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July 2, 2008

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Rapid City Growth
Management Department

Chairman and Members of the
Rapid City Planning Commission
City of Rapid City
300 6th Street
Rapid City, SD 57701-5035

Re: Our Client: James Steele
Request No. 08PL084 - Layout Plat and Request No. 08SV033 - Variance to
Subdivision Regulations

Greetings:

This letter is to advise that we have represented James Steele in his dealings with Brent Pushing and Cynthia Pushing Thompson with regards to the grant of an H Lot for right-of-way known as Sun Ridge Road. The road was to provide access to the Pushing and Thompson properties, including parcels that Brent Pushing had sold to David Riemenschneider and to John Burckhard.

Pursuant to an agreement reached between the parties 2 years ago, Jim and Charlette Steele agreed to grant a right-of-way deed for an H Lot over and across the Steele property now before you for a lot split and then described as the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 25, Township 2 North, Range 6 East of the Black Hills Meridian. The consideration for the agreement required Thompson and Pushing to arrange and pay for all costs for survey, platting, recording, and fencing of the property to be known as an H Lot for public right-of-way. Steele agreed to convey the H Lot as a public right-of-way upon completion and filing of the plat, either by dedication upon the plat or by separate right-of-way deed as required. As additional consideration, Thompson and Pushing were required to build the road, pay for installation and/or relocation of fencing and placement of access approaches as required.

After Thompson and Pushing proceeded to obtain a survey and plat of the H Lot, Steele granted the H Lot for the public right-of-way known as Sun Ridge Road.

Chairman and Members of the
Rapid City Planning Commission
July 2, 2008
Page Two

Subsequent to the agreement and the recording and dedication of the H Lot, Brent Pushing filed a bond with the City for the completion of the street work required. That bond is security for performance of the street work, which is not part of the lot split. It is not Mr. Steele's obligation to complete the construction of the roadway and a bond has been posted by Pushing for its completion, the term for which does not expire until 2009.

This letter is written for the purposes of giving clarification in the matter and to assure the Planning Commission that Mr. Steele and his wife have not failed to do anything that they agreed to do in the provision of the H Lot and to further verify that there was no separate payment of consideration for the H Lot except the requirements which are set forth in this letter.

While Mr. & Mrs. Steele want Sun Ridge Road be completed in accordance with the terms of their agreement, they respectfully request that the Planning Commission limit discussion on the matters which the Steeles have brought before the Planning Commission to the agenda items which specifically are: a) the layout plat for the lot split of the 10 acre parcel which is now bisected by the H Lot, and b) to the variance to the subdivision regulations to waive the requirement to install pavement, curb, gutter and sidewalk along Sun Ridge Road consistent with the lower part of the road, which now exists, in the adjoining subdivision.

We appreciate the concern of the Commission in this matter but respectfully show the Commission that the staff has reviewed both of these items and has made recommendation for approval of both, with certain stipulations, all of which are acceptable to the Steeles.

We therefore request that this matter be approved as to both of those requests in the manner recommended by Growth Management staff.

Thank you very much for your consideration of this matter.

Very truly yours,
WILSON, OLSON & NASH, P.C.


James W. Olson

JWO/lw
cc: Jim and Charlette Steele
Janelle Finck
Brent Pushing