

STAFF REPORT
July 13 2004

No. 04VE014 - Vacation of Drainage Easement

GENERAL INFORMATION:

PETITIONER	Dana Vogt for Leo and Kara Flynn
REQUEST	No. 04VE014 - Vacation of Drainage Easement
EXISTING LEGAL DESCRIPTION	Lot 3 of Steele Subdivision located in the NW1/4 SE1/4 and NE1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.25 acres
LOCATION	2932 Evergreen Street
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	06/15/2004
REVIEWED BY	Todd Tucker / Sig Zvejnieks

RECOMMENDATION: Staff recommends that the Vacation of Drainage Easement be approved with the following stipulations:

1. Prior to City Council approval, a revised Exhibit A for the vacation of a major drainage easement shall be submitted showing only that portion of the major drainage easement located outside the existing sanitary sewer easement being vacated; and,
2. Prior to City Council approval, a revised Exhibit A for the vacation of a permanent drainage easement shall be submitted showing only that portion of the permanent drainage easement located outside the existing sanitary sewer easement being vacated.

GENERAL COMMENTS: The subject property is located on the east side of the cul-de-sac of Evergreen Drive located south of Jackson Boulevard and east of Park Drive. On November 15, 1999 the City Council approved a Final Plat to create seven residential lots as a part of the Steele Subdivision. The Final Plat included the subject property. In addition, the Final Plat identified a major drainage easement located on the southern portion of the property. There is also an existing permanent drainage easement located in the southeast corner of the property and 20 foot wide utility easement centered on the south property line.

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The applicant is now proposing to vacate the major drainage easement and the previously recorded permanent drainage easement located in the southeast corner of the subject property.

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

Two Resolutions Needed: The applicant is requesting the vacation of a portion of two separate easements. The applicant has submitted two separate Exhibit A's addressing the two separate requests. Because there are two separate Exhibit's associated with the application, two separate resolutions must be created.

Major Drainage Easement Revised Exhibit: The applicant's Exhibit A for the proposed vacation of a portion of the major drainage easement shows the entire portion of the major drainage easement located on the subject property to be vacated. As previously indicated there is an existing 20 foot wide sewer main easement centered on the property's south lot line. Staff noted that 10 feet of the major drainage easement should be retained coincident with the existing sewer easement to provide drainage access to the detention pond located to the east of the subject property. Prior to City Council approval, a revised Exhibit A for the vacation of a major drainage easement shall be submitted showing only that portion of the major drainage easement located outside the existing sanitary sewer easement being vacated.

Permanent Drainage Easement Revised Exhibit: The applicant's Exhibit A for the proposed vacation of a portion of the permanent drainage easement shows the entire portion of the permanent drainage easement located on the subject property to be vacated. As previously indicated there is an existing 20 foot wide sanitary sewer main easement centered on the property's south lot line. Staff noted that 10 feet of the permanent drainage easement should be retained coincident with the existing sewer easement to provide drainage access to the detention pond located to the east of the subject property. Prior to City Council approval, a revised Exhibit A for the vacation of a permanent drainage easement shall be submitted showing only that portion of the permanent drainage easement located outside the existing sanitary sewer easement being vacated.

Detention Pond: As previously indicated there is a detention pond located to the east of the subject property. Staff noted that previous improvements made to the existing detention pond located east of the subject property eliminate the need for the drainage easements associated with this vacation request.

Staff is recommending that this Vacation of Drainage Easement request be approved with the previously stated stipulations.