

STAFF REPORT
January 25, 2007

No. 06VR011 - Vacation of Right-of-Way

ITEM 21

GENERAL INFORMATION:

PETITIONER	Renner & Associates for Pete Lien and Sons
REQUEST	No. 06VR011 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	Feist Road right-of-way located in the NW1/4 of the NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.509 Acres
LOCATION	Southwest of the intersection of Schaffer Road and Universal Drive
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Heavy Industrial District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County) - Low Density Residential District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	No public utilities located on this Right-of-Way
DATE OF APPLICATION	12/29/2006
REVIEWED BY	Jonathan Smith / Emily Fisher

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-Way be approved with the following stipulation:

1. Prior to City Council approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation.

GENERAL COMMENTS: The applicant has submitted a Vacation of Right-of-Way request to vacant Feist Road. The subject Right-of-Way is not located within the municipal boundaries of the City of Rapid City; however the road is located within the City's three mile platting jurisdiction.

Feist Road was initially platted on February 8, 1974 to provide access to three residential lots known as Feist Addition. These lots have since gained access by way of Shaffer Road, a 33 foot platted easement, which is currently constructed as a gravel road. Feist Road is currently an undeveloped road and the current land use for this right-of-way is surface mining. The applicant has indicated that this vacation of Right-of-Way is necessary to expand surface mining activities in this area.

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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 request requires the permission of all affected utility companies. Of the six utilities companies only Black Hills Power, Qwest, and Midcontinent Gas have responded. All three of these utilities company concur with the applicant's vacation of Right-of-Way request. Staff is recommending that prior to City Council approval, documentation be submitted from all of the utility companies indicating no objection to the vacation.

Major Street Plan: Feist Road is not identified on the Major Street Plan as an arterial and/or a collector street. In addition all of the adjacent properties have both physical and legal means of alternate access. As such, staff is recommending that the Vacation of Right-of-Way be approved with the stipulation of approval as identified above.