

January 5, 2006

Rapid City Planning Commissioners,

We would like to ask for the planning commission to deny or table this request for a variance until the requirement to dedicate a right a way access private easement for lots 3, 4, 5 & 6 of lot 9 of Pleasant View Subdivision are determined . Until this question has a definitely and legal defined answer, we oppose the requested variance for lots 1 and 2 of lot 9 of Pleasant View Subdivision .

Here are the reasons in which we asking for you the planning commission to deny this variance. We would like to know the intentions that Les and Sharon Potts have with the lots 3 thru 6 of lot 9? If they are going to sell or have sold the above lots to the east of lots 1 and 2? We want Les and Sharon Potts to dedicate a easement on the legal property located in SE ¼ of SE ¼ of SEC 11, T1N, R8E, BHM of Pennington County of South Dakota of lot 9 their property. This should legally be done before this variance is approved today. As it will create future legal problems for all landowners involved. Such as setbacks, responsibilities and upgrading to the easement.

If the intentions of Les and Sharon Potts are to use the Private Access Easement located on lots 1 thru 5 on lot 8 here are the problems in which can occur in very soon future.

The home on 3000 Crane Dr. is already at 26 feet and 19 inches feet from the north side of the easement, if the Pennington County or Rapid City was to require the private access easement to be upgraded to a road there would be a legal and setback problem. Another problem would be that the post office will want the easement named & perhaps changed to road for better access, so mail delivery can occur, if more than 3 mailboxes (dwellings) need to be delivered on that easement road, as there are two (2) mailboxes there now. So why would the City of Rapid City and the landowners of lots 1 thru 5 of lot 8 to the north of Les and Sharon Potts would allow them to skip out on their responsibilities? This is the sole intention of the 3 mile planning and zoning jurisdiction and now is the responsibilities of Rapid City to make sure it is done correctly!

It was decided in a court of law in 1975 that lots 1 thru 6 of lot 9 of Pleasant View Subdivision owners Jessie J. Armour and Virginia May Armour shall be responsible for the maintenance and the upkeep of the private access easement located on lot 8 of Pleasant View Subdivision. Mr. and Mrs. Armour for the next 28 years never did any maintenance or upkeep for this easement. Nor did they use the easement at any time while they owned the property. Instead they planted rows and rows of trees and put up a fence between the original lots 8 and lot 9 of Pleasant View Subdivision. Therefore the easement has either been vacated or abandoned. Landowners of lot 1 thru 5 lot 8 have been doing the maintenance for the last 32 years. Therefore it's our view that the current property owners of Lots 1 thru 6 of Lot 9 of Pleasant View Subdivision have no rights to this easement. If our view matches the law the property at lots 1 thru 6 of lot 9 don't have rights to the easement on lots 1 thru 5 of lot 8.

If they make their own access of right of way on the south side of their properties adjacent to lot 10 for lots 3 thru 6 of lot 9, where there are no electric poles, trees, and lots of space for a road that can meet the Pennington County code for their future sales of their lots 3 thru 6 of lot 9.

With all the unanswered questions before the Planning Commission and the landowners of Lots 1 thru 5 of lot 8 of Pleasant View. We are requesting that at this time the request for variances be denied, until either items 1 or 2 of our summary is completed to avoid future legal problems...

## Summary to Planning Commission

1. Les and Sharon Potts need to dedicate a equal 25 feet to the existing private access easement or whatever the Pennington County claims necessary for a road. Then use their setback from their dedication.

Or

2. Dedicate their own easement on their property to access their lots 3 thru 6 on lot 9 on the south side adjacent to lot 10.

Then

We will have no argument with the variance.

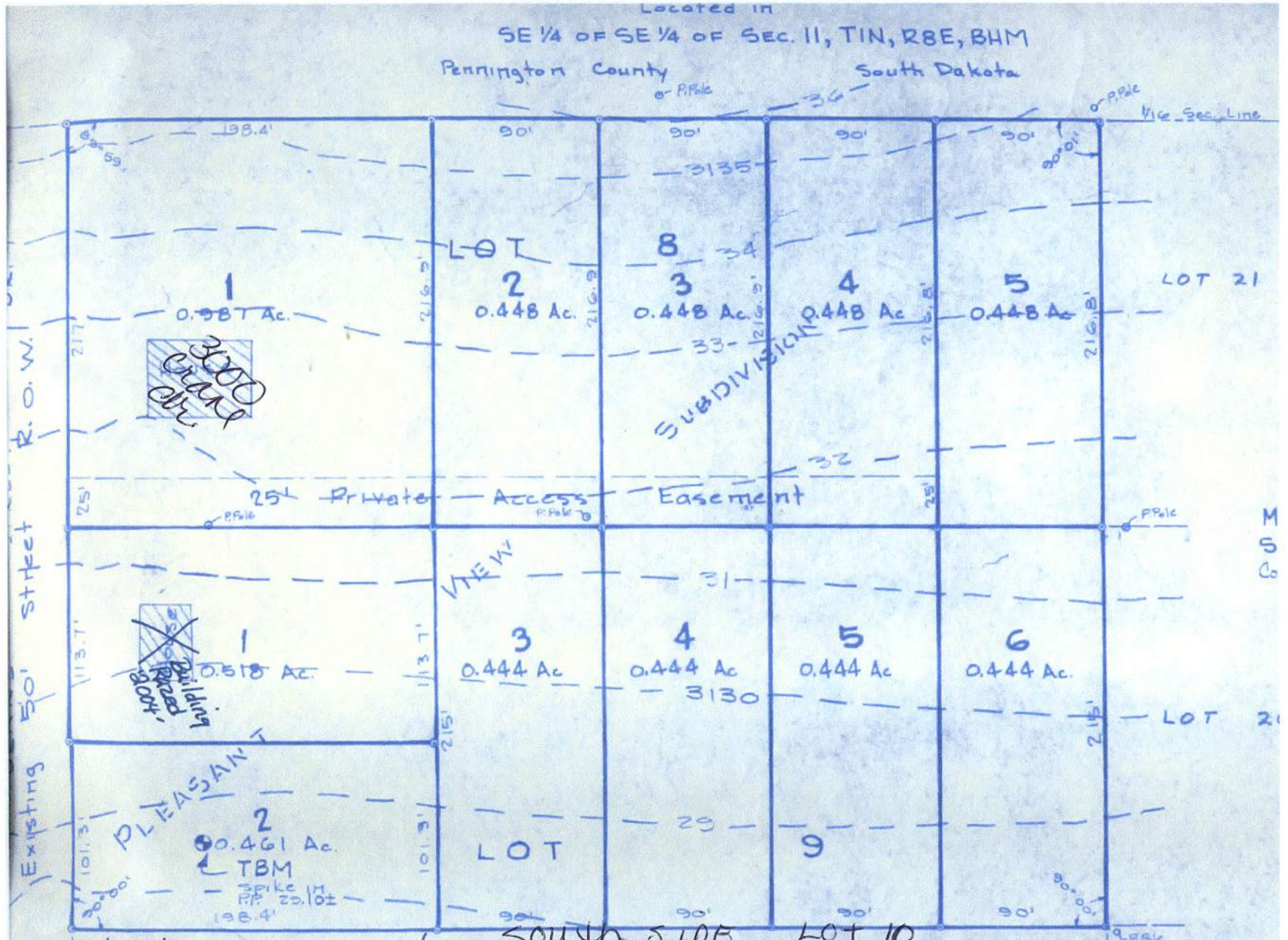
Sincerely,

Lot owners of Lots 1 thru 5 of lot 8

NOTE: This also will create the emergency vehicle access problems as in how do you locate a home in fire? Perhaps that a person that needs medical attention for a heart attack will have to wait until EMT's figure out where they are going? Wait perhaps the truck won't even be able to get to the new lots on such a small easement access road? Lots of homes in a small area with a unnamed easement will create the problem of locating a person or home in a emergency. EMT's will only look at all the mailboxes and then will have to get personal directions to a home.



Located in  
SE 1/4 of SE 1/4 of SEC. 11, T1N, R8E, BHM  
Pennington County  
South Dakota



\* there are no houses on lot 1, 2, 3, 4, 5, 6 of lot 9

**LOTS FOR SALE**  
**3020 CRANE STREET—RAPID VALLEY**  
**PRICES ON LOTS BELOW**  
**CALL 393-4361 OR 209-5573**

POTTS,  
 Les  
 Sharon

4061 Jolly Ln  
 Rapid City, SD 57703



1 0.518 AC (\$40,000.00)	2 0.461 AC (\$40,000.00)	3 0.444 AC (\$32,500)	4 0.444 AC (\$32,500)	5 0.444 AC (\$27,500)	6 0.444 AC (\$27,500)
25' Private Access		Subdivision Easement			

May 18, 1988  
 Scale 1"

Lot 20



1. Easement- looking east on Lot 8
2. Easement -looking east on Lot 8 - trees stop between lot #5 and lot # 6 on lot 9
3. Easement- looking west towards Crane Dr.
4. Lot 9 south side almost no trees and no power lines