

STAFF REPORT
December 9, 2004

No. 04VR012 - Vacation of Public Right-of-Way

ITEM 13

GENERAL INFORMATION:

PETITIONER	Don Wrede, TSP & Rick Bush Precision Surveying for Robert Poeppel
REQUEST	No. 04VR012 - Vacation of Public Right-of-Way
EXISTING LEGAL DESCRIPTION	the alley located adjacent to Lot 1 and 2 Block 4 of Feigels Subdivision, balance of N1/2 of Block 4 Feigels Subdivision, and balance of S1/2 of Block 4 Feigels Subdivision, all located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 3 and 4, Block 4 of Fiegel's Subdivision all located in the NE1/4, SE1/4, Section31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	approximately 2.56 acres
LOCATION	900 E. Watertown and 625 Riley Ave
EXISTING ZONING	Light Industry District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District
East:	Light Industry District
West:	Light Industry District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/12/2004
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

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

1. Prior to City Council approval, the exhibit shall be revised to show the correct spelling of the subdivision as "Feigel Subdivision". In addition, Lot 1 and Lot 2 of Feigel Subdivision shall be revised to read "Lot 1, Block 4 of Feigel Subdivision" and "Lot 2, Block 4 of Feigel Subdivision. The plat document shall also be revised to show all of Block 1 of Feigel Subdivision as "all of Block 1 of Feigel Addition"; and,
2. Prior to City Council approval, a miscellaneous document dedicating a 20 foot wide public utility easement shall be recorded at the Register of Deed's Office.

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GENERAL COMMENTS:

The applicant has submitted a Vacation of Right-of-way request to vacate the alley located in Block 4 of Feigel Subdivision. In addition, the applicant has submitted a Preliminary Plat to reconfigure two existing lots located in the western two-thirds of Block 4. (See companion request #04PL176.)

On September 7, 2004, the City Council approved a Layout Plat to reconfigure the two as identified on this Preliminary Plat. At that same meeting, the City Council denied without prejudice a Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along E. Madison Street and the southern 175 feet of Cherry Avenue. In addition, the City Council granted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along the northern 100 feet of N. Cherry Avenue. A stipulation of approval requires that the applicant vacate the E. Madison Street right-of-way and the southern 175 feet of Cherry Avenue as it abuts the subject property.

On September 14, 2004, the applicant submitted a Vacation of Right-of-way request to vacate E. Madison Street right-of-way and the southern 175 feet of Cherry Avenue right-of-way as directed above. The City Council will consider the Vacation or Right-of-way request at their December 6, 2004 City Council meeting.

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 3. Lot 4 is void of any structural development.

STAFF REVIEW:

Staff has reviewed the Vacation of Right-of-way request and has noted the following considerations:

Public Utility Easement: The applicant has indicated that a 20 foot public utility easement will be retained along the alley. As such, all of the affected utility companies have indicated that they concur with the proposed Vacation of Right-of-way request. Staff is recommending that prior to City Council approval, a miscellaneous document dedicating a 20 foot wide public utility easement be recorded at the Register of Deed's Office.

Register of Deed's Office: The Register of Deed's Office has identified several revisions that must be made to the exhibit document. In particular, the exhibit must be revised to show the correct spelling of the subdivision as "Feigel Subdivision". In addition, Lot 1 and Lot 2 of Feigel Subdivision must be revised to read "Lot 1, Block 4 of Feigel Subdivision" and "Lot 2, Block 4 of Feigel Subdivision. The exhibit must also be revised to show all of Block 1 of Feigel Subdivision as "all of Block 1 of Feigel Addition". Staff is recommending that the exhibit be revised as identified prior to City Council approval.

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