## CHAPTER 9

### RIGHT OF WAY

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OVERVIEW

Right of way will be acquired when existing property is not dedicated for highway or public use and is required for highway purposes. Some of these necessities for highway purposes are construction, sight distance, right of way uniformity, maintenance (i.e. impoundments, drainage, etc.) and safety (clear zone). Acquisitions shall be in accordance with the existing laws and regulations.

A permanent easement is a non-possessory interest to use real property in possession of another person for a specified use. The owner of the land can continue to use the property for any purpose that does not interfere with the specified use. A permanent easement is considered a property right in itself at common law and is still treated as a type of property.

A temporary easement, located outside of the right of way, is obtained from the property owner so that construction activities (e.g. fill slope, cut slope, traffic diversion, entrances, etc.) can occur. The duration of a temporary easement typically extends one year following completion of the project.

On highway projects for which right of way and/or temporary easements are needed, the Department of Transportation conducts a public meeting and/or individual landowner meetings.

Right of way plans and plats are generally prepared by personnel under the direction of the Registered Land Surveyor within the Office of Road Design. Right of way plans and plats may also be prepared by private consulting firms under the direction of their resident Land Surveyor or by SDDOT Region personnel under the direction of the Region Land Surveyor.
RIGHT OF WAY PROCESS

Strip Map (3080)

A strip map is a layout of the project showing the beginning and ending limits of work that encompass the project. The strip map will be provided to the Right of Way Program Internal Auditor (cc to Region Surveyor) to order landowner names, mailing addresses, legal descriptions, recorded plats/deeds, non-utility easements and previous highway plats/deeds.

Refer to the Road Design CADD Manual (Chapter D - Drafting) for details on what information needs to be on the strip map (Figure 9-2).

Landowner Names, Legal Descriptions and Address Check (3081)

Landowner names, mailing addresses, and legal descriptions will be furnished by the Right of Way Program Internal Auditor (this may take up to 60 days to receive), which will also include copies of plats of lots, outlots, subdivisions, etc. that are contained in the property description. This information will then be transferred to the strip map to ensure all property has been researched. The names and legal descriptions are entered into HW07 Right of Way Parcel Inventory database by the office managing the project design for availability to other department personnel.

All legal descriptions will be derived from the Original Plat concerning spelling and punctuation. If the deeded description does not reflect what appears on the face of the plat, the deeded description will be superseded by the language on the plat. Exceptions may be necessary where Government lots or mineral surveys are part of the description.

Research Existing Right of Way Documents (3081)

In addition to the information received from the Right of Way Program Internal Auditor, the Road Design Right of Way Specialist will research all historic and current right of way data for the purpose of determining property splits, ownership, existing highway right of way limits, control of access limits, access easements, etc. Some common sources of locating these documents are:

a. Original Section & Township Notes (Government Land Office (GLO) Notes) and the Original Township Plat - Microfilm or State Archives (773-4283)
b. Plats recorded with the Register of Deeds at the County Court House.
c. Past highway/bridge projects - Microfilm or Region Office
d. City Maps & Plats
e. Abandonment Files on File Director
**Land Ties (3081)**

Land ties are physical monuments that pertain to property corners, section corners, quarter corners, etc. The Region Surveyors collect the locations of these monuments as a land tie survey. These surveyed points and property lines including the complete Section breakdown will be input into a graphics file by the Region Surveyors and reviewed as soon as possible. Any additional ties should be surveyed immediately after omissions or possible errant points are discovered. When the land tie survey is complete, the Region Surveyor will make the files available to the Right of Way Specialist for use in establishing right of way and property lines. Any additional property splits can be verified after reviewing the certificates of title when they are received.

Refer to the DOT Survey Manual for additional information on collecting land tie information.

**Establish Existing Right of Way (3081)**

Existing right of way will be established by the assigned Right of Way Specialist prior to the designer establishing the preliminary gradeline, utilizing the legal descriptions, preliminary survey data, researched documents and land ties. Original plats will take precedent over deeds or other legal descriptions.

**Title Information (3081)**

Updated title information should be requested approximately 90 days prior to landowner meetings. Check the updated information with the strip map to ensure all property has been researched. Any new or updated information needs to be entered into HW07 Right of Way Parcel Inventory database to be used for the landowner meetings and right of way plans/plats.

**Mosaic/Right of Way Plans (photos) (3082)**

When the existing right of way is established, a mosaic will be created. The mosaic is a photo representation of the entire project which will be utilized for Preliminary Design Inspections and Landowner Meetings. Right of way plan sheets will be created from the mosaic. If no photos are needed, this data will be included on the construction plan sheets as combination construction/right of way plans and noted as such on the title sheet. *(Figure 9-15)*

Refer to the Road Design CADD Manual (Chapter C – Right of Way) for details on information needed on the Right of Way Plan Sheet Guide *(Figure 9-12)*
Landowner Meeting Preparation (3067 & 3082)

Two sets of the right of way plans and construction plans shall be prepared for individual meetings with all of the landowners within the confines of the project. Provide one set to the Right of Way Program Engineer for their review and use at the landowner meetings at least two weeks prior to the scheduled meeting date. Provide the second set of right of way plans and construction plans to the Area Engineer prior to the landowner meetings for reference in the interim period.

Refer to the Grading Checklist for a list of information that is to be shown on the right of way plans and the construction plans.

The following items describe the process to be followed prior to the landowner meetings:

a. The project designer will schedule the landowner meeting by coordinating with the Area Office and the Right of Way Program to establish an agreeable date.

b. Duration of meeting times (30 minutes) should be set by the designer according to the number of landowners and complexity of the impact to the landowner’s property. The number of landowners may require more than one meeting be held concurrently in order to shorten time away from the office.

c. The designer will coordinate transportation and lodging.

d. The designer shall utilize the HW07 Right of Way Parcel Inventory database to prepare an invitation form letter and landowner meeting note sheets.

e. The invitation form letter is submitted to the Area Engineer for scheduling appointments. Other parties to be notified other than private owners may include:

   i) Indian allotment land - the appropriate Agency will be notified.
   ii) Utility Companies
   iii) Game, Fish & Parks
   iv) United States Fish & Wildlife Service
   v) United States Forest Service
   vi) National Parks Service
   vii) Corps of Engineers
   viii) City
   ix) County
   x) Township

f. The Area Engineer’s office will contact the landowners with the form letter and if necessary, by phone and schedule appointments to meet with Department representatives. The meeting place is obtained by the Area office personnel.

g. All landowners are to be given the opportunity to meet with Department representatives, even if there are not impacts to their property. Area Office personnel meet with those unable to attend at a later time and submit pertinent
documentation to the designer. Effort is made to finalize the design at this stage including follow-up meetings are necessary with the Landowner(s).

**Landowner Meeting (3059 & 3343)**

The Department is usually represented by the Area Engineer and/or the Area Engineering Supervisor, the project designer, and a Right of Way Engineer. If meetings are to be run concurrently, the Road Design Responsible Manager and an additional representative from the Right of Way Program should attend. The landowner is encouraged to provide input on right of way limits, fence, drainage, approaches, easement backslopes, and other improvements to the land.

The design representative will explain the overall project, details of the design's impact to the landowner's property and record input from the landowner. Specific discussion items will include right of way limits, temporary easements, fencing, sprinklers, drainage, approaches, borrow and existing private utilities. Following the meeting, the designer shall revise the landowner meeting note sheets to include all information discussed. Names, correct addresses, phone numbers and e-mail address should be collected from the landowner (or their representative) and recorded on the note sheet. Any unresolved items, issues, or follow-up will be completed with correspondence back to the landowner to address their questions and concerns.

The Right of Way Representative will explain the acquisition process and if applicable, the relocation process. Any notes or information recorded by the Right of Way Representative shall be given to the project designer for inclusion on the landowner meeting note sheet.

**Set New Right of Way (3082)**

After approval of the Responsible Manager, the designer is to set the new right of way lines in detail within the design .DGN file using graphic lines only (no geometric points) to be used by the Right of Way Drafter.

Refer to the Road Design CADD Manual (Chapter A - General) for appropriate symbology to be used.

a. **General Criteria**

   i) Grading projects typically maintain a uniform highway right of way width on each side of the construction centerline.

   ii) Where cut slopes are considered unusable or it is the landowner's request, the cut slope may be purchased.

   iii) Where fill slopes encroach onto a landowner's property by ten feet or less, a temporary easement will be established for construction. The fill slope
may also be purchased by H-Lot or Permanent Easement. Where fill
slopes encroach onto a landowner’s property by more than ten feet, the fill
slope will be purchased by Permanent Easement, or by H-Lot if the
landowner desires.

iv) For projects where additional lanes are added to an existing highway (i.e.
conversion of a two lane highway to a divided four lane expressway) and
new right of way is purchased, parallel the existing highway right of way
with the new highway right of way in order to maintain a consistent
corridor width throughout. This may not be attainable where an alignment
horizontal curve of the new lanes does not parallel the corresponding
alignment horizontal curve of the existing lanes.

v) Justification is needed for any right of way set less than desired.

1. Where there is need for a width change close to a P.C. or P.T. of a
horizontal curve, the breaks should be made coincident with the
P.C. or P.T. if possible.

2. Where width changes are required both right and left, the break
points should coincide at the same stationing if possible.

3. Breaks in widths occur at property and lot lines, not in drainage
channels, roads or access locations.

4. When right of way is to be acquired at the beginning or ending of a
project, and those points are within the limits of an individual
property ownership, consideration should be given to acquiring right
of way along the entire parcel.

b. Rural Criteria

i) Desired right of way width is 75 ft. either side of construction centerline.

ii) Exceptions to the desired width may occur where farmsteads, trees,
buildings, utilities or environmentally sensitive areas would adversely
increase project costs or undesirable L.O. damages. Such exceptions may
use 65 ft. as the minimum. A 50 ft. minimum width or the clear zone may
be considered on a case-by-case review. These changes in right of way
offset lines should be accompanied by appropriate text dimensioning
where offsets vary. The Responsible Manager must approve any
exceptions.

iii) Right of way lines will be set a recommended distance of ten feet beyond
cut slope or fill slope limits. The additional right of way will contain as few
breaks as possible.

c. Interstate Criteria

i) Mainline - 300 ft. of total right of way desirable
ii) Ramps - 75 ft. of right of way or work limits as measured from the ramp alignment.

d. Expressways Criteria (includes truck routes)

i) Divided - 300 ft. of total right of way desirable
ii) Undivided - 200 ft. of total right of way

e. Urban Criteria

Where additional strips or corridors of right of way are required, establish the new right of way line off of the construction alignment. Width for urban highway right of way is based on the sum of the following:

i) Number and width of driving lanes.
ii) Number and width of shoulders (if provided).
iii) Width of curb and gutter.
iv) Width of median (if provided).
v) Additional width to accommodate sidewalks, utilities, sight triangles etc.
vi) No sidewalk or curbside sidewalk - a distance of 10 ft. behind the back of curb is preferred. A minimum of 6 ft. is required.
vii) Boulevard sidewalk – a distance of 1 ft. behind the back of sidewalk is desirable.

f. Miscellaneous Criteria

i) Blockouts for luminaire and traffic signal poles should be established as a rectangular shape with a 5 ft. length (parallel to right of way and centered on pole) and with a width that provides 3 ft from the center of pole to the back side of the blockout (landowner side). Dimensions are to be rounded up to the nearest whole foot. For example- a 2 ft. diameter footing centered 0.75 ft. outside the right of way line would have a blockout width of 3.75 ft. from the right of way line (0.75 ft. + 3.0 ft. = 3.75 ft.) rounded up to 4 ft.
ii) Blockouts at lot corners should be established as necessary to keep right of way acquisition to a minimum. The lengths of the blockout along the existing right of way should be rounded up to the nearest whole foot while still maintaining a desired 1’ minimum width behind the back of sidewalk or curb ramp where reasonably feasible.

![Diagram showing blockout dimensions]

iii) For drainage pipe and/or permanent erosion protection (i.e. gabions) that extend outside the right of way line, use the following criteria: Beyond the pipe ends, use 20 ft. or 5 ft. beyond the limits of permanent erosion protection if provided, whichever distance is greater. Use 15 ft. on each side of the centerline of the pipe or 5 ft. beyond the limits of permanent erosion protection if provided, whichever distance is greater. Other considerations will be based on future maintenance, access needs and terrain.

1. For pipe that is skewed to the roadway, consideration should be given to fencing needs, length of pipe beyond the right of way line and property use when determining whether one or both sides of the blockout should be perpendicular to the new (or existing) right of way line.

   - When fencing around the blockout, the blockout shape should be reasonable to fence. Therefore in some situations the blockout will be perpendicular to the roadway in lieu of parallel to the pipe if a sharp acute angle is created by paralleling the pipe for the blockout.
   - When fencing around the blockout is not provided, the blockout shape should be parallel to the pipe. However when a sharp acute angle is created by paralleling the pipe and additional right of way take is minimal the blockout may be perpendicular to the roadway. See the following layouts.
2. For pipe that is perpendicular to the roadway the blockouts will be parallel to the pipe.

v) If the apron of a box culvert is within the right of way, but less than 10 ft. from the right of way line or is outside the right of way line, use the following criteria: Beyond the box culvert apron, use 20 ft. or 5 ft. beyond the limits of permanent erosion protection if provided, whichever distance is greater; and 15 ft. on each side of the wingwalls. Other considerations will be based on future maintenance access needs and terrain.

vi) If storm sewer pipe extends outside the right of way use the following criteria: 10 ft. on each side of the centerline of the storm sewer pipe, 10 ft. beyond the storm sewer pipe end or 5 ft. beyond the end of permanent erosion protection if provided.

vii) At bridge structure locations where additional right of way is needed for bank protection (guide banks, extended rip rap, etc.), new right of way should be established 20 ft. from the bank protection feature. The shape of the additional new right of way should be rectangular and parallel or perpendicular to the adjacent existing right of way.

Any physical features, such as pipes, culverts, reinforced concrete box culverts (RCBC), RCBC erosion protection, signal poles, etc. should be encompassed by state owned right of way. (See Chapter 16 – Miscellaneous for retaining wall requirements.)
L = Length rounded up to the nearest foot.

W = Width rounded up to the nearest foot. This may be > 30 ft. when pipe is not perpendicular to the mainline alignment.

Note = This angle is 90°, however it may vary when the right-of-way line is circular.

W = Width rounded up to the nearest whole foot.
**Set Temporary Easements (3060)**

a. Temporary easements are necessary whenever work limits are outside or very close to the right of way and additional space is needed for construction activities, such as the following cases:

   i) Cut slopes and fill slopes
   ii) Access locations
   iii) Inlet and outlet ditches at drainage structures including erosion protection.
   iv) Channel changes where future maintenance by public entities is not anticipated.
   v) Urban projects to provide additional construction work areas for installation of storm sewer, sidewalk, retaining walls or other construction activities near the right of way line.
   vi) Rural projects to provide additional area for topsoil piles and/or to carry traffic outside of the work limits.
   vii) On all State Owned property that is outside of dedicated highway right of way.

b. Refer to the Road Design CADD Manual (Chapter D – Drafting) for details on temporary easements, temporary easement annotations and temporary easement notes.

c. General Criteria for Rural, Suburban and Urban

   i) Long, straight temporary easement lines are preferable to minimize the number of breaks required along the easement.
   ii) If a temporary easement includes personal property not to be disturbed, show a note on the construction plans stating "Do Not Disturb" the particular item (i.e. tree or fence) including station and offset distance.
   iii) Station and offsets are to be shown on construction plans at:

      1. Beginning and ending of easement.
      2. All PI's in easement line.
      3. Parcel limits at the right of way line and outer limit line.
      4. At locations of ownership change.

   iv) Place easement notes on the construction plans and right of way plans.
   v) NOTE: For station and offset follow the “Construction Rounding Guidelines” in Chapter 18 – Plans Assembly.
d. Rural Criteria - Temporary easement boundaries on rural portions of projects should be established using the following:

i) 20 ft. outside of work limits.
ii) Additional easement for carrying traffic (if requested by Area Office).
iii) For slip-lining and bore and jack culverts, use the following criteria: 25 ft. each side of culvert and 50 ft. beyond the end of culvert. These limits may be adjusted based on site conditions and applied to Suburban and Urban areas.
iv) Compute and show the area of the easement in acres. Calculate the area to the nearest 0.1 acre.

e. Suburban Criteria - Temporary easement boundaries on suburban portion of projects should be established using the following:

i) For suburban areas the land use may change frequently. There may be parcels that aren’t developed and a 20’ offset from the work limits may be needed to store topsoil, or construction material. In other locations the land may be developed, therefore an offset of 10’ or less may be more appropriate. Suburban areas shall be treated on a parcel by parcel basis utilizing either rural or urban criteria.
ii) Compute and show the area of the easement in both acres and whole square feet – 0.1 ac, 0 sq. ft.

f. Urban Criteria - Temporary easement boundaries on urban portion of projects should be established using the following:

i) 5 to 10 ft. outside of the work limits for temporary easement limits. The easement can be eliminated or reduced if the work limits can be held within the right of way and still accommodate construction. The designer must pay close attention to the impacts the temporary easement may have on the adjacent property's improvements.
ii) Compute and show the area of the easement in whole square feet – 0 sq. ft.

Right of Way Advance Acquisition by Description

When property is purchased for future highway use, well in advance of the actual design and construction of the highway, it is referred to as Advance Acquisition.

When the Construction plans and right of way plans are being prepared for the project that has had advance acquisition, it will be necessary to show the following on the plans:
a. State of South Dakota Department of Transportation and the original landowner's name along with a note on how it was acquired shown on both the right of way plans and construction plans.

b. A parcel number on both the construction plans and the right of way plans.

c. The area, in acres and square feet, used in the acquisition document

Following Advanced acquisition show landowner name as:

State of South Dakota Department of Transportation  
(John J. Doe & Mary A. Doe)

Right of Way Plats Prepared (3083)

Right of Way Plats should be prepared as outlined in the Road Design CADD Manual (Chapter C – Right of Way) and as shown on the Plat Information figure (Figure 9-3).

a. Calculated areas of 217 square feet or less will not show an area in acres, only the square footage will be shown in the note.

b. The acreage note for each lot or lots will include total acres and square feet along with the statement “more or less”. When there are multiple H-Lots only one note will be needed for the existing right of way.

c. Lots or described parcels that are included in the deed where no new right of way is being acquired will not be included in the legal description on the plats.

d. All lots or described parcels that are shown as exceptions on the deed will also be shown in the legal description on the plats.

e. When an owner has multiple lots or tracts that are adjacent to each other, the H lots shall be dimensioned separately and the area split out accordingly. However, the heading will still show the lots having the same H number with the separate areas shown below and the appropriate area’s description added.

f. Lot H? or Lot PE? designators (H1, H2, etc.) on newly acquired right of way within a given quarter, Lot, Tract, etc. will increase incrementally, depending on previously acquired H-lots in that description.

g. On rural plats all of the right of way area within the limits of the parcel along the project route will be shown as either existing right of way (hatched) or newly acquired right of way (shaded). An exception to this would be a legal description shown on the plat does not include highway right of way such as, “the NE1/4 lying north of the highway”; or, if a lot was originally platted up to the highway right of way line the existing right of way would not be hatched. Existing right of way is not hatched when the plat illustrates a blockout or permanent easement lot for other than right of way. Existing right of way and new right of way areas are calculated separately and shown on the plat.

h. Control of access is not shown on highway plats. Control of access is shown on the construction plans and the right of way plans and noted in the deed. Control
of access can be included on plats that are not associated with a construction project.

i. The Datum note shall be shown on all plats:
“The coordinates, distances and areas shown on this plat are based on the South Dakota State Plane coordinate system- (North Zone or South Zone) NAD (83/96, 83/07, 83/11) epoch (2002.00 or 2010.00) Geoid (03, 09, or 12A) SF= (combined scale factor)” The information to be used can be found within the land tie file (.fwd) or the control file (.fwd) located in the project folder within the appropriate Region folder on the U drive.

j. Show only the curve data that applies to the land being platted.

k. On Rural and Suburban plats, if the parcel does not extend the entire length between corners (section, quarter or sixteenth) using only one tie may be acceptable. An example of this would be if an individual purchases 5 acres in the corner of a section. The frontage would be short and therefore only one tie would be necessary to the section corner. In all other cases, tie to two corners.

l. On Urban plats, ties should be made from the nearest found corners outside of the construction area. 2 ties are preferred but in some instances 1 tie will be sufficient. The tie will be shown following the bearing and distances of the property lines starting at the found corner location running to the H-Lot.

**Plat Types**

Highway Right of Way Plats and Permanent Easement Plats are the most common plat types used to display the properties being acquired for transportation projects. There are conditions when a permanent easement drawing will be made and attached to the permanent easement documents as an exhibit. This exhibit is not intended to name the property or give weight that it is a platted piece of property. The exhibit is intended to provide a depiction of the desired easement and provide a location of the easement. The following list will note the respective type of plat or exhibit that will be used in most instances of a project design. There may be certain conditions that would necessitate a change from what is shown. Drafting Guidelines provided in Chapter C – Right of Way.

**HIGHWAY RIGHT OF WAY PLATS**

When parcels of land are to be platted and acquired for highway construction, operation, and maintenance beyond that which is existing right of way, this type of plat is used. These are typically strips of land paralleling the highway centerline. The heading should read as follows:

**PLAT OF LOT H?**

or

**PLAT OF LOT H? AND LOT H?**

9-16
Highway Right of Way Plats may include the following with the same LOT H? designator and heading:

Showing a parcel of land to be acquired for highway purposes

Land that is owned by the Department of Transportation, which is not dedicated for highway use and is needed for highway purpose, can be shown on a plat which must include the Secretary of Transportation Certificate dedicating same for public use:

Showing a parcel of land to be dedicated for highway purposes

Highway Right of Way Plats other than those of the strip type may include blockouts or variable shapes for the following:

1. Riprap, Culverts and RCBC (including end sections) on reconstruction projects. For riprap and culverts on resurfacing or culvert rehabilitation projects refer to Permanent Easement Exhibits.
2. Storm Sewer (pipe or drop inlets)
3. Sight Distance (sight triangle)
4. Sidewalk/ADA ramps

PERMANENT EASEMENT PLATS

Permanent Easement Plats are used to plat a lot that will identify a specified purpose or right to be acquired from the given named property. The owner of the land will continue to own and may use the property for any purpose that does not interfere with the specified use shown on the plat. A permanent easement will not be shown in combination with H-Lots on Highway Right of Way Plats. The heading should read as follows:

PLAT OF LOT PE?

or

PLAT OF LOT PE? AND LOT PE?

or

PLAT OF LOT PE? IN GOVERNMENT LOT 1 AND LOT PE? IN S1/2 NE1/4
Permanent Easement Plats may include the following with the same LOT PE? designator and heading as noted by replacing the specific purpose. Recognize that when using a permanent easement plat for a specific purpose the State is limited in its use as specified for that permanent easement.

Showing a permanent easement to be acquired for (specific purpose)

a. Highway Purposes

Using highway purposes allows the DOT to use the easement for other highway purposes or issue permits to others (i.e. utilities, city) allowing them use of the easement.

b. Drainage

Permanent easements for drainage are used to show the limits necessary to maintain an open channel or underground storm sewer system. Permanent easements for drainage are generally used for channels or storm sewer pipe that extend beyond the limits of the existing right of way. When an open channel or storm sewer system is adjacent to highway construction a Highway Right Of Way Plat is generally used.

c. Embankment

Permanent easements for embankment are used to show the limits necessary to maintain fill slopes that extend beyond the limits of the existing right of way.

d. Impoundment

Impoundments are used to show the limits of the area where water will be temporarily or permanently ponded after construction.

e. Wetland

When wetlands are impacted or displaced and cannot be avoided, the area must be replaced. This type of plat is used for wetlands that are not under the jurisdiction of the U.S. Army Corps of Engineers.

f. Wetland Mitigation

Plats for wetland mitigation easements are prepared in a portfolio format (title sheet with one or more plats attached).
g. Pedestrian Access Route

Permanent easements of these types are small blockouts or corners established for sidewalks or recreational paths. Luminaire poles signal poles, service cabinets, pedestrian push button poles, or other similar hardware may be used in conjunction with a pedestrian access route. At site specific locations there may be one or more of these items within a given permanent easement. When a permanent easement is obtained for multiple uses the term “Highway Use” should be used in the purpose area of the heading.

h. Retaining Walls

If a retaining wall is constructed to hold back the roadway, and the footing of the retaining wall extends onto private property, a permanent easement is established to make the entire wall structure part of the roadway and within the control of the DOT.

PERMANENT EASEMENT EXHIBITS (8 ½” x 11”)

Permanent Easement Exhibits may be prepared in lieu of Permanent Easement Plats. The Permanent Easement Exhibit will be attached to the permanent easement document and is a tool to identify the size and location of a permanent easement. The exhibit represents the location and intended use of the parcel without naming the parcel (e.g. PE1). The exhibit will have whole foot dimensions with whole square foot area necessary for the easement. A Permanent Easement Exhibit will streamline the location identification process of the permanent easement and future removal of such an easement when required.

The owner of the land may continue to use the property for any purpose that does not interfere with the specified use shown on the exhibit or permanent easement document. The Permanent Easement Exhibit will retain a Parcel Number for administrative identification purposes. The Permanent Easement Exhibit heading will state a specific reason for the easement. The Permanent Easement Exhibit note will state the easement blockout is tied to the center or centerline of the feature as constructed and in place. If there are two or more permanent easements within the same legal description, the easements shall be numbered as follows: Permanent Easement 1, Permanent Easement 2, Permanent Easement 3 and so on. Exhibits will not give the property a lot name as does the Permanent Easement Plats. The heading shall read as follows:

EXHIBIT A (B, C, etc. as needed)

Showing a permanent easement to be acquired for (specific reason)
a. Luminaire Poles or Permanent Signing (Figure 9-4)

Permanent Easement Exhibits are used to show the limits necessary to construct and maintain luminaire poles and permanent signing. When combining luminaire poles and or permanent signing along with pedestrian access routes, etc. a Permanent Easement Plat should be made for Highway Purposes.

When a permanent easement is used for signal mast arms and/or signal heads, the term “Highway Use” should be used in the purpose area of the heading.

b. Traffic Signs

Permanent Easement Exhibits for traffic signs are used to place traffic signs outside the highway right of way. When strips of significant length are needed for multiple signs then a Highway Right of Way Plat or Permanent Easement Plat should be made.

c. Underdrains

Permanent Easement plats or exhibits may be used for underdrains for a width of 30’ parallel to and centered on the pipe (or reduced to a 20 foot width for toe drains, backslope drains or for urban settings). This will allow for maintenance of the system.

d. Livestock Passage

Permanent Easement for livestock passage is obtained by exhibit when livestock are required to travel across adjacent landowner’s property to access another field, livestock crossing, etc.

e. Pedestrian Access Route

Permanent Easement for a pedestrian access route (i.e. sidewalk or recreational path) is obtained by exhibit when pedestrians or bicyclists are required to travel across adjacent landowner’s property to access another pedestrian access route.

f. Culverts or RCBC (including end sections)

Permanent Easement Exhibits are typically used to show the limits necessary to construct and maintain culverts or RCBC on resurfacing or culvert rehabilitation projects. For resurfacing or culvert rehabilitation projects land ties are not required and the Permanent Easement Exhibit may be based on old plans, plats and location of the culvert or RCBC. However, for special conditions it may be determined that a Highway Right of Way Plat should be used.
g. Private Access (mutual access) (Figure 9-5)

A private access easement allows access over a piece of property that is not owned by the person needing access. Platting of a private access easement should be reserved to replace or replat an existing access easement.

PROPERTY PLATS (Figure 9-6)

When the Department of Transportation sells or transfers property to some other government entity or private individual, a Plat is prepared to show this property.

Care should be taken not to label lots with the same nomenclature within the same legal description, even though the purposes of the plats may be different. I.e. do not have two Lot A’s within the same legal description. Likewise do not duplicate nomenclature of a lot that already exists in the legal description.

a. Excess Property or Uneconomic Remnant

Plats are prepared to show the area of land that is outside the limits of the dedicated highway right of way. The parcel number of the plat will be the same as the parcel number for the right of way plat, except it shall be followed by an "X". The heading should read as follows:

PLAT OF LOT A (B, C, etc. as needed)
Showing a parcel of land

b. Borrow

Borrow plats are prepared to show the area that is needed for borrow for the construction of a new road. The parcel number of the Borrow plat will be the same as the parcel number for the right of way plat. The heading should read as follows:

PLAT OF LOT A (B, C, etc. as needed)
Showing a parcel of land to be acquired for highway borrow

c. Abandonment Plat

Abandonment plats are used to show parcels of land that are no longer needed for highway right of way purposes. This type of Plat can be used only if the land was not acquired in Fee Title. The description will also include the H designators that were used to previously identify the parcel. A parcel number and project number will not be needed for Abandonment Plats. The heading should read as follows:
d. Utility Plats

A utility plat is prepared to provide access for non-highway related utilities (underground or overhead) by permanent easement or fee title. When necessary, the lots shall be split out on the plat to distinguish between features such as poles, pedestals, etc. and aerial/underground features. This is done because of differences in land value whether the landowner can use the property. Utility plats shall not be shown in combination with a Highway Right of Way Plat. When a utility parcel exists within the same legal description as a permanent acquisition, an “A” should be inserted after the parcel number, for example, Parcel 4A. The heading should read as follows:

PLAT OF LOT U?
Showing a permanent easement to be acquired for utility use

e. Amendment Plats (Figure 9-7)

Amendment Plats are used to correct a plat when an affidavit of correction document cannot be used for correcting a plat filed with the Register of Deeds. The same lot number will be used as on the original plat. Amendment Plats shall retain all the items contained in the original plat. The heading should read as follows:

PLAT OF LOT H?
Amending the Original Plat of Lot H? as recorded in
Book ?? of Plats - Page ?? - Dated Month-Day-Year

or

Amending the Original Plat of Lot H? as recorded in
Envelope No. ?? – Dated Month-Day-Year
or

Amending the Original Plat of Lot H? as recorded in
Document No. ?? – Dated Month-Day-Year
f. Trust Land Plats (Figures 9-8, 9-9 and 9-10)

i) Trust Land Plats are to be submitted to the Right of Way office in portfolio format (title sheet with one or more plats attached). All right of way (e.g. embankment, culverts, storm sewer pipe, etc.) is to be conveyed by plat. Do not use exhibits.

ii) The area to be acquired must be dimensioned. Trust Land does not recognize the section line dedicated right of way and therefore, said section line right of way shall not be shown on these plats.

iii) When right of way is platted the corresponding temporary easements will also be shown on the plat in table form; stationing range, L/R, area, purpose and legal description is given. When a parcel has temporary easement only, a plat must be drafted for those temporary easements.

iv) The heading at the top of the plat must show ownership, description, identification of property with reference to Trust records (allotment number), and the area of the taking.

v) The project number, county, scale and sheet numbers are in the title block at the lower right hand corner of the plat.

g. Government Land Plats

i) Government Land Plats are to be submitted to the Right of Way office in portfolio format (title sheet with one or more plats attached). All right of way is to be conveyed by plat. Do not use exhibits.

ii) Plats are drawn the same as those for Trust Land.

iii) Temporary easements are not included on Government Land plats.

iv) The SDDOT Division Director of Planning and Engineering certificate is not required, and the legend will show Government Land and the specific office noted – USFS or National Forest or C.E. etc.

v) Only government recognized section line right of way located on Government Land will be shown on the plat.

vi) On land that is owned by a federal agency, such as the Forest Service or Army Corps of Engineers, it is recommended that they be contacted before the plat work begins. They will inform us whether or not they will recognize the existing highway Right of Way.

h. School And Public Land Plats

i) School and Public Land plats are to be submitted to the Right of Way office as highway right of way plats. Do not use exhibits.

ii) Parcels are to be broken into 40 acre tracts.
Final Right of Way Plans (3083)

An assigned Right of Way drafter will be responsible for the preparation of the Right of Way plan sheets by copying the information from the right of way .DGN file onto the right of way aerial photo plan sheet. A title sheet will be prepared by the Grading CADD Drafter. Label each plan sheet with a north arrow and each section of land with a section number, township and range.

There are several important points of information, which are most readily obtained from the right of way plans. Complete the plan sheets with the inclusion of the following material:

a. Right of Way boundary width(s) to be acquired. The required dimensions of it will be shown on the photos.

b. Identity of landowners and legal description.
   
   i) Show the name of each landowner whose property lies adjacent to the project and is affected by the taking of permanent and/or a temporary easements and/or control of access. Under each landowner’s name, identify the property by legal description and the associated parcel number.
   
   ii) When a legal description contains reference to multiple tracts or assemblies of land, only include those portions of the legal description impacted by right of way acquisition. Examples: If a landowner owns Lots 1 through 8 in Block A and easement is being acquired only from Lot 1, do not include lots 2 through 8 in the legal description. If a landowner owns property in the NE and NW quarters of Section 33, but an H-Lot and temporary easement are only needed in the NE quarter, do not include the NW quarter in the legal description.

c. Identity of land by parcel number.
   
   i) A Parcel for acquisition purposes is a tract or assembly of land having common title ownership and generally the same usage. A parcel number is required for each piece of land one-quarter section or smaller in width where the Department of Transportation is acquiring property from the landowner.
   
   ii) Parcels should be numbered in increasing value from the beginning of the project to the end of the project; however, once the project has been released to the Office of Right of Way, supplemental Parcels may be inserted in non-sequential order or may be inserted with an “A” following the lowest adjacent Parcel number. If a revision in ownership is received, i.e., part of a parcel has been sold to another party, the divided parcels will be numbered, by using the original number followed by an “A” for the part sold or otherwise divided off. For example, Parcel 10 for original parcel and Parcel 10A for the divided portion.
1. Rural – Parcels are numbered consecutively throughout the project from section line to quarter section line first on the left side of the roadway then on the right side. The numbers are continued from the quarter section line to the next section line in the same manner. A parcel is no larger than a quarter section of land.

2. Urban – Parcels are numbered consecutively throughout the project from street to street (by block) first on the left side of the roadway then on the right side. Parcels in urban areas may vary in size and description. A parcel may be a lot, block or a tract of land.

iii) When acquisition types differ across portions of the same ownership, separate respective parcel numbers shall be assigned.

iv) Separate parcel numbers will be used in the case of purchasing land for both the Department of Transportation and another government entity within the same legal description.

v) When a Permanent Easement exists within the same legal description as fee simple or right of way acquisition (H-Lot), an “A” is to be added after the

Figure 9-1 Parcel numbering across multiple lots with same ownership
parcel number (Parcel 4 for the right of way H-Lot and Parcel 4A for the Permanent Easement).

vi) When a parcel number has been assigned, and it is later determined to be no longer necessary, delete the landowner information, keep the parcel number and add “omitted” on the construction and right of way plans.

vii) Number each parcel throughout the project, in accordance with the corresponding Parcel Numbers described as follows.

**Table 9-1 – Parcel Numbering Hierarchy**

<table>
<thead>
<tr>
<th>Parcel Designation</th>
<th>R/W</th>
<th>Control Acquisition</th>
<th>Temporary Access</th>
<th>Easement Installation</th>
<th>Eliminate Entrance</th>
<th>Fence Modifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>1, 2, etc.</td>
<td>Yes</td>
<td>Can be Included</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CA1, CA2, etc.</td>
<td></td>
<td></td>
<td>Yes</td>
<td>Can be Included</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A1, A2, etc.</td>
<td></td>
<td></td>
<td>Yes</td>
<td>Can be Included</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E1, E2, etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
<td>Can be Included</td>
</tr>
<tr>
<td>F1, F2, etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>B1, B2, etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes*</td>
</tr>
</tbody>
</table>

* If no modifications to the building are needed, an easement (B parcel) is not required.

1. Parcel 1, Parcel 2, etc. will be given when permanent acquisition or permanent easement is needed for a parcel.
2. Parcel CA1, Parcel CA2, etc. will be given for acquisition of control of access when no right of way acquisition and/or permanent easement is needed for a parcel.
3. Parcel A1, Parcel A2, etc. will be given for temporary easements, when no right of way acquisition and/or permanent easement or control of access is needed for a parcel.
4. Parcel E1, Parcel E2, etc. is given for eliminating an entrance when no permanent acquisition and/or permanent easement, control of access or temporary easement is needed for a parcel. An “E” parcel is used to remove an entrance when the work limits are inside existing right of way (i.e. on private property the landowner desires to remove surface of entrance and replace with topsoil/seeding, etc. Note that this work will be done by the landowner and not part of the project).
5. Parcel F1, Parcel F2, etc. will be given for placement of fence only for a parcel.
6. Parcel B1, Parcel B2, etc. When a building is located on the right of way line and a sidewalk or ramp is being constructed adjacent to the
building, an easement from the landowner is needed only if modifications will be made to the building (i.e. adjustments to siding, flashing, etc.). If no modifications to the building are needed, an easement is not required.

d. On urban projects, where the right of way plans become congested, prepare the right of way and ownership table of the parcels showing area, ownership and land description, and purpose.

e. Area of the taking - The area of each parcel will be shown on the right of way plans. This will be shown in acres and (square feet) as obtained from the corresponding Right of Way Plat. (0.01 acres) (0 sq. ft.)

f. Temporary and Permanent Easements

g. Identity of the boundary lines, etc. This description may include but is not limited to the following:

i) Reservation boundaries
ii) City limits
iii) Property lines
iv) State lines
v) County lines
vi) Section lines
vii) 1/4 lines
viii) 1/16 lines
ix) 1/64 lines
x) 1/256 lines
xi) Lot lines
xii) Riparian lines

h. Alignment and stationing

i. Project limits

BEGIN PROJECT
Station

END PROJECT
Station

j. Control of access - This is a property right acquired from the landowner restricting the approaches or access to the proposed highway. Access points are limited or controlled by the SDDOT through acquiring the access property rights of the landowner. Specific access points to the proposed highway are designed into the project to provide reasonable and safe access to the highway. Generally, controlled access highways will be Interstate Highways or Primary Highways with divided lanes. Control of access is normally set on the right of way line. When service roads are included in the project the control of access line is between the mainline and service road or as represented on the construction plans where the control of access was obtained.
k. Cut Fill limits.
l. The following examples illustrate various Right of Way plan sheets and combination Right of Way/Construction plan sheets.

(Figure 9-11 Right of Way Plan Title Sheet)
(Figure 9-12 Right of Way Plan Sheet)
(Figure 9-13 Right of Way Plan Table)
(Figure 9-14 Right of Way Plan Sheet Utilizing Right of Way Plan Table)
(Figure 9-15 Combination Construction and Right of Way Plan Sheet)

Final Construction Plans (3069)

The construction plans drafter is responsible for including all of the required right of way information on the construction plan sheets.

Road Design right of way personnel will check for the following items on the construction plans:

a. Landowners - Show the name of each landowner whose property lies adjacent to the project and is affected by either the taking of permanent right of way, temporary easement, control of access and/or fencing easements.

b. Land by parcel number - Number each parcel throughout the project in accordance with the corresponding Parcel Numbers shown on the right of way plats and plans.

c. Section-Township-Range - The appropriate section, township, and range numbers will be shown on the construction plans.

d. All Subdivisions, Blocks, Lots, Outlots, Additions, Town or City name, etc.

e. Right of Way dimensions - The existing right of way and the new right of way will be labeled with station and offset at all break points on the right of way line. It is not necessary to show the station and offset of the new right of way line where it crosses section lines, quarter lines, etc. if it is a straight line.

f. Property lines etc. This description may include, but is not limited to the following:

i) Reservation Boundaries
ii) City limits
iii) Property lines
iv) State lines
v) County lines
vi) Section lines
vii) 1/4 lines
viii) 1/16 lines
ix) 1/64 lines
x) 1/256 lines
xi) Lot lines
xii) Riparian lines

Road Design Right of Way Check (3083)

Prior to releasing projects to the Right of Way office for review, it is standard practice for the Road Design Land Surveyor (RDLS) to review the project construction plans, right of way plans and right of way plats to ensure accuracy is provided for each with respect to all right of way features. The process must be completed prior to release to Right of Way Engineering. The time needed to review and make revisions is dependent on the size of the project, number of parcels, complexity of project, etc. and will also need to be coordinated with other projects to be reviewed and released to the Right of Way Engineering staff for their review and comment.

The construction plans, right of way plans and plats must be reviewed and revised to the satisfaction of the RDLS before releasing to the Right of Way office for review.

Final Right of Way Check (3084)

The final right of way check will be performed by Right of Way Engineering staff. All revisions made as a result of the Right of Way office review must be to the satisfaction of the RDLS prior to formal release to the Right of Way office. Note any comments not included from reviews with the reason for not changing the plans, plats, or right of way plans as noted in comments.

The construction plans, right of way plans and plats along with the appropriate Road Design form letter will be sent to the Right of Way Program Manager and Right of Way Engineering staff notifying that the right of way plans/plats and construction plans are complete and ready for their use.

Information for Construction Personnel

It is important to understand that when any activity takes place beyond the limits of temporary easements or right of way obtained through right of way acquisition without additional permission from the landowners, it is trespassing and is breaking the law. In areas where the property rights are settled through the courts, additional easements may have to be obtained in the same manner and must be secured before entering the land. In property acquisition obtained through court action, the Office of Legal Counsel must be contacted in order to determine how to proceed if additional easements are necessary for the construction of the project. This is due in part because no agreement has been made to provide the method of payment through the use of the standard temporary easement agreement. Where no agreement covers the particular legal description of a necessary easement although there may be an agreement with that landowner for other parcels contacting the owner is paramount. If an agreement is reached with a landowner in a
court settled case or where agreement existed which allows for payment for the additional easement, please supply a copy of the agreement with the measurements so the Right of Way Program may make payment.

All temporary easements shown on the plans are paid for at the time of right of way acquisition as shown on the Temporary Easement Agreement. If there is no Temporary Easement Agreement, no easement can be taken without obtaining written permission from the landowner, preferably through the creation of a temporary easement agreement. On projects where the agreements show an area of temporary easement included in the payment, the Right of Way Program needs a list of the area of temporary easements used which is in excess of the area already paid. Added areas of easements could occur because of plan changes after acquisition, or because of a change made in the field during construction. No substantial change in easements should be made without landowner concurrence.
The Information shown on this example is for the purpose of illustrating what needs to be shown on a plat and its general location on the plat.

GUIDE NOTE: Items 20, 25 & 26 do not apply to this example plat, but may be needed on other plats.

1. Parcel
2. Heading
3. Property Description
4. County
5. Project
6. Scale
7. Legend
8. North Arrow
9. Corner Description
10. Corner Coordinates
11. Corner Tie
12. Section Line Label
13. Existing R.O.W. Dimension
14. Aliquot Part of a Section
15. Lot Block, Subdivision, Addition, Outlet, Tract
17. Proposed R.O.W. (shaded)
18. Dimension Table
19. Acreage Note
20. Section Number
21. Dimension Label
22. 1/16 Line Label
23. Present Highway
24. Property Line Label
25. City
26. Datum Note
27. 1/4 Line Label
28. Datum Note
29. Revised Date
30. Drawn By: Date:
31. Checked By: Date:
32. Project Control Number
33. File Name
34. Inset

Note 1: The coordinates, bearings, distances and areas shown on this plat are based on the South Dakota State Plane Coordinate System Grid North - shown on this plat are based on the South Dakota State Plane Coordinate System Grid North.

Note 2: All monumentation will be set upon project completion.

LEGEND
- existing right of way
- found R.O.W. corner
- set R.O.W. corner
- found P.L.S.S. corner
- set P.L.S.S. corner
- calculated corner
- found property corner
- set property corner
= not used for boundary location

PLAT OF LOT H2 IN GOVERNMENT LOT 1 AND LOT H2 IN THE S1/2 NE1/4
in Government Lot 1 and the S1/2 NE1/4 of Section 31 - Township 2 South - Range 16 East of the B.H.M.

Lot H2 - Government Lot 1 containing 0.74 ac
more or less.
Lot H2 - S1/2 NE1/4
containing 0.76 ac
32993 sq ft, more or less.
Lot H2 - S1/2 NE1/4
containing 0.76 ac
32993 sq ft, more or less.

SURVEYOR'S CERTIFICATE
JONATHAN J. NELSON
Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the South Dakota Department of Transportation the parcel of land as shown on this plat has been surveyed at my direction and under my control, and such parcel of land shall be hereafter known by the lot number designated hereon. The location and dimensions of the parcel are shown on this plat.

In witness whereof, I have set my hand and seal this day of A.D. 2019.

JONATHAN J. NELSON
Registered Land Surveyor

OFFICE OF REGISTER OF DEEDS
State of South Dakota
County of
Filed for record the day of A.D. 2019, at M., and recorded in Books of Plat on Page

4978

Figure 9-3 Plat Guide
EXHIBIT A

in Lot 3 in Block 14 of Syndicate Addition to Watertown

CODINGTON COUNTY, SOUTH DAKOTA

Showing a permanent easement to be acquired for luminaire pole for construction of Project P 0081(93)157

Not to Scale

INSET A

NOT TO SCALE

Lot 3
Permanent Easement
L1  1±
L2  5.00
L3  1±
L4  5.00

Length

Ninth Avenue North

Lot 1

LENGTH

Lot 2

SYNDICATE ADDITION

Lot 3

Permanent Easement containing 5 sq ft, more or less

SEE INSET A

Lot 4

Permanent Easement

Lot 5

WATERTOWN

Lot 14
Lot 15
Lot 16
HORSWILL'S
Lot 17
BLOCK 2
Lot 18
ADDITION
Lot 19
Lot 20

NOTE: Permanent Easement depicted hereon is parallel and perpendicular to the right of way line of Present US Hwy. 81 and extends westerly 3 feet beyond the center of the luminaire pole as constructed and in place.

LEGEND: Luminaire Pole

TYPICAL (Not to Scale)

026X

05/31/2019

06/04/2019

Figure 9-4 Permanent Easement Exhibit
EXHIBIT A

in the S1/2 NW1/4 of Section 4 - Township 38 North - Range 28 West of the 6th P.M., less Lot Z

TODD COUNTY, SOUTH DAKOTA

Showing a permanent easement to be acquired for private access

Not to Scale

Length

| L1  | 66.81 |
| L2  | 21.00 |
| L3  | 52±   |
| L4  | 64±   |

EXHIBIT A
COUNTY, SOUTH DAKOTA

Figure 9-5  Permanent Easement For Private Access

Private Access Easement containing 0.05 ac
2210 sq ft, more or less
PLAT OF LOT A

in the SW1/4 NW1/4 of Section 17 - Township 92 North - Range 51 West of the 5th P.M.

CLAY COUNTY, SOUTH DAKOTA

Showing a parcel of land

Scale: 1 inch = 300 feet

LEGEND

= existing right of way
= set R.O.W. corner
= found P.L.S. corner
= calculated corner
= found property corner
= set property corner
= not used for boundary location

Bearing       Length   Chord    Radius

C1 N 63°59'21" W 969.64   958.08   1809.86R
L1 N 44°03'12" W 449.62
C2 N 44°30'31" W 222.81   222.70   2009.86L
L2 N 02°20'48" W 192.75
L3 N 87°59'01" E 1291.30
L4 S 02°22'10" E 1141.11

N 87°59'01" E 1291.30
N 02°22'10" W 187.59
N 44°30'31" W 222.81
N 44°03'12" W 449.62
N 63°59'21" W 969.64

Lot A containing 23.20 ac
1010771 sq ft,
more or less.

Note 1: The coordinates, bearings, and areas shown on this plat are based on the South Dakota State Plane Coordinate System Grid North, North Zone NAD 83/07 epoch 2002.00

Note 2: All monumentation will be set upon project completion.

SURVEYOR'S CERTIFICATE

JONATHAN J. NELSON

Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the South Dakota Department of Transportation the parcel of land as shown on this plat has been surveyed at my direction and under my control, and such parcel of land shall be hereafter known by the lot number designated herein. The location and dimensions of the parcel are shown on this plat.

In witness whereof, I have set my hand and seal this day of A.D., 20

Registered Land Surveyor
Registration No. 9049

OFFICE OF REGISTER OF DEEDS

State of South Dakota
Filed for record the day of A.D., 20, at M., and recorded in Books of Plats on Page therein.

Register of Deeds by Deputy

Figure 9-6 Property Plat
PLAT OF LOT PE1
Amending the Original Plat of PE1 as Recorded in Book of Plats 8 - Page 19 - Dated February 16, 2012
in the N1/2 SW1/4 SE1/4 of Section 34 - Township 111 North - Range 79 West of the 5th P.M., lying east of highway right of way

HUGHES COUNTY, SOUTH DAKOTA

Showing a parcel of land to be acquired for highway purposes for construction of Project NH 014B(05)232
Scale: 1 inch = 100 feet

LEGEND
- existing right of way
- set R.O.W. corner
- found P.L.S. corner
- calculated corner
- found property corner
- set property corner
- not used for boundary location

SURVEYOR'S CERTIFICATE

In witness whereof, I have set my hand and seal this day of , A.D., 20
Registration No. 9049
A T O D E R

SURVEYOR

OFFICE OF REGISTER OF DEEDS

State of South Dakota
County of
Filed for record the day of , A.D., 20 , at M., and recorded in Books of Plats on Page therein.

Register of Deeds
Deputy

03J5

Figure 9-7 Amendment Plat
BEGIN NH-PH 0018(177)104
Sta. 36+00

Parcel 1
Parcel 3
Parcel 4
Parcel 7
Parcel 8
Parcel 11
Parcel 12
Parcel 18
Parcel 19
Parcel 25
Parcel 27
Parcel 28
Parcel 29
Parcel 30
Parcel 31
Parcel 32
Parcel 33
Parcel 34
Parcel 35
Parcel 36

R 44 W
R 43 W
R 42 W
R 41 W
R 40 W
R 39 W
R 38 W
R 37 W
R 36 W
R 35 W
R 34 W
R 33 W
R 32 W
R 31 W
R 30 W
R 29 W
R 28 W
R 27 W
R 26 W
R 25 W
R 24 W
R 23 W
R 22 W
R 21 W
R 20 W
R 19 W
R 18 W
R 17 W
R 16 W
R 15 W
R 14 W
R 13 W
R 12 W
R 11 W
R 10 W
R 9 W
R 8 W
R 7 W
R 6 W
R 5 W
R 4 W
R 3 W
R 2 W
R 1 W

PINE RIDGE INDIAN RESERVATION

END NH-PH 0018(177)104
Sta. 192+63.90

NOTARY PUBLIC
MY COMMISSION EXPIRES
Parcel 3
Lot H2 - NE1/4 of Section 8 - Township 35 North - Range 44 West of the 6th P.M.
containing 1.11 ac (4873 sq ft), more or less.
Lot H3 - NE1/4 of Section 8 - Township 35 North - Range 44 West of the 6th P.M.
containing 1.32 ac (5729 sq ft), more or less.
Oglala Sioux Tribe Allotment T 11183

Note 1: The coordinates, bearings, distances and areas
shown on this plat are based on the South Dakota
State Plane Coordinate System Grid North -
South Zone NAD 83/11, epoch 2010.00
Geoid 12A SF = 0.99979254

Note 2: All monumentation will be set upon project completion.

LEGEND
☐ = existing right of way
● = found R.O.W. corner
○ = set R.O.W. corner
▲ = found P.L.S.S. corner
□ = calculated corner
■ = found property corner
□ = set property corner
※ = not used for boundary location

SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PLAT
PROJECT: NI-PH 0018(177)104
OGLALA LAKOTA COUNTY

Figure 9-9 Trust Land Plat
Parcel A33 - Temporary Easement
NE1/4 of Section 34 - Township 37 North - Range 28 West of the 6th P.M.
Landowners of Allotment: 3567

Note 1: The coordinates, bearings, distances and areas shown on this plat are based on the South Dakota State Plane Coordinate System Grid North - South Zone NAD 83/11 epoch 2010.00
Good 12 A SF = 0.999993687

Note 2: All monumentation will be set upon project completion.

Figure 9-10  Trust Land Temporary Construction Easement Plat
BEGIN P-PH 0240(12)128
Station 8+75.00 = Station 67+25.90 on F257(4)
located 1312.70 feet North and 10.38 feet West of the E1/4 corner of Section 7 - Township 1 South -
Range 16 East of the B.H.M.
MRM 128.22+0.077

END P-PH 0240(12)128
Station 339+40.00 = Station 344+41.10 on F257(4)
located 2518.25 feet South and 1.75 feet West of the Northeast corner of Section 7 - Township 2 South -
Range 16 East of the B.H.M.
MRM 134.44+0.092

Gross Length 33065.00 Feet
6.282 Miles
25 SHEET 0+

Figure 9-12  Right of Way Plan Sheet Guide

STATE OF SOUTH...

LANDOWNER WITH PROPERTY DESCRIPTION

GUIDE NOTE: Items 20 & 31 do not apply to this example right of way plan sheet, but may be needed on other right of way plan sheets.

1. Project Number
2. Sheet Number
3. Flown Date
4. Revised Date
5. North Arrow
6. Horizontal Alignment with Stationing
7. Begin & End Notes / Equations
8. Present Highway & Intersecting Roads
9. Existing R.O.W. Dimension
11. Curb & Gutter / Sidewalk / Edge of Shoulder
12. Entrances
13. Cut and Fill Limits
14. Section Line Label
15. Lot Line Label
16. Lot Line
17. Property Line Label
18. Section - Township - Range
19. City
20. Lot, Block, Subdivision, Addition, Outlot, Tract
21. Proposed Right of Way
22. Existing Right of Way
23. Horizontal Alignment Station Equations
24. Existing R.O.W. (hatched)
25. Temporary Easement (hatched)
26. Landowner with Property Description
27. Labeler with Information Only
28. Parcel Information
29. ROW Taking
30. Parcel Information
31. Albutt Part of a Section
32. Photo Legend (Mosaic only)
33. Photo Not to Scale
34. Flown Date:  FSA 2012
35. Plotting Date:
36. STATE OF SOUTH...
37. Flown Date:  FSA 2012
38. Plotting Date:
39. STATE OF SOUTH...
40. Flown Date:  FSA 2012
41. Plotting Date:
42. STATE OF SOUTH...
43. Flown Date:  FSA 2012
44. Plotting Date:
45. STATE OF SOUTH...
46. Flown Date:  FSA 2012
47. Plotting Date:
48. STATE OF SOUTH...
49. Flown Date:  FSA 2012
50. Plotting Date:
51. STATE OF SOUTH...
52. Flown Date:  FSA 2012
53. Plotting Date:
54. STATE OF SOUTH...
55. Flown Date:  FSA 2012
56. Plotting Date:
57. STATE OF SOUTH...
58. Flown Date:  FSA 2012
59. Plotting Date:
60. STATE OF SOUTH...
61. Flown Date:  FSA 2012
62. Plotting Date:
## RIGHT OF WAY PLAN TABLE

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Station to Station</th>
<th>Side</th>
<th>Type</th>
<th>Area</th>
<th>Owner</th>
<th>Description</th>
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<tbody>
<tr>
<td>301+72.11 to 302+56</td>
<td>R Temp</td>
<td>0.1 Ac</td>
<td>1023 Sq Ft</td>
<td>Brenda Bonnett</td>
<td>Lot 2 in Block 5 of Bowman Subdivision, a portion of Lot 1 and all of Lot 2 of Shekell &amp; Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
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<tr>
<td>45</td>
<td>Plat</td>
<td></td>
<td>146 Sq Ft</td>
<td>Brenda Bonnett</td>
<td>Lot PE1 - Lot in Block G of Bowman Subdivision, a portion of Lot 1 and all of Lot 2 of Shekell &amp; Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
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<tr>
<td>46</td>
<td>Plat</td>
<td>0.2 Ac</td>
<td>621 Sq Ft</td>
<td>Bradley J. Pollard</td>
<td>Lot PE1 - Lot in Block G of Bowman Subdivision, a portion of Lot 1 and all of Lot 2 of Shekell &amp; Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
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<tr>
<td>303+30 to 303+75.02</td>
<td>R Temp</td>
<td>0.1 Ac</td>
<td>705 Sq Ft</td>
<td>Bradley J. Pollard</td>
<td>Lot 1 in Block 3 of Bowman Subdivision, a portion of Lot 1 and all of Lot 2 of Shekell &amp; Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>Plat</td>
<td>0.3 Ac</td>
<td>1206 Sq Ft</td>
<td>Norman Richard Goeringer</td>
<td>Lot PE1 - A part of Lot 1 of Bowman Subdivision of the Shekell &amp; Estes Placer Claim No. 758 beginning at corner No. 1 which is identical with corner No. 6 of the Larson Lot, from which corner No. 13 of M.S. 758 bears S 86°38' W 295.38 feet; thence S 1°45' E 129.59 feet to corner No. 2 which is identical with corner No. 5 of the Larson Lot; thence S 76°22' E 9.00 feet to corner No. 3; thence N 87°58' E 167.00 feet to corner No. 4; thence N 2°04' W 136.10 feet to corner No. 5; thence S 86°38' W 175.00 feet to corner No. 1, the place of beginning in Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
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<td>48</td>
<td>Plat</td>
<td>0.5 Ac</td>
<td>2103 Sq Ft</td>
<td>Eugene L. Hesinger &amp; Caraula L. Hesinger</td>
<td>Lot PE1 &amp; Lot PE2 - Larson No. 1, a part of Lot 1 of Bowman Subdivision Shekell &amp; Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
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<tr>
<td>307+08.99 to 307+30</td>
<td>R Temp</td>
<td>0.1 Ac</td>
<td>311 Sq Ft</td>
<td>Eugene L. Hesinger &amp; Caraula L. Hesinger</td>
<td>Larson No. 1, a part of Lot 1 of Bowman Subdivision of Shekell &amp; Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>Plat</td>
<td>0.3 Ac</td>
<td>1201 Sq Ft</td>
<td>Eugene L. Hesinger &amp; Caraula L. Hesinger</td>
<td>Lot H - Larson No. 1, a part of Lot 1 of Bowman Subdivision of Shekell &amp; Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
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<tr>
<td>307+95 to 308+70.02</td>
<td>R Temp</td>
<td>0.1 Ac</td>
<td>1093 Sq Ft</td>
<td>Eugene L. Hesinger &amp; Caraula L. Hesinger</td>
<td>Larson No. 1, a part of Lot 1 of Bowman Subdivision of Shekell &amp; Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
<td></td>
</tr>
<tr>
<td>A19</td>
<td>310+02.51 to 311+20.67</td>
<td>L Temp</td>
<td>0.1 Ac</td>
<td>2090 Sq Ft</td>
<td>Phillip Maynard &amp; Olive Maynard</td>
<td>Lots 2 and 3 in Block B of Bowman Subdivision, a portion of Lot 1 and all of Lot 2 of Bowman Subdivision of Shekell &amp; Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
</tr>
<tr>
<td>A20</td>
<td>311+17.90 to 311+66.83</td>
<td>L Temp</td>
<td>0.1 Ac</td>
<td>1015 Sq Ft</td>
<td>Larry D. Stuefen &amp; Jeanne E. Stuefen</td>
<td>Lot 1 in Block 3 of Bowman Subdivision, a portion of Lot 1 and all of Lot 2 of Shekell &amp; Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
</tr>
<tr>
<td>A21</td>
<td>311+81.77 to 312+14.39</td>
<td>L Temp</td>
<td>0.1 Ac</td>
<td>311 Sq Ft</td>
<td>Randal L. Havlik &amp; Beverly B. Havlik</td>
<td>NE1/4 of Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
</tr>
<tr>
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<td>Plat</td>
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<td>40970 Sq Ft</td>
<td>John H Etsink Jr. &amp; Penny D. Etsink</td>
<td>Lot H - Lot 17 in Block H of Bowman Subdivision, a portion of Shekell &amp; Estes Placer Claim No. 758, A Replat of Lots 1 through 17 in Block H of Bowman Subdivision in Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
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</tr>
<tr>
<td>51</td>
<td>Plat</td>
<td>1.7 Ac</td>
<td>73106 Sq Ft</td>
<td>United States of America (Bureau of Land Management)</td>
<td>Lot H - Government Lot 21 of Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
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<tr>
<td>52</td>
<td>Plat</td>
<td>0.5 Ac</td>
<td>20845 Sq Ft</td>
<td>Ronald A. Island &amp; Robert C. Blue</td>
<td>Lot H - Sub-Lot B of Lot 3 of Bowman Subdivision of Shekell &amp; Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>Plat</td>
<td>0.3 Ac</td>
<td>10454 Sq Ft</td>
<td>Leonard J. Brien &amp; Lou Ann Brien</td>
<td>Lot H - Lot 4 of Shekell &amp; Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
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</tr>
<tr>
<td>320+70 to 322+20</td>
<td>R Temp</td>
<td>0.1 Ac</td>
<td>2169 Sq Ft</td>
<td>Leonard J. Brien &amp; Lou Ann Brien</td>
<td>Lot 4 of Shekell &amp; Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>Plat</td>
<td>0.2 Ac</td>
<td>962 Sq Ft</td>
<td>Ronald A. Island &amp; Robert C. Blue</td>
<td>Lot H - Sublot B of Lot 6 of Bowman Subdivision of Shekell &amp; Estes Placer Claim No. 758, except Mile-Hi Tract in Section 34 - Township 5 North - Range 3 East of the B.H.M.</td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>Plat</td>
<td>0.1 Ac</td>
<td>4629 Sq Ft</td>
<td>Berzel Ranch, Inc.</td>
<td>Lot H - Mile-Hi Mobile Home Park Lot, being a portion of Sub-Lots A and C of Lot 3 of Bowman Subdivision of Lots 3 and 6 of Shekell &amp; Estes Placer Claim No. 758 to Lead</td>
<td></td>
</tr>
</tbody>
</table>

**Figure 9-13  Right of Way Plan Table**
Sec. 30 - T110N - R76W

Jim Childs & Cindy Childs (INFORMATION ONLY)

SW1/4

BEGIN BRF 0034(19)227
Station 12+00.00

14+00 L Begin Type 2 Fence

Shields River View "TRACT 1"

4317 sq ft more or less.
0.10 ac, R.O.W. Taking Parcel 1

Robert D. Hattum & Roberta A. Hattum
The S1/2 SE1/4 of Section 30 - Township 110 North - Range 76 West of the 5th P.M.
Parcel 1
0.5 ac, R.O.W. Taking (4317 sq ft) more or less.

Parcel 2
0.59 ac, R.O.W. Taking (3589 sq ft) more or less.

Sec. 31 - T110N - R76W

Virginia Mack (INFORMATION ONLY)

NW1/4

BEGIN BRF 0034(19)227
Station 12+00.00 (Mainline)=

Station 6+00.00 (Div17)

Shannon Todd (INFORMATION ONLY)

19+70 R End Type 2 Fence

Figure 9-15  Combination Construction and Right of Way Plan Sheet