

September 2, 2014

Harney Peak Ranch
Mr. David Lamb and Ms. Andrea Andersen, owner/operators
4555 Reservoir Road
Rapid City, SD 57703
City of Rapid City

City Council

Planning Commission

RE: Request for de-annexation of Harney Peak Ranch lands from the City of Rapid City

To whom it may concern:

For more than one hundred years, the Harney Peak Ranch east and south of Rapid City has been home to and provided a livelihood for three generations of Madison-Lamb families. The Harney Peak Ranch is currently owned and operated by David Lamb, the third generation, and his partner of more than twenty five years, Andrea Andersen. The ranch is comprised of approximately 2,400 acres of ranch and range land and is solely managed as a cow-calf operation and forge producer.

In the 2006-2007 time frame, the Morningstar Development proposed the construction of several hundred homes on 388 acres of land located one half mile south of the main ranch headquarters on Reservoir Road. In order to meet the contiguous requirement to permit voluntary annexation of the property into the City, it was necessary to include 80 acres of land owned by Harney Peak Ranch.

In 2007, when paying the tax assessment for the ranch, Andrea noted that the land was in the City. The annexation by the City was conducted without notice or any other form of due process to the owners of the Harney Peak Ranch and we believe, for that reason, is probably void.

On November 6, 2007, Dave sent a letter to then Mayor Allen Hanks objecting to the annexation of the ranch property. Mayor Hanks acknowledged the letter and asked Dave and Andrea to meet with Robert Ellis, the City Engineer and head of Public Works. Robert Ellis explained that the City wanted the growth of Morningstar Development and the City had annexed the ranch land in order to provide a contiguous corridor to provide infrastructure and connect the proposed Morning Star Development to properties to the west that were already within the city limits - those properties being the Elks Country Club, golf course, and associated residential areas. Dave and Andrea met with Mr. Ellis several times because they were very concerned about their ability to continue their ranching practices on the lands that had been annexed into the city limits. Mr. Ellis reviewed all of the raised concerns and assured Dave and Andrea that the City would work with them so their agricultural livelihood could continue unimpeded and not infringed upon by the City. Because Robert Ellis and the City seemed sincere with their promises in supporting the unhindered continuation of the ranch's agricultural business, Dave and Andrea decided, as a

good neighbor, it was the right thing to do to help out Rapid City by not protesting further at that time.

In 2008, the City asked for a 17-foot easement through the ranch along Reservoir Road in order to provide water to Morningstar Development. Dave agreed to provide the City with that easement. Dave and Andrea received nothing in return from the City. Since its inception in the late 1800's, the ranch has not and has never been supported by services from the City of Rapid City. Because the main ranch headquarters are outside the city limits, no part of the ranch, including the annexed lands, receive any services from the City; water, sewer, garbage, police, fire, or ambulance.

Since 2007, the proposed Morningstar Development collapsed and the developers defaulted on the financing and the land went back to the bank. In 2013, the acreage of the former development was purchased by Dale Schuelke, who has told Dave and Andrea, as well as the City, that his intent is to strictly use the lands for agricultural purposes.

Because Mr. Schuelke has clearly stated his intent to use the lands he owns for agricultural purposes, there is no longer a need for the City to have a contiguous corridor from Mr. Schuelke's private property through the Harney Peak Ranch. As the current owners and operators of the Harney Peak Ranch, Dave and Andrea hereby request the City to de-annex their lands. De-annexation of the 339 acres would allow for clear delineation of land being used for agricultural purposes and would also relieve the City of its legal burden to provide and maintain services to property annexed into the city limits.

Sincerely,

Andrea Andersen

Please call 391-8302 with questions.



1876 To 2014

138 Years of Productivity

1876: That is when my great-grandfather, “Pap” Madison, James Woods, and the other pioneer community founders got to the mouth of Rapid Creek. They sought the age-old promise of new frontiers. “Black Hills Gold Rush” dreams lured them west. Their 1876 and 1879 homes survive today: Our community’s two oldest buildings.

Their dreams of elusive gold fields were replaced by discovery a square mile “lode” of “black gold”: That square mile delta of Class 1 soil became a legacy that led on to our vigorously expanding community today.

The “Hay Camp” they founded was a place to camp and trade. Rapid Valley was the “Hay” that made this Hay Camp happen. Statehood and Rapid City would follow sometime later. Freight and livestock needed feed every day or there was no food or transportation.

Rapid Valley’s founding croplands continue their production today, nearly a century and a half later. The descendants of those founders still protect much of the land.

Unfortunately, about a century and a quarter after the valley’s settlement, an event occurred that causes a serious problem today. It has led on to a damaging situation for both Rapid City and the Rapid Valley delta’s landowners who preserve this unique resource. Many of you may remember this event by the name “Morningstar”: A development attempt that reached too far too soon.

Here is what occurred then and was never corrected. In about 2006, a developer requested annexation for about 388 acres of cropland some distance from our city limits. Community Planners call this a Flagpole: A non-contiguous expansion.

He requested annexation for his proposed “flagpole” development. He named it Morningstar. But, he had no connection to municipal utilities. He had to overcome the flagpole annexation limitation.

As a result, he requested annexation of the intervening lands without landowner notice or consent. He did this to create a long “peninsula” development, avoiding the flagpole discontinuity, in order to secure city services.

Rapid City annexed the requested lands, including the intervening property: Morningstar Development began. Soon, the development failed and creditors foreclosed on the undeveloped land: Its hay and grazing usage never stopped.

The family that managed it for generations continued to grow hay and livestock there. They live there still today. No Rapid City public services were ever provided. No Rapid City utilities were ever extended. Morningstar Development never began.

In 2013, after many years in receivership, Mr. and Mrs. Dale Scheulke purchased the Morningstar property from the creditors. They purchased the land to expand their ranch operations and began a pivot irrigation system and completed field renovations.

This very long peninsular annexation, along with a later city-originated connecting strip, has remained unused, without any municipal activity or services, since annexation. All services are supplied by county or community agencies or utilities.

The projection of the Morningstar peninsular annexation is illustrated by a simple three mile drive. Drive southeast on Highway 44 from Rapid City’s eastern edge at Jolly Lane for about 1.2 miles. Then, drive south on Reservoir Road about two miles to the valley’s edge.

Next, look back across miles of alfalfa fields, some annexed, some not. Now, drive northwest on Highway 44 the same distance from Jolly Lane. This takes one almost to East Boulevard. This gives a graphic image of this annexation’s extreme length.

Rapid City has no plans to serve this random mix of fields, some annexed, some not. And, more importantly there is nothing there to serve: Only crops and cows.

The long-gone Morningstar development annexed a large agricultural area, orphaning random un-annexed fields inside. It was both bad development and bad policy. That is why civic leaders recommended that this request for deannexation be approved.

Sincerely,

David S. Lamb, Harney Peak Ranch
September 5, 2014