

**VACATION OF SECTION  
LINE OR PUBLIC  
RIGHT-OF-WAY**

**PENNINGTON COUNTY  
PLANNING DEPARTMENT**  
130 Kansas City St., Suite 200  
Rapid City, SD 57701  
Phone: (605) 394-2186 - Fax: (605) 394-6016

APPLICANT: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
Mailing Address City, State Zip

E-MAIL ADDRESS: \_\_\_\_\_

LANDOWNER(S): \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
Mailing Address City, State Zip

SURVEYOR/ENGINEER: \_\_\_\_\_

LEGAL DESCRIPTION(S): \_\_\_\_\_

PURPOSE OF VACATION: \_\_\_\_\_

CURRENT ZONING: \_\_\_\_\_

ADDRESS OF PROPERTY: \_\_\_\_\_

LANDMARK LOCATION: \_\_\_\_\_

SIGNATURES OBTAINED AND REVIEWED BY THE AUDITOR'S OFFICE:  Yes  No

APPLICANT SIGNATURE \_\_\_\_\_

OWNER SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_

Subscribed and sworn to before me at Rapid  
City, South Dakota, this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_\_.

Subscribed and sworn to before me at Rapid  
City, South Dakota, this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_\_.

Notary Public: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Notary Public: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

County Board Meeting Date & Time\*:

\*Located in the Commissioners' Meeting Room in the Administration Building

<p style="text-align: center;"><b>VACATION OF SECTION LINE OR PUBLIC RIGHT-OF-WAY PROCEDURE</b></p>
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**Application Fee: \$500.00**

1. Discuss the proposed Section Line or Public Right-of-Way Vacation with the Planning Department. Obtain and complete an application and submit the application, along with all additional information as required. You will also be responsible for all fees/costs listed below.
2. Provide the Planning Department staff with a legal description of the property involved in the application. A staff member will assist you in completion of the application which is to be signed by the owner(s) of all properties involved. A Vacation Instrument prepared by a registered professional engineer or land surveyor and marked “Exhibit A” and three copies thereof must be submitted with the application.
3. A nonrefundable fee of \$500.00 must be submitted with the application. The fee includes: \$250.00 for administration costs, plus \$250.00 for publication costs. If for any reason the publication cost exceeds the base rate listed above, you will be notified and expected to pay the additional sum before publication occurs. In addition, a filing fee shall be paid to the Pennington County Register of Deeds at the time of filing any required document(s).
4. Per SDCL §31-3-6, a petition may be submitted **in one of two** ways:
  - a. Be signed by two-thirds of the adjacent landowners or all adjacent landowners, if there are fewer than three; **OR**,
  - b. Be signed by the number of registered voters in Pennington County equal to or greater than one (1) percent of the ballots cast from the last gubernatorial election in Pennington County.
    - i. The petition will need to have “Exhibit A” placed in the top heading.
    - ii. The voter signatures will need to be reviewed and verified by the Pennington County Auditor’s Office prior to filing the application with the Planning Department.
5. Upon receiving the required fees and documentation listed in paragraphs 1-4 above, a Resolution of Vacation of the Section Line or Vacation of Public Right-of-Way will be drawn up by the Planning Department and the request will be placed on the agenda for a regularly scheduled Board of Commissioner’s Meeting.
6. The Planning Department will review the request and make a recommendation to the Board of Commissioners. If approved by the Board of Commissioners, the Resolution, along with “Exhibit A”, shall be filed at the Register of Deeds’ Office by the applicant.