

STAFF REPORT

March 6, 2003

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**No. 02VR005 - Vacation of Section Line Highway**

**ITEM 48**

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GENERAL INFORMATION:

PETITIONER	Doug Sperlich for Jeff Stone
REQUEST	<b>No. 02VR005 - Vacation of Section Line Highway</b>
EXISTING LEGAL DESCRIPTION	A portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.19 acres
LOCATION	At the current terminus of Broadmoor Drive
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Park Forest District
East:	Low Density Residential District (PRD)
West:	Low Density Residential District (PRD)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	09/27/2002
REPORT BY	Tom Kurtenbach

RECOMMENDATION: **Staff recommends that the Vacation of Section Line Highway Request be denied without prejudice.**

GENERAL COMMENTS: **(Updates to the staff report are shown in bold.)** This item was continued from the **February 20, 2003** Planning Commission meeting. The applicant is proposing to vacate a portion of the section line highway located along the south lot lines of proposed Lots 1, 2 and 3 of Block 1, Sunset Heights Subdivision.

On October 7, 2002 the City Council approved a Preliminary Plat for Lots 1, 2 and 3 of Sunset Heights Subdivision. One of the stipulations of approval required that the applicant either post surety for the design of a section line highway located along the south lot lines, obtain a Variance to the Subdivision Regulations, or vacate the section line highway.

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STAFF REVIEW: A petition to vacate the section line highway was initiated by the applicant on September 26, 2002. Currently, there are three landowners adjacent to the segment of section line highway proposed for vacation. The owners include the applicant, the City of Rapid City and the owner of Tract C. This petition requires the signatures of the three landowners adjacent to the segment of section line highway proposed for vacation. A signed section line highway vacation petition was submitted to Staff for review on January 22, 2003. Staff review of the petition identified a revised legal description taped onto the original document, annulling the validity of the petition document. Staff recommends that the applicant submit a signed, original vacation petition for approval. Upon City Council approval, the petition document shall be filed with the Pennington County Register of Deeds Office prior to Final Plat approval by the City Council. If the applicant submits a signed original document prior to the **March 6, 2003** Planning Commission meeting, Staff will recommend approval of the vacation of section line highway at that time.

The vacation of section line highway requires the permission of all affected utility companies. At the time of this writing, all five of the utility companies contacted have responded. None of the responding utility companies have indicated any opposition to the section line highway vacation. City Engineering staff has indicated that a utility easement must be maintained. The provision of a utility easement will allow the extension of water service to the east as necessary.

The section line highway to the west of the segment proposed for vacation is currently an unimproved gravel road providing legal access from Sheridan Lake Road to Tract C located to the south of the subject property. In addition, portions of the section line highway to the east of this platted area have already been approved for vacation by City Council with prior plat approval. Legal public access to parcels located further to the east will likely be accessed from Skyline Drive. Topographic constraints preclude the section line highway from being constructed to meet City Standards as slopes would exceed 20 percent along most of the east-west alignment.

Based on the information referenced above, Staff supports the vacation of the section line highway.