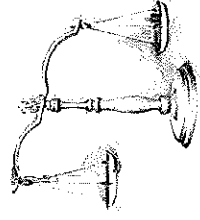


# Oath of Office



State of South Dakota) )SS.  
County of Meade )

I, Brittni Bjorum, having been appointed to the Planning and Zoning Board for a two-year term, within and for said City of Summerset, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of South Dakota, and that I will faithfully and impartially, to the best of my knowledge and ability, perform all duties of my said office as provided by law.

---

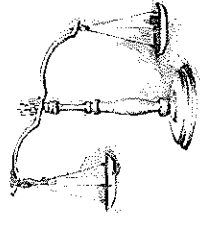
Brittni Bjorum

Subscribed and sworn to before me this 23rd day of January, 2024.

---

Brody Oldfield, P & Z Chairman

# Oath of Office



State of South Dakota) )SS.  
County of Meade )

I, Mitchell Woldt, having been appointed to the Planning and Zoning Board for a three-year term, within and for said City of Summerset, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of South Dakota, and that I will faithfully and impartially, to the best of my knowledge and ability, perform all duties of my said office as provided by law.

---

Mitchell Woldt

Subscribed and sworn to before me this 23rd day of January, 2024.

---

Brody Oldfield, P & Z Chairman

**OFFICIAL MINUTES**  
**SUMMERSET PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING**  
**TUESDAY, JANUARY 9<sup>th</sup>, 2024 @ 6:00 P.M.**

The meeting was called to order by Chairman Oldfield at 6:00 p.m.

**ROLL CALL:** Brody Oldfield, Dustin Hirsch, Casey Kenrick (via telephone) and Mike Martin were present. Also present was the City Administrator.

**SWEARING IN OF BOARD MEMBER DUSTIN HIRSCH.**

Chairman Brody Oldfield swore in Dustin Hirsch for a three-year term.

**CALL FOR CHANGES:** Motion by Martin, second by Hirsch to approve the agenda of the meeting for January 9th, 2024. Motion carried.

**CONSENT CALENDAR:** Motion by Hirsch, second by Martin to approve the minutes of the regular meeting of December 27th, 2023. Motion carried.

**FINAL PLAT – DARLENE GILBY**

Motion by Martin, second by Hirsch to open discussion. Motion carried.

City Administrator Lisa Schieffer presented the final plat to the Board. All comments have been reviewed and HDR has stated that all items have been addressed.

The Board had reviewed the same and had no further questions.

Motion by Martin, second by Hirsch to close discussion. Motion carried.

Motion by Martin, second by Hirsch to recommend approval of the Final Plat to the Board of Commissioners. Motion carried.

**PRELIMINARY PLAT – TOM NORMAN**

Motion by Hirsch, second by Martin to open discussion. Motion carried.

City Administrator Lisa Schieffer presented the preliminary plat to the Board. All comments have been reviewed and we are currently waiting on the electronic version of the plat from the surveyor with the changes.

The Board had reviewed the same and had no further questions.

Motion by Hirsch, second by Martin to close discussion. Motion carried.

Motion by Martin, second by Kenrick to recommend approval of the Preliminary Plat to the Board of Commissioners, contingent upon receiving the electronic version of the updates. Motion carried.

**ADJOURNMENT**

Motion by Hirsch, second by Martin to adjourn the meeting at 6:09 p.m. Motion carried.

---

Stephany Baumeister, Finance Officer

---

Brody Oldfield, Chairman

Published once 1/20/2024 at a cost of \$45.12.

## Plat Review

### Plat of Lot 3 of Norman Estates Subdivision

Located in the NW 1/4 of the SW 1/4 Section 5, Township 2 North, Range 7 East, Black Hills Meridian, Meade County, South Dakota

#### **General Information:**

Parcel Acreage                      4.753 acres

Location                              Meade County

Date of Application                9-4-2023

**Reviewed By:**                      **Lindsay Shagla, HDR Engineering, Inc.**

**Purpose:**                              Platting a lot for future sale.

**Access and Utilities:**            Waiting for letter on access approval from Meade County. Gas and fiber are shown on provided map. Is there any power, water, etc. in the adjacent right-of-way? Black Hawk Water has indicated they intend to provide service.

**Fire Protection:**                      By Black Hawk Volunteer Fire Department.

**Drainage:**                              The intent of the property is to be sold to a commercial business. A drainage plan will be required as part of the commercial business permit.

#### **Final Plat Review:**

Bearings and distances close on the plat.

Acreages also need to be listed in square footage.

Proposed Lot 3 is overlapping the existing Lot U1.

Lot U1 is shown as a parcel of land for utility use, will there be an access easement needed to place an approach in it? Or is there an existing access easement for the existing approach?



# COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Summerset

7055 Leisure Lane, Summerset, SD 57718

Phone: (605) 718-9858

Fax: (605) 718-9883

Web: www.summerset.us

# APPLICATION FOR DEVELOPMENT REVIEW

### REQUEST (please check all that apply)

- Annexation
- Comprehensive Plan Amendment
- Fence Height Exception
- Planned Development (Overlay)
  - Designation
  - Initial Plan  Final Plan
  - Major Amendment
  - Minimal Amendment

- Subdivision
  - Layout Plan
  - Preliminary Plat
  - Final Plat
  - Minor Plat
- Rezoning
- Road Name Change

- Conditional Use Permit
  - Major Amendment
  - Minimal Amendment
- Vacation
  - Utility / Drainage Easement
  - R.O.W. / Section Line Highway
  - Access / Non-Access
  - Planting Screen Easement
- OTHER (specify) \_\_\_\_\_

### LEGAL DESCRIPTION (Attach additional sheets as necessary)

<b>EXISTING</b>		
Part of NE1/4 SW1/4 of Section 5, T2N, R7E of the BHM, Meade County, SD		
<b>PROPOSED</b> Lot 3 of Norman Estates Subdivision		
<b>LOCATION</b> Off of Foothills Road		
Size of Site—Acres 4.753 Acres	Square Footage	Proposed Zoning
<b>DESCRIPTION OF REQUEST:</b> Plat and separate a piece of Commercially zoned property from remaining agricultural land		Utilities: Private / Public
		Water
		Sewer

### APPLICANT

Name Thomas Norman Phone 605-430-9839  
 Address P. O. Box 767 E-mail norman.ranch@gmail.com  
 City, State, Zip Black Hawk, SD 57718 Signature *Thomas W. Norman* Date \_\_\_\_\_  
**PROJECT PLANNER - AGENT**

Name D. C. Scott Surveyors Phone 605-393-2400  
 Address 3153 Anderson Road E-mail surveyor@enetis.net  
 City, State, Zip Rapid City, SD 57703 Signature *[Signature]* Date 09-04-2023  
**OWNER OF RECORD (If different from applicant)**

Name Thomas W. Norman and Joseph F. Norman Phone 605-430-9839  
 Address P. O. Box 767 E-mail norman.ranch@gmail.com  
 City, State, Zip Black Hawk, SD 57718

*Joseph F. Norman* 9/4/2023 *Thomas W. Norman* 9/4/2023  
 Property Owner Signature Date Property Owner Signature Date

Signature *Joseph F. Norman* Date 9/4/2023 Signature *Thomas W. Norman* Date 9/4/2023  
 Print Name: Joseph F. Norman Title\*: owner Print Name: THOMAS W. NORMAN Title\*: NORMAN.RANCH@GMAIL.COM OWNER

\*required for Corporations, Partnerships, etc.

### FOR STAFF USE ONLY

<b>ZONING</b>	<input type="checkbox"/> Sewer Utility	<input type="checkbox"/> BHP&L	<input type="checkbox"/> Diamond D Water
Current	<input type="checkbox"/> Fire Department	<input type="checkbox"/> Finance Officer	<input type="checkbox"/> Black Hills Water
North	<input type="checkbox"/> Public Works	<input type="checkbox"/> Register of Deeds	<input type="checkbox"/> Quaal Road District
South	<input type="checkbox"/> Planning	<input type="checkbox"/> County - Planning	<input type="checkbox"/> Other: _____
East	<input type="checkbox"/> Building Inspector	<input type="checkbox"/> SD DOT	<input type="checkbox"/> Other: _____
West	<input type="checkbox"/> Engineering	<input type="checkbox"/> SD DENR	<input type="checkbox"/> Other: _____
Planner	<input type="checkbox"/> City Code Enforcement	<input type="checkbox"/> Auditor - Annexation	<input type="checkbox"/> Other: _____
File No.	<input type="checkbox"/> Police	<input type="checkbox"/> Drainage	<input type="checkbox"/>
Comp Plan	<input type="checkbox"/> City Attorney	<input type="checkbox"/> Parks & Recreation	

Received By: \_\_\_\_\_  
 Planning and Zoning Meeting Date: \_\_\_\_\_  
 Commission Meeting Date: \_\_\_\_\_  
 Date Paid: \_\_\_\_\_ Payment Type: Cash  Check  Credit Card

LEGEND

- FOUND IRON ROD WITH CAP SET BY VASKNETZ, L.S. 7719.
● FOUND ORIGINAL STONE MON.
○ SET IRON ROD WITH CAP MARKED "SCOTT, L.S. 4897".
(M) MEASURED THIS SURVEY.
(R) DIMENSION OF RECORD FROM PLATS IN PLAT BOOK 22, PG. 154, 156, AND 333, M.C.R.D.

NORMAN ESTATES SUBDIVISION

A PLAT OF LOT 3 OF NORMAN ESTATES SUBDIVISION LOCATED IN A PORTION OF LOT U1 IN THE N 1/2 SW 1/4 OF SECTION 5 AND IN THE UNPLATTED PORTION OF THE NE 1/4 SW 1/4 OF SECTION 5, TOWNSHIP 2 NORTH, RANGE 7 EAST OF THE BLACK HILLS MERIDIAN, MEADE COUNTY, SOUTH DAKOTA.

JANUARY, 2024

T3N SEC. 32 T2N SEC. 5

LINE AND CURVE TABLE

Table with 5 rows of survey data including bearings, distances, and curve information for lines L1 through L5.

FOR REVIEW PRINT DATE 01-18-2024

SURVEYOR'S STATEMENT

I, Dean G. Scott, Registered Land Surveyor, do hereby state that, at the request of the Owners listed hereon, I have surveyed the tract of land as shown hereon, and have marked upon the ground the boundaries in the manner shown, and that this plat is correct to the best of my knowledge, information and belief.

IN WITNESS WHEREOF, I hereunto set my hand and seal this \_\_\_ day of \_\_\_, 20\_\_.

Reg. Land Surveyor No. 4897

OWNER'S CERTIFICATE

We, Thomas W. Norman and Joseph F. Norman, do hereby certify that we are the Owners of the land shown and described hereon, and that we did authorize and do join in and approve the survey and plat.

IN WITNESS WHEREOF, We hereunto set our hands this \_\_\_ day of \_\_\_, 20\_\_.

Thomas W. Norman, Owner Joseph F. Norman, Owner

ACKNOWLEDGEMENT OF OWNER

STATE OF SOUTH DAKOTA } COUNTY OF }

On this \_\_\_ day of \_\_\_, 2023, before me, the undersigned officer, personally appeared Thomas W. Norman and Joseph F. Norman, known to me to be the persons who executed the foregoing Owner's Certificate, and acknowledged to me that they executed the same for the purposes therein contained.

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

Notary Public my commission expires:

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of Meade County, South Dakota, do hereby certify that all taxes which are liens upon the land described hereon, as shown by the records of my office, are fully paid.

Dated this \_\_\_ day of \_\_\_, 20\_\_.

PLANNING COMMISSION CERTIFICATE

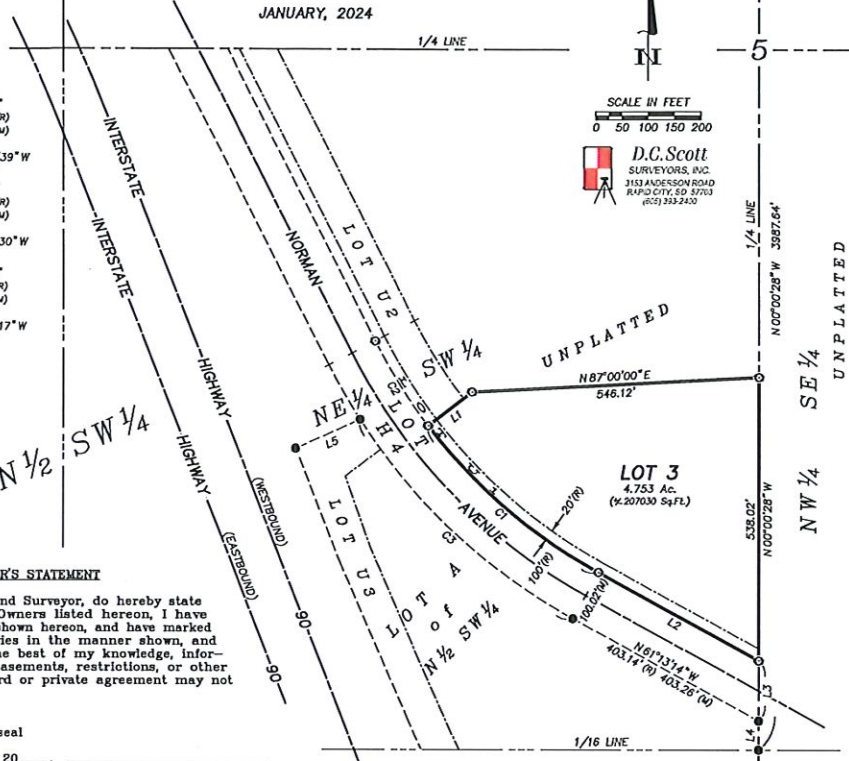
I hereby certify that the Summerset Planning and Zoning Board has reviewed this plat on the \_\_\_ day of \_\_\_, 20\_\_, and has provided a recommendation to the Board of Commissioners.

Dated this \_\_\_ day of \_\_\_, 20\_\_.

CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

Per SDCL 11-3-12.1 access to this property from the abutting Highway or Street is approved. Specific approach location and configuration must conform to all current Highway and/or Street regulations.

Dated this \_\_\_ day of \_\_\_, 20\_\_.



SCALE IN FEET 0 50 100 150 200 D.G. Scott SURVEYORS, INC. 3153 ANDERSON ROAD RAPID CITY, SD 57703

NOTES

- 1. UTILITY AND MINOR DRAINAGE EASEMENTS ARE GRANTED EIGHT FEET WOE ON THE INTERIOR SIDE OF ALL SIDE AND REAR LOT LINES.
2. THIS PROPERTY LIES WITHIN THE LIMITS OF FEMA FIRM PANEL 46093C 1791F, DATED SEPT. 16, 2011, AND IS DEPICTED THEREON AS LYING OUTSIDE OF ANY SPECIAL FLOOD HAZARD AREA.
3. AS STIPULATED IN THE PERMANENT UTILITY EASEMENT INSTRUMENT RECORDED APRIL 1, 2009, AND FILED IN BOOK 773, PAGES 1989-1993, WRITTEN PERMISSION FROM THE MEADE COUNTY HIGHWAY DEPT. MUST BE OBTAINED BEFORE CONSTRUCTING OR INSTALLING ANYTHING WITHIN THE LIMITS OF LOT U1 IN THE N1/2 SW1/4 OF SECTION 5.
4. ALL FIGURES PROVIDED IN SQUARE FEET ARE APPROXIMATELY ESTIMATED.

RESOLUTION OF GOVERNING BOARD

WHEREAS there has been presented to the Board of Commissioners, the within plat of the above described lands, and it appears to this Board of Commissioners that:

- a. the system of streets set forth therein conforms to the system of streets of existing plats of the municipality,
b. all provisions of any City subdivision regulations have been complied with,
c. all taxes and special assessments upon the property have been fully paid,
d. the plat and survey of the land have been lawfully executed,

NOW THEREFORE, BE IT RESOLVED: that said plat is hereby approved in all respects. Dated this \_\_\_ day of \_\_\_, 20\_\_.

Mayor City of Summerset Attest: Finance Officer City of Summerset

FINANCE OFFICER'S CERTIFICATE

I, Finance Officer of the City of Summerset, South Dakota, do hereby certify that all special assessments which are liens upon the land described hereon, as shown by the records of my office, are fully paid.

Dated this \_\_\_ day of \_\_\_, 20\_\_.

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Director of Equalization of Meade County, South Dakota, do hereby certify that I have a copy of the within described plat in my office.

Dated this \_\_\_ day of \_\_\_, 20\_\_.

CERTIFICATE OF REGISTER OF DEEDS

FOR REVIEW PRINT DATE 01-18-2024

LEGEND

- FOUND IRON ROD WITH CAP SET BY VASKNETZ, L.S. 7719.
- FOUND ORIGINAL STONE MON.
- SET IRON ROD WITH CAP MARKED "SCOTT, L.S. 4897".
- (M) MEASURED THIS SURVEY.
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NORMAN ESTATES SUBDIVISION

A PLAT OF LOT 3 OF NORMAN ESTATES SUBDIVISION  
 LOCATED IN A PORTION OF LOT U1 IN THE N 1/2 SW 1/4 OF SECTION 5  
 AND IN THE UNPLATTED PORTION OF THE NE 1/4 SW 1/4 OF SECTION 5,  
 TOWNSHIP 2 NORTH, RANGE 7 EAST OF THE BLACK HILLS MERIDIAN,  
 MEADE COUNTY, SOUTH DAKOTA.

JANUARY, 2024

T3N SEC. 32  
 T2N SEC. 5

LINE AND CURVE TABLE

L1	N54°33'28"E (R)	C1	Δ=23°37'09"
	N52°23'55"E (W)		R=1041.35' (R)
	105.50'		1041.52' (W)
L2	N52°03'41"W (R)		L=429.35'
	N61°13'14"W (W)		Ch=N45°24'39"W
	348.42' (R)		426.32'
	348.31' (W)		
L3	N02°15'13"E (R)	C2	Δ=10°29'10"
	N00°00'28"W (W)		R=1041.35' (R)
	113.99' (R)		L=190.62'
	114.12' (W)		Ch=N32°21'30"W
			190.35'
L4	N02°15'13"E (R)	C3	Δ=28°05'53"
	N00°00'28"W (W)		R=1141.35' (R)
	53.53' (R)		1141.54' (W)
	55.28' (W)		
L5	S65°51'28"W (R)		L=559.82'
	S68°01'58"W (W)		Ch=N47°10'17"W
	135.04' (R)		554.22'
	135.02' (W)		

FOR REVIEW  
 PRINT DATE 01-18-2024

SURVEYOR'S STATEMENT

I, Dean G. Scott, Registered Land Surveyor, do hereby state that, at the request of the Owners listed hereon, I have surveyed the tract of land as shown hereon, and have marked upon the ground the boundaries in the manner shown, and that this plat is correct to the best of my knowledge, information and belief. Certain easements, restrictions, or other property rights of public record or private agreement may not be shown.

IN WITNESS WHEREOF, I hereunto set my hand and seal  
 this \_\_\_ day of \_\_\_, 20\_\_.

Reg. Land Surveyor No. 4697

OWNER'S CERTIFICATE

We, Thomas W. Norman and Joseph F. Norman, do hereby certify that We are the Owners of the land shown and described hereon, and that We did authorize and do join in and approve the survey and plat. We further certify that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

IN WITNESS WHEREOF, We hereunto set our hands this \_\_\_ day of \_\_\_, 20\_\_.

Thomas W. Norman, Owner  
 Joseph F. Norman, Owner

ACKNOWLEDGEMENT OF OWNER

STATE OF SOUTH DAKOTA }  
 COUNTY OF \_\_\_\_\_ } SS

On this \_\_\_ day of \_\_\_, 2023, before me, the undersigned officer, personally appeared Thomas W. Norman and Joseph F. Norman, known to me to be the persons who executed the foregoing Owner's Certificate, and acknowledged to me that they executed the same for the purposes therein contained.

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

\_\_\_\_\_, my commission expires:

Notary Public

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of Meade County, South Dakota, do hereby certify that all taxes which are liens upon the land described hereon, as shown by the records of my office, are fully paid.

Dated this \_\_\_ day of \_\_\_, 20\_\_.

Meade County Treasurer

PLANNING COMMISSION CERTIFICATE

I hereby certify that the Summerset Planning and Zoning Board has reviewed this plat on the \_\_\_ day of \_\_\_, 20\_\_\_, and has provided a recommendation to the Board of Commissioners.

Dated this \_\_\_ day of \_\_\_, 20\_\_.

Member, Summerset Planning Commission

CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

Per SDCL 11-3-12.1 access to this property from the abutting Highway or Street is approved. Specific approach location and configuration must conform to all current Highway and/or Street regulations.

Dated this \_\_\_ day of \_\_\_, 20\_\_.

Highway or Street Authority

Highway or Street Authority

NOTES

- UTILITY AND MINOR DRAINAGE EASEMENTS ARE GRANTED EIGHT FEET WIDE ON THE INTERIOR SIDE OF ALL SIDE AND REAR LOT LINES. REMOVAL OR MODIFICATION OF ANY OBSTRUCTION OR IMPEDIMENT TO SUCH AN EASEMENT SHALL BE THE FINANCIAL RESPONSIBILITY OF THE LANDOWNER.
- THIS PROPERTY LIES WITHIN THE LIMITS OF FEMA FIRM PANEL 46093C 1791F, DATED SEPT. 16, 2011, AND IS DEPICTED THEREON AS LYING OUTSIDE OF ANY SPECIAL FLOOD HAZARD AREA. THE LOCATION OF THE FLOOD PLAIN MAY BE SUBJECT TO CHANGE.
- AS STIPULATED IN THE PERMANENT UTILITY EASEMENT INSTRUMENT RECORDED APRIL 1, 2009, AND FILED IN BOOK 773, PAGES 1989-1993, WRITTEN PERMISSION FROM THE MEADE COUNTY HIGHWAY DEPT. MUST BE OBTAINED BEFORE CONSTRUCTING OR INSTALLING ANYTHING WITHIN THE LIMITS OF LOT U1 IN THE N1/2 SW1/4 OF SECTION 5.
- ALL FIGURES PROVIDED IN SQUARE FEET ARE APPROXIMATELY ESTIMATED.

RESOLUTION OF GOVERNING BOARD

WHEREAS there has been presented to the Board of Commissioners, the within plat of the above described lands, and it appears to this Board of Commissioners that:

- the system of streets set forth therein conforms to the system of streets of existing plats of the municipality,
- all provisions of any City subdivision regulations have been complied with,
- all taxes and special assessments upon the property have been fully paid,
- the plat and survey of the land have been lawfully executed,

NOW THEREFORE, BE IT RESOLVED: that said plat is hereby approved in all respects. Dated this \_\_\_ day of \_\_\_, 20\_\_.

Mayor  
 City of Summerset

Attest: Finance Officer  
 City of Summerset

FINANCE OFFICER'S CERTIFICATE

I, Finance Officer of the City of Summerset, South Dakota, do hereby certify that all special assessments which are liens upon the land described hereon, as shown by the records of my office, are fully paid.

Dated this \_\_\_ day of \_\_\_, 20\_\_.

Finance Officer  
 of the City of Summerset

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Director of Equalization of Meade County, South Dakota, do hereby certify that I have a copy of the within described plat in my office.

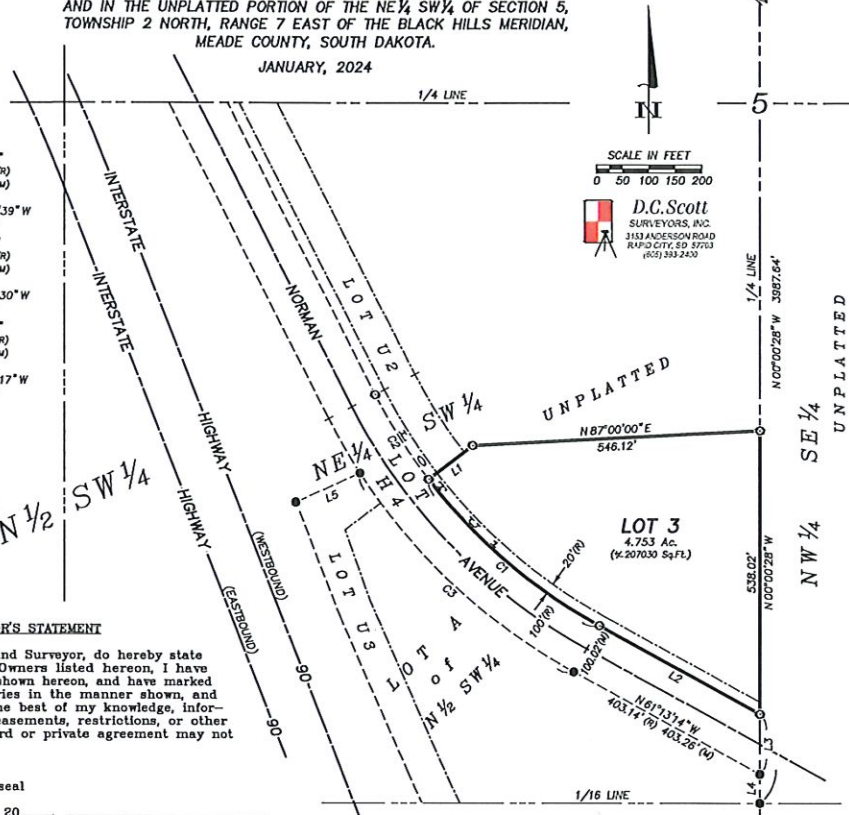
Dated this \_\_\_ day of \_\_\_, 20\_\_.

approved

Meade County  
 Director of Equalization

CERTIFICATE OF REGISTER OF DEEDS

FOR REVIEW  
 PRINT DATE 01-18-2024





# UTILITY SURVEY

PROPOSED LOT 3 OF NORMAN ESTATES SUBDIVISION  
 LOCATED IN THE NE 1/4 SW 1/4 OF SECTION 5,  
 TOWNSHIP 2 NORTH, RANGE 7 EAST OF THE BLACK HILLS MERIDIAN,  
 MEADE COUNTY, SOUTH DAKOTA.

NOVEMBER, 2023

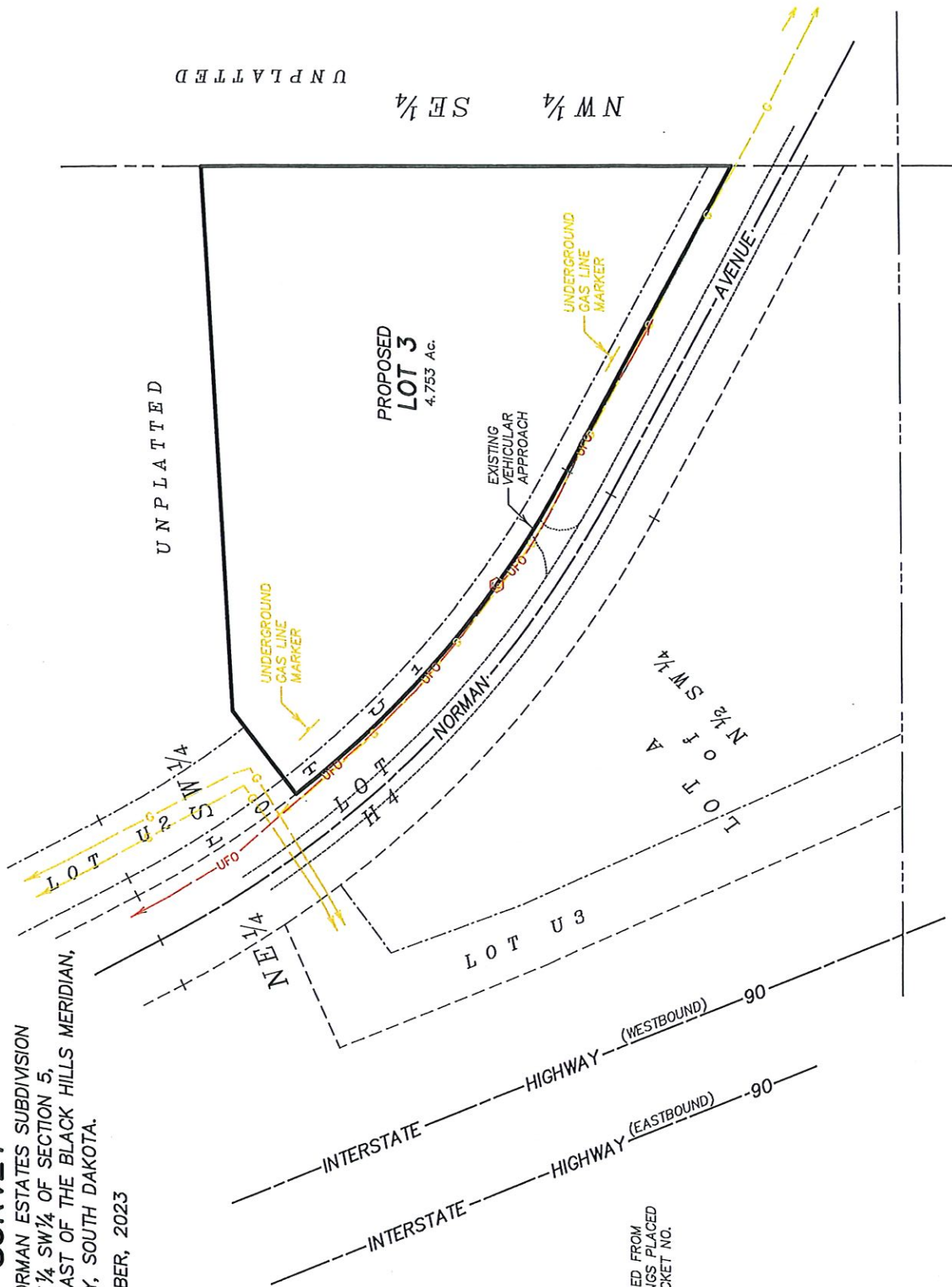
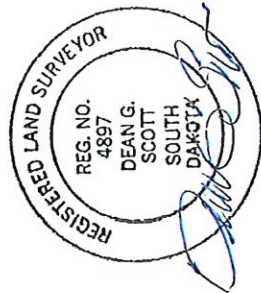


## LEGEND

- SUBJECT PROPERTY LINE.
- - - OTHER PROPERTY LINE.
- - - EASEMENT LINE.
- - - QUARTER-SECTION LINE.
- - - SIXTEENTH-SECTION LINE.
- G - NATURAL GAS LINE.
- - - UFO - UNDERGROUND FIBER-OPTIC.

## NOTE

UTILITY INFORMATION SHOWN WAS OBTAINED FROM  
 SURVEY MEASUREMENTS MADE TO MARKINGS PLACED  
 VIA S.D. 811 UTILITY LOCATE REQUEST TICKET NO.  
 2330590711 PLACED NOV. 1, 2023.



UNPLATTED

SE 1/4 NW 1/4

UNPLATTED

PROPOSED  
 LOT 3  
 4.753 Ac.

UNDERGROUND  
 GAS LINE  
 MARKER

EXISTING  
 VEHICULAR  
 APPROACH

UNDERGROUND  
 GAS LINE  
 MARKER

AVENUE

LOT 1  
 LOT 2  
 LOT 3  
 LOT 4  
 LOT 5  
 LOT 6  
 LOT 7  
 LOT 8  
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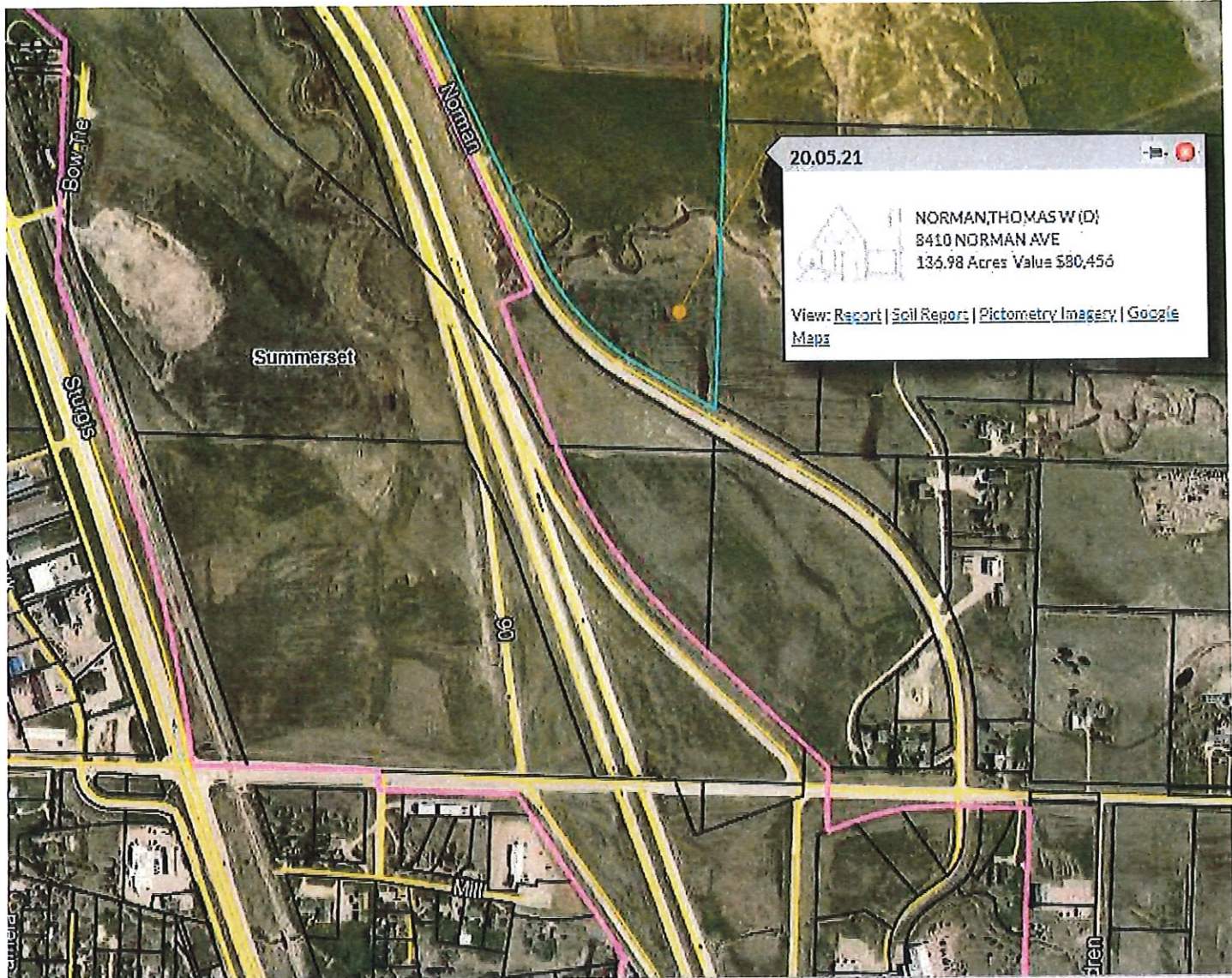
NE 1/4

NORMAN

LOT 1  
 LOT 2  
 LOT 3  
 LOT 4  
 LOT 5  
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 LOT 8  
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 LOT 10  
 LOT 11  
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 LOT 100

INTERSTATE HIGHWAY (WESTBOUND) -90

INTERSTATE HIGHWAY (EASTBOUND) -90



20,05.21



NORMAN, THOMAS W (D)  
8410 NORMAN AVE  
136.98 Acres Value \$80,456

View: [Report](#) | [Soil Report](#) | [Pictometry Imagery](#) | [Google Maps](#)



*D.C. Scott*  
SURVEYORS, INC.

3153 ANDERSON ROAD  
RAPID CITY, SD 57703  
(605) 393-2400

December 22, 2023

Re: Proposed plat of Lot 3 of Norman Estates Subdivision,  
located in the NE1/4 SW1/4 of Section 5, T2N, R7E B.H.M.,  
Meade County, South Dakota.

TO WHOM IT MAY CONCERN:

At the request of Mr. Tom Norman, our firm prepared the preliminary plat for proposed Lot 3 of Norman Estates Subdivision. Most of the property contained within proposed Lot 3 consists of unplatted land in the NE1/4 SW1/4 of Section 5, T2N, R7E B.H.M., in Meade County. A small portion of proposed Lot 3, along its highway frontage, includes part of a strip of land already platted as "Lot U1".

In 2004, several parcels were platted within the Norman family ranch by the South Dakota D.O.T in anticipation of certain highway improvements. One of the parcels consisted of a "utility lot" named Lot U1, a 20-foot wide strip crossing the NE1/4 SW1/4 of Section 5 adjacent to the Northeast side of what became Norman Avenue. Fee title ownership of Lot U1 was in, and remains in, the Norman family today.

A usual South Dakota D.O.T. procedure for parcels of land associated with highway construction or improvement is to classify them as either "right of way" or "easement". Parcels acquired for right-of-way usually include the acquisition of the fee, and are referred to as "H-lots", whereas easements do not affect fee title but are created mostly for drainage and/or utility lines.

In 2007, The South Dakota D.O.T. filed a notice of a condemnation action<sup>1</sup> which described the purpose for condemning the various platted parcels including Lot U1. In that document, Lot U1 was described as:

1. recorded March 2, 2007, and filed in Book 746 on pages 807 through 811 inclusive in the office of the Meade County Register of Deeds.

“Parcel 17A... **...utility easement** of that portion of Project No. IM-PH 90-1(61)50 which lies within Lot U1 in the N1/2 SW1/4 of Section 5... **...said Lot U1 contains 0.72 acre, more or less.**” *(emphasis added)*

A nearby example of an H-lot is Lot H4, another strip crossing the NE1/4 SW1/4 of Section 5 which runs parallel and adjacent to Lot U1, and was described in the same notice of condemnation as:

“Parcel 16... **...right of way** of that portion of Project No. IM-PH 90-1(61)50 which lies within Lot H4 in the N1/2 SW1/4 of Section 5... **...said Lot H4 contains 3.84 acres, more or less.**” *(emphasis added)*

Today, Lot H4 serves as the 100-foot wide right-of-way of Norman Avenue, and fee title is no longer held privately.

In 2009, Meade County filed an instrument<sup>2</sup> titled “Permanent Utility Easement” which referenced the same South Dakota D.O.T. Project No. IM-PH 90-1(61)50, and the same Parcel 17A (a.k.a. Lot U1 in the N1/2 SW1/4 of Section 5). This instrument clarified the rights in Lot U1 that were granted to Meade County, most of which are paraphrased as follows:

- 1) Meade County, its agents, representatives, permittees, and assigns, and any contractor employed by Meade County, its agents, representatives, permittees or assigns, have a perpetual right of way and easement to construct, operate, maintain, repair, alter, inspect, remove, upgrade, update, enhance, and replace utility facilities upon, above, under and across Lot U1, including, but not limited to, the right to trim any trees or brush where necessary to secure a clearance of at least twenty feet from conductors or other facilities, and the right to install and maintain anchors and guy wires when reasonably necessary, and the right of ingress and egress over adjacent land as necessary to access the easement.
2. recorded April 1, 2009, and filed in Book 773 on pages 1989 through 1993 inclusive in the office of the Meade County Register of Deeds.

- 2) The landowner "shall not construct or install anything" within Lot U1 without written permission from Meade County, acting by and through its Department of Transportation.

Summary:

The research we have conducted demonstrates that Lot U1 functions as a utility easement benefitting Meade County. Other unrelinquished rights to the land remain vested in the landowner, including rights of ingress and egress, and access to and from Norman Avenue. In our opinion, there is one unusual characteristic of the utility easement, being the phrase where the landowner "shall not construct or install anything" without written permission. As written, this phrase is very broad in comparison with other easements we have encountered.

Proposed Lot 3 of Norman Estates Subdivision is designed to front directly upon the Northeastern right-of-way line of Norman Avenue so as to provide access. The existing vehicular approach was likely constructed at the same time as Norman Avenue. Our research indicates that any 'construction or installation' of a surfaced driveway across Lot U1 should be approved by the Meade County Highway Department in writing.

We propose to revise the preliminary plat document to include the following information:

1. We will make reference in the title of the plat, that part of Lot U1 is contained within proposed Lot 3;
2. We will add a note on the plat that states: "as stipulated in the Permanent Utility Easement instrument recorded April 1, 2009, and filed in Book 773 pages 1989 to 1993, written permission from the Meade County Highway Department must be obtained before constructing or installing anything within the limits of Lot U1 in the N1/2 SW1/4 of Section 5.";
3. We will revise note no. 1 to state: "Utility and minor drainage easements are granted eight feet wide on the interior side of all **side and rear** lot lines...";

4. The 20-foot width of Lot U1 will be dimensioned on the plat.

Respectfully,

D. C. SCOTT SURVEYORS, INC.



Dean G. Scott, L.S.

RECEIVED  
JAN 11 2023  
BY: \_\_\_\_\_

## PETITION FOR ANNEXATION

We, the undersigned, hereby state that we constitute not less than three-fourths of the legal voters and further constitute the owners of not less than three-fourths in value of the described territory contiguous to the City of Summerset and hereby petition the council of commissioners of the City of Summerset to annex the following described territory pursuant to SDCL 9-4-1.

Legal description of the territory sought to be annexed below:

See Attached Legal  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property Assessed Valuation: \_\_\_\_\_

(PLEASE PRINT)

Owner Name: Joseph F. Norman  
Thomas W. Norman Date: 1/11/24  
14410 218th St Piedmont

Owner Address: P.O. Box 767 Black Hawk S.P. 8044 Norman Ave.

Owner Signature: Joseph F. Norman

Voter Name: Joseph F. Norman  
THOMAS W. NORMAN Date: 1/11/24  
14410 218th St Piedmont

Voter Address: 8044 NORMAN AVE.

Voter Signature: Joseph F. Norman Thomas W. Norman

.....  
**City of Summerset Office Use Only**

Petition Received by \_\_\_\_\_ Date Received \_\_\_\_\_

Mayor's Signature: \_\_\_\_\_

Meeting Date of Approval: \_\_\_\_\_



# COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Summerset

7055 Leisure Lane, Summerset, SD 57718

Phone: (605) 718-9858

Fax: (605) 718-9883

Web: www.summerset.us

# APPLICATION FOR DEVELOPMENT REVIEW

REQUEST (please check all that apply)

- Annexation
- Comprehensive Plan Amendment
- Fence Height Exception
- Planned Development (Overlay)
  - Designation
  - Initial Plan  Final Plan
  - Major Amendment
  - Minimal Amendment

- Subdivision
  - Layout Plan
  - Preliminary Plat
  - Final Plat
  - Minor Plat
- Rezoning
- Road Name Change

- Conditional Use Permit
  - Major Amendment
  - Minimal Amendment
- Vacation
  - Utility / Drainage Easement
  - R.O.W. / Section Line Highway
  - Access / Non-Access
  - Planting Screen Easement
- OTHER (specify) \_\_\_\_\_

## LEGAL DESCRIPTION (Attach additional sheets as necessary)

EXISTING

PROPOSED *See attached legal*

LOCATION

Size of Site-Acres

Square Footage

Proposed Zoning *C1*

DESCRIPTION OF REQUEST:

*Annexation*

Utilities: Private / Public

Water *BH Water*

Sewer *Septic*

### APPLICANT

Name *Thomas W. NORMAN Joseph F. NORMAN* Phone \_\_\_\_\_  
 Address *P.O. Box 767* E-mail \_\_\_\_\_  
 City, State, Zip *BLACK HAWK, S. DAK. 57718* Signature *Thomas W. Norman* Date \_\_\_\_\_  
 PROJECT PLANNER - AGENT

Name \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ E-mail \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

### OWNER OF RECORD (If different from applicant)

Name *Thomas W. Joseph F. NORMAN* Phone *605-430-9839*  
 Address *P.O. Box 767* E-mail *NORMAN.Trench@gmail.com*  
 City, State, Zip *BLACK HAWK, S. DAK. 57718*

Property Owner Signature *Thomas W. Norman* Date *1/11/14*  
 Property Owner Signature *Joseph F. Norman* Date \_\_\_\_\_

Signature *Thomas W. Norman* Date \_\_\_\_\_  
 Print Name: *THOMAS W. NORMAN*  
 Title\*: *owner*  
 Signature *Joseph F. Norman* Date \_\_\_\_\_  
 Print Name: *Joseph F. Norman*  
 Title\*: *owner*

\*required for Corporations, Partnerships, etc.

### FOR STAFF USE ONLY

ZONING
Current
North
South
East
West
Planner
File No.
Comp Plan
Received By:

- Sewer Utility
- Fire Department
- Public Works
- Planning
- Building Inspector
- Engineering
- City Code Enforcement
- Police
- City Attorney
- BHP&L
- Finance Officer
- Register of Deeds
- County - Planning
- SD DOT
- SD DENR
- Auditor - Annexation
- Drainage
- Parks & Recreation
- Diamond D Water
- Black Hills Water
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_

Planning and Zoning Meeting Date: \_\_\_\_\_ Covenants filing fee? Yes  No   
 Commission Meeting Date: \_\_\_\_\_  
 Date Paid: \_\_\_\_\_ Payment Type: Cash  Check  Credit Card



# **NORMAN ESTATES SUBDIVISION**

A PLAT OF LOT 3 OF NORMAN ESTATES SUBDIVISION

LOCATED IN A PORTION OF LOT U1 IN THE N $\frac{1}{2}$  SW $\frac{1}{4}$  OF SECTION 5  
AND IN THE UNPLATTED PORTION OF THE NE $\frac{1}{4}$  SW $\frac{1}{4}$  OF SECTION 5,  
TOWNSHIP 2 NORTH, RANGE 7 EAST OF THE BLACK HILLS MERIDIAN,  
MEADE COUNTY, SOUTH DAKOTA.

## § 151.020 GENERAL REQUIREMENTS.

(A) *Violation.* It shall be a violation of this chapter for any person having an interest in any land within the jurisdiction of the city to subdivide or resubdivide such land into lots other than in accordance with the provisions of this chapter.

(B) *Subdivision plats subject to review.* Any subdivision of land within the platting jurisdiction of the city containing two or more lots, no matter how described, shall be platted or replatted, and said plat must be submitted to the Planning Commission for its consideration and recommendation to the Board of Commissioners for approval or rejection.

(C) *Platting required prior to sale/transfer.* Any parcel of land of less than 40 acres which is located within the extraterritorial platting jurisdiction of the city must be platted prior to the sale or transfer of the land. The Register of Deeds may not record any document of any sale or transfer of unplatted property that does not comply with this chapter.

(D) *Minimum lot sizes.* The subdivider shall conform to lot densities established by Chapter 155 or, if the subdivision is outside of the city's municipal limits, not be less than the minimum lot sizes established by SDAR 74:53:01, which establishes regulations for individual and small on-site wastewater systems.

(E) *Annexation.* The subdivider shall be required to submit a petition for voluntary annexation of his or her subdivision into the city with the final or minor plat application if any portion of the subdivision is adjacent to the city's municipal boundary. For the purposes of this chapter, the term "adjacent" ignores any right-of-way or dedication that lies between the municipal boundary and the subdivision boundary.

(F) *Adjacent access and street extension.* Land adjacent to a proposed subdivision shall not have its access left land-locked by a proposed subdivision. Sufficient proposed streets shall be extended as far as the boundary line of the parcel being subdivided, and provided with a temporary cul-de-sac in order to ensure normal circulation of traffic within the vicinity.

(G) *Street maintenance.* Maintenance of public streets that have not been accepted for maintenance purposes by the city shall be the responsibility of the subdivider until said maintenance is accepted by the Board of Commissioners, in the case of streets outside of the municipal limits of the city, the Board of Commissioners approves a street maintenance plan that provides for said maintenance.

(H) *Lot monuments, numbering, and naming.* All property corners, including the beginning (point of curvature) and ending (point of tangency) of curves along property lines, shall be accurately marked on the ground with a five-eighths inch to one-and-one-quarter-inch diameter iron rod at least 18 inches in length. Each bar is to be capped with an aluminum or plastic cap indicating the license number of the surveyor who placed the bar in the ground. The monumentation of all corners required by SDCL § 11-3-2 shall be fixed in the ground at the locations shown on the approved preliminary plat before the final plat application is submitted to the Planning Official for review. Lots shall be numbered or named in accordance with SDCL § 11-3-3.

(I) *Ghost platting.* Ghost platting shall be required for all subdivisions within the platting jurisdiction of the city that create one or more lots of one or more acres that may be resubdivided in the future. Those subdivisions utilizing the minor plat procedure that have not previously been subject to ghost platting may be exempted from this requirement by the Board of Commissioners. The ghost plat shall be included as part of the developer's agreement for the proposed subdivision and shall not be subject to expiration.

(J) *Additional administrative rules.* The Board of Commissioners may formulate additional written administrative rules that govern the procedure for processing subdivisions. These procedures may outline the responsibility of parties concerned with subdivisions and subdivision processing, and may contain other information necessary to systematize handling and processing.

(K) *Fees.* Application fees shall be set by resolution by the Board of Commissioners. At no time shall a plat or other subdivision regulations application be brought before the Board of Commissioners without the proper fees being collected.

(Ord. #115, passed 2-16-2017)

***Statutory reference:***

*Related provisions, see SDCL § 11-6-31*