

STAFF REPORT  
September 23, 2004

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**No. 1135 - Vacation of Public Right-of-way**

**ITEM 9**

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GENERAL INFORMATION:

PETITIONER	Teton Coalition, Inc.
REQUEST	<b>No. 1135 - Vacation of Public Right-of-Way</b>
EXISTING LEGAL DESCRIPTION	25 feet of the alley right-of-way located adjacent to Lot 69, Dakota Subdivision No. 1, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	.14 acres
LOCATION	631 Sitting Bull 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	8/13/2004
REVIEWED BY	Renee Catron-Blair

RECOMMENDATION:

Staff recommends that the Vacation of Public Right-of-way be approved.

GENERAL COMMENTS:

The subject property is an alley right-of-way located south of Sitting Bull Street and north of Crazy Horse Street between Red Cloud Street and Haines Avenue. The original right-of-way was recorded as part of the Dakota subdivision plat in Plat Book 7, Page 82. On April 23, 1996, a Resolution of Vacation was recorded in Book 62, Page 5941 vacating the entire alley with the exception of this portion of alley. For some reason, lot 69 was inadvertently left out of the resolution although it was included in the original vacation petition. Staff was recently made aware of the error.

The applicant is proposing to vacate 750 square feet of alley right-of-way that was missed when the alley was vacated in 1996.

STAFF REVIEW:

Staff has reviewed the proposed Vacation of Right-of-Way request and noted the following issues:

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Utilities: All Utility Companies were notified in writing in March of 1996 when the Vacation of Right-of-Way was first requested and all the Utility Companies responded with no objection.

Traffic Operations: All of the adjacent properties still have legal access via Sitting Bull Street, Crazy Horse Street, Red Cloud Street and Haines Avenue.

Legal Notification: The application was complete and acted on properly in 1996, including this subject property. In typing of the Official Proceedings of the City Council April 15, 1996 meeting this lot number was missed from the Resolution of Vacation which was filed at the Register of Deeds office. This is an error that is now being rectified.

Staff recommends the Vacation of Right-of-Way request be approved.