

STAFF REPORT

May 25, 2000

VROW #00VR006 - Vacation of Twelve (12) feet of Jolly Lane Right of Way

ITEM 19

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	VROW #00VR006 - Vacation of Twelve (12) feet of Jolly Lane Right of Way
LEGAL DESCRIPTION	Lots 1 and 2 of Mullin Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	.0872
LOCATION	South of Martin Lane on the west side of Jolly Lane
EXISTING ZONING	Low Density Residential
SURROUNDING ZONING	
North:	Low Density Residential
South:	Low Density Residential
East:	General Commercial
West:	Low Density Residential
PUBLIC UTILITIES	City Water and Sewer
REPORT BY	Blaise Emerson

RECOMMENDATION: Staff recommends that the Vacation of twelve (12) feet of Jolly Lane Right of Way be approved.

GENERAL COMMENTS: In 1996, the City approved a plat for the subject property creating two lots. In the review of the plat, Staff had identified that Jolly Lane was an arterial street. One of the stipulations of approval required that an additional seventeen feet (17') of right-of-way be dedicated with the plat. The applicant complied with the dedication of the additional seventeen feet (17') of right-of-way. However, it subsequently came to Staff's attention that the current status of Jolly Lane on the adopted Major Street Plan is collector street. The City could only require dedication of right-of-way up to a collector street which is would have been an additional five feet (5') of right-of-way. The City is sponsoring this vacation of right-of-way for twelve feet (12') of the seventeen feet (17') right-of-way on the behalf of the land owner to correct the previous error.

STAFF REVIEW: Staff has reviewed the request and has noted the following considerations:

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All the affected utilities companies have been notified of the vacation request. All the utilities have returned comments stating they have no utilities in this portion of the right-of-way. The Engineering Staff has stated concerns that the right-of-way being vacated at this time may be needed in the future for utilities and for the expansion of Jolly Lane. However, the City had no legal right-to require the dedication of the right-of-way in excess of the right-of-way identified through the Major Street Plan and the Street Design Criteria Manual. Should the City of Rapid City need the additional right-of-way, the City such would need to negotiate with the landowners to purchase the additional right-of-way. Staff supports the vacation of right-of-way request.

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April 20, 2000

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