

STAFF REPORT
June 8, 2006

No. 06VR004 - Vacation of Mall Drive H-Lot

ITEM 25

GENERAL INFORMATION:

PETITIONER	Ferber Engineering Company, Inc. for FMLC, Inc.
REQUEST	No. 06VR004 - Vacation of Mall Drive H-Lot
EXISTING LEGAL DESCRIPTION	East Mall Drive Right-of-Way, located in the SE1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.34 acres
LOCATION	East Mall Drive
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District - General Agriculture District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/12/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Vacation of Mall Drive H-Lot be approved with the following stipulations:

1. Prior to the Planning Commission meeting of June 8, 2006, the Exhibit "A" shall be revised eliminating the right-of-way to be vacated at the intersection of Dyess Avenue and Mall Drive to accommodate drainage and future signalization at this intersection. If the Exhibit "A" is not revised as identified, signatures from the adjacent property owners, Jerald and Carol Arendsee, shall be obtained on the Vacation of Right-of-way Petition prior to the Public Hearing before the Planning Commission;
2. Prior to City Council approval, a miscellaneous document shall be recorded at the Registers of Deed's Office securing utility easement(s) to accommodate private utilities located within the area of the H Lot to be vacated; and,
3. Prior to City Council approval, a miscellaneous document shall be recorded at the Register of Deed's Office securing drainage easement(s) as needed. In particular, a 40 foot wide drainage easement shall be dedicated at the ends of all drainage pipes along Mall Drive as needed.

GENERAL COMMENTS:

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The applicant has submitted a Vacation of Right-of-way request to vacate a portion of the Mall Drive H Lot located on the above legally described property. In particular, the applicant is proposing to retain a 115 foot wide H Lot for the construction of Mall Drive and vacate an approximate 57 foot wide area located north and south of the future street.

The property is located approximately 600 feet north of the intersection of I-90 and Dyess Avenue on the west side of Dyess Avenue. Mall Drive is currently being constructed within the H Lot.

STAFF REVIEW:

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

Exhibit "A": Staff has noted that the intersection of Mall Drive and Dyess Avenue will be signalized when warrants have been met. In addition, staff has noted that drainage improvements will be needed within this area of the H Lot to be vacated. As such, staff is recommending that prior to Planning Commission approval, the Exhibit "A" be revised eliminating the right-of-way to be vacated at the intersection of Dyess Avenue and Mall Drive to accommodate drainage and future signalization at this intersection.

The property located directly south of the intersection of Dyess Avenue and Mall Drive on the west side of Dyess Avenue is currently owned by Jerald and Carol Arendsee. To date, they have not signed the Vacation of Right-of-way Petition. However, if the Exhibit "A" is revised as identified above, their signature will not be needed. Staff is recommending that the Exhibit "A" be revised as identified or signatures from the adjacent property owners must be obtained prior to the Public Hearing before the Planning Commission.

Easements: Currently, private utilities exist within a portion of the area of the H Lot to be vacated. In addition, the construction plans for Mall Drive show drainage improvements within this area. As such, staff is recommending that prior to City Council approval, miscellaneous documents be recorded at the Register of Deed's Office securing utility and drainage easement(s) as needed.

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