

STAFF REPORT  
March 6, 2008

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**No. 07VR005 - Vacation of Right-of-way**

**ITEM 16**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 07VR005 - Vacation of Right-of-way</b>
EXISTING LEGAL DESCRIPTION	The portion of the unplatted balance lying between Lancer Drive and Elk Vale Road of the SE1/4 less Lot H1, less Lots H3 and H4 of the W1/2 SE1/4 and less Lots H3, H4 and H5 of the E1/2 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.7 acres
LOCATION	Southwest of the intersection of Lancer Drive and Elk Vale Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	Suburban Residential District
West:	General Commercial District
PUBLIC UTILITIES	Water and Sewer
DATE OF APPLICATION	5/11/2007
REVIEWED BY	Jonathan Smith / Emily Fisher

RECOMMENDATION:

**Staff recommends that the Vacation of Right-of-way be continued to the March 27, 2008 Planning Commission meeting.**

GENERAL COMMENTS:

**(Update February 27, 2008. All revised and/ or added text is shown in bold.) Staff has been in contact with the South Dakota Department of Transportation staff regarding the manner in which the right-of-way was acquired. As of this writing, staff has not received any additional information from the South Dakota Department of Transportation. In addition, staff has requested that an updated site plan identifying street light conduit along Lancer Drive be submitted for review and approval. As of this writing, this information has not been submitted. Staff recommends that this item be continued to the March 27, 2008 Planning Commission meeting to allow the required information to be submitted.**

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Staff has noted that the portion of right-of-way may be owned by the South Dakota Department of Transportation and not the City of Rapid City. Staff has scheduled a teleconference meeting with a staff member(s) from the South Dakota Department of Transportation. As of this writing, that meeting has not taken place. As such, the City of Rapid City may not be authorized to vacate the right-of-way. Staff has been in contact with the South Dakota Department of Transportation staff regarding this issue. As of this writing, the issue has not been resolved.

(Update January 30, 2008. All revised text is shown in bold). The applicant has requested that this item be continued to the February 21, 2008 Planning Commission meeting. Staff recommends that this item be continued to the February 21, 2008 Planning Commission meeting.

(Update December 21, 2007. All revised text is shown in bold). On December 20, 2007 staff met with the applicant. Staff noted that an updated exhibit site plan that identifies a recently installed water line and street light conduit was needed for review and approval. In addition as of this writing staff has not received the required utility letters stating no objection to this vacation request from Black Hills Power and Light and Mid-Continent Communications. Qwest has responded that they currently have utilities in the area however they could support the vacation if an easement was provided. The applicant has indicated that they would be willing to provide an easement for all utilities within the area to be vacated. As of this writing this easement has not been recorded by the Pennington County Register of Deeds Office. The applicant has requested that this item be continued to the February 7, 2008 Planning Commission meeting.

(Update November 28, 2007. All revised text is shown in bold). This item was continued to the December 6, 2007 Planning Commission meeting to allow a future utility expansion study by Rapid Valley Sanitary District to be completed. This study has been completed and there are no proposed sanitary sewer lines currently planned to be placed within the proposed right-of-way.

Lancer Drive is located close to and ultimately connects to the South East Connector (Elk Vale Road). Staff has noted that the right-of-way may be needed in the future for road expansion or additional turn lanes as growth and urbanization occurs in the area. Currently a 12 inch water main owned by Rapid Valley Sanitary District is located within this area of right-of-way. Qwest has responded that they have utilities in the area and could only support the request if the utilities were re-located by the applicant. As of this writing, documentation identifying the relocation of Qwest's utilities on the property has not been submitted to staff. In addition, Mid-continent and Black Hills Power and Light have not responded to the applicant's request. For these reasons staff recommends that this item be denied.

The applicant has submitted a Vacation of Right-of-Way request to vacate 2.7 acres along Lancer Drive. The subject property is located west of the intersection of Lancer Drive and Elk Vale Road. The subject property is currently zoned General Commercial District, and is void of any structural development. The applicant has indicated that the intent of this vacation request is to obtain additional property on an irregular shaped parcel of land.

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STAFF REVIEW:

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

WATER AND SEWER:

The applicant is requesting to vacate a portion of right-of-way measuring 30 feet by 624 feet that lies parallel with Lancer Drive. Staff has noted that currently a 12 inch water main belonging to Rapid Valley Water Association currently lies along the portion to be vacated. In addition a 66 inch storm sewer culvert also lies within the area to be vacated. The applicant has not indicated permanent easements to serve the water main and culvert on the site plan, nor has the applicant indicated that these utilities are to be relocated.

(Update February 13, 2008. All revised text is shown in bold). The applicant has submitted an updated site plan that identifies a recently installed water line. The recently installed water line is not located within the portion of right-of-way that the applicant is proposing to vacate. The site plan does not identify street light conduit. The Public Works Department has noted that street light conduit has recently been installed in the area. Staff recommends that the applicant verify the location of street light conduit on the property. The site plan also identifies a culvert within the area to be vacated. Staff has noted that an easement shall be provided for the culvert prior to approval of this vacation request.

Staff has noted that construction of additional water and sewer mains within the area is planned within the next two years.

UTILITIES:

The Vacation of Right-of-Way request requires permission of all affected utility companies. As of this writing of the five utility companies only Prairie Wave Communications and Montana-Dakota Gas Company have responded with no objection to this request.

(Update February 13, 2008. All revised text is shown in bold). The applicant has submitted utility letters from Mid-Continent Communications and West River Electric stating that the utility companies have no objection to the applicant's Vacation of Right-of-Way request.

MAJOR STREET PLAN:

Lancer Drive is not identified on the Major Street Plan as an arterial, or collector street. Lancer Drive is classified as an arterial street, which requires a minimum 100 feet of right-of-way width. The right-of-way width for Lancer Drive currently measures 175 feet.

Currently a 12 inch water main, and a 66 inch culvert lies within the subject property. In addition future water and sewer improvements are planned within the area. Staff recommends that the request to vacate a portion of right-of-way along Lancer Drive be denied without prejudice.