

**Agenda**  
**Elk Point City Council**  
**Special Meeting**  
**Tuesday, June 28, 2022 @ 7:00am**  
**Elk Point City Hall**

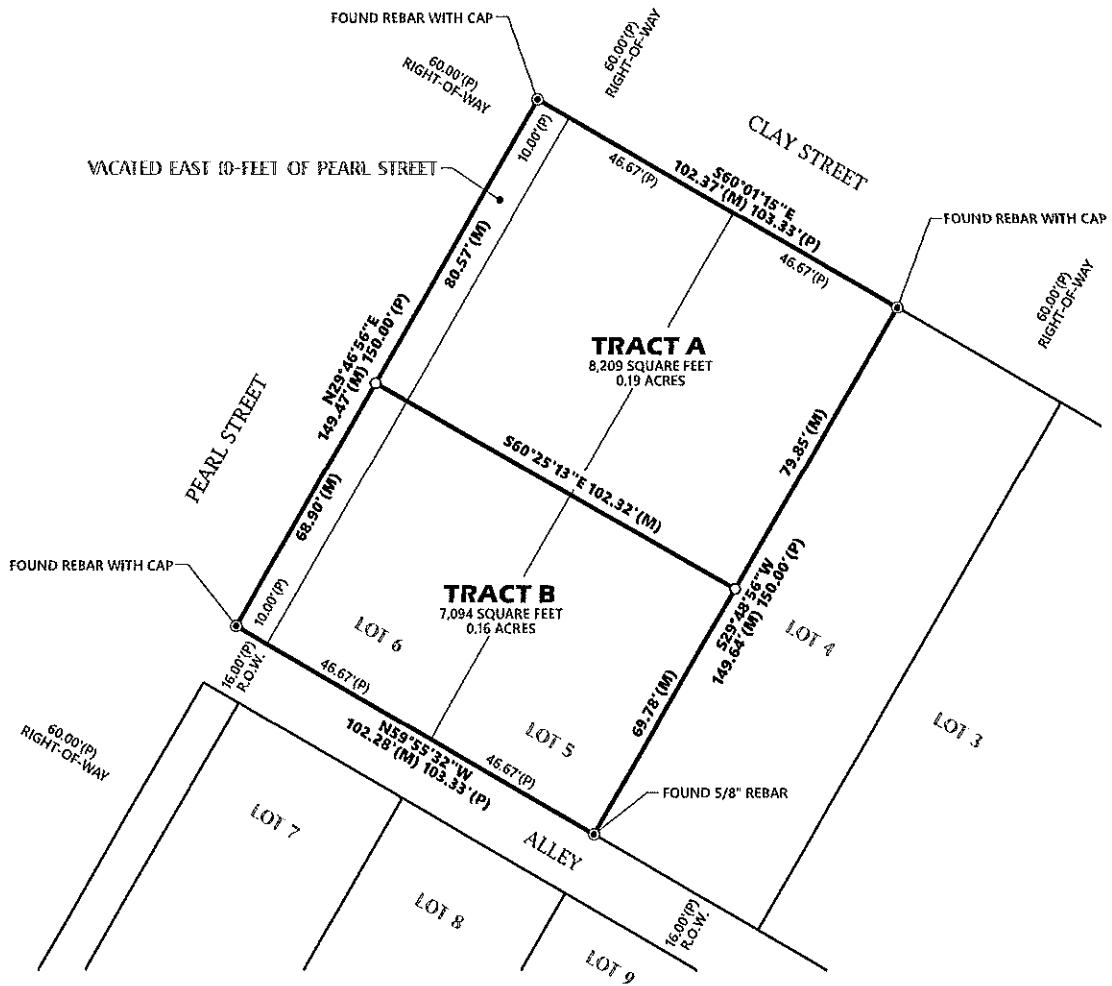
- (1) Call to Order and Roll Call
- (2) Approve Agenda
- (3) Public Forum
  - Public Hearing at 7:00am on a Survey Plat of Lots 5 & 6, Block 5 Carpenter's, Elk Point City, South Dakota, Union County.
  - Public Hearing 7:00am on a one-day malt beverage license for Clay Union Foundation for the "Get to the Point" Vendor Fair and Beer Garden on September 24, 2022.
- (4) Unfinished Business
  - Motion on survey plat
  - Motion on one-day malt beverage license
  - Temporary Easement between the City of Elk Point and Liberty National Bank.

City of Elk Point

Mission Statement

To provide services that promote the highest quality of life through cost effective and efficient governance.

SURVEY PLAT  
OF  
**TRACT A & B**  
OF LOT 5 AND LOT 6 AND THE VACATED EAST 10-FEET OF PEARL STREET, BLOCK 5,  
CARPENTER'S ADDITION, CITY OF ELK POINT, UNION COUNTY, SOUTH DAKOTA

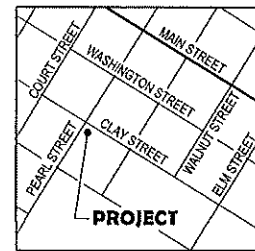
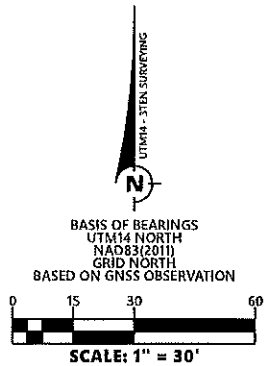


**NOTES**  
1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT DETAIL EASEMENTS OF RECORD, IF ANY, UNLESS ON THE ORIGINAL FILED PLAT.

**LEGEND**

- FOUND CORNER (5/8" REBAR)
- SET CORNER (5/8" REBAR WITH CAP LS#9591)
- △ CALCULATED CORNER
- (P) PLATTED DISTANCE
- (M) MEASURED DISTANCE
- (C) CALCULATED DISTANCE
- (D) DEEDED DISTANCE
- R.O.W. RIGHT-OF-WAY

NOTE: SYMBOLS SHOWN ON THIS MAP IDENTIFYING TOPOGRAPHIC FEATURES MAY NOT BE TO ACTUAL SCALE. SYMBOLS MAY BE ENLARGED FOR VISUAL PURPOSES.



**VICINITY MAP**  
ELK POINT  
NO SCALE



BTE SURVEYING, LLC  
JEREMY LICHTENBERG  
LS 49591  
301 S. ELM STREET  
ELK POINT, SD 57025  
(712) 253-3841  
JEREMY@BTENLS.COM  
BTENLS.COM

TYPE OF SURVEY:  
**SURVEY PLAT**

CLIENT:  
**HUBER RENTALS LLC**

PROJECT: EP22-0040  
SCALE: 1" = 30'  
DATE: 6/23/22  
DRAWN BY: JIL  
PAPER: 11 x 17

SHEET  
**1**  
OF  
**2**

Prepared By:  
Jeffrey A. Johnson  
Crary, Huff, Ringgenberg, Hartnett & Storm, P.C.  
329 Pierce Street, Suite 200  
Sioux City, IA 51101  
712-277-4561

## GRANT OF TEMPORARY EASEMENT

### KNOW ALL MEN BY THESE PRESENTS:

That the City of Elk Point, a municipal corporation (the "City"), in Union County, South Dakota, by its Mayor duly authorized as hereinafter set forth, does hereby grant unto Liberty National Bank, their assigns and successors in interest ("Grantee"), in consideration of one dollar and other valuable consideration, the right to use, enjoy and that portion of Grantor's property (approximately one (1) foot as depicted in the attached survey) that Grantee's existing building located on the following described real estate situated in Elk Point, Union County, South Dakota, to-wit:

Tract 1: The East Half (E 1/2) of Lot 3 in Block 32 of Original Townsite of the City of Elk Point, Union County, South Dakota, according to the recorded plat thereof, and as shown on the Certificate of Survey recorded December 15, 2009, in Book 46 of Miscellaneous, Page 595

AND

The East Half (E 1/2) of Lot 3 in Block 2 of Wixson Addition to the City of Elk Point, Union County, South Dakota, according to the recorded plat thereof, and as shown on the Certificate of Survey recorded December 15, 2009, in Book 46 of Miscellaneous, Page 595

encroaches on Grantor's property, subject to the following conditions limiting this Grant of Easement:

1. The City shall have the right of placing any and all improvements and/or utilities for public purpose over, under and upon the property hereinbefore described without the consent of grantee(s) or their assigns or successors, and without obligation to said grantee(s).

2. This temporary easement is given and granted for encroachment purposes for Grantee's building. This temporary easement is granted only for the period of time as the structure placed on the property described above shall be and remain in its present form. In the event of the removal, destruction or reconstruction of said structure not attributable general maintenance of said structure, this easement shall terminate and be of no further force and effect.
  
3. Grantee(s) further agree that as a condition and consideration of granting the easement herein, grantee(s) will indemnify and save harmless the City, its officers, employees and agents from and against all loss or expense, including court costs and attorney's fees by reason of liability imposed by law upon the City, its officers, employees or agents for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons, or on account of damage to property, both real and chattel, including the loss of use thereof, arising out of or in consequence of the use of the property by Grantee. This provision shall apply to any claim against the City, for damages of whatever kind or description arising out of or in consequence of the granting of this temporary easement by the said City to the grantee(s), their heirs, successors and assigns.
  
4. That title to said above described real estate shall at all times remain in the City.

IN WITNESS WHEREOF, the City of Elk Point, South Dakota, has caused this instrument to be executed by the Mayor and the City Elk Point, South Dakota, and attested by the Finance Officer and whose signatures are hereto affixed on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF ELK POINT, SOUTH DAKOTA

BY: \_\_\_\_\_  
Deborah McCreary, Mayor

ATTEST: \_\_\_\_\_  
Erika Hammitt, Finance Officer

STATE OF SOUTH DAKOTA, UNION COUNTY, ss:

On this \_\_\_\_ day of \_\_\_\_\_, 2022 before me, the undersigned officer, personally appeared Deborah McCreary and Erika Hammitt, who acknowledged themselves to be the Mayor and City Finance Officer of the City of Elk Point, by the City Council on motion made and second, authorized Deborah McCreary as Mayor and Erika Hammitt as City Finance Officer, to execute the foregoing Grant of Temporary Easement on behalf of the City of Elk Point.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

# RECORD DESCRIPTION

- Tract 1  
 The East of E. 142nd St. Block 32 of District 17, located in the City of Columbus, Ohio, containing the subject property, as shown on the Certificate of Survey recorded December 11, 2009, is shown as follows: Page 102.
- Tract 2  
 The East of E. 142nd St. Block 32 of District 17, located in the City of Columbus, Ohio, containing the subject property, as shown on the Certificate of Survey recorded December 11, 2009, is shown as follows: Page 102.
- Tract 3  
 The East of E. 142nd St. Block 32 of District 17, located in the City of Columbus, Ohio, containing the subject property, as shown on the Certificate of Survey recorded December 11, 2009, is shown as follows: Page 102.
- Tract 4  
 The East of E. 142nd St. Block 32 of District 17, located in the City of Columbus, Ohio, containing the subject property, as shown on the Certificate of Survey recorded December 11, 2009, is shown as follows: Page 102.
- Tract 5  
 The East of E. 142nd St. Block 32 of District 17, located in the City of Columbus, Ohio, containing the subject property, as shown on the Certificate of Survey recorded December 11, 2009, is shown as follows: Page 102.

# ALANSPS LAND TITLE SURVEY

Project: E-142nd St. Block 32 of District 17, located in the City of Columbus, Ohio, containing the subject property, as shown on the Certificate of Survey recorded December 11, 2009, is shown as follows: Page 102.

142nd Street, Block 32 of District 17, located in the City of Columbus, Ohio, containing the subject property, as shown on the Certificate of Survey recorded December 11, 2009, is shown as follows: Page 102.

142nd Street, Block 32 of District 17, located in the City of Columbus, Ohio, containing the subject property, as shown on the Certificate of Survey recorded December 11, 2009, is shown as follows: Page 102.

# TRANSAC SERVICE

1-800-SURVEYS (787-8397)  
 3550 W. Market Street, Suite 208, Akron, Ohio 44333  
 www.transacs.com

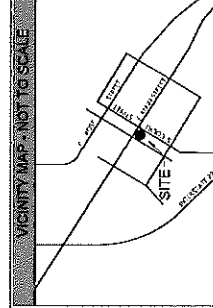
# MISCELLANEOUS NOTES

- Survey prepared by Ryan Anderson, 211 S. Duluth Ave., Garfield, OH 47424.
- The accompanying survey was made on the ground and correctly shows the boundaries of the subject property as shown on the Certificate of Survey recorded upon the land abutting said property except as above.
- This map or plat and the survey on which it is based were made in accordance with laws regulating surveying in the State of Ohio.
- Accept to the site is provided off E. Main Street a publicly dedicated street.
- At the time of the survey the address of the subject property was 112 East Main Street (Tract 1), 112 East Main Street (Tract 2), 112 East Main Street (Tract 3), and 112 East Main Street (Tract 4).
- There are no easements or other interests on the subject property.
- At the time of the survey there was no observation of the site being used as a cemetery, parking lot, building construction or building addition.
- At the time of the survey there were no proposed changes in street right of way lines or evidence of recent street or sidewalk construction or repairs observed from the plat. Therefore there is no evidence of such.
- The nearest intersecting street is S. Court Street, 140 feet southeasterly of the site.
- The southerly right of way of E. Main Street is assumed to bear S80°27'27"W.

# LEGEND OF SYMBOLS & ABBREVIATIONS

- MONUMENT FOUND
- FIRE HYDRANT
- STREET LIGHT
- BOLLARD LIGHT
- UTILITY POLE
- POWER POLE
- TRAFFIC SIGNAL
- POWER BOX
- ROOF DRAIN
- FOUNDATION
- EXISTING STORM S.H.
- EXISTING STORM S.H.
- STREET SIGN
- GAS METER
- UTILITY CLOSURE
- FLAG POLE
- GAS VALVE
- WATER SHUT OFF
- POST INDICATOR VALVE
- WATER VALVE
- CHAIN LINK FENCE
- BARBED WIRE FENCE
- WOOD FENCE
- EXISTING CURB & GUTTER
- EXISTING CONTOUR
- BUSHES
- DECIDUOUS TREE
- CONIFEROUS TREE
- CONCRETE SURFACE
- EXISTING BUILDING LINE
- SITE ACCESS

# VICINITY MAP NOT TO SCALE



# ZONING INFORMATION

The subject property is zoned R50000 District.

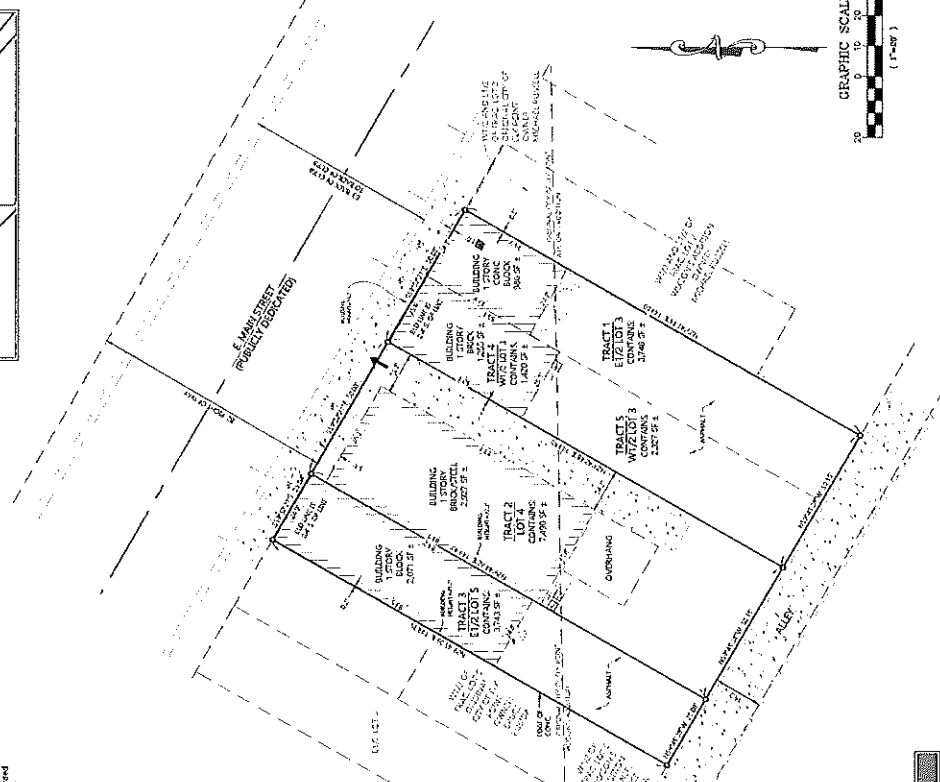
- Front Setback: 30 feet
- Side Setback: 30 feet
- Height Restriction: 30 feet
- Maximum Building Area: 30,000 sq. ft.

The property is comparable with all applicable zoning laws, including, but not limited to, zoning regulations.

The zoning information shown above was provided to the surveyor by XXX, project number XXX, dated XXX, 2021 pursuant to Item 08 of Table A.

# ITEMS CORRESPONDING TO SCHEDULE B

- Temporary Easement Agreement granted to the State of South Dakota, acting by and through its Department of Transportation, as set forth in instrument recorded October 1, 2009, in Book 40 of Middleborough, Page 441. This item is on the subject property and has been terminated hereafter. It is not plotted herein.
- Temporary Easement Agreement granted to the State of South Dakota, acting by and through its Department of Transportation, as set forth in instrument recorded September 4, 2009, in Book 46 of Middleborough, Page 442. This item is on the subject property and has been terminated hereafter. It is not plotted herein.
- Temporary Easement Agreement granted to the State of South Dakota, acting by and through its Department of Transportation, as set forth in instrument recorded September 4, 2009, in Book 46 of Middleborough, Page 443. This item is on the subject property and has been terminated hereafter. It is not plotted herein.



# LEGAL

At the time of this survey the building was 10' over the property line as shown.

# SIGNIFICANT OBSERVATIONS

At the time of this survey the building was 10' over the property line as shown.

# PROJECT REVISION RECORD

NO.	DATE	BY	DESCRIPTION
1	09/15/2021	RS/DAW	INITIAL SURVEY
2	09/15/2021	RS/DAW	REVISIONS
3	09/15/2021	RS/DAW	REVISIONS

# FLOOD NOTE

BY GRABING NOTHING IN THIS ZONE A FLOOD HAZARD AREA WITH REDUCED FLOOD PROTECTION WHICH MEANS AN ELEVATED DATE OF JANUARY 15, 2021 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAPS. THIS PROPERTY IS CURRENTLY PARTICIPATING IN THE PROGRAM. NO FLOOD DRAINAGE WAS ASSIGNED TO DETERMINE THE ZONE AND A FLOOD ELEVATION CERTIFICATE WAS OBTAINED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.