

STAFF REPORT
March 6, 2008

No. 07VR014 - Vacation of Right-of-Way

ITEM 17

GENERAL INFORMATION:

APPLICANT/AGENT	Dennis and Janine Walz
PROPERTY OWNERS	Dennis and Janine Walz, Darwin Shoop, Doug and Gloria Williams
REQUEST	No. 07VR014 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	Lot 1 of Lot AR of Lot 1 in the SE1/4 NE1/4 , Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.344 acres
LOCATION	3401 W. South Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/29/2007
REVIEWED BY	Jared Ball / Mary Bosworth/ Marcia Elkins

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-Way be approved **with the corrected legal description.**

GENERAL COMMENTS:

(Update: February 29, 2008. This request was recommended for approval by the Planning Commission on January 10, 2008 and approved by the City Council on February 4, 2008. Unfortunately, the legal description included in the public notice and the resolution of approval did not include the ¼ sections. As a result, the resolution was rejected when it was submitted for recording at the Pennington County Register of Deeds. The Vacation of Right-of-Way request must be reconsidered by the Planning Commission, republished with the corrected legal description and acted on again by the City Council before being recorded at the Pennington County Register of Deeds. No other changes have been made to the request. Staff recommends approval of the request with the corrected legal

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description.

The applicant has submitted a Vacation of Right-of-Way request to vacate a 100 feet x 50 feet portion of the right-of-way to the north lot line of this property. The right-of-way proposed to be vacated is located south of West South Street. The owner of the property has requested the vacation of right-of-way due to the fact that right-of-way has been vacated at adjacent properties and the applicant has been maintaining the right-of-way.

STAFF REVIEW:

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

Petition to Vacate Public Right-of-Way: The applicant and the adjacent property owners have submitted a petition to vacate a portion of the West South Street right-of-way. The adjacent properties have access from the east and west with the remaining West South Street right-of-way.

Utilities:

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 five affected utility companies have provided written documentation indicating that they do not have objections to vacating the right-of-way.

Water System and Sewer System:

Staff noted that there are no existing sewer or water mains in the right-of-way proposed to be vacated.

Street System:

Staff noted that new water mains were installed on this street in 2007 and there were no improvements made in the area of the right-of-way proposed to be vacated. West South Street is classified as a subcollector street and requires that the pavement width be a minimum of 22 feet and the right-of-way width be a minimum of 47 feet. With the requested vacation of right-of-way the street pavement width and right-of-way width will be 60 feet. The requested vacation of right-of-way will not affect the minimum requirements as per the Rapid City Street Design Criteria Manual.

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