

08CA034

From: Sam Fischer [mailto:samfischer@rushmore.com]
Sent: Wednesday, September 24, 2008 6:09 PM
To: Planning Commission
Subject: Deadwood Ave. Major Street Plan Amendment

September 24, 2008

Rapid City Planning Commission
300 Sixth Street
Rapid City, SD 57701

Re: Deadwood Ave. Major Street Plan Amendment

Dear Commission Members:

I am writing to express my concerns regarding adding the extension of Sheridan Lake Road to Deadwood Avenue to the city's Major Street Plan. While I feel that the Sheridan Lake Road extension would be a beneficial project to the city, I do not feel that now is the proper time to add it to the Major Street Plan.

It is my understanding that the extension of Sheridan Lake Road is facing the following obstacles at the current time:

1. There is no funding source for the project.
2. Traffic studies have shown that the traffic benefits do not currently outweigh the costs.
3. No specific route for the extension has been determined (please see the enclosed alternative routes proposed to date).

Due to these unresolved issues, if the extension is added to the Major Street Plan, it would be impossible for affected land owners to adequately make decisions regarding their properties based on the future extension's impact. For example, because funding has not been obtained and the route has not been identified, the city is not able to engage the engineering of the road to determine things like elevations, setbacks, the amount of land to be taken, etc. Without knowledge of these specifics, affected landowners cannot make simple decisions regarding their land such as new building locations, building additions, building remodels, site development, and many other things that landowners are legally granted the right to do with property that they own.

In my specific case, the landowner I represent currently has affected property listed for sale. If the extension is added to the Plan, marketing of the property will become extremely difficult, if not impossible. For instance, an interested purchaser would have absolutely no idea regarding the following issues: (1) exactly how much land he/she would end up with after the land is taken for the road (again – the route has not been determined), (2) how to

place potential buildings on the property to avoid condemnation, (3) how to maximize road visibility and access, (4) elevations of buildings and site improvements, and the list goes on. The sale of the property with this many issues hanging open is nearly impossible.

In my view, to add the Sheridan Lake Road extension to the Major Street Plan at this point in time is premature and a “seizure” of the legal use of affected property without compensation to the landowners. Landowners will have their hands tied for years until the extension receives funding and the engineering is completed, or until the project is cancelled. I believe that the city should not place this project on the Major Street Plan until funding is identified or at least likely to be obtained in the immediate future and until traffic benefits justify the cost. Placing the extension on the street plan at this time unjustly prevents landowners from fully utilizing their properties without compensation. My position is that this is an unjust taking.

Sincerely,

Sam Fischer
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September 22, 2008

To: Planning Commission
City of Rapid City
300 Sixth Street
Rapid City, SD 57701

From: James V. Bailey, Member
Sweet Creek, LLC
P.O. Box 914
Rapid City, SD 57709
(605)343-2390

Re: Deadwood Avenue Neighborhood Area Future Land Use Plan and
Major Street Plan Amendments to the Adapted Comprehensive Plan
(September 22, 2008).

I am Jim Bailey and we own the 40 acres located just north of the U-Haul
property and just north of the west part of City owned tract 17.

We object to removing the current approved proposed collector street going
north on the section line at the intersection of Omaha and Mt. View.

In April we wrote the Rapid City Growth Management and advised them
that we were not pursuing putting in this road at this time as the location on
the east edge of the U-Haul property and possibly a small strip of land at the
west edge of Tract 17 of the City owned property was a better location for
all involved.

On July 22, 2008, we submitted an access application to the SDDOT for
access to Omaha Street at the U-Haul easement location. We have not
received a reply to that application and do not know what will come of that

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application. Although in my opinion, the U-Haul easement location would be better for everyone involved, that location has not been approved by the SDDOT and may not be approved.

The future land use plan is for the future and the figure of 2030 is being used in the traffic studies for the future. The proposed removal of the existing collector street on the Section Line at Mt. View Road would leave the 40 acres landlocked and would remove a South Dakota Constitutional guaranteed access to the property. This access needs to be kept in place unless an alternate access, that is, the U-Haul access is approved.

