



City Council

Agenda Item

Subject: Approval of Resolution No. 25-15, Vacation of a portion of the public right-of-way of 4th Street SE between 10th Avenue SE and 11th Avenue SE

Meeting: City Council - Jun 16 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

Background:

The owners, Buffalo Ridge Concrete, Inc., has submitted a petition to vacate a portion of the 4th Street SE right-of-way between 10th Avenue SE and 11th Avenue SE. This section of right-of-way currently separates two of the company's properties. Due to previous development, this area is not used for through traffic, as a conveyor belt structure was built over the unimproved roadway. Buffalo Ridge Concrete, Inc. intends to maintain the way current operations function on the site and are seeking the vacation in part to reduce pedestrian or vehicular traffic in the industrial area and connect the two properties that are functioning as one today.

If the vacation is approved, a 10' wide utility easement centered over an existing 4" natural gas main that runs north and south within the right of way will be required. Additionally, a 20' drainage and utility easement will be required to be memorialized along the entirety of the west property line. Staff will request the owner's submit an administrative plat to memorialize the vacation and the referenced easements *if approved* to be recorded with the vacation resolution at the Office of the Register of Deeds.

The South Side Addition subdivision is a mix of commercial and industrial uses. As the area has developed, multiple right-of-way and alley vacations have been approved by the City Council to better align with the evolving land use pattern. A significant portion of the surrounding land remains undeveloped and includes wetlands and designed floodplain areas.

The vacation was recommended for approval by the Planning Commission at the May 22, 2025, Planning Commission meeting (7-0). At the June 2nd City Council meeting, Council expressed interest in requesting an access easement along the north property line from Highway 81 to 4th Street SE. The Council tabled the vacation petition to allow staff time to discuss the easement with the property owners. Following those discussions, the owners, Buffalo Ridge Concrete, Inc., stated their opposition to the easement due to safety concerns related to through traffic. The portion of 10th Avenue S between 4th Street and 5th Street (Highway 81) was vacated in 1970.

Facts:

1. Approximately 34,551 SF will be vacated.
2. The petitions own all property directly abutting the portion of right-of-way being vacated.
3. The vacation does not create any landlocked property.

4. A 10' wide utility easement will be retained over the portion of right of way as WMU has existing utilities in that area.
5. A 20' wide drainage easement will be retained over the W20' of Lots 1-10 Block 2 South Side Addition.
6. Does not hinder the goals and objectives of the master transportation plan. Reducing through access will improve traffic patterns and require the use of improved streets within the public right of way.

FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:

Brandi Hanten, Community Development Manager

Carla Heuer, Planner

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of the proposed vacation resolution through the following motion:

I move to approve Resolution No. 25-15, a Vacation of a portion of the public right-of-way of 4th Street SE between 10th Avenue SE and 11th Avenue SE.

ATTACHMENT(S):

[Application](#)

[Petition for Vacation](#)

[Exhibit](#)

[Vicinity Map](#)

[Reference Image](#)

[Vicinity Map w Vacations](#)

[Resolution No. 25-15](#)

Vacation Application**V-3**

Submitted On: May 5, 2025

Applicant

 Colin DeJong
 605-882-2371
 colindejong@iw.net

Primary Location

Point Location: 44.8885, -97.1106

Applicant Information**I the applicant am the...**

Project Agent

Applicant Access**Project Information****Vacation Type**

Public Right-of-Way

Legal Description

A portion of the public road right of way for 4th Street SE adjacent to Lots 11-20 Block 1 and Lots 1-10 Block 2 and the South 30' of the vacated right of way for 10th Avenue SE adjacent to said Blocks 1 and 2 all of South-Side Addition to Watertown, Codington County, South Dakota.

Describe the proximity of the proposed vacation

4th Street SE between 10th Avenue SE and 11th Avenue SE.

Reason for Vacation

There are no public improvements installed in the right of way.

Size of Sites (Acres)

0.79

Square Footage

34551

Proposed Zoning

I-1 Light Industrial District

Utilities

Are there utilities within the public right-of-way proposed to be vacated? Choose "NA" if there are no utilities.

Water

NA

Sewer

NA

Property Owner Information**Name**

Buffalo Ridge Concrete, Inc

Phone Number

1-507-829-8150

Email Address

chris@buffaloridgeconcrete.com

Mailing Address

1025 4th St SE

City

Watertown

State

SD

Zip

57201

Petitioner Responsibility after Approval

1. The petitioner shall immediately close the street to public travel upon the vacation taking effect- after publishing and 20 day referendum period.
2. This shall be accomplished with the use of approved signs and barricades as prescribed by the City Street Department.
3. Depending upon the future development plans for the vacated right-of-way, the street must be permanently closed with barricades or by removal of any improved street. The developer shall develop a plan that will be approved by the City for necessary actions required upon successful completion of the street vacation process. The plan will stipulate a time period for compliance with various activities needed to permanently vacate the right-of-way.

I understand the responsibilities outlined above.

true

Prepared by:
Colin B. DeJong
Aason Engineering Company, Inc.
1022 6th Street SE
Watertown, SD 57201
Phone #: 605-882-2371

**PETITION FOR VACATION OF A PUBLIC RIGHT-OF-WAY ADJACENT TO LOTS 11-20
BLOCK 1 AND LOTS 1-10 BLOCK 2 AND THE SOUTH 30' OF THE VACATED RIGHT OF
WAY FOR 10TH AVENUE SE ADJACENT TO SAID BLOCKS 1 AND 2 ALL OF SOUTH-SIDE
ADDITION TO WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA.**

**TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA:**

The undersigned, being the owner(s) of all the real property abutting the south side of the public right-of-way hereinafter described, hereby petitions the City Council of Watertown, South Dakota, to vacate a portion of said public right-of-way pursuant to the statutes in such cases made and provided, particularly SDCL 9-45-7, et seq., and said Petitioner respectfully shows and represents the following:

1. The public right-of-way sought to be vacated is described as follows:

A portion of the public road right of way for 4th Street SE adjacent to Lots 11-20 Block 1 and Lots 1-10 Block 2 and the South 30' of the vacated right of way for 10th Avenue SE adjacent to said Blocks 1 and 2 all of South-Side Addition to Watertown, Codington County, South Dakota. Tract contains 34,551 +/- Sq. Ft.

2. A map of the public right-of-way proposed to be vacated is attached hereto and marked as Exhibit "A" and incorporated herein by reference.
3. Pursuant to SDCL 9-45-7, this petition is being submitted because the right-of-way located in said parcel is not used for public infrastructure.
4. A utility easement shall be retained over aforementioned right of way.

WHEREFORE, Petitioner respectfully requests that the governing body of the City of Watertown, South Dakota, order this Petition filed with the City Finance office and direct that notice of the time and place when the Petition will be considered be given by publication once each week for two successive weeks, with the final publication being a minimum of 10 days prior to the public hearing; and, that upon said hearing the governing body adopt a resolution vacating said public right-of-way, all according to the law in such cases being provided, and particularly under SDCL 9-45-7, et seq.

Dated at Watertown, South Dakota, this 5th day of May, 2025.

By Weston Carr (Printed Name)

For Buffalo Ridge Concrete, Inc. (Owner)

Signature [Signature]

State of South Dakota)

County of Codington)SS:

On this the 5th day of May, 2025, before me, the undersigned officer, personally appeared Weston Carr for Buffalo Ridge Concrete known to me or satisfactorily proven to be the person(s) whose name(s) are subscribed to within this instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

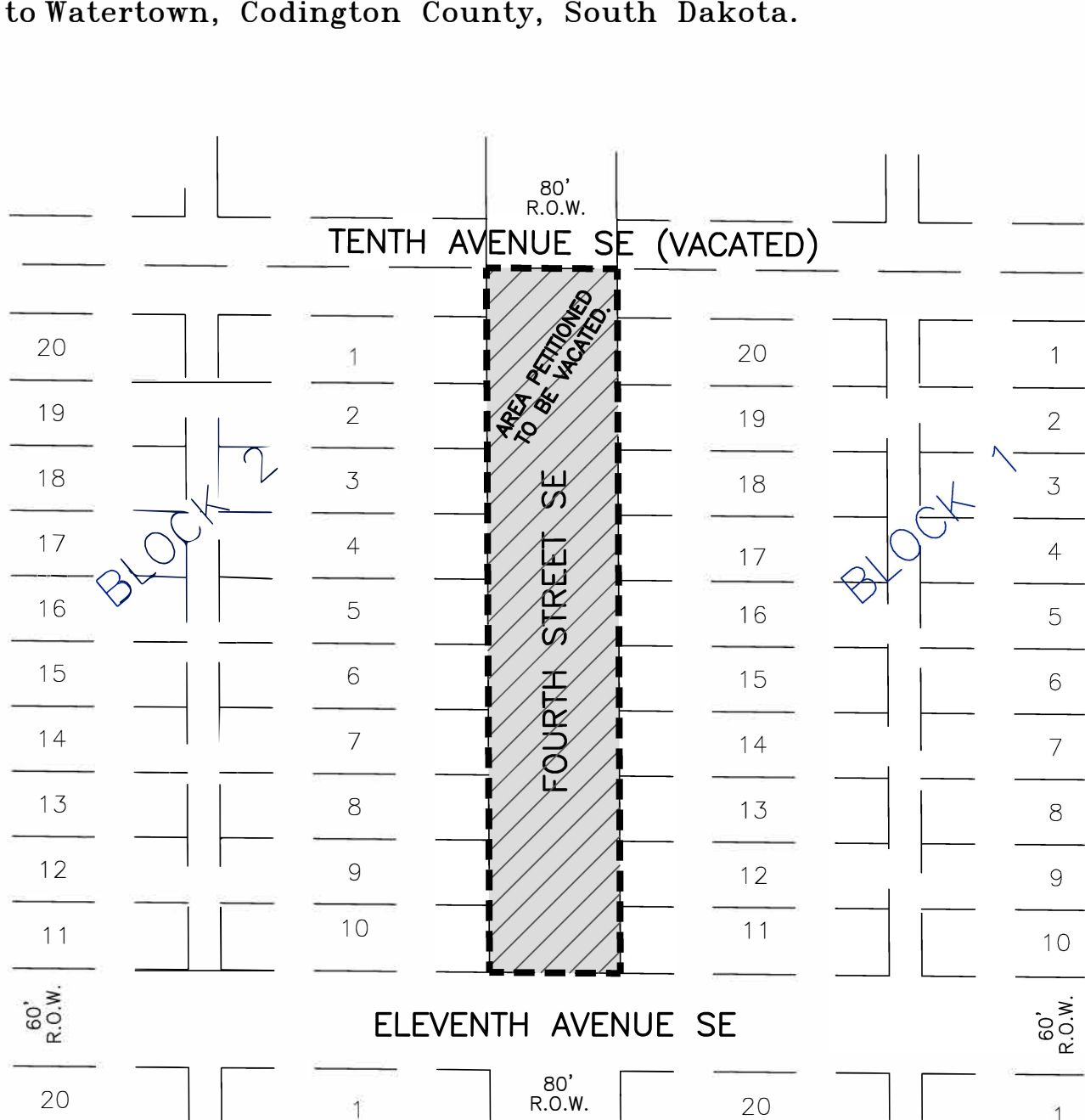
Michelle Burleson
Notary Public

My Commission Expires: 9-28-2030 (SEAL)



Exhibit A

A Portion of the public road right of way for 4th Street SE adjacent to Lots 11-20 Block 1 and Lots 1-10 Block 2 and the South 30' of the vacated right of way for 10th Avenue SE adjacent to Blocks 1 and 2 all of South-Side Addition to Watertown, Codington County, South Dakota.

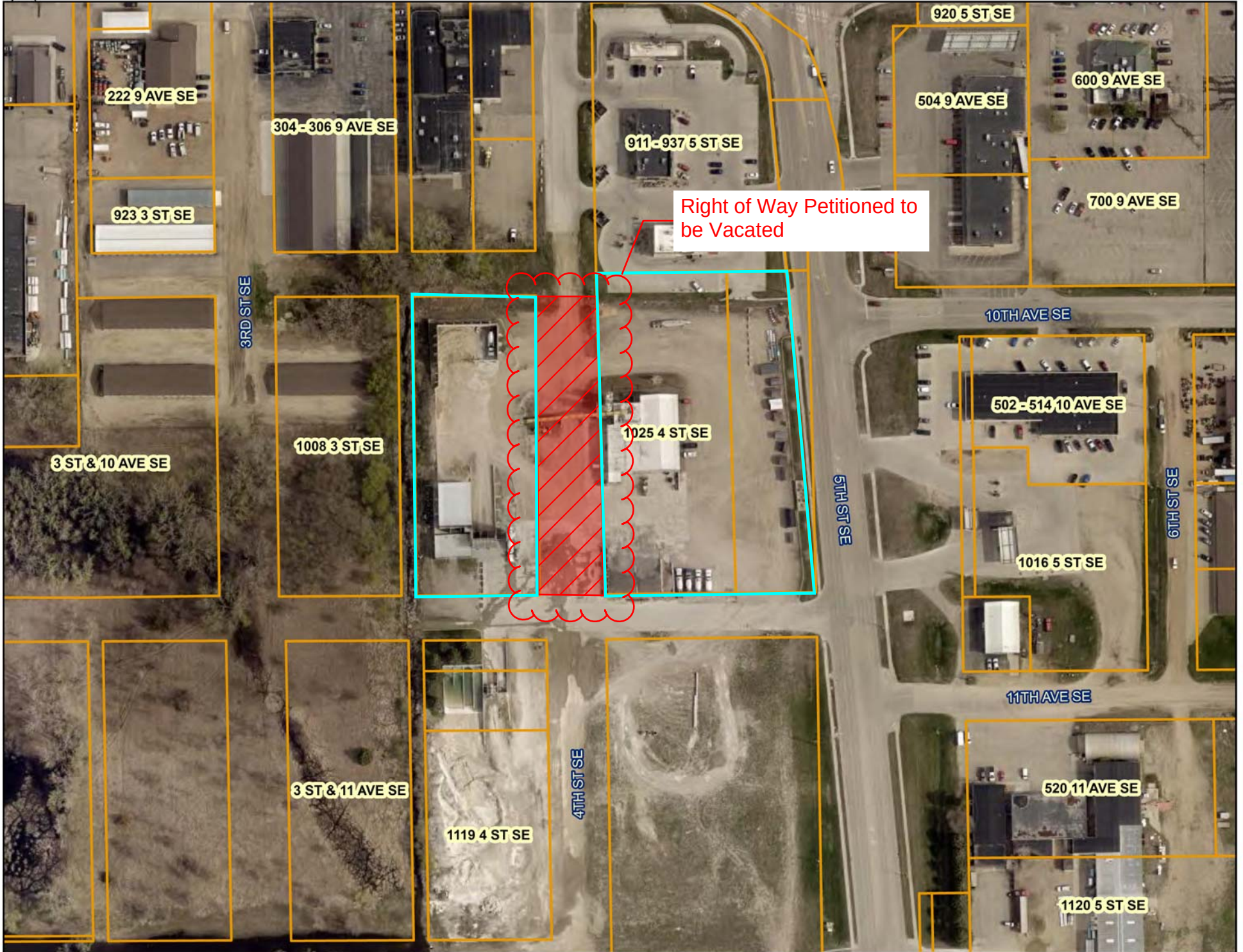


Prepared By
AASON ENGINEERING COMPANY, INC.

1022 6th St SE
Watertown, SD
Telephone 605-882-2371

Vicinity Map

0 55 110 220 Feet



Reference Image

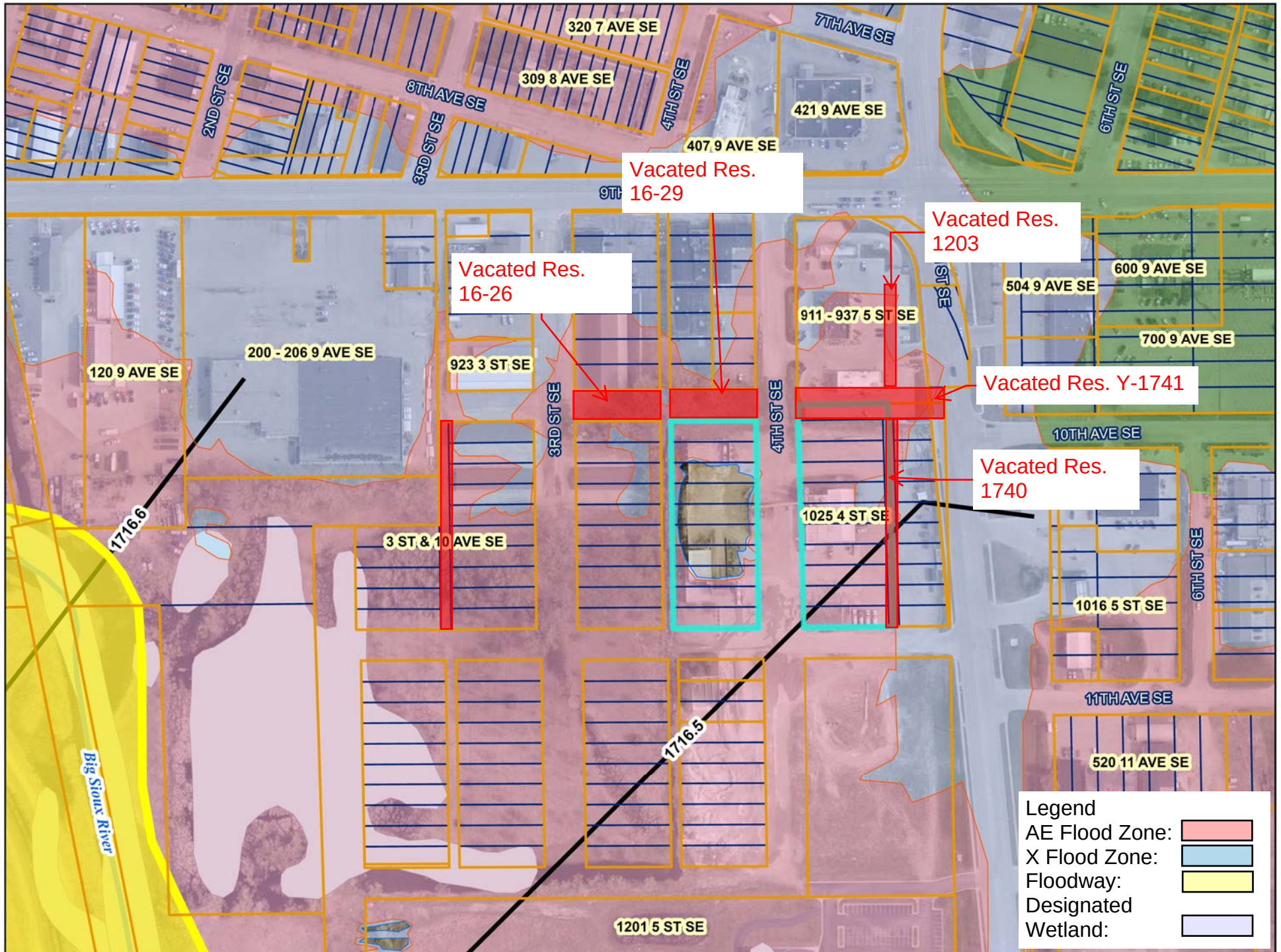


05/16/2023

Vicinity Map



0 95 190 380 Feet



Prepared by:
Community Development Division
City of Watertown
20 N Maple
P.O. Box 910
Watertown, SD 57201
(605) 882-6202

RESOLUTION NO. 25-15

A Resolution for Vacation of a Portion of Public Right-of-Way of 4th Street SE between 10th Avenue SE and 11th Avenue SE, Watertown, Codington County, South Dakota

WHEREAS, a *Petition for Vacation of a Public Right-of-Way* has been submitted and presented to the Mayor and City Council of the City of Watertown, Codington County, South Dakota, described as:

A portion of the public road right of way for 4th Street SE adjacent to Lots 11-20 Block 1 and Lots 1-10 Block 2 and the South 30' of the vacated right of way for 10th Avenue SE adjacent to said Blocks 1 and 2 all of South-Side Addition to Watertown, Codington County, South Dakota.

WHEREAS Petitioner, Colin DeJong, Project Agent for Buffalo Ridge Concrete, Inc., the owner of the real property abutting said public right-of-way have signed the *Petition for Vacation of Public Right-of-Way* indicating that they have reviewed the Petition and consent to the vacation of public right-of-way described in the Petition;

WHEREAS, the City Planning Commission of the City of Watertown, South Dakota, has by Resolution No. 25-15, recommended approval of said vacation to the City Council thereof;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Watertown, South Dakota, that a utility easement, drainage easement, and fire department turnaround access easement will be established and retained on the property described in the Petition.

AND BE IT FURTHER RESOLVED that this Resolution shall be published, and upon taking effect, the Chief Financial Officer is authorized to note the vacation on the City records and record this Resolution with the office of the Register of Deeds of Codington County.

Dated at Watertown, South Dakota, this ____ day of _____, 2025.

The above and foregoing Resolution was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon the roll call all voted aye whereupon the Mayor declared the resolution to be duly passed and adopted.

I hereby certify that Resolution No. 25-15 was published in the Watertown Public Opinion, the official newspaper of said City, on the ____ day of _____, 2025.

Kristen Bobzien, Chief Financial Officer

City of Watertown

Attest:

Kristen Bobzien
Chief Financial Officer

Ried Holien
Mayor