

January 24, 2005

To Whom it May Concern

Re: Access, drainage, and utility easement

Dear Sirs:

My name is Craig Heiberger and my wife, Kay, and I live at 4003 Mary Drive, Rapid City, and own the property located at this street address. A portion of our property is subject to a permanent access, drainage, and utility easement. (See Attachment No. "A".)

Our intentions are to pour a concrete pad on a part of this easement which will measure approximately 18 feet by 38 feet. (Attached drawing labeled "B".) The purpose of this pad will be for off-street parking.

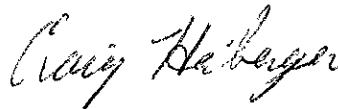
We do not believe this pad will in any way affect the drainage or utility easement involved and we agree to remove this pad or a portion of it as deemed necessary in accordance with any of the rights granted pursuant to the easement involved.

The removal of the pad, or any portion of it necessary, will be done without any expense to the City of Rapid City nor will we put in any type of claim for repairing the pad should the same be allowed.

I think it is also important to advise the city that the adjacent property owners, Mr. and Mrs. Lance Weaver, have no objections whatsoever to this pad. (See attached letter marked "C".)

If you have any further inquiries, please advise.

Sincerely,



Craig Heiberger

*Proposed Draft for your consideration.  
Craig Heiberger*

# EXHIBIT "A"

PERMANENT ACCESS, DRAINAGE AND UTILITY  
EASEMENT IN VACATED PORTION OF NORDBY LANE  
LOCATED ADJACENT TO LOT 1 OF BLOCK 10,  
AND LOTS 26 AND 27 OF BLOCK 7 OF  
BROOKSIDE SUBDIVISION NO. 5; LOCATED IN  
GOVERNMENT LOT 3 OF SECTION 4, T1N, R7E, BHM  
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA



SCALE 1" = 30'



EASEMENT AREA  
IN VACATED ROW

BLOCK 9  
LOT 12

MARY DRIVE  
(50' OF RECORD)

NORDBY LANE  
(60' OF RECORD)

LOT 26

BLOCK 7

LOT 27

LOT 2

LOT 1

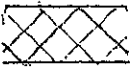
BLOCK 10

WEST SOUTH STREET

Attachment  
A

# DRAWING

SHOWING CONCRETE AREA



PARKING PAD AREA  
IN EASEMENT



EASEMENT AREA  
IN VACATED ROW



SCALE 1" = 30'

BLOCK 9

LOT 12

MARY DRIVE

(50' OF RECORD)

NORDBY LANE

(60' OF RECORD)

LOT 26

BLOCK 7

LOT 27

LOT 2

LOT 1

BLOCK 10

WEST SOUTH STREET

Attachment  
B

Pat A. Meyers

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To: PAM  
Subject: easement

Lance Weaver  
3921 Mary Dr  
Rapid City, South Dakota 57702

Rich Wells  
300 6th Street  
Rapid City, SD 57701

Re: Permanent access, drainage, and utility easement

Dear Mr. Wells:

My wife, Cynthia Weaver, and myself own the property located at 720 Nordby Lane, which is the subject to an easement granted to the City of Rapid City for permanent access, drainage, and utilities.

It is my understanding that the adjacent landowners, Kay and Craig Heiberger, have attempted to pave an improved area on the vacated right of way and that the City is concerned that the property owned by myself and my wife may be impacted.

I have no objection to the Heiberger's paving the existing improved area and do not expect or require any agreement from the Heiberger's or any subsequent landowners to indemnify myself for any damage caused by water which may naturally flow through the existing drain way.

If you need anything else from me please advise.

Sincerley,

Lance Weaver

Attachment  
C