RESOLUTION NO. 2022-057
RESOLUTION AUTHORIZING MAYOR AND FINANCE DIRECTOR
TO SIGN CORRECTED RESOLUTION NO. 2022-027

WHEREAS, on April 18, 2022 the City Council approved item Resolution No. 2022-027 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. 2022-027 described the right-of-way to be vacated as “the alley right-of-way lying adjacent to Lot L and Lot M of 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 alley right-of-way lying between Pine Street and Spruce Street”; and

WHEREAS, Resolution No. 2022-027 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; and

WHEREAS, Resolution No. 2022-027 was effective to vacate the right-of-way; and

WHEREAS, after Resolution No. 2022-027 was approved by the City Council but before the resolution was recorded at the Pennington County Register of Deeds, Lots L and M were replatted into Lots 1 and 2 of Shiny Subdivision; 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 alley right-of-way laying in Lots 1 and 2 of Shiny Subdivision, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being the alley right-of-way to the east of Pine Street”; and

WHEREAS, the Common Council wishes to approve the language of Resolution No. 2022-027 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 2022-027 as follows:

Corrected Resolution No. 2022 - 027

STATE OF SOUTH DAKOTA ) ss. 
COUNTY OF PENNINGTON ) ss. 

RESOLUTION OF VACATION
OF RIGHT-OF-WAY

WHEREAS, it appears that the alley right-of-way laying in Lots 1 and 2 of Shiny Subdivision, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being the alley right-of-way to the east of Pine 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.

CITY OF RAPID CITY

__________________________
Steve Allender, Mayor

ATTEST:

__________________________________
Pauline Sumption, Finance Director

(SEAL)