

October 22, 2015

To: Rapid City Public Works Committee Members

Subject: Request by PAJO Properties, LLC that the City Require Rapid City Regional Hospital to Re-grade its Lots 14-17, Block 1, Rapid River Subdivision to Comply with the State of South Dakota's Planned Jackson Boulevard Drainage System

Ladies and Gentlemen:

This is in regard to an issue I will be bringing up at your October 27, 2015 Public Works Committee meeting. It relates to a drainage problem that has been created for a property I own at 2130 Jackson Boulevard (Lots 12-13, Block 1, Rapid River Subdivision). This problem was created by the site grading that was done by Rapid City Regional Hospital (RCRH) for its Urgent Care West property at 2116 Jackson Boulevard (Lots 14-17, Block 1, Rapid River Subdivision). This site grading was done with the approval of the City's Engineering Department. The problem is that this site grading is now preventing runoff on my property from being able to drain off my property onto RCRH's property as it was supposed to be able to according to Jackson Boulevard's street drainage plan. RCRH finally has made some minor revisions to its site grading to provide me some drainage. However, these revisions still will not provide me even close to the drainage I am supposed to have. Therefore, I am asking the City to require RCRH to make further revisions to its site grading so I can have closer to the drainage Jackson Boulevard's street drainage plan intended I have.

Background Information

1. As part of its new drainage plan for its new Jackson Boulevard, the South Dakota DOT raised the elevations of its street and sidewalk in front of Lots F-15, Block 1, Rapid River Subdivision [Exhibit 1]. It did this to reduce the amount of runoff that the street would have to carry on its surface in this area. It did this also so Lots F-15's parking lots would not be able to drain their runoff onto the street. By doing this, DOT essentially forced Lots F-15's parking lots to become a street-side drainageway for their own runoff, plus possible street overflows. Its plan was that these flows would be able to drain unimpeded across the fronts of the parking lots from one lot to the next until they could drain either into Jackson Boulevard's storm sewer or onto the street where its surface could handle the flows. During most storms, this would be at RCRH's Lot 16.

2. DOT's plan was that it would install a curb and gutter system on the back of the sidewalk along the fronts of Lots F-15's parking lots (in its right-of-way), so the parking lots' drainage system could function similarly to most streets' curb and gutter drainage systems [Exhibit 2]. Its plan called for three storm sewer inlets to be installed along this curb and gutter system. It installed these inlets at the fronts of Lots 11, 13, and 15. Lot 11's and 15's inlets were designed to be Type B curb and gutter inlets. Lot 13's inlet was designed to be a Type C area inlet, because it had to be placed along a parking lot access ramp, instead of curb and gutter.

3. DOT's drainageway design assumed its curb and gutter system would tie into Lots F-15's parking lots at their pre-2014 elevations [Exhibit 3]. At these elevations, the drainageway's flows would be able to drain unimpeded from one parking lot to the next.

4. I became aware of DOT's drainageway in May 2013. I learned soon thereafter that no easements had been established for this drainageway. This concerned me, because without easements, my downstream neighbor could potentially block the drainageway's flows at my downstream border. I learned in late June 2013 that RCRH was soon going to be my downstream neighbor. I knew it likely was going to re-develop its lots.

5. I first began discussing the drainageway's need for easements with DOT, but then I discovered the City had a code (Infrastructure Design Criteria Manual Section 4.1.6) which I believed would require the easements [Exhibit 4]. Upon discovering this code, I began to discuss the drainageway's need for easements with the City's drainage engineers (Mary Brown and Michelle Schweitzer). They reviewed IDCM Section 4.1.6 and received an opinion from the City Attorney's office (Wade Nyberg) that this code, indeed, would require easements to be established for DOT's drainageway. They assured me they would require RCRH to recognize the drainageway and provide an easement for it, once RCRH applied for a building permit to develop its lots. I began to gather information, with assistance from the City's drainage engineers, to determine what size the easement would need to be. My discussions with the City's drainage engineers regarding the drainageway and the easements it would require began in June/July 2013 and continued throughout the rest of the year.

6. RCRH closed on the purchase of its lots on September 30, 2013. According to the City's Building Inspection Department, RCRH probably applied for its building permit sometime around December 1, 2013.

7. In preparing its plans for its building permit, RCRH's architect/engineer (TSP Inc.) totally ignored DOT's street-side drainageway that was supposed to exist at the front of RCRH's lots. Its site grading and drainage plan [Exhibit 5] did not show the drainageway's curb and gutter system that RCRH's parking lot was supposed to tie into. It did not show the drainageway's inlet that DOT had already installed in front of RCRH's Lot 15. What the plan did show was that RCRH was going to raise its property's elevations next to my downstream border to be up to 14" higher than what DOT's drainageway design called for [Exhibit 6B v. Exhibit 6A]. This meant the drainageway would be mostly blocked at my downstream border; and my property now would have to serve as a detention pond for the runoff that was supposed to be able to drain unimpeded onto RCRH's lots. Still, the City's Engineering Department approved RCRH's site grading plan. It approved it on December 20, 2013. Apparently, the two drainage engineers I had been talking to were not aware that RCRH had submitted its plans for a building permit, and a different engineer approved its site grading and drainage plan.

8. I was unaware of RCRH's site grading and drainage plan until after the City's Engineering Department had already approved it. When I discovered the City's Engineering Department had approved it without making RCRH provide for the drainageway, I immediately brought the matter up with the City Engineer (Dale Tech). His position was, because the building permit plans had now been approved, there was now nothing that could be done to make RCRH change its plans. When I brought up that his department had not enforced its IDCM Section 4.1.6 easement code, nor required RCRH to provide for the drainageway at all, he

decided that IDCM Section 4.1.6 probably did not apply to this drainageway, anyway. Upon hearing this, I immediately demanded that the City and RCRH meet with me and DOT to discuss the drainage problems that RCRH and the City had now created for me (Exhibit 7).

9. The City Engineer, RCRH representatives, DOT representatives, and I met on February 4, 2014 at DOT's office to discuss the drainageway. It was at this meeting when RCRH's architect/engineer claimed that he was not aware that the drainageway existed when he drew up RCRH's site grading and drainage plan. He then proposed that RCRH's plans for its southwest corner between my parking lot, RCRH's parking lot, and DOT's sidewalk could be changed to provide my property at least some drainage. He proposed this area could be re-graded to be like a channel which could drain to Lot 15's inlet. At the inlet's planned elevation, this would give the channel a slope of approximately 1.1%, which was the same slope that DOT intended its drainageway to have. If the area was graded to be as large a channel as possible, this would be about the best RCRH could do to provide me drainage without having to change its entire parking lot. I assumed this was going to be how RCRH was now going to grade its southwest corner.

10. When RCRH finally graded and landscaped its southwest corner sometime around June/July 2014, it did not grade it as its architect/engineer had proposed it could be graded at our February 4, 2014 meeting. It did not even grade it as it showed it would in its site grading and drainage plan submitted for its building permit. It graded it instead to have even higher elevations than its site grading and drainage plan showed [Exhibit 6C v. Exhibit 6B]. This meant the drainageway would now be blocked worse at my property's downstream border.

11. RCRH's site grading essentially forced DOT to have to scrap the drainage system it had designed to exist in front of RCRH's Lots 14-15. Its right-of-way area, where it planned to install curb and gutter, had been filled to the top of the sidewalk. Therefore, there was no place for DOT to install its curb and gutter. With no curb and gutter, DOT had to change its Lot 15 curb inlet to be an area inlet. It then had to raise the inlet approximately five inches above its planned elevation to match RCRH's site grading. DOT has said it would gladly permit this inlet and all of its right-of-way to be returned to the way they were originally designed to exist. However, it would expect someone else to now have to pay for these changes [Exhibit 8].

12. Because RCRH did not grade its southwest corner as its architect/engineer proposed it could at our February 4, 2014 meeting, and because it did not even grade it according to its building permit plans, I asked the City Engineer to make RCRH correct its site grading. He sent RCRH a letter on October 16, 2014 asking it to correct its grading "to assure adequate drainage" [Exhibit 9].

13. Following the City's letter to RCRH, I sent RCRH a letter on October 17, 2014 to remind it of the changes that its architect/engineer had offered to make at our February 4, 2014 meeting [Exhibit 10]. Unfortunately, now that its site grading had been completed, RCRH apparently no longer was willing to change its southwest corner as its architect/engineer had offered. On June 15, 2015, I received a copy of the proposed site grading revisions it now was willing to make [Exhibit 11]. Its proposed revisions were going to provide me only a very small and slightly sloped drainage channel across its southwest corner. I objected to these proposed revisions to both RCRH and the City Engineer, because they would not provide very much drainage at all (estimate 5 cfs). They certainly were not going to provide me the drainage that

DOT's drainageway would have provided [Exhibit 6D v. Exhibit 6A], or even "adequate drainage" during many storms.

14. In spite of my objections, RCRH submitted its proposed site grading modification plan to the City's Engineering Department on August 26, 2015 for its approval; and the City Engineer approved its proposed plan. He approved the plan, because it "appear[ed] to maintain the original intent of the approved construction drawings associated with the commercial building for this property" [Exhibit 12]. He apparently had abandoned his mandate that RCRH provide "adequate drainage."

15. RCRH has now re-graded its southwest corner. It did this on September 21-22, 2015. Again, its grading does not comply with the site grading modification plan it submitted to the City's Engineering Department. The drainage channel it has provided will provide even less drainage (estimate 4 cfs, if full) than the one shown in its site grading modification plan [Exhibit 6E v. Exhibit 6D].

Hydrology and Hydraulics Considerations

1. By my calculations, the 100-year storm's peak flow that will exist in the drainageway at my Lot 13's downstream border after the City installs its new storm sewer planned for South Mountain View Road will be approximately 76 cfs. (For comparison, Rapid Creek at Rapid City currently is flowing at approximately 58 cfs.) This flow would reach approximately 118 feet into my parking lot along my Lot 12's downstream border and have a depth of approximately five inches at my parking lot's front. It would reach approximately 86 feet into my parking lot along my Lot 13's downstream border and have a depth of approximately six inches at my parking lot's front. My building is only 105 feet from the front of my parking lot, and therefore, faces the possibility of being flooded by the 100-year storm's flow. This especially could occur if the drainageway is blocked, which would increase the depth of flow and flow spreads on my lots. (The aforementioned flow spreads and flow depths were calculated assuming no blockage.)

2. I can re-grade my parking lot to reduce the width of the spreads that the drainageway's flows will have on it during storms. I can do this by re-grading it so its front 60 feet will have a steeper slope. The 100-year storm's peak flow, for example, then would reach into my parking lot only approximately 47 feet. However, its depth then would increase to approximately 8.5 inches at the front of my parking lot. Again, this spread and depth would be if the stream in the drainageway was able to flow unimpeded. Therefore, I still would want as much of this runoff as possible to be able drain as quickly as possible off my lots.

3. While an inlet has been placed on my Lot 13's parking lot to help drain the drainageway's flow, it will not always be able to immediately capture all of the drainageway's flow. For example, it will not be able to immediately capture all of the flow when the flow's spread is wider than the inlet (e.g. per DOT, a 5-year storm's peak flow will have approximately a 20-foot wide spread at this inlet). Also, it will not be able to capture the flow when Jackson Boulevard's main storm sewer is full (e.g. during a 50-year or 100-year storm). Finally, if the main storm sewer's flow backs up through the inlet (e.g. 100-year storm or 50-year storm), this will add to the drainageway's flow. It is these waters that I would like to be able to drain off my lots unimpeded. Otherwise, they will have to accumulate and build in depth on my lots.

4. A drainage channel's capacity to carry flows is dependent upon its cross-sectional area, its slope and its roughness (Manning coefficient). All other things being the same, a channel with a greater cross-sectional area will be able to drain more flow. A channel with a greater slope also will be able to drain more flow. A channel with less roughness also will be able to drain more flow. The drainage channel that RCRH is providing me has a smaller cross-sectional area, less slope, and greater roughness than what DOT had planned for its drainageway; so there is no question it will provide less drainage off of my lots. I calculate the channel RCRH has now provided me will only be able to drain a maximum of 5 cfs unimpeded off my lots. Again, DOT's drainageway would have been able to drain at least 76 cfs (100-year storm's peak runoff) unimpeded.

5. I am requesting that RCRH be required to return DOT's Lot 15 inlet to its originally planned elevation (3293.27'). At this elevation, RCRH's southwest corner could have a channel slope of approximately 1.1% from my property line's lowest point (approx. 3294.01 per RCRH's modified site grading plan) to this inlet. At the inlet's current elevation (3293.57, per DOT), the channel's slope is only approximately 0.6%. Again, a channel's slope affects how much flow the channel can carry. The greater its slope, the more flow it can carry. This is one reason I would like the inlet returned to its design elevation. I also would like it returned to this elevation because an inlet's capacity to drain increases with the depth of the water over it. If the inlet is lower, the southwest corner's channel will be a deeper. This will allow the water that can accumulate over the inlet to be deeper, which will allow it to drain at a greater rate (e.g. per DOT, Lot 15's inlet would have a drainage capacity of 2.7 cfs at 3" depth, but 7.7 cfs at 6" depth).

My Arguments

1. The DOT inlet and curb and gutter, as they were designed by DOT to exist in front of RCRH's southwest corner, were designed to be integral components of Jackson Boulevard's street drainage system. Therefore, they certainly should have been shown as part of RCRH's site grading and drainage plans when they were submitted for RCRH's building permit. They should have been shown at the elevations DOT planned for them, as should have been the entire southwest area of RCRH's Lots 14-15 (including its parking lot). When RCRH did not show these things this way in its plans, the City's Engineering Department should have made RCRH show them this way; but it did not. Had either RCRH or the City's Engineering Department done their jobs properly, RCRH's site grading plans would have provided for DOT's drainageway as planned; and the drainageway's flows on my lots would have been able to drain off my lots unimpeded even during a 100-year storm.

2. The City's Engineering Department had no right to approve RCRH's changes to DOT's planned right-of-way or its planned street drainage system without DOT's permission. Because it mistakenly did approve these things, however, and because this mistake has now created a drainage problem for me, the City should have the right and obligation to correct its Engineering Department's mistake and require RCRH to return DOT's street drainage system to the way it was designed to be.

3. RCRH's architect/engineering firm should have been aware of the drainageway when it prepared RCRH's site grading and drainage plan. It certainly knew the street in front of RCRH's property was in the process of being reconstructed. It only would have needed to look

at the street's reconstruction plans which showed the drainageway's components in front of RCRH's lots. Even if it did not look at DOT's street plans, it could have at least looked at the front of RCRH's property when it was surveying it and noticed that the drainageway's Lot 15 inlet box had already been installed. Because RCRH's architect/engineer should have been aware of the drainageway, the City should have the right to require RCRH to change its site grading to provide for it.

4. The City's Engineering Department was aware of the drainageway when it approved RCRH's site grading and drainage plan. Its drainage engineers represented to me that RCRH would be required to provide for the drainageway if and when it wanted to develop its lots. Even if an innocent mistake caused this to not be done, the City should keep its word on this representation its Engineering Department made to me. It should require RCRH to provide for DOT's planned drainageway or, at least, as much of it as it reasonably can.

5. It was RCRH's own architect/engineer who first suggested that RCRH's southwest corner could be changed as I am now requesting it be. Since the area's site grading still is not in compliance with RCRH's most recently submitted site grading plan, it appears this southwest corner is going to have to be re-graded again, anyway. Why shouldn't it be re-graded, finally, as RCRH's architect/engineer suggested it could be?

6. I believe RCRH's site grading violates South Dakota drainage law. It does this because it is going to cause unusual and unnatural amounts of runoff to have to accumulate on my lots when they otherwise never had to before. Also, RCRH could have reasonably developed its lots for a new building without creating this problem. While this violation of the State's drainage laws should be a concern to RCRH, it also should be a concern to the City, since it was its Engineering Department that permitted, and is continuing to permit, RCRH to violate the law. The City should want to and be entitled to correct a mistake it has made which has allowed someone to violate State law. It appears RCRH is going to have to change its southwest corner's site grading again, anyway. Therefore, the City might as well require it to make those changes that will allow it to comply with State law.

7. The City Engineer has claimed that the City has no jurisdiction to require RCRH to satisfy my requests with respect to the drainage RCRH is supposed to provide for my property. My position is that the City's IDCM Section 4.1.6 gives it this jurisdiction. Also, I am only asking that the City require RCRH to make its site grading and drainage plans comply with an established State drainage system within the City's limits. It is the City, and not the State, who has jurisdiction over site grading and drainage plans submitted for building permits.

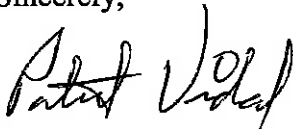
8. The City Engineer has claimed that the City has no right to require RCRH to change anything of DOT's, including DOT's Lot 15 inlet, which DOT itself raised. As I have already explained, DOT had to raise this inlet's elevation only so it would match the site grading that RCRH did to DOT's right-of-way around this inlet (which the City's Engineering Department approved). Again, DOT has said it would be willing to allow RCRH to return this inlet to the elevation it was designed to have. Therefore, I believe the City should be able to require RCRH to return this inlet to its design elevation. Per DOT, RCRH would only need to complete a Right to Work in Right-of-Way form to do this.

9. If RCRH's site grading is going to cause runoff to have to accumulate and build in depth on someone's property, it should be its own property on which the water should have to accumulate, at least as much as possible. Also, it would be less damaging to property and less hazardous to the public if as much of the runoff as possible could accumulate on a landscaped area (RCRH's southwest corner), rather than on a parking lot (mine).

I am requesting that the City require RCRH to change its southwest corner's site grading as shown in Exhibit 6F and Exhibit 13. These changes will not provide me the same unimpeded drainage during all storms that DOT's drainageway would have provided me. However, they will provide me at least the best possible drainage that RCRH's southwest corner can provide. To provide me the same unimpeded drainage that DOT's drainageway would have provided me, RCRH would need to change a large area of its parking lot, in addition to changing its southwest corner. However, in the spirit of being reasonable, I am not requesting that it be required to change its parking lot. However, I am requesting that it be required to change the landscaped area west of its parking lot. Specifically, I would like the City to require RCRH to install some curbing along Lots 13/14's shared border to make this area more like a landscape island. Hopefully, this area then will not be able to drain onto my parking lot. Also, I would like RCRH to be required to remove the dilapidated chain link fence that runs along this area; because it is not only ugly, but a potential injury hazard. I have asked previously, but it has refused to do this. Finally, I would like to be able to add some bushes (at my cost) to this area west of RCRH's parking lot to make it more attractive from my property's viewpoint. I would be willing to be responsible for the care of these bushes. However, in return for these costs, I would ask that the City allow me to receive some landscaping points for these bushes.

Thank you for reading this and giving my request your consideration. If you have any questions, you make contact me at (605) 348-5563 or (605) 390-7667. I hope you will grant my request, so I can have closer to the drainage I am supposed to have according to Jackson Boulevard's street drainage plan.

Sincerely,



Patrick Vidal
PAJO Properties, LLC

Examples of DOT's Street Elevation Changes that Created Street-Side Drainageway (Lots 13 and 15)

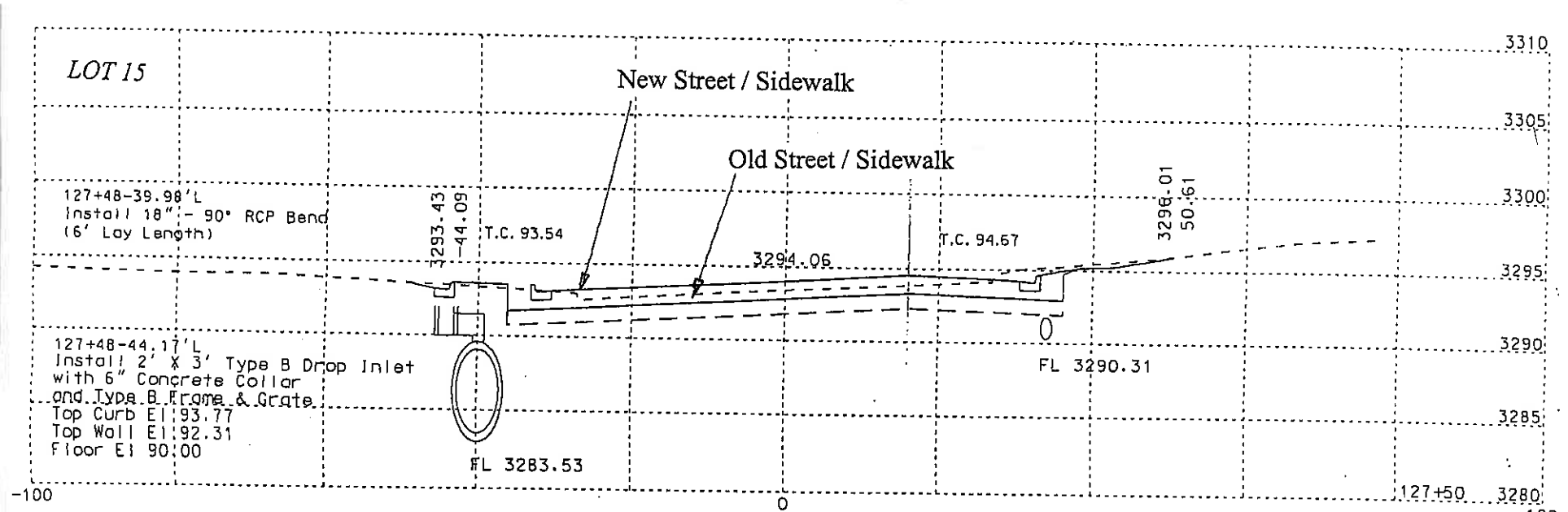
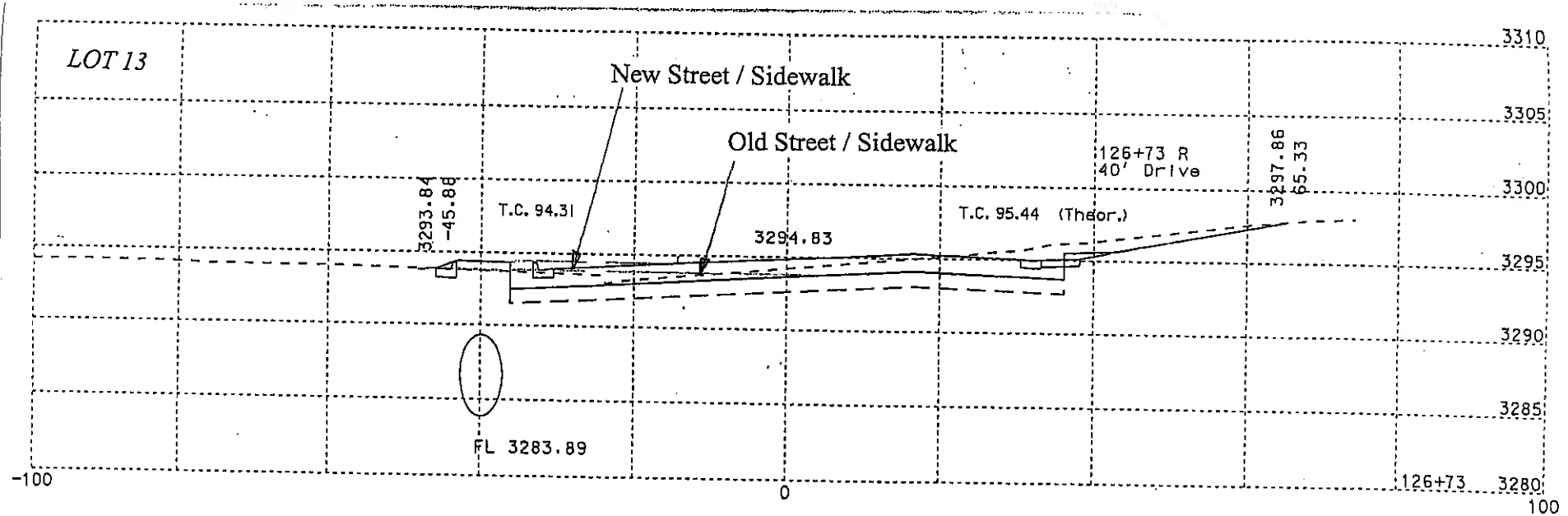


EXHIBIT 1

Plotting Date: 28-OCT-2011

STATE OF SOUTH DAKOTA	PROJECT	SHEET NO.	TOTAL SHEETS
	P 0044(129)42	X23	X61

124+78-34.63' R to
 125+82-34.63' R
 Install 18" - 94' RCP
 (Between Drop Inlets)

125+82-34.63' R to
 126+05-36.13' L
 Install 18" - 72' RCP
 (Between Drop Inlets)

125+28-36.13' L to 44.17' L
 Install 18" - 4' RCP
 (Between Drop Inlet and
 RCP Bend)

126+01
 126+01
 Install
 (Between Drop Inlets)

126+05-36.13' L to
 128+25-36.13' L
 Install 66" - 206' RCP
 (Between Drop Inlets)

Δ126+70-62' L
 Install 3' X 4' Type C Drop Inlet
 with Type C Frame & Grate

127+20-34.63' R to
 128+25-34.63' R
 Install 18" - 94' RCP
 (Between Drop Inlets)

R to 36.13' L
 66' RCP
 Inlets)
 128+25-36.13' L to
 130+24-36.13' L
 Install 66" - 200' RCP
 (Between Drop Inlets)

Install 4' X 11' Type S Dr
 Inlet Base and Type S Pre
 Lid at the following loca
 124+78-34.63' R
 125+82-34.63' R
 127+20-34.63' R
 128+25-34.63' R

Install 2' X 3' Type B Dr
 Inlet with 6" Concrete C
 and Type B Frame and Gra
 at the following locatio
 125+28-44.17' L
 126+05-44.17' L
 127+48-44.17' L

PID

6.55
 4.33
 4.14
 5' 51" L
 19' 14"
 15.35
 18.87
 20.00

Remove and Reset
 Neighborhood Mailbox
 at the following locations:
 124+60 L
 124+62 L

Patrick H. Vidar
 Parcel A23A

Pajo Properties, LLC
 Parcel A23B

Do Not Disturb Signs
 and Mailboxes at the
 following locations:
 126+78 L
 128+26 L

SSDH, Inc
 Parcel A24

Telco Land Comp
 Parcel A25

Sec. 3 - T1N - R7E

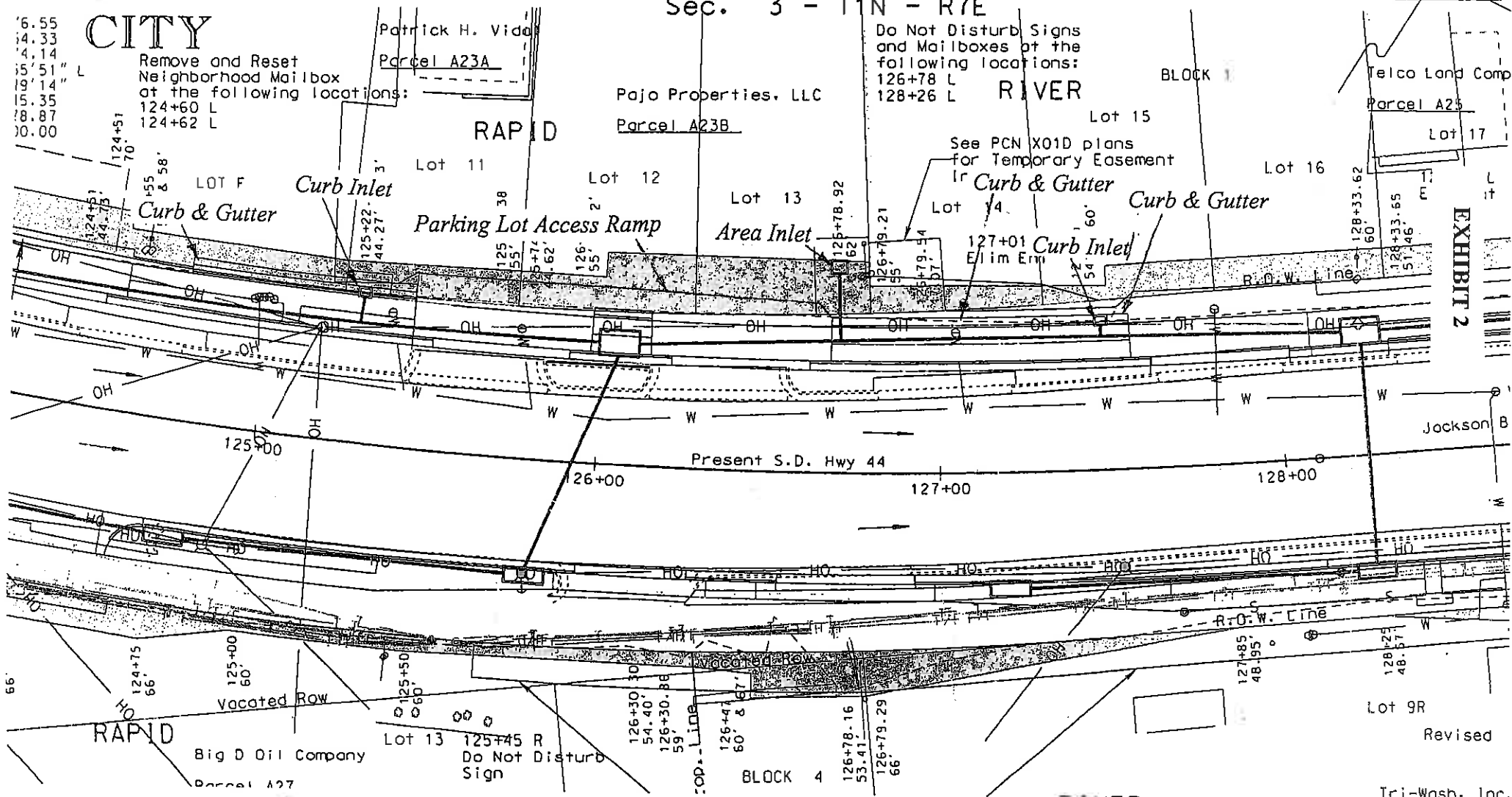


EXHIBIT 2

Jackson B

Revised

Tri-Wash, Inc.

Lots F-16's Parking Lots' Pre-2014 Elevations

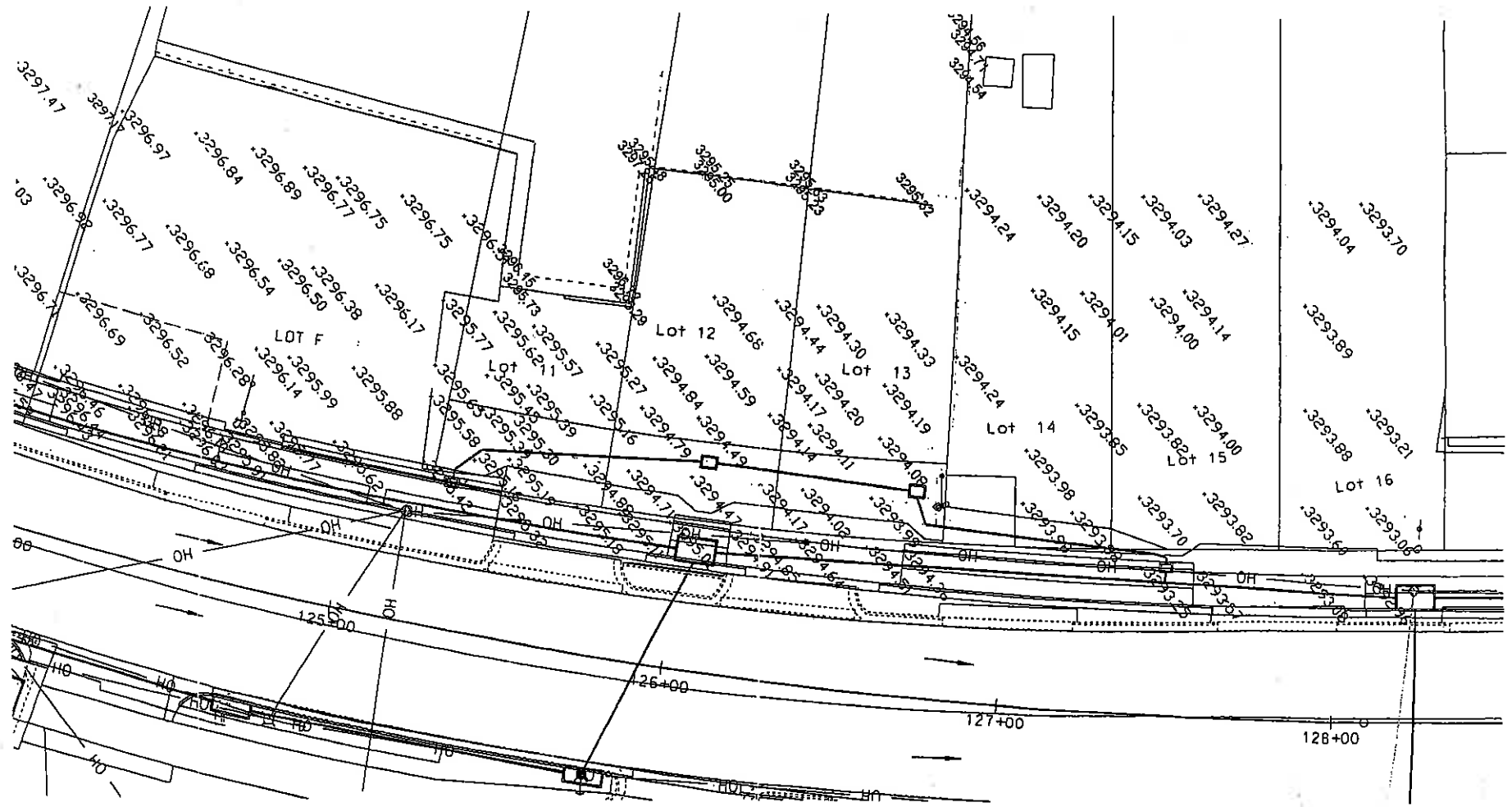


EXHIBIT 4

City's Infrastructure Design Criteria Manual's Section 4.1.6

Section Four – Storm water

4.1 General Criteria

4.1.1 Multi-purpose Use

Multi-purpose use of all drainage facilities shall be considered in the design of those facilities. Small local parks, greenbelts, nature trails, bike trails and similar facilities will be incorporated with major drainage facilities whenever possible, as long as the hydraulic capacity of the facility is not compromised by these alternate uses.

4.1.2 Storm water Transfer

The design of storm water drainage systems shall not result in the inter-basin transfer of drainage, unless no reasonable alternative exists and there is no legal restraint preventing such transfer.

4.1.3 Access to Facilities

Easements, right-of-ways or other legal access shall be provided to all storm water drainage facilities for inspection, maintenance, or repair.

4.1.4 Operation and Maintenance

Operation and maintenance of storm water drainage facilities shall be required to insure that these facilities will perform as designed. Prior to the construction of any storm water drainage facility, the responsibility for the operation and maintenance of that facility shall be determined.

4.1.5 Planning Requirements

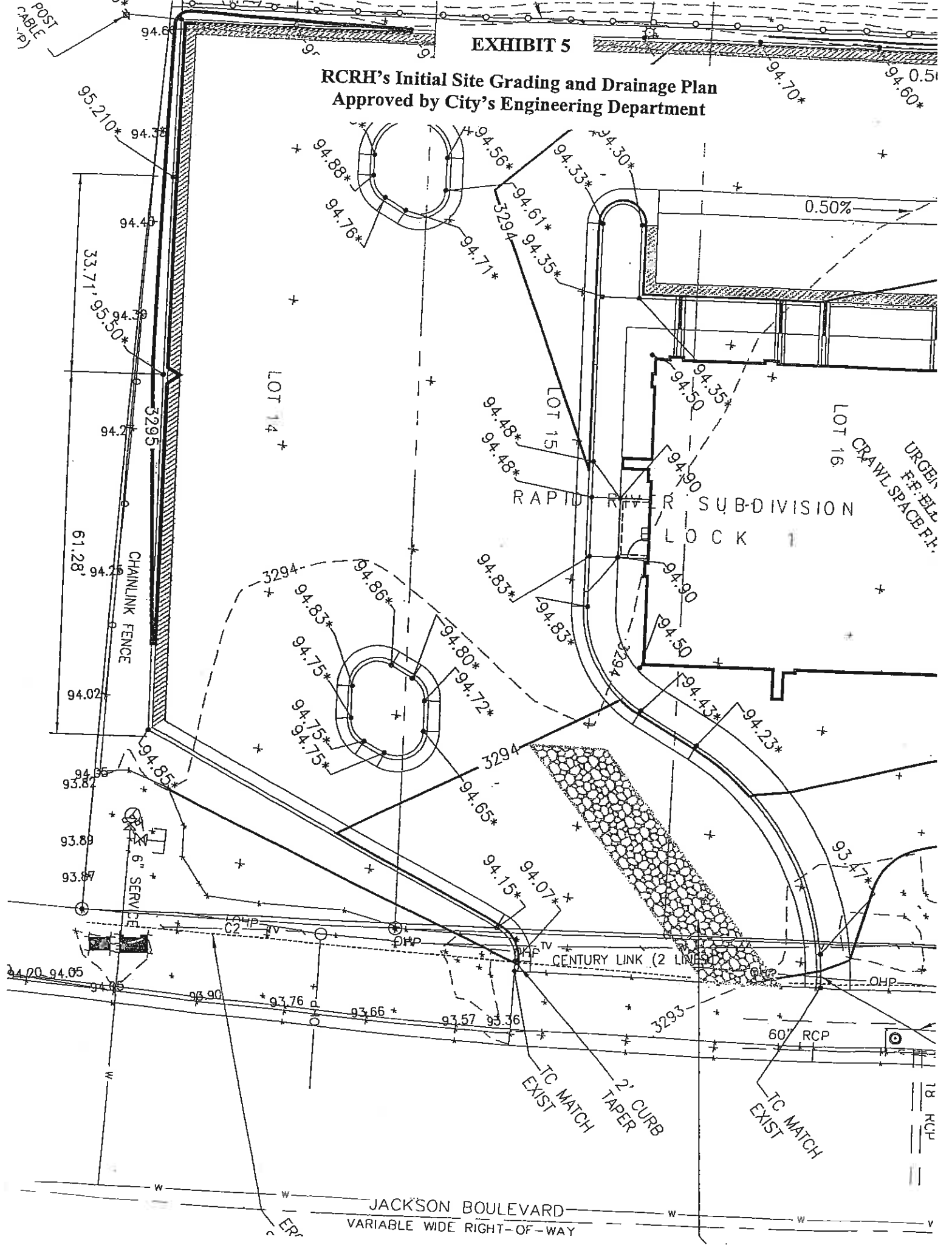
All development shall conform to an approved Drainage Basin Design Plan. If no plan exists for the area of the proposed development, the City may: (1) waive this requirement, (2) require the development to provide the necessary data; or, (3) declare a "study area" per City ordinance until a Drainage Basin Design Plan is completed.

4.1.6 Drainage Easements

Drainage easements shall be established for the one hundred (100) year runoff when the drainage way conveys the runoff from two or more lots. When drainage easements incorporate easements for other utilities the easement shall be increased as necessary to accommodate utilities such that these utilities are not within the main drainage channel. Drainage easements can be incorporated into existing right-of-way as long as the drainage way flow path remains clear of surface obstructions.

EXHIBIT 5

RCRH's Initial Site Grading and Drainage Plan
Approved by City's Engineering Department



POST
CABLE
(P)

0.50%

LOT 14

LOT 15

LOT 19

RAPID RIVER SUBDIVISION
BLOCK 1

URGEN.
FF. BLK.
CRAWL-SPACE FF.

CHAINLINK FENCE

6" SERVICE

CENTURY LINK (2 LINES)

TC MATCH
EXIST
2' CURB
TAPER

60" RCP
TC MATCH
EXIST

JACKSON BOULEVARD
VARIABLE WIDE RIGHT-OF-WAY

18" RCP

EXHIBIT 6

Approximate Flow Areas Provided by Different Drainageways at RCRH's Lot 14

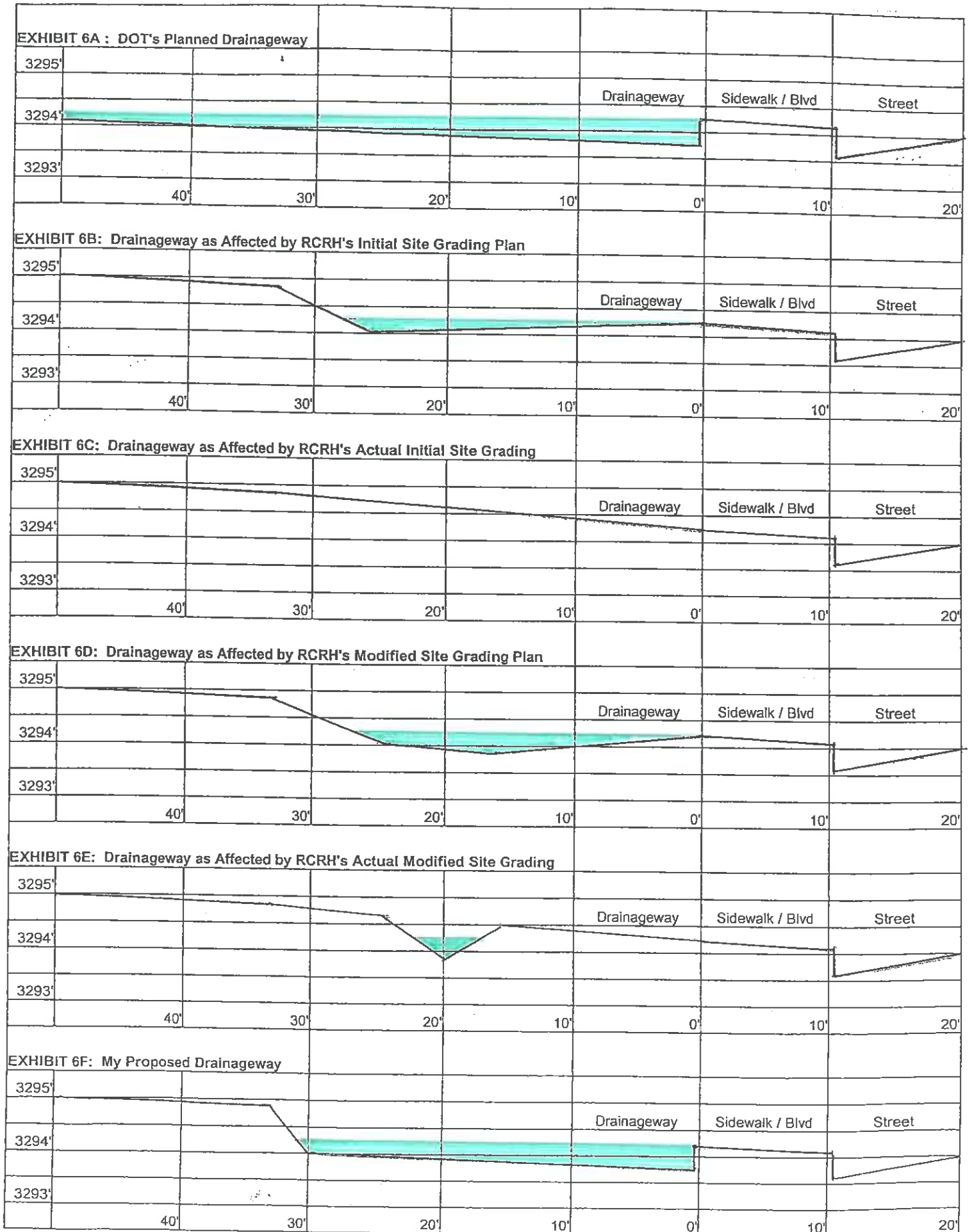


EXHIBIT 7

January 13, 2014

Mr. Joel Landeen, City Attorney
City of Rapid City
300 6th Street
Rapid City, South Dakota 57701

Subject: Request for the Establishment of a Drainageway Easement across 2116 Jackson Boulevard

Dear Mr. Landeen:

I am the owner of 2130 and 2138 Jackson Boulevard. On December 23, I hand-delivered to the City and mailed to the SD Department of Transportation a study which provides my estimates of the stormwater flows that now potentially will drain onto and across my properties and my neighbor's properties during a 100-year storm. Because of changes DOT made to my properties' parking lots and 2144 and 2116 Jackson Boulevard's parking lots as part of its Jackson Boulevard reconstruction, DOT essentially forced these properties' frontages to become a side-street channel and drainageway for these stormwater flows. The City has a code (Infrastructure Design Criteria Manual, Section 4.1.6) that requires easements be established for this drainageway. The code requires that the easements must be for the drainageway's 100-year frequency storm's flows.

Since May of last year, I have had several discussions with both the City and DOT regarding the drainageway and its necessary easements. I was led to believe by the City's Engineering Department, and also by your own staff, that neither I nor my neighbors could do any redevelopment of our properties until we provided easements for the drainageway. I have been waiting for five months for DOT to give me its estimates of the flows that will exist on my properties during different storms so we can size the easements that I and my neighbors will need to provide. On more than one occasion, I have suggested that either the City or DOT should advise my neighbors that they are going to have to provide some kind of drainage easement on their properties.

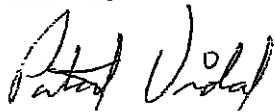
Now, Rapid City Regional Hospital has begun to construct a new building on its property at 2116 Jackson Boulevard. The drainageway's path requires that, at least during major storms, surface water flows that originate or come onto my properties will need to drain onto this property to drain off my properties. Unfortunately, upon issuing RCRH's building permit, the City did not address the drainageway or require RCRH to establish an easement for it. I have reviewed RCRH's parking lot and landscaping elevations shown in its building plans, and I have compared them to my parking lots' elevations shown in DOT's street plans. The elevations show that RCRH's parking lot and landscaping will prevent flows on my properties from being able to drain onto RCRH's property. Therefore, my properties may flood during some rain storms. During winter thaw and freezing cycles, my parking lots may become ice ponds.

I do not want my properties to flood or my parking lots to become ice ponds, and I do not want my neighbor to waste money constructing a parking lot and/or landscaping that it will have to change. I am requesting that the City enforce its codes. I am requesting that the City arrange a meeting of at least me, RCRH, the City and DOT to discuss the drainageway and its necessary easements. You may wish to also invite RCRH's architect/engineer to this meeting. You may wish to also invite FMG Engineering. (The City paid FMG Engineering in 2010/2011 to determine if DOT's street drainage plan met the City's drainage criteria, which would include its Infrastructure Design Criteria Manual's Section 4.1.6. FMG did not address the subject drainageway or its necessary easements in its 2010/2011 report to the City.) Finally, you may wish to invite other Block 1, Rapid River Subdivision property owners to attend this meeting if your Engineering Department agrees with my study's findings that, with Jackson Boulevard's new design, significant runoff flows will come onto most of Block 1's properties during major storms after the City installs the new storm sewer it is planning for South Mountain View Road.

Please call me before this week's end to assure me that you are going to address this matter and arrange that the meeting I have requested be held in the near future. If I do not hear from you by week's end, then I will request that this matter be placed on the next City Council meeting's agenda.

Thank you for your prompt attention to this matter.

Sincerely,



Patrick Vidal
PAJO Properties, LLC
(605) 390-7667

cc: William Nevin, Legal Council for SD Department of Transportation
Vern Osterloo, Construction Coordinator, Rapid City Regional Hospital
Sam Kooiker, Mayor of Rapid City

EXHIBIT 8

Page 1 of 1

Subj: Elevation of inlet/ground adjacent hospital approach on Jackson Boulevard
Date: 6/25/2015 12:57:46 P.M. Mountain Daylight Time
From: Tom.Horan@state.sd.us
To: PatVidal@aol.com
CC: Brenda.Flottmeyer@state.sd.us, Mike.Carlson@state.sd.us
Mr. Vidal,

Thanks for the call this morning. This is just to follow up on our conversation regarding subject.

The DOT does not feel responsible for adjustment of the inlet elevation again. As part of the original highway plans this inlet was to be installed (as a Type B inlet) in a curb and gutter section that tied into the adjacent parking lot. When the hospital developed their property elevations changed significantly. I feel the DOT has made a good-faith effort and has already endured increased expense to match the elevation of the surrounding landscaping. Therefore I don't feel that it would be reasonable to burden the taxpayers again with any additional costs that may come about as a result of adjusting the elevation yet again.

You also inquired about whether the rock placed in the highway right-of-way (ROW) belongs to the DOT. It does not. It was placed by the adjacent owner, to my knowledge, as part of their landscaping plan. It does exist within the ROW but we do not maintain or own the rock.

Finally, while it appears that the landscaped area installed by the hospital does not match the elevations shown in their development plans this is not an issue that the DOT will pursue. I see it as an issue between adjacent landowners, potentially involving the City if they were part of the original development approval process.

I appreciate the patience that you've demonstrated working through these issues with us. Please feel free to call if you have other questions.

Tom Horan, P.E.
Region Operations Engineer
SDDOT – Rapid City Region
605.394.1631 office
605.209.7885 cell



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department
Engineering Services Division

300 Sixth Street

Telephone: (605) 394-4154 Fax: (605) 355-3083

Web: www.rcgov.org

October 16, 2014

Rapid City Regional Hospital
Attn: Buildings and Grounds
353 Fairmont Blvd
Rapid City, SD 57701

Regarding: Final site grading at Regional Urgent Care West, 2116 Jackson Blvd,
Rapid City, SD 57702.

To whom it may concern,

It has been brought to the City's attention that the final site grading for the Regional Urgent Care West, 2116 Jackson Blvd, Rapid City, SD 57702, is not in compliance with the approved building permit plans. The area in question is located in the south west corner of the property between the two inlets behind the sidewalk. Please take the appropriate action necessary to correct the grading to insure adequate drainage.

Sincerely,

Dale Tech, P.E. / L.S.
City Engineer



EXHIBIT 10

October 17, 2014

Mr. John Watts, Construction Director
Rapid City Regional Hospital
353 Fairmont Boulevard
Rapid City, South Dakota 57701

Subject: Site Grading at Urgent Care Facility at 2116 Jackson Boulevard

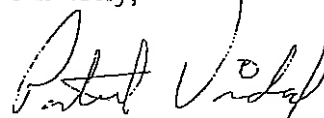
Dear Mr. Watts:

I am writing in regard to the manner in which the landscaped area at the southwest corner of your Urgent Care property at 2116 Jackson Boulevard has been graded. This grading does not conform to the site grading and drainage plans approved by the City of Rapid City for this area of your property. It does not conform to changes which RCRH representatives (Vern Osterloo and Don Wrede) proposed to make to this area's site grading and drainage plans for the benefit of my property's drainage at 2130 Jackson Boulevard. These changes were offered at a meeting held in February 2014. I, your representatives, Rapid City's City Engineer, and several engineers from the SD DOT attended this meeting. I requested this meeting because I feared your property's new elevations were going to require runoff on my property to accumulate and build in depth on my parking lot before it could begin to drain off my parking lot under certain conditions. The City attended this meeting because it had approved your site grading and drainage plans. DOT attended this meeting because it had just recently changed Jackson Boulevard (before you had purchased your property) in a manner that sometimes would require runoff on my parking lot to drain onto your property.

Based on your site grading and drainage plans, plus the changes to them your representatives offered to make, the landscaped area at the southwest corner of your property is supposed to be graded to be more like a channel than the mound that currently exists. The channel's width is supposed to narrow from west to east, like the landscaping does. Its bottom is supposed to slope uniformly from my Lot 13 inlet's elevation to your Lot 15 inlet's original planned elevation. (Lot 15's current inlet elevation appears to have been raised approximately four inches from its original planned elevation. I assume this was done so it would be level with your landscaping's current elevations. This inlet will need to be returned to its original elevation. Your landscaping will need to slope down to it from our shared border, your parking lot curbing, and the street's sidewalk.)

I am requesting that you re-grade the landscaped area at the southwest corner of your property as described above. Should you wish to discuss this matter with me, you may contact me at (605) 348-5563 or (605) 390-7667. FYI, I have contacted the City regarding this matter and have asked them to require you to provide this grading.

Sincerely,



Patrick Vidal

Cc: Dale Tech, City Engineer, City of Rapid City
Terry Wolterstorff, Public Works Director, City of Rapid City
Tom Horan, SD Department of Transportation

RCRH's Modified Site Grading Plan Approved by City's Engineering Department

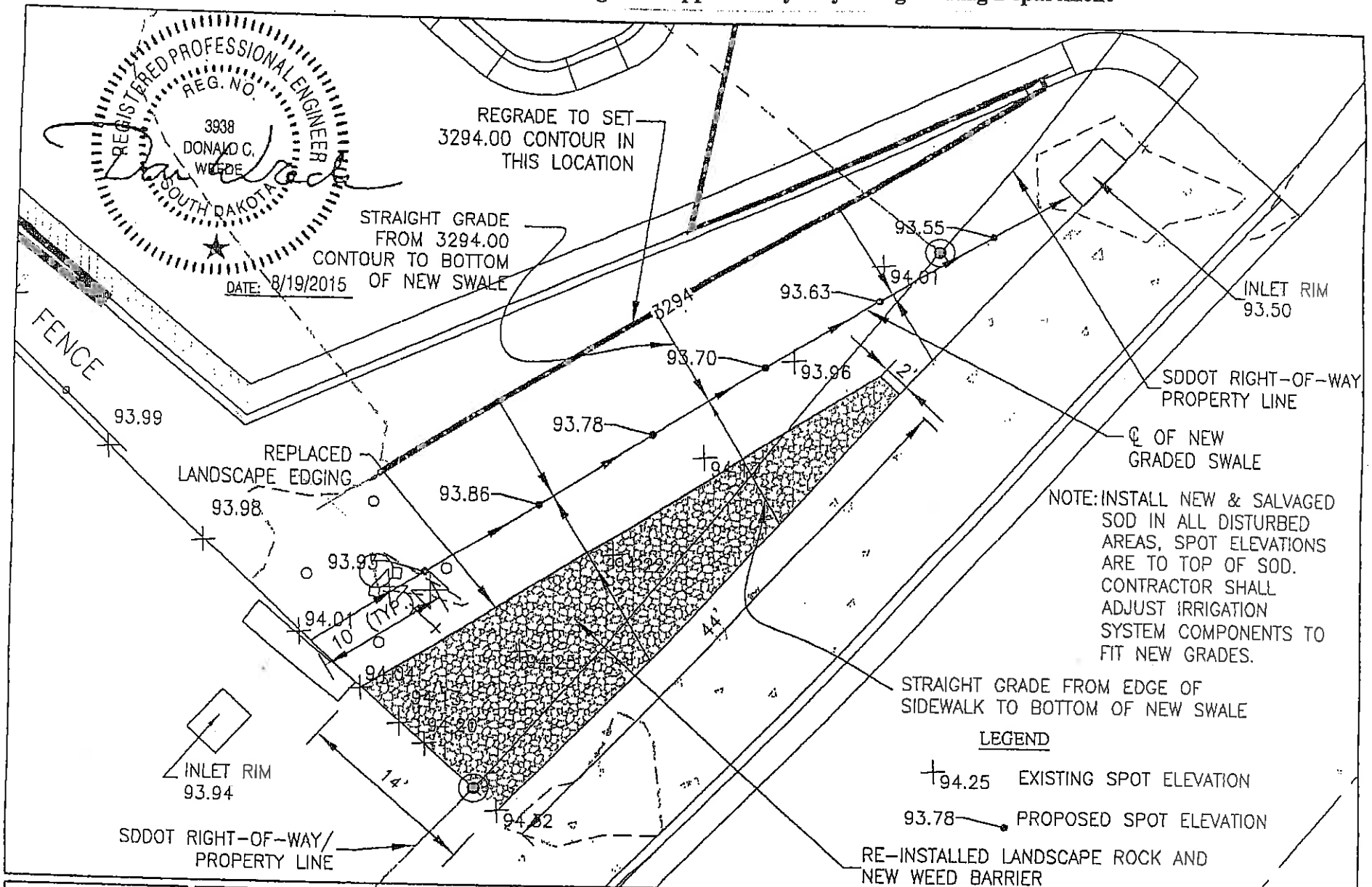


EXHIBIT 11



PROJECT TITLE
**RAPID CITY REGIONAL
 HEALTH URGENT CARE**
 RAPID CITY, SOUTH DAKOTA

PROJECT #		03130885
DRAWN BY		DCW
CHECK BY		DCW
DATE		08-19-15
REF SHEET #	ADD#, ASI#, CCD#, PR#	SHEET ID#
C-104	MODIFICATION	C-2
		GRADING PLAN



CITY OF RAPID CITY
RAPID CITY, SOUTH DAKOTA 57701

Public Works Department
Engineering Services Division
300 Sixth Street
Telephone: (605) 394-4154 FAX: (605) 355-3083
Web: www.rcgov.org

August 28, 2015

Rapid City Regional Hospital
Attn: John Watts
353 Fairmont Blvd
Rapid City, SD 57701

Re: Revision to Site Grading at Regional Urgent Care West,
2116 Jackson Blvd, Rapid City, SD 57702

Mr. Watts,

Don Wrede with TSP, Inc. submitted a revised site grading plan to the City on August 26, 2015 for the southwest corner of the Regional Urgent Care West property located at 2116 Jackson Blvd, Rapid City, South Dakota 57702. The proposed revisions appear to maintain the original intent of the approved construction drawings associated with the commercial building permit for this property, City Permit #CIPB15-5857, issued by the City on December 20, 2013. The City takes no exceptions to the proposed revisions.

The proposed work does not require any City permits, as the work falls below the threshold for any permits.

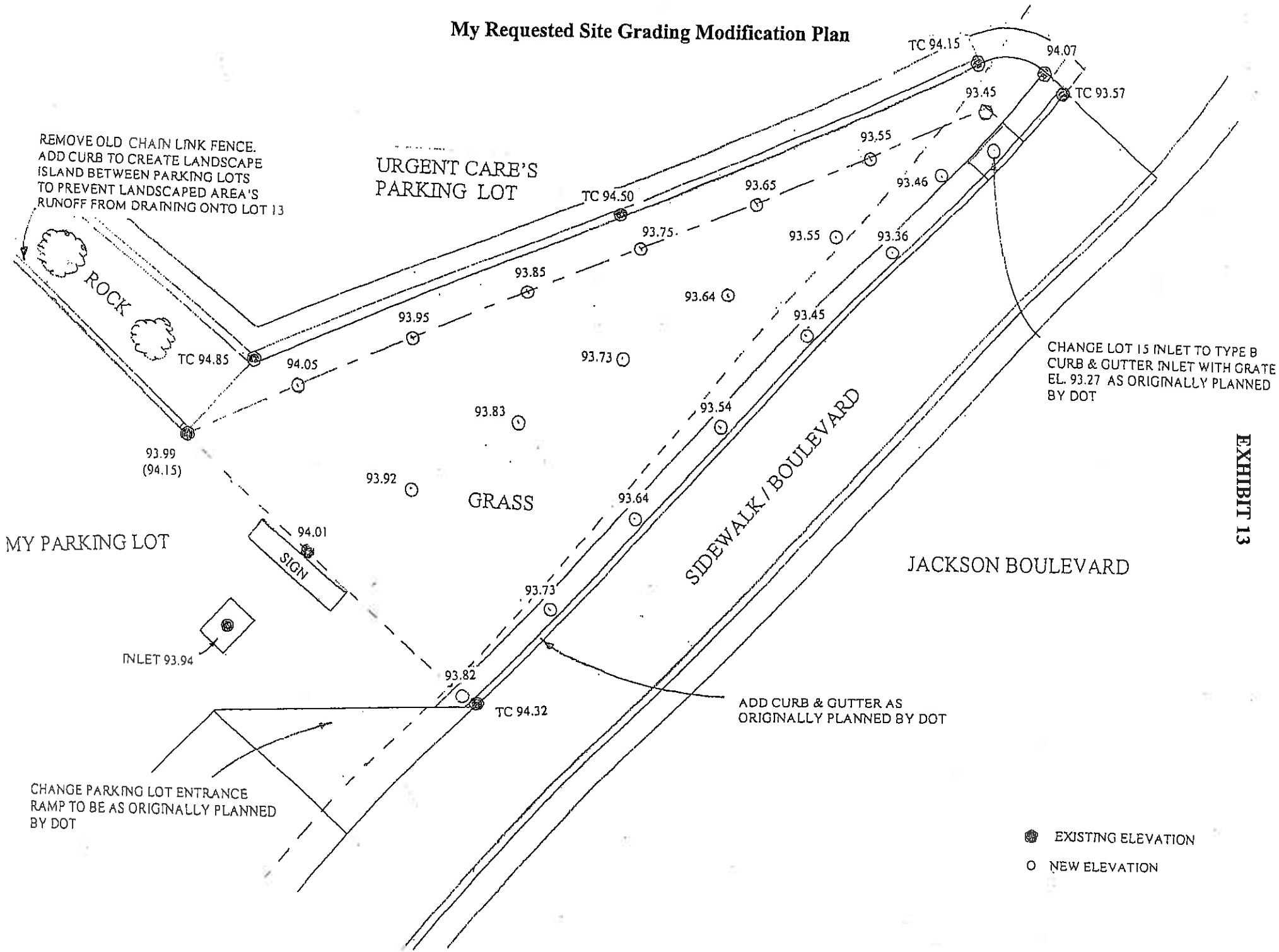
Sincerely,

Dale Tech, P.E./L.S.
City of Rapid City, City Engineer

Cc: Don Wrede, TSP, Inc. 600 Kansas City Street, Rapid City, SD 57702



My Requested Site Grading Modification Plan



- EXISTING ELEVATION
- NEW ELEVATION

EXHIBIT 13