

STAFF REPORT

May 25, 2000

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**VAC #00VR003 - Vacation of Right-of-Way**

**ITEM 11**

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GENERAL INFORMATION:

PETITIONER	Gikling Family Limited Partnership
REQUEST	<b>VAC #00VR003 - Vacation of Right-of-Way</b>
LEGAL DESCRIPTION	Lot 32, Block 5, Simmons Addition, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	.112 acres
LOCATION	At the intersection of Elm Avenue and Main Street
EXISTING ZONING	Light Industrial
SURROUNDING ZONING	
North:	General Commercial
South:	Light Industrial
East:	Flood Hazard
West:	Light Industrial
PUBLIC UTILITIES	City sewer and water
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Staff recommends that the Vacation of Right-of-Way be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, that portion of the parking islands located within the right-of-way shall be removed or a 7 1/2 foot wide common access easement shall be recorded along the previously vacated right-of-way in order to maintain a 24 foot wide access road to the public park;

Urban Planning Division Recommendations:

2. Prior to City Council approval, documentation from TCI Cablevision shall be submitted indicating no objection to the vacation; and,
3. Prior to City Council approval, the storage shed and fence located within the Elm Street right-of-way shall be removed.

GENERAL COMMENTS: This item was continued at the April 27, 2000 Planning Commission meeting to allow the applicant additional time to submit a revised site plan identifying previously

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vacated right-of-way and existing structural development surrounding the proposed vacation request.

The applicant is proposing to vacate a 35 foot wide portion of Elm Avenue right-of-way located adjacent to Lot 32, Block 5, Simmons Addition. Currently, a 15,000 square foot structure is located on Lot 32. The applicant has indicated that the structure is used as a retail outlet for household fixtures.

STAFF REVIEW: Staff has reviewed the request and notes the following:

Public Park Access: A 35 foot wide portion of Elm Avenue right-of-way located north of the subject property has previously been vacated. In addition, a public park is located east of Elm Street, across from the proposed vacation request. Parking islands have been constructed in the park; however, a recently submitted site plan identifies that a portion of the parking islands are located 18 ½ feet within the Elm Street right-of-way. In order to insure reasonable and safe access to the public park, that portion of the parking islands located within the right-of-way must be removed or a 7 ½ foot wide common access easement must be identified along the previously vacated right-of-way in order to maintain a 24 foot wide access road to the public park. A 24 foot wide road meets the minimum requirements for a Lane Road allowing for two way traffic with no on-street parking.

Obstructions in Right-of-way: The applicant's site plan identifies that a fence and a portion of two storage sheds are currently located in the proposed vacation of right-of-way. In addition, a portion of one of the sheds and the fence extend into that portion of the right-of-way along Elm Street that is not being vacated. Staff is recommending that prior to City Council approval, the storage shed and fence located within the Elm Street right-of-way (not to be vacated) must be removed.

Utility Company Response: The vacation of right-of-way request requires the permission of all affected utility companies. Of the four affected utility companies, three have responded. None of the responding companies have indicated any opposition to the vacation. To date, TCI Cablevision has not responded. Staff is recommending that prior to City Council review of this item, documentation from TCI Cablevision be received indicating no objection to the vacation.