

GUNDERSON, PALMER, NELSON & ASHMORE, LLP



M E M O R A N D U M

TO: City of Rapid City Common Council

FROM: David E. Lust

CC: Allison Marsland, Assistant City Attorney

DATE: July 24, 2013

RE: SC Building, LLC – Quit Claim Deed with City of Rapid City

GPNA FILE NO. 02154.0056

I represent SC Building, LLC, the owner of a parcel of property that was deeded to the City in 2012.

In December of 2010, SC Building, LLC, purchased a very large commercial property that had been vacant for several years due to the closing of SCI. Purchase of this property allowed Symcom, Inc., to expand its existing operations and move some out-of-state operations to Rapid City; thereby expanding employment opportunities with the company in this area. Shortly after the building was purchased the City determined that sidewalks needed to be built along Disk Drive. SC Building, LLC, complied with the wishes of the City and built the sidewalks at a cost of \$70,000.

In 2012, SC Building, LLC, considered partially vacating an easement located on the property so that it might be developed. After careful consideration, SC Building, LLC, determined that the best use of this property would be to gift it to the City so that a sufficient amount of property would be available in the event the roadway adjacent to the property needed to be expanded. When the gift was made, SC Building, LLC, believed that it had gifted all of its interest in the subject property to the City.

In early 2013, a question arose as to whether or not the City owned all rights, title and interest in the property. Following a number of conversations with the City Attorney's office, it was determined that the best course of action in the present matter would be to seek a Corrective Deed clarifying that all rights, title and interest in this property were conveyed to the City.

Following issuance of the Corrective Deed (attached), the City will have full ownership of the property and will be free to make use of it in whatever manner it sees fit. SC Building, LLC, respectfully requests that the City approve the attached Corrective Deed so that ownership of this property may be clarified.

DEL:ath