

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

November 3, 2006

SPECIAL MEETING

The Special Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Larry Ryan on Friday, November 3, 2006 at 1:00 p.m. in the Deadwood City Hall Meeting Room located at 102 Sherman Street, Deadwood, SD 57732.

PRESENT PLANNING & ZONING: Larry Ryan, Marie Farrier, Sheree Green, and Mel Allen.

APPROVAL OF MINUTES

Ms. Farrier moved to approve the minutes of the October 18, 2006, Joint Meeting, as mailed. Mr. Allen seconded and the motion carried.

All in favor - 4
Opposed - 0

PLAT - LES AUER - Plat of Tract 1 and 2, consisting of the remainder of the Bavarian and Karoline Lodes, M.S. 1054, Located in the S¹/₂ of Section 14 and the N¹/₂ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

STAFF REPORT #1

OWNERS: Otto and Inez Auer

MEETING DATE: November 3, 2006

REQUEST: Approval of first plat

PURPOSE: For transfer purposes

LOCATION: West of Main Street/between Cadillac Jack's and First Gold.
Primarily hillside and no improvements.

FIRST PLAT: Plat of Tracts 1 and 2, consisting of the remainder of the Bavarian and Karoline Lodes, M.S. 1054, Located in the S ¹/₂ of Section 14 and the N ¹/₂ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

SIZE: The two parcels totaling 11.33 acres are located on the west side of Main Street.

EXISTING ZONING AND LAND USE: The property is zoned PF – Park Forest District. The properties to the north, south and west are unimproved. The property to the east extends to upper Main Street and such area has improvements.

REQUEST:

The subject property was owned by Otto and Inez Auer, Les Auer's mother and father. Both parents are deceased. Recently, Les Auer found out about the property in Deadwood and he was contacted by BY Development/Bradsky's to trade a part of his property for land that the Bradsky's owned. However, Judy Meverden, Lawrence County Register of Deeds, informed Mr. Auer he could not transfer the land without platting it since it was the remainder of M.S. 1054.

The property is in Probate Court at this time and the Judge has given Mr. Auer permission to sign this plat. Les Auer has been officially permitted to sign the plat as representative and sole heir of the Auer Estate.

An easement from Stage Run Subdivision has provided an easement for access to this property.

STAFF REPORT #2

Final Plat

OWNERS: Otto and Inez Auer/BY Development

MEETING DATE: November 3, 2006

REQUEST: To approve plat.

PURPOSE: For transfer/trade purposes

LOCATION: West of Main Street/between Cadillac Jack's and First Gold.
Primarily hillside and no improvements. Tract B-3 has access
from Main Street.

SECOND PLAT: Plat of Tracts B-1A, B-1B and Tract B-3; Tracts B-1A and B-1B, formerly known as
Tract B-1 of M.S. 751; and, Tract B-3 being a portion of M.S. 335 and M.S. 308; Lots 8, 9 and 10 in Block A of
Noble's Addition and a portion of Tract 1 of M.S. 1054, All located in the NW ¼ and NE ¼ of Section 23, T5N,
R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

SIZE: The three parcels totaling 13.21 acres are located on the west side of Main Street (see
attached map).

EXISTING ZONING AND LAND USE: The property is zoned PF – Park Forest District and CH – Commercial
Highway District. The properties to the north, south and west are unimproved. The property to the east has
improvements.

REQUEST:

The subject properties are owned by 1) Les Auer, if the previous plat is approved, and 2) BY Development. BY
Development needs the additional land for their retaining wall and to move a proposed gaming project to the rear of
the subject property (Ridgestone Apartments area).

All plats now have legal access to the subject lots. Tract B-3 has access from Lower Main Street.

Ms. Williams stated the first plat required a legal description to define the boundaries, which
has been met. Ms. Williams stated she received a judge's order for the owner to sign off on the
plat. Mr. Allen questioned the remaining triangle area located on the Plat. Ms. Williams noted
Mr. Auer owned the remaining portion of the mineral survey; therefore, this small portion
located below. Ms. Williams pointed out that Mr. Auer had signed off on the Plats as personal
representative and sole heir.

Ms. Green question how it would be insured that the Plat, then the deed followed by the next
Plat is recorded at the Register of Deeds. Ms. Williams stated she would be the one to record
the Plats and deeds to insure they were recorded in the right order.

**Ms. Farrier moved to approve the Plat of Tract 1 and 2, and sixty-six foot (66') public access
and utility easement, M.S. 1054, City of Deadwood, Lawrence County, South Dakota. Ms.
Green seconded and the motion carried.**

All in Favor - 4
Opposed - 0

Ms. Farrier questioned status of the deed. Ms. Williams stated she would need to receive the
deed prior to recording the plats. Ms. Farrier questioned if they all could be recorded on the
same day. Ms. Williams stated that it could possible all happen in one day with the exception of
the easement agreement.

**PLAT - LES AUER/ BY DEVELOPMENT - PLAT OF TRACTS B-1A, B-1B AND TRACT B-3 AND
THE DEDICATED SIXTY-SIX FOOT PUBLIC ACCESS AND UTILITY EASEMENT; TRACTS B-1A
AND B-1B, FORMERLY KNOWN AS TRACT B-1 OF M.S. 751; AND, TRACT B-3 BEING A PORTION
OF M.S. 335 AND M.S. 308; LOTS 8, 9 AND 10 IN BLOCK A OF NOBLE'S ADDITION AND A PORTION
OF TRACT 1 OF M.S. 1054, ALL LOCATED IN THE NW ¼ AND NE ¼ OF SECTION 23, T5N, R3E,
B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA**

Ms. Williams stated the second plat depicted the easements connecting to the property on the
first plat. Ms. Williams pointed out that B-3 had access from lower Main Street.

**Ms. Green moved to approve the Plat of Tract B-1A, B-1, B-3, and the dedicated sixty-six foot
(66') public access and utility easement, in M.S. 335, 308 and 1054, City of Deadwood,
Lawrence County, South Dakota. Mr. Allen seconded and the motion carried.**

All in Favor - 4
Opposed - 0

OPEN

Ms. Williams stated that at the next Planning & Zoning Meeting on November 15, 2006, the boundaries for the TIFD would be brought forth. Mr. Allen and Ms. Green stated they would not be able to attend. Ms. Williams stated she would contact Mr. Chuck Vanderziel to find an alternative date for this meeting.

ADJOURNMENT

**Ms. Farrier moved to adjourn the Special Meeting of the Planning and Zoning Commission.
Ms. Green seconded and the motion carried.**

All in favor - 4
Opposed - 0

There being no further business, Planning & Zoning Commission adjourned at 1:15 p.m.

ATTEST:

Larry Ryan
Chairman (Acting)
Planning and Zoning

Marie Farrier
Secretary (Acting)
Planning and Zoning