

Narrative for Preliminary Presentation, Draft of 8/5/21

I am Harry Ayer and my wife Barbara (Barb) is here with me. We are representing my cousin Margaret (Meg) Hehner, who wants to sell most of her 80 acres (called Benchmark) on Nemo Road, and my cousin Connie Ayer who wants to buy 42+ acres of Meg's land, and ourselves, who want to buy approximately 30 acres of Meg's land. Meg wishes to retain 7-10 acres. Meg and Connie live out-of-state and are unable to attend, but they have reviewed and approve this preliminary proposal.

In 1934 our (Harry and Meg's) grandfather Darrell Ayer, Sr. purchased 160 acres from the Homestake Mine. The property, on Nemo Road 8 miles southeast of hwy 385, is known as Benchmark. At Darrell Sr.'s death the 160 acres passed to his son and daughter, half to my father Darrell Ayer, Jr. and half to Meg's mother, Doris Hehner. My wife and I inherited our 79.5 acres in 1998 and have spent about 5 months a year at Benchmark for the past 20 years. My cousin Eric Hehner, Meg's brother and a career forester with USFS, lived year-round on the Hehner property from 1980 until his death in 2018. At that time the entire Hehner 80 acres passed to Meg and her daughters Mari Penley and Annie Hehner (Benchmark Station LLC) (Meg et al).

Stewardship of the land has always been of utmost importance to our family. For many decades, both properties have been and are currently operated under Forest Stewardship Plans of the SD Department of Agriculture. My father, who had a college degree in Forestry, was selected as South Dakota Statewide Outstanding Tree Farmer in 1985 and my wife and I as South Dakota Tree Farmers of the year in 2020.

Meg Hehner does not feel she can continue managing her 80 acres -- she must care for her own fire and drought-endangered California farm and meet other family obligations. But Meg does strongly want to keep the property in the family with minimal subdivision. She and all of us strongly want to maintain the pristine, lightly touched beauty of the property for all passers-by as they travel beautiful Nemo Road. So tonight, we seek your preliminary approval for our plan to make that happen.

Our (all 3 parties, Meg Hehner, Connie Ayer, and Harry and Barbara Ayer) proposal is as follows:

Please refer to the outline Map(1) of Meg's property and our property showing current boundaries and the one homestead on the current Hehner property. Nemo Rd runs through the eastern corner of both properties.

Outline Map (2) indicates our proposed change in land ownership and property boundaries.

1. Meg will retain the two areas A on Map 2. The southern A parcel contains the Hehner house, garage and original Homestake log cabin (18x12 ft) on approximately 7 new-boundary acres. In addition, Meg will retain approximately 1.3 acres, (northern A parcel) and join it to her adjoining 1.81 acre parcel to the east. Photo 1 shows the buildings

and part of the southern A parcel. Eric was very conscience of fire danger (he had fought forest fires in various states) as evidenced by the sparsity of trees around the buildings and on much of Meg's proposed acres.

2. Cousin Connie Ayer would purchase approximately 42+ acres, shown as area B on Map 2. These acres have been under a Forest Stewardship Plan as a South Dakota Tree Farm for many decades. It was thinned of regen and logged in 2009. Connie plans to continue as a Tree Farmer and manage her land under a Forest Stewardship Plan. Her proposed acreage provides a meadow out of the flood plain as a future building site (Map 3). At this time, Connie has no plans to build on the 42 acres.
3. The remaining approximately 30 acres will become Harry & Barb's by Lot Line Adjustment.

With your preliminary approval we will work with a surveyor and return for your final approval.
Comments or questions?

Thank you.



Amber Vogt <avogt@lawrence.sd.us>

Meg Hehner (Benchmark Station LLC) Ayer/Ayer land sale

2 messages

Meg Hehner <meghehner@gmail.com>
To: avogt@lawrence.sd.us

Sat, Aug 7, 2021 at 10:51 AM

Hello Amber,

I am writing to you regarding the land sale I am involved in.

I am selling most of the 80 acre parcel on Nemo and Benchmark Rds that I inherited from my mother, Doris Hehner. It has become clear to me that I am not able to manage our forest and meadow lands from afar. A timber sale is coming up in the future and it will be too much for me. I tried to set up a 2 acre timber sale for an aspen regen project we started, but it didn't work out. Other things I have tried to do from afar have also not worked out.

Harry and Barb, my cousins who live at Benchmark May to October are good stewards of the land and I am grateful they are going to take over the caretaking and management of Benchmark. It is sad for me but all for the best. I will still have my brother's house to come to.

So Harry and Barb can represent me during this process with the county.

I also have a family friend, Todd Schweiger, who is a lawyer in Rapid City who will take care of the legal details in this sale for us.

If you need to talk to me, feel free to call or text or email me.

707-845-9868

Thank you Amber for helping us with this project.

Meg Hehner

Amber Vogt <avogt@lawrence.sd.us>
To: Meg Hehner <meghehner@gmail.com>

Mon, Aug 9, 2021 at 7:39 AM

Received. Thank You.

Amber A. Vogt

Lawrence County Planning & Zoning Director

90 Sherman Street, Deadwood SD 57732

605-578-3871

Website: www.lawrence.sd.us

How to Build Community: Leave your House; Talk to Your Neighbors; Sit on the Stoop; Ask Questions; Buy from Local Merchants; Barter for Your Goods; Talk to Your Mail Carrier; Hire Young People for a Job; Be a Part of the Solution"

This sign is hanging in my office...I read it everyday! Strive to do this. It will make your life so much better!

[Quoted text hidden]

Connie J. Ayer

6230 Meadowbrook Lane • Riverside, California 92504
Phone: 951.990.6798 • E-Mail: benchmarkfarms@cs.com

Date: August 9, 2021

Amber Vogt
Director of Planning & Zoning
Lawrence County, South Dakota
90 Sherman Street
Deadwood, South Dakota 57732
avogt@lawrence.sd.us

Dear Director Vogt:

My name is Connie J. Ayer and this letter pertains to the Planning & Zoning matters related to the "Hehner (Benchmark Station)/Ayer/Ayer land sale" (P&Z Matters). I, along with Harry and Barbara (Barb) Ayer, wish to purchase the majority of the acreage referenced in Parcel No. 09000-00304-13-00, from our cousin Margaret (Meg) Hehner and her daughters (collectively, Benchmark Station LLC).

I reside in California and am unable to attend to, in person, all meetings and discussions related to the P&Z Matters and the subsequent sale and purchase of Benchmark Station LLC's land. Thankfully, Harry and Barb have communicated closely with me regarding the above referenced matters and as such, I wish that they represent me in all Lawrence County Planning & Zoning activities pertaining to such matters.

Should you have any questions regarding this letter, please do not hesitate to reach out to me at the above contact information or perhaps better yet, contact my son Michel J. Ayer (602.769.3631; mjayer@hotmail.com) who is advising and assisting me on this matter.

Sincerely,

Connie J. Ayer