

PETITION FOR VACATION OF PLAT

The undersigned petitioner makes this petition pursuant to SDCL 11-3-21.1 to vacate the plat for the real property described on Exhibit A which is attached hereto and incorporated by reference and states as follows:

1. The name and address of the only record owner of the platted real property to be vacated is: Oyate Concern, Inc., a South Dakota nonprofit corporation whose post office address is PO Box 148, Oglala, SD 57764.
2. The legal description of the plat to be vacated is as follows:

Tract 1 located in the Southwest Quarter (SW1/4) of Section Eleven (11) Township Thirty-Seven (37) North, Range Forty-Six West of the Sixth Principal Meridian, Oglala Lakota (formerly Shannon) County, South Dakota filed for record on October 1, 1985 in Book XIII of Plats page 70 in the Office of the Register of Deeds, serving Fall River and Oglala Lakota Counties, South Dakota.
3. There are no legal voters residing on the platted real property.
4. That those who signed as the Owners on the above-described plat were Wallace L. Finder and Leonard A. Finger.
5. That at the time that the plat was prepared the real property was not owned by Wallace L. Finger or Leonard A. Finger; that a patent was issued to Wallace Little Finger a/k/a Wallace Finger and Leonard A. Finger a/k/a Leonard Anthony Finger on April 7, 1986 and recorded on April 26, 1986 in Book 4 of Patents page 204 in the Office of the Register of Deeds, serving Fall River and Oglala Lakota Counties, South Dakota.
6. That said platted description has never been used in a conveyance in the chain of title; by Warranty Deed dated August 26, 1986 Wallace Little Finger and Leonard A. Finger and Theresa Finger, his wife, deeded the W1/2SW1/4SW1/4 of Section 11, Township 37 North, Range 46 West of the Sixth Principal Meridian, Shannon County, South Dakota to the Lakota Baptist Church; said deed recorded in Book 10 of Deeds, pages 16-17 in Office of the Register of Deeds, serving Fall River and Oglala Lakota Counties, South Dakota.

7. That by Warranty Deed dated January 9, 2019, the Lakota Baptist Church deeded the W1/2SW1/4SW/14 of Section 11, Township 37 North, Range 46 West of the Sixth Principal Meridian, Oglala Lakota County (formerly Shannon County) South Dakota, which said deed was recorded on January 11, 2019 in Book 13 of Deeds, pages 48-49 in the Office of the Register of Deeds, serving Fall River and Oglala Lakota Counties, South Dakota.
8. That the entire platted area is within the W1/2SW1/4SW1/4 of Section 11, Township 37 North, Range 46 West of the Sixth Principal Meridian, Oglala Lakota (formerly Shannon) County, South Dakota.
9. That located on the plat is "Old Highway 18" in the far southwest corner. As set forth and identified on the Record of Survey dated Oct. 12, 2018 and attached hereto as Exhibit "B", the "Old Highway 18 Old Alignment" has been moved and is shown as "Old Highway 18 New Alignment" which is on the section line and not on the platted real property. The granting of this petition will not authorize the closing or obstruction of any public highway laid out.
10. Petitioner requests that the above-described plat be vacated as it is a "wild plat" on the chain of title.
11. That this vacation is subject to the following easements (none of which reference the platted description) all of which are recorded in the: Office of the Register of Deeds, serving Fall River and Oglala Lakota Counties, South Dakota as set forth below:
 - A. Right of way easement between Lakota Baptist Church and Lacreek Electric Association dated Dec. 12, 2011 and recorded on Dec. 19, 1986 in Book 9 page 414;
 - B. Right of Way Easement between Lakota Baptist Church and Lacreek Electric Association dated November 16, 2004, and recorded on August 13, 2008, in Book 15 of Miscellaneous page 29; and
 - C. Temporary Easement Agreement between Lakota Baptist Church and the State of South Dakota dated June 8, 2009 and recorded on June 17, 2009.
12. That the granting of the petition will not abridge or destroy any of the rights and privileges of other proprietors of such plat and will not authorize the closing or obstruction of any public highway laid out.

Wherefore the Petitioner petitions the Oglala Lakota County Commission, pursuant to SDCL 11-3-22, set a time and place for a hearing on this petition with the hearing to be held within thirty days of the filing of this petition with the Commission holding least one public hearing; that notice of the time and place of the hearing be given once at least ten days in advance by publication in a legal newspaper of Oglala Lakota County and following said hearing the Oglala Lakota County Commission grant this petition vacating the said plat.

Oyate Concern, Inc.

By: Robbie E. Dyer
Robbie E. Dyer
Its: CEO

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF FALL RIVER)

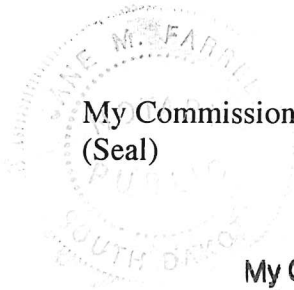
Oyate Concern, Inc. by Robbie E. Dyer, its President upon his oath, states that he has read the foregoing Petition and knows the contents to be true of his knowledge, information and belief.

Oyate Concern, Inc.

By: Robbie E. Dyer
Robbie E. Dyer
Its: CEO

Subscribed and sworn to before me this 18 day of February, 2021.

Jane M. Farrell
Notary Public

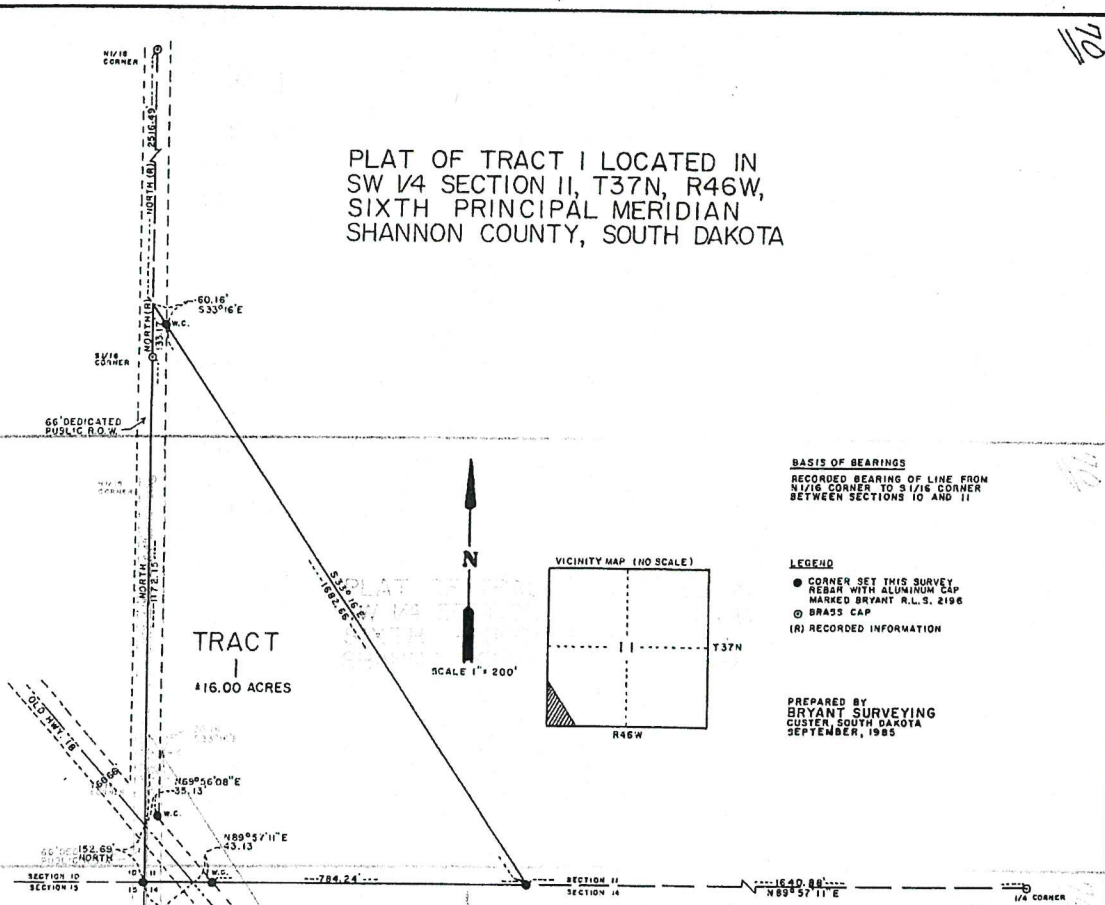


My Commission Expires:
(Seal)

Jane M. Farrell
Notary Public
My Commission Expires
September 17, 2022

100

PLAT OF TRACT I LOCATED IN SW 1/4 SECTION II, T37N, R46W, SIXTH PRINCIPAL MERIDIAN SHANNON COUNTY, SOUTH DAKOTA



BASIS OF BEARINGS
RECORDED BEARING OF LINE FROM N 1/2 CORNER TO S 1/2 CORNER BETWEEN SECTIONS 10 AND 11

LEGEND
● CORNER SET THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BRYANT R.L.S. 2196
○ BRASS CAP
(R) RECORDED INFORMATION

PREPARED BY
BRYANT SURVEYING
CUSTER, SOUTH DAKOTA
SEPTEMBER, 1985



STATE OF SOUTH DAKOTA
COUNTY OF SHANNON s.s.

CERTIFICATE OF OWNERSHIP

I, the Spencer B. Finger
LEONARD L. FINGER

do hereby certify that we are the owners of the tract of land shown and described hereon, that the survey was done at our request for the purposes indicated hereon, and that we do hereby approve the survey and within limit of said land, and that development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

In witness whereof, we have hereunto set our hand and seal.

Witness: Spencer B. Finger

On the 30th day of SEPT, 1985, before me, a Notary Public, personally appeared LEONARD L. FINGER

known to me to be the persons described in the foregoing instrument and acknowledged to me that they signed the same.
Notary Public: Garth M. Bunting
My commission expires: 6-15-87

CERTIFICATE OF COUNTY TREASURER

I, Treasurer of Fall River County and the Unorganized County of Shannon, do hereby certify that all taxes which are liens upon the within described lands are fully paid according to the records of my office.

Dated this 30th day of Sept, 1985.

Frank Stubbins
Treasurer of Fall River County and the Unorganized County of Shannon

CERTIFICATE OF COUNTY CLERK

I, Director of Equalization of Fall River County and the Unorganized County of Shannon, do hereby certify that I have on record in my office a copy of the within described plat.

Dated this 30th day of Sept, 1985.

James Ward to Tom Horton Dep.
Director of Equalization of Fall River County and the Unorganized County of Shannon

Filed this 1st day of October, 1985, at Custer at 10:00 a.m.

IN BOOK XIII PAGE 70

REGISTERED BY Garth M. Bunting

CERTIFICATE OF SURVEYOR

STATE OF SOUTH DAKOTA
COUNTY OF SHANNON s.s.

I, Frank A. Bryant, Registered Land Surveyor No. 2196 of the State of South Dakota, do hereby certify that being so authorized, I made the survey and within limit of the land shown and described hereon and that the same is, in all things, true and correct.

In witness whereof, I have hereunto set my hand and seal.

REGISTERED LAND SURVEYOR: Frank A. Bryant

On the 15 day of September, 1985, before me, a Notary Public, personally appeared Frank A. Bryant, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

NOTARY PUBLIC: Garth M. Bunting

My commission expires: October 11, 1985

RESOLUTION BY GOVERNING BOARD

STATE OF SOUTH DAKOTA
COUNTY OF FALL RIVER s.s.

I, Auditor of Fall River County and the Unorganized County of Shannon, do hereby certify that at an official meeting held on the 1 day of Sept, 1985, the County Commissioners by RESOLUTION did approve the plat as shown hereon.

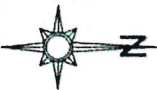
Arvid Kopski
Auditor of Fall River County and the Unorganized County of Shannon

2411621 10

RECORD OF SURVEY

TRACT 1 IN THE SW CORNER OF SECTION 11, T37N, R46W, 6TH P.M., OGLALA LAKOTA COUNTY, SOUTH DAKOTA

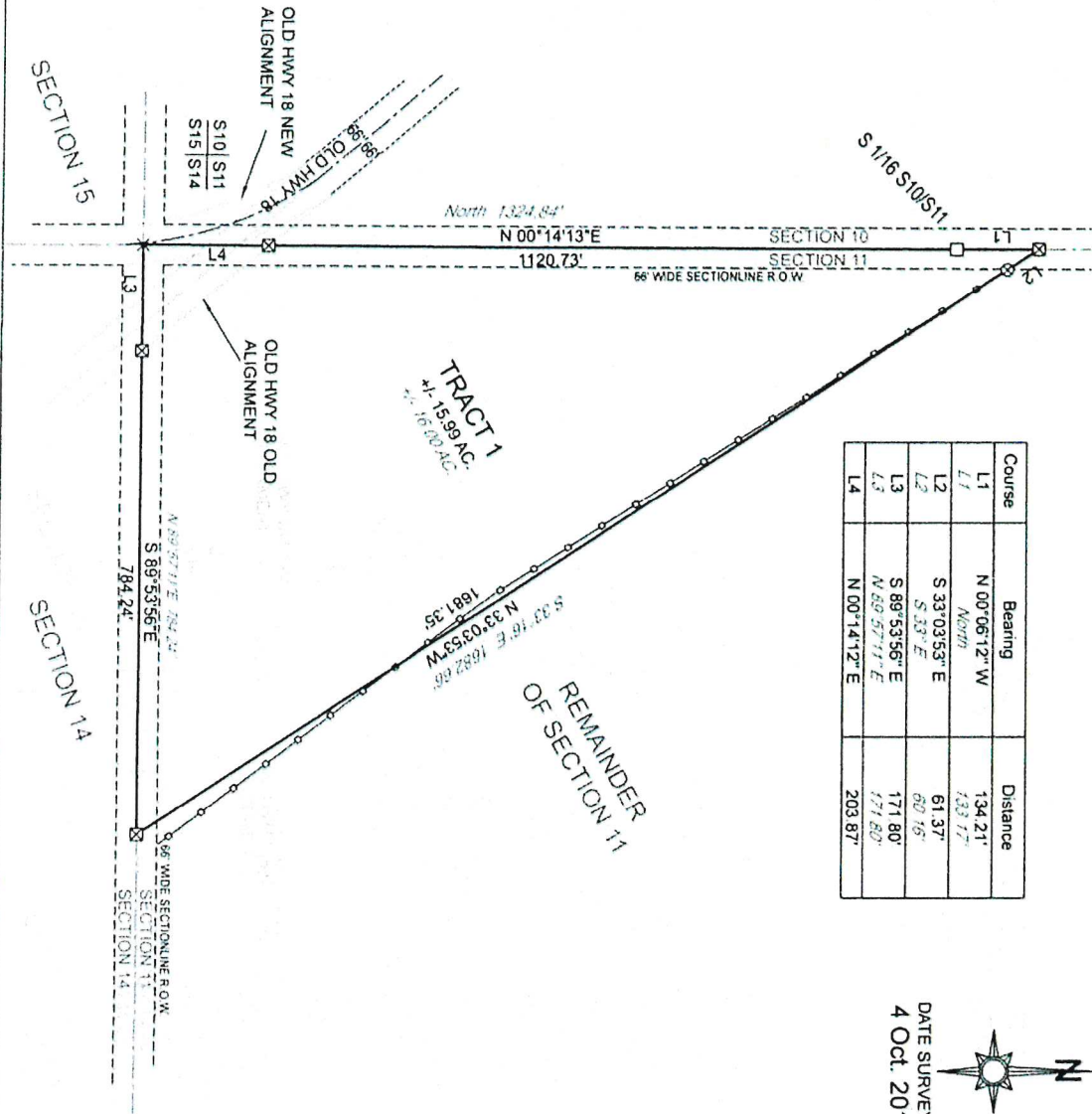
| Course | Bearing | Distance |
|--------|---------------|----------|
| L1 | N 00°06'12" W | 134.21' |
| L1 | North | 133.77' |
| L2 | S 33°03'53" E | 61.37' |
| L2 | S 13° E | 60.16' |
| L3 | S 89°53'56" E | 171.80' |
| L3 | N 89°50'11" E | 171.80' |
| L4 | N 00°14'12" E | 203.87' |



DATE SURVEYED
4 Oct. 2018

REMAINDER
OF SECTION 11

TRACT 1
4.1589 AC.
17.16 000 AC.



LEGEND

- Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
- Found rebar w/aluminum cap marked "BRYANT LS 2196"
- Found rebar w/aluminum cap marked "LS 1967"
- angle point not monumented
- Slant lettering denotes record calls

Fence Line

BASIS OF BEARING - GPS OBSERVATION
taken N 01°26'44"E 263.65' from the SW corner of TRACT 1.
OPUS STATIC SOLUTION NAD83(2011)
LAT. 43°11'19.40867"
LONG. -102°44'22.27877"



CERTIFICATION OF SURVEYOR
I, John McBride, LS No. 5906 do hereby certify this drawing represents a survey made by me or under my direct personal supervision in accordance with the laws of the State of South Dakota and accepted surveying practice, and that the same are based on my knowledge and belief, true and correct.

John McBride, LS No. 5906



Prepared by
ANDERSEN ENGINEERS
Land Surveyors, Professional Engineering, & Environmental Consultants

| | | |
|--------------------|--------------------|--|
| Drawn by RW | Date 10/12/2018 | PO Box 446 Edgemont, SD 57735 (605)-662-5500 |
| Approved by MCB | Date 10/12/2018 | anderseneengineers@gwic.net |
| Scale 1"=200' | Sheet 1 of 1 | File Name TR_1_S11_T37N_R46W |

Prepared By:
Farrell, Farrell & Ginsbach, P.c.
441 N. River Street
Hot Springs, SD 57747
605-745-5161

RESOLUTION NO. 2021-06

Resolution vacating:

Tract 1 located in the Southwest Quarter (SW1/4) of Section Eleven (11) Township Thirty-Seven (37) North, Range Forty-Six (46) West of the Sixth Principal Meridian, Oglala Lakota (formerly Shannon) County, South Dakota filed for record on October 1, 1985 in Book XIII of Plats page 70 in the Office of the Register of Deeds, serving Fall River and Oglala Lakota Counties, South Dakota,

WHEREAS, Oyate Concern, Inc., a South Dakota nonprofit corporation, whose post office address is PO Box 148, Oglala, SD 57764, having heretofore presented to the Oglala Lakota County Commission, a Petition for vacation of the following:

Tract 1 located in the Southwest Quarter (SW1/4) of Section Eleven (11) Township Thirty-Seven (37) North, Range Forty-Six (46) West of the Sixth Principal Meridian, Oglala Lakota (formerly Shannon) County, South Dakota filed for record on October 1, 1985 in Book XIII of Plats page 70 in the Office of the Register of Deeds, serving Fall River and Oglala Lakota Counties, South Dakota and

WHEREAS, the Oglala Lakota County Commission did on the 10th day of March, 2021 direct that said Petition be considered at the special meeting of the Oglala Lakota County Commission to be held at Hot Springs, SD on March 22, 2021 at 2 o'clock p.m. deeming it expedient that said matter should be proceeded with and directed that notice of said hearing be published once at least ten days in advance by publication in the Lakota Times the official newspaper of said County; and

WHEREAS due and legal notice of the hearing on said Petition has been given and the Oglala Lakota County Commission has carefully investigated and considered the matter, and

WHEREAS said Petition, was made by the sole Owner of the above-described real property, and

WHEREAS the granting of the petition will not abridge or destroy any of the rights and privileges of other proprietors of such plat as there are none and

WHEREAS granting said petition will not authorize the closing or obstruction of any public highway laid out according to law,

BE IT RESOLVED by the Oglala Lakota County Commission of South Dakota that the following plat described as follows:

Tract 1 located in the Southwest Quarter (SW1/4) of Section Eleven (11) Township Thirty-Seven (37) North, Range Forty-Six (46) West of the Sixth Principal Meridian, Oglala Lakota (formerly Shannon) County, South Dakota filed for record on October 1, 1985 in Book XIII of Plats page 70 in the Office of the Register of Deeds, serving Fall River and Oglala Lakota Counties, South Dakota

Be, and the same hereby is Vacated, subject to any easements of record.

Dated at Hot Springs, Oglala Lakota County, South Dakota this 22nd day of March, 2021.

APPROVED:

Chair, Board of Oglala Lakota County Commissioners

ATTEST:

Sue Gange, Oglala Lakota County Auditor