

STAFF REPORT  
October 25, 2007

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**No. 07VE037 - Vacation of Access and Utility Easement**

**ITEM 23**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Rapid Center, LLC
REQUEST	<b>No. 07VE037 - Vacation of Access and Utility Easement</b>
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of Forefather Flats Subdivision, located in the NE1/4 of the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.94 acres
LOCATION	Southeast of East Mall Drive and north of Interstate 90
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/25/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Vacation of Access and Utility Easement be approved with the following stipulation:

1. Prior to Public Works Committee approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation request.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Access and Utility Easement request (#07VE037) to vacate the existing access and utility easement extending south from E. Mall Drive between Lots 1 and 2 of Forefather Flats Subdivision. In addition, the applicant has

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submitted a Vacation of Non-Access Easement request (#07VE032) to vacate a portion of a non-access easement along E. Mall Drive as it abuts the property.

On June 20, 2007, the City approved a Final Plat application to create three lots as a part of the Forefather Flats Subdivision which included this property. An H Lot has also been recorded to create a turning lane along E. Mall Drive to serve as access to the property.

The property is located south of E. Mall Drive and North of Interstate I-90. The property is currently void of any structural development.

**STAFF REVIEW:**

Staff has reviewed the Vacation of an Access and Utility Easement request and has noted the following considerations:

**Access:** The applicant has indicated that the access and utility easement previously recorded on the associated Final Plat, extending south from E. Mall Drive between Lots 1 and 2 of Forefather Flats Subdivision, must be slightly relocated to improve the alignment with E. Mall Drive and to provide stacking lanes within the easement. As such, the applicant has submitted recorded copies of alternate access and utility easement(s) extending south from E. Mall Drive. Staff has reviewed the easements and concur that the approved construction plans allow the street to be constructed within the alternate easement location while improving the alignment with E. Mall Drive.

**Utilities:** Montana Dakota Utility and MidContinent Communications have indicated concurrence with the proposed relocated access and utility easement location. However, to date, the balance of the utilities has not responded. As such, staff is recommending that prior to Public Works Committee approval, documentation from all of the affected utility companies be submitted indicating no objection to the vacation request.

Staff is recommending that the Vacation of Access and Utility Easement request be approved with the stipulation as identified above.