

STAFF REPORT
December 18, 2008

No. 08VR006 - Vacation of Right-of-way

ITEM 39

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	N/A
REQUEST	No. 08VR006 - Vacation of Right-of-way
EXISTING LEGAL DESCRIPTION	The entire South Street Right-of-way located south of Block 128 of the Original Town of Rapid City and south of the previously vacated portion of Second Street Right-of-way located on the east side of Block 128 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.03 Acres
LOCATION	South Street east of the intersection of Third Street and South Street
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	Park Forest District
East:	Park Forest District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/20/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-way be approved with the following stipulation:

1. Prior to City Council approval, the Vacation Exhibit shall be revised retaining the right-of-way as a utility easement or written documentation shall be provided showing that all of the affected utility companies concur with the Vacation of Right-of-way request.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Right-of-way request to vacate approximately 1,500 feet of South Street located east of the intersection of Third Street and South Street. In addition, the applicant has submitted a Vacation of Right-of-way request (File #08VR005) to vacate approximately 1,640 feet of Second Street located between South Street and Signal Drive. The applicant has also submitted a Vacation of Right-of-way request (File

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#08VR007) to vacate approximately 180 feet of Saint James Street located west of the intersection of Second Street and St. James Street.

The applicant had previously submitted a SDCL 11-6-19 Review (File #08SR060) to construct two new control vaults at the City's existing Signal Hill reservoir site. In particular, two 15 foot by 14.5 foot below ground control vaults are being constructed to improve operation of the Low Level Pressure Zone. During the review of the SDCL 11-6-19 Review, it was noted that the two existing water reservoirs appear to be partially located within the adjacent Second Street, South Street and St. James Street rights-of-way. As such, the applicant has submitted the Vacation of Right-of-way requests as noted above to eliminate the encroachments.

The property is located east of the intersection of Third Street and South Street. Currently, a portion of a water reservoir and fencing is located within the South Street right-of-way.

STAFF REVIEW:

Staff has reviewed the Vacation of Right-of-way Request and has noted the following considerations:

Utilities: To date, the applicant has not submitted written documentation from all of the affected utility companies indicating concurrence with the Vacation of Right-of-way request. As such, staff recommends that prior to City Council approval, the Vacation Exhibit must be revised retaining the right-of-way as a utility easement or written documentation must be provided showing that all of the affected utility companies concur with the Vacation of Right-of-way request.

Street Networking: All of the adjacent properties currently have alternate means of access. In addition, the adjacent property owners have signed the Vacation Petition request. South Street is not identified on the Major Street Plan as an arterial and/or collector street. As such, staff recommends that the Vacation of Right-of-way request be approved with the stipulation of approval as identified above.