

Prepared By:  
City of Box Elder  
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## RESOLUTION 19-01

### **A RESOLUTION APPROVING THE VACATION OF no access easement lying on the east side of Lot 18, Block 1, Prairie View Estates, Section 29, Township 2 North, Range 9 East, Black Hills Meridian, Pennington County, South Dakota.**

**WHEREAS, THE CITY OF BOX ELDER** has at some point permitted a building permit to be issued for a home and attached garage and driveway that access South Ellsworth Road across the above listed no access easement.

**WHEREAS, IT APPEARS** that the construction of the home & garage and access driveway created a situation where the easement is no longer a necessity, nor does the City intend to improve, maintain and/or manage the easement accessing the right-of-way for future projects; and

**WHEREAS, IT APPEARS** that there is a need to preserve any public utility easements to accommodate the existing utilities; and

**WHEREAS, IT APPEARS** that the ownership of the land upon which the no-access easement to be vacated is located shall stay under ownership of the landowners;

**NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BOX ELDER** that the above-described "NO-ACCESS EASEMENT", on lot 18, Block 1 of Prairie View Estates (Parcel #2229301013), and the same is, hereby vacated by the Box Elder Common Council and any public utility easement in existence be continued.

Dated at Box Elder, South Dakota, this 6th day of February 2019, BOX ELDER COMMON COUNCIL.

Seal

Attest

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Larry Larson, Mayor

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Nicole Schneider, Finance Officer