



301 E WILLOW STREET • PO BOX 26 • HARRISBURG SD • 57032  
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## Agenda Item Staff Report

Date: August 20, 2024  
To: Mayor & City Council  
From: Chad Huwe, Stockwell Engineers

**Agenda Item:**  
**Resolution 2024-11: Petition to Vacate a Portion of Balamor Street**

Consent Agenda:  Business Item:

### Information:

The are two items on tonight's agenda related to this right of way vacation:

- Public Hearing
- Resolution to Vacate

The city has received a petition to vacate a portion of Balamor Street west of SD Highway 115 per the attached Exhibit A. The petitioner is Orchard View Properties. The right of way is not currently used by the public and does not contain utilities.

### Financial Considerations:

This right of way will become private property and placed on the tax role.

### Attachments:

Petition to Vacate and Resolution 2024-11

### Staff Recommendation:

Motion to approve Resolution 2024-11.

Notices of Hearing: July 25, 2024  
August 1, 2024  
Date of Hearing: August 20, 2024  
Date Adopted: August 20, 2024  
Date Published: August 29, 2024  
Date Effective: September 18, 2024

**Resolution 2024 - 11**

A RESOLUTION VACATING BALAMOR STREET FROM THE SOUTH LINE OF LOT 5 IN TRACT 3 OF COUNTRY CORNER ORCHARDS' ADDITION TO THE NORTH LINE OF LOT 4 IN TRACT 3 OF COUNTRY CORNER ORCHARDS' ADDITION, AS SHOWN ON EXHIBIT A.

WHEREAS a petition to vacate City right of way has been filed by the owner of the following described property:

Lots 4 and 5 in Tract 3 Country Corner Orchards' Addition to the City of Harrisburg, Lincoln County, South Dakota.

WHEREAS the hearing was held on August 20, 2024, and the petition has been duly examined and investigated by the City Council of the City of Harrisburg. The testimony of said petition has been heard. Said property, as shown upon the plat attached to and made a part of said petition, has been used as a street, alley, or public ground but no longer serves a useful public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HARRISBURG, SD:

That the following described right of way, recorded in Book 15 of Plats on page 254 in the office of the Register of Deeds for Lincoln County, SD, on November 3, 2021, is hereby declared vacated.

Dated at Harrisburg, South Dakota, 20<sup>th</sup> day of August 2024.

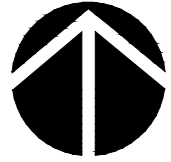
COMMON COUNCIL OF THE CITY OF HARRISBURG

\_\_\_\_\_  
Derick Wenck, Mayor

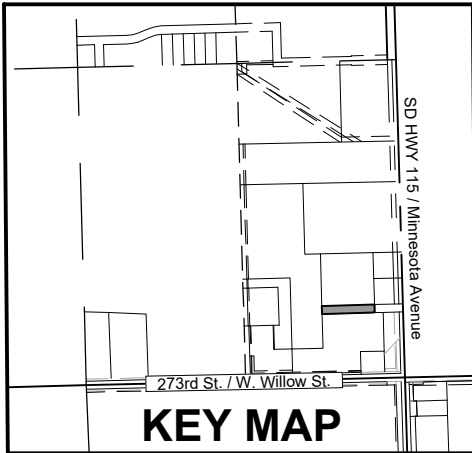
Attest:

\_\_\_\_\_  
Deb Harris, Finance Officer

# EXHIBIT A Vacating Street Right of Way



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**NOTES:**

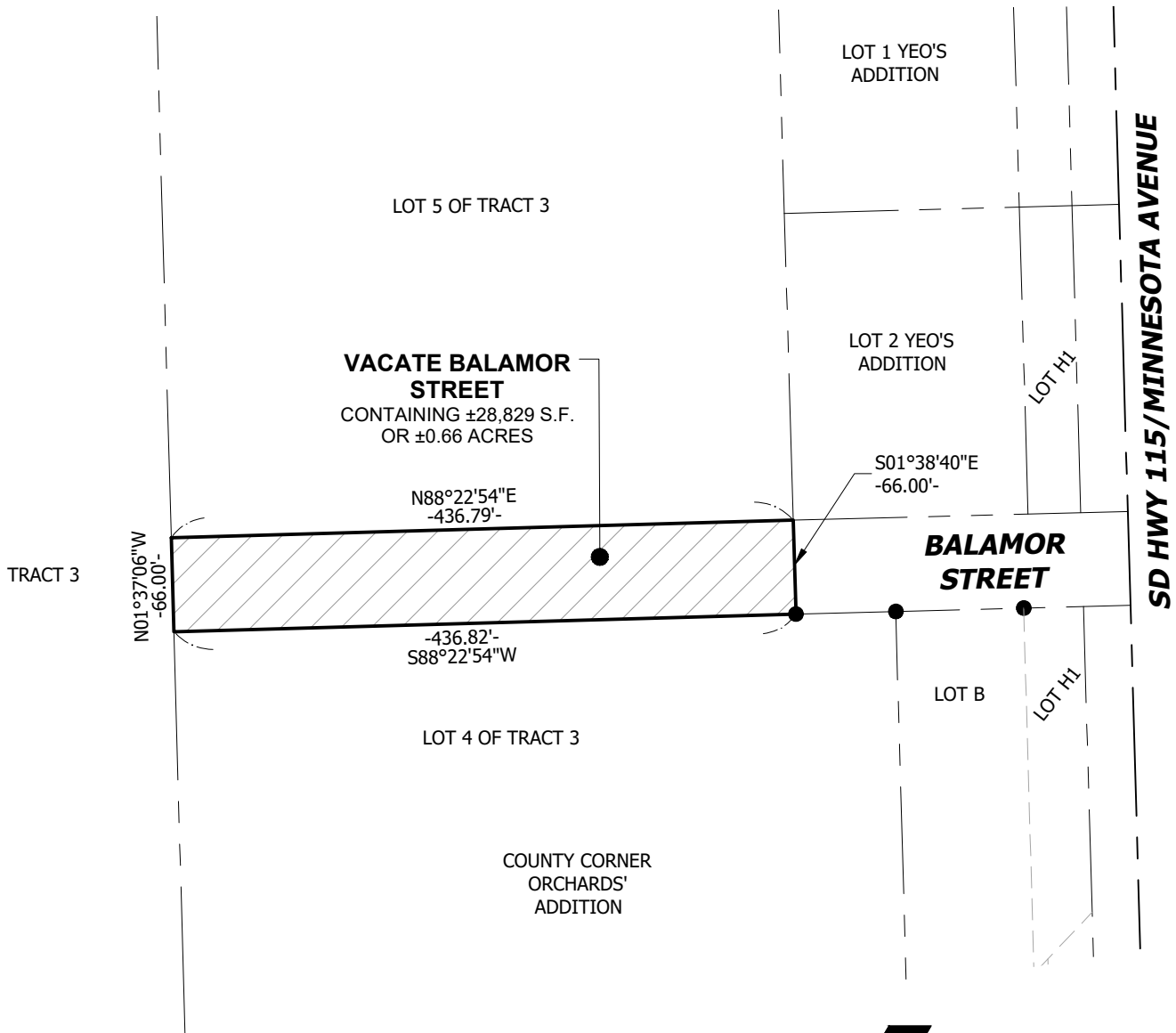
1. BASIS OF BEARINGS FOR THIS EASEMENT IS UTM ZONE 14 NORTH.
2. SURVEY WAS DONE WITHOUT BENEFIT OF A TITLE SEARCH.

**LEGEND:**

- FOUND 5/8" REBAR
- UTILITY EASEMENT
- STREET VACATION AREA



UE



**PREPARED BY:**

STOCKWELL ENGINEERS, INC.  
 801 N PHILLIPS AVENUE, SUITE 100  
 SIOUX FALLS, SD 57104  
 PHONE: 605-338-6668

Petition to vacate Balamor Street from the south line of Lot 5 in Tract 3 of Country Corner Orchards' Addition to the north line of Lot 4 in Tract 3 of Country Corner Orchards' Addition.

To the Harrisburg City Council:

The owners of real property in Harrisburg, SD petition the City Council to vacate the right of way described above, because it does not serve a useful public purpose.

An exhibit of the right of way proposed to be vacated is attached and made a part of this petition.

We request you file this petition, set a hearing date, and give notice of the time and place of the hearing as required by law. After the hearing, we request you vacate the right of way by resolution as provided by law.

1. Legal Description

Lot 5 Tract 3 Country Corner Orchards'  
Addition to the City of Harrisburg,  
Lincoln County, South Dakota

Orchard View Properties

Owner - Print

Joe Berghard

Owner - Signature

Joe Berghard

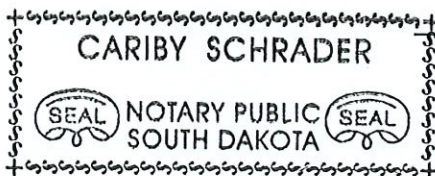
Subscribed and sworn to before me this

23rd day of July, 2029

Carly Schrader

Notary Public - South Dakota

Exp 3-2-28



2. Legal Description

Lot 4 Tract 3 Country Corner Orchards'  
Addition to the City of Harrisburg,  
Lincoln County, South Dakota

Orchard View Properties

Owner - Print

Joe Berghard

Owner - Signature

Joe Berghard

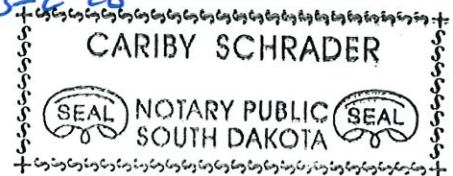
Subscribed and sworn to before me this

23rd day of July, 2029

Carly Schrader

Notary Public - South Dakota

Exp 3-2-28



City of Harrisburg  
Notice of Public Hearing  
City Council

Notice is given that a petition has been filed with the City Council of the City of Harrisburg to vacate public right-of-way. The object of the petition is to vacate a portion of Balamor Street right-of-way west of SD Highway 115. The petition will be heard and considered by the City Council at a Public Hearing on August 20, 2024, at or about 6:00 p.m. at the Liberty School Board Room, 200 E Willow Street, Harrisburg, SD.

The City Council invites all interested people to attend and offer their comments. Those unable to attend may submit comments in writing, prior to the hearing, to: Harrisburg City Planning & Zoning Administrator, PO Box 26, Harrisburg, SD 57032. In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this hearing, please contact the City Planning & Zoning Administrator at (605) 767-5010. Anyone who is deaf, hard-of-hearing, or speech-disabled may use Relay South Dakota at (800) 877-1113 (TTY/Voice). Notification 48 hours prior to the hearing will enable the city to make reasonable arrangements to ensure accessibility to this hearing.

Chad Huwe  
City Planning & Zoning Administrator  
City of Harrisburg

Publish July 25, 2024, and August 1, 2024

Published twice at the approximate cost of \$ \_\_\_\_\_.