

**OFFICE OF THE PENNINGTON COUNTY STATE'S ATTORNEY**

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November 5, 2010

Jason Green, City Attorney  
City Attorney's Office  
300 6<sup>th</sup> Street  
Rapid City, SD 57701

RE: Request for transfer of property from Rapid City to Pennington County.

Dear Jason:

In the last couple of years Pennington County has engaged in a master plan study in an effort to address anticipated growth in population and future demand for county services. The study was prompted by the County recognizing the need to timely address the future provision of public services as well as the requirements of the Unified Judicial System (UJS) for additional courthouse space. As you are aware, the UJS has identified a need in the Seventh Circuit for additional judges, courtrooms, support staff, etc. In short, the entire courthouse will be needed to meet the growing needs of the UJS. As a result, the County Commission and all other County departments/offices in the Courthouse will have to relocate. In response, the County has identified a number of capital projects including the Courthouse renovation that will be necessary to fulfill the needs of this community for a number of years to come.

The Master Plan calls for a phased in construction/renovation "Courthouse Complex Expansion Project" to commence this Spring, 2011. The first construction project on the list includes expanding the existing public parking ramp by two levels. Thereafter, a number of projects are slated for construction including a new evidence building, county administrative offices, additional public parking and energy plant. The plan also calls for renovating the existing courthouse to accommodate the needs outlined by the UJS. As we previously discussed, the County will be bonding to finance the above-referenced projects. It goes without saying that a project of this magnitude is expensive however, the need is real and the timing is perfect given new additional bonding authority and favorable interest rates that will benefit taxpayers. The County has an opportunity right now to responsibly plan, design and construct facilities that will meet present needs and serve this community well into the future.

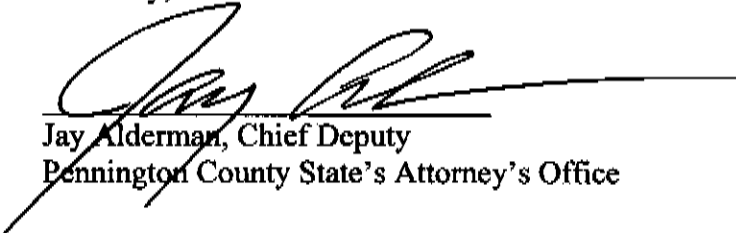
This is where the City of Rapid City comes in. Bonding counsel for Pennington County has informed the County Commission that in order for the County to finance the projects

through bonding as planned, the County is required to own fee title to the land upon which the projects are completed. At present, the City and County are joint owners of lots 1-9 and 28-32 in block 98 which encompasses the existing parking ramp and parking lot immediately to the west. The City and County are also joint owners of lots 11-16 in block 99 which encompasses the area of the existing evidence building. As previously mentioned, two additional levels will be added to the existing parking ramp and a portion of the parking lot to the west is planned for future expansion of the jail kitchen. In addition, the plan calls for constructing a new evidence building along Kansas City Street on the southeast side of block 99. A new county administrative office complex would be constructed on the area presently occupied by the existing evidence building. The administrative office building would house all of the County departments/offices currently in the courthouse (opening up space for the UJS) and would include moving the State's Attorney's Office out of the Public Safety Building to provide additional space for City/County law enforcement. Pennington County needs to be the fee owner of the above-describe real property in order to move forward with the parking ramp addition and construction of the administrative office building at the present site of the existing evidence building.

On behalf of Pennington County, I am requesting that the City of Rapid City convey its ownership interest in the above-referenced real estate to Pennington County in order to facilitate the completion of the projects outlined above. As we discussed, the transfer of ownership would be temporary until the project construction/renovation is complete and paid for. The City and County have had a long standing agreement for ownership and operation of both the parking ramp and evidence building. It would be the intention of Pennington County that once the project is complete, the County would re-convey the relevant property back to the City & County as joint owners pursuant to agreement. The community will truly benefit from this joint effort by the City of Rapid City and Pennington County.

In an effort to assist with this request, I will email a draft Resolution for transfer and quit claim deed for your review. I would be glad to provide any additional information you or other city officials may need in regard to this request. Thank you Jason for your time and assistance with this matter.

Sincerely,



Jay Alderman, Chief Deputy  
Pennington County State's Attorney's Office

RESOLUTION AUTHORIZING THE CITY OF RAPID CITY TO TRANSFER INTEREST IN  
CERTAIN REAL PROPERTY TO PENNINGTON COUNTY

**WHEREAS**, the City of Rapid City owns a joint interest in certain real property with Pennington County described hereafter; and

**WHEREAS**, Pennington County intends to make capital improvements to the property described hereafter for a public purpose; and

**WHEREAS**, it is necessary for Pennington County to acquire fee ownership of the property in order to accomplish the financing of the improvements; and

**WHEREAS**, SDCL § 9-27-36 authorizes the City of Rapid City to convey its interest in real property to Pennington County for a public purpose.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF RAPID CITY SOUTH DAKOTA as follows:

**THAT**, the City Council for the City of Rapid City deems it necessary and in the best interest of the City to convey its interest in certain real property to Pennington County, said property being located in Rapid City, Pennington County, State of South Dakota and legally described as:

Lots One (1) through Nine (9) and the N1/2 of vacated alley adjacent to said lots, and Lots Twenty-eight (28) through Thirty-two (32) and the S1/2 of vacated alley adjacent to said lots all in Block Ninety-eight (98) of the Original Townsite of Rapid City, Pennington County, South Dakota; and Lots Eleven (11) through Sixteen (16) in Block Ninety-Nine (99) of the Original Townsite of Rapid City, Pennington County, South Dakota;

Subject to covenants, easements, restrictions, reservations, and rights of way of record, if any.

**THAT**, the Mayor and Finance Officer are hereby authorized and directed to execute a deed of conveyance to Pennington County which shall vest all the right, title and interest of the City in and to the real property described above to the County, and

**THAT**, the Mayor, Finance Officer and any other necessary officer of the City are further authorized to execute any additional document(s) and take such further action as deemed necessary to carry out the intent of this resolution.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Alan Hanks, Mayor

ATTEST: \_\_\_\_\_  
Finance Officer

QUIT CLAIM DEED

CITY OF RAPID CITY, a municipal corporation, Grantor, of 300 Sixth Street, Rapid City, Pennington County, South Dakota, 57701, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys and quit claims to COUNTY OF PENNINGTON, a political subdivision of the State of South Dakota, 315 St. Joseph Street, Suite 156, Rapid City, South Dakota, 57701, Grantee, all interest in the following described real estate located in Rapid City, Pennington County, State of South Dakota:

Lots One (1) through Nine (9) and the N1/2 of vacated alley adjacent to said lots, and Lots Twenty-eight (28) through Thirty-two (32) and the S1/2 of vacated alley adjacent to said lots all in Block Ninety-eight (98) of the Original Townsite of Rapid City, Pennington County, South Dakota; and Lots Eleven (11) through Sixteen (16) in Block Ninety-Nine (99) of the Original Townsite of Rapid City, Pennington County, South Dakota;

Subject to covenants, easements, restrictions, reservations, and rights of way of record, if any:

This deed is expressly authorized by SDCL § 9-27-36 and by Resolution \_\_\_\_\_, duly adopted by the City Council for the City of Rapid City on \_\_\_\_\_, 2010.

EXEMPT FROM TRANSFER FEE: SDCL Section 43-4-22(2)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

CITY OF RAPID CITY

\_\_\_\_\_  
Alan Hanks, Mayor

ATTEST:

\_\_\_\_\_  
Pauline Sumption, Finance Officer

(SEAL)

State of South Dakota        )  
  )SS.  
County of Pennington        )

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2010, before me, the undersigned officer, personally appeared Alan Hanks and Pauline Sumption, who acknowledged themselves to be the Mayor and Finance Officer, respectively, of the City of Rapid City, a municipal corporation, and that they as such Mayor and Finance Officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the City of Rapid City by themselves as Mayor and Finance Officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

\_\_\_\_\_  
Notary Public, South Dakota  
My Commission Expires: