



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Office of the City Attorney

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January 20, 2009

Via Hand Delivery

Mr. Charles Davis
P. O. Box 1501
Rapid City, SD 57709-1501

Re: 1630 Pine Street

Dear Mr. Davis,

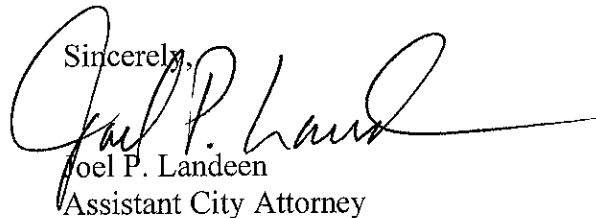
On July 14, 2008, the City provided you with written notice that the condition of your property violated numerous provisions of the City Code and as such constituted a nuisance. You were also ordered to remove the junk and debris you have placed on the unimproved public right of ways adjacent to your property. You were given until September 14, 2008, to correct the violations and remove all items from the public right of ways. Since then, Kevin Thom and Tom Kurtenbach from the City's Community Resources Division have taken it upon themselves to meet with you several times in an effort to resolve the situation. While you have made some progress improving the condition of your land, much remains to be done. There are still numerous junked and abandoned vehicles, pieces of equipment and other miscellaneous junk and debris. While everyone involved appreciates the progress you have made, it has become clear that you are not going to be capable on your own of bringing the property into compliance with the City Code within a reasonable amount of time. Based on the City's need to remove the nuisance in a more timely manner, it has been decided that City staff are going to bring forward a request to the City Council asking them to formally declare that your property constitutes a public nuisance and direct that staff go onto the property and remove all junk, debris and any vehicles and/or equipment which meets the definition of junked or abandoned vehicle under the City Code. We will also be removing any items located within the public right of ways. This request will be put on the agenda of the February 11, 2009, Legal and Finance Committee meeting. The meeting will be at 12:30 p.m. If the City Council declares the condition of your property to be a nuisance the City will have the right to legally enter onto your property and remove all junk and debris.

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Such work will be done at your expense and if not paid, shall become a lien on your property.

In addition to the junk and debris covering your property, it appears the trailer homes you have placed on your property are in violation of the City Code. Your property is zoned General Commercial. Residential uses are not permitted. Because you had a trailer on your property at the time it was annexed, you were considered legally non-conforming and allowed to continue that use. However, you are not allowed to expand that use. Looking at the aerial photography dating back to the 1970's it is clear that over the years you have increased the number of trailer homes on your lot and have moved different trailer homes into and out of the property. This is not allowed. Staff has decided to divide the violations and deal with the nuisance issues first. Once those issues have been resolved, we intend to address the issues related to the non-conforming use. I just want you to be aware of all the issues so that you are not surprised when it comes up again.

If you do not want to have the City Council declare your property to be a nuisance, I strongly suggest that you, or a representative, be present at the Legal and Finance Committee meeting to address the facts presented. Should you have any additional questions or concerns about this matter please feel free to contact me at the above number.

Sincerely,

Joel P. Landeen
Assistant City Attorney

JPL/adg

cc: Kevin Thom
Tom Kurtenbach