

Prepared by:
City of Milbank
1001 East 4th Avenue
Milbank, South Dakota 57252
(605) 432-9575

RESOLUTION 05-11-20
LOT MERGER AGREEMENT

THIS LOT MERGER AGREEMENT, is made this 11th day of May, 2020 by and between Boyd VanVooren and Annette VanVooren (hereinafter called "Property Owner"), and the CITY OF MILBANK, SOUTH DAKOTA, (hereinafter called "City").

WHEREAS, Property Owner owns two or more contiguous lots located in a residential zoning district of the City; and

WHEREAS, Property Owner has applied for Building Permit Number 2020-26 to construct an accessory structure; and

WHEREAS, Property Owner desires to use the above described lots in service of a single principal residence; and

WHEREAS, merger of the lots is required by Section 17.24.

The City and Property Owner agree as follows:

1. Property Owner and City do hereby agree that the lots described as LOTS FIVE (5), SIX (6), SEVEN (7), OF THE PLAT OF SUBLOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), and NINE (9), OF HENZE SUBDIVISION OF LOT ONE (1) BLOCK THREE (3) OF BOHLEN'S FIRST ADDITION, CITY OF MILBANK, GRANT COUNTY, SOUTH DAKOTA, the plat for which is recorded in the Register of Deeds of Grant County in Plat Case 1, #157, and as more fully described in a deed from Phyllis F. Henze to Boyd VanVooren and Annette VanVooren dated February 18, 2010 and recorded at the Register of Deeds of Grant County in Book 113, Page 790 ("the Lots") are subject to the terms and conditions of this agreement.
2. Upon execution of this Agreement by all parties, the Lots 5, 6, 7, shall be merged for the purpose of serving a single principle use as described by and under the conditions imposed by Section 17.24.
3. This agreement shall be recorded at the Register of Deeds of Grant County at the expense of the Property Owner.
4. For the purposes of complying with City of Milbank zoning and subdivision codes, lot lines separating the Lots, as shown on the referenced subdivision plat, shall no longer be considered as lot lines for any zoning or subdivision purpose, and the Lots shall, for building and development purposes be considered as a single lot.

5. The parties hereby agree that the Lots shall not be unmerged or re-subdivided except in compliance with the ordinances of the City of Milbank.
6. The parties further agree that this Agreement is intended to bind future use and development of the lots and shall survive any conveyance of the individual lots merged by this Agreement.
7. Property Owner and City agree and understand that this Agreement shall not affect the legal description or title to the Lots.
8. The obligations and benefits of this Agreement shall be binding upon and inure to the parties to the Agreement, their legal representatives, successors, and assigns.

The parties do here unto set their hands and seals on the date and year first above written.

Boyd VanVooren, Property Owner

Annette VanVooren, Property Owner

On this 11th day of the month of May, in the year 2020 before me, a Notary Public, personally appeared Boyd VanVooren known to me (or proved to me on the oath of Boyd VanVooren), to be the person who is described in, and who executed the within instrument and acknowledged to me that he (or they) executed the same.

seal

Brandy Blauert, Notary Public
Roberts County, South Dakota
My commission expires: November 11, 2023

On this 11th day of the month of May, in the year 2020 before me, a Notary Public, personally appeared Annette VanVooren known to me (or proved to me on the oath of Annette VanVooren), to be the person who is described in, and who executed the within instrument and acknowledged to me that he (or they) executed the same.

seal

Brandy Blauert, Notary Public
Roberts County, South Dakota
My commission expires: November 11, 2023

IN TESTIMONY WHEREOF, the said grantor has caused these presents to be executed in its corporate name, by the Mayor and the City Finance Officer of the said City of Milbank, Grant County, South Dakota, this 11th day of the month of May, in the year 2020.

ATTEST

THE CITY OF MILBANK, Grant County,
South Dakota, a municipal corporation,

Cynthia Schumacher, Finance Officer

By: Pat Raffety, Mayor

State of South Dakota
County of Grant

On this 11th day of the month of May, in the year 2020 before me, a Notary Public within and for the said County and State, personally appeared Pat Raffety and Cynthia Schumacher known to me to be, respectively, the Mayor and the City Finance Officer of the said City of Milbank, Grant County, South Dakota, named in the foregoing instrument, and acknowledged to me that the said City of Milbank, a municipal corporation, executed the same.

Brandy Blauert, Notary Public

Seal

Roberts County, South Dakota
My commission expires: November 11, 2023