

STAFF REPORT
October 4, 2007

No. 07VR008 - Vacation of Right-of-Way

ITEM 31

GENERAL INFORMATION:

APPLICANT	Thomas J. Farrar
PROPERTY OWNER	Thomas J. Farrar
REQUEST	No. 07VR008 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	Lot H-1 and H-2 of LotB of Lot 1 in the NW1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .19 acres
LOCATION	Northwest of the intersection of Century Road and East North Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District - Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/18/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-way be denied without prejudice at the applicant's request.

GENERAL COMMENTS: **This staff report has been revised as of September 26, 2007. All revised and/or added text is shown in bold print. This item was continued to the October 4, 2007 Planning Commission meeting to allow the applicant to submit the required information. On September 12, 2007 the applicant submitted additional information for review. However, to date the required topographic information has not been submitted. On September 26, 2007 the applicant requested that this item be denied without prejudice.**

The applicant is proposing to vacate a portion of right-of-way that is located adjacent to East North Street. The proposed right-of-way vacation is located northwest of the intersection of East North Street and Century Road. The applicant indicated the reason for the proposed vacation is for access to the adjacent property.

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

Exhibit "A": Exhibit "A" shall be prepared by a Registered Professional Engineer or Land Surveyor. The exhibit shall include the book, page number, and date of original plat dedicating the right-of-way. Staff noted that the Exhibit "A" does not appear to be prepared by a Registered Professional Engineer or Land Surveyor and does not include the book, page number, and date of original plat dedicating the right-of-way. As such, staff is recommending that this item be continued to the September 6, 2007 Planning Commission meeting to allow the applicant to submit the required information.

Utilities: Staff has not received responses from all of the affected public utility companies. Midcontinent, PrairieWave Communications, and Black Hills Power had no objections to the Vacation of Right-of-Way. Montana Dakota Utilities stated that they have a four inch gas main located in the right-of-way proposed to be vacated. Montana Dakota Utilities would require an easement to access their facilities. Qwest has not submitted a response to proposed Vacation of Right-of-Way request. As such, staff is recommending that this item be continued to the September 6, 2007 Planning Commission meeting to allow all the utility companies to review the proposed Vacation of Right-of-Way request.

Street System: Staff noted that it appears the vacation of right-of-way will be adjacent to the curb line of the existing street. A topographic and structural survey shall be provided to demonstrate that the proposed vacation does not affect the existing street and any future right-of-way needs for the street. In addition, the applicant shall demonstrate that the proposed vacation does not affect a future four-way intersection at East North Street and Cambell Street. As such, staff is recommending that this item be continued to the September 6, 2007 Planning Commission meeting to allow the applicant to submit the required information.

On September 12, 2007 the applicant submitted additional information showing the structures in the existing right-of-way. However, the applicant did not submit the required topographic information demonstrating that the proposed vacation does not affect the existing street and any future right-of-way needs for the street.

On September 26, 2007 the applicant requested that this item be denied without prejudice.

East North Street: East North Street is classified as a principal arterial street on the City's Major Street Plan requiring that the street be located within a minimum 100 foot wide right-of-way. Staff noted that the applicant has not submitted information on the existing or proposed right-of-way width for East North Street. As such, staff is recommending that this item be continued to the September 6, 2007 Planning Commission meeting to allow the applicant to submit the required information.

Century Road: Century Road is identified on the City's Major Street Plan as a proposed collector street requiring that it be located in a minimum 68 foot wide right-of-way. Staff noted that the applicant has not submitted information on the existing or proposed right-of-

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way width for Century Road. As such, staff is recommending that this item be continued to the September 6, 2007 Planning Commission meeting to allow the applicant to submit the required information.

Special Exception: The applicant indicated the reason for the proposed vacation is for access to the adjacent property. Staff noted that East North Street is classified as a principal arterial street and Century Road is identified as a proposed collector street. It appears the applicant has access to the property from Century Road. As such, staff noted that a Special Exception to the Street Design Criteria Manual to allow access from a street other than the lesser traveled street would need to be submitted and approved.

Staff recommends that the Vacation of Right-of-Way request be continued to the September 6, 2007 Planning Commission meeting to allow the applicant to submit the required information as outlined above. This item was continued to the September 6, 2007 Planning Commission meeting to allow the applicant to submit the required information. This item was continued to the September 20, 2007 Planning Commission meeting to allow the applicant to submit the required information. **This item was continued to the October 4, 2007 Planning Commission meeting to allow the applicant to submit the required information. Staff recommends that the Vacation of Right-of-Way request be denied without prejudice at the applicant's request.**