

STAFF REPORT
March 23, 2006

No. 06VR002 - Vacation of Section Line Highway

ITEM 26

GENERAL INFORMATION:

PETITIONER	D.C. Scott Surveyors, Inc. for West River Electric Association
REQUEST	No. 06VR002 - Vacation of Section Line Highway
EXISTING LEGAL DESCRIPTION	The east 744.72 feet of the west 869.72 feet of the Section Line Right-of-way, located in the NW1/4 NW1/4, Section 3, T1N, R8E, BHM and in the SW1/4 SW1/, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.725
LOCATION	East of Elk Vale Road and north of Anamosa Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/23/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Vacation of Section Line Highway to vacate the **east 685.72 feet of the west 810.72 feet of the Section Line Highway be approved with the following stipulation:**

1. Prior to City Council approval, a utility easement shall be recorded at the Register of Deed's Office for that portion of the Section Line Highway to be vacated.

GENERAL COMMENTS:

Update, March 15, 2006. All revised and/or added text is shown in bold print.) This item was continued at the March 9, 2006 Planning Commission meeting at the applicant's request.

The applicant has submitted a Vacation of Section Line Highway to vacate approximately 685 feet of a 66 foot wide section line highway located along the south side of the subject. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property

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creating a 7.725 acre lot leaving a non-transferable unplatted balance. The applicant has also submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an access easement and along Elk Vale Road. (See companion items #06PL014 and 06SV006.) **The applicant has also submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate a collector street. (See companion item #06CA004.)**

The property is located approximately 2,200 feet north of the intersection of Homestead Street and Elk Vale Road on the east side of Elk Vale Road. Currently, a utility substation is located on the eastern portion of the property.

STAFF REVIEW:

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

Utilities: The Vacation of Right-of-way requires the permission of all affected utility companies. Three of the utility companies have indicated that they currently have utilities located within the section line highway but would not object to the Vacation of Right-of-way request if a utility easement is retained. As such, staff is recommending that prior to City Council approval, a utility easement be recorded at the Register of Deed's Office for that portion of the Section Line Highway to be vacated.

Legal Description: The applicant originally submitted a request to vacate the entire section line highway as it abuts the subject property, or 744.72 feet of the west 869.72 feet of the section line highway. However, staff noted that the east 59 feet of the section line highway must not be vacated in order to maintain the minimum right-of-way width required for the commercial street that will serve the property along the southeast corner of the site. The applicant has submitted a revised Vacation of Right-of-Way petition signed by all of the property owners eliminating the eastern 59 feet of the section line highway. In addition, the Exhibit has been changed accordingly. As such, staff is recommending that the Vacation request be limited to the east 685.72 feet of the west 810.72 feet of the Section Line Highway.

Road Connectivity: The Section Line Highway is not identified on the Major Street Plan as an arterial and/or a collector street. In addition, the applicant has submitted a copy of an existing 66 foot wide access easement that serves as access to the subject property. As such, staff is recommending that the Vacation of Section Line Highway be approved with the stipulation of approval as identified above.