

ORDINANCE NO. 773

AN ORDINANCE AMENDING CHAPTER 36, SUBDIVISIONS, OF THE CITY OF BOX ELDER
MUNICIPAL CODE

WHEREAS, the Municipal Code of the City of Box Elder provides for subdivisions within its municipal boundaries; and

WHEREAS, the City of Box Elder finds it necessary to enhance the clarity of Chapter 36 of the municipal code which addresses subdivisions within the city; and

WHEREAS, this ordinance supersedes and replaces all previous ordinances and resolutions hereto relating to the subject matter hereof.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Box Elder, that the City of Box Elder Municipal Code be amended to read as follows (*new language shall be indicated by underscore, and language to be deleted shall be indicated by strike-through*):

Chapter 36 SUBDIVISIONS**ARTICLE I. IN GENERAL****Sec. 36-1. Scope and purpose.**

(a) The purpose of this chapter is to provide for harmonious development of the City and its environs; for the coordination of streets within the subdivisions with other existing or planned streets or with other features of the eComprehensive plan; for adequate open spaces for traffic, recreation, light and air, and for distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, or prosperity.

(b) Any subdivision of land containing two or more lots, no matter how described, shall be platted or replatted, and shall be submitted to the Planning Commission for their consideration and recommendation to the Council for approval or rejection, or reviewed and approved by an administrative official pursuant to a resolution adopted in accordance with SDCL §11-3-6.

(Ord. No. 565, § 152.001, 7-19-2016)

Sec. 36-2. Jurisdiction.

This chapter shall govern all lands within the platting jurisdiction of the City. The City has properly adopted a Comprehensive Plan and a Major Street Plan and has filed a certified copy of the Major Street Plan in the office of the register of deeds of Meade County or Pennington County. SDCL §11-3-6 has defined the platting jurisdiction of the City to be the provides that the plat of any land or any part of the land included in any addition or subdivision that is within, adjoining or contiguous to the boundaries of the City must be approved by the City

~~prior to being recorded.~~ Further, SDCL §11-6-26 has granted to the City platting jurisdiction of land within three miles of its corporate limits and not located in any other City or beyond a line equidistant between the two cities unless otherwise agreed to by a majority vote of the City Council of each City. Pursuant to SDCL §11-6-26, the provisions of this chapter shall apply to all extraterritorial land made applicable by SDCL §11-6-26.

(Ord. No. 565, § 152.003, 7-19-2016)

State law reference(s)—Municipal approval for adjoining addition or subdivision, SDCL §11-3-6; other subdivisions outside municipal corporation limits, SDCL §11-6-26.

Sec. 36-3. Adoption of regulations, amendments.

(a) The regulations, restrictions, area and boundaries set forth in this chapter may from time to time be amended, supplemented, revised or repealed as provided by law. The Planning Director for the City is to review this chapter and make recommendations for revisions to the Planning Commission ~~or~~ and City Council as provided by law.

Sec. 36-5. Conformity to city plans.

(a) All proposed subdivisions shall conform to the ~~C~~eomprehensive ~~P~~plan, future land use plan, ~~and M~~and ~~Master Transportation P~~plan, ~~Major Street Plan and S~~and ~~S~~ssStorm Water~~m~~Management plan, unless otherwise approved.

(b) The densities established by City zoning regulations and the proposed future land use plan shall be observed by the ~~applicant~~developer.

(c) All thoroughfares (arterial/collector) in the ~~m~~Master Transportation ~~plan~~plan ~~Major Street Plan~~ shown crossing or bordering a proposed subdivision are required to be provided in the location and at the right-of-way width designated.

(d) Minimum street, water, and sanitary sewer, and drainage systems construction standards shall be according to adopted local and national recognized specifications, such as the City's Infrastructure Design Standards, Ten States Standards, etc.

~~(e) Trail System, Walking, Bike Paths. The~~Each development shall contain ~~trail~~trails, walking, and/or bike paths ~~and, when applicable shall connect to the City's trail system per the City's Master Park Plan (or Master Transportation Plan).~~; ~~when applicable.~~ Trail, walking, and/or bike paths shall meet the City's Engineering Standards and Specifications.

~~(f) In accordance with the City's Master Park Plan, compliance entails either furnishing the designated community park as specified (in accordance with the standards delineated in XXX) within the Master Park Plan or contributing monetary funds calculated based on the acreage of development allocated to the Master Park Plan for that specific subdivision. Said funds shall be retained until such time that all development within the area has accrued the requisite finances to facilitate the construction and future maintenance/improvements of the community park in adherence to the Master Park Plan.~~

(Ord. No. 565, § 152.033, 7-19-2016)

Sec. 36-6. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

~~Commission, p~~Planning and ~~Z~~oning ~~C~~eommission, or ~~p~~Planning ~~C~~eommission means ~~any City's Planning and Zoning~~the Box Elder City Planning Commission created under the terms of SDCL ~~Ch. §§~~Ch. § 11-6.

Comprehensive Pplan means the document which describes in words, and may illustrate by maps, plats, charts and other descriptive matter, the goals, policies and objectives of the City to interrelate all functional and natural systems and activities relating to the development of the territory under the jurisdiction of the city.

Developer means any person or group thereof proposing to transform or subdivide a parcel of land.

Development means any activity involving the construction, alteration, subdivision, land use change or improvement of land, buildings, or infrastructure. This includes, but is not limited to, the following:

1. Construction: Erection of new structures or buildings, including residential, commercial, or industrial buildings, as well as accessory structures such as garages or sheds.
2. Alteration: Modification of existing structures or land uses, including renovations, expansions, and changes in use.
3. Improvement: Installation or enhancement of infrastructure such as roads, utilities, drainage systems, and landscaping.
4. Subdivision: Division of land into separate parcels for the purpose of sale, lease, or development.
5. Land Use Change: Alteration to the zoning designated use of land, such as from agricultural to residential or commercial.

Development agreement means a written agreement or amendment to a written agreement between the City and one or more parties that regulates or controls the use or development of a specific area of land.
~~Development agreement does not include an improvement completion assurance.~~

Easement means a grant of one or more property rights by the property owner for use by the public or a utility or another person or entity. An easement is self-perpetuating and ~~executed upon~~ runs with the land unless otherwise stipulated.

Grading permit means the instrument used to permit the excavation, grading or fill of earth or other material within the procedures and regulations contained in this chapter. The grading permit is intended to regulate development ~~of residential, public, commercial and industrial properties~~; grading of land within or adjacent to FEMA designated flood hazard areas and construction of subdivision roads.

~~*Layout plan* means a layout plan is a generalized land use plan that permits an early and informal evaluation of a proposed subdivision. A generalized layout plan provides the City and the applicant an opportunity to determine the development's conformance with the Comprehensive Pplan, the City's zoning regulations and development requirements.~~

Lot, coverage, percentage of, means the permissible percentage of lot area which may be covered by buildings, including covered porches, impervious surfaces, and accessory buildings.

Lot of record means land designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed filed among the land records in the office of the ~~registrar~~ register of deeds for Meade County and Pennington County.

Major / master street plan means the major/master street plan adopted by the City which consists of a map or written narrative, or both, of the City's future collector and arterial streets that are incorporated as part of the City's Comprehensive Pplan or as a stand-alone document that has been approved in accordance with the provisions of SDCL §11-6-17 through SDCL §11-6-18.2.

Plat, final, means a plat of a tract of land that complies with the requirements of this chapter and is in the form for recording with the county register of deeds office pursuant to SDCL § Ch. 11-3, and includes all items, certifications and statements required by this chapter.

Plat, plan or layout, preliminary, means a plat of a proposed subdivision to be used to establish the terms and conditions for development of a proposed subdivision. This plat shall include all items set forth in this chapter and SDCL § Ch. 11-3.

Plat, minor, means a subdivision or consolidation of property, which creates no more than five lots, tracts or parcels; and where no public street or access easement is sought to be dedicated, and in compliance with SDCL ~~Ch. §11-3~~.

Street, centerline of, means ~~the established as a~~ centerline of a street established by the City Council, or any state, county, or other official or public agency having jurisdiction thereof and shown as such on an officially adopted or legally recorded map, or if there is no centerline established or if there exists conflict among several maps, the centerline of a street shall be the line lying midway between the street right-of-way lines thereof. When the street lines are indeterminate and pavement or a well-defined traveled way exists, the centerline is assumed to be a line midway between the edges of such pavement or traveled way.

~~*Subdivision, major* means all subdivisions of three (3) or more lots, or any size subdivision requiring any new street or extension of municipal facilities, or the creation of any public improvements, and not in conflict with any provision or portion of the General Plan, official zoning map and streets master plan, or these regulations.~~

Subdivision, minor means any subdivision containing less than five (5) lots that may require the recordation of a plat and all or part of the development requirement of a major subdivision, and not in conflict with any provision or portion of the ~~general plan~~ Comprehensive Plan, official zoning map, ~~streets master plan~~ Major Street Plan or these regulations.

Subdivision plat means the final map or drawing, on which the ~~applicant~~ developer's plan of a subdivision is presented to the City Council for approval and which, if approved, may be submitted to the County for filing.

Subdivision ordinance means any ordinance adopted by the City to regulate the subdivision of land so as to provide coordination of streets with other subdivisions and the ~~Mmajor Sstreet Pplan~~, adequate areas set aside for public uses, water and sanitation facilities, drainage and flood control, and conformity with the ~~Ccomprehensive Pplan~~.

Surety means a fidelity or cash bond, provided by the ~~subdivider~~ Developer to the City's Finance Officer in lieu of construction of required improvements, in an amount equal to the estimated cost of the improvements, as certified by the ~~owner's~~ Developer's engineer, plus fifteen (15) percent. The Planning Commission or the City Council may request a review of the cost estimate by the City's Engineer.

Sec. 36-7. Responsibilities.

- (a) ~~Applicant~~ Developer. The ~~applicant~~ developer shall prepare plats and shall install improvements consistent with these regulations and other referenced City ordinances, regulations, standards, and specifications in editions which are applicable at the time the subdivision application is filed. The ~~applicant~~ developer is responsible for paying all fees which are listed in these regulations at the time required.
- (b) ~~Planning department~~ Planning and Zoning Department. The City's ~~Planning Department~~ Planning and Zoning Department will review all plats for their conformity to City regulations. As a part of its examination, the ~~Planning Department~~ Planning and Zoning Department will consult with interested public or private agencies for the purpose of determining whether or not the plat ~~is in~~ conformity provides for orderly growth and development of the City.
- (c) *Director*. The City's Planning Director, following criteria provided in this chapter, shall have the authority to recommend approval or denial to the Planning Commission and City Council on all conceptual, preliminary, minor, and final subdivision plans, lot line adjustments or lot consolidation plats, and vacation of easements as defined by this chapter.
- (d) *City council*. The City Council shall hear recommendations of the Planning Commission and have final jurisdiction of all approvals and appeals. Plats shall be approved or disapproved within ninety (90) days after the submission thereof; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the City Council on demand; provided, however that the ~~applicant~~ developer for the approval may waive this requirement and consent to the extension of such period. The grounds of disapproval of any plat shall be stated upon the records of the City Council. The approval of a plat by the City

Council shall not be deemed to constitute or affect an acceptance by the City or public of the dedication of any street or other ground shown on the plat.

- (e) *City engineer.* The City Engineer, following criteria provided in this chapter, shall have the authority to recommend approval or denial to the Planning Commission and City Council of development engineering plans and development agreements for public improvements submitted by the applicant/developer.
- (f) *Planning ~~ee~~Commission.* The City's Planning Commission shall ~~have the authority to hold a public meeting for preliminary subdivision plans and instruments for the vacation of public right of way. It shall review preliminary subdivision plans and make recommendations to the City Council after conducting a public meeting.~~ review land use applications governed by this chapter, including but not limited to plans, plats, and vacations of rights-of-way, and shall make recommendations to the City Council. Public meetings may be held as required by this chapter or as deemed appropriate by the Commission.

(Ord. No. 565, § 152.008, 7-19-2016)

Sec. 36-38. Development agreements.

(a) *Purpose.* A development agreement may be negotiated and executed between an applicant/developer and the City to set forth the specific requirements, elements, and aspects of a development.

(b) *Procedure.* All development agreements, upon proper execution, shall run with the land and be binding on all successors in the ownership of the affected property(ies). A development agreement shall contain, at a minimum, the following:

- (1) A legal description of the land subject to the development agreement.
- (2) The restrictions or conditions to be attached to the property including development standards and the provision of public facilities.
- (3) The configuration of the property as shown on the project's development plan.
- (4) A statement of the benefits and value the development agreement will have for the City as a whole, including but not limited to: assurances of design standards, dedication and improvement of open space, parks, trails, amenities, or infrastructure such as public rights-of-ways, or utilities.
- (5) The time frames for performance by parties.

a. Timeframe for warranty expiration and to complete warranty work.

- (6) A ~~description of the various~~summary of required City approvals and development milestones.
~~required before the commencement of construction, issuance of building permits, and other procedures that will be required after approval of the development agreement.~~

~~i. City approval and acceptance of infrastructure.~~

~~a. City inspects final infrastructure.~~

~~1. If completed and accepted by City staff, Infrastructure Acceptance Form completed by Developer and Developer Engineer. Form submitted to City Engineer and presented to Public Works and Planning and Zoning Committee and City Council.~~

~~2. Infrastructure Acceptance Form accepted by Resolution by City Council. The Resolution date establishes the acceptance date and beginning of warranty period.~~

~~3. If not completed, bonding is necessary.~~

~~a. Developer Engineer provide cost estimate of unfinished improvements.~~

~~b. This establishes bonding amount.~~

- (7) Provisions for enforcement of the terms and conditions of the development agreement.
- (8) Provisions for making amendments to the development agreement.
- (9) The time limitation of the agreement.
- (10) Such other terms which may be proposed and agreed to between the City and the applicant/developer.

(c) *Limitations.* A development agreement under this section may not:

(1) Limit the City's authority in the future to enact a land use regulation or take any action allowed under ~~SDCL~~South Dakota Law.

(2) Require the City to change the zoning designation of an area of land within the City in the future.

(3) Contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the City Council approves the development agreement in accordance with the same procedures for enacting a land use regulation, including a review and recommendation from the Planning Commission and the conducting of a public hearing.

(4) The City may not require a development agreement as the only option for developing land within the City.

(5) To the extent that a development agreement does not specifically address a matter of concern related to land use or development, the matter or concern shall be governed by ~~SDCL~~South Dakota Law and the applicable land use regulations in this Code.

~~(d) — Expiration. A development agreement shall be signed and notarized by all parties within one (1) year from the date of City Council approval or it shall be considered null and void. Prior to the expiration of the one (1) year period an applicant may submit a written request to the Planning Director for an extension of up to six (6) months. Approval of this extension may only be granted by the City Council.~~

Sec. 36-10. Subdivision application fees.

The City Council shall set ~~by ordinance resolution~~ the application fees for subdivisions in the master fee schedule.

~~Secs. 36-13 City Engineer, or designee (about 30% complete) the City Engineer all~~

Secs 36-13—36-31. Reserved.

ARTICLE II. PRE-APPLICATION MEETING, CONCEPTUAL PLAN REVIEW

Sec. 36-32. Pre-application meeting.

- (a) ~~(a)~~ — A pre-application meeting is required prior to the submission of a preliminary plan.
- (b) ~~(b)~~ — ~~Applicants~~Developers are encouraged to submit a request for a pre-application meeting with the Planning Director or their designee to discuss proposed development plans on an informal basis before submitting any other formal applications to the City.
- (c) ~~(c)~~ The ~~applicant~~developer may present a conceptual drawing or sketch of the proposed subdivision plan along with other information for the Planning Director to determine the appropriate subdivision application process required for approval.
- (d) ~~(d)~~ The Planning Director or their designee shall provide copies of all relevant application forms, specifications and regulations related to the ~~applicant~~developer upon the ~~applicant~~developer's request.

Sec. 36-33. Conceptual plan review.

- (a) ~~Conceptual plan review.~~ The conceptual plan review process is not required and is used to provide information to the applicant regarding the design of the proposed subdivision and subsequent application processes.
- (b) ~~Declaration of intent.~~ For conceptual plan review, the applicant shall prepare a written declaration of intent concerning the tract of land to be subdivided, re-subdivided, or consolidated in sufficient detail to clearly indicate the nature and purpose of the subdivision thereof.
- (c) ~~Layout plan.~~ The applicant or their designee shall prepare a layout plan or generalized land use plan which shall be submitted to the Planning Director for discussion and review with the Planning Commission, in order to determine applicable requirements (i.e. zoning regulations, drainage plans, major street plan~~Master Transportation Plan~~ and other features and requirements of the ~~C~~omprehensive pPlan, ~~D~~evelopment pPlan, and ~~M~~aster Transportation plan that will influence the design of the subdivision).
- (1) Layout plans should include the following information:
- (i) ~~(i)~~ — Site plan;
 - (ii) ~~(ii)~~ — Vicinity map;
 - (iii) ~~(iii)~~ — Lot configurations with approximate areas designated in square feet;
 - (iv) ~~(iv)~~ — Location of proposed streets within the subdivision boundary;
 - (v) ~~(v)~~ — Topography at a minimum of five foot (5') contour intervals; and
 - (vi) ~~(vi)~~ — Adjacent development information including property lines, roads, and water courses.
- (d) ~~If the property proposed for development involves areas where in the view of the Planning Commission [the soil characteristics, terrain, drainage, geology, groundcover or its location impose unusual requirements, the Planning Commission may request supplementary data be provided to demonstrate the feasibility of subdividing the land.~~
- (e) ~~The concept plan shall act as a guide for subsequent preliminary and final plan application submittals and will have no official standing or approval. Once concept plan recommendations have been received, the applicant may apply for preliminary plan approval consistent with the submitted concept plan and recommendations provided by the Planning Commission.~~

(Ord. No. 565, § 152.020, 7-19-2016)

Secs. 36-34—36-60. Reserved.

ARTICLE III. PRELIMINARY PLAN

Sec. 36-61. Content.

A preliminary plan is a tentative plan of a proposed subdivision which requires the installation of public improvements. Unless the proposed subdivision meets the requirements of Article IV. Minor Plats, review and recommendation of a preliminary plan by the Planning Commission and approval by the City Council is required before an ~~applicant~~developer can proceed with a final plan application for all or part of the area within the preliminary plan application. The preliminary plan, at a minimum shall include the following:

(1) Completion of a pre-application meeting.

~~(2)~~ A completed and signed preliminary plan application including the names and contact information for the developer/owner, developer/owner's engineer, and names and address of all adjacent landowners;

~~(3)~~ A site plan showing:

(a) the general location of the property(ies) proposed to be subdivided;

(b) existing development, including, but not limited to, property lines, roads, and utilities if any are present in the vicinity;

(c) improvements the developer proposes to make off-premises, outside the boundaries of the proposed subdivision, relating to drainage, utilities and other improvements necessary to permit development within the subdivision.

~~(4)~~ A narrative describing the nature of the intended development, its total area, its integrations into surrounding development and land uses, and its impact on the community;

~~(5)~~ A preliminary plat showing:

(a) the date, north point and scale;

(b) contours, watercourses with tributary drainage areas, or any portion of land in or adjacent to the proposed subdivision subject to the periodic inundation by storm drainage, flooding, overflow, or ponding from available data. (Note: A drainage/flood analysis shall be provided if applicable or requested by the City);

(c) lot and block numbers clearly identifying each parcel of land and dimensions of all lots;

(d) location and dimension of land to be dedicated or reserved for parks, open space, or other public uses;

(e) location, width and purpose of all easements; and

(f) proposed phasing, if applicable.

~~(6)~~ A street plan containing the following information:

(a) Location of all proposed streets within ~~in~~ the subdivision and location of existing or proposed streets adjacent to the subdivision;

(b) Widths of existing and proposed public/private dedicated rights-of-way;

(c) Clear identification of location and width of rights-of-way of any street adopted as part of the Master Transportation ~~P~~lan or Major Street Plan;

(d) Street names including proposed and existing;

(e) Topography at no more than fivetwo-foot intervals unless alternative intervals are required by the City;

- (f) Plan and profile of all streets and utility improvements including: curve data for the centerline of each street, proposed pavement section/road depths to show asphalt, base course, subgrade, and fillets.
- (g) Location of all required sidewalks, trails, ~~ada~~-ADA ramps, and crosswalks;
- (76) A storm drainage plan which takes into account adjacent properties and containing the following:
 - (a) Location of easements and rights-of-way ~~for drainageways and maintenance of access thereof~~ and is compliance with the Master Storm Water Management Plan;
 - (b) Typical cross-sections of each drainageway;
 - (c) Direction of water flow throughout the proposed subdivision; and
 - (d) Plan, profile, and details of proposed stormwater piping and appurtenances.
- (87) A sanitary sewer plan containing the following:
 - (a) Location of each manhole and other sanitary sewage system appurtenances including lift stations and treatment plants;
 - (b) Plan and profile of the sewage system;
 - (c) Location and size of all existing and proposed sanitary sewer in the subdivision and all tie points and sewer laterals in the subdivision; and
 - (d) Direction of flow of each sanitary sewer line.
- (98) A water distribution plan containing the following:
 - (a) Location of each valve, fitting, hydrant, and other water system appurtenances including water production facilities, pumping facilities, and storage facilities;
 - (b) Plan and profile of the water distribution system; and
 - (c) Location and size of all existing and proposed water mains and hydrant laterals in the subdivision
~~that contains the location and size of the water distribution system including pipes, valves, fittings, hydrants, high pressure pumping equipment and other equipment.~~
- (109) A gas, electrical, telephone, etc., plan containing the following:
 - (a) Location of all poles and subsurface facilities as necessary to serve each lot or parcel of land within the subdivision and where necessary to abutting property; and
 - (b) Required easements, including anchor easements for guy wires.
- (110) Landscaping plans (if applicable or requested by the City) for common areas.
- (121) Geotechnical report (if applicable or required by the City) certified by a licensed engineer in the State of South Dakota ~~indicating from available information the suitability of soils to accommodate private sewage disposal systems, the probability of success of wells for water supply, and any other significant problems of long-term supply, pollution or maintenance problems of such wells or systems.~~
- (132) Traffic impact study unless otherwise noted by the City ~~(if applicable or requested by the City).~~
- (143) Preliminary title report (if applicable or requested by the City) dated within ninety (90) days of application submittal date.
- (154) Covenants, Conditions, and Restrictions (CC&Rs) outlining the proposed set of rules governing the use of certain pieces of property within a given development. (if applicable ~~or requested by the City~~).
- (165) ~~Proposed development agreement (if applicable or requested by the City).~~

Sec. 36-62. Procedure for review.

The procedure followed after submission of the preliminary plan shall be as follows:

- (1) The developer shall submit an application and required materials to the Planning and Zoning Department. One (1) PDF copy of the preliminary plan application, and supportive materials outlined in Sec. 36-31-61 shall be submitted by the applicant to the Planning Office, which shall issue a receipt for the same when it is ascertained that the submission includes all the requirements set forth in this chapter for a preliminary plan. If, because of the nature of the subdivision more copies are required, the Planning Director shall specify the required number of copies.
- ~~(2) The applicant shall be notified in writing of the date of the Planning Commission meeting where the preliminary plan and supportive materials will be reviewed.~~
- ~~(3) The Planning Office shall, at an upcoming regularly scheduled Planning Commission meeting, distribute copies to the Commission. The Planning Commission shall have a minimum of thirty (30), but no more than forty five (45) days from the date of distribution, to review, prepare and submit its recommendation and the plans to the City Council. However, the applicant may agree to an extension, should extenuating circumstances arise.~~
- ~~(24) The Planning Office shall also distribute copies of the preliminary plan as follows: and Zoning Department will route the application to the appropriate agencies and internal departments for review and comment.~~
- ~~(3) The developer shall be notified in writing of the Planning Commission meeting where the preliminary plan and supportive materials will be reviewed.~~
 - ~~(a) To the appropriate school district;~~
 - ~~(b) To any county or City within a three (3) mile radius of any portion of the proposed subdivision;~~
 - ~~(c) To any utility, local improvement and service district when applicable;~~
 - ~~(d) To the state department of transportation, when applicable;~~
 - ~~(e) To any applicable soil or water conservation districts for explicit review and recommendation regarding soil suitability and flooding problems;~~
 - ~~(f) To the State DNR, when applicable; and~~
 - ~~(g) To the applicable City departments.~~
 - ~~(h) The above listed agencies shall have ten (10) days from the date the information is mailed (hardcopy or electronic) to them to submit comments. Any agency may make a request for review time extension; however, failure to respond within the allotted time shall be considered an approval unless an extension has been consented to by the applicant and the Planning Commission.~~
- ~~(5) The Planning Commission shall review the preliminary plan to determine if the plan is consistent with standards set forth in this chapter, the comprehensive plan, master transportation plan, other applicable City ordinances and policies; and it shall only recommend approval to the City Council for those preliminary plans which the Commission finds to be developed in accordance with the intent, standards and criteria specified in this chapter.~~
- ~~(6) If the Commission determines during review of the preliminary plan that the soil, vegetation or drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earth moving operations in the construction of the subdivision where one or more acres are disturbed; or otherwise entail an erosion hazard, the applicant shall provide an approved DNR soil erosion and sedimentation control plan and specifications to the Planning Commission for their review.~~

~~Such control plan and specifications shall be prepared by a licensed registered professional engineer or the U.S. Soil Conservation Service.~~

- (47) ~~The Planning Commission shall review the preliminary plan at a scheduled meeting to determine its consistency with applicable plans, ordinances, and policies. The Planning Commission will make a recommendation to the City Council make a recommendation to the City Council, to either approve, approve with conditions, or deny the preliminary plan as submitted with reason thereof. This recommendation shall be placed on an upcoming regularly scheduled City Council meeting agenda.~~
- (5) ~~The City Council's Public Works and Planning and Zoning Committee shall review the preliminary plan and forward a recommendation to the City Council.~~
- (68) ~~Upon receipt of the Planning Commission recommendation, t~~The City Council shall review the recommendations and either approve, approve with modifications, or deny the preliminary plan.

(Ord. No. 565, § 152.023, 7-19-2016)

Sec. 36-63. Expiration of approval.

~~Approval of the preliminary plan shall be effective for twelve (12) months from the date of approval by the City Council. Extensions beyond the twelve (12) months shall not exceed six (6) months provided upon agreement between the City Council and the applicant. If work has not commenced within the time set forth herein, then the above review and approval shall be void and the process shall begin anew, unless an extension is agreed to by City council.~~

- (a) ~~Any preliminary plan which has not received development engineering plan approval for all or a portion of the preliminary plan area within a period of three (3) years would requires resubmittal of a new plan for approval subject to any new subdivision regulations unless a waiver from the City Council is approved.~~
- (b) ~~Upon written request to the City Council and prior to the preliminary plan expiration date, a one (1) year time extension for the preliminary plan may be granted by the City Council, subject to the following condition that the land uses for land within the preliminary plan area have not significantly been altered since the original approval date for the preliminary plan.~~

(Ord. No. 565, § 152.024, 7-19-2016)

Secs. 36-64 — Development Engineering Plans.

- (a) Description. Development engineering plans are submitted by the ~~applicant~~ developer following City Council approval of a preliminary plan and prior to the submittal of a final plat. The development engineering plans shall include and meet the stipulations of approval of the preliminary plan and shall include plat documents and plans for public streets, public utilities, drainage, and all other public and private improvements as required by city ordinance, ~~and/or resolution and/or any development agreement.~~

- ~~(a)~~(b) Pre-Submittal Meeting. The ~~applicant~~ developer, or the ~~applicant~~ developer's consultant, shall schedule a pre-submittal meeting with the City Engineer, or designee. The meeting shall be held after the ~~applicant~~ developer ~~consultant~~ has completed the construction plans, ~~to (about 30% complete),~~ and design report in compliance with the Infrastructure and Design Standards. The purpose of this meeting is to allow the consultant to discuss the assumptions, methods, and any other necessary information relevant to the design of the project, as well as to allow the City Engineer to verify the completeness of the construction plans and the design report prior to the consultant submitting a development plan engineering application. An application containing preliminary or incomplete designs shall not be accepted. The City Engineer may waive the requirement for a pre-submittal meeting for projects with minimal infrastructure.

~~(b)(c)~~ Review. The ~~applicant/developer~~ or the ~~applicant/developer's~~ consultant shall submit the required application, fees, and pdf copy of the designs for public and/or private improvements, and the appropriate supporting documents, reports, and other specified information to the City Engineer. Upon receipt of a complete application the City Engineer will review and approve, deny, or suspend the application. The approval, denial, or suspension shall be provided to the ~~applicant/developer~~ and/or consultant, in writing.

(d) Approval criteria. The City Engineer or designee shall approve the development engineering plans provided the documents comply with the City's Infrastructure Design Standards, Standard Construction Specifications and Details, and all other city criteria adopted by city ordinance or resolution including exceptions to the criteria approved by ~~the~~ City Engineer.

(e) The following minimum criteria are required for final development engineering plans:

- (1) A completed application; ~~and~~
- (2) Plat including lot configurations, lot areas, easements, and signature blocks; ~~and~~
- (3) Street plan and profiles, including sidewalks, trails and walkways; ~~and~~
~~—~~ Utility design for water and sanitary sewer services; ~~and~~
- (4) Drainage report; ~~and~~
- (5) Storm drainage plans; ~~and~~
- (6) Cost estimate for subdivision improvements; ~~and~~
- (7) Draft of standard development agreement with the City; ~~and~~
- (8) Additional public agency permits or agreements as required.

(f) Suspended Timelines. If the City Engineer determines that the application for development engineering plans does not contain the specified and required information, the review timeline shall be suspended and the ~~developer/owner~~ and/or designated agent shall be notified of the deficiency. When complete and sufficient information is provided by the ~~owner/developer~~ and/or designated agent, the review timeline shall be re-engaged. Applications suspended for more than 90 consecutive days ~~may~~ shall be denied by the City Engineer.

Secs. 36-65 - 36-86. Reserved.

ARTICLE IV. MINOR PLATS

Sec. 36-88. Content, procedure for approval of minor plat.

(a) Minor plats filed with the City shall comply with this Chapter, SDCL §11-3-10, and the platting requirements of the County in which the property(ies) are contained. Minor plats shall be drawn on mylar with water-proof black ink, and each signature shall be made with permanent ink. The minor plat shall include:

(1) Name of the subdivision;

(2) Certificates as required by ~~:(Note: See Appendix A of this Chapter for the required certificate language for Meade/Pennington County.)~~

(b) Annexation application required. When platting or subdividing land within the City's extraterritorial jurisdiction that is contiguous or adjacent to City boundaries, the developer shall submit a voluntary annexation application with the plat. For purposes of this section, "contiguous" and "adjacent" shall include any property separated from City boundaries only by public right-of-way or other public dedication.

- (i) ~~of Ownership;~~
- (ii) ~~of the City's Planning Commission;~~
- (iii) ~~of the Street Authority;~~
- (iv) ~~of the County Treasurer;~~
- (v) ~~of the County Director of Equalization; and~~
- (vi) ~~of the City's Finance Officers.~~
- (vii) ~~Resolution of approval of the City Council, with Mayor's signature block attested by the City's Finance Officer; and~~
- (viii) ~~Certificate of Register of Deeds.~~

(cb) Minor plat ~~submittal~~ needs to must ~~includes~~ submittals shall at a minimum include, but not be limited to, the following:

~~(1) A completed and signed minor plat application including the names and contact information for the developer/owner, developer/owner's engineer, surveyor, and names and addresses of all adjacent landowners;~~

~~(2) One (1) PDF copy of: The minor~~

(i) A narrative describing the nature of the intended development, its total area, its integrations into surrounding development and land uses, and its impact on the community; and

(ii) Any and all Covenants, Conditions and Restrictions (CC&Rs) applicable to the property(ies); and

(iii) Proposed minor plat. A scaled drawing, prepared by a licensed surveyor in the State of South Dakota, of the proposed lots showing the location, dimensions, and area of lots created including:

a. The north arrow, scale, creation date, preparer name and address, and legend;

b. The location, width, and purpose of all easements and reserve strips;

c. A note on the drawing stating: "A ten foot (10') utility and minor drainage easement is hereby granted on the interior of all front and rear lot lines, and an eight foot (8') utility and minor drainage easement is hereby granted on the interior of all side lot lines." Removal or modification of any obstruction or impediment to such an easement shall be the financial responsibility of the landowners."

d. When applicable, a note on the drawing stating: "Major drainage easements shall be kept free of all obstructions. Major drainage easements provide the City's Public Works Department the rights of entry, construction, and maintenance in order to facilitate drainage through these easements."

e. The lot and block number (if needed) that clearly identifies each parcel of land;

f. When applicable, the one hundred (100) year flood hazard area and floodway shall be shown; and

g. If any defined FEMA flood hazard areas are present within the parcel(s), a note on the drawing stating: "Flood insurance rate map panel [] with an effective date of [] indicates the presence of a flood hazard area within the area represented on this plat." ; and

(iv) A title showing the former legal description, and the proposed legal description of the new parcels;

~~(3) When indicated by the Planning Director, one (1) mylar copy, fully executed by the owner's parties. The Planning Director may require additional copies if the property(ies) are located in more than one (1) county.~~

~~(c) The applicant shall first meet with the Planning Director to determine if the requirements set for submission of a minor plat have been met.~~

(d) Procedure for review:

(1) ~~The applicant~~developer shall submit an application and required materials to the Planning and Zoning Department;

(2) ~~The Planning and Zoning Department~~ will route the application to the appropriate agencies and internal departments for review.

(3) ~~The Planning Commission shall review the minor plat at a scheduled meeting to determine its consistency with applicable plans, ordinances and policies. The Planning Commission shall make a recommendation to the City Council.~~

(4) ~~The City Council's Public Works and Planning and Zoning Committee shall review the minor plat and forward a recommendation to the City Council.~~

(5) ~~The City Council shall review the recommendations and either approve, approve with modifications, or deny the Minor Plat.~~

~~(d) The applicant shall submit one (1) copy of the minor plat application, and supportive materials outlined above to the Planning Department. The Planning Department~~Planning and Zoning Department ~~shall issue a receipt for the same when it is ascertained that the submission includes all the requirements set forth in this chapter for a minor plat.~~

~~(e) The applicant shall be notified in writing of the date of the Planning Commission meeting where the minor plat and supportive materials will be reviewed.~~

~~(f) The Planning Department will convey at a minimum, the minor plat application with associated documents to all City departments, City fire district, school system, County highway authority, County sheriff's office, emergency services communication center, area utility companies, and other agencies deemed appropriate by the Planning Department~~Planning and Zoning Department ~~. Each agency shall be given ten (10) days to review and comment on the conformance with applicable regulations.~~

~~(g) The Planning Commission will review the minor plat to see if it is consistent with the standards set forth in this article, City zoning regulations, Comprehensive pPlan, Mmaster Ttransportation Pplan, other applicable ordinances, and that no public improvements are required.~~

1. ~~(h) The Planning Commission shall make a recommendation to the City Council, to either approve, deny~~approve, deny, or recommend modification of the plat as submitted with reason thereof. This recommendation shall be placed on an upcoming regularly scheduled City Council meeting agenda. ~~(6)~~

~~(i) Upon receipt of the Planning Commission's recommendation, the City Council shall review and approve, deny, or request modification to the minor plat. The City Council shall have the authority to impose requirements or grant subdivision variances as deemed necessary, and appropriate for final approval.~~

~~(6j) The developer~~subdivider will submit a mylar complying with SDCL §11-3-10 for signature. In the event the property being subdivided lies within two (2) counties, ~~an~~two (2) original mylar documents shall be produced for signature and filing in each county. It shall be the applicant's responsibility to record all fully executed documents with the Meade County or Pennington County Register of Deeds.

(Ord. No. 565, § 152.026, 7-19-2016)

Sec. 36-89. Expiration of approval.

Approval of the minor plat shall be effective for twelve (12) months from the date of approval by the City Council. Extensions beyond the twelve (12) months ~~shall not exceed six (6) months provided upon agreement may be agreed upon~~ between the City ~~Council~~ and the applicant, ~~but shall not exceed six (6) months~~. If physical work ~~(physical effort to achieve the end result)~~ has not commenced within the time set forth herein, then the above review and approval shall be void and the process shall begin anew, ~~unless an extension is agreed to by the City Council~~.

Secs. 36-90—36-119. Reserved.

ARTICLE V. FINAL PLATS

Sec. 36-120. When required; content.

- (a) Subdivision of land into parcels greater than forty (40) acres in each parcel, falling within the City's extra-territorial jurisdiction and are utilized for agricultural purposes, will not require platting.
- (b) Final plats filed with the City shall comply with this Chapter, SDCL §11-3-10, and the platting requirements of the County in which the property(ies) are contained. Final plats shall be drawn on mylar with water-proof black ink, and each signature shall be made with permanent ink. The final plat shall include:

(1) Name of the subdivision;

(2) Certificates as required by: ~~(Note: See Appendix A of this Chapter, for the required certificate language for Meade/Pennington County.)~~

~~(i) — of Ownership;~~

~~(ii) — of the City's Planning Commission;~~

~~(iii) — of the Street Authority;~~

~~(iv) — of the County Treasurer;~~

~~(v) — of the County Director of Equalization;~~

~~(vi) — of the City's Finance Officers;~~

~~(vii) — Resolution of approval of the City Council, with Mayor's signature block attested by the City's Finance Officer; and~~

~~(viii) — Certificate of Register of Deeds.~~

(Ord. No. 565, § 152.028, 7-19-2016)

Sec. 36-121. Content, procedure for approval.

- (a) *Description.* A final plat and final improvement drawings ~~s~~ provides a permanent and accurate record of the exact size and location of the lots, blocks, streets, drainage areas, easements, and other parcels of land within a subdivision. When filed with the County Register of Deeds, a final plat becomes the legal instrument when location and boundaries of separate land parcels within the subdivision are identified. If the applicant/developer plans to develop a property in phases, the property may be divided into separate final plats or filings. In phased subdivisions each phase requires a separate final plat application and review.
- (b) *Annexation application is required.* The developer, when platting or subdividing land within the extra-territorial jurisdiction of the City that is contiguous/adjacent to the City boundary, shall be required to submit a voluntary annexation application with the final plat application. For the purpose of this section, the

terms “contiguous” and “adjacent” ignore any right-of-way or dedication that lies between the City boundary and the subdivision property.

(c) *Completion of improvements required.* The developer is required to ~~engineer and install or~~ construct any improvements in accordance with the approved Development Engineer Plans in Section 36-64 required prior to the review and approval of the final plat by the City officials Council unless the City accepts the City Council accepts appropriate surety in is provided accepted in lieu of to cover the cost, plus 15%, of remaining construction items. Sufficient surety shall be made for all required improvements. ~~The surety shall be submitted to the City Engineering department for approval.~~

(d) *Submittals.* Final plat submittals shall at a minimum include, but not be limited to, the following:

(1) ~~A completed and signed final plat application including the names and contact information for the developer/owner, developer/owner's engineer, surveyor, and names and addresses of all adjacent landowners. The developer shall submit an application and required materials to the Planning and Zoning Department;~~

(2) ~~One (1) PDF copy of~~ The final plat ~~needs must~~ include:

(i) Any and all Covenants, Conditions, and Restrictions (CC&Rs) or deed restrictions applicable to the property(ies);

(ii) Proposed final plat. A scaled drawing, prepared by a licensed surveyor in the State of South Dakota, of the proposed lots showing the location, dimensions, and area of lots created including:

a. The north arrow, scale, creation date, preparer name and address, and legend;

b. The location, width, and purpose of all easements and reserve strips;

c. A note on the drawing stating: “A ten foot (10') utility and minor drainage easement is hereby granted on the interior of all front and rear lot lines, and an eight foot (8') utility and minor drainage easement is hereby granted on the interior of all side lot lines.” Removal or modification of any obstruction or impediment to such an easement shall be the financial responsibility of the landowners.”

d. When applicable, a note on the drawing stating: “Major drainage easements shall be kept free of all obstructions. Major drainage easements provide the City's Public Works Department the rights of entry, construction, and maintenance in order to facilitate drainage through these easements.”

e. The lot and block number (if needed) that clearly identifies each parcel of land;

f. When applicable, the one hundred (100) year flood hazard area and floodway shall be shown.

g. If any defined FEMA flood hazard areas are present within the parcel(s), a note on the drawing stating: “Flood insurance rate map panel [] with an effective date of [] indicates the presence of a flood hazard area within the area represented on this plat.”

(iii) Final improvement drawings, including but not limited to: street plan, storm drainage plan, water distribution plan, utility plan, landscaping, as described in Sec. 36-61 of this Chapter ~~; and~~.

(iv) A title showing the former legal description, and the proposed legal description of the new parcels. ~~;~~

(3) Executed Development Agreement or amendment.

~~(3) When indicated by the Planning Director, one (1) mylar copy, fully executed by the owner's parties. The Planning Director may require additional copies if the property(ies) are located in more than one (1) county.~~

~~(4) When indicated by the Planning Director, one (1) copy of the development agreement (if applicable) in a form approved by the City Council fully executed by the owner's parties.~~

~~(5) Surety for subdivision improvements (if applicable).~~

~~(6) Inspection fees (if applicable).~~

(e) *Review.*

~~(1) The applicant~~developer shall submit ~~one (1) copy~~ of the final plat application, and supportive materials outlined above to the Planning Department. ~~The Planning Department~~Planning and Zoning Department shall issue a receipt for the same when it is ascertained that the submission includes all the requirements set forth in this chapter for a final plat.an application and required materials to the Planning and Zoning Department. The applicant shall be notified in writing of the date of the Planning Commission meeting where the final plat and supportive materials will be reviewed.

~~(2) The Planning Department~~Planning and Zoning and Zoning Department will convey at a minimum, the final plat application with associated documents to all City Departments, City Fire District, school system, County Highway Authority, County Sheriff's Office, emergency services communication center, area utility companies, and other agencies deemed appropriate by the Planning DepartmentPlanning and Zoning Department. Each agency shall be given ten (10) days to review and comment on the conformance with applicable regulations.and Zoning Department will route the application to the appropriate agencies and internal departments for review.

~~(3) The Planning Commission will review the final plat to see if it is consistent with the standards set forth in this article, City zoning regulations, comprehensive plan, master transportation plan, and other applicable ordinances. The Planning Commission shall make a recommendation to the City Council, to either approve, deny, or recommend modification of the plat as submitted with reason thereof. This recommendation shall be placed on an upcoming regularly scheduled City Council meeting agenda.~~ **Administrative Approval for Minor Changes.** If the final plat exhibits only minor changes from the approved Preliminary Plan, it shall be reviewed and approved administratively by the Public Works Director, City Engineer, and Planning and Zoning Director. Minor changes are defined as:

- i. A reduction in the number of lots, without the addition of new lots.
- ii. Adjustments to lot lines that do not alter the overall layout or infrastructure design.
- iii. Corrections of technical errors that do not impact the subdivision's design or compliance with regulations.
- iv. Other changes deemed insignificant by the reviewing officials.

~~(4) Upon receipt of the Planning Commission's recommendation, the City Council shall review and approve, deny, or request modification to the final plat. The City council shall have the authority to impose requirements or grant subdivision variances as deemed necessary, and appropriate for final approval. The denial or suspension of a final plat shall be provided in writing to the applicant.~~

~~(45)~~ Upon approval, the ~~applicant~~developer shall submit a mylar complying with SDCL §11-3-10 for signatures. In the event the property being subdivided lies within two (2) counties, ~~antwo (2) original~~original mylar documents and other supporting materials shall be produced for signature and filing in each county. It shall be the ~~applicant~~developer's responsibility to record all fully executed documents with the Meade County or Pennington County Register of Deeds.

(5) A new Preliminary Plan shall be required if the final plat has:

- i. An increase to the number of lots.
- ii. Changes in the layout of streets or blocks that affect the approved circulation plan or access.
- iii. Modifications to the approved Development Engineer Plan, including but not limited to streets, utilities, drainage, or other improvements.
- iv. Any changes that increase the demand for public services or facilities beyond what was anticipated in the Preliminary Plan.

- v. Alterations that do not conform to the standards and requirements of this Chapter or Box Elder Infrastructure Design Standards.

(Ord. No. 565, § 152.029, 7-19-2016)

Sec. 36-122. Expiration of approval.

Approval of the final plat shall be effective for twelve (12) months from the date of approval by the City Council. Extensions beyond twelve (12) months ~~shall not exceed six (6) months unless~~ may be agreed upon between the City Council and the ~~applicant~~ developer ~~but shall not exceed six (6) months.~~ If work has not commenced within the time set forth herein, then the above review and approval shall be void and the process shall begin anew, unless an extension is agreed to by the City Council.

Sec. 36-123. Additional Requirements

Additionally, building permits will not be issued on any tract or lot in the subdivision until, where applicable:

1. A final plat has been approved.
2. Development Engineering Plans has been approved.
3. Infrastructure has been accepted or bonded.
4. The park fee is paid or park land donated.
5. The property to receive a permit is platted and recorded with the appropriate county.
6. Final zoning has been approved.

Secs. 36-12~~43~~—36-140. Reserved.

ARTICLE VI. VACATING CERTAIN PROPERTY RIGHTS

Sec. 36-141. Easements.

- (a) *Description.* A vacation of easement is a process used to eliminate all or a portion of an easement for utilities, drainage, access, egress, non-access, planting screens or any other easement designated on a plat. The vacation of easement is reviewed and recommended by the Planning Commission to the City Council for final decision. Vacation of easements shall be conducted in accordance with state law.
- (b) *Pre-application meeting* ~~required and~~ categories of easement vacation. ~~The prospective applicant shall meet with the City to discuss the proposed vacation. Planning Department staff shall determine the type of easement applications that are required and provide the necessary application information. Generally, vacation of easement applications can be classified into three categories: A pre-application meeting with the Planning and Zoning Department is recommended prior to submitting a vacation of easement application. Planning staff will assist the developer in identifying the easement type, required documentation, and application process. Vacation of easement requests generally fall into the following categories:~~
- (1) ~~*Vacation of utility easement.* Utility easement.~~ The applicant receives a sample utilities letter from the Planning Department. The applicant sends out the utility letter and vacation instrument to all utility companies in order to determine the impact of the proposed vacation on utilities. The utility companies shall be instructed within the letter to respond directly to the City's Planning Department. The Planning and Zoning Department shall notify applicable utility providers of the proposed easement vacation and request their comments. Feedback from utility providers shall be included in the staff report submitted to the Planning Commission and City Council.

- (2) ~~Vacation of drainage easement.~~ Drainage easement. The applicant/developer submits a drainage report prepared by a licensed professional engineer in the State of South Dakota. The report shall determine the impact of the proposed vacation on the existing and future drainage. A site plan may be required.
 - (3) ~~Vacation of access, egress, non-access, planting screen, or other easements. An application for proposed vacations involving an access, egress, non-access, planting screen, or other similar restrictions, the application vacation easement shall be signed by all affected property owners. A site plan may be required to evaluate access spacing, approach locations, and potential impacts on traffic circulation. requesting the easement vacation.~~ Access, egress, non-access, and screen or other easements. An application for proposed vacations involving an access, egress, non-access, planting screen, or other similar restrictions, the application vacation easement shall be signed by all affected property owners. A site plan may be required to evaluate access spacing, approach locations, and potential impacts on traffic circulation.
- (c) *Submission of documents and supplemental material.* The applicant/developer shall submit the required application, fees, the specified number of copies of the vacation of easement exhibit and other specified information and required materials to the Planning Department/Planning and Zoning Department. The vacation instrument shall be prepared by a licensed professional land surveyor at the applicant's expense, and marked "Exhibit A." The vacation instrument shall include the book and page number of the original document dedicating the easement.
- (d) *Review and approval procedure.* Upon receipt of a complete application, the Planning Department shall provide all information to other relevant City departments. City departments shall have ten (10) working days from receipt of the applications to complete their review and to recommend approval, denial, or suspension of the application. Applications not acted on within ten (10) working days of submittal (approved, denied or suspended) shall be deemed approved.
- (1) The developer shall submit an application and required materials to the Planning and Zoning Department.
 - (2) The Planning and Zoning Department will route the application to the appropriate agencies and internal departments for review.
 - (3) The Planning Commission shall review the vacation request at a scheduled meeting to determine its consistency with applicable plans, ordinances, and policies. The Planning Commission will make a recommendation to the City Council.
 - (4)-(4) The City Council's Public Works and Planning and Zoning Committee shall review the vacation application and forward a recommendation to the City Council.
 - (5) The City Council shall review the recommendations and either approve, approve with modifications, or deny the vacation/easement application.
- The application shall be sent to the Planning Commission for review and recommendation to the City Council.
- (e) ~~City council action.~~ The city Council will then act on the recommendation from the Planning Commission during their next regularly scheduled meeting and the plat shall be recorded by the applicant at the Meade County or Pennington County register of deeds. If denied, or suspension is imposed, this shall be provided in writing to the applicant.
- (ef) *Suspended timelines.* If any City Department Director, Planning Commission or City Council determines that the application for the vacation of easement does not contain the specified and required information, the review timeline shall be suspended and the applicant/developer shall be notified of the deficiency. When complete and sufficient information is provided by the applicant/developer, the review timeline shall be re-engaged, ~~with an additional five (5) working days added to the remaining balance of the review timeline.~~ Applications suspended for more than ninety (90) consecutive days, due to an incomplete application or failure of the applicant/developer to provide requested information, shall be denied. Applicant/Developers may appeal to the City Council for extensions, providing that the appeal is heard within ninety (90) days of the suspension.
- (fg) *Appeal of suspended timelines.* When the applicant/developer does not concur with the suspended timeline, an appeal can be filed to the City Council; who, with consideration being given to the disputed items, may approve or deny the vacation of easement plat document in its entirety.

- (g) *Approval criteria.* The City Council, as applicable, may approve a vacation of easement provided that the utility companies consent to the vacation of the easement or the City Engineer determines that the drainage is not adversely affected, or the vacation of the easement does not alter a recorded easement without the prior approval of the easement holder.
- (h) *Required documentation.* The following information is required for vacation of easements:
- (1) A completed and signed application.
 - (2) ~~Copies of a site plan showing all the existing development including building footprints, driveways, curb cuts, utility service lines, sidewalks, trails, and etcetera. The site plan must be drawn to a scale such as one inch equals ten feet (1" = 10') or one inch equals twenty feet (1" = 20'). One (1) paper copy of the site plan at 8½ inches by 11 inches and one (1) PDF copy, must be furnished. A site plan identifying the area of vacation and any existing development features.~~
 - (3) The original vacation instrument shall be prepared by a licensed professional land surveyor at the ~~applicant/developer's~~ expense and titled "Exhibit A." The vacation instrument shall include the book and page number of the original document dedicating or granting the easement.
 - (4) Vacation of drainage easement. The ~~applicant/developer~~ shall submit a drainage report prepared by a licensed professional engineer in the state of South Dakota. The report shall determine the impact of the proposed vacation on the existing and future drainage.
 - (5) Vacation of utility easement. The ~~applicant/developer~~ shall submit letters from the utility companies consenting to the proposed vacation.
 - (6) Vacation of access/egress easement. The application shall be signed by all affected property owners requesting vacation of an access easement.
 - (7) Vacation of planting screen and non-access easement. The ~~applicant/developer~~ shall submit a site plan with the locations of the existing and adjacent approach locations, existing easements, spacing and clearance, and street intersections as indicated in the infrastructure design criteria manual.

(Ord. No. 565, § 152.030, 7-19-2016)

Sec. 36-142. Public right-of-way and section line highway.

- (a) *Description.* A vacation of public right-of-way or vacation of section line highway is used to eliminate public rights-of-way that are no longer needed for public improvements or access or egress. The vacation requires the review and recommendation of the Planning Commission, and approval by resolution of the City Council, including an exhibit showing the area to be vacated.
- (b) *Procedure for Review.* ~~The procedure for review of applications under this sections is as follows:~~
- (1) ~~The applicant shall submit an application to the Planning Department, which includes the legal description of the property for which the vacation is requested and which is signed by the property owner along with a copy of a vacation instrument marked "Exhibit A" prepared by a licensed professional land surveyor. The vacation instrument shall include book and page number of the original plat dedicating right of way if applicable.~~
 - (2) ~~A petition for right of way vacation or vacation of section line highway must be signed by property owners whose property adjoins that part of the street, alley or public ground to be vacated. The petition for vacation must be notarized.~~
 - (3) ~~The applicant shall send out certified return service utility letters and the vacation instrument to all utility companies in order to determine the impact of the proposed vacation on utilities. The utility companies are notified within the letter that they are to reply directly to the City's Planning Department.~~ Planning and Zoning Department.

- (1) The developer shall submit an application and required materials to the Planning and Zoning Department.
 - (2) The Planning and Zoning Department will route the application to the appropriate agencies and internal departments for review.
 - (3) The Planning Commission shall review the application at a scheduled meeting and provide a recommendation to the City Council.
 - (4) The City Council's Public Works and Planning and Zoning Committee shall review the application and forward a recommendation to the City Council.
 - (5) The City Council shall conduct a public hearing on the vacation petition. Notice of the hearing shall be published once each week for at least two (2) successive weeks. The City Council shall take formal action not less than ten (10) days from the date of the last publication. A two-thirds (2/3) vote of all members is required to approve the vacation.
-
- ~~(4) Upon receipt of the vacation instrument and all of the responses from the utility companies, the Planning Commission shall have fifteen (15) working days to complete their review and provide a recommendation and resolution prepared by the City Attorney's Office to the City Council.~~
 - ~~(5) The City Council will review the resolution and Planning Commission recommendations. The resolution shall be set for public hearing at the following City Council meeting with formal action being taken at an upcoming regularly scheduled meeting. A 2/3 vote of all members is required to vacate a public right-of-way.~~
 - ~~(6) The City Council shall conduct a public hearing on the vacation of right-of-way or vacation of section line highway petition. Notice of the hearing shall be published once each week for at least two (2) successive weeks with the City Council taking formal action on the petition not less than ten (10) days from last publication of the notice. A two-thirds vote of all members is required to vacate a public right-of-way.~~
- (c) *Suspended timelines.* If any City Department Director, the Planning Commission or City Council determines that the application for the vacation of a public right-of-way or section line does not contain the specified and required information, the review timeline shall be suspended and the ~~applicant~~developer shall be notified of the deficiency. When complete and sufficient information is provided by the ~~applicant~~developer, the review timeline shall be re-engaged, with an additional five (5) working days added to the remaining balance of the review timeline. Applications suspended for more than ninety (90) consecutive days, due to an incomplete application or failure of the ~~applicant~~developer to provide requested information, shall be denied. ~~Applicant~~Developers may appeal to the City Council for extensions, providing that the appeal is heard within ninety (90) days of the suspension.
- (d) *Appeal of suspended timelines.* When the ~~owner~~developer or designated agent does not concur with the suspension of timeline an appeal can be filed with the City Council; who, with consideration being given to the disputed items, may approve or deny the vacation of public right-of-way or section line in its entirety.
- (e) *Approval criteria.* The City's Engineer shall provide a recommendation to the Planning Commission, who shall recommend to the City Council, who shall approve or deny the vacation of public right-of-way or section line. The following approval criteria will be utilized by the City Council when evaluating the vacation: provided, the exhibit and supporting documents comply with the following approval criteria:
- (1) The vacation serves the interest of the City by removing maintenance or liability risks;
 - (2) The property interest being vacated is no longer necessary for City operations;
 - (3) The land to be vacated is no longer necessary for the public use and convenience;
 - (4) The vacation will not create any landlocked properties;
 - (5) The vacation will not render access to any parcel unreasonable; and

- (6) The vacation will not reduce the quality of public services to any parcel of land.
- (f) *Zoning.* Notwithstanding any provision in this section to the contrary, the zoning on any property vacated by the City shall be changed without further action as of the effective date of the vacation to that zoning of the property to which ownership of the vacated property attaches as a result of such vacation by the City. When possible, a separate consolidation plat to re-plat the vacated area into a larger usable piece of land shall be submitted by the landowner receiving the vacated parcel.
- (g) *Required documentation.* The following information, at a minimum, is required for vacation of public right-of-way and vacation of section line highway:
- (1) A completed and signed application and fees;
 - (2) Petition of vacation signed by property owners;
 - (3) Configuration and dimensions of the area being vacated;
 - (4) Lot configurations and areas adjacent to the vacated right-of-way; and
 - (5) "Exhibit A" prepared by a licensed professional land surveyor showing area of vacation.

(Ord. No. 565, § 152.031, 7-19-2016)

Secs. 36-143—36-167. Reserved.

ARTICLE VII. IMPROVEMENTS

DIVISION 1. GENERALLY

Sec. 36-169. Inspection, guarantee.

- (a) ~~Each facility~~Any improvements constructed in any subdivision shall be installed under inspection of the developer's engineer, ~~city City engineer~~Engineer (or their designee), and public works director, ~~or their his~~designee. All work shall be ~~performed in a workmanlike manner, using good construction practices commonly accepted in the western area of the state, completed in adherence to the adopted infrastructure design and construction standards.~~
- (b) In the event that any improvements are constructed which are not completed ~~in a workmanlike manner to~~city standards or where materials are used that do not meet the specification requirements of the City and the State regardless of homeowner or resident use, then the City Engineer or designated representative shall have the right to require the developer to replace the improvements which have been improperly installed and the ~~development~~improvements shall not be accepted by the City Council until such replacement has been completed and approved.
- (c) ~~Any required improvement shall be guaranteed by the developer for a period of not less than two (2) years~~For any required improvement, the developer shall provide a minimum of a two (2) year warranty bond, in a
the value of 10% of the infrastructure cost, from the date of formal acceptance by the City Council. Formal acceptance shall be by action taken by the City Council at a regularly scheduled meeting, and with the acceptance completed by resolution and recorded in the minutes of the meeting.

(Ord. No. 565, § 152.041(A), 152.042, 7-19-2016)

Sec. 36-170. Acceptance of improvements required.

- (a) No building permits shall be issued and no structures or manufactured homes shall be placed upon any property within the subdivision until the water distribution system, wastewater collection system, streets, ~~and sidewalks, and trails~~ have been accepted by the City for maintenance and until the developer has

provided the back of curb elevations on all lots to the City's ~~Planning Department~~ Planning and Zoning Department.

- (b) In the event the developer is platting lots in phases, all required improvements, including the water distribution system, wastewater collection system, ~~sidewalks~~, streets, curb and gutter and drainage system must be completed, approved and accepted for maintenance by the City for all ~~previously~~ approved plats by the City Council, prior to approval of the final plat for each individual phase.
- (c) In the event the developer has posted a surety bond for 115% of the value of uncompleted ~~bonds~~ improvements, the City ~~Council~~ may choose to allow the sidewalks, trails and streets, or other required improvements be completed, approved, and accepted for maintenance within one (1) year of the issuance of the first building permit. If the required improvements are not completed and fully accepted within one (1) year, no further building permits will be issued for the development until required improvements are fully accepted for maintenance by the City Council. The surety bond may be used by the City to complete remaining improvements.

(Ord. No. 565, §§ 152.021, 152.043, 7-19-2016)

Sec. 36-172. Maintenance responsibilities; ~~surety~~ warranty bond.

Maintenance of public streets, storm sewers and related infrastructure that have not been accepted for maintenance purposes by the City, or by any other governmental entity, shall be the responsibility of developer and landowner. ~~A surety bond shall be placed in force, for one hundred fifteen percent (115%) of the estimated cost of remaining improvements, and shall stay in place until improvements are completed, and the maintenance is accepted by the City Council.~~

(Ord. No. 565, § 152.021, 7-19-2016)

Sec. 36-173. Warranty Bond for Accepted Infrastructure; Sidewalk Installation Requirement for Bond Release.

- (a) Upon formal acceptance of infrastructure by the City, the developer shall post a warranty bond equal to ten percent (~~—10—~~%) of the infrastructure cost to cover any potential repairs or deficiencies in the accepted improvements. The bond shall remain in effect for two (2) years.
- (b) This bond shall remain in effect for the two-year warranty period following acceptance by the City Council. ~~To ensure consistent sidewalk installation, the warranty bond shall not be released until one of the following conditions is met for every lot within the accepted area:~~
 - a. ~~Lots Sidewalks on lots have sidewalk constructed~~ be completed and installed before the end of the two-year warranty period to ensure continuity in pedestrian pathways and prevent gaps. A sidewalk has been installed on the lot; or
 - a. ~~The lot has an active building permit with the City.~~
- (c) The warranty bond will remain in effect for ~~shall be held for the full two years. period. After this period~~ and final inspection, confirming that all improvements, including sidewalks on lots without a building permit, meet City Standards, after which the City will authorize the release date of the warranty bond.
- (d) The developer may request a one time extension of the warranty period for one (1) year. All developer obligations for infrastructure repairs remain in effect in the warranty extension period.

Secs. 36-174—36-197. Reserved.

DIVISION 2. DESIGN STANDARDS AND CONSTRUCTION SPECIFICATIONS

Sec. 36-198. Public water and sewer construction and inspection.

Where possible, all public and private water mains, sanitary sewers and storm sewers shall be installed and inspected as necessary to prevent the future cutting of pavement of any street, sidewalk or other required pavement.

In instances where existing streets, roads, or other pavements must be cut to install public and private water mains, sanitary sewers and storm sewers, the City shall require the developer to return any cut roads or pavements to existing conditions through mill and overlay or other acceptable methods approved by the City Engineer ~~sees fit~~.

(Ord. No. 565, § 152.040(A), 7-19-2016)

Sec. 36-199. Water distribution system.

- (a) All subdivisions of land within the City's jurisdiction shall have a water distribution system and shall be connected to the City's water system unless otherwise approved by the City Council~~City Engineer~~. The system and related connections shall be provided at the expense of the developer.
- (b) All water distribution systems lines shall be ~~constructed~~designed to provide for orderly expansion into surrounding areas in a publicly dedicated right-of-way, unless otherwise authorized by the City ~~Council~~Engineer.

Sec. 36-200. Sanitary sewer system.

- (b) All wastewater systems shall be designed to provide for orderly expansion into surrounding areas. All wastewater system lines shall be constructed in dedicated public rights-of-way, unless otherwise approved by the City ~~Council~~Engineer.

(Ord. No. 565, § 152.041(E), 7-19-2016)

Sec. 36-202. Landscaping.

When applicable, landscaping shall be incorporated into projects, and shall ~~be constructed in a workmanlike manner and~~ contain native plant species compatible with the region. Landscaping requirements shall comply with Chapter 44 – Zoning.

(Ord. No. 565, § 152.040(A), 7-19-2016)

Sec. 36-206. Streets.

- (b) The configuration, location and grade of all proposed streets shall be in accordance with good land planning principles and shall meet the intent of the M~~m~~ajor S~~s~~treets P~~p~~lan.
- (i) Where there exists an unpaved dedicated or platted street adjacent to the tract to be subdivided, the developer shall be required to provide concrete curb and gutter, sidewalks, and asphalt mat for existing streets. All streets shall conform to the m~~M~~aster T~~t~~ransportation P~~p~~lan and the C~~city's~~ I~~n~~frastructure D~~e~~sign S~~s~~tandards manual.
- (p) Unless otherwise noted in the City's adopted Infrastructure Design Standards, at a minimum, a thirty inch (30") Type B concrete curb and gutter shall be placed on both sides of any street in all subdivisions, unless otherwise recommended by the City Engineer and approved by the City Council.

(Ord. No. 565, § 152.040(D), § 152.041(B), § 152.041(C), 7-19-2016)

Sec. 36-207. Alleys.

- (a) Alleys ~~shall may~~ be required in commercial and industrial zoned districts; ~~except the~~ City Council may waive this requirement ~~upon recommendation by the Planning Commission~~ where other definite and assured provisions are made for service access, such as off-street parking, loading and unloading facilities consistent with the other applicable ordinance requirements. Such alleys shall have a minimum twenty five ~~feet~~ (25') right-of-way and shall be dedicated to the public.
- (b) All Alleys required in commercial and industrial zoned areas, shall at a minimum be paved twenty feet (20') in width and no less than six inches in depth with concrete. In no case shall the developer be permitted to install gravel alleyways.
- (c) Alleys are not permitted in residential districts except when recommended by the Planning Director, City Engineer, or the Planning Commission ~~for approval and approved~~ by the City Council when it is determined special conditions warrant a secondary means of access. Alleys, if approved, shall be paved and constructed as per City design standards.

(Ord. No. 565, § 152.040(E), 7-19-2016)

Sec. 36-209. Sidewalks and Trails.

- (a) The ~~applicant~~ developer's responsibility for constructing sidewalks and trails shall be as follows:
 - (1) The ~~applicant~~ developer shall be responsible for constructing all corner ramps, sidewalks connecting the corner ramps along the radius and all sidewalks on lots ~~where~~ no building permit is anticipated ~~(including drainage lots, utility lots, other common lots, or lots subject to covered by an agreement within the City's extra territorial three (3) mile platting jurisdiction).~~ All corner ramps and ~~sidewalks shall~~ sidewalks shall meet ADA requirements.
 - (2) Sidewalks and trails are considered City infrastructure, ~~and shall require warranty for two (2) years.~~ Sidewalks shall be installed on lots with a building permit before a certificate of occupancy is issued for the primary structure on the lot. For lots without a building permit, sidewalks must be installed and inspected prior before the City officially accepts the infrastructure through the currently adopted city standards and applicable forms, except when the City Council permits installation prior to the issuance of a certificate of occupancy for the primary structure on the lot to the end of the warranty period in order for the to facilitate before the infrastructure warranty bond to be released.
- (b) All sidewalks and trails shall meet the requirements outlined in the City's Master Transportation Plan and adopted Infrastructure Design Standards.

(c) At the City's discretion, a multi-use trail may be required to one side of the street, in lieu of sidewalk on both sides of the street.

(Ord. No. 565, § 152.040(F), 7-19-2016)

Sec. 36-210. Street names; road suffixes by designation.

- (b) Road suffixes. To promote variety in street naming the following suffixes shall be assigned based on usage. For the purposes of this section, the term "preferred use" refers to a subset of use cases where the given suffix should be used more than in other situations. Some suffixes may be listed in more than one use case.

~~(a)(d)~~ At City discretion, a multi-use trail may be required to one side of the street, in lieu of sidewalk on both sides of the street.

Sec. 36-211. Subdivision names.

Subdivision names shall not be duplicated or be deceptively similar to any other subdivision name. Subdivision names are subject to the approval of the City and the Meade County and Pennington County ~~Registrars~~ Register of Deeds.

(Ord. No. 565, § 152.040(H), 7-19-2016)

Sec. 36-212. Easements.

- (a) Standard or specific utility, drainage, or other easements shall be provided ~~and as otherwise needed~~ on rear, side and front lot lines ~~and as otherwise needed;~~ and Easements shall be not less than eight a minimum of ten feet (108') in width along the front and rear lot lines and eight feet (8') in width along on each side of the lot lines, or no less than sixteen feet (16') in width unless otherwise recommended by the Planning Commission and approved by the City Council.
- (b) Where a subdivision is traversed by a watercourse, drainageway or stream, there shall be provided a major stormwater drainage easement or right-of-way conforming substantially within the lines of existing or planned drainageway.
- (c) The width of such drainage easement or right-of-way shall be engineered and sufficient to contain the ultimate channel flow ~~from~~ the tributary area upstream, and allow maintenance of such drainage easement way. Calculations necessary to establish the magnitude of the drainageway shall be provided by the developer's engineer.

(Ord. No. 565, § 152.040(I), 7-19-2016)

Sec. 36-213. Drainage, inundation, stormwater runoff and flood control.

- (a) Consideration and provision for drainage shall be in accordance with the City's Infrastructure Design Standards and City Standard Construction Specifications and Details~~7~~, and state and federal requirements. When applicable, a stormwater collection system shall be designed to meet the flow requirements of a ten (10) year storm. The one-hundred (100) year storm event will also be considered for life safety.
- (b) If ~~subdivision~~ improvements are required, a drainage plan and report shall be prepared ~~for each subdivision~~ by the ~~applicant developer's~~ engineer. Plans may be required to receive approval from DANR, U.S. Army Corps of Engineers, and FEMA prior to obtaining approval from the City.
- (c) Adequate provisions shall be made to provide drainage facilities needed within the subdivision, taking into account the ultimate development of the tributary area, or off-site drainage provisions shall be verified or established.
- (d) Primary consideration shall be given to gravity flow improvements for storm and sanitary sewer improvements.
- (e) Off-premises drainage easements and improvements may be required.
- (f) Upon recommendation from ~~the Public~~ the Public Works Director or the City Engineer the Planning Commission or City Council may require additional engineering information necessary to make a decision on subdivisions and other development, which are in areas of questionable drainage.
- (g) Development within designated areas of the floodplain shall require a floodplain development permit and shall comply with all requirements of the flood area construction regulations in Chapter 12.
- (h) Areas subject to periodic inundation of flood waters shall not be developed or subdivided except in strict compliance with the City's flood development regulations and if it is shown that the nature of the land use would not itself impede surface water runoff and would not be subject to appreciable damage by inundation. The area may be filled in such a manner as to prevent periodic inundation, provided that engineered fill does

not retard the flow of surface waters or result in increasing the water level endangering life and property of others.

- (i) Ponds and similar areas shall be accepted by City Council for maintenance only if sufficient land is dedicated as public recreation area or park or if such areas constitute a necessary part of the drainage control system.
- (j) For any development in which more than one acre of land is to be disturbed, a stormwater runoff control plan shall be prepared by a licensed engineer and submitted to the DANR for approval. No construction improvements may begin until the runoff control plan has been authorized by the DANR and a copy of the approved plan provided to the City for approval by the City Engineer.

(k) Post development run off may not exceed pre-development runoff.

(l) The lowest opening on all structures, must be a minimum of 2 feet above the surface overflow (emergency overflow) of any ponds and or storm sewer systems.

(Ord. No. 565, § 152.040(J), §152.041(F), 7-19-2016)

APPENDIX A. REQUIRED CERTIFICATE LANGUAGE FOR PLATS

The following certificate language and signature lines shall be required on all minor and final plats.

The Planning Director shall review the requirements of this section annually and propose any changes or modifications to the text contained herein to ensure compliance with Meade and Pennington County requirements for the recordation of subdivision plats, including amendments or vacations subsequent thereto.

1. Meade County:

f- CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

The location of the proposed access and property lines relative with respect to the abutting Highway or Street as shown hereon, is hereby approved. Any approaches-changes to the approved or access location shall to the Highway or Street will require additional approval.

Dated this ____ day of _____, 20____,

Highway or Street Authority

g- CERTIFICATE OF OWNERSHIP

State of South Dakota
County of Meade S.S.

I/We, the undersigned-do hereby certify that I/we are the owner of the land as shown and described hereon; that the survey plat was done at themy request and the direction of the owner for the purpose indicated hereon; that I do hereby approve the survey and within plat of said land; and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

Any land shown on the within plat as dedicated to public right of way is hereby dedicated to public use and public utility use as such, forever, but such dedication shall not be construed to be a dedication of the fee of such land. This plat is subject to all easements, restrictions, and rights-of-way of record. Any easements or rights of way dedicated by this plat are indicated on the drawing for the purposes specified.

Owner _____

On the ____ day of _____, 20____, before me, a Notary Public, personally appeared _____, known to me to be the person described in the foregoing instrument and acknowledged to me that (he,she) signed the same.

Notary Public: _____

My Commission Expires: _____

h- CERTIFICATE OF SURVEYOR

State of South Dakota
County of Meade S.S.

I, _____, Registered Land Surveyor No. _____ in the State of South Dakota, do hereby certify that at the request of the owner(s) listed hereon I have ~~surveyed that tract of land shown, and to the best of my knowledge and belief, the within plat is a representation of said survey. Easements or Restriction of miscellaneous record or private agreements that are not known to me are not shown hereon~~ marked upon the ground the boundaries in the manner shown, and that this plat is correct to the best of my knowledge, information and belief. Certain easements, restrictions, or other title matters of public record or private agreement may not be shown.

In witness whereof, I have hereunto set my hand and Seal,

(Name) Registered Land Surveyor Date

2. Pennington County:

f- CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

The location of the proposed access and property lines ~~with respect~~ relative to the abutting Highway or Street as shown hereon, is hereby approved. Any ~~approaches~~ changes to the approved ~~or access location shall to the Highway or Street will~~ require additional approval.

Dated this ____ day of _____, 20____,

Highway or Street Authority

g- CERTIFICATE OF OWNERSHIP

State of South Dakota
County of Pennington S.S.

I/We, the undersigned do hereby certify that I/we ~~are~~ are the owner of the land as shown and described hereon; that the ~~plat~~ survey was done at ~~they~~ my request and direction of the owner for the purpose indicated hereon; ~~that I do hereby approve the survey and within plat of said land;~~ and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

~~Any land shown on the within plat as dedicated to public right of way is hereby dedicated to public use and public utility use as such, forever, but such dedication shall not be construed to be~~

a dedication of the fee of such land. This plat is subject to all easements, restrictions, and rights-of-way of record. Any easements or rights-of-way dedicated by the plat are indicated on the drawing for the purposes specified.

Owner _____

On the ____ day of _____, 20____, before me, a Notary Public, personally appeared _____, known to me to be the person described in the foregoing instrument and acknowledged to me that (he,she) signed the same.

Notary Public: _____

My Commission Expires: _____

h- CERTIFICATE OF SURVEYOR

State of South Dakota
County of Pennington S.S.

I, _____, Registered Land Surveyor No. _____ in the State of South Dakota, do hereby certify that at the request of the owner(s) listed hereon I have marked upon the ground the boundaries in the manner shown, and that this plat is correct to the best of my knowledge, information and belief. Certain easements, restrictions, or other title matters of public record or private agreement may not be shown surveyed that tract of land shown, and to the best of my knowledge and belief, the within plat is a representation of said survey. Easements or Restriction of miscellaneous record or private agreements that are not known to me are not shown hereon.

In witness whereof, I have hereunto set my hand and Seal,

(Name) Registered Land Surveyor Date

Register of Deeds

PASSED AND APPROVED ON FIRST READING this 4 day of November, 2025.

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 18 day of November, 2025.

ATTEST:

Larry J. Larson
Larry Larson, Mayor

Renee Baker
Renee Baker, Finance Officer



ATTESTATION

I, Chaz Kokesh, the City Clerk of the City of Box Elder, South Dakota, do hereby attest and state the above ordinance was published on November 26 2025 in the manner required by law and that all procedures required by the State of South Dakota law were complied with. This ordinance shall become effective on December 15 2025.

Chaz Kokesh, City Clerk