

STAFF REPORT
March 10, 2005

No. 04VR013 - Vacation of a portion of undeveloped section line right-of-way **ITEM 8**

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Engineers for Donald Potts
REQUEST	No. 04VR013 - Vacation of a portion of undeveloped section line right-of-way
EXISTING LEGAL DESCRIPTION	SW1/4 SW1/4 SE1/4 and SE1/4 SW1/4 SE1/4 less Lot H-1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 and Lot 2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 13.48 Acres
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	Private water and wastewater
DATE OF APPLICATION	12/10/2004
REVIEWED BY	Patsy Horton / Renee Catron-Blair / Curt Huus

RECOMMENDATION: **Staff recommends that the Vacation of the eastern most 273.17 feet of undeveloped section line right-of-way be approved and that Vacation of the western most 750 feet of undeveloped section line right-of-way be denied.**

GENERAL COMMENTS:

(Updated March 2, 2005. All revised and/or added text is shown in bold print.) The applicant has requested vacating the entire section line right-of-way (See companion item 05VR001). In addition to Haugo Drive and Covenant Drive providing access to the applicant's undeveloped property located west of Covenant Drive, so does the section line right-of-way. The applicant is requesting to vacate 273.17 feet of section line right-of-way immediately west of Catron Boulevard. The adjacent property owners immediately west of Catron, east of Covenant Drive, concur in the proposed vacation. However, the adjacent property owner located just west of Covenant Drive

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refuses to sign the vacation petition indicating that they want to maintain the option of utilizing the section line right-of-way if necessary.

(Update February 24, 2005. All revised and/or added text is shown in bold print.) This item was continued at the January 6, 2005 and February 3, 2005 Planning Commission meetings to allow the time to submit additional information. The applicant has submitted additional applications to vacate portions of this section line right-of-way to the east.

(Update February 10, 2005. All revised and/or added text is shown in bold print.) This item was continued at the January 6, 2005 Planning Commission meeting to allow the applicant time to submit additional information. The applicant has requested that this item be continued to the February 24, 2005 Planning Commission meeting to allow them time to submit additional information.

(Update January 20, 2005. All revised and/or added text is shown in bold print.) This item was continued at the January 6, 2005 Planning Commission meeting to allow the applicant time to submit additional information. The applicant has requested that this item be continued to the February 10, 2005 Planning Commission meeting to allow them time to submit additional information.

The applicant has submitted a Vacation of Right-of-Way for the southern property line of the subject property. Also, the applicant has submitted a Preliminary Plat to subdivide approximately 13 acres into two lots, creating an approximate three acre lot and a ten acre lot, respectively. (See companion item #04PL191.)

The subject property is located approximately .5 miles northwest on Catron Boulevard from the intersection of Highway 16 and Catron Boulevard. The property lies on the west side of Catron Boulevard. Covenant Drive currently terminates at the property line.

STAFF REVIEW:

Staff has reviewed the proposed Vacation of Right-of-Way request and recommends that the eastern most 273.17 feet of the section line right-of-way located on the applicant's property be approved. (See revised Vacation exhibit.) Staff also recommends that the request to vacate the western most 750 feet of the section line right-of-way located on the applicant's property be denied.

The applicant has not been able to secure the adjacent property owner's signature for vacating the western most 750 feet of the section line right-of-way. However, the adjacent property owner on the eastern most portion of the section line has concurred in the proposed vacation. Based on the provision of alternate access and the desire to preclude additional access onto Catron Boulevard, staff supports vacating the eastern most section line right-of-way.

Utilities: All Utility Companies were notified in writing and all but one Utility Company responded and indicated no objections. A utility easement will remain throughout the vacated section line right-of-way.