

**Memorandum #10-89**

**To:** Doug Russell, City Manager  
**From:** Kevin Kuhl, PE Public Services Director  
**Subject:** Drainage Easement dedication for Fox Run Subdivision No. 2 Tract 4  
**Date:** June 7, 2010

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Attached is an easement dedication that will properly reserve an existing drainage way in the area immediately west of the Lewis and Clark Specialty Hospital as a drainage way. The owners of the Lewis and Clark Specialty Hospital will be adding on to the existing facility and will be required to install drainage improvements extended into the City owned drainage swale.

It is recommended that the easement dedication be approved by the City Commission and the City Manager be authorized to execute the document on behalf of the City.


Respectfully submitted,

  
Kevin Kuhl, PE  
Public Services Director

**Recommendation:** It is recommended that the City of Yankton dedicate a drainage easement for Fox Run Subdivision No. 2 Tract 4, City of Yankton South Dakota, as described in the attached document and exhibit.

I concur with the recommendation.

I do not concur with the recommendation.

  
\_\_\_\_\_  
Doug Russell  
City Manager

Prepared by:  
Adam Haberman  
City of Yankton  
416 Walnut Street  
Yankton, SD 57078  
(605) 668-5251

PERMANENT EASEMENT  
FOR  
DRAINAGE PURPOSES

THIS EASEMENT made this \_\_\_\_\_ day of \_\_\_\_\_ 2010, by the City of Yankton, South Dakota, a Municipal Corporation,

WHEREAS, the City in its municipal capacity is desirous of reserving space for drainage upon property owned by the City.

NOW THEREFORE, the City hereby establishes a permanent easement for drainage improvements, over and through the following legally described real estate within the City of Yankton, County of Yankton, State of South Dakota:

*A tract of land in Tract 4 of Fox Run Subdivision No.2 in the North ½ of the Southeast ¼ of Section 1, Township 93 North, Range 56 West of the 5<sup>th</sup> P.M., in the City of Yankton, South Dakota, more particularly described as follows:*

*Commencing at an easterly corner of said Tract 4 and also Lot H1 thereof; said point also being the Northeast corner of Lot F of Tract 2 of said Fox Run Subdivision No. 2; Thence South 88°46'44" West along a northerly line of said Lot F of Tract 2 for a distance of 222.00 feet to a northerly corner of said Lot F of Tract 2, said point also being the point of beginning; Thence South 01°13'16" East along a northwesterly line of said Lot F of Tract 2 for a distance of 25.00 feet to a northwesterly corner of said Lot F of Tract 2; Thence South 88°46'44" West along a northerly line of said Lot F of Tract 2 for a distance of 77.81 feet to a northwesterly corner of said Lot F of Tract 2; Thence South 43°46'44" West along a northwesterly line of said Lot F of Tract 2 for a distance of 94.31 feet to a northwesterly corner of said Lot F of Tract 2; Thence South 00°48'00" East along a westerly line of said Lot F of Tract 2 for a distance of 272.00 feet; Thence South 89°12'00" West for a distance of 30.00 feet; Thence North 00°48'00" West for a distance of 328.52 feet; Thence North 56°15'05" East for a distance of 65.00 feet to a point on the south line of Lot H1 in Tract 4; Thence North 88°46'44" East along a southerly line of said Lot H1 in Tract 4 for a distance of 119.28 feet to a northwesterly corner of said Lot F of Tract 2; said point also being the point of beginning; said easement containing 0.36 acres, more or less.*

*(Reference attached EXHIBIT -A-)*

THE City, its heirs, successors, or its assigns shall not interfere with or disturb the construction work, ground surface, or utility within the easement area without prior written approval of the City of Yankton.

THE City, its heirs, successors, or its assigns agrees that the construction or placement of any structure, trailer, building, fence or other above or below ground stationary object within the easement area is strictly prohibited without the prior written approval of the City. Additionally, the City shall have the right to remove from the easement area, at its own cost any trees, plants, undergrowth, buildings, trailers, fences or other structures that may interfere with the construction, operation, inspection and/or maintenance of said utility line and facilities as determined by the City with no obligation to replace.

THE City, its heirs, successors, or its assigns grants permission to the City to enter upon the above described property to commence inspection, reconstruction, maintenance, repair operation or alteration of any facilities together with all rights of ingress and egress necessary for the full and complete use and occupation of the permanent easement hereby granted.

IN WITNESS WHEREOF the City has executed this Easement this \_\_\_\_\_ day Of \_\_\_\_\_, 2010.

CITY:

\_\_\_\_\_  
City Manager, Doug Russell

STATE OF )  
 )SS  
COUNTY OF )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2010, before me, the undersigned officer, personally appeared Doug Russell, known to me to be the person who is described in and being authorized so to do, executed the foregoing instrument for the purpose therein contained and acknowledged to me that they executed the same.

IN WITNESS whereof, I hereunto set my hand and official seal.  
My commission expires \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

1/4 LINE

INTERIOR 1/4 CORNER  
SEC. 1-93-56

### EXHIBIT "A"

DRAINAGE EASEMENT IN TRACT 4, EXCEPT LOT H1  
THEREOF, OF FOX RUN SUBDIVISION NO. 2 IN THE N 1/2 SE  
1/4 OF SECTION 1, TOWNSHIP 93 NORTH, RANGE 56 WEST OF  
THE 5th P.M., IN THE CITY OF YANKTON, SOUTH DAKOTA.

#### PERIMETER COURSE AND DISTANCE DATA

POINT TO POINT	BEARING	DISTANCE
A - B	S 01°13'16" E	25.00'
B - C	S 88°46'44" W	77.81'
C - D	S 43°46'44" W	94.31'
D - E	S 00°48'00" E	272.00'
E - F	S 89°12'00" W	30.00'
F - G	N 00°48'00" W	328.52'
G - H	N 56°15'05" E	65.00'
H - A	N 88°46'44" E	119.28'

A tract of land in Tract 4 of Fox Run Subdivision No. 2 in the North 1/4 of the Southeast 1/4 of Section 1, Township 93 North, Range 56 West of the 5th P.M., in the City of Yankton, South Dakota, more particularly described as follows:

Commencing at an easterly corner of said Tract 4 and also Lot H1 thereof; said point also being the Northeast corner of Lot F of Tract 2 of said Fox Run Subdivision No. 2; Thence South 88°46'44" West along a northerly line of said Lot F of Tract 2 for a distance of 222.00 feet to a northerly corner of said Lot F of Tract 2; said point also being the point of beginning; Thence South 01°13'16" East along a northerly line of said Lot F of Tract 2 for a distance of 25.00 feet to a northerly corner of said Lot F of Tract 2; Thence South 88°46'44" West along a northerly line of said Lot F of Tract 2 for a distance of 77.81 feet to a northerly corner of said Lot F of Tract 2; Thence South 43°46'44" West along a northerly line of said Lot F of Tract 2 for a distance of 94.31 feet to a northerly corner of said Lot F of Tract 2; Thence South 00°48'00" East along a westerly line of said Lot F of Tract 2 for a distance of 272.00 feet; Thence South 89°12'00" West for a distance of 30.00 feet; Thence North 00°48'00" West for a distance of 328.52 feet; Thence North 56°15'05" East for a distance of 65.00 feet to a point on the south line of Lot H1 in Tract 4; Thence North 88°46'44" East along a southerly line of said Lot H1 in Tract 4 for a distance of 119.28 feet to a northerly corner of said Lot F of Tract 2; said point also being the point of beginning; said easement containing 0.36 acres, more or less.

S. 1/4 CORNER  
SEC. 1-93-56

25th STREET

1/16 LINE

TRACT 3

LOT E

LOT G

LOT H

PARCEL 1 OF LOT H

LOT F

TRACT 4

FOX RUN SUBDIVISION NO. 2

LOT H1 IN TRACT 4

FOX RUN PARKWAY

Document Prepared By:  
Johnson Engineering Co.  
1800 Broadway Ave.  
Yankton, SD 57078  
605/665-5571

SCALE

1" = 200'

1/4 LINE