

# Department of Transportation

## Rapid City Region Office

2300 Eglis Street  
P.O. Box 1970  
Rapid City, SD 57709-1970  
Phone: 605/394-2244  
FAX: 605/394-1904

March 11, 2008

Mr. Alan Hanks, Mayor  
City of Rapid City  
300 Sixth Street  
Rapid City, South Dakota 57701

RE: Temporary Break in Control of Access US16B

Dear Mayor Hanks:

We are in receipt of your January 22, 2008, letter requesting extension of time for Break in Control of Access along US16B (Southeast Connector/Catron Boulevard) for the Willowbend Road area. This request was forwarded to our SDDOT Commission and Federal Highway Administration (FHWA) for their consideration and approval. Attached is a copy of the submitted correspondence to them, dated February 29, 2008.

While we all share in the concern for safe ingress/egress for residents of Willowbend Area, we are quite concerned with the appearance that little progress occurred in the past two years to resolve the issue. This lack of progress was also expressed by the SDDOT Commission and FHWA during the review of the current time extension.

Therefore, although approval is being granted to extend the break until June 1, 2010, there are a number of stipulations that are earmarked with the approval. We draw your attention to the third bullet listed within the February 29, 2008 letter – namely that you will need to keep us informed of your progress on a 30 day interval. The first meeting will be May 1, 2008.

We look forward to working with you and your staff to bring this issue to a resolution. If you have any questions or concerns please feel free to contact us.

Sincerely,

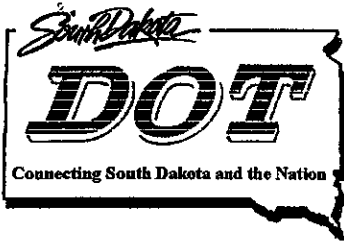
Joel Jundt, Acting Region Engineer  
SD Department of Transportation

RECEIVED

MAR 12 2008

MAYOR'S OFFICE

CC: Dan Staton, Access Management Engineer  
Gary Engel, Area Engineer  
Greg Fuller, Division Director, Division of Operations



## Department of Transportation

### Rapid City Region Office

2300 Eglin Street

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February 29, 2008

Mr. Kenneth L. Erlenbusch  
Realty and Civil Rights Specialist  
FHWA, South Dakota Division  
116 East Dakota Ave.  
Pierre, SD 57501

RE: Time Extension for Temporary Break in Control of Access, SE Connector, Rapid City, SD

Dear Mr. Erlenbusch:

This letter is intended to provide information and request your approval of a public interest finding for continuation of a temporary break in control of access for the above referenced location. The South Dakota Department of Transportation has reviewed and approved this request.

The planned access for Plum Creek Subdivision to the Southeast connector is via Minnesota Street (Station 59+70-150 Rt), where there is a break in control of access. However, Minnesota Street and the connection from Willowbend Road to Minnesota Street have not been constructed. Temporary access to the Southeast Connector for Plum Creek Subdivision is being provided at Station 67+00 and was approved by your 8-07-2006 letter. This temporary break continues to be required (necessary for the ingress and egress of vehicles in the event the only other access is rendered unusable) as construction of intended access via Minnesota Street has not yet occurred. The safety concern for the residential development in this area remains. We are requesting an extension of time for the temporary break in control of access along the Southeast connector from Station 66+50 to 67+50. The attached letter from City of Rapid City details their continued efforts towards construction of intended access at Minnesota Street. It is now anticipated that this roadway connection will be constructed by June 1, 2010.

The South Dakota Department of Transportation supports this continued temporary break in control of access, with the following conditions:

- The break in control of access is temporary and expires on June 1, 2010 or when the new roadway connection from Willowbend Road to Minnesota Street is constructed, whichever is sooner.

- City agrees to deny all new building permits in areas served by subject temporary access, until such time that intended connection to Southeast connector is completed and open for use.
- City agrees to more vigorously pursue negotiations with related Developers. To this end, City shall communicate project/negotiation status on 30 day intervals to DOT. Should City actions not result in successful negotiations with Developers by May 1, 2008, City agrees to meet with DOT to discuss other means of moving project forward (this is NOT an offer of future Federal or State funding but rather a fact finding meeting that will result in positive movement forward).
- It is recognized that there will be no further requests for time extension of subject temporary break in control of access.

There is no reimbursement proposed for the continuation of temporary break in the control of access as this is a safety concern for the residential area and the benefit is for their safety in the event of a health or fire danger. This is a temporary break in the control of access wherein the full control of access will be restored no later than June 1, 2010. The public's interest is served best by providing this measure of safety with no reimbursement to the State of South Dakota until the alternate road can be constructed as outlined above.

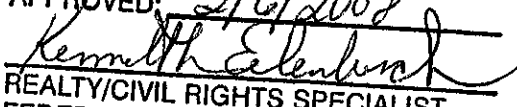
Please review this request and feel free to contact me at 394-2244 if you have any additional questions. I have included a map of the area that will assist you in your review.

Sincerely,



Daniel W. Staton  
Access Management Engineer, SD DOT

CC: Joel Jundt, Acting Region Engineer  
Gary Engel, Area Engineer  
Greg Fuller, Division Director - Office of Operations

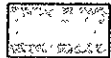
APPROVED: 3/6/2005  
  
KENNETH ELENBURG  
REALTY/CIVIL RIGHTS SPECIALIST  
FEDERAL HIGHWAY ADMINISTRATION

# Plum Creek Subdivision, Elks Country Estates & Elks Meadows Subdivision

Existing temporary access to Willowbend Rd. (66+50 to 67+50)  
 Request time extension for Temporary Break in Control of Access until construction of connection to highway via Minnesota St at location of permanent break in control of access or June 1, 2010, whichever is sooner.

Existing Break in Control of Access (59+70-150 to 58+70-150)  
 Will provide access to Willowbend Road when new roadway is constructed

## Existing and Proposed Roads



Platted Rights-of-Way



Proposed Roads



NOT TO SCALE  
 11-30-05



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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*Office of the Mayor  
300 Sixth Street  
605-394-4110  
Fax: 605-394-6793*

January 22, 2008

Mr. Joel Jundt, Acting Region Engineer  
South Dakota Department of Transportation  
Post Office Box 1970  
Rapid City, SD 57709

Re: Temporary Break in Control of Access on U.S. Highway 16B

Dear Joel:

On behalf of the City of Rapid City, I am requesting that the South Dakota Department of Transportation extend the temporary Break in Control of Access on U.S. Highway 16B (Southeast Connector/Catron Boulevard) at the temporary access easement to Willowbend Road for an additional two years.

As you are aware, the City of Rapid City continues to work with the adjacent landowners/developers to facilitate the construction of the Minnesota Street connection to U.S. Highway 16B (Southeast Connector/Catron Boulevard). To date, the City of Rapid City has approved an Infrastructure Development Partnership Loan, a Tax Increment Financing District and Tax Increment Financing District Project plan to subsidize the construction of this connection to the City's street network. Negotiations regarding the Developer's Agreement and coordination of the related infrastructure improvements are continuing with the most recent discussions occurring this past Friday. The City of Rapid City is making every effort to insure that this important street connection can be completed as soon as possible.

Upon finalization of the Developer's agreements and approval by the City Council, the landowner/developer's engineers estimate that it will be between 12 and 24 months before the construction plans can be completed, the project bid and the work completed. For this reason, the City of Rapid City is requesting a two year extension of the temporary; break in Control of Access on U.S. 16B at the temporary access to Willowbend Road through June 1, 2010.

The City of Rapid City sincerely appreciates the South Dakota Department of Transportation's cooperation in assuring that this temporary secondary access remains available to the several hundred residents of the area. This is of particular importance as the primary access point, Jolly Lane crosses Rapid Creek in an area where severe flooding occurred during the 1972 Flood and where flooding could occur in another significant flood event. Additionally, the temporary access provides better response times for emergency vehicles and access to Rapid City Regional Hospital. We appreciate your assistance in meeting the community's needs. Please feel free to contact me if you have any questions or concerns.

Sincerely,

Alan Hanks, Mayor  
Rapid City, South Dakota



EQUAL OPPORTUNITY EMPLOYER

**Elkins Marcia**

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**From:** Joel.Jundt@state.sd.us  
**Sent:** Tuesday, March 25, 2008 8:37 AM  
**To:** Elkins Marcia  
**Cc:** Hanks Alan, Ellis Robert; Dominicak Bob; Fisher Vicki; Heller Monica; Landeen Joel; Green Jason, Daniel.Staton@state.sd.us  
**Subject:** RE: Temporary Access to Plum Creek

Marcia,  
Thanks for following up. Yes, our intent of the restriction was to limit any platting of additional lots within the development of the properties in question until construction of Minnesota Street (or a secondary access) takes place. Sorry for the confusion.

In regards to the status, it is our desire to meet with you folks in the month of May if this issue has not been resolved by then.

Thanks.

*Joel Jundt*  
*RC Operations Engineer*  
**(605) 394-2244**  
**joel.jundt@state.sd.us**

-----Original Message-----

**From:** Elkins Marcia [mailto:Marcia.Elkins@rcgov.org]  
**Sent:** Tuesday, March 25, 2008 8:00 AM  
**To:** Jundt, Joel  
**Cc:** Hanks Alan; Ellis Robert; Dominicak Bob; Fisher Vicki; Heller Monica; Landeen Joel; Green Jason; Staton, Daniel  
**Subject:** Temporary Access to Plum Creek

Joel

Thank you for the conversation last night clarifying terms of the temporary break in control of access at Willow Bend Road. As we discussed, the City has no legal ability to deny building permits for previously platted properties; however, the City Council has repeatedly placed a requirement on all preliminary plats that prior to the platting of any additional lots, the contract must be let for the construction of the Minnesota Street connection or another secondary access (other than Jolly Lane.) It is my understanding from our discussion that you are in concurrence with this requirement and understand the legal limitations that preclude the City from limiting the issuance of building permits for previously platted lots.

Further, you should be aware that the Assistant City Attorney is continuing to review revisions to the developers agreements with both the Plum Creek Developer and the the Zandstra/Elks Country Meadows developers addressing the construction of the second access. Assistant City Attorney Landeen met with the Mayor, Bob Dominicak and I late yesterday afternoon to review the developers proposals. I share this information with you to confirm the City's commitment and continued efforts to move this project forward.

I look forward to receiving your e-mail confirmation of this message. Thank you for your coordination and cooperation. m

3/25/2008