

STAFF REPORT

November 8, 2001

No. 01VR006 - Vacation of Right of Way

ITEM 26

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 01VR006 - Vacation of Right of Way
LEGAL DESCRIPTION	Section line highway located in Tract A of Tract 1 of W1/2 SW1/4 Section 23 and E1/2 SE1/4 Section 22, less Lot 1 of Bender Subdivision, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
LOCATION	North of Golden Eagle Drive and adjacent to Old Marine Life
EXISTING ZONING	Public District-General Agriculture District
SURROUNDING ZONING	
North:	Business Park District
South:	General Commercial District - Office Commercial District (PDD)
East:	General Commercial District
West:	General Agriculture District
PUBLIC UTILITIES	City water and sewer
REPORT BY	Lisa Seaman

RECOMMENDATION:

Staff recommends that the Vacation of Right of Way be approved with the stipulation that the east 33 feet of the highway be retained as a utility easement.

Urban Planning Division Recommendations:

1. Prior to City Council approval, documentation from Black Hills Fibercom shall be submitted indicating no objection to the vacation.

GENERAL COMMENTS: The applicant is proposing to vacate a portion of the section line highway adjacent to proposed Lot 2 of Owen Hibbard Subdivision. On October 4, 2001 the Planning Commission approved a Preliminary and Final Plat for Lots 1,2 and 3 of Owen Hibbard Subdivision. One of the stipulations of approval required that the applicant either submit engineering plans for review and approval for the required section line highway improvements, obtain a variance waiving the improvements or vacate the portion of the section line highway located adjacent to Lot 2.

STAFF REVIEW: Staff has reviewed this proposed vacation request and has noted that the portion of the section line highway to be vacated is undeveloped and all lots adjacent to this section of highway take access from other right of ways. In addition, the terrain along this portion of the section line highway is steep making development of this portion of section

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line highway difficult.

The vacation of section line highway requires the permission of all affected utility companies. Of the five utility companies, four have responded. None of the responding utility companies have indicated any opposition to the vacation however, Black Hills Power requested that a portion of the right of way remain as a utility easement. Staff is recommending that prior to City Council approval of the Final Plat, the plat be revised to identify the east 33 feet of the section line highway as a utility easement. To date, Black Hills Fibercom has not responded. Staff is recommending that prior to City Council action of this item, documentation from Black Hills Fibercom be received indicating no objection to the vacation.

Staff supports the vacation of right of way request because alternative access is available to all affected properties and the steepness of the terrain makes improving this portion of the section line highway difficult.