

STAFF REPORT
October 27, 2005

No. 05VR012 - Vacation of Section Line Right-of-Way

ITEM 48

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying for Mollers Limited Partnership
REQUEST	No. 05VR012 - Vacation of Section Line Right-of-Way
EXISTING LEGAL DESCRIPTION	Tract B, located in SE1/4 SW1/4, Lot 2, Eastbrooke Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota and Lots 1, 3 and 21, including vacated alley adjoined to Lots 1 and 3, Block 1, Brenan and Sweeney Addition and Racine Street adjoined thereto, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.51 Acres
LOCATION	North of East Omaha Street between Waterloo Street and LaCrosse Street
EXISTING ZONING	Medium Density Residential District - General Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District
East:	Medium Density Residential District - General Commercial District
West:	Flood Hazard District
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	9/12/2005
REVIEWED BY	Karen Bulman / Emily Fisher

RECOMMENDATION:

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

1. Prior to Planning Commission, a revised Exhibit A shall be submitted and approved for the Vacation of Section Line right-of-way to include additional language clarifying the exhibit; and,
2. Prior to City Council approval, all utility easements shall be provided to the Growth Management Department to be filed with the Register of Deeds upon approval of the Vacation of Section Line right-of-way.

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GENERAL COMMENTS: The applicant is proposing to vacate the east/west Section Line right-of-way located between Waterloo Street and LaCrosse Street. East Omaha Street is located just south of the property. This Section Line right-of-way is not being used as a public street. The applicant owns all the property adjacent to the portion of Section Line right-of-way requested to be vacated with the exception of the platted right-of-way for Racine Street.

STAFF REVIEW: Staff has reviewed the request for the Vacation of Section Line right-of-way and has noted that a portion of the section line crosses Racine Street. It is noted on the exhibit that Racine Street right-of-way is not being vacated as part of this Vacation of Section Line right-of-way. The City Attorney has reviewed the vacation exhibit and recommended minor changes in the language contained in the notes on the document. Staff is requesting that the language contained in the vacation document be revised as requested by the City Attorney prior to approval by the Planning Commission.

The utility companies have been notified and have no objection to the Vacation of Section Line right-of-way. However, three of the utility companies have indicated there are utilities in the Section Line right-of-way and request that easements remain in place. Prior to City Council approval, the utility easements shall be submitted to the Growth Management Department to be filed with the Register of Deeds upon approval of the Vacation of Section Line right-of-way.

A portion of the vacation is located within the 100 Year Floodplain. Any future development of the vacated Section Line right-of-way will need to comply with the adopted floodplain development standards.

East Omaha Street is located approximately 200 feet south of the subject property and is a public right-of-way. All adjacent properties will have an east/west access. The portion of section line to be vacated is located within the commercial property of the applicant and is not currently used as a public street. Due to the alternative access available to the adjacent properties, staff recommends approval of the Vacation of Section Line right-of-way request with the previously identified stipulations.