

STAFF REPORT  
February 21, 2008

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**No. 08VR002 - Vacation of Right-of-Way**

**ITEM 31**

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GENERAL INFORMATION:

APPLICANT	Jo and Steve Benn
AGENT	Renner & Associates
PROPERTY OWNER	Steve and Jo Benn
REQUEST	<b>No. 08VR002 - Vacation of Right-of-Way</b>
EXISTING LEGAL DESCRIPTION	A portion of Spring Canyon Trail Right-of-way, located in the S1/2 of the NE1/4 and the N1/2 of the SE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.209 acres
LOCATION	At the intersection of Clarkson Road and Spring Canyon Trail
EXISTING ZONING	Suburban Residential District
SURROUNDING ZONING	
North:	Suburban Residential District
South:	Suburban Residential District
East:	Suburban Residential District
West:	Suburban Residential District
PUBLIC UTILITIES	Community water and private sewer
DATE OF APPLICATION	1/25/2008
REVIEWED BY	Travis Tegethoff / Ted Johnson

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-Way be approved.

General Information: The applicant has submitted a Vacation of Right-of-Way request to vacate a portion of Spring Canyon Trail Right-of-way, located in the S1/2 of the NE1/4 and the N1/2 of the SE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota. The applicant has also submitted a Preliminary Plat (#08PL008) to subdivide the property into a 3.7 acre lot and leave the remainder of the property as an unplatted balance and a Variance to Subdivision Regulations (#08SV004). The applicant is proposing to vacate the right-of-way to due to the existing topography and at the recommendation of the Pennington County Highway Department.

On December 29, 1972, a Final Plat was recorded that included a portion of Clarkson Road. Subsequently, Clarkson Road was constructed by Pennington County to replace Spring

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Canyon Trail and provide access to the area due to the topography issues with Spring Canyon Trail.

On December 17, 2007 City Council denied without prejudice a Variance to the Subdivision Regulations (#07SV055) to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, sewer and water on Spring Canyon Trail as per Chapter 16.16 of the Rapid City Municipal Code to allow the applicant to vacate the right-of-way.

**STAFF REVIEW:**

Staff has reviewed the Vacation of Right-of-Way request and has noted the following considerations:

Petition to Vacate Public Right-of-Way: The applicant and the adjacent property owners have submitted a petition to vacate a portion of Spring Canyon Trail right-of-way that extends through the property since Pennington County removed the roadway after the construction of Clarkson Road and only a dirt trail remains in this portion of Spring Canyon Trail. The adjacent properties have access from the remaining Spring Canyon Trail right-of-way to the north and the existing Clarkson Road right-of-way. In addition, it appears the existing grades of the Spring Canyon Trail right-of-way do not meet current City of Rapid City and Pennington County Standards.

Pennington County Highway: Pennington County Highway staff noted that the proposed vacation of right-of-way appears to be appropriate due to the removal of the Spring Canyon Trail road surface and the construction of Clarkson Road.

Utility Company Approval: The vacation of a right-of-way requires permission of all affected utility companies. Staff noted that all of the affected utility companies have been contacted. All affected utility companies have provided written documentation indicating that they do not have objections to vacating the right-of-way. As such, staff is recommending that the Vacation of Right-of-Way be approved.