



Pickernel Lake Sanitary District

2908 Peabody Avenue
Grenville, SD 57239
605.486.0069
info@plsdistrict.org

PICKEREL LAKE SANITARY DISTRICT

RESOLUTION 2026-2

A RESOLUTION ADOPTING THE EASEMENT ACCESS AND ENCROACHMENT POLICY

WHEREAS, Pickernel Lake Sanitary District ("District") is a South Dakota sanitary district and political subdivision that owns, operates, and maintains sanitary-sewer facilities and holds easements necessary for those purposes;

WHEREAS, recorded District easements generally authorize the District to access property and to operate, inspect, repair, maintain, replace, and remove sanitary-sewer facilities;

WHEREAS, structures, vegetation, excavation, irrigation systems, fences, landscaping, and other improvements located in a District easement may interfere with or materially increase the risk to the District's ability to safely exercise its easement rights and operate its system;

WHEREAS, the Board of Trustees finds that a written, uniformly administered policy will assist the District in protecting access to its facilities, providing notice to affected owners, and administering recorded easement rights consistently;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Pickernel Lake Sanitary District as follows:

- 1. Adoption.** The Board adopts the attached Easement Access and Encroachment Policy ("Policy"), effective **August 14, 2026**.
- 2. Purpose and construction.** The Policy is an administrative policy for the consistent exercise of the District's rights and responsibilities. It does not enlarge, diminish, amend, or replace any recorded easement, applicable statute, or other legal right or obligation.
- 3. Administration.** The District's manager, staff, contractors, and counsel are authorized to administer the Policy, subject to Board oversight and any Board review expressly provided by the Policy.
- 4. Existing conditions.** The Policy applies to existing and future improvements. Existing conditions will be addressed under the Policy based on documented interference or material risk to the District's easement rights, facilities, or operations, except where emergency action is necessary.
- 5. Records and notice.** The Clerk shall retain this Resolution, the final Policy, the meeting notice and agenda, minutes, and voting record in the District's official records. The District shall make the Policy available on its website, if any, and provide periodic notice to District property owners.



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6. **Severability.** If any provision of this Resolution or the Policy is held invalid, the remaining provisions remain effective.

Adopted this 14th day of August, 2026, by the Board of Trustees of Pickerel Lake Sanitary District.

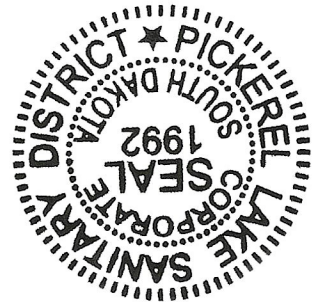
Alex Jamesand
President, PLSD

8/14/26
Date

ATTEST:

Mary C Jamesand
PLSD Clerk

8/14/26
Date





PICKEREL LAKE SANITARY DISTRICT Easement Access and Encroachment Policy

Effective Date: August 14, 2026

1. Purpose

The purpose of this Policy is to preserve the District's ability to safely and efficiently access, operate, inspect, repair, maintain, replace, and remove District sanitary-sewer facilities located in or served by District easements. This Policy establishes a consistent process for reviewing proposed work and addressing obstructions or encroachments that interfere with, or create a material risk to, the District's easement rights or system operations.

2. Scope and controlling instruments

- a. This Policy applies to land subject to an easement held by the District and to access over land where a District easement grants ingress and egress.
- b. The recorded easement applicable to a property controls the location, width, purpose, and scope of the District's rights. This Policy does not modify any recorded easement.
- c. The District will exercise its easement rights reasonably and only for purposes authorized by the applicable easement and law.

3. Definitions

- a. **District easement** means a recorded easement, right-of-way, access right, or other property interest held by the District for sanitary-sewer facilities or related access.
- b. **Encroachment or obstruction** means an improvement, object, vegetation, excavation, installation, or condition located within a District easement or access area that interferes with, impairs, or creates a material risk to the District's ability to exercise its easement rights or operate its facilities.
- c. **Improvement** includes a building, garage, fence, wall, retaining wall, pool, deck, walkway, sign, light pole, landscaping boulder, steps, tree, shrub, garden, irrigation line, private utility line, or other installed feature.
- d. **Emergency** means a condition requiring immediate action to protect public health or safety, prevent or respond to a sewer-system failure, prevent material property damage, or avoid interruption of essential District operations.



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4. Standard for review and enforcement

- a. The District may require the removal, relocation, modification, protection, or other remediation of an encroachment or obstruction only when the District reasonably determines, based on the applicable easement and the circumstances, that the condition:
 - i. interferes with or impairs present or reasonably anticipated access, inspection, operation, maintenance, repair, replacement, or removal of District facilities;
 - ii. creates a material risk of damage to District facilities or a safety risk to persons performing authorized District work; or
 - iii. otherwise materially interferes with the District's rights under the applicable easement.
- b. In making a determination under this Policy, the District may consider the easement's terms and dimensions; known or reasonably ascertainable facility locations; site conditions; equipment and work-area requirements; the character, permanence, and location of the condition; foreseeable growth of vegetation; and the nature of reasonably anticipated District work.
- c. The District may inspect a property, obtain location information, and consult engineering, legal, or other professional assistance as reasonably necessary to administer this policy.

5. Proposed work within an easement

- a. Before constructing, planting, excavating, installing, or materially altering an improvement within a District easement or access area, a property owner shall submit a written request to the District describing the proposed work and showing its proposed location.
- b. The District may approve, conditionally approve, or deny a request based on the applicable easement and the standard in Section 4. Any approval must be in writing and is limited to the work described in the request.
- c. District approval does not amend, release, relocate, or waive any easement right unless the Board expressly approves a written instrument and, where required, that instrument is recorded.
- d. An owner remains responsible for locating private facilities and obtaining any permits or approvals required by other authorities.

6. Existing encroachments and non-emergency notice-and-cure process



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- a. Before taking non-emergency action to remove, modify, or cause removal of an encroachment or obstruction, the District will provide written notice to the record owner at the owner's last known address and, when practicable, by electronic mail.
- b. The notice must, to the extent reasonably available:
 - i. identify the property and the applicable easement or access area;
 - ii. describe the condition(s) at issue;
 - iii. state the District's factual basis for determining that the condition interferes with, impairs, or creates a material risk to the District's easement rights or operations;
 - iv. identify the corrective action requested;
 - v. provide a reasonable deadline for correction (not more than 30 days), considering the nature of the condition and the work required; and
 - vi. advise the owner of the right to submit information and request Board consideration before the deadline.
- c. An owner seeking Board consideration must submit a written request before the stated deadline. The Board may consider the request at a properly noticed meeting and may affirm, modify, defer, or withdraw the requested corrective action. The Board's consideration does not limit its authority to respond to an Emergency.
- d. If the owner does not timely correct the condition, does not obtain a written extension, or does not comply with a Board determination, the District may take lawful action reasonably necessary to protect and exercise its easement rights, including arranging for removal or modification of the condition.

7. Emergency action

- a. If an Emergency exists, the District may take immediate action reasonably necessary to address the Emergency without advance notice or an opportunity for Board consideration.
- b. The District will provide notice to the affected owner as soon as practicable after emergency action is taken, stating the nature of the Emergency and the action taken.

8. Work practices and responsibility for damage

- a. In performing authorized work, the District will use reasonable care and will not intentionally cause unnecessary damage.



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- b. Subject to the applicable easement and law, the District is not responsible for ordinary and unavoidable damage to an unauthorized or noncompliant improvement, vegetation, or other condition caused by authorized District work reasonably performed.
- c. Nothing in this Policy waives, limits, or releases any duty or liability imposed by a recorded easement or applicable law.

9. Costs and recovery

- a. A property owner is responsible for the owner's costs to remove, relocate, modify, or otherwise correct an encroachment or obstruction when the owner is required to do so under this Policy, an applicable easement, a written agreement, or law.
- b. If the District incurs costs in taking authorized action after notice and an opportunity to cure, or in responding to an Emergency caused or materially worsened by an encroachment or obstruction, the District will bill the responsible property owner for the District's authorized and documented costs. The bill will describe the work performed, the amount charged, the due date, and the owner's right to submit written information and request Board consideration before collection action is taken.
- c. The District shall place each amount billed under this Section on the responsible owner's sewer-service bill as a separate line item, if unpaid pursuant to Section 9(b).
- d. Each sewer-service charge billed under this Section that remains due and unpaid on October 1 shall be certified by the Clerk to the county auditor, together with applicable interest and penalties, for collection with real-estate taxes, in the manner authorized by SDCL 34A-5-40 and other applicable law.

10. Relocation, sleeves, and other alternatives

- a. The District may consider an owner's request for a removable fence or sign sleeve, alternative access arrangement, relocation of facilities, relocation or replacement of an easement, or other alternative. The District has no obligation to grant a request.
- b. Any approved alternative must be documented in writing and may require engineering review, Board approval, a recorded instrument, permits, and payment by the owner of authorized costs, including survey, engineering, legal, recording, construction, and inspection costs.
- c. No alternative may impair the District's present or reasonably anticipated ability to operate, inspect, access, maintain, repair, replace, or remove District facilities.

11. Records, coordination, and communication



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- a. The District will maintain reasonably available records of inspections, notices, owner communications, Board determinations, and enforcement actions under this Policy.
- b. The District may coordinate with property owners, contractors, local permitting authorities, and other governmental entities to identify proposed work that may affect District easements. Such coordination does not transfer responsibility for compliance with this Policy to another entity.
- c. At least annually, the District will provide property owners with notice of this Policy or information on how to obtain it. The District may publish the Policy on its website and in District communications.

12. No waiver; case-specific determinations

- a. The District's failure to identify or act upon a condition at one time does not waive its rights as to that condition or another condition.
- b. Decisions under this Policy are case-specific and must be based on the applicable easement, the affected facilities, site conditions, and the standard in Section 4.
- c. Nothing in this Policy creates a duty to enforce a private property dispute or a right in a third party to demand District enforcement. The District will act to protect its own easement rights, facilities, and operations.

13. Interpretation and amendment

- a. The Board retains authority to interpret, amend, suspend, or repeal this Policy at a properly noticed meeting.
- b. If any provision of this Policy is held invalid, the remaining provisions remain effective.

Adoption Certificate

The undersigned Clerk certifies that the Board of Trustees of Pickerel Lake Sanitary District adopted this Easement Access and Encroachment Policy by Resolution No. 2026-20n August 14, 2026, following a properly noticed public meeting.

Mary C. Jamesand 8/14/26
PLSD Clerk