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REPLY TO: RAPID CITY

August 10, 2004

Members of the Planning Department and
Members of the Rapid City Council
300 6th Street
Rapid City, SD 57701

Re: Special Exception to Allow Access from Skyline Drive to Serve Lot 2, Block 13
Located in Section 2, T1N, R7E, BHM, Rapid City, South Dakota

Ladies and Gentlemen:

This firm has been retained to represent the interests of Dan and Lori Smith with regard to the above-referenced property. It is my understanding that the Planning Department is meeting this afternoon on this issue, and I would like to prepare a brief note explaining why the recommendation of the Planning Department is, respectfully, problematic.

As you know, Mr. and Mrs. Smith are looking for access from Skyline Drive to accommodate a part of their property for the purposes of subdividing it and selling an executive lot. In order to do this, the Smiths have requested access from Skyline Drive for the purposes of creating some form of ingress and egress to the prospective home. At this point, the Planning Department has suggested that such an access be denied.

At the outset, we are having a difficult time determining why the Smiths are being denied such access, when it appears, upon driving up and down Skyline Drive, numerous individuals are being allowed to ingress and egress right off of Skyline Drive, without any form of a 100-foot setback whatsoever. A case in point is the home that is being constructed immediately adjacent to the Smiths' proposed access, which is just to the left of the Dinosaur Park concession area. It is obvious from a review of that property that the home that is being built is nowhere close to 100-feet off that road. As such, I would appreciate it if we could understand the distinction between how the Smiths are being treated and others are being treated.

It is also my understanding that the Planning Department is favorably considering an alternative drafted by Greg Wierenga, P.E., of Cetech Engineering Services, Inc. Specifically, this drawing shows an access road coming up from Valentine Street in front of the Smiths' current home, with approximately six switchbacks to access the lot at the top of Skyline Drive. Apparently, the Planning

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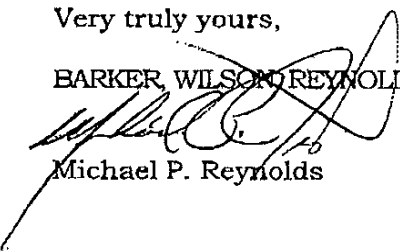
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Department believes that this would be an acceptable methodology for access to this site. However, and with all due respect to Planning, this drawing was drafted to show how preposterous it would be to have access to this site in any other methodology other than via Skyline Drive. Not only would the access road cut right in front of the Smiths' current front yard, but the entire hillside below Dinosaur Park would essentially be decimated by this road, which would look quite unsightly. Consequently, to consider this as an alternative is simply not feasible. The only methodology under which the Smiths can enjoy their property is via a Skyline Drive access—just like the City has done for many, many of its residents up there.

Thank you for your consideration. Naturally, if you have any questions, please feel free to call.

Very truly yours,

BARKER, WILSON REYNOLDS & BURKE, LLP



Michael P. Reynolds

MPR:rmr

cc: Dan and Lori Smith