

STAFF REPORT
June 21, 2007

No. 07VR004 - Vacation of Right-of-Way

ITEM 41

GENERAL INFORMATION:

PETITIONER	Richard E. Huffman
REQUEST	No. 07VR004 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	Adjacent to Lots 1 thru 32 of Block 5 of Simmons Addition, plus 1/2 vacated Elm Street, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.18 Acres
LOCATION	101 and 141 E. Omaha Street and 320 Maple Avenue
EXISTING ZONING	General Commercial District - Light Industrial District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	Light Industrial District
East:	Flood Hazard District
West:	General Commercial District - Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/27/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

- 1. Prior to City Council approval, a miscellaneous document shall be recorded at the Register of Deed's Office securing a public access and utility easement on the subject property.**

GENERAL COMMENTS: **This staff report has been revised as of June 13, 2007. All revised and/or added text is shown in bold print. This item was continued to the June 21, 2007 Planning Commission meeting at the applicant's request.**

The applicant is proposing to vacate an alley between Maple Avenue and Elm Avenue. The right-of-way proposed to be vacated is located south of Omaha Street and north of Rapid Street.

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

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Utilities: Staff has received responses from all affected public utility companies. Midcontinent, PrairieWave Communications, Qwest and Montana-Dakota Utilities stated that they have facilities located in the right-of-way proposed to be vacated and would require an easement to access their facilities. Black Hills Power stated they objected to vacating the right-of-way as existing overhead power lines are located in the right-of-way proposed to be vacated.

On June 8, 2007 Black Hills Power stated that a utility easement would be acceptable to access their facilities.

Parking: Staff noted that Section 17.50.270(G)(2) of the Rapid City Municipal Codes states that circulation within a parking area shall be such that a vehicle entering the parking area need not enter a public right-of-way to reach another aisle and that a vehicle need not enter a public right-of-way backwards. The applicant is proposing to vacate the right-of-way so the existing parking along the alley is in compliance with the Rapid City Municipal Code.

Water System: Staff noted that there are no existing water mains in the right-of-way proposed to be vacated but the applicant should verify the location of water service lines in the area.

Wastewater System: Staff noted that there are no existing sewer mains in the right-of-way proposed to be vacated but the applicant should verify the location of sewer service lines in the area.

Street System: Staff noted that the right-of-way proposed to be vacated would limit the ability to access the property for emergency vehicles and install public utilities for the area in the future. Staff also noted that railroad right-of-way in the area cannot be used for access or utilities.

On June 8, 2007 Public Works staff noted that if full access to utilities is provided an easement is acceptable. Staff is recommending that prior to City Council approval, a miscellaneous document shall be recorded at the Register of Deed's Office securing a public access and utility easement on the subject property.

This item was continued to the June 7, 2007 Planning Commission meeting at the applicant's request. **This item was continued to the June 21, 2007 Planning Commission meeting at the applicant's request. Staff recommends that the Vacation of Right-of-Way be approved with the above stated stipulation.**