

STAFF REPORT

July 15, 2003

No. 03VE006 - Vacation of Utility Easement

ITEM

GENERAL INFORMATION:

PETITIONER	Audrey L. Painter
REQUEST	No. 03VE006 - Vacation of Utility Easement
EXISTING LEGAL DESCRIPTION	Lot 5, Block 7, Meadow Ridge Subdivision, located in Section 2, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.2 acres
LOCATION	820 Ennen Drive
EXISTING ZONING	County
SURROUNDING ZONING	
North:	County
South:	County
East:	County
West:	County
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	06/06/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the Vacation of Utility Easement be approved.

GENERAL COMMENTS: The applicant is requesting approval of the vacation of three foot wide portion of a utility easement along the west side of the property. The portion to be vacated is 38 feet long. The applicant is proposing this vacation of easement to allow the construction of a deck at 820 Ennen Drive. The property is located outside the City of Rapid City in Pennington County. The proposed deck will be constructed four feet from the property line. The applicant has stated that the proposed deck will replace an existing dilapidated deck at the site. The applicant has requested verification from the utility companies if there are any existing utilities or future plans for utilities in this location.

If this application is approved by the City Council, the applicant will need to obtain a variance to the building setback requirement from Pennington County. This will resolve the encroachment of the proposed deck, which will replace the existing attached deck, into the side building setback.

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STAFF REVIEW: Letters were submitted by the applicant to utility companies serving the subject property area. Review of the letters indicates approval of the vacation of easement by all utility companies contacted.

The Pennington County Highway Department staff does not support the vacation of easements; however, they indicated that if the City were to proceed with the vacation, they would recommend approval of the vacation of only the portion of the easement that is occupied by the existing deck.

Based on the information referenced above, Staff recommends approval of the vacation of easement for only the portion of the easement that is occupied by the existing attached deck.