



# MINNEHAHA COUNTY HIGHWAY DEPARTMENT

## HIGHWAY ACCESS APPLICATION & PERMIT

Complete this form, print, and mail to:  
 Minnehaha County Highway Dept.  
 2124 E 60<sup>th</sup> St N, Sioux Falls, SD 57104, or  
 Email: [jgirard@minnehahacounty.org](mailto:jgirard@minnehahacounty.org)

**Instructions:** Applicant agrees to construct and maintain access and culverts in accordance with County specifications as included as part of this Permit, including any special conditions required by the County. Applicant is responsible for all costs associated with construction and maintenance. Joint accesses require additional information (See Page 2). All accesses abutting Minnehaha County highways shall comply with SDCL 31-24. Resolution MC12-73 established the right to assess access fees, amended by MC24-28.

**Fee for each highway access type is as follows:**

Plat Approval = \$0 Residence = \$80 Farm Field = \$80 Commercial/Industrial = \$175 Improve Existing = \$40 Temporary = \$40

**Cash, in-state personal check, business check, cashier's check, money order, or credit card payments are acceptable.**

**Credit Card payments may be received over the phone or in person. Additional charges may apply.**

Please complete the information below. Incomplete applications will be returned for revision. To complete this application, you will need a detailed legal description of the property. If the Applicant is not the Owner, then the Owner's signature must be included.

**Proposed access location must be marked in the field by the Applicant.** The County will then conduct a pre-Permit approval inspection to verify data contained herein. The County will conduct a preliminary survey on-site to observe the general suitability and drainage issues. Factors such as proximity and frequency to other access and sight distance will be evaluated as well as the overall safety of the traveling public. The County will also consider applicable zoning requirements, if any. Final approval of this Permit is subject to a post-construction field inspection to be performed by the County after construction is complete.

Applicant shall notify the County Highway Department after construction is complete so that a final inspection may be performed by County personnel. Special conditions required by the County may be applied to this Permit and shall be complied with by the Applicant pending Final Approval. If any deficiencies are noted during the final inspection, the Applicant will be responsible to correct deficiencies within 30 days of notification. A copy of the final and approved Permit will be sent to the Landowner of record, and the original will be on file at the County Highway Department.

Changes in access use or using a design inconsistent with this Permit may cause the revocation or suspension of the Permit. Corrective actions must be completed within 30 days of notification by the Applicant. In case of severe violation, the County will either correct or remove the access, and the Applicant will be billed for all labor and materials.

**For Plat Approvals ONLY:** SDCL 11-3-12.1 requires that the roadway authority provide written approval of proposed accesses onto an abutting highway or street, AND, that said approval must be obtained *prior* to filing of the plat. Therefore, this permit shall serve as said written approval when plats are presented to the highway department for approval. This approval must be in place before any plat can be signed by Minnehaha County. There is no fee for Plat Approvals only. Highway staff will complete the legal description location on the top of Page 2.

Submitted by:						Date:		
Applicant Name:								
Address:								
Email:						Phone:		
Type of Entrance						SITE LOCATION		
Residence (\$80)	Farm Field (\$80)	Commercial (\$175)	Improve Exist. (\$40)	Temporary (\$40)	Plat Approval Only (no fee)	Section	Township	Range
Access will connect to County Highway No. _____ on the _____ (N, S, E, or W?) side of said Highway.								

LOCATION MAP TO BE DRAWN BY COUNTY

Check if Google Map attached



Provide the **legal description** of the land upon which the proposed access will be located in the box below.

***For Plat Approval Only***, this section shall be completed by Highway Staff.

Check here for PLAT APPROVAL ONLY

11. *What is the primary purpose of the following statement?*

Are the Applicant and the Owner one in the same?  YES  NO

*If the Applicant is not the Owner, then both signatures must be included below.*

**Is this a shared access?**  **NO**  **YES - List Book, Page, and Date of filing**

If yes, this easement shall be accompanied by a legal instrument such as an easement agreement or legal exhibit certified by a Registered Land Surveyor. The instrument must be signed by all parties which shall be filed with Register of Deeds and shall run with the land in perpetuity. Include the book and page, and date of filing in the box above. Final Permit will not be issued until filed.

<b>Contractor Information:</b> This access and/or culvert will be installed by (company)		
<b>Name:</b>		<b>Site Foreman:</b>
<b>Address:</b>		
<b>Work Phone:</b>		<b>Cell Phone:</b>
<b>Work will begin:</b> <b>(date)</b>	<b>Work will be completed by:</b> <b>(date)</b>	

**OWNER/APPLICANT AFFIDAVIT**

I, the undersigned, being the Landowner of record or an authorized agent of the Landowner signing as the Applicant, agree to construct the access for the property noted above in compliance with the General Provisions, and as required by the minimum standards as described within the attached General Provisions and/or any additional special provisions or conditions stated herein. I also agree that if I do not follow, or my agent does not follow said standards and/or special conditions, the County may construct or repair the access as needed and/or this Permit will be revoked and the associated access will be removed from the County's right-of-way whereupon I will pay all charges incurred by the County.

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Owner's Printed Name \_\_\_\_\_ Owner's Signature \_\_\_\_\_ Date: \_\_\_\_\_

In addition, if Applicant is different than landowner of record:

Applicant's Printed Name \_\_\_\_\_ Applicant's Signature \_\_\_\_\_ Date: \_\_\_\_\_

TO BE COMPLETE BY MINNEHAHA COUNTY HIGHWAY DEPARTMENT							
Preliminary Field Review Conducted by:							Date:
The proposed access occurs within the joint jurisdictional area of: <u>Sioux Falls</u> <u>Hartford</u> <u>Brandon</u> <u>SDDOT</u> <u>Dell Rapids</u> <u>Crooks</u>							
Est. Depth of Ditch	Side Slopes	Length & Type of Culvert	Diameter	Finished Surface Width	Est. Width of Subgrade	<b>COMMENTS</b>	
Final Inspection and Approval Conducted by:							Date:
<input type="checkbox"/> Check here for PLAT APPROVAL ONLY (no fee)							
Depth of Road Ditch	Side Slopes	Length & Type of Culvert	Diameter Including Flared Ends	Finished Surface Type & Width	Topsoil and Seeding	<b>COMMENTS</b>	<b>Permit Issue Date</b>
<b>PAYMENT INFORMATION</b>	<b>DATE</b>	<b>METHOD OF PAYMENT</b>			<b>Total</b>	<b>RTE</b> _____	<b>PERMIT # 26-A-</b> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>PERMIT DENIED</b>	<b>DATE</b>	<i>State reasons and details for denial. No refunds on denied Permits.</i>					

**An original signed copy of this page must accompany the Permit Application prior to final issuance by Minnehaha County when:**

- (a) the proposed access occurs within Joint Jurisdictional Platting Areas of the Cities of Hartford, Sioux Falls, or Brandon, Dell Rapids, or Crooks.
- (b) the proposed access occurs within one-quarter of a mile (1,320 feet) of an interstate interchange or other State-owned highway.

## **CONTACT INFORMATION by JURISDICTION**

<p><b>SDDOT:</b> Joseph Sestak, PE - Access Management Engineer  SDDOT - Aberdeen and Mitchell Region  605-661-2255  <a href="mailto:joseph.sestak@state.sd.us">joseph.sestak@state.sd.us</a></p>	<p><b>Sioux Falls:</b> Shannon Ausen, PE - Civil Engineer  City of Sioux Falls  224 W Ninth Street  Sioux Falls, SD 57117  605-367-8607  <a href="mailto:SAusen@siouxfalls.org">SAusen@siouxfalls.org</a></p>
<p><b>Hartford:</b> Teresa Sidel, City Administrator  City of Hartford  PO Box 727  Hartford, SD 57083  605-528-6187  <a href="mailto:cityhall@hartfordsd.us">cityhall@hartfordsd.us</a></p>	<p><b>Brandon:</b> Tami Jansma, EI - City Engineer  City of Brandon  304 Main Avenue, PO Box 95  Brandon, SD 57005  605-582-6515  <a href="mailto:tjansma@cityofbrandon.org">tjansma@cityofbrandon.org</a></p>
<p><b>Dell Rapids:</b> Justin Weiland, City Administrator  City of Dell Rapids  PO Box 10  Dell Rapids, SD 57022  605-428-3595  <a href="mailto:CityAdmin@cityofDellRapids.com">CityAdmin@cityofDellRapids.com</a></p>	<p><b>Crooks:</b> Chad Rezac, Operations Director  Crooks Community Center  701 S West Avenue  PO Box 785  Crooks, SD 57020  605-543-5238  <a href="mailto:operations@cityofcrooks.net">operations@cityofcrooks.net</a></p>

## **SDDOT AFFIDAVIT**

I, the undersigned, being the representative duly authorized to act in an official capacity in matters regarding controlling access along South Dakota's state-highways, approve the proposed access with the following conditions (if none, write "None"):

**Joint Jurisdictional AFFIDAVIT**

Signature

/ \_\_\_\_\_  
Date

## Title

**Joint Jurisdictional AFFIDAVIT**

**Joint Jurisdictional AFFIDAVIT**  
I, the undersigned, being the representative of the City of \_\_\_\_\_ duly authorized to act in an official capacity in matters regarding controlling access, approve the proposed access with the following conditions (if none, write "None"):

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Name (Authorized Agent) \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_ Title \_\_\_\_\_

# MINNEHAHA COUNTY HIGHWAY DEPARTMENT ACCESS PERMIT

## GENERAL PROVISIONS

On December 11, 2012, the County Commissioners passed Resolution MC12-73 authorizing the Highway Department to collect fees. On December 8, 2020, MC24-28 was passed amending said fee structure. Minnehaha County Highway Department's decision to approve this access is based on the following: Information submitted by the Applicant, what alternative access to other public roads and streets are available, and the operation of the highway and other safety and design considerations. Changes in access and approach use or design not approved by the County may cause the revocation or suspension of the Permit. The Permittee is responsible for the costs of construction, maintenance, and removal (if necessary) of the access. This Permit and the construction and maintenance of private accessing abutting Minnehaha County highways complies with *SDCL Chapter 31-24: Highway Intersections and Private Entrances*.

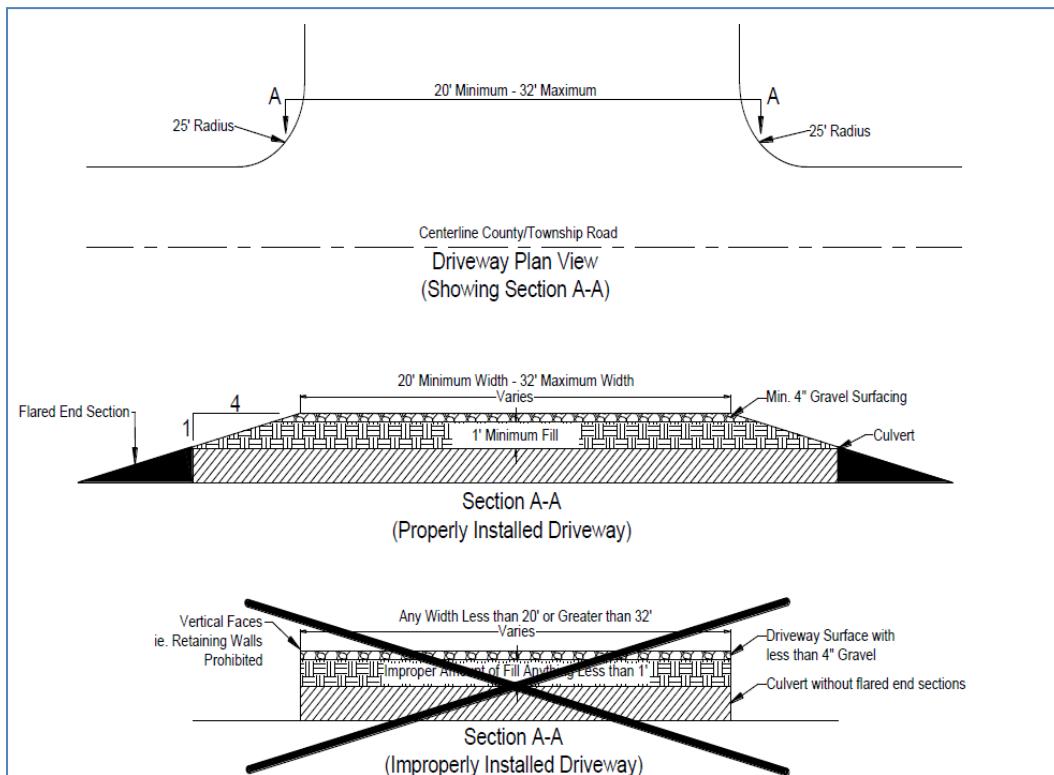
**EXPIRATION:** A Permit shall be considered expired if the access is not under construction within 90 days of the initial application or is not completed to the satisfaction of the County within one year. When the Permittee is unable to commence construction within said timeframe, the Permittee may request an extension. Only one extension will be granted before the Applicant must reapply. Request for extension must be in writing and submitted to the County before the above stated timeframes expire. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of this Permit. Extension approvals, if granted, will be provided in writing.

### **CONSTRUCTION REQUIREMENTS**

1. The construction of the access and its appurtenances as required by the terms and conditions of the Permit shall be completed at the expense of the Permittee. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the County. Only clean fill material may be used for construction. Rubble and organic materials are prohibited.
2. Any damage to County property including pavement, signs, and existing culverts will be repaired at the expense of the Permittee. Damage to private property such as existing culverts, mailboxes, signs, existing utilities, etc., shall be repaired at the expense of the Permittee.
3. South Dakota One Call must be contacted prior to construction by dialing "811."
4. Permittee is responsible for salvaging and replacing topsoil, erosion control and revegetation of access.
5. The Permittee shall notify the Highway Department at least two working days prior to any construction within highway right-of-way. Construction of the access shall not proceed until the access Permit is preliminarily issued, meaning that the preliminary review has been conducted by Highway Department personnel, and Highway personnel have notified the Permittee of preliminary acceptance contingent upon a Final Review which will be conducted after the access has been installed the project is complete. The access shall be completed in an expeditious and safe manner and shall be finished within 30 days from the initiation of construction within the highway right-of-way. One construction time extension may be requested. The Permittee shall also notify the County Highway Department two working days prior to completion of the access construction.
6. A separate Utility Permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair any traffic control device or public or private utility for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the Permittee without cost to the County, and at the direction of the County or utility company. Any damage to the County highway or other public right-of-way beyond that which is allowed in the Permit shall be repaired immediately. The Permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair. Utility Companies are responsible for salvaging and replacing topsoil and must have an approved revegetation plan. A final inspection must be held with the Utility Company at the completion of the work.

7. The County may inspect the access during construction and upon completion of the access to determine that all terms and conditions of the Permit are met. Inspectors are authorized to enforce the conditions of the Permit during and after construction and to halt any activities within right-of-way that do not comply with the provisions of the Permit, that conflict with concurrent highway construction or maintenance work, that endanger County property, natural or cultural resources protected by law, or the health and safety of workers or the public.
8. Prior to using the access, the Permittee is required to complete the construction according to the terms and conditions of the Permit. Failure by the Permittee to abide by all Permit terms and conditions shall be sufficient cause for the Minnehaha County Highway Department to initiate action to suspend or revoke the Permit and close the access. If in the determination of the County, the failure to comply with or complete the construction requirements of the Permit create a Highway safety hazard, such shall be sufficient cause for the suspension of the Permit. If the Permittee wishes to use the access prior to completion, arrangements must be approved, and this shall be included in the Permit by the Permittee. The County Highway Department may order a halt to any unauthorized use of the access pursuant to the conditions of the Permit. Reconstruction or improvement of the access may be required when the Permittee has failed to meet required specifications of design or materials.
9. The Permittee shall provide construction traffic control devices at all times during access construction, in conformance with the Manual on Uniform Traffic Control Devices.
10. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slackening of the remaining fence. All fencing shall be replaced in kind by the Permittee to the satisfaction of all the owners involved.
11. The Permittee shall ensure that a copy of the Permit is available for review at the construction site at all times. The Permit may require the contractor to notify the individual or office specified on the Permit at any specified phases in construction to allow the field inspector to inspect various aspects of the construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the County field inspector to meet unanticipated site conditions.
12. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted drainage system and drainage plan. Each access shall be constructed in compliance with all terms and conditions placed by the Minnehaha County Planning and Zoning Department.
13. By accepting the Permit, Permittee agrees to save, indemnify, and hold harmless to the extend allowed by law, Minnehaha County, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the Permittee's use of the access Permit during construction of the access.
14. The figure below (see Figure 1 on page 6) provides general guidance and represents the minimal design standard in how driveways and farm field accesses shall be constructed. Any exceptions to these standards must be approved by the County prior to installation.
15. Culverts shall be sized to assure proper drainage. The minimum size of culverts is eighteen inches (18"); however, twenty-four inches (24") is the preferred minimum to minimize the potential for blockage. Access approach culverts shall consist of either corrugated metal pipe (CMP) or reinforced concrete pipe (RCP). Flared End Sections are required on all culvert installations, sloped at 4:1 as "safety end sections" preferred, standard flared end sections sloped at 2.5:1 allowed. No decorative vertical end treatments allowed *ie.*, Retaining walls. Place pipe to match existing ditch grades. Pipe must be laid in bottom of the ditch. Perched pipes are not allowed. If ditch is silted in, it must be cleaned out where pipe is to be installed. The cost to furnish and install all culverts and flared end sections is the responsibility of the Permittee.

16. Four inches (4") of Gravel Surfacing (3" Gravel with 4" Asphalt Pavement or 3" Gravel with 4" Portland Cement Concrete are also acceptable surface treatments).



## MAINTENANCE REQUIREMENTS

The Permittee shall be responsible for the repair and maintenance of the access beyond the edge of the roadway including:

- (1) Surfacing;
- (2) Curb and gutter;
- (3) Cattle guard and gate;
- (4) Vegetation controls;
- (5) Removal or clearance of snow or ice upon the access even though deposited on the access in the course of department snow removal operations, including snow or ice;
- (6) Repair and replacement of any access-related culverts of 36-inch diameter or smaller within the right-of-way in unincorporated areas;
- (7) Obtaining department approval for all culvert repairs, drainage repairs, resurfacing, and changes in access design or configuration; and
- (8) All other maintenance required for continued safe and satisfactory operation of the access point.

Minnehaha County Highway Department shall perform no maintenance of access points, except:

- (1) Modification of access point as necessary to meet adjacent Highway reconstruction;
- (2) Access surface maintenance only when the department performs similar type maintenance on the Highway;
- (3) Maintenance of new accesses required for construction at the County's discretion;
- (4) Culvert cleaning in unincorporated areas; and
- (5) Repair and replacement of culverts larger than 36 inches in diameter in unincorporated areas.

In the event that the Permittee fails to maintain an access point, the County may declare the inadequately maintained access point a public nuisance, and upon notice to the Permittee, may correct maintenance deficiencies at cost to the Owner.