

## RESOLUTION NO. 2018-16

### **BOARD OF BUTTE COUNTY COMMISSIONERS** **RESOLUTION AND ORDER VACATING COUNTY ROAD**

1. The Board of Butte County Commissioners received a Petition pursuant to SDCL 31-3-6 requesting that a certain public roadway and section line hereafter described be vacated. The specific descriptions of the roadway and section line requested to be vacated are:
  - a. The county road known as Kling Road be vacated from the point commencing at South Dakota Highway 34 in the W $\frac{1}{2}$  of Section 23, T8N, R1E, B.H.M. and ending at the intersection of Kling Road and Sourdough Road on the north line of Sections 14 and 15, T8N, R1E, B.H.M. The distance of the road requested to be vacated is approximately one and one-half (1 $\frac{1}{2}$ ) miles.
  - b. The north-south section line between Sections 14 and 15, T8N, R1E, B.H.M., and the north-south section line between the north halves of Sections 22 and 23, T8N, R1E, B.H.M. be vacated. The distance of the section line requested to be vacated is approximately one and one-half (1 $\frac{1}{2}$ ) miles.
2. Public notice of the January 11, 2018 public hearing on the Petition was given by publication in the Black Hills Pioneer on December 29, 2017 and January 5, 2018.
3. On January 17, 2018, the Board of Butte County Commissioners received a letter requesting partial vacation. Specifically, the letter supplemented the Petition to Vacate the County Road and Section Line by reducing the requested vacation to:
  - a. The county road known as Kling Road shall be vacated from the point commencing where Kling Road leaves the section line north of the Kling Family Homestead and goes Easterly and Southerly to South Dakota Highway 34.
4. The Board of Butte County Commissioners has considered the Petition, submissions from the public, information presented at the public hearing, exhibits attached to the findings, and has determined the bridge in Kling Road crossing Hay Creek is closed. Kling Road has been blockaded by the Butte County Highway Department, and therefore, Kling Road can no longer be used by the public for travel.
5. Under the circumstances stated above, the maintenance of Kling Road would be a waste of public funds.

**IT IS THEREFORE RESOLVED**, that pursuant to SDCL 31-3-7, the public interest will be better served by the proposed partial vacation. Therefore,

**IT IS FURTHER RESOLVED AND ORDERED**, that:

- a. **The county road known as Kling Road shall be vacated from the point commencing where Kling Road leaves the section line north of the Kling Family Homestead and goes Easterly and Southerly to South Dakota Highway 34.**

- b. The north-south section line between Sections 14 and 15, T8N, R1E, B.H.M., and the north-south section line between the north halves of Sections 22 and 23, T8N, R1E, B.H.M. shall not be vacated.
- c. The north-south section line between Sections 14 and 15, T8N, R1E, B.H.M., and the north-south section line between the north halves of Sections 22 and 23, T8N, R1E, B.H.M. shall be a minimum maintenance road.

DATED this 6th day of February 2018.

**BOARD OF BUTTE COUNTY COMMISSIONERS**

/s/ Frank Walton  
Chairman

ATTEST:

/s/ Elaine Jensen  
Butte County Auditor