

STAFF REPORT

December 18, 2003

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**No. 03VR014 - Vacation of Section Line Highway**

**ITEM 16**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 03VR014 - Vacation of Section Line Highway</b>
EXISTING LEGAL DESCRIPTION	The west 1321.62 feet of the sixty six foot wide section line right-of-way lying between Section 24 and 13, T2N, R7E, BHM; 2657.06 feet of the sixty six foot wide section line right-of-way lying between Section 24 and 23, T2N, R7E, BHM; and the south 2644.24 feet of the sixty six foot wide section line right-of-way lying between sections 14 and 13, T2N, R7E, BHM; located in Section 13, 14, 23 and 24, T2N, R7E, BHM, Pennington County, South Dakota
LOCATION	Located north of Nicole Street and west of Haines Avenue
EXISTING ZONING	General Agriculture District(County)/Mobile Home District
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	Public District/General Agriculture District (County)
East:	Mobile Home District/General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/21/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Vacation of Section Line Highway be approved with the following stipulations:

Engineering Division Recommendation:

1. Prior to City Council approval, a 20 foot water main easement located along the west half of the north-south section line highway to be vacated shall be recorded at the Register of Deed's Office;

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#### Urban Planning Division Recommendations:

2. Prior to City Council approval, a Comprehensive Plan Amendment to the Major Street Plan relocating the east-west collector street located along the SW1/4 of Section 13 and relocating the north-south collector street located along the S1/2 SW1/4 SW1/4 of Section 13, all located in T2N, R7E, BHM, Pennington County, South Dakota shall be reviewed and approved;
3. Prior to City Council approval, Exhibit A shall be revised eliminating the N1/2 SW1/4 and the N1/2 SW1/4 SW1/4 of the section line highway located along Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and,
4. Prior to City Council approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation.

#### GENERAL COMMENTS:

The applicant has submitted a Vacation of Section Line Highway request to vacate a portion of the section line highway located between Sections 13 and 14 and between Sections 23 and 24, and to vacate a portion of a section line highway located between Sections 13 and 24, all located in T2N, R7E, BHM, Pennington County, South Dakota. The applicant has also submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate a collector road located in the section line highway located between Sections 13 and 24. (See companion item 03CA042.)

On September 26, 2003, the applicant submitted a Layout, Preliminary and Final Plat to subdivide approximately 5.33 acres into six residential lots as a part of the Tyler Knue Subdivision. In addition, the applicant submitted a Variance to the Subdivision Regulations to allow a lot twice as long as it is wide. The applicant also submitted two Rezoning requests to change the zoning designation of the property from No Use District and Mobile Home District to Low Density Residential II District. In addition, the applicant submitted an annexation petition to annex the northern portion of the subject property into the City limits of Rapid City. (See companion items #03PL099, 03SV040, 03RZ043, 03RZ044 and 03AN011.) These items have been continued to the December 18, 2003 Planning Commission meeting to allow the applicant to address the section line highways located along the north and west lot line of the subject property.

#### STAFF REVIEW:

Staff has reviewed the Vacation of Section Line Highway request and has noted the following considerations:

Major Street Plan: The Major Street Plan identifies an east-west collector street located within the Section Line Highway between Sections 13 and 24. In addition, the Major Street Plan identifies a north-south collector street in the Section Line Highway located along the SW1/4 SW1/4 of the section line highway between Sections 13 and 14. (The collector street previously identified within the Section Line Highway located between Sections 23 and 24 has been eliminated from the Major Street Plan.) The applicant has submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate the east-west collector street located along the SW1/4 of Section 13 and to relocate the north-south

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collector street located along the S1/2 SW1/4 SW1/4 of Section 13. However, to date a Comprehensive Plan Amendment to the Major Street Plan to relocate the collector street located along the N1/2 SW1/4 and the N1/2 SW1/4 SW1/4 of the Section Line Highway along Section 13 has not been submitted for review and approval. As such, staff is recommending that prior to City Council approval, the Exhibit A attached to the Vacation of Section Line Highway document be revised eliminating the N1/2 SW1/4 and the N1/2 SW1/4 SW1/4 of the Section Line Highway located along Section 13, T2N, R7E, BHM, Pennington County, South Dakota.

Utilities: The vacation of Section Line Highway requires the permission of all affected utility companies. Of the six utility companies, only Black Hills Fiber Com has responded. Staff is recommending that prior to City Council approval, documentation must be submitted from the remaining utility companies indicating no objection to the vacation.

The applicant has indicated that a 20 foot wide water easement will be dedicated along the north-south Section Line Highway in order to insure a water connection to properties located west of the subject property as they develop. Staff is recommending that prior to City Council approval, a 20 foot water main easement be recorded as identified at the Register of Deed's Office.

Due to topographic constraints, the Engineering Division has indicated that it is not feasible to extend the sewer along the Section Line Highway. As such, the Utility Master Plan identifies the extension of sewer from alternate roadways located north and south of the subject property.

Staff is recommending that the Vacation of Section Line Highway be approved with the stipulations as outlined above.