



BANGS McCULLEN

— LAW FIRM —

RAPID CITY

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Michael M. Hickey
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Daniel F. Duffy
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SIOUX FALLS

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Brian K. Kirby
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*Attorneys also admitted in
Nebraska, North Dakota,
Iowa, Minnesota and Missouri*

Writer's email and direct dial:
jhurd@bangsmccullen.com
605-394-5893

March 10, 2008

Mr. Joseph Muth
2700 W. Main St.
Rapid City, SD 57701

Re: McMahon Investments, Inc. Property

Dear Mr. Muth:

We represent McMahon Investments, Inc., which owns property in the NE¼ of Section 24, 2 North, 7 East in Pennington County. We understand that you propose to include our client's property in a Tax Increment Financing District to assist in the development of land that you own.

McMahon Investments opposes the inclusion of its property in your TIF. Please redraw your requested TIF to exclude McMahon Investment's property from the District.

If you have any questions, please feel free to contact me. Thank you for your prompt attention to this matter.

Best Regards,

BANGS, McCULLEN, BUTLER, FOYE &
SIMMONS, L.L.P.

Jeffrey G. Hurd

jgh/l
Cc: Client

RAPID CITY

First Western Gateway
333 West Boulevard
Suite 400
P.O. Box 2670
Rapid City, South Dakota
57709-2670
P. (605) 343-1040
F. (605) 343-1503

SIOUX FALLS

Doral Centre Building
101 W. 69th Street
Suite 200
P.O. Box 88208
Sioux Falls, South Dakota
57109-8208
P. (605) 339-6800
F. (605) 339-6801

McMAHON INVESTMENTS INC.

22345 W. NIKE RD. RAPID CITY, SD 57701

PH: 605-343-5955

MARCH 6, 2008

KAREN BULLMAN
CITY OF RAPID CITY
GROWTH MANAGEMENT DEPARTMENT
300 SIXTH STREET
RAPID CITY, SD 57701- 2724


Dear Karen:

As the owner of the property located at NE1/4, Sec. 24 2N 7E (160 Acres) in Pennington County City of Rapid City. I respectfully ask that McMahon Inv. Inc. property be removed from what is being called Tax Increment District - Brookfield. Mr. Muth is taking away my ability to receive a TIF by applying it to his property. At a future date I will need my own TIF to make improvements consistent with my plans approved by the City of Rapid City (please see attached McMahon Inv. Inc. map). There for I respectfully ask the TIF Committee to remove McMahon Investments Inc. 160 Acres from Mr. Muth's development and TIF for his benefit. I do not want to be part of this Tax Increment District. My property is at least 1/2 mile away and won't be able to utilize anything Mr. Muth is proposing. The only reason Mr. Muth added my property is in hopes that something happens on my property so he can recoup his cost. I think this is going behind a persons back. As a land owner I don't think anyone has the right to involve my property in anything without my knowledge and approval. He should of had the common decency to contact me as to what his plans were before he involves my property in his scheme. See attached map called Tax Increment District - Brookfield Boundary Map. The property I want removed is highlighted in yellow.

I understand that the TIF Committee is planing to change the way things are being done. This being such a large piece of property I think that I should have been notified that someone was trying to include my property in their TIF. I think one of the changes they should look at is the applicant should have to notify any land owner who owns large undeveloped parcels of land before they get started. The Land owner may have plans of their own and this could have a negative effect on their property.

Let it be known and put on the Public Records that I don't want any of McMahon Investments Inc. property in Sec. 24 2N 7E, Sec. 7 2N 8E, Sec. 12, Sec. 13, 2N 7E or Sec. 18, 2N 8E Pennington County SD brought into any TIF by anyone at any time.

Thank you for consideration.


Paul Evans

Copy to: TIF Committee, Joe Muth, Mayor Alan Hanks, City Council Members: Ron Kroeger, LLOYD Lacroix, Tom Johnson, Ron Weifenbach, Sam Kooiker, Deb Hadcock, Karen Gundersen Olson, Bill Okrepkie, Malcom Chapman, Bob Hurlbut, Sperlich Consulting and Jeffrey G. Hurd @ Bangs McCullen Law Firm

McMAHON INVESTMENTS INC.

22345 W. NIKE RD. RAPID CITY, SD 57701

PH: 605-343-5955

MARCH 6, 2008

JOE MUTH
COLDWELL BANKER
2700 W. MAIN ST
RAPID CITY, SD 57701

Dear Mr. Muth:

Please be advised that I request that you go down to the City of Rapid City and immediately remove my property which is NE1/4 Sec. 24 2N, 7E Pennington County SD which you have included in your TIF, which is described on Tax Increment District - Brookfield Boundary Map highlighted in yellow.

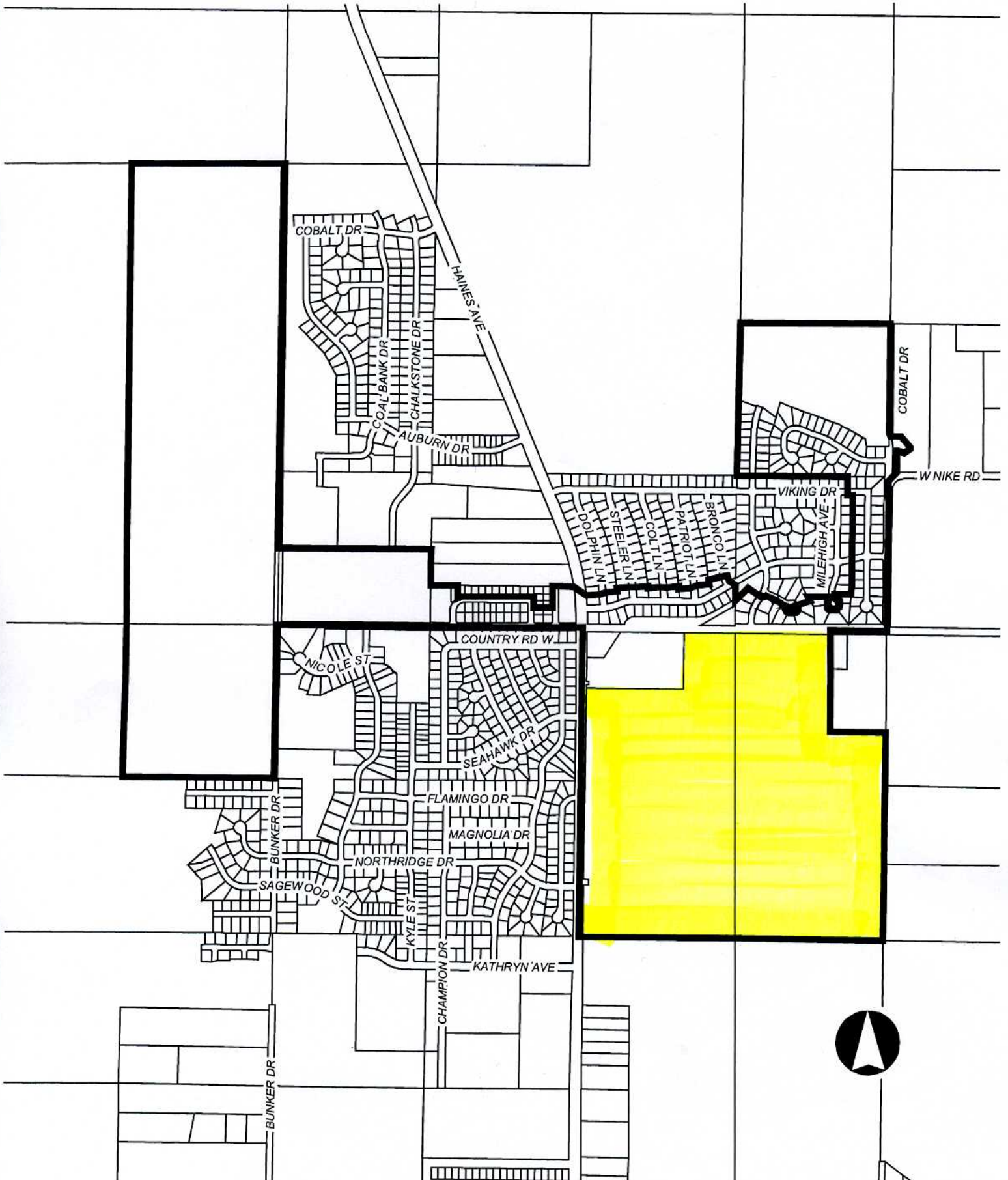
Sincerely,

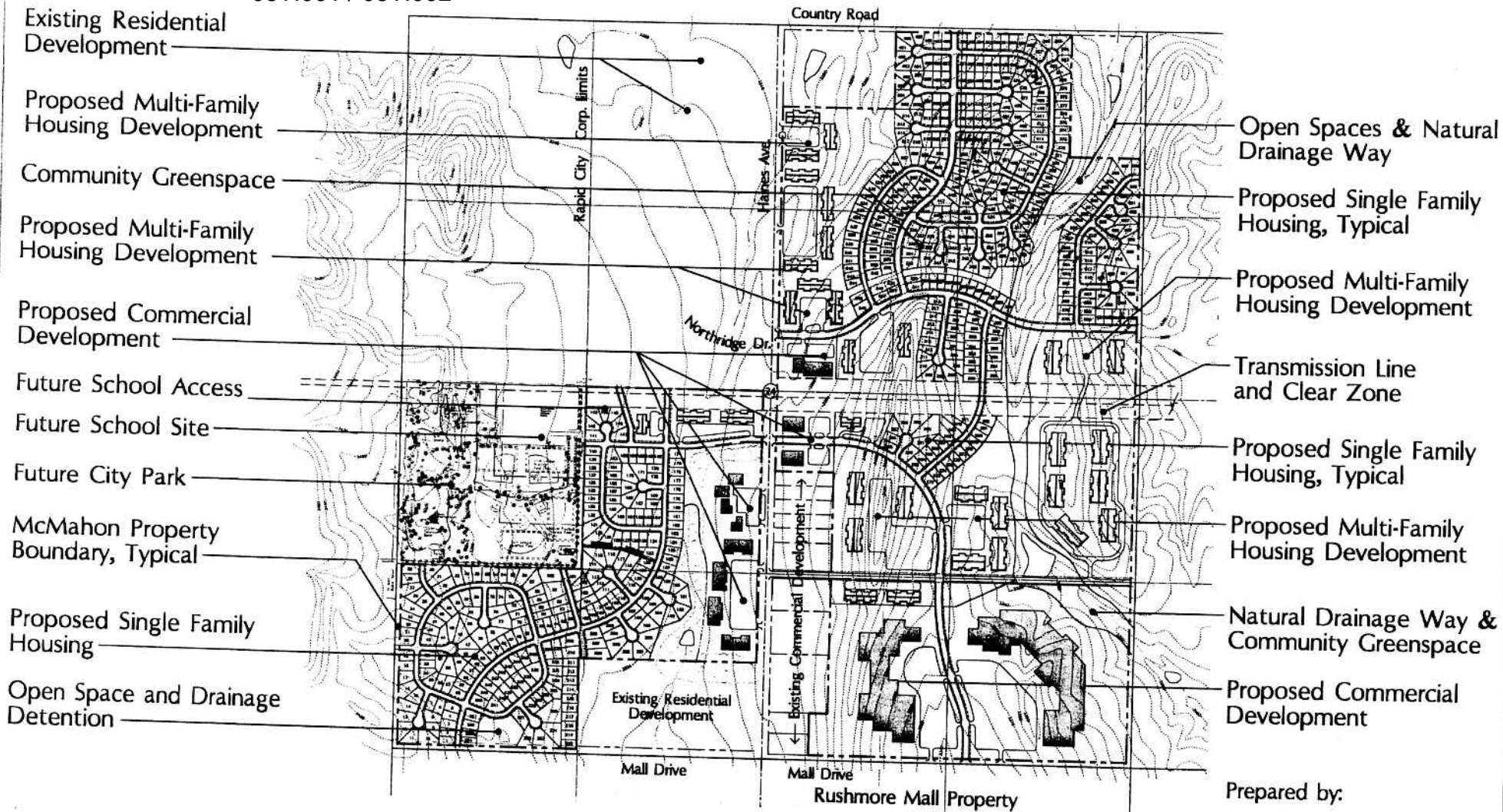


Paul Evans

Copy to: TIF Committee, Mayor Alan Hanks, City Council Members: Ron Kroeger, LLOYD Lacroix, Tom Johnson, Ron Weifenbach, Sam Kooiker, Deb Hadcock, Karen Gundersen Olson, Bill Okrepkie, Malcom Chapman, Bob Hurlbut, Sperlich Consulting and Jeffrey G. Hurd @ Bangs McCullen Law Firm

Tax Increment District - Brookfield Boundary Map

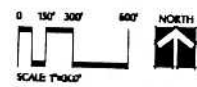




- Existing Residential Development
- Proposed Multi-Family Housing Development
- Community Greenspace
- Proposed Multi-Family Housing Development
- Proposed Commercial Development
- Future School Access
- Future School Site
- Future City Park
- McMahon Property Boundary, Typical
- Proposed Single Family Housing
- Open Space and Drainage Detention

- Open Spaces & Natural Drainage Way
- Proposed Single Family Housing, Typical
- Proposed Multi-Family Housing Development
- Transmission Line and Clear Zone
- Proposed Single Family Housing, Typical
- Proposed Multi-Family Housing Development
- Natural Drainage Way & Community Greenspace
- Proposed Commercial Development

McMahon Property Layout Plan



Prepared by:
Wyss Associates, Inc.

Wyss Associates, Inc.
 Landscape Architecture
 Golf Course Architecture
 Parks & Recreation Design
 728 Sixth Street - Rapid City, South Dakota 57701-3670
 Ph. 605.348.2266 Fax. 605.348.6306
 email: wsa@wyss.com

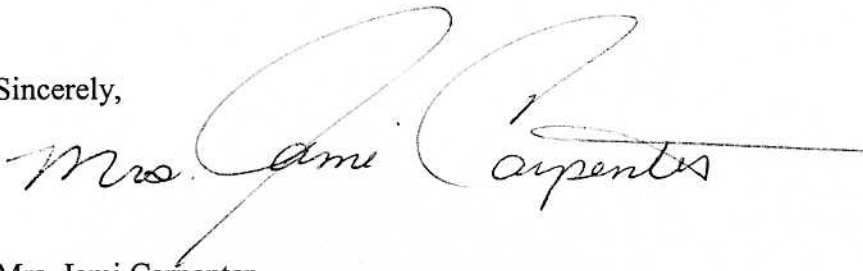
RE: NON-INCLUSION OF PROPERTY IN TAX INCREMENT DISTRICT

Dear Chairperson's of Rapid City Tax Increment Finance Committee,

This letter is to request that my neighborhood commercial property located **on 4144 North Haines NOT** be included in the Tax Increment District applied for by Sperlich Consulting addressed in the City Council Meeting of March 3rd, 2007. No. 08T1001.

I myself have drainage issues on the above property that may need to be addressed with an Economic Tax Increment District. The above property is also the only area that I know of that is actually zoned Commercial in the area. So to dedicate my property taxes to pay for drainage culverts that is almost a mile away from my property that also needs drainage culverts for the benefit of the general public seems foolish at best.

Sincerely,



Mrs. Jami Carpenter
605 348-2616

Cc:

Bill Okrepkie
Tom Johnson
Gary Brown
Peter Anderson
State's Attorney

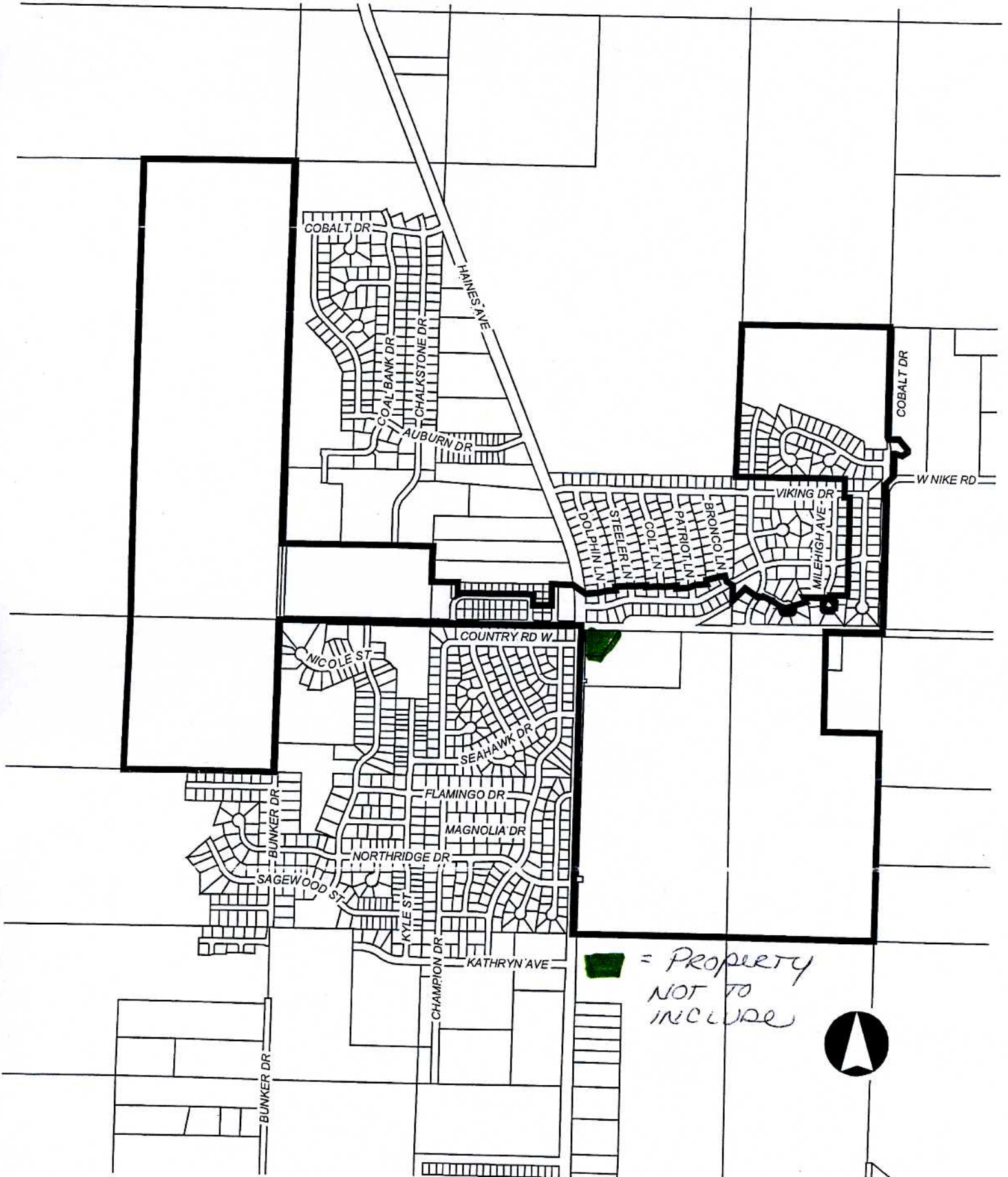
David Janak
Bob DeMersseman
Marcia Elkins
James Preston
Jason Green

RECEIVED

MAR 14 2008

**Rapid City Growth
Management Department**

Tax Increment District - Brookfield Boundary Map



08TI001 / 08TI002

From: Jami.S.Carpenter@wellsfargo.com [mailto:Jami.S.Carpenter@wellsfargo.com]

Sent: Mon 3/24/2008 5:44 PM

To: Kooiker Sam

Cc: celestinos@netscape.com

Subject: BROOKFIELD TIF 07TIF003

Dear Council Member Sam Kooiker,

I, Jami Carpenter Respectfully request that my land located on 4144 Haines Ave. not be included in the **Brookfield tax increment district (07TIF003)**. My land is the only 1.06 acres that is zoned commercial and that allows Joe Muth to request an economic development TIF, This action would severely inhibit my ability to develop my land.

Sincerely,

Mrs. Jami Carpenter

605 348-2616

08TI001 / 08TI002

----- Original Message -----

From: <Celestinos@netscape.com

To: <CouncilGroup@rcgov.org

Cc: <james.carpenter@ellsworth.af.mil

Sent: Monday, April 07, 2008 11:34 AM

Subject: Regarding Agenda items 91 and 92 Brookfield TIF

Dear Council Members,

I know I have discussed this issue before with you, but I must Reiterate that I DO NOT want to be used nor be a part of the Brookfield Economic Development Tif. I see NO benefit from my land having overlapping TIF'S, which are questionable at best! The last overlapping TIF ended up before the State Supreme Court.

We are plan to develop our land and want the ability to use the TIF that is attached to OUR land, if we desire. I have been pressured by a council member to accept less than 25% of the estimated cost to fix the drainage on the property, not including the IMPROVEMENTS needed for the city in the TIF area. When I said No, the council member got VERY angry. They also threatened that I would NEVER get an ED TIF on just one acre...when I suggested it was a possibility to work with Mr. Evans....they stated "He will never work with you!"

The plans we have to develop the 4144 Haines ave property would bring in enough tax revenue in to pay for all needed improvements on our land in 11 years, based on today's tax evaluation on surrounding commercial developments in the area. We are ALSO looking at doing IMPROVEMENTS for the CITY and including them in the TIF so the city would have to earmark much less money for city improvements.

My land does not equal the even 1% of the land included in this TIF.

Mr. Evans of McMahan's Investments requested to be removed from this TIF and his request was granted. I have requested the same thing for the same reasons and my request was ignored.

Why is my request being met with pressure and threats because I don't want my land being used.

Sincerely

Jami Carpenter