

STAFF REPORT
November 9, 2006

No. 06VR009 - Vacation of Right-of-Way

ITEM 65

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 06VR009 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	Lot 2, O'Meara Addition and Lot B of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.68 acres
LOCATION	Adjacent to Tower Road at the intersection of Skyline Ranch Road and Tower Road
EXISTING ZONING	General Commercial District - Office Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Agriculture District
East:	General Agriculture District
West:	Park Forest District and General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/13/2006
REVIEWED BY	Travis Tegethoff / Bob Dominicak

RECOMMENDATION:

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

1. Prior to City Council approval, documentation from all affected utility companies shall be submitted indicating no objection to the vacation request; and,
2. Prior to City Council approval, a utility easement for that portion of right-of-way to be vacated shall be recorded at the Register of Deed's Office.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Right-of-Way request to vacate a portion of the right-of-way located adjacent to Lot 2, O'Meara Addition and Lot B of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

The subject property is located Adjacent to Tower Road at the intersection of Skyline Ranch Road and Tower Road and is currently void of any structural development.

STAFF REVIEW:

Staff has reviewed the Vacation of Right-of-Way request and has noted the following

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considerations:

Utilities: The vacation of right-of-way requires the permission of all affected utility companies. Montana-Dakota Utilities Company and Prairiewave Communications have no objections to the vacation of right-of-way. Black Hills Power has indicated that they currently have utilities located in the right-of-way but would not object to the Vacation of Right-of-Way request if a utility easement is retained. Staff has not received documentation from Qwest Communications or Mid-Continent Communications concurring with the proposed vacation request. As such, staff is recommending that prior to City Council approval, documentation from all affected utility companies shall be submitted indicating no objection to the vacation request. Staff is also recommending that prior to City Council approval, a utility easement for that portion of right-of-way to be vacated must be recorded at the Register of Deed's Office.

Reversion Rights: Staff noted that the applicant should verify the reversionary rights as the land vacated may revert back to an earlier land owner(s) or their heirs.

Street Networking: The existing right-of-way is not identified on the Major Street Plan as an arterial and/or collector street. Staff also noted that the existing topography would make it difficult to develop a street within the existing right-of-way. In addition, all of the adjacent properties have an alternate means of access. As such, staff is recommending that the Vacation of Section Line Highway be approved with the stipulation of approval as identified above.