

STAFF REPORT
April 8, 2004

No. 04VE007 - Vacation of an Access, Reservoir and Well Easement ITEM 13

GENERAL INFORMATION:

PETITIONER	Thurston Design Group, LLP for Dr. John Herlihy
REQUEST	No. 04VE007 - Vacation of an Access, Reservoir and Well Easement
EXISTING LEGAL DESCRIPTION	Lot 5R, Block 4, Carriage Hills Subdivision, SW1/4 of Section 16 and the SE1/4 of Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.008 acres
LOCATION	4560 South Glenview Place
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	Carriage Hills Water Association water Private sewer
DATE OF APPLICATION	03/10/2004
REPORT BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the Vacation of an Access, Reservoir and Well Easement be approved with the following stipulation:

1. Prior to the public hearing by the Planning Commission, all benefiting parties must sign the vacation petition.

GENERAL COMMENTS: The applicant is proposing to vacate a 90 square foot triangular portion of an existing 90 foot by 52 foot private access, reservoir, and well easement. The easement runs generally north and south along the northwest property line of the subject property, and along the southeast property line of the adjacent property to the northwest. The plat creating the easement does not identify who is to benefit from the easement.

The applicant has indicated that the Carriage Hills Water Association is the owner of the reservoir and well.

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The property is located on the northwest corner of South Glenview Place and Carriage Hills Drive. Currently a single family residence is located on the property. The applicant has indicated that they are proposing to construct an approximate 700 square foot addition to the existing residence that would encroach into the northeast corner of the easement. The applicant is now proposing to vacate that portion of the access, reservoir, and well easement which will be encroached upon by the proposed addition.

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

Access: As previously indicated, the easement is located on the subject property and the adjacent property located to the northwest. Because the adjacent property owner would be effected by the vacation, they must sign the vacation petition prior to the Planning Commission's public hearing.

Reservoir and Well: As previously noted, the applicant has indicated that the owner of the reservoir and well is the Carriage Hills Water Association, not the applicant. As such, the owner of the reservoir and well must sign the vacation petition prior to the Planning Commission's public hearing.

Staff recommends the request for Vacation of an Access, Reservoir and Well Easement be approved with the above stated stipulation.