

PETITION TO VACATE

WHEREAS, Suzanne Kay Brook, a single person is the owner of the following described real property located in Codington County, South Dakota, to-wit:

Lot No. 4, Lot No. 13, and that part of Lot No. 3 lying Southerly and Westerly of a straight line drawn between the Southeasterly corner of said Lot No. 3 and a point in the Westerly boundary 19.8 feet Northerly of the Southwesterly corner of said Lot No. 3, all located in the plat entitled: "Lots 1 through 13 of Polze Subdivision in Gov't Lot 4 of Section 17, T116N, R53W of the 5th P.M., Codington County, South Dakota", and is according to the recorded plat; and

WHEREAS, David E. Carlson, a single person, is the owners of the following described real property located in the Codington County, South Dakota, to-wit:

Lot 3 of the Plat Entitled: "Lots 1 through 13 of Polze Subdivision in Gov't Lot 4 of Section 17, T116N, R53W of the 5th P.M., Codington County, South Dakota", except that part of Lot No. 3 described as follows: That part of Lot 3 lying Southerly and Westerly of a straight line drawn between the Southeasterly corner of said Lot No. 3 and a point in the Westerly boundary 19.8 feet Northerly of the Southwesterly corner of said Lot No. 3, according to the recorded plat thereof; and

WHEREAS, Benedictine Sisters of the Mother of God Monastery, is the owner of the following described real property located in Codington County, South Dakota:

Lot No. 2 of the Plat Entitled: "Lots 1 through 13 of Polze Subdivision in Gov't Lot 4 of Section 17, T116N, R53W of the 5th P.M., Codington County, South Dakota", less the North 28 Feet thereof, and is according to the recorded plat thereof.

WHEREAS, the public access and public road lying between Lots 3 and 4, and Lot 13 of the Plat of Lots 1 through 13 of Polze Subdivision in Gov't. Lot 4 of Section 17, Township 116 North of Range 53 West of the 5th P.M., Codington County, South Dakota is a portion of a publicly dedicated city street; and

WHEREAS, said property is reflected in the attached plat recorded in the Codington County Register of Deeds, and is attached as Exhibit "PLAT"

WHEREAS, said public access and public road are not in public use;

WHEREAS, it is the desire of Petitioners to petition Pelican Township, and Codington County, South Dakota to vacate said public access and public road lying between Lots 3 and 4, and Lot 13 of the Plat of Lots 1 through 13 of Polze Subdivision in Gov't. Lot 4 of Section 17, Township 116 North of Range 53 West of the 5th P.M., Codington County, South Dakota as a portion of a publicly dedicated public access and public road; and

WHEREAS, the Petitioners have petitioned the Pelican Township Board for approval of such action, and on September _____, 2025, said board took such action and approved of said petition by the Resolution spread upon their minutes.

NOW, THEREFORE, pursuant to SDCL 9-45-7, the Petitioners do hereby petition the Codington County Commission, Codington County, South Dakota to set a time and place for hearing on this petition and request that said Commission of Codington County, South Dakota pass an appropriate resolution vacating the said public access and public road.

Dated this 17 day of September, 2025.

BENEDICTINE SISTERS OF MOTHER OF GOD MONASTERY

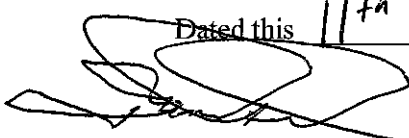
BY:

Barbara Younger OSB

Sister Barbara Younger

Its President

Dated this 11th day of September, 2025.



David E. Carlson

Dated this 18 day of 9, 2025.

Suzanne Kay Brook
Suzanne Kay Brook

NOTARY ACKNOWLEDGEMENT ON THE FOLLOWING PAGE

STATE OF SOUTH DAKOTA)

)ss.

COUNTY OF CODINGTON)

On this the 17th day of September, 2025, personally appeared Barbara Younger who acknowledged herself to be the President of Benedictine Sisters of Mother of God Monastery, a South Dakota corporation, First State Bank, and that she, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of Benedictine Sisters of Mother of God Monastery by herself as president.

In witness whereof I hereunto set my hand and official seal.

Carlie A. Streff
Notary Public, South Dakota

My commission expires: January 26, 2029
(SEAL)



STATE OF SOUTH DAKOTA)

)ss.

COUNTY OF CODINGTON)

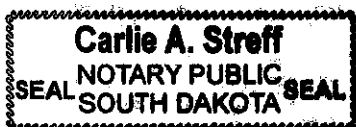
On this the 11th day of September, 2024, personally appeared Dave E. Carlson, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Carlie A. Streff
Notary Public, South Dakota

My commission expires: January 26, 2029

(SEAL)



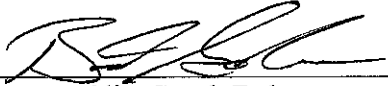
STATE OF SOUTH DAKOTA)

)ss.

COUNTY OF CODINGTON)

On this the 18 day of September, ²⁰²⁵~~2024~~ ^(SC), personally appeared Suzanne Kay Brook, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.



Notary Public, South Dakota

My commission expires: 5/27/26

