant is only effective for a maximum period of twenty-five years; and

WHEREAS, even though these restrictive covenants have expired by operation of law, the owners of the property desire to have them formally revoked; and

WHEREAS, under SDCL 11-5-6 the City needs to approve the revocation of the restrictive covenants; and

WHEREAS, City staff supports the requested revocation.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the City hereby approves the Deed of Revocation removing the restrictive covenants which were filed on June 21, 1955, for the above described properties.

DATED this ____ day of August, 2017.

CITY OF RAPID CITY

Steve Allender, Mayor

ATTEST:

Pauline Sumption, Finance Officer

(SEAL)