

PD  
#75  
9-19-12

2012-9

**CITY OF RAPID CITY  
GROWTH MANAGEMENT DEPARTMENT  
(605) 394-4157**

**NOTICE OF APPEAL  
FROM THE REQUIREMENTS OF THE RAPID CITY MUNICIPAL CODE  
CHAPTER 15.28 – SIGN CODE**

**Place of Hearing:** City/School Administration Building  
Third Floor East Conference Room  
300 Sixth Street  
Rapid City, South Dakota 57701

**Date of Hearing:** October 17th **Time:** 7:00 A.M.

**Appellant:** Scott A. Pearce Architect

**Address:** 211 North Record Street, Suite 222  
Dallas, TX 75202

**Owner:** Walmart Real Estate Business Trust

**Address:** 2001 S.E. 10th Street  
Bentonville, AR 72716

The undersigned hereby applies to the Sign Code Board of Appeals for a variance in the application of the sign ordinance, affecting the following described premises in the manner and on the grounds hereinafter set forth:

**Variance Location:** Walmart #1604, 1200 Lacrosse

**Legal Description:** Lot A of Block 5R in Meridian Subdivision

**Zoning:** GC-PCD **Lot Frontage:** 1000+ **Lot Depth:** 500+

**Type of Proposed Sign:** Pole Sign to remain in existing location

**RECEIVED**  
SEP 19 2012  
RAPID CITY COMMUNITY PLANNING  
& DEVELOPMENT SERVICES

**State specific requirement of the RCMC Chapter 15.28 – Sign Code relative to variance request:**

We would like to propose and sign face change to the current pole sign that was originally on the  
Walmart property when first built. Since that time Golden Coral has been built in the front  
parcel and when it was replotted, the pole sign fell on the Golden Coral plot line.

**As required by RCMC Chapter 15.28 – Sign Code section:** 15.29.070

**State specific variation from RCMC Chapter 15.28 – Sign Code:**

Request approval for off-site sign per sign code.

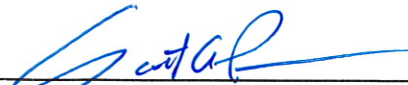
**State exceptional topographic conditions or other extraordinary or exceptional situation or condition of the premise not prevalent in the area.**

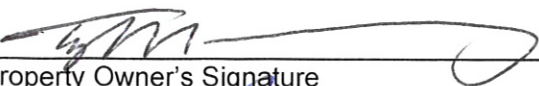
The site sign was originally on the Walmart site, but when the Golden Coral  
was built the site with with the site sign was re-plotted. Please see  
the attached sign easement.

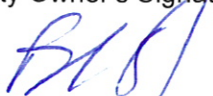
**State how the strict application of the sign ordinance will result in unnecessary hardship upon the owner of this property:**

The estimate to relocate the sign will cost between \$15,000 - \$25,000. The  
cost to relocate the sign and keep the old footing as is will cost \$15,000.

To relocate the sign and remove the current footing will cost \$25,000.

  
Appellant's Signature 9/17/12  
Date

  
Property Owner's Signature 9/14/12  
Date

  
Reviewed by 9-18-12  
Date

P-88192  
P-88193

**SPECIAL WARRANTY DEED**

THIS INDENTURE, made on the 25<sup>th</sup> day of September, 2001, by and between **CNL FIRST CORP.**, a Florida corporation, having an address of CNL Center at City Commons, 450 South Orange Avenue, Orlando, FL 32801-3338 (hereinafter the "Grantor"); and **WAL-MART REAL ESTATE BUSINESS TRUST**, a Delaware corporation, having an address of c/o Wal-Mart Stores, Inc., Sam M. Walton Development Complex, 2001 S.E. 10<sup>th</sup> Street, Department #8313, Bentonville, AR 72716-0550 (hereinafter the "Grantee").

**WITNESSETH**

THAT Grantor, in consideration of the sum of Ten Dollars (\$10) and other good and valuable consideration, to it in hand paid by Grantee, the receipt of which is hereby acknowledged, does by these presents, GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto the said Grantee, its heirs, successors or assigns, the following described lots, tracts or parcels of land lying, being and situate in the County of Pennington, State of South Dakota, to wit:

All of that portion of Lot A of Lot 5R, Meridian Subdivision, in Rapid City, South Dakota, per the recorded plat thereof, recorded in Book 30 page 84 in Pennington County, South Dakota, that was previously platted as Lot 4B of Meridian Subdivision, as shown by the plat recorded in Book 27 of Plats on page 41 in the Office of the Register of Deeds, Pennington County, South Dakota, together with the right to use a perpetual exclusive easement for a free standing sign located on Lot 4A of Meridian Subdivision, as set forth in Sign Easement Agreement dated June 19, 1996, between Pirate's Cove Rapid City, Inc., a Michigan corporation, and OK Corral, L.L.C., a Delaware limited liability company doing business as Taggart Limited, L.L.C., filed July 17, 1996, and recorded in Book 63 of Misc. Records on Page(s) 8026 in the Office of the Register of Deeds, Pennington County, South Dakota.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging unto the said Grantee and unto its heirs, successors or assigns or in anywise appertaining, forever; subject to easements, restrictions and covenants of record.

And said Grantor for itself, its heirs, executors, administrators, successors or assigns, does hereby covenant, promise and agree, to and with said Grantee, that at the delivery of these presents Grantor is lawfully seized in its own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of what nature or kind soever; and that the Grantor fully warrants the title to the subject property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other

TRANSFER FEE PAID \$ \_\_\_\_\_  
 EXEMPT FROM TRANSFER FEE.