

STAFF REPORT
October 7, 2004

No. 04VR008 - Vacation of Public Right-of-Way

ITEM 14

GENERAL INFORMATION:

PETITIONER	TSP for Rob Poeppel
REQUEST	No. 04VR008 - Vacation of Public Right-of-Way
EXISTING LEGAL DESCRIPTION	Balance of the North 1/2 of Block 4 and balance of the South 1/2 of Block 4 and alley right-of-way all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.34 Acres
LOCATION	900 East Watertown
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/14/2004
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

Staff recommends that the Vacation of Public Right-of-Way to vacate E. Madison Street be approved and that the Vacation of Public Right-of-Way to vacate N. Cherry Avenue be approved except for the northern 100 feet of the N. Cherry Avenue right-of-way with the following stipulations:

1. Prior to City Council approval, a minimum 20 foot wide public utility easement along E. Madison Street and N. Cherry Avenue shall be recorded at the Register of Deed's Office to accommodate City sewer and water, Black Hills FiberCom, Black Hills Power and Montana Dakota Utility;
2. Prior to City Council approval, a drainage easement along the eastern 155 feet of E. Madison Street shall be recorded at the Register of Deed's Office; and,
3. Prior to City Council approval, the vacation exhibit shall be labeled "Exhibit A" and shall be stamped by a licensed land surveyor and/or Professional Engineer. In addition, the exhibit shall be revised to eliminate the northern 100 feet of N. Cherry Avenue right-of-way and to correct the spelling of "Balance" as shown in the description of the South ½ of Block 4 of Feigels Subdivision.

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GENERAL COMMENTS:

The applicant has submitted a Vacation of Public Right-of-Way petition to vacate N. Cherry Avenue and E. Madison Street as they abut the subject property. On July 30, 2004, the applicant submitted a Layout Plat to reconfigure the subject property into two lots and to vacate the alley. In addition, the applicant submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along N. Cherry Avenue and E. Madison Street as they abut the subject property.

On July 7, 2004, the City Council approved the Layout Plat. However, the Variance to the Subdivision Regulations has been continued to the October 7, 2004 Planning Commission meeting to allow the applicant to review the option of vacating the rights-of-way in lieu of requesting a Variance to the Subdivision Regulations. (See companion item #04SV049.)

The subject property is located in the northeast corner of the N. Cherry Avenue/E. Watertown Street. Currently, a 12,000 square foot industrial building is located on proposed Lot 1 and Lot 2 is void of any structural development. In addition, storage units are located on the two lots along Riley Avenue

STAFF REVIEW:

Staff has reviewed the Vacation of Public Rights-of-Way request and has noted the following considerations:

N. Madison Street: N. Madison Street is located along the north lot line of the subject property and, to date, has not been constructed. Riley Avenue located along the east lot line and Watertown Street located along the south lot line are constructed to City street design standards and serve as access to the subject property. All of the adjacent property owners have signed the Vacation of Right-of-Way Petition. However, staff has noted that a drainage easement along the eastern 155 feet of N. Madison Street must be recorded at Register of Deed's Office to accommodate drainage within this area of the right-of-way. In addition, City water is located in a portion of the right-of-way. Black Hills FiberCom, Black Hills Power and Montana Dakota Utility have also indicated that they concur with the vacation request contingent upon a utility easement being recorded for existing and/or future needs. As such, staff is recommending that the request to vacate N. Madison Street right-of-way be approved contingent upon a minimum 20 foot wide public utility easement and a drainage easement being recorded at the Register of Deed's Office as identified prior to City Council approval.

N. Cherry Avenue: N. Cherry Avenue is located along the west lot line of the subject property and, to date, has not been constructed. As previously indicated, Watertown Street has been constructed to City street design standards and serves as legal access to this portion of the property. However, access to the property located directly north of the subject property is taken across the northern 100 feet of N. Cherry Avenue. In addition, staff has noted that City sewer and water currently exist within portion(s) of the right-of-way. Black Hills FiberCom, Black Hills Power and Montana Dakota Utility have again indicated that they concur with the vacation request contingent upon a utility easement being recorded for existing and/or future needs. As such, staff is recommending that the request to vacate N.

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Cherry Avenue right-of-way be approved with the exception of the northern 100 feet and that a minimum 20 foot wide public utility easement be recorded at Register of Deed's Office prior to City Council approval.

Staff recommends that the Vacation of Public Right-of-Way be approved with the stipulations as outlined above.