

STAFF REPORT
June 26, 2007

No. 07VE013 - Vacation of Utility and Minor Drainage Easement

ITEM

GENERAL INFORMATION:

PETITIONER	Rick Kahler
REQUEST	No. 07VE013 - Vacation of Utility and Minor Drainage Easement
EXISTING LEGAL DESCRIPTION	Lot 10 of Block 3 of Kensington Heights Subdivision, located in Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .21 acres
LOCATION	4454 Davin Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Public
DATE OF APPLICATION	5/25/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Vacation of Utility and Minor Drainage Easement be approved with the following stipulations.

1. Prior to Public Works Committee approval the applicant shall obtain a Developmental Lot Agreement for Lot 10 and Lot 11.

GENERAL COMMENTS:

The applicant has submitted a request to vacate an eight foot Minor Utility and Drainage Easement. The property is a .21 acre lot located at 4454 Davin Drive. The subject property is currently void of any structural development. The property is currently zoned Low Density Residential District.

The subject property is Lot 10, Block 3 of Kensington Heights Subdivision. The easement that the applicant is requesting to vacate is located along the western boundary of Lot 10. The applicant has indicated they plan to construct a single family residential structure that will lie on both Lot 10, and the abutting Lot 11. Currently an eight foot Utility and Minor Drainage Easement lies on all interior sides of the lot lines of Lot 10. The vacation of this easement is needed in order to construct a single family residence that is located upon Lot 10 and Lot 11.

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STAFF REVIEW:

Prior to Public Works Committee approval the applicant is required to obtain a Developmental Lot Agreement. The Developmental Lot Agreement will allow the applicant to construct a structure that will be located on both Lot 10 and Lot 11. Staff has noted the abutting Lot 11 has been platted (#07PL075). In addition staff has noted that the applicant will need to vacate the eight foot minor utility and drainage easement that lies on the eastern boundary of Lot 11 prior to obtaining a Building Permit.

DRAINAGE:

Staff has noted that drainage was approved during the platting process for both Lot 10 (#06PL009) and Lot 11 (#07PL075). An eight foot utility and minor drainage easement is required on the interior sides of all lot lines. Currently there are no drainage features such as a ditch or drain pipes located within the eight foot utility and minor drainage easement. Staff has noted that the vacation of the this portion of a minor utility and drainage easement will not have an adverse effect on Lot 10 or any of the surrounding property.

UTILITIES:

The Vacation of Easement request requires the permission of all affected utility companies. Staff has noted that all of the five utilities companies: Black Hills Power, Qwest, Mid-Continent, Prairie Wave and Montana- Dakota Gas have responded. All of these utilities company concur with the applicant's vacation of easement request.

Staff finds that the vacation of the subject eight foot Utility and Minor Drainage Easement will not have an adverse effect on the subject property and surrounding properties, and therefore recommends that the Vacation of an eight foot Minor Drainage and Utility Easement be approved assuming compliance with the stipulation.