

MEMO

TO: BOARD OF COMMISSIONERS                      DATE: AUGUST 2, 2004

FROM: HIENE H. JUNGE, SUPERINTENDENT

RE: JOLLY LANE ROAD; TONI LANE;  
AND MARTIN LANE

A James McEwen, who lives at 3867 Byrum Court, Rapid City, in the Elks Country Estates Subdivision, has raised a question about the maintenance of Jolly Lane. This subdivision is located within the Rapid City limits and accesses Jolly Lane, south of State Highway 44, in Section 9, T1N, R8E.

It appears by the attached emails that the City of Rapid City is taking the position that maintenance responsibility is with Pennington County. The portion of Jolly Lane that is in dispute is a section line road between Sections 9 & 10, T1N, R8E, and also includes a bridge over Rapid Creek. The City also states they excluded the public right-of-way of Toni Lane and Martin Lane when they annexed this area.

I have researched the Pennington County Highway Department files and have discovered the following information:

1. No public record has been found wherein Pennington County adopted a Resolution or Motion adding Jolly Lane, Toni Lane, or Martin Lane to the official Pennington County Highway System;
2. Attached is a memo and a map dated July 14, 1988 wherein Pennington County ceased maintenance on Jolly Lane;
3. A letter dated March 19, 1992 to Mayor Ed McLaughlin wherein the Pennington County Board of Commissioners agreed to participate in replacing a bridge on Jolly Lane;
4. A copy of an Agreement dated September 11, 1992 between the State of South Dakota and the City of Rapid City wherein the City assumed maintenance responsibility of the bridge;

5. A copy of a Resolution dated July 23, 1998 approved by the South Dakota Transportation Commission officially removing that portion of Jolly Lane from the Pennington County Highway System. (Number 12 of the attached Resolution.)

Based on the above information, Pennington County ceased any type of maintenance on Jolly Lane on July 14, 1988. In 1998 Pennington County took the necessary steps to officially remove Jolly Lane from the County Highway System. No record can be found that Pennington County ever maintained Toni Lane or Martin Lane.

Annexation of this area in 1988 by the City of Rapid City appears improper. By excluding the public right-of-way within the annexation boundaries would limit the city's ability to provide the same services to these residents as they would any other city resident. The Pennington County Highway Department recommends that the Board of Commissioners request the City of Rapid City correct the original annexation and include the public right-of-way.

HHJ/ejt

Attachments.