# No. 05VE014 - Vacation of Utility and Drainage Easement

### **GENERAL INFORMATION:**

PETITIONER Thurston Design Group, LLC for Pennington County

Housing & Redevelopment Commission

REQUEST No. 05VE014 - Vacation of Utility and Drainage

Easement

**EXISTING** 

LEGAL DESCRIPTION Lot 7, Block 2, Sheridan Heights Subdivision, located in

the NE1/4 SW1/4, Section 10, T1N, R7E, BHM, Rapid

City, Pennington County, South Dakota

PARCEL ACREAGE Approximately .19 acres

LOCATION 2705 Queen Heights Court

EXISTING ZONING Low Density Residential District

SURROUNDING ZONING

North:

South:
Low Density Residential District
Low Density Residential District
East:
Low Density Residential District
West:
Low Density Residential District
Low Density Residential District

PUBLIC UTILITIES City water and sewer

DATE OF APPLICATION 6/30/2005

REVIEWED BY Todd Tucker / Michelle Horkey

#### RECOMMENDATION:

Staff recommends that the Vacation of Utility and Drainage Easement be approved with the following stipulations:

- 1. Prior to Public Works Committee approval, a revised Exhibit "A" shall be submitted showing an accurate scale;
- 2. Prior to Public Works Committee approval, a revised Exhibit "A" must be submitted identifying the dimensions of the area to be vacated and the distance of the vacated area from the property corners; and.
- 3. Prior to Public Works Committee approval, the applicant shall submit an evaluation of the site drainage showing what impact, if any, the proposed vacation will have on the drainage of the subject property. In addition, the applicant shall identify what measures will be taken to mitigate any drainage issues.

<u>GENERAL COMMENTS</u>: The subject property is located on the west side of Queen Heights Court which is located west of Sheridan Lake Road and north of Sheridan Heights Drive. Currently a single family residence is located on the subject property. The applicant is proposing to construct an attached, single car garage on the subject property. The

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proposed location for the garage is within a four foot wide drainage and utility easement along the south side lot line. The existing easement was recorded with the Pennington County Register of Deeds on October 15, 1979. The applicant is now requesting to vacate a portion of the drainage and utility easement to allow the construction of a detached accessory structure within the easement.

- <u>STAFF REVIEW</u>: Staff has reviewed the Vacation of Utility and Drainage Easement request and has noted the following issues:
- <u>Scale:</u> Staff noted that the exhibit submitted by the applicant shows the scale of the drawing to be one inch equals 300 feet. However, the actual scale of the drawing is one inch equals 30 feet. Prior to Public Works Committee approval, a revised Exhibit "A" must be submitted showing an accurate scale.
- <u>Area to be Vacated</u>: Staff noted that the submitted exhibit does not indicated the size of that portion of the easement to be vacated. Prior to Public Works Committee approval, a revised Exhibit "A" must be submitted identifying the dimensions of the area to be vacated and the distance of the vacated area from the property corners.
- <u>Drainage</u>: Staff noted that the proposed construction may affect the drainage on the subject property. Prior to Public Works Committee approval, the applicant must submit an evaluation of the site drainage showing what impact, if any, the proposed vacation will have on the drainage of the subject property and identify what measures will be taken to mitigate any drainage issues.
- <u>Utilities:</u> The vacation of a utility easement requires that all affected utility companies provide written approval of the vacation. Responses from all five affected utility companies have been received indicating that they have no objection to vacating the drainage and utility easement.

Staff is recommending approval of the Vacation of Drainage and Utility Easement with the above stated stipulations.