



Department of Transportation

Rapid City Area Office
2300 Eglin Street
Rapid City, South Dakota
605/394-2248 FAX: 605/394-1904

February 24, 2010

Mr. Jerry Cole

✓ City of Rapid City – Parks Department
125 Waterloo Street
Rapid City SD, 57701

Re: P 0044(129)42; Pennington County; PCN 00X9
Urban Grading, Storm Sewer, C&G, Sidewalk, Lighting, Signals, and
PCC Surfacing
SD44 – Jackson Boulevard from Rapid Creek to Mt View Road in Rapid
City
Encroachments

Dear Mr. Cole:

As seen in the enclosed photo, your fence in Rapid City encroaches into the SD44, Jackson Boulevard Right-of-Way by 10.5 feet. The SD Department of Transportation will be reconstructing Jackson Boulevard during the 2011 and 2012 construction seasons, and as part of the project, all encroachments must be addressed in order to secure project funding.

The fence that encroaches in the highway right-of-way is considered to be a landscaping item, and does not need to be moved at this time. If this fence requires replacement, upgrading or refurbishing for any reason, including storm damage, it must be removed from the highway right-of-way at that time.

A DOT-295 Permit to Occupy Right-of-Way is enclosed to allow this encroachment to temporarily remain. Please sign and date the Permit and return it to this office in the enclosed envelope. Thank you for your anticipated cooperation.

If you have questions, please contact me at 605.394.2248.

Sincerely,

DEPARTMENT OF TRANSPORTATION

Gary D. Engel
Rapid City Area Engineer

Steve Palmer
Engineering Supervisor

cc: File
City of Rapid City – Dale Tech

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPLICATION FOR PERMIT TO OCCUPY RIGHT-OF-WAY : ENCROACHMENT

Highway No.: SD44 County: Pennington Project No.: P 0044(129)42 PCEMS: 00X9

City: Rapid City Legal Description: 2330 ARROWHEAD DR
TRACT 4 & N27' OF VAC FLORMANN ST (ALSO IN 1N-7E SEC 10) RAPID CITY
GREENWAY TRACT, Section 9 T1N R7E
City of Rapid City

Description of Encroachment: Chain Link Fence

I, the undersigned, request permission to occupy public right-of-way at the above location and as shown on the attached photo. In consideration for this permission, I agree to abide by all conditions as herein stated.

1. To furnish all materials, labor, incidentals and pay all costs involved with this occupancy including restoration of any damage to the roadway and right-of-way to equal or better conditions than existed prior to the occupancy covered by this permit.
2. To provide protection to highway traffic during occupancy by the use of proper signs, barricades, flagpersons and lights as prescribed in the "Manual of Uniform Traffic Control Devices."
3. To indemnify, hold and save harmless the State of South Dakota, its Department of Transportation and the City of Rapid City, their Officers and Employees, from any and all suits, actions or claims of any kind or nature brought because of any injuries or damage received or sustained by any person or property on account of the use or occupancy of right right-of-way designated in this application.
4. To move said encroachment out of the Right-of-Way when it becomes structurally or functionally obsolete, or requires replacement, upgrading or refurbishing for any reason, including storm damage.
5. The replacement of obsolete or the installation of new awnings, canopies, marquees, advertising signs or similar installations supported wholly from the building shall be permitted provided that no part of the encroachment is less than 3 feet back from the face of the curb and 8 feet above the curb elevation.
6. In the event the encroachment, by reason of color or placement, obscures or in any way detracts from the effectiveness of the highway signs, traffic signals, pedestrian safety, or interferes with the free or safe flow of the traffic, the City shall cause the removal of such encroachment or take appropriate measures to improve highway signs or traffic signals and traffic safety.

SIGNATURE _____ DATE _____

ADDRESS _____ TELEPHONE _____

REPRESENTING _____
(Name of Individual, Company, Organization, etc.)

To be completed by Department of Transportation

Station 79+70 Rt. Milepost _____ Photo Number 1

1. Special Conditions _____

2. Failure to accomplish the occupancy in accordance with the provisions of this permit will automatically render this permit null and void and where applicable, constitute grounds for its removal and/or full restoration of the occupancy site all at the applicant's expense.

This permit to occupy right-of-way is granted to all conditions as herein stated on this _____ day of _____, 20_____.

City of Rapid City

Rapid City Area Engineer



P 0044(129) 42 Pennington County
PCN 00X9
Hwy SD44
Picture #1
Sta. 79+70 Rt.
Fence Encroaches: 10.5 Ft
Clear Zone: 6', Not in Clear Zone
Permitted: **No**

