

STAFF REPORT  
September 8, 2005

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**No. 05VE017 - Vacation of Non-access Easement**

**ITEM 43**

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GENERAL INFORMATION:

PETITIONER	Greg Wierenga, CETEC Engineering Services, Inc. for Pam Murray
REQUEST	<b>No. 05VE017 - Vacation of Non-access Easement</b>
EXISTING LEGAL DESCRIPTION	Lot 6, Block 2, Skyline Drive Subdivision, SW1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.099 acres
LOCATION	1525 Pevans Parkway
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	Park Forest District
East:	Park Forest District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/12/2005
REVIEWED BY	Vicki L. Fisher / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Vacation of Non-access Easement be denied.

GENERAL COMMENTS:

The applicant is proposing to vacate 30 feet of an existing non-access easement located along the southwest lot line of the above legally described property.

The property is located south of Pevans Parkway and north of Skyline Drive and is part of the Skyline Drive Subdivision. Currently, the property is void of any structural development.

STAFF REVIEW:

Staff has reviewed the Vacation of non-access easement request and has noted the following considerations:

Street Classification: As noted above, Pevans Parkway is located along the north lot line and Skyline Drive is located along the south lot line of the subject property. Pevans Parkway is classified as a sub-collector street and Skyline Drive is classified as a collector street. The Street Design Criteria Manual requires that access be taken from the lesser order

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street, or in this case, Pevans Parkway or an Exception must be obtained to allow access from a street which is not the lesser order street. In addition, Skyline Drive has recently been officially designated by the State of South Dakota as a Scenic By-way due to its scenic and historic values. Staff has also noted that when the property was originally platted, the non-access easement was required along Skyline Drive to insure that access would be taken from Pevans Parkway. The subdivision was developed in such a way as to limit the impact the residential use on Skyline Drive. A developable home site is available as originally designed with access from Pevans Parkway. There is no hardship which would justify the proposed request. As such, staff is recommending that the request to vacate the non-access easement as proposed be denied.

Utility: A 40 foot wide utility easement is located along the south lot line, half of which is located on the subject property. Allowing access along Skyline Drive within this area of the property will interfere with the future extension of utilities in the easement if needed. As such, staff is recommending that the request to vacate the non-access easement as proposed be denied.

Staff is recommending that the Vacation of Non-access Easement be denied.