

ISSUE 1.

Whether the depiction of a "66' R.O.W. (Future Use)" which is connected to, an extension of, and not separated from a dedicated public right-of-way on a subdivision plat which was approved by the Lawrence County Commission constitutes an express dedication of a public right-of-way?

Trial Court held that there was no dedication of a public right of way.

ISSUE 2.

Whether parol evidence was properly received to contradict the dedication on the plat?

Trial Court received parol evidence.

ISSUE 3.

Whether either the County Commission or the Circuit Court has jurisdiction to vacate a dedicated right-of-way unless such vacation is accomplished by vacation of a plat and replacement of the vacated plat with a replat which is submitted to and approved by the County pursuant to statute?

Trial Court assumed that the Commission has such jurisdiction.

ISSUE 4.

Whether the Circuit Court erred in determining that the County Commission acted arbitrarily and capriciously in denying the Petition to Vacate when the vacation authorized the closing of a public highway laid out according to law in violation of SDCL §11-3-23.1?

Trial Court held that the County Commission acted arbitrarily and capriciously.