RESOLUTION NO. 2022-056
RESOLUTION AUTHORIZING MAYOR AND FINANCE DIRECTOR
TO SIGN CORRECTED RESOLUTION NO. 2022-026

WHEREAS, on April 18, 2022 the City Council approved item Resolution No. 2022-026 A request by Renner Associations, LLC for Shiny and Dry Rapid City Eglin, LLC for a Vacation of Right-of-Way for property generally described as being located between 716 Eglin Street and 1630 Pine Street; and

WHEREAS, Resolution No. 2022-026 described the right-of-way to be vacated as “located in the NW1/4 of the SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being the Luna Avenue right-of-way located east of Pine Street and the Spruce Street right-of-way located north of Eglin Street”; and

WHEREAS, Resolution No. 2022-026 was approved by the Council, was published in its entirety on April 30, 2022, in accordance with SDCL 9-19-8, and was therefore effective on May 20, 2022, pursuant to SDCL 9-19-13;

WHEREAS, Resolution No. 2022-026 was effective to vacate the right-of-way; and

WHEREAS, after Resolution No. 2022-026 was approved by the City Council but before the resolution was recorded at the Pennington County Register of Deeds, property adjacent to the right-of-way was platted; and

WHEREAS, the Pennington County Register of Deeds requires an accurate legal description for the Resolution that reflects the newly-platted property in order to correctly describe the vacated right-of-way; and

WHEREAS, the correct and accurate legal description for the right-of-way to be vacated is “the right-of-way of Luna Avenue and Spruce Street laying in Lots 1 and 2 of Shiny Subdivision and laying adjacent to Lot B of Tract 1 of Flack Hendricksen Subdivision and adjacent to N1/2 of SE1/4 laying south of I-90 right-of-way, located in the NW1/4 of the SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being the Luna Avenue right-of-way located east of Pine Street and the Spruce Street right-of-way located north of Eglin Street”; and

WHEREAS, the Common Council wishes to approve the language of Resolution No. 2022-026 with the updated, correct legal description.

NOW, THEREFORE, BE IT RESOLVED that the Common Council authorizes the Mayor and Finance Director to sign the Corrected Resolution 2022-026 as follows:

Corrected Resolution No. 2022 - 026

STATE OF SOUTH DAKOTA )
COUNTY OF PENNINGTON ) ss.

RESOLUTION OF VACATION
OF RIGHT-OF-WAY

WHEREAS, it appears that the right-of-way of Luna Avenue and Spruce Street laying in Lots 1 and 2 of Shiny Subdivision and laying adjacent to Lot B of Tract 1 of Flack Hendricksen Subdivision and adjacent to N1/2 of SE1/4 laying south of I-90 right-of-way, located in the
NW1/4 of the SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being the Luna Avenue right-of-way located east of Pine Street and the Spruce Street right-of-way located north of Eglin Street, is not needed for public purposes; and

WHEREAS, the owner(s) of property adjacent to the above-described right-of-way desires said public right-of-way to be vacated and released.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the public right-of-way heretofore described, and as shown on Exhibit “A”, attached hereto, and incorporated herein, is hereby vacated.]

BE IT FURTHER RESOLVED, that the Mayor and Finance Director are hereby authorized to execute a release of public right-of-way in regard thereto.

Dated this _______ day of ________________________, 2022.

ATTEST:

________________________________________
Finance Director

________________________________________
Mayor

(SEAL)