

Collecting signatures on petitions to keep Spellerberg a park, we've heard steady comments about memories people have of Spellerberg. Whether it's sledding down the hill or parents bringing their kids to play at the park just as they did as kids, we've learned Spellerberg Park is an anchor to our city as well as our neighborhood.

Sioux Falls is fortunate to have had visionaries at the turn of the 20th century in Mrs. Tuthill, Mrs. McKennan and Mr. Sherman who all left specific stipulations in their wills donating land for parks.

In 27 March 1944, the US government - Veterans Administration and Hospital, purchased 60 acres of land to establish the VA in Sioux Falls in very much a park-like setting.

In 1955, the VA sold 20 acres of land to Sioux Falls, which was named after the first Sioux Falls park superintendent Fred Spellerberg, assistant to Mr. Sherman.

When the VA agreed to sell the land to the city of Sioux Falls they too were visionaries, concerned enough about the use of that land, a Quitclaim Deed was written in addition to the land contract creating a binding agreement on how the park could be used.

The quitclaim deed states paragraph 6, sub paragraphs (a) and (b):

- (a) The premises herein conveyed are to be continuously used only as and for park and recreational purposes in a manner, which, in the judgment of the Administrator of Veteran's Affairs or his designate, will not interfere with the care and treatment of patients in the Veterans' Administration Hospital, Sioux Falls, South Dakota.
- (b) The premises are herein conveyed upon the condition that in the event they are not used for such above stated purpose, all right, title and interest therein shall immediately revert to and revest in the United States of America, and upon which reversion the title of the City of Sioux Falls, South Dakota thereto shall cease and determine and the United States of America shall have the immediate right of possession thereof.

City Park and Recreation approved plans of Spellerberg showing a commercial, two plus story building and parking lot reducing the park by over 50 per cent in addition to the drainage ditches that take up over a 1/3d of the park. The architects plan identified optional parking on VA property never contacting the "the administrator of the VA" per the Quitclaim Deed who is General Shinseki, Secretary of the Veterans Administration, Washington DC.

The Quitclaim Deed states the land is to be used in a "park manner", by definition a tract of land including lawns, woodland, pasture; land kept for ornament and recreation, maintained in its natural state. A two story commercial building and cement parking lot does not pass the test.

What would happen if the city built this facility near Sanford, Avera or Augustana with the city encroaching on their properties for parking? The short answer it would never happen. So how is it that City Park and Rec and city leaders can turn their backs on veterans and ignore the Quitclaim Deed?

I've spoken to most of the veteran service clubs in Sioux Falls and they in turn are very outspoken regarding the city leadership's turning a blind eye to veterans, knowingly violating a legal document and willingly creating a burden on the VA and veterans. Why should veterans going to their doctor appointments have to compete for parking spaces on VA land with Sioux Falls Park and Rec?

I understand the Park and Recreation Manager has said they do not "intend to use VA parking" which is sufficiently ambiguous and does not circumvent the Quitclaim Deed.

The aquatic center cannot be built on Spellerberg Park without breaching the Quitclaim deed. For that reason Spellerberg Park should be removed from the indoor aquatic center plan. The city must do a more diligent job of identifying an appropriate site for the aquatic facility.

Today's VA offers more types of healthcare than ever before as wars have become as complex as the injuries they inflict on our military. The VA is continually growing to maximize care for some 25,000 veterans in the area. At the same time they're preparing for the military returning home as the war draws down in the next year. Will you stand up and do what is right and honor these 25,000 veterans and those returning home, by complying with this Quitclaim Deed?