

STAFF REPORT
October 4, 2007

No. 07VE030 - Vacation of a portion of an Access and Utility Easement **ITEM 14**

GENERAL INFORMATION:

APPLICANT	A & B Welding Supply Company
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	A & B Welding Supply Company
REQUEST	No. 07VE030 - Vacation of a portion of an Access and Utility Easement
EXISTING LEGAL DESCRIPTION	Lots 2 and 3 of Tract C, located in the SE1/4 of the SE1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.465 acres
LOCATION	914 E. Chicago Street and 230 Cherry Avenue
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Light Industrial District
East:	Light Industrial District
West:	Medium Density Residential District
PUBLIC UTILITIES	Public
DATE OF APPLICATION	9/7/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Vacation of a portion of an Access and Utility Easement be approved.

GENERAL COMMENTS:

The applicant has submitted an application to vacate a portion of an Access and Utility easement. The property is located at 914 East Chicago Street. Currently a commercial building is located on the property. Current zoning of the property is Light Industrial District.

STAFF REVIEW:

Staff has reviewed the request to vacate a portion of an Access and Utility Easement and noted the following considerations:

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PLAT DOCUMENT:

The applicant has submitted an exhibit known as "Exhibit A" which identifies a portion of an Access and Utility Easement to be vacated. The plat document identifies the easement as a 30 foot by 300 foot Access and Utility Easement identified as "Easement 2" that is located on the common boundary of Lot 2 and Lot 3 in tract C of SE ¼ SE ¼ of Section 31, T2N R8E, BHM, City of Rapid City, Pennington County, South Dakota. Staff has noted that Easement 2 lies east/ west with 15 feet of the easement on Lot 2, and 15 feet of Easement 2 on Lot 3. A note on the plat states that the purpose of Easement 2 is to provide common access to all lots, and for the installation and maintenance of utilities. Staff has noted that currently all lots on which the easement is located currently have a legal means of access via an abutting public street. In addition staff has also noted that currently no water, sanitary sewer, or storm sewer lines are located within the easement.

DEVELOPMENTAL LOT AGREEMENT:

As noted the applicant currently owns both Lot 2 and Lot 3. Staff has noted that the applicant obtained a Developmental Lot Agreement on August 20, 2007.

UTILITY LETTERS:

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

Currently there are no water, sewer, or storm sewer lines located within the portion of Access and Utility Easement proposed to be vacated. In addition the vacation of this property will not hinder any ingress/ egress from the abutting lots since the abutting lots currently have a legal means of access by way of abutting public right-of-way. For these reasons staff recommends that the vacation of a portion of Access and Utility Easement be approved.