

**SOUTH DAKOTA BOARD OF REGENTS**

**Budget and Finance**  
**Consent**

**AGENDA ITEM: 5 – L**  
**DATE: October 5-6, 2022**

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**SUBJECT**

**SDSU Plat Resolution**

**CONTROLLING STATUTE, RULE, OR POLICY**

[SDCL § 5-1-7](#)

SDCL Chs. [11-3](#) and [43-21](#).

**BACKGROUND / DISCUSSION**

The property subject to the requested plat was first platted by SDSU in 1973 as University First Addition to the City of Brookings. At that time, Block 1 of University First Addition comprised two lots contiguous to a dedicated street. The dedicated street, eighty feet in width, lies to the east of the two lots. Alpha Gamma Rho (“AGR”) fraternity occupies original Lot 2 pursuant to authority provided in SDCL §13-58-25, which lies south of the original Lot 1. Original Lot 2 fronts Eighth Street, which lies south of the lot.

On July 24, 2012, there was a replat of Block 1 of University First Addition as Lots 1A, 2A, and 3A, Block 1, University First addition and included a vacation of the dedicated street on the east side of the lots, pursuant to a resolution approved by the Board at its [December 15-16, 2011 meeting](#). The re-plat for Block 1 of University First Addition Plat currently on file is not accurate as to the legal boundaries; therefore, a re-plat is necessary to correct the inaccuracy. At its [April 2-4, 2019 meeting](#) the Board adopted a resolution for the re-plat Block 1 of University First Addition and re-plat as Lots 1B and 2B, Block 1, University First Addition.

At its [April 1, 2020 meeting](#) the Board adopted a resolution requesting the Commissioner of School and Public Lands to effectuate the plat and street vacations. The Fraternity involved did not take the actions necessary to complete the plat and street vacations.

**IMPACT AND RECOMMENDATION**

SDSU requests the Board of Regents adopt the Resolution set forth in Attachment I, requesting the plat to vacate Lots 1A, 2A, and 3A, Block 1, University First Addition and

(Continued)

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**DRAFT MOTION 20221005\_5-L:**

I move to approve and adopt the Resolution set forth in Attachment I, requesting the Commissioner of School and Public Lands to proceed with the plat as stated therein.

replat as Lots 1B and 2B, University First Addition, and execute any document(s) necessary to clarify, correct, or otherwise cleanup title to the impacted property as a result thereof. The foregoing will effectively result in the exchange of real estate between SDSU and AGR, specifically AGR will gain approximately 6,685.4 square feet on the north end of what will be Lot 2B. SDSU will confirm ownership of the vacated street on the east side of what will be Lot 2B, approximately 16,304 square feet.

This will allow SDSU to enforce a buffer between the fraternity and McCrory Gardens.

Staff recommends approval.

#### **ATTACHMENTS**

Attachment I – Resolution Requesting Execution and Filing of the Plat

Attachment I, Exhibit I – Draft Plat

**RESOLUTION****Resolution requesting the execution and filing of the Plat of Lots 1B and 2B, Block 1, University First Addition to the City of Brookings, Brookings County, South Dakota.**

The South Dakota Board of Regents (hereinafter referred to as “BOR”), on behalf of South Dakota State University, pursuant to the authority vested in BOR under SDCL § 5-2-11, hereby requests the Commissioner of School and Public Lands to draw up all necessary documents and to forward them to the Governor to request their execution in order to execute, file, and effectuate the attached plat pertaining to the property currently described as:

Lots 1A, 2A, 3A, Block 1, University First Addition to the City of Brookings, Brookings County, South Dakota; and which is to be vacated and re-platted as Lots 1B and 2B, Block 1, University First Addition to the City of Brookings, Brookings County, South Dakota.

BOR requests that the final plat be consistent with the draft plat attached hereto as Exhibit I, to include executing any documentation necessary to effectuate any conveyance(s) authorized by SDCL 13-58-25 needed to clarify, confirm, or otherwise cleanup title to the impacted property as a result of the plat, and without restricting the ability of the parties to further revise the plat and any related documents before executing and filing the same.

Dated this \_\_\_\_ day of October, 2022

**SOUTH DAKOTA BOARD OF REGENTS**

By \_\_\_\_\_

Pam Roberts

President

Certification:

I have compared the foregoing with an action taken by the Board of Regents at its meeting conducted on the \_\_\_\_ day of October, 2022, and I hereby certify that the same is a true, correct, and complete copy thereof and that the same has not been rescinded.

Dated this \_\_\_\_ day of October, 2022

**SOUTH DAKOTA BOARD OF REGENTS**

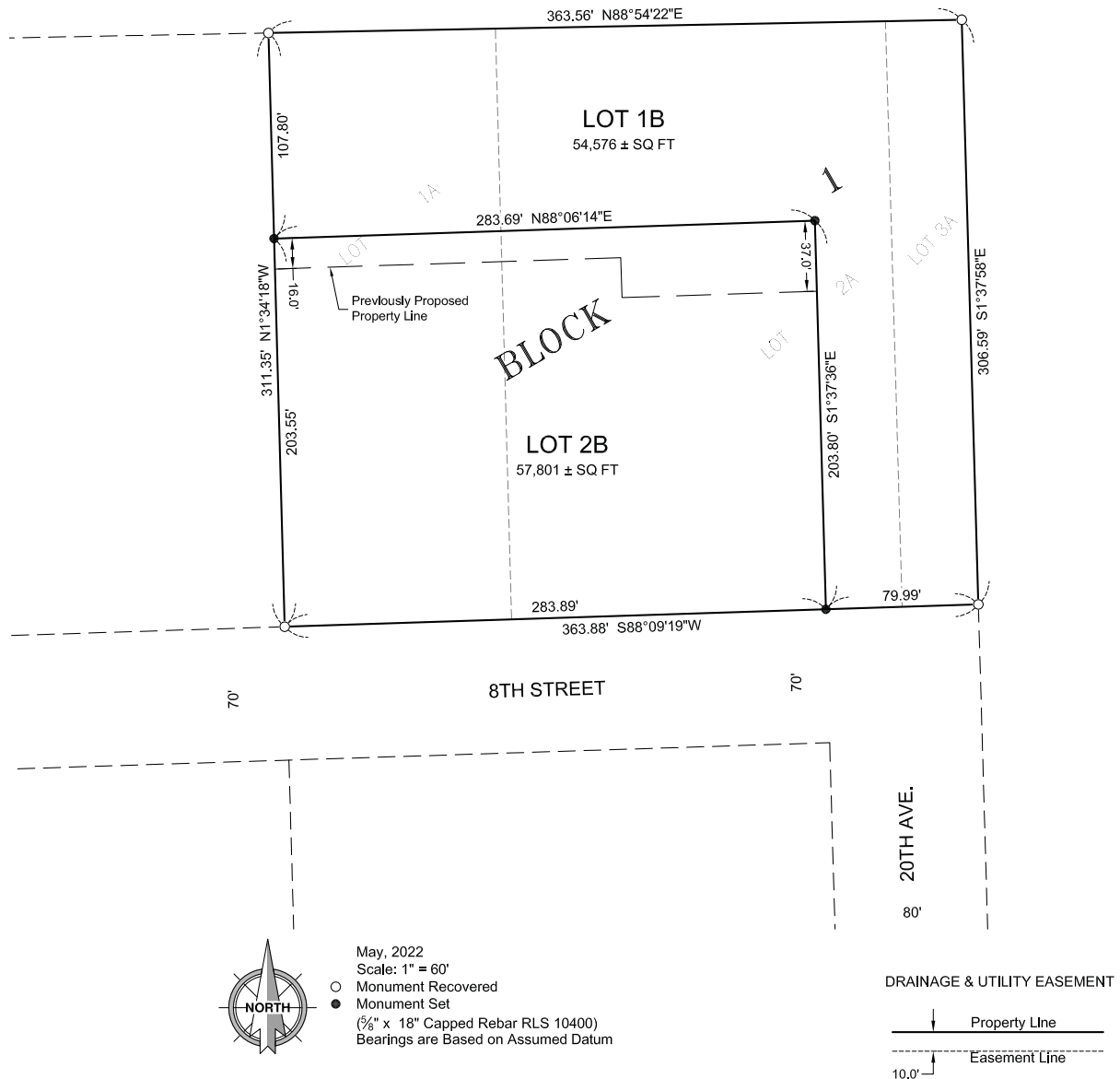
By \_\_\_\_\_

Tony Venhuizen

Secretary

**LOTS 1B AND 2B, BLOCK 1 OF UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA.**

THIS PLAT TO VACATE AND REPLAT LOTS 1A, 2A, AND 3A OF "PLAT OF LOTS 1A, 2A, AND 3A, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA", FILED FOR RECORD ON JULY 24TH, 2012 AT 8:00 A.M. IN PLAT BOOK 30, PAGE 34.



**SURVEYOR'S CERTIFICATE**

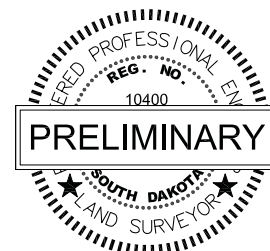
I, Andrew E. Kangas, a Registered Land Surveyor of the State of South Dakota, do hereby certify that on or before the 5th day of May, 2022 and at the request of the owner of the real property hereinafter described, surveyed and replatted lots 1A, 2A, and 3A, Block 1, University First Addition to the City of Brookings, Brookings County, South Dakota, as shown on the plat, and marked upon the ground boundaries thereof in the manner shown on the plat, and that the attached plat is a true and correct representation of said survey and that the parcel of land so platted contains: "PLAT OF LOTS 1B AND 2B, BLOCK 1 OF UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA".

IN WITNESS WHEREOF, I have executed this Surveyor's Certificate this 5th day of May, 2022.

Prepared By:



Civil Engineers & Land Surveyors  
 Brookings, South Dakota  
 Ph. 605-696-3200



**OWNER'S CERTIFICATE**

I, on behalf of the State of South Dakota, owners of a portion of the land shown in the foregoing plat, hereby certify that I did authorize and do join in, and approve the above survey and plat, and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations. There is hereby granted to the City of Brookings or the holder of any utility franchise, an easement at locations shown in the above plat for the purpose of installing and maintaining any utility line. Any land shown in the above plat and designated as a street, road, alley, park or public ground is hereby dedicated to public use as such forever, but such dedication shall not be construed to be a donation of the fee of such land.

THIS PLAT TO VACATE AND REPLAT LOTS 1A, 2A, AND 3A OF "PLAT OF LOTS 1A, 2A, 3A, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA", FILED FOR RECORD ON JULY 24TH, 2012 AT 8:00 A.M. IN PLAT BOOK 30, PAGE 34.

The portion so platted shall hereafter be designated as, "**PLAT OF LOTS 1B AND 2B, BLOCK 1 OF UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA**".

IN WITNESS WHEREOF, I have executed this Owner's Certificate this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Kristi Noem, Governor  
State Of South Dakota

Attest: \_\_\_\_\_  
Ryan Brunner, Commissioner Of  
School And Public Lands

STATE OF \_\_\_\_\_ )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022 before me, the undersigned Notary Public within and for the State and County aforesaid, personally appeared Kristi Noem, Governor, State of South Dakota, known to be the persons who executed the foregoing Owner's Certificate, and acknowledged to me that she executed the same.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022 before me, the undersigned Notary Public within and for the State and County aforesaid, personally appeared Ryan Brunner, Commissioner of School and Public Lands, known to be the persons who executed the foregoing Owner's Certificate, and acknowledged to me that he executed the same.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: \_\_\_\_\_

**OWNER'S CERTIFICATE**

I, Tyler Peterson, President of Alpha Phi-Alfa Gamma Rho Alumni Association, owners of a portion of land shown in the foregoing plat, hereby certify that I did authorize and do join in, and approve the above survey and plat, and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations. There is hereby granted to the City of Brookings or the holder of any utility franchise, an easement at locations shown in the above plat for the purpose of installing and maintaining any utility line. Any land shown in the above plat and designated as a street, road, alley, park or public ground is hereby dedicated to public use as such forever, but such dedication shall not be construed to be a donation of the fee of such land.

THIS PLAT TO VACATE AND REPLAT LOTS 1A, 2A, AND 3A OF "PLAT OF LOTS 1A, 2A, 3A, BLOCK 1, UNIVERSITY FIRST ADDITION TO THE CITY OF BROOKINGS, BROOKINGS COUNTY, SOUTH DAKOTA", FILED FOR RECORD ON JULY 24TH, 2012 AT 8:00 A.M. IN PLAT BOOK 30, PAGE 34.

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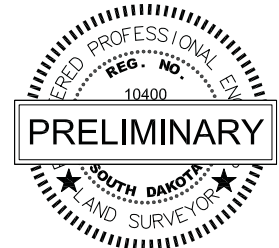
IN WITNESS WHEREOF, I have executed this Owner's Certificate this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Tyler Peterson  
President

STATE OF \_\_\_\_\_ )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022 before me, the undersigned Notary Public within and for the State and County aforesaid, personally appeared Tyler Peterson, who acknowledge himself to be the President of Alpha Phi-Alfa Gamma Rho Alumni Association and that he, as being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the Alpha Phi-Alfa Gamma Rho Alumni Association, himself as President.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: \_\_\_\_\_



Prepared By:



Civil Engineers & Land Surveyors  
Brookings, South Dakota  
Ph. 605-696-3200

