

Wednesday, April 17, 2008

City Council
City of Rapid City
300 Sixth Street
Rapid City, South Dakota 57701

Dear Council Members,

I respectfully request a hearing regarding the city request for removal of a footbridge spanning a major drainage easement on my property. The structure in question was constructed over the last several weeks behind my residence at 3931 Park Drive. I must at the outset apologize for my lack of awareness of proper procedure and the inherent limitations that exist due to the easement. I also must state that I am fully aware that ignorance of the ordinance is no excuse. With that said, I would like to state my case for retaining the bridge.

The bridge was constructed over a drainage ravine near the back of my property. The purpose of the structure, beyond aesthetics, is to facilitate access to that portion of my property. Presently, I maintain that portion of my property, and, due to terrain issues, have no access to it other than through my adjoining neighbors yard. I have been mowing and maintaining the area since I moved in nearly eight years ago, and have been considering the construction of this structure since. As my wife and I have aged, the need for easier access was becoming more evident. This spring, I decided to construct the bridge. It took my wife and me nearly four weeks and \$1500 to complete. Two days after installing the railings, I received a letter from the city, with pictures and copies of my plat and title information, requiring the removal of the structure. At that time, I promptly terminated any further construction on the project.

As you can see from the enclosed pictures, the bridge sits high above the ravine. As you can also see, the bottom of the bridge is almost two feet above the high water mark showing past maximum flow thru the ravine. I might add at this point, that if the two intermediate support legs are an issue, they can be safely removed. The two structural engineers whose opinion I used prior to construction indicated that I had ample structural design strength to make the sixteen foot span without the additional intermediate support. The additional support was over design on my part. The approximate open area under the bridge approaches fifty square feet. I'd like to note that the next drainage structure

approximately one hundred yards to the north is a seven foot diameter concrete pipe, with similar or less available flow area.

With all this said, I must repeat that despite the fact that I firmly believe that this structure poses no threat, I realize that I have violated an existing covenant. I will therefore, defer to the recommendation of the Public Works Committee, if they choose to review this request, and will abide by the decision of Public Works and the City Council. If that decision goes against us, I ask that my wife and I be given seven days to deconstruct and dispose of the bridge.

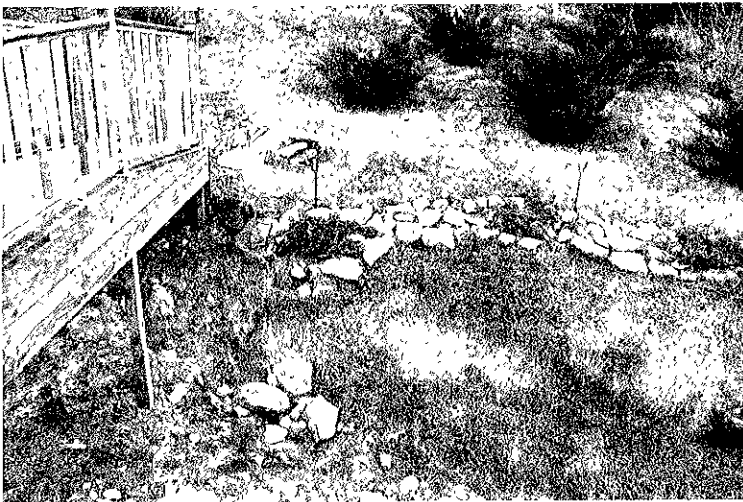
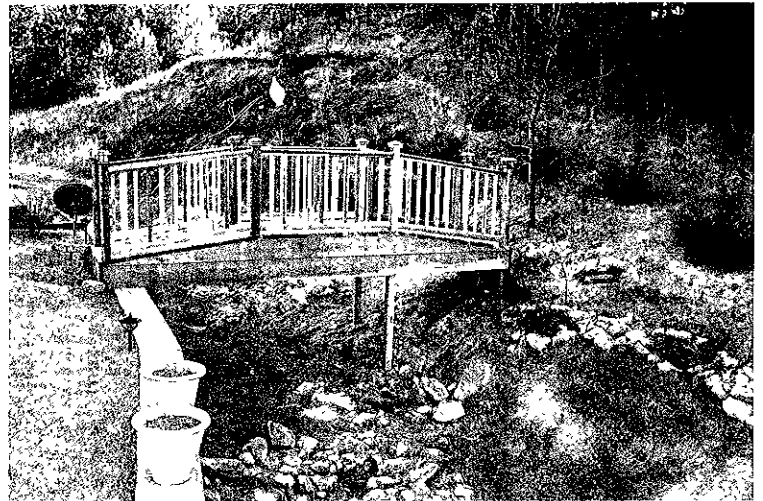
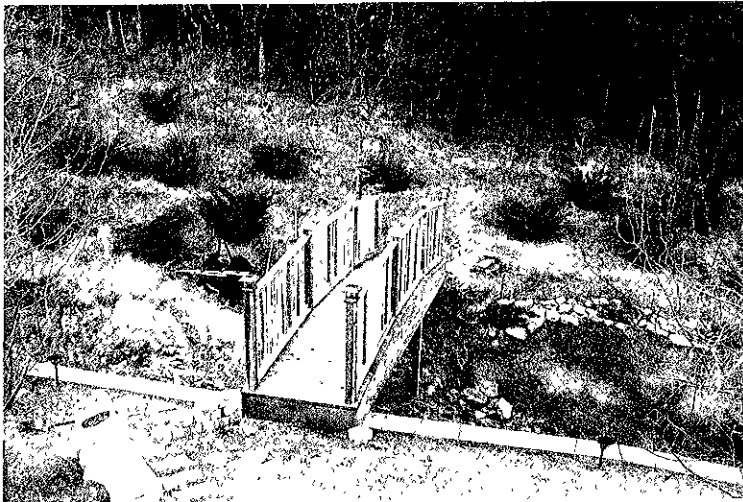
In closing, I would like to thank Larry Chilstrom of the City Engineer's Office, Andrew Chlebek of the Code Enforcement Office, and Joel Landeen of the City Attorneys Office for the professional manner in which they have addressed my concerns. They were prompt, cordial, and courteous. Thank you in advance for your consideration. I hope to hear from you soon.

Sincerely,

A handwritten signature in cursive script, appearing to read "D.D. Michael".

Daniel D. Michael
Judith M. Michael

Michael Bridge 3931 Park Drive





CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Code Enforcement
300 Sixth Street
Telephone: 605-355-3465
email: codeenforcement@rcgov.org

April 8, 2008

Daniel & Judith Michael
3931 Park Dr
Rapid City, SD 57702

RE: Structures in a Major Drainage Easement, located behind 3931 Park Dr. Legally described as Lot A, of Boulder Creek Subd.

Dear Daniel & Judith Michael:

It was noted during a recent site visit that a bridge structure was being constructed over, and in, the major drainage easement at the rear of your property. The City of Rapid City requires that all major drainage easements be free from obstructions. The structure will need to be removed. Your cooperation in maintaining the easement is required.

The property owner has until **April 25, 2008** to achieve compliance.

The City of Rapid City requires your compliance in correcting these items. These items must be in compliance within the time period specified. **Not complying by this date will initiate abatement of the property, administrative costs and/or legal action. Costs to resolve these items will be assessed to the owner of the property.**

Thank you for your prompt attention to this matter. Please call me with any questions.

Sincerely,

Andrew Chlebek
Ordinance Officer

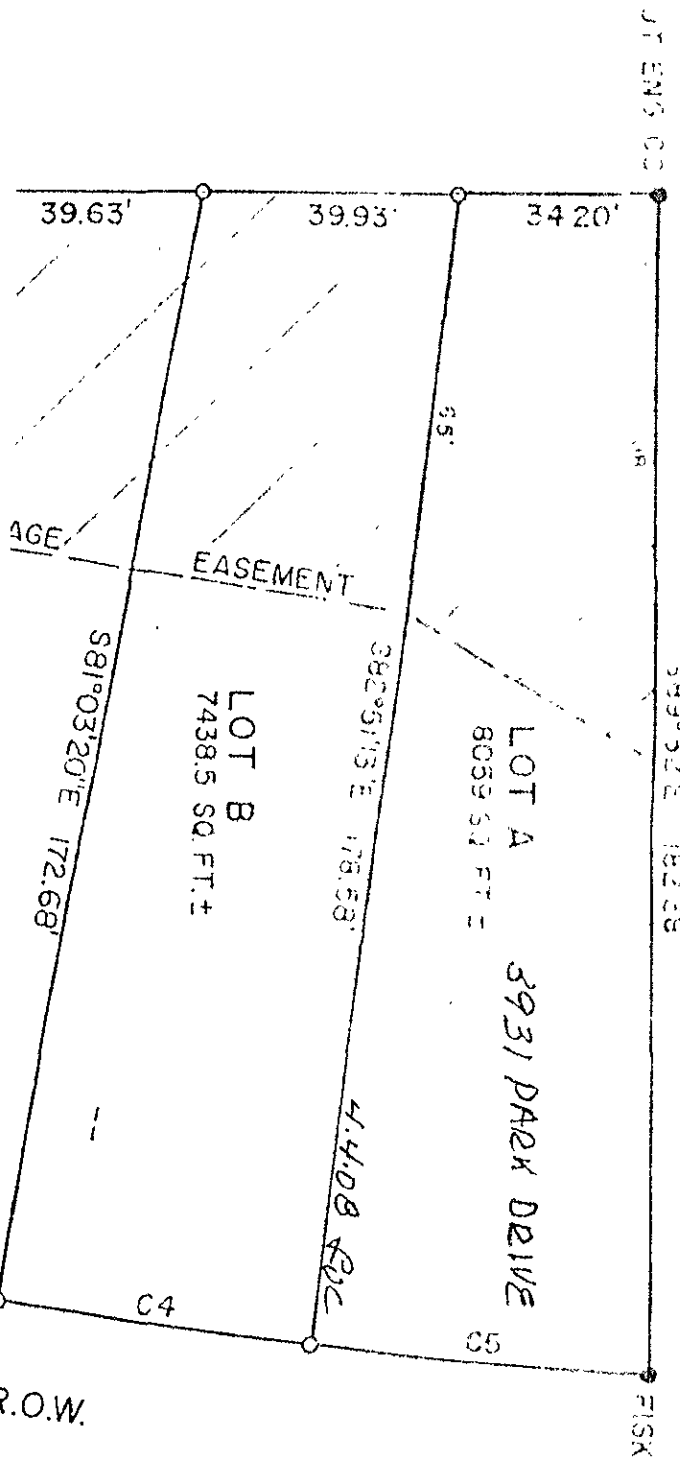
enclosure



EQUAL OPPORTUNITY EMPLOYER



PLAT OF LOTS & EASEMENT OF BOULDER CO



All major drainage easements shown hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees, and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements as it deems expedient to facilitate drainage from any source.

Platway determined by Harbor Engineering - Nov. 1, 1994.
 Major Drainage Easement on this plat was determined shown on plat of Lot 1 of Section 34d1, T19N, R10E, S76°42'E 200'

PARK DRIVE - 66' R.O.W.

