

**AMENDED**  
**LAWRENCE COUNTY RESOLUTION #2021-38**  
**RESOLUTION & ORDER TO VACATE**  
**A PORTION OF A HIGHWAY, PART OF WHICH IS LOCATED ON A SECTION**  
**LINE/HIGHWAY/RIGHT OF WAY**

**WHEREAS**, a Petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by all adjacent landowners as there are fewer than three, requesting that a portion of a highway/right of way be vacated,

**WHEREAS**, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer, Spearfish, South Dakota once each week for two consecutive weeks prior to the date of hearing, and

**WHEREAS**, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and

**WHEREAS**, said portion of highway/right of way does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, and

**WHEREAS**, said portion of highway/right of way to be vacated was dedicated pursuant to Plat #2-88C (1960) for highway use; however, the County highway known as Bauer Avenue (originally Willey Lane) was for unknown reasons constructed and has been maintained by the County for a period of 20 or more years, adjacent to the portion of highway/right of way to be vacated (see Exhibit A attached hereto and incorporated herein by this reference), and

**WHEREAS**, the adjacent landowners (see Affected Landowners infra) owning property on either side of the portion of highway/right of way to be vacated intend to submit a plat (anticipated January 2022) adjusting their respective lot lines following the vacation of the highway/right of way and to dedicate and locate the existing County right of way, Bauer Avenue, in its present location as maintained by the County (see Exhibit A), and

**WHEREAS**, the public interest will be better served by the proposed section line vacation, now therefore,

**BE IT RESOLVED** by the Lawrence County Board of Commissioners as follows: That the described portion of a highway, part of which is located on a section line/highway/right of way be vacated:

**LEGAL DESCRIPTION FOR THE VACATION:** Public R.O.W. 40' wide lying Between Lots 11 and 12 of Block A and Lots 1 and 2 of Block D of Boulder Heights Addition No. 1. Located in the NE1/4SW1/4SW1/4, Section 14, Township 5 North, Range 4 East, Black Hills Meridian, Lawrence County, South Dakota,

**NOW THEREFORE, BE IT FURTHER RESOLVED**, that approval of the vacation of the highway/right of way is contingent upon the recording of a plat dedicating and locating that part of Bauer Avenue as it lies in its present location with such right of way being not less than 40 feet;

**AFFECTING THE LANDOWNERS:** James V. Sonne, Paula Frost, Olon Rigsby.

Dated this 8<sup>th</sup> day of February, 2022

\_\_\_\_\_  
Randall Rosenau, Chairman  
Lawrence County Commission

ATTEST:

\_\_\_\_\_  
Brenda McGruder,  
Lawrence County Auditor

I, Brenda McGruder, the duly appointed Auditor of Lawrence County, South Dakota, do hereby certify that the within and foregoing amended resolution was passed by the Lawrence County Board of County Commissioners at a regular session held February 8, 2022.

Dated at Deadwood, South Dakota, the 8<sup>th</sup> day of February, 2022.

\_\_\_\_\_  
Brenda McGruder,  
Lawrence County Auditor

PREPARED BY:  
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