

STAFF REPORT  
December 14, 2004

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**No. 04VE022 - Vacation of a portion of Major Drainage Easement**

**ITEM**

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GENERAL INFORMATION:

PETITIONER	CETEC Engineering for Tim Wishard
REQUEST	<b>No. 04VE022 - Vacation of a portion of Major Drainage Easement</b>
EXISTING LEGAL DESCRIPTION	Lots 3 and 4, Block 2, Skyview North Subdivision, E1/4 of SE1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	approximately 2.01 acres
LOCATION	Skyview North Subdivision
EXISTING ZONING	Low Density Residential District w/Planned Residential Development
SURROUNDING ZONING	
North:	Low Density Residential District w/Planned Residential Development
South:	Low Density Residential District w/Planned Residential Development
East:	Public Forrest District
West:	Low Density Residential District w/Planned Residential Development
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/03/2004
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

Staff recommends that the Vacation of a portion of Major Drainage Easement be approved.

1. The site shall be graded in compliance with the grading plan submitted with this request.

GENERAL COMMENTS:

The applicant has submitted a Vacation of a Major Drainage Easement request to vacate a portion of a Major Drainage Easement located on Lots 3 and 4, Block 2 of Skyview North Subdivision. In addition, the applicant has submitted a site plan identifying that fill will be placed in this area of the properties to accommodate the construction of a retaining wall. The site plan also identifies that a single family residence will be constructed on Lot 4.

On August 20, 2001, the City Council approved a Final Plat creating eleven residential lots,

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including the subject property, as a part of the Skyview North Subdivision. In addition, the Final Plat created a Major Drainage Easement along the west 70 feet of the subject property.

The subject property is located at the southern terminus of Harney Drive and is currently void of any structural development.

**STAFF REVIEW:**

Staff has reviewed the Vacation of a Major Drainage Easement request and has noted the following considerations:

**Major Drainage Easement:** As previously indicated, a 70 foot wide Major Drainage Easement is located along the west lot line of the subject property. The easement was originally platted to accommodate the construction of a detention cell. However, the cell was constructed downstream of the subject property. The applicant has submitted a grading plan identifying that the proposed grading of the subject property will not impact the hydraulic capacity of the existing detention cell. As such, staff is recommending that the Vacation of a portion of the Major Drainage Easement be approved contingent upon the site being graded in compliance with the submitted grading plan. Please note that approval of the Vacation of a portion of a Major Drainage Easement request does not constitute approval of the site plan showing the construction of retaining walls and a single family residence. The applicant must obtain a separate building permit for that proposed construction.

Staff is recommending that the Vacation of a portion of a Major Drainage Easement request be approved with the stipulation as identified above.