

**RESOLUTION NO. R2018-63**  
A RESOLUTION APPROVING A UTILITY EASEMENT RELEASE

WHEREAS the City has received a request to release its interest in certain easements located at 3207 Maui Drive, Mitchell, SD 57301, owned by Douglas and DeAnn Voelzke, all as further described and shown in the Quitclaim Deed and attached exhibits; and

WHEREAS the City has not used nor does it have any need to use said easements.

THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, SD that the Mayor of and for the City of Mitchell shall execute the necessary documentation, so long as such documentation is in substantially the same form as presented to Council, to release utility easements relating to land legally described as:

Lots Seventy-two (72) and Seventy-three (73) of Maui Farms Second Addition, a Subdivision of the Southeast Quarter (SE ¼) of Section Thirty-one (31), Township One Hundred Four (104) North, Range Sixty (60), West of the 5th P.M. of Mitchell, Davison County, South Dakota.

Such easements are further described as:

The drainage and utility easement being Five Foot (5') in width, more or less, along the lot line of Lot Seventy-two (72) which lot line adjoins Lot Seventy-three (73), and the drainage and utility easement being Five Foot (5') in width, more or less along the lot line of Lot Seventy-three (73) which adjoins Lot Seventy-two (72), all in Maui Farms Second Addition, a Subdivision of the Southeast Quarter (SE ¼) of Section Thirty-one (31), Township One Hundred Four (104) North, Range Sixty (60), West of the 5th P.M., City of Mitchell, Davison County, South Dakota.

As stated in said Quitclaim Deed, the release of these internally located easements shall not apply to the easements located on the perimeter of the above described lots. Those perimeter easements shall remain in full force and effect.

Adopted by the Mitchell, South Dakota City Council in regular session this \_\_\_\_\_ day of \_\_\_\_\_, 2018, with:  
\_\_\_\_ votes cast in favor of adoption,  
\_\_\_\_ votes cast against adoption, and  
\_\_\_\_ votes abstaining.

\_\_\_\_\_  
Bob Everson - Mayor

Attest:

\_\_\_\_\_  
Michelle Bathke – City Finance Officer