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January 26, 2007

Marcia Elkins
City Planning Director
City of Rapid City
300 6th Street
Rapid City, SD 57701

RE: VARIANCE TO WAIVE REQUIREMENT FOR RIGHT OF WAY DEDICATION
PROPOSED LOTS A, B, C, & D OF HAMILTON SUBDIVISION

Dear Marcia:

On behalf of our client, Bies Highway 79 LLP, we have submitted a Variance request to Waive the Requirement to Dedicate Right of Way at the referenced site.

Minnesota Street is classified as a Minor Arterial on the Major Street Plan. The existing right of way is 80'. The City has requested an additional 10' of right of way be dedicated with the proposed plat. It is requested that the requirement to dedicate the 10' of right of way be waived.

This variance request is supported by the following information.

- 1) The variance was previously approved by the City in 2001 during the original platting of Hamilton Subdivision.
- 2) An 8' utility and minor drainage easement on the interior side of the lot lines is dedicated with the plat. Eight foot utility and minor drainage easements also exist on the south side of the roadway. These easements provide a safety factor by providing a location for utilities to be constructed outside of the right of way if necessary.
- 3) A 10' wide utility and pedestrian easement was previously granted along a portion of proposed Lot C as shown on the plat. This would allow the sidewalks and utilities to be moved into the easement if the 80' right of way is needed for pavement in the area of the Highway 79 intersection.
- 4) An additional existing access, drainage, and utility easement is located near the east end of Lot C as shown on the plat.
- 5) The City of Rapid City South Robbinsdale Corridor Study (Page 43) recommends Minnesota Street as one lane in each direction with turning lanes as needed. Page 46 notes the future driving surface will be 3 lanes (either 36' or 40' wide pavement). The existing street is consistent with this future recommendation. Page 46 also notes the existing and future right of way width as 80'. Page 53 shows that Minnesota Street should have an ultimate section of 4 lanes at the intersection with Highway 79. Copies of page 43, 46, and 53 are enclosed.

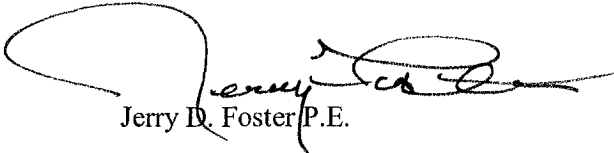
- 6) We have included two drawings showing how the 4 lane section described above adequately fits in the 80' right of way. Figure 1 shows the 4 lane section centered in the right of way. Figure 2 shows the 4 lane section offset to the south. It is our thought that Figure 2 would be the preferred method to coincide with Figure 26 in the 1994 report. Note that the 10' easement on the north side described under 3) provides a safety factor as it is not required for either of these layouts.
- 7) The City of Rapid City 2030 Long Range Transportation Plan shows Minnesota Street as being a 2 lane section (we assume this to be 3 lanes by including a turn lane). The plan also recommends the extension to the east of Highway 79 as being a two lane section. This 2030 Plan is consistent with the above mentioned 1994 report.
- 8) The recent reconstruction of Highway 79 kept the Minnesota Street intersection leg as a three lane facility. It seems reasonable that if there was a foreseeable need to widen the street that at least the intersection would have been widened with the Highway 79 project.

In summary we think the variance request is reasonable and that there is no need to dedicate additional right of way simply because the street is classified as a Minor Arterial. As justified by the above information it is our opinion the 80' right of way is adequate for the future needs of the City.

Please contact us if you have any questions.

Sincerely,

FMG, Inc.



Jerry D. Foster P.E.

Enclosures

CC 8540.02
Harold Bies