

Elkins Marcia

From: Steve Sanford [ssanford@cadlaw.com]
Sent: Monday, September 18, 2006 5:01 PM
To: Elkins Marcia
Cc: gleisinger@cadlaw.com.; Gene Johnson; Mike Snyders; Ray Elliott
Subject: Plum Creek Subdivision

Thank you for the opportunity to meet today. I think progress was made.

This will serve to register our client's objection to expanding the sewer district to include the Elk Meadows subdivision or to permit that development to exhaust the remaining capacity of the existing sewer system in preference to existing developments already in the district, including Plum Creek. Normally expansion of a district to expand the the area of "payers" is a good thing, because it spreads the cost among those who should logically pay because they share in the benefit. That has the effect of lowering the cost to everyone.

Here, however, because of the unusual circumstances, it has the effect of depriving existing district owners of the right to use the remaining capacity for which the district was established. We submit that is unfair, contrary to the purpose for which the district was established, and deprives the developers in the district of their investment.

Furthermore, since the remaining capacity is insufficient for the additional development, even if the existing district land is deprived of the benefit, the application and permitted use should be put on hold until a solution is determined, which should then be given top priority.

Thanks so much again for the meeting today. Please make our objection described above known the the council members.

Steven W. Sanford
Cadwell Sanford Deibert & Garry LLP
200 E. 10th Street, Suite 200
P.O. Box 1157
Sioux Falls, SD 57101
Phone (605) 336-0828
Fax (605) 336-6036

NOTICE: This message (including any attachments) is covered by the Electronic Communication Privacy Act, 18 U.S.C. § 2510 - 2521, is confidential and may also be protected by attorney/client privilege. If you believe that it has been sent to you in error, do not read it. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply to the sender that you have received the message in error, then delete it. Thank you.