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November 6, 2015

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**RAPID CITY COMMUNITY PLANNING  
& DEVELOPMENT SERVICES**

Mr. Fletcher Lacock  
Community Planning and  
Development Services  
City of Rapid City  
300 Sixth Street  
Rapid City, SD 57701

Re: Revisions to Pending Request from Steve and Lynn Hammond  
Case No. 15PD029

Dear Fletcher:

Please find attached hereto, a revised plan submitted by my clients, whereby they are revising their previous submittal in order to accommodate some of the City's concerns. Specifically, the Hammonds are offering to convert the existing three-car garage attached to their home to interior living space. The garages doors will be removed and the wall rebuilt to include appropriate windows and person door. Instead of a total of eight garage stalls, the total will be only five stalls created by the new structure. Therefore, only two new stalls will be added to the property and the total square footage of livable interior space of the home will increase. See renderings of the new structure and home without current garage and views from Skyline Drive from different vantage points attached hereto as Exhibit A.

Also, please find attached as Exhibit B, letters from two treating physicians of Mr. Hammond; specifically, stating as to why this particular garage and number of stalls is necessary to accommodate his disability.

Attached as Exhibit C is a proposed solution from Engineer Ronald Davis whereby the City's right-of-way could easily shift 23 feet to the west. This is perhaps the most compelling demonstration as to why the request of the Hammonds can be readily accommodated with minimal inconvenience or effort by the City. This particular stretch right-of-way west of my clients' home can be moved 23 feet to the west, which simply moves the right-of-way onto land already owned by the City. The topography of said land easily allows construction of additional roadway in the future.



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This solution clearly demonstrates a very viable option for the City without losing its ability to provide future services, etc. to the public.

Finally, in order to further facilitate the movement of said right-of-way, my clients will agree to donate to the City a portion of the northwest corner of their property in order for the City to easily maintain additional space between my clients' lot line and the City right-of-way.

These new revisions to the Hammonds' property plan make it abundantly clear that the City's acceptance of said plan constitutes a reasonable modification. ADA Title II-3.6100 General. states:

A public entity must reasonably modify its policies, practices, or procedures to avoid discrimination. If the public entity can demonstrate, however, that the modifications would fundamentally alter the nature of its service, program, or activity, it is not required to make modification.

The Hammond's request does not require the City to make a modification that would "fundamentally alter the nature of its service, program or activity"; and, therefore, must grant the Hammonds' request. Failure to do so, will readily subject the City to exposure for violating this Federal requirement.

On behalf of my clients, I respectfully request that the City staff be reasonable in finding that this is a reasonable request and must be granted.

Sincerely,

WHITING HAGG HAGG  
DORSEY & HAGG, LLP

  
Kent R. Hagg

KRH/dcc  
Encl.  
cc: clients