

**Custer County Planning Department
420 Mt. Rushmore Rd.
Custer, SD 57730
Phone 605-673-8174**

Procedures for Section-Line Highway Vacation

ARTICLE VI – SECTION-LINE HIGHWAYS – VACATION

Any resident or landowner within Custer County desiring to have a section-line highway (SDCL 31-18-1) vacated must petition to the Board to that end (SDCL 31-18-3 & 31-3-6). Petitions filed under this ordinance shall contain the following:

1. The petition shall include the number of signatures of voters equal to or greater than one percent (1%) of the ballots cast for the last gubernatorial election in Custer County (SDCL 31-3-6).
2. The petition shall set forth a description of the exact location of the section-line-highway within Custer County, including the beginning course and termination of the section line highway proposed to be vacated.
3. The petition shall include the names of the owners of the land through which the section line highway may pass. (SDCL 31-3-6).
4. A statement providing an indication of the proposed allocation of costs between the County and the residents or landowners affected by the action.
5. A scale drawing sufficiently detailed to provide necessary information to assist the Board in the formulation of their response to the petition.
6. The Planning Department shall review the petition and schedule the petition to be reviewed at a Planning Commission meeting prior to action by the Commission.
7. Notice of the petition and public hearing dates and times will be published twice as a legal notice in the appointed legal newspaper.
8. The Commission may vacate the section-line highway if the public interest will be better served by the proposed vacation of the section-line highway.

CUSTER COUNTY

Planning Department

420 Mt. Rushmore Road, Custer, SD 57730

Phone: (605) 673-8174 Fax: (605) 673-8150 Web: www.custercountysd.com

APPLICATION FOR PLANNING REVIEW

REQUEST *(please check all that apply)*

Subdivision Review

Plat Aliquot

Residential

Commercial

Industrial

Mixed Use

Access/sketch plan review

Sign

Road

Vacation of R.O.W.

Wireless Communication Tower

Section Line Closure

Other _____

Date received: _____

Tent. PC review date: _____

Receipt #: _____

Pin number: _____

LEGAL DESCRIPTION *(Attach additional sheets as necessary)*

Existing

Proposed

911 Address

Size of Site - Acres

Square Footage

Number of Lots

DESCRIPTION OF REQUEST

SURVEYOR/ENGINEER

Name _____

Phone _____ Cell _____

Address _____

Fax _____

City, State, Zip _____

Signature _____ Date _____

APPLICANT

Name _____

Phone _____ Cell _____

Address _____

Fax _____

City, State, Zip _____

Signature _____ Date _____

PROJECT PLANNER - AGENT - CONTRACTOR - INSTALLER

Name _____

Phone _____ Cell _____

Address _____

Fax _____

City, State, Zip _____

Signature _____ Date _____

OWNER OF RECORD *(if different from applicant)*

Name _____

Phone _____ Cell _____

Address _____

Fax _____

City, State, Zip _____

Signature _____ Date _____

Does this property have any mortgages/liens/encumbrances? Yes No If yes, please submit documentation.

Does this subdivision continue to divide an existing subdivision? Yes No

Will this subdivision require construction of roads or installation of other improvements? Yes No

Is there any floodplain on this property? FIRM Panel Number 46033C _____

CUSTER COUNTY PLANNING DEPARTMENT

420 Mt. Rushmore Road, Custer, SD 57730

PETITION TO VACATE PUBLIC RIGHT-OF-WAY

We, the undersigned, constituting all of the owners of the property adjacent the within described part of public right-of-way and consent to such vacation.

Legal description of area to be vacated:

This petition is based upon the following facts:

Name:

Address:

City:

State:

Zip:

Legal Description:

Signature:

Date:

_____, being first duly sworn on oath, states that he or she has read the foregoing petition, knows the contents of such petition, and that said petition is in all things true and correct to the best of his or her knowledge and belief.

Subscribed and sworn to before me on this ____ day of _____, 20_____.

My commission expires: _____

Notary Public

Name:

Address:

City:

State:

Zip:

Legal Description:

Signature:

Date:

_____, being first duly sworn on oath, states that he or she has read the foregoing petition, knows the contents of such petition, and that said petition is in all things true and correct to the best of his or her knowledge and belief.

Subscribed and sworn to before me on this ____ day of _____, 20_____.

My commission expires: _____

Notary Public

Name of Petitioner: _____ Township _____ Range _____

Location (between sections) _____

NORTH

WEST

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

EAST

SOUTH

PETITION

The below signers hereby petition the Board of the Commissioners of Custer County, South Dakota, to vacate the section line(s) described as follows:

Which runs through land owned by: _____

Instructions to signers:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

Sign 1	Street and Number or Rural Route Box Number	Date
Print	City or Town	County
Sign 2	Street and Number or Rural Route Box Number	Date
Print	City or Town	County
Sign 3	Street and Number or Rural Route Box Number	Date
Print	City or Town	County
Sign 4	Street and Number or Rural Route Box Number	Date
Print	City or Town	County
Sign 5	Street and Number or Rural Route Box Number	Date
Print	City or Town	County
Sign 6	Street and Number or Rural Route Box Number	Date
Print	City or Town	County
Sign 7	Street and Number or Rural Route Box Number	Date
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Sign 46	Street and Number or Rural Route Box Number	Date
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Sign 48	Street and Number or Rural Route Box Number	Date
Print	City or Town	County
Sign 49	Street and Number or Rural Route Box Number	Date
Print	City or Town	County
Sign 50	Street and Number or Rural Route Box Number	Date
Print	City or Town	County

VERIFICATION BY PERSON CIRCULATING PETITION

Instructions to Circulator: This section **must** be completed following circulation and before filing.

Print name of the circulator	Residence Address	City	State
STATE OF SOUTH DAKOTA)		
) ss.		
COUNTY OF CUSTER)		

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, and that either the signer or I added the printed name, the residence address of the signer, the date of signing and the county of voter registration.

Signature of Circulator

Sworn to before me this ____ day of _____, 201__.

(Notary Seal)

Notary Public

My commission expires: _____