

# STAFF REPORT

March 30, 2004

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## No. 04VE002 - Vacation of Utility and Drainage Easement

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### GENERAL INFORMATION:

PETITIONER	United Building Center for Shirley Richter
REQUEST	<b>No. 04VE002 - Vacation of Utility and Drainage Easement</b>
EXISTING LEGAL DESCRIPTION	Lot 2 of City Springs Subdivision, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .16 acres
LOCATION	631 City Springs Court
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	02/17/2004
REPORT BY	Todd Tucker

### RECOMMENDATION:

Staff recommends that the Vacation of Utility and Drainage Easement be approved.

GENERAL COMMENTS: The applicant is proposing to vacate a four foot by 25 foot portion of an existing eight feet wide utility and drainage easement. The easement runs generally north and south along the entire west property line of the subject property.

The property is located on the northwest corner of City Springs Road and City Springs Court. Currently a single family residence is located on the property. The applicant has indicated that they are proposing to construct an approximate 528 square foot detached garage on the property that would encroach four feet into the easement. On February 17, 2004 the Rapid City Zoning Board of Adjustments approved a variance request to allow the structure within the required five foot rear yard setback for accessory structures.

STAFF REVIEW: Staff has reviewed the Vacation of Major Drainage Easement request and has noted the following issues:

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The vacation of a utility easement requires the permission of all affected utility companies. Of the five utility companies, none have any objections to the easement being vacated.

Staff noted that due to the close proximity of the proposed structure to the adjacent property, a potential for increased drainage from the subject property onto the adjacent property will be created. As such the applicant is responsible for any drainage improvements needed to accommodate flow onto the adjacent property.

Staff recommends the request for Vacation of Utility and Drainage Easement be approved.