

STAFF REPORT

August 21, 2003

No. 03VR009 - Vacation of Right-of-Way

ITEM 29

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 03VR009 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	Lots 1 thru 3 of Block 7 of Schnasse Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	approximately 0.04 acres
LOCATION	225 East Watertown Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	07/25/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the 14 foot Vacation of Right-of-Way as shown in the submitted "Exhibit A" abutting Lots 1 thru 3 of Block 7 of Schnasse Addition be approved.

GENERAL COMMENTS: The applicant is proposing to vacate a portion of a public right of way located along Watertown Street. The submitted exhibit shows a vacation of public right-of-way of 14 feet from the south half of Watertown Street adjacent to Lots 1 thru 3 of Block 7, Schnasse Addition. The current right-of-way width at Watertown is 80 feet. This request will reduce the right-of-width from 80 feet to 66 feet. Currently, an apartment complex occupies the site.

This request was previously denied without prejudice on January 6, 2003 and June 2, 2003. The reasons that staff recommended the denial without prejudice of the earlier requests include the fact that all of the utility companies had not concurred in the vacation of the right of way or the signatures of all the required petitioners had not been obtained.

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STAFF REVIEW: Staff has reviewed the request for the vacation of right-of-way, and noted the following issues:

Petition to Vacate Public Right-of-Way: The applicant has submitted the proper petitions for vacation of public right-of-way. This fulfills the legal requirements to obtain signatures from the abutting property owners.

Utilities: The utility companies that could potentially locate within this right of way have verified that they do not have any utilities located in this area. In addition, the utility companies have verified that they do not have any long term plans to locate utilities within this area at this time.

Right of Way: The current right-of-way at the site is 80 feet; however, the proposed vacation of right-of-way will reduce the width from 80 feet to 66 feet. The City of Rapid City – Major Street Plan shows Watertown Street as a local street. The City of Rapid City Street Design Criteria Manual identifies the minimum required right of way on a sub-collector street with parking on two sides as 52 feet. The 66 feet proposed right-of-way width exceeds the minimum required right-of-way and would allow the property owner on the north side of the street to submit a similar right-of-way request in the future, should they so desire.

Based on the information referenced above, Staff supports the vacation of the Right of Way with the stated stipulations.