

STAFF REPORT

May 22, 2003

No. 03VR003 - Vacation of Right of Way

ITEM 29

GENERAL INFORMATION:

PETITIONER	Doug Sperlich for Jeff Stone
REQUEST	No. 03VR003 - Vacation of Section Line Highway
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 sewer and water
DATE OF APPLICATION	04/17/2003
REPORT BY	Tom Kurtenbach

RECOMMENDATION: Staff recommends that the Vacation of Section Line Highway Request be approved with the following stipulation:

Urban Planning Division Recommendation:

1. Prior to Final Plat approval by the City Council, the applicant shall revise the Exhibit A to include a note identifying that the entire 66 feet section line highway is retained as a utility easement.

GENERAL COMMENTS: 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. This vacation request was submitted in conjunction with a Final Plat request to subdivide the subject property into three residential lots (Companion Item # 03PL051).

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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 posts surety for the design and construction of a section line highway located along the south lot lines, obtain a Variance to the Subdivision Regulations, or vacate the section line highway. In September 2002, the applicant submitted a Vacation of Right of Way request in conjunction with a Final Plat request. One of the stipulations of the Final Plat approval was that the applicant submits a completed Vacation of Right of Way petition to be filed with the Pennington County Register of Deeds. An approved vacation petition document was not submitted by the applicant, and the Final Plat and Vacation of Right of Way requests were denied without prejudice at the March 6, 2003 and March 17, 2003 Planning Commission and City Council meetings, respectively.

STAFF REVIEW: A petition to vacate the section line highway was initiated by the applicant on April 17, 2003. Currently, there are three separate parcels located adjacent to the segment of section line highway proposed for vacation. This petition requires the signatures of the three landowners adjacent to the segment of section line highway proposed for vacation. Two of the three landowners have currently signed the petition. Authorization for the required City signature(s) will be requested at the May 14, 2003 Legal and Finance Committee meeting. Upon City Council approval, the vacation exhibit must be recorded with the Pennington County Register of Deeds Office prior to Final Plat approval by the City Council.

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. The City Engineering staff has indicated that a utility easement must be maintained to allow the extension of water service to the east as necessary.

The City Engineering staff recommends that prior to Final Plat approval by the City Council, the Exhibit A shall be revised to identify that the section line highway shall be retained as a utility easement.

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 with the stated stipulation.