

STAFF REPORT
October 6, 2005

No. 05VR010 - Vacation of Right-of-Way

ITEM 19

GENERAL INFORMATION:

PETITIONER	Thurston Design Group for Vaughn Bay Construction
REQUEST	No. 05VR010 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	W 932 feet of the S 377 feet of the SE1/4 SE1/4, and the 13.14 feet of Thrush Drive Right-of-Way located adjacent to the W 932 feet of the S 377 feet of the SE1/4 SE1/4 all located in Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	A tract of land located in the SE1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is 5/8" rebar marking the northeast corner of W932 feet of the S377 feet of the SE1/4 SE1/4, less the N35 feet dedicated as Thrush Drive, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence S89°51'30"W a distance of 255.36 feet, more or less, to a point; said point being a 5/8" rebar with survey cap marked "FMG, Inc. LS SD 1019", marking the northwest corner of the vacated Gold Street right-of-way; Thence S89°52'35"W a distance of 170.05 feet, more or less, to a point; Thence N00°07'25"W a distance of 23.05 feet, more or less, to a point; Thence N89° 51'11"E a distance of 415.41 feet, more or less, to a point; Thence S45°08'49"E a distance of 14.14 feet, more or less, to a point; Thence S00°08'49"E a distance of 13.14 feet, more or less, to the point of beginning. Said area includes 0.225 acres, more or less.
PARCEL ACREAGE	Approximately 0.225 acres
LOCATION	At the northwest corner of the intersection of Anamosa Street and Interstate 90
EXISTING ZONING	Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Public District
West:	General Agriculture District

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PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/12/2005
REVIEWED BY	Vicki L. Fisher / David L. Johnson

RECOMMENDATION:

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

1. Prior to City Council approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Right-of-way request to vacate 23.05 feet of the Thrush Drive right-of-way located adjacent to the subject property. In addition, the applicant has submitted an Initial Planned Residential Development to allow a 54 unit apartment complex to be located on the subject property. In particular, the apartment complex will consist of two and three story buildings with six to 14 units per building. In addition, a 2,411 square foot community center and four garage structures to be used by occupants of the apartments will be located on the subject property. The applicant has also submitted a Vacation of Utility Easement request to vacate a 50 foot wide utility easement located on the subject property. (See companion item #05PD057 and 05VR010.)

The property is located north of Anamosa Street and south of Thrush Drive, on the west side of West Boulevard North. Currently, a single family residence and accessory structures are located on the property.

STAFF REVIEW:

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

Thrush Drive: Thrush Drive is located along the north lot line of the subject property and is classified as a sub-collector street requiring that it be located in a minimum 47 foot wide right-of-way, with no on-street parking allowed. Currently, Thrush Drive is located in a 70.05 foot wide right-of-way and is an unimproved street. Vacating 23.05 feet of the Thrush Drive right-of-way located along the subject property retains a 47 foot wide right-of-way for the future construction of a sub-collector street. In addition, the associated Planned Residential Development identifies that on-site parking will be provided as a part of the future development of the adjacent property.

Utilities: The affected utility companies must submit written documentation concurring with the proposed vacation request. As such, staff is recommending that documentation be submitted as identified prior to City Council approval.

Staff is recommending that the Vacation of Right-of-way request be approved with the stipulation as outlined above.