

STAFF REPORT

January 24, 2002

No. 02VR001 - Vacation of Right of Way

ITEM 16

GENERAL INFORMATION:

PETITIONER	Thurston Design Group for Rapid City Arts Council
REQUEST	No. 02VR001 - Vacation of Right of Way
EXISTING LEGAL DESCRIPTION	Alley adjacent to Lots 1-5 and Lots 28-32 of Block 103 of the Original Town of Rapid City located in the NW1/4 of the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2500 square feet
LOCATION	713 Seventh Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/27/2001
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Vacation of Right of Way be denied without prejudice.

GENERAL COMMENTS:

The applicant is proposing to vacate 125 feet of the alley located adjacent to Lots 1 thru 5 and Lots 28 thru 32, Block 103 of the Original Town of Rapid City. Currently, the Dahl Fine Arts Center is located on Lots 28 thru 32. The structure located on Lots 1 thru 5 was the previous Montana Dakota Utilities Company site. Montana Dakota Utilities Company is in the process of relocating to 718 Steele Avenue. The applicant has indicated that the proposed renovations and/or expansions to the Dahl Fine Arts Center will require the vacation of the alley as identified. In addition, they are proposing to incorporate the Montana Dakota Utilities Company building into the expansion of the Dahl Fine Arts Center.

STAFF REVIEW:

Staff has reviewed the request and has noted the following concerns:

Utilities: Midcontinent Communications has indicated that a major fiber optic route is proposed

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within this portion of the proposed alley vacation. Midcontinent Communications has indicated that they will not support the vacation request until an alternate route is provided and Midcontinent Communication's costs are reimbursed for the design change and any additional construction costs.

Black Hills Power has indicated that a three phase distribution overhead power line is currently located within the alley. The overhead power line must either be relocated or rebuilt underground within a utility tunnel. Black Hills Power has also indicated that if the electric line is constructed underground, an area for a pad mounted switchgear must be provided on the property. In addition, Black Hills Power has indicated that they must be reimbursed for all of the reconstruction and/or relocation costs.

Montana Dakota Utilities Company has indicated that a six inch steel low pressure natural gas main currently runs east to west through the alley. As such, Montana Dakota Utilities Company has indicated that a utility easement must be granted prior to the vacation of the alley or the gas main must be relocated. Montana Dakota Utilities Company has indicated that another option may be to grant a utility easement as identified and install the gas main in a ten inch vented casing. Whether the gas main is relocated or encased in a ten inch vented casing, Montana Dakota Utilities Company has indicated that they must be reimbursed for all costs.

The Engineering Division has indicated that a City sanitary sewer line is also currently located in the alley. A utility easement must also be granted for the existing sanitary sewer line. The Engineering Division has also indicated that prior to any construction, a concrete chase for the sewer line must be provided.

To date, Black Hills FiberCom and US West Communications have not responded to the vacation of right-of-way request.

Alley Relocation: The applicant has submitted a site plan identifying the relocation of the east 125 feet of the alley to extend north to Kansas City Street, between the Faith Temple Church of God in Christ building and the proposed expanded Dahl Fine Arts Center building. The site plan also identifies 12 parking spaces along the east side of the church and four spaces along the west side of the expanded Dahl Fine Arts Center. Off-street parking is not required in the Central Business District. However, the Parking Regulations states that parking *provided* in the Central Business District must comply with the "Parking for Persons with Disabilities" requirements. As such, the site plan must be revised to provide one van accessible handicap parking space.

The Fire Department and the Engineering Division have indicated that construction plans for the relocated alley must be submitted for review and approval. The Engineering Division has indicated that prior to City Council approval of the proposed Vacation of Right-of-way request, the road must be constructed or surety posted for the improvement. The Fire Department has indicated that adequate access must be maintained at all times around the facility and through the alley. As previously indicated, the site plan shows parking along both sides of the proposed relocated alley. The parking plan identifies that vehicles will enter the alley backwards. Staff is concerned that access within this portion of the alley may

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be impeded by allowing the proposed parking as shown on the applicant's site plan. The Fire Department has also indicated that additional on-site fire hydrants may be required depending on the final design of the building and the location of existing fire hydrants.

Staff is recommending that this item be denied without prejudice to allow the applicant to address the utility issues and to provide a comprehensive plan, including implementation and design, for the relocated and/or encased utilities. It may require that a utility tunnel be created to incorporate existing and proposed utilities within the alley. In addition, the applicant must submit road construction plans for the proposed relocated alley for review and approval.