

STAFF REPORT

June 8, 2006

No. 06VE013 - Vacation of Access Easement and Vacation of Utility Easement

ITEM 12

GENERAL INFORMATION:

PETITIONER	Arthur W. Janklow
REQUEST	No. 06VE013 - Vacation of Access Easement and Vacation of Utility Easement
EXISTING LEGAL DESCRIPTION	Tract C of Lot B, located in the NE1/4 NW1/4, less Pengra Subdivision, Section 17, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 21.49 acres
LOCATION	4835 Sturgis Road
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	4/25/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Vacation of an Access Easement and a Utility Easement be approved with the following stipulations:

1. Prior to Planning Commission approval, a site plan shall be submitted for review and approval;
2. Prior to City Council approval, a revised Exhibit "A" must be submitted showing only those portions of the access easement and utility easement to be vacated; and,
3. Prior to City Council, a miscellaneous document shall be recorded with the Register of Deeds office creating an access easement along the existing roadway.

GENERAL COMMENTS: The applicant is proposing to vacate a 33 foot private access easement and a portion of a utility easement. The property is located south of Merritt Road and west of Sturgis Road. Currently a mobile home park is located on the subject property. The applicant has indicated that vacation and relocation of the easements is necessary to conform to the actual location of the existing roadway and waterline.

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STAFF REVIEW: Staff has reviewed the Vacation of Easement request and has noted the following issues:

Utility Company Approval: The vacation of a utility easement requires permission of all affected utility companies. Staff noted that all of the affected utility companies have been contacted. Qwest stated that any relocation of Qwest facilities as a result of vacating these easements will be paid for by the property owner. Montana-Dakota utilities had no objection to the vacation of easements. Midcontinent Communications has no objection to the vacation of easements as long as their existing underground facilities are not affected. Black Hills Power, Inc. wishes to retain easements on existing overhead and underground primary and secondary lines on the subject property. Prior to Planning Commission approval, a site plan shall be submitted for review and approval showing the location of existing utilities on the subject property.

Site Plan: As previously stated the applicant has indicated the vacation and relocation of easement is necessary to conform to the actual location of the existing roadway and waterline. Prior to Planning Commission approval, the applicant shall submit a site plan for review and approval showing the location of the existing roadway, structures and water line within the proposed easements on the subject property.

Revised Exhibit "A": Staff noted that the Exhibit "A" submitted indicates a fifty foot access easement being dedicated on this document. Prior to City Council approval, a revised Exhibit "A" must be submitted showing only those portions of the access easement and utility easement to be vacated. In addition, a miscellaneous document shall be recorded with the Register of Deeds office creating a fifty foot access easement along the existing roadway.

Staff recommends that the Vacation of an Access Easement and a Utility Easement be approved with the above stated stipulations.