

STAFF REPORT
November 24, 2004

No. 04VR009 - Vacation of Public Right-of-Way

ITEM 17

GENERAL INFORMATION:

PETITIONER	Glenda Kolkman for Roger S. Knutsen for Bellwether, Ltd
REQUEST	No. 04VR009 - Vacation of Public Right-of-Way
EXISTING LEGAL DESCRIPTION	Lots 1 thru 14, Lots 21 thru 32 and Tract B of Block 25, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.35 acres
LOCATION	Alley between 717 Meade Street and 702 Indiana Street and between 725 and 735 Meade Street and 720 Indiana Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	Medium Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/07/2004
REVIEWED BY	Todd Tucker / Curt Huus

RECOMMENDATION:

Staff recommends that the Vacation of Public Right-of-Way be approved with the following stipulation:

1. Documents to retain the alley right-of-way as a utility easement shall be prepared and executed prior to vacation of the alley right-of-way.

GENERAL COMMENTS: The subject property is an alley right-of-way located west of Seventh Street between Meade Street and Indiana Street. The original right-of-way was platted in 1890.

The West River Professional Plaza and a Burger King restaurant are located adjacent to the alley right-of-way proposed to be vacated. The West River Professional Plaza is located on the adjacent properties located north of the alley right-of-way proposed to be vacated. In 2004 a Building Permit was issued to construct an addition to the existing structure. Staff noted that the current and prior Building Codes require a fire separation distance for fire resistance of exterior walls on office buildings. The distance in this case is measured from

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the center line of the adjacent alley right-of-way. Staff noted that the separation distance provided between the centerline of the alley right-of-way and the addition does not meet the minimum requirements based on the proposed construction of the exterior walls. Vacating the alley right-of-way, would eliminate the requirement for a fire separation distance to the center line of a right-of-way thus eliminating the requirement for installation of special fire-restrictive materials on the adjacent exterior wall. The applicant is now proposing to vacate approximately 350 linear feet of alley right-of-way.

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

Utilities: Staff noted that the City does not have any utilities located within the alley right-of-way. However, the Montana Dakota Utilities Company and Black Hills Power have indicated that they both have facilities located within the alley right-of-way. As such, the area proposed for vacation would need to be retained as a utility easement. Documents to retain the alley right-of-way as a utility easement must be prepared and executed prior to vacation of the alley right-of-way.

On November 12, 2004 the applicant submitted exhibit and easement documents retaining the alley right-of-way as a utility easement.

Revised Exhibit "A": The applicant's Exhibit "A" for the proposed vacation of the alley right-of-way does not show the entire alley right-of-way to be vacated. A 35 feet by 10 feet portion of the alley right-of-way located adjacent to Tract A is not proposed to be vacated. Prior to City Council approval, a revised Exhibit "A" must be submitted showing the entire alley right-of-way to be vacated.

On November 8, 2004 the applicant submitted a revised Exhibit "A" showing the entire alley right-of-way being vacated.

Required Signatures: On November 8, 2004 the applicant submitted a Petition to Vacate a Public Right-of-Way with the signatures of all affected property owners.

Staff recommends the Vacation of Right-of-Way request be approved with the previously stated stipulations.