

Bond Case Briefs

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DEDICATION AND EASEMENTS - SOUTH DAKOTA

Turgeon v. City of Spearfish

Supreme Court of South Dakota - April 8, 2026 - N.W.3d - 2026 WL 959950 - 2026 S.D. 22

Landowners, whose property was accessible only via a road created by access easement for city-owned historic monument, brought declaratory action against city, seeking determination that the road was a public right-of-way.

The Circuit Court granted city's motion for summary judgment and denied landowners' cross-motion for summary judgment. Landowners appealed.

The Supreme Court held that:

- Access easement for monument did not contain an implied dedication of a public easement;
- Grantor's agreement to transfer lot for city park surrounding monument did not contain an implied dedication;
- Warranty deed granting lot to maintain a road to provide access to disputed road did not contain an implied dedication;
- Revised subdivision plat contained express dedication of road for public use;
- City did not expressly accept dedication of road for public use via its certification, as a lot owner, on revised plat; and
- Factual issues as to whether city impliedly accepted the dedication precluded summary judgment.