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STATE OF SOUTH DAKOTA } ss  
Brookings County

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**RESO** Document #FB279223

Recording Fee: \$0.00 Page: 1 of 4

*Dewey Chapman*, Register of Deeds  
By \_\_\_\_\_ Deputy

**Resolution #19-38**  
**RESOLUTION AND ORDER**

**RESOLUTION AND ORDER SUPERSEDING RESOLUTION #19-16 AND APPROVING THE VACATION OF THE FOLLOWING DESCRIBED AVENUE:**

1<sup>st</sup> Avenue East located between Lots 56, 57, 58, 63, 64, and 65 located in the plat entitled First Addition Lake Poinsett Heights Subdivision in Government Lot 2, of Section 5, Township 112, Range 52, West of the 5<sup>th</sup> P.M., Brookings County, South Dakota.

**BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF BROOKINGS, SOUTH DAKOTA, AS FOLLOWS:**

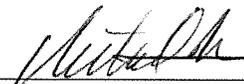
That after an examination of the avenue designated at 1<sup>st</sup> Avenue East located in Laketon Township in the plat entitled 1<sup>st</sup> Addition, Lake Poinsett Heights Subdivision and the Petition of four voters of Laketon Township for vacation of a portion of that highway knows as 1<sup>st</sup> Avenue East, located between Lots 56, 57, 58, 63, 64 and 65, as described above; "Notice of Hearing" of said Petition having been published in the Brookings Register and Volga Tribune once per week for 2 weeks prior to this date, namely August 1, 2019 and August 8, 2019, with hearing therein scheduled for the 20<sup>th</sup> day of August, 2019 at 9:15 a.m. and no one having objected or appeared to appear to object to said Petition, and it appearing that the public interest would be better served by the proposed vacating of said avenue in question and it is further appearing that all the requirements of law regarding vacation have been complied with.

NOW THEREFORE, pursuant to SDCL Chapter 31-3 the vacation of 1<sup>st</sup> Avenue East, located in the plat entitled: 1<sup>st</sup> Addition, Lake Poinsett Heights Subdivision, located between Lots 56, 57, 58, 63 and 65, as described above; is hereby ordered. Said plat is recorded in Book 4 of Plats, Page 28. It was recorded in the Brookings County Register of Deeds office on September 1, 1922, at 8:00 a.m.

The above and forgoing Resolution and Order was moved for adoption by Commissioner Krogman, seconded by Commissioner Boersma, and all present voted aye and none voted nay whereby the Chairperson declared the same to be duly passed.

NOW THEREFORE BE IT ALSO RESOLVED that the forgoing Resolution and Order supersede Resolution #19-16, approved by the Brookings County Board of County Commissioners on June 4, 2019.

Dated at Brookings, South Dakota, this 20<sup>th</sup> day of August, 2019.

  
\_\_\_\_\_  
Chairperson of the Brookings County  
Commissioners, Brookings County, South Dakota

  
\_\_\_\_\_  
County Auditor



PUBLISH: \_\_\_\_\_

COUNTY COMMISSION  
BROOKINGS COUNTY

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IN THE MATTER OF THE  
VACATION OF A HIGHWAY

PETITION  
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COMES NOW, Shad Swedlund and Vicki Swedlund and Jeff Hanson as a member of JKBC, LLC hereby petition the Brookings County Commission, pursuant to SDCL 31-3-6, for the vacation of a portion of that highway known as 1<sup>st</sup> Avenue, East, located in the plat entitled: 1<sup>st</sup> Addition, Lake Poinsett Heights Subdivision in Lot 2, Section 5, Township 112, Range 52, West of the 5<sup>th</sup> P.M., Brookings County, South Dakota.

Attached hereto is a map showing 1<sup>st</sup> Addition, Lake Poinsett Heights Subdivision and your Petitioners state that JKBC, LLC owns 56, 57, 64 and 65 and Swedlund's own lots 58 and 63. That 1<sup>st</sup> Avenue East proceeds directly between your Petitioners' lots and has never been used as a thoroughfare; that the public interest would be better served by the proposed vacation of that portion of 1<sup>st</sup> Avenue East that runs between lots 56, 57, 58 and lots 63, 64 and 65.

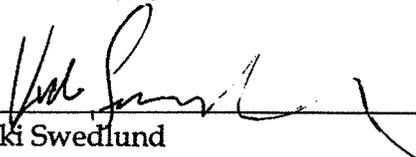
Further, said map demonstrates that 1<sup>st</sup> Avenue East ends at the end of lots 60 and 61 and that pursuant to a Resolution of the County Commission of the County of Brookings, South Dakota, dated October 17, 2000, the east 71 feet of 1<sup>st</sup> Avenue East, that being that portion between lots 59, 60 and 61, 62, has been vacated. A copy of said Resolution is attached hereto and incorporated herein by reference the same as if set forth in full.

WHEREFORE, your Petitioner requests that the Commissioners of the County of Brookings, South Dakota, set a time and date for hearing, pursuant to SDCL 31-3-7 and that proper notice be given thereof.

Dated this 30<sup>th</sup> day of April, 2019.



Shad Swedlund



Vicki Swedlund



Jeff Hanson, as a Member of JKBC, LLC

