

**PETITION FOR VACATION OF
PORTION OF STREET RIGHT-OF-WAY**

TO THE HONORABLE MAYOR AND CITY COMMISSION OF THE CITY OF DEADWOOD:

Pursuant to SDCL 9-45-7, adjoining owners, James VanValkenburgh and D'Lynn VanValkenburgh and all owners of any and all real property abutting or adjoin that portion of Emery Street as identified in exhibit A, attached, hereby petitions the City Commission of the City of Deadwood, Lawrence County, South Dakota, to vacate a portion of the street/alley/public ground/part thereof described as follows:

A portion of Emery Street consisting of approximately 3006.13 square feet located between Lots 5A of Block 12 and Lots 8-12 of Block C in Highland Park Addition, further described as depicted in Exhibit A, a copy attached.

As required by law, your petitioners are the owners of all of the real property abutting upon the street/alley/public ground/part thereof proposed to be vacated, and such property(ies) is/are described as follows:

Lot 8 through Lot 12 Block C, Highland Park Addition, City of Deadwood, Lawrence County, South Dakota and lot 5A of Block 12, Highland Park Addition, City of Deadwood, Lawrence County, South Dakota.

A copy of a portion of the plat of Emery Street showing the street/alley/public ground/part thereof proposed to be vacated is attached hereto as Exhibit A and incorporated herein.

The reasons for this petition are that James VanValkenburgh and D'Lynn VanValkenburgh, are the owners of Lot 5A, Block 12, Highland Park Addition, City of Deadwood, Lawrence County, South Dakota and Lot 5A abuts a portion of that part of Emery Street wherein vacation proceedings are pending. Petitioners, James VanValkenburgh and D'Lynn VanValkenburgh, hereby state and allege that portion of Emery Street referred to in the attachment serves no meaningful transportation purpose and is not open for through traffic.

Thus, petitioners believe the proposed vacation is in the best interests of the City of Deadwood, and that such vacation will be for the advantage of and the best interests of the petitioners and the public generally.

Based upon the foregoing, the petitioners respectfully request that the City of Deadwood give notice by publication once each week for at least two successive weeks to the effect that such petition has been filed and stating in brief its object and scheduling a time for hearing specifying a day and time for hearing not less than ten days from the expiration of such publication, and that the City Commission, after hearing the same, declare by resolution passed by a two-thirds vote of all the members, that the portion of the public street/alley/public ground/part thereof be vacated.

Dated this 2 day of July, 2021.

James VanValkenburgh-Lot 5A


Stan


Lynette Kirkeby-Lot 10

Lynette Kirkeby-Lot 12


Lynette Kirkeby-Lot 8

Lynette Kirkeby
Lynette Kirkeby-Lot 9


Lynette Kirkeby-Lot 11

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) SS.

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On this 2 day of July, 2021, before me, the undersigned officer, personally appeared James VanValkenburgh and D'Lynn VanValkenburgh (owners of Lot 5A), known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged executing the same in the capacity therein stated for the purposes therein contained.

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



Notary Public -- South Dakota

My Commission Expires: Oct 1, 2024

On this 2 day of July, 2021, before me, the undersigned officer, personally appeared Lynette Kirkby (owner(s) of Lot 8), known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged executing the same in the capacity therein stated for the purposes therein contained.

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



Melissa Kruzel

Notary Public -- South Dakota

My Commission Expires: Oct 1, 2026

On this 2 day of July, 2021, before me, the undersigned officer, personally appeared Lynette Kirkby (owner(s) of Lot 9), known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged executing the same in the capacity therein stated for the purposes therein contained.

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



Melissa Kruzel

Notary Public -- South Dakota

My Commission Expires: Oct 1, 2026

On this 2 day of July, 2021, before me, the undersigned officer, personally appeared Lynette Kirkby (owner(s) of Lot 10), known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged executing the same in the capacity therein stated for the purposes therein contained.

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



Melissa Kruzel

Notary Public -- South Dakota

My Commission Expires: Oct 1, 2026

On this 2 day of July, 2021, before me, the undersigned officer, personally appeared Lynette Kirby (owner(s) of Lot 11), known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged executing the same in the capacity therein stated for the purposes therein contained.

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



Melissa Kruzel
Notary Public -- South Dakota
My Commission Expires: Oct 1, 2026

On this 2 day of July, 2021, before me, the undersigned officer, personally appeared Lynette Kirby (owner(s) of Lot 12), known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged executing the same in the capacity therein stated for the purposes therein contained.

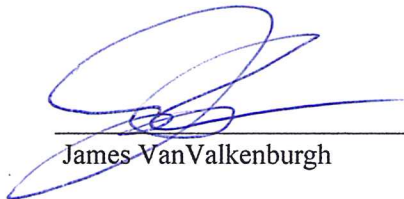
In witness whereof, I hereunto set my hand and official seal.



Melissa Kruzel
Notary Public -- South Dakota
My Commission Expires: Oct 1, 2026

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF LAWRENCE)

I, James VanValkenburgh, being first duly sworn on oath, deposes and says that he has read the foregoing Petition for Vacation of Portion of Street Right-of-Way; that the above is true of his own knowledge, except as to those matters set forth upon information and belief and as to those matters, he believes the same to be true.


James VanValkenburgh

Subscribed and sworn to before me this 2 day of July, 2021.



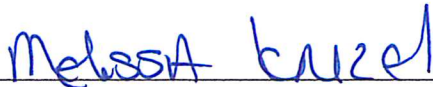

Notary Public – South Dakota
My Commission Expires: Oct 1, 2026

EXHIBIT A

SHOWING A PORTION OF EMERY STREET LOCATED BETWEEN LOTS 5A, OF BLK 12, AND LOTS 9-12 OF BLK C, IN HIGHLAND PARK ADDITION. IT ALSO LIES ADJACENT TO LOT 1 OF BLK D OF PORTER'S REVISED ADDITION AND A PORTION OF THE PREVIOUSLY VACATED HILL STREET. ALL BEING LOCATED IN THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA



Lot 3A

John Street

Emery St

Lot 1

Lot 2

Lot 3

Lot 4

Lot 5

Lot 1

Lot 2

N 1/2 of Lot 3
S 1/2 of Lot 3

Area to be Vacated
3427.6 Sq. Feet
3006.13

Vacated Emery Street

Previously Vacated Hill Street

LEGEND

- Found Rebar and Cap Stamped Arleth RLS # 3977
- ⊙ Found Rebar and Cap Stamped Vrem RLS # 6577
- ◆ Found Survey monument as noted

Found 1 inch Rebar

Found Iron Pin

ALL ASPECTS INC. LAND SURVEYING	
Project: Emery Street Vacation	All Aspects Inc. 20708 76 Loop Sturgis SD 57785 605-490-2944 LimboPLSAAL@GMAIL.COM
Date: 03 January 2017	Prepared by: Bradley Limbo RLS # 11918
Surveyed by: BJL	
Revision	

