

STAFF REPORT  
May 25, 2006

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**No. 06VR003 - Vacation of Right-of-Way**

**ITEM 49**

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GENERAL INFORMATION:

PETITIONER	Richard O. Stahl
REQUEST	<b>No. 06VR003 - Vacation of Right-of-Way</b>
EXISTING LEGAL DESCRIPTION	South Street Right-of-Way lying adjacent to Lots 2A and 3A of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .51 acres
LOCATION	At the northwest corner of the intersection of South Street and West Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/19/2006
REVIEWED BY	Travis Tegethoff / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-Way be denied.

GENERAL COMMENTS: The applicant is proposing to vacate a portion of South Street Right-of-Way. The right-of-way proposed to be vacated is located west of West Street. The applicant has indicated that they are proposing to landscape the vacated right-of-way.

STAFF REVIEW: Staff has reviewed the proposed Vacation of Right-of-Way request and noted the following issues:

Utilities: Staff has received responses from all affected public utility companies. Midcontinent and Montana-Dakota Utilities had no objections to the Vacation of Right-of-Way. PrairieWave Communications stated that they have facilities located in the right-of-way proposed to be vacated. PrairieWave Communications would require an easement to access their facilities. Qwest also stated they had facilities located in the right-of-way and would need an easement to access their facilities. Black Hills Power stated they wished to retain right-of-way as existing overhead and underground power lines are located in the right-of-way proposed to be vacated.

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Water System: Staff noted that there are existing water lines in the right-of-way proposed to be vacated. Staff also noted that these water lines are intended to be maintained and updated in the future.

Wastewater System: Staff noted that there are existing sewer lines in the right-of-way proposed to be vacated. Staff also noted that these sewer lines are intended to be maintained and updated in the future.

Street System: Staff noted that the right-of-way proposed to be vacated would create a discontinuous section of right-of-way and limit the ability to access the property to the west in the future.

Petitions: Staff noted that as of this writing, one of the required Petitions to Vacate Public Right-of-Way has not been returned. Staff will notify the Planning Commission at the May 25, 2006 Planning Commission meeting if this requirement has not been met.

Staff recommends that the Vacation of Right-of-Way be denied.